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JL-3

THE PRESIDENT HAS SEEN *d.g.*

THE WHITE HOUSE

INFORMATION

WASHINGTON

September 6, 1974

MEMORANDUM FOR: THE PRESIDENT  
FROM: *K* KEN COLE  
SUBJECT: Firearms

In our meeting of yesterday, September 5, 1974, you asked to see the gun control paper prepared for President Nixon last year.

The attached paper was prepared in August, 1973, but is still factually up-to-date. At the time the paper was submitted, Mr. Laird recommended at least proposing a Saturday Night Special bill; Mr. Harlow tended toward the banning of handguns altogether, and Mr. Timmons cautioned against any movement in the area because gun owners were generally "Middle Americans" - the group from which the previous President drew his strongest backing on some of the key issues.

This can be discussed in more detail if you so desire.

Attachment

*GR 9*

ATTACHMENT

## GUN CONTROL LEGISLATION

At your press conference of January 31, 1973, you responded to a question concerning the shooting of Senator Stennis by saying you had asked the Attorney General to prepare legislation outlawing Saturday Night Specials which could actually pass the Congress. This paper presents three options available in that regard.

### I. Background

Gun control has traditionally evoked a strong, but divided, emotional response from the American electorate. Urbanites and Eastern liberals have traditionally been the most articulate spokesmen for expanded gun control, with rural areas, Westerners, and the blue collar workers taking the opposite position. There is no identifiable group advocating a "middle ground."

The gun issue is said to have been politically fatal to a number of politicians, the most recent of which being Joe Tydings from Maryland and possibly Gordon Allott from Colorado (Allott's main problem was his perceived anti-environmental stand in advocating the Olympics for Colorado; but since he voted in favor of the Bayh-Hruska Saturday Night Special bill, the gun lobby complicated his re-election effort.).

Two major political figures have recently articulated strong stands for gun control: Mayor Richard Daley of Chicago has advocated the virtual confiscation of all handguns for several years. Within the past two years Sheriff Peter Pitchess of Los Angeles County has become a strong and articulate advocate against the private ownership of handguns. Pitchess claims he has not experienced half the adverse reaction he anticipated when he began speaking against handguns and has experienced support he did not anticipate.

Public support for gun control has proven to be a transitory phenomenon. Most authorities agree the strongest public support for gun control in recent memory set the stage for passage of the 1968 Gun Control Act. The assassination of JFK had resulted in no legislation and was further aggravated by the assassination of

his brother. Public support for some sort of gun control touched eighty percent. The gun lobby was unable to stop passage of the Act, but they did water it down: Although the Act does virtually eliminate mail order gun sales, it only purports to establish minimum federal requirements for gun ownership (outlawing sales to minors, adjudged mental incompetents, fugitives from justice, convicted felons, dishonorably discharged veterans) because the only Federal requirement of a dealer prior to sale is that he ask the intended buyer if he fits any of the outlawed categories. The increasing rate of gun sales and of violent crimes involving guns were virtually unaffected by the 1968 Act.

Public demand for Saturday Night Special legislation was carefully nurtured by your Administration under the theory this would satisfy those calling for further gun control without impinging upon legitimate gun owners. The basic concept was that higher standards of performance of handguns would increase costs beyond the capacity of most petty street criminals. Your Administration worked very closely with sporting organizations and gun manufacturers in developing possible legislation. We ultimately decided not to submit Saturday Night Special legislation when several things became obvious: Even responsible elements within the gun lobby (the NRA is moderate by comparison with other groups opposing gun control) said they would actively oppose the bill, that no bill could be acceptable, and in fact, they really wanted to repeal substantial elements of the 1968 Act. Our "objective" tests showed inexpensively manufactured handguns could equal or outshoot some of the most expensive ones, so that our requirements would either be ineffective in raising prices or would outlaw the manufacture of many expensive and highly regarded handguns. We realized in trying to compromise we had drafted a bill establishing extensive bureaucratic machinery (to test and judge handguns) which would have a costly and adverse effect on manufacturers, but would have virtually no effect on handgun availability in the marketplace. Consequently, our bill would incur the undying enmity of the gun lobby but be ineffective even if passage had occurred.

The Wallace shooting again provided sufficient outcry for gun control legislation to be considered feasible, and we turned our material over to Senator Hruska who compromised it further with Senator Bayh to produce a bill which passed the Senate August 9, 1972, by a vote of 68 to 25 with the support of many conservatives. However, by the

time that bill reached the House, the election season was too close at hand and not only did it never get reported from Committee, Senators stopped calling for its passage, and your Administration worked quietly to oppose it.

Neither House of Congress has shown any inclination to initiate legislation on this issue since then. However, the issue recently surfaced with the National Advisory Commission on Criminal Justice Standards and Goals' recommendation that private ownership of handguns be outlawed. Further, the FBI's Uniform Crime Reports for 1972 just released show 54% of all known homicides are committed with handguns (graph attached). This is up from 51% in 1971. Your Administration should work now to develop a thoughtful position since the gun issue is sure to surface again.

## II. Options

- A. Submit a Saturday Night Special bill with some objective standards which is designed mainly to pass the Congress and to fulfill your public commitment.

Although this bill in all likelihood would have no effect on the number of handguns available, it would meet your public commitment without unduely aggravating the gun lobby. The brevity of this option should not detract from its main advantages -- compromise and imagery -- the ingredients of much legislation.

- B. A combination of strong anti-handgun measures.

Submit a combination of measures designed to have a cumulative effect on reducing handgun availability in future years. This bill would deal with more than Saturday Night Specials alone, and would be designed to restrict the availability of handguns.

It would consist of several parts: (1) a bill outlawing the sale of Saturday Night Specials, defined objectively but stringently; (2) a Federal concealment statute with minimum mandatory penalties for possession and use of handguns when committing other felonies; (3) stricter requirements for sale of handguns to end their being handled by pawn shops; (4) a Federal registry under the FBI of people who may not purchase or possess handguns (Federal law, as stated in the Background, outlaws certain categories of people from buying or possessing handguns but is presently unenforceable). This registry

would enable dealers to check with the FBI before selling or might be used to encourage states to pass likewise minimum standards with appropriate delays in the transaction until the name could be processed -- perhaps with fingerprints -- through the FBI. Although this is a cumbersome process and might prove costly, it seems the only way to enforce existing law.

C. Outlaw all handguns.

Submit legislation outlawing the sale and private possession (outside of the home) of all handguns except by public and private law enforcement officers. This would have to be connected with a "no questions asked" turn in policy on handguns, perhaps a provision allowing collector's handguns to be rendered inoperable if desired, and a repurchase clause of handguns to comply with constitutional provisions against a taking without due process of law. It would also include minimum mandatory sentences for possession or use of handguns in any situation outside the home. The only reason for the exception for possession within the home is to preclude the specter or necessity of the Federal Government searching all American homes to confiscate handguns.

The scenario surrounding use of this option would certainly require a dramatic Presidential TV address stating the time had come to end the public menace of handguns. This would be clear reversal of present Federal gun control policy, but many people feel if the President stood up, denounced handguns, and asked for the support of the American people, there would be a sigh of relief from our nation that someone finally faced the problem, and strong grass-root support would then develop for such a stand.

Since you will not again stand for re-election, it could be argued you are in a singularly unique position to do this: perhaps to actually secure passage, but at least to further mold public opinion and state your position for history. Others feel Middle America will never give up its handguns and that when the move faltered, its early Congressional supporters would face disaster at the next election.

Far from disarming the American people, your proposal would affect handguns alone -- which are concealable and thus have such a high potential for misuse. Rifles and shotgun ownership would be unaffected, and they still could be used for protection of the home as well as sporting purposes. The entire gun lobby would vehemently oppose the proposal -- not on the merits, but on the theory that you were disarming law-abiding Americans.

This is the solution proposed by the National Advisory Commission on Criminal Justice Standards and Goals in their recently released National Strategy to Reduce Crime. L. A. County Sheriff Peter Pitchess, as Vice Chairman of the Commission, is the strongest proponent of this position.

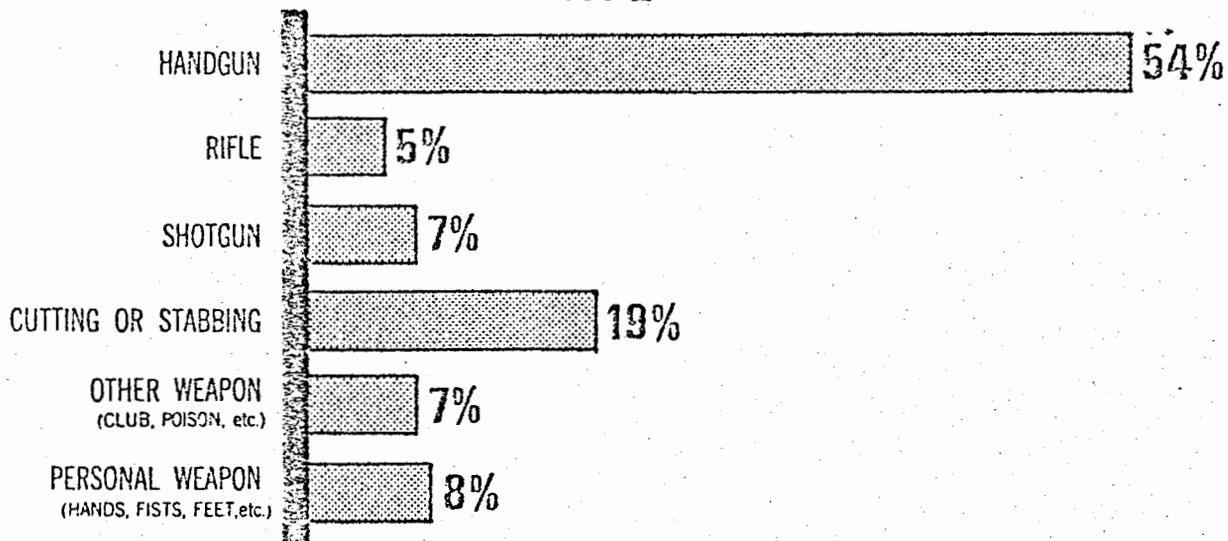
This paper does not propose either federal licensing or registration because these "popular" solutions would be very expensive, have little effect on criminal elements, and the effort to secure passage would have to be as great as that to outlaw all handguns.

August 17, 1973

# MURDER

## BY TYPE OF WEAPON USED

1972



FBI CHART

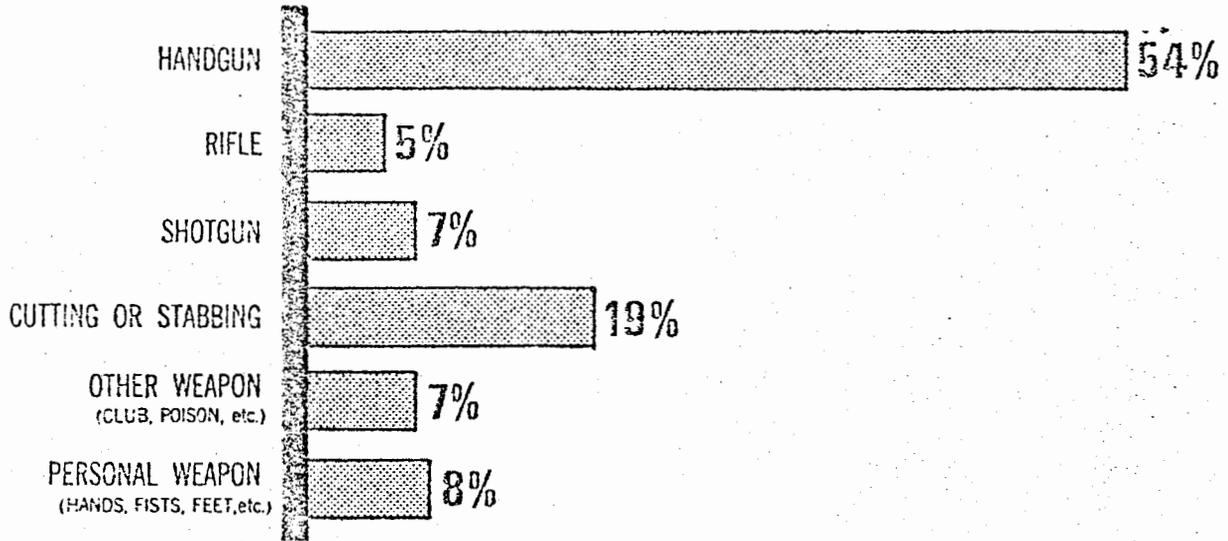
FBI UNIFORM CRIME REPORTS, 1972

\* The 54% is up from 51% in 1971.

# MURDER

## BY TYPE OF WEAPON USED

1972



FBI CHART