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THE WHITE HOUSE
WASHINGTON

file

GUN Control



file

Q. What is the President's position on gun control?

A. President Ford has stated on a number of occasions that he is unalterably opposed to Federal registration of guns or Federal licensing of gun owners. He has said that the way to cut down on the criminal use of guns is not to take guns away from the law-abiding citizen but to impose mandatory sentences on those who use guns to commit crimes.

Last year, the President submitted to the Congress a comprehensive anticrime bill which included a number of provisions aimed at controlling the illegal use of handguns. Essentially, the President proposed that the Congress enact mandatory prison sentences for persons committing Federal crimes involving the use of handguns and that Congress tighten up controls on the manufacture and sale of cheap, highly concealable handguns, commonly referred to as "Saturday Night Specials." The President also called for increased law enforcement efforts aimed at handgun violators, particularly in our urban centers, to protect the law-abiding majority.

These tough proposals were specifically designed to reduce the criminal use of handguns -- not to penalize legitimate owners of firearms.

In making his recommendations to the Congress, the President said:

" . . . we must make certain that our efforts to regulate the illicit use of handguns does not infringe upon the rights of law-abiding citizens. I am unalterably opposed to Federal registration of guns or the licensing of gun owners. I will oppose any effort to impose such requirements as a matter of Federal policy."



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~~file~~

gun control

OFFICE OF THE VICE PRESIDENT

WASHINGTON, D.C.



5/14

Mike

3:10 PM

Some background on
The Gun Lobby I
mentioned.

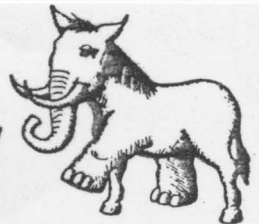
Thanks for lunch!

Leggitt + Spencer →

P. should call ~~him~~.



The Political Animal



April 2, 1976 / Issue 141

THE NATIONAL POLITIC: A New Gun Lobby Loads Up

A new national gun lobby, the brainchild of state Sen. H.L. (Bill) Richardson (R-Arcadia) and aided by the expertise of Richard A. Viguerie, king of political direct mail, has raised about \$750,000 after only a few months in existence, The Political Animal has learned in a copyrighted story.

Existence of organization, Gun Owners of America (GOA), with national headquarters in Sacramento, appears to be one of the best kept secrets in American politics. And, yet, based on direct-mail returns, GOA seems certain to have a substantial impact on the outcome of key races both in California and across the nation in the foreseeable future.

Richardson, in an exclusive telephone interview, detailed some of the specific aspects of the sophisticated operation which has 22 full-time employees working under the direction of Ron Byron, a well-known campaign consultant. The entire unit hums to computer techniques.

GOA's founder said that the right to own and bear arms - specifically, the right to own a gun - is central to the existence of the organization. And that strong law enforcement is another key tenet.

Richardson, whose ultra-conservative philosophy earned him only 36.2% of the vote in trying to unseat Democratic Sen. Alan Cranston in 1974 and the loss of every county in the state except Inyo, got his pro-gun fund-raising idea last summer. And, after some conversations with Viguerie, the first large mailing went out during November and December. The pitch letter was signed by Richardson and a return envelope was enclosed. No specific amount is requested.

During February, Richardson said, 800,000 letters were mailed. In the next campaign reporting period the state senator indicated that more than \$500,000 would be listed. And he predicted that GOA's pro-gun effort would result in more than \$1 million by the end of 1976.

Richardson said that the burgeoning fund will be used, at least partially, to aid non-incumbent candidates for Federal office. And non-incumbent candidates for the California legislature. In both areas, he made it clear that funds will be distributed on a bi-partisan basis. Philosophy, not party, appears to be the criteria for aid.

About incumbents getting a share of the campaign dough, Richardson said, "The big boys can take care of themselves."

Thus far, the state senator revealed, 14 Republican candidates for office in California are on the "aid" list because of their positions on law enforcement and guns. Richardson said he hasn't had time yet to review the final lists of Democratic candidates to ascertain which ones might receive some funding. While refusing to



THE NATIONAL POLITICAL (More)

* I should call Richardson

No love for R R

* Big ego - almost humbled

for MF early on.

The current effort to qualify a statewide handgun control initiative for the November ballot, the outgrowth of unsuccessful legislation by Assem. Alan Sierocy (D-Beverly Hills), is being watched carefully by GOA, Richardson said. Should the measure qualify, he said, the pro-gun organization will fight it vigorously. Richardson admitted in the interview that the success of GOA has led him to consider the formation of similar, single issue political committees in the future. Aside from hinting that the next committee might zero in on law enforcement, the Arcadia senator refused to be specific. In any event, the ultra-conservative politician would speak to be developing a unique kind of personal political club. With a giant war chest, Richardson, a strikeout victim against Cranston, seems on the rebound.

THE WHITE HOUSE GAME: The GOP Fight to the Finish

Ronald Reagan, practically down to his last out in the match with President Ford, scored the upset of the primary exhibition season by winning in North Carolina. He had the superb organization of U.S. Sen. Jesse Helms, very conservative and very pro-Reagan, with him from the opening whistle. The media never paid enough attention to the Helms connection, something which, unfortunately for Reagan, doesn't really exist anywhere else except among the ex-governor's hard-core California constituency. A key Helms lieutenant, Charlie Black, who had foolishly been diverted to the Midwest, returned to the far west state during the last 10 days and is credited with pros with the save for RR. The upset clearly had to take the edge off Ford's late week visit to California to pick up several hundred thousand at least in S.F. and L.A. And set the stage for a bitter showdown between pro-Ford and pro-Reagan forces at a GOP convention in Fresno March 26-28. Ford and Nancy Reagan will be there. RR will be working on a national TV address. He has gained time, maybe enough to make it to Kansas City. What he needs is enough dough to have some. Stay tuned, die-hard Reaganites insist.



TIMMONS AND COMPANY, INCORPORATED

1776 F STREET, N. W., WASHINGTON, D. C. 20006 (202) 331-1760

STANLEY EBNER
VICE PRESIDENT AND
GENERAL COUNSEL

5/18

Mike -

Here's a copy of the Black Powder letter I wrote to Huska (Timmons signed it). It turns out to be longer than I recalled, but it reads quickly.

This is a big issue to sportsmen, and BATF is evidently driving them nuts.

Thanks, Mike — let us know how else we can help.

Best,

Aran



TIMMONS AND COMPANY, INCORPORATED

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WILLIAM E. TIMMONS
President

March 16, 1976

TOM C. KOROLOGOS
*Vice President and
Director of Legislative Affairs*

STANLEY EBNER
*Vice President and
General Counsel*

MICHAEL L. REED
*Vice President and
Secretary*

Dear Senator:

As you know, at the very end of the 93rd Congress a bill was approved (S. 1083) which was intended to ease the burden unintentionally imposed upon the legitimate use of commercially manufactured black powder by title XI of the Organized Crime Control Act of 1970 (P. L. 91-452). S. 1083 became Public Law 93-639 when it was signed by the President on January 4, 1975. Unfortunately, efforts by the Treasury Department last summer and currently (Federal Register 21961, May 20, 1975; Federal Register 59207, December 22, 1975) to implement this Act by regulations make it clear that, through inadvertence, the wording of Public Law 93-639 renders it less than totally effective in fulfilling Congressional intent.

By way of background, you will recall that you joined Senator McClellan in introducing S. 3650 (91st Congress) to strengthen Federal laws governing explosives. During the consideration of this bill in the Judiciary Committee, it became clear that as introduced the bill penalized those who used black powder for lawful sporting purposes. Accordingly, when S. 3650 was reported it contained an amendment which exempted black powder by excluding from the definition of "explosive" small arms ammunition and components intended for use therein (Senate Report 91-1215, 91st Congress, 2nd Session [1970]). As so amended, the bill passed the Senate unanimously on October 8, 1970. Unfortunately, the House passed its own version of this legislation which did not adequately provide for sporting use of black powder, and it was this version which ultimately received the concurrence of the Senate in lieu of S. 3650 and ultimately became title XI of the Organized Crime Control Act. As enacted, title XI provided relief from its regulatory controls only for black powder in quantities "not to exceed five pounds."

March 16, 1976

In the ensuing two years, it became apparent that the five pound exemption provided insufficient relief for sportsmen and cultural enthusiasts whose lawful use of black powder had through title XI become severely and unnecessarily hampered. As Members of Congress began to receive an increasing number of legitimate complaints from individuals and sporting groups such as the North-South Skirmish Association, the Ohio Gun Collectors Association, and the National Rifle Association, the need for remedial action became evident. The result was the introduction and consideration of S. 1083, the bill previously referred to.

Hearings were held at the full Judiciary Committee level in the Senate on June 12, 1973, following action by the Criminal Laws and Procedures Subcommittee clearing S. 1083 on June 1. The bill was reported on June 20 (Senate Report 93-274, 93rd Congress, First Session [1973]) and passed the Senate July 13 by 78-8. As passed, S. 1083 would have deleted the five pound black powder exemption (18 U.S.C. 845 (a)(5)) and substituted a total exemption for:

"Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms as defined in section 921 (a)(16) of title 18 of the United States Code, or in antique devices as exempted from the term 'destructive device' in section 921 (a)(4) of title 18 of the United States Code."

The bill also contained an amendment to 18 U.S.C. 921 (a)(4), the provision defining "destructive device," to clarify that *Cannons* ~~rifles~~ used for "recreational or cultural" purposes should be equally exempt from the definition as are "sporting" rifles.

The House Judiciary Committee held hearings on S. 1083 and 13 House bills covering the same subject on November 26, 1974 -- almost a year and a half after Senate passage. Again, ample evidence was received to justify legislative relief in the form of expanding the far too limited five pound black powder exemption. The Committee reported S. 1083 to the House on December 11, 1974 (House Report 93-1570, 93rd Congress, Second Session [1974]), which then passed the bill on December 17 without opposition. As reported by Committee and passed, however, S. 1083 contained an amendment which -- as with title XI in 1970 -- limited the complete black powder exemption granted by the Senate. The amendment inserted the words "in quantities not to exceed fifty pounds" as a qualifying factor after "black powder" in the Senate language. The Senate acceded to the House version of S. 1083 on December 18, clearing the measure for the President.



March 16, 1976

To return to the current problem, the Treasury Department has been attempting since its first proposal of May 20, 1975, to turn the 50 pound exemption into a continuing regulatory burden rather than affording the full measure of relief Congress intended. The hearing record on S. 1083 before both Judiciary Committees, and the legislative reports of these Committees, demonstrate clearly that the legislation's purpose was to provide relief from the regulatory provisions of title XI for quantities not to exceed 50 pounds of commercially manufactured black powder. I won't burden this letter with a repetition of the many legitimate uses to which such black powder is put in sporting, cultural and recreational events -- nor the large number of Americans who are increasingly involved in such events. It is sufficient, I believe, to cite from the "purpose" sections of each report to reveal the clear intent:

- ° "[The bill's] purpose is to permit the unrestricted use of commercially manufactured black powder in antique firearms...and in antique devices..." (page 2, Senate Report 93-284)
- ° "Thus the bill permits unrestricted purchase and use for sporting, recreational and cultural purposes of commercially manufactured black powder in amounts not exceeding fifty pounds in antique firearms...and in antique devices..." (page 1, House Report 93-1570)

Although the use of the word "unrestricted" in both reports is no accident, the current Treasury regulatory proposal (an improvement over the original version) contains requirements for forms, records, and other limitations which substantially undercut the law's meaning and effect. In my opinion, this continued bureaucratic effort to regulate the 50 pound exemption has its underpinning in the unfortunate choice of the words "intended to be used solely for sporting, recreational, or cultural purposes" now contained in 18 U.S.C. 845 (a) (5) as a result of the enactment of S. 1083. The reliance on these words by Treasury is ironic and misplaced, because they were not included in S. 1083 to indicate state of mind or "intention" on the part of the user. Their actual purpose was to distinguish between types of black powder, in order to clarify that commercial propellant and not homemade black powder, blasting powder, or any other type was to be the subject of the exemption.



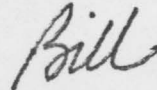
March 16, 1976

I therefore respectfully recommend and urge the following actions:

- ° That you introduce and seek passage of legislation which would delete the above quoted language from 18 U.S.C. 845 (a)(5) and substitute therefor the words "designed to be used."
- ° That you offer and seek adoption of an amendment to S. 1, the "Criminal Justice Reform Act of 1975," which would add language to proposed section 1821 on explosives offenses to insure that the 50 pound black powder exemption is retained in the recodification of title 18.

For whatever it is worth, the services of our firm and the resources available to it are offered to you and your staff in support of these objectives.

Sincerely,



William E. Timmons

Honorable Roman L. Hruska
United States Senate
Washington, D. C. 20510



REAGAN CALIFORNIA FUND

A Project of:
Young America's Campaign Committee



Dear Friend:

Your assistance on a most urgent project could mean the difference between victory and defeat for Ronald Reagan in the June 8th primary in California-- the most important primary of the campaign.

That is why I am writing to you today.

Gerald Ford and Ronald Reagan are in a virtual dead heat for convention delegates coming into the California primary. The winner of the California primary will take an extra 167 delegates to the convention.

These 167 delegates will mean the margin of victory for the Republican presidential nominee. More delegates are at stake in California than New Hampshire, Florida, Vermont, and North Carolina combined!

Ronald Reagan's stunning defeat of Gerald Ford in the North Carolina primary was a result of his aggressive media campaign in that state prior to the voting.

That is why the Reagan California Fund has been established by the Young America's Campaign Committee. We intend to place spot radio advertisements throughout California a week prior to the primary.

We have entered into an agreement with the nation's top producer of radio advertisements.

Efrem Zimbalist, Jr., the star of the television series The FBI, has agreed to do the narration for the ads.

They will be targeted in communities across California with the precision that was apparent in the media blitz that brought Ronald Reagan victory in North Carolina.

Production costs, distribution fees, etc., will be \$25,000 and that amount is needed at once. Unless we receive that amount by May 25, 1976, the ads by Efrem Zimbalist, Jr., cannot be run.

These ads are the most economical and effective method for reaching the millions of California voters. Ronald Reagan's chances of victory in California will be severely set back without them. As a result, his chances for the Republican nomination could be lost.

That is why it is vital that you send what you can today. Please send at least \$20 today. If you cannot send \$20, we will be grateful for whatever you can contribute. But we must have whatever your generous contribution by May 25.

It is important to consider what Ronald Reagan's defeat could mean for the Republican Party.

Consider the record of the Ford administration and the possibility of its continuing should Ronald Reagan lose the California primary:

1. There would be more appointments of left-liberals into the administration such as Charles Goodell and Nelson Rockefeller.
2. Secretary of State Henry Kissinger would remain, throughout Ford's term, continuing the policy of one-way-street detente.
3. The United States would continue its second-rate military posture and perhaps slip to third rate or fourth rate.
4. The United States would continue its policy of surrender of American possessions such as the Panama Canal Zone.
5. Deficit spending would continue unabated, without a voice of leadership coming from the White House.

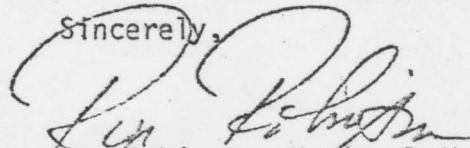
Before you decide how much to give, I should explain that the Reagan California Fund is an independent organization, entirely separate from the Citizens for Reagan campaign committee.

Because it is an independent committee, the Reagan California Fund may solicit funds from individuals beyond the \$1000 limit. Thus, if you have already contributed the maximum \$1000 to the official Citizens for Reagan campaign committee, you may contribute up to an additional \$24,000 to the Reagan California Fund.

In addition, while the official Reagan effort in California is limited in what it can spend on behalf of Ronald Reagan, our committee can wage an all-out effort to win in California without government-enforced spending restrictions.

If any contribution could tip the scale for a Reagan victory, your contribution to the Reagan California Fund could be it. Please be generous, and soon. Thank you.

Sincerely,



Ron Robinson, National Chairman
Reagan California Fund



YOUNG AMERICA'S CAMPAIGN COMMITTEE

Air Date _____
Radio Spot Number _____ #2
Title _____ 60 SECONDS
Narrator _____ EFREM ZIMBALIST, JR.



60 SECOND RADIO SPOT

I, LIKE YOU, AM CONCERNED ABOUT THE FUTURE OF THIS COUNTRY. I, LIKE YOU, HAD HOPED THAT AFTER WATERGATE GERALD FORD WOULD LEAD US AWAY FROM DEFICIT SPENDING, APPEASEMENT ABROAD, AND MILITARY WEAKNESS. I HAVE CONCLUDED HE HAS NOT DONE THIS. INSTEAD HE HAS FIRED A SECRETARY OF DEFENSE WHO DISAGREED WITH KISSINGER'S DETENTE, ACCEPTED AMERICA'S STATUS AS THE SECOND STRONGEST NATION IN THE WORLD, IS ACQUIESCING IN THE GIVE-AWAY OF THE PANAMA CANAL ZONE, AND HAS PRESIDED OVER \$100 BILLION IN DEFICITS IN JUST TWO YEARS. RONALD REAGAN IS MY CHOICE FOR PRESIDENT BECAUSE HE PROMISES A NEW SECRETARY OF STATE, THE RESTORATION OF AMERICAN MILITARY SUPERIORITY, NO GIVE-AWAYS OF AMERICAN TERRITORY SUCH AS THE PANAMA CANAL ZONE TO LEFTIST DICTATORS, AND, HE PROMISES A BALANCED BUDGET. IF YOU BELIEVE AS I DO THAT STRONG LEADERSHIP IS NEEDED IN THE WHITE HOUSE AS WE ENTER OUR TWO-HUNDREDTH YEAR, THEN I URGE YOU TO VOTE FOR RONALD REAGAN IN THE REPUBLICAN PRIMARY. THIS IS EFREM ZIMBALIST, JR. THANK YOU FOR LISTENING.

THE WHITE HOUSE

WASHINGTON

May 20, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MIKE DUVAL *Mike*
SUBJECT: GUN CONTROL

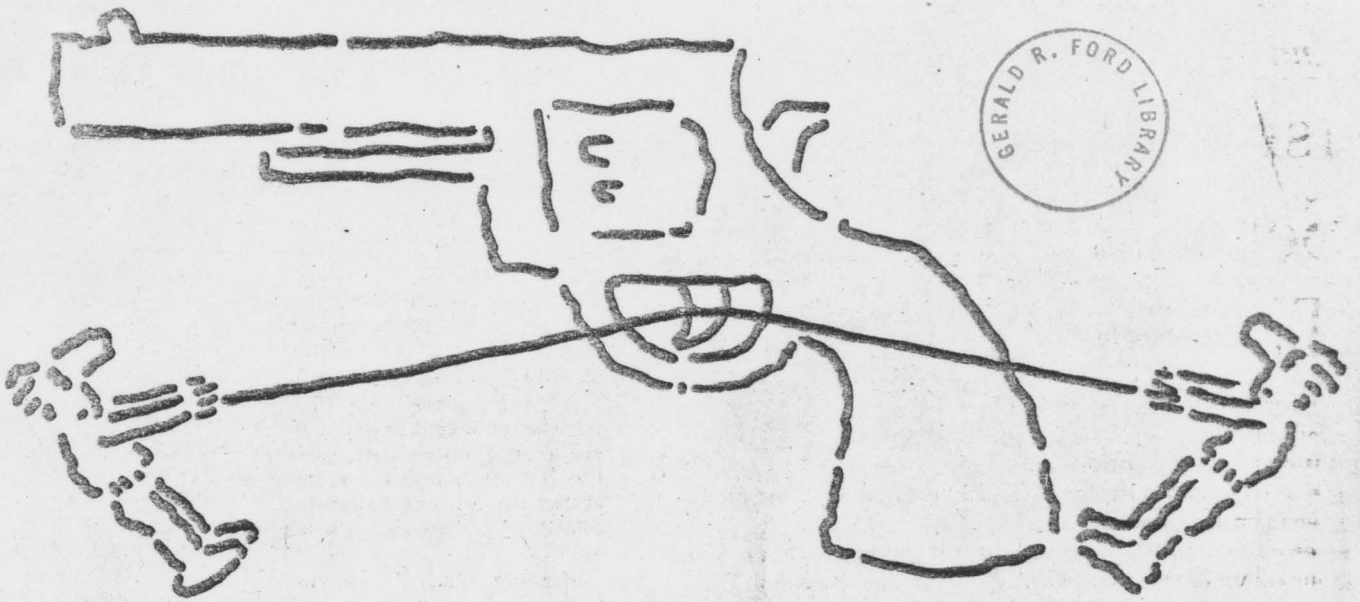
May we please have an analysis of the differences between H.R. 1193 (the Federal Arms Act of 1976) and the handgun bill submitted to Congress by the President.

We also need an assessment of where this legislation stands in Congress.

May we please have something by close of business, Monday, May 24.

Thanks very much.





By Zarko Karabatic for The Washington Post

LETTERS TO THE EDITOR

The Gun Bill: 'A Workable Compromise'...

Because of the long standing position of The Post in favor of handgun control, I was concerned by your April 21

per cent of the handguns used in crime would be covered by this specific factoring criteria. One million fewer guns

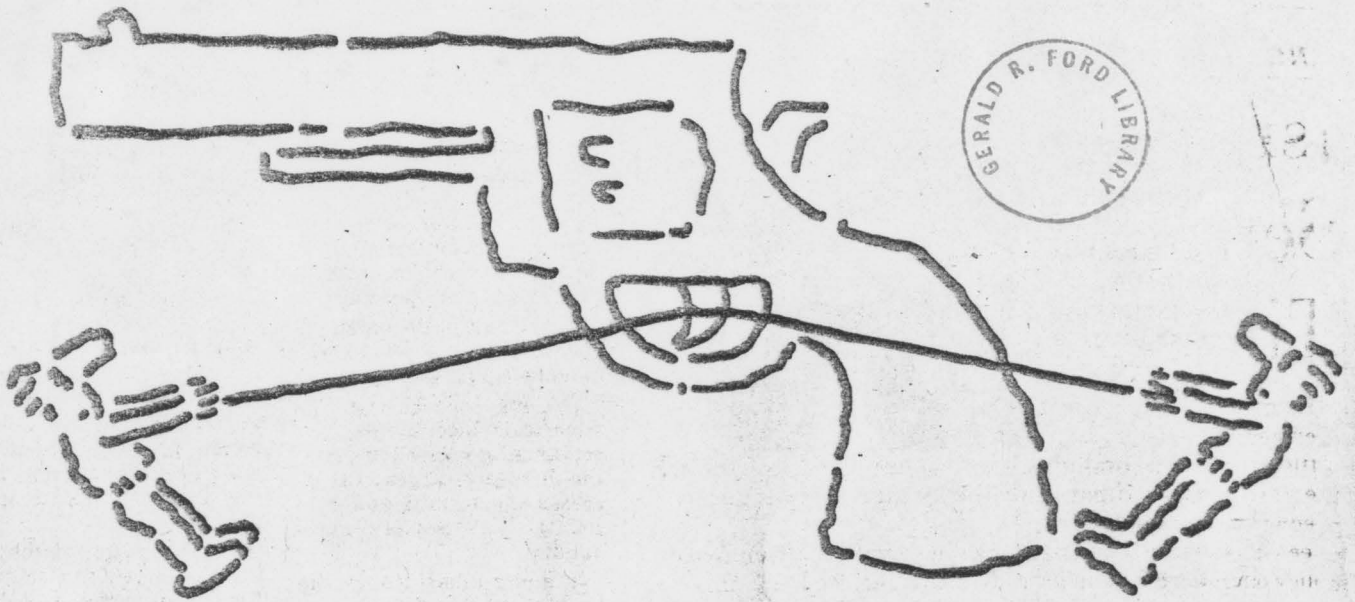
the alleged assailant obtained the weapon under circumstances which would have been prohibited under the

this factoring criteria passed the Senate.

The Treasury Department's Project Identification study has found that 70

While these bills are similar, they are not identical. Although a full report of the tragedy in Baltimore is not available, it appears relatively certain that

BIRCH BAYH,
United States Senator (D-Ind.)
Member, Senate Committee on the Judiciary
Washington



By Zarko Karabatic for The Washington Post

LETTERS TO THE EDITOR

The Gun Bill: 'A Workable Compromise'...

Because of the long standing position of The Post in favor of handgun control, I was concerned by your April 21 editorial asserting that the bill recently

per cent of the handguns used in crime would be covered by this specific factoring criteria. One million fewer guns would be on our streets each year. Such

the alleged assailant obtained the weapon under circumstances which would have been prohibited under the waiting period provisions of my bill.

this factoring criteria passed the Senate.

The Treasury Department's Project Identification study has found that 70

While these bills are similar, they are not identical. Although a full report of the tragedy in Baltimore is not available, it appears relatively certain that

BIRCH BAYH,
United States Senator (D-Ind.)
Member, Senate Committee on the Judiciary
Washington

THE WHITE HOUSE

WASHINGTON

May 17, 1976

H- CK. w/ Nell Diana in Jerry Jones office - call see y made.

MEMORANDUM FOR: DICK CHENEY
FROM: MIKE DUVAL *White*
SUBJECT: CALIFORNIA - GUN CONTROL

Apparently the key guy in California for the gun lobby is Bill Richardson, who is a State Legislator. As you can see from the attached which was sent to me by Jack Veneman, Richardson along with Viguerie has raised about \$750,000 for direct mailing.

Dave Liggitt tells me that Richardson almost came out for the President when approached sometime ago. Apparently he has no love for Reagan and not a particularly high regard for his performance as Governor.

Liggitt thinks that Richardson would be susceptible to a telephone call from the President in terms of backing off any strong anti-Ford campaign based on the President's position on gun control.

I talked to Stu Spencer about this and he agrees the President should call Richardson.

Attached is the telephone call proposal.

CALL Not made



THE WHITE HOUSE

WASHINGTON

May 17, 1976

RECOMMENDED TELEPHONE CALL

TO: California State Senator H. L. (Bill)
Richardson (R-Arcadia)

DATE: Wednesday, May 19, or Thursday, May 20.

RECOMMENDED BY: Stu Spencer, Mike Duval

PURPOSE: To diffuse California opposition by the
anti-gun control lobby.

BACKGROUND: Bill Richardson is the organizer of a new
California-based national gun lobby, Gun
Owners of America. They are linked with
Richard Viguerie, who does their direct
mailing, and have reportedly raised \$750,000
after only a few months of existence. They
have 22 full-time employees.

Richardson is an ultra conservative, but
Stu Spencer reports that he has "no love"
for Reagan. Richardson has not endorsed
you, although he received a telephone call
from Stu Spencer.

Dave Liggitt (the California PFC coordinator)
says that Richardson has quite an ego, and
a telephone call from you might go a long
way to diffusing a strong campaign against
you based on the gun control issue.

TALKING POINTS:

- I understand that you have taken a posi-
tion of leadership in support of the rights
of all Americans to own guns and avoid in-
appropriate controls by government.
- I wanted to commend you for the leadership
you've shown in this area and advise you
personally of where I stand on this important
issue.



On July 17, 1975, I submitted hand gun legislation to Congress which is directed only at the "Saturday Night Specials".

In my Message, I said that "...we must make certain that our efforts to regulate the illicit use of handguns does not infringe upon the rights of law-abiding citizens. I am unalterably opposed to Federal registration of guns or the licensing of gun owners. I will oppose any effort to impose such requirements as a matter of Federal policy."

So let me make this clear once again: as long as I am President, there will be no Federal registration of guns or the licensing of gun owners.

My bill was directed only at the "Saturday Night Specials" and is designed to make certain that handguns are sold to legitimate law-abiding citizens.

My handgun bill is a positive step forward to protect the rights of citizens to own guns. If Congress enacts the carefully developed bill I submitted which will take the "Saturday Night Special" out of the hands of criminals, there will not be any pressure for licensing of law-abiding citizens.

So, the very best way to protect the rights of American citizens to own guns is to solve the problem of the criminal who misuses handguns.

NOTE: See attached fact sheet for additional information.



OUTLINE OF THE PRESIDENT'S HANDGUN LEGISLATION

The President's Handgun Bill would:

- ⦿ Ban the import, domestic manufacture and sale of cheap, highly concealable handguns -- "Saturday Night Specials" -- which have no apparent use other than against human beings;
- ⦿ Restrict the issuance of Federal licenses to bona fide gun dealers;
- ⦿ Restrict multiple sales of handguns (authorizing the purchase of no more than one handgun within a 30-day period);
- ⦿ Impose a 14-day waiting period between the purchase and receipt of a handgun, during which time the dealer can check to determine whether the purchaser may lawfully own a handgun;
- ⦿ Require the dealer to take reasonable steps to ensure that the purchaser of a handgun is not prohibited from possessing it under State or applicable local law; and
- ⦿ Require the imposition of a mandatory minimum term of imprisonment on any person convicted of using a handgun in the commission of a Federal offense.

The President's Handgun Bill would not:

- ⦿ Require a Federal license to purchase a handgun;
- ⦿ Require that handguns be registered with the Federal government;
- ⦿ Prohibit law-abiding citizens from possessing handguns;
- ⦿ Authorize the Federal government to keep records of everyone who buys handguns; or
- ⦿ Apply to possession of long guns.



'No Empirical Support' for Gun Controls

You Don't Promote Nonviolence by Restricting Ownership

BY DON B. KATES

Later this month, the House of Representatives will vote on another in the seemingly endless parade of bills designed to put highly restrictive federal handgun laws on the books.

The measure has almost no chance of passing, but it can be assumed that during the next session at least one congressional committee will hold hearings on a bill quite like it. The basic reason is that the idea of gun control, like full employment, has gained an unassailable place in liberal dogma. Today, few intellectuals even question the proposition that "lax" gun laws are a cause of violence in America.

On the basis of the best available evidence, however, it is a proposition open to serious challenge. In fact, the most recent British and American criminological studies suggest an entirely different premise for the gun-control

The obvious conclusion to be drawn from these data is that nonviolent societies enjoy their civic peace for reasons other than their control of firearms.

But does all this mean that such violent societies as the United States would fail to realize any benefit from handgun restrictions? According to a study completed last year at the University of Wisconsin, the answer is—surprisingly—yes.

The Wisconsin researchers examined every state's gun laws in relation to all demographic, economic and other variables which could be statistically quantified. In the end, they found no correlation between handgun ownership—legal or illegal—and the rate of homicide in any state of the union. "The conclusion," said the report, "is, inevitably, that

Canadian can get a permit to keep a pistol in his home or office—something that is difficult in New York state and nearly impossible in the city.

Again, it must be concluded that societies more peaceful than our own have not gained that enviable status simply because they restrict handguns more severely. Indeed, attacking the easily identifiable gun is a way of avoiding this painful possibility: that America's level of violence can never be reduced without radically altering many of the social forces shaping our collective personality. Without such radical change the problem of violence in the United States is insoluble and we must, therefore, learn to live with it.

In a free society, those who would restrict public conduct must prove that a probable benefit will accrue. If the thing to be restricted is not particularly valued, that probability

Currently a professor at the Saint Louis Uni-

THE WHITE HOUSE

WASHINGTON

June 4, 1976

MEMORANDUM FOR: DICK CHENEY
FROM: MIKE DUVAL *Mike*
SUBJECT: GUN CONTROL LEGISLATION *file*

I have taken a careful look at the Domestic Council analysis of the President's gun control legislation and the bill reported out by the House Judiciary Committee, H.R. 11193 (see Tab A), and an analysis of the House bill by the gun lobby (see Tab B).

These are my conclusions:

- In many respects, the House bill is less offensive to gun owners than the Administration's.
- Despite the direct mailing efforts of Reagan and his conservative allies, the gun issue has not really caught fire as a major campaign issue in the primaries.
- If we take a position against the House bill, this is likely to draw attention to the provisions of the Administration bill which is opposed by the gun lobby. It is likely to ignite this as a campaign issue.

Accordingly, I recommend that the President not take a position at this time against the House bill. *IT'S dead anyway.*

Agree _____ Disagree _____

We will continue to work with Bill Timmons and others to deflect the impact of the gun lobby attack on the President.



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 21, 1976

MEMORANDUM FOR: Jim Cavanaugh
FROM: Dick Parsons (D)
SUBJECT: Gun Control



You requested a comparative analysis of the President's gun control legislation and H.R. 11193, which has been reported out of the House Judiciary Committee.

Attached at Tab A is a chart, prepared by the Bureau of Alcohol, Tobacco and Firearms, which sets forth the most significant features of H.R. 11193 and the corresponding provisions of the Administration's bill (H.R. 9022, S. 2186).

Generally speaking, the two bills share the same basic objectives -- to prohibit the manufacture and sale of "Saturday Night Specials"; to provide mandatory prison sentences for persons using a gun in the commission of a crime; and to tighten up existing Federal firearms laws. As the comparative chart indicates, the bills do not vary substantially in their respective approaches to achieving these objectives. Notable differences do exist in certain areas, however, which the President ought to be aware of. The following discussion focuses upon these particular provisions.

In the "Saturday Night Specials" area, the Committee's bill is significantly less ambitious than the Administration's proposals. Significantly, the Committee's bill defines the term "concealable handgun" so as to include only those handguns manufactured after the bill's effective date. As a practical consequence, existing handguns will not be affected by the bill and only future production will be prohibited. This, of course, is considerably less expansive than the Administration's bills, which would prohibit the sale as well as the manufacture of these weapons and would extend the sales prohibition to include weapons already in circulation. Likewise, the Committee's bill would not prohibit secondary transfers by non-licensees, as would the Administration's proposals.

From a practical standpoint, one potential drawback of the Committee's approach is the likelihood that news of the future production ban may stimulate a present production push, especially in the three-month interim between the bill's enactment and its effective date. On the other hand, the prospective approach effectively negates both the "due process" argument and the compensation issue that invariably arise when existing firearms are outlawed.

The bills vary in minor regards with respect to their mandatory sentencing provisions. The Committee's bill would impose mandatory sentencing only for certain enumerated Federal "crimes of violence," whereas the Administration's bill would apply such sentencing to all Federal felonies in which fire-arms are carried or used.

One aspect of the Committee's bill that must be considered disappointing from a regulatory standpoint is the elimination of the Administration's proposal that firearms licenses be issued only to applicants having suitable business experience, financial standing and trade connections. The Administration's bill was intended to provide the Secretary of the Treasury with a means of denying licenses to persons who are undercapitalized or otherwise lack the capacity to conduct a bona fide firearms business.

Like the Administration's bill, the Committee's version would (a) afford the Secretary more flexible administrative options in dealing with non-complying licensees; and (b) create new licensee categories. The license fees to be imposed under the Committee's bill would, however, be generally lower than those recommended in the Administration's bill.

Finally, the Committee's bill, unlike the Administration's bill, would establish procedures requiring all firearms-related rules, regulations and orders to be forwarded to both Houses of Congress for review. If neither House passes a resolution disapproving a rule, regulation or order within thirty calendar days of continuous session after its transmittal to Congress for review, then such rule, regulation or order would become effective at the expiration of the thirty-day period or at the effective date specified by the Secretary, whichever is later.

As noted above, H.R. 11193 has been reported out of the House Judiciary Committee. It is now in the House Rules Committee. The Senate counterpart has been reported out of Senator Bayh's Subcommittee to Investigate Juvenile Delinquency to the Senate Committee on the Judiciary.

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cc: Jim Cannon



Saturday Night Special Ban

Bans the manufacture or assembly of "concealable handguns" defined by application of a minimum point system utilizing objective criteria and including mandatory size and safety prerequisites. Would allow licensees to sell or transfer existing Saturday Night Specials but prohibits licensees from selling any such firearms produced after the effective date of the bill. Does not affect sales by non-licensees.

Among the mandatory prerequisites for a revolver would be an overall frame length of 4 1/2" and a minimum barrel length of 4". Pistols would be required to have: a positive manually operated safety device or its equivalent; a combined length and height of at least 10", with a minimum height requirement of 4" and a minimum length requirement of at least 6". Neither a licensee nor a non-licensee may modify a handgun that meets the above standards if such modification will render the weapon non-qualifying.

Mandatory Sentencing

Imposes mandatory sentences of from 1-10 years (first offense) and from 2-25 years (second offense) for persons who carry, use, display, or offer to use a firearm in the commission of certain enumerated Federal "crimes of violence."

New Licensing Prerequisites

The applicant must meet local requirements to conduct business and must notify local officials of his pending application. The applicant must agree to maintain adequate security devices on his premises to safeguard firearms. The Secretary would be required to conduct annual inspections of manufacturers and importers premises and records prior to granting renewal of licenses.

New Licensee Categories and Fees

New licensee categories would be created for wholesale firearms dealers, retail firearms dealers, gunsmiths, and ammunition retailers. Importers and manufacturers would be charged higher fees for dealing in handguns, but wholesale and retail dealers would not be required to pay a higher fee to deal in handguns. (See attached fee schedule.)

Multiple Handgun Sales

Makes it unlawful for both licensees and non-licensees to sell or transfer two or more handguns to the same person within any 30-day period, unless the Secretary has approved such sales pursuant to regulations. Also, non-licensees would be prohibited from making multiple handgun purchases without prior approval of the Secretary.

Prohibits licensees and non-licensees from manufacturing, assembling, selling, or transferring unapproved handguns. To be approved, handguns must pass an objective factoring type test similar in content to the Subcommittee's criteria and requiring the same minimum size prerequisites.



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The applicant must be qualified under local, State, and Federal law to conduct the firearms activity applied for. The Secretary must find that the applicant is by reason of his business experience, financial standing, or trade connections, likely to commence a bona fide business and maintain operations in conformity with Federal, State, and local law.

New categories created for gunsmiths and ammunition retailers and significantly higher fees would be imposed on all dealers dealing in handguns. (See attached fee schedule.)

Similar except that non-licensees could lawfully make multiple handgun sales.

Increased Restrictions on Firearms Sales by Non-licensees

Prohibits non-licensees from transferring firearms to another non-licensee whom the transferor knows to be prohibited from purchasing or possessing firearms by Federal, State, or local law.

Similar.

Licensee's Obligation to Insure That State and Local Law are Complied With

Specifically requires that before a firearm may be sold in a jurisdiction which imposes firearms licensing or registration requirements, the dealer must insure that the purchaser has complied with such provisions and thereafter must notify local authorities of the firearms sale. Also, local waiting requirements must be complied with and notice sent to local authorities.

Similar provisions exist with respect to handgun sales but such requirements would not extend to all firearms sales.

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(1) Purchaser must appear in person and submit sworn statement to the effect that his purchase or receipt of a handgun will not violate Federal, State, or local law.

Similar procedures specified except that local authorities must also be consulted in the jurisdiction where the purchaser intends to store the handgun. The 14-day waiting period would not be required if local authorities reported favorably within the 14-day period.

(2) The sworn statement must be forwarded by the dealer to the chief law enforcement officer at the purchaser's place of residence in order that such officer may run a background investigation and request an F.B.I. name check. A copy of any required permit or license must be attached.

(3) Delivery of the handgun may be made if the dealer has not received an unfavorable response from local authorities within 28 days or if a favorable response is received sooner. But in no case may delivery be made until at least 14 days have elapsed after submission of the sworn statement by the prospective purchaser.



Theft Reporting Requirement

Both licensees and carriers would be required to report firearms thefts within 48 hours.

No counterpart in Administration's bill.

Congressional Review of Administrative Action
Requires the Secretary to transmit each firearms ruling, regulation, and order to both Houses of Congress for review.

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Effect on Felons and Other Dangerous Persons
Eliminates the interstate commerce nexus from the existing prohibitions against felons and other dangerous persons possessing, shipping, transporting, or receiving firearms. Result-- simple possession, receipt, etc., will be an offense without the Government having to establish that the firearms in question moved in interstate commerce.

Same.

Comparative Fee Schedule
 (Since neither bill modifies existing
 fees with respect to destructive devices,
 the following chart refers only to
 conventional firearms and ammunition)

Committee's Bill	Administration's Bill
Firearms Manufacturer (other than handguns) \$200	Firearms Manufacturer (other than handguns) \$250
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Pawnbroker \$100	Pawnbroker (other than handguns) \$250
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Wholesale firearms dealer \$125	Dealer (other than handguns) \$100
Retail firearms dealer \$50	Dealer (including handguns) \$200
Gunsmith \$10	Gunsmith \$50
Ammunition retailer \$25	Ammunition retailer \$25

Analysis of H. R. 11193*, as approved by the House Judiciary Committee

April 13, 1976.



SUMMARY

Titled the "Federal Firearms Act of 1976," the bill consists of amendments to the Gun Control Act of 1968 which would:

1. Give the Treasury Department's Bureau of Alcohol, Tobacco & Firearms (BATF) regulatory powers to eliminate up to 120,000 of the nation's 160,000 federally licensed dealers.
2. Prohibit the future manufacture, importation or assembly of so-called "concealable" handguns, defined to include more than 50% of the new handguns now being sold in the United States, including many expensive, high-quality pistols and revolvers. This is *not* a "Saturday Night Special" bill, as has been claimed.
3. Set "minimum requirements" for new handguns similar to present Treasury Department importation criteria for handguns "suitable for sporting purposes", thus denying self-defense as a legitimate reason for handgun purchase.
4. Make it a federal crime for a citizen to purchase more than one handgun in any 30-day period.
5. Discourage common carriers from transporting firearms and ammunition.
6. Create new federal crimes involving the sale of handguns and the transfer of any firearm or ammunition between individuals.
7. Require dealers to notify local law enforcement authorities of every handgun sale to an individual and delay delivery up to 28 days to allow for police and FBI clearance.
8. Begin a system of centralized national registration of all persons

purchasing handguns from dealers.
9. Set a legal precedent for extending federal jurisdiction over simple possession of firearms and ammunition by citizens, hitherto regarded as a matter for state and local government.

*H. R. 11193 will be re-introduced with a new number, as yet undetermined, when the House of Representatives returns from Easter recess.

DEALERS

1. The Treasury Department's Bureau of Alcohol, Tobacco & Firearms (BATF) has publicly declared its desire to use new legislation, if enacted, to put three out of four firearms dealers out of business on the ground that it has "too many to manage".
2. Under H. R. 11193, BATF would be given new regulatory and discretionary powers to disapprove annual license renewals. Prime targets for elimination would be small dealers unable to absorb the sharply higher annual license fees or cope with new red tape burdens.
3. The present \$10 annual license fee for dealers would be raised to \$50/\$125. Dealers would be divided into restrictive "wholesale" and "retail" categories, but "retail" dealers who have occasion to transfer firearms or ammunition to other dealers would be obliged to have both licenses, totalling \$175 annually. (These fees, of course, do not include state and local license fees already being imposed.)
4. License fees for gunsmiths would remain at \$10, but the license

would authorize only the repair of firearms, or making or fitting parts. Gunsmiths could not sell complete firearms without a dealer's license. Annual fees for gunsmiths who build custom guns, and who must have manufacturers' licenses, would be ten times higher, from \$50 to \$500.00.

5. After years of abusing its authority by harassing dealers for alleged zoning violations, BATF finally would receive, under H. R. 11193, the power to deny licenses or license renewals to any dealer who cannot certify—under penalty of perjury—that he is in compliance with all state and local laws, ordinances, and regulations applicable to his business. This would include not only zoning, but health, building, fire, and similar codes—even "blue laws". Such regulations often are loosely interpreted and indifferently enforced in many localities, and since these matters clearly are not a federal concern, this provision amounts to a BATF device for eliminating dealers.
6. Under H. R. 11193, licenses would be issued or renewed only if dealers have installed on their premises "security devices or personnel, or both" which BATF finds are "adequate" for those particular premises. Simply stipulating prohibitively expensive security systems—or even requiring guards—would drive many small dealers out of business.
7. The bill would require dealers to store "firearms, firearms parts, and ammunition" in accordance with "reasonable" regulations prescribed by the Secretary. Court interpretations of "reasonability"

make it likely that most such regulations would be upheld unless demonstrated to be clearly arbitrary and capricious.

HANDGUNS

1. H. R. 11193 is *not* a "Saturday Night Special" bill, as has been claimed. It would outlaw the future manufacture or importation of so-called "concealable" handguns, defined to include more than 50% of all handguns now produced in the United States. The pistols and revolvers to be banned include dozens of expensive, high-quality models commonly purchased by law-abiding citizens for sporting and defensive purposes.
2. Prohibited handguns are defined as those which fail to meet certain size and technical criteria, generally similar to current BATF "factoring" criteria for imported handguns "particularly suitable for sporting purposes", except that *revolver barrels must be at least 4 inches long (up from 3 inches)*.
3. Pistols must be at least six inches long and four inches high, and achieve a score of 75 "points" on technical features; revolvers must have a frame length of at least 4½ inches (not diagonal, but including "conventional" grips) and achieve a score of 45 "points".
4. In addition, the criteria include a "hammer-drop" test that would disqualify such single-action revolvers as the Colt .45 Peacemaker, and metallurgical requirements that would eliminate most handguns manufactured by old-line firms such as Harrington & Richardson and Iver Johnson.
5. The bill generally pertains only to handguns manufactured or imported after the effective date of the bill. However, the bill makes it unlawful for any individual to "assemble, or by any other means produce" a "concealable" handgun. Thus, modifications commonly performed by many handgun owners (for example, on grips or

sights) could adversely affect "point" score, turning an existing handgun into a "concealable" handgun. Considering the highly technical assignment of "points" under the factoring system, endless possibilities exist for innocent and harmless violations which would be federal felonies.

COMMENT:

H. R. 11193 would establish as legislative policy the notion that some handguns are "bad", *regardless who owns them, and the use to which they are put*. Such an idea cannot be reconciled with the statements of sponsors who claim the proposal is aimed at criminals, not at law-abiding citizens. If a handgun purchaser is a law-abiding citizen, the particular model of handgun he desires to buy should not be of concern.

In view of the substantial number of handguns sold annually, it should be obvious that the vast preponderance of those handguns which would be banned are now being purchased not by criminals, but by the law-abiding.

The BATF import criteria adopted by H. R. 11193 were originally formulated as criteria to gauge a handgun's "suitability for sporting purposes". To extend such a standard to a ban on domestic production is to repudiate another equally legitimate—and even more important—purpose of handgun ownership: self-defense.

NEW CRIMINAL OFFENSES

1. H. R. 11193 would make it a crime for any private individual to buy or otherwise receive more than one handgun in any 30-day period without prior approval of BATF. It also would be a crime for any private individual to sell or otherwise transfer more than one handgun to anyone except a dealer in any 30-day period without prior BATF approval. Such "crimes"

seem unrealistic as anti-crime measures, and far more likely to trap ordinary citizens unaware of their technicalities.

2. The bill would make it a crime for anyone to sell (or even give away) a firearm or ammunition unless the seller "knows or has reasonable cause to believe" that the buyer "is *not* prohibited from possessing, shipping, transporting or receiving firearms" under federal law. Note this is stated *negatively*, requiring the ordinary citizen who, for example, gives a box of cartridges to a friend, to affirmatively establish in some fashion—presumably to be stipulated by BATF regulations—that the recipient is *not ineligible*.

Anyone who failed to comply with such regulations could be prosecuted for a felony, regardless of whether the recipient is in fact eligible to receive the firearm or ammunition.

3. The bill would make it a federal crime for a dealer to sell any firearm to a person residing in another city or locality unless the dealer complies with license, permit, registration, or waiting period requirements, if any, in that other locality.

Since the Gun Control Act of 1968 already generally forbids an individual from purchasing a firearm outside his state of residence, H. R. 11193 would turn the federal government into an *intrastate* enforcer of purely local ordinances. This seems an unjustified federal intrusion into state responsibilities, and would impose on dealers an unwarranted burden of keeping up-to-date with frequently changing local ordinances outside their own communities.

4. H. R. 11193 would make it a federal crime for a private individual to sell or otherwise transfer a handgun if he knows the recipient's purchase or possession would be a violation of any *state or local*, as well as federal law. This pro-

vision, like the one preceding, authorizes federal intrusion in matters more properly of state concern.

5. The bill would make it a crime for any person knowingly to import any handgun parts "intended for use in the manufacture or assembly of 'concealable' handguns", or to receive any such part unlawfully imported.

POLICE CLEARANCE OF HANDGUN PURCHASERS

1. H. R. 11193 would forbid a dealer to sell a handgun to any individual unless federal application forms have been submitted to the chief law enforcement officer in the buyer's home jurisdiction or where the handgun will be kept. Supposedly, this would be for the purpose of "permitting" such officer to conduct a state and local clearance check, and to request an FBI record and identity check.

2. The dealer would be forbidden to deliver the handgun for 14 days even if police report earlier that the buyer is not prohibited from receiving or possessing the handgun under federal, state, or local law. If no response is received from the police, the dealer must wait 28 days before delivery. However, in view of an additional requirement that the dealer must retain the police response as part of his permanent records, many dealers may be reluctant to deliver a handgun unless and until police have affirmatively responded.

NATIONAL REGISTRATION

H. R. 11193 authorizes an FBI check every time a handgun is purchased from a dealer. In addition, the only practical way to enforce the one-handgun-a-month restriction contained in the bill is to enter each purchase application on a central computer. Taken together, these two provisions virtually assure the establishment of centralized federal registration of all future handgun purchasers.

COMMON CARRIERS

1. The bill would give BATF open-ended authority to promulgate, "after consultation" with the Secretary of Transportation, any "reasonable" regulation "to ensure the safe and secure transportation of firearms and ammunition."

2. It would be a federal felony for common carriers knowingly to transport any firearm and ammunition in violation of any federal regulation.

COMMENT:

Since the Hazardous Materials Transportation Act already empowers the Secretary of Transportation to regulate common carriers in this respect, these provisions are of doubtful value. Their principal effect will be to compound the bureaucracy and multiply red tape, thereby discouraging common carriers from carrying firearms and ammunition. Small trucking firms particularly would feel the cost of additional paperwork and regulations, and it would become increasingly difficult for firearms dealers located in isolated areas, or having a smaller business volume, to obtain shipping service.

MANDATORY PENALTIES

H. R. 11193 would impose additional mandatory penalties of 1-10 years for the first offense, and 2-25 years for subsequent offenses, on any person who carries, displays, or uses a firearm during the commission of a federal crime of violence.

Such sentences are in addition to the penalty imposed for the commission of the felony itself, and may not be suspended or made to run concurrently with the felony sentence.

CONSTITUTIONAL QUESTION

H. R. 11193 would set a dangerous legal precedent by asserting

federal jurisdiction over the mere possession of firearms by citizens without the necessity of demonstrating in each case a connection with interstate commerce or federal taxation. The establishment of such jurisdiction would be a prerequisite to any federal gun confiscation law in the future.

The Congressional "findings" which preface H. R. 11193 state the "handgun acquisition, possession and use, even where purely intrastate in character, directly affects and burdens interstate commerce. Such an assertion is little more than a legal fiction designed to rationalize the extension of federal power into an area traditionally reserved to the states. It is doubtful that the "possession and use" of firearms by law-abiding citizens constitute any burden at all on interstate commerce, and such a debatable claim cannot justifiably be elevated to the status of a "fact."

The jurisdiction derived from this finding would be utilized in H. R. 11193 to overcome the 1971 U. S. Supreme Court decision in *Bass v United States*, in which the court refused, absent a clear claim of authority from Congress, to allow federal prosecution for illegal possession of a gun within the borders of a single state, without proof that such possession affects interstate commerce. To do otherwise, the Court held, would "dramatically intrude upon traditional state criminal jurisdiction", although the Court left open the question whether such federal authority, if claimed, would be beyond the constitutional reach of Congress.

To date, Congress has not asserted jurisdiction over simple possession of firearms. However, H. R. 11193 now would forbid felons and other disqualified persons from possessing guns by establishing a legal principle that someday could be used to ban firearms ownership by law-abiding citizens

ADMINISTRATIVELY CONFIDENTIAL

OK file

THE WHITE HOUSE

WASHINGTON

June 4, 1976

RBC HAS SEEN

MEMORANDUM FOR: DICK CHENEY
FROM: MIKE DUVAL *Mike*
SUBJECT: GUN CONTROL LEGISLATION

I have taken a careful look at the Domestic Council analysis of the President's gun control legislation and the bill reported out by the House Judiciary Committee, H.R. 11193 (see Tab A), and an analysis of the House bill by the gun lobby (see Tab B).

These are my conclusions:

- In many respects, the House bill is less offensive to gun owners than the Administration's.
- Despite the direct mailing efforts of Reagan and his conservative allies, the gun issue has not really caught fire as a major campaign issue in the primaries.
- If we take a position against the House bill, this is likely to draw attention to the provisions of the Administration bill which is opposed by the gun lobby. It is likely to ignite this as a campaign issue.

Accordingly, I recommend that the President not take a position at this time against the House bill. *IT'S dead anyway.*

Agree *RBC* Disagree _____

We will continue to work with Bill Timmons and others to deflect the impact of the gun lobby attack on the President.



TAB A

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 21, 1976

MEMORANDUM FOR: Jim Cavanaugh
FROM: Dick Parsons (D)
SUBJECT: Gun Control



You requested a comparative analysis of the President's gun control legislation and H.R. 11193, which has been reported out of the House Judiciary Committee.

Attached at Tab A is a chart, prepared by the Bureau of Alcohol, Tobacco and Firearms, which sets forth the most significant features of H.R. 11193 and the corresponding provisions of the Administration's bill (H.R. 9022, S. 2186).

Generally speaking, the two bills share the same basic objectives -- to prohibit the manufacture and sale of "Saturday Night Specials"; to provide mandatory prison sentences for persons using a gun in the commission of a crime; and to tighten up existing Federal firearms laws. As the comparative chart indicates, the bills do not vary substantially in their respective approaches to achieving these objectives. Notable differences do exist in certain areas, however, which the President ought to be aware of. The following discussion focuses upon these particular provisions.

In the "Saturday Night Specials" area, the Committee's bill is significantly less ambitious than the Administration's proposals. Significantly, the Committee's bill defines the term "concealable handgun" so as to include only those handguns manufactured after the bill's effective date. As a practical consequence, existing handguns will not be affected by the bill and only future production will be prohibited. This, of course, is considerably less expansive than the Administration's bills, which would prohibit the sale as well as the manufacture of these weapons and would extend the sales prohibition to include weapons already in circulation. Likewise, the Committee's bill would not prohibit secondary transfers by non-licensees, as would the Administration's proposals.

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(2) The sworn statement must be forwarded by the dealer to the chief law enforcement officer at the purchaser's place of residence in order that such officer may run a background investigation and request an F.B.I. name check. A copy of any required permit or license must be attached.

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Both licensees and carriers would be required to report firearms thefts within 48 hours.

No counterpart in Administration's bill.

Congressional Review of Administrative Action
Requires the Secretary to transmit each firearms ruling, regulation, and order to both Houses of Congress for review.

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TAB B

Analysis of H. R. 11193*, as approved by the House Judiciary Committee, April 13, 1976.

SUMMARY

Titled the "Federal Firearms Act of 1976," the bill consists of amendments to the Gun Control Act of 1968 which would:

1. Give the Treasury Department's Bureau of Alcohol, Tobacco & Firearms (BATF) regulatory powers to eliminate up to 120,000 of the nation's 160,000 federally licensed dealers.
2. Prohibit the future manufacture, importation or assembly of so-called "concealable" handguns, defined to include more than 50% of the new handguns now being sold in the United States, including many expensive, high-quality pistols and revolvers. This is *not* a "Saturday Night Special" bill, as has been claimed.
3. Set "minimum requirements" for new handguns similar to present Treasury Department importation criteria for handguns "suitable for sporting purposes", thus denying self-defense as a legitimate reason for handgun purchase.
4. Make it a federal crime for a citizen to purchase more than one handgun in any 30-day period.
5. Discourage common carriers from transporting firearms and ammunition.
6. Create new federal crimes involving the sale of handguns and the transfer of any firearm or ammunition between individuals.
7. Require dealers to notify local law enforcement authorities of every handgun sale to an individual and delay delivery up to 28 days to allow for police and FBI clearance.
8. Begin a system of centralized national registration of all persons

purchasing handguns from dealers.
9. Set a legal precedent for extending federal jurisdiction over simple possession of firearms and ammunition by citizens, hitherto regarded as a matter for state and local government.

*H. R. 11193 will be re-introduced with a new number, as yet undetermined, when the House of Representatives returns from Easter recess.

DEALERS

1. The Treasury Department's Bureau of Alcohol, Tobacco & Firearms (BATF) has publicly declared its desire to use new legislation, if enacted, to put three out of four firearms dealers out of business on the ground that it has "too many to manage".
2. Under H. R. 11193, BATF would be given new regulatory and discretionary powers to disapprove annual license renewals. Prime targets for elimination would be small dealers unable to absorb the sharply higher annual license fees or cope with new red tape burdens.
3. The present \$10 annual license fee for dealers would be raised to \$50/\$125. Dealers would be divided into restrictive "wholesale" and "retail" categories, but "retail" dealers who have occasion to transfer firearms or ammunition to other dealers would be obliged to have both licenses, totalling \$175 annually. (These fees, of course, do not include state and local license fees already being imposed.)
4. License fees for gunsmiths would remain at \$10, but the license

would authorize only the repair of firearms, or making or fitting parts. Gunsmiths could not sell complete firearms without a dealer's license. Annual fees for gunsmiths who build custom guns, and who must have manufacturers' licenses, would be ten times higher, from \$50 to \$500.00.

5. After years of abusing its authority by harassing dealers for alleged zoning violations, BATF finally would receive, under H. R. 11193, the power to deny licenses or license renewals to any dealer who cannot certify—under penalty of perjury—that he is in compliance with all state and local laws, ordinances, and regulations applicable to his business. This would include not only zoning, but health, building, fire, and similar codes—even "blue laws". Such regulations often are loosely interpreted and indifferently enforced in many localities, and since these matters clearly are not a federal concern, this provision amounts to a BATF device for eliminating dealers.
6. Under H. R. 11193, licenses would be issued or renewed only if dealers have installed on their premises "security devices or personnel, or both" which BATF finds are "adequate" for those particular premises. Simply stipulating prohibitively expensive security systems—or even requiring guards—would drive many small dealers out of business.
7. The bill would require dealers to store "firearms, firearms parts, and ammunition" in accordance with "reasonable" regulations prescribed by the Secretary. Court interpretations of "reasonability"

make it likely that most such regulations would be upheld unless demonstrated to be clearly arbitrary and capricious.

HANDGUNS

1. H. R. 11193 is *not* a "Saturday Night Special" bill, as has been claimed. It would outlaw the future manufacture or importation of so-called "concealable" handguns, defined to include more than 50% of all handguns now produced in the United States. The pistols and revolvers to be banned include dozens of expensive, high-quality models commonly purchased by law-abiding citizens for sporting and defensive purposes.
2. Prohibited handguns are defined as those which fail to meet certain size and technical criteria, generally similar to current BATF "factoring" criteria for imported handguns "particularly suitable for sporting purposes", except that *revolver barrels must be at least 4 inches long (up from 3 inches)*.
3. Pistols must be at least six inches long and four inches high, and achieve a score of 75 "points" on technical features; revolvers must have a frame length of at least 4½ inches (not diagonal, but including "conventional" grips) and achieve a score of 45 "points".
4. In addition, the criteria include a "hammer-drop" test that would disqualify such single-action revolvers as the Colt .45 Peacemaker, and metallurgical requirements that would eliminate most handguns manufactured by old-line firms such as Harrington & Richardson and Iver Johnson.
5. The bill generally pertains only to handguns manufactured or imported after the effective date of the bill. However, the bill makes it unlawful for any individual to "assemble, or by any other means produce" a "concealable" handgun. Thus, modifications commonly performed by many handgun owners (for example, on grips or

sights) could adversely affect "point" score, turning an existing handgun into a "concealable" handgun. Considering the highly technical assignment of "points" under the factoring system, endless possibilities exist for innocent and harmless violations which would be federal felonies.

COMMENT:

H. R. 11193 would establish as legislative policy the notion that some handguns are "bad", *regardless who owns them, and the use to which they are put*. Such an idea cannot be reconciled with the statements of sponsors who claim the proposal is aimed at criminals, not at law-abiding citizens. If a handgun purchaser is a law-abiding citizen, the particular model of handgun he desires to buy should not be of concern.

In view of the substantial number of handguns sold annually, it should be obvious that the vast preponderance of those handguns which would be banned are now being purchased not by criminals, but by the law-abiding.

The BATF import criteria adopted by H. R. 11193 were originally formulated as criteria to gauge a handgun's "suitability for sporting purposes". To extend such a standard to a ban on domestic production is to repudiate another equally legitimate—and even more important—purpose of handgun ownership: self-defense.

NEW CRIMINAL OFFENSES

1. H. R. 11193 would make it a crime for any private individual to buy or otherwise receive more than one handgun in any 30-day period without prior approval of BATF. It also would be a crime for any private individual to sell or otherwise transfer more than one handgun to anyone except a dealer in any 30-day period without prior BATF approval. Such "crimes"

seem unrealistic as anti-crime measures, and far more likely to trap ordinary citizens unaware of their technicalities.

2. The bill would make it a crime for anyone to sell (or even give away) a firearm or ammunition unless the seller "knows or has reasonable cause to believe" that the buyer "is *not* prohibited from possessing, shipping, transporting or receiving firearms" under federal law. Note this is stated *negatively*, requiring the ordinary citizen who, for example, gives a box of cartridges to a friend, to affirmatively establish in some fashion—presumably to be stipulated by BATF regulations—that the recipient is *not* ineligible.

Anyone who failed to comply with such regulations could be prosecuted for a felony, regardless of whether the recipient is in fact eligible to receive the firearm or ammunition.

3. The bill would make it a federal crime for a dealer to sell any firearm to a person residing in another city or locality unless the dealer complies with license, permit, registration, or waiting period requirements, if any, in that other locality.

Since the Gun Control Act of 1968 already generally forbids an individual from purchasing a firearm outside his state of residence, H. R. 11193 would turn the federal government into an *intrastate* enforcer of purely local ordinances. This seems an unjustified federal intrusion into state responsibilities, and would impose on dealers an unwarranted burden of keeping up-to-date with frequently changing local ordinances outside their own communities.

4. H. R. 11193 would make it a federal crime for a private individual to sell or otherwise transfer a handgun if he knows the recipient's purchase or possession would be a violation of any *state or local*, as well as federal law. This pro-



vision, like the one preceding, authorizes federal intrusion in matters more properly of state concern.

5. The bill would make it a crime for any person knowingly to import any handgun parts "intended for use in the manufacture or assembly of 'concealable' handguns", or to receive any such part unlawfully imported.

POLICE CLEARANCE OF HANDGUN PURCHASERS

1. H. R. 11193 would forbid a dealer to sell a handgun to any individual unless federal application forms have been submitted to the chief law enforcement officer in the buyer's home jurisdiction or where the handgun will be kept. Supposedly, this would be for the purpose of "permitting" such officer to conduct a state and local clearance check, and to request an FBI record and identity check.

2. The dealer would be forbidden to deliver the handgun for 14 days even if police report earlier that the buyer is not prohibited from receiving or possessing the handgun under federal, state, or local law. If no response is received from the police, the dealer must wait 28 days before delivery. However, in view of an additional requirement that the dealer must retain the police response as part of his permanent records, many dealers may be reluctant to deliver a handgun unless and until police have affirmatively responded.

NATIONAL REGISTRATION

H. R. 11193 authorizes an FBI check every time a handgun is purchased from a dealer. In addition, the only practical way to enforce the one-handgun-a-month restriction contained in the bill is to enter each purchase application on a central computer. Taken together, these two provisions virtually assure the establishment of centralized federal registration of all future handgun purchasers.

COMMON CARRIERS

1. The bill would give BATF open-ended authority to promulgate, "after consultation" with the Secretary of Transportation, any "reasonable" regulation "to ensure the safe and secure transportation of firearms and ammunition."

2. It would be a federal felony for common carriers knowingly to transport any firearm and ammunition in violation of any federal regulation.

COMMENT:

Since the Hazardous Materials Transportation Act already empowers the Secretary of Transportation to regulate common carriers in this respect, these provisions are of doubtful value. Their principal effect will be to compound the bureaucracy and multiply red tape, thereby discouraging common carriers from carrying firearms and ammunition. Small trucking firms particularly would feel the cost of additional paperwork and regulations, and it would become increasingly difficult for firearms dealers located in isolated areas, or having a smaller business volume, to obtain shipping service.

MANDATORY PENALTIES

H. R. 11193 would impose additional mandatory penalties of 1-10 years for the first offense, and 2-25 years for subsequent offenses, on any person who carries, displays, or uses a firearm during the commission of a federal crime of violence.

Such sentences are in addition to the penalty imposed for the commission of the felony itself, and may not be suspended or made to run concurrently with the felony sentence.

CONSTITUTIONAL QUESTION

H. R. 11193 would set a dangerous legal precedent by asserting

federal jurisdiction over the mere possession of firearms by citizens, without the necessity of demonstrating in each case a connection with interstate commerce or federal taxation. The establishment of such jurisdiction would be a prerequisite to any federal gun confiscation law in the future.

The Congressional "findings" which preface H. R. 11193 state that "handgun acquisition, possession and use, even where purely intrastate in character, directly affects and burdens interstate commerce."

Such an assertion is little more than a legal fiction designed to rationalize the extension of federal power into an area traditionally reserved to the states. It is doubtful that the "possession and use" of firearms by law-abiding citizens constitute any burden at all on interstate commerce, and such a debatable claim cannot justifiably be elevated to the status of a "fact".

The jurisdiction derived from this finding would be utilized in H. R. 11193 to overcome the 1971 U. S. Supreme Court decision in *Bass v. United States*, in which the court refused, absent a clear claim of authority from Congress, to allow federal prosecution for illegal possession of a gun within the borders of a single state, without proof that such possession affects interstate commerce. To do otherwise, the Court held, would "dramatically intrude upon traditional state criminal jurisdiction", although the Court left open the question whether such federal authority, if claimed, would be beyond the constitutional reach of Congress.

To date, Congress has not asserted jurisdiction over simple possession of firearms. However, H. R. 11193 now would forbid felons and other disqualified persons from possessing guns by establishing a legal principle that someday could be used to ban firearms ownership by law-abiding citizens.

Gun Owners of America

CAMPAIGN COMMITTEE

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July 30, 1976

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Mr. Stuart Spencer
 Suite 250
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 Washington, D.C. 20036

Dear Stu:

It was enjoyable talking with you yesterday. I plan to contact you in Kansas City for more in-depth conversation.

The platform statement on gun control which we would propose for consideration by the Platform Committee is as follows:

The Second Amendment to the United States Constitution guarantees citizens the right to keep and bear arms. Any attempt to deny law-abiding citizens this right should be resisted at all levels of government.

Sincerely,

H. L. RICHARDSON
 Founder and Chairman

HLR:lar

Should his appear. -

He talked to



A Political Committee dedicated to crime control not gun control—and organized to defeat anti-gun politicians.

STANLEY EBNER
VICE PRESIDENT AND
GENERAL COUNSEL

MEMO

*The
gun control*

Mike —

*Here's the outline
on the results of the
gun control survey I
mentioned.*

*There's a lot more
meat to this poll, and
we have all the backups
in the office.*

Stan

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SUMMARY OF MAJOR FINDINGS OF DMI GUN CONTROL SURVEY

The poll was taken by Decision Making Information, Inc., of Santa Ana, California between Sept. 29 and Oct. 8, 1975. It reports the results of in-home interviews of 1,538 registered voters throughout the United States, representing a cross section of the American public, scientifically selected at random to conform to population characteristics derived from the U. S. Census.

DMI, a nationally-recognized public opinion and market survey firm, has conducted polls for diverse political candidates, government agencies, and industrial clients, including the White House, former President Nixon, former Governors Rockefeller and Reagan, Senators Goldwater, Fong and Dole, the American Medical Association, U.S. Chamber of Commerce, National Association of Manufacturers, U.S. Department of Labor, U.S. Office of Education, Sears, Roebuck & Company, General Foods, and PPG Industries, Inc.

The project director and principal investigator for this study was Dr. Gary C. Lawrence. DMI president Dr. Richard B. Wirthlin assisted in all phases of the research.

The results are in obvious conflict with the much-publicized conclusions drawn from previous Harris and Gallup polls on gun control. The DMI survey demonstrates that deeper and more extensive probing into public attitudes on this issue reveals severe limitations on the kinds of "gun control" the public is willing to accept.

The results also show that recent congressional testimony by Louis Harris that the people "want federal control of guns, quickly and decisively," and that they "view gun control legislation as a necessary, critical, and primary first step" is clearly overblown and erroneous.

- * 82% of the American people believe that they, as citizens, have a right to own firearms.
- * By a margin of 76% against 24%, Americans decisively reject a ban on private ownership of handguns.
- * Fully half the public thinks a national gun registration program would lead eventually to confiscation of guns by the government.
- * 78% believe that the U.S. Constitution gives them "the right to keep and bear arms", and they reject the notion that this right pertains only to the national guard.
- * 71% of Americans are opposed to any law which would give police the authority to decide who may or may not own a gun.
- * Of those surveyed, 46% had at least one firearm in the home. In 62% of the firearms-owning households, the firearm was owned by the person actually interviewed; thus, the overall percentage of firearms owners in the adult population was about 29%.
- * 78% of the public feel that neither of the two recent attempts to assassinate President Ford could have been prevented by a national handgun registration law, and 71% reject the idea that assassination attempts on public officials could be avoided by banning altogether the private ownership of handguns.



- * 55% of those in firearms-owning households cited self-defense as one of the reasons they owned a gun.
- * 73% of the public does not believe that a federal law requiring all guns to be turned in would be effective in reducing crime.
- * When asked to indicate what it felt was the most important national problem, and the most important community problem, the public gave gun control practically no attention--less than 1/2% mentioned it.
- * When asked to suggest ways to reduce crime, only 11% volunteered gun control as a solution. In contrast, by far the most popular suggestion was more severe punishment of criminals (33%). Only 1% mentioned registration of firearms, and less than 1/2% suggested a ban on so-called "Saturday Night Specials".
- * The public foresees immense difficulties in enforcing on a national scale either a gun registration or a confiscation law, if such were to be passed. Only 23% of the public believe most gun owners would register their guns; only 9% of the public believe that more than half of the gun owners would turn in their guns.
- * Public knowledge of existing federal firearms laws is exceedingly poor. Asked five basic questions about buying guns (by mail-order, in another state, etc.), 71% could not answer more than three questions correctly. More than one-fourth (28%) could answer only one, or no question correctly.
- * 50% of firearms-owning households contain at least one handgun. Among blacks, the percentage rises to 62%.
- * 84% believe that gun registration will not prevent criminals from acquiring or using handguns for illegal purposes.
- * If a gun registration law were to be passed, only 30% believe it should be administered by the federal government. 63% would prefer it closer to home, run by state or local authorities.
- * Only 36% agree that firearms registration would help solve crimes through tracing; the remaining 64% think crimes will not be solved by registration because criminals would not register their guns.
- * Only 30% agree that a ban on private handgun ownership would reduce crime; 70% accept the view that if criminals couldn't get handguns, they'd simply use rifles and shotguns instead.
- * Only 30% believe that firearms registration would make it more difficult for the potential criminal to get a gun; fully 70% think that potential criminals determined to get guns would get them anyway.



Reports from Washington

Vol. 3 No. 10

NRA INSTITUTE FOR LEGISLATIVE ACTION

July 7, 1976

National Democratic Platform Draft Has Anti-Gun Plank

JUL 15 1976



NRA Institute for Legislative Action Executive Director Harlon B. Carter (right) welcomes Bob Kukla (left) on staff as Deputy Director. Kukla, a renowned scholar on firearms legislation, will serve as Chief-of-Staff and oversee ILA's operations and planning.

by Ted Lattanzio

The Democratic National Convention, which meets in New York City this month will be presented a national party platform that will call for additional oppressive anti-gun laws. The draft platform was prepared by a 153-member committee and the anti-gun plank was pushed by prominent anti-gun Democratic members of Congress.

Specifically, the anti-gun plank calls for a broad ban on a large number of handguns now in private ownership under the guise of so-called "Saturday Night Special" legislation.

In addition, the platform committee leveled an attack on lawful private ownership of *all* pistols and revolvers claiming, "Handguns simplify and intensify crime."

The scope of the platform goes far beyond the arena of Federal anti-gun legislation in calling for party members to "provide the leadership for a coordinated *federal and state effort to strengthen the presently inadequate controls* over the manufacture, assembly, distribution and possession of handguns and to ban Saturday Night Specials." (Emphasis added).

In a disclaimer aimed at placating the nation's firearms owners, the platform draft maintains that "The Democratic Party, however, affirms the right of sportsmen to possess guns for purely hunting
continued on page 3

Kukla Joins ILA As Chief of Staff

Bob Kukla, the nation's top scholar on the gun control issue, has joined the NRA-Institute for Legislative Action as Deputy Executive Director.

Kukla will serve as chief-of-staff and will oversee ILA's operations and planning.

In announcing the appointment, ILA Executive Director Harlon B. Carter said: "Bob Kukla's coming to the institute will add a singular

and substantial depth to our effectiveness in representing the rights and wishes of firearms owners and sportsmen. His presence in Washington will considerably bolster ILA's efforts in future legislative and political battles. As a pro-gun spokesman, Bob Kukla is without peer."

Kukla, an attorney, author and lecturer, is generally acknowledged
continued on page 3