

1968

Explanation of Gun Laws

Mike Mansfield 1903-2001

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1. The Gun Control Act of 1968 sought to update the earlier firearms laws enacted back in 1934 and 1938.

Since 1938, when the Federal Firearms Act was enacted, Federal licenses have been required for all gun and ammunition dealers. The 1938 law also required the registration of guns and ammunition as the Secretary of the Treasury directed. Federal orders issued under the 1938 law contained well over 100 detailed requirements covering the sale of guns and ammunition including (1) a full and adequate description of each firearm; (2) the manufacturer; (3) the manufacturer's serial number; (4) the caliber or gauge; (5) the model and type; (6) the name and address of each person from whom received together with (7) the date of acquisition; (8) the disposition made including (9) the name and address of the person to whom sold and (10) the date of disposition. Violators of the 1938 law could be jailed for 5 years and fined \$2,000.

An even earlier Federal gun control law was the National Firearms Act of 1934. It imposed, among other things, registration and licensing restrictions on persons possessing sawed-off shotguns or rifles, machine guns, gun mufflers, or gun silencers.

So to repeat, the 1934 and 1938 laws were replaced and updated by the law passed in 1968. In fact, the 1968 law removed some of the registration features in favor of mail order bans and emphasized more effective action at the State and local levels.

2. The Mansfield-Bennett Amendment struck down an ammunition regulation never intended by Congress.

(A) In its application of the so-called 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 and 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. The Mansfield-Bennett Amendment repealed this provision for long gun and shotgun ammunition. Such action should be taken 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 co-sponsored by twenty-nine other Senators to seek to do the same in this area as the Mansfield-Bennett Amendment did in the long gun-shotgun area. It is our hope that, like the Mansfield-Bennett Amendment, the McGee-Mansfield Amendment will be passed by the Congress this year and enacted into law.

3. The Mansfield mandatory jail sentence bill is another tool in the fight against crime and violence.

Almost three-fourths of the Senate supported the 1968 gun law revisions to help the fight against crime and violence. The Mansfield gun bill is another vital crime-fighting tool and 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. This bill--S. 849--has already passed the Senate unanimously.