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Facts about the Gun Crime Law

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FACTS ABOUT THE GUN CRIME LAW

What is it?

1. To help combat crime and violence, the 1968 Gun Crime Law (supported by the FBI and the National Association of the Chiefs of Police) replaced and updated gun laws that had been on the books for more than 30 years; it actually took out registration features, imposed mail order restrictions and encouraged more effective state and local gun-crime measures.

[Prior to 1968, state and local gun laws were easily avoided through mail order purchases or by shopping in states or places nearby where there were no gun restrictions.]

Who's covered?

2. The 1968 Gun Crime Law precludes gun sales only to mental incompetents, felons, minors, fugitives, and individuals considered dangerous.

[Fully protected is the right of the law-abiding gun owner to purchase and use any gun, to shoot and to hunt and to teach his children and others proper weapons handling.]

Is it Constitutional?

3. Each time the issue has been tested in the past 30 years, the Supreme Court has ruled that reasonable efforts to keep guns out of the hands of the criminal, the lawless and other misfits do not violate the Second Amendment to the Constitution.

What does it not do?

4. (a) It does not confiscate weapons.
(b) It does not compile or make gun owner lists available.
(It should be pointed out that member lists compiled by gun organizations are not made available.)
(c) It does not preclude the law-abiding gun owner from purchasing or using weapons.
(d) It does not prevent young people (under 18) from shooting, hunting and learning proper weapons handling.
(e) It does not cost gun purchasers one cent.

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 of 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 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.

4. These gun laws have been upheld under the Second Amendment to the Constitution.

The Second Amendment says, "A well regulated Militia, being necessary to the security of a free State, the right to bear arms, shall not be infringed." As read by the Courts this Amendment bars the Federal government from disarming law-abiding citizens who wish to purchase and use ordinary weapons in order to shoot and to hunt, to protect themselves and others and to protect their property and the property of others.

But the Second Amendment does not say---and the Courts have so read it--- that the Federal government and even State governments cannot impose reasonable requirements in an effort to keep guns out of the hands of the lawless, the criminal, the insane, the addict, and so forth. That is what the government--- Federal, State and local---has been striving to do since at least 1934. It is the same for those who own cars, and other instrumentalities that---if not properly used or cared for---can cause harm.

5. 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 by updating in 1968 laws that had first been enacted in the 1930's. The changes made by the Congress in 1968 do attempt to meet this problem of easy access and do so with generally little sacrifice on the part of the responsible gun owner; no more, say, than what is asked of the responsible automobile driver. Those changes halt mail-order traffic; they provide that drug addicts, incompetents, the lawless, the insane be barred along with criminals from gun ownership and they insure that State and local laws be made enforceable. These changes were all endorsed by the Federal Bureau of Investigation and the National Police Chief Association.

6. What about the argument: "Guns kill---people don't?"

People using guns do kill---and rob and maim and assault. These are unthinking misfits who don't deserve any rights when seeking to obtain weapons. They should not be permitted access to guns. The 1968 law is aimed solely at them.

(People using guns in 1968 alone committed 99,000 robberies, 65,000 assaults and 9,000 murders.)

7. The proper function of the Gun Crime Law.

The proper function of the gun control legislation should be to cope with crime and violence while not treading on the rights of those legitimately using guns. This was the intent of Congress in passing the Gun Control Act of 1968. I believe in a continuous review of this Act and all other gun laws and for the elimination of those portions of this legislation which prove only an annoyance to decent citizens, and are not useful weapons against crime. Already, Congress has been able to eliminate certain portions of the Act which were shown as ineffective deterrents to crime; as, for example, the Bennett-Mansfield Amendment for repeal of the ammunition section of the 1968 Gun Crime Law for long guns and shotguns and, hopefully, the McGee-Mansfield Amendment which, if adopted, will repeal the ammunition provisions for .22 caliber.

MANSFIELD FIGHTS CRIME, FILTH AND VIOLENCE

Among the gravest issues facing our nation are the rising levels of crime, violence and pornography. They affect critically all sectors of society and ravage principally those who visit and reside in our densely populated metropolitan areas. These are national problems. All citizens in every corner of the nation must join the fight. To combat crime, curb violence and bring an end to the filth that is allowed into our homes will take the most dedicated efforts.

For his part in this fight, Senator Mansfield has endeavored to assist in three ways: First, he has himself authored or principally sponsored bold and imaginative crime-fighting and anti-obscenity proposals; secondly, with his vote, he has supported every major anti-crime and anti-pornography bill to come before the Senate, and, finally, as the Majority Leader of the Senate, he has helped to assure already Senate passage of nearly all major crime and pornography measures pending in the Congress.

MANSFIELD ANTI-CRIME AND PORNOGRAPHY PROPOSALS

1. Mandatory Sentences for Gun Crimes. The Mansfield Mandatory sentence bill would deter the use of weapons by the criminal. It would impose mandatory jail sentences for the criminals choice to use a gun in committing his crime and the sentence would be served in addition to the term served for the crime itself. This bill, S. 849, 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. 2875) calls for a major overhaul of our penal institutions to convert them from graduate schools for crime and violence to institutions where criminals can be truly rehabilitated.
3. The Mansfield Anti-Pornography Proposal (S. 3220) would compel mailers of obscenity to warn addressees of the potential pornographic nature of the enclosures. Recipients could return the offensive material and the sender would be penalized. Hearings on this Mansfield bill are scheduled before the Senate Post Office Committee.

THE SENATE'S ANTI-CRIME AND PORNOGRAPHY RECORD UNDER THE LEADERSHIP OF SENATOR MANSFIELD includes the following achievements:

1968 Gun Crime Law - updated and replaced 30-year-old gun laws in an effort to keep guns out of the hands of the lawless, the criminal, the addict, the untrained and the incompetent;

Omnibus Crime Control and Safe Streets Act of 1968 - established broad new programs of law enforcement assistance at all levels of government;

Commission on Noxious and Obscene Materials (P.L. 90-100) - created to initiate new and effective controls over pornography;

Goldwater-Mansfield Anti-Obscene Mail Amendment - to the Postal Reform Act (H.R. 17923);

Organized Crime Control (S. 30);

Drug Bill (S. 2637, S. 3246);

District of Columbia Court Reorganization (S. 2601);

Public Defender, District of Columbia (S. 2602);

Criminal Law Revision, District of Columbia (S. 2869);

Juvenile Code, Revision (S. 2981);

Omnibus Judgeship Bill (S. 952);

Federal Immunity of Witnesses (S. 2122);

Sources of Evidence (S. 2292);

Corrupt Organizations Act (S. 1861);

Criminal Justice Act Amendments (S. 1461).

As these measures take hold, only time will tell the extent to which they help to stem or even reverse the crime rate. In any event, proposals to fight crime, to curb violence and to put the lid on filth and obscenity will continue to be foremost on the Mansfield agenda.