9-1-1970

Crime, Drugs and Violence

Mike Mansfield 1903-2001

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Mike Mansfield Reports from Washington

Speech of Hon. Mike Mansfield of Montana in the Senate of the United States Tuesday, September 1, 1970

The Mansfield Record Against Crime, Drugs, Filth, and Violence

Mr. MANSFIELD. Mr. President, crime drugs, filth, and violence are national problems. They are among the gravest issues facing our State and the Nation today. Crime and violence, drug addiction, obscenity, and raw pornography affect all. They ravage, in particular, those who visit and reside in our crowded urban centers.

To combat crime, to curb violence and drug traffic and to end the spread of filth and pornography will take the boldest and most dedicated efforts. There must be stiffer penalties for drug pushers, better facilities for addicts, more police on the beat and compensation for crime victims. The fight includes steps that may not be the most politically expedient. They are steps that must be taken nonetheless. The fight involves the support of antcrime measures that must be tested constitutionally; measures like preventive detention and no-knock entries. The fight will also involve updating crime programs that are not always popular; programs like the gun laws revisions of 1968. But doing only what is popular or expedient will not solve the problems of crime, drugs, filth, and violence.

For my part in this essential effort, I have acted in three ways: First, I have authored or been a principal sponsor of crime-fighting and antiobscenity proposals; second, I have voted for every major antiterror, antidrug, and antipornography measure that has come before the Senate; third, as the majority leader of the Senate, I have helped to bring about Senate passage of nearly all major proposals to curb crime, drug abuse, and pornography pending in the Congress. Here is the list:

Mandatory Sentences for Gun Crime

1. MANDATORY SENTENCES FOR GUN CRIME (S. 849). The Mansfield Mandatory Sentences for Gun Crime bill would deter the use of guns by criminals. It would impose mandatory jail sentences for the criminal’s choice of that weapon in committing his crime. The sentence would be served in addition to the term served for the crime itself. This bill has passed the Senate unanimously. The crime law planned for the District of Columbia has also adopted the Mansfield Mandatory Sentence approach.

2. THE HRUSKA-MANSFIELD PRISON REFORM MEASURE (S. 2873) calls for a major overhaul of our penal institutions to convert them from graduate schools for crime and violence to institutions where criminals ... have a chance to be rehabilitated.

3. THE MANSFIELD ANTI-PORNOGRAPHY PROPOSAL (S. 3220) would compel mailing of copies of the potential pornographic nature of the enclosures. Recipients could return the offensive material and the sender could be penalized. Hearings on this Mansfield bill are scheduled before the Senate Post Office Committee.

4. THE GOLDWATER-MANSFIELD ANTI-OBSCENITY AMENDMENT to the Postal Reform bill forbids the shipment of obscene materials through the mail where the addressees ask for such a ban. The Mansfield proposal above, goes one step further by placing the burden entirely on the pornography mailer.

THE SENATE’S ANTI-CRIME AND DRUG CONTROL RECORD INCLUDES THE FOLLOWING ACHIEVEMENTS. ALL SUPPORTED OR SPONSORED BY THE MAJORITY LEADER:

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—establishes broad new program of law enforcement assistance at all levels of government.

COMMISSION ON NOXIOUS AND OBSCENE MATERIALS.

GOLDWATER-MANSFIELD ANTI-OBSCENE MAIL AMENDMENT—to the Postal Reform Act.

ORGANIZED CRIME CONTROL;

PUBLIC DEFENDER, DISTRICT OF COLUMBIA;

CRIMINAL LAW REVISION, DISTRICT OF COLUMBIA;

JUVENILE CODE, REVISION

OMBIBUS JUDGESHIP BILL;

FEDERAL IMMUNITY OF WITNESSES;

CORRUPT ORGANIZATIONS ACT;

CRIMINAL JUSTICE ACT AMENDMENTS;

1968 GUN CRIME LAW—updated and replaced 30 year old gun laws in an effort to keep guns out of the hands of the drug addict, the lunatic, the criminal, the untrained and the incompetent.

As these measures take hold, only time will tell the exact switch they will help to stem or even reverse the crime rate. In any event, proposals to fight crime, to curb drug traffic and violence and to put the lid on filth and obscenity will continue to be at the top of the Mansfield agenda.

SPECIAL REFERENCE TO THE LAW AIMED AT CRIMES COMMITTED WITH GUNS

The 1968 Gun Crime law was enacted to help in the fight against crime and violence. In 1968 the Federal Bureau of Investigation, the National Association of Chiefs of Police pleaded for revisions in gun laws that had been on the books for 30 years or more. In 1968 I joined in the calls for an assault on criminals, drug abusers and fugitives, I supported the 1968 Gun Crime law. My decision to support the disposition made including (10) the date of disposition; (11) the address of the person to whom sold and (12) the date of disposition. Violators of the 1968 law could be jailed for 5 years and fined $2,000.

In 1968 Congress considered a national gun control law was the National Firearms Act of 1934. It imposed, among other things, REGISTRATION AND LICENSING RESTRICTIONS on per-
sons possessing sawed-off shotguns or rifles, machine guns, gun mufflers, or gun silencers.

3. **WHAT IS THE LAW ALL ABOUT?** The 1968 Gun Crime Law (abbreviated by the FBI as GCA) was created by the President and the National Association of the Chiefs of Police to replace existing state and local gun crime measures. It was designed to address the growing problem of gun violence and to make it more difficult for criminals to obtain firearms.

It was enacted in 1968, and has since been amended several times. The law includes provisions for background checks, record keeping, and a variety of other measures aimed at reducing gun violence.

**7. WHAT THE LAW DOES NOT DO:**
(a) It does not confiscate weapons;
(b) It does not compile or make gun owner lists available to any unauthorized person;
(c) It does not prohibit the sale of firearms to those with a record of mental illness.

**CONGRESSIONAL RECORD**

1968 Gun Law to help the fight against crime and violence. The Mansfield gun sentence bill is another vital anti-crime tool and if enacted will impose mandatory prison sentences against those who commit crimes with guns. I have every hope that it will be passed by the House and signed by the President.

**11. WHAT ABOUT AMMUNITION?** (A) **THE BENNETT-MANSFIELD AMENDMENT** struck down an ammunition regulation never intended by Congress. In the scaled ammunition provision, the Treasury Department called for the collection of a great deal of specific data covering each sale of ammunition. This was tantamount to registration; it 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 no corresponding benefit. The Bennett-Mansfield amendment repealed this provision for rifle and shotgun ammunition. Similar action should be taken and will be spurred by me whenever the intent of Congress is not being served or when the law appears not to meet the objectives sought.

(B) **THE MCGEE-MANSFIELD AMENDMENT** to cover twenty-two ammunition and ammunition for other revolvers and pistols has been introduced and passed by the Senate. Twenty-nine other Senators to seek to do the same a few times. This mandatory sentence would be passed by the Congress this year and enacted into law.

12. **THE 1968 LAW HELPING TO CONTROL CRIME?** (A) The Treasury Department reports a 313% increase in arrests for gun crime violations in the first year and one-half after the 1968 revisions went into effect.

In a Callifornia courtroom was identified through his fingerprint, was shot to death by the gun-toting criminals. Survivors how they feel about responsible firearms legislation.

Unfortunately people elsewhere do not always have the gun training and supervision that is commonplace in Montana which would enable them to think prudently when handling a gun. Sensible gun-users are asked by the law to make a sacrifice, therefore, for the good of the nation; the kind of sacrifice that is asked of the responsible licensed automobile owner. The mobile owner must, in tight situations, accept gun confiscation or repressive gun law. I made certain that the revisions of 1968 contained the following proviso: "That no undue or unnecessary Federal restrictions be placed on law-abiding citizens with respect to the acquisition, possession, or use of firearms...." That was my view when I voted for this measure. It remains my view.

**10. THE NEXT STEP IS THE MANSFIELD MANDATORY JAIL SENTENCE BILL.** Almost three-fourths of the Senate supported the
CONGRESSIONAL RECORD — SENATE

September 1, 1970

Admiral Moorer uses a more encompassing word, "duty," which would embrace "duty" and more.

I ask unanimous consent that Admiral Moorer's farewell to the naval forces be printed in the Record.

News of August 30, 1970, be printed in the Record

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


Admiral Moorer's Farewell: "Responsibility" Key Word to Guide Modern Leaders

After more than 41 years of serving in our Navy, I will soon assume the responsibilities of Chairman of the Joint Chiefs of Staff. I am deeply honored that our Commander-in-Chief has shown his confidence by appointing me to this position. At the same time, I feel that the degree of warm feeling and close affiliation which I have been privileged through the years to have with officers and men throughout the Fleet and Shore Establishment of the U.S. Navy. The past 41 years has made great and will remain great so long as we have dedicated people of all ranks and we have dedicated service. I welcome these experiences and would embrace every thing." In what is now a different age, the concept of duty has lost none of its importance. It remains of particular significance in the survival of a free society.

I would like to share with all of you some thoughts which I have cherished through the years—beliefs which have not changed in my mind since I was a boy in Alabama, and particularly those which are related to personal responsibility. I hope these thoughts will also be meaningful to you, not only in your activities as Navymen, but also in your everyday life as Americans.

In saying this I fully recognize the large-scale changes which have taken place during the 20th century. When I was a young man, consciously or unconsciously, strong home patterns, strong patriotic feelings, and strong beliefs in traditional religion provided a sort of conscience and moral society. The belief in God and Country was adequate to provide the binding cement necessary, particularly in our American way of life.

The kind of responsibility I have in mind leans not so much in the direction of obligation as it does toward concern. It includes knowing to whom one is responsible. It implies caring enough to become involved in discharging these responsibilities.

There is also what can be termed responsibility to tradition—the act of taking hold of the torch passed from one generation to the next, and then moving purposely ahead to achieve higher goals. One of the most common links between generations is the knowledge that the results we want are the same general aims and results your elders started out to achieve.

The idea is not to discredit and devalue, but to analyze and reject the worthless while continuing to build on that which is constructive and sound. You cannot destroy growth and still continue to grow. You cannot keep the ball rolling if you tear down the supports which enable you to keep it going.

This is a great difference between discrediting something and offering honest criticism, the difference between taking a stand and debating, including public assembly and protest, as part of the American way of life. They are characteristics of an alert and vigorous democracy.

Duty is the sublimest word in the English language.
people. We teach our citizens to have convictions. We urge them to voice those convictions.

Unfortunately, somewhere along the line, some people have been forgotten by a great many of our people. There is no quick, easy, and absolute solution to many of the world’s problems. But if we can agree on just the course we are taking toward solutions, at any given time, at any given place, that is the one you are consistent with what we are, with what we stand for. This process is something we must work on every day. Remember, we live in a real world, not a dream world. Dreams have no limits; the real world has practical limits or at least limitations. Above all, we must distinguish between the world of our dreams and aspirations and the tough, cruel, demanding world of reality where advantage, gain, and privilege are accompanied by work, sweat, tears, and death. A second responsibility is the one we all have to the society of which we are a part. We cannot try to wash away the stains of our own misdeeds. You might ask, “Am I my brother’s keeper?” We are, if the same thought holds true for us as a nation. Over the years while we have been making our freedoms more and more complete, we have learned that if freedom is to endure, it must be shared. We know that when any nation’s freedom is diminished, we must hasten. We know that freedom has no sign on it reading, “Made in America.” Freedom is not free nor does it mean freedom from restraint—freedom means the strength of our country will be for it. You begin to look for it that very day you have to the society of which we are. You can stand there on the twilight of your career and look about the world full of war and the threat of war—as I look at the nation and try to answer the question of mankind against faction and growing disrespect for the law. And I say without question, without pause, the course I have taken is the right one and the only responsible to do. There is much more than regret. There is cause for remorse. I have often wondered if freedom is to endure, it must be shared.

Is the nation is stronger today than ever before. We, as a people, face our problems more squarely than others. We are more willing to accept responsibility. There is no reason why it cannot be. The fight involves the support of anticrime measures that must be tested constitutionally; measures like preventive detention and no-knock entries. The fight will also involve updating crime programs that are not always popular; things like the gun law renewal of 1968. But doing only what is popular or expedient will not solve the problems of crime, drugs, filth, and violence.

This is my part and my effort. I have acted in three ways: First, I have authored or been a principal sponsor of crime fighting and propostals; second, I have voted for every major anticrime, antidrug, and anti-pornography measure that has come before the Senate; third, as the majority leader of the Senate, I have helped to bring about Senate passage of nearly all the proposals for our drug abuse, and pornography pending in the Congress. Here is the list:

MIKE MANSFIELD SPONSORED OR SUPPORTED ANTI-CRIME AND PORNOGRAPHY PROPOSALS

1. MANDATORY SENTENCES FOR GUN CRIME (S. 849). The Mansfield Mandatory Sentence bill would deter the use of guns by criminals. It would impose mandatory jail sentences for the criminal’s crimes. A weapon in committing his crime. The sentence would be served in addition to the term served for the crime itself. This bill has passed the Senate unanimously. The crime law planned for the District of Columbia has also adopted the Mansfield Mandated Sentence approach.

THE HURKUS-MANSFIELD PRISON REFORM MEASURE (S. 2875) calls for a major overhaul of our penal institutions to con­combations from gradual improvement in the treatment and violence to institutions where criminals will have a chance to be rehabilitated.

THE MANSFIELD ACTIVITY PROCEDURE PROPOSAL (S. 3220) would compel mailers of obscenity to warn addressees of their dangerous material before it enters the mail. Recipients could return the offensive material and the sender could be penalized. Hearings on this Mansfield bill are scheduled before the Senate Post Office Committee.

4. THE GOLDWATER-MANSFIELD ANTI-OBSCENITY AMENDMENT to the Postal Reform bill forbids the shipment of obscene materials through the mail where the addres­see asks for such a ban. The Mansfield proposal above, goes one step further by placing the burden entirely on the pornography mailer.

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COMMITTEE CONTROL AND SAFE STREETS ACT OF 1965: A broad new program of law enforcement assistance at all levels of government.

COMMISSION ON NOXIOUS AND OBSCENE MATERIALS;
SPECIAL REFERENCE TO THE LAWS AIMED AT CRIMES COMMITTED WITH GUNS

The 1968 Gun Crime law was enacted to help curb gun violence. In 1968 the Federal Bureau of Investigation conducted a special survey of police officers and found that more than 90% of violent crimes were committed with a gun. The law was originally passed as a temporary measure to address the growing problem of gun violence. It was renewed every ten years until it was finally abolished in 1986.

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PURSUING A POSTSECONDARY EDUCATION

Mr. PELL. Mr. President, as chairman of the Subcommittee on Education it is my long-range objective to insure that every American who wishes for and is capable of a postsecondary education should have the opportunity to pursue it, whether at a college or vocational school. As a taxpayer I would like to see this accomplished at a minimum expense to the Federal Government. Nevertheless, I believe that there is a definite role for the Government to play in insuring this goal.

The present approach of Federal aid to postsecondary education is three pronged. Grants under the economic opportunity and work study programs are available for the most needy students. Three percent direct governmental loans—National Defense Education Act loans—are also available to these students and those from a somewhat higher income level. The guaranteed student loan program—in which the student takes a 7-percent loan from a private bank with the Government paying the interest while the student is in college and paying the bank an incentive to equal the current rate of interest—is available to the student from a middle-income family.

Much discussion of the present aid programs is centered on the administration's proposed revision of it. The revision would eliminate the 3-percent direct governmental loans by setting up a mechanism under which the student would take a loan at his bank and shoulder the total cost of that loan himself. This new plan was said to be in the interest of economy. Let us analyze the revision from the point of the Government and the student. The revision indicates that there will be a need for a secondary market facility at which the banks could rediscount the guaranteed student loan paper. With this in mind, I would see our approach as a form of a warehousing account in the Treasury Department if such a facility is needed. It should be noted that while the banking community has in the main done a laudable job in participating in the guaranteed student loan program, this participation has not been universal. Witnesses from two States indicated that no student from their State that they knew of ever went without such a guaranteed student loan. However, this is a voluntary program and I would hope that no participating banks would become involved. And, with this in mind, it is also my hope that those banks which reserve this Government-guaranteed no-risk loan for their own business would broaden the scope of lending.

I would like to point out that should an immediate emergency develop in the student loan area, a warehousing provision would not immediately ease it. There is, however, present on the books unfunded authorizations for the educational opportunity grant program, the work-study program, and the National Defense Education Act loan program which would more than take up the slack and relieve pressure being experienced by the guaranteed student loan program.

An accompanying table showing certain figures will not only show the administration's poor commitment to the present program, but also demonstrate the available authorization which could be utilized in an emergency situation. I ask unanimous consent that it be printed in the Record.

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

CONQUEST OF CANCER—A NATIONAL GOAL

Mr. CRANSTON. Mr. President, on Friday, August 25, the Senate agreed to House Concurrent Resolution 675, which establishes the conquest of cancer as a national goal. I wish to comment briefly on the significance of this declaration of purpose by Congress.

The resolution marks the year 1976 as the target date for the liberation of all