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FIREARMS LEGISLATION

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

FIREARMS LEGISLATION

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These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1 and 9, 1975

Serial No. 11

Part 6

Atlanta

Printed for the use of the Committee on the Judiciary

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CONTENTS

Witnesses— Page

Abernethy, Henry, North Carolina Rifle and Pistol Association 2123
Prepared statement 2112
Arenson, Dr. Nathan, representing the Florida State Pistol and Rifle Association 2116
Prepared statement 2108
Bell, Hon. Robert H., a Senator in the Georgia Legislature 1912
Prepared statement 1911
Caldwell, Claude R., Georgia State Rifle and Pistol Association 2119
Prepared statement 2110
Collins, Nick, program manager, Georgia State Crime Commission 1971
Prepared statement 1969
Cummings, Jasper Richard, Kentucky State Rifle and Pistol Association 2121
Prepared statement 2111
Faysash, Gary, legislative coordinator, Georgians for Handgun Control 2133
Prepared statement 2135
Finley, Morris, councilman, Atlanta City Council 1967
Prepared statement 1966
Gates, Henry, director, Walnut House Exoffender Program, Jacksonville, Fla 2099
Prepared statement 2098
Hoy, Harry, Tennessee Rifle and Pistol Association 2127
Prepared statement 2115
Jackson, Hon. Maynard, mayor, Atlanta, Ga 1898
Prepared statement 1896
Kittrell, Robert A., Jr., president, Southern Arms Co., Inc., Greenville, S.C 2088
Prepared statement 2086
Lane, Robert P., special agent in charge, Bureau of Alcohol, Tobacco, and Firearms, Southeast Region 1930
Prepared statement 1940
McKinney, Hon. J. E. "Billy," a representative in the Georgia Legislature 1915
Prepared statement 1914
Macfie, Jefferys A., Jr., M.D., Greenville, S.C 2077
Prepared statement 2076
Morris, Leslie, staff assistant, Atlanta City Council 1899
Piper, John L., assistant regional director, Bureau of Alcohol, Tobacco, and Firearms, Southeast Region 1930
Prepared statement 1930
Russell, Durwood G., acting special agent in charge, Bureau of Alcohol, Tobacco, and Firearms 1930
Prepared statement 1934
Scott, Hon. David, a representative in the Georgia Legislature 1924
Prepared statement 1922
Stokes, Joel, chairman, Youth Movement, Atlanta, Ga 2099
Strom, J. P., chief, South Carolina Law Enforcement Division 2067
Prepared statement 2060

Page

Additional material—
Arrington, Marvin, councilman, Atlanta City Council, prepared statement 1969
McDonald, Hon. Larry, a Representative in Congress from the State of Georgia, prepared statement 1890
McLeod, Daniel R., attorney general of South Carolina, letter dated July 18, 1975, to William N. Griffin, regional director, Bureau of Alcohol, Tobacco, and Firearms, Atlanta, Ga 1947
Rich, General Maxwell E., executive vice president, National Rifle Association of America, letter to Dr. Jefferys A. Macfie, Jr 2082
"State Crime Commission Position Statement on 'Handgun Control'," Office of the Governor, Atlanta ,Ga 1971
"The Case of the People vs. Gun Control Laws," article published in True magazine, July 1975 2128
Appendixes—
Appendix 1.—Correspondence 2139
Appendix 2.—Statute Concerning Firearms Effective June 18, 1975 .. 2148
Appendix 3.—Metropolitan Atlanta Crime Index 2149

FIREARMS LEGISLATION

MONDAY, JULY 21, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Atlanta, Ga.

The subcommittee met, pursuant to notice, at 9 a.m., in studio A, WETV–TV, channel 30, 740 Bismark Road, Atlanta, Ga.; Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers and Mann.

Also present: Maurice A. Barboza, counsel; Timothy J. Hart, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

Today, the Subcommittee on Crime of the House Committtee of the Judiciary, U.S. House of Representatives, meets in the city of Atlanta, Ga., to continue hearings on firearms legislation.

We are very pleased to be in the city, we have had tremendous cooperation on the part of the mayor of the city of Atlanta, the police commissioner, and channel 30 television. We are pleased that these hearings will be viewed by many who would not otherwise have access to these proceedings. We come to this city in the second last of a series of regional hearings which have moved from one end of the country to the other.

We are here in Atlanta to examine several very important questions. The first question is the amount of crime and accidents that occur involving firearms. The Atlanta homicide rate, which will be discussed by the mayor of the city, is one of the highest in the country. But more than that, Georgia is one of four Southern States that apparently is the source for many of the handguns that have been recovered in New York. There is almost a southern connection that has become very important to the investigations that have been conducted by the staff of this subcommittee.

In addition, there are some other fundamental questions that seem to be as overriding here as they were to the hearings conducted throughout the United States.

First and foremost, what is the impact of this increased amount of weaponry, almost like an arms race, that is going on within the United States.

Second, what does that have to do with the question of increasing violence that characterizes life in America in the 1970's. It is out of these concerns that Congress has been moved to reexamine its Federal legislation. Attempts are being made to relate to the State

and local law enforcement authorities who have important responsibilities in coordinating firearms regulation and the safety of its citizens with the various governmental agencies and localities. And, so, we think that the time has come for perhaps new legislation at the national level.

When we leave Atlanta, we are going to be privileged to hear from the Attorney General of the United States, the head of the Justice Department, Hon. Edward H. Levy. We will hear also from General Maxwell Rich of the National Rifle Association, and a number of others as we move toward a legislative result in the House of Representatives.

Here in Atlanta, we were privileged to have received the testimony of Hon. Larry McDonald, a member of Congress from the State of Georgia. That testimony will be incorporated into the record. Our leadoff witness is one of the outstanding Mayors of the United States, and a personal friend of mine, Hon. Maynard Jackson, who since 1974, has headed up list after list of firsts.

He is well known in terms of developing an articulate and sympathetic view toward the relationship of major city problems with the Federal Government and, on the question of firearms regulation, he has indeed distinguished himself with his precise understanding of this problem that is before us.

So, I am very honored to say hello again to the Mayor of the city of Atlanta. We have Mayor Jackson, your prepared statement, and it will be incorporated to the record at this point. That will allow you to proceed in your own way.

[The prepared statements of Hon. Larry McDonald and Hon. Maynard Jackson follow:]

STATEMENT OF HON. LARRY MCDONALD (D.-GA.)

Those who would disarm America, right down to the last target pistol, are once more in full cry through the halls of Congress. This is a determined campaign, already more than ten years old, and it is aimed at destroying one of the most important guarantees of the Bill of Rights. Those of us fighting federal gun-control proposals are continually confronted by opponents who want either to ignore or deliberately misinterpret the clear meaning of the Second Amendment to the Constitution of the United States.

It is important to remember that the first Amendments, the Bill of Rights, were added because many Americans, even back in 1789, were concerned lest the federal government become too powerful. The Bill of Rights not only affirms certain rights of the people, and of the states, which shall not be infringed by the federal government, but through the Ninth Amendment it stands as a reminder that "the enumeration . . . of certain rights shall not be construed to deny or disparage others retained by the people." The point here is that these rights existed before the Constitution was written. They are not rights which are granted to us by the federal government, but rights with which the Constitution forbids the federal government to interfere.

Thus the Second Amendment does not "grant" the right to keep and bear arms, but protects it from usurpation, declaring: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Note that the Amendment doesn't say this right may not be abolished. It goes farther. It says it may not even be infringed. That is, this right is so important it may not be tampered with, or trespassed upon, or transgressed, or chiseled away by any method or means Washington might devise. The Constitution is unequivocal on this point.

The right to keep and bear arms has deep roots in English common law. As an individual right, it is obviously related to the common-law right of self-

defense. As a "states' right," it represents an element of sovereignty which the states retained when the federal union was created. A militia, which in historical context means the entire adult male citizenry, may be thought of as a means of self-defense for the states and their various communities. Thus the armed citizen is at once subject to being called upon as a vital last line of defense against crime, federal tyranny, and foreign invasion.

It is my sworn duty as a Member of Congress to protect and defend the Constitution of the United States. The Second Amendment is part of that Constitution and must be defended as vigorously as the right to free speech. That is why I have introduced H.R. 3326, proposing the repeal of the Gun Control Act of 1968. Such "gun control" as is necessary is properly within the police powers of the individual states. But the federal government has no more right to legislate gun control than it has a right to legislate speech control or religion control or press control. To permit the one is to invite federal control of any or all of the others and strikes directly at the heart of American liberty. I am proud to support the constitutional guarantee of the rights to worship as we choose, to speak freely, publish without fear, assemble peaceably without harassment, and to *keep and bear arms.* I am willing to trust the people with free speech, a free press, *and the right to keep and bear arms.* I am here to defend their rights as well as my own. And I am willing to accept and live with the knowledge that, should this government of ours become unbearable, it will find itself in trouble with those armed citizens out there who love liberty and think the Constitution of the United States is worth fighting for. That's what the Second Amendment is all about.

What is it that gun-control proponents are out to "control"?

It is estimated that about fifty million Americans—one in four—perhaps one in three who are of age—possess their own guns. The number of firearms in private hands is simply unknown. This fact, alone, horrifies the gun-controllers. All are agreed that the number must be in excess of one hundred million; perhaps as high as two hundred million, as my colleague Representative Steven Symms of Idaho suggested in his recent and brilliant testimony against restrictive gun laws.

This year's objective seems to be limited to handguns, in hopes that so limited an objective will prove attainable. If it is not, then the gun-controllers hope for at least a precedent-setting ban on whatever hardware they choose to dub a "Saturday Night Special," the object which otherwise intelligent "Liberals" blame for street crime. The number of handguns is not known. There might be twenty-four million; there might be as many of forty million pistols and revolvers in private hands. Handguns are thought to be about a third of the total—whatever the total number of firearms may be.

Allegedly in order to control the acts of our criminal minority, the gun-controllers demand that tens of millions of law-abiding Americans be restricted, harassed, and eventually deprived of their constitution right as well as their legal property. In defiance of all logic, such gun-controllers express a far greater fear of those tens of millions of Americans who are not criminals than they do of the hoodlums actively terrorizing our cities. The reason is that their attitudes and opinions are not the product of logic but of ideology.

The strategy of this year's gun-control campaign is evident. Those in charge realize, from scarring defeats in the past, that they cannot have the whole loaf—complete registration, followed by complete confiscation. They have settled upon partial registration and partial confiscation as their objectives. All fire is to be directed onto "handguns." The fallback position, I believe, will be a ban on those mythical "Saturday Night Specials" which we are told leap out of dark alleys, aim themselves at passers-by, and pull their own triggers. If "Liberal" demonology is to be believed, they may even carry off wallets. "Liberals" simply hate being reminded that it is not guns but people who kill people.

In the tradition of "compromise," Congressmen opposed to the most oppressive gun-control measures which have been introduced so far are being asked to "be reasonable." They are being asked to "compromise" by giving the gun-controllers, if not half a loaf, then at least a quarter of a loaf. After all, how many votes can anyone win by defending the mythical "Saturday Night Special"?

Well, we Conservatives in the Congress are not interested in helping the gun-controllers to achieve even their most minimal objectives. We know—as the radical proponents of gun control know—that any law which delivers up to the

bureaucracy the authority to decide that handguns must be a certain size, or cost more than a certain price, or melt above a certain temperature, is merely a device to reduce the supply of handguns as a precedent for confiscation.

Some of us in the Congress do not propose to compromise at all. Tests have shown that many inexpensive pistols are quite worthy products, and there is no reason to deny firearms to all but those who can afford the expensive models. As a matter of fact, most murder victims are poorer people, often black, living in the large cities. Conservatives would no more deny them the right of self-defense than they would deny that right to any other citizen. The collectivists pushing this ugly business are apparently not only elitists but racists as well.

The continuing attempt to ban handgun sales by having the Consumer Product Safety Commission declare ammunition "hazardous" is typical of the underhanded methods being employed by these anti-gun collectivists. They will go to any lengths to get their way. Since they consider Congress bothersome, they will try, as in this case, to make an end run via the federal courts and the bureaucracy. Pay attention to how it works. A small group of people with a fancy name and a tax-free income petition a federal court, demanding that the federal judge tell the C.P.S.C. to see whether ammunition is "hazardous" and therefore subject to its control. The Commission, of course, has had no trouble in the past in finding baby cribs and tricycles hazardous, so the tactic should have worked easily.

However, opposition to gun control is so strong that the Consumer Product Safety Commission found its phone lines jammed with calls, opposing this backdoor approach. Congress, too, has been annoyed, since it instructed the Consumer Product Safety Commission from the beginning to keep its fingers out of the anti-gun campaign.

The fact that the whole scheme involved *handgun* ammunition, which is no more "hazardous" than long-gun ammunition, shows that it was part of this year's orchestrated drive for handgun restrictions. It was not spontaneous, it was part of the program which just happens to include anti-handgun propaganda turning up in various television police dramas, the usual biased "documentaries," and assorted horror tales in national magazines. We have been through this so often before that we find ourselves wondering who will be assassinated this time.[1]

The Consumer Product Safety Commission hardly has to remind us that there are dangers in having guns around the house. We have to be careful of them, just as we must be careful of ladders, knives, open flames, electrical wiring, ammonia, iodine, and children's toys, any and all of which are to be found around most houses, and which have been the cause of many accidental deaths. Fortunately, no one has proposed registration and confiscation of these items and substances as a solution—although we will apparently have to restrain the hand of the C.P.S.C. safetycrafts. Needless to say, I am supporting pending legislation to prevent the zealots of the Commission from banning ammunition now that they have discovered that cartridges can be placed in firearms and fired.

The figures show that accidental deaths from gunshot wounds have since 1903 remained remarkably constant in number, while due to increases in population the rate of such deaths has been cut in half. Approximately twenty-five hundred people die each year due to accidents with firearms. Each of these deaths, of course, represents a great personal tragedy. But let us put the matter in perspective.

Fifty times as many people die from other types of accidents. Automobiles, alone, account for well over fifty thousand deaths a year—twenty times as many as firearms. Highway police estimate that about half of these auto failures are due to what may be unkindly but accurately described as drunken

---

[1] That is not a joking remark. Every time you have to go through all the rigamarole required to buy a box of .22 cartridges, remember the Communist who killed Senator Robert Kennedy and brought on the Gun Control Act of 1968. The nonsense about .22 ammunition was kept in the law at the insistence of the late Representative Emanuel Celler, Chairman of the House Judiciary Committee, because "a .22 bullet killed Senator Kennedy." The attempted assassination of Governor George Wallace of Alabama in May, 1972, unleashed a similar torrent of gun-control propaganda which seems to have been all ready to go. Governor Wallace failed to cooperate. Not only did he refuse to die, but he spoke up against the calculated attempt to use yet another "lone assassin" plot to ram through yet another gun-control law, which neither he nor his supporters wanted to see.

drivers. So we may say that drunken drivers alone kill ten times as many people as are killed by firearms. That is all the more remarkable in view of the fact that there are more firearms than motor vehicles. It would seem that our people are more careful with firearms than they are with motor vehicles, for which we require operators' tests and registration.

In addition, a person is seven and one half times as likely to die of a fall, than to be shot to death accidentally, and is even more likely to be burned to death or to drown, than to be shot to death accidentally. Firearms are thus a relatively insignificant source of accidental death. If we consider that the accident rate represents one out of perhaps fifty thousand firearms, or one in twenty thousand firearms owners, I think we may conclude that guns are being handled with care.

One would never know it from the "Liberal" propagandists. In efforts to inflate so-called "gun deaths" to horrendous totals, it is a popular practice among gun-controllers to include suicides by firearms. I await with interest efforts to build a case against the automobile by including the number of people who kill themselves by idling the motor in a closed garage. One almost expect "Liberals" to argue for the registration of bathtubs by citing the number of people who leap off bridges into assorted bodies of water.[2] Obviously there are a wide variety of methods available to those who intend to commit suicide. That some people prefer to shoot themselves is hardly an argument for gun control.

The homicide rate has doubled since 1960, and shows little if any sign of tapering off. Gun-controllers cry that the number killed with guns has doubled, whereas in truth, the numbers killed by stabbing, strangulation, clubbing, stomping, and burning have also doubled. The weapons "mix" has remained remarkably uniform—regardless of the nature of local gun-control laws. It is really feeble-minded to argue that, by registering the weapon preferred in sixty percent of homicides, we will *eliminate* sixty percent of those homicides. The problem lies in the criminal, not the weapon.

The type of homicide which is increasing most sharply, and which calls forth the greatest need for privately owned firearms as a final defense, is so-called "felony homicide"—murders committed in the course of other felonies, primarily robbery. It is the felony homicide rate which produces the greatest sense of insecurity in our large population centers. This type of crime is generally the work of hoodlums who have been provided with no substantial discouragement by our criminal justice system, having been neither rehabilitated nor taken out of circulation.

"When guns are outlawed, only outlaws will have guns" is the current bumper-sticker wisdom. It is getting to be the only kind we have. The United States Supreme Court has actually ruled in *Haynes vs. U.S.* that since persons with a felony conviction are barred from possessing firearms under the Gun Control Act of 1968, they cannot be required to register their weapons, since to do so would be self-incrimination! In effect, the Supreme Court has exempted from any registration provisions all those convicted felons who possess a weapon illegally!

A recent contribution to the anti-handgun campaign appeared in *Reader's Digest* for February 1975. It declared: "The millions of guns 'protecting' millions of American homes are a real threat, all right—not to an army of unseen intruders, but to the gun owners themselves." Snide reference to the "army of unseen intruders" is a professional touch, an attempt to convert the very real and justified fears of millions of people into some paranoid fantasy. The conclusion is predictable. It is that the problem is not the criminals who kill, the criminals who terrorize city people into installing multiple locks on the doors and bars on their windows, but:

"*** millions of lawful, if misguided, gun owners—ordinary householders who feel safer with a gun by their bedside. What these people need to know

---

[2] One tactic that I have noticed recently in the gun-control propaganda is that of tacking an extra zero onto "gun death" figures, putting them in the hundred-thousand range, and presenting these as *ten*-year totals. Indeed, in some desperation, the propagandists often go back *two hundred* years in order to stagger you with figures putting "gun deaths" in the millions. Carried away by these necessarily fanciful body counts (since the information simply does not exist), enthusiasts in the propaganda factories sometimes inform us that "gun deaths" exceed the total of all combat deaths in American history. One can only wince and wonder at the towering Sierra of "Liberal" arrogance.

is that in the vast majority of instances a weapon offers only an illusion of protection, not the real thing.

"If you want to protect yourself and your family, don't wait for stern measures to be handed down from Washington. Start your own gun-control program, and start it now. If there's a gun in your home, turn it over to local authorities. Get rid of it, before it gets rid of you."

Now, isn't that childish? Don't even wait for the father-figure in Washington to "hand down stern measures," but give your gun to the authorities before it leaps from the closet and shoots you as you sleep. Disarm yourself, and save Washington the trouble. Then you won't even have the "illusion" of protection.

The *Digest* article, already well-circulated to housewives through *Good Housekeeping* magazine, follows one of the collectivist propaganda lines in H.R. 40, the oppressive gun-control bill introduced by Representative Johnathan Bingham of New York. For example, in Paragraph 1, Section (d) of H.R. 40, the following statement is proposed as a "finding" of the Congress: "that handguns in the home are of less value than is commonly thought in defending against intruders." Such a statement is so unconvincing and flimsy as to produce embarrassed laughter. The basis for the statement is a speculative study seized upon by Mr. Franklin Zimring when he was head of a "task force" of the Eisenhower Commission back in 1968. Zimring is among those who maintain that any attempt at self-defense merely "provokes" the assaliant to violence, thus marvelously transferring guilt to the victim—a trick at which "Liberal" propagandists are most adept. When questioned, back in 1968, on his contention that household weapons are either useless or dangerous, Mr. Zimring admitted that he was still working up a body count of those killed attempting to defend their homes, but that he had no intention of tallying *dead intruders* as well. Which means, of course, that there was never any basis for this oft-repeated canard.

It is a daily occurrence that guns are used—successfully—to defend homes and places of business against armed criminals. If the defender does not always win the contest, that is still no reason to deny him—or her—a fighting chance. People are entitled to that—under the Second Amendment, common law, and common sense. What we need, I believe, is a survey taken among victims of violent crime, asking them whether they found being unarmed an advantage!

Many of the proposed handgun-control bills include sections which may, perhaps, be intended to placate outraged target shooters and others by providing that they may continue to own pistols if they belong to pistol clubs. However, it generally turns out that these pistol clubs are supposed to be under the control of the Treasury Department or subject to the authority of the Federal Law Enforcement Assistance Administration, and that they are intended to be custodial in nature. The gun-controllers want to have the handguns belonging to members of pistol clubs locked away in vaults except under supervised conditions. It is a system which greatly resembles that of the Soviet Union and its satellites, where membership in gun clubs is restricted to the politically reliable and the weapons remain under government control. Confiscation, should it prove necessary, is then a simple matter of formalities.

Precisely that method was used to disarm Hungary in 1946, before the open Communist takeover there. Conservatives can support no legislation which will open the door to that sort of thing in the United States. The proposal of federally supervised gun clubs to control all handguns is simply unacceptable, degrading, inconvenient, unnecessary, and unconstitutional.

States and localities have had various forms of "gun-control" for a long time, and I think their experience is instructive, both as to the effectiveness and enforceability. *There has been, really, no demonstrable effect on crime.* And the more punitive and restrictive they are, the less enforceable they are. New York City, with its long-standing Sullivan Law, has only about twenty-five thousand registered handguns among a population of 7.5 million. Everybody knows there are far more weapons than that. Police there report that the weapons used by felons aren't registered. Criminals don't register their guns, and people who register their weapons are not criminals.

Recently, the City of New York attempted to extend gun-control measures to long guns. This has been a total failure. Only a small fraction of the estimated number of long guns surfaced for registration purposes. Why? I sug-

gest that New Yorkers are now wise to the rhetoric of the gun-control fanatics. They suspect, or perhaps have reason to know, that registration is a mere preliminary to worse measures. They would rather break the law than give up their guns and place themselves at the mercy of illegally armed felons. As a result, the New York City statute requiring the registration of long guns is meaningless except as a means of making technical criminals out of frightened householders. It cannot be enforced without the adoption of Gestapo-like measures, such as house-to-house searches. How soon it will come to that is a matter of conjecture.

Certainly the threat of confiscation is real enough. Legislation was proposed in the Council of the District of Columbia in February which, if approved by Congress, would confiscate all registered handguns and shotguns there. Councilman John Wilson declared: "People think I want to take everybody's gun away—and they're perfectly right." Told that such confiscation would break faith with law-abiding citizens who had earlier registered their guns, Wilson remarked: "That doesn't bother me. I didn't promise them anything." He claimed "too many guns are legally [*sic*] held . . ." Yet *The American Rifleman* for April 1975 reports that only sixteen to eighteen legally registered firearms are taken in connection with crime investigations in the District over an entire year. On the other hand, approximately half of Washington's homicides, a record 295 in 1975, involved handguns—virtually all of which were unregistered despite the District's super-stiff gun controls. As Senator James McClure has observed of the proposed gun confiscation in the federal city:

"The proposal is far more graphic an illustration of the inherent dangers of firearms registration to the rights of all Americans than any statements or any speeches made by any opponent of registration. It proves beyond doubt the point that we have been making since the registration issue surfaced in the Congress—that gun registration is the first step toward ultimate and total confiscation—the first step in a complete destruction of a cornerstone of our Bill of Rights.

"It is purely and simply crazy. Yet it is symptomatic of our times. The most deeply disturbing aspect of this shabby and frightening business is the almost deafening silence of the news media. If these same small men or any government council were talking seriously about revoking the First Amendment rights or the Fifth Amendment rights guaranteed all of us, there would be an outcry of almost unprecedented proportions. Yet there has been almost no outcry in the media, and that in itself should be seen as a national shame."

Criminals just don't register their guns. When honest people do, the next step is confiscation. And the consequence is a well-armed criminal class preying upon a disarmed public made helpless by infringement on their rights under the Second Amendment to the Constitution of the United States. It is proposed that we deprive of their rights and property people who have done nothing wrong. It is proposed that we brand as criminals and sentence to imprisonment people who refuse to give up their property and their rights. It is proposed, in short, that we punish law-abiding people, or push them outside the law, claiming all the while to be fighting crime!

I will have no part of it, on principle. But I suggest that, in any event, it isn't going to work. The harder this government tries to disarm the people, the more firmly will more people become convinced that gun control is a part of some tyrannical conspiracy.

An editorial in *Guns & Ammo* for December 1974 expressed a feeling which is becoming quite widespread in this country. After noting, as so many have over the years, that our problem is not gun control but crime control, they ask of gun-control advocates, "What is it they have in mind for us, that our possession of guns makes them nervous?"

The mood of the people has been cleverly expressed by Mr. and Mrs. W. D. Ferguson of Albany, California, who wrote to my colleague, Congressman Steven Symms, to praise him for moving to head off the ammunition grab by the Consumer Product Safety Commission. The Fergusons added: "Samson slew a thousand with the jawbone of an ass. Maybe you can introduce legislation to register and confiscate the jawbones of asses—and we can start with these liberal politicians."

The widespread and relatively uncontrolled possession of firearms by law-abiding citizens is not a problem. It is not a cause of crime, and could in fact be

a deterrent to crime. It is not a significant cause of accidental death. It is, in fact, politically healthy and proof of the responsibility of the majority of our people. It is a form of insurance against foreign conquest or homegrown dictatorship. And, whatever the Supreme Court may say, it is protected from infringement by the Second Amendment of the Constitution.

The registration of firearms is of marginal value in crime control, while it goes far toward destroying the politically healthy aspects of widespread possession of arms. I believe with the Founding Fathers that it is healthy for the government *not* to know who has how many firearms. I believe that those who intend to oppress the American people should know no more than they do now —that there are plenty of guns in the hands of plenty of people out there, that the people are beginning to get the picture, and that as a result registration and confiscation just aren't going to work. How does *your* Congressman feel about gun control? Write and ask him. Let your Representative know that you expect him to defend your rights under the Second Amendment to the Constitution as vigorously as he defends your rights to free speech, press, and assembly. Let him know that when it comes to infringement of the Bill of Rights, no compromise is acceptable.

STATEMENT OF MAYOR MAYNARD JACKSON, ATLANTA, GA.

I appear before you today as mayor of the city which in 1974, led the Nation in homicides per 100,000 of population. I firmly believe that the major reason for this dubious distinction is the abundance of handguns in Atlanta. The briefest look at a few statistics will show you what I mean.

In the last three years, there have been 766 homicides in Atlanta. 66⅔% of these homicides were committed with handguns. Of the 7,064 aggravated assaults in Atlanta in the last three years, 44.8% were committed with handguns. Two characteristics of the homicides and aggravated assaults are important to our purposes here: (1) The presence of high emotion and (2) the availability of a weapon. It is the combination of these two elements which led to the deaths of at least 125 Atlantans last year.

Over 80% of the homicides in Atlanta in the last three years occurred between people who knew each other. The emotions run higher between aquaintences and family members than between strangers. In 1974, the motives and circumstances of our 248 homicides demonstrate highly emotional situations, 86 of the homicides were the result of sudden anger, 63 resulted from domestic quarrels. The other most often stated motives were drunken arguments, jealousy and revenge. *Only 38 of the homicides were related to robbery or rape.*

The second major characteristic of these homicides is the availability of a weapon. But not just any weapon—an efficient mechanism which can kill. A recent national crime commission study showed that assaults with handguns were *five times more likely to kill than assaults with any other weapon.* Handguns were responsible for 66% of the homicides in Atlanta during the last three years.

While there is no simple solution for the high emotion factor in homicides, there is a solution—and a simple one—to dramatically reduce homicides across this country and that is the elimination of the other major contributing factor in the majority of our homicides—handguns. I wholeheartedly support the recommendation of the National Advisory Commission on Criminal Justice standards and goals that the sale of all handguns except to law enforcement agencies or governments be strictly prohibited and that private possession of handguns be prohibited after January 1, 1983.

This morning, I would like to offer for your consideration a four point plan for achieving that goal.

Number one, I propose the immediate establishment in every State of a handgun control project similar to the national project of the U.S. Conference of Mayors. By January 1, 1976, I would like to see each State with an active organization which can provide two major services: (A) This organization can provide resources to out-lobby the anti-gun control lobbyists. National samples over the past ten years by independent pollsters have shown that a consistent majority of all Americans *favor* handgun control. Yet this overwhelming majority has been less effective in making its views known to legis-

lators across the country than have the highly effective, well financed lobbyists for organizations such as the National Rifle Association. These handgun control projects can and should lobby vigorously for gun control legislation on the local level. I personally will pledge my support here today for fund raising efforts to finance this national lobbying campaign.

(B) The State handgun control projects can aid the national projects in providing vital research on a State by State basis and in disseminating this research and other information which describes the true facts about handguns. This research, for example, would address such issues as: How many persons who steal automobiles carry guns when they steal? How many persons engaged in burglary, larceny, and drug trafficking are armed? Would these persons engage in this activity if they did not have guns? Do handguns really provide personal protection to individuals who carry them? (Some studies indicate, for example, that a gun purchased to protect a family from intruders is *six times* more likely to be used to kill a family member or friend.)

The compilation and dissemination of this type of information is vital to the proponents of handgun control. The coordination of statewide projects with the national project will aid in providing basic tools for those of us who will lobby for handgun control legislation.

Number two, I propose by 1978 to have strong new local handgun control laws on the books in every State. Studies such as the one by Dr. Franklin Zimring have shown that existing national legislation is ineffective. Homicides involving handguns have increased at more than three times the rate of homicides by other means since the 1968 act was passed. The number of handguns has not decreased since the passage of the 1968 act. In fact, there are now approximately 40 million handguns circulating in the United States and 2½ million are sold each year.

In addition, existing legislation fails to have any noticeable effect on handgun homicides. Studies have shown that in cities with local restrictions such as Los Angeles and Chicago, handgun homicides were much lower than in cities such as Dallas, Phoenix, and Atlanta, which have virtually no restrictions. The number of handgun homicides decreases even more in cities with greater restrictions such as Philadelphia and New York. Since Federal laws apply equally throughout the country, we can attribute the difference in handgun homicides to local controls.

Number three, I propose the passage of strict Federal legislation by 1980 to control the vast black market in handguns and to regulate strictly the importation of handguns. It has been estimated that there are 2 million illegal handguns in New York City alone at the present time. This means that they are not properly registered, are probably of a sub-standard variety and arrived in the city in direct violation of existing Federal laws.

A major factor in the passage of the 1968 act was the number of handguns imported into the United States. Since the passage of that act, the increase in the number of handguns sold in the U.S. has been staggering. For the years 1969 through 1973 over 2.3 million handguns were imported. During that same period, almost 5 million handguns made from imported parts have been assembled in the U.S. These figures demonstrate the dire need for (a) more strict control, these so called "parts" guns arrive because of a *loophole* in the 1968 act, and (b) better enforcement powers for Federal agencies.

My fourth and final point provides for passage by January 1983, of legislation along the lines of the recommendations of the National Advisory Commission. Appointed by former President Nixon, this commission recommended: (a) the enactment of State legislation no later than January 1, 1983, prohibiting the *private possession* of handguns after that date; (b) the enactment of State legislation prohibiting the *manufacture* of handguns, handgun parts, and handgun ammunition within the State, except for sale to law enforcement agencies or for military use; (c) the enactment of State legislation prohibiting the *sale of handguns*, their parts and ammunition to other than law enforcement agencies or Federal or State Governments for military purposes; (d) the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns to be retained by private citizens as curios, museum pieces, or collector's items; and (e) the enactment of State legislation providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal hanguns.

This four point program will not provide a cure-all for all of our Nation's crime problems, but I guarantee that you and I will see a dramatic drop in the handgun deaths that are becoming so prevalent in our cities. We will witness a drop in those homicides that would not occur without the easy accessibility of the deadly handgun. Our work during these next two days may well determine the safety of our citizens across this country. Their fate is in our hands and we cannot afford to fail them.

I would like to mention in closing that I am pleased at the growing national concern for handgun control. The National Council to control handguns is doing excellent work in this area and we will continue to work closely with them and with regional groups such as Georgians for Handgun Control. Thank you.

TESTIMONY OF HON. MAYNARD JACKSON, MAYOR, ATLANTA, GA.

Mayor JACKSON. Thank you very much, Chairman Conyers. We are delighted, of course, that you are back in Atlanta and very much appreciate your holding this subcommittee hearing in Atlanta.

We think it is also appropriate because although Atlanta is, we believe, the greatest city in the country, by almost any index with the possible exception of your home towns, of course, we have a certain amount of severe problems.

Although we are financially in good shape in this city, we have a situation where in 1974, Atlanta led the Nation in per capita homicides and that is something of which I think all of use ought to be greatly ashamed, but I am confident that Atlanta is reflecting an American disastrously inclined phenomena and that is an overabundance of handguns.

By conservative estimates, there are about 40 million handguns in this country and I believe it has been shown now by adequate evidence over the course of several years, and I believe as a matter of fact, that there is a direct correlation, a direct nexus between the presence of handguns in this country and the increase of crime in this country.

There may be other contributing factors to the increase of crime—I suspect there are; poverty, racism, and many others. But, I will tell you in my place that I am convinced to a moral certainty, that if we were to adopt the recommendations of the National Advisory Commission of Criminal Justice Standards and Goals, I believe that within 3 years after the effective date of that act, the crime rate in this country would drop by 50 percent at least.

Chairman, I appreciate the chance to testify this morning before your subcommittee, but I want to start off by asking your understanding and permitting me to yield 3 minutes of my time to Leslie Morris, who is a staff assistant on the staff of the Atlanta City Council. Although we have strict separation of power of the city government in Atlanta now by virtue of the City Charter, Mrs. Morris comes with a story which I think is particularly apropos to this hearing, so with your permission, I would like to ask Mrs. Morris to take 3 minutes.

Mr. CONYERS. All right, we would be very delighted to recognize Mrs. Morris. I am sure she must have something that the committee would be benefited by to hear.

Welcome to the proceeding.

Mrs. MORRIS. Thank you, Mr. Conyers.

TESTIMONY OF LESLIE MORRIS, STAFF ASSISTANT, ATLANTA CITY COUNCIL

Mrs. MORRIS. Thank you, Mayor Jackson, for giving me a few minutes of your time.

These are vitamins. For the past several years, there has been basically a tremendous amount of controversy in Congress and the Food and Drug Administration as to whether these vitamins should be classified as dangerous drugs and in certain instances, banned from sale to the public for their own safety, of the American people.

The issue is not yet resolved. Next year I may be required to obtain this vitamin A capsule by prescription, seeking a medical source, proving need, and registering my name with a pharmacist, and in essence, with the U.S. Government.

Will I still be able to obtain a gun at will in the same span of time necessary to purchase a loaf of bread, or a package of cigarettes?

My name is Leslie Morris and ironically, I am a member of the founding board of Georgians for Handgun Control. As an advocate for handgun legislation, I am prepared to address this committee heavily armed with statistics for logical argument of fact which conclusively substantiates the need for rational Federal handgun legislation.

No doubt, in the course of this morning, you will hear it all once again. Instead, as a human being, I appear before you, armed only with my life.

Last week, I became a statistic, an argument, a fact, sitting on my front porch with my husband and my friends, we were approached by two men with handguns and for 40 minutes, we were kicked, beaten, bound, gagged, and told that we were going to die!

As I lay on the floor, submissive, passive, basically acquiescent to my own death, I realized how easy it was for these guns to journey from the manufacturer, to the dealer, to the criminal, to the back of my head; how easy and impersonal it is to kill another human being with a gun, and how utterly helpless a person is to defend his honor, his integrity, even his own life against the power of a gun.

I am not unique except perhaps the fact that I am alive. My experience does not deserve special attention. I am merely a statistic. A living, breathing, raging statistic.

I am enraged at my attackers, I am enraged at those who weave arguments against responsible handgun control to protect special interests.

I am enraged at those who use racism—both black and white—to paralyze otherwise responsible legislators, and I am, with all due respect, enraged at the proliferation of committees that probe and investigate the obvious while people continue to suffer and die.

Gentlemen, I cannot adequately describe to you where I have been or what effect it will have on my life. I only ask that if you must seek to regulate, to protect the American people from themselves, that you consider and that you act this year on responsible handgun legislation.

Thank you. Thank you, Mayor Jackson.

Mayor JACKSON. Thank you, Mrs. Morris.

Mr. CONYERS. I appreciate your statement and I hope that every member of the Congress will be able to review it and I am sorry that they could not have joined me here to hear it in person.

Mayor JACKSON. Mr. Chairman, this came to my attention only last week, and I was particularly impressed with the arrogance with which four people were approached by two people; the two people had handguns, an instrument of death, of oppression, that is easily concealable, can be put away somewhere, not as easily detectable as a long gun, but certainly as vicious, approached, beaten, oppressed, and otherwise scared half to death—I only thank God that they were not killed in fact.

The point that I come this morning to make, Mr. Chairman, is the presence of handguns in our society, in my opinion, greatly increases the crime rate. It gives people who otherwise don't have any guts some guts in a barrel, and I plead with you, as the mayor of this city, I plead with you as a rational human being, and as an American to do something about this issue this year.

I appear before you today as mayor of a city which in 1974 led the nation in homicides per 100,000 of population. I firmly believe that the major reason for this dubious distinction is the abundance of handguns in our city. The briefest look at just a few statistics will show you what I mean.

In the last 3 years, there have been 766 homicides in Atlanta—the last 3 years, and 66⅔ percent of these homicides were committed with handguns. Of the 7,064 aggravated assaults in Atlanta in the last 3 years, 44.8 percent were committed with handguns.

The data, now with the attack on Mrs. Morris, Mr. Morris and their friends, probably will have to be increased.

Two characteristics of the homicides and aggravated assaults are important to our purposes here: (1) The very high presence of high emotion and (2) the availability of a weapon, and a confluence of those two factors, high emotion and the availability of a gun, we figure accounts, by and large, for this raging statistic. That confluence, that combination of these two elements which led to the deaths last year of 125 Atlantans is what we, I think, need to be addressing.

Last year, our homicide rate went down, Mr. Chairman, my first year of service as mayor. We went down by something like, I think about 14 or 15 deaths over the year 1973. We still remained, however, No. 1 in per capita homicides. A great disappointment to us.

Yet, over 80 percent of the homicides in our city in the last 3 years occurred between people who knew each other. They were not strangers. They knew each other.

Emotions run higher between acquaintances and family members than between strangers apparently. In 1974, the motives and circumstances of our 248 homicides demonstrates highly emotional situations. To be specific, 86 of the homicides were the result of sudden anger; 63 resulted from domestic quarrels. The other most often stated motives were drunken arguments, jealousy, and revenge. Only 38 of the homicides were related to robbery or rape—only 38.

Now, the second major characteristic, Mr. Chairman, of these homicides is the availability of a weapon, not just any weapon, but an efficient mechanism which can kill.

A recent national crime commission study showed that assaults with handguns were five times more likely to kill than assaults with any other weapon.

I pause on that statistic because there are those who are known to say that is it not guns that kill; it is people who kill, and therefore don't talk about trying to control the instrumentalities of death and violence, just worry about controlling people. Mr. Chairman, respectfully, that is bull. Guns do kill and the studies now uniformly show that assaults with handguns were five times more likely to kill than assaults with any other weapon. Handguns were responsible for 66 percent of the homicides in Atlanta during the last 3 years.

Now while there is no simple solution for the high emotion factor in homicides; there is a solution, and a simple one, and that is to dramatically reduce homicides across this country, and I believe other crimes as well, and that is the elimination of the other major contributing factor in the majority of our homicides—handguns.

I wholeheartedly support the recommendation of the National Advisory Commission on Criminal Justice Standards and Goals, and of the U.S. Conference of Mayors, whose Committee on Criminal Social Justice I chair, and they are, that the sale of all handguns except to law enforcement agencies or governments be strictly prohibited and that private possession of handguns be prohibited after January 1, 1983.

If I were to differ with any particulate of that position, Mr. Chairman, it would simply be that if we could speed up the effective dates, let's do so. If it can become effective tomorrow, let's do so, but, certainly as quickly as possible.

I would like to propose therefore, for your consideration a four-point plan for achieving that goal.

Point No. 1, I propose the immediate establishment in every State of a handgun control project similar to the national project of the U.S. Conference of Mayors. By January 1, 1976, I would like to see each State with an active organization which can provide two major services:

(A) This organization can provide resources to out-lobby the anti-gun-control lobbyists. National samples over the past 10 years, Mr. Chairman, by independent pollsters have shown that a consistent majority of all Americans favor handgun control—I emphasize favor—favor handgun control. Yet, this overwhelming majority has been less effective in making its views known to legislators across the country than have the highly effective, well-financed lobbyists for organizations such as the National Rifle Association, and the Georgia Wildlife Federation, among others.

I wish the Georgia Wildlife Federation would be as concerned about human life as about wildlife and take a position in favor of handgun control.

These handgun control projects can and should lobby vigorously for gun control legislation on a local level and I personally will

pledge my support here today for fundraising efforts to finance this national lobbying campaign.

(B) The State handgun control projects can aid the national projects in providing vital research on a State-by-State basis and in disseminating this research and other information which describes the true facts about handguns.

This research, for example, would address such issues as: How many persons who steal automobiles carry guns when they steal? How many persons engaged in burglary, larceny, and drug trafficking are armed? Would these persons engage in this activity if they did not have guns? Do handguns really provide personal protection to individuals who carry them?

Some studies, I might add, parenthetically, Mr. Chairman, some studies indicate for example that a gun purchased to protect a family from intruders in one's home is six times more likely to be used to kill a family member or a friend.

The compilation and dissemination of this type of information is vital to the proponents of handgun control. The coordination of statewide projects with the national project will aid in providing basic tools for those of us who will lobby for handgun control legislation.

Point 2, I propose by 1978 to have strong new local handgun control laws on the books in every State.

Point No. 3, I propose the passage of strict Federal legislation effective not later than 1980 to control the vast black market in handguns and to regulate strictly the importation of handguns. It has been estimated there are 2 million illegal handguns in New York City alone at the present time, which means that they are not properly registered and are probably of a substandard variety and arrived in the city in direct violation of existing Federal and local laws.

I might add, however, that New York City compares more favorably on the statistics than does Atlanta. For example, studies have shown that in cities with local restrictions such as Los Angeles and Chicago, handgun homicides were much lower than cities such as Dallas, Phoenix, and Atlanta, which virtually have no restrictions. The number of handgun homicides decreases even more in cities with greater restrictions such as Philadelphia and New York.

You know, we often hear people say, "Well look at the Sullivan law in New York, it's obviously a fairy tale; look how many homicides they have." Mr. Chairman, per capita, Atlanta is in worse shape than New York City. At least New York has some local legislation.

My point here is, local legislation is not the most effective kind, but it is better than nothing.

Mr. CONYERS. Would you yield at that point, Mr. Mayor?

Mayor JACKSON. I would.

Mr. CONYERS. Isn't it fair to say that local legislation without supplementary State and Federal legislation is ultimately doomed to fail?

Mayor JACKSON. Mr. Chairman, I don't know that I am able to draw that conclusion entirely. I will tell you, however, which I think is, by and large, an affirmative answer to your question, that clearly

if we are serious about attacking the problem effectively, the most effective way to do it would be to have national handgun control legislation, which brings No. 1, uniformity to the Nation as a whole, and No. 2, another forum, a legal forum, for the enforcement of rights if locality and States fail to enforce these laws. I urge, therefore, vigorously urge, Federal legislation in this area. No matter what the States do, no matter what the cities do, but I also urge meanwhile that States and localities act in this area.

I might add at this point, if I may, and I am going to shorten my testimony with your permission; it is a matter of record now and I will leave it there for you, that I have tried through the Georgia Municipal Association for 2 consecutive years now to get the GMA to take a position on this issue. The GMA has many responsible people, many of them who have taken a chance—as they see it anyhow politically which I don't really see or agree is the case—but have taken a chance in this the southern area of our country, which along with the West is probably the most handgun, prohandgun, area of the country, and last year I took the position of asking GMA to support the position of the U.S. Conference of Mayors and the National Advisory Commission on Criminal Justice Standards and Goals, and in the past, the resolutions committee on which I serve, by a vote of 22 to 4, amazingly, and I am convinced there was an emotional reaction, because during that very debate, Mr. Chairman, we received information that a young police officer who had been assigned to my home security detail had left my house, after getting off duty, and stopped on his way home at a quick service foodstore, walked in the foodstore during a robbery in progress—although it was unknown to him—and the robber shot him in the face and killed him. Now this was 1974, GMA, at Jekyll Island. The resolutions committee getting this news reacted I think as any humans would react, and 22 to 4 they favored the resolution; but, the next day, Mr. Chairman, it was a different story. When the resolution hit the floor of the GMA, I understood what Custer felt like at the Little Big Horn. Now this year I was convinced that if we wanted to have anything to pass, I had to modulate my posture. I try to be a realist and while saying publicly that I still clung—and still do, in fact, cling—to my position, as I have outlined it here, I said "OK, let's go for something that might pass" and that would be, just a ban on the Saturday night special, and everybody came to me and said "I'll help you and cosponsor it." So, we put other names on the resolution, and even the mayor of College Park, the mayor presently, and the resolutions committee on which he and I served, said "Look, I want to substitute my bill for yours." I read it; I said "Are you going to back it" and he said "yes." I said, "OK, then I will even accept your version" of coying for the Georgia Municipal Association to act on this matter and to ban the Saturday night special only. The next day even he, the mayor presently, got up on the floor and fought against his own resolution.

Mr. CONYERS. Well, I am sorry to hear that politicians can be just as hypocritical in your area as they can in mine. It is very sad news.

Mayor JACKSON. Well, Mr. Chairman, the result of that was that

it didn't pass, obviously, and therefore, I emphasize the critical need for Federal legislation that will control this area that I think is so vital to the American way of life.

Now, my fourth and final point provides for passage, I hope, and for an effective date of the bill not later than—and this represents a change by the way in my written testimony—not later than January of 1980—not later than, but preferably before, of legislation along the lines of the recommendations of the National Advisory Commission.

Appointed by former President Nixon, Mr. Chairman, and I emphasize this point, one cannot claim the National Advisory Commission is a wild-eyed liberal organization; it has even been suggested by a few people I know in Washington that the Nixon administration was very much surprised by how far out on this point his Commission got and delayed the revelation of the results for some period of time, maybe a month or so; but here is a Commission of around 2,000 Americans representing the law enforcement establishment of this country, plus private citizens, appointed by the Nixon administration, Mr. Chairman, known to be, admitted to be, and proud at that time to be a Republican administration if that has any bearing; the Commission appointed by that administration, Mr. Chairman, has recommended: (a) The enactment of State legislation no later than January 1, 1983, prohibiting the private possession of handguns after that date; (b) the enactment of State legislation prohibiting the manufacture of handguns, handgun parts, and handgun ammunition within the State, except for the sale to law enforcement agencies or for military use; and (c) the enactment of State legislation prohibiting the sale of handguns, their parts and ammunition to other than law enforcement agencies or Federal or State Governments for military purposes; (d) the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns to be retained by private citizens as curios, museum pieces, or collector's items; and (e) the enactment of State legislation or other legislation, Federal preferably, providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal handguns—that was the recommendation of the National Advisory Commission.

On the last point, Mr. Chairman, namely the stop-and-frisk situation, I am not quite sure where I stand. I may have some reservations about that, but that was how far that Commission went—a conservative Republican-appointed commission on the issue of handgun control. America, Mr. Chairman, is ready now for Congress to act. America needs for Congress to act now. America is pleading with Congress to act now. This is Democratic and Republican and this is black and white, and I have even heard some people, by the way, on the question of the black, the black issue, I have heard some people say in the black community—very few luckily—that if you control handguns, this is what they say—then you know what is going to happen, it will mean the whites will still have their handguns and only the blacks will have their handguns controlled. Mr. Chairman, I suggest to you that that is poppycock—and I will spell that for the record if that is not clear.

Mr. Chairman, the fact is the black-on-black homicide rate is one of the worst disgraces we have in the country. I don't have time to go into all the reasons for it but will suffice it to say that this is not a racial thing. This matter affects all people, all Americans of any color, of every economic stratum, to different degrees sometimes, but all people and I, as a black man, and a black American, and as a mayor, of this city, plead with you in behalf of all Atlantans black or white to do something and please do it now. Thank you.

Mr. CONYERS. I am very deeply grateful for your statement and I think you have covered many of the major problems. It is important that we put the racial question in perspective and I commend you for your direct handling of this, Mayor Jackson.

There are those in the black community who feel that they are going to end up with the short end of the stick with the kind of perspective laws that might be being considered. But, I concur with your assessment that whatever amount of racism that exists in the criminal justice system is probably not going to be improved or diminished by the passage of laws relating to gun matters. I think the deeper question of racism in the criminal justice system is one that needs to be addressed——

Mayor JACKSON. I agree.

Mr. CONYERS [continuing]. More vigorously without consideration of this particular law and I am glad to gain your concurrence on that.

Mayor JACKSON. I agree fully.

Mr. CONYERS. The other ancillary problem in the black community, as I see it, and I would just like to have your view in this question as well, is that in reality the black community of an urban center is subject, in fact, to more criminal activity. The danger of residents being subject to burglaries, holdups, and other crimes of violence are increased. This, of course, requires all of us who are concerned with firearms regulation to realize that there is a legitimate reason implicit in their opposition to handgun control or firearms regulation. They need more and better police protection. Would that be a fair assessment to draw on this portion of our discussion?

Mayor JACKSON. That is entirely fair, Mr. Chairman, and to emphasize your comments just before that, obviously any law that is passed must be equitably, fairly, impartially, and nonracially enforced, it seems to me, and so we must not disregard the propensity in many sections of our Nation to discriminately and discriminatorily enforce certain laws. We must be, however, vigilant to make sure that doesn't happen in this case; but, that potential to be addressed as a separate problem does not mean that we should not pass this law. If that argument were carried to a logical conclusion, we shouldn't pass any law.

Now, Mr. Chairman, the most criminally victimized community in America is the black community. The chances of a black woman being raped if her income especially is under $10,000 per year are four times greater than if she were white. The chances that a black person will be robbed are five times greater than if he or she were white and it goes on and goes on and goes on.

We need this, we need it very badly and we must have more and better law enforcement in the black community, and in all communities, black and white, across this Nation, especially in the cities, especially where people are compacted, tempers run shorter, there is a tendency to interact more often; the tighter people are, the more we are compacted, the greater the potential therefore for interreacting and for violence maybe and so we have to have this in a Nation where 80 percent of the people live on 2 percent of the land.

Mr. CONYERS. I have heard people arguing in opposition to additional firearms regulations that what we need is to address ourselves instead to the social economic factors that produce these tensions in the urban community, the lack of equality of opportunity, slums, unemployment, poor health, delivery systems, and the like. How would you respond to that?

Mayor JACKSON. Oh, I think that is entirely true but the implication is misleading. The fact is we do need to address those factors, Mr. Chairman, economic oppression on any American is wrong. Black Americans are economically oppressed, so are many poor whites and therefore that is wrong, but while we address that, while we fight with all that we have for a fair shake for Americans, all Americans, including black Americans in housing, in employment, in the delivery of health services, and so forth. while we are doing that we must address the additional problem of the presence of handguns.

Now, it is my opinion that Mayor Evers knows what he is talking about on this issue. He is a mayor of a little town in Mississippi, 2,000 population approximately. He tells me that when he became mayor in 1969 and therefore also became the judge in his town, he imposed a complete ban of all handguns and he tells me that his crime rate dropped 82 percent in less than 2 years.

We can also look at the lesson in Tokyo, Mr. Chairman, where last year that city of 11 million people, compared to a half million people here in Atlanta inside of our boundaries, and therefore Tokyo a city 22 times the population of Atlanta had only about 7 crimes involving a handgun last year. Mr. Chairman, they used to have legalized handguns in Japan, and a nationwide law has locked those out. The laws do work.

Mr. CONYERS. Might I refer to the opinions of citizens in the South in terms of firearms registration. According to the Gallup Poll of June 5, 1975, nationally 67 percent of the persons interviewed favor firearm registration. In the South, 66 percent favored such registration, which suggests that the attitude on the subject of identifying records among citizens in the South is substantially not different from those anywhere else in the country, which I am very pleased to report to you.

Mayor JACKSON. And which we are very pleased to learn, Mr. Chairman.

Mr. CONYERS. On another related question, I think you are probably aware that in connection with a survey on the ban of handguns, 41 percent of the people interviewed nationally support a ban, 27 percent of those from the South supported a complete ban, which I

think still is a rather respectable percentage of people on this particular point.

Let me turn now to some reference you made about the projects of the U.S. Conference of Mayors. I happen to know, of course, of your activity there.

Could you describe what they've been doing in terms of this whole question of firearms regulation, the understanding of developing educational programs and their work, and how that might be used as a takeoff point for projected State handgun control projects of the sort as you described in your recommendations.

Mayor JACKSON. Certainly, Mr. Chairman, the U.S. Conference of Mayors has an official position which it has had since 1972, which tracks the position of the National Advisory Commission on Criminal Justice Standards and Goals with one exception, and that is an exception; that position of the U.S. Conference of Mayors says we favor a ban on the sale, the manufacture, and the possession of all handguns, except insofar as are involved military personnel, law enforcement personnel and—that's really disconcerting [referring to offside live action TV broadcast]—military, law enforcement, and sporting clubs.

Mr. Chairman, the sporting clubs exception is one which I have never accorded by the way, but I can tell you that it is, I think as defined by Delegate Walter Fauntroy, is sufficiently controlled.

Now, that position is not shared by the National League of Citizens. The U.S. Conference of Mayors represents cities of 30,000 population and over. NLC represents cities almost of any size and maybe 5,000, maybe that's the limitation, and there are about 15,000 cities participating in NLC.

Now I had the occasion to serve as life chairman of the Public Safety Committee of NLC last year. The chairman was the mayor of Columbus, Ohio. We were not able to bring forward as strong a position as I wanted but NLC had no position at all on this issue and it fought attempts to have one.

I went to fight even on the floor to get some position. The backup—backup position we finally got was in favor of registration of handguns, which means therefore that even the NLC, a more conservative organization than USCM, it is thought, has taken a position in favor of registration of handguns. That's a minimal step.

Now, USCM through its Criminal and Social Justice Committee, which I have had the pleasure of chairing, continues its very strong position in favor of a ban of sale, manufacture, and possession of all handguns except for military, for law enforcement, and for sporting clubs, whatever the last thing means.

That position is lobbied now by the USCM and it is the opinion of USCM, as I understand it, and I cannot, of course, speak for the U.S. Conference of Mayors, but my interpretation of this is that step 1 is to educate the public. We can't wait until everybody gets educated before we move on the issue, so let it be a concurrent activity. The handgun control project of the USCM seeks to do that. The first national workshop on the control of handguns was held in Los Angeles within the past 2 or 3 months. That workshop

was a tremendous success, Mr. Chairman, a tremendous success in my opinion.

The National Rifle Association was invited to appear and participate—it did, and I served on a panel where I took one side of the issue and the NRA took the other side, and I am pleased to report that I think we won, although no votes were taken; but, I can tell you that the USCM will continue to lobby its position insofar as I know it, because its job is to lobby in favor of the positions that the conference has taken.

That handgun control project has the effect of coordinating nationally for the mayors, who represent 80 percent of the people in this country, information that is critically important to you and to all Members of Congress as you reach your decisions on this issue.

On a State level, more action by the States can better help us to implement any laws that Congress will pass as well as encourage States to do the very same thing.

One peculiarity here—I would like to report one peculiarity here, we would like to act in Atlanta I believe and did so on a Saturday night special measure that was introduced about 2 or 3 years ago. However, the supreme court of Georgia now says the State has pre-empted this area and therefore we cannot even act in the area of handgun legislation, which means that we cannot act and the State of Georgia won't act, and that is a heck of a position for us to be in, so I am asking Congress please do act.

Mr. CONYERS. That is an interesting dilemma. It is certainly different from most States that I've examinated on this problem. I wouldn't want to recommend that the city of Atlanta challenge the decision of the august body of the supreme court of Georgia but I am sure you have examined the legal and constitutional ramifications of that question.

What about the Law Enforcement Assistance Administration? Have they been able to fund any State or local projects that deal with gun control education or other questions of this nature and would it be appropriate that they do so?

Mayor JACKSON. Mr. Chairman, on the first question: "Have they been able to fund these organizations," that might be in favor of handgun control or official governmental organizations that can disseminate information out, facts about, data about handguns; I can only plead ignorance, I am not aware this has happened. It may have happened. If it has not happened, it ought to happen. It ought to happen. I think LEAA should take a very firm position in favor of funding official agencies and maybe through official agencies to other citizen organizations which I advocate, or maybe even direct the citizen organizations, which would have to be considered, projects which would seek to educate the people on the question of handguns —what they do, how they affect our society, and so forth. If LEAA is not doing that, then I think LEAA is dropping the ball.

Mr. CONYERS. The question might be to what extent they are doing it? I am sure somewhere along the line out of almost a billion dollars, that there may be some funds going toward it but I think it is probably on a very small scale, a very small level.

Could I finally conclude with a question that has repeatedly come up in connection with these hearings and that is the emphasis on focusing our efforts upon the criminal who uses a handgun in the perpetuation of a crime. Do you have any evidence, or has there been any research conducted in your city or State, relative to the effectiveness of mandatory sentencing for those who have used a handgun in the commission of a felony?

Mayor JACKSON. Mr. Chairman, the answer to that question I think is no. To my knowledge, that kind of research has not gone on in the State. If it has gone on, I just don't know about it. I suspect that it has not gone on, but I do believe the handgun control project of the U.S. Conference of Mayors is involved in researching whether or not there is a nexus between a reduction in crime, handgun related violent crime and, on the other hand, mandatory minimum sentencing.

I would like to give you my personal opinion, however. The Wayne County prosecuting attorney testified here before a hearing we had on the control of handguns, sponsored by this region of the National Conference of Democratic Mayors, on which I serve as regional coordinator for nine Southern States. I don't recall his name now, and he said among other things, one of the things I agreed with, although we disagreed on many other points, was that——

Mr. CONYERS. Mr. Cahalan.

Mayor JACKSON. That's right—Cahalan—was that it is not always the severity of a crime but it is very often the certainty of the punishment. Not often the severity of the punishment, but very often the certainty of it with which I agree, especially under the present circumstance in this country. Those circumstances show the vast majority of people who are indicted for crimes don't get convicted, are not punished for crimes.

Now we are watching with a great deal of interest the Commonwealth of Massachusetts with its 1-year minimum mandatory sentence for violating the handgun control law in that State. I suspect it is going to have a tremendously favorable impact from the point of view of discouraging the use of handguns if you know that if you get convicted, not only for a crime involving a handgun but for violating the law which prohibits maybe handguns under certain situations, you will—emphasis on the word "will"—spend a year in jail and as they advertise on television in Massachusetts "and no one can get you out." Now, I don't know whether this is a liberal or conservative or moderate position, in fact, I don't give a hoot, but I'll tell you this, Mr. Chairman, if minimum mandatory sentences will work, especially in this area, I am for it. Point No. 2 though, we look at the crime level and as important as that is, there is the other problem, 80 percent of the homicides are not committed in the course of a crime, otherwise being prosecuted and are not between strangers but are among relatives and friends in somebody's home in the heat of passion. If we attach those two problems, I think we will have a handle on it. The crime rate, of course, is a major concern. It is of great concern as well that we find a way to stop the rampaging homicide among friends and neighbors in this country and the control of

handguns, I suggest to you, will do that in large measure, if not entirely.

Mr. CONYERS. Well, I am very impressed with your knowledge and your dedication to the subject and I, with some reluctance, close the questioning.

I know, however, that not only within your city and State, but across the Nation, you have been signal in your unrelenting efforts to first of all bring a fair, unemotional understanding of a subject that is emotional by its nature. I think the entire country is indebted to the very distiguished mayor of Atlanta who has honored us with his testimony before the subcommittee today.

Mayor JACKSON. Thank you, Congressman. Let me in behalf of the people of Atlanta commend you for your leadership on this issue in the Congress. There are many who have had faint hearts on this issue because of what they perceive attitudes politically to be. There are many people who fear the electorate if they take a position, and persons in elected positions are officials—the fact that you have stood up for this Nation on this issue on a matter which I think is going to go down in the history books as one of the most important movements in Congress, the social issue has that magnitude. Your leadership has that foresight, and I want to thank channel 30, WETV, for giving us a chance to let other people know about this, but I commend you, Congresman John Conyers, for being a leader on as historical an issue and as profound an issue as this. This is not the first time you have done it, but on this issue, believe me, all of us are proud of what you are doing and back you all the way.

Mr. CONYERS. Thank you very much. It's an idea whose time has come. I think that more and more Members of the Congress, Mr. Mayor, are realizing that their political life doesn't hang in the balance as many have analyzed. As a matter of fact, some of my colleagues have examined what were held up as horrible political examples of what happened to people in elective office who favored strict controls. And, you know, they have begun to realize that some candidates might have lost their election for reasons that had nothing whatever to do with the position they took on this subject. I think you are right, quite correct.

Mayor JACKSON. I hear that out of 24 or thereabout Congressmen that took strong positions in favor of the control of handguns, about 22 were reelected. I can't verify those figures but I hope that is correct.

Mr. CONYERS. Thank you, Mayor Jackson and thank you, Mrs. Morris, for joining us.

The next witnesses will be representatives from the State of Georgia Legislature, Hon. Robert Bell, the distinguished senator; and also Hon. Billy McKinney, from the house of representatives from the State of Georgia.

Welcome, legislators. We are delighted you could join us today. We have prepared statements from both of you which indicates your deep concern about this matter.

What I propose to do is to reprint your statements in the record at this point. That will free you to make whatever comments you wish over and above the statements already in hand.

[The prepared statement of Hon. Robert H. Bell follows:]

BIOGRAPHY OF SENATOR ROBERT H. BELL, 5TH DISTRICT—DE KALB COUNTY, GA.

Personal: Born De Kalb County; educated in De Kalb County and Atlanta public school system; attended Erskine College, due West, South Carolina; graduated Georgia State University, 1965. Holds B.B.A. degree in Marketing.

Family: Married with two daughters.

Business background: Manufacturer's Representative, President, R. H. Bell & Company; Vice President, Wing-Bell Corporation.

Veteran: 2 years U.S. Army with overseas duty. Discharged as Platoon Sergeant, Infantry.

Civic activities: Senator Bell has been an active citizen in his community having served as an officer or member in various community and civic clubs: North Druid Woods Civic Association; Henderson Mill Civic Club; Henderson Mill P.T.A.; Atlanta Junior Chamber of Commerce; Atlanta Jaycees, Toastmasters Club.

Legislative history: Senator Bell is completing his second term in the Senate after having served two terms in the Georgia House of Representatives. His primary interest has been in tax reform, though he has recently gained attention as an advocate of no-nonsense law enforcement.

In 1974 Senator Bell served as chairman of the Urban Area Law Enforcement Study Committee. His committee held hearings all over the state and was successful in seeing many of its recommendations enacted into law in the 1975 session.

Senator Bell serves as chairman of the Subcommittee on Law Enforcement of the Senate Judiciary Committee. He also serves on the following Senate Committees: County and Urban Affairs; Higher Education.

STATEMENT OF ROBERT H. BELL, STATE SENATOR, GEORGIA

Mr. Chairman and distinguished members of the House Subcommittee on Crime.

My name is Robert H. Bell. I am a State Senator, for the 5th District of Georgia, and I reside in De Kalb County, a suburb of Atlanta. In the Senate, one of my responsibilities is serving as Chairman of the Judiciary Committee's Sub Committee on Law Enforcement. Since the control and reduction of crime is of major interest to our Committee, we commend you for your concern, and welcome you to Georgia.

To understand the dimensions of crime in our state, one has only to look at the daily newspapers. Murder has become so common-place in this city, that it only receives a passing mention in the press. Rape has become so widespread that it is either embarrassing or boring to the media, for they only give it minor attention. Armed robbery, robbery, burglary and theft are so rampant that we have ceased talking about an absolute reduction in them—now we talk about just reducing the *percentage of growth.*

Stated simply Mr. Chairman, if the fight against crime can be characterized in military terms, then the Government side is losing the war. Unfortunately, both the criminal element in our society, as well as our law abiding citizens are aware of these defeats. The criminal is emboldened to commit more crimes. The law abiding citizen is discouraged and often fearful. Testimony taken by my Committee last summer as we held hearings all over the state convinced me the public has lost confidence in the ability of Government to protect the private citizen from criminal attack.

It is within this context Mr. Chairman—an exploding crime rate and a loss of confidence—that I must view efforts at gun control legislation. Citizens of Georgia, all over this state, have told me they own weapons to protect themselves and their families, *in their own homes.* They, and I, view any effort which limits the freedom to possess guns as a limit upon their freedom to defend themselves. Thus, they see a paradox which makes no sense. The Government can not defend them, and is now moving to prevent them from defending themselves.

Aside from disarming the law abiding public, I see no other practical effect of gun control legislation. Certainly, I do not see how it will in any way disarm the criminal. We have laws on our books today sufficient to remove hand guns from the commission of crimes—*if those laws were honored, or sufficiently enforced.*

At this very moment, a criminal in Georgia, using a pistol in the commission of a crime, breaks three laws.

A. He breaks the law applicable to that particular crime itself.

B. He breaks the law that prohibits anyone in Georgia from carrying a pistol without a permit.

C. He breaks the law which prohibits anyone, other than a peace officer, from carrying a concealed weapon.

What miraculous penalties would be applied under a new law that will inhibit a criminal who has no fear of breaking these laws already? I am afraid Mr. Chairman that gun control legislation is a simplistic solution to a most complicated problem.

The root problem Mr. Chairman is Crime. And no one seems to know, really know, what makes a person resort to crime. All we seem to know is there exists a large, and growing, element in our society that operates on the theory "what is yours is mine, if I can take it". That theory is not limited to any section of our Nation, nor any ethnic or economic group in our society. Nothing is safe unless it is nailed down or under constant surveillance. That applies to a sack lunch in the schools of the wealthiest neighborhoods, the pittance of cash in the poorest ghetto home, or the merchandise on any retailers counter.

What is needed to combat crime is a massive, united effort, by all the responsible elements of our society.

In the misuse of hand guns, I suggest this Committee explore the possibility of encouraging a stricter enforcement of our present laws. This is especially true of those laws which prohibit the carrying of concealed weapons, and the carrying of a pistol without a permit. If these laws were strictly enforced, two purposes would be accomplished.

1. It would reduce the incidence of crime where pistols are used, because the law breaker himself would be the one who is apprehended.

2. It would leave unmolested the rights of private citizens who own and use their weapons in a lawful manner; and most particularly those citizens who own weapons for the protection of their families, their lives, and their property.

Mr. Chairman, as a private citizen and as a State Senator, I commend you and your committee for your interest in reducing crime in our Nation, while at the same time protecting the rights of all our citizens. I wish you well in your endeavor and appreciate the opportunity to appear before you.

TESTIMONY OF ROBERT H. BELL, SENATOR, GEORGIA LEGISLATURE

Mr. CONYERS. Would you like to proceed first, Senator Bell?

Mr. BELL. Mr. Chairman, would it be all right to read my statement because I think it clearly——

Mr. CONYERS. Absolutely.

Mr. BELL [continuing]. States my position.

Mr. Chairman, my name is Robert H. Bell. I am a State Senator, for the 5th District of Georgia, and I reside in De Kalb County, a suburb of Atlanta. In the Senate, one of my responsibilities is serving as Chairman of the Judiciary Committee's Subcommittee on Law Enforcement. Since the control and reduction of crime is of major interest to our committee, we commend you for your concern, and welcome you to Georgia.

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Stated simply, Mr. Chairman, if the fight against crime can be characterized in military terms, then the Government side is losing the war. Unfortunately, both the criminal element in our society, as well as our law-abiding citizens are aware of these defeats. The criminal is emboldened to commit more crimes. The law-abiding citizen is discouraged and often fearful. Testimony taken by my committee last summer, as we held hearings all over the State, convinced me the public has lost confidence in the ability of Government to protect the private citizen from criminal attack.

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most particularly those citizens who own weapons for the protection of their families, their lives, and their property.

Mr. Chairman, as a private citizen and as a State Senator, I commend you and your committee for your interest in reducing crime in our Nation, while at the same time protecting the rights of all our citizens. I wish you well in your endeavors and appreciate the opportunity to appear before you.

Mr. CONYERS. Thank you very much, Senator Bell. I am going to have a question or two for you but first let's hear from State Representative, Billy McKinney. Welcome.

[The prepared statement of Hon. J. E. "Billy" McKinney follows:]

STATEMENT OF J. E. "BILLY" MCKINNEY—REPRESENTATIVE, DISTRICT 35
BEFORE COMMITTEE ON THE JUDICIARY

I come before this Committee with 26 years experience in the criminal justice field, having been a policeman for 21 years and a strong political law and order advocate. My position on the issue of gun control is that we have a total breakdown in the criminal justice system. Law enforcement is not capable of protecting the innocent citizen, who is plagued with massive burglaries, robberies, muggings, rapes and assaults. Massive amounts of money have been spent by citizens in trying to protect themselves, but to no avail. The clear-up rate of the above crimes is 20%, which indicates that 80% never enter the criminal justice system. That is a clear indication that crime does indeed pay, and pays handsomely. Of that 15 or 20% that is supposedly brought before the bar of justice, only a very small percentage finally end up paying for his crime against society. Statistics compiled by the Metro Atlanta Crime Commission of which I am a trustee, confirm this fact. Of 2,000 gun cases in Fulton County 610 were bound over to a higher court, the final prosecution of those cases will be minimal. Supreme Court decisions, in trying to protect the rights of criminals, have swung the pendulum totally to the left leaving the citizens without protection. We have laws adequate to deal with the use of guns in the Commission of crimes. If every segment of the criminal justice system were dedicated to prosecute to the fullest extent of the law these persons accused of violent crimes against society, the crime scenario would be greatly altered. If every person knew, *absolutely*, that when he left home with a gun, illegally, when and if he is caught he would be punished, he would be deterred. We are constantly experimenting with new innovations to rehabilitate and to divert criminals from the fact that when you violate the person or property of your fellow man, society will punitively punish you. This is an established fact of life throughout the world except in America. And no country but this country could survive with rampant crime as it is and it is a question if we can survive under such strain. We are being destroyed from within. LEAA dollars should be spent monitoring the courts, the D.A.'s and the Police in order to bring the criminal justice system back to reality. It should be crystal clear to every American, "When you use a gun in the Commission of a crime you will be dealt with in a very special and positive manner. You will be punished for your crime."

To force the millions of citizens who own guns to pay a tax to register and license their guns in an attempt to reduce crime is a joke. It is a misconception to think that to force the millions of law-abiding citizens to the inconvenience of registration will have an impact on crime when those persons will never commit a crime anyway. The 1/10th of 1% who are crime prone will never be deterred by gun control when there is no prosecution for commission of violent crimes.

I can see no harm in a waiting period, in fact, if the purpose is to investigate the applicant, I would approve it. Granted, there should be restrictions on the cheaper "Saturday nite specials" from the Federal government level. We should tighten up the licensing laws to be sure only qualified persons carry guns legally.

I am opposed to total gun control under the misguided conception that it will reduce crime. It will not. It will amount to just another bureaucratic tax on the already over burdened citizen.

TESTIMONY OF HON. J. E. "BILLY" McKINNEY, A REPRESENTATIVE IN THE GEORGIA LEGISLATURE

Mr. McKINNEY. Thank you, Congressman. I am glad that you would hear the other side, and not that the mayor speaks for all black people in Atlanta.

As a part of that body that refuses to act on handgun legislation, I come before this committee with 26 years experience in the criminal justice field. I was a policeman for 21 years, all of my adult life.

My position on the issue of handgun control is that we have a total breakdown in the criminal justice system. Law enforcement is not capable of protecting the innocent citizen, who is plagued with massive burglaries, robberies, muggings, rapes, and assaults. Massive amounts of money have been spent by citizens in trying to protect themselves, but to no avail.

The clear-up rate of the above crimes is 20 percent, that is from statistics supplied by the police, which indicate that 80 percent never enter the criminal justice system. That is a clear indication that crime does indeed pay, and it pays handsomely. Of that 15 or 20 percent that is supposedly brought before the bar of justice, only a very small percentage finally end up paying for their crimes against society.

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If every person knew absolutely that when he left home with a gun, illegally, and when and if he is caught he would be punished, he would indeed be deterred.

We are constantly experimenting with new innovations to rehabilitate and to divert criminals from the fact that when you violate the person or property of your fellowman, society will punitively punish you. This is an established fact of life throughout the world except in America; and no country but this country could survive with rampant crime as it is, and it is a question in my mind, if we can survive under such strain. We are being destroyed from within.

A little while ago, you asked about LEAA dollars and I think they should be spent monitoring the courts, the district attorneys, the police, in order to bring the criminal justice system back to reality. It should be crystal clear to every American. "When you use a gun in the commission of a crime, you will be dealt with in a very special and positive manner. You will be punished for your crime."

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law-abiding citizens to the inconvenience of registration will have an impact on crime when those persons will never commit a crime anyway. The one-tenth of 1 percent who are crime prone will never be deterred by gun control when there is no prosecution for commission of violent crimes.

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I am opposed to total gun control under the misguided conception that it will reduce crime. It will not. It will amount to just another bureaucratic tax on the already overburdened citizen.

That is my statement. I can understand that as a black Representative you would be concerned about this crime that is pervading the black community. I am also concerned about it. I am concerned that so many criminals never receive any type of justice and once they enter the criminal justice system, there is a total breakdown. There is no way that the police department can protect the citizen, they are not doing it now.

I can remember in Atlanta when there was great concern if 50 people were killed in a year. Now it is 250, 260, 270, and climbing to 300 or 400. Just about all types of innovations have been tried; none of them have worked. I think we need to swing the pendulum back so that when I leave home with my gun, and if the police stop me, I will understand that I will be sent to jail for carrying a gun without a license, using a gun in the perpetration of a crime.

The mayor cited the instance in Japan, in Tokyo, a city much larger than this, a city as large as New York or larger, that there was seven crimes. I think the fact was not that they didn't have, that they don't have guns in Japan, it is the fact that if they use a gun they will be punished. It is a cultural thing. People in Japan grow up understanding that they must obey the law and when they get away from obeying the law, they understand that they will be punished and I think that is where America has to go back to.

Mr. CONYERS. Well, gentlemen, you have added an important dimension to the problem, and I think our discussion should turn around what kind of regulations do we have in mind?

As you have suggested, Representative McKinney, there may be kinds of controls that you would approve of, for example, a waiting period which is cooling-off period and investigative interlude. I think you can see that a tightening of the license requirement might be of some help in weeding out people who clearly should not be permitted to carry weapons. I completely agree with you.

Let me ask you about several other areas in which we might reach some modest accord.

What about the numbers of licensed gun dealers there are, not just in your city or State, but nationally. For $10 anybody can send for a license to Washington to become a gun dealer, to retail and wholesale guns of all kinds.

Would you have any strenuous objection to the Federal Government examining much more carefully than it has those numbers of

people who receive licenses to make sure that they are operating properly within the Federal law and that they are conducting their business in accordance with the prescribed Federal regulations?

Mr. McKinney. I wouldn't have any concern at all. I feel that that would be one of the controls that I could support. If automobile dealers have certain requirements, I can't see why gun dealers shouldn't have certain minimum requirements also.

Mr. Conyers. Do you know as a law enforcement officer and Senator, that pawnbrokers who sell guns—frequently used guns—that a large percentage of them seem to turn up in police confiscation of guns that were used in the commission of crime?

We happen to have evidence which suggests that that is the case and so the committee is also examining the question of some kinds of restrictions on the ability of pawnbrokers to deal in guns. They seem to be a channel and source for many of the guns that are used in criminal activities.

Do you have a view on that, sir?

Mr. Bell. I was not aware of it but I am not surprised that the pawnbrokers are sources of easy access to weapons. I think that, from my viewpoint at least, we must start out with a philosophy and I am sure you have, and I have, and I see nothing in the whole area of gun control, the reduction of access to guns, that cannot be founded in some way on strict law enforcement. Whatever your committee proposed or whatever we propose in the general assembly, whatever Congress passes, it has got to be backed some way with strong law enforcement, and, as I view the laws that are on the books today, the reason that we are having so many crimes committed with guns as far as I can tell is that the law enforcement area has broken down.

Now, I am not blaming the police. Much of that has to do with the courts that have not allowed the prosecution and the sentencing of people who break the law. We already have laws on the books and I think you alluded to that earlier when you were talking with the mayor.

I would like to see somebody explore or try, as Massachusetts has done, as you were telling us before, this strong law enforcement. Some day when we control crime in this Nation, and I don't know when it is going to be, but one of the elements of that controlling factor is going to be the surety of a penitentiary sentence for those people who break the law.

Mr. Conyers. On that question, the certainty of punishment as opposed to the severity of the sentence—the discussion we originally initiated with the mayor—you know we sometimes leave out the fact that only a small proportion of the violators are ever apprehended in the first instance.

Mr. McKinney. I didn't leave that out.

Mr. Conyers. Which may in some way impact upon the certainty of the punishment. If you don't get caught, there isn't any certainty of punishment to begin with, and I've had various law enforcement officials—guesstimate that from 3 to 10 times as many people—that from 3 to 10 times as many violations occur as are ever resolved.

How would you respond to that observation?

Mr. McKinney. Well, that is the observation I made. Eighty percent never come into the criminal justice system, but then those that come in, there is no swift, insured punishment for them and nobody leaves home with the understanding that if I violate another person's rights, that I will be punished. We've done away with punishment.

In the general assembly this year, we had proposed legislation to give the criminal when he, upon his release from jail, $500 of taxpayer's money so that he wouldn't enter the streets again without any money and go back into the criminal justice system. So, they would take $500 and give to an ex-criminal, but they wouldn't make that loan available to just a citizen who does not violate the law.

We have tried everything in the world. Everything that is conceivable to try to deter people from violating the law, from violating other people's rights, other than mandatory punishment. If I knew if I carried this gun and they caught me I was going to go to jail for a year, for 2 years, or if I slapped him upside the head with a gun, I'd get 5 years; then I would refrain from slapping him upside the head. Nobody wants to go away.

Mr. Conyers. Well, how do you know that though?

Mr. McKinney. There was a time when it wasn't as rampant as it is now.

Mr. Conyers. Well, I agree with you but still I suggest that I have not seen studies that indicate that mandatory sentencing has worked, especially when I am aware of this little flaw in the logic that is presented in support of mandatory sentencing which indicates that from, up from 3 to 10 times as many people that violate the law don't get caught——

Mr. McKinney. Right.

Mr. Conyers. [continuing]. In the first place, so the person that goes out on the street intending to commit a criminal act, even if there is a mandatory sentence, may realize that his chances may be 1 out of 3 to 1 out of 10 that he will be even apprehended to get the mandatory sentence. I have a problem with perceiving that a mandatory sentence is going to deter when the law enforcement process, without laying this entirely upon them, is not able to pick up everybody. A person is playing the odds, even under a mandatory sentence.

Mr. McKinney. You are right there, but likewise, you haven't seen this slapping of the hands work either. It is not working because the statistics go higher and higher and the disregard for the law enforcement process becomes more callous every day, and it has reached a point now where nobody cares about the criminal justice system.

Mr. Bell. Mr. Chairman, I don't know the statistics, isn't it some 200 million guns, weapons, in the hands of the American public today?

Mr. Conyers. That's correct.

Mr. Bell. All right, now, as I said awhile ago, I think from my standpoint, I operate on philosophy of it we start out with the knowledge that there are 200 million guns or more in the hands of the American public, and we start trying to limit the availability of

guns—we already have 200 million out there—so we are either going to have to do one or two things as I see it, and this is a rather simple, simplistic approach I realize it, but when I—I come back to these very basics every time we start talking about this, and that is we are either going to have to disarm the American public. Strip them of all of the weapons they have in their homes or that they have possession of, or we are going to have to pass strong laws and say if you break these laws, you are going to be punished.

Now, anything that we talk about has to come under one of headings as I see it.

Mr. CONYERS. Well, let me ask you this. Do you support the philosophy that it would be healthy in this Nation to reduce this avalanche of guns being added at the rate of maybe 2 or 3 million weapons per year to the 200 million that are already accumulated?

Mr. BELL. I can answer that and I will have to answer it in two ways.

Mr. CONYERS. All right.

Mr. BELL. In the very short range, it might be supportive of the efforts to control crime. In the long range—and I as a legislator at the State level and you as a legislator on the national level—I think have a right unique responsibility in the relationship of Government to people. We are the people. We, the legislators, are the people. The Government is the executive branch as far as I am concerned. It is up to us to be passing laws and to be operating within a philosophy that protects the rights of our citizens—in the long run, protects the rights of our citizens, and if we move to do the things that we are talking about initially they may be toward licensing. Eventually you are going to have to strip the Nation of its weapons, and I think in the long run that would be very detrimental to the rights of our citizens.

Mr. CONYERS. Well, couldn't we—instead of strip the citizens of their guns—couldn't we adopt a philosophy that would lead toward the reduction rather than the market annual increase in guns?

I mean that if nothing is done, and I don't suggest that you are advocating that, within a projected number of years, we will not have 200 million guns, we will have 400 million.

I can also see and predict to you a date on those calculations in which we will have 100 million guns or 5 guns per person, every man, woman, and child.

Don't you foresee an ultimate chaos somewhere along the line?

Mr. BELL. I don't see the availability of a weapon causing anyone to commit a crime.

Mr. CONYERS. Do you have any——

Mr. BELL. I see this though. I see this though, Mr. Chairman, and that is I think you'll admit, at least the citizens have admitted to me, the Government is incapable of protecting that citizen in his own home and many of these weapons that are being bought are not being bought for the committing of a crime, they are being bought to protect themselves, those citizens in their own home and this is the paradox to which I alluded in my statement.

The Government can't protect the citizens and now they are moving to disarm the citizens and what are we doing about the person

who has the gun right now who is not going to give it up, breaks three laws in the commission of his crime, he is not going to be inhibited by a fourth law.

Mr. CONYERS. I think you are confusing a couple of points here. First of all, I want to talk with you about whether we have a responsibility as national and State legislators to look at the increasing number of handguns in particular, all guns in general, that are saturating our nation.

Are you suggesting that if we go from 200 million to 400 million to 800 million handguns that that has no bearing on the quality of our society, and what that is going to mean in terms of safety in the United States?

Mr. BELL. I am suggesting that if we have X number and I don't know what the figures would be.

Mr. CONYERS. Well, you suggested 200 million and I agreed with you.

Mr. BELL. I am talking about as it multiplies, as our population increases and as our gun population increases, if those numbers increase within the law strictly enforced where it is against the law for anyone to carry a concealed weapon—nobody within the State of Georgia except a police officer can carry a concealed weapon, that is a gun as well as a knife and anything else, it is against the law right now. It is against the law for anyone to have a pistol without a permit.

Now within those two restraints, I am not concerned about the availability of guns and the number that are out there.

It is the breaking of those two laws that worry me, and it is the strong enforcement of those two laws as I see it that will take the guns out of the hands of the criminal.

Mr. CONYERS. Well, Representative McKinney, let me ask you this question—will more guns make the black community safer in Atlanta?

Mr. MCKINNEY. No, I don't think guns will make it more—no, definitely not. I'm not advocating everybody arm themselves. I don't advocate that at all and it would be asinine for me to say that more guns would make us safe.

I am merely saying that the criminal justice system has broken down. The availability of guns don't make any difference in the lifestyle of people. It is the human being that shoots that gun.

I had a case just the other day where—and this is one of the things which the Senator is talking about—where a woman shot her boyfriend and he decided that he did not want to prosecute her, but she had shot him which was a felony, to shoot a man, whether you want to prosecute, whether the victim wants to prosecute or not, she had committed a felony when she had shot him with a gun and seriously wounded him. He says, "Well, I won't prosecute her, she just did it under the heat of passion." She had violated another law that the solicitor, that the District Attorney has the discretion to prosecute her under, and that is the use of a gun in the commission of a crime, a felony. The felony was that she shot him, so then whether he wants to prosecute her or not that is not within his—I mean that's the third law, it's out of his control and within the control of

the district attorney, and the district attorney refuses to say, well, you have violated the law, I am going to prosecute you for the use of a gun in the commission of a felony. She never left home because her husband, I mean the boyfriend says I don't want to prosecute her, and she wasn't prosecuted.

I think it's dereliction on the part of the district attorney when he allows the third law not to be prosecuted.

Mr. CONYERS. Well, I think you raise some important points about the breakdown of police effectiveness, about questions of how the prosecutor elects to bring charges where gun offenses are involved, and about the way the judiciary operates upon the finding of guilt.

Now it seems to me that all of those questions, particularly the ones that you raised in your presentation, Senator, are State legislative problems.

What, if anything, can be done at a local level to help the police become more effective, you say there is a breakdown in the operations of the police.

Mr. MCKINNEY. I have individually attacked and maybe I was wrong, some of the judges. Nobody wants to attack the judge but you know the power that he has and once he gets you before him, well, he'll say that's Billy McKinney.

If LEAA would spend some of their funds monitoring the courts, monitoring the district attorney. Like I say, just this case last week is an instance of a prosecution that ought to take place.

Mr. CONYERS. After LEAA monitored them, what would happen then?

Mr. MCKINNEY. Well, if I know that——

Mr. CONYERS. I mean, you can pass a law——

Mr. MCKINNEY. Well, if I know that, the judge knows that he is under surveillance and we have had private, we have had the Atlanta Metropolitan Crime Commission, we have spent some of our money to monitor the courts to see that the courts were administering the law, so once this thing breaks down like it has now, then, you know, I don't have any confidence in it. The citizens don't have any confidence in it, that it is protecting them. Statistics that come from the police, that come from the courts, show that very few people and then once we are there, very concrete cases against people, use of a gun, rob a man, 2 years probation, never go to jail, for committing a robbery with a gun.

Mr. CONYERS. Of course these are ancillary questions, aren't they?

I think the question we have to raise in the context of Federal firearms legislation is whether or not increasing or reducing the avalanche of handguns that are available to the citizens of Atlanta is going to be helpful or harmful.

Mr. BELL. Mr. Chairman, if I may interrupt——

Mr. CONYERS. I was trying to conclude on a note, one which we could all agree.

Mr. BELL. Oh, well I was going to say one thing and I don't want you to lose sight, or anyone watching this program lose sight, of the great value of what you are doing here, because we are talking about a problem that the general public in our complex society, they are primarily concerned as they ought to be with their own family, with

their own communities, with their own lives and so they don't understand many times what causes the problem.

Now what you are doing here and what channel 30 is doing here, we are allowing the public to see all of the aspects of this problem. Now I have confidence the public will make the right decision, and that is what worries me many times about these approaches, with these simple—and I don't mean to say that yours is a simple approach—but the idea of some people that we should strip all the weapons out of the hands of the American public and do these other things, that would accomplish, that really would accomplish the reduction of crime; but I can design for you or anybody who is interested in listening, a government in which we will never have any crime, but I'll guarantee you I'll be on the first ship leaving this Nation when it gets to be that way.

Mr. CONYERS. Well, on the note that you struck about having more confidence in the public than perhaps in some of the elected officials, I want to hasten to add my note of concurrence. I must at this point call your colleague David Scott because, because of your ability to engage the Chair in some very interesting and challenging conversation, we have gone far beyond our time, and I really thank you both for your contribution.

Mr. BELL. We thank you and we apologize.

Mr. CONYERS. Thank you.

Mr. MCKINNEY. Thank you, Mr. Chairman.

Mr. CONYERS. I would like to call Representative David Scott for several minutes to continue this conversation and add whatever remarks that he might wish to add at this point.

Welcome.

[The prepared statement of Hon. David Scott follows:]

STATEMENT OF HON. DAVID SCOTT, GEORGIA HOUSE OF REPRESENTATIVES

Representative Conyers, thank you very much for this opportunity to testify before this distinguished Congressional Committee. This issue of gun control is of particular significance to me. I authored and introduced in the Georgia House of Representatives the Georgia Handgun Regulation Act—H.B. 249.

I would like to take this opportunity to state as strongly as I can that we must control the handgun! The bloody statistics tell us that we as a nation are at the point of the handgun controlling us! As a lawmaker from the deep South, Georgia Legislature, I make this compassionate plea to this Committee and every right thinking American: Please, let us allow reason and logic to prevail over the sickening violence resulting from a society fearfully overridden and pathetically mesmerized by the handgun!

What is our future? If we do not act now to curb the easy accessibility and availability of the handgun, where will be five years or ten or fifteen years from now? America, guns beget guns, and guns beget violence, and violence begets more violence. We must put an end to this sickening and tragically escalating cycle.

What is the handgun made for? It is the only instrument manufactured, distributed, and sold to the public for the *sole purpose of killing humans.* Are we to say it is sane, logical and reasonable to, in a highly urban society, allow for non-uniform regulations of this merchant of death?

My argument, America, is simple: We live in a society in which the highest priority is the preservation of life; the freedom to live! We have, through our ingenious efforts, developed an instrument that reflects man's greatest inhumanity to man: the handgun, the expressed purpose of which is to kill people. There is no other purpose. The least we can do is to see to it that persons who buy and/or possess the handgun meet minimum qualifications, such as age, mental competency, residency, no previous felony crime with a gun, not have killed anyone before. Is that asking too much for each of our

fifty states to insure? Is it not our first responsibility as government to do all we can to enhance the public's safety? In the name of God, we must love our fellow man enough to insist, if this deadly instrument must be tolerated in our society, that we take as much precaution as possible to protect the safety of our public! This can be done most effectively by licensing registration, a waiting period before purchase and by requiring each of the fifty states to administer such provisions through their departments of public safety.

Georgia, the state I serve in the House of Representatives, and South Carolina, the state of my birth, have the least requirements for gun purchases. Consequently, they also, annually, have the highest violent crime rates and lead the way in supplying the rest of this nation with handguns used in violent crimes. It was reported on a CBS Special recently that 38% of the handguns confiscated in violent crimes in New York Ctiy, during a six month period in 1973, came from South Carolina and Georgia. In no other two states can handguns be purchased so easily, quickly and in such great abundance. So, sadly, Georgia, a state I love dearly, contributed dramatically to the violent crime rates of New York, New Jersey, Chicago, Detroit, Baltimore, and the entire country because of our legislature's failure to act responsibly by enacting a meaningful handgun regulation law.

Many of our states such as New York, Michigan, Illinois, and Maryland, have acted responsibly and have gun laws. But it is difficult for these states to be effective when anyone can come down to Georgia and South Carolina and buy as many pistols, take them back to New York or Chicago, or Detroit, or elsewhere, and sell them for three or four times the $30 paid for each.

In a recent Harris survey it was revealed that 72% of the American people favor the enactment of effective gun control laws. In my own state of Georgia the demand for legislation runs extremely high. But, why no laws? Why are our elected officials reluctant to tackle this issue? Why?

Why in the face of what seems so logical and reasonable do we fail to get each state to regulate this deadly weapon; at least as it does cars, marriages, pharmacists, architects, dogs, etc.?—The answer: because, of the well disguised and influential money interests. The work of which is carried out, in a masterful way, by the tentacles and branches of the massive and powerful gun lobby; acting in Washington and at every level of legislative and executive state and local governments. A lobby whose power is second only to oil lobby.

This gun lobby's special interest must be exposed to the American people for what it is; a very tragic but effective, very deadly but powerful, group of combined industrial giants in the ammunitions and arms industries along with sportsmen clubs, hunting clubs, wholesale and retail gun and ammunition dealers and NRA members throughout the country who realize that if meaningful laws are enacted to stop making the handgun so easily accessible and available, *sales will go down!*

It is not important to these businessmen who thrive on the manufacture, distribution and sale of these death merchants, that; if the handgun was not in the house, the wife might be alive today, that; the neighbor who got in an argument with his friends would be alive, that; if the handgun was not so readily available to a violent crime, 70% of which, is enabled by the presence or possession of a handgun, might go down, No! These developments are of litte significance if it also means, correspondingly, *that handgun and ammunition sales would decrease also!*

We as responsible public officials must get the American people to understand that behind it all is big money. Most major anti-gun control groups are sponsored and encouraged, directly or indirectly, by these special interests. This is the worst example of how special interests is placed before the public interests. For there is no greater public interest or public need than life. In the name of human decency, we must control this menace to life!

As a public official from a deep south state, a region of the country known historically for the easiest access to guns and the highest violent crime rates, I plead to this Committee and to the nation: Please let us focus our greatest attention to this business of handguns. How much longer must we wait before our legislatures act? How many more American lives must be lost? Will we continue to allow public policy on handguns to be determined by the powerful money-hungry special interests of the ammunitions and arms industry, the NRA, the gun lobby? America—we must control this violent killer. It is about to control us!

RÉSUMÉ

Personal Background: Name: David Scott. Birthplace: Horry County, South Carolina. Birthdate: June 27, 1946. Marital Status: Married, Alfredia Aaron Scott, two children.

Educational Background: Secondary Education: Public schools of Scranton, Pennsylvania; Scarsdale, New York and Daytona Beach, Florida. Undergraduate Education: Florida A. & M. University, B.A. 1967. Graduate Education: Wharton School of Finance, University of Pennsylvania, M.B.A. 1969.

Professional Background: Management Intern for Secretary of Labor, United States Labor Department, Washington, D.C., 1967; Research Analyst for The Wharton Industrial Research Institute, University of Pennsylvania, 1968—69; Atlanta Director, R.M.C. Management Consultants, 1969—72; Management Consultant, Peat, Marwick, Mitchell and Co., 1972—73; Assistant, Intergovernmental Relations, Office of the Governor, State of Georgia, 1973—74; Georgia State Representative Elected to Office, November 1974.

Awards and Associations: Outstanding Young Personality of the South, 1970; Nominated White House Fellow, 1970; Member, Atlanta Chamber of Commerce; Member, Butler Street Y.M.C.A.

TESTIMONY OF HON. DAVID SCOTT, GEORGIA HOUSE OF REPRESENTATIVES

Mr. SCOTT. Thank you very much, Congressman Conyers, and I would like to join the chorus of those congratulating you and Congress and your committee and what you are doing here in Atlanta and throughout this country.

I think that there is some very, very important why's and questions that I think we need to examine and I think we need to clear the air of some very important considerations for the benefit of those who are watching and for the Nation. As you know, I have been sort of involved with this quite a bit in the past year and introduced a bill in the Georgia House of Representatives that has been labeled everything from a Communist plot on one side to not enough on the other side, but I think one of the most important things, and I think Senator Bell put his finger on it, that there is no law that we can pass, Lord knows the laws of the 10 Commandments were passed by a very, very proper and distinguished gentleman, and that has not stopped people from breaking them, that has not stopped killing and so forth.

But, the central question I think we have to raise, those of us who are elected by the public, is what is our responsibility on this entire issue of guns, and I think we need to ask the question, what is this instrument made for? What is it? It is the only instrument that man has ever made for the sole purpose of killing another human. That is the pistol, the handgun. I think the central question has to be to us, it is simply this—are we going to be in a position knowing this, this is what it's made for, and not make sure that people meet minimum qualifications before they can possess it and before they can buy it and before they can sell it, and before they can manufacture it.

We have the right to fly on an airplane. We certainly don't have the right to take a bomb with us and take anything with us and hijack that plane.

Now what happens when we put preventive measures. What happens when you have to get on an airplane and travel? You have to go through a screening device, and you in fact have to meet certain minimum qualifications before you can get on that plane and as a result of that, the confidence in the public that flying has improved and certainly highjacking has gone down.

Now certainly you are a good guy and you are not going to highjack a plane but you have got to go through that process just like the potential bad guy, so the central question here, Mr. Chairman, is (A) the gun is made to kill humans, that is the sole purpose; it is the chief enabler of crime, 80 percent of all violent crimes is enabled by the handgun. There are many causes, but what is the chief enabler? What causes this to happen? The handgun, and are we to sit idly by and say everybody get them.

In Georgia, all it requires is a driver's license. Are we in the Georgia Legislature being responsible to maintain the public safety by saying for this one instrument whose purpose it is to inflict destruction on humans, are we serving the public interest to say all you need is a driver's license, all you have to be is 21; you can get out of a mental, insane asylum here in Georgia, and in 2 minutes go anywhere and get a pistol, legally. In Georgia, we put a man in jail, fine him $5,000, for showing to consenting adults people making love; but if that same man were to sell a pistol to a 10-year-old, nothing happens to him.

Are we being responsible? I think the public needs to examine and I think the public needs to realize who is speaking for the people and who is speaking for the special financial interests. That needs to be exposed, because in the final analysis all we can do is pass a law. The public has to be the one to accept it. The public has to be the one to realize, to be educated, to stop and to think. Sure the American people want the right to bear arms, and I don't think we are talking about—I know we are not talking about taking away anybody's right to buy or to possess arms; but, in a sane and logical society, with the right to do anything comes the responsibility of regulation. That is what we are about. Put forth minimum qualifications.

How are we going to say it's a felony for a man to carry a gun without a license when we don't require the license?

How are we going to say that it is wrong for a man to have a criminal background and have a weapon, when we don't give the police an opportunity to check the man's background out?

What I have offered before the Georgia House of Representatives is simple, a licensing requirement so that we can do our job as legislators to make sure the man meets minimum qualifications, a waiting period, to aid our law enforcement people to check out a person's background and also to provide a cooling off period, for many of the people to go down on the spur of the moment, get a pistol and come back to harm somebody; and a massive education program conducted by each state department of public safety, to educate our people, to let them know that it is not the crook that is going to kill you, your next door neighbor will do it quicker. Your girl friend or your wife's boyfriend. People you know very well.

Homicide is the most easily solved crime, ask any police officer, because the perpetrator is still there, he is crying, he is upset, and people, if you go and you talk to people who kill somebody, you know, they really cannot comprehend what they have done and it is regrettable.

We can lock people away. People want strong punitive methods. If a man commits something that is wrong, punish him, but, Mr. Chairman, where are we going to put them? Already we have got five times overcrowded Georgia prisons.

Now, I think if we are in the position of trying to make a better society, a more nonviolent society, we have got to look at those things that enable violence to take place.

There is no way that we can rap it out, but certainly, Mr. Chairman, if we put forth the effort to put forth a meaningful, strengthened law, the major significant thing to do is to bring back some of that confidence in government that the people have lost.

People have lost confidence in their legislative bodies because of the overt, strong control of special interest on our legislators. They respond to money. They respond to lobbying. The people don't have the paid lobbyist and I like to think that we are their lobbyists, so that there is no secret that those who stand to make money off the sale of bullets and guns are diametrically opposed to my bill, the bill that hopefully will come out of Congress, because, yes, we will make sure, to the best of our possibilities, that a guy who has committed a crime cannot legally get a gun. Yes, we will make sure that a 14-year-old kid will not be able to go down to a pawnshop and trade in a $30 radio for a cheap pistol, because it will be against the law, it will not be left up to the pawnshop guy, the gun dealer, to determine qualifications as it is now. People will say yes we know it is against the law but it is up to the pawnshop guy. He is the one that says, "look, just fill out these forms." "All right, have you killed anybody before". "No, okay, fine", and so forth. He makes those decisions. The public needs to know that. When we get these cries about laws are already on the books, there is only one Georgia law dealing with the sale and possession of handguns in this State and that is you have got to be 21 years of age. That's it.

Now, I think we need to cut all this extra stuff and try to do something for the benefit of our people. Seven hundred and five Georgians lost their lives last year in homicides, and Mr. Chairman, 85 percent of them were killed by perfectly law abiding citizens. Perfectly law abiding citizens, who bought the guns for the purpose of perhaps protecting themselves, but wound up using it on another.

Now I think that that point needs to be brought clear that the gun that is purchased, that handgun is not a defensive weapon, it is false security, and that the public is better off without it, because he has to live with it 365 days out of the year waiting on that one moment, one moment in which he can get the jump on somebody that is coming in with his gun out.

Now that type of experience has to be shared with our people. We have this information. We are in the business. This is why they have elected us to office, is to respond to their interests.

Now when we look at the program—an interesting thing happened, I was down in Florida speaking on this subject, 2 weeks—2

days before I got there, there was a survey being conducted, postal cards, by good friends of the NRA and on that postcard was several questions and one question read, "If a burglar, a murderer, a rapist, a mugger broke into your house and threatened the lives of your family or your loved ones, do you think the Government ought to take away your right to defend yourself".

You know, I think that for any intelligent person that has just heard what I have said they should figure out that it is an insult to their intelligence what that type of survey is doing, and I am sure it is not commonplace in Florida or wherever we are trying to do this, but I think the American people in the next year, this coming year, if this movement and momentum develops, are going to be, going to have an avalanche of this type of approach.

We have got to have the responsibility to let the American people know that certainly the NRA, who have a direct financial vested interest, the gun manufacturers of this country who are making record business, and the munitions industry, and I think we also have to let them know about these little satellite groups, like they have the gun lobby here in the Georgia General Assembly, the Wildlife Federation, the preservation and conservation of wildlife, why are they opposed to handgun regulations? Why are they opposed to people meeting minimum qualifications to possess this? The public needs to know that a percentage of the excise tax in this State goes directly to their pocketbook, so naturally if we do something to cut the ease of accessibility and availability of handguns, it hurts them in their pocketbook, and I am not going to stand idly by and see our people being constantly brainwashed in this approach, and I think this brings about another thing, I think we are going to have to—the public is going to have to demand their political people to have some guts, to stand up, to be courageous and not talk about what is, but try to talk about what ought to be.

What kind of society do we want 5 years from now? Where are we headed? At the rate that we are arming each other, ourselves, and for us as public officials to acknowledge and to say that people are arming themselves because they have no faith in government, and to be in government, and not realize it's because of our inactions, the proliferation of handguns is what is scaring people.

You walk downtown in the streets of Atlanta or around in the suburbs of any place, people are not afraid of people, they are afraid of people with guns, and they are not concerned about whether or not that man is going to be put in the electric chair after they shoot him, kill the guy, he is not concened about that; what he is concerned about is, does this man have something on him that he can harm me and with 200 million guns at the rate we are going, the catastrophy, it is an epidemic and for those of us who have the public trust, the confidence, and the mandates of making public policy on guns, for us to sit idly by and to try to placate some financial vested interests for—while 700 Georgians are being killed, 14,000 to 15,000 Americans each year, and to say that we are going to placate the financial vested interests of gun lobbyists, that is ridiculous.

Now, I want to share with you some information that might not be new, but just to share with the American people and the people in Georgia, just to show how this whole vested interest works in politics; we all know about Crete, we all know about the committee to re-elect presidents, the fourth largest single contributor of over $400,000 was the number one gun manufacturer in this country, so no wonder there was no meaningful gun control legislation coming forth.

If by making it less easy, accessible, available, to save one American life, it is worth it, and it will save much more than that. This is an issue of major proportions.

I am a black elected official and like two of those who went before me, I am very concerned about the effect on the black people. I am concerned about that. More than anything else I am concerned about the preservation of our lives and I know that that gun is made for no other purpose, a handgun, except to shoot people and I know that emotions run high, I know the social economic conditions. A man is poor, he has got problems, but are we helping him by not telling him, you know, the gun isn't going to solve it.

I am very concerned about this, Mr. Chairman, and I would love to see Georgia not allow again the Federal Government come and do what the State ought to do. I have a kind of a different twist than the Mayor, because I am convinced that if each State would put forth uniformity in this area much the same as we put forth uniformity in folks meeting similar qualifications. If a guy is going to operate on you, you want to make sure that we have done our job and make sure that that doctor meets certain minimum qualifications. We give him something, some kind of a piece of paper. Even a C.P.A. so he can come and figure out your taxes, we make certain he meets minimum qualifications.

We, in government, do that. We fly airplanes, we do what we can to make sure the plane meets safety standards, and the pilot does the same.

None of these things are designed to destroy or to kill but we make people meet these minimum qualifications, to drive a car—and they are more or less uniform.

I am concerned about the enforcement and the administration and I would like to make this clear to all the right thinking people who are very much concerned about Federal Government intrusion on State's rights, that here is an opportunity for us to move responsibly. The Gallup Poll is absolutely right. The majority of the people want to see us do something about this proliferation of guns.

But, if we don't do it at the State level, you in the Federal Government are going to be forced to do it. Now, because it is right, because it is going to save lives.

I want to sum up what I am saying to this committee by asking you to do several things in the process of developing a very strong piece of legislation at the National level. It is very important for you to carry this message from the South that yes, we in Georgia, because of our failure to put meaningful regulations on handguns help contribute directly and indirectly to the violent crime rates of Michigan, of New York, of Philadelphia, of Baltimore, Chicago, and all of the other 20 States in this Union that have attempted to act

responsibly because they can come right down here to Georgia, get as many handguns as they want. Even an average vacationer on his way down to Florida can stop by the local service station, go in the hardware section, and get as many guns as he wants to. There is no waiting period. There is nothing but a driver's license required, filling out a form that the dealer fills out for you. It is catastrophic. I am trying to get something done in the Georgia Legislature. I am going to continue to do that because that is where the people elected me to office, and I will also try to do anything I can to get it at the National level, but I think that we need to examine the South as a main supplier of cheap handguns to other parts of this country and if we, in Georgia, cannot move to try to do something about this for the safety of Georgians, then America ought to rise up and demand that we do something for the safety of Georgia and other parts of the country.

I tried to deal with this issue as frankly and as truthfully as I possibly can because it is an issue of major significance and proportion.

I think that we are going to have to develop a program to deal with the special interest, it is there, America needs to know about it. Need to know about the gun manufacturers, the financial interest, they need to know about the influence on Capitol Hill and in every legislature across this country and they need to know about the tactics to expect, because in the final analysis it is the American people that have to live with what we are going to propose.

So, in closing, and I'll take any questions, I do want to emphasize to this congressional committee the hope that in the legislation that we can offer and propose the type of legislation that will require uniformity in each of the 50 States.

I think that because of so many handguns and the whole complexity of the problem, and as a State official, I am not one of those that is willing at this stage to shirk my responsibility and push it off to the Federal level as we have done in so many other profound and social issues.

I think that if we had moved at the State level in so many other issues, whose time had come, that civil rights for example, labor laws, child labor laws, this society is better off because of those types of things; but it is a funny thing that the emphasis and demand never did come from right inside the legislative body, it came from the masses of people on the outside that rose up and demanded it, and I would like to say this that I think that is what's going to happen here, because I have been in public office a relatively short while, but I'll tell you one thing, the influence of special financial money interests is astronomical and there are not enough of us with the backbone, the guts, to stand up and say, let's do what is in the public interest. What is in the public interest here is life, the pursuit of it, and for us to move toward a more nonviolent, peaceful type of society and that handguns certainly are not going to help us move in that direction.

Mr. CONYERS. Representative David Scott, your eloquence and your convictions, I think, speaks clearly and significantly for itself. I would restrain myself from even asking you questions because we would go even further beyond the time we originally allowed.

May I commend you for your statement as one of the finest that we have heard anywhere during the course of our hearings across the United States. I am sure your constituents say and feel, that as long as you are a member of the honorable body in which you serve, that the people of this State indeed do have a lobbyist representing them. Thank you very much for appearing.

Mr. SCOTT. Thank you.

[Applause.]

Mr. CONYERS. Our next witnesses are John L. Piper, Mr. Robert P. Lane and Mr. Durwood C. Russell. Mr. Piper is the Assistant Regional Director for Criminal Enforcement, Bureau of Alcohol, Tobacco, and Firearms, Department of Treasury; Mr. Lane is a special agent in charge in Atlanta, and Mr. Russell is in charge of the South Carolina Bureau of Alcohol, Tobacco, and Firearms in his position with the U.S. Department of the Treasury.

Welcome gentlemen.

We have before us a member here whom I am not able to identify.

Mr. PIPER. Mr. Flynn, with Regulatory, Bureau of Alcohol, Tobacco, and Firearms.

Mr. CONYER. All right. Chief of Field Operations, Regulatory Division.

Gentlemen, we have a statement from ATF which we will incorporate in the record. The staff has advised me that you have an exceptionally good prepared statement.

We are confronted with a time problem so I will ask you to summarize. As you move along, please keep in mind a question that is uppermost in this subcommittee's mind; what are you doing to interfere if not break up the so-called southern connection in the flow of handguns in particular into the northeastern region of these United States?

Welcome, and you may begin in your own way.

TESTIMONY OF JOHN L. PIPER, ASSISTANT REGIONAL DIRECTOR, CRIMINAL ENFORCEMENT, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, SOUTHEAST REGION; ACCOMPANIED BY DURWOOD G. RUSSELL, ACTING SPECIAL AGENT IN CHARGE, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, COLUMBIA, S.C., DISTRICT OFFICE, SOUTHEAST REGION; AND ROBERT P. LANE, SPECIAL AGENT IN CHARGE, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, ALANTA, GA., DISTRICT OFFICE, SOUTHEAST REGION

STATEMENT OF JOHN L. PIPER, ASSISTANT REGIONAL DIRECTOR (CRIMINAL ENFORCEMENT), BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, SOUTHEAST REGION

BIOGRAPHY

Mr. Piper was born in Casper, Wyoming in 1924.

In 1955 Mr. Piper was employed by the Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms in Denver, Colorado. His employment with ATF has included the cities of Denver, Colorado, Cheyenne,

Wyoming, Omaha, Nebraska, Chicago, Illinois, and New York City. In New York City, for a period of six years, he was Chief, Enforcement and Assistant Regional Commissioner for New York and New England. For the past three years he has been Assistant Regional Director, Criminal Enforcement, Atlanta, Georgia.

STATEMENT

Mr. Chairman and members of the committee: I am John L. Piper, Assistant Regional Director, Criminal Enforcement, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, currently assigned to the southeast region, Atlanta, Georgia.

Our enforcement area covers the seven southeastern States of Georgia, North and South Carolina, Florida, Mississippi, Alabama, and Tennessee, with a district office in each of these States. We have a staffing of 420 special agents in these district offices, all of whom work under the regional office in Atlanta.

I have with me today two of these district office supervisors. Mr. Robert P. Lane, special agent in charge in Atlanta, Georgia and Mr. Durwood G. Russell, acting special agent in charge from Columbia, South Carolina.

To go immediately to the heart of the firearms problems in the south, we have 33,864 licensed dealers. Many of these dealers, both legally and illegally, are supplying firearms which end up in major cities in the north.

Mr. Russell is here to give you a complete picture of this gun traffic from South Carolina to various locations in the United States.

Mr. Lane will answer any questions you have concerning Project I in Atlanta, the firearms problem in Georgia and the interstate firearms theft project.

My exhibits include a breakdown on Project I in Atlanta and Miami, along with statistics on the work we have done in the firearms area.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Southeast Region

EXHIBITS

A—Federal firearms licenses, Southeast Region.
B—Explosives licenses, Southeast Region.
C—Manufacturers of firearms, Southeast Region.
D—Investigations of firearms licensees conducted in Southeast Region, investigations of explosives licensees conducted in Southeast Region.
E—Criminal enforcement activities–Southeast Region July 1, 1972 through July 1, 1975.
F—Criminal enforcement activities–Southeast Region–District offices July 1, 1972 through July 1, 1975.
G—Firearms and explosives violations, court action on criminal cases presented July 1, 1972 through July 1, 1975.
H—Interstate theft project–Southeast Region.
I—Project I–Miami, Florida.

EXHIBIT A.—FEDERAL FIREARMS LICENSES, SOUTHEAST REGION

Year	New	Renewals	Total
1969	22,024	4,938	26,962
1970	11,392	1,501	26,393
1971	3,888	24,095	27,983
1972	4,337	24,114	28,451
1973	4,109	23,932	28,041
1974	4,399	24,267	28,666
1975	1,817	10,263	[1] 15,170
Total licenses issued in Southeast Region as of 1975			33,864

[1] As of June 1975.

EXHIBIT B.—EXPLOSIVES LICENSES, SOUTHEAST REGION

State	Manufacturers	Dealers
Alabama	20	37
Florida	10	57
Georgia	15	45
Mississippi	1	27
North Carolina	10	52
South Carolina	2	30
Tennessee	16	61
Total	74	309

EXHIBIT C.—*Manufacturers of Firearms, Southeast Region*

Alabama	1
Florida	13
Georgia	6
Mississippi	1
North Carolina	4
South Carolina	0
Tennessee	4
Total	29

EXHIBIT D.—CONDUCTED BY CRIMINAL ENFORCEMENT IN THE SOUTHEAST REGION

Fiscal years ending	Original application investigations	Compliance investigations
	Investigations of firearms licensees	
June 30, 1970	4,168	7,617
June 30, 1971	5,567	13,096
June 30, 1972	6,039	11,238
June 30, 1973	5,459	6,532
June 30, 1974	5,726	6,243
June 30, 1975	5,030	4,772
Total	31,989	49,498
	Investigations of explosives licensees	
June 30, 1971	447	290
June 30, 1972	387	708
June 30, 1973	184	793
June 30, 1974	145	277
June 30, 1975	112	146
Total	1,275	2,214

EXHIBIT E.—CRIMINAL ENFORCEMENT ACTIVITIES—SOUTHEAST REGION FOR PERIOD JULY 1, 1972 THROUGH JULY 1, 1975

Fiscal year	Total cases	Arrests	Title I	Title II	Title VII	Title XI	Liquor
1973	2,443	2,446	120	239	48	28	2,008
1974	1,927	2,187	229	286	63	24	1,505
1975	1,720	2,070	338	285	87	35	975
Total	6,090	6,703	687	810	198	87	4,488

EXHIBIT F.—CRIMINAL ENFORCEMENT ACTIVITIES—SOUTHEAST REGION FOR PERIOD JULY 1, 1972 THROUGH JULY 1, 1975

Fiscal year	Arrests	Title I	Title II	Title VII	Title XI	Liquor
Alabama:						
1973	392	9	37	5	9	381
1974	333	55	42	7	15	295
1975	373	47	76	13	14	205
Total	1,098	111	155	25	38	881
Florida:						
1973	124	18	17	2	4	43
1974	129	32	21	4	9	30
1975	130	38	18	4	3	8
Total	383	88	56	10	16	81
Georgia:						
1973	666	25	40	3	----	552
1974	635	42	69	27	----	423
1975	460	72	42	29	10	223
Total	1,761	139	151	59	10	1,198
Mississippi:						
1973	216	7	15	3	----	221
1974	143	13	8	1	----	148
1975	189	33	15	6	----	77
Total	548	53	38	10	----	446
North Carolina:						
1973	508	22	46	21	11	438
1974	486	40	86	17	----	336
1975	490	44	75	14	4	302
Total	1,484	106	207	52	15	1,076
South Carolina:						
1973	218	26	35	3	4	138
1974	212	25	39	4	----	91
1975	269	84	43	9	----	55
Total	699	135	117	16	4	284
Tennessee:						
1973	322	13	49	11	----	235
1974	249	22	21	3	----	182
1975	159	20	16	12	4	105
Total	730	55	86	26	4	522

EXHIBIT G.—*Firearms and explosives violations, court action on criminal cases presented, period covered July 1, 1972 through July 1, 1975*

Number of cases presented	2,568
Number of cases declined	526
Number of indictments returned	1,744
Number of dismissals after indictment	297
Number of defendants pleading or found guilty	1,341

EXHIBIT H.—*Interstate theft project, Southeast region*

Jacksonville, Fla	60 Firearms stolen. 4 Recovered. 6 Defendants (ATF & Tampa Police Department).
Jacksonville, Fla	468 Firearms recovered. 1 Defendant (ATF & Miami Police Department).
Charlotte, N.C	275 Firearms stolen. 251 Firearms recovered. 2 Defendants.
Nashville, Tenn.[1]	37 Firearms involved in a title I case—none recovered. 2 Defendants.

[1] Alcohol, Tobacco, and Firearms and Federal Bureau of Investigation, investigations: over $700,000 in thefts involved during a 2-yr period.

EXHIBIT I.—*Project I, Miami, Fla.*

Total handguns received	632
Number of handguns traced	436
Number of Saturday night specials	304
Number of Alcohol, Tobacco, and Firearms criminal investigations initiated as a result of Project I	531
Number of Alcohol, Tobacco, and Firearms criminal cases recommended for prosecution	11
Number of persons arrested [1]	150

[1] This figure also includes local arrests.

STATEMENT OF DURWOOD G. RUSSELL, ACTING SPECIAL AGENT IN CHARGE, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, COLUMBIA, SOUTH CAROLINA DISTRICT OFFICE, SOUTHEAST REGION

BIOGRAPHY

Mr. Russell was born in Farmville, North Carolina on November 13, 1926.

On March 16, 1962, Mr. Russell was employed by the Bureau of Alcohol, Tobacco, and Firearms as a Special Investigator assigned to the Richmond, Virginia post of duty.

In 1969, he was promoted to the position of Criminal Enforcement Analyst assigned to the Philadelphia Mid-Atlantic Regional Office.

On March 5, 1971, Mr. Russell was promoted to the position of Area Supervisor for the Baltimore area. In this capacity, he was responsible for the criminal enforcement activities of the Bureau of Alcohol, Tobacco, and Firearms in the States of Maryland and Deleware, and the Bureau's participation in the Organized Crime Strike Force in the Baltimore area.

On June 23, 1973, Mr. Russell was promoted to the position of Criminal Enforcement Coordinator in the Planning and Procedures Division, ATF Bureau Headquarters, Washington, D.C.

On July 21, 1974, Mr. Russell was promoted to the position of Assistant Special Agent in charge of the Columbia, South Carolina District Office.

On April 8, 1975, he was designated Acting Special Agent in charge of the Columbia, South Carolina District Office due to the pending retirement of the Special Agent in charge of that State. He is currently serving in this capacity.

STATEMENT

Mr. chairman and members of the committee: I am the Acting Special Agent in charge of the Columbia, South Carolina District Office of the Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of the Treasury. In this capacity, I am responsible for all matters under the jurisdiction of criminal enforcement of the Bureau of Alcohol, Tobacco, and Firearms in the State of South Carolina.

As evidenced by ATF Project I (Identification), the State of South Carolina is one of the leading illicit suppliers of handguns, cheap handguns to northern States.

As an example, the New York City Police Department requested the Bureau of Alcohol, Tobacco, and Firearms to trace approximately 1,970 handguns they had received, recovered, or seized for any criminal activity during a six month period. Of the 1,970 handguns traced, the major source of these guns into New York City were the following six (6) States:

South Carolina	500
Florida	273
Georgia	214
Virginia	169
Texas	83
North Carolina	80

This survey also revealed that of the firearms traced, over 60% were of the variety commonly known as Saturday night specials.

At the present time there are approximately 3,448 firearms licensed dealers in the State of South Carolina. During the year 1974, approximately 200 fire-

arms licensed dealers either went out of business, changed ownership, or did not renew their firearms license. Thus far in 1975, the number of dealers gone out of business is approximately seventeen (17).

Prior to the passage of the new State firearms law by the 1975 South Carolina General Assembly, South Carolina basically had no gun law at all, and the ones in force were not or could not be enforced.

When the Gun Control Act of 1968 came into being, a South Carolina State law already existed requiring a dealer in handguns to purchase a State handgun license, however, this law was not enforced. This was evident during the Bureau of Alcohol, Tobacco, and Firearms' contact with the various dealers throughout the State. In many instances, even the persons responsible for the sale of the license did not know of the existence of such a law.

On June 22, 1973, a law was approved in effect that no licensed dealer shall sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees fahrenheit. This law was unenforceable as it was necessary to test each and every firearm suspected of not meeting this criteria. In addition, the manufacturers of cheap handguns could overcome this law by adding a small amount of higher quality alloy to the frame or receiver of the gun, thereby raising the melting point of the firearm in excess of the 800 degrees fahrenheit level set by State law.

Since the above law could not be, or was not enforced by the State, South Carolina remained virtually with no gun law at all until the 1975 legislature passed a gun control law.

On June 17, 1975, South Carolina Govern James B. Edwards signed a law that prohibits the sale of more than one pistol to any one person in a period of 30 days and limits purchases of pistols to residents of the State of South Carolina. This new legislation also empowers law enforcement officials to inspect the premises of licensed dealers for illegal handguns, without warrants. Violators of this new law face fines of as much as $2,000.00 and jail terms up to two years.

There is no doubt that these laws were passed by the South Carolina State Legislature following widespread national publicity (60 minutes) that cited South Carolina as a chief source of handguns used by criminals elsewhere in the United States, including New York City.

The legislation finally passed by the General Assembly was much weaker than the proposals made by Governor Edwards and the State's Attorney General Daniel McLeod. They had asked for a ten-day waiting period between an application to purchase a handgun and the date of purchase. This, they held, would have allowed the State law enforcement division (SLED) to determine the fitness of applicants to own handguns, and might provide for a cooling-off period for persons intent on committing crimes of passion.

It should be noted here that the Bureau of Alcohol, Tobacco, and Firearms Special Agent in Charge, Louis F. Fisher, assisted the South Carolina Attorney General Daniel McLeod in drafting the new South Carolina State Gun Control Law, even though all of its provisions were not passed into law. In addition, Special Agent in Charge, Mr. Fisher, and the Assistant Special Agent in Charge of the Columbia, South Carolina District Office, appeared, upon the request of the State's Attorney General, at the committee hearing at the State capitol wherein the proposed laws were discussed.

During the period, 1973, South Carolina Bureau of Alcohol, Tobacco, and Firearms Special Agents perfected 77 criminal cases involving firearms violations. During 1974, the number was 105 cases and thus far in 1975, 86 cases have been perfected involving firearms violations.

Also, during 1973, South Carolina Bureau of Alcohol, Tobacco, and Firearms Special Agents perfected 2 criminal cases against firearms dealers. During 1974, 7 like cases were perfected, and thus far in 1975, 9 criminal cases against firearms dealers have been perfected for prosecution.

As a rule in perfecting firearms cases, we have found new cases involving a conspiracy between the dealer(s) or purchaser(s). The primary method of operation varies in degrees, however. In most cases an out-of-State purchaser presents temporary identification such as a South Carolina voter registration (often obtained the same day) or a South Carolina driver's license, also often obtained in one day.

It is prevalent to find that a convicted felon or an out-of-State purchaser will pay a local derelict a small sum of money to make the firearm purchase. The scheme varies, but the object is always the same, get the handgun(s).

We have found too, that the dealer(s) is not always blameless. In their apparent zest for the money derived from these sales, they are often eager to accept identification that is not always valid. For instance, we have found where some dealers have accepted a social security card for identification, when it is a known fact that no address exists on these cards. In order to obtain handguns, we find that a large number of those persons prohibited from possessing firearms, i.e., convicted felons, etc., often do not hesitate to falsify the Treasury Form 4473.

It is most apparent that a vast number of handguns have traveled interstate from South Carolina to other States and cities. For instance, in fifteen (15) cases investigated by South Carolina special agents, a total of 39,531 guns were involved. (For these cases, see attachment #1.)

As of this date, several cases of the type mentioned, but not necessarily of the same magnitude as in attachment number 1, are currently under investigation for prosecution.

One of our investigations, that appears to be significant in this field, deals with an unscrupulous federally licensed South Carolina firearms dealer. The facts developed in this case indicated that this dealer transported firearms from his business to the State of North Carolina where they were subsequently sold to North Carolina residents. This investigation involved approximately eighty-five firearms in which the dealer falsified his records to cover up the unlawful sales by using the names of deceased persons as the actual purchasers of the firearms in the State of South Carolina.

THE GREENVILLE PROJECT

In November, 1974, the decision was made by the U.S. Department of Justice and the Bureau of Alcohol, Tobacco, and Firearms to conduct a survey to examine licensed firearms dealers' records in a large metropolitan area. Due to the vast influx of firearms from the southeast region to northern cities, the logical location for such a project was the southeast region. Thus, Greenville, South Carolina was selected for the survey because of the heavy illicit firearms traffic in and through that area, as evidenced by past investigations and Project I. Herein, the survey, code named the "Greenville Project" was born.

The intent of the pilot "Greenville Project" was (1) to determine the number of times convicted felons purchased handguns from dealers in that area by making false statements on Treasury Form 4473, (2) to determine whether such a project, implemented nationally, would have a meaningful impact on reducing the number of handguns in the possession of felons, and (3) to determine what additional resources would be needed to implement the project nationally, if warranted.

Subsequently, Greenville Special Agents copied firearms transaction records at seventeen licensed locations in and around Greenville. The records showed a total of 2,537 handguns sold to 2,047 purchasers during the period May 1, 1974 to and including October 31, 1974.

The Bureau of Alcohol, Tobacco, and Firearms headquarters personnel prepared a card on each purchasers, showing name and date of birth. The cards were then sent to the FBI identification section for a criminal record search. Of the 1,047 names submitted, 215 had arrest records in FBI files. Approximately seventy-three of them had felony convictions.

On or about March 1, 1975, Greenville Special Agents launched an intensive investigation of each of the felon purchasers. These special agents searched and recorder a multitude of court records: Initiated numerous intra-regional and inter-regional collateral investigations; interviewed countless arresting officers, court officials, attorneys and witnesses, and in the end, perfected cases against twenty-six convicted felon purchasers, and one unlicensed dealer, all in less than six weeks. It should be noted that with the assistance of the United States Attorney's office in Greenville, the twenty-six convicted felons were selected and "weeded" from the original seventy-three convicted felons

found to be in violation of the Gun Control Act of 1968. The group represented the very core of criminal activities in the Greenville area. Comprised of murderers, rapists, burglars, fences for stolen goods, etc., their FBI records read similar to a laundry list, each subject having a history of violence.

During the afternoon of April 15, 1975, beginning at precisely 5:30 p.m. and continuing until after midnight, the Greenville Special Agents led teams of State, city and county officers on a series of raids which resulted in the arrest of all but five of the defendants. During this same period, two defendants were arrested out-of-State by the Bureau of Alcohol, Tobacco, and Firearms, one in Jacksonville, Florida and one in Hartford, Connecticut. As Fingerprints and handwriting samples were taken, regional office and Bureau headquarters fingerprint and handwriting experts were present, on the spot to analyze and furnish their conclusions in writing in order to expedite this segment of the investigation.

After the arrests and without let-up, the Greenville Special Agents conducted the necessary followup investigations, I.E., interviews, collateral requests, etc. Upon completion of these cases, the facts were presented to a Federal grand jury who presented a true bill of indictment in each case.

The "Greenville Project" brought out some most interesting facts.

NON-FELONS

There were 147 purchasers who had criminal records, but had no felony convictions.

MULTIPLE PURCHASERS

Only four of those who made multiple purchases were considered significant diverters.

PROFILE OF 27 FELON PURCHASER DEFENDANTS

The average age is 30 years, the youngest 22 and the eldest 63. Sixteen are white and eleven are black, a 60–40 ratio. The white-black ratio of Greenville is 68–32.

QUALITY OF FIREARMS PURCHASED BY DEFENDANTS

The twenty-seven (27) defendants purchased a total of thirty-five (35) handguns. Seven (7), or 20% were valued at more than $85.00. Nine (9) or 26% were valued at $50.00 to $85.00; and nineteen (19) or 54% were valued a less than $50.00.

FELONS NOT TO BE PROSECUTED

There were forty-one (41) convicted felon purchasers who were not charged because of the nature of crimes committed (such as liquor law violators), the date of convictions (some were 30–40 years ago), and other factors, such as the age of the felon at the time of last conviction, all of which lacked prosecution appeal.

With the exception of court action, the "Greenville Project" has been concluded.

FLORENCE PROJECT

On June 6, 1975, Florence, South Carolina Bureau of Alcohol, Tobacco, and Firearms Special Agents and U.S. Deputy Marshals arrested a total of seven firearms dealers and three employees of firearms dealers. These arrests climaxed three months of undercover investigations pertaining to out-of-State residents purchasing pistols from local licensed firearms dealers. During this undercover investigation, handguns were purchased from seven dealers and three employees of the dealers. These cases have been presented to the Federal grand jury.

Significant Firearms Cases Conducted in South Carolina Involving Interstate Traffic of Handguns to Northern States Since Enactment of the Gun Control Act

Case and defendants	*Number of firearms involved*
SC–941–FFA—James Ernest Baker, Lindsy Jack Robbins. During 1968, Robbins, a licensee, and Baker, a nonlicensee, conspired to dispose of approximately 9,400 firearms that were purchased in the Greenville, Spartanburg, Rock Hill, and Columbia areas to North Carolina residents, who, in turn, disposed of the firearms to residents of New York and New Jersey. On June 15, 1970, both defendants were sentenced to 5 yrs probation each	9,400
SC–1051–T–I—John Edward Lezan, James Pruitt. During 1969 and until January 1970, Lezan, a licensee, sold 4,400 handguns to James Pruitt, Casar, N.C., a nonlicensee, and Pruitt disposed of the firearms in North Carolina and other northern States. On Sept. 14, 1970, Lezan was placed on 3 yrs probation. Pruitt prosecuted in North Carolina	4,400
290401731524J—Alton Stegall, Randall Sauls, Jr. In February 1970, the above 2 individuals falsified a certified copy of a firearms license by altering a valid copy and reproducing it on a Xerox machine. Stegall used the alias of James Guy Wilson and purchased 1,000 handguns in Greenville and Matthews, N.C., and sold them to Bobby Thomas Ward, Drexel, N.C., who disposed of them	1,000
SC–1448–T–I—Joseph Lemoyne Tompkins, et al. From June 1, 1970 to May 16, 1971, Joseph L. Tompkins, a licensed firearms dealer and owner of the Golden Strip Hobby Center, Simpsonville, S.C., illegally sold approximately 20,000 handguns, 14,000 to Bobby T. Ward and other North Carolina residents. Also involved was Blakely Roberts, Greenville, S.C. a licensed firearms dealer. Tompkins received a 2-yr prison sentence and $5,000 fine. Roberts received 5 yrs probation. Seizures of the above weapons were made in New York and North Carolina and most often in connection with crimes of murder, armed robbery, and assault	20,000
290201730517W—Daniel Williams, Donald Ezell Flowers. In August 1972, Donald Flowers of Sumter, S.C. purchased 17 handguns for Daniel Williams, a resident of New York City. Williams was arrested on Aug. 27, 1972, in Fayetteville, N.C., as he was transporting the firearms to New York City aboard a Greyhound bus. On Feb. 23, 1973, Flowers was sentenced to 2 years, suspended and placed on 3 years probation. On Apr. 20, 1973, Williams was sentenced to 2 years, after service of 6 months, placed on probation	17
290201720552A—Jacob Fleming. Jacob Fleming, a resident of Sumter, S.C., purchased 38 firearms that were apparently resold in New York City. Three of the firearms were used in various crimes in the city of New York, two were used to fire into a New York City police car, wounding a policeman, and the third used in a New York City bank robbery	38
SC–1497–T–I—Alfred Cain, et al. In May 1972, Alfred Cain and Anthony Cain, along with Jessie Cain, New York residents, came to Columbia, S.C., and hired Columbia residents to purchase firearms for them which were to be transported back to New York City. Information available indicated the Cains were connected with a militant group in New York City and that the firearms purchased in South Carolina were for use by militants. Alfred Cain received 5 years; Anthony Cain received 5 years; James Belton, 4 years, and James Seabrooks 2 years.	20
260201730001B—Larry Eugene Searcy, Dean Ledbetter, et al. Firearms were purchased in Greenville, S.C., and transported to North Carolina and then to New York City. As of January 1973, New York City police had seized at least 122 of these firearms. They were used in crimes of violence in New York. This case was tried in the Western District of North Carolina in July 1973 and the following sentences were given: Bobby J. Scates, Larry E. Searcy, Chester Ray Looney, Henry and Dean Dean Ledbetter, all North Carolina and South Carolina residents, and Edwin Acevedo and German Rosairo, New York City residents, each received 5 years in prison	3,576

Significant Firearms Cases Conducted in South Carolina Involving Interstate Traffic of Handguns to Northern States Since Enactment of the Gun Control Act—Con.

Case and defendants	*Number of firearms involved*
290201730568U—William Hoyle Benton. During February 1973, Benton, a resident of Matthews, N.C., fraudulently obtained a South Carolina driver's license and purchased 44 firearms from a licensed dealer in Rock Hill, S.C. Benton transported these firearms to North Carolina where they were sold at a profit	44
290103730011S—I rael Green. During the early part of 1973, Israel Green, the common-law husband of Sarah Brown, Cha leston's No. 1 narcotics dealer, purchased eight handguns at Charleston, S.C. by falsifying Forms 4473, inasmuch as he is a convicted felon (murder) currently on probation from New Jersey court for carrying a concealed weapon. This case was not successfully prosecuted because the agents were unable to secure court records of the conviction of Green. The above information was supplied to the probation office for a possible revocation of probation	8
290105730002C9—Bennett Wesley Cook. Bennett Wesley Cook, a resident of New York City and an alleged member of the Black Liberation Army purchased two handguns in Charleston, S.C., and transported them to New York City. One of the firearms was recovered after New York City police engaged in a gun battle with four negro males of the Black Liberation Army. Received 1 year	2
290401731551W—Edward Abbott, Sylvia K. Abbott. This lengthy investigation was completed on Apr. 25, 1973. Both Abbotts are licensed dealers in firearms at Greenville, S.C. This investigation revealed that they were illegally selling firearms to out of State residents, convicted felons, and other persons prohibited from receiving firearms under the Gun Control Act. Numerous persons were hired by Edward Abbott to sign forms 4473 for fictitious purchasers. The investigation has revealed that some of the weapons acquired from Abbott have gone into the Philadelphia, Pa., area and also into North Carolina, Virginia, New Jersey, and New York	1, 000
290104730006M—James Brown. Plead guilty (rule 20). Walter Johnson/aka Elmore Thompson. During April 1973, the above individuals, residents of New York City, purchased approximately 12 firearms at Charleston, S.C., and transported them to New York City. One Enforcer Carbine with a silencer attached and three handguns purchased at Charleston have been recovered in New York City and were involved in a crime of kidnapping. The subjects are alleged to be associated with a group known as the Black Mafia in Harlem	12
290312731023S—Wei H. Chen, Wai Fai Goon, Jung H. Leung, Chung Ling Tsang, Isiah Hamlin. During December 1973, Isiah Hamlin, a South Carolina resident, purchased firearms for above Chinese individuals, residents of New York City. After purchase of firearms, they went to Hamlin's residence where the serial numbers on each firearm were ground off. The firearms were then hidden in the air-conditioner of a New York registered 1969 Pontiac. The Chinese defendants then left the area proceeding north. They were arrested when they crossed into North Carolina. Hamlin was arrested by Bureau of Alcohol, Tobacco, and Firearms special agents the following day. Further investigation revealed the Chinese subjects are alleged to be members of a Chinese New York street gang called "Ghost Shadows". Additional intelligence indicates that since Jan. 1, 1973, 27 Chinese subjects who either are gang members or are connected with members of Chinese gangs have been arrested by the New York City Police Department and found to possess weapons with obliterated serial numbers. Also, Boston police recently arrested seven members of the "Ghost Shadow" gang and found a quantity of weapons with obliterated serial numbers. An unspecified number of Chinese subjects have been arrested by local police in the States of Vermont and Florida with weapons with obliterated serial numbers. The New York groups are affiliated with gangs bearing the same name in other cities that have large Chinese populations. Each gang operates separately under its own leadership with no central head. The weapons are used by Chinese street gangs in connection with robberies, extortion, gang homicides, etc	6

Significant Firearms Cases Conducted in South Carolina Involving Interstate Traffic of Handguns to Northern States Since Enactment of the Gun Control Act—Continued

Case and defendants	Number of firearms involved
2903047310498—Lawrence Halcond, alias Ray Finch, alias Larry Williams alias Frank Brown. During late 1972 and early 1973, Lawrence Halcond, a resident of Brooklyn, N.Y., came to South Carolina and had local residents purchase eight handguns and eight boxes of ammunition which Halcond transported to New York. Halcond was arrested Nov. 1, 1973, at his Brooklyn residence charged with the South Carolina violation, and held under $10,000 bond. He has a long criminal record and is an exheroin addict. Case pending. Halcond is to appear in U.S. District Court in Columbia, S.C.	8
Total number of firearms involved in above captioned cases	39, 531

STATEMENT OF ROBERT P. LANE, SPECIAL AGENT IN CHARGE, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, ATLANTA, GEORGIA DISTRICT OFFICE, SOUTHEAST REGION

BIOGRAPHY

Robert P. Lane was born in Washington, D.C. on March 19, 1922.

He entered service with the Bureau of Alcohol, Tobacco, and Firearms in June, 1951. He has served in field and supervisory positions in the States of Florida, South Carolina, Tennessee, and Georgia.

He has served as Special Agent in Charge, Atlanta, Georgia, since January, 1965.

STATEMENT

Mr. Chairman and Members of the Committee: I am Robert P. Lane, Special Agent in Charge, Atlanta, Georgia. My responsibilities relate to the supervision of personnel who enforce the laws in the State of Georgia for which the Bureau of Alcohol, Tobacco and Firearms is responsible.

There are 5726 Federal Firearms Licensees in Georgia, about 1200 of these licensees are in metropolitan Atlanta. There are twelve Special Occupation Tax holders in Georgia—dealers in Title II weapons (also manufacturers).

There are approximately 760 handgun dealers licensed by the state of Georgia.

PROJECT I ATLANTA

Project I was implemented on May 21, 1973, in Atlanta, Georgia, with the cooperation of the Atlanta Police Department and was carried on for a period of eight months with the termination of the Project in January, 1974. A total of 264 criminal investigations were conducted by ATF Special Agents resulting in 38 criminal cases being made and 43 persons being arrested. The cases prepared for prosecution were directed toward violence prone felons. Twenty stores on the fringe of the transitional business and commercial sections of downtown Atlanta and located within a half mile of one another were the sources of the majority of firearms. The typical firearms outlets identified in the Project are noted below.

Type business	Number of stores	Percent firearms sold
Pawn shops	9	43
Variety store	1	24
Sporting/gun shop	2	15
Army/Navy stores	5	10
Discount/hardware	3	8

Principal customers were in the lower economic strata. The typical firearm used in the violation was a short barrel .22 caliber revolver of U.S. manufacture. In 40% of the cases made the felon purchased the firearm direct from the licensee. Approximately 80% of the firearms traced originated in the metro-Atlanta area.

The "variety" store listed above received a compliance investigation and approximately fifty forms 4473 were incomplete or the form was filled out improperly. A criminal case was prepared involving the variety store.

Characteristics of the type of firearm sold by this store are noted below.

	Number
Type:	
Revolvers	33
Automatics	1
Derringers	1
Origin:	
U.S.A.	30
Germany	3
Brazil	2
Calibers:	
.22	19
.32	5
.38	10
.25	1

The barrel length of the firearms varied from 1½ inches to 4 inches with the majority having barrel lengths of 1¾ to 2 inches.

Court Disposition of Project I Cases

TITLE I CASES

2103 0973 0135Z, Montana Bryant, 4–5–74 RG; 2 years CAG.

2103 0973 0136C, Preston Slaton, 4–5–74 PG; 3 years CAG, sent. susp. 2 years probation.

2103 0973 0211S, Robert L. Nash, 4–5–74 PG; 6 months CAG.

2103 1073 0126Y, Bell Loan (Alfred Schwartz), 2–5–75 PG; 3–28–75 sent. 1 year each count (4) to run concurrent; sent. susp. to 1 year probation & $250.00 fine each counts 1 & 3.

2103 1073 0187V, Asa V. Vancey, 6–21–74 PG; 1 year and 1 day CAG, sent. susp. to 1 year probation.

2103 1073 0188Y, Grover Owensby, pending.

2103 1173 0084K, Walter Hawkins, 5–17–74 PNG, JVG; 3 years CAG, sent. susp. to serve 6 months and be placed on probation 18 months.

2103 1173 0102R, Joe Lee Bishop, 4–1–74 PG; 5 years CAG, sent. susp. to 5 years probation.

2103 1273 0010H, Robert L. Binns, 4–5–74 PG; 3 years CAG. sent. susp. 2 years probation.

2103 1273 0022N, Eddie B. Jones, pending.

2103 1273 0057B, Henry Thomas, 5–9–74 PG; 5 years CAG; sent. susp. to serve 6 months, 3 years probation to submit to drug treatment on release.

2103 1273 0058E, Thomas C. Payne, indicted 6–4–74.

2103 0274 0011R, Cecil H. Brown, 9–18–74 PG; 2 years CAG; sent. susp. 4 months to serve, probation 3 years.

TITLE II CASES

2103 0773 0044K, Silas S. Jamison, Ronald R. Cook, as to each: 12–14–73 PNG, JVG: 2 years CAG sent. susp. 3 years probation with provision they possess no firearms.

2103 0174 0048G, Jerald J. Dorsey, 7–25–74 PG; 3 years CAG.

2103 0174 0049K, Kenneth Stafford, 6–17–74 PG; 10 months CAG to run conc. with present state sentence.

2103 0174 0056Z, Earnest A. Wilson, 6–7–74 PG; sentenced CAG under Youth Corrections Act.

2103 0174 0061G, Henry J. Mason, 9–18–74 PG; 2 years CAG sent. susp. 3 years probation.

2103 0274 0021P, Emory L. Sawyer, Stephan W. Perry, as to Sawyer: 6–5–74 dismissed by U.S. Attorney. As to Perry; pending.

2103 0374 0009W, John H. Moreland, 5–7–74 indicated.

TITLE VII CASES

2103 1073 0014P, James E. Clowers, 1–23–74 indicted; prosecution deferred 1 year from 9–27–74.
2103 1073 0069A, Hardy Blash, pending.
2103 1073 0189B, Raymond M. James, 5–7–74 closed without prosecution.
2103 1173 0036X, Eddie L. Parker, 5–30–74 PG; 2 years CAG.
2103 1173 0037A, Ollie D. Moses, 3–11–74 PG; 3 months CAG.
2103 1173 0073H, Roy Woods, 4–5–74 PG; 2 years CAG to run consecutive to state sentence.
2103 1173 0085N, Frankie Thomas, 4–16–74 indicted.
2103 1273 0009N, Willie Richardson, 7–29–74 PG; 2 years CAG sent, suspended 6 months CAG, 2 years probation.
2103 1273 0011L, Ronnie Corbin, 7–29–74 PG; 2 years CAG to begin expiration present state sentence.
2103 1273 0025Y, Willie Gaines, 5–17–74 PNG; 10–6–74 JVG, 12–24–74 judgement of acquittal granted.
2103 1273 0027E, William Bronson, 9–6–74 PG; 2 years CAG sent. suspended 5 years probation.
2103 0174 0012R, Leo Blount, Jr., 9–18–74 PG; 1 year CAG.
2103 0174 0023T, Carlton S. Redding, 4–74 indicted.
2103 0174 0027F, Willie F. Hood, 9–10–74 indictment dismissed by judge.
2103 0174 0031K, Henry Miller, 6–4–74 indicted.
2103 0174 0007P, James C. Maloyd, pending.

TITLE I AND II CASES

2103 1173 0106D, Willie Thomas, 7–29–74 JVG; 7 years CAG.

TITLE I AND VII CASES

2103 1073 0068X, Richard A. Drain, 6–21–74; PG; 2 years CAG, time served 74 days; sent. susp. 2 years probation. Willie Drain, 6–21–74 JVG; 18 months CAG sent. susp. 18 months probation.

INTERSTATE FIREARMS THEFT PROGRAM

On September 1, 1973, the Interstate Firearms Theft Program was expanded into a Nationwide Project. Our Special Agents contacted 143 terminal transport managers in Georgia and solicited their cooperation. Each was given a poster to display warning against interstate firearms thefts. They were also furnished with a supply of Forms 46, Report of Theft or Loss of Firearms, to be used in reporting thefts.

Since the inception of the program, our Special Agents have conducted 49 investigations of theft involving from one to 65 firearms. Further, the Georgia District Office has entered into NCIC a total of 276 firearms reported stolen.

SIGNIFICANT FIREARMS CASES

The following are resumes of some of the more significant firearms cases made in Georgia since the inception of the Gun Control Act.

(2107–1174–2522C) U.S. vs. Clyde Messer—On December 9, 1974, Clyde Messer, Route 1, Young Harris, Georgia, was arrested for Title I violations. Messer, who is not a Federally licensed firearms dealer, had previouosly sold firearms to undercover Special Agents. Also, 40 firearms and 2,350 rounds of ammunition were seized as a Federal search warrant was executed at the Messer residence at the time of arrest. Over 100 firearms were known to have been bought by Messer since July, 1973. None of these firearms were among those seized. Messer admitted to selling between 300 to 400 firearms since July, 1973. He also admitted purchasing some firearms from a dealer in Butler, Alabama, and falsifying the Forms 4473 at the time of purchase. A collateral investigation was initiated concerning the violation.

Clyde Messer entered a guilty plea in U.S. District Court and received a sentence of three years probation.

(2106–0173–1524H) U.S. vs. John Talmadge Attaway, Jr., et. al.—From November 16, 1972, until February 8, 1973, undercover officers purchased

various firearms from T. J.'s Sporting Goods, 850 Broadway, Columbus, Muscogee County, Georgia. The firearms included sawed off shotguns. John Talmadge Attaway, Jr., the owner of the business made numerous statements regarding firearms transactions. Attaway sold firearms and ammunition to the undercover officer and provided false identification and on some transactions requested no identification.

On February 8, 1975, Attaway and Emmett Hanson, the Manager of the business, were arrested. A Federal Search Warrant was simultaneously executed on the business. Four hundred and forty-six Title I and Four Title II firearms along with 22,597 rounds of ammunition were seized from the business.

Upon entering the premises, officers saw an electric hack saw, which was in operation cutting the barrel from a single barrel shotgun. This saw was photographed while still operating.

The principal, John Talmadge Attaway, Jr., and his manager, Emmett Hanson, were arrested at this time pursuant to Federal arrest warrants. Attaway immediately stated that he was cutting the barrel from the shotgun in order to make black jacks and that a new legal length barrel had been ordered for the one he was cutting. He later changed his story to one of making weights for fishing nets after four additional barrel ends were found on the premises.

The investigation resulted in the seizure and forfeiture of 437 firearms along with 22,597 rounds of handgun ammunition.

Both Attaway and Hanson entered guilty pleas in U.S. District Court. Attaway received a sentence of four years C.A.G. and Hanson received four years probation.

GN–18.975—U.S. vs. Ronnie Wayne Fenton, Edward Henry Boles, Russell Lee Wear—In December, 1970, and January, 1971, Ronnie Wayne Fenton, Edward Henry Boles and Russell Lee Wear were arrested for receiving and selling approximately 81 firearms which had been stolen from interstate shipments received by United Parcel Service in Atlanta, Georgia.

Fenton was an employee of United Parcel Service at the time the firearms were removed from interstate shipment. In December, 1970, Fenton sold undercover agents several of the firearms that had been stolen from the shipment.

On August 25, 1972, Fenton pled guilty and received six months C.A.G. and two and a half years probation. Wear pled Nolo Contendere and received three years probation. Boles pled guilty and received two years probation.

Ga. S-10.007 (T-I&T-II) U.S. vs. Walter Earl Cannon, Jr.—On August 31, 1970, Walter Earl Cannon, Jr., had on display at his place of business in Dublin, Georgia, a large quantity of firearms. He stated to ATF Special Agents that they were not for sale and were for display only. He also stated that he was aware of the Federal requirements concerning a dealer in firearms or a gunsmith, and if he decided to engage in the business as a dealer in firearms he would apply for a license.

During August and September of 1971, undercover agents purchased five firearms from Cannon, one of which was a NFA machine gun. Cannon offered to sell other firearms to the undercover agents. On Septmber 10, 1971, Cannon was arrested on charges of engaging in a firearms business without having a license. Seventy three firearms were seized. He was also charged with illegally possessing and/or transferring several NFA firearms. In March, 1972, Cannon pleaded guilty to violations of the GCA of 1968 in U.S. District Court and was placed on three years probation.

Mr. PIPER. Mr. Chairman, we have 420 special agents to police 33,864 licensed dealers and with that comment, I will go right to Mr. Russell of South Carolina.

Mr. RUSSELL. Mr. Chairman and members of the committee my name is Durwood G. Russell. I am the acting special agent in charge of the Columbia, S.C. District Office of the Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of the Treasury. In this

capacity, I am responsible for all matters under the jurisdiction of criminal enforcement of the Bureau of Alcohol, Tobacco, and Firearms in the State of South Carolina.

As evidenced by ATF project I, which stands for identification, the State of South Carolina is one of the leading illicit suppliers of handguns, cheap handguns to northern States.

Out of a total of 1,970 handguns requested to be traced by the New York City Police Department, the major source of these guns into New York City were six States, the State of South Carolina led these States with 500 handguns.

This survey also revealed that of the firearms traced, approximately 60 percent were of the variety commonly known as Saturday night specials.

At the present time, there are approximately 3,450 licensed dealers in the State of South Carolina.

Prior to the passage of the new State firearms law by the 1975 South Carolina General Assembly, South Carolina basically had no gun law at all, and the ones in force were not or could not be enforced.

On June 22, 1973, a law was approved in the State of South Carolina in the effect that no licensed dealer shall sell any pistol or other handgun which has a die-cast frame or receiver which melts at temperature of less than 800 degree Fahrenheit. This law was unenforceable as it was necessary to test each and every firearm suspected of not meeting this criteria.

In addition, the manufacturers of cheap handguns could overcome this law by adding a small amount of higher quality alloy to the frame or receiver of the gun, thereby raising the melting point of the firearms in excess of the 800-degree-Fahrenheit level set by State law.

Since the above law could not be, or was not enforced by the State, South Carolina remained virtually with no gun law at all, until the 1975 legislature passed a gun control law.

On June 17, 1975, South Carolina Governor James B. Edwards signed a law that prohibits the sale of more than one pistol to any person in a period of 30 days and limits purchases of pistols to residents of the State of South Carolina. This new legislation also empowers law enforcement officials to inspect the premises of licensed dealers for illegal handguns, without warrants.

There is no doubt that these laws were passed by the South Carolina State Legislature following widespread national publicity, that was the 60 Minutes program some time ago on television. This 60 Minutes program cited South Carolina as a chief source of handguns used by criminals elsewhere in the United States, including New York City.

The legislation finally passed by the general assembly was much weaker than the proposals made by Governor Edwards and the State's Attorney General Daniel McLeod. They had asked for a 10-day waiting period between an application to purchase a handgun and the date of actual purchase. This, they held, would have allowed the State Law Enforcement Division (SLED) to determine the fitness of applicants to own handguns, and might provide for a

cooling-off period for persons intent on committing crimes of passion.

It should be noted here that the Bureau of ATF, special agent in charge, at that time, Mr. Louis F. Fisher, assisted the South Carolina attorney general, Mr. McLeod, in drafting the new South Carolina State gun control law, even though all of its provisions were not passed into law.

In addition, special agent in charge, Mr. Fisher and the assistant special agent in charge, appeared upon the request of the State's attorney general, at the committee hearing at the State capital, wherein these gun laws were discussed.

As a rule in perfecting firearms cases, we have found few cases involving a conspiracy between the dealer and purchaser. The primary method of operation varies in degrees, however. In most cases an out-of-State purchaser presents temporary identification such as a South Carolina voter registration, which can be obtained in one day, or a driver's license, which also can be obtained in one day.

It is prevalent to find that a convicted felon or an out-of-State purchaser will pay a local derelict a small amount of money to make the firearms purchase. The scheme varies, but the object is always the same, get the handgun.

We have found too, that the dealer is not always blameless. In their apparent zest for the money derived from these sales, they are often eager to accept identification that is not always valid. For instance, a social security card as identification when we know in fact there is no address on a social security card.

It is most apparent that a vast number of handguns have traveled interstate from South Carolina to other States and cities.

For instance, in 15 cases investigated by the South Carolina special agents, a total of 39,531 guns were involved, and these cases are cited as part of an attachment and, Mr. Chairman, I believe you do have those cases as cited.

Mr. CONYER. We do and we will incorporate them into your statement.

Mr. RUSSELL. Thank you, sir.

In furtherance, in November 1974, the decision was made by the U.S. Department of Justice and the Bureau of ATF to conduct a survey to examine licensed firearms dealers' records in a large metropolitan area. Due to the vast influx of firearms from the southeast region to the northern cities, the logical location for such a project was the southeast region. Thus, Greenville, S.C., was selected for the survey because of the heavy illicit traffic in firearms through that area, and this was also as evidence by project I and numerous investigations that had been conducted in that area.

Herein, the survey that we code named "Greenville Project" was born.

The intent of the pilot Greenville project was:

One: To determine the number of times convicted felons purchased handguns from dealers in that area by making false statements on Form 4473, which is the Treasury document.

Two: To determine whether such a project, implemented nationally, would have a meaningful impact on reducing the number of handguns in the possession of felons; and

Three: To determine what additional resources would be needed to implement the project nationally, if warranted, upon what we found in the Greenville project.

Subsequently, Greenville special agents copied firearms transaction records at 17 licensed locations in and around Greenville, S.C. The records showed a total of 2,537 handguns sold to 2,047 purchasers during the period May 1, 1974, to and including October 31, 1974.

Of the 2,047 names submitted, for criminal record check, 215 had arrest records in FBI files. Approximately 73 of them had felony convictions.

On or about March 1, 1975, Greenville special agents launched an intensive investigation of each felon purchaser and in the end, perfected cases against 26 convicted felon purchasers and one unlicensed dealer, all in less than six weeks. It should be noted that with the assistance of the U.S. attorney's office in Greenville, S.C., the 26 convicted felons were selected and weeded from the original 73 convicted felons found to be in violation of the Gun Control Act of 1968. The group represented the very core of criminal activities in the Greenville area, comprised of murderers, rapists, burglars, fences for stolen goods, and so forth, their FBI records read like a laundry list, each having a history of violence.

During the afternoon of April 15, 1975, beginning at 5:30 p.m. and continuing until after midnight, Greenville special agents led teams of State, city, and county officers on a series of raids which resulted in the arrest of all but five of the defendants and I might add, all defendants have been arrested.

During the same period, two defendants were arrested out of State by ATF, one in Jacksonville, Fla., and one in Hartford, Conn.

Upon completion of these cases, the facts were presented to a Federal grand jury who presented a true bill of indictment in each case.

The Greenville project brought out some most interesting facts: There were 147 purchasers who had criminal records, but had no felony convictions; 27 defendants purchased a total of 35 handguns; 7 of these handguns, or 20 percent, were valued at more than $85; 9 or 26 percent, were valued at $50 to $85 and 19, or 54 percent, were valued at less than $50.

There were 41 convicted felon purchasers who were not charged because of the nature of the crimes committed, such as their conviction was liquor law violations, and some of these convictions were 30 or 40 years old and so forth, and other factors, such as the age of the defendant and health.

With the exception of court action, the Greenville project has been concluded.

Just recently, on June 6, 1975, our Florence, S.C., Bureau of Alcohol, Tobacco and Firearms special agents along with U.S. marshals arrested a total of seven firearms dealers and three employees of firearms dealers. These arrests climaxed 3 months of undercover investigations pertaining to out-of-State residents purchasing handguns from local firearms dealers. During this undercover investigation, handguns were purchased from seven dealers

and three employees of the dealers. These cases have been presented to a Federal grand jury.

Mr. Chairman, prior to my leaving the office last Friday, I received a memorandum, a letter from the attorney general for the State of South Carolina, Mr. Daniel R. McLeod. This letter was addressed to Mr. William R. Griffin, Regional Director, Bureau of Alcohol, Tobacco and Firearms, Atlanta, Ga., who is the ATF Regional Director for the Southeast Region.

I respectfully request that this letter be entered into the record, if it be your desire, and I believe the letter has been presented to a member of your staff.

Mr. CONYERS. Without Objection, that will be done.

[The letter referred to follows:]

THE STATE OF SOUTH CAROLINA,
ATTORNEY GENERAL,
Columbia, July 18, 1975.

MR. WILLIAM N. GRIFFIN,
Regional Director,
Bureau of Alcohol, Tobacco, and Firearms,
Atlanta, Ga.

DEAR MR. GRIFFIN: It is my understanding that some of the Regional and National officials of your Department will appear before various Congressional Committees which are considering the strengthening of various Federal Firearms Laws. In this connection, I wish to submit my endorsement of procedures looking to this objective and to commend the Bureau of Alcohol, Tobacco and Firearms of the Columbia District Office for its aid in enabling me to appear before Legislative Committees of this State with the same objectives in mind.

The vast abuse of wholesale firearms purchases in this State was called to my attention by the local Special Agent in Charge, Mr. Louis F. Fisher, now retired. I was appalled at the information he related to me and dismayed that South Carolina appeared to the focal point for the procurement of large numbers of firearms which were purchased here and moved into other states for distribution. It was obvious that our statute was ghostly defective and that it did not provide for a method of effective enforcement. With the assistance of Mr. Fisher and other Agents from the local Office, as well as from the Regional Office in Atlanta, Georgia, I was able to prepare a suggested statute for the Legislative Committee Mr. Fisher and the officials named appeared before the Committee as witnesses, at the Committee's request, and presented persuasive reasons why a better approach was needed.

We have achieved some degree of minimal success but we have made a landmark stride by at least curtailing the number of weapons which an individual may purchase at a single time. Our existing statutes were modified in other particulars but I consider the change referred to as being very important. We are still lacking in enforcement procedures but I am optimistic that this may be achieved in the future.

Added impetus was timely made by the showing of a television documentary in which Mr. Fisher appeared and which served to make the public, and particulary Legislative Members, aware of the problem which this State faced. It has been met in part by the statutory changes but the most forceful conclusion which is apparent to me is that a handful of Federal officers are effectively maintaining surveillance within the scope of Federal laws, whereas in South Carolina there is no concentrated enforcement policy. This, I think, is the most inherent defect in South Carolina's existing procedures.

I have been profoundly impressed by the expertise of the Federal enforcement officials and their willingness to aid this State in combating a problem which concerns the entire Country. I hope very much that complimentary legislation that may be needed in Federal and State areas can be speedily procured to control an intolerable condition in this Nation.

Very truly yours,

DANIEL R. MCLEOD,
Attorney General.

Mr. RUSSELL. Thank you, sir.

Mr. Chairman, I appreciate very much being able to appear at this hearing, and I would be pleased to answer any questions that you or the committee members may have concerning my presentation, and I thank you, sir.

Mr. CONYERS. Thank you for some excellent analysis of what your people are doing.

Who is going to proceed next?

Mr. PIPER. Mr. Lane.

Mr. LANE. Mr. Chairman, I am Robert Lane, Special Agent in Charge here in Atlanta, Ga.

Today, there are 5,726 Federal firearms licensees in Georgia; about 1,200 of these licensees are in the Metropolitan Atlanta area.

In connection with the firearms effort by the Bureau of Alcohol, Tobacco and Firearms, Project I was implemented on May 21 of 1973. There were four cities that were selected. Atlanta was one of the four. This project was carried on for approximately 8 months here in Georgia. During this time, a total of approximately 800 weapons were seized by the police department in the city of Atlanta.

Mr. CONYERS. Mr. Lane, could you just briefly describe Project I in terms of what its objective was?

Mr. LANE. Well actually it was a program set out by the Bureau headquarters and the purpose of the project was to (1) identify distribution sources of firearms to determine if patterns exist, such as diversion by specific firearms dealers or importers, losses and thefts from dealers or shipments, burglary rings and fencing operations, No. (2) was to develop investigative leads for selected firearms enforcement on a national scale, and its third (3) objective was to evaluate and improve our capabilities in firearms tracing and evaluation as a means of assistance to our field agents and State and local alw enforcement agencies.

That was the proposed project.

Mr. CONYERS. It applied to what area?

Mr. LANE. This was with the city of Atlanta Police Department. Now we did take in a few guns from the metropolitan area too, police department from De Kalb County, but basically it was from the city of Atlanta Police Department.

They made these guns available. We gathered the necessary information relative to the individuals arrested, the series numbers; traces were run on these firearms; there were a total of 264 criminal investigations conducted by our agents, as a result of this, resulting in 38 criminal cases being made and 43 persons being arrested.

Now some facts relating to this particular project. The cases prepared for prosecution were directed toward violence-prone felons. In connection with where these guns were purchased, there were 20 stores on the fringe of the transitional business and commercial sections of downtown Atlanta, located within a half a mile area of one another. These were the major sources of the firearms and the typical firearms outlets identified in the project are, or basically there were nine pawnshops, one was a variety store; now the nine pawnshops supplied 43 percent of the weapons sold, the variety

store alone was 24 percent. There were two sporting goods shops, gun shops in the locale that supplied 15 percent. There were five Army-Navy stores which supplied 10 percent and three discount hardware stores which supplied 8 percent.

Principal customers were in the lower economic strata. Now the typical firearm used in the violation relative to the gun pickups by the city of Atlanta Police Department were short barrel .22 caliber revolver of U.S. manufacture. In 40 percent of the cases made, the felon purchased the firearm direct from the licensee. Approximately 80 percent of the firearms traced originated in the metro-Atlanta area. So the weapons were available here in Atlanta.

The variety store just referred to received a compliance investigation and there were a large number of their Forms 4473 that were incomplete and, incidentally, this variety store did relinquish its firearms license.

Now, as to the characteristics of the types of firearms sold by this store, it was noted that of the total of 35, 33 were revolvers, one was an automatic, and one was a derringer, and the origin of manufacture of these weapons, 30 were manufactured here in the United States, three were from Germany, and two were in Brazil.

As far as caliber, 19 of these firearms were .22 caliber; five were .32 caliber; 10 were .38 caliber, and one was a .25 caliber.

Mr. CONYERS. Mr. Lane, would you permit us to interrupt for just a moment for Counsel Barboza to raise a question, precisely on that point?

Mr. LANE. Yes.

Mr. BARBOZA. You pointed out, as I understand, that in 40 percent of the cases where felons purchased guns, those purchases were from licensed firearms dealers. Do you have any evidence that this might be a trend across the country, that the large percentage of illegal buys are from legally licensed dealers?

Mr. LANE. Well I would say possibly—I could only speak for Georgia, I would say—I would say with the current laws the way they are, that—and I think it was expressed previously—that it is not difficult to get a weapon from a licensed dealer.

Mr. BARBOZA. In other words, a criminal does not have to rely on the underground to acquire his firearms; he can just go into a dealer's premises and purchase a gun?

Mr. LANE. Speaking for this locale, I would say that would be the situation.

Mr. BARBOZA. Thank you.

Mr. CONYERS. Mr. Gekas.

Mr. GEKAS. To expand on that just a touch further, the reason that criminals, or felons we should say, can go into pawnshops and variety stores and buy handguns—that is in violation of the handgun control act, isn't it?

Mr. LANE. That is correct, as a felon.

Mr. GEKAS. And the reason they can do that undetected is because there is no prechecking of a firearms purchaser prior to the sale of the gun?

Mr. LANE. That is correct.

Mr. GEKAS. And the expanded program that the President has proposed which would decrease the number of dealers and increase

the number of special agents would be helpful in spotting such purchases by felons, but only after the sales have been made, isn't that right?

Mr. LANE. That is correct, but we would be in a much better position to carry out the current firearms laws with fewer dealers to contend with and with more agents to supervise the actual paper work you might say, the 4,473 and such, that the dealer is responsible to carry out.

Mr. GEKAS. The important point is that rather than preventing a purchase by a felon, you would be merely more easily able to detect it after the purchase has been made?

Mr. LANE. That is correct.

Mr. CONYERS. And what we want to do is to prevent that sale from ever being made.

We are alarmed by this 40 percent figure and it seems to me that what we can do in terms of shaping legislation that would operate to reduce 40 percent of the guns being bought from legally licensed dealers before the fact, would be more important than just finding out that statistic after the fact.

It seems to me that we are trying to look at our legislation from that point of view, and this statistic that you bring us is extremely——

Mr. LANE. Well as the current legislation is set up, that is correct; the violation occurs and then we investigate you might say.

Now actually, the current dealer has no way other than the word of the individual purchasing the weapon to determine whether or not he does have a record as a felon.

Mr. GEKAS. I wonder if I might address a question to the special agent from South Carolina. As I understand your statement, the proposed bill of the Governor of South Carolina and the Attorney General would have imposed a waiting period to enable checking of firearm purchasers?

Mr. RUSSELL. Yes, a 10-day waiting period is what they proposed, yes, sir, but it was defeated.

Mr. GEKAS. Oh, it was defeated?

Mr. RUSSELL. Yes, sir, it was defeated.

Mr. CONYERS. May I yield to our colleague, Congressman Mann.

Mr. MANN. Well, I didn't particularly want to interrupt at this point, but I had in mind exploring these specific subjects.

In the first place, let's agree that the ATF has no particular use of the 4473's except to file them away.

Mr. LANE. Is that a statement or are you asking me a question?

Mr. MANN. A little of both.

Mr. LANE. Oh, well actually I would say with adequate personnel to handle the tremendous number of dealers we have today, I feel we could accomplish more than we have in that we would be better able to stay with the dealer, you might say, to see who is purchasing the weapons. When you make an individual aware, a licensee aware that you will be by his shop to check his books, he in turn is going to be more concerned about his sales, you might say.

Mr. MANN. Yes, on the other hand, he is not likely to be an expert on identification, in terms——

Mr. LANE. That is correct.

Mr. MANN. Of whether or not the felon is a felon.

Mr. LANE. There is identification involved, plus whether or not he is a felon.

Mr. MANN. The 40 percent that you uncovered really resulted from information incidental outside, informants, accidental type information, is that correct?

Mr. LANE. No, this part of this survey after the trace, revealed as we traced it back that actually these individuals went to licensed dealers and made these purchases.

Mr. MANN. All right. We talk about the possibility of additional agents to assist with that problem, it seems to me that if we are going to make adequate use of the 4473 and the FBI records, for example, on felons that we are just kidding ourselves if we think spot checks are going to do much, no matter how many people we have got spot checking.

Don't you think we need to computerize the whole operation and have a comparative run on all purchases?

Mr. LANE. Well if you can depend on your computers possibly yes, but as far as getting to the dealer you might say, if we can get a direct contact with the dealer, I feel that we can possibly do a better job—and not knocking computers—but, would a Federal computer be set up in such a way with cross backs and such to where it would actually serve us. If one could be set up to serve the field, I would say yes.

Mr. MANN. It could deal with various other things too like multiple gun sales and certain other motivations that might be coming along instead of already existing.

Mr. LANE. That is correct.

Mr. MANN. Now to be a little bit cynical about this situation, this 40 percent figure doesn't disturb me quite so much because I would suggest that if we do have an effective system of preventing purchases by felons from licensed dealers that they will buy them somewhere else.

Mr. LANE. Well, I won't argue with you on that.

Mr. MANN. There is nothing wrong with losing one loophole of course.

Mr. LANE. Well, actually, it is a case where we are making the best effort we can under the current regulations to make certain that the law is being abided by by all individuals.

Mr. MANN. We aren't really, because ATF could have done a lot more in the way of checking, in the way of budget requests for that matter.

Mr. LANE. That is correct.

Mr. MANN. And we need to check these things in advance.

Mr. LANE. That is correct.

Mr. MANN. Mr. Davis has admitted that there are many capabilities that the agency had under its current powers that it had been unable to carry out because of lack of funds and lack of personnel, but he wasn't getting our attention in that regard.

Mr. LANE. Yes.

Mr. MANN. The waiting period problem, will that create any problems with your procedures under the dealership licensing system that exists now?

Mr. LANE. I could not foresee, you say in the event there were a mandatory waiting period?

Mr. MANN. Yes.

Mr. LANE. I don't foresee any problems as far as our work, it could possibly reduce the number of purchases.

Mr. MANN. Yes, it probably would. Of course, what you might do with the records during that waiting period would again depend upon your capability, of personnel and equipment?

Mr. LANE. That is correct.

Mr. MANN. And your relationship with law enforcement agencies I think would also contribute to this.

Mr. Russell, why, what was the major argument that defeated the 10-day waiting period proposed in South Carolina?

Mr. RUSSELL. I attended the committee hearings, Mr. Mann, and one gentleman stated that he felt that his constituents, if they wanted to purchase a gun, they should be able to purchase it today and it never was resolved at that committee meeting, and I do not know exactly why they finally did not pass that. I only attended that committee meeting.

Mr. MANN. Now I am curious and, Mr. Chairman, I will try to be brief, but Mr. Lane, I have glanced at the Georgia law, I don't think I know all of its provisions but I don't find anything, any strict Georgia requirement, with reference to the sale of weapons. I do see a dealer licensing system which that is all it is, just a system.

How do you account for the—admittedly South Carolina had no system—but how do you account for the—I don't think the system makes all the difference—how do you account for the situation in Greenville vis-a-vis Atlanta. Why weren't 1,200 handgun sales being made in Atlanta instead of Greenville?

Mr. LANE. I am not saying that there coudn't have been local sales of guns being made in Georgia, at least those have not come to our attention. I don't believe there have been that many.

Mr. MANN. But there doesn't even seem to be a recordkeeping department in the Georgia——

Mr. LANE. Well actually, relative to the State of Georgia licensing, yes. The only thing that I am aware, to our knowledge there are 760 handgun dealers licensed by the State of Georgia. I think that basically the control under State law is the licensing of handgun dealers and there are 760 of those, that is an estimate on our part, that we received from the State.

As far as there being apparently more from South Carolina than from Georgia, I couldn't tell you. I know during the fifties and sixties there was quite a migration of individuals up to the larger northern cities for economic reasons. Now whether there were more that migrated out of South Carolina than Georgia, and you might say had contacts up North and came back South on vacations and such and picked up weapons and carried them back, I wouldn't know if that was one of the reasons; but, we have not come across the multisales in Georgia as were observed in South Carolina.

Mr. MANN. Mr. Russell, do you have any idea why the difference?

Mr. RUSSELL. No, sir; I do not, other than that it was extremely easy in South Carolina to get handguns. In those cases that I cited and they are still ongoing but not necessarily the same magnitude as those investigated, but it appears that they would just come across the line, get a motel, and either establish some identification that would not necessarily satisfy me but possibly would satisfy the dealer, and they would load up and head back.

Mr. MANN. I think there was an atmosphere of general laxity with reference to gun control laws.

Mr. RUSSELL. Yes, sir.

Mr. MANN. And crimes in general and why drive an extra 150 miles.

Mr. RUSSELL. When they had Utopia in South Carolina.

Mr. MANN. I have heard it described as the first State coming down I-85 that had the least gun control laws and so perhaps there was a lot to that.

Mr. RUSSELL. That is right, sure, why go any further, they'd just stop off.

Mr. MANN. Thank you, Mr. Chairman, I have got some more but I'll drop in later.

Mr. CONYERS. Well, you raised one point or at least you caused an observation from Mr. Lane whom I think I heard say they didn't have any evidence of multiple gun sales going on in Georgia?

Mr. LANE. On the scale that was uncovered in South Carolina.

Mr. CONYERS. I see, a relative answer.

Mr. LANE. Yes.

Mr. CONYERS. Well, let me remind you at this point of a statement that was made by Congressman Andrew Young of Georgia in connection with a debate on the formation or continuation of the House Select Committee on the Central Intelligence Agency last week in which he pointed out that there was some dealer in guns who was a supplier to other countries operating out of Georgia to insurgent units in other places not inside the United States, who operated with a free hand in connection with a law enforcement agent because he was known to have connections with the Central Intelligence Agency.

Have you ever heard of allegations relative to this statement?

Mr. LANE. Well, we may have possibly made a case against that individual.

Mr. CONYERS. Then this matter is not new to you?

Mr. LANE. If it is the same individual and group that he refers to, like I say, I don't know to what extent I am permitted to go, but——

Mr. CONYERS. It sounds like a pretty big operation going on.

Mr. LANE. Well, we have, we have made cases under circumstances similar to what was described.

Mr. PIPER. Mr. Chairman, we have a pending case on that subject, if that's the same one, and we are kind of in a bind about testifying as we're in process of taking depositions and this type of thing.

Mr. CONYERS. I understand. Very well.

You may continue, sir, with your testimony, and thank you for permitting this extended interruption for questions.

Mr. LANE. Well, going back to this Project I, actually summing up, the barrel length of the firearms varied from 1½ to 4 inches with the majority having barrel lengths of 1¾ to 2 inches.

Now I noted roughly as far as court disposition of these Project I cases, up to date we have had approximately 14 of the 38 cases made in which the individual prosecuted did receive a period of time in custody of the attorney general.

Now relative to other projects, there has been an interstate firearms theft program. Actually prior to the program in Georgia, we did make investigations relative to interstate theft and there was one company that there was quite a bit of that being carried on, I think as many as 81 firearms and we did become involved in that particular thing, but since the inception of the program here in Georgia, our agents have conducted 49 investigations of theft involving from 1 to 65 firearms in each case, and further, the Georgia District office has entered into NCIC a total of 276 firearms which had been reported stolen, relative to this interstate firearms theft program.

In our text we did cite, I think, five cases which have been made and I won't go into that unless you ask for it.

This pretty much concludes my testimony and certainly I want to express my appreciation for the opportunity.

Mr. CONYERS. You are more than welcome.

Mr. Flynn, do you care to add anything to our discussion?

Mr. FLYNN. I have nothing to add, sir, unless there are some questions that I might be able to answer.

Mr. CONYERS. Project I covered what period of time, Mr. Lane?

Mr. LANE. From May of 1973 into January of 1974, approximately 8 months.

Mr. CONYERS. It is suggested it would be nice if we had a continuing project going on in all the regions, wouldn't it? It would really unearth a lot more investigations and prosecutions.

Mr. LANE. The reason I understand that it was discontinued was that they had just certain tracing capabilities and they could only handle four city projects at one time and we were the original—one of the original four and after that, they took four other cities and had to discontinue ours.

Mr. CONYERS. Mr. Russell, would you say that the program, 60 Minutes, that revealed the southern connection as it were in South Carolina gun availability had a major impact on the passage of State legislation in South Carolina?

Mr. RUSSELL. Yes, sir, I would say it did.

Mr. CONYERS. How was that program received in the State by the citizenry and among the public officials and among the media? Was there much controversy and discussion about this program?

Mr. RUSSELL. Yes, sir, very much so. There was a lot of discussion. Many people told us that they saw the program and they were astounded, you know, that they were not—they did not realize there was such a problem, you know, normal citizens, and they became aware of it.

Mr. CONYERS. And that, in effect, increased the pressure upon the State Legislature to act?

Mr. RUSSELL. I would say so, yes, sir.

Mr. CONYERS. Thank you very much.

Let me yield now to my colleague, Mr. Mann, for any further questions he might have.

Mr. MANN. Thank you, Mr. Chairman. I recall the testimony that there were 5,000 something licenses——

Mr. LANE. 5,726.

Mr. MANN. And under the Georgia State law there were 700 and something, now how do those two figures relate?

Mr. LANE. Well, actually I am not overly familiar with the handgun dealers in Georgia. It is basically I think a law which reads that if you deal in handguns you will get a license and as you are well aware, under the Federal firearms license law, ammunition dealers, this includes pawnbrokers and such as that, and that I think is a much wider scope. You have a greater description of a firearms licensee, it encompasses more individuals than your simple handgun dealers licensed in Georgia.

Mr. MANN. I would be surprised if only 700 and something of those 5,000-sold handguns.

Mr. LANE. Well, you have got a point there I believe. You have a number of, you might say, rural dealers who may not be involved in handguns.

Mr. MANN. I just wonder—I wouldn't imagine that Georgia would permit you to merely have a Federal license and sell without a State license nor would the Federal Government permit a person to operate under a State license without a Federal license.

Mr. LANE. Well, that is probably true. Now there hasn't been the correlation that there has been under the liquor licensees which runs pretty much hand in hand, exchange back and forth. They are both fairly independent, you might say, types of licenses, and you don't have that correlation like you have on a State liquor license and a Federal liquor license.

Mr. MANN. This raises an interesting point. As a prosecutor, I sometimes found that you could make a liquor case in the State court, Federal court, either one, or both, and that is generally true now of gun law violations, isn't it?

Mr. LANE. Pretty much. Now the Georgia, under your so-called gangster type weapons, title II, their law is identical to the Federal law, machine guns, sawed-off shotguns and such as that, they have a law identical to ours.

Mr. MANN. Have you had many cases of that nature in the last 12 months?

Mr. LANE. Have we?

Mr. MANN. Yes.

Mr. LANE. We have had cases and the State has had cases.

Mr. MANN. Which court do you usually choose?

Mr. LANE. Actually most of our cases go into Federal court.

Mr. MANN. I know there is a tendency to do that, unless you get a tough State judge——

Mr. LANE. Yes; that is correct.

Mr. MANN. I know that under the ATF recordkeeping system at the present time that there are records kept from the manufacturer down to the dealer, where guns go, where guns are shipped. Is there a requirement under the Federal law now that they report thefts of interstate carriers of shipments or does that show on any record in case you have to trace such a gun—well, that gun was manufactured at such and such a time and shipped by Overnite and our records show that the shipment never arrived and was presumably stolen. Do you find that out after the fact or do you get it before?

Mr. LANE. Well, actually you might say it is after the fact. The way the interstate theft program is set up now, the transporter, in the event it is theft from interstate, submits a card to Bureau headquarters in Washington. They fill the card out and then headquarters in turn notifies us of the theft of the shipment. Now in a number of instances, we have asked the transporter to call us direct and they will call us direct.

Mr. PIPER. Mr. Mann, if I could just enlarge on a little. Since June 30, 1975, ATF has received reports of loss or theft of 1,479 reports involving 10,800 firearms. That is from interstate thefts.

Mr. MANN. Since what date?

Mr. PIPER. Since June 30, 1975, as of that date. This was the initiation of the project up to that period.

Mr. MANN. That would be the whole 7 years?

Mr. PIPER. Yes.

Mr. MANN. Now I realize that we will be talking in relative terms when I ask these questions, because if we do things like computerize or have waiting periods we substantially change the figures that I am going to ask you about, but first how many of the additional 500 officers is this district going to get?

Mr. LANE. It is my understanding, Mr. Piper can probably answer it better, but it is my understanding we will not get any of the 500.

Mr. PIPER. We are losing 70 special agents, Mr. Mann, to the major cities in the north.

Mr. MANN. Cleaning up the Greenville situation provided that much extra people, did it?

[Laughter.]

Mr. LANE. Actually, I would say this, as far as Georgia we have 93 men. Staff-wise we are probably one of the largest and that is the result of the large liquor problem that used to exist. With the current problem of wagering which takes a tremendous number of man-hours to enforce.

Mr. MANN. You just recently got that primary duty?

Mr. LANE. That is correct.

Mr. MANN. When did you get it?

Mr. LANE. Actually it was passed the latter part of December and we took it over the first of this year and this past May, we made our first large case in Georgia.

Mr. MANN. You said it was passed and I don't know all of the laws that are passed, but how did ATF come by this gambling, wagering responsibility?

Mr. LANE. I will say it was passed in that the jurisdiction was given to the Bureau of Alcohol, Tobacco and Firearms.

Mr. MANN. By whom? The Department?

Mr. LANE. The Treasury Department, yes.

Mr. MANN. Did they have a separate division prior?

Mr. LANE. Intelligence had it and in addition, the wagering law was changed, the tax itself was changed and the percent of profit, income tax, which a person must submit to Internal Revenue was changed. Those two percentages were changed. The license itself as a gambler was changed and increased and the amount of tax an individual paid was decreased 10 to 2 percent.

Mr. MANN. Well, given those additional duties and admitting that the alcohol situation probably is leveling off in the last few years, do you need additional men, Mr. Piper?

Mr. PIPER. We have so many licenses, Mr. Mann, as I said, 33,800 odd licensees, I think if we are going to enforce the firearms laws, we should at least maintain the manpower we have or add to it. In the regulatory area, they only have 52 men down there and they are tied up on liquor, and therefore we do all the compliance work and we receive no help from regulatory at all.

Mr. MANN. Who is regulatory?

Mr. PIPER. Mr. Flynn is in charge of that operation; it is the other half of the house, and they just don't have the manpower to do the compliance and this type of thing. Mr. Flynn can probably tell you more about that than I, but I believe he told me the other day they had made a study and they need 150 men to take over the compliance aspect of the license; that would be our shortage in manpower.

Mr. MANN. Do you now try to maintain a schedule on special licensees?

Mr. PIPER. Yes, we do. We do an initial workup on all licensees. We don't issue a license in the southeast region without a background on the licensee and our record in that respect is good. We have done about 31,000. The recalls is another matter. We just don't have the manpower to go back and see the guy once he is licensed.

Mr. MANN. You don't have a schedule for doing that?

Mr. PIPER. We do have in the sense that we have priority dealers who we feel should be looked at. We go back and recontact them but I believe it is about 14 percent recalls.

Mr. MANN. Thank you, Mr. Chairman.

Mr. CONYERS. Yes. Counsel Chris Gekas.

Mr. GEKAS. I am sure you gentlemen are aware that the 16 cities project identification have just recently been off, the last phase was just recently completed, and three of the cities of the Northeast were New York, Boston, and Philadelphia and doing some rough computation the other day, it has been demonstrated from those statistics, that about 60 percent of the guns that were traced, in those three cities, came from four Southeastern States including South Carolina, Florida, Georgia, and Virginia and I think roughly in that order, although I am not certain; so the origin of the problem of handguns in the Northeast or eastern cities is the South-

eastern States. I think that has been very clearly established even here today.

Now, of the 500 agents, I understood one of you to say that you will be getting no new agents.

Mr. PIPER. We are losing 70 special agents in transfers to the major northern cities because of the impact of hiring new people. You have to have a 1-on-1 situation on a training-type thing. We are moving 70 experienced special agents to 10 designated major cities.

Mr. MANN. Excuse me, is that supposed to be temporary because of the training situation?

Mr. PIPER. No, sir, that is permanent; our staff is being reduced.

Mr. GEKAS. Let me make sure if I understand you: is that a net loss then of 70 agents or will new agents be hired to fill those slots?

Mr. PIPER. Sure, that is a net loss. We are losing 70 special agents. They are reducing our staff. We can hire, once our attrition drops below that staffing, then we can hire back to it, but our staffing is being reduced by 70 special agents.

Mr. GEKAS. They are going to reduce your slots?

Mr. PIPER. Yes, sir.

Mr. GEKAS. By 70.

Mr. PIPER. They are.

Mr. GEKAS. I understood from the Washington Bureau of ATF that the concept of fighting gun use in the 10 large metropolitan areas would include the sending of strike forces out to those areas of the country which are identified as sources of guns; is that something that is a part of the program that you gentlemen have heard of?

Mr. PIPER. Of course, that was the type thing that was set up in the Greenville project; that was initiated by the national office; they sent people down to direct the project but we furnished the manpower. I haven't heard of this strike force concept; no.

Mr. GEKAS. Well, I think to move on just to clear up one other area. I think it was Mr. Russell in his statement who discussed the method by which illegal purchasers obtain handguns in South Carolina and includes presentation of false identification, including social security cards.

When we were in Denver there was a situation of someone testifying about a situation about someone selling a felon who was just released from the State penitentiary who went to a store outside of Denver and used proof of his residence in the State of Colorado, his prison discharge papers, and one of the ways around that kind of situation as listed here, discussed or described in Mr. Russell's report where you say that it is prevalent to find that a convicted felon or a nonresident purchaser would pay a local derelict a small sum of money to make the firearms purchase.

Now if we, if the subcommittee and then the Congress, decided to establish some kind of system of prechecking of retail sales, one of the ways that criminals and nonresidents would get around it would be this, wouldn't it, to go to South Carolina and then pay someone, a resident or a derelict as you call it, to go in and buy the weapon for him, even if there was a precheck procedure; that sale

would be, would appear to be, valid. Indeed, would be legal, wouldn't it?

Mr. RUSSELL. If he had no prior felony conviction, it could very easily be so. Now—but we have got to remember that most of these things are almost spontaneous. We have found so many where the transactions are made in one day, whereas if the man talked to a local derelict and said I'll give you $2 to buy me a gun; if this derelict knows that his name is going to be submitted for a record check, I doubt very seriously if he would go through with it; he may; but as I say, so many are spontaneous that if you arrived in a town, cruised the pool halls or wherever these people are, on the street, he finds him, he gives him a couple of dollars and we have found this, he'll actualy write down the description of the firearms he wants; he'll go to the stores; he will look in the case; he will get exactly the description of the gun, write it on a piece of paper; the derelict goes to the man and says this is the gun I want. The man delivers the gun, the derelict signs the 4473, and so forth, the man pays him, he brings it out, walks down two blocks or one block or maybe in front of the store and he gives the man the gun and the man is off and gone. That is, it is just so common, a common practice.

Mr. GEKAS. The word "spontaneous" is a bit misleading I think. The sense that I got from the situation that you described that the person who went into the store and described it went through a very elaborate procedure. In other words, he came down into South Carolina intent on getting a handgun and this is the way he did it.

Mr. RUSSELL. Yes, sir.

Mr. GEKAS. So the spontaneity involved would be just in locating which derelict.

Mr. RUSSELL. Yes, that's right. I don't mean just the gun right then but it takes reconnaissance, a little planning, and then it's done.

Mr. GEKAS. Well, I think one of the things we have to be concerned about is not drawing up a law that just changes the method of illegal acquisition of handguns. If we establish prechecks of retail sales, well then the criminals and nonresidents would just go around it a different way and what it suggests, I guess in theory at least, is that there has to be some subsequent controls and regulations of transfers, at least in theory; wouldn't you agree with that?

Mr. RUSSELL. Yes, sir.

Mr. CONYERS. Mr. Barboza.

Mr. BARBOZA. Mr. Lane, Mr. Mann engaged you in a discussion of dealer qualifications; presently under the existing law, there are five qualifications for a dealer; he must be 21 years of age, not be prohibited from transporting or shipping firearms, not be in willful violation of the Gun Control Act, and not have failed to disclose material information, and he must have premises within the particular State in which he intends to do business in. Is there a requirement that a federally licensed firearms dealer comply with all State and local laws prior to acquiring a Federal firearms license?

Mr. LANE. I think, now I am not positive, but it is normally that it will not be in conflict with State law normally.

Mr. BARBOZA. It is not a requirement.

Mr. LANE. No.

Mr. BARBOZA. That he have obtained the requisite State or city license?

Mr. LANE. To my knowledge, it is not.

Mr. BARBOZA. It is a violation if he sells firearms in violation of city or local ordinances?

Mr. LANE. To my knowledge, it is; that is correct.

Mr. BARBOZA. So then you have mentioned also that there is difficulty in making compliance inspections, so that there is no guarantee that an individual who possesses a Federal firearms license and fails to obtain the required city or State licenses is not indeed engaged in the sale of handguns. I don't have the State or city ordinance for the State of South Carolina or for Georgia, but I do believe you said that it was required that they obtain a license to sell handguns.

Mr. LANE. That is my understanding. It is just a simple license that if you engage in selling handguns, you have a license.

Mr. BARBOZA. A firearms dealer then could be selling handguns without the required State license.

Mr. LANE. That is correct.

Mr. BARBOZA. Have you run across in any of your compliance inspections, any licensed firearms dealers who have indeed sold handguns in violation of the State laws in either Georgia or South Carolina.

Mr. MANN. As far as making such cases.

Mr. LANE. Actually we have made no cases, no.

Actually we are probably more intent when we go into a place to make certain that they were complying with Federal regulations; there are so many, that we probably don't become involved as to whether or not State law is being complied with too.

Mr. BARBOZA. What kind of premises do firearms dealers have?

Mr. LANE. Well actually——

Mr. MANN. Excuse me, let me interrupt you. The point you were just on, you know, I have a sneaking suspicion that the Internal Revenue Service makes available to the State tax commission any problems they find on income taxes, is there any reason you shouldn't obtain from the State of Georgia a list of their handgun licensees and use it as a cross check as you go about your business advising them of any obvious violations?

Mr. LANE. I think provisions could be made for that. We have this disclosure act where you have to be extremely careful relative to information that you disclose relative to occupational tax stamps and such.

Now——

Mr. MANN. You know, there is honor among thieves.

Mr. LANE. Yes.

Mr. MANN. We don't tell tales on any people, that is not our business, but isn't it about time we started doing that?

Mr. LANE. I can say this. There has been no——

Mr. MANN. Coverup.

Mr. LANE. No, there has been no agreement between the State of Georgia and ATF relative to this, does this individual hold a State as well as a Federal.

Mr. MANN. It wouldn't take much, I am sure they would be glad to give you their list.

Mr. LANE. Well actually, you know, there used to be that working agreement relative to liquor license which worked extremely well, and I think with the proper legislation and such, maybe you could cross-reference relative to Federal and State licenses.

Mr. MANN. Well, even though Georgia I am sure does a good job at law enforcement, I doubt if their gun division, gun licensing division has many inspectors to go around and find out who is selling guns without a license.

Mr. LANE. That's correct.

Mr. MANN. And yet you have a good many people involved in walking into those establishments every day and you can see whether or not they are selling handguns and can see whether or not they are on the Georgia list. If they are, a little phone call will tell Georgia that maybe this is a violator. Would that bother your conscience?

Mr. LANE. As long as it didn't bother the law, it wouldn't bother my conscience, I will say that. I have no objection.

Another thing we do have, we have quite a transition of new licensees in Georgia alone. We gain about—we don't actually gain because you lose licensees too but there is about 50, approximately 50 new licensees each month that you have to investigate applications and that is time consuming there too, not only must you go by relative to compliance but you have got all of these new people coming in.

Mr. MANN. I understand. Thank you.

Mr. BARBOZA. Mr. Lane, with respect to the number of firearms being manufactured in the United States and being sent to various areas of the country, the chairman sent a letter to 34 handgun manufacturers requesting certain information on their dealers—the dealers who purchase firearms from them. Do you have any idea of the number of licensees who engage in purchasing large quantities of firearms from manufacturers in the State of Georgia? These are licensed dealers, jobbers I assume they call them, who merely buy from manufacturers and resell to licensed firearms dealers.

Mr. LANE. I am afraid I didn't catch all of that question, but is it basically individuals, licensed dealers buying and reselling?

[Interruption due to live action TV broadcast, again.]

Mr. BARBOZA. Reselling, wholesaling firearms.

Mr. LANE. Well, actually you have some individuals that do sell to other licensees. Like you'll have a large outlet, say in Macon, perfectly legal. They in turn will sell to lesser dealers quantity-wise in Georgia.

Mr. BARBOZA. Do you make any special effort to identify these large distributors?

Mr. LANE. We are normally aware of them. We are aware.

Mr. BARBOZA. How would you compare the inspection of the smaller dealers with the inspection of the larger dealers?

Mr. LANE. Well, they are more frequent, like such as these actual pawnshops in Atlanta where we know a tremendous number of guns come out of these shops. These people will receive much more frequent compliance investigations than an individual in a rural area

who we know is doing nothing but selling during hunting season and such as that.

Mr. BARBOZA. If we were to ask that you provide the subcommittee with information concerning wholesale distributorships in the Atlanta area or in the Greenville area, would you be able to do such a task?

Mr. LANE. Well, as far as the—we could get the information for you.

Mr. BARBOZA. Well, I won't hold you in suspense. We have information here which was gleaned from printouts of not only the Federal firearms dealers but from the responses of approximately 10 handgun manufacturers, answering the chairman's letter. We found that Alabama had 12, Florida 37, Georgia 21, Mississippi 9, North Carolina 13, South Carolina 10, Tennessee 16; what I am wondering is why such a low number for South Carolina? In looking through we find very few to South Carolina. We found a number of dealers in Dallas, Tex.; now guns may be shipped from Dallas, Tex., to wholesalers in South Carolina or into Atlanta. So, guns may be traveling from manufacturers in the northeast to a wholesaler in the southwestern part of the country and then back east to the southeast?

Mr. LANE. I woud say it is more of a jobbing situation you know as you have in other items, a jobbing situation, where you have one individual that deals in quantities and then lets out to other lesser dealers.

Mr. BARBOZA. That does though, doesn't it, raise some problems for regulatory enforcement, because there may be large quantities of firearms entering Dallas, Tex., for resale in other cities. So, in terms of your own resources, wouldn't it be important to have a large number of agents in areas where there are large quantities of guns, to know how many guns are going into that area and how many are leaving that area?

Mr. LANE. It would be extremely important to have that information to start with, that an individual say is receiving firearms from this Texas outlet into Georgia and certainly it would get our attention immediately.

Mr. BARBOZA. Another issue that Mr. Mann brought up, concerning carriers of firearms, right now there is no requirement that a carrier report thefts, it is a voluntary situation, isn't that correct?

Mr. LANE. It started, yes, on a voluntary basis.

Mr. BARBOZA. It still is voluntary, isn't it?

Mr. LANE. That is correct.

Mr. BARBOZA. Does ATF have a list of firearms carriers in the various areas of the country, or in a region?

Mr. LANE. Each State made up and was furnished a list of all transporters, not necessarily all transporters would carry firearms but we had, I think it was 140 some odd that were contacted and also we contacted say, the headquarters here in Atlanta, that also had offices in other States.

Mr. BARBOZA. How many other carriers would carry firearms besides this 140?

Mr. LANE. This would be difficult to say.

Mr. BARBOZA. Do you have any idea of how many people are engaged in carrying firearms in the country or in your region?

Mr. LANE. Well, I couldn't say, but our special agents contacted 143 terminal transport managers in Georgia and solicited their cooperation, so we contacted just about every terminal in Georgia relative to this program.

Mr. BARBOZA. Do you have any requirement that a carrier report to you that he is engaged in transporting firearms or that the manufacturer report to you the names of the carriers who are shipping his firearms?

Mr. LANE. No. Each was given a poster to display warning against interstate firearms theft. They are also furnished with a supply of Form 46, Report of Theft or Loss of Firearms, to be used in reporting thefts. That is what I said, they are mailed to the Bureau headquarters in Washington and they in turn would notify us, but we have also gotten phone calls relative to these thefts.

Mr. CONYERS. Of course, displaying a poster might be a good way of advertising who is running the guns; right?

Mr. LANE. Well, that is true. A lot of these thefts were internal you might say, within the group itself.

Mr. BARBOZA. Well, let's construct a situation in which we could determine who is carrying firearms. What if there were a requirement that shippers and manufacturers report the names of the carriers of their firearms to ATF, and that the carriers report, perhaps once or twice a year, and indicate the fact they are carrying firearms, then you would know—not only have a cross-check from the manufacturers' submission, but also you would know precisely who is carrying firearms in the country.

Mr. LANE. That is correct.

Mr. BARBOZA. What if we further required that carriers maintain a list of the serial numbers of the firearms they transport in their main offices and on the vehicle carrying the firearms. What if they also were required to maintain a list of the persons engaged in either handling firearms or transporting the firearms so that there would be a check on the pilferage of firearms by the employees. Would that kind of an approach aid you in getting a better handle or better understanding of the firearms thefts, and, of course, requiring that shippers report all firearms thefts to AFT?

Mr. LANE. Well, I am not being critical of the terminals as such, but basically that material transfers from one group to another so quickly, as far as recordkeeping, it's extremely difficult for them to maintain records. It appears to be.

Mr. BARBOZA. It wouldn't require keeping of records but merely reports. The manufacturer would provide a list of serial numbers. It is unlawful to transport a handgun that has an obliterated serial number. In effect, how would a trucker know if he were violating a law now if the handguns are in a box? If he were told by the manufacturer that this is a list of the firearms you are going to carry and, in addition to this, you are required to record the people who will be handling them in the course of travel from me to the person who is on the receiving end. That is not much of a burden, is it?

Mr. LANE. I am not being critical, no, but you say not much of a burden. The reason I say that is a lot of selling guns and they change clerks about every other week and those individuals, we are supposed

to be informed relative to the Federal regulations, and it is a tremendous task.

Mr. BARBOZA. There is no requirement now? It is a voluntary thing in your region, for dealers to report employees who are engaged in the sale of firearms?

Mr. LANE. Well, actually when you have a corporation, the individuals involved in selling have to be identified and that is what I was saying, they change clerks so quickly, say out of the firearms——

Mr. BARBOZA. Could you tell us how they are identified?

Mr. LANE. By name and position.

Mr. BARBOZA. Is that information sent to your region or to AFT?

Mr. LANE. Well AFT gets it, it is actually supposed to be in connection with the license, when they apply for license, who will handle the weapon.

Mr. BARBOZA. But there is no requirement that they update that?

Mr. LANE. That is correct. Technically it is supposed to be kept up to date, but unless we go by and make a compliance investigation, because they change clerks so often, that it gets lost on the way you might say.

I will say this that under the new explosive law, they are required to report thefts of explosives.

Mr. CONYERS. Well I think counsel's line of questioning is interesting in this regard. If it is important to know who the clerks are in the dime store that is selling the guns, we sure ought to know who the interstate shippers are going in and out of State. We may be countenancing, merely by not asking the name, rank, and serial number of these shippers, wholesale transfers of hundreds of thousands of weapons annually that merely asking might be averted. Now, on the other hand, it is sort of interesting to me that if this requirement applied to sales personnel in the department stores and so forth and and they are changing clerks so frequently that it is a running administrative problem. I am just beginning to wonder how much those clerks, the sales persons, know about the weapons that they are selling in terms of what they can do, how they are maintained, how the forms should be filled out, what kind of ammunition should be used, and how the weapon should be handled. It seems like this is an important area for those of us who are trying to get a handle on the dimensions of this enormously complex subject. Within the regulatory scheme and within the legislative process, we could become a lot more effective.

Now I realize that everything we say is conditioned upon ATF being developed in terms of its resources so they can do this. I am not suggesting for a minute that all of these additional responsibilities be absorbed by your existing staff, but there is a legislative question. If reducing the number of homicides and accidents with handguns are as important an objective as we say it is, then we must be prepared to make these changes and then furnish the necessary resources for those charged with enforcement of these laws and regulations to do the job.

Mr. LANE. I understand, I am not positive, Mr. Piper can possibly answer better himself, but I understand that it's to be arranged that a complete trace will be made of firearms from the manufacturer

out to the States and most of your manufacturers are I think in New York, New England, most of your larger, I believe that is correct, aren't they in the process of running this trace from point of origin to final destination.

Mr. BARBOZA. But then if that is after the fact, after the gun has been used in a criminal sense, this does not get to the issue of detering illegal sales, knowing where the firearms are being sold and shipped in the country.

Mr. LANE. Well that is correct, I was just—in relation to your question relative to tracing through shippers. I believe they are in the process of setting that up.

Mr. CONYERS. Well, gentlemen, I am going to have to terminate this discussion. You have been very helpful. I applaud the diligence of the southeast region and I cannot yet quite understand why in the face of all of the increased understanding about the southern connection and the problems that are only recently becoming more and more public and more understandable that you are confronted with a reduction in force, while at the same time nationally AFT is receiving a manpower increase. It seems to me that we are going to have to examine that with Rex Davis who appears before us with some regularity during the course of these proceedings.

Mr. LANE. It appears that the source of irritation is here and it is going to take some manpower to remove the source of irritation at this point in order that you do have fewer guns up in the larger 10 metropolitan cities.

Mr. GEKAS. One quick question. In the course of project identification for New York, Philadelphia and Boston, did you gentlemen do collateral investigation whereby you went out and polled the 4473's for the guns that were involved in the project I in the north and then do further investigations on the purchaser to determine residence and prior criminal history?

Mr. LANE. You mean here in Atlanta?

We sent what is called the Form 5000 up, they sent it back to us with information relative to the dealer. We went to the dealer, from the dealer we went to the individual, and interviewed them.

Mr. GEKAS. For Project I?

Mr. LANE. Yes, and checked their police records.

Mr. GEKAS. In all cases?

Mr. LANE. Well, actually we had a criteria. I could read it if you would like.

Mr. GEKAS. No, no.

Mr. LANE. The Assistant U.S. Attorney—it is actual felons who you might say are dangerous to the public with a gun in their hand. We limited it to that. We had 200 and some odd investigations out of 700 and something traces.

Mr. GEKAS. All right, just to finish up, do you have those files, did you maintain copies of those investigative reports?

Mr. LANE. Those Form 5000 would be on file and to the best of my knowledge, the other information relative to individuals naturally on whom cases were being made which I think is in the record, where we identified them by a number, a case number.

Mr. GEKAS. So they can be retrieved?

Mr. LANE. So those can be retrieved.

Mr. GEKAS. Is that the case in South Carolina?

Mr. RUSSELL. I would think so.

Mr. LANE. That is correct.

Mr. GEKAS. Thank you.

Mr. CONYERS. Gentlemen, we are in your debt. Keep up the good work.

Mr. LANE. Thank you very much.

Mr. PIPER. Thank you.

Mr. CONYERS. Our final witness before luncheon recess is Councilman Morris Finley who has evidenced a continued concern in this subject. We welcome him to the witness table at this point.

We note that you have a prepared statement and will enter it in the record at this point.

[The prepared statement of Mr. Finley follows:]

PREPARED STATEMENT OF MORRIS FINLEY, COUNCILMAN, ATLANTA, GA.

I am Morris Finley. I am a lifetime resident of the city of Atlanta and a member of the Atlanta City Council. I represent the fifth (5th) district of the city—the major part of which is located in De Kalb County. My district, gentlemen, is sometimes called a ghetto. It is a community of severe poverty and high incidence of crime and violence. Within this district is a public housing development known as East Lake Meadows which houses more than 5000 citizens—80% of whom are dependent on public welfare.

Gentlemen, let me express to you my appreciation for this opportunity to appear before you. Now, I have tried to say that my district has some of all of the negative attributes that a community can have. It is amazing that it has held together as well as it has. However, I am not here to talk about the negatives. I want to use this occasion and this opportunity to accentuate the positive.

Let me begin by making it clear that I would like to live in a community void of all handguns—including those carried by police. We must never lose sight of the fact that there are cities, London, England, for example, in which such weapons are in rare use. When I talk about this subject, I take pleasure in pointing out the fact that there are black communities in this country distinguished by their peace and tranquility in the absence of guns, jails, and police.

Numerous studies have shown that persons of socio-economically depressed backgrounds are more prone to commit anti-social acts than are persons from more affluent backgrounds. Such anti-social acts are too often manifested in handgun abuse. Social depression is a natural outgrowth of economic expression which all too often leads to an attempt to better one's conditions through anti-social means involving handguns.

Many, and perhaps most crimes are in some way economically motivated—that is, the criminal's basic motivation is related to income and thus to his standard of living. The obvious exception to this are crimes of passion where emotion overwhelms reason, and crimes committed by the insane.

Former Attorney General Ramsey Clark in his book entitled, *Crime in America*, stated that of most serious crimes listed in the F.B.I. index of serious crimes, robbery, burglary, and larceny motivated, are the most frequent in urbanized areas. Since violence or potential violence is likely to be incidental to obtaining income that is derived from such crimes, it may be concluded that a high percentage of the indexed crimes involve some form of property, including money. Thus, most crimes considered serious by the F.B.I. involve economic motivations.

Having made the above observation, it appears reasonable to assume that crime may be reduced by increasing the opportunities and income that an individual can obtain from legal employment. This point is further emphasized in numerous statistical observations pointing to the fact that there are more violent crimes among the poor and ill-educated than among the wealthy and

well-educated. Victimization rates are also eight to ten times higher for ghetto dwellers than for the more affluent.

The crime and homicide problem facing the society cannot be eliminated by simply and solely making acquisition of a handgun more difficult, or registration mandatory. This legislative undertaking must continue. However, the problem is deeper than that. We must get to the roots of the failure of our society to provide adequate employment, educational and recreational opportunities to its masses. Until this problem is confronted, attacked and resolved, handgun legislation will only achieve part of its intended purpose.

The way of attacking the crime problem in Atlanta and the rest of the Nation is by reducing and eliminating the conditions that are leading our citizens to crime. This can be done by providing more and better employment opportunities, better and more opportunities for education and improving recreation.

I appeal to you, gentlemen of the Congress, in your broadest legislative responsibility, to use your power and authority to address the need of our people so very apparent at this time.

Mr. CONYERS. By entering your statement in the record in its entirety, that will allow you to make any additional comments you may wish.

TESTIMONY OF MORRIS FINLEY, ATLANTA CITY COUNCIL

Mr. FINLEY. Thank you.

Mr. Chairman, members of this distinguished congressional hearing panel, I am Morris Finley. I am a lifetime resident of the city of Atlanta and a member of the Atlanta City Council. I represent the Fifth District of the city, the major part of which is located in DeKalb County. My district, gentlemen, is sometimes called a ghetto. It is a community of severe poverty and high incidence of crime and violence. Within this district is a Public Housing Development known as East Lake Meadows which houses more than 5,000 persons, over 80 percent of whom are dependent on Public Welfare.

Gentlemen, let me express to you my appreciation for this opportunity to appear before you. Now I have tried to say that my district has some of all of the negative attributes that a community can have. It is amazing that it has held together as well as it has. However, I am not here to talk about the negative. I want to use this occasion and this opportunity to accentuate the positive.

Let me begin by making it clear that I would like to live in a community void of all handguns, including those carried by policemen. We must never lose sight of the fact that there are cities—London, England, for example—in which such weapons are in rare use. When I talk about this subject, I take pleasure in pointing out the fact that there are black communities in this country distinguished by their peace and tranquility in the absence of guns, jails, and police.

Numerous studies have shown that persons of socioeconomically depressed backgrounds are more often prone to commit antisocial acts than are persons from more affluent backgrounds. Such antisocial acts are too often manifested in handgun abuse. Social depression is a natural outgrowth of economic expression which all too often leads to an attempt to better ones condition through antisocial means involving handguns.

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Having made the above observation, it appears reasonable to assume that crime may be reduced by increasing the opportunities and income that an individual can obtain from legal employment. This point is further emphasized in numerous statistical observations pointing to the fact that there are more violent crimes among the poor and ill educated than among the wealthy and well educated. Victimization rates are also 8 to 10 times higher for ghetto dwellers than for the more affluent.

The crime and homicide problem facing the society cannot be eliminated by simply and solely making acquisition of a handgun more difficult, or registration mandatory. This legislative undertaking must continue, however, the problem is deeper than that. We must get to the roots of the failure of our society to provide adequate employment, educational and recreational opportunities to its masses. Until this problem is confronted, attacked, and resolved, handgun legislation will only achieve part of its intended purpose.

The way of attacking the crime problem in Atlanta and the rest of the Nation is by reducing and eliminating the conditions that are leading our citizens to crime. This can be done by providing more and better employment opportunities, better and more opportunities for education and improving recreation.

I appeal to you, gentlemen of the Congress, in your broadest legislative responsibility, to use your power and authority to address the need of our people so very apparent at this time, and I think the community will control handguns.

Mr. CONYERS. Well your statement which I appreciate hearing is similar to Councilwoman Irma Henderson in Detroit, Michigan who also raised the question that we ought not exclude developing the alternative possibility of methods of removing weapons from the hands of the police as well.

I have attempted to do some research in that area and we haven't come up with too many studies about it, but that aspect is very intriguing and any information that you may give in addition to your own statement here today will be very welcomed by at least this member of the subcommittee.

I thank you very much and ask if there are any questions by members of the committee.

[No response.]

Mr. CONYERS. Then the subcommittee will stand in recess until 1:30.

[The prepared statement of Councilman Marvin Arrington follows:]

STATEMENT OF COUNCILMAN MARVIN ARRINGTON, ATLANTA, GA.

Good morning, Congressman Conyers, honored guests, ladies and gentlemen.

I appear before you today to speak in support of Federal legislation for handgun control. Firearms must be controlled. There is a need for Federal legislation because State legislation alone is a futile exercise. More than 200,000 people are killed or wounded accidentally by firearms each year. We must realize that hand-held guns do not provide the kind of safety and security in our homes we had hoped for. Chances are that when the family gun is fired, it becomes an instrument of personal family tragedy, not protection from an intruder.

There are three elements that are essential in the control of handguns.

1. There is a definite need of the regulation of handguns with a reasonable waiting period between the purchase and the receipt of handguns. I appeal to revise Federal gun laws to provide that only responsible, bona fide gun dealers be permitted to obtain Federal licenses to engage in the business of firearms. Persons who have violated State laws, particularly firearm laws, should not be permitted to obtain licenses to sell firearms. A waiting period between the purchase and receipt of handgun should be imposed to enable dealers to take reasonable steps to verify that handguns are not sold to persons whose possession of them would be illegal under Federal, State and applicable local laws.

2. Mandatory minimum prison sentences for anyone who uses a firearm in the commission of a State or Federal crime. Criminals with handguns have played a key role in the rise of violent crime in America. Hundreds of policemen have been killed in the past decade through the use of handguns by criminals. The most effective way to combat the illicit use of handguns by criminals is to provide mandatory prison sentences for anyone who uses a gun in the commission of a crime.

3. Prohibition of the importation, domestic manufacture, assembly or sale of "Saturday night specials". These guns are involved in an extraordinary large number of street crimes. Most have no legitimate supporting purpose.

Since law enforcement is essentially a local matter, the Federal Government must do its share in assisting the States in the fight against crime. Federal legislation would be effective because it would focus on the problem of criminal gun violence. This proposal will take the handguns out of the hands of the criminal without jeopardizing in any way the interest of law-abiding citizens who for any reason feel that they want to possess such a weapon.

[Whereupon, at 12:30 p.m., the subcommittee was recessed, to reconvene at 1:30 p.m., the same day.]

AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order, and our next witness will be a representative from the Georgia State Crime Commission, Mr. Nick Collins. Welcome, Mr. Collins, we have your statement which we appreciate your preparing in advance. We will incorporate it in the record at this time and ask that you proceed in your own way.

[The prepared statement of Mr. Collins follows:]

STATEMENT OF NICK COLLINS, PROGRAM MANAGER, GEORGIA STATE CRIME COMMISSION

I am Nick Collins of the Georgia State Crime Commission, which is the State's Criminal Justice planning agency responsible for the coordination of

criminal Justice Planning for the State of Georgia. I am here on behalf of Mr. Jim Higdon, Director of the State Crime Commission, who wishes to express his regret for not being able to attend. Mr. Higdon left the State on business prior to receiving notification of this meeting. He has asked me to present the State Crime Commission's position statement on Handgun Control as contained on Page (1) of the document provided to the committee. The following is the position statement on handgun control of the State Crime Commission.

The Georgia State Crime Commission adopted the position and recommendation on "Handgun Control" previously stipulated by the Governor's Commission on Criminal Justice Standards and Goals through the consideration and inclusion of that recommendation in the State's priorities for the 1976 Comprehensive Criminal Justice Plan.

The recommendation concludes that the Legislature of Georgia should require that all handgun owners meet minimum qualifications, possess a Handgun Owner's License, a registration permit for each handgun, and the purchase of a handgun should be preceded by a designated waiting period. Additionally, the importation, manufacture, assembly, sale, possession and use of all substandard handguns and component parts should be outlawed. In order to familiarize the public with the need for handgun control legislation and individual precautionary measures, a comprehensive public awareness program should be initiated statewide. Provisions must be provided for the effective implementation and enforcement of the handgun legislation.

The intent of the position is clearly directed to disarm criminals and incompetent persons, and to *prevent* the occurrence of handgun related crimes. No attempt has been made to infringe upon the rights of citizens exercising their constitutional guarantees.

An analysis of the position is presented beginning on page (2) of the State Crime Commission's position statement which I would like to reiterate. The position encompasses the provisions for: (1) A handgun owner's license; (2) a registration permit for handguns; (3) a mandatory waiting period before purchase; (4) the establishment of qualifications for the purchase and ownership; (5) verification of qualifications prior to issuance; (6) the adoption and enforcement of minimum physical and mechanical standards for handguns; (7) the proper maintenance and reporting of sales records by vendors of handguns, components, and amunition; and (8) the responsibility for administering the legislation to the Department of Public Safety of Georgia.

The need for handgun control in Georgia is reasonable because the two primary problems it can help to resolve are not reasonable: violent crimes and the lack of, or, consistency of State and local firearms legislation.

I will not belabor the point of violent crime in Georgia except to point out that over (50) percent of the time, a handgun is used, it is the type weapon used (6) out of (10) times to commit homicide and robbery in the State.

Legislation in Georgia to prevent and control handgun related crimes is lacking and inconsistent.

Currently, in Georgia, there is only one State statute regulating handguns which is the State's Handgun Licensing Law. It requires that anyone who carries a pistol outside of his home or business have a license issued by the county probate court. In order to obtain the license the applicant must certify his age and other information required by the law which the probate court must maintain as records. However, the court is not required to verify the information supplied by the applicant prior to, or as a condition of, the issuance of a license.

In March of this year the 5th Circuit of the United State Court of Appeals struck down a portion of the licensing law as being in violation of the due process clause of the 14th Amendment.

Various counties and municipalities in the State have attempted to deal with the problem of handgun abuse with local ordinances. Some communities have imposed a mandatory waiting period for the purchase of a handgun. Several others require that handgun sales information be reported to the local police departments. The City of Atlanta in 1967 and again in 1973 attempted to outlaw the so called "Saturday Night Special." Atlanta's ordinances have been ruled unconstitutional by the State courts and other local ordinances are being questioned.

The General Assembly of Georgia began the serious examination of the State's handgun laws this year. Twenty-one separate pieces of legislation were introduced, 18 are pending in the Special Judiciary Committee of the Georgia House of Representatives. It is likely that some form of handgun legislation will be forthcoming in the 1976 Session. Whether or not it will be as extensive as the Commission proposes in which licensing and registration would be required and sub-standard handguns would be banned, is not clear at this time.

On page 18 of the State Crime Commission's position statement you will find a list of the 21 pieces of firearms legislation and its status in the General Assembly of Georgia.

In conclusion, the document provided to you is presented to explain, and clarify, the "Position Statement", it was compiled in a short period of time for this purpose and any information it does not contain, I will be happy to provide you upon request.

TESTIMONY OF NICK COLLINS, PROGRAM MANAGER, GEORGIA STATE CRIME COMMISSION

Mr. COLLINS. Thank you, Mr. Chairman.

Mr. Chairman, again I am Nick Collins of the Georgia State Crime Commission, which is the State's criminal justice planning agency responsible for the coordination of criminal justice planning for the State of Georgia.

I am here on behalf of Mr. Jim Higdon, director of the State Crime Commission, who wishes to express his regret for not being able to attend.

Mr. Higdon left the State on business prior to receiving notification of this meeting. He has asked me to present the State Crime Commission's position statement on handgun control as contained on page 1 of the document provided to the committee previously.

The following is the position statement on handgun control of the State crime commission.

[The document referred to follows:]

OFFICE OF THE GOVERNOR,
STATE CRIME COMMISSION,
Atlanta, Ga., July 21, 1975.

STATE CRIME COMMISSION POSITION STATEMENT ON "HANDGUN CONTROL"

The Georgia State Crime Commission adopted the position and recommendation on "Handgun Control" previously stipulated by the Governor's Commission on Criminal Justice Standards and Goals through the consideration and inclusion of that recommendation in the State's priorities for the 1976 Comprehensive Criminal Justice Plan.

The recommendation concludes that the Legislature of Georgia should require that all handgun owners meet minimum qualifications, possess a Handgun Owner's License, a registration permit for each handgun, and the purchase of a handgun should be preceded by a designated waiting period. Additionally, the importation, manufacture, assembly, sale, possession and use of all substandard handguns and component parts should be outlawed. In order to familiarize the public with the need for handgun control legislation and individual precautionary measures, a comprehensive public awareness program should be initiated statewide. Provisions must be provided for the effective implementation and enforcement of the handgun legislation.

POSITION ANALYSIS

The legislative intent of the Commission's position is clearly directed to disarm criminals and incompetent persons, and to prevent the occurrence of

handgun related crimes. No attempt has been made to infringe upon the rights of citizens exercising their constitutional rights.

The State Crime Commission should retain a qualified public relations and advertising company to compile the public awareness program. This would require approximately $60,000 in Law Enforcement Assistance Administration (LEAA) funds. The State Crime Commission, the Department of Public Safety and the Crime Prevention Unit of the Georgia Bureau of Investigation should jointly implement the program through public service activities of the news and entertainment media.

The Georgia Bureau of Investigation, the Department of Public Safety and the State Crime Commission should be jointly responsible for defining minimum standards relating to the physical and mechanical characteristics of handguns. The expertise of persons in the munitions and weapons industries should be relied upon extensively for all necessary technical information. Once those standards are defined, they should be legislatively enacted. All handguns not meeting those standards should be declared illegal.

Legislation should be introduced into the 1975 session of the General Assembly which deals solely with the control of handguns. Such legislation should be patterned after the firearms control laws of the states of New York and Illinois which have not been judged unconstitutional.

The following provisions should be included:

1. A Handgun Owner's License, renewable for a specified period, must be obtained in order to purchase or possess a handgun. There shall be an appropriate license fee. All present handgun owners would be given a grace period of one year from the effective date of the Act to obtain the license. Penalties would be provided for noncompliance.

2. A registration permit must be obtained in order to purchase or possess a handgun. There shall be appropriate registration fee.

3. The licensing and registration permit program shall be incorporated into the existing driver's licensing structure of the Department of Public Safety.

4. The Georgia Department of Public Safety shall collect and maintain appropriate records.

5. A mandatory minimum waiting period should be required prior to purchase of a handgun.

6. All handgun purchasers and owners must meet certain qualifications in order to obtain a Handgun Owner's License or a handgun registration permit. Such qualifications should relate to the following: a. Age; b. Residency requirement; c. Criminal record with particular emphasis on conviction of crimes involving violence, alcohol, or drug abuse; d. Physical or mental competency as defined by law.

7. Adherence to those qualifications shall be verified prior to the issuance of any license or registration permit and prior to the periodic renewal of a Handgun Owner's License.

8. All new handguns shall be registered when purchased and all presently owned handguns shall be registered by the owner at no cost within one year from the effective date of the Act. Penalties should be provided for noncompliance.

9. Handguns shall be subject to confiscation (a) if used in a crime for which a conviction is obtained or (b) if not registered properly. Law enforcement agencies shall be authorized to request that any confiscated handguns, other than a sub-standard handgun, be issued by the Georgia Department of Public Safety to that agency for its use; otherwise such handgun shall be destroyed.

10. Handguns that do not meet minimum physical and mechanical standards shall be declared sub-standard and illegal, as determined by the Georgia Department of Public Safety.

11. Vendors of handguns or components thereof, and handgun ammunition, or components thereof, shall keep a record of all of the sales of such guns and ammunition, listing the name, address, age and driver's license number of the purchaser, and shall report periodically to the Department of Public Safety this record.

12. The Department of Public Safety shall be responsible for administering the Act. Administrative costs will be offset by the licensing and registration permit fees.

13. Provisions must be included to provide for effective implementation and enforcement of handgun legislation and provide for penalties for its violation, and it is recommended that penalties be as follows in Section 13.[1]

See footnotes at end of article.

SECTION 13.—*Criminal provisions for handgun control*

Type violation	*Penalty suggested*
Subsection I:	
A. Nonpossession of handgun owner's license while possessing a handgun.	A. Misdemeanor and B. Weapon confiscation or C. Require individual to secure a handgun owner's license.
B. Nonpossession of handgun owner's license while possessing handgun used during felonious and/or violent act for which a conviction is obtained.	A. Nonreducible felony (1–5 years) and B. Weapon confiscation.
Subsection II:	
A. Nonpossession of a handgun registration permit while possessing a handgun.	A. Misdemeanor and B. Handgun confiscation or C. Require individual to secure handgun registration permit.
B. Nonpossession of a handgun registration permit while possessing handgun used during felonious and/or violent act for which conviction is obtained.	A. Nonreducible felony (1 to 5 years) and B. Handgun confiscation.
Subsection III: The furnishing of handguns to nonlicensed handgun owners (the furnishing of each handgun to constitute a separate offense).	A. Misdemeanor and/or B. Weapons confiscation and/or C. Registration and license confiscation.
Subsection IV: The illegal possession of substandard handguns.	A. Misdemeanor and B. Weapons confiscation and C. Confiscation of handgun owner's license for —— period of time.
Subsection V: Providing false information for the purpose of acquiring a handgun owner's license and/or registration permit.	A. Misdemeanor and B. Disallowing the acquisition of a handgun owner's license and/or registration permit.
Subsection VI:	
A. Sale of illegal handguns and/or component parts (each handgun sale constitutes a separate offense).	A. Felony (1–5 years) and B. Confiscation of dealer's license for —— period of time and
B. Sale of handguns to nonlicensed handgun owners.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
C. Vendor delivery of a handgun to a purchaser prior to issuance of registration.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
D. Sale of handguns before the minimum waiting period has expired.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
E. Failure to keep appropriate records and to keep them open to authorized persons.	A. Misdemeanor and B. Confiscation of dealer's license for —— amount of time.
Subsection VII: Manufacturing or importation of substandard and/or illegal weapons.	A. Felony (1–5 years) and B. Confiscation of manufacturer's license and C. Imposition of civil penalties as defined by law.

OTHER POSITIONS AND ENDORSEMENTS

The State Crime Commission of 1974 urged the General Assembly of Georgia to enact a Comprehensive Firearms Law. The law would consolidate existing State firearms and weapons acts into a single legislative package, establish uniform firearm definitions, require the licensing of persons obtaining a handgun and handgun ammunition, and the registration of handguns. The Commission further stipulated that firearms dealers maintain adequate records and report such records to the Georgia Crime Information Center. Strict penalties must be provided for the use of a handgun during the commission of a crime. The Commission's position and feelings on gun control are amplified with its following statement.

"It is all too easy for the criminal, the drug addict, the habitual drunkard, fugitives from justice, mental incompetents, juvenile delinquents and persons under the voting age not only to obtain handguns and other firearms, but to also obtain a 'pistol toters' permit. The machine gun laws are virtually unenforceable and the licensing law is ineffectual. As a result of the inadequacies of the State laws, cities and counties have enacted a patchwork of ordinances which seek to shore up the State law. Not only do these ordinances differ from one jurisdiction to another but it is probable that most, if not all, could not stand a challenge on constitutional grounds. The recent declaration of Atlanta as the 'Murder Capital of the World' has brought about new interest in firearms legislation." [3]

GEORGIA ORGANIZED CRIME PREVENTION COUNCIL (1974)

The Georgia Organized Crime Prevention Council, in January of 1974, enacted a resolution to endorse legislation pertaining to "Firearms Control." The Council stated that "there is a need for appropriate legislation in the area of firearms control for the removal of handguns from the streets and to stop some of the spontaneous shooting * * *" [2]

GEORGIA ORGANIZED CRIME PREVENTION COUNCIL (1975)

In 1975, the Georgia Organized Crime Prevention Council reiterated its position on "Firearms Control." The Council stated that "there is a need for appropriate legislation in the area of firearms control, for the removal of handguns from the streets, and the need for stricter licensing procedures and the outlawing of the 'Saturday Night Special.' " [2]

PROBLEM IDENTIFICATION INFORMATION

In 1973, nationwide statistics show that of the 19,510 estimated homicides, 53% were committed with handguns. Of the 18,550 estimated homicides in 1972, 54% were committed with handguns. Studies have shown that the handgun is the weapon most used in the commission of the majority of violent crimes where there is injury or death.

In both 1972 and 1973, national statistics show that one-fourth of all homicides were within the family, 7% were romantic triangles or lovers' quarrels, 41% were arguments, and 27% resulted from robbery, sex motive, gangland slaying and other felonious activities. The majority of homicides occur among acquainted persons. Studies show that only two to three percent of the killings within the home were committed by robbers or burglars.

Of the 416,270 aggravated assaults committed in 1973 nationwide, most occurred within the family or among persons who were acquainted. Firearms accounted for 26% of all weapons used and a handgun was the most frequently used weapon. Of the 382,680 robberies committed in 1973, 63% were with a firearm.

See footnotes at end of article.

The relationship between alcohol and handgun deaths is complex and inconclusive. However, all available evidence points to the fact that the abuse of alcohol has a significant correlation with crime, especially homicide as noted in the 1958 Wolfgang Study. With the observations of the Wolfgang study, the facts that when consumed alcohol is the most prominent stimulus to the personality of a user who reacts violently, and, that the majority of homicides result from the combination of anger, passion, and the intent to hurt rather than kill, the relationship between handguns, alcohol, and homicides can be more closely associated.[4]

In more specific studies, Leonard Berkowitz of the University of Wisconsin has shown the mere presence of a gun to be a definite stimulation for aggression. Where anger was present, those allowed even a glance at a gun reacted much more aggressively than those equally as angry who had not seen a gun.[4]

Public-opinion polls revealed the feelings of Americans on the issue of firearms registration. The November, 1974, Gallup Poll which asked a random sampling of people whether registration of all firearms should be required found that 71 percent responded "Yes" and 29 percent responded "No". The southern half of the nation responded 67 percent "Yes" and 33 percent "No", and the eastern half of the nation 83 percent "Yes" and 17 percent "No".

In Georgia, for 1973, 82 percent of all homicides were committed with firearms; 62 percent of the homicides were with handguns which equated to 76 percent of all firearms used to commit homicide.

The following table provides a statistical breakdown of homicides by demographic areas in the State and its relationship to population for 1973.

FBI-UGR 1973—TABLE 5

Georgia	Homicides	Percent	Population	Percent
SMSA	526	63	2,702,000	56
Other cities	98	12	665,000	14
Rural	210	25	1,419,000	30
Total	834	100	4,786,000	100

Rural.—Unincorporated part of a county which is outside an SMSA.
Other city.—An incorporated part of a county which is outside an SMSA.

The crime of robbery in Georgia was committed 62 percent of the time with a firearm, and 58 percent of the time with a handgun which accounted for 94 percent of all firearms used for robbery.

Forty-five percent of all aggravated assaults in the States were committed with a firearm. Handguns accounted for 34 percent of the total reported cases which was 76 percent of all firearms used to commit aggravated assault.[5]

From 1971 through 1974, suicide deaths by firearms in Georgia increased from 410 to 520 deaths. This represented a 27 percent increase in suicides by firearms.[6]

Of the 260 homicides committed in Atlanta in 1972, handguns were the weapons used in 62% of the offenses. Of the 260 homicides, 20% were committed by persons related to their victim, 50% were committed by persons acquainted with their victim and 23.1% were committed by persons unacquainted with their victim. The remaining 7% were unknown. The majority of homicidal offenders committed only one homicide.

In Atlanta, statistics for 1972 show guns were the weapon used in 53.1% of the 2,143 aggravated assaults. Of the 2,143 offenses, 75% were between relatives, friends or acquaintances. Of the 3,074 robberies in Atlanta, handguns accounted for 69.3% of the weapons used.[5]

The Bureau of Alcohol, Tobacco and Firearms (ATF) of the U.S. Department of the Treasury recently conducted a survey of handguns confiscated in

See footnotes at end of article.

crimes in New York, Detroit, Atlanta and New Orleans from July 1, 1973 through December, 1973. That survey showed that the "Saturday Night Special" accounted for 71% of the handgun-related crimes. For Atlanta alone, the figure was 72% with a total of 592 "Specials" confiscated during that six month period. The ATF survey further showed that most of the confiscated "Specials" found in Atlanta were originally purchased locally, primarily from 12 licensed dealers in Atlanta. Neither the State of Georgia nor the City of Atlanta has a law banning the sale or possession of the "Saturday Night Special." [7]

The use of firearms to commit a homicide in the State is nowhere more prevalant than in Fulton County. From 1961 through 1974, Fulton County Medical Examiner reported an actual increase in homicides of 257 percent. The total number of homicides committed by methods other than firearms represents a 163 percent increase, but homicide deaths caused by firearms represent a 303 percent increase during the fourteen year period.[8]

STATUS OF LEGISLATION IN GEORGIA

Georgia first attempted to deal with the abuse of handguns in 1837 by outlawing most handguns; [9] in 1846, this act was declared to be in violation of United States Constitutional guarantees by the State Supreme Court.[10] The Court, however, upheld a portion of the 1837 Act which prohibits the carrying of concealed weapons.[11] This portion of the Act also serves as the basis for the State's Code Section 26-2901. Subsequent legislation prohibited the carrying of weapons at public gatherings,[12] and furnishing weapons to minors.[13] By 1910, it was apparent that these provisions were not succeeding in "guard(ing) and protect(ing) the citizens * * * against the unwarranted and too frequent use of * * *" [14] handguns, thus the General Assembly adopted an act requiring that all persons carrying handguns outside their home or place of business be licensed by the Probate Court.[15] The Constitutionality of this Act was immediately challenged but was upheld by the State Supreme Court in *Strickland* v. *State* [16] as being a proper exercise of the General Assembly's Constitutional "* ** * power to prescribe the manner in which arms may be borne".[17] However, in March of this year the 5th Circuit of the United States Court of Appeals struck down a portion of Georgia's handgun licensing law as contravening due process guarantees of the 14th Amendment.[18]

Various Georgia counties and municipalities have attempted to deal with the problems associated with handgun abuse by ordinance despite the fact that the Georgia Constitution prohibits local government from enacting legislation on subjects covered by State law. Some communities such as Americus have imposed a mandatory waiting period for the purchase of handguns.[19] Chatham County,[20] as well as the cities of Columbus,[21] Macon,[22] Savannah,[23] Valdosta,[24] Waycross [25] and West Point [26] have required that handgun sales be reported to the local police department. The City of Atlanta in 1967 and again in 1973 [27] attempted to outlaw the so called "Saturday Night Special" only to have those ordinances struck down by the Courts.[28] A recent opinion of the State Attorney General regarding another firearm ordinance would appear to reinforce the contention that local governments cannot legislate in the area of handgun control.[29] Thus, local attempts at handgun control thus far have not been successful.

In 1975 the General Assembly, faced with increased public pressure because of the rising of homicides, assaults, and armed robberies which involved handguns, (over 70% of which involved the Saturday Night Special), undertook its first serious examination of the State's handgun laws in the last decade. Twenty-one separate pieces of legislation were introduced. Of these, 18 are pending in the Special Judiciary Committee of the Georgia House of Representatives. Public hearings on handgun control were held by this Committee last Friday and again last week. In view of the decision of the 5th Circuit in *Johnson versus Wright*, it seems likely that some form of handgun legislation will be forthcoming in the 1976 Session. Whether or not it will be as extensive as the legislation envisioned by Representative David Scott, in which licensing and registration would be required and the Saturday Night Special would be banned, remains to be seen.

See footnotes at end of article.

FIREARMS LEGISLATION IN GEORGIA—1975 GEORGIA GENERAL ASSEMBLY

Bill No.	Title	Status
Senate bill 172	Prohibit cities and counties regulating registration.	Passed Senate. In House Special Judiciary Committee.
Senate bill 280	Weapons used in commission of crime—destruction of.	Do.
Senate bill 301	License application to carry pistol—false oath	In Senate Judiciary Committee.
Senate bill 309	Machine guns—register per National Firearms Act.	Passed Senate. In House Special Judiciary Committee.
Senate bill 316	Possession during felony—second offense—change punishment.	Do.
House bill 52	Handguns—prohibit sale—certain persons—waiting period.	In House Special Judiciary Committee.
House bill 117	Carrying pistol without license—felony	Do.
House bill 121	Pistol license—increase fee; sheriff approve bond.	Do.
House bill 197	Carrying at polling place—prohibit	Passed both Houses. Signed by Governor into law Apr. 18, 1975. Act 529.
House bill 249	Handguns—regulate	In House Special Judiciary Committee.
House bill 453	Carrying without license—misdemeanor obtaining license.	Do.
House bill 590	Possession in commission of felony—penalty	Do.
House bill 613	Carrying at polling places—prohibit	Passed House. In Senate Economy Reorganization and Efficiency in Government Committee.
House bill 772	Firearms/records on sale rental, lease or loans	In House Special Judiciary Committee.
House bill 794	Georgia Firearms Act—additional exemptions	Do.
House bill 795	Georgia Firearms Act—include amendment to National Firearms Act.	Do.
House bill 857	Concealed Weapon Law—exempt judges	Do.
House bill 1137	Unlawful discharge of firearms on Sunday—repeal act.	Lost in House. Reconsidered and recommitted to House Special Judiciary Committee.
House bill 1218	Possession of firearms in criminal act—additional terms.	In House Special Judiciary Committee.
House bill 1219	Person convicted of felony—unlawful to possess firearms.	Do.
House bill 1221	Use of weapon during commission of crime—additional penalty.	Do.

FOOTNOTES

[1] Handgun Control, No. PV–6 Governor's Commission on Criminal Justice Standards
[2] Georgia Organized Crime Prevention Council; Resolution, January 25, 1974.
Georgia Organized Crime Prevention Council; Resolution, January 25, 1975.
[3] Georgia State Crime Commission, Resolution 74–1; January 23, 1974.
Report of the Special Committee on Firearms, State Crime Commission; December 4, 1973.
[4] Alcohol Abuse Prevention, No. PV2–A; Governor's Commission on Criminal Justice Standards and Goals of Georgia, September 13, 1974.
Uniform Crime Reports for the United States; 1973.
[5] *Crime in Georgia*, State Crime Commission, December, 1974.
[6] Health Services Research and Statistics, Division of Physical Health, Georgia Department of Human Resources; Computer run of July 17, 1975.
[7] *Project Identification*, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, December, 1973.
[8] Homicide Deaths—Office of the Medical Examiner, Fulton Co., Georgia, January 10, 1975.
[9] Ga. L. 1937, Act. No. 188 (Cobbs New Digest of the Laws of Georgia, 851 (1851). A Constitutional History of the Right to Keep and Bear Arms As It Relates to Georgia, January 29, 1975.
[10] Nunn v. State, 1 Ga. (Kelly) 243 (1846).
[11] 1 Ga. 243 at 251. The 1837 provisions were placed by Ga. L. 1882–3, 48.
[12] Ga. Code Ann. §26–2902 (1972) Ga. L. 1870, 421.
[13] Ga. Code Ann. §26–2905.
[14] Ga. L. 1837, Act 188 preamble.
[15] Ga. L. 1910, 134, reenacted by Ga. L. 1968, 1249 as Ga. Code §26–2903.
[16] Strickland v. State, 137 Ga. 1, 72 S.E. 260 (1911).
[17] Ga. Const. 1877, Art. I, §22, Ga. Code Ann. §2–122 (Book 1, 1973) reenacted as Ga. Const. 1945, Art. I, §22, Ga. Code Ann. §2–122 (1973).
[18] Johnson v. Wright, 5509 F.2d 828 (1975).
[19] Americus (Ga.) City Ord.
[20] Chatham County (Ga.) Code §11–9038.1, §24–105.
[21] City Code of Columbus §14–64, 15–10.
[22] City Code of Macon §14–28.
[23] City Code of Savannah §24–105.
[24] City Code of Valdosta §18–39a.
[25] City Code of Waycross §2.
[26] City Code of West Point §16–82.
[27] Atlanta City Ord. §20–61 (1972). Atlanta City Ord. adopted Oct. 20, 1973.
[28] Deans, Inc. v. City of Atlanta, Civil Case No. B–24142 (Fulton Co. Ga. Super. Ct. 1967) and Yerlow v. City of Atlanta, Civil Case No. 87755 (Fulton Co. Ga. Super. Ct. 1973).
[29] Ga. Op. Atty. Gen. U74–81. A bill pending with Georgia General Assembly would clearly prohibit local governments from enacting firearms legislation. 1975 Ga. S.B. 172. Firearms Legislation in Georgia, 1975 General Assembly.

POSITION DOCUMENTATION

DOCUMENTATION LIST

1. Handgun Control, No. PV–6 Governor's Commission on Criminal Justice Standards and Goals of Georgia, Oct. 25, 1974.
2. Georgia Organized Crime Prevention Council; Resolution, January 25, 1974.
3. Georgia Organized Crime Prevention Council; Resolution, January 25, 1975.
4. Georgia State Crime Commission, Resolution 74–1; January 23, 1974.
5. Report of the Special Committee on Firearms, State Crime Commission; December 4, 1973.
6. Alcohol Abuse Prevention; No. PV2–A; Governor's Commission on Criminal Justice Standards and Goals of Georgia, September 13, 1974.
7. *Crime in Georgia*, State Crime Commission, December, 1974.
8. Uniform Crime Reports for the United States; 1973.
9. Health Services Research and Statistics, Division of Physical Health, Georgia Department of Human Resources; Computer run of July 17, 1975.
10. *Project Identification*, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, December, 1973.
11. Homicide Deaths—Office of the Medical Examiner, Fulton Co., Georgia, January 10, 1975.
12. Ga. L. 1837, Act. No. 188 (Cobbs New Digest of the Laws of Georgia, 851 (1851).
13. A Constitutional History of the Right to Keep and Bear Arms As It Relates to Georgia, Georgia State Crime Commission, January 29, 1975.
14. A list of Georgia Laws from 1837.
15. Nunn v. State, 1 Ga. (Kelly) 243 (1846).
16. A report of the State Crime Commission—Georgia Law on Firearms, January 27, 1975.
17. Johnson v. Wright, 509 F.2d 828 (1975).
18. Published Ordinances—Firearms—Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1974 Edition.
19. Published Ordinances—Firearms—Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1975 Supplement.
20. *Savannah Morning News*, "Dealers Want Gun Law Repealed," August 24, 1974.
21. *Atlanta Journal—Constitution*, "Americus Still Controls Guns," August 24, 1974, p. 14B.
22. Firearms Legislation in Georgia, 1975 Georgia General Assembly.

RÉSUMÉ

Name: Nick Collins.

Age: 28.

Education: Bachelor of Science Degree in Psychology, Valdosta State College.

Current Position: Program Manager, State Crime Commission's Criminal Justice Standards and Goals Study (Phase II).

Responsibility: To coordinate, manage, and supervise the development of forty-one Criminal Justice System issues in the group areas of Police, Criminal Justice Systems, and Crime Prevention.

Background: Mr. Collins joined the Atlanta Police Department in January, 1971, and worked as a uniform police officer until 1973. In January of that year, he was assigned to the Planning and Research Division as a police planner and grants' manager where he developed several programs for the City of Atlanta, including Project THOR (Target Hardening/Opportunity Reduction). After being promoted to detective and then sergeant, in 1974 Mr. Collins was assigned to the Governor's Commission on Criminal Justice Standards and Goals as the Crime Prevention Team Supervisor. In January of 1975, Mr. Collins left the Atlanta Police Department for the position of Program Manager with the State Crime Commission's Criminal Justice Standards and Goals Study.

GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

Recommendation Memo No. PV–6

Study Team: Crime Prevention **OCTOBER 25, 1974.**
Issue No. 6: Handgun Control

ISSUE STATEMENT

By what means can handgun-related crimes be prevented or reduced?

CONCLUSION

State legislation should be enacted requiring that all handgun owners meet minimum qualifications, possess a Handgun Owner's License, and a registration permit for handguns. The purchase of a handgun should be preceded by a designated waiting period. Finally, the importation, manufacture, assembly, sale, possession and use of all sub-standard handguns and component parts should be outlawed. In order to familiarize the public with the need for handgun control legislation and individual precautionary measures, a comprehensive public awareness program should be initiated.

FINDINGS

Basis of Authorization

There are several areas in the Georgia laws that pertain to firearms. The Georgia Firearms and Weapons Act prohibits the possession of sawed-off-shotguns and rifles, machine guns, silencers, and other dangerous weapons such as hand grenades, bazookas, recoiless rifles, rocket launchers and mortars. The exceptions to this Act are Federal, State and local law enforcement officers, correctional institution personnel, and Federal and State military personnel whose duties require the possession of such weapons.

Sections 26-2901 through 26-2909 of the Georgia Code Annotated required a license to carry a pistol or revolver on or about one's person, and prohibit the carrying of any type of weapon in a concealed manner. These sections prohibit the possession of deadly weapons at public gatherings, furnishing weapons to minors, possession and sale of machine guns, pointing a gun or pistol at another person, and the discharge of firearms on or near a public highway. Law enforcement officers, correctional institution personnel, Federal and State military personnel and persons employed under defense contracts with the Federal government are exempt from most of the provisions of these laws.

Sections 92A-901 through 92A-911 of the Georgia Code Annotated requires the licensing of dealers and their employees for the sale of pistols and short barreled firearms, and identifies the Department of Public Safety as the licensing agency. Each dealer and employee must sign an affidavit stating that the applicant is a citizen of the United States, is at least 21 years of age, and has not been convicted of a felony. He must also file a bond in the amount of $1,000. The annual licensing fee is $25.00 for a dealer and $3.00 for a dealer's employee. A license may be revoked for non-payment of the license fee, unethical practice, conviction of fraud, crimes involving moral turpitude or selling firearms to minors.

Other sections of Georgia law regulate the interstate purchase of rifles and shotguns, prohibit the possession of firearms during the commission of or the attempt to commit a crime, and prohibit the discharge of firearms on Sundays.

Under current Georgia laws, little difficulty is encountered by anyone who wishes to obtain a handgun. This is equally relevant to law-abiding citizens, criminals, alcoholics, habitual drug users, and persons who are mentally or physically incompetent. In order to purchase a handgun, Georgia law requires only that the purchaser be at least 21 years of age. There is no State law requiring that the purchaser be investigated for evidence of any past criminal activity, or to determine his mental, physical or emotional competency. Also, there is no State law requiring a mandatory waiting period to allow sufficient time for law enforcement agencies to conduct such an investigation.

Once the handgun has been purchased, there is no State law requiring that the weapon be registered with a law enforcement agency. The Federal Gun Control Act of 1968 requires that dealers keep records which identify the type, model caliber and serial number of the weapons sold and the name, address, date and place of birth, height, weight and race of the purchaser. Each dealer must make such records available for inspection by law enforcement agencies upon request. However, the State does not compile and maintain duplicates of this information in a central location. Therefore, law enforcement agencies do not have access to a combined source of information which would identify the owner of a confiscated handgun used in the commission of a crime.

While laws governing the purchase and ownership of handguns are somewhat lax, the requirements for carrying a handgun are more comprehensive. Georgia law provides that each county ordinary may issue a license allowing a person to carry a handgun on or about his person in an unconcealed manner. In order to obtain a license, the applicant must certify that he is at least 21

years of age, mentally competent, has not been convicted of a felony within the past 10 years or a forceable misdemeanor within the past two years, and gives a bond in the amount of $300. The ordinary must maintain a record of the applicant and the make, caliber and serial number of the firearm to be carried. However, the ordinary is not required by State law to verify the correctness of the information supplied by the applicant prior to, or as a condition of, the issuance of a license.

The overall purpose of the Federal Gun Control Act of 1968 is to provide assistance to State and local governments in controlling firearms traffic within their jurisdictions. Several of its major provisions include curtailing mail order sales, regulating the interstate movement of firearms, prohibiting the importation of inexpensive, low quality handguns and surplus military firearms, and establishing a licensing procedure for firearms manufacturers and dealers. However, the Act is defficient in that it has not caused any significant reduction in the incidence of handgun-related crime. One major deficiency is that while the importation of inexpensive, low quality handguns is prohibited, the importation of their component parts is not. This has resulted in the establishment of a flourishing domestic industry which manufactures and assembles such weapons, commonly known as "Saturday Night Specials."

Another deficiency of the 1968 Act is that it does not prohibit the purchase of handguns by criminals or other unsuitable persons. There are regulations with which legitimate dealers must comply, but this has no effect upon the hand-to-hand or "street" sales of used guns, which accounts for approximately 54% of all handgun transactions in the United States.

Current Practices

In 1973, nationwide statistics show that of the 19,510 estimated homicides, 53% were committed with handguns. Of the 18,550 estimated homicides in 1972, 54% were committed with handguns. Studies have shown that the handgun is the weapon most used in the commission of the majority of violent crimes where there is injury or death.

In both 1972 and 1973, national statistics show that one-fourth of all homicides were within the family, 7% were romantic triangles or lovers' quarrels, 41% were arguments, and 27% resulted from robbery, sex motive, gangland slaying and other felonious activities. The majority of homicides occur among acquainted persons. Studies show that only two to three percent of the killings within the home were committed by robbers or burglars.

Of the 260 homicides in Atlanta in 1972, handguns were the weapons used in 62% of the offenses. Of the 260 homicides, 20% were committed by persons related to their victim, 50% were committed by persons acquainted with their victim and 23.1% were committed by persons unacquainted with their victim. The remaining 7% were unknown. The majority of homicidal offenders committed only one homicide.

Of the 416,270 aggravated assaults committed in 1973 nationwide, most occurred within the family or among persons who were acquainted. Firearms accounted for 26% of the weapons used. Studies have shown that handguns were the most frequently used weapons. Of the 382,680 robberies committed the 2,143 aggravated assaults. Of the 2,143 offenses, 75% were between relatives, in 1973, 63% were with a firearm.

In Atlanta, statistics for 1972 show guns were the weapons used in 53.1% of friends or acquaintances. Of the 3,074 robberies in Atlanta, handguns accounted for 69.3% of the weapons used.

The Bureau of Alcohol, Tobacco and Firearms (ATF) of the U. S. Department of the Treasury recently conducted a survey of handguns confiscated in crimes in New York, Detroit, Atlanta and New Orleans from July 1, 1973 through December 1973. That survey showed that the "Saturday Night Special" accounted for 71% of the handgun-related crimes. For Atlanta alone, the figure was 72% with a total of 592 "Specials" confiscated during that six month period. The ATF survey further showed that most of the confiscated "Specials" found in Atlanta were originally purchased locally, primarily from 12 licensed dealers in Atlanta. Neither the State of Georgia nor the City of Atlanta has a law banning the sale or possession of the "Saturday Night Special."

Other State and Federal Experience

Some States have taken further action in areas not covered by the Gun Control Act of 1968. For instance, several states have enacted laws requiring a mandatory waiting period from when a buyer applies to purchase a handgun until possession is taken. Under law, the waiting period is two days in Alabama, the District of Columbia, Pennsylvania and South Dakota; three days in

Illinois and Washington; five days in California; seven days in Maryland, Connecticut, New Jersey, and Indiana; and fifteen days in Tennessee.

Sixteen states have laws requiring that handgun purchasers must obtain prior authorization from the local law enforcement agency before they take possession. Illinois, New York and Massachusetts require the purchaser to have a type of firearm owner's license or identification card issued by the local law enforcement agency as a prerequisite to purchasing a handgun. Both the purchase authorization and the owner's license are issued as a result of a background investigation of the applicant.

In addition to the purchase of firearms, Illinois law also requires that no person may purchase ammunition without having a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement. This provision does not apply to non-residents who possess valid non-resident hunting permits, who are on an authorized firing range, and who are attending an authorized firearms show.

Only Massachusetts, Mississippi, Hawaii and the District of Columbia have laws requiring that all handguns be registered.

Due to the lack of comprehensive Federal regulations, legislative efforts at the state level have in many cases failed. The relatively few State laws that have been enacted are largely ineffective because they do not have the advantage of interstate uniformity. Such uniformity could only be provided by Federal law. This can best be illustrated by examining New York's stringent Sullivan Law which requires a license for the retail sale of handguns, a police permit to purchase a handgun, and an additional permit for the possession of a handgun. Even though it is strictly enforced, that law has not prevented the handgun-related crime rate from increasing. The primary reason for the increases is that 83% of the handguns confiscated by police were brought in from outside the state. A similar situation exists in Massachusetts, where it was found that 87% of the confiscated handguns came from other states.

Other Authoritative Opinions

Psychiatric and sociological studies show that most homicides and aggravated assaults are prompted by an explosion of anger and facilitated by the general availability of handguns. The intention is usually to hurt rather than to kill the victim.

Studies further show that most murders come from combinations of compounded anger, passion, intoxication or accident. Quarrels which trigger murder would most likely end in bloody noses or a lot of noise if a handy, loaded, deadly weapon were not available.

A study conducted at Stanford University School of Medicine has stated that guns symbolize a source of power, pride, control, independence, strength (the equalizer for feelings of inferiority or inadequacy), manliness, virility and potency.

In more specific studies, Leonard Berkowitz of the University of Wisconsin has shown the mere presence of a gun to be definite stimulation for aggression. Where anger was present, those allowed even a glance at a gun reacted much more aggressively than those equally as angry who had not seen a gun.

California's former Governor Edmund G. Brown has pointed out that of the approximately 3,000 fatal gun accidents per year nationally, 40% are children or teenagers. The Federal Commission on Violence found that for every robber killed with a handgun, four people are killed in handgun accidents.

In conclusion, Robert F. Kennedy's statement of July 11, 1967 is most relative to the findings of this study: ". . . it is a responsibility to put away childish things—to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves—and demands."

ALTERNATIVES

1. Retain the present methods of dealing with handgun-related crime.

Advantages.—No additional funds would be required.

Disadvantages.—Handgun-related crimes cannot be prevented or reduced.

2. The State should enact legislation prohibiting the manufacture, importation, sale and possession of handguns, and to confiscate all existing handguns in Georgia.

Advantages.—The elimination of all handguns in Georgia would result in the reduction of handgun-related crimes.

Disadvantages.—Because of the lack of federal assistance and support in controlling the interstate movement of handguns, it is anticipated that adequate enforcement of such legislation would be extremely difficult to achieve.

The creation of a black market in the illegal trafficking of handguns would be highly probable.

The lack of public acceptance of a complete ban of the possession of handguns would probably prevent such legislation from being enacted. Confiscation of existing handguns would depend primarily upon the willingness of handgun owners to voluntarily surrender their weapons. Since existing registration records do not include all handguns and their owners, confiscation of all handguns cannot be accomplished without the manpower to conduct house-to-house searches. It is anticipated that such searches would be highly unpopular among most citizens.

Many law-abiding citizens feel it is necessary that they possess handguns in order to protect themselves against criminals. They will not voluntarily disarm themselves unless they are convinced that the criminal element has first been disarmed.

Additional funds would be required.

3. State legislation should be enacted requiring that all handgun owners meet minimum qualifications, possess a Handgun Owner's License, and a registration permit for handguns. The purchase of a handgun should be preceded by a designated waiting period. Finally, the importation, manufacture, assembly, sale, possession and use of all sub-standard handguns and component parts should be outlawed. In order to familiarize the public with the need for handgun control legislation and individual precautionary measures, a comprehensive public awareness program should be initiated.

Advantages.—The increase in the number of handguns possessed by criminals and persons who are physically or mentally incompetent can be retarded.

Background investigations conducted by law enforcement agencies prior to issuing and renewing owner's licenses and issuing registration permits would enable law enforcement agencies to be continually aware of an owner's qualifications and competency to possess a handgun.

Obtaining a registration permit at the time a handgun is sold would insure that all new handguns are registered. Existing handguns will be registered. As this would aid law enforcement agencies in determining the ownership of handguns used in criminal activity, and in returning stolen handguns to their owners.

Persons contemplating the commission of a crime with a handgun could be detered by the knowledge that the weapon could be traced to him.

A mandatory minimum wating period would allow sufficient time for a background investigation of the handgun purchaser. It would also provide a "cooling off" period which would prevent the purchase of a handgun on an irrational impulse.

The destruction of legally confiscated handguns would prevent those weapons from again being used in criminal activities.

By requiring all handguns to meet minimum physical and mechanical standards, the so-called "Saturday Night Special" could be eliminated. This would reduce the total number of available handguns, thereby reducing the incidence of handgun-related crime.

A public awareness program would give present and future handgun owners reason to question whether or not the possession of a handgun is wise in view of its potential danger. This would cause a voluntary reduction in the number of handguns kept in homes, thereby reducing the number of handgun accidents and impulsive homicides. The voting public could also be persuaded to become more actively involved in the firearm-related matters that may be under consideration by the State and local Governments, thus providing legislators with a greater awareness of the public's wishes.

Disadvantages.—Additional funds would be required.

The successful registration of all handguns could primarily depend upon voluntary compliance by all present handgun owners. A significant number of present owners probably would not comply within a one year period after legislative enactment.

DETAILED RECOMMENDATION

It is recommended that alternative number three be adopted. The successful implementation of this recommendation will be dependent upon the enactment of its legislative proposals. Since lobbying activities by the National Rifle Association and other powerful special interest groups traditionally opposed to gun control efforts will be intense, it is necessary that legislative intent be clearly directed toward disarming criminals and incompetent persons, and that no attempt will be made to infringe upon the rights of citizens exercising their constitutional rights.

Public acceptance is necessary to the adoption of effective handgun control regulations. The public awareness program is therefore most critical to the implementation of this recommendation.

IMPLEMENTATION STRATEGY AND FINANCIAL IMPACT

The State Crime Commission should retain a qualified public relations and advertising company to compile the public awareness program. This would require approximately $60,000 in Law Enforcement Assistance Administration (LEAA) funds. The State Crime Commission, the Department of Public Safety and the Crime Prevention Unit of the Georgia Bureau of Investigation should jointly implement the program through public service activities of the news and entertainment media.

The Georgia Bureau of Investigation, the Department of Public Safety and the State Crime Commission should be jointly responsible for defining minimum standards relating to the physical and mechanical characteristics of handguns. The expertise of persons in the munitions and weapons industries should be relied upon extensively for all necessary technical information. Once those standards are defined, they should be legislatively enacted. All handguns not meeting those standards should be declared illegal.

Legislation should be introduced into the 1975 session of the General Assembly which deals solely with the control of handguns. Such legislation should be patterned after the firearms control laws of the states of New York and Illinois which have not been judged unconstitutional.

The following provisions should be included:

1. A Handgun Owner's License, renewable for a specified period, must be obtained in order to purchase or possess a handgun. There shall be an appropriate license fee. All present handgun owners would be given a grace period of one year from the effective date of the Act to obtain the license. Penalties would be provided for non-compliance.

2. A registration permit must be obtained in order to purchase or possess a handgun. There shall be appropriate registration fee.

3. The licensing and registration permit program shall be incorporated into the existing driver's licensing structure of the Department of Public Safety.

4. The Georgia Department of Public Safety shall collect and maintain appropriate records.

5. A mandatory minimum waiting period should be required prior to purchase of a handgun.

6. All handgun purchasers and owners must meet certain qualifications in order to obtain a Handgun Owner's License or a handgun registration permit. Such qualifications should relate to the following:

a. Age.

b. Residency requirement.

c. Criminal record with particular emphasis on conviction of crimes involving violence, alcohol, or drug abuse.

d. Physical or mental competency as defined by law.

7. Adherence to those qualifications shall be verified prior to the issuance of any license or registration permit and prior to the periodic renewal of a Handgun Owner's License.

8. All new handguns shall be registered when purchased and all presently owned handguns shall be registered by the owner at no cost within one year from the effective date of the Act. Penalties should be provided for non-compliance.

9. Handguns shall be subject to confiscation (a) if used in a crime for which a conviction is obtained or (b) if not registered properly. Law enforcement agencies shall be authorized to request that any confiscated handguns, other than a sub-standard handgun, be issued by the Georgia Department of Public Safety to that agency for its use; otherwise such handgun shall be destroyed.

10. Handguns that do not meet minimum physical and mechanical standards shall be declared sub-standard and illegal, as determined by the Georgia Department of Public Safety.

11. Vendors of handguns or components thereof, and handgun ammunition, or components thereof, shall keep a record of all of the sales of such guns and ammunition, listing the name, address, age and driver's license number of the purchaser, and shall report periodically to the Department of Public Safety this record.

12. The Department of Public Safety shall be responsible for administering the Act. Administrative costs will be offset by the licensing and registration permit fees.

13. Provisions must be included to provide for effective implementation and enforcement of handgun legislation and provide for penalties for its violation, and it is recommended that penalties be as follows:

SECTION 13.—*Criminal provisions for handgun control*

Type violation	*Penalty suggested*
Subsection I:	
A. Nonpossession of handgun owner's license while possessing a handgun.	A. Misdemeanor and B. Weapon confiscation or C. Require individual to secure a handgun owner's license.
B. Nonpossession of handgun owner's license while possessing handgun used during felonious and/or violent act for which a conviction is obtained.	A. Nonreducible felony (1–5 years) and B. Weapon confiscation.
Subsection II:	
A. Nonpossession of a handgun registration permit while possessing a handgun.	A. Misdemeanor and B. Handgun confiscation or C. Require individual to secure handgun registration permit.
B. Nonpossession of a handgun registration permit while possessing handgun used during felonious and/or violent act for which conviction is obtained.	A. Nonreducible felony (1–5 years) and B. Handgun confiscation.
Subsection III: The furnishing of handguns to nonlicensed handgun owners (the furnishing of each handgun to constitute a separate offense).	A. Misdemeanor and/or B. Weapons confiscation and/or C. Registration and license confiscation.
Subsection IV: The illegal possession of substandard handguns.	A. Misdemeanor and B. Weapons confiscation and C. Confiscation of handgun owner's license for —— period of time.
Subsection V: Providing false information for the purpose of acquiring a handgun owner's license and/or registration permit.	A. Misdemeanor and B. Disallowing the acquisition of a handgun owner's license and/or registration permit.
Subsection VI:	
A. Sale of illegal handguns and/or component parts (each handgun sale constitutes a separate offense).	A. Felony (1–5 years) and B. Confiscation of dealer's license for —— period of time and
B. Sale of handguns to nonlicensed handgun owners.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
C. Vendor delivery of a handgun to a purchaser prior to issuance of registration.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
D. Sale of handguns before the minimum waiting period has expired.	A. Misdemeanor and B. Confiscation of dealer's license for —— period of time and C. Handgun confiscation.
E. Failure to keep appropriate records and to keep them open to authorized persons.	A. Misdemeanor and B. Confiscation of dealer's license for —— amount of time.
Subsection VII: Manufacturing or importation of substandard and/or illegal weapons.	A. Felony (1–5 years) and B. Confiscation of manufacturer's license and C. Imposition of civil penalties as defined by law.

GEORGIA ORGANIZED CRIME PREVENTION COUNCIL,
Atlanta, Ga., January 29, 1974.

Memorandum

To: All members of the Georgia General Assembly.
From: James B. Henderson, Chairman.
Subject: Legislation.

The Georgia Organized Crime Prevention Council develops and coordinates strategies and plans to attack organized crime. A major role of the Council is to develop proposals for legislation where existing statutes do not adequately protect or are ineffective in protecting against organized crime.

Enclosed are several resolutions which have been adopted by the Georgia Organized Crime Prevention Council.

The recomendations contained in the resolutions are considered essential to improvements in our law enforcement system and to your concerns relating to the detection and control of organized crime in Georgia. I ask, on behalf of the Georgia Organized Crime Prevention Council, that you utilize these resolutions in considering the bills brought before you.

A RESOLUTION

Whereas, the major goal of the Georgia Organized Crime Prevention Council, in keeping with the Law Enforcement Assistance Administration (LEAA) guidelines and the original Executive Order, is to develop and coordinate strategies and plans to attack organized crime; and

Whereas, a major strategy of the Organized Crime Prevention Council is to develop proposals for legislation where existing statutes do not adequately protect or are ineffective in protecting against organized crime; and

Whereas, there is a need for legislation which would give the State and the defense equal number of jury strikes. The law now allows ten (10) to the State and twenty (20) to the defense thus enabling the defense to select a more favorable jury; and

Whereas, there is a need for a witness immunity bill which would give statutory authority to the State in granting a witness immunity and requiring his testimony where there is no statutory authority to do so at present. The effect of this legislation would give the prosecutor a valuable tool in compelling testimony where a witness can now remain silent and claim his privilege; and

Whereas, there is a need to increase the punishment for narcotics and dangerous drugs as well as redefining and classifying all the drug laws; and

Whereas, there is a need for stronger consumer protection laws; and

Whereas, there is a need for appropriate legislation in the area of firearms control for the removal of handguns from the streets and to stop some of the spontaneous shootings; and

Whereas, there is a need for legislation to make unlawful certain extortionist credit transactions; and

Whereas, there is a need for statewide investigating grand juries for the purpose of investigating any alleged violations of the laws of this state or any other matter subject to investigation by grand juries as provided by law; now, therefore, be it

Resolved by the Georgia Organized Crime Prevention Council, that the Council will endorse legislation pertaining to the aforementioned areas of (1) jury strikes, (2) witness immunity, (3) increased penalties for narcotics and drugs, (4) consumer protection laws, (5) firearms control laws, (6) extortionist credit transactions, and (7) investigating grand juries.

The Georgia Organized Crime Prevention Council in regular session in Atlanta, Georgia on Friday, January 25, 1974, a quorum being present, did unanimously adopt the above resolution.

A RESOLUTION

Whereas, crime in the State of Georgia is increasing at an ever alarming rate; and

Whereas, the prevention and solution of crimes in the State of Georgia is the goal of all law enforcement agencies; and

Whereas, this goal can be obtained only by unified effort of all law enforcement agencies; and

Whereas, the Georgia Division of Investigation is a proven segment of our law enforcement community which is ever striving for the aforementioned goal; and

Whereas, the Georgia Division of Investigation is a member in good standing of the Law Enforcement Intelligence Unit (LEIU); and

Whereas, the Georgia Division of Investigation is the coordinating unit for the Georgia State Intelligence Network (GSIN); and

Whereas, the term Georgia Bureau of Investigation—working title "GBI"—is known to all state enforcement agencies and has a predominant degree of recognition; now, therefore, the Georgia Organized Crime Prevention Council hereby

Resolves:

1. That a bill to be introduced in the 1974 session of the Georgia General Assembly creating a Georgia Bureau of Investigation is in the best interest of all law enforcement agencies in the State of Georgia.

2. That the three divisions of the Georgia Bureau of Investigation: (1) Division of Investigation, (2) the Crime Laboratory, and (3) the Georgia Crime Information Center provide law enforcement agencies of the State of Georgia with invaluable aid in the prevention and solution of crimes.

3. That the Georgia Bureau of Investigation should be created by the 1974 Georgia General Assembly to provide assistance to all law enforcement agencies of the State of Georgia.

Attest.—The Georgia Organized Crime Prevention Council in regular session in Atlanta, Georgia on Friday, January 25, 1974, a quorum being present did unanimously adopt the above resolution.

A Resolution

Whereas, the Georgia Organized Crime Prevention Council exists to develop and coordinate strategies and plans to attack organized crime; and

Whereas, a major function of the Organized Crime Prevention Council is to endorse and support proposals of legislation that is necessary to protect our citizens against organized crime; and

Whereas, there is a need for statewide investigating grand juries for the purpose of investigating organized crime and any other alleged violations of the laws of this State, or any other matter subject to investigation by grand juries as provided by law; and

Whereas, there is a need for a witness immunity bill which would give statutory authority to the State in granting a witness immunity and requiring his testimony where there is no statutory authority to do so at present. The effect of this legislation would give the prosecutor a valuable tool in compelling testimony where a witness can now remain silent and claim his privilege; and

Whereas, there is a need to prevent and control the vicious practice known as loan sharking; and

Whereas, there is a need to approve the concept of making commercial gambling a felony with penalties more severe than the present law provides; and

Whereas, there is a need to revoke the corporate charter of a business operated or controlled by organized crime in this State; and

Whereas, there is a need for statewide investigating authority for the Georgia Bureau of Investigation (GBI) for the purpose of investigating organized crime or any other alleged violations of the laws of this State; and

Whereas, there is a need for legislation which would give the State and the defense an equal number of jury strikes. The law now allows ten (10) to the State and twenty (20) to the defense, thus enabling the defense to select a more favorable jury; and

Whereas, there is a need for appropriate legislation in the area of firearms control, for the removal of handguns from the streets, and the need for stricter licensing procedures and the outlawing of the "Saturday Night Special;" and

Whereas, there is a need for creating a Prosecutors Council of Georgia as an entity of State government; now, therefore, be it

Resolved by the Georgia Organized Crime Prevention Council, that the Council will endorse legislation pertaining to the aforementioned areas of (1) investigating grand juries, (2) witness immunity (3) loan sharking, (4) commercial gambling, (5) forfeiture of corporate charter of business operated or controlled by organized crime, (6) statewide investigating authority for the GBI, (7) jury strikes, (8) firearms control, and (9) creation of a prosecutors council.

The Georgia Organized Crime Prevention Council in regular session in Atlanta, Georgia, on Friday, January 24, 1975, a quorum being present, did unanimously adopt the above resolution.

JAMES B. HENDERSON,
Chairman.

RESOLUTION 74–1

Whereas, the State Crime Commission on behalf of the Governor and the people of Georgia is engaged in programs and activities to reduce crime and improve law enforcement and criminal justice within the State; and

Whereas, the Special Committee on Firearms of the State Crime Commission has after extensive study concluded that the laws of the State of Georgia relating to firearms tend to hinder rather than improve law enforcement; and

Whereas, the Special Committee on Firearms has recommended the development of a comprehensive Firearms Act which would consolidate existing laws and provide for more effective regulation of the sale and possession of handguns: now, therefore, be it

Resolved, that the State Crime Commission urges the 1974 general assembly of the State of Georgia to enact a comprehensive firearms law to be known as the Georgia Firearms Act of 1974 which would:

(1) Consolidate the Georgia Firearms and Weapons Act, the firearms provisions of the Criminal Code of Georgia and Georgia Code Chapters 92A–9 and 92A–16 into a single act;

(2) Provide a single uniform set of definitions which would be consistent with existing federal laws;

(3) Provide that anyone possessing, purchasing or otherwise obtaining a handgun or handgun ammunition have a license from a single State agency (preferably the Department of Public Safety) similar to a driver's license before obtaining possesion of a handgun handgun ammunition. The requirements for this license being:

(a) 18 years of age or older.

(b) Meet generally the physical and mental requirements for a driver's license (including vision).

(c) Have not ever been convicted of a felony or be adjudicated mentally incompetent, or within two years proceeding application, have been convicted of a forceable misdemeanor nor be under indictment or on probation for such crimes at the time application is made.

(d) Pay a fee commensurate with that charged for a driver's license.

(4) Provide that the authorities authorized by law to grant licenses for the sale or carrying of a pistol on the person be required to conduct a background check on applicants through the Georgia Crime Information Center (GCIC), and the Sheriff and other local law enforcement agencies in the city and county of residence.

(5) Provide for a single agency to administer the provisions of the Act and to maintain a central records repository (preferably the Department of Public Safety).

(6) Require that firearms dealers maintain adequate records and that they report sales of handguns to the agencies designated in the Act.

(7) Provide for the registration of handguns under a program administered by a single State agency which would establish:

(a) The registration of all handguns at the point of sale at a cost of $5.00.

(b) A two-year program for the voluntary registration of existing handguns.

(c) Non-penal penalties (i.e. fines or condemnation) for the possession of an unregistered handgun after two years.

(8) Provide for stricter penalties for the use of a handgun during the commission of a crime and to require that the penalty for such conviction be served consecutive to any other sentence which may be imposed, unless otherwise stipulated by the court.

(9) Repeal all other provisions other than the Game and Fish Laws.

Approved with amendments by the Special Committee on Firearms January 21, 1974.

Adopted this 23 day of January, Nineteen Hundred and Seventy-four.

JAMES L. MCGOVERN,
Chairman.

Attest:
JIM E. HIGDON,
Administrator.

REPORT OF THE SPECIAL COMMITTEE ON FIREARMS, STATE CRIME COMMISSION

The Firearms Committee of the State Crime Commission was created on October 3, 1973 by the Chairman of the Commission, Mr. James McGovern, and charged with the responsibility of studying in depth the staff report "Georgia Laws on Firearms," and to make such recommendations to the full Commission as it felt were in order regarding the revision of Georgia firearms laws. Subsequently, the Committee aided by staff has attempted in a short period of time to take into account a wide range of viewpoints and opinions on firearms legislation. On November 8, 1973, the Committee met and after several hours discussion concluded that Georgia firearms laws as they now exist present a confused lot, which are in dire need of revision. There are at least three (3) statutory definitions of a machine gun, and two (2) statutory definitions of a sawed-off shotgun. One law enacted in 1822 relates to an era when militia soldiers had to provide their own weapons and a 1865 Reconstruction Act duplicates a Constitutional Provision. Several other laws rendered obsolete when the Criminal Code was reviewed in 1968 because they referred to sections which ceased to exist. Such confusion does not benefit any legitimate cause.

Of special concern to the committee are the growing problems associated with the misuse of handguns and it is apparent that present Georgia law on handguns fails to deal effectively with these problems. Handguns were used in 54 percent of the 13,520 murders reported in the United States during 1972. In Atlanta alone, 255 people were murdered with handguns being used in 66 percent of the cases. Under the existing laws, to carry a pistol without a license is illegal, but the licensing law (Ga. Code 26-2904) only applies to pistols carried "on or about the person" outside of the owner's home, automobile or place of business. While the Committee agrees that a person should be required to have a license to carry a pistol, it feels that to continue to exempt those firearms kept at home, in one's automobile or office is inadequate since in Atlanta alone, 56.1 percent of the murders committed during 1972 occurred in the home.

The Committee notes that several groups, most noteworthy the National Advisory Commission on Criminal Justice Standards and Goals have recommended that possession of handguns by private citizens be made illegal. The Committee does not believe that such an extreme approach is warranted and that such action would not only be prohibited by the Constitution of this State but would create far more legal and moral problems than it would solve.

The Committee also takes notice of the legitimate concerns of many sportsmen's groups especially the National Rifle Association that laws not be enacted which would deprive the law-abiding citizen of his constitutional rights to bear arms. In a position paper issued August 9, 1973, the NRA reiterated its support of firearms laws which:

Prohibit firearms sales by dealers to persons under voting age.

Require adequate adult supervision for use of firearms by juveniles.

Control the importation of all firearms and their component parts.

Prohibit possession of firearms by convicted felons, drug addicts, habitual drunkards, fugitives from justice, mental incompetents, and juvenile delinquents.

Control all machine guns and destructive devices.

Require licensing of manufacturers, importers, dealers, and pawnbrokers, and their keeping of records.

Assure citizens of good repute the continuing right to own and use firearms for sport and self-defense.

Unfortunately the existing Georgia Laws do not, even in this Committee's opinion, effectively accomplish that which the NRA says it would support.

It is all too easy for the criminal, the drug addict, the habitual drunkard, fugitives from justice, mental incompetents, juvenile delinquents and persons under the voting age not only to obtain handguns and other firearms, but to also obtain a "pistol toters" permit. The machine gun laws are virtually unenforceable and the licensing law is ineffectual. As a result of the inadequacies of the State laws, cities and counties have enacted a patchwork of ordinances which seek to shore up the State law. Not only do these ordinances differ from one jurisdiction to another but it is probable that most, if not all, could not stand a challenge on constitutional grounds. The recent declaration of Atlanta as the "Murder Capital of the World" has brought about new interest in firearms legislation. The City Board of Aldermen enacted an ordinance to ban the "Saturday Night Special" despite a warning by the City Attorney that the ordinance was unconstitutional. The outgoing mayor has asked for enactment of a special law by the legislature giving the city the power to legislate against firearms and several Grand Juries have urged stiffening the handgun laws. This Committee has also learned that several such bills are being prepared for introduction in the 1974 Legislature.

The Committee feels that some revisions of the present law are in order. In particular, the Committee believes that legislation should be enacted to provide for the licensing of handgun owners and the registration of handguns under a program to be administered by a single state agency, preferably the Department of Public Safety.

Under such a program, the individual would be required to have a license, similar to a driver's license or hunting license, before purchasing a handgun or handgun ammunition. The requirements for this license would be:

1. Individual be 18 years of age or older.
2. Meet the physical and mental (including vision) requirements generally equivalent of those required for the operation of a motor vehicle.
3. Have not been convicted of a felony within 10 years or of a forceable misdemeanor within 2 years of application.

Applications for such a license would be available in every county in much the same way as driver's licenses. But this Committee firmly believes that to merely create new handgun laws is not in the best interests of the State and therefore recommends that the State Crime Commission develop a comprehensive firearms law that would:

1. Consolidate the Georgia Firearms and Weapons Act, the Firearms Provisions of the Criminal Code, and Code Chapters 92A–9 and 92A–16 into a single act to be known as the Georgia Firearms Act of 1974.
2. Provide a single uniform set of definitions.
3. Provide that anyone purchasing a handgun or handgun ammunition have a license from a single State agency (preferably the Department of Public Safety) similar to a driver's license before obtaining possession of the handgun or handgun ammunition. The requirements for this license being:

(a) 18 years of age or older.

(b) Have the mental and physical capabilities (including vision requirements) generally equivalent to those required for the operation of a motor vehicle.

(c) Have not ever been convicted of a felony, or a forceable misdemeanor within two years of application or under indictment.

(d) Pay a fee commensurate with that charged for a driver's license.

4. Provide that the authorities authorized by law to grant licenses for the sale or carrying of a pistol on the person be required to conduct a background check on applicants through the Georgia Crime Information Center.
5. Provide for a single agency to administer the provision of the Act (preferably the Department of Public Safety).
6. Require that firearms dealers maintain adequate records and that they report sales of handguns to the agencies designated in the Act.
7. Provide for the registration of handguns under a program administered by a single State agency which would establish:

(a) The registration of all handguns at the point of sale at a cost of $5.00.

(b) A two-year program for the voluntary registration of existing handguns at no cost to the owner during the first year and at a cost not more than $5.00 during the second.

(c) Non-penal penalties (i.e. fines or condemnation) for the possession of an unregistered handgun after two years.

8. Provide for stricter penalties for the use of a handgun during the commission of a crime and require that the penalty for such conviction be served consecutive to any other sentence which may be imposed unless otherwise stipulated by the court.

9. Repeal all other provisions other than the Game & Fish Laws.

Nos. 1 and 2 would eliminate the confusion which has already been mentioned between Federal law and State laws and at the same time, streamline the firearms provisions from the fifty-five that currently exist into a single Chapter of the Criminal Code.

No. 3 follows what the Committee feels would provide reasonable and a workable system of handgun control. By requiring that licensees have the mental and physical capability generally equivalent to those required for the operation of a motor vehicle, the Committee feels that mental incompetents, persons affected with violent physical disorders and persons with extremely bad vision will be properly eliminated.

No. 4 would apply to all Ordinaries, the Department of Public Safety and to the Georgia Board of Private Detective and Private Security Agencies and would insure that a check is made on applicants. This will be within the capabilities of the Georgia Crime Information Center.

No. 5 the Committee feels that a single agency at the State level should be empowered to enact Rules and Regulations necessary to carry out such a law. Because of its central role in GCIC, driver's licensing and other State law enforcement efforts, the Committee feels that the Department of Public Safety should be given this additional responsibility.

No. 6, records keeping and reporting of Interstate sales are currently required by Federal law of firearms dealers so the only additional burden would be reporting Intrastate sales.

No. 7, the Committee feels that a properly administered voluntary program of handgun registration would drastically reduce the theft and criminal misuse of handguns as has the registration of firearms in other jurisdictions. Although care should be taken to insure public acceptance of the registration program, the concern here is crime prevention and insuring that stolen handguns can be properly identified and returned.

No. 8, although Georgia Law currently provides a sentence of not less than one year nor more than five years for any person convicted of possession of a firearm during the commission of a crime, the possibility of receiving such a penalty provides little deterrent to the criminal. This is primarily because unless otherwise stipulated by the Court, such a sentence would be served concurrently (the same time) with any other sentence which might be imposed. The Committee feels that in the case of handguns the sentence should be served in addition to any other penalty.

The Committee further recommends that copies of this report be sent to the State Crime Commission and the Georgia Organized Crime Prevention Council.

GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

Recommendation Memo

SEPTEMBER 13, 1974.

Study Team: Community Crime Prevention.
Issue No. PV. 2–A: Alcohol Abuse Prevention.

STATEMENT OF ISSUE

What programs are needed to prevent drug abuse by individuals which would prevent the individual's involvement in the criminal justice system?

SUBISSUE

How many services best be provided to alcohol abusers and how should they be coordinated, evaluated for their effectiveness and monitored for their safety?

CONCLUSION

A comprehensive system of alcoholic treatment centers should be developed in the State. This could be effectively done by combining the organizations and resources of the Alcohol Services Section and Drug Abuse Services Section within the State Division of Mental Health. This will facilitate the diversion of the alcoholic/inebriate from the criminal justice system.

FINDINGS

On the basis of a 1966 study (Cisin and Cahalan), 68 percent of all American adults have had at least one drink within the past year. Twenty-two percent of the population stated that they had never tried an alcoholic beverage.

The number of Americans who are alcoholic is approximately 9,000,000. The majority of alcoholics are not of the skid row bum variety. In fact, only 5% can be classified in this way (*Task Force Report: Drunkenness*, 1967). The rest can be found at every level of society. It is estimated that Georgia has approximately 150,000 alcoholics, and since each victim adversely affects the lives of at least four other persons, primarily family members, Georgia is dealing with a problem involving 750,000 of its citizens.

The abuse of alcohol in all instances of documentation has a significant correlation with crime. However, it should be noted that alcohol in and of itself does not cause the taker to act violently, but it is the personality and situation of the user that determines the reaction of that individual. Statutes dealing with the intoxicated person are employed throughout the United States.

According to the 1972 FBI Uniform Crime Reports, 56 percent of all arrests in the United States reported to the FBI were for alcohol-related offenses (drunkenness, liquor law violations, and drunk driving) or for offenses which often involve drinking.

The most frequently cited research on the issue of alcohol and violence is the Wolfgang study done in Philadelphia in 1958 of 588 criminal homicide offenses. Alcohol was present in 374 cases, or 64 percent of the criminal homicides. It was present in both the victim and offender in 44 percent of the cases, and 60 percent of the offenders admitted drinking prior to the crime. It also should be noted that Wolfgang's study found that 64 percent of the offenders and 47 percent of the victims had prior arrests.

The probability that alcohol will be involved in the criminal homicide situation is high; when there is involvement, it is most likely that both the victim and the offender will be drinking.

Aggravated assaults follow homicides as the types of crimes most highly associated with alcohol.

An equally important relationship exists between alcohol and sexual offenses. Studies summarized in the President's Commission on Law Enforcement and the Administration of Justice Task Force on Drunkenness indicated 35 percent of one sample and 20 percent of another sample were drinking or drunk at the time of the sexual offense. The Commission found that 12 percent of the offenders and 6 percent of the victims had been drinking.

Studies done in 1962 (Haughley and Neiberg) and 1965 (Blum) distinguish between alcohol as a primary factor in crime where violence is unleased as in homicide, assault, and rape, and it being a secondary factor where an alcoholic commits criminal acts such as bad check writing, larceny, assault, neglect, disturbing the peace, etc.

Alcohol seems to be minimally involved in robbery. A study of robberies committed in Philadelphia between 1960 and 1966 showed that alcohol was present in only 15 percent of the 892 robberies where an offender was arrested. Of this 15 percent, alcohol was present in only the victims in 8 percent of the cases; in 4 percent of the cases it was present in the offender only, and in 3 percent of the cases it was present in both victim and offender. In 53 out of 100 cases involving alcohol in the robbery situation, only the victim had been drinking. This reinforces the concept that criminality requiring some type of social performance or skill is incompatible with either problem drinking or excess drinking prior to the offense.

The relationship between alcohol and violent crime is a complex one. Only occasionally can one say with certainty that a violent crime would not have

been committed if the offender had not been drinking. While the relationships mentioned above are suggestive, they cannot be construed as causal connections. Significant correlations only note the joint presence of two or more variables, and do not actually indicate that the alcohol is the cause.

The most important relationship between alcohol use and violent behavior occurs in automobile crashes. According to one expert, "there is probably no other area in the field of drug research and dangerous behavior where the role of a drug as a precipitating factor in dangerous behavior is so clear." (Blum, "Drugs and Violence", 1965) The National Safety Council's Accident Facts has this to say about alcohol and automobiles:

"The use of alcohol by drivers and pedestrians leads to some 25,000 deaths and a total of at least 8,000,000 crashes in the U.S. each year . . . more than half of these adults use highways at least occasionally after drinking. However, the scientific evidence is irrefutable that the problem is primarily one of persons . . . who have been drinking . . ."

During the last 35 years, alcohol has been found to be the largest single factor leading to fatal crashes. ("Alcohol and Highway Safety," 1972).

In addition to the above mentioned automobile statistics, alcohol also has been shown to be responsible for aviation accidents and gun "accidents".

Basis of Authorization

In 1968, the U.S. Congress made an initial response to the growing recognition of the need to treat alcoholism by enacting the Alcohol Rehabilitation Act, which was subsequently expanded by the Community Mental Health Centers Amendment of 1970. That legislation recognized that public intoxication and alcoholism are health problems which should be handled by public health rather than criminal procedures, and it authorized construction, staffing, and special project grants to carry out that purpose.

The 1970 Comprehensive Alcohol Act and its 1974 extension provides for treatment of alcoholics by establishing a National Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health to coordinate all Federal health, rehabilitation and other social programs related to the prevention and treatment of alcohol abuse and alcoholism. The legislation provides for Federal assistance to states and to local organizations to spur community-based planning for and development of effective prevention, treatment, and rehabilitation programs for alcoholics. It also requires the establishment of alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs for Federal civilian employees. The Act also required public or private general hospitals which receive Federal funds for alcoholism to admit alcohol abusers and alcoholics on the basis of medical need, and not discriminate against them solely because of their alcoholism.

The Georgia Alcoholism Act of 1974 provided for the treatment of inebriation and intoxication with the following requirements:

That powers be conferred to the Department of Human Resources to plan, establish, and maintain programs and facilities for alcohol treatment;

That standards be established for public and private alcohol treatment facilities;

That voluntary and involuntary commitment procedures be established for alcoholics;

That emergency service patrols be established for alcoholics; and

That the Department of Human Resources may recover the cost of care for the alcoholic by charging them for the services.

Authoritative Opinions

As described previously, the criminal justice system if overburdened by the volume of arrests for drunkenness. However, the primary vehicle for handling the problem alcoholic has been and still is the criminal justice system. Because of doubts about its efficiency in handling alcoholism, the Uniform Treatment Act recommends alternatives to the criminal justice system to be implemented. The following are provided as alternatives to the present policy and practice:

1. Decriminalization of public intoxication, recognizing alcoholism to be an illness.

2. Establishment of diversion methods to remove the alcohol abuser from the criminal justice system whenever appropriate:

a. Civil detoxification centers providing medical evaluation and detoxification services;

b. Direct services in the form of shelter programs;
c. Intermediate care programs providing lengthy periods of convalescence;
d. Community residential housing facilities including half-way housing which allows gradual re-entry into the community while maintaining varying degrees of support;
e. Aftercare services;
f. Special facilities for women alcoholics; and
g. Evaluation and research.

Twenty-two states have repealed the legal sanctions in whole or in part against alcoholism as proposed by the President's Commission on Law Enforcement and the Administration of Justice Report, *Task Force Report: Drunkenness.* The National Advisory Commission on Criminal Justice Standards and Goals recommends that every state enact legislation to provide authority for civil commitment and court diversion of persons who, because of alcoholism and/or drug addiction are in need of treatment, should be dealt with outside the criminal justice system. Legislation should provide treatment centers where such persons can receive both detoxification and follow-up care (*Working Papers for the National Conference on Criminal Justice*, January, 1973, Washington, D.C.).

The vast majority of research and opinions suggests a desperate need for removing the drunk and alcoholic from the criminal justice system by various means of diversion.

A document entitled *Task Force Report: Drunkenness* concluded that planned intervention for alcoholic offenders has altered punitive social policies and made them therapeutic policies. This can be done by police, courts, correctional institutions, or community intervention. This diversion format is further reiterated in the National Institute of Law Enforcement and Criminal Justice manual, *Diversion of the Public Inebriate from the Criminal Justice System* (1973).

Proposed Current Practices

There are five types of services, each with its own objectives, components, and requirements, which ease the burden of inebriates on law enforcement personnel. The first two are directly diversionary and their establishment can have an immediate impact on relieving law enforcement personnel. They deal with specific short-term needs of the public inebriates and provide substitutions for the police drunk tank and procedure generally used to get them to the drunk tank. These services are the following:

1. *Medical Evaluation and Sub-Acute Detoxification (MESAD).*—This service combines emergency pick-up, out-patient medical evaluation, and in-patient medical evaluation and medical treatment. The first step in the diversionary-rehabilitation process is medical evaluation and medical treatment. The treatment can be provided on an out-patient basis, in an in-patient center, or through referral to another medical facility such as a detoxification unit or hospital. This service provides a 24-hour emergency pick-up service which will relieve the police of the responsibility. The emergency pick-up may be done by a civilian, non-police team, and it should be the function of this team to accompany the public inebriate back to MESAD. This service is being utilized by the Department of Mental Hygiene for the State of Maryland, as well as several other states.

2. *Shelter.*—Shelter means short-term housing and referral services. The Crossroads Center in Erie, Pennsylvania, is one such example of this service.

3. *Intermediate Care.*—The purpose of the intermediate care center is to provide a long-term treatment program in a residential setting for the public inebriate and to provide this individual with an opportunity to plan a successful return to the community. Alcoholism education and supportive therapy may be characteristics of this center. This treatment philosophy is based on the program of the Gateway Rehabilitation Center in Pittsburgh, Pennsylvania.

4. *Community Residential Living Facilities.*—After detoxification, many alcoholics need a semi-protected home-like setting within the community that allows gradual re-entry into community activities while maintaining some degree of environmental support. These are often called half-way houses (half-way between institutionalization and community living), and they are partially supported by guests.

Excellent examples of localities and facilities are (1) "The Home" in Alexandria, Virginia, and (2) Serenity Hall in Erie, Pennsylvania.

5. *Aftercare Services.*—For alcoholics or public inebriates who have progressed through some or all of the above, appropriate aftercare service should be provided. This includes flexible contact through one of the methods previously mentioned or through resources in the community where support and encouragement would be offered the individual.

A new concept in aftercare treatment was begun in Philadelphia in the early 1950's utilizing foster homes for alcoholics (*Target*, 1962). In the Pennsylvania Program, alcoholics were placed in foster homes as an alternative to long-term hospitalization. The patients were still under the control of the hospital staff and could be withdrawn from the home if their adjustments were not satisfactory. The Pennsylvania Program proved successful; in a study of a portion of foster home patients, 72 of the patients successfully adjusted within one year.

Current Georgia Practice

The Alcohol Services Section of the Division of Mental Health. Department of Human Resources, is charged with administering the alcoholism programs in Georgia. In 1972, the Division of Mental Health implemented an "open door" policy for detoxification, emergency treatment, and rehabilitation in order to develop state-wide services for the alcoholic. This required that all State hospitals be open seven days a week, 24-hours a day. "Open door" meant that to present oneself at any facility was sufficient criteria for admission. The effectiveness of current programs has not been determined because of insufficient evaluation criteria and procedures.

At present, there are 34 community-based alcoholism treatment programs in Georgia. Of these, 13 are located in federally-funded mental health centers and 21 are alcoholism treatment programs in State or county centers. There are also eight regional mental health hospitals (six operational and two in construction) that are 60-bed facilities for long-term in-patient treatment where out-patient facilities cannot treat a person successfully. Every county in the State is now covered by mental health catchment areas which are subdivisions of the State for treatment purposes.

There are six half-way houses, or rehabilitation residences, in Georgia for those individuals needing support while re-entering society.

The Division of Mental Health has, since June of 1972, maintained the Georgia Occupational Alcoholism Program. The goal of this program is to reach employees in both private enterprise and government with alcohol problems and place them into treatment. The program is still in the early stages and recovery rates are surprisingly high. The Division of Mental Health programs are supported by a three-year grant.

The State Personnel Board developed in 1973 a model Occupational Alcoholism Program to be copied in private business and municipal government. Individuals needing assistance are offered job counseling and other professional assistance through the Merit System's Employee Relations Division and the Alcoholism Program. Insurance offered for persons suffering from alcoholism is commensurate with that for other health problems. This encourages early identification and treatment of the employee's problem rather than encouraging its disguise. According to authorities in the Alcohol Services Section, this is the most successful program operating in Georgia.

At present, all community alcohol programs and regional hospitals are being encouraged to make maximum use of agencies and groups willing and able to assist in the rehabilitation of alcoholics and public inebriates. Agencies presently available in Georgia, to name a few, are: Alcoholics anonymous, Al-Anon, Georgia Division of Vocational Rehabilitation, Georgia Employment Security Agency, and other Public and Private Agencies.

The Division of Mental Health has sponsored and participated in interdisciplinary training programs for persons working with individuals and families having difficulties with alcohol abuse. These efforts have included the following:

Special training at the Georgia Clinic by offering leadership in professional staff development;

Course offerings for teachers, school counselors, vocational rehabilitation counselors, and law enforcement personnel;

Training for careers in mental health;

Training for alcoholism workers of Economic Opportunity Atlanta; and

Programs for training the human service worker.

ALTERNATIVE 1

Maintain the present state organization and system for the treatment of alcoholics in the State under which the majority of alcoholics are processed through the criminal justice system.

A. Advantages

1. The criminal justice system would continue to provide food, shelter, emergency medical services, and brief periods of sobriety to some alcoholics.
2. There would be no increase in State budgetary allotments for alcohol treatment.

B. Disadvantages

1. The majority of alcoholic and drunk arrest persons would continue to be processed.
2. The criminal justice system would continue to dehumanize the alcoholic through the lack of treatment during the initial period of incarceration.
3. Current alcoholic treatment resources are inadequate to handle the present load of arrested alcoholics.
4. The criminal justice system would continue to devote a large amount of funds to the maintenance of alcoholics.
5. The separation of the alcohol treatment programs from the drug abuse programs decreases the emphasis on the most critical drug problem.
6. The cost of administering two separate programs is greater than administering one combined program.

ALTERNATIVE 2

Develop and maintain a comprehensive system of alcoholic treatment centers in the State. This could be effectively done by combining the organizations and resources of the Alcohol Services Section and the Drug Abuse Services Section within the State Division of Mental Health.

A. Advantages

1. This will provide individualized treatment for the majority of alcoholics.
2. This would relieve the burden of alcoholics from the criminal justice system.
3. The criminal justice system could devote its resources to productive crime prevention and investigation activities.
4. Priorities for treatment and rehabilitation would be properly placed in the area of drug abuse prevention.
5. Effective treatment and evaluative techniques would be maximized to reduce the social burden of alcoholism.
6. Humane and health-oriented treatment would be provided alcoholics who are primarily a health problem.
7. Drug treatment capabilities would be maximized and cost would be reduced by combining the resources of the Alcohol Services Section and the Drug Abuse Services Section.

B. Disadvantages

1. State budgetary allotments would increase by several million dollars for personnel and services.
2. Ultimate success would depend upon State and local government coordination and cooperation.

DETAILED RECOMMENDATION

Alternative two above is recommended. A comprehensive system of alcoholic treatment centers should be developed in the State by combining the Alcohol Services Section and the Drug Abuse Services Section and their programs within the Division of Mental Health, Department of Human Resources. This will facilitate the diversion of the alcoholic and public inebriate from the criminal justice system.

IMPLEMENTATION STRATEGY AND FINANCIAL IMPACT

1. By policy directive, the Board of Human Resources should integrate the the Alcohol Services Section and the Drug Abuse Services Section and their programs.

2. The newly created section should re-evaluate and prepare a multi-year drug treatment plan for the State which would include quantified goals and objectives for the reduction of alcohol and illicit drug use.

3. Alcohol treatment centers should be established in each mental health target area to effectively treat all alcoholic patients, diversionary and voluntary.

4. The new section should be responsible for the coordination of all alcohol treatment programs in the State with the affected parts of the criminal justice system.

5. Finally, the new section should be responsible for the comprehensive evaluation of all established goals and objectives identified in its plan. Such an evaluation must determine the following:

A. The effectiveness of alcohol treatment in removing the inebriate from the criminal justic esystem.

B. The rate of recidivism in the treatment system.

C. The degree of achievement toward each established goal and objective.

The following is an estimate of fiscal resources needed for comprehensive alcohol treatment facilities in each target area of the State if the treatment facility or facilities do not exist.

Type of treatment	Service load [1]	Cost [2]
Intake, medical evaluation and subacute detoxification center.	25 bed	$240,000
Shelter	do	120,000
Intermediate care	20 bed	180,000
Community residential living facilities	15 bed, half-way house, with additional three-quarter-way houses as needed.	[3] 55,000
Aftercare	As needed	[4] 10,000
Total per target area		605,000

[1] Based on 200,000 to 300,000 population area.
[2] Cost does not include capital layout costs such as improvement of or purchase of facility or equipment.
[3] No costs are anticipated for three-quarter-way houses. They should be rented (partially or completely) and supported by guests.
[4] Additional costs would be assumed by coordinator's office (typist, transportation, office, etc.).

HOMICIDE

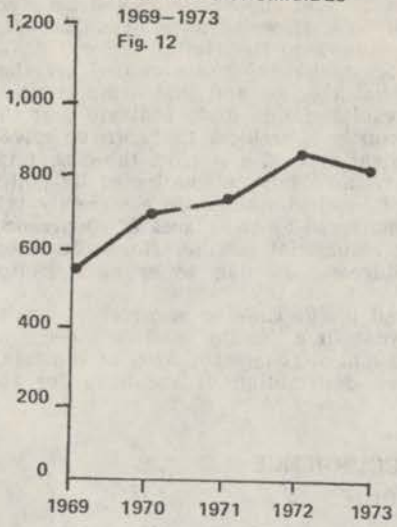
Homicide is defined by the Uniform Crime Report program as the willful killing of a person. Deaths caused by negligence, suicide, accident or justifiable homicides are not included in this analysis. In 1973, there were 834 of these crimes recorded in the State, which was a 4% decrease from the 871 homicides in 1973. Homicide was the only major crime that experienced a decrease in number from 1972 to 1973 in Georgia, although the number has increased 51% since 1969.

In the last five years, the rate of homicide per unit of population in the State has increased over 46%. This crime currently affects one in every 5,739 Georgians.

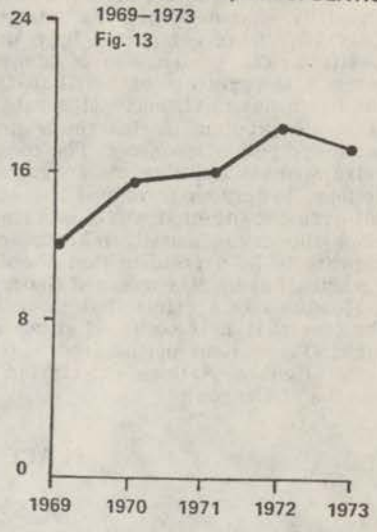
Victims of homicide in Georgia are usually male; 49% are black males and 31% are white males. Black females and white females account for 12% and 8% of the victims, respectively. Information on the age of the victims indicates that 60% are 25 years old or older, 6% are under the age of 17, and 34% are between the ages of 17 and 25.

The profile for persons charged with the offense of homicide is very similar to the victim's profile. Black males account for 53% of the offenders, white males for 31%, black females for 15% and white females for 1%. The age of the offender was tabulated and the profile indicates that 3% are less than 17, 41% are 17 to 25 and 56% are 25 years of age or older.

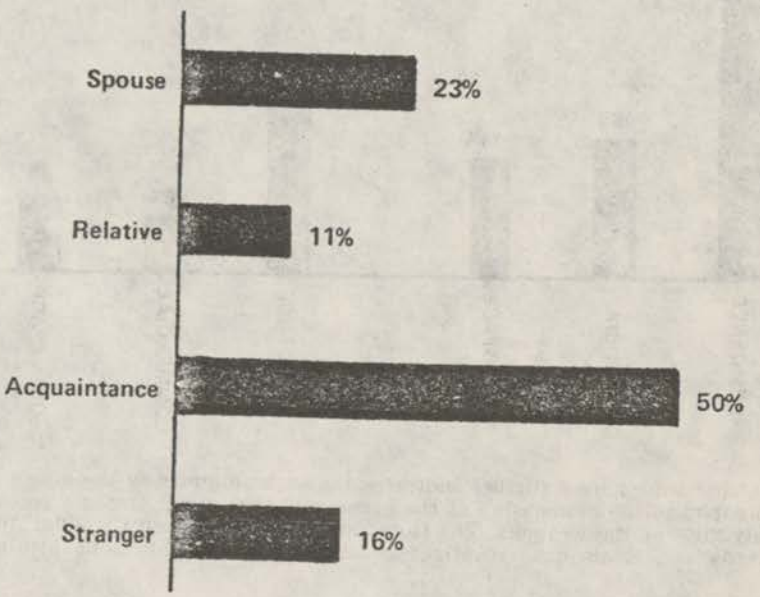
NUMBER OF HOMICIDES
1969–1973
Fig. 12



RATE PER 100,000 POPULATION
1969–1973
Fig. 13



VICTIM/PERPETRATOR RELATIONSHIP
HOMICIDE
Fig. 14



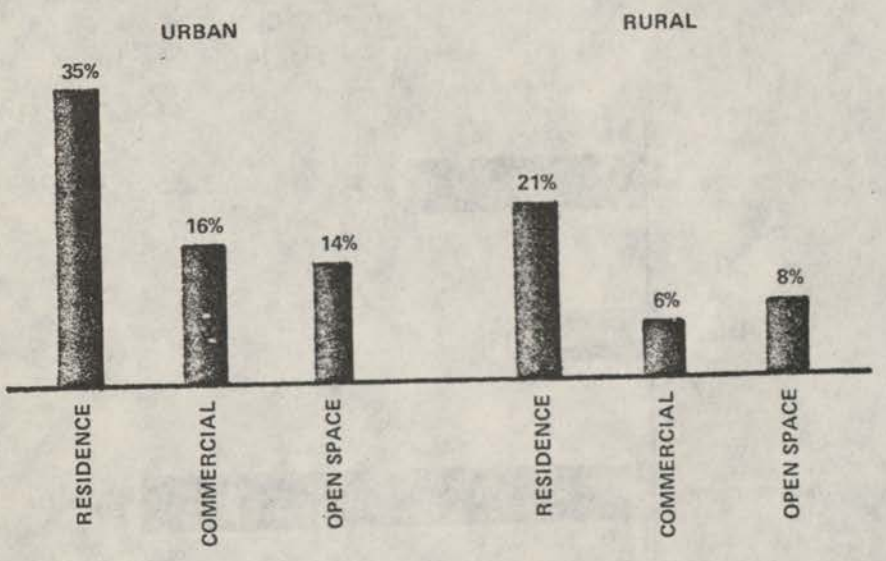
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Information concerning the crime of homicide indicates that it is usually a crime of emotion or passion. For example, 23% of the homicide victims were killed by a spouse, 11% by relatives, and 50% by well-known acquaintances. Only 16% were committed by a person unknown to the victim.

Although a comparison of homicide rates yields the unfortunate fact that rates in Georgia are higher than the national average, and that some areas of the State have extremely high rates, the results of this study indicate that the homicide problem in Georgia is not necessarily a problem that can be solved solely by police resources. The most prevalent type of homicide, those that involve spouses, relatives or acquaintances, would likely be unaffected by police actions. Programs to reduce the amount of homicides that are completely law enforcement oriented would certainly be hampered by the places of occurrence, since the crime usually takes place in a residential setting. Homicide, then, appears to be a problem that should be addressed not only by criminal justice agencies, but by all concerned Georgians.

Homicide is a crime that is concentrated in the time of occurrence, due to the fact that half occur on either a Saturday or a Sunday, and 70% occur at night. The 6 hour period from 8 p.m. to 2 a.m. accounts for 54% of the total. Only slight deviations exist from an even distribution of incidents for the months of the year.

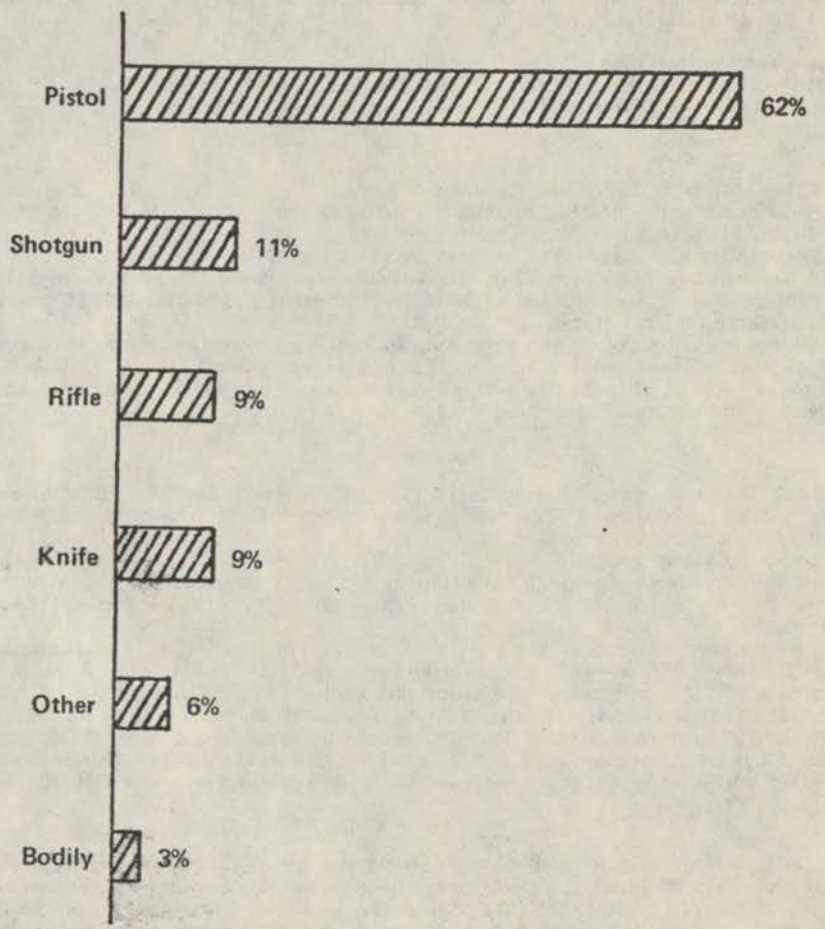
PLACE OF OCCURRENCE
HOMICIDE
Fig. 15



Homicide information further indicates that a handgun was the single most used weapon in the commission of the crime, and that other firearms accounted for only 20% of the weapons. The Governor's Commission on Criminal Justice Standards and Goals has recently recommended that all persons owning or

buying a handgun be required to register the gun, and that a five-day "cooling off" period between the application for a permit and the actual purchase of the weapon be imposed. Since many homicides appear to be crimes of passion that may not have occurred if a handgun were not readily accessible, it is hoped that these recommendations will decrease the number of homicides resulting from domestic quarrels.

WEAPON USED
HOMICIDE
Fig. 16



(Issued by Clarence M. Kelley, Director—FBI)

The classification in this offense, as in all of the other Crime Index offenses, is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body.

Deaths caused by negligence, suicide, accident, or justifiable homicide are not included in the count for this offense classification. Attempts to murder or assaults to murder are scored as aggravated assaults and not as murder.

VOLUME

In 1973 there were an estimated 19,510 murders committed in the United States. This represents a numerical increase of 960 over the 18,550 estimated homicide offenses for 1972. The number of murders in 1973 is approximately 2 percent of the total for violent crime and less than one-half of one percent of the total of the seven Crime Index offenses.

An analysis of murder by month in 1973 shows that the summer months had the greatest frequency of murder as compared to any other period of the year.

A geographical breakdown of murder by region showed 44 percent of the murders occurred in the Southern States, 22 percent in the North Central States, 19 percent in the Northeastern States, and 15 percent in the Western States.

TREND

The number of murders increased 5 percent in 1973 over 1972. The trend in this crime classification reveals an increase from 13,720 in 1968 to 19,510 in 1973. This is an increase of 42 percent.

Regionally, the number of murder offenses in 1973 increased 4 percent in the Western States, 4 percent in the Northeastern States, and 3 percent in the Southern States. The number of murders increased approximately 11 percent in the North Central States.

An analysis, by population grouping, of murder shows that large core cities of 250,000 or more inhabitants had a 5 percent increase in the number of murders in 1973, the suburban areas increased a 9 percent increase in murder offenses, and the rural areas had a 0.2 percent increase.

MURDER RATE

In 1973, there were 9.3 victims of murder for every 100,000 inhabitants in the Nation. This was an increase of 4 percent over the murder rate of 8.9 per 100,000 inhabitants recorded in 1972.

By population grouping, the cities with 250,000 or more inhabitants reported a murder rate of 20.7 victims per 100,000 inhabitants, the suburban areas showed a rate of 5.1 and the rural areas a rate of 7.4 per 100,000 inhabitants.

The number of murder victims in proportion to population was highest in the Southern States with 12.9 murders per 100,000 inhabitants. This is an increase of 2 percent over the murder rate of that Region in 1972. In 1973, the Western States showed a murder rate of 7.8, an increase of 1 percent over the rate in 1972 for that Region. The Northeastern States had a rate of 7.6, which was a 4 percent increase over the 1972 rate for those states. The North Central Region had a rate of 7.6, an increase of 12 percent in comparison to the 1972 rate.

NATURE OF MURDER

The law enforcement agencies which participate in Uniform Crime Reporting cooperate in providing additional information regarding homicide so that a more in-depth analysis of this offense can be made. Through a supplemental reporting system, information is provided regarding the age, sex, and race of

the victim; the weapon used in the murder; and the circumstances surrounding the offense.

The victims of murder in 1973 were male in approximately three out of four instances. This ratio of male to female victims is similar to the experience in the last several years. Approximately 47 out of 100 murder victims were white, 52 were Negro, and 1 percent other races. The largest number of murders occurring in any ten year age bracket was in the 20 to 29 group with three of every ten murder victims.

In 1973, firearms again predominated as the weapon most often used in homicide in the nation. The accompanying chart illustrates a breakdown by type of weapon used in the commission of murder in the nation. Firearms were used more frequently in the Southern States than in any other region with firearms used in more than seven of every ten murders. Nationwide, 67 percent of the homicides were committed through the use of firearms and 53 percent were committed with handguns. In 1972, 54 percent of the murders were through the use of handguns.

Cutting or stabbing weapons were used in 18 percent of the murders in the Nation. The Northeastern States reported the greatest use of knives or cutting instruments with three out of every ten murders being committed with this type of weapon. The North Central and Southern States had the least incidence of use of this type of weapon with less than two out of every ten murders. Other weapons (blunt objectives, poisons, explosives, arson, drowning, etc.) were used in 7 percent of the homicides and the remaining 9 percent of the murders were the result of use of personal weapons such as hands, fists, feet, etc.

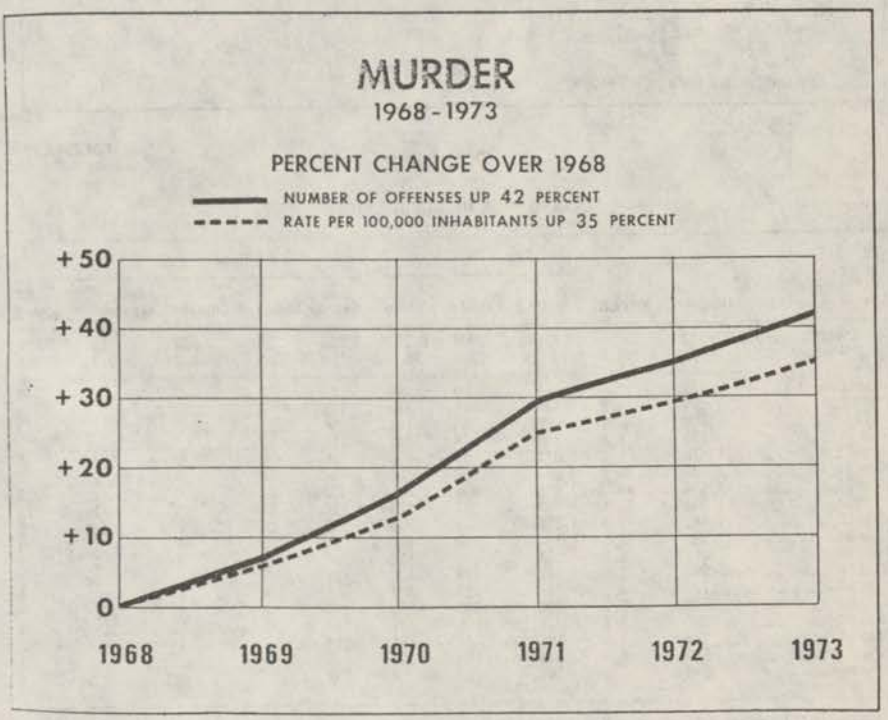


CHART 5 FBI CHART

A comparative study for the past six years shows an increase from 65 percent of all homicides through use of firearms in 1968 to 67 percent of all homicides in 1973. A comparative analysis of weapons used to commit murder for 1968 through 1973 is shown in tabular form.

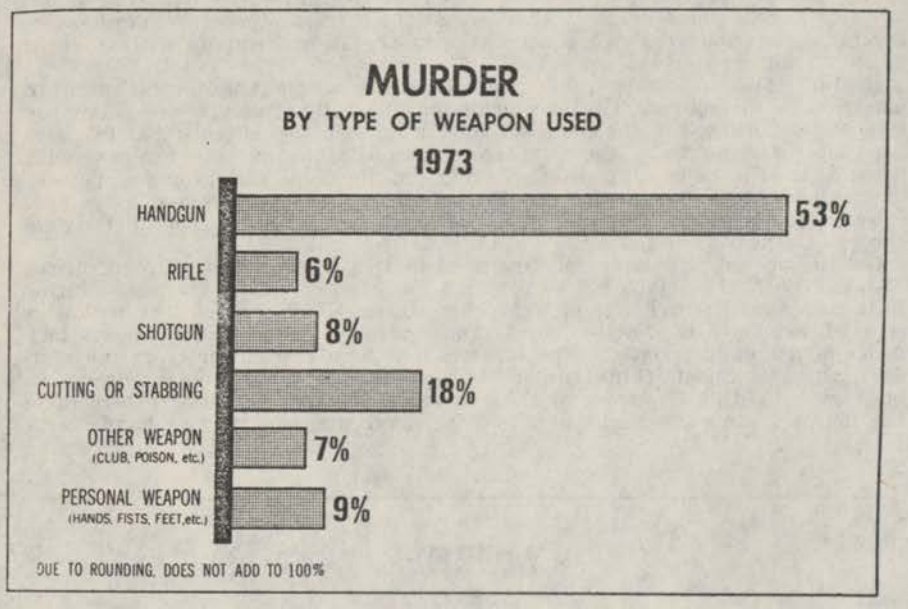


CHART 6 FBI CHART

AGE, SEX, AND RACE OF MURDER VICTIMS, 1973

Age	Number	Percent	Sex		Race					
			Male	Female	White	Negro	Indian	Chinese	Japanese	All others
Total	17,123		13,125	3,998	8,031	8,863	94	28	11	96
Percent		[1] 100.0	76.7	23.3	46.9	51.8	0.5	0.2	0.1	0.6
Infant (under 1)	131	0.8	71	60	82	42	1			6
1 to 4	329	1.9	183	146	182	139	4			4
5 to 9	150	.9	86	64	91	56				3
10 to 14	259	1.5	160	99	141	118				
15 to 19	1,476	8.6	1,073	403	699	758	6	5	1	7
20 to 24	2,686	15.7	2,054	632	1,162	1,494	16	5	2	7
25 to 29	2,454	14.3	1,978	476	1,046	1,370	21	4		13
30 to 34	1,951	11.4	1,564	387	809	1,114	12	2	1	13
35 to 39	1,587	9.3	1,218	369	675	891	10	2		9
40 to 44	1,462	8.5	1,150	312	646	796	9	4	2	5
45 to 49	1,177	6.9	937	240	555	607	5	3	3	4
50 to 54	993	5.8	813	180	508	482	2			1
55 to 59	725	4.2	588	137	397	318	4	2		4
60 to 64	501	2.9	396	105	290	204	1		1	5
65 to 69	380	2.2	277	103	232	142	2			4
70 to 74	282	1.6	198	84	164	114		1	1	2
75 and over	334	2.0	184	150	256	76	1			1
Unknown	246	1.4	195	51	96	142				8

[1] Because of rounding percentages may not add to total.

MURDER VICTIMS—WEAPONS USED, 1973

Age	Number	Weapons										
		Gun	Cutting or stabbing	Blunt object (club, hammer, etc.)	Personal weapons (hands, feet, etc.)	Poison	Explosives	Arson	Narcotics	Strangulation	Asphyxiation	Unknown weapon or weapon not stated
Total	17,123	11,249	2,985	848	1,064	8	11	173	24	381	41	339
Infant (under 1)	131	9	6	11	66	1	-	3	-	7	6	22
1 to 4	329	44	14	25	177	-	2	26	1	15	4	21
5 to 9	150	55	19	12	20	-	-	12	3	21	4	4
10 to 14	259	151	33	12	17	1	1	9	1	20	1	13
15 to 19	1,476	1,005	271	58	46	2	2	4	3	50	2	33
20 to 24	2,686	1,934	487	78	58	1	-	14	7	56	7	44
25 to 29	2,454	1,797	416	76	81	-	3	11	5	31	2	32
30 to 34	1,951	1,431	326	69	74	-	1	10	-	21	1	18
35 to 39	1,587	1,136	273	67	62	-	-	12	1	18	2	16
40 to 44	1,462	1,006	278	61	66	2	1	9	1	22	2	14
45 to 49	1,177	757	220	81	56	1	-	13	-	25	-	24
50 to 54	993	630	169	75	74	-	-	7	1	13	2	22
55 to 59	725	421	146	63	55	-	-	5	1	17	1	16
60 to 64	501	285	110	38	44	-	-	4	-	9	2	9
65 to 69	380	202	68	35	44	-	-	9	-	12	1	9
70 to 74	282	137	53	28	32	-	1	7	-	15	-	9
75 and over	334	95	58	47	82	-	-	15	-	17	4	16
Unknown	246	154	38	12	10	-	-	3	-	12	-	17

MURDER, TYPE OF WEAPON USED, 1973

[Percent distribution]

Region	Total all weapons used	Firearms	Knife or other cutting instrument	Other weapon; club, poison, etc.	Personal weapons
Northeastern States	100.0	51.3	29.0	8.4	11.3
North Central States	100.0	72.5	13.5	6.0	8.0
Southern States	100.0	74.0	14.0	5.3	6.7
Western States	100.0	61.9	18.7	8.5	10.9
Total	100.0	67.0	17.8	6.6	8.6

MURDER, TYPE OF WEAPON USED, 1968–73

[Percent distribution]

Year	Total		Firearms	Knife or other cutting instrument	Other weapon; club, poison etc.	Personal weapons
	Number	Percent				
1968	13,720	100.0	65.4	18.7	8.3	7.6
1969	14,670	100.0	64.5	19.9	7.4	8.2
1970	15,890	100.0	65.4	18.9	7.6	8.1
1971	17,670	100.0	65.1	19.8	6.5	8.6
1972	18,550	100.0	66.2	19.0	6.6	8.2
1973	19,510	100.0	67.0	17.8	6.6	8.6

The circumstances which result in murder vary from family arguments to felonious activities. Criminal homicide is largely a societal problem which is beyond the control of police. The circumstances of murder serve to emphasize this fact. In 1973, murder within the family made up approximately one-fourth of all murder offenses. Over one-half of these family killings involved spouse killing spouse. The remainder were parents killing children and other in-family killings. Felony murder in Uniform Crime Reporting is defined as those killings resulting from robbery, burglary, sex motive, gangland and institutional slaying, and all other felonious activities. Felony type and suspected felony type murders in 1973 constituted 29 percent of all murders, whereas these two categories accounted for 25 percent of total murder in 1968. An analysis of felony murder reveals that 52 percent of these killings occurred in connection with robbery offenses. Prostitution and commercialized vice, rape, and sex offenses accounted for 9 percent of the total, while Narcotic Drug Law offenses comprise 6 percent of felony murder. Tables showing breakdown by geographical region for murder in 1973 and murder breakdown by circumstances for 1968–1973 accompany this section.

During 1973, 7 percent of the murders were the result of romantic triangles or lovers' quarrels. In murders involving husband and wife, the wife was the victim in 52 percent of the incidents and the husband the victim in the remaining 48 percent. In these incidents involving spouses, 49 percent of the victims were Negro, 50 percent white, and the remaining victims were of other races.

The victims of felony type murder were 62 percent white, 37 percent Negro, and the remaining 1 percent of other race or race not reported.

CLEARANCES

Nationally, police continue to be successful in clearing or solving by arrest a greater percentage of homicides than any other Crime Index offense. In 1973, 79 percent of the homicides were solved; however, in 1972, 82 percent of all murder offenses were solved. Persons under 18 years of age were involved in 6 percent of the willful killings solved by police.

Since 1968, the clearance rate, nationwide, in homicide has decreased from 86 per 100 offenses to 79 per 100 offenses in 1973.

PERSONS ARRESTED

Based on reports submitted by law enforcement agencies, 10 percent of all persons arrested for murder were under 18 years of age and 45 percent were under 25. During the period 1968–1973, there was a 59 percent increase in the number of persons under 18 years of age arrested for murder. The increase in adult arrests for murder offenses during this period was 39 percent. Numerically, the 20 to 24 year age group had the heaviest involvement during 1973 with 25 percent of the total arrests coming from within this age group. Negroes made up 58 percent of the arrests for murder in 1973 and 52 percent of the victims of homicide were also Negroes.

PERSONS CHARGED

Law enforcement agencies' reports disclose that 66 percent of all adults arrested for murder in 1973 were prosecuted during the year. Forty-five percent of the adults prosecuted were found guilty as charged, and 23 percent were convicted on some lesser charge. The remaining won release by acquittal or dismissal of the charges against them. Of all individuals processed for murder, 11 percent were juveniles who had their cases referred to juvenile court jurisdiction.

MURDER CIRCUMSTANCES, 1968–73

[Percent distribution]

Year	Total		Spouse killing spouse	Parent killing child	Other family killings	Romantic Triangle and lovers' quarrels	Other arguments	Known felony type	Suspected felony type
	Number	Percent							
1968	13,720	100.0	13.7	3.3	8.7	7.2	42.2	17.4	7.5
1969	14,670	100.0	13.1	3.7	8.4	7.0	41.3	19.3	7.1
1970	15,890	100.0	12.1	3.1	8.1	7.1	40.8	20.4	8.4
1971	17,670	100.0	12.8	3.5	8.4	6.3	41.5	20.4	7.1
1972	18,550	100.0	12.5	2.9	8.9	7.1	41.2	22.1	5.3
1973	19,510	100.0	12.3	3.2	7.7	7.5	40.3	21.6	7.1

MURDER CIRCUMSTANCES, 1973

[Percent distribution]

Region	Total	Spouse killing spouse	Parent killing child	Other family killings	Romantic triangle and lovers' quarrels	Other arguments	Known felony type	Suspected felony type
Northeastern States	100.0	9.7	3.1	5.6	5.7	41.1	26.6	8.1
North Central States	100.0	10.2	3.1	7.8	6.5	36.7	25.6	10.1
Southern States	100.0	14.1	2.6	9.3	9.2	43.2	16.4	5.1
Western States	100.0	14.1	4.9	5.9	6.0	36.8	24.0	8.1
Total	100.0	12.3	3.2	7.7	7.5	40.3	21.6	7.4

UNIFORM CRIME REPORTS—1974 PRELIMINARY ANNUAL RELEASE

Crime in the United States, as measured by the Crime Index offenses, increased 17 percent during calendar year 1974 over 1973. Violent crimes, as a group, increased eleven percent. Robbery increased 14 percent, while forcible rape and aggravated assault each rose nine percent. Murder was up five percent. The property crimes of burglary, larceny-theft and motor vehicle theft inceased 17 percent as a group. Larceny-theft rose 20 percent, burglary 17 percent and motor vehicle theft four percent. Cities with 100,000 or more inhabitants reported an average increase of 13 percent in the volume of Crime Index offenses. Crime was up 20 percent in the suburban areas and 21 percent in the rural areas. (Table 1).

Geographically, the Southern States reported a 21 percent rise in the volume of Crime Index offenses. Crime in the North Central States was up 17 percent, in the Northeastern States 15 percent and in the Western States 13 percent. (Table 2).

TABLE 1.—CRIME INDEX TRENDS

[Percent change 1974 over 1973, offenses known to police]

Population group and area	Number of agencies	Population in thousands	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Total all agencies	6,651	176,338	+17	+11	+17	+5	+9	+14	+9	+17	+20	+4
Cities over 25,000	911	91,696	+15	+10	+15	+3	+8	+13	+8	+15	+19	+1
Suburban area	2,974	61,114	+20	+16	+20	+12	+12	+22	+13	+20	+22	+10
Rural area	1,393	21,093	+21	+9	+22	+5	+2	+25	+8	+23	+22	+16
Over 1 million	6	18,730	+10	+8	+10	+1	+6	+10	+6	+8	+20	−4
500,000 to 1 million	20	12,928	+15	+10	+15	+4	+4	+17	+3	+18	+17	+2
250,000 to 500,000	30	10,504	+13	+9	+14	+1	+14	+13	+5	+16	+16	−2
100,000 to 250,000	95	13,858	+15	+10	+15	+4	+10	+10	+10	+14	+18	+4
50,000 to 100,000	258	18,012	+18	+15	+18	+7	+5	+20	+13	+20	+19	+8
25,000 to 50,000	502	17,663	+20	+17	+20	+6	+16	+19	+16	+22	+22	+7
10,000 to 25,000	1,279	20,349	+21	+17	+22	+12	+10	+30	+12	+21	+23	+14
Under 10,000	2,622	12,740	+24	+13	+25	+2	+12	+30	+9	+27	+24	+21

TABLE 2.—CRIME INDEX TRENDS BY GEOGRAPHIC REGION

[Percent change, 1974 over 1973]

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Northeastern States	+15	+8	+16	−3	+8	+8	+7	+14	+23	.....
North Central States	+17	+15	+18	+10	+9	+20	+11	+20	+19	+5
Southern States	+21	+11	+22	+5	+12	+20	+5	+25	+23	+7
Western States	+13	+12	+13	+9	+5	+10	+14	+10	+17	+4

TABLE 3.—CRIME INDEX TRENDS

[Percent change 1968–74, each year over previous year]

Years	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
1969/1968	+10	+11	+10	+7	+17	+14	+9	+7	+12	+12
1970/1969	+9	+12	+9	+8	+2	+17	+8	+11	+9	+6
1971/1970	+6	+11	+6	+11	+11	+11	+10	+9	+5	+2
1972/1971	−4	+2	−5	+5	+11	−3	+7	−1	−6	−6
1973/1972	+6	+5	+6	+5	+10	+2	+7	+8	+5	+5
1974/1973	+17	+11	+17	+5	+9	+14	+9	+17	+20	+4

ICDA, VOL. 1, TABULAR LIST—EIGHTH REVISION, INTERNATIONAL CLASSIFICATION OF DISEASES—ADAPTED FOR USE IN THE UNITED STATES

RESIDENT DEATHS DUE TO FIREARMS AND EXPLOSIVES, BY AGE, RACE, AND SEX, GEORGIA, 1970–74

Age	1974										1973									
	Suicides E955					Accidents E922					Suicides E955					Accidents E922				
	Total	White		Other		Total	White		Other		Total	White		Other		Total	White		Other	
		Male	Female	Male	Female		Male	Female	Male	Female		Male	Female	Male	Female		Male	Female	Male	Female
Total, all ages	(520)	261	98	41	20	(112)	78	15	13	6	(484)	334	101	37	12	152	94	17	35	6
Less than 1																2			2	
1 to 4						4		2	1	1						2	1	1		
5 to 9						4	2		1	1						2		1	1	
10 to 14	4	3	1			12	7	3	2		5	1	2	1	1	20	10	2	7	1
15 to 19	34	21	9	2	2	17	14		2	1	19	13	5	1		19	13		4	2
20 to 24	52	27	10	10	5	11	6	2	1	2	46	30	9	6	1	17	7	4	5	1
25 to 29	39	25	10	3	1	12	9		3		46	27	12	5	2	19	10	3	5	1
30 to 34	50	29	11	8	2	9	6	2	1		35	25	7	3		6	3		2	1
35 to 39	44	32	6	5	1	5	5				49	28	16	5		15	12	2	1	
40 to 44	43	28	10	2	3	7	4	2	1		40	22	13	4	1	5	3	1	1	
45 to 49	62	41	16	2	3	10	7	3			50	39	8	3		11	9	1	1	
50 to 54	41	25	12	1	3	6	5	1			57	41	11	2	3	12	8		4	
55 to 59	45	39	2	4		6	5		1		43	30	9	1	3	6	5		1	
60 to 64	37	29	6	2		4	4				31	23	3	4	1	9	7	2		
65 to 69	25	23	1	1		4	4				29	23	6			2	2			
70 to 74	23	21	1	1							15	15				2	2			
75 to 79	12	10	2			1				1	11	10		1		1	1			
80 to 84	6	5	1								6	5		1		1	1			
85 and over	3	3									2	2				1			1	

2008

RESIDENT DEATHS DUE TO FIREARMS AND EXPLOSIVES, BY AGE, RACE, AND SEX, GEORGIA, 1970–74

Age	1972										1971									
	Suicides E955					Accidents E922					Suicides E955					Accidents E922				
	Total	White		Other		Total	White		Other		Total	White		Other		Total	White		Other	
		Male	Female	Male	Female		Male	Female	Male	Female		Male	Female	Male	Female		Male	Female	Male	Female
Total, all ages	(478)	324	108	37	9	(147)	86	16	35	10	(410)	295	69	37	9	(151)	87	13	47	4
Less than 1						1		1								6	1	1	3	1
1 to 4						3	1		2							8	5		3	
5 to 9						8	5	1	2							17	10		7	
10 to 14	2	1	1			15	8	2	5		1		1			26	14	4	8	
15 to 19	26	18	5	2	1	26	16	1	7	2	15	7	4	3	1	20	11	3	6	
20 to 24	49	24	13	10	2	27	13	6	7	1	37	23	5	7	2	17	7	1	8	1
25 to 29	39	22	9	6	2	17	9	1	5	2	35	20	8	6	1	6	4		2	
30 to 34	42	26	11	4	1	7	5		1	1	21	12	5	3	1	6	5		1	
35 to 39	34	20	11	3		10	5	1	4		31	21	7	3		10	5	1	4	
40 to 44	38	23	14	1		4	2	1	1		27	21	4	2		10	5	2	2	1
45 to 49	54	31	19	3	1	5	3	1	1		50	36	9	3	2	12	9	1	1	1
50 to 54	55	37	13	4	1	6	5	1			36	26	6	2	2	5	5			
55 to 59	46	39	6	1		5	5				45	36	7	2		2	1		1	
60 to 64	32	28	3		1	5	5				35	29	6			5	4		1	
65 to 69	22	20	1	1		3	1		1	1	34	29	3	2						
70 to 74	19	16	1	2		4	2		1	1	25	19	2	4						
75 to 79	12	11	1								11	10	1			1	1			
80 to 84	6	6									3	2	1							
85 and over	2	2				1	1				4	4								

Age	1970									
	Suicides E955					Accidents E922				
		White		Other			White		Other	
	Total	Male	Female	Male	Female	Total	Male	Female	Male	Female
Total, all ages	417	304	79	29	5	131	68	15	39	9
Less than 1						8		1	6	1
1 to 4						6	2	1	3	
5 to 9						14	5	1	7	1
10 to 14	4	4				15	5		8	2
15 to 19	15	12	1	2		19	12	1	4	2
20 to 24	31	21	7	2	1	13	8	1	3	1
25 to 29	28	15	6	7		5	2		2	1
30 to 34	39	22	11	4	2	7	5	1	1	
35 to 39	31	16	12	2	1	6	4	2		
40 to 44	42	30	12			5	4			1
45 to 49	50	42	6	2		14	7	3	4	
50 to 54	43	34	9			6	3	2	1	
55 to 59	38	27	5	6		7	7			
60 to 64	34	29	4		1	4	3	1		
65 to 69	28	24	1	3		2	1	1		
70 to 74	18	13	4	1						
75 to 79	10	9	1							
80 to 84	6	6								
85 and over										

	County	1974						1973						1972					
		Suicides E955			Accidents E922			Suicides E955			Accidents E922			Suicides E955			Accidents E922		
		Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other
1	Appling				1	1		2	2		2	1	1	2	1	1	1		1
2	Atkinson	2	2		2	2		1	1										
3	Bacon	2	2		2	2					1	1		1	1		2	2	
4	Baker																		
5	Baldwin	4	4		1	1		1		1	2	2		3	2	1			
6	Banks	2	2								1	1							
7	Barrow	4	4		1	1		5	5		1	1		3	2	1	3	2	1
8	Bartow	6	5	1	1	1		8	8		1		1	2	2		2	2	
9	Ben Hill	2	1	1				1	1					2	2				
10	Berrien	1	1					1	1		1	1							
11	Bibb	19	19		1	1		12	11	1	2	1	1	14	12	2	4	4	
12	Bleckley	1	1					2	2		1		1				2	1	1
13	Brantley							1	1										
14	Brooks	1	1		1	1		2	2		1	1							
15	Bryan													1	1				
16	Bulloch	3	3		1		1	2	2		1	1		2	2		1	1	
17	Burke				2	1	1	3	2	1	1		1	1	1		1		1
18	Butts	2	2		1		1							2	2				
19	Calhoun	1		1				2	2					1	1				
20	Camden							1	1								1		1
21	Candler	1	1					3	3		1	1					1	1	
22	Carroll	6	6		1	1		6	6		2	2		3	3		1	1	
23	Catoosa	1	1					3	2	1							1	1	
24	Charlton													2	2				
25	Chatham	14	13	1	1	1		14	13	1	1		1	16	14	2	6	3	3
26	Chattahoochee																		
27	Chattooga	1	1		2	2		2	2		1	1		3	3		1		1
28	Cherokee	7	6	1				3	3					5	5		2	2	
29	Clarke	7	5	2	3	2	1	9	6	3	3	1	2	5	4	1	1	1	
30	Clay																		
31	Clayton	9	9		4	4		14	14		5	5		15	15		5	5	
32	Clinch										1	1					1	1	
33	Cobb	32	31	1				27	27		7	7		23	23		3	3	
34	Coffee	5	5		1	1		1	1					2	2		2	1	1
35	Colquitt	6	4	2				3	3		1		1	1	1				
36	Columbia	3	3					1	1		1	1		2	2		1	1	
37	Cook	2	2					1		1	1	1		1	1				
38	Coweta	6	6		1	1		6	6		2	2							
39	Crawford	2	2					1	1		2	1	1	1	1		2	1	1
40	Crisp	4	3	1	2	2					2	2	1	3	3		1	1	

	County	1974						1973						1972					
		Suicides E955			Accidents E922			Suicides E955			Accidents E922			Suicides E955			Accidents E922		
		Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other
41	Dade	2	2		1	1								2	2		1	1	
42	Dawson													1	1				
43	Decatur	3	1	2	1	1		1	1		2	1	1	2	1	1	2	1	
44	De Kalb	46	40	6	4	4		43	39	4	5	4	1	43	42	1	8	6	
45	Dodge	1		1	2	1	1	3	3		4	3	1	1		1	1	1	
46	Dooly										1		1	3	3				
47	Dougherty	4	4		3	2	1	7	7		1	1		4	3	1	3	1	
48	Douglas	3	3					4	4		2	1	1	6	6		1	1	
49	Early	1		1													1	1	
50	Echols							1	1										
51	Effingham							1	1										
52	Elbert	2	2					1	1					1	1				
53	Emanuel	3	3		1		1	5	3	2	3	3		2	2				
54	Evans	2	2					4	4										
55	Fannin	2	2		1	1		1	1										
56	Fayette	3	3					1	1					3	2	1			
57	Floyd	4	4					3	3		2	2		12	11	1	2	2	
58	Forsyth	2	2					3	3		3	3		1	1				
59	Franklin	2	1	1	2	2		3	3		2	2					2	2	
60	Fulton	59	45	14	4	2	2	67	54	13	5	2	3	69	55	14	4	3	1
61	Gilmer	3	3					1	1					1	1				
62	Glascock													1	1				
63	Glynn	7	6	1	2	2		6	6		1	1		7	7		1	1	
64	Gordon	7	7		2	2		3	3		3	2	1	3	3				
65	Grady	2	1	1				2	2					3	3		1	1	
66	Greene	3	3					3	2	1									
67	Gwinnett	12	12					13	13					7	7		5	5	
68	Habersham	4	4		1	1					2	2					2	2	
69	Hall	8	7	1	1	1		6	5	1	3	2	1	4	4		2	2	
70	Hancock	1	1								1		1						
71	Haralson	1	1		1	1		1	1					3	3		2	2	
72	Harris	1		1	2		2	1	1		1	1		1	1		1		1
73	Hart	1	1		1	1		1	1		1		1	2	2		1		1
74	Heard	1	1											1	1				
75	Henry	1	1		2	2		2	2					1	1				
76	Houston	3	3					7	6	1	1	1		4	3	1	1	1	
77	Irwin	1	1		2	2					1	1		2	2				
78	Jackson	5	5		2	2		4	4		2	1	1	4	4		3	2	1
79	Jasper																		
81	Jefferson	4	3	1										3	1	2	1		1
82	Jenkins							1		1							1	1	

83	Johnson									1	1			3	3			1	1			1			1				
84	Jones				1	1				2	1	1						2	2			2	1		1				
85	Lamar									2	1	1										1			1				
86	Lanier				1	1																							
87	Laurens	5	5		2	2				6	6							2	2			3	3						
88	Lee																	1			1	1	1						
89	Liberty	1		1										2	1	1		1	1			1	1						
90	Lincoln													1		1													
91	Long													2	1	1		1	1										
92	Lowndes	5	3	2						5	5			1		1		1	1										
93	Lumpkin	2	2							1	1											1	1						
94	Macon	3	1	2	1	1								1	1														
95	Madison									3	3							4	4										
96	Marion	1	1		1		1											1	1										
97	McDuffie																					1	1						
98	McIntosh																					1			1				
99	Meriwether	4	4							2	1	1	2	2				1	1			1			1				
100	Miller																	1	1										
101	Mitchell	3	3		1	1								1	1			2	2			3	2		1				
102	Monroe	1	1											1		1						1			1				
103	Montgomery	1	1		1		1			2	2			1	1			3	3										
104	Morgan	2	1	1						2	1	1						2	1	1									
105	Murray									1	1			1	1			1	1			1	1						
106	Muscogee	15	15		4	4				10	8	2	6	5	1			11	11			8	5		3				
107	Newton	6	6		2	2				4	3	1	3	2	1			3	3										
108	Oconee	3	3							1	1							2	2			1	1						
109	Oglethorpe									2	1	1						1	1										
110	Paulding	2	2		1	1				2	2			1	1			1	1			1	1						
111	Peach	1		1						1	1																		
112	Pickens	2	2		1	1				1	1							3	3										
113	Pierce																	1	1										
114	Pike																												
115	Polk	3	2	1						3	2	1						7	7			2	2						
116	Pulaski				2	2				1	1			1		1		2	2										
117	Putnam	2		2						1		1	1	1															
118	Quitman									1	1							1	1										
119	Rabun									2	2							3	3										
120	Randolph																	4	4										
121	Richmond	15	13	2	1	1				16	14	2	4	2	2			25	23	2		2	1		1				
122	Rockdale	3	3							2	2		1	1				3	3										
123	Schley																												
124	Screven	3	2	1	1	1																							
125	Seminole				2	1	1							2	1	1						1			1				
126	Spalding	13	13							8	8							4	4			2	2						
127	Stephens	1	1		1	1				1	1							3	3										
128	Stewart	2	2																										
129	Sumter	1	1		1	1								1	1			4	3	1		2			6				
130	Talbot				2		2			1		1						2	1	1									
131	Taliaferro	1	1																										

	County	1974						1973						1972					
		Suicides E955			Accidents E922			Suicides E955			Accidents E922			Suicides E955			Accidents E922		
		Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other
132	Tattnall	1	1		2	2					2	1	1				3	1	6
133	Taylor	1	1		1	1					3	2	1	1	1		1	1	
134	Telfair	2	1	1	2	2		1	1		3	3		1	1				
135	Terrell	1		1							1	1		1	1				
136	Thomas	6	5	1				3	3		5	2	3	5	3	2	1		1
137	Tift	3	3		1	1		5	5		3	2	1	1	1		3	1	2
138	Toombs	1	1		2	1	1	5	5					4	4		1		1
139	Towns				1	1											1	1	
140	Treutlen																		
141	Troup	8	6	2				2	2		1	1		8	7	1	2	1	1
142	Turner	2	1	1				1	1					1	1				
143	Twiggs																		
144	Union	5	5					1	1		1	1					1	1	
145	Upson	1	1		2	2		3	3					7	6	1			
146	Walker	3	3		2	2		3	3		2	2		4	4		1	1	
147	Walton	3	3					7	6	1				5	5				
148	Ware	2	2					6	6					1	1		1		1
149	Warren				1	1		1	1					3	1	2			
150	Washington				1	1		1	1					1		1	2	1	1
151	Wayne	2	2		2	1	1	3	3					2	2				
152	Webster													1		1			
153	Wheeler																		
154	White	2	2					1	1		1	1		1	1				
155	Whitfield	4	4		2	2		10	10		2	2		8	8				
156	Wilcox							1		1				1	1				
157	Wilkes	3	2	1							1		1						
158	Wilkinson	2	2		2	2		2	1	1				3	2				
159	Worth	2	2		1		1	3	3										

County	1971						1970					
	Suicides E955			Accidents E922			Suicides E955			Accidents E922		
	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Othe
1 Appling	1	1								2	2	
2 Atkinson				3	3							
3 Bacon												
4 Baker	1		1				1		1			
5 Balkwin	6	4	2	1		1	5	4	1			
6 Banks	1	1								3	3	
7 Barrow	3	3										
8 Bartow				1	1					1	1	
9 Ben Hill	2	2					2	2		2		2
10 Berrien				1	1		1	1		1	1	
11 Bibb	20	17	3	5	3	2	19	18	1	4	3	1
12 Bleckley	1	1					1	1				
13 Brantley	1	1										
14 Brooks				2		2	1	1				
15 Bryan							1	1				
16 Bulloch	1	1		2		2				2	2	
17 Burke				3	2	1	3	3		1		1
18 Butts	1	1		1		1	2	2				
19 Calhoun				1		1	2	2				
20 Camden										1	1	
21 Candler	1	1		1		1						
22 Carroll	7	7		1	1					5	5	
23 Catoosa	1	1					2	2				
24 Charlton	1	1					1		1			
25 Chatham	18	18		5	4	1	11	10	1	5	2	3
26 Chattahoochee												
27 Chattooga	3	3		1	1		4	4		1	1	
28 Cherokee	8	8					7	7		1	1	
29 Clarke	4	3	1				4	4		1	1	
30 Clay				1		1						
31 Clayton	9	9		3	3		6	5	1	4	4	
32 Clinch												
33 Cobb	12	12		6	4	2	20	20		2	2	
34 Coffee	2	2		1	1		5	5		1	1	
35 Colquitt				1	1		2	2		2	1	1
36 Columbia	4	4		2	2					1	1	
37 Cook	2	2		1	1		2	2		1	1	
38 Coweta	4	4		2	1	1	3	3				
39 Crawford												
40 Crisp				1	1		1	1		1	1	

County	1971						1970					
	Suicides E955			Accidents E922			Suicides E955			Accidents E922		
	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Othe
41 Dade				1	1		1	1				
42 Dawson												
43 Decatur				1		1	2	2		1		1
44 De Kalb	44	42	2	7	3	4	31	28	3	5	3	2
45 Dodge	1	1		1	1					1	1	
46 Dooly	1	1					1		1	2	2	
47 Dougherty	4	3	1	2	2		3	3		2	2	
48 Douglas	4	4		2	2		5	5				
49 Early				1		1				1		1
50 Echols												
51 Effingham										1		1
52 Elbert	1	1										
53 Emanuel	1	1		1	1		1	1				
54 Evans	1	1										
55 Fannin							1	1		1	1	
56 Fayette	1	1								2	1	1
57 Floyd	8	7	1	1	1		3	3		2	1	1
58 Forsyth	1	1		1	1		3	3				
59 Franklin	2	2		1	1		1	1				
60 Fulton	68	49	19	12	3	9	85	67	18	11	3	8
61 Gilmer										1	1	
62 Glascock							1	1				
63 Glynn	3	2	1	1	1		4	3	1	1	1	
64 Gordon				1	1		5	5				
65 Grady							4	4				
66 Greene												
67 Gwinnett	3	3		1	1		5	5		1	1	
68 Habersham	1	1										
69 Hall	4	4		1		1	7	7		2	1	1
70 Hancock												
71 Haralson	5	5					4	4				
72 Harris	1	1		1	1					1		1
73 Hart	1	1					5	4	1			
74 Heard							3	3				
75 Henry	5	5					1	1		1	1	
76 Houston	7	6	1	4	1	3	5	5		1	1	
77 Irwin	2	2		1	1					2	1	1
78 Jackson	2	2					3	3				
79 Jasper							2	2		1	1	
80 Jeff Davis				1	1		1	1		2	2	
81 Jefferson	2	2		1		1	1	1		1		1
82 Jenkins				1	1		1	1		1	1	

| | | |

County	1971						1970					
	Suicides E955			Accidents E922			Suicides E955			Accidents E922		
	Total	White	Other	Total	White	Other	Total	White	Other	Total	White	Other
132 Tattnall	3	3		3	3					1	1	
133 Taylor	2	1	1									
134 Telfair	1	1		2	1	1						
135 Terrell	1		1							1	1	
136 Thomas	1		1	2	2		3	3				
137 Tift	3	3		1	1		1	1				
138 Toombs	2	2		1		1	1	1				
139 Towns	1	1								1	1	
140 Treutlen							2	2		1	1	
141 Troup	6	5	1	3	1	2	2	2		3	2	1
142 Turner	1	1										
143 Twiggs										1	1	
144 Union							1	1				
145 Upson	3	3					1	1				
146 Walker	5	5		3	3		8	8		1	1	
147 Walton	7	7		2	2		4	4				
148 Ware				1	1		3	3				
149 Warren				1	1		2	2				
150 Washington	2	2		1		1						
151 Wayne							1	1		2	1	1
152 Webster												
153 Wheeler	1	1										
154 White	1	1					1	1				
155 Whitfield	1	1		3	3		6	6				
156 Wilcox	1	1										
157 Wilkes	1	1										
158 Wilkinson							1		1			
159 Worth	2	2		2		2	2	2				

Project Identification

Conducted by the Bureau of Alcohol, Tobacco and Firearms—Department of the Treasury

TYPE OF GUN USED

In addition to the primary objectives of the project, the availability of specific data on more than 4,000 criminal handguns from four major cities made it possible to determine what type of handgun was used most frequently in the commission of crimes involving guns.

To accomplish this, the Bureau placed these handguns in classifications based on caliber, barrel length, whether automatic or revolver, and value and quality of manufacture (Figure 1).

Handguns of .32 or less caliber were classified as *small;* all others as *large.*

Those with a barrel length of the (3) inches or less were called *short*, and those over three inches, *long* (Figure 2).

To identify and determine the value and quality of the handguns surveyed, there classifications were used:

Class A—The more expensive, higher quality handguns commonly used for law enforcement, collecting, sporting and target purposes of both domestic and foreign manufacture, with a retail price range of approximately $100 or more.

Class B—Handguns of medium price, medium quality range and generally used for sporting, personal protection, hunting and similar purposes of both domestic and foreign manufacture with a retail price range of approximately $50 to $100.

Class C—Inexpensive handguns of low quality used primarily for non-sporting purposes and commonly referred to as "Saturday Night Specials" of both domestic and foreign manufacture, with a retail price range of less than $50.00.

Federal gun laws do not define a "Saturday Night Special." However, in the use of the term by law enforcement officers throughout the United States, it is widely accepted to mean a small, cheaply made handgun of low caliber. For the purpose of the study, ATF defined a Saturday Night Special as a cheaply made handgun of .32 caliber or less, with a barrel three inches or less, and easily concealed in the palm of the hand or in a coat pocket.

However, since not all small guns are inexpensive and not all inexpensive guns are small, the problem of determining what percentage of the total guns traced fell in the category of Saturday Night Specials was resolved by taking the total number of guns in each of these three categories, adding the totals, and dividing by three to arrive at what was called a "composite" average. This figure, placed against the total guns traced, gave as accurate a percentage as could be achieved under the established classifications (Figure 3).

FIGURE 1.—COMPOSITE CHART

Project I (Handguns)

	New York City	Atlanta	Detroit	New Orleans	Total
Total handguns received for tracing	2,931	827	1,262	324	5,344
Number of guns traced	2,546	[1] 665	840	324	4,537
Number of class A ($100 or more)	628	130	84	8	850
Number of class B ($50–$100)	417	152	210	97	876
Number of class C (less than $50)	1,501	545	546	219	2,811
Number of automatics	628	137	176	97	1,038
Number of revolvers	1,918	690	664	227	3,499
Number of guns with barrels of 3 in or less	1,938	671	568	227	3,404
Number of guns with barrels over 3 in	608	156	272	97	1,133
Number of guns with .32 caliber or less	1,636	561	672	166	3,035
Number of guns with .38 caliber or over	910	266	168	158	1,502
Number of stolen guns	263	50	109	5	427
Saturday night specials					
Number of class C guns	1,501	545	546	219	2,811
Number of guns with barrels 3 in or less	1,938	671	568	227	3,404
Number of guns with .32 caliber or less	1,636	561	672	166	3,035
Composite average	1,692	592	595	204	3,083
Percent of total guns traced	66	88	71	63	70

[1] For analysis as to type, size, caliber, etc., 162 untraceable handguns were included in the Atlanta project.

Of the 5,344 guns received from the four cities, 4,537 handguns were traced. Seventy percent of these were classed as Saturday Night Specials, that is, guns which cost less than $50, had a barrel length of three inches or less, and were of .32 caliber or less. This type included approximately 66% of the 2,546 guns traced in New York City, 88% of the 665 guns traced in Atlanta, 71% of the 840 guns traced in Detroit, and 63% of the 324 guns traced in New Orleans.

Revolvers made up 77% of the total 4,537 guns traced. By city, the ratio of revolvers was 75% in New York City, 80% in Atlanta, 79% in Detroit and 70% in New Orleans.

THEFT FACTOR

Since passage of the Gun Control Act of 1968, there has been an increase of the overall theft of firearms, and particularly from interstate shipments. An ATF survey of the nation's trucking firms revealed that the trucking industry estimated monthly thefts to be as high as 1,000 guns a month. While this is not significant in view of the estimated 35 million handguns in the United States, it is important since a stolen firearm generally becomes a tool of the criminal.

In New York City, 263 of the 2,546 guns traced, or 10%, were stolen. In Detroit, the percentage was 13%, or 109 out of 840. The number stolen in Atlanta was 50, or 7%, and in New Orleans, 5 stolen guns were 1½% of the 324 guns traced.

Both New York City and Detroit have strict city gun laws, which may have caused a higher percentage of criminals to resort to theft as a means of acquiring a gun as opposed to purchasing it, either from a licensed or unlicensed source.

Of the 263 guns identified in the New York City trace as stolen, 160 were expensive, high quality firearms. Most of these were stolen from shipments. This high figure for stolen, expensive guns may have been because higher quality, old line firearms are more widely known, and shipping cartons bearing such names as Colt, Smith-Wesson and Browning are more easily recognized by thieves. The rest were stolen from the premises of a dealer or manufacturer.

RETAIL SOURCE OF SUPPLY

As noted previously, the first phase of the study only concerned the identification of the retail source from which the handgun left legitimate commerce channels and became available to the criminal. It would be erroneous to conclude that because a large number of guns came from retail sources outside the state in which the city under study was located, that dealers involved were guilty of violating Federal gun laws. The dealer may or may not have been in violation. It is possible that the buyer was the guilty party, or that there was a dealer-buyer combination. That point was to be determined by Phase II.

Of the 2,546 guns traced in New York City, 2,048 came from 46 states and the District of Columbia (Figure 4). Of the out-of-state guns, 500 came from retail outlets in South Carolina and 124 of the 500 were

FIGURE 5.—*Sources of Atlanta handguns*

Project I

Georgia	537	Mississippi	3
Florida	19	Pennsylvania	3
South Carolina	14	West Virginia	3
North Carolina	9	California	2
Tennessee	8	Indiana	2
Alabama	7	Nebraska	2
Kentucky	7	Arizona	1
New York	7	District of Columbia	1
Ohio	6	Kansas	1
Missouri	5	Minnesota	1
Texas	5	New Jersey	1
Michigan	4	New Mexico	1
Illinois	3	Oklahoma	1
Iowa	3	Washington	1
Louisiana	3	Total	665

In Atlanta, it was found that of the 827 handguns to be traced, 162 were "untraceable" because of serial number removal, the dealer's records were no longer available, or other reasons. Of the remaining 665 handguns, 537, or 85%, originated in Georgia (Figure 5). Twelve licensed dealers in Atlanta were the retail source for most of these guns. The license of one large dealership was revoked, while another major dealer was no longer in business when the study was made. The remaining dealers were inspected to insure their compliance with the Gun Control Act of 1968. Only 14 of the 665 handguns in the Atlanta trace came from the adjoining State of South Carolina which was the prime source of handguns for New York City.

HOMICIDE DEATHS—GUNS VS OTHER METHODS[1]

Year and total	Death by firearms	Death by all other methods
1961—82	55	27
1962—115	74	41
1963—105	67	38
1964—123	90	33
1965—113	82	31
1966—138	97	41
1967—171	131	40
1968—207	153	54
1969—196	153	43
1970—265	221	44
1971—256	202	54
1972—292	222	70
1973—306	244	62
1974—293	222	71

[1] Source: Fulton County Office of the Medical Examiner, Atlanta, Ga., Jan. 10, 1975.

SUICIDE DEATHS—GUNS VS OTHER METHODS

Year and total	Death by firearms	Death by all other methods
1961—48	34	14
1962—75	46	29
1963—60	43	17
1964—70	56	14
1965—74	49	25
1966—70	52	18
1967—81	55	26
1968—76	51	25
1969—65	45	20
1970—112	85	27
1971—97	71	26
1972—86	68	18
1973—94	63	31
1974 figures incomplete		

Source: Fulton County Office of the Medical Examiner, Atalnta, Ga., Jan. 10, 1975.

State of Georgia

OFFICE OF SECRETARY OF STATE

I, Ben W. Fortson, Jr., Secretary of State of the State of Georgia, do hereby certify that the three pages of photographed matter hereto attached contain a true and correct copy of an Act approved by the Governor on December 25, 1837, numbered Act Number 188 (H.B. No. 188) and entitled: "An Act To guard and protect the citizens of this State against the unwarrantable and too frequent use of deadly weapons"; all as the same appear of file and record in the Department of Archives and History, a Division of the Office of Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 17th day of July, in the year of our Lord One Thousand Nine Hundred and Seventy-five, and of the Independence of the United States of America the Two Hundredth.

Ben W. Fortson, Jr.
SECRETARY OF STATE.

An Act

To be entitled an act to guard and protect the citizens of this State against the unwarrantable and too frequent use of deadly weapons

Sec 1st Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and it is hereby enacted by the authority of the same that from and after the passage of this act it shall not be lawful for any merchant or dealer of wares or merchandize in this State or any other person or persons whatsoever to sell or offer to sell or to keep or have about their person or elsewhere any of the hereinafter described weapons (to wit) Bowie or any other kind of knives manufactured and sold for the purpose of wearing or carrying the same as arms of offence or defence Pistols Dirks Sword Canes Spears &c shall also be comtemplated in this act Save such pistols as are known and used as horseman's pistols &c

Sec 2d And be it further enacted that any person or persons within the limits of this State violating the provisions of this act except as hereafter excepted shall for each and every such offence be deemed guilty of a high misdemeanor and upon trial and conviction thereof shall be fined in a sum not exceeding five hundred dollars for the first offence nor less than one hundred dollars as the discretion of the Court and upon a second conviction and every after conviction of a like offence in a sum not to exceed one thousand dollars nor less than five hundred dollars at the discretion of the Court

Sec 3d Be it further enacted that it shall be the duty of all civil officers to be vigilant in carrying the provisions of this act into full effect as well also as Grand Jurors to make presentments of each and every offence under this act which shall come under their knowledge

Sec 4th And be it further enacted that all fines and confiscations arising under this act shall be paid into the County Treasury to be appropriated to County purposes provided nevertheless that the provisions of this act shall not extend to Sheriffs Deputy Sheriffs Marshalls constables Overseers or patrols in actual discharge of their respective duties but not otherwise Provided also that no person or persons shall be found guilty of violating the before recited act who shall wear or exhibit any Bowie Knives Dirks Sword Canes Pistols Spears and which shall be exposed to view by reason of Duel provided nevertheless that the provisions

of this act shall not extend to prevent vendors or any other persons who now own and have for sale any of the aforesaid weapons before the first day of October next.

Sec: 5th And be it further enacted that all laws and parts of laws militating against this act be and the same is hereby repealed.

Joseph Day
Speaker of the House of Representatives

Robert W Echols
President of the Senate

Approved 16 21st Dec 1837
Wm R Johnson Governor.

757.

An Act

To guard & protect the citizens of this State against the unwarrantable & too frequent use of deadly weapons

In House of Representatives
Read 1 time 1st Nov 1837
Read 2 time 6th Nov 1837
Read 3 time 11th Nov 1837
& passed

Joseph Sharp Clerk

In Senate
Read 1 time Nov 12th 1837
Read 2 time Nov 24th 1837
Read 3 time Nov 25 1837
and passed
attest John P Lomax
Secretary

HB 1331 Pg 136-37 Pg 90-91 ACT 1837

759

2025

A Constitutional History of the Right to Keep and Bear Arms as it Relates to Georgia

(January 29, 1975)

Even before modern technology made it readily available to the general public, the handgun has been embroiled in the constitutional and legal debate over the "right to bear arms." The late Justice Joseph Lumpkin of the Supreme Court of Georgia noted that attempts at gun control date back to the reign of Edward III when it was made unlawful for anyone to "go or ride armed by night of by day."[1] It was also an offense at common law to "go about armed with dangerous or unusual weapons."[2] Subsequent acts restricted the right to possess firearms to property owners whose land had a yearly value of £100.[3] James II attempted to restore the Roman Catholic Church by disarming the Protestants, an act that helped lead to the "glorious revolution" in 1685. Following the abdication of James II, Parliament enacted the English Bill of Rights which provided: "VII that the subjects which are protestants may have arms for their defense, suitable to their defense, and as allowed by law"[4]

According to McElreath, this act was to serve as Georgia's Bill of Rights until 1851.[5]

Following the Boston Tea Party and the subsequent occupation of Boston by British Troops, the Royal Governors in several of the colonies moved to seize the supplies and powder of the colonial militia, which helped to bring on the American Revolution. Although in drafting constitutions during the Revolution, several states provided a Bill of Rights in their constitutions which included a "right to bear arms" provision, the drafters of the U.S. Constitution did not. What is now the Second Amendment to the United States Constitution was introduced in Congress by Representative James Madison of Virginia. As originally introduced in the House, it read: "The right of the people to keep and bear arms shall not be infringed, a well armed and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms shall be compelled to render military service in person"[6]

This amendment was proposed partially as a result of the recommendations and resolutions proposed by the various states that ratified the Constitution. The principal concern at that time was that the Constitution provided no check and balance against a standing army. On July 31, 1788, Thomas Jefferson, then the American minister in France, wrote James Madison from Paris: "I sincerely rejoice at the acceptance of our new constitution by nine states. It is a good canvas on which only some strokes want retouching. What these are are sufficiently manifest by the general voice from North and South, which calls for a bill of rights. It is pretty generally understood that this should go to Juries, Habeas Corpus, Standing Armies, ... if no check can be found to keep the number of standing troops within safe bounds . . . abandon them altogether, (and) discipline well the militia."[7]

An examination of the debates in the House indicates clearly that the question was one of the militia, not of individual rights. The argument of Representative Gerry of Massachusetts is illustrative of the intent of that first Congress: "What, sir, is the use of the militia? . . . It is to prevent the establishment of a standing army."[8]

This intent has been repeatedly upheld in the Courts:[9] ". . . it is well settled that the manner of bearing arms of offense and defense may be regulated by the several States without infringing the constitutional right of citizens to bear arms . . ."[10]

The Second Amendment is not the only constitutional guarantee which must be considered. In 1968, the U.S. Supreme Court in *Haynes* v. *U.S.*,[11] struck down a portion of the National Firearms Act[12] as a violation not of the Second Amendment but as violating the provisions of the Fifth Amendment because most persons required to register certain types of weapons (machine-guns, rocket launchers, hand grenades, etc.) were those whom the Act pro-

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Footnotes at end of article.

hibited from possessing the weapons. "The questions propounded by §§ 5841 . . . are directed at a highly selected group inherently suspect of criminal activities." [13]

Three years later, the question of firearms registration was again before the Court in *U.S.* v. *Freed*.[14] Following decision in *Haynes*, Congress had amended the National Firearms Act so as to extend its registration provisions. This time the Court upheld the new registration requirements: ". . . the Court has held that the constitutional privilege does not prevent the use of information . . . obtained in connection with regulatory programs of general application." [15]

As noted earlier, Georgia's Constitution did not contain a Bill of Rights until 1861. In 1837, the General Assembly approved a law "designed to guard and protect the citizens of the State against the unwarranted and too prevalent use of deadly weapons" which had the effect of outlawing handguns as well as prohibiting the carrying of concealed weapons.[16] in 1846, the State Supreme Court ruled that part of the act which outlawed handguns unconstitutional but upheld the prohibition against concealed weapons.[17]

Secession necessitated the drafting of a new constitution in 1861, which for the first time included a Bill of Rights with a "right to keep and bear arms" provision.[18] Shortly after the adoption of this Constitution, the State Supreme Court again upheld the constitutionality of the prohibition against concealed weapons.[19] The Constitutional Convention of 1868 qualified the right to bear arms with the words, "but the General Assembly shall have the power to prescribe by law the manner in which arms may be borne."[20] An 1870 act of the General Assembly prohibiting the carrying of weapons at public gatherings was soon challenged as a violation of the "right to keep and bear arms," a challenge which the Supreme Court rejected: "When the constitution grants to the general assembly the right to prescribe the manner in which arms may be borne, it grants the power to regulate the whole subject of using arms."[22]

At the 1877 Constitutional Convention, an unsuccessful attempt was made by Robert Toombs of Wilkes County to eliminate the reference to the general assembly. Toombs argued that: "The legislature has no power to prescribe how the people shall bear arms . . . I think that the people have the right to keep and bear arms as they choose for their own protection."[23]

However, Mr. Warren reflected the feeling of a majority of the Convention delegates when he responded: "I hope the gentleman's (Toombs) motion will not prevail; the experience of all of us is that the General Assembly should have the right to regulate the manner of keeping and bearing arms. There is nothing which provokes bloodshed so much as the indiscriminate bearing of concealed weapons."[24]

The present Constitution adopted in 1945 retains the same language for Article I § 22 as the 1877 Constitution.

The next major effort in the field of firearms legislation did not take place until 1910 when the General Assembly required persons wishing to carry a pistol outside of their home or place of business (automobile was added later) to obtain a permit from the County Ordinary.[25] In a series of cases the State Supreme Court and Court of Appeals has repeatedly upheld the licensing requirements not only as constitutional but has challenged the inclusion of pistols in the definition of the word "arms".[26]

It is known that at least since 1859, counties and municipalities have sought to legislate controls on firearms.[27] Although a number of local governments have ordinances regulating firearms, there is a question of their constitutionality. Article I §4 Para. 1 of the Georgia Constitution [28] prohibits special laws in cases provided for by the general law of the State. Unfortunately, the appellate courts of this state apparently have yet to rule on the question of local firearms ordinances. The only case known to exist arose out of the ordinances of the City of Atlanta [29] which the trial court held to conflict with Ga. Code Annotated §77–209 and hence, unconstitutional under Article I §4 para. 4.[30] A similar case is currently being litigated in Fulton Superior Court.[31]

Footnotes at end of article.

FOOTNOTES

[1] 2 Edward 3, Ch 3 (1328), Brit State at Large, 422 (1761) cited in *Strickland* v. *State*, 137 Ga. 1 (1811).
[2] See 4 Blackstone's Commentaries 149.
[3] 2 & 3 Car. 3, c. 25 §3.
[4] 1 William and Mary, c.
[5] See McElreath, A Treatise on the Constitution of Georgia.
[6] 1 The Annuls of Congress, 1789, 452.
[7] U.S. Department of State, 4, Documentary History of the Constitution of the United States of America, 824 (1905).
[8] The Annuls, 778–781.
[9] *U.S.* v. *Miller*, 59 S.Ct. 816, 307 U.S. 174, *State* v. *Dawson*, 272 N.C. 535, 159 S.E. 2d 1 (1968). *State* v. *Workman*, 35 W.Va. 367, 14 S.E. 137 (1891). *English* v. *State*, 35 Texas 476 (1872). Opin. of Justices, 14 Gray (Mass.) 620 (1859). *Cases* v. *U.S.* 131 F 2d. 916 (CCA P.R. 1942); cert. denied: 319 U.S. 770. *U.S.* v. *Cruikshank*, 92 U.S. 553, 2 Otto 553, (La. 1875). *Stevens* v. *U.S.*, 440 F. 2d. 144 (CA Ky. 1971). *U.S.* v. *Casson*, 288 F. Supp. 86 (DC Del. 1968). *Eccart* v. *City of Philadelphia*, 329 F. Supp. 845 (DC Pa. 1971). *Burton* v. *Stills*, 248 A. 2d. 521, 53 N.J. 86; appeal dismissed: 89 S. Ct. 1486, 394 U.S. 812 (1968). *Brown* v. *City of Chicago*, 250 N.E. 2d 129, 42 Ill. 2d 501 (1969). *Hardison* v. *State*, 437 P. 2d. 868, 84 Nev. 125 (1968). *Harris* v. *State*, 432 P. 2d. 929, 83 Nev. 404 (1967).
[10] *Armond* v. *State*, 18 Ga. App. 140 (1916) (Russell, CJ)
[11] 390 U.S. 85 (1968).
[12] 26 U.S.C. §5812 et seq.
[13] *Haynes* v. *U.S.* supra. at 98. See *Albertson* v. *SACB*, 382 U.S. 70.
[14] 401 U.S. 601 (1971).
[15] *Haynes* v. *U.S.*, supra. at 98, See *United States* v. *Sullivan*, 274 U.S. 259; *Shapiro* v. *U.S.*, 335 U.S. 1.
[16] Ga. L. 1837 (Cobb 848).
[17] *Nunn* v. *State*, 1 Kelly (Ga.) 243 (1846).
[18] Georgia Constitution of 1861, article I §6.
[19] *Stockdale* v. *State*, 32 Ga. 225 (1861).
[20] Georgia Constitution of 1868, article I §14.
[21] Ga. L. 1870, 421.
[22] *Hill* v. *State*, 53 Ga. 472 at 480 (1874).
[23] Small, A Stenographic Report of the Proceedings of the Constitutional Convention, 91 (1877).
[24] Id.
[25] Ga. L. 1910, 134, the automobile was exempted in the Code of 1933 §26–5103.
[26] See *Strickland* v. *State*, 137 Ga. 1, 72 S.E. 260, s.c. 9 Ga. App. 855 (1911). *Nero* v. *State*, 10 Ga. App. 23 (1911). *Glenn* v. *State*, 10 Ga. App. 128 (1911). *Casper* v. *State*, 13 Ga. App. 301 (1913). *Smith* v. *State*, 14 Ga. App. 823 (1919). *Ormond* v. *State*, 18 Ga. App. 140 (1916).
[27] eg. Ga. L. 1859, 150 §3 at 151, see also Olson, Georgia Law on Firearms, NN. through (1975 ed.) (unpublished report to State Crime Commission) Department of Treasury, Published Ordinances—Firearms, 90–92 (1974).
[28] Ga. Code Ann. §2–401 (1973 Rev.)
[29] See City Code of Atlanta §§20–61, 20–73 et seq.
[30] *Dean's Inc.* v. *City of Atlanta*, Civil Case No. B–24142 (Fulton Superior Court, 1967).
[31] *Yarlow* v. *City of Atlanta*, Civil Case No. 87755 (Fulton Superior Court, filed October 23, 1973).

REFERENCES

1837—Ga. L. 1837, (Cobb, 848) outlaws all pistols except "Horsemen's Pistols." Carrying of concealed weapons prohibited.

1846—*Nunn v. Georgia*, 1 Kelly (Ga.), 243: Supreme Court declares Ga. L. ban on pistols unconstitutional under Amendment II, to U.S. Constitution; upholds prohibition of concealed weapons.

1861—Article I, §6 "The right of people to keep and bear arms shall not be infringed." *Stockdale v. State*, 32 Ga. 225: Supreme Court defines outer limits of concealed weapons statute; again upholds constitutionality.

1865—Article I, §4 "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

1868—Article I, §14 "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have the power to prescribe by law the manner in which arms may be borne."

1870—Ga. L. 1870, 421, enacted, prohibits carrying of weapons at public gatherings.

1874—*Hill V. State*, 53 Ga. 472 upholds legislatures right to regulate carrying of handguns.

1877—Article I, §22 "The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have the power to prescribe the manner in which arms may be borne."

1878—Ga. L. 1878–9, 64 amends Ga. L. 1870, 421 to exempt Sheriffs and other law enforcement officers.

1882—Ga. L. 1882–3, 48 Concealed Weapons Statute enacted.

1909—Ga. L. 1909, 90 clarified Ga. L. 1870, 421.
1910—Ga. L. 1910, 134 requires Pistol Permit to carry pistol.
1911—*Strictland v. State*, 137 Ga. 1, 72 S.E. 260, 9 Ga. App. 855 Ga. L. 1910, 134 held constitutional; see also *Nero v. State*, 10 Ga. App. 23, *Glenn v. State*, 10 Ga. App. 128.
1913—*Casper v. State*, 13 Ga. App. 301: reaffirms licensing statutes.
1914—*Smith v. State*, 14 Ga. App. 823: licensing statute "home" held to include yard.
1916—*Armond v. State*, 18 Ga. App. 140; "it is well settled that the manner of bearing arms * * * may be regulated * * * without infringing the constitutional right of citizens to keep and bear arms * * *"
1945—Article I §22 same wording as 1877 Constitution adopted.
1968—Ga. Code §26-2901, Concealed Weapons. §26-2902, Deadly Weapons at Public Gatherings. §26-2903, Licensing Statutes. §26-2904, Licensing Statutes, revised and reenacted.

Hawkins Harman Appellant
vs
The State of Georgia Appt

Hinsp. Misdemeanor
from County Superior Court

This cause came before the Court upon the transcript of the Record from the Superior Court of the County of Sumter. After argument of Counsel had thereon, It is considered & adjudged by the Court that the judgment of the Court below be reversed on the following ground

1st. Cause the act of the General Assembly of this state entitled "An act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly Weapons" passed 25th Dec 1837 - is violative of the Constitution of the United States So far as said act prohibits the Carrying or keeping pistols other than horseman's pistols about the person publicly and plainly exposed to view

A Report to the State Crime Commission

Georgia Law on Firearms

A study of constitutional and statutory provisions, local statutes and ordinances, and case law relating to firearms in Georgia

Revised January 27, 1975

INTRODUCTION

In 1972, 18,520 people were murdered in the United States with 44 percent of these murders occurring in the southern States. In 66 percent of the murders nationwide firearms were used: handguns being used in 54 percent; rifles in 5 percent; and shotguns in 7 percent. In the southern States firearms were used in 73.8 percent of the murders.[1] In Atlanta alone in 1972, 255 people were murdered, handguns being used in 66 percent of the cases with shotguns being used in 6.3 percent and rifles in 4.3 percent.[2] It is interesting to note that in Atlanta 56.1 and 16.5 percent respectively of the murders occurred in the home and at places of business, which are two of the areas where possession of a pistol without a license is permitted by Georgia law. It is also noteworthy

[1] Uniform Crime Reports for the United States—1972. Clarence M. Kelly, Director, Federal Bureau of Investigation, p. 2-9.
[2] Atlanta Police Department, 1972 Annual Report, p. 15.

that firearms were used in only 25.3 percent of the aggravated assaults reported in 1972 [3] nationwide.

Concern over the misuse of firearms is nothing new to Georgia. In 1837, the General Assembly enacted a law entitled: "An act to guard and protect the citizens of this State against the unwarrantable and too prevalent use of deadly weapons."[4]

This Act made it a crime to "sell or offer to sell, or to keep or to have about their person, or elsewhere" certain weapons among which were pistols, other than "horseman's pistols." [5] This statute was declared unconstitutional in 1846 [6] by the Georgia Supreme Court so far as it prohibited the carrying of weapons. However, the court held that portion of the act "which seeks to suppress the practice of carrying certain weapons *secretly* * * * valid, inasmuch as it does not deprive the citizen of his *natural* right of self-defense or of its constitutional right to keep and bear arms." [7] As a result of this decision in 1852 the General assembly enacted legislation which prohibited the having or carrying about their person certain weapons except "in an open manner and fully exposed to view" and which is the basis of the current legislation.[8] Licensing did not follow until 58 years later.

However, as will be noted later, not all of the laws relating to weapons are criminal in nature. There are over fifty-five different sections of Georgia Code Annotated which deal directly with the possession or use of firearms, twenty-two of which are non-criminal in nature. Of the criminal provisions, six arise out of the Game and Fish Laws.

In addition to Constitutional provisions and general laws, a number of local laws affecting specific counties and municipalities many local units of government have enacted local ordinances seeking to further control firearms. This report will not editorialize on the merits of these laws, rather it seeks to present all of Georgia laws on firearms along with relevant court cases in a format which is easy to digest.

Georgia Laws Relating to Firearms

CONSTITUTIONAL PROVISIONS

The right to keep and bear arms is guaranteed by II Amendment to the U.S. Constitution [1] and by Act I, paragraph XXII of the Georgia Constitution.[2] However, the General Assembly may by law prescribe the "manner in which arms may be borne." [3] Where the General Assembly has so prescribed the Georgia Courts have held that laws prohibiting the wearing of concealed weapons,[4] prohibiting the keeping of and bearing arms in court,[5] and prohibiting having or carrying of revolver without a license and prescribing how such a license may be obtained [6] are valid and not violative of U.S. Constitutional guarantees.[7] However, the General Assembly may not entirely forbid the bearing of weapons.[8]

STATUTORY PROVISIONS

The General Assembly has enacted numerous laws over the years which govern the way a person may keep and bear arms. Most of these laws deal with criminal acts involving weapons or the possession of certain types of weapons,[9] while others provide for licenses to carry certain firearms,[10] to hunt [11] or to sell.[12] Because these laws are the most numerous they are dealt with separately, but there are several general provisions which do not fit into the categories of crime, licensing or sales.

Any device which is used as a weapon in a crime, except an automobile, is contraband and is forfeited.[13]

The arms and equipment of a militia soldier and a trooper's horse are exempt from a debtors sale.[14]

"Among the rights of citizens is . . . (the right) to keep and bear arms." [15]

The commanding officer of the organized militia (National Guard) when called to duty by the Governor may, under certain circumstances, order the closing of places where firearms are sold.[16]

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[3] UCR, p. 10.
[4] Ga. L. 1837, Cobb (1851), p. 848.
[5] Ibid at para. 367. The "horseman's pistols" referred to in the Act were very large, single shot flintlocks which were carried in saddle holsters.
[6] *Nunn* v. *Georgia*, 1 Kelley (Ga.) 243 (1846).
[7] Ibid at 251.
[8] See: Ga. Code Annotated, Chapter 26–29 Committee Notes.
Footnotes for article on "Georgia Laws Relating to Firearms" are at end of article.

Possession and use

In general, anyone may own a firearm, unless by law they are specifically not authorized to do so (see Crimes), and provided that the weapon is not concealed,[17] and that if used for hunting, the bearer has in his or her possession a valid hunting license. If a person "has or carries on or about his person" a pistol outside of his home, automobile or place of business, they must have a license issued by the Ordinary of the County.[18] Certain agencies and types of individuals have been specifically authorized to possess and use either certain types of weapons or to possess and use firearms in a particular manner. Included in this category are peace officers,[19] prison officials,[20] District Attorneys and certain members of their staff,[21] members of the National Guard or Armed Forces [22] and persons employed in fulfilling defense contracts while engaged in official duty or when so authorized by State or Federal law, regulations or orders,[23] Forestry investigators,[24] Revenue Agents,[25] investigators for the State Board of Pharmacy,[26] and special police appointed under Chapter 91–10 Ga. Code.[27] The weighing crews of the State Highway Board are specifically not authorized to carry weapons.[28] Private citizens may also possess weapons which by law they would not be authorized to have (such as sawed-off shotguns, machine guns, etc.) provided that the weapon is either inoperative or has been registered in accord with the National Firearms Act (26, U.S.C. 5481–5862).[29]

CRIMES

When crimes involving firearms are considered, Criminal Homicide is probably the first to come to mind. It should be noted that the use of a weapon is not a necessary element for crimes of Murder, Voluntary Manslaughter, or Involuntary Manslaughter despite the fact that weapons are used in the majority of these crimes. There are, however, eighteen specific acts involving the possession or use of firearms which have been declared illegal. Eight are felonies and eleven are misdemeanors. While many of these crimes are listed Criminal Code, a large number of misdemeanors arise out of the Game and Fish Laws. For ease of reference, the crimes involving firearms are set out below along with the penalties for felony convictions.

Felonies (and punishment)

1. Use of deadly weapon in commission of crime is aggravated assault.[30] (1–10 years).
2. Armed robbery [31] (Death, Life or 1–20 years).
3. Possession of machine guns [32] (1–5 years).
4. Possession of firearm during commission of crime [33] (1–5 years).
5. Possession of sawed-off shotguns, sawed-off rifles, machine guns, hand grenades, bazooka, rocket launchers, recoiless rifles, mortars and silencers [34] (1–5 years).
6. Going inside the guard line of a penitentiary with a weapon [35] (1–4 years).
7. Selling firearms when ordered not to by commander of organized militia during time of emergency [36] (2–5 years).
8. Possession of weapons by prisoners (1–5 years).[40]

Misdemeanors

1. Carrying a concealed weapon.[41]
2. Carrying or possessing a deadly weapon at a public gathering.[42]
3. Furnishing weapons to minors.[43]
4. Pointing a pistol at another.[44]
5. Discharging a gun on or within 50 yards of a highway.[45]
6. Discharging a firearm on Sunday.[46]
7. Hunting without a license.[47]
8. Hunting with firearms while intoxicated.[48]
9. Shooting wildlife upon a public highway.[49]
10. Discharging a firearm across a public highway.[50]
11. Shooting fish.[51]
12. Take, capture or kill any fish in tidal waters by use of firearms.[50]
13. Hunting alligators (possession of firearms considered evidence as to, in area where alligators may inhabit).[51]
14. Carrying a pistol without a license.[52]

Licensing

Georgia law requires that anyone who carries a pistol outside of his home (including the yard [53]), automobile or place of business [54] must have a license

Footnotes at end of article.

issued by the ordinary of the county in which the possessor resides.[55] The only exceptions which the courts have allowed are where a pistol is found and is carried to a place of safety,[56] examining a pistol with a view towards its purchase[57] or the sudden acquisition of a pistol under unusual circumstances where it is necessary to protect one's self, family or property.[58] Ownership of the pistol is immaterial.[59] If the possessor moves to another county, he must obtain a new permit; otherwise, the permit is good for 3 years.[61]

In order to obtain a license to have and carry a pistol or revolver "in an open manner and fully exposed to view" or in another individual's motor vehicle, a person must make application to the Ordinary. The license may not be obtained unless the applicant: (1) Pays a $3 license fee; (2) is 21 years of age,[52] (3) is mentally competent; (4) has not within 10 years been convicted of a felony, or within 2 years, a forcible misdemeanor; (5) gives a bond of $300.

The Ordinary must record the name of the applicant, the maker of the firearm, the caliber and number of the firearm. A permit may be revoked, "after notice and hearing", if the licensee is judged to be mentally incompetent or convicted of a felony, a forcible misdemeanor[62] or of carrying the weapon in a concealed manner[63] or at a public meeting.[64] The license only authorizes the holder to carry the weapon recorded in making application openly and exposed to view. Until the passage of the Georgia Private Detectives and Private Security Agencies Act of 1973[65] it was a crime for anyone other than those persons specifically exempted by Code 26-2907, to carry a concealed weapon. This prohibition included private detectives and "special deputy sheriffs."[66] The Georgia Private Detectives and Private Security Agencies Act not only established detailed requirements for the licensing of business and individuals engaged in the private security trade but also permitted the licensing board to issue a permit to private detectives allowing them to carry a concealed weapon, and restricted the type of weapons which may be carried to .38 handguns and 12 gauge riot type shotguns.

Sale of Weapons

Any person or business who sells pistols or other short barreled firearms must obtain a permit to do so from the Department of Public Safety.[67] In order to obtain a permit the applicant must swear by affidavit that he or she is a citizen of the United States, 21 years of age, and has not been convicted of a crime,[68] file a bond of $1,000.00,[69] and pay an annual fee of $25 for each business and $3 for each employee who sells pistols.[70] The permit may be revoked if the holder fails to pay the annual fee[71] or if after a hearing the holder is found guilty by the board of fraud, wilful misrepresentation or convicted of a crime involving moral turpitude or for selling to minors.[72]

Purchasing of Weapons

There are not statutory provisions relating to the purchasing of rifles and shotguns by residents of Georgia. However, there are laws authorizing the residents of Georgia to purchase rifles and shotguns in contiguous States[73] and residents of contiguous States to purchase rifles and shotguns in Georgia. There do not appear to be any State statutes or regulations which would govern the purchasing of pistols or revolvers.

LOCAL ACTS

There are relatively few local laws and no general laws of local application which relate to firearms. Most of the few that do exist relate to hunting with one exception. The one exception is an 1859 law for the City of Dahlonega which makes it illegal for any person to discharge a firearm within two hundred yards of the courthouse and provides for a fine "not to exceed five dollars" to anyone convicted of said offense.[74]

State firearms regulations

Certain State agencies, notably the Department of Public Safety, the State Game and Fish Commission and the State Parks Department have been authorized to promulgate Rule and Regulations controling firearms. The Department of Public Safety regulates the licensing of dealers in pistols and other short barreled firearms.[75] However, the current regulations require little more than

Footnotes at end of article.

is required by law. The State Game and Fish Commission in the hunting regulations strictly limits the types of firearms which may be used for hunting [76] besides providing dates on which they may be used and generally prohibits the possession or transportation of firearms within game management areas.[77] In State Parks, firearms are prohibited.[78]

Local ordinances

Although primary responsibility for regulating firearms rests with the General Assembly,[79] municipalities (and counties to a lesser extent) have been given the power to enact city ordinances governing firearms. This power is derived generally from the Home Rule Act of 1965 which granted to "the governing authority of each municipality * * * (the) legislative power to adopt *clearly reasonable* ordinances, resolutions, or regulations relating to * * * local government for which no provision has been made by general law * * *" [80] [Emphasis added.] This broad grant is restricted inasmuch as municipalities are barred from defining any criminal offense or setting criminal punishment for any offense which is a violation of State law,[81] and from enacting special laws where a general law exists.[81] As a general rule Georgia municipalities have favored specific enumerations of power in the city charter and it is from these charters that most municipalities have derived the power to enact ordinances which would govern the sale, use, and possession of firearms.[82]

"The corporate powers * * * of the city * * * may include * * * (the power) to regulate and prohibit * * * the use and sale of firearms * * *" [83]

There is no comprehensive list of municipal ordinances existing nor is there a statutory requirement that municipalities file a copy of their ordinances with any central office. As a result, it is virtually impossible to take note of all the county and municipal ordinances governing firearms. However, an attempt has been made to survey the municipal ordinances of the major municipalities and counties.

As is the case in State Law, most municipal ordinances can be divided into the categories of those regulating the sales of, and criminal provisions.

In attempting to regulate the sale of firearms most ordinances seek to impose additional requirements on either the dealer or the purchaser. Pistols seem to be of the greatest concern as at least three cities require a license to deal in,[84] six regulate the sales by imposing requirements that dealers make and maintain records of the sales,[85] and in some cases finger print purchasers. Pistols are also the only firearm which the sales of must be reported to the police chief or other official.[86] Although pistols are the predominant concern several ordinances seek to regulate the sale of all firearms [87] and in one case, the City of Atlanta has ordinances requiring aliens to register all weapons in their possession [88] and requiring aliens to have a permit to dispose of [89] and persons purchasing or receiving a firearm from an alien to have the permission of the Police Chief to do so.[90]

However, where the City of Atlanta sought to prohibit the sale of .22 cal. pistols with a barrel of 3 inches or less and costing less than $39.00 [91] and require the registration of all firearms sold within the City (registration to be kept by the dealer unless the dealer went out of business) and required the fingerprinting of all purchasers,[92] these ordinances were held to be unconstitutional as violating U.S. and Georgia Constitutional guarantees.[93]

In 1973, the City of Atlanta attempted to stop the sale of so-called "Saturday Night Specials" by enacting an ordinance forbidding the sale of certain handguns which were made of die cast zinc alloy or other material which had a melting temperature of less than 800 degrees Fahrenheit even though the constitutionality of such an ordinance was questions.[94]

In addition to ordinances regulating the sale of firearms, many local governments have also sought to further restrict the use of firearms within their jurisdiction. The most commonly found ordinance is one forbidding the discharge of weapons either entirely [95] or within a given distance of a structure [96] or road [97] but many restrict hunting [98] or particular types of weapons such as BB guns and air rifles,[99] artillery pieces.[100] Another means used by municipalities is to make conviction for a violation of a firearms law grounds for revoking a business license.[101]

Footnotes at end of article.

FOOTNOTES

All citations are to Georgia Code Ann. unless otherwise indicated.

[1] 1–802.
[2] 2–122.
[3] Ibid.
[4] *Nunn* v. *State*, 1 Kelley (Ga.) 243 (1846).
[5] 26–510. See *Stockdale* v. *State*, 32 Ga. 225 (1861).
[6] *Strickland* v. *State*, 137 Ga. 1 (1911); *Nero* v. *State*, 10 Ga. App. 23 (1911); *Casper* v. *State*, 13 Ga. App. 301 (1913).
[7] *Strickland* v. *State*, supra.
[8] *Nunn* v. *State*, supra.
[9] 26–2906, 26–9919.
[10] 26–2903.
[11] Title 45.
[12] 92A–901.
[13] 27–3101.
[14] 51–1301.9, Acts 1822, Cobb 385; Acts 1841, Cobb 389.
[15] 79–205; Ga. Law 1865–6, 239; Ga. Law 1927, 272.
[16] 89–1302.
[17] 26–2901.
[18] 26–2903.
[19] 26–2007, 26–9914a.
[20] Id.
[21] 26–2907 as amended by Ga. L. 1974, 481.
[22] 26–2907, 26–9914a.
[23] 26–2907.
[24] 43–219.
[25] 58–1101.
[26] 79A–908.1.
[27] 91–1005.
[28] 68–406.1.
[29] 26–9914a.
[30] 26–1302.
[31] 26–1902.
[32] 26–2906.
[33] 26–9908a, 26–9909a.
[34] 26–9919.
[35] 77–326, 77–9913.
[36] 86–130.
[40] 77–361; 77–9915.
[41] 26–2901.
[42] 26–2902.
[43] 26–2905.
[44] 26–2908.
[45] 26–2900.
[46] 26–9919.
[47] 45–204.
[48] 45–510.
[49] 45–515, 45–516.
[50] 45–515; Ga. Law 1968; 497–515.
[51] 45–704.
[50] 25–713; Ga. Law 1968, 497, 524.
[51] 45–226.
[52] 26–2903.
[53] *Smith* v. *State*, 14 Ga. App. 823, (1914).
[54] See *Coker* v. *State*, 14 Ga. App. 823, (1914). *Idelett* v. *State*, 14 Ga. App. 501, (1914).
[55] 26–2903.
[56] See *Casper* v. *State*, supra.
[57] See *Jackson* v. *State*, 12 Ga. App. 427, (1912).
[58] See for example, *Harris* v. *State*, 15 Ga. App. 315, (1914).
[59] *Gates* v. *State*, 12 Ga. App. 706; (1913).
[60] *Rogers* v. *State*, 19 Ga. App. 751, (1917).
[61] In a memorandum dated May 15, 1972, the Attorney General advised Ordinaries that the Age of Majority Law (Ga. L. 1972, 1973) does not apply to this case.
[62] 26–2904.
[63] 26–2901.
[64] 26–2902.
[65] 84–6501 through 84–6516.
[66] *Talley* v. *State*, Ga. App., July 13, 1973; cert. denied. Judge Dean, for an unanimous decision held that a "special deputy sheriff" does not consitute a peace officer under Ga. Code Annotated §26A2907 or as defined by the Peace Officers Standards Act, and, therefore, "has no more right to carry a concealed weapon than any other person."
[67] 92A–901.
[68] 92A–902.
[69] 92A–903.
[70] 92A–905.
[71] 92A–906.
[72] 92A–908 (Note: This section lists as the one of the grounds for which the permit may be revoked a violation of section 26–5108 (selling guns to minors) of the former Criminal Code which was repealed by the new criminal code and replaced by section 26–2905. This needs to be corrected.)
[73] 92A–1601.
[74] Ga. L. 1859, 150, §III at 151.
[75] Ga. Regulations 570–4.
[76] Ga. Regulations 260–2–.03.
[77] Ga. Regulations 260–2–.04..06.
[78] Ga. Regulations 460–6–.01(4); 460–7–.01(2); 260–2–.09.
[79] 69–107.
[80] 69–1018.3.
[81] 2–401.

[82] Georgia Municipal Association, Sample Municipal Charter pp 1–10 to 1–22.
[83] Ibid at 1–18, para. 15.
[84] City Code of Atlanta 20–56; Dalton 15–24; Macon 14–28; Tifton (uncoded).
[85] City of Atlanta 20–55 et seq. Chatham County Code 11–9038.1 et seq., 24–105. City Code of Columbus 14–64, 15–16; Macon 14–28; Savannah 24–105; Valdosta 18–39.
[86] City Code of Atlanta 20–55 (applies to aliens only). Chatham County Code 11–9038.1, 24–105. City Code of Columbus 14–64, 15–10; Macon 14–28; Savannah 24–105; Valdosta 18–39a(3); Waycross 2; West Point 16–82.
[87] City Code of Atlanta 20–66 et. seq.; Decatur 16–7.1; Rossville 61; Waycross 18–18–42; West Point.
[88] City Code of Atlanta 20–66.
[89] City Code of Atlanta 20–67, 68.
[90] City Code of Atlanta 20–69.
[91] City Code of Atlanta 20–61 (1972).
[92] City Code of Atlanta 20–73 et. seq.
[93] *Dean's Inc.* v. *City of Atlanta*, Superior Court of Fulton County, Civil Case No. B–2414Z (1967) Note: The Courts ruling in this case is applicable only to Fulton County, however, it should be considered relevant in examining all local ordinances or when considering new ordinances. See also *Nunn* v. *State*, 1 Kelley (Ga.) 243 (1846).
[94] Department of Law, City of Atlanta, in an opinion issued August 27, 1973 the Associate City Attorney of Atlanta advised that the proposed ordinance which would forbid the sale of certain handguns (those made of die cast zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit) would probably be held unconstitutional under the doctrine established in Dean's Inc. v. City of Atlanta.
The ordinance took effect on Saturday, October 20, 1973. On Tuesday, October 23, 1973, a suit was filed in Fulton Superior Court seeking a declaratory judgment against the City of Atlanta on constitutional grounds in a case styled *C.E. Yerlow* d/b/a *C.E.Y. Trading Co.*, et al., v. *City of Atlanta* (Civil Case No. 87755). A temporary restraining order was issued against the City of Atlanta.
[95] City Code of Atlanta 20–59; Dalton 17–9; Brunswick 24.17; Savannah 10–152, 24–102.1.
[96] DeKalb County Code 13–67. City Code of Athens 19–16. Ibid. 19–18.
[97] City Code of Canton 11–50.
[98] City Code of Dalton 4–11. City Code of Athens 19–5.
[99] City Code of Dalton 17–2, 3.
[100] City Code of Atlanta 20–60. DeKalb County Code 13–67.
[101] City Code of Canton 17–50. City Code of Athens (uncoded) adopted Sept. 4, 1973.

JERRY L. JOHNSON,
PETITIONER-APPELLANT,

v.

R. C. WRIGHT, WARDEN, ET AL.,
RESPONDENTS-APPELLEES.

No. 74–3017.

United States Court of Appeals, Fifth Circuit.

March 13, 1975.

Defendant was convicted in Superior Court, Fulton County, Georgia, of armed robbery and of carrying a concealed and unlicensed pistol. His petition for habeas corpus was denied by the United States District Court of the Northern District of Georgia, at Atlanta, Newell Edenfield, J., and he appealed. The Court of Appeals, Lewis R. Morgan, Circuit Judge, held that defendant's Fourth Amendment rights had not been violated, but that an instruction violated defendant's due process rights by permitting the jury to infer that his pistol was unlicensed from evidence that he possessed a pistol, and also by shifting to him the burden of proof of an essential element of the case, i. e., that the pistol was unlicensed.
Reversed and remanded with instructions.

1. Searches and Seizures ⇐ 7(1)

Searches conducted without prior issuance of warrant are for the most part per se unreasonable, but there are a few clearly delineated exceptions to the warrant requirement of the Fourth Amendment, U.S.C.A. Const. Amend. 4.

2. Arrest ⇐ 63.1

Where car precisely fitted description given by store employee who alleged that its driver had been involved in robbery two days previously, officers were justified in stopping the car. U.S.C.A. Const. Amend. 4.

3. Searches and Seizures ⇐ 7(24)

Having reason to believe that at least one occupant of car might have committed armed robbery, and seeing pistol on front seat of the vehicle, officer acted reasonably in ordering occupants out to be frisked for other weapons. U.S.C.A. Const. Amend. 4.

4. Arrest ⟸ 71.1(5)

Having arrested driver of car which they had stopped, police acted properly in searching car itself for evidence pertaining to the crime; such a warrantless search was proper where officers had probable cause to believe they would find evidence pertaining to the crime and where they were dealing with temporarily stopped automobile, a search of which is justified on basis of exigent circumstances. U.S.C.A. Const. Amend. 4.

5. Searches and Seizures ⟸ 3.3

Where police had probable cause to search vehicle, they acted reasonably in detaining passengers outside the vehicle, and where the police had reason to suspect that the man might be dangerous and might have been involved in a criminal offense, they did not act improperly in segregating the passengers in separate cars for duration of the search. U.S.C.A. Const. Amend. 4.

6. Arrest ⟸ 63.4(16)

When officer discovered sawed-off shotgun in car, he acted properly in arresting all occupants, where possession of such weapon constituted both federal and state offense. U.S.C.A. Const. Amend. 4; Code Ga., § 26–2908.

7. Constitutional Law ⟸ 268(2)
Criminal Law ⟸ 778(5)

In prosecution for unlawful possession of weapons, trial court's instruction violated defendant's right to due process by permitting jury under Georgia law to infer that his pistol was unlicensed from evidence that he possessed a pistol, and also in shifting to him the burden of proof on an essential element of the offense, i.e., that defendant had no license to possess the weapon. Code Ga., § 26–2903; U.S.C.A. Const. Amend. 14.

8. Criminal Law⟸ 327

State always bears burden of proof in criminal trial, and any shift thereof renders trial fundamentally unfair.

Philip S. Davi, Atlanta, Ga. (court appointed), for petitioner-appellant.

Arthur K. Bolton, Atty. Gen., Lewis R. Slaton, Dist. Atty., Atlanta Jud. Circuit, Joel M. Feldman, Morris H. Rosenberg, Carter Goode, James H. Mobley, Jr., H. Allen Moye, Asst. Dist. Attys., Atlanta, Ga., for respondents-appellees.

Appeal from the United States District Court for the Northern District of Georgia.

Before Dyer, Morgan and Gee, Circuit Judges.

Lewis R. Morgan, Circuit Judge:

Appellant was convicted in Superior Court of Fulton County, Georgia, of armed robbery and of carrying a concealed and unlicensed pistol. He appeals the district court's denial of his petition for habeas corpus on two grounds:

(1) his warrantless arrest was not based on probable cause and violated his rights under the Fourth Amendment;

(2) the trial judge's charge to the jury on the weapons count violated his right to due process. For reasons explained below, we hold that his second contention is correct, and we therefore reverse the judgment of the district court.

I.

The challenged arrest of appellant occurred in the following manner. In the early afternoon of January 7, 1972, Officer D. F. Lindstrom of the Atlanta Police Department received a call on his radio stating that there was a suspicious man at a grocery store in the neighborhood which Lindstrom was currently patrolling. Upon arriving at the store, Lindstrom interviewed several employees, who told him that they believed the man in question had participated in a robbery of the store two days earlier. They described him as a tall black male in his early twenties and wearing a floppy hat; they told Lindstrom that he had left the grocery in a red Ford Fairlane, with a jacked up rear end and with its license plate wired on. They indicated to him their belief that three other black males, one or two of whom were wearing hats, were also riding in the car; appellant was one of these passengers. Lindstrom passed this information along over the police radio, and began to patrol the neighborhood. Shortly, he and R. R. Wilbanks, another officer, both observed a car fitting the employees' description precisely and occupied by four black males. Wilbanks directed the driver of the Ford to pull over, and approached the car to ask for his driver's license. Upon observing a .22 caliber pistol on the front seat, Wilbanks ordered the

men out of the car and immediately frisked them. By this time, two additional police vehicles had arrived at the scene, and Wilbanks placed each suspect in one of the cars. He next searched the car and found a sawed-off shotgun; the suspects were then taken to the police station, where they were held on the robbery and gun possession charges.

[1] Our analysis of this series of events begins with the proposition that although "searches conducted without the prior issuance of a warrant are, for the most part, per se unreasonable, Katz v. United States, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967), there are a few clearly delineated exceptions to the warrant requirement of the Fourth Amendment." United States v. Anderson, 500 F.2d 1311, 1315 (5th Cir. 1974). In addition, we do not deal here with an indivisible process but with five conceptually distinct stages of the search and arrest, each one of which must satisfy constitutional standards.

[2] First, there can be no question that the officers were justified in stopping the car. Adams v. Williams, 407 U.S. 143, 92 S.Ct. 1921, 32 L.Ed.2d 612 (1972), United States v. Rollerson, 491 F.2d 1209 (5th Cir. 1974). The car precisely fitted the description given by a store employee who alleged that its driver had been involved in a robbery two days previously.

Second, the officers clearly acted properly in arresting the driver when they ascertained that he fit the description given by the store employee. Indeed, appellant does not challenge this contention, and we repeat it only for purposes of logical coherence.

[3] Third, having reason to believe at least one of the car's occupants might have committed armed robbery, and seeing a pistol on the front seat of the vehicle, the officer acted reasonably in ordering the occupants out to be frisked for other weapons. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), United States v. Rosenberg, 458 F.2d 1183 (5th Cir. 1972).

[4, 5] Fourth, having arrested the driver, the police acted properly in searching the car itself for evidence pertaining to the crime. This warrantless search was proper because the officers had probable cause to believe they would find evidence pertaining to the crime, Dyke v. Taylor Implement Mfg. Co., 391 U.S. 216, 88 S.Ct. 1472, 20 L.Ed.2d 538 (1968), and because they were dealing with a temporarily stopped automobile, a search of which is justified on the basis of exigent circumstances, see Chambers v. Maroney, 399 U.S. 42, 90 S.Ct. 1975, 26 L.Ed.2d 419 (1970). Naturally, they could not safely and effectively search the vehicle unless it was empty of all passengers, and they therefore acted reasonably in detaining the passengers outside the car. Nor did they act improperly in segregating the passengers in separate cars for the duration of the search; the police had good reason to suspect that these men might be dangerous and might have been involved in a criminal offense. In segregating them, the police reduced any chance that the passengers would confer with each other as to alibis, or that they might endanger the officers.

[6] Finally, when Wilbanks discovered a sawed-off shotgun in the car, he acted properly in arresting all the occupants, since possession of such a weapon constitutes both a federal and a state offense.

1. The statute provides: "A person commits a misdemeanor when he has or carries on or about his person outside of his home, automobile or place of business any pistol or revolver, whether concealed or not, for which he has not obtained a license from the ordinary of the county in which he resides."

Probable cause existed to arrest appellant, and his Fourth Amendment rights were not violated.

II.

At appellant's trial, the judge charged the jury in part:

Now, this defendant has been charged * * * with the possession of a pistol without a license, and with the carrying of a pistol outside of his home, not in an open manner. I instruct you that the State has proven a prima facie case of the possession of a pistol in this case by someone who is alleged by the Grand Jurors here to have been the defendant, which the defendant denies. And when a prima facie case is made, I charge you that *it is then upon the defendant*, if you believe the defendant to be the person alleged to have committed this crime, *to show that he did possess a license to carry the weapon alleged to have been carried by the State. The defendant in doing so must prove that a license existed to carry the weapon in order to overcome the prima facie showing of the violation of this law by the State.* (Emphasis supplied.)

[7] On appeal, the Georgia Supreme Court found this to be a proper charge on violations of Ga. Code Ann. § 26-2903 and to contain no constitutional errors.

Johnson v. State, 230 Ga. 196, 196 S.E.2d 385 (1973). We hold that the trial court's instruction violated appellant's right to due process in permitting the jury to infer that his pistol was unlicensed from evidence that he possessed one, and also in shifting to him the burden of proof on an essential element of the offense.

In re Winship, 397 U.S. 358, 364, 90 S.Ct. 1068, 1073, 25 L.Ed.2d 368 (1970) established that the due process clause of the Fourteenth Amendment requires "proof beyond a reasonable doubt of every fact necessary to constitute the crime * * * ." However, the Supreme Court has never decided whether this principle applies to the area of evidentiary presumptions and inferences. For example, in Leary v. United States, 395 U.S. 6, 89 S.Ct. 1532, 23 L.Ed.2d 57 (1969), the Court struck down a statutory presumption that possession of marijuana, unless satisfactorily explained, was sufficient to prove that the defendant knew that the marijuana had been illegally imported. Concluding that any given marijuana might have been grown domestically, and that a user was unlikely to be aware of its origin, the Court stated that an inference is, "irrational" or "arbitrary," and hence unconstitutional, unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend. 395 U.S. at 36, 89 S.Ct. at 1548.

The Court added in a footnote that since the challenged inference did not satisfy the "more likely than not" standard, it "need not reach the question whether a criminal presumption which passes muster when so judged must also satisfy the criminal 'reasonable doubt' standard if proof of the criminal charged or an essential element thereof depends upon its use." *Id.* n. 64. Likewise, in Turner v. United States, 396 U.S. 398, 90 S.Ct. 642, 24 L.Ed.2d 610 (1970), the Court left the issue unresolved in dealing with the constitutionality of a jury instruction that it might infer from possession of heroin and cocaine that the defendant knew the drugs to have been illegally imported. The Court simply held the heroin inference valid and the cocaine inference invalid, whether judged by the more likely than not standard or the beyond a reasonable doubt standard (*i.e.* the evidence necessary to invoke the inference is sufficient to permit a rational juror to find the inference beyond a reasonable doubt.) Finally, in Barnes v. United States, 412 U.S. 837, 843, 93 S.Ct. 2357, 2361, 37 L.Ed.2d 380 (1973), the Court ruled that, "if a statutory inference submitted to the jury as sufficient to support conviction satisfies the reasonable-doubt standard * * * as well as the more-likely-than-not standard, then it clearly accords with due process."

The inference here involved, that from proof of the defendant's possession of a pistol the jury may conclude that the pistol is unregistered, is clearly violative of due process by either standard. A more arbitrary and unreasonable conclusion can scarcely be imagined, since it is not even more likely than not that a given pistol will be unregistered.

[8] Additionally, the charge is unconstitutional because it shifts the burden of proof of an essential element of the crime to the defendant. Of course, the state always bears the burden of proof in a criminal trial, and any such shift renders the trial fundamentally unfair. Smith v. Smith, 454 F.2d 572 (5th Cir. 1971).

This does not mean, of course, that permissible inferences which satisfy the more likely than not and the reasonable doubt standards violate due process. For example, in Dyer Act [2] cases, the jury may infer from unexplained possession of a recently stolen auto that the defendant knew it to be stolen. There are two crucial distinctions between such an inference and the one involved here.

First, at issue under the Dyer Act is knowing possession of stolen property; "[k]nowledge and intent, because of their nature, must largely be proved by circumstantial evidence." Jackson v. United States, 330 F.2d 679, 681 (8th Cir. 1964). Therefore, once the government has proved that the defendant possessed the prohibited object, the jury may infer that he possessed it knowingly. Under the Georgia scheme, however, the state is not even required to prove possession of the prohibited object, an unlicensed pistol. Rather, the state is merely required to prove that the defendant possessed any pistol. The inference relates not to the defendant's knowledge, but to the nature of the object possessed.

Second, the inference employed in Dyer Act cases is permissible; the jury may make the inference, but it is not required to do so. The burden of proof does not shift to the defendant; he may be acquitted without offering any evidence at all if the jury feels the government has not proved his guilt beyond a reasonable doubt. As we have noted, the Georgia inference goes further and impermissibly shifts the burden of proof to the defendant.

The judgment of the district court is reversed, and it is ordered to issue the writ, subject to the state's privilege to retry appellant.

Reversed and remanded.

STATE NATIONAL BANK OF EL PASO, TRUSTEE FOR LEE MOOR CHILDREN'S HOME, PLAINTIFF-APPELLEE,

v.

UNITED STATES OF AMERICA, DEFENDANT-APPELLANT

No. 74–2276

United States Court of Appeals, Fifth Circuit

March 13, 1975

Bank which owned farm as truste of charitable trust brought suit to recover federal income taxes and interest alleging that income from the farm was tax exempt rent rather than unrelated business income. The United States District Court for the Western District of Texas, Ernest Guinn, J., issued orders denying Government's motions for new trial or judgment n.o.v. and for entry of judgment and the Government appealed. The Court of Appeals, 488 F.2d 890, remanded and rehearing was denied, 490 F.2d 992. On remand, the District Court directed verdict for taxpayer and Government appealed. The Court of Appeals, Coleman, Circuit Judge, held that inasmuch as reasonable men might conclude that the agreement had enough of the indicia of a management contract that it should be so characterized or could conclude that the agreement was a lease and that payments under the agreement were "rents," jury question was presented.

Reversed and remanded.

1. Landlord and Tenant ⟸ 20

A "lease" is a transfer of an interest in and possession of property for a prescribed period of time in exchange for an agreed consideration called "rent." (See publication Words and Phrases for other judicial constructions and definitions.)

2. Internal Revenue ⟸ 2191

Inasmuch as reasonable men might conclude that agreement between farmer and bank which owned farm as trustee for charitable trust was a management contract so that income from farm was taxable unrelated business income, or might conclude that the agreement was a lease and the payments were tax exempt rent, jury question was presented. 26 U.S.C.A. (I.R.C.1954) §§ 511(a)(1), 512(b)(3), (b)(3)(B)(ii), 513(a).

William S. Sessions, U.S. Atty., San Antonio, Tex., Scott P. Crampton, Asst. Atty. Gen., Meyer Rothwacks, Chief, Appellate Sec., U.S. Dept. of Justice, Tax Div., Washington, D.C., Eugene G. Sayre, Tax Div., Dept. of Justice, Dallas, Tex., Michael L. Paup, Ernest J. Brown, Acting Chief, Appellate Sec., Tax Div., Dept. of Justice, Washington, D.C., Ronald F. Ederer, El Paso, Tex., for defendant-appellant.

Robert B. Zaboroski, Tad R. Smith, El Paso, Tex., for plaintiff-appellee.

Appeal from the United States District Court for the Western District of Texas.

PUBLISHED ORDINANCES

FIREARMS

Important Information to Gun Dealers

(1974 Edition, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms)

GEORGIA STATE LAW

Georgia Code Ann. Title 26

26–1404. *Criminal possession of explosives.* A person commits criminal possession of explosives when he posseses, manufactures, or transports any explosive compound and either intends to use such explosive to commit a felony or knows that another intends to use such explosive to commit a felony. A person convicted of criminal possession of explosives shall be punished by imprisonment for not less than one nor more than 10 years.

26–1405. *Criminal possession of an incendiary.* (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States, or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26–2905. *Furnishing weapons to minors.* A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

26–2906. *Machine guns; sale, etc., illegal.* A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26–2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26–2907. *Exemptions.* Sections 26–2901, 26–2902, 26–2903, and 26–2908 shall not apply to or affect any of the following persons while engaged in pursuit or official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract.

A prosecution based upon a violation of sections 26–2901, 26–2902, 26–2903, or 26–2906 need not negative any exemptions.

Chapter 26–99A. Criminal Provisions Unofficially Codified.

26–9910a. *Georgia firearms and weapons act; short title.* This law [§§ 26–9910a through 26–9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26–9911a. *Same; possession of certain types of firearms, dangerous weapons and silencers prohibited.* No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26–9914a.

26–9912a. *Same; punishment.* A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machinegun, dangerous weapon or silencer, as defined in this law [§§ 26–9910a through 26–9916a], and upon conviction for such he

shall be punished by imprisonment for not less than one nor more than five years.

26–9913a. *Same; definitions.* (a) The term "sawed-off shotgun," as used in this law [§§ 26–9910a through 26–9916a], shall mean any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosives in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, and which has an over-all length of 15 inches or less.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or recoilless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from a shot, bullet or projectile may be discharged by an explosive.

26–9914a. *Same; exceptions to provisions of law.* The provisions of this law [§§ 26–9910a through 26–9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U.S.C. 5841–5862).

26–9915a. *Same; burden of proof of exceptions, etc.* In any complaint, information, accusation or indictment, and in any action or proceeding brought for the enforcement of any provision of this law [§§ 26–9910a through 26–9916a], it shall not be necessary to negative any exception, excuse, proviso for exemption contained in this law, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

26–9916a. *Same; construction of law.* This law [§§ 26–9910a through 26–9916a] shall be deemed and shall be construed to be cumulative of and supplemental to any existing laws of this State applicable to the subject or subjects governed by this law: Provided, however, that in the event any provisions of this law are in conflict with existing laws, then the provisions in this law shall govern and take precedence.

Georgia Code Ann. Title 86

86–1302. *Closing places where firearms and ammunition are sold, etc.* Whenever any force of the organized militia is or has been called out for the performance of any duty under the provisions of section 86–106, it shall be lawful for the commanding officer of such force, if in his judgment the maintenance of law and order in the area into which such force has been ordered will be thereby promoted, to close places where arms and ammunition are sold, and all places where disorder is likely to occur.

86–9907. *Unlawful sale or disposal of arms or ammunition, etc.* Any person who shall sell or dispense arms or ammunition in violation of an order of a commanding officer under the authority of section 86–1302, or who shall maintain a place ordered to be closed under said authority, shall be guilty of a felony, and upon conviction thereof shall be confined to the penitentiary for not less than two nor more than five years.

Georgia Code Ann., Title 92A

92A–901. *License for dealers.* Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A–1601. *Purchase by Georgia residents in contiguous States.* Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

ATLANTA

20–55. *Definition of "pistol."* A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharing ball or similar ammunities and usually called pistols.

20–56. *License to deal in pistols; required, prerequisite to issuance.* No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the mayor and board of aldermen to deal in pistols.

20–61. *Sale of .22 caliber firearms prohibited; exception.* (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire black cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

20–62. *Sale, delivery, assembly of firearms constructed of materials with melting temperature of less than eight hundred degrees Fahrenheit prohibited.* (a) The term "weapon" means a firearm designed to be held and fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a weapon can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5845(a) of the Internal Revenue Code of 1954.

(b) It shall be unlawful for any person to sell, deliver or assemble any weapon if the frame or receiver thereof is a die casting of zinc alloy or any

other material which has a melting temperature of less than eight hundred (800) degrees Fahrenheit. All such weapons are hereby found and declared to be dangerous to the user and those in the immediate vicinity of the user.

20–66. *Registration required by aliens possessing firearms.* Every foreign born alien living within or coming into the city, having or gaining possession of any firearms, such as pistols, rifles, shotguns, machine guns or any other such instruments of any kind and character, shall register same with the chief of police, giving such information as may be required by the chief of police or those working under his orders. Aliens coming into the city and bearing or possessing any of the firearms described herein shall register same within twenty-four hours after arrival within the city.

20–67. *Disposition; permit required.* After any firearm, as is described in section 20–66, has been registered with the chief of police, no person shall dispose of same without a permit from the chief of police.

20–68. *Application for permit to dispose of firearm.* The application for the permit required by the preceding section shall give such information as may be required by the chief of police.

20–69. *Notice of purchase, possession to be given to chief of police.* No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

20–73. *Definitions.* As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U.S. passport.

Person includes an individual, partnership, association or corporation.

20–74. *Identification of purchaser.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

AUGUSTA

14–8. *Ammunition—Sale, etc., to minors.* It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition * * *

CHATHAM COUNTY

11–9038.1 *Handguns.* (a) Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate shall be on a form as prescribed by the Chatham County Commissioners.

(b) The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

(c) No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is

not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

(d) If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon. A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

(e) This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

COLUMBUS

14–64. *Same—Notice; investigation; approval; waiting period.* No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following reguiations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character, and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if on the other hand, the chief of police should find that the prospective purchaser is not of good moral character, or that the pistol or cartridges are desired for illegal purposes or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful to any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14–65. *Dangerous weapons; prohibited.* No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, springback knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

14–66. *Exclusion from chapter.* The preceding sections of this chapter are not applicable to pawnbrokers and pawnbrokers' sales stores, they being regulated by provisions of this Code specifically relating to them; but this chapter is applicable to all other persons, and the words "persons" or "person," as used herein, shall in addition to them, include their managers, agents, clerks and employees.

15–8. *Prohibited items—Receiving.* No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

15–9. *Same—Possessing.* No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15–10. *Pistols and cartridges; sale, notice, police findings.* All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character or the pistol or cartridges are desired for illegal purposes or for other than purely defensive purposes, he shall disapprove the proposed sale, and, when so disapproved, it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion herunder shall be performed and exercised by the officer of the police department of the city in charge of such department during the absence of the chief.

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Change in 197¼ cd.

14–65(c) *It shall be unlawful for any person to:* (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees Fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14–66. *Exclusion from chapter.* 14–65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

DECATUR

16–7.1. *Same—Sale, etc., by dealers—definitions.* For the purpose of sections 16–7.2 to 16–7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver, or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U.S. passport.

Person. An individual, partnership, association or corporation.

16–7.2. *Same—same—Identification of purchaser required.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

JACKSON

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

MACON

14–28. *Permit required to sell or purchase pistol or revolver.* (a) It shall be unlawful for any person, merchant or pawnbroker in the City of Macon to sell any pistol or revolver to any person unless said person first presents to such person, merchant or pawnbroker a written permit issued to said person by the chief of police of the City of Macon authorizing him to purchase a pistol or revolver.

(b) It shall be unlawful for any person to purchase in the City of Macon any pistol or revolver from any person, merchant, or pawnbroker without first having secured from the chief of police of the City of Macon a written permit authorizing him to purchase a pistol or revolver.

* * * * * * *

(j) The provisions of section 14–28 of said Code, as herein enacted, shall not apply to sales of pistols or revolvers at wholesale by persons, firms and corporations, licensed by the City of Macon to sell the same at wholesale, to persons, firms or corporations, licensed by the City of Macon to sell pistols and revolvers at wholesale or retail, nor to sales at wholesale by such licensed wholesalers to any bona fide wholesale or retail dealer in pistols and revolvers whose establishment is located and whose business is transacted outside the corporate limits of the City of Macon, nor shall the provisions of section 14–28 of said Code, as herein enacted, apply to purchase of pistols and revolvers by such wholesale and retail dealers, it being the purpose and intent of this paragraph to exempt the bona fide sale at wholesale of pistols and revolvers from the application of section 14–28 of said Code.

(k) No person, who is the holder of a valid and subsisting license to carry a pistol or revolver, issued to him by the Ordinary of the County of his residence in the State of Georgia, pursuant to sections 26–5103 and 26–5104 of the Code of Georgia, 1933, annotated, shall be required to secure a permit from the chief of police in order to purchase a pistol or revolver in the City of Macon and sales of pistols and revolvers to persons, so licensed, are hereby authorized without the requirement of issuance of permits to purchase the same being issued to them by the chief of police.

ROSSVILLE

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise-changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. * * *

SAVANNAH

24–105. *Fire arms—Sale—Report and record.* Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, the type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate may take the form of the United States Department of Treasury, In-

ternal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record."

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Savannah.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Savannah, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Chief of Police of Savannah.

No person within the City of Savannah shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

* * * Within the seventy-two hour waiting period required by this Section, the Chief of Police of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind.

It shall be unlawful for any person to fail, refuse, or neglect to comply with the provisions of this Section.

TIFTON

Be it enacted by the City of Tifton, by and through the Board of City Commissioners of said city, and it is hereby enacted by the authority of the same that from and after passage of this Ordinance it shall be unlawful for any person, firm, or corporation within the said city to keep on hand for sale or barter, or to sell to any person, firm or corporation, any pistols or revolvers, without first obtaining from the authorities of said city a license to sell said pistols or revolvers.

Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor.

VALDOSTA

18–39. *Weapons—Sales of, regulated.* (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, dirk or switch-blade knife without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation; and a statement as to whether applicant has been convicted of any crime of violence or charged with the violation of criminal law in this or any other state.

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before the sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the pur-

chaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. In so doing the merchant or dealer shall give full and complete information with respect to the proposed purchaser, his name, age, color, place of residence, criminal record, if any, and such other information as the police may require. Failure to furnish truthful information on the part of such purchaser shall be deemed a violation of this section.

WAYCROSS

1. *Definitions.* The following words as used in this chapter shall have the meanings ascribed to them: (1) *Firearm.* The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge. (2) *Ammunition.* The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

2. *Permit to purchase, receive or accept—Required.* It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

6. *Same—Transfer at time of sale and at time of reports.* It shall be the duty of any person who sells, transfers, or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. It shall be the duty of any such person who sells, transfers or gives away any firearm or ammunition to deliver such permit to the chief of police at the time the report of such sale or gift is made, as provided in this chapter, (8–18–42, § 8).

7. *Same—Chapter not to be construed as permit.* Nothing contained in this chapter shall be in any manner construed as a permit to carry a revolver, pistol or like firearm contrary to any ordinance of the city or the laws of the state. (8–18–42, § 9.)

8. *Reports of sales and gifts required.* Every person who sells, delivers or gives to any person in the city, except to regular dealers in such articles, any firearm or ammunition, shall, within twenty-four hours after making such sale or gift, make and file with the chief of police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, nationality and race of such purchaser or donee, and such written report shall also contain the make, kind, description, caliber, model, manufacturer's number or other marks of identification of such firearm or ammunition sold or delivered; provided, that each day of failure to make such report shall be a separate offense.

[From the Savannah Morning News, Aug. 24, 1974]

In Americus

DEALERS WANT GUN LAW REPEALED

(By Rudy Hayes, Telegraph-News Correspondent)

AMERICUS—A local merchant has asked that a newly passed gun control ordinance be repealed, but the Mayor and City Council took no action on his request.

O. W. Ray, who said that he represented others who sell the "Saturday Night Special" pistols, said that the ordinance passed by the council last month has already reflected a decline in his sales.

Under provisions of the ordinance there is a 72-hour waiting period between application by a purchaser and actual sale.

Police Chief Arthur Gurr, who recommended passage of the measure in July to the council, said that the special provision made it necessary for a person to go through a "cooling off" period if he has become angry or enraged at someone or over something.

"We firmly believe that this ordinance will result in fewer murders in the City of Americus," said Gurr, "and I urge council not to repeal it."

The chief pointed out that fatal shootings took a sharp turn upward last year, but declined when closing curfews were ordered in the city. There have still been a number of "Saturday Night Special" murders over this year, but Gurr said he is confident that the ordinance will help reduce this number in the future.

Major J. Frank Myers said that he feels that the ordinance is a good one if sale of the hand guns has been trimmed.

In special instances the 72-hour waiting period is waived, but the applicant must submit to the same questioning and study, Chief Gurr added.

In other action, council also set the millage for the new fiscal year at 16 mills, the same as last year. The breakdown shows 8.2 mills for schools, 6.4 for operation of the city government and 1.4 mills for a sinking fund to pay off bonded indebtedness.

A mill is expected to bring in about $40,000 during the next year, officials estimate.

Randy Jones was reappointed to a new term on the Americus and Sumter County Hospital Authority and Terry Duncan was named to the board for the first time, replacing veteran member John Oxford.

FIREARMS LEGISLATION IN GEORGIA

1975 Georgia General Assembly

Bill No.	Title	Status
Senate bill 172	Prohibit cities and counties regulating registration	Passed Senate. In House Special Judiciary Committee.
Senate bill 280	Weapons used in commission of crime—destruction of.	Do.
Senate bill 301	License application to carry pistol—false oath	In Senate Judiciary Committee.
Senate bill 309	Machine guns—register per National Firearms Act.	Passed Senate. In House Special Judiciary Committee.
Senate bill 316	Possession during felony—second offense—change punishment.	Do.
House bill 52	Handguns—prohibit sale—certain persons—waiting period.	In House Special Judiciary Committee.
House bill 117	Carrying pistol without license—felony	Do.
House bill 121	Pistol license—increase fee; sheriff approved bond	Do.
House bill 197	Carrying at polling place—prohibit	Passed both Houses. Signed by Governor into law Apr. 18, 1975. Act 529.
House bill 249	Handguns—regulate	In House Special Judiciary Committee.
House bill 453	Carrying without license—misdemeanor obtaining license.	Do.
House bill 590	Possession in commission of felony—penalty	Do.
House bill 613	Carrying at polling places—prohibit	Passed House. In Senate Economy, Reorganization and Efficiency in Government Committee.
House bill 772	Firearms/records on Sale, rental, lease or loans	In House Special Judiciary Committee.
House bill 794	Georgia Firearms Act—additional exemptions	Do.
House bill 795	Georgia Firearms Act—include amendment to National Firearms Act.	Do.
House bill 857	Concealed Weapon Law—exempt judges	Do.
House bill 1137	Unlawful Discharge of Firearms on Sunday—repeal Act.	Lost in House. Reconsidered and recommitted to House Special Judiciary Committee.
House bill 1218	Possession of Firearms in Criminal Act—additional terms.	In House Special Judiciary Committee.
House bill 1219	Person convicted of felony—unlawful to possess firearm.	Do.
House bill 1221	Use of weapon during commission of crime—additional penalty.	Do.

Mr. COLLINS. The Georgia State Crime Commission adopted the position and recommendation on handgun control as previously stipulated by the Governor's Commission on Criminal Justice Standards and Goals through the consideration and inclusion of that recommendation in the State's priorities for the 1976 comprehensive criminal justice plan.

The recommendation concludes that the Legislature of Georgia should require that all handgun owners meet minimum qualifications, possess a handgun owner's license, a registration permit for each handgun, and the purchase of a handgun should be preceded by a designated waiting period.

Additionally, the importation, manufacture, assembly, sale, possession, and use of all substandard handguns and component parts thereof should be outlawed.

In order to familiarize the public with the need for handgun control legislation and individual precautionary measures, a comprehensive public awareness program should be initiated statewide. Provisions must be provided for the effective implementation and enforcement of the handgun legislation.

Gentlemen, the intent of the position is clearly directed to disarm criminals and incompetent persons, and to prevent the occurrence of handgun-related crimes. No attempt has been made to infringe upon the rights of citizens exercising their constitutional guarantees.

An analysis of the position is presented beginning on page 2 of the State crime commission's position statement which I would like to again reiterate. The position encompasses the provisions as follows:

A handgun owner's license.

A registration permit for handguns.

A mandatory waiting period before purchase of the handgun.

The establishment of qualifications for the purchase and ownership of handguns.

The verification of qualifications prior to issuance.

The adoption and enforcement of minimum physical and mechanical standards for handguns.

The proper maintenance and reporting of sales records by vendors of handguns, components, and ammunition.

And finally, the responsibility for administering the legislation to the Department of Public Safety of Georgia.

The need for handgun control in Georgia is reasonable because the two primary problems it can help to resolve are not reasonable; violent crimes and the lack of, or, consistency of State and local firearms legislation.

I will not belabor the point of violent crime in Georgia except to point out that over 50 percent of the time, a handgun is used in violent crimes, it is the type weapon used 6 out of 10 times to commit homicide and robbery in the State.

Legislation here in Georgia to prevent and control handgun-related crimes is lacking and inconsistent.

Currently in Georgia, there is only one State statute regulating handguns which is the State's handgun licensing law. It requires that anyone who carries a pistol outside of his home or business have a license issued by the county probate court. In order to obtain the

license the applicant must certify his age and other information required by law which the probate court must maintain as records. However, the court is not required to verify the information supplied by the applicant prior to, or as a condition of, the issuance of a license.

In March of this year, the Fifth Circuit of the United States Courts of Appeals struck down a portion of the licensing law as being in violation of the due process clause of the 14th amendment.

Various counties and municipalities in the State have attempted to deal with the problem of handgun abuse with local ordinances. Some communities have imposed a mandatory waiting period for the purchase of a handgun. Several others require that handgun sales information be reported to the local police departments. The city of Atlanta in 1967 and again in 1973 attempted to outlaw the so-called Saturday night special. Atlanta's ordinances have been ruled unconstitutional by the State courts and other local ordinances are now being questioned.

The General Assembly of Georgia began the serious examination of the State's handgun laws this year. Twenty-one separate pieces of legislation were introduced, 18 are pending in the Special Judiciary Committee of the Georgia House of Representatives. It is likely that some form of handgun legislation will be forthcoming in the 1976 session. Whether or not it will be as extensive as the commission proposes in which licensing and registration would be required and substandard handguns would be banned, is not clear at this time.

On page 18 of the State crime commission's position statement, you will find a list of 21 pieces of firearms legislation and their status in the Georgia General Assembly.

In conclusion, gentlemen, the document provided to you is presented to explain, and clarify, the position statement, of the State crime commission. It was compiled in a short period of time for this purpose and any information it does not contain, I will be happy to provide you upon request.

Mr. Chairman, thank you.

Mr. CONYERS. You are welcome, Mr. Collins, and thank you for a very fine statement.

Let's establish that the State crime commission is a part of the law enforcement assistance administration program operating on a National level, here in the State of Georgia.

Mr. COLLINS. Well, the State crime commission is the State's planning body for the criminal justice system and was created in Georgia by an executive order of the Governor in 1971, which has been extended this year, April 14 of this year.

Mr. CONYERS. It does not operate on LEAA funds?

Mr. COLLINS. Yes; it does operate on LEAA funds.

Mr. CONYERS. How many?

Mr. COLLINS. How many LEAA funds?

Mr. CONYERS. Yes, right, how much and what percentage of its budget?

Mr. COLLINS. I did not bring that information with me, sir. I can provide it to the committee.

Mr. CONYERS. Is it mostly Federal?

Mr. COLLINS. Yes; it is 90 percent, approximately 90 percent that is on a Federal fund basis. There were provisions in the 1968 act if you recall for B funds, planning funds, which the State crime commission can operate on.

Mr. CONYERS. OK, so that 90 percent of your funding is Federal.

Mr. COLLINS. Yes.

Mr. CONYERS. And this executive order that created the crime commission was pursuant to Federal law, is that correct?

Mr. COLLINS. That is correct, sir.

Mr. CONYERS. But you don't know how much money is used by the State crime commission in terms of distributing programs and approving drafts and so forth?

Mr. COLLINS. Maybe I need clarification of your statement, sir. I was thinking you were calling for the exact budget of the State crime commission in only its operation. Of course, part B funds or planning funds is passed to the State crime commission, this year there is approximately over $12 million in LEAA funds passed to the State crime commission for distribution through local grants, block action grants throughout the State.

Mr. CONYERS. Uh-huh. OK, now we've got $12 million on the table. Let's get the rest of it visible. About how much other State funds and other Federal funds are involved, do you know that?

Mr. COLLINS. Approximately a total of $14 million altogether I believe.

Mr. CONYERS. OK. Very good. All right. Now, are there to your knowledge, Mr. Collins, any education programs going on with regard to firearms education?

Mr. COLLINS. Firearms education?

Mr. CONYERS. Or training, or information, or anything related thereto.

Mr. COLLINS. I can't recall at this specific time any that relates to that. I have recalled some in the past firearms training that is related to law enforcement agencies in the State that were funded. I believe the position, and again I am stating out of my own recalling knowledge, I believe the position of the State crime commission is not to fund any specific type of firearms training at this particular time.

Mr. CONYERS. Well what about education programs?

Mr. COLLINS. There is no specific education programs to my knowledge being funded by the State crime commission for the, if you will, safety of handgun control.

Mr. CONYERS. Well, that is what you are advocating that the State do, isn't it?

Mr. COLLINS. That is exactly what we are advocating, a part of it, one provision of it, sir.

Mr. CONYERS. But yet you don't feel any responsibility on your organization's part to develop the programs themselves with $14 million to spend?

Mr. COLLINS. Well, the Governor's commission on criminal justice standards and goals in 1974 established these provisions initially through research and proposed these provisions. As I have stated, the State crime commission has endorsed these and plans to implement these hopefully through legislation in the future, sir.

Mr. CONYERS. Well how can the State crime commission implement any kind of legislation, they are not a legislative body. You mean they propose laws to the State legislature?

Mr. COLLINS. If the legislature passes such a law, then the State crime commission in one part can be asked to implement certain types and if I may read you from the provisions which you have, for example, the State crime commission as it adopted this provision on page 2, it says the State crime commission should retain a qualified public relations and advertising——

Mr. CONYERS. Pardon me, sir, where are you reading from?

Mr. COLLINS. On page 2 from the document provided to you, sir. Previously provided. Yes.

Mr. CONYERS. OK.

Mr. COLLINS. It is entitled the "State Crime Commission's Position Statement on Handgun Control."

The second paragraph under "Position Analysis" which is on page 2, one of the recommendations has to do with the State crime commission again, once this particular legislation was enacted, passed, and adopted by the State that the State crime commission should retain a qualified public relations and advertising company to compile the public awareness program for the entire State, and this would require approximately, as they have stated, $60 thousand in law enforcement assistance administration funds, the State Crime Commission, Department of Public Safety, and the Crime Prevention Unit of the Georgia Bureau of Investigation should jointly implement the program from public service activities in the news and entertainment media.

Mr. CONYERS. So what does that all say? You can't do anything about developing public education programs until the State legislature passes the law?

Mr. COLLINS. No, sir; I am not reiterating that, I am reiterating the position taken of the State crime commission as proposed in this document.

Mr. CONYERS. What does it say? I mean what does it mean?

In your own words. Please don't read it again.

Mr. COLLINS. I don't plan to read it again, sir.

I am not sure of your statements though, in my own words what is the public awareness program mean?

Mr. CONYERS. The question that I am getting at and the thrust of all these lines of questions are why do we need a State law to be passed for the State crime commission to be planning educational programs for the citizens of this State? There is nothing in the law that says that that has to be done.

Mr. COLLINS. No, sir; it does not.

Mr. CONYERS. Well, the question is, why?

[Brief pause.]

Mr. CONYERS. OK. Ready?

Mr. COLLINS. Thank you, sir.

Mr. CONYERS. All right.

Mr. COLLINS. First of all, the position that was taken by the State crime commission again was outlined for you; a public awareness program can be enacted. However——

Mr. CONYERS. You mean without the passage of legislation?

Mr. COLLINS. Not necessarily. There are other agencies in the State which have primary responsibility for this: the department of public safety to name one. There are others, I do not recall them at this time, but to give the State crime commission that particular power, if you will, legislation would somewhat be needed in this area.

Now, in the State plan and if the State crime commission wished to priortize a type of objective which dealt with public awareness programs to handgun control, it could do so. We are taking up goals and objectives dealing with many areas and this is one of them, and this is a part of the comprehensive plan for the State of Georgia, projecting on a multiyear period. Now that is in my own words, sir.

Mr. CONYERS. Those are your own words. Well, let's identify the fellow that is sitting next to you who consulted with you in terms of preparing that answer.

Would you identify yourself for the record?

Mr. OLSON. My name is Charles C. Olson, I am a research associate with the State crime commission.

Mr. CONYERS. Do you concur with the statement that Mr. Collins just made?

Mr. OLSON. You mean regarding legislation, sir?

Mr. CONYERS. I mean regarding his answer to my question.

Mr. OLSON. Yes, sir.

Mr. CONYERS. OK. So then in a sense the State crime commission has to get a law passed because public safety programs about firearms involve other law enforcement jurisdiction and that this would clear the matter up and you would be able to proceed; is that correct?

Mr. COLLINS. That is correct initially, sir, and again as stipulated that if the State crime commission in its comprehensive planning wish to priortize as one of its objective——

Mr. CONYERS. I didn't suggest that it priortize anything—as a matter of fact, I don't ever use the word. So let's just skip that part of it.

In other words, what I am saying, you are coming before this subcommittee telling us that you support all of these programs and spending $14 million a year Federal money and you are now telling me for this special program about gun control education you have to get a State law passed and you are funding hundreds, maybe thousands of other programs without passing State laws?

Mr. OLSON. Mr. Chairman, I think I can clarify it a little bit.

Mr. CONYERS. Yes, I would love to have some clarification.

Mr. OLSON. In terms of the program that the State crime commission has adopted, it would need State legislation in order to implement it at the State coordinating body. Of course, under the bloc grant concept, if individual communities or another agency of State government wished to implement such a program, they would of course be eligible to apply for funds and based on priortization, it would be probable that such funding would be forthcoming under the next year's bloc grant.

Mr. CONYERS. Have you recommended such program?

Mr. OLSON. That is the intention of the priorization, sir.

Mr. CONYERS. You mean it has to go to the legislature?

Mr. OLSON. No, sir. The priortization was done by the State crime commission in developing their 1977 comprehensive planning.

Mr. CONYERS. But up to now, you haven't made such a recommendation?

Mr. OLSON. Up until now, no, sir, no recommendations such as this have been made.

Mr. CONYERS. Well couldn't a community group apply for a grant under one of the many various provisions that would involve gun control education?

Mr. OLSON. Yes, sir.

Mr. CONYERS. And be funded.

Mr. COLLINS. That is correct.

Mr. CONYERS. Well, have any?

Mr. COLLINS. Not to my knowledge; no, sir.

Mr. CONYERS. Let me yield to counsel.

Mr. BARBOZA. The thrust of the chairman's questions go directly to the issue of how State planning agencies are impacting on the crime problem, and this is just one of those issues. What you could establish for the record is you either have or you have not used the authority and the initiative that you have in your own agency to encourage private organizations or city governments or other subdivisions, political subdivisions, to begin the kinds of programs that you are discussing in your testimony and recommendations; have you issued some kind of guidelines or recommendations that reached the State agencies and local agencies, which they could say well here is an excellent idea for a program that will work in cutting down handgun homicides or other crimes committed with weapons. Are those kinds of initiative being taken?

Mr. COLLINS. Are you referring now specifically to public awareness programs?

Mr. BARBOZA. Yes.

Mr. COLLINS. Not to my knowledge.

Mr. CONYERS. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman. When did the Governor's Commission on Criminal Justice Standards and Goals make its report and recommendations?

Mr. COLLINS. I beg your pardon. Would you restate that?

Mr. MANN. Yes, when did the Governor's commission make its report and recommendation?

Mr. COLLINS. Its report and recommendations were published in the latter part of December 1974, sir.

Mr. MANN. And the crime commission has been primarily charged with the implementation of those recommendations and goals on the part of the State?

Mr. COLLINS. Primarily they have been charged with the implementation; yes.

Mr. MANN. Of course, that involves many other things other than handgun control.

Mr. COLLINS. Yes, sir.

Mr. MANN. Which I see was issue No. 6. There was a study done on crime prevention on the part of the Governor's Commission on Criminal Justice Standards and Goals. Did either of you participate with the commission in this activity?

Mr. COLLINS. Yes, sir, we both participated with the commission in 1974.

Mr. MANN. Well frankly in looking at this compilation it appears to me that your Governor's commission has done a very thorough job of examining the problem and it has some fairly ambitious recommendations here. I can see where you have to perform on many fronts, legislative, PR and otherwise, and I am impressed by what the goals are, not that I agree with all of the specifics, but I am impressed with the progress that you seem to be making.

Unfortunately, State and local governments have failed to take initiative as the chairman has suggested. We wait until Federal troughs are available, in 1971 for example, to create the agency to take advantage of the funds. We knew that we had a problem but were just waiting on somebody else to do something about it, and that is the way it is. I am not trying to turn back the clock, but that sort of feeling is felt by me as I go across this country in the many jurisdictions, and as demonstrated by the chairman with his impatience with the failure of agencies to proceed with the powers that they do have, but nevertheless I will study your report and position and recommendations carefully and I don't believe I have any questions at this time. Thank you, Mr. Chairman.

Mr. COLLINS. Mr. Mann, I would like to make one further statement in that the responsibility of the State crime commission, and what steps they have taken; I think you have pointed out that this is somewhat ambitious. It is extensive recommendations in the area. We can look in the area of just public awareness programs and say well there has been nothing so far that the State crime commission has done, but what we are trying to do at the present time is to look at the entire criminal justice system and not just pick out one and go forth right on it. It's a balanced approach; we hope it to be very much a comprehensive approach. We feel that these recommendations are very much comprehensive for not only the criminal justice system but very specifically in the area of prevention that deals before the criminal justice system. We feel this is the first step in the area. We feel it is the right step in the area. It is comprehensive. We think through our analysis; we feel the majority of it will have to go through the legislative, legislative debate in the future, the 1976 legislature or beyond, but we think this is a very good first step on planning the best approach to the upgrading effectiveness of the criminal justice system, and by all means reduction and prevention of crime.

Mr. MANN. I think you have a good thought.

Mr. CONYERS. Mr. Gekas.

Mr. GEKAS. Thank you, Mr. Chairman. I have a couple of questions. The Governor's Commission on Criminal Justice Standard and Goals, is that a continuing commission?

Mr. COLLINS. No, sir, this was a special commission by executive order, previous Gov. Jimmy Carter in May of 1974 that ended in December of 1974. The continuous effort which it is at the present time, is under the direction of the State planning agency, the State crime commission.

Mr. GEKAS. I see. Is the handgun control recommendations of the Governor's commission part of a total package of recommendations that they've made in areas, the courts, prosecutors, prisons, and the like?

Mr. COLLINS. Yes, it is; if I may recall for you, we currently have laid out and I mentioned priortized a moment ago, I might bring it up one more time, but we have laid out extensively about seven goals dealing not only with the criminal justice system, the components thereof, but in the area of prevention and, in the area of prevention, handgun control is an objective.

Mr. GEKAS. So in other words, this product here is something that the crime commission has built from the Governor's commission and gun control or handgun control is just part of the total package on criminal justice?

Mr. COLLINS. That is absolutely correct. It is only one, if I—about one fifty-fifth of the total package of objectives, so that is how broad an area we are talking about.

Mr. GEKAS. All right.

Mr. CONYERS. Well, what is being priortized then, certainly not handgun control if it is one fifty-fifth.

Mr. COLLINS. Yes, sir, we are priortizing not only the goals but also the objectives that relate to those specific goals.

Mr. CONYERS. So that handgun control is one part of this priority program?

Mr. COLLINS. Yes, sir, you may recall sometimes you do have to set your priorities in areas. The State crime commission has set the handgun control objectives which it is an objective area as being No. 3 of the goal of minimizing underlying conditions which is the statement of the goal primarily.

Mr. CONYERS. What is No. 3? Handgun control?

Mr. COLLINS. They have priortized it as No. 3.

Mr. CONYERS. I see; well what is one fifty-fifth of the program that you referred to?

Mr. COLLINS. Well I referred to approximately 11 goals if I recall and there is approximately 55 total objectives that come from those goals on an expanding basis, so when I said one fifty-fifth, it is one objective, one of many objectives, laid out in the total comprehensive, 1976 comprehensive plan.

Mr. CONYERS. Now if the legislature doesn't pass favorably upon this proposal, what happens then?

Mr. COLLINS. Well I think the comprehensive plan—first of all, we realize it is not just a one-year objective it is a multiyear objective. As I have pointed out and if I may reiterate once again, that in the information provided you——

Mr. CONYERS. Yeah, but if it doesn't pass, what happens?

Mr. COLLINS. This is what I am trying to say, sir, if it does not pass——

Mr. CONYERS. Right.

Mr. COLLINS. Provided you wish information of types of legislation, No. 1 gun control legislation, that was presented in the 1975 general assembly. Presently we have 21 that are pending in the general assembly. The type of legislation doesn't necessarily mean it is going to be passed in one session. It may be continuing sessions, 1976, 1977; this will remain as one of our objectives of the comprehensive plan of 1976, be reassessed again in 1977.

Mr. CONYERS. Or 1978, or 1979, or 1980, ad infinitum. Right? And so, what happens to this proposal in the meantime if it doesn't pass?

Mr. COLLINS. We have laid out provisions we hope will be legislated.

Mr. CONYERS. I do too. Well it is clear. The answer is clear, you don't have to state it. This is a beautiful plan, that if the legislature doesn't act as you say in 1975, 1976, or 1977, as I say in 1978, 1979, and 1980, this will be a proposal that we in Washington will be examining in those years.

Mr. COLLINS. I think you are oversimplifying it, Mr. Congressman, quite frankly.

Mr. CONYERS. Well, would you care to expand on that?

Mr. COLLINS. I would very much, sir.

Mr. CONYERS. All right.

Mr. COLLINS. If you get into the area of local ordinances which I mentioned, of what local units of government can do in the area of legislation to control crime, there is information that we have provided in here that is very much questionable now whether the local units of government can pass such ordinances.

Mr. CONYERS. Of course that means that part of it isn't very valid anymore, is it?

Mr. COLLINS. I beg your pardon?

Mr. CONYERS. I said that means that part of it dealing with the municipalities isn't very valid anymore.

Mr. COLLINS. Are you speaking of that part of the recommendation isn't valid?

Mr. CONYERS. Yes, I am speaking of the parts that have been prevented from becoming operative because of at least one supreme court decision coming from the State of Georgia.

Mr. COLLINS. Exactly, and this is exactly what I have pointed out, that local units of government in enacting legislation, the 1973 ruling for example in Atlanta was struck down. Now that's operative in Fulton County but through various opinions, of even the Attorney General, it seems to be going to hold true because of the State supreme court that other units of government's legislation may be struck down. So again, what we are dealing we hope is comprehensive planning No. 1, and comprehensive legislation for the State, because of what the State constitution says, what local units of government can do.

Mr. GEKAS. To continue on the Governor's Commission of Criminal Justice Standards and Goals, who—I assume that the commission was composed of prominent members of Georgia, prominent people from Georgia, who was the chairman of the Governor's Commission?

Mr. COLLINS. The chairman was the Governor, Jimmy Carter.

Mr. GEKAS. I see. Is the Governor also ex-officio chairman of the State crime commission?

Mr. COLLINS. This year, yes.

Mr. GEKAS. The Governor's Commission, how large a commission was it?

Mr. COLLINS. It was a 28-member commission.

Mr. GEKAS. I see; members of the bar, judges, and prosecutors.

Mr. COLLINS. As I recall it was a cross-representation of Georgia representing those individuals in the criminal justice system as well as business, labor, citizenry.

Mr. GEKAS. I see; so in other words, the commission that came up with the handgun control recommendation as a third priority was composed of some of the most prominent people in the State. That is substantially right?

Mr. COLLINS. Yes.

Mr. GEKAS. OK; I think a couple more things I would like to talk about, perhaps the first would be your reference to the decision of the fifth circuit in which you say the court of appeals struck down a portion of the licensing law as being a violation of the due process clause of the 14th amendment. That case I assume is the one reproduced in this very comprehensive report, the case is *Johnson* v. *Wright*?

Mr. COLLINS. Yes.

Mr. GEKAS. Just to clarify the record, I briefly read this decision, the court no so much struck down the statute, the licensing statute as the instruction that the trial court issued concerning a matter of evidence, that is the presumption of law that mere possession can be taken as evidence of the handgun being unlicensed. That is a technical legal point but I think it is important to clarify your statement since it was not the statute that was ruled unconstitutional but rather the presumption of evidence under which the trial court proceeded.

Mr. OLSON. Mr. Gekas, if I might respond to that. What the fifth circuit decision did, in effect, struck down the law, because under the current Georgia licensing law, they do not in the practice that has grown up around it, there is no requirement that the individual have the license on their person at the time they are carrying the gun, the license could be anywhere. As a result, the fifth circuit felt that the State of Georgia had shifted the burden of proof onto the defendant. As a practical matter, we have 159 counties in the State and law enforcement agencies in order to enforce this law, would now be in the position of going to 159 counties and inquiring of each ordinary whether or not they may have issued a pistol permit.

Mr. GEKAS. Let me interrupt. I understand the thrust of the decision and I think the discussion of burden of proof and the holding of the court would unnecessarily delay the subcommittee, my point is simply that the fifth circuit did not hold that licensing of possession of firearms is itself a violation of the due process clause.

Mr. OLSON. No, sir, and the Georgia supreme court has held that the licensing law is clearly within the Constitution of the State and the United States.

Mr. GEKAS. All right; and it is a State statute, the question comes up how does that relate to the State legislature's preemption of local gun ordinances and I will try and state the situation and correct me if I am wrong.

As I understand it, the State legislature has preempted the area of gun control, therefore, local governmental entities cannot act and this licensing statute was a State statute passed by the State legislature so the preemption problem does not arise.

Mr. OLSON. That is correct, sir.

Mr. GEKAS. Thank you.

Mr. OLSON. And I must add that there has never been a definitive ruling by any of our State appellate courts on that particular issue.

Mr. GEKAS. The next thing, I think, and the final thing I would like to discuss is the series of eight provisions that make up the specific recommendations of the crime commission which is on page 2 of your statement which is a brief summary of the crime commission's recommendations on page 3 of the binder, that you have given us and basically what they involve are a system of handgun owner identification, or licensing and registration of handguns of ownership and possession of handguns, that is integrated into the State, the existing driver's license structure with the Georgia Department of Public Safety, with the idea of providing all handgun owners with cards no doubt, with their picture on it, stating their residency and those cards would be issued only after investigation into residency, criminal history; and without the card and without a registration permit no one would be able to own or acquire a handgun.

Mr. COLLINS. That is correct, sir.

Mr. GEKAS. That is simply the thrust of how it works and the purpose of it is trying to eliminate or reduce the acquisition of handguns by disqualified persons, such as was revealed by the testimony earlier here from the people from ATF, I don't know if you saw that.

Mr. COLLINS. No, sir, I didn't but primarily that is the thrust, yes.

Mr. GEKAS. They were talking about felons going in stores and buying guns and the like and that is what these recommendations are intended to stop.

Mr. COLLINS. Yes.

Mr. GEKAS. OK. Thank you.

Mr. CONYERS. Gentlemen, we are grateful for your testimony and we will be following your progress closer than you think. Thank you very much.

Mr. COLLINS. Thank you, Mr. Conyers.

Mr. CONYERS. Our next witness is the chief of the Law Enforcement Division of the State of South Carolina, Mr. J. P. Strom.

Welcome, Mr. Strom. We have your prepared testimony which will be made a part of the record. We are not going to swear you in, sir, so that will enable you to proceed in your own, unique way.

I might yield to our colleague from South Carolina who might wish to make any additional remarks about your services of the public office in that State.

[The prepared statement of Mr. Strom follows:]

STATEMENT OF CHIEF J. P. STROM OF SOUTH CAROLINA LAW ENFORCEMENT DIVISION

The General Assembly of the State of South Carolina during the past ten years has taken a serious look at the laws governing the sale and possession of firearms, particularly pistols in the State of South Carolina.

The writer feels that the General Assembly of South Carolina has no intent whatsoever to enact any legislation relevant to gun control that would in any way take away the rights of its citizens as are provided for in the Constitution of the State of South Carolina and the Constitution of the United States of America. There is however felt by myself and other law enforcement administrators a need for certain types of legislation with respect to the sale, possession and use of firearms particularly handguns, automatic weapons, and shoulder weapons altered or redesigned for concealment. It is obvious that law enforcement agencies cannot station an officer on every doorstep; nor would such action be desirable in a country that cherishes individual freedoms from undue

government controls. Even the most modern and efficient police agencies will never be able to guarantee that citizens will ever be free from attack even in their homes. We, as law enforcement officers, can only do our utmost to prevent criminal depredations against innocent citizens and to apprehend those persons responsible for criminal acts. While I disagree with attitudes that would make American homes into armed camps, I firmly believe that every responsible citizen has a right to possess a pistol or rifle or a shotgun, not only for sporting purposes, but for the protection of his domain. There is no way to estimate the number of times that criminals have been deterred from entering homes and businesses out of fear that the occupants may possess firearms. I feel that the laws of our country should be aimed toward those elements of our society who use firearms to commit crimes rather than toward law abiding citizens.

Act 330 of 1965 as amended is such a law. The original Act 330 was designed and relates to the sale and possession of pistols in the State of South Carolina. Act 330 set forth those individuals who may not purchase or possess a weapon in the State of South Carolina. Any person convicted of murder, manslaughter, except where negligent manslaugter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, a fugitive from justice, any member of a subversive organization as defined in the Act, a habitual drunkard, a drug addict, anyone who has been adjudicated mentally incompetent or any person who by order of a circuit judge or county court judge of the State of South Carolina who has been adjudged unfit to carry or possess a pistol, may not purchase or possess a pistol in the State of South Carolina.

Our Act 330 before it was amended had provisions to allow for certain exemptions in the area of possession of a firearm, which outlined briefly would be: Any law enforcement officer, any member of the Armed Forces of the United States, the National Guard or the State Militia when on duty, licensed hunters or fishermen while engaged in hunting or fishing, guards of common carriers, banks and etc., and any person in his home or upon his real property or fixed place of business, any person in any vehicle where the pistol is secured in a closed glove compartment or trunk, any person carrying the pistol in its wrapper or box from the place of purchase to his home or place of business, and night watchmen may lawfully possess or carry their weapon as specifically set forth in this law.

The Act also contains provisions to establish a license for retail dealers who intend to sell pistols within the State of South Carolina. It required that such a dealer purchase from the Clerk of Court in the County where his business shall be transacted, a license which shall be good for two years. It requires that a copy of the license be displayed at all times in the place of business. That the dealer shall not sell knowingly a pistol to any person who described in this law cannot purchase or possess a pistol in the State of South Carolina and it requires that the dealer maintain a record on forms prescribed by the Attorney General of the sale of all pistols in the State of South Carolina. Such records shall contain the date of sale, caliber, make, model and manufacturers number of the weapon, and the name, address, occupation, color and place of birth of the purchaser. I have attached for your edification a copy of the application for this license supplied by the Clerk of Court and a copy of the license issued to the dealer. Violation of any part of this Act on behalf of the dealer automatically resulted in the forfeiture of his license.

The question of gun control became a major item on the Agenda of South Carolina Lawmakers during the 1975 session of the South Carolina General Assembly. At the conclusion of months of indepth study into the rising national crime picture and study of South Carolina crimes committed with handguns, the General Assembly made major steps with respect to modifying current legislation concerning gun dealers and the sale of pistols within the State of South Carolina.

The Amendments to Act 330 of 1965 retain the same provisions with respect to a citizens right to purchase and possess pistols in South Carolina, and the same prohibitions with respect to those individuals who are not authorized to purchase or possess pistols.

An effort to tighten the control of sale and possession of firearms in the State of South Carolina by amending Act 330 of 1965, caused the legislature to charge the South Carolina Law Enforcement Division with the licensing, regulation, enforcement and inspection of gun dealers in the State of South Carolina. It further requires an indepth background investigation of each person

desiring to sell pistols within the State of South Carolina and sufficient investigation of each person purchasing a pistol in the State of South Carolina to assure his qualifications. (Attached to your copy you will find an application for a pistol dealers license in the State of South Carolina.) In addition to the completed application, the applicant must supply a copy of his fingerprints, a color photograph taken within the last six months and a surety bond in the amount of ten thousand dollars ($10,000) in favor of the State of South Carolina.

Each firearms transaction within the State of South Carolina concerning the sale of a pistol now requires a South Carolina firearms transactions record.

Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate, the original to the South Carolina Law Enforcement Division, the second copy to the dealer and a third copy to the purchaser. The application shall be supplied by the South Carolina Law Enforcement Division and shall contain the purchasers name, his residence, and business address, the date and place of birth, his Social Security number, his South Carolina drivers license number or his South Carolina Highway Department identification card number and his physical description. Should a purchaser not have a Social Security number and a South Carolina driver license number or Highway Department identification card number, he shall supply a set of his fingerprints and a statement sworn to the effect that he is not prohibited from purchasing or possessing a firearm in the State of South Carolina. (See attached transaction record.)

The new legislation further requires that any individual within the State of South Carolina may not purchase more than one pistol during any thirty day period. The exception to this shall be the fact that if an individual has his weapon stolen and for sufficient reason is required to immediately purchase another weapon he may apply to the South Carolina Law Enforcement Division through his local Chief of Police or Sheriff for a special permit to purchase this replacement weapon.

The penalty for any violation of this law whether it be on behalf of the dealer or the purchaser is now considered to be a felony in the State of South Carolina. The said felony is punishable by a fine of not more than two thousand dollars ($2,000) or imprisonment for not more than two years or both.

I as Chief of the South Carolina Law Enforcement Division plan to offer strict enforcement of this law and to check each person who has purchased a weapon to be assured that this individual is qualified and capable under current State law to purchase and possess a pistol within the State.

The South Carolina Law Enforcement Division has begun hiring a staff of Agents whose major responsibility will be enforcement of gun legislation in the State of South Carolina, which encompasses dealer application background investigation, inspection of dealer records, and investigation of any violations of this law.

The State has also enacted laws concerning the possession and registration of machine guns, sawed-off shotguns, and sawed-off rifles. This law requires that any individual having in his possession such a weapon be required to register it with the South Carolina Law Enforcement Division, on an application supplied by the South Carolina Law Enforcement Division. Upon having received this application and verifying his ability to possess such a weapon, the South Carolina Law Enforcement Division shall issue a registration card to him to prove its legality within the State of South Carolina. This legislation tracts the Federal law.

The 1974 session of the South Carolina General Assembly enacted a law controlling the sale of the so-called "Saturday Night Specials." It is now a violation of the law for any retail dealer to possess or sell any pistol which has a diecast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit. This legislation has been most helpful.

I would like to thank you for the opportunity to offer testimony before your Committee and I hope the information I have supplied will be of some benefit to the Committee.

APPLICATION FOR RETAIL PISTOL LICENSE

Date_____

Name of Applicant_____

Business Address_____

I hereby certify that I am lawfully eligible to possess pistols under the laws of the State of South Carolina, that I have never been convicted of a crime of violence, that I am not a fugitive from justice, and that I am not a member of a subversive organization.

_____
Signature of Applicant

(If applicant is Partnership or Corporation, signature of the person legally responsible for compliance with the conditions of the license, if issued.)

THE R. L. BRYAN COMPANY, COLUMBIA, S. C. 29201

THE R. L. BRYAN COMPANY, COLUMBIA, S. C. 29201

$25.00 STATE OF SOUTH CAROLINA RETAIL PISTOL LICENSE $25.00

STATE OF SOUTH CAROLINA

No. 3919

COUNTY OF_____

*This is to certify that*_____
NAME

_____
ADDRESS

is authorized to engage in the business of selling Pistols at retail in the above stated county, pursuant to the provisions of Act No. R. 462. Approved the 27th day of May, 1965.

Issued this_____day of_____, 19____.

_____
CLERK OF COURT

THIS LICENSE SHALL BE VALID FOR TWO YEARS FROM ABOVE DATE UNLESS SOONER REVOKED

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

P. O. Box 21398
Columbia, S. C. 29221 Att. Regulatory Services

RETAIL PISTOL DEALER APPLICATION

NOTICE: Application should be typewritten or clearly printed in ink. All questions must be answered. If space provided is insufficient, attach sheets of the same size to this application and number answers to correspond to questions.

1. APPLICANT PERSONAL HISTORY

Name (last, first, middle)									
Home Address (street, city, state, zip)				Telephone #		No. years at this address			
DOB (mo-day-yr)	POB (city, county, state)	Social Security #	SCDL #	Race	Sex	Height	Weight	Hair	Eyes

2. CRIMINAL RECORD

	Answer
A Each of the following must be answered YES or NO. If yes please supply details on additional sheets.	
B Have you ever been arrested, convicted, entered a plea of guilty, or plea of nolo contendere, or forfeited bond on any one or more of the following crimes of violence: MURDER, MANSLAUGHTER, RAPE, MAYHEM, KIDNAPPING, BURGLARY, ROBBERY, HOUSEBREAKING, ASSAULT WITH INTENT TO KILL, COMMIT RAPE, OR ROB, ASSAULT WITH A DANGEROUS WEAPON, OR ASSAULT WITH INTENT TO COMMIT ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR.	
C ARE YOU A FUGITIVE FROM JUSTICE as defined in Section 16:129 et seq. 1962 South Carolina code of laws as amended.	
D ARE YOU A MEMBER OF A SUBVERSIVE ORGANIZATION as defined in Section 16:129 et seq. 1962 South Carolina code of laws as amended.	
E ARE YOU A HABITUAL DRUNKARD, DRUG ADDICT, OR MENTALLY INCOMPETENT.	
F HAVE YOU EVER BEEN ADJUDGED UNFIT TO CARRY OR POSSESS A PISTOL BY ORDER OF A CIRCUIT OR COUNTY JUDGE OF THIS STATE.	

3. BUSINESS INFORMATION

Business Name	Telephone #
Business Address (street, city, county)	No. years at this location

Business is: ☐ Invidually Owned ☐ Partnership ☐ Corporation

If business is partnership, each partner must submitt an application. If corporation please supply each board members name, date of birth, place of birth and current address on seperate sheets.

Business is located in:

☐ Commercial Building ☐ Residence

☐ Other _____ (over)

4. ATTACHMENTS TO APPLICATION

A: Please attach a 2" X 3" color photograph, full face, taken within the past 6 (six) months.

B: Please attach a set of your fingerprints recorded on the card supplied by the division - Any law enforcement agency can perform this requirement.

C: The completed bond form, supplied by the division, in the amount of $10,000 - completed by a company licensed to do surety bonding in South Carolina.

D: A check, money order, or cashiers check in the amount of $100 made payable to the South Carolina Law Enforcement Division - **No cash acceptable.**

5. AFFIRMATION and/or OATH

I certify all information supplied by me is true and correct. I understand that I and any partners or board officials are subject to a complete character investigation upon submission of this application to the division. I understand and have read Act 330 of 1965 as amended which was supplied with the application. I further understand that if issued a license I may not sell to any person more than one (1) pistol in any thirty (30) day period notwithstanding the provisions of Act 330 of 1965 as amended and accept responsibility for the same, I further understand that if issued a license I must complete and supply the division with the original South Carolina firearms transaction record on each pistol sold by my business, and doing so within ten (10) days of the sale. I further understand that any violation of Act 330 of 1965 as amended will result in the revocation of this license and that I (we) will be subject to a crime punishable as a felony in the state of South Carolina in accordance to the provisions of Act 330 of 1965 South Carolina code of laws as amended.

SWORN TO AND SUBSCRIBED BEFORE ME

_____
Notary Public For South Carolina

My Commission Expires_____

_____
Signature of Applicant

_____
Date of Application

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

P. O. Box 21398
Columbia, S. C. 29221 Att. Regulatory Services

FIREARMS PURCHASE AND APPLICATION — RECORD

NOTICE: Please read carefully and **ANSWER ALL** questions. Application should be printed or typewritten in ink only. Please press hard, you are making three (3) copies.

Mr Mrs Miss Buyers Name (last, first, middle)	Home Address (street, city, state, zip)
Place of Employment	Business Address (street, city, state, zip)

DOB (mo-day-yr)	Social Security #	SCDL # or SCHD ID #	POB (city- county- state)	Race	Eyes	Height	Weight	Hair

Each of the following must be answered YES or No.	Answer	SLED use only
Have you ever been convicted, entered a plea of guilty, or plea of nolo contendere, or forfeited bond on any one or more of the following crimes of violence: MURDER, MANSLAUGHTER, RAPE, MAYHEM, KIDNAPPING, BURGLARY, ROBBERY, HOUSEBREAKING, ASSAULT WITH INTENT TO KILL, COMMIT RAPE, OR ROB, ASSAULT WITH A DANGEROUS WEAPON, OR ASSAULT WITH INTENT TO COMMIT ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR.		
ARE YOU A FUGITIVE FROM JUSTICE as defined in Section 16:129 et seq. 1962 South Carolina code of laws as amended.		
ARE YOU A MEMBER OF A SUBVERSIVE ORGANIZATION as defined in Section 16:129 et seq. 1962 South Carolina code of laws as amended.		
ARE YOU A HABITUAL DRUNKARD, DRUG ADDICT, OR MENTALLY INCOMPETENT.		
HAVE YOU BEEN ADJUDGED UNFIT TO CARRY OR POSSESS A PISTOL BY ORDER OF A CIRCUIT OR COUNTY JUDGE OF THIS STATE.		

I hereby certify that the answers and above information are true and correct. I understand that a person who answers any of the above in the afirmative is prohibited by state law from purchasing and/or possessing a pistol. I also understand that making false statement or presenting false or forged identification with respect to this application, is a crime punishable as a **FELONY** in South Carolina.

(Buyers Signature)_____ Date

Dealers Business Name and Address (street, city, state, zip)	Federal Firearms License #
	State Firearms License #

Type (Pistol-Rifle-Etc)	Model	Caliber	Serial Number

Manufacturer (and/or Importer)	Date of Sale (mo-day-yr)

I hereby certify that I am a licensed retail pistol dealer in the state of South Carolina and that I have complied with all requirements with respect to the law of the sale of pistols in this state. I have observed the above applicant complete and sign this application in my presence. I have conducted a search of my records and verify this is the only pistol purchased by this applicant within the past thirty (30) days and I understand I must retain this record for a period of not less than three (3) years. I certify that my portion of this application is true and should I supply or stipulate false information or violate any other provision of Act 330 of 1965 as amended it will result in revocation of this license and I will be subject to a crime punishable as a felony in this state.

(Dealer Signature)_____

White Copy: SLED (To be forwarded within 10 days) Yellow Copy: Dealer Pink Copy: Buyer

Mr. MANN. Thank you, Mr. Chairman.

I think the only embellishment I can give to his reputation is that he and my wife are cousins.

Mr. CONYERS. Well I suppose a conflict of interest is raised at this point, Mr. Mann—I say that jokingly, of course.

Mr. MANN. He is a long time chief—I guess the first one, you weren't quite the first one were you, of the South Carolina Law Enforcement Division.

It is the State's effort to contribute to law enforcement. It has been rather feeble down over the decades until 15 years or so ago when

Pete Strom came in to direct it. It has been a great assistance to local law enforcement agencies and it is the equivalent of South Carolina's FBI, and the fact that Mr. Strom has been the director, how long, Pete?

Mr. STROM. I have been director since 1956.

Mr. MANN. And its growth and increased efficiency in that time is evident of his own efficiency and I am delighted that you could be with us.

TESTIMONY OF J. P. STROM, CHIEF, LAW ENFORCEMENT DIVISION, STATE OF SOUTH CAROLINA

Mr. STROM. Mr. Chairman, Congressman Mann, my statement will be very brief.

The General Assembly of the State of South Carolina during the past 10 years has taken a serious look at the laws governing the sale and possession of firearms, particularly pistols in the State of South Carolina.

The writer feels that the General Assembly of South Carolina has no intent whatsoever to enact legislation relevant to gun control that would in any way take away the rights of citizens as are provided for in the constitution of the State of South Carolina and the Constitution of the United States of America.

There is, however, felt by myself and other law enforcement administrators a need for certain types of legislation with respect to the sale, possession, and use of firearms particularly handguns, automatic weapons, and shoulder weapons altered or redesigned for concealment.

It is obvious that law enforcement agencies cannot station an officer on every doorstep, nor would such action be desirable in a country that cherishes individual freedom from undue government controls.

Even the most modern and efficient police agencies will never be able to guarantee that citizens will never be free from attack even in their homes. We, as law enforcement officers, can only do our utmost to prevent criminal depredations against innocent citizens and to apprehend those persons responsible for criminal acts.

While I disagree with attitudes that would make American homes into armed camps, I firmly believe that every responsible citizen has a right to possess a pistol or a rifle or a shotgun, not only for sporting purposes, but for the protection of his domain.

There is no way to estimate the number of times that criminals have been deterred from entering homes and businesses out of fear that the occupants may possess firearms. I feel that the laws of our country should be aimed toward those elements of our society who use firearms to commit crimes rather than toward law-abiding citizens.

Act 330 of 1965, as amended, is such a law. The original Act 330 was designed and relates to the sale and possession of pistols in the State of South Carolina.

Act 330 set forth those individuals who may not purchase or possess a weapon in the State of South Carolina. Any person convicted of murder, manslaughter, except where negligent manslaughter

arising out of traffic accidents, rape, mayhem, kidnaping, burglary, robbery, housebreaking, assault with intent to kill, a fugitive from justice, any member of a subversive organization as defined in the act, a habitual drunkard, a drug addict, anyone who has been adjudicated mentally incompetent or any person who by order of a circuit judge or county court judge of the State of South Carolina who has been adjudged unfit to carry or possess a pistol, may not purchase or possess a pistol in the State of South Carolina.

Our Act 330 before it was amended had provisions to allow for certain exemptions in the area of possession of a firearm, which outlined briefly would be: Any law enforcement officer, any member of the Armed Forces of the United States, the National Guard or the State Militia when on duty, licensed hunters or fishermen while engaged in hunting or fishing, guards of common carriers, banks and so forth; and any person in his home or upon his real property or fixed place of business, any person in any vehicle where the pistol is secured in a closed glove compartment or trunk; any person carrying the pistol in its wrapper or box from the place of purchase to his home or place of business, and night watchmen may lawfully possess or carry their weapon as specifically set forth in this law.

The act also contains provisions to establish a license for retail dealers who intend to sell pistols within the State of South Carolina. It required that such a dealer purchase from the clerk of court in the county where his business shall be transacted, a license which shall be good for 2 years. It requires that a copy of the license be displayed at all times in the place of business. That the dealer shall not sell knowingly a pistol to any person who described in this law cannot purchase or possess a pistol in the State of South Carolina and it requires that the dealer maintain a record on forms prescribed by the attorney general of the sale of all pistols in the State of South Carolina. Such records shall contain the date of sale, caliber, make, model, and manufacturer's number of the weapon.

Mr. MANN. Pete, let's see if we can abbreviate this a little bit.

Mr. Chairman, do we have copies of the act in the record, if not I will offer a copy for the record.

Mr. CONYERS. I don't believe we do. We would be happy to accept it at this point.

Mr. MANN. The act of the general assembly, ratified and enforced as of June 18, 1975.

Mr. CONYERS. All right.

[The material referred to follows:]

AMENDMENT TO ACT 330, RELATING TO PISTOLS

At a General Assembly Begun to be Holden at Columbia, on the Second Tuesday in January, in the Year of Our Lord One Thousand Nine Hundred and Seventy-Five, and Thence Continued by Divers Adjournments to the _____ day of _____.

To Amend Act 330 of 1965, as Amended, Relating to Pistols, so as to Further Define "Pistols"; to Provide for the Issuance of Licenses to Dealers; to Increase Penalties for Violation of the Act and to Provide for Pistol Purchaser Permits.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 330 of 1965 is amended by striking item (a) and inserting:

"(a) 'Pistol' means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges."

SECTION 2. Section 2 of Act 330 of 1965 is amended by adding items (g) and (h) which shall read:

"(g) The term 'Division' shall mean the State Law Enforcement Division.

(h) The term 'purchase' shall mean to knowlingly buy, offer to buy, receive, lease, rent, barter or exchange."

SECTION 3. Section 6 of Act 330 of 1965 is amended by striking it and inserting:

"SECTION 6. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this act. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

(a) The license or a copy there of, authenticated by the issuing authority, shall at all times and places of sale be available for inspection or displayed where it can easily be read.

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be funished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. A separate firearm transaction form shall be completed for each pistol sold, a copy of which must be submitted to the Division as provided in Section 5A. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

(d) The fee for issuance of such licenses shall be one hundred dollars.

(e) Each applicant for a license shall post with the Division a bond in favor of the State with surety in the amount of ten thousand dollars. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this State and conditioned that the principal named therein shall not do any act meriting suspension or revocation of his license under provisions of this act. In lieu of a bond, a cash deposit or a deposit of other securities acceptable to the Division of a value of ten thousand dollars shall be accepted. Any person aggrieved by any act of the principal named in such bond in an action against the principal or surety therein, or both, recover damages. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond giving thirty days' notice to the Division and thereafter shall be relieved of liability for any breach of condition after the effective date of the cancellation.

(f) A breach of any of the above conditions or violations of any provisions of this act by a dealer, or the giving of false information by a licensee on an application for purchase or transfer shall result in forfeiture of license, but the license shall be entitled to reasonable notice and proper hearing in the circuit court of the county in which he is licensed."

SECTION 4. Section 9 of Act 330 of 1965 is amended by striking it and inserting:

"SECTION 9. Any person including a dealer violating any of the provisions of this act shall be deemed guilty of a felony and upon conviction shall be fined not more than two thousand dollars or be imprisoned for not more than two years, or both.

When a violation occurs within a municipality the fines collected shall be delivered to the municipality by the clerk of court. If the violation occurs outside a municipality, the fines shall be delivered to the county treasurer.

Any person convicted of violating the provisions of this act, in addition to the penalty provided herein, shall have the pistol involved in such violation confiscated. Notwithstanding any other provisions of law, such pistol shall be delivered to the chief of police of the municipality or to the sheriff of the county, if the violation occurred outside the corporate limits of a municipality. The law enforcement agencies that receive the confiscated pistols shall use them within their department, transfer them to another law enforcement agency or destroy them. Records shall be kept of all confiscated pistols received by the law enforcement agencies under the provisions of this act."

SECTION 5. Act 330 of 1965 is amended by adding Section 5A which shall read:

"Section 5A. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain the applicant's (1) name; (2) residence and business address; (3) date and place of birth; (4) social security number; (5) South Carolina driver's license number or South Carolina Highway Department Identification Card Number; (6) physical description; (7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5); (8) a signed sworn statement by the applicant that he is not within any classification set forth in items (a), (b), (c) or (d) of Section 4 of this act, and that he has not purchased a pistol within the previous thirty days; (9) the signatures of applicant and the dealer; (10) and such other personal identifying information as may be required by the Division.

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; *provided*, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police or his designated agent of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality to the sheriff or his designated agent of the county in which the applicant resides citing these facts and reasons why he cannot wait for a thirty-day period to purchase a pistol. The special permit shall contain such information as required by the Division and shall be on a form furnished by the Division. The issuing officer shall retain a copy of the permit and forward a copy to the Division.

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this act, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Upon proper completion of the application the dealer shall submit the original application to the Division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the Division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer."

SECTION 6. This act shall take effect upon approval by the Governor.

In the Senate House the ____ day of _____ in the Year of Our Lord One Thousand Nine Hundred and Seventy-five _____

Ratified and in force 6-18-75 _____

Approved the ____ day of _____

_____

(Governor)

Mr. MANN. Let me see if I can summarize—I know I can't do it as well as you can, but we have dealt with many such State laws and statutes and first we are, as you are, glad that South Carolina got around to doing something about the problem that exists. So the State Legislature has now passed an act which would license dealers, require them to keep a written record, a record of sales, provide for sales only to residents of South Carolina, prevent sales to certain prohibited persons, similar to the Federal law, and would require dealers to pay a fee of $100 and put up a $10,000 bond against any liabilities they may incur by violation of their licensing rights. It provides for a rather complete application form to be filed by a purchaser, and a separate firearms transaction form, a copy of which is to go to the State law enforcement division.

I would like to inquire there, do you expect to be able to, through the use of those copies, and incidentally, that is more than the Federal Government does. Those forms are kept but they aren't submitted to

the Washington office for any central record system with the ATF. Do you expect to use that copy which is furnished you for any particular purpose?

Mr. STROM. Yes, sir, as in that 330, the South Carolina law enforcement division has the responsibility to license its particular dealers after investigation. A copy is sent to the South Carolina law enforcement division where we plan to computerize it and make it available to all police agencies throughout the State of South Carolina and the United States if they want it.

Mr. MANN. That is the individual firearms transaction from the sale by a dealer to an individual purchaser?

Mr. STROM. Yes, sir, we hope to accomplish that.

Mr. MANN. You are going to computerize that. That will give you then the capacity to check that against the qualifications of the purchaser, whether he has a felony record and so forth.

Mr. STROM. May I mention, sir, that under our old system, the old law last year, the only control we had over the guns, the Saturday night specials, was we had a law that you had to have guns that the melting point would be 800° F or more, and you could only confiscate one gun at the time, which was actually unenforceable. We could not enforce that law. We didn't have the manpower or the funds.

Mr. MANN. Are you talking about a law that was passed 2 years ago that is on the books but there has been no effective enforcement of it.

Mr. STROM. But we feel that with this law, that we can effectively enforce it. We think the police officers throughout the State of South Carolina with the help of ATF and all units and agencies will help us enforce this law and we think we can do it effectively.

Mr. MANN. All right, now you raise a problem though that we have. We already have under the Gun Control Act of 1968, that is the Saturday night special prohibition for importing, that law; this committee will undoubtedly consider one for the total ban, domestic as well as imported. The definition that is in the South Carolina law for the Saturday night special, do you find it satisfactory?

Mr. STROM. I find it satisfactory under the new act.

Mr. MANN. Well I don't see that situation covered under the new act.

Mr. STROM. Well the 800° F melting point gives us authority to confiscate those guns in a lot in the place of one individual gun at the time under the old act.

Mr. MANN. All right. OK, so you consider that the Saturday night special situation has been strengthened and improved by this act.

Mr. STROM. Yes, sir, we feel like we know it has been improved.

Mr. MANN. All right. Now, do you also provide that no person will be allowed to purchase more than one pistol in any one 30-day period without some special permission based on unusual circumstances.

Mr. STROM. Yes, sir, one gun per person in a 30-day period unless you have some special reason to purchase a gun, such as if he loses his gun from proper affidavits and information, he would be allowed to purchase another gun within the 30-day period.

Mr. MANN. Do you expect to have the capacity under your computer plan to enforce that part of the act?

Mr. STROM. We expect within 1 year to have that capacity and capability, yes, sir.

Mr. MANN. All right. Now you mention, I have skipped now to that part of your statement which goes, comes after the explanation of the law, where you indicate that you intend to be able to check it out as you have just said.

Mr. STROM. Yes, sir.

Mr. MANN. And that you have begun to hire a staff of agents whose responsibility will be the enforcement of this law.

Mr. STROM. Yes, sir.

Mr. MANN. You may have been here earlier when I questioned the ATF people about their cooperation with the State law enforcement agencies in Georgia, licensing, handgun sales, and so forth; how many men do you expect to have and do you plan any coordination with the ATF?

Mr. STROM. We plan to work directly with the ATF and with our local sheriff and the police officers throughout the State of South Carolina on the enforcement of the whole law, yes, sir.

Mr. MANN. All right, now in your study of the problem that has existed in South Carolina, in the Greenville area in particular, do you feel that this law will be adequate to reduce the multiple gun sales and the traffic in guns that is characterized in South Carolina?

Mr. STROM. Yes; I am certain it will reduce the multiple gun sales for a great percentage of the gun dealers, retailers are law abiding people, even though they knew they were breaking the spirit of the law to sell 150 or 200 guns, there was nothing on our statutes that said they could not. I think this will take care of that proposition, because we intend to police it and know what is happening. We have a $2,000 fine or a 2 year penalty and we plan to make examples out of people who violate the law.

Mr. MANN. The young man with you I believe is Mr. Ernie Ellis?

Mr. STROM. Mr. Ernie Ellis, yes, sir.

Mr. MANN. Of your department. All right, on a philosophical point, you indicated earlier in your statement that you felt that every citizen should have the right to have a gun on his own property, in his home.

Mr. STROM. Yes, sir.

Mr. MANN. You are aware that the statistics nationally indicate that over 70 percent of gun deaths are caused by just that kind of gun, between friends, relatives, husbands and wives, and people in the heat of passion. Does that cause you to pause as to whether or not a gun should be entrusted to just anybody or would you put maybe some limitation on the homeowner with reference to his proof of ability to use the gun?

Mr. STROM. Yes; I have some statistics I would like to call to your attention.

Mr. MANN. All right.

Mr. STROM. Handguns, family members, 19.3; lover's quarrels, 7 percent; quarrels due to alcohol 5.3; other arguments 15.2; robberies—8.8; related to other crimes, 5.3.

Mr. MANN. Is that attached to your statement?

Mr. STROM. I will make it available to you, if it is not, yes, sir.

Mr. MANN. We would like to have that.

Mr. STROM. Mr. Chairman, I would like to call to your attention something else, if I may.

Mr. CONYERS. Please do.

Mr. STROM. Spouse killing spouse—31, 16.2 percent, in our State.

Mr. MANN. What was that? I didn't understand.

Mr. STROM. Spouse killing spouse.

Mr. MANN. Oh, spouse, yes.

Mr. STROM. 31, 16.2, and it goes on down the line. Your robberies, 29, 15.2.

Mr. MANN. Well now with reference to that statistic and the one you quoted earlier, are these valid South Carolina statistics?

Mr. STROM. They are valid statistics, yes, sir.

Mr. MANN. All right. Crime based, third party criminal type cases, and the first statistics that you quoted, you had a figure for robberies and other crimes and now you just have a figure for robberies. What is the aggregate percentage of homicides caused by criminal action, third party criminal action, feloneous criminal action, in each of those——

Mr. STROM. All right, in the year 1966, the number of armed robberies, 325. Number of persons injured as a result of robberies, 12. Number of persons killed as a result of armed robberies, 3. That was in 1966.

I want to bring you up to 1974.

Mr. MANN. The total was how many?

Mr. STROM. 325.

Mr. MANN. Three killed by armed robbery?

Mr. STROM. Yes.

Mr. MANN. Of that 325.

Mr. STROM. That is the year 1966 and I have got it right on through, but I was going to jump to——

Mr. MANN. I am not interested in armed robberies alone, I am interested in other criminal acts, other than crimes of passion between friends and acquaintances, spouses, cousins, relatives. You know like felonious murder.

Mr. STROM. Yes. I have it parent kills child, 7; child kills parent, 6; other family arguments, 28; lover's quarrels, 16; quarrels due to alcohol, 19; arguments over property, 8; other arguments, 29; robberies, 29; related other crimes, 22; unknown circumstances 2, for a total of 191.

Mr. MANN. That was in what year?

Mr. STROM. That was in 1974.

Mr. MANN. All right.

Mr. STROM. And if you would, Mr. Chairman, I would like to go back to this robbery a little bit to show you that it increased from 325—armed robberies 325 in the year 1966 and in 1974 we had 2,446 armed robberies.

Mr. MANN. How many deaths?

Mr. STROM. We had 33 deaths in 1974 compared with 3 in 1966, one in 1967, five in 1968, one in 1969, 10 in 1970, 8 in 1971, 17 in 1972 and it just goes right on up.

Mr. MANN. All right, if you will then submit that as a part of the record. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you, Mr. Mann, for elucidating on the more important considerations.

We appreciate your testimony, Chief Strom.

Are there further questions?

Before you start your questions, we in Detroit have an old saying that when you come down south and you are questioning a relative of Congressman Jim Mann, that he is a friend of yours automatically and we sort of take that into consideration here, and I will yield to Counsel Gekas.

Mr. GEKAS. You were referring to a report that contained statistics concerning South Carolina as a whole?

Mr. STROM. That is correct.

Mr. GEKAS. I am not sure if the Congressman has asked for a copy of it, but I wonder if before you go you might leave us one of your copies.

Mr. STROM. Yes, sir.

Mr. GEKAS. Also let me ask this question. On the impact of gun control systems, on crimes, on homicides of passion, one of the relevant facts is whether or not offenders in crimes of passion, that is the murder of the husband or wife, or whoever pulls the trigger, has a criminal record himself. We have received some information that here is a substantial percentage of offenders in crimes of passion who do have serious criminal records, homicide statistics from Chicago suggests that. The importance of it is that if you design a system to prevent the acquisition of the handguns by felons, will that impact on crimes of passion because many crimes of passion are committed by persons with felony records.

The point of all of that involved explanation is to ask whether or not your statistics break down crimes of passion, homicides of passion by felony records of offenders and victims?

Mr. STROM. We have those records available. I do not have it with me today. I would be glad to make them available to you, but the way we feel in South Carolina, the availability of the trash gun, the cheap price to irresponsible people, they increase all crimes. I know of several people—several cases where people have shot other people just because they had a gun, no real reason. They may get drugged up or drink and for no real reason people pass by in an automobile or maybe they congregate in a crowd and some young fellow will shoot a man because he has a gun and the reason he has that gun is because he can walk down to a pawn shop for $8, $10, $12 or maybe on an instalment plan, purchase a gun. The same man would not purchase a gun if he had to pay for a quality gun such as Smith & Wesson, Colt, and so forth.

Mr. MANN. Do you think there is any reasonable viability in the idea that one who buys a gun should show some qualification or receive some instruction from law enforcement or other voluntary gun group before he is qualified to own a gun?

Mr. STROM. That is much preferable, I don't know how you would accomplish that.

Mr. MANN. Did that idea come up in South Carolina during the consideration of your recent gun legislation?

Mr. STROM. It didn't come up last year but we have talked about everything in connection with gun control from waiting periods up

and we never did get very far with a waiting period. We have been working on this legislation for a period of 10 years and this has been the first time that we have been able to pass legislation that we think that will accomplish some purpose and I think will save a great many lives in a period of 1 year.

Mr. MANN. What was the strongest argument that you recall against the waiting period?

Mr. STROM. Well they would say that you would have a problem in—well, we had one case where a doctor was killed and said everybody in the small community was afraid for their lives and everybody wanted to buy a gun the next day, and you get answers like that. It depends on who you talk to and what day of the week, and when the people who oppose any type gun legislation had time to contact their members of legislation. Sometimes people talk to you pretty good on Saturday that wouldn't talk to you very much on Tuesday.

Mr. CONYERS. Well Chief Strom, we commend the leadership of you and the Governor in beginning to break the law jam on firearms regulation in your State. I hope that you will consider some of the questions that our colleague Jim Mann raised and I would like to raise a couple for you to consider; the idea of a tracing center so that we could locate and have a record of guns so that if they are used in criminal activity and recovered, they can be easily identified as to where they came from and who owns them; and just to caution about this 800° F melting point requirement, as I am worried about some of these gun manufacturers who might be able to meet that 800° and beat it and still be selling a very, very inexpensive handgun.

Mr. STROM. I agree, Mr. Chairman, they are already doing it. They are making the nuts and bolts a little bigger and the precision parts they don't look quite as neat but they are going to be able to produce a gun that is going to be very inferior at a cheap price.

Mr. CONYERS. I see you are on the case then, and I commend you for it.

If there are no other questions, I want to thank you very much for joining us here in Atlanta today, and we will be looking forward to any materials or recommendations that you or the Governor of the State may have with regard to the legislation that will be coming from this committee, rather shortly.

Thank you very much.

Mr. STROM. I want to thank you, Mr. Chairman, and I also want to thank the ATF and the Federal officials who have cooperated through the years in trying to accomplish some gun bill whereby we could save lives of the American people.

Mr. CONYERS. Very good. Thank you.

Our next witness is from Greenville, S.C. He is a medical doctor. He has written on the subject to which he will testify today. His name is Dr. Jefferys A. Macfie, Jr., and if he is here, we invite him to come forward.

Dr. Macfie, we have your statement and I notice you have submitted in addition an extensive bibliography, some of it including materials written by persons with whom this subcommittee has been in touch with, and especially Dr. Pasternack, Prof. Norvell Moris—let me see who else here—those are the names of two persons who have written on the subject which you are going to address us today.

We will include your prepared statement in the record at this point and that will free you to add whatever comments that you might want to to your prepared statement.

Welcome before the subcommittee.

[The prepared statement of Jefferys A. Macfie, Jr. follows:]

STATEMENT OF JEFFERYS A. MACFIE, JR., M.D.

A study of personal violent injuries in the Greenville General Hospital area reveals this to be a larger cause for admission to the hospital than previously expected. It is to be noted that gunshot wounds constitute greater than 90% of these injuries. A comparison study shows that personal violent injuries rank with each of the following maladies, in terms of frequency—acute myocardial infarction, peptic ulcer disease, gallbladder disease, and appendicitis, as a reason for hospitalization in this community. Pneumonia and respiratory diseases outrank these injuries only a 2:1 basis and *all* malignancies on a 5:1 basis. By comparison with cancer of the cervix, the violent injuries outrank these admission substantially. This is interesting in view of the fact that this disease entity is being searched for with more and more frequency since the advent of the "pap" smear. The number of hospital admissions for these violent injuries has shown a steady increase in the past 5 years but a paradoxical decrease in the length of stay in the hospital. In addition the expenditure in blood units has declined over the past 5 years. This is explained by the fact that the wound is more frequently inflicted by a smaller caliber weapon or "Saturday night special." It is also apparent that a high cost is certainly involved in the care of these gunshot victims. The minimum figure in this small community approaches $200,000 or more annually and does not include readmissions for complications or rehabilitation, which is considerable. This high cost is measured in hospital untilization, physican's time expended and a very real economic burden upon the taxpayer. The taxpayer and the private paying patients appear to underwrite the hospital expenses of about two-thirds of these injuries.

A study of the total number of gunshot wounds in this area reveals a frequency greater than 1 per day (avg. 1:1 per day). Last year 411 victims of gunshot wounds were treated in the Greenville General Hospital emergency ward. By comparison on a per capita basis, Greenville, South Carolina, has a four times greater incidence of gunshot wounds than Belfast, Northern Ireland. In the two Carolinas, we see more deaths, per capita, in one year from gunshot wounds than in the entire conflict in Northern Ireland over the past five years.

The weapons inflicting these injuries in Greenville are as follows:

Small caliber pistol	73
.38 caliber pistol	6
Rifle and shotgun injuries	8
Type of weapon unknown	13
Total	100

As noted the handgun accounts for probably greater than three-fourths of these injuries. National statistics show that most of these injuries occur in the private homes and within social circumstances rather than by hardened criminals per se. It is my opinion that this is also true for the Greenville, S.C., area.

An inescapable conclusion drawn by other medical investigators, law enforcement officials and the National Commission on Crime is that the easy availability of guns is one of the principal factors contributing to the large number of deaths and injuries. We are therefore forced to return to the premise that we are dealing with a theoretically preventable disease in society that is not only a problem of management for trauma surgeon, but also is a problem that desperately needs effective attention and concern from legislators, law enforcement officials, psychologists, sociologists, and the taxpayer.

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TESTIMONY OF JEFFERYS A. MACFIE, JR., M.D., GREENVILLE, S.C.

Dr. MACFIE. Thank you, Mr. Chairman, it is a pleasure for me to be here, and members of the subcommittee. I appreciate the opportunity to be able to address you on the subject of the medical injuries that we see involving gunshot wounds in our community, Greenville, S.C.

I came to Greenville 3 years ago from the Armed Forces where I was a physician there, at Madigan General Hospital and at this particular hospital we took care of a large number of returnees from Vietnam who were injured, involving rather major injuries from gunshot wounds, land mines, and the like.

When I arrived in Greenville 3 years ago, it was a little bit appalling to me that the situation existed in our calm little docile community of a war that seemed to go on every Saturday night.

We had a phenomenal amount of gunshot wound injuries. We saw a great deal of problems being committed that it seemed like no one was doing very much about it at the time.

As I have stated before, I think that physicians have a responsibility to practice to a large degree some aspects of preventive medicine.

Gentlemen, here was a disease that we were'nt looking at in that respect. We were looking at it from the standpoint of it being a social problem and that was the end of it.

So, I wanted to compare this to see what the magnitude of these injuries really were and how they related to other reasons for admission to the hospital. Now in 1972, which is the last year that I have been able to dig up the statistics, I have 5 years of study here, but we see that gunshot wounds rank with malignancies on a 5-to-1 basis. This is all malignancies are five times greater of course than gunshot wounds as the reason for admission to the hospital, 5-to-1, at Greenville General; but it is appalling to me that acute heart attacks rank on a 1-to-1 basis. A common disease like appendicitis ranks on a 1-to-1 basis with gunshot wounds. It is outranked by

pneumonia and bronchitis of course, but it ranks very straightforward with peptic ulcer disease and gallbladder disease.

We looked also at a disease that we have been trying to find early case of such as carcinoma of the cervix, and of course you are familiar with the papanicolaou smear that we can detect early cases of this.

It was appalling to me that here was a disease that we as physicians are out really shaking the bushes for to try to find and gunshot wounds outrank this particular enemy.

We are not practicing the preventive medicine then that we need to practice and we have to look at what the cause of this disease or lead poisoning, call it what you will, we have in Greenville, but it exists in large numbers.

So I looked at the emergency room statistics that we have from 1971 to 1974. In our emergency room statistics we had a variance of between 467 and 411 cases each year of gunshot wounds. Breaking these down into the number of weapons or the type of weapons that was being used, we see that 73 percent, 73 percent of these injuries are caused by the so-called Saturday night special. The .38 pistol which is not really a Saturday night special accounts for its share of injuries too but it is only 6 percent. The sportsman-type weapon, the shotgun, or the rifle account for injuries involving 8 percent of our population. Unknown weapons are 11 percent and other weapons would be included under unknown weapons.

This is a fairly large number of weapons that are of the Saturday night special variety. Now over the years, we've tried to look at two particular aspects. One was why the average stay in the hospital declining for gunshot wounds in association with the average number of units of blood. Of course, Mr. Chairman, we would like to think we are practicing better surgery of this 4-year period and we have more technical advances in medicine, but this just isn't the way it is. Over a 5-year period we have not advanced that far in taking care of gunshot wounds. No major breakthrough has come on the forefront, so what we did attribute this to and it makes a great deal of sense is that the injuries that were seen is due to a smaller caliber weapon being used to inflict the wound, and this of course makes sense in light of our report that we see.

If we look at the number of homicides that our coroner has recorded since 1969, we have seen a doubling of the number of homicides that is being committed.

Gentlemen, national statistics show that over 70 percent of these homicides and injuries are caused not by criminals but by the average U.S. citizen.

It is my strong opinion that we are not a great deal different in Greenville, S.C. I can recall the millworker coming home from his midnight shift and being shot at by a senseless person in the bushes, thinking that he is having some fun. I can recall the intoxicated man that I treated one night who came to the door of his house intoxicated; he wanted to get in; he would not say who he was to his wife

because of his intoxicated stupor; he didn't know what was happening; his wife opened the door; she shot at him with a .38 pistol and killed him. This man was the breadwinner. It not only affects that family, it affects us as taxpayers who wind up with these people on welfare rolls.

I can recall an incident in our newspaper recently where only because the gun was there, it was readily available, two murders, one injury, and a man was put away for life because of this one problem. This happened at one of our lounges in Greenville when a man became intoxicated; he got into an argument, went out to his car, took a pistol from his glove compartment; he shot two people; he injured another, and he put himself away perhaps for life; and he was a breadwinner for his family. He had never committed a crime before.

I can recall, Mr. Chairman, talking to the mother of a young child who had just died of course in our hands in the emergency room because he had been playing with a handgun. He died senselessly I think because people nowadays don't tend to really know the aspects of what a handgun can do.

We say it is in the home, gentlemen, for protection, but it is a five time greater means of someone hurting themselves in the home than it is for killing an intruder.

I wanted to touch for a minute on what the costs are. Gentlemen, look at the costs as they have climbed from $136,000 a year to a $153,000 a year for the basic costs which includes the admissions to the hospital for people and the average costs on a daily basis in the populus. Let's look at who is paying the bill. I don't have the exact facts from my hospital but from a similar study done in a similar city, namely Charlotte, the taxpayer and private paying patient appeared to have underwritten two-thirds of the hospital's expenses for patients who were admitted for gunshot wounds and stab wounds in 1969.

This basic cost, gentlemen, does not include the cost of rehabilitation of a patient. It does not include the readmissions for complications, such as an abdominal gunshot wound which requires a colostomy, the colostomy later on is closed; a wound infection may ensue, an abcess inside the abdominal cavity may ensue which necessitates the readmission to the hospital.

Of course, the gunshot wound may have long-term results for the patient as his life continues on; he may develop complications for several years, after the initial injury.

I was appalled by these statistics as I hope you are because it puts my community in a light that we have a disease problem that we are not helping ourselves with. If we could today, by some means, legislate how we could drop the incidents and the death rate from cancer of the breast would have any reservations about dropping the incidents of this very dreaded disease. Gentlemen, we have that chance as far as gunshot wounds are concerned. We have it now. We had it in South Carolina last year to pass some effective legislation, but we passed a stop-gap measure.

Let's look at how we compare with the countries who are involved in civil strife like Northern Ireland. I have been in contact there with the Royal Victorian Hospital in Belfast and it's appalling to me that even though the Greenville General Hospital area is smaller by comparison, we average almost two times the rate of gunshot wounds as the Belfast area of Northern Ireland, and we serve an area one-half the size. Calculated on a per capita basis, we are involved in a four times greater incidence of gunshot wounds than they are in a country torn by civil strife, Northern Ireland.

Gentlemen, every psychiatrist and many doctors have treated patients who were thankful that guns were not around at one time or another at one time in their life. Temper tantrums, fits, seisures, hysterical episodes, all make the presence of guns an intense personal danger. We, of course, as physicians cannot prevent insanity in adults or violence or delinquent urges in many children by curbing guns, but we can certainly make the translation of vicious impulses to pull triggers less likely and of course less possible. The preventive medicine that I am asking for, gentlemen, is not in the form of a vaccine, I am asking for legislation that is effective to help us with the problem that we see.

It was the view of the President's Crime Commission that within this country a higher proportion of homicides are committed with firearms in those areas where firearms regulations are lax, than in those where there are more stringent controls, and I think if you look at the Southeast as a whole, you will see that we have less firearms controls, less stringent firearms controls, and we have a greater magnitude of problems.

Gentlemen, one and one to me adds up to two. It doesn't add up to 3½, it doesn't add up to any other number except when I put two things together, I see what the problem is. That's a very simple explanation of what the problem is.

A handgun, pistol, or revolver is used to wound, threaten, or kill only people with minimal exceptions. Other animals are not its customary objective. It is disproportionate, grossly disproportionate the weapon of homicides, of suicide, and of severe and fatal accidents. Furthermore, it is a most ineffective instrument for self-defense. As a propositional fact, for each innocent life a handgun saves through self-defense, it sacrifices several members on the evil altars of homicide, suicide, and fatal accidents.

Gentlemen, this is what I am talking to you about here. Of course, criminals use guns in their crimes but we are not treating a large proportion of criminals, we are treating citizens who have been injured by handguns through one means or another, and we ask for your help.

Thank you, Mr. Chairman.

Mr. CONYERS. We welcome your statement and your presence before this subcommittee, Dr. Macfie. We think you are a very powerful witness and an even more powerful presence in your community both as a doctor and as a human being. I think that your entire

State can be very, very proud to have you there doing your very good work.

I would like to ask if you would submit any of the statistics that you cited that were not in your original statement as a complementary piece to accompany this presentation here today. It is enormously important and I would refer you to the testimony of a panel of medical experts in Chicago, Ill., a couple of months back who made the same kind of analysis. They too were trauma surgeons and related in some slightly different manner their experiences that touched on, as your presentation did, both the medical and the humanitarian implications of the work that is before this subcommittee. We deeply appreciate your taking time away from your own profession to join us this afternoon.

Dr. MACFIE. Thank you, Mr. Chairman, it is a pleasure for me to be here.

Mr. CONYERS. I yield now to Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman. This is not crystal clear in the record, but you are a surgeon?

Dr. MACFIE. That is correct, sir.

Mr. MANN. And as a matter of interest, you practice medicine with whom?

Dr. MACFIE. I believe he is a very close relative of yours.

Mr. MANN. My brother.

Dr. MACFIE. Right.

[Laughter.]

A very fine surgen.

Mr. MANN. I am afraid I am having a bad run here.

Thank you, Dr. Macfie, I don't believe there are any questions that I have.

Dr. MACFIE. I have one more thing that I would like to present that has very little to do with the medical evidence but I did receive this the other day in the mail and I feel very compelled to present this to the committee because, what I have tried to present to you, gentlemen, is a scientific study that I have done in our hospital. This has been based on a study that at least we showed a high incidence of the injuries, we tried to surmise where the injury was coming from and so forth; but I received a letter from the National Rifle Association which was a national survey that they wanted to conduct. I want to read you the questions that they wanted me to answer, and I believe if I had to answer these truthfully, I would answer them all in the favor of the way they wanted them answered.

Question. If the new firearms law were enacted in your State banning all ownership of guns, do you believe that hoodlums and organized criminals would volunteer their guns to your local police department?

Of course I don't.

Question. Do you believe that by banning the ownership of firearms including sporting and antique guns that the number of murders and robberies would be significantly reduced in your community?

There is only one way to answer these questions, gentlemen, that it why I want to read them to you, because you will be getting the results of this opinion survey.

Do you believe that your local police need to carry firearms to arrest robbery and murder suspects?

Do you believe you have a right to personally defend yourself and your property gainst a violent attack?

I would like to submit these for your records. I have no reason to submit them for their public opinion survey.

Mr. CONYERS. Without objection, so ordered.

I yield to Counsel Gekas.

Mr. GEKAS. Doctor, was there a letter that accompanied those cards?

Dr. MACFIE. Yes; there was.

Mr. GEKAS. Over whose signature may I ask?

Dr. MACFIE. This was a letter that came from Gen. Maxwell Rich, Maxwell E. Rich, executive vice president, National Rifle Association, and I might add that it was a very inflamatory letter where the gun control people mean gun confiscation.

Mr. GEKAS. Is that the letter where—I have heard about a letter, but is that the one that says Congress is intent on taking firearms away from police and collectors and the like?

Dr. MACFIE. I am reading from the letter.

My friend they are not talking of control, they want complete and total confiscation. This will mean the elimination and removal of all police revolvers, all sporting rifles and target pistols owned by law abiding citizens.

This is an insult to my intelligence, gentlemen.

Mr. GEKAS. Let me ask whether or not it also contained a solicitation for funds?

Dr. MACFIE. Yes; it did.

Mr. GEKAS. Would you submit the letter as well?

Dr. MACFIE. You may have the letter.

Mr. GEKAS. Thank you.

Mr. CONYERS. Without objection, so ordered.

[The correspondence referred to follows:]

NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.,
Washington, D.C.

Dear Friend: Even if you don't have time to completely read my letter, I strongly urge you to answer the four questions in the special survey packet I've enclosed for you.

The questions involve your personal safety and the safety of your home and family.

As I write you this letter, many law abiding citizens are deeply concerned over new and radical laws outlawing the use of guns which are being proposed in the U.S. Congress and State legislatures. These laws will directly affect your right to a safe home.

Many Congressmen and State Legislators are undecided on how to vote on this extremely important issue which may well decide on how your local police are able to protect your family.

Your opinion, and the opinion of other law abiding citizens, can influence their vote, so please answer these four extremely important questions in our National Opinion Survey on Crime Control and rush them to me today.

The survey results will be released by NRA to the national press, radio and TV, U.S. Congress and your State Legislature within the next few weeks.

In my five years as the Executive Vice President of the National Rifle Association I have never seen such an organized and politically powerful effort to outlaw the use of firearms throughout America.

If these radical and outspoken pressure groups completely succeed, I firmly believe the safety of each and every person in your neighborhood will be in jeopardy.

Even though you may not own or have any direct interest in firearms, I believe you must be informed of the terribly serious consequences of what the liberal press refers to as "Gun Control".

My friend, they are not talking of "Control"; they want complete and total "Confiscation". This will mean the elimination and removal of all police revolvers, all sporting rifles and target pistols owned by law abiding citizens.

In 1973 the occurrence of violent crime increased 23%. Throughout our country a crime of violence, like murder, robbery, assault or rape, occurred once every 36 seconds in 1973.

This means that in 1973 over 869,460 men, women, children or elderly persons fell victims to thieves and hoodlums. Our courts have done little to protect us.

The fact is that 65% of the criminals released from prison are re-arrested for new crimes within four years. Oftentimes the criminal is back on the street before his victim is recovered enough to leave the hospital.

Tell me, what would the crime rate be if the criminals knew our police were unarmed or a store owner or private home owner could not legally own a gun to protect his property?

I don't believe we can sit back and allow the "Gun Confiscation" people in this country to pass laws that would set the stage for the most terrifying crime wave ever to occur in modern history.

The "Gun Confiscation" people tell us that:

"Gun Control means Crime Control".

They say:

"All we have to do is take all the guns from all the citizens and violent crime will automatically stop".

I don't believe it.

If this so-called solution to the terrible suffering and pain caused by violent crimes in our country would work, I would be for total control of guns. But it just isn't that simple.

You and I know that laws are obeyed by the good, decent members of our community . . . not by the professional crooks and murderers who live by stealing and killing.

All of this is why I need your personal help today. I need your opinion so that I can take your case, our case to the legislators voting on these laws.

That's why we are conducting this National Survey of Americans, so we can tell our side of the gun control issue to the State and Federal Legislators.

The situation is extremely serious. In the last election 27 Congressmen who supported private ownership of firearms were defeated. At the same time every Congressman who sponsored antigun legislation was re-elected.

Right now there are 51 different bills before Congress restricting the ownership of firearms. Many states in the Union have bills in their State Legislatures to restrict private gun ownership.

We cannot sit back and wait. You and I cannot afford to have laws passed that will give criminals control of our homes and neighborhoods, without any fear of punishment.

I have set every available resource at the National Rifle Association into this important fight. The cost is over $40,000 each month. This includes detailed research, up-to-date information services and expert legal advice.

You may have heard the National Rifle Association referred to as a large, extremely rich, private interest group by the liberal press. This is simply not so. Our million member organization barely has the funds to support our sporting activities like the U.S. Olympic Shooting Team and Training Programs.

We are not rich. And our interest is not private. Our fight is for the protection of you, your family and all other decent, law abiding Americans.

I'm not used to writing letters like this. But I do need your financial support to help pay the important legal expenses needed to defend Americans' right to protect their homes from criminals and their right to own and use sporting firearms.

I beg of you to act now:

First, answer your 4 survey questions. Let me know how you think the removal of guns will affect you and your community. Remember, the results of this National Survey will be tabulated soon and sent to the National Press, TV and Radio, the U.S. Congress and your State Legislators, many of whom are yet undecided on this issue.

Write a letter directly to your U.S. Senators (C/o Senate Office Building, Washington, D.C. 20510) and tell them how you feel on this issue of your private safety.

Send the largest contribution you can to NRA today so we can lead the legislative fight against the antigun forces in America. I hope you will consider sending a contribution of at least $25.00.

Inform others. Pass this letter along to friends and relatives. If you write and ask me, I will send you a special information brochure on how you can influence others in your community.

It's important to do all you can to help . . . it could mean the difference between our success or failure.

I believe if guns are outlawed, murderers and thieves will have control of our lives and property. We will have no defenses. So please act now.

Sincerely,

General MAXWELL E. RICH, (Ret.),
Executive Vice President,
National Rifle Association of America.

P.S. When you return your special survey packet, I will not record your name with your response. Only totals will be released to the public to maintain your confidential opinions. If you feel as I do about the desperate need to fight the outlawing of private ownership of guns, I hope you will send me the largest contribution you can today. Anything you can send will help in this fight.

To: General Maxwell E. Rich, NRA, Washington, D.C.
Dear General Rich,

☐ Yes, I agree. If guns are taken from our local police and private law abiding citizens only the criminals will be armed.

☐ I'm enclosing my gift of $——— to the "NRA Legislative Fund" to fight dangerous and unconstitutional laws that would take away my right to protection by police and private ownership of sporting firearms.

☐ I'm enclosing my answers to your National Opinion Survey on Crime Control. Please include my responses in the final report that will be sent to State and Federal Legislators.

From:
Name ———————————
Street ———————————
City ———— State ———— Zip ————

(Your gifts are not tax-deductible)

NATIONAL OPINION SURVEY ON CRIME CONTROL

P.S. Enclosed are four important questions on crime and the outlawing of firearms. I would like your answers.

The enclosed cards will speed the computerized tabulation of this National Opinion Survey on Crime Control.

The results of this special National Survey will be sent to State and Federal Legislatures.

QUESTION #1
Do you believe you have a right to personally defend yourself and your property against a violent criminal attack?

☐ YES
☒ NO
☐ UNDECIDED

QUESTION #2
Do you believe your local police need to carry firearms to arrest robbery and murder suspects?

☐ YES
☒ NO
☐ UNDECIDED

QUESTION #3
Do you believe that by banning the ownership of firearms (including sporting and antique guns) that the number of murders and robberies would significantly be reduced in your community?

☐ YES
☐ NO
☐ UNDECIDED

QUESTION #4
If a new firearms law was enacted in your state banning all ownership of guns, do you believe that hoodlums and organized criminals would volunteer their guns to your local police department?

☐ YES
☐ NO
☐ UNDECIDED

Mr. CONYERS. Counsel Barboza, do you have any questions?

Mr. BARBOZA. No.

Mr. CONYERS. Well, thank you very much again, Dr. Macfie. We welcome your presence and leadership and deeply appreciate all of your testimony.

Dr. MACFIE. Thank you, Mr. Chairman, very much.

Mr. CONYERS. Our next witness is the president of the Southern Arms Co., Inc., Mr. Robert Kittrell.

Mr. Kittrell has a prepared statement which we will incorporate into the record without objection at this point.

Mr. MANN. Mr. Chairman, I ask that the resume and statement of Mr. Kittrell be made a part of the record.

Mr. CONYERS. Without objection, so ordered.

[The prepared statement of Mr. Kittrell follows:]

BIBLIOGRAPHY AND STATEMENT OF ROBERT A. KITTRELL, JR., PRESIDENT, SOUTHERN ARMS CO., INC., GREENVILLE, S.C.

RÉSUMÉ AND STATEMENT REGARDING FIREARMS LAW

Native South Carolinian, educated in public schools and the College of Charleston. WWII veteran with enlisted rank overseas, later completing Officer Candidate School at Princeton University. Rotarian, effective service with numerous civic and charitable organizations. Now, at the age of 49, I have had a 40-year association with the Shooting Fraternity.

Life Member: National Rifle Association.

Charter Member: Florida Gun Collectors Association and North Carolina Gun Collectors Association.

Member: Ohio Gun Collectors Association.

Founder and Honorary Life Member: South Carolina Arms Collectors Association.

Founder and President: South Carolina Arms Dealers Association.

Former Competitive shooter at state and national levels.

I am a professional arms dealer. My chosen trade is as old as the country in which I practice it. I am licensed by the Federal Government of the United States to practice this trade and I am proud of it. My merchandise is the best I can acquire and I stand behind it.

My testimony to you today will not be filled with statistics, pro or con, gathered by guess work or copied from others without confirmation. I do intend to give you my professional opinion, formed through actual experience and observation with acceptable intelligence.

In the field of firearms laws, the bearing facets are almost too numerous to count but, they combine to form one basic umbrella type problem. Enforcement!

I would be considerably less than what I claim to be if I did not recognize the fact that gun dealers themselves pose a major problem. My initial classification as a dealer came about over 20 years ago after I submitted a brief application and a $1.00 fee for which I was issued a Federal Firearms License, no questions asked.

This license was renewed annually and enabled me to buy guns (in my case, primarily collector guns) through the mail instead of by way of railway express which charged a minimum rate based on 100 pounds. It also helped me obtain some ammunition and shooting accessories at less than retail prices. In 1968 current federal firearms laws made it obvious that I did not qualify as a dealer and I did not apply for renewal. Thousands of others did renew, without adequate investigation, and with the growing popularity and availability of the so-called Saturday Night Special, many of these "dealers" joined the fast buck train and further contributed to the havoc.

Today, procedure is all too similar. The fee is now $10.00 and the investigative procedures are not adequate. Within 25 miles of my home, it recently came to light that two convicted felons have been operating as gun dealers, with Federal Firearms Licenses. In defense of the ATF Field Agents, it is not at all unusual for them to recommend, after investigation, that a license be denied

or not renewed. What is unusual, particularly where new license applications are concerned, is for the ATF Regulatory Forces to agree with the agents. Result, still another unqualified Federal Firearms License issued.

The ATF district in which I live covers 13 counties. This is the district that the national media spotlights as being the illegal handgun center of the entire country. There are an estimated 6,000 Federal Firearms License holders in that district. My personal efforts indicate that for the past two years licenses have and are being issued at the rate of better than 10 to 1 in ratio to those revoked. I contend that the permissive attitude displayed by the ATF Regulatory Force regarding issuance of licenses and the unwillingness to prosecute dealers not following regulations is a direct contributory factor to our present dilemma. In other words, a lack of enforcement.

The sheer number of outstanding licenses alone makes it virtually impossible for ATF agents to properly enforce regulations. However, you should bear in mind that the number of Federal Firearms Licenses issued has no bearing on the number of gun dealers per se. This same license is required of every country grocery store selling shotgun shells, every shooting club selling ammunition to its members and every crossroads general store selling half a dozen shotguns a year to farmers. It is obvious to me that a review of the entire ATF licensing procedure including categories, is in order. Currently, it contributes to the lack of "street" enforcement of gun laws.

The 1968 gun act was designed not to restrict basic rights of law-abiding citizens but to stop interstate shipments of guns to individuals and control of Saturday Night Specials. The latter aspect of the act failed due to an obvious oversight which neglected to halt the importation of parts, enabling the guns to be assembled here. Now the Saturday Night Specials and the particular breed that spawns them have come to represent all that is bad in the firearms field—primarily due to large volume sales legally sold to individuals who in turn resell the guns on the illegal black market. This too could have been controlled to a large degree, years ago through better enforcement. The 1968 gun act also produced the well known 4473 form which is required with every firearm transaction between a gun dealer and purchaser. Court interpretations allowed this form to be badly misused by letting unlimited numbers of Saturday Night Specials be listed on one form and being considered one transaction. Gun sales of the type in question involve very low profit margins, often 50¢ or less per gun. Had the form been reworded, allowing only one gun, per form, per transaction, economics alone would have kept the participants from completing 500 or 1,000 forms. Efforts on the part of legitimate dealers and ATF field agents to bring about a change in the form were ignored—a lack of enforcement.

Currently, as of 1 July 1975, dealers will be required to contribute even more to the mountain of paper work by reporting the sale of two or more handguns to an individual in a five-day period. ATF is currently asking Congress for funds to hire 500 additional people.

Just as you are concerned with those individuals in your profession that are not ethical. I am with mine. However, I do not think that heavily increased license fees will contribute but little toward the intended goal of eliminating those without social conscience. It will do much to eliminate the small bad dealer—along with the small good dealer. Many states, including my own, have recently imposed higher license fees, and in my state, heavy surety bonds are required to further insure against illegal transacting. The surety bond, of course is further recognition that enforcement is not what it should be. The South Carolina Arms Dealers Association asked that the new license fees be earmarked for enforcement use. Prior to this time, obtaining the supposedly required state license to operate a gun shop has been on a volunteer basis. There has been no visible evidence to indicate that the responsible enforcement agency has ever determined if any of our state's Federal Firearms License holders also hold state licenses. Another example of lax enforcement.

The same state enforcement agency, has for years sought passage of legislation with which the sale of Saturday Night Specials could be controlled. Two years ago, such a bill, based on the 800 degree melting point theory adopted by several other states, was rammed through as last day legislation. To my knowledge, two years later, not a single case has been made and Saturday Night Specials are still being sold in many places. Another prime example of poor enforcement.

Lax enforcement does not end or begin with the uniform patrolman on the beat or regulatory forces dealing primarily with paper work. It can begin in legislative sessions and extends on into the judicial system. It encompasses prosecutors far too inclined to plea bargain and certainly on the bench where the all too prevalent permissive attitude of judges result in wrist slapping sentences. Recent newspaper accounts in my city report that 84 cases in General Sessions Court resulted in 47 defendents receiving suspended sentences. This has got to be poor enforcement at its worst.

Punishment is the natural consequence of wrong doing. The lack of punishment or the inconsistency in the administration of punishment is bound to lead to problems in the area of social behavior, just as inconsistent state gun laws have led to massive violations and poor enforcement. Those individuals with no moral obligation to the community have little to fear in the way of punishment and therefore follow their own code of social conduct.

Those citizens who do have higher standards have come to recognize that little in the way of police protection is offered them, their families and their property. Hence, the trend to arm themselves to compensate. Because of this, it is not at all uncommon in my shop to sell guns and/or instruct the use of guns to people who actually fear and detest the thought of using them.

Limited time and space eliminate the possibility of discussing even a minute part of the many gun laws currently under consideration. I will state that in my opinion only honest citizens will be affected by additional legislation in this field. There is no logical reason to assume that the criminal element will obey new laws anymore than old ones. Obviously, I feel that we need more enforcement, from beginning to end, rather than more laws.

Historically, more laws lead to more regulatory enforcement and less "street" enforcement. Bad legislation is hard to enforce. Unenforceable legislation is bad—and virtually impossible to eradicate long after proven to be ineffective. Let us concentrate on good, enforceable legislation against the criminal, not the honest citizen—or worse yet, against an inanimate object.

Mr. MANN. And, Mr. Chairman, I would like to claim kin with Mr. Kittrell, as being an individual of long acquaintance, who is one of those professional arms dealers or gun dealers that are known as good guys.

Mr. KITTRELL. Thank you, Mr. Mann.

TESTIMONY OF ROBERT A. KITTRELL, JR., PRESIDENT, SOUTHERN ARMS CO., INC., GREENVILLE, S.C.

Mr. KITTRELL. Mr. Chairman, gentlemen, and Mr. Chairman, I was certainly gratified to hear you state earlier that gun dealers would be given an opportunity to voice an opinion more and more and more regarding gun control legislation.

I am going to deviate from my prepared statement somewhat. I mention the following because I suspect it has much to do with me being here and probably with all of us being here.

Recently, the Greenville, S.C., area has been bombarded by the media, what I think are contrived statistics and selective reporting; we have had 2- to 5-year-old instances suddenly spotlighted, made it become current proving that we supplied New York City and the northern market with illegal guns. We have network interviews filmed almost a year before they were shown and out of context, I might say. I was personally a victim of one of these myself. I expect that you gentlemen have probably run into this situation with the media at times yourself. The per capita gunshot wounds have been ranked with Belfast with no mention of the 4,000 bombs that have been exploded there.

By the way, Ulster has an explosive and destructive device law almost identical to our countries. There has been very little mention between the relation of gunshot wounds and alcohol and drugs and nationally this runs about 50 percent.

I am convinced that our basic problem, and this has of course been brought out here today many times, is the lack of overall enforcement. That covers a multitude of sins and it is a crime for law enforcement to ignore enforcing the laws.

Lax enforcement in my opinion does not begin or end with the policeman on a beat. It begins in my way of thinking in a legislative session and ends in the court room. Bad legislation cannot be properly enforced and sadly enough it is almost impossible to eradicate once it has been proven to be bad legislation.

The gun control situation in this country was out of hand prior to the 1968 Gun Act I think primarily due to ATF's poor licensing policies.

Since 1968, in my opinion as a dealer, ATF has done little to contribute to the situation. In South Carolina the agency responsible for enforcing the State gun laws has done even less. The judicial system with prosecutors leaning toward plea bargaining and judges practicing nonpunishment contributes no enforcement.

I would like to have it understood that I have little patience with people who are able to find fault with everything and no solutions to anything, but I find myself pretty well in that same predicament right now myself.

I am reminded of an economics professor I had at one time that stood before a blackboard with patches on his elbows trying to explain the gross national product and suddenly remarking, "You know, it is funny, I know how it is made, but I don't know how to make it."

We don't need additional Federal laws, we need enforcement. We wouldn't have Federal laws now if the States had enforced the 2,000, some 2,000 gun laws that are already on the books. Yet, I find it hard to believe that we could have totally effective gun law enforcement until we get uniform State laws. There again, I don't know how we are going to get uniform State gun laws unless the Federal Government forces the State to enact and to enforce gun laws, uniform laws. This has been accomplished in other areas such as civil rights and I expect it could be done in this area. Much has been said today about law enforcement assistance funds and mainly in the light of contributing more funds for its enforcement but it would seem to me that the probability exists that withholding these funds might be a means of getting the States to enforce this legislation.

I personally feel like it is time for the States to enact meaningful enforceable gun legislation. Much that was proposed for instance in South Carolina last year was not—and I might add, proposed gun dealers—was not written in the legislation. Much of it was watered down.

I do think it is time for the States to do it themselves and quit looking to Uncle Sam to do it, but if we must legislate against criminals and not against honest people.

We have got a situation now where the honest people are locked in their homes and the criminals are happily roaming the streets.

If there is any way that I can elaborate on these comments, I will be happy to.

Mr. CONYERS. Do you wish to interrogate, Mr. Mann?

Mr. MANN. Yes. Mr. Kittrell, we have heard substantial testimony and I certainly agree with your indication that alcohol in particular, drugs to a degree, contribute tremendously to this problem and to all law enforcement problems for that matter, and if we wanted some immediate relief on the gun problem, if we could take guns out of the hands of the persons under the influence, it would really strike a blow; but I am afraid that that almost falls within the realm of the socioeconomic problems that are supposedly a solution to all of our problems.

Mr. KITTRELL. I saw a unique approach to this some months back, I was in Texas, and I observed that every place in Texas has a large sign posted, that serves alcoholic beverages, stating that there is a mandatory sentence involved for anyone found carrying any kind of weapon in any place serving alcoholic beverages. This is a good approach.

Mr. MANN. Yes, that is very good but of course as you and I know the laws in most States, most States prevent carrying a gun in any public place period.

Mr. KITTRELL. I think this was worded so that it was an additional punishment.

Mr. MANN. And we have our problem with enforcement there and I have harped on it hearing after hearing, as I frankly have been a little bit of an iconoclast, when people talk about what a great job the police are doing and I point out that they can be dedicated and all of that but if they don't catch criminals, then we are not going to be solving the problem, and we are not catching enough.

Of course, the Supreme Court decision on constitutional provisions on illegal search and seizure are great inhibitors in our ability to check people on handguns in the Saturday night joints, but of course enforcement is the reason we are here, the lack of it, and as people have talked to me about gun control down over the years, as it came up in Congress 3 or 4 years ago and we took no action, my response was that if you would enforce the law properly on the local level, we wouldn't be involved, so take a look at yourself. That shouldn't result in any great revolutionary efforts to improve local law enforcement but that would have been a solution or one at least.

The law that the State of South Carolina has passed on licensing and reporting procedure, do you feel that that is a plus and will help the dealers police themselves or will help at least the dealer, or do you think it is a burden to the dealer?

Mr. KITTRELL. No, I think it is a definite step in the right direction, if it is enforced properly. You know we have had a licensing law in South Carolina prior to this which was not enforced at all. I have been in the business 5 years and to date no one member of any State association has ever made an appearance in my shop to determine whether I had any State licenses whatsoever.

As a matter of fact, we took a survey along these lines 2 or 3 years ago, and the State license is issued by the clerk of the court in various counties. There were some clerks of the court that weren't even aware that there was such a thing as a State gun license.

Mr. MANN. The waiting period that was discussed in South Carolina this time, as you know the rationale was that the waiting period was a cooling off period as well as a record checking period, what is your attitude about that?

Mr. KITTRELL. The record checking system would be very effective, in my opinion, from talking to literally hundreds of law enforcement officers, it would be almost useless as a cooling off period. Crimes of passion are primarily committed at night when the gun shops aren't even open. It is almost unheard of, the people that I have discussed it with, to even hear of a situation where a person that became incensed to the point where he wanted to kill someone left the scene, went to a gun shop, purchased a gun and ammunition, completed all of the paper work, went back and killed him with it.

When this takes place, people kill each other with whatever is at hand. Recently a woman in Spartanburg, S.C., kill her husband with a skillet, for instance.

The Gun Dealers' Association proposed an alternate to the waiting period, rather than subject the normal honest customer to a 10-day waiting period each and every time a handgun was purchased, we proposed that they go through this waiting period one time and if they passed all the criteria be issued a permanent purchasing permit, permanent inasmuch as say the same period of time that a driver's license would be, 5 years. The permit itself could look very much like a driver's license and have all of the pertinent information printed thereon including a photograph. This way, if each and every time a person had one of these permits and purchased a handgun, we were able to submit a copy of the 4473 form that is now used for every gun transaction, submit that to SLED, they could run periodical computerized checks on legalities and this sort of thing, and see whether a person was still eligible to purchase guns.

Mr. MANN. There is great concern about the proliferation of dealers albeit noncommercial type dealers who want to be able to buy wholesale, how would you change the dealership system?

Mr. KITTRELL. Well, to begin with, you cannot—the fact that we have got, I think the figure reported here today was some 3,500 dealers in South Carolina. This is not really a true figure, what they are speaking of is 3,500 Federal firearms licensed holders. Bear in mind that this same license is used by every Mom and Pop grocery store that sells shotgun shells. You have got the same situation with every crossroads hardware store that sells a half a dozen guns a year to farmers. To begin with, we need to look at the licensing system itself in my opinion. We need various degrees of licenses, various types of licenses. Licenses are being issued right now today in the Greenville area which has been spotlighted as being so notorious, they are being issued at the rate of 10 to 1, better than 10 to every 1 that is revoked. There has got to be something wrong with the system somewhere.

Mr. MANN. Thank you.

Mr. CONYERS. I recognize now, General Counsel Maurice Barboza.

Mr. BARBOZA. Mr. Kittrell, first of all, who do you purchase your firearms from? What kind of guns do you sell?

Mr. KITTRELL. I handle quality guns only.

Mr. BARBOZA. Rifles, shotguns?
Mr. KITTRELL. I beg your pardon?
Mr. BARBOZA. Are they rifles, shotguns——
Mr. KITTRELL. A complete line of arms, yes.
Mr. BARBOZA. What would you say is the percentage of handguns sold?
Mr. KITTRELL. What percentage?
Mr. BARBOZA. Yes.
Mr. KITTRELL. Of my total gun sales?
Mr. BARBOZA. Yes.
Mr. KITTRELL. Around 40 percent.
Mr. BARBOZA. Forty percent, and where do you get those guns?
Mr. KITTRELL. Handguns I obtain primarily through distributors.
Mr. BARBOZA. You purchase through distributors?
Mr. KITTRELL. Yes. The long guns are obtained primarily directly from the manufacturer.
Mr. BARBOZA. And you don't purchase any handguns directly from the manufacturer?
Mr. KITTRELL. To my knowledge, there are no quality handguns on the American market sold directly through the manufacturer.
Mr. BARBOZA. So, how many handguns a year do you sell?
Mr. KITTRELL. Well, I don't have those figures. I would have to do a lot of research.
Mr. BARBOZA. You sell more than 100, or——
Mr. KITTRELL. Oh, yes.
Mr. BARBOZA. You do sell quite a few.
Mr. KITTRELL. Yes.
Mr. BARBOZA. Do you sell to other dealers?
Mr. KITTRELL. No.
Mr. BARBOZA. You could not in anyway be construed as a wholesale dealer?
Mr. KITTRELL. No.
Mr. BARBOZA. You are a retail dealer.
Mr. KITTRELL. Retail only.
Mr. BARBOZA. Where are some of the wholesalers located in the country that you get your guns from?
Mr. KITTRELL. I get most of my handguns from South Carolina distributors.
Mr. BARBOZA. None from Florida?
Mr. KITTRELL. Oh, yes.
Mr. BARBOZA. Georgia.
Mr. KITTRELL. I have some distributors in Florida that I deal with.
Mr. BARBOZA. How about Atlanta, the Atlanta area?
Mr. KITTRELL. No, sir.
Mr. BARBOZA. Do you get any guns from Dallas, Texas?
Mr. KITTRELL. Yes
Mr. BARBOZA. Distributors there?
Mr. KITTRELL. Yes.
Mr. BARBOZA. Where are your best—who are your——
Mr. KITTRELL. Are you trying to determine if I handle Saturday night specials?
Mr. BARBOZA. No, no, I would have asked you that question directly.

If you were to say what distributor you are the best customer of, where would he be located?

Mr. KITTRELL. I expect the Anderson Specialty Company of Anderson, S.C., would be classified as my major distributor of handguns.

Mr. BARBOZA. He is a pretty big distributor then you would say?

Mr. KITTRELL. Well no, by some standards he is a relatively small distributor but we have a very good working arrangement.

Mr. BARBOZA. What kind of guns do you buy from him, handguns?

Mr. KITTRELL. Handguns, primarily Smith & Wessons.

Mr. BARBOZA. The calibers?

Mr. KITTRELL. Whatever is available.

Mr. BARBOZA. Pardon?

Mr. KITTRELL. Whatever is available in the Smith & Wesson.

Mr. BARBOZA. Whatever is available.

Mr. KITTRELL. It is a desirable brand and they are very hard to get.

Mr. BARBOZA. Do you sell to law enforcement types?

Mr. KITTRELL. Yes.

Mr. BARBOZA. Private investigators?

Mr. KITTRELL. Yes.

Mr. BARBOZA. Security guards?

Mr. KITTRELL. Yes.

Mr. BARBOZA. And you also sell to private citizens.

Mr. KITTRELL. I do and I do make some municipal sales and this sort of thing.

Mr. BARBOZA. Could these guns be classified as sporting weapons at all?

Mr. KITTRELL. A very large majority of them are.

Mr. BARBOZA. Which guns would you classify as sporting guns?

Mr. KITTRELL. Sporting weapons, well first of all we are going to have to determine what sport.

Mr. BARBOZA. Well, the Smith & Wesson, I am thinking in terms of maybe target shooting.

Mr. KITTRELL. Virtually every quality handgun made now is used for target shooting. You have got a much wider field of target shooting now than has ever been before in years prior to this.

They have even incorporated, for instance, combat target shooting into various target programs.

Mr. BARBOZA. Let's say that I am a customer and I come into your establishment to purchase a handgun for target shooting and I tell you I have never fired a gun before and I just recently developed an interest in target shooting, what kind of a gun would you recommend to me?

Mr. KITTRELL. I would suggest that you start with a good .22 caliber revolver or automatic, primarily because this gun would cost a little less.

Mr. BARBOZA. What if I said I could pay any price.

Mr. KITTRELL. I would still recommend that you start with a .22.

Mr. BARBOZA. What about barrel length, frame size?

Mr. KITTRELL. Minimum of 4 inches.

Mr. BARBOZA. Barrel length?

Mr. KITTRELL. Yes.

Mr. BARBOZA. What about the overall length, that is a pistol, the overall length with a 4-inch barrel might mean that maybe——

Mr. KITTRELL. A handgun, not necessarily a pistol, but a handgun.

Mr. BARBOZA. Yes. This would be a pistol, the automatic, right?

Mr. KITTRELL. A pistol is a single shot or a semiautomatic handgun.

Mr. BARBOZA. So that that gun might be 8½ inches long with a 4-inch barrel.

Mr. KITTRELL. Could be, well not with a 4-inch barrel, probably 6 or 6½ with a 4-inch barrel.

Mr. BARBOZA. What would be the difference between that particular weapon and say for instance a gun or pistol with a 2-inch barrel, do you think I could handle that type of a gun the first try?

Mr. KITTRELL. The first try it would be much harder.

Mr. BARBOZA. Much harder, why is that?

Mr. KITTRELL. Believe it or not, the accuracy between the two guns if placed in a machine and eliminating human error, there would not be a tremendous difference between the accuracy of the two guns. The longer barrel would enhance your capabilities, not the guns.

Mr. BARBOZA. Is it true that everyone has different strength in their hands, regardless of how big you are, some small people might have more power in their hand than large people?

Mr. KITTRELL. That's correct.

Mr. BARBOZA. You really have to get a gun that is suited to you in order to fire it proficiently, is that correct?

Mr. KITTRELL. No; not necessarily. These are things that you learn with practice and adapt yourself to.

Mr. BARBOZA. But there is a difference in pressure——

Mr. KITTRELL. A custom-made gun has a terrific price.

Mr. BARBOZA [continuing]. That you have to apply to pull the trigger, is that correct?

Mr. KITTRELL. Oh, yes. Target shooting is a very physical sport, most people are not aware of this, there is a lot of breath control and a lot of strength and a great deal of concentration.

Mr. BARBOZA. For instance, if Mr. Jones or Mr. Smith came into your store after me and Mr. Jones says well I am a proficient target shooter, and he says I know you have got a number of new models I haven't seen before, I have been using my old trusty handgun, what would you recommend as a kind of weapon for him to use?

Mr. KITTRELL. If he was already proficient in target shooting, he would have to tell me what he needed. You have got a very wide variety of target shooting, you have got .22 caliber shooting, .38 caliber shooting, .45 caliber shooting and so on and so forth. Each one comes under a different classification.

Mr. BARBOZA. What about the barrel length of the weapon?

Mr. KITTRELL. It is hard to imagine anybody going into target shooting with less than a 4-inch barrel.

Mr. BARBOZA. Now just to get into the question of retailers and wholesalers of firearms. You said you don't know of any manufacturers today who are selling directly to dealers, they are selling to wholesalers, is that correct?

Mr. KITTRELL. I said there are no quality manufacturers in this country that are selling directly to retailers.

Mr. BARBOZA. Is there a difference between quality manufacturers and ones who aren't quality manufacturers?

Mr. KITTRELL. Very definitely. I was thinking in terms of the so-called Saturday night special.

Mr. BARBOZA. I am speaking in terms of the structure of the industry, the way that guns are sold in the United States, and I am wondering why some manufacturers sell through wholesale distributors and others might sell directly to the dealer.

Mr. KITTRELL. The only exception I know of is Harrington and Richardson. I do buy their handguns directly from them rather than through a distributor and why they choose to operate on a distributor basis, I am afraid I can't answer that.

Mr. BARBOZA. You indicated that you thought there was a need to create new classifications for licenses. What would you think of requiring that a wholesale dealer's license be substantially different from a dealer's license and requiring a wholesale dealer's license in firearms and a retail dealer's license in firearms and a dealer's license in ammunition, which would be lower than the other two. Wholesale firearms dealers and retail firearms dealers could also sell ammunition as a part of their privilege under the licenses required.

Mr. KITTRELL. Very definitely a step in the right direction. That would reduce tremendously for instance the workload on ATF and put them in a position to offer better law enforcement throughout their program.

Mr. BARBOZA. What if Congress were to say that wholesale dealers may only sell to retail firearms dealers and may not sell to private individuals, and that retail firearms dealers may sell to other dealers in their own State and to private parties in their own States, nonlicensees, but they can only sell maybe a nominal number to other outside dealers, maybe well in the case of Atlanta to your city, maybe you have a friend in Atlanta who sells guns and he needs something in a hurry and you say well I will sell it to you wholesale.

Mr. KITTRELL. This is pretty well the way it is supposed to be now.

Mr. BARBOZA. It is pretty much the way it is supposed to be but it really isn't that way though, is it?

Mr. KITTRELL. The way the licenses are prepared and printed, that is the way it is.

Mr. BARBOZA. If the dealer's license required, a definition of a dealer as anyone who sells wholesale or retail; it doesn't create a classification and say a wholesaler may do this and a retailer may do that. It is the way that the industry has sort of structured itself that it falls that way; the ATF has not——

Mr. KITTRELL. You are making a definite division in wholesale and retail.

Mr. BARBOZA. Those differences and those distinctions.

Mr. KITTRELL. I think that would be very good.

Mr. BARBOZA. Right now, you or any other dealer could get into the wholesale business if you wanted to and ship guns across State lines, there is no real recordkeeping of those transactions.

Mr. KITTRELL. The only drawback is you have got an economic situation. Quality guns are in such short supply that I cannot imag-

ine a dealer, a retail dealer that has any kind of business at all, that would want to sell his small supply of guns at wholesale.

Mr. BARBOZA. My next question concerns the identification of purchasers. We have talked about Mr. Jones, say Mr. Smith and myself come into your establishment. If we all had a different kind of identification, such as a social security card, a driver's license, an American Express card, a library card, and maybe any other number of——

Mr. KITTRELL. The only acceptable thing that you have named so far, so far as my personal operation is concerned, would be the South Carolina driver's license.

The only exception to that that we accept in my firm would be a voter's registration.

Mr. BARBOZA. Would you accept my library card?

Mr. KITTRELL. No, sir.

Mr. BARBOZA. If it was a Greenville library card?

Mr. KITTRELL. No; even though the ATF has never, and I have personally pushed for this many, many times, they have never clarified what we can and cannot accept as identification, those are guidelines that I have established myself for my firm.

Mr. BARBOZA. We all fill out the Form 4473, stating we are not under indictment, we did not commit a crime in the past, or anything of that nature, what do you say, very good, I will sell you the gun now, there is nothing else I can do. It is not required that you submit a notice to the police department, or any waiting period for a check, nor is there a standard license of any kind that the purchaser would present to you to identify he has indeed filled out the questions properly.

Mr. KITTRELL. Nothing at this time.

Mr. BARBOZA. That places quite a burden on you, doesn't it?

Mr. KITTRELL. Yes; it does.

Mr. BARBOZA. You never know whether you might pick up a newspaper the next day and say John Smith, gee, he just murdered the neighborhood grocery clerk and he bought that gun from me.

Mr. KITTRELL. That is possible.

Mr. BARBOZA. What if this committee were to require that every individual submit an application form that the ATF and the FBI and local police force would check and then issue an identification card to an individual that says in effect this person is OK, now you can purchase firearms from Mr. Kittrell.

Mr. KITTRELL. This is primarily what I just commented on to Mr. Mann, this is what South Carolina Dealers Association proposed to the South Carolina Legislature last year, but they did not act on it. The issuance of a permanent or semipermanent if you want to call it that, purchaser's permit, much in the form of a driver's license.

Mr. BARBOZA. Would that be an effective step, do you think?

Mr. KITTRELL. I don't see why it wouldn't. I would think it would be a very good control method.

Mr. BARBOZA. Have you received very many trace requests from the ATF?

Mr. KITTRELL. No, sir, I receive maybe two or three a year.

Mr. BARBOZA. Were you able to fulfill those requests?

Mr. KITTRELL. Oh yes, usually while they are on the phone. It is a matter of recordkeeping.

Mr. BARBOZA. Thank you, Mr. Kittrell.

Mr. KITTRELL. Yes, sir.

Mr. CONYERS. Thank you very much. Mr. Gekas has a question.

Mr. GEKAS. Mr. Kittrell, throughout your discussion here you have used the terms, both Saturday night special and quality guns, and of course I am sure you are aware that quite a controversy exists as to legal definition of a Saturday night special. When we were in Denver and in discussions with other people involved, intimately involved in the gun business, including I might say some of the responsible firearms manufacturers, it has been indicated that a workable definition of "Saturday night special," and I put it in quotes can be drawn up.

Mr. KITTRELL. I would hate to have the job of doing it but I guess it can.

Mr. GEKAS. Do you think—I guess the question is, that you have answered—whether or not there can be a distinction between inexpensive, small, easily concealable handguns and the quality weapons that you deal only in.

Mr. KITTRELL. I expect it can be done but it is going to have to be done very, very carefully.

Mr. GEKAS. What are the criteria that you think should go into such a definition?

Mr. KITTRELL. The manufacturing process, currently you could use a term any gun assembled in this country with imported parts, and that would pretty well cover the situation.

Mr. GEKAS. Do you think it would have to be a function of size, tooling if that is the correct word, machining, safety gadgets or safety catches, length of barrel.

Mr. KITTRELL. All of those things would have to be considered, and this day and time—this day and time manufacturing of gun parts is almost, has almost gone exclusively to investment casting procedures which of course, if you are going to deal with just castings, this is going to include virtually everything on the market where handguns, and long guns as far as that goes. There are very few parts although they might appear to be tooled, really are castings that have been polished, so you are going to have to deal with that area very, very carefully.

Mr. GEKAS. One of the types of tests that we have been looking into is melting point, tensil strength, and density. It is my understanding that the state of the art now is such that a German manufacturer and indeed one here in the United States has come up with a new alloy that would satisfy the melting point tests of a variety of states including the 1,100° tests.

Mr. KITTRELL. I understand that all it has taken is a small addition of aluminum alloy to the alloy currently in use to meet the tests.

Mr. GEKAS. Do you know who has conducted these tests, what manufacturers——

Mr. KITTRELL. I don't know what manufacturers have conducted them. I would assume from past experience that if the Government itself has ordered the tests, that it was conducted by White Laboratories in Washington.

Mr. GEKAS. I see. One final question is whether or not there can be a definition of parts in the sense of imported parts, is that a defineable term of art?

Mr. KITTRELL. I don't think that that would offer any problem at all because you are dealing with guns manufactured from imported parts, not just the importation of parts to repair quality guns that need parts.

Mr. GEKAS. OK. Thank you.

Mr. CONYERS. As a dealer, your testimony has been very important here today and I am very grateful that you have come to the subcommittee hearing. We appreciate the preparation that has gone into your statement, and we trust that you will follow our work product with some satisfaction.

Mr. KITTRELL. Thank you, sir. I most certainly will.

Mr. CONYERS. Thank you.

The next witnesses are Mr. Joel Stokes and Mr. Henry Gates.

Mr. Stokes is the chairman of the youth movement, Atlanta, Ga., and Mr. Henry Gates is director of the walnut house ex-offender program in Jacksonville, Fla.

We have Mr. Gates' prepared statement and it will be made a part of the record. You may read any part of it, and then you may talk to us in the terms of the subject matter, and the views that you would wish this subcommittee to consider in connection with its mandate in terms of firearms regulations.

Welcome before the subcommittee, gentlemen.

[The prepared statement of Mr. Gates follows:]

STATEMENT OF HENRY GATES, DIRECTOR, WALNUT HOUSE EX-OFFENDER PROGRAM, JACKSONVILLE, FLA.

Mr. Chairman, Members of the Subcommittee. My name is Henry Gates, I have been convicted of Armed Robbery without council and possession of a firearm by a convicted felon. My total time of incarceration was six (6) years and nine (9) months. Since that time I have been granted Executive Clemency and full restoration of Rights by the Governor of Florida. Former employment included: cook, butcher, Mathematics and Consumer Education Instructor, counselor and co-developer of the Walnut House Ex-Offender Program, which I am presently the director. I have also, during my public relations presentations lectured at different colleges and universities in their criminology, sociology, psychology and criminal justice classes. I am presently recognized as a consultant by the National Task Force on Higher Education and Criminal Justice.

The following information is the result of seventeen (17) years of criminal Justice involvement as an offender and as a rehabilitator.

WHAT HAS TO BE DONE TO KEEP THE GUNS AWAY FROM THE SO-CALLED CRIMINAL?

(1) Tighter control on purchases:

a. Before guns are sold there should be a cooling off period in order to check the consumer before the gun is sold instead of afterward.

(2) More unified system of reporting purchases by dealers.

(3) Unified records should be kept on all guns purchased that would consist of a unified form that could be used by all states with basic information.

(4) Positive proof of identification before purchase: in many instances persons can purchase firearms with fraudulent identification.

(5) A great percentage of guns are not obtained by purchase but by way of other crimes, such as: Breaking and Entering, Burglary, etc.

The above statements will be elaborated on indepth during the oral presentation that have been afforded me.

TESTIMONY OF HENRY GATES, DIRECTOR, WALNUT HOUSE EX-OFFENDER PROGRAM, JACKSONVILLE, FLA., AND JOEL STOKES, CHAIRMAN, YOUTH MOVEMENT, ATLANTA, GA.

Mr. GATES. Thank you, Mr. Chairman and members of the committee.

In my statement, in which I made mention concerning tighter control on purchases, as a means of alleviating the inflow of guns into criminal hands, it is felt that if tighter control of purchase was made—let me cite some examples of tighter control.

I feel that a cooling off period will be a vital necessity in decreasing the amount of crime of passion.

Mr. CONYERS. How many days cooling off period would you recommend?

Mr. GATES. I at this point would not stipulate any particular period of time, but moderately between the amount of 72 hours and approximately 1 week that I feel is sufficient enough.

Mr. CONYERS. Thank you.

Mr. GATES. This would eliminate the number of crimes of passion which have been perpetrated. In listening to some of the previous testimony, I feel that some of the things which have been said concerning this particular issue of tighter control is very relevant and some of it is out of focus, simply because of the fact a crime of passion can occur over a period of maybe 1 week, 2 days, and wouldn't have to necessarily occur at the same time in which the gun was planned to be utilized.

Having listened to a countless number of offenders within the institution in talking about the different crimes which they have committed utilizing firearms, I feel that this would be an added value toward this type of usage of the firearms being done by the criminal.

Also, there must be a more unified system of recording purchases by dealers. I feel that a lot of the guns which are being circulated in our society are not just being circulated by way of the guns sold over the counter. You have countless subversive groups which are utilizing purchasing inadequacies as a means of bringing forth guns for purposes of other than what would be considered as noncriminal.

Also, I feel that a unified record should be kept on all gun purchases that would consist of a unified form that could be used by all States with basic information.

In looking at different States using the purchasing of guns, it is felt that it is not uniform enough for certain agencies of the criminal justice system to utilize on a common front or for a common element of checks and balances.

Also, a great percentage of these guns are being obtained by way of fraudulent identification. In most instances these identifications can be obtained by way of burglaries, B and E's, or any other assortment of matters in which criminal elements is utilized in obtaining I.D.'s.

I don't know if all of you are familiar with some of the computer crimes which have been conducted recently. Also of the fact that in Massachusetts approximately 52,000 charge cards were obtained.

I am saying that a lot of the I.D.'s is not coming off from the legitimate ways that we may be thinking of.

In certain areas of the United States, you can obtain an I.D. just for a price, passports, any type of information that would be necessary in gun purchases.

I think that we should look at all of the areas that guns can be obtained and by way of I.D.

Also, another area that should be looked at is that a greater percentage of guns are not obtained by purchase but by way of other crimes as I previously have mentioned.

At any shopping center on any Saturday or Friday afternoon, there will be approximately five or six handguns that can be obtained by way of breaking into an auto and then breaking into the glove compartment.

A greater percentage of firearms that are being circulated in the criminal society are being obtained by way of these ways, so I am saying that if tighter law enforcement or individuals would be more conscious or concerned about the firearms, not taking it for granted, because of the fact it is not being used, but it can easily be used by other individuals.

Also, I feel that as a result of the investigation prior to the gun being delivered in the individual's hands, if it could be found out that that individual had three or four or five children and some type of preventive maintenance, preventive means could be attached, such as gun locks which is a necessity because of the fact last year approximately 27,000 persons lost their lives in fatal gun accidents. I do not believe that guns should be outlawed because if that was the case, then all of the outlaws would have the guns. Many guns are not obtained by way of the usual measure of purchasing it over the counter and things of this nature.

Also, I feel that making penalties stiff for gun dealers would curb some of the gun distribution which we are experiencing in these United States. This could be easily done by better records as I previously stated. Also by stricted measures and means of purchasing these firearms.

Mr. CONYERS. Do both of you gentlemen think that it is a good idea to consider in 1975 the possibility of disarming police?

Mr. GATES. If you disarm the police, then who is going to have a gun other than the person who is going to commit the crime. I do not feel that you should disarm the police and as a result of my own personal experience, I feel that it would be damaging to our present existing society.

Also, I would like to make mention of one other thing before going on, that increasing penalties for the possession of guns will not, I say will not stop the flow of guns and people having arms.

Mr. CONYERS. Does that include mandatory sentencing?

Mr. GATES. Including mandatory sentences. At one time we had mandatory death penalties but this did not curb people from committing crimes where this could be given to them.

Mr. CONYERS. Why do you think that there is such an emphasis now developing around on mandatory?

Mr. GATES. Well it can be to some extent a deterrent as possibly I have experienced in my own State but also I must say that, look

at it from the institutional standpoint of view, the institutions today are larger in population than at any other time in this Nation's history. We have approximately 325,000 persons in Federal or State institutions. I am saying with the present crisis as it exists, it will not deter, it would only cause the prisons to be more overpopulated than they presently are.

Mr. CONYERS. Mr. Stokes, did you have any comments on any of these questions.

Mr. STOKES. Mr. Chairman, I somewhat disagree with my friend here about mandatory sentences. I have spent time in jail and had the occasion to associate with men that have been in prison and it is my position that the majority of crimes in this country is committed by folks who are repeaters. Now I don't accept the thought that prison deters crime, or that prison rehabilitates criminals. I do accept the fact that prison will keep a man out of society and render him incapable——

Mr. CONYERS. Of course, if most of the crime is committed by repeaters, then that is just eating up taxpayers money. What is the point then? If most of the crimes are committed by repeaters, then what do we send them to prisons and penitentiaries for? Just to take them off the streets for 2 years.

Mr. STOKES. You have raised a very good question, Mr. Chairman and that is one problem we face in our penal system. We are not decided on our intent to punish people by going to prison or rehabilitate them, whether or not that is the purpose in the prison philosophy.

Mr. CONYERS. I can give you an answer to that. I haven't found too many corrections officials that will admit that they are rehabilitating anybody.

Mr. STOKES. Of course not.

Mr. CONYERS. So that brings us back to the original consideration of mandatory. If we are mandatorily sentencing people to an institution that does not rehabilitate, then it is clearly for punishment, so what's the point? As a matter of fact, some of them come out much more professionalized in criminal activity than when they went in, especially if they are youthful.

Mr. STOKES. My point was this, Mr. Chairman——

Mr. CONYERS. I mean it seems that without trying to interrupt your line of thought—it seems that although you certainly have a slightly different view, the logic of your argument supports your colleague, Mr. Gates.

Mr. STOKES. Except one point. My position is this, that if crime carries certain knowledge and if you talk to inmates that are now in prison they say this to you as they said to me, crime carries certain penalties and it is their consensus in prison now that each man who is there for a crime should be serving the same sentence, there is a certain inconsistency regarding our prison process. This is one thing certainly that creates the animosity that exists between inmates.

Mr. CONYERS. Equalizing the sentences is another important but different consideration, from the validity of mandatory sentencing. I quite agree with you. It creates bitterness but it sure isn't going to deter crime knowing everybody is going to get the same sentence.

Mr. STOKES. Let me give you an example of what I mean. If three-fifths of our crime is now committed by folks who are repeat offenders, it is quite obvious to me that if these men were sentenced and were required to spend time in jail, while they are in jail, their capacity to commit a crime would be zero.

Mr. CONYERS. Right; I agree with that totally. You cannot commit public crimes while in prison. You can commit plenty of crimes while in jail. But setting that aside for the moment, granted you cannot commit crimes against other citizens while you are incarcerated, if that is the best case for mandatory sentences, then I am afraid it is not going to work.

Mr. STOKES. I don't favor that as the case at all. That is what I think of as putting a band-aid on a cancer. That is not the solution I don't believe. It seems to me it goes much deeper than that.

Mr. CONYERS. Let me raise this question for both of you. What do you think is in the best interest of the black communities across the Nation with regards to an approach toward firearms regulation?

Mr. STOKES. Well, I have been working with this community here, right at this level and I have been taking a sampling of this community's opinion about firearms and the people—the feedback that I have received from the black community is quite clear. There is first of all suspicion about firearm legislation that it is going to take away weapons, No. 1. No. 2, there is a consensus that I have found that could support the complete abolition of firearms altogether, total absence of firearms.

Mr. CONYERS. Is that excluding or including law enforcement officers?

Mr. STOKES. There is a split there, there is a split there.

Mr. CONYERS. What do you think, Mr. Gates, do you generally agree?

Mr. GATES. To some extent I agree because of the fact when you look at the purchase power of the firearms, and you look at the number of individuals in different sectors of society that possess these firearms, you will find the black community is low on the totem pole, as far as possession of firearms. In other words, they are the ones that have the most in a sense to regret with the lax legislation.

Mr. CONYERS. Do you agree, Mr. Stokes?

Mr. STOKES. I sure do, right. One other thing I would like to bring to mind is that when we speak about prisons and we speak about rehabilitation and when you speak about Federal dollars which are being poured into these different areas, we also must look at what types of checks and balances and for what effectiveness that the Federal Government have to see if the recidivism is reduced.

To give you a good example, it is not a general policy or rule for the Federal Government to dictate to each State what they must do as far as rehabilitation, they can only give mandates, they can only give suggestions as to what can occur.

Statewide, the recidivist rate in these United States, looking at each State individually, is approximately 70 percent. Looking at the recidivist rate for Federal institutions, it is 31 percent. Just as this committee now is looking at new ways to write up legislation, I think that they also should be looking at what type of

rehabilitation is occurring within the institutions. Is money being flowed to the different States and no type of guarantee or figures, no result; I am saying that to lower the amount of recidivism, I feel that the Federal Government needs to look at what type of rehabilitative programs are going on in each of the State institutions throughout the United States. Also to try to utilize the work force in the aspect of the offender in correctional facilities, correctional institutions, in the correctional process per se. In the United States only less than 2 percent of the people employed in these agencies are offenders. I am saying again that I feel the offender, the person who perpetrated against the law and has been confined could be utilized in changing the modes, the attitudes of other individuals who would be a part of that 70 percent recidivist rate which we are experiencing.

Mr. CONYERS. Why is this understanding so staunchly resisted by corrections officials?

Mr. STOKES. Corrections officials to some extent view the offender who has tried to rehabilitate himself in society and trying to be an asset as a threat, basically, that is being very, very frank with you. This is what I have experienced in the time in which I have been in the rehabilitative process and what other offenders—I am also saying that we need to look at rehabilitation in a new light as to what would be valuable to the communities in which that individual is returning to.

I am saying that we are doing nothing but pouring millions of dollars in rehabilitation and not getting the reward of reduction of recidivism, which is necessary for these United States to stay unified and to reduce crime.

Mr. CONYERS. Well, what rehabilitation programs can work?

Mr. STOKES. What rehabilitation programs can work?

Mr. CONYERS. What rehabilitation program can work if a prison offender is finally released and he is returned to a society in which the unemployment rate is from 20 to 35 percent in the community in which he resides and people who have not committed crimes cannot find work?

Mr. STOKES. Well that is an issue I feel the Federal Government needs to look at in budgeting money for different needs for the Federal Government. I am also saying some instances where they have budgeted money, say for example, foreign aid, it could be looked at and taking some of those funds and generating jobs within the United States.

Mr. CONYERS. Is it fair to suggest that there then are two propositions that are being advanced here?

One: We need meaningful rehabilitation to make incarceration worth anything; and

Two: We need a society in which there is an employment opportunity so that a person getting out of jail will not almost surely drift into some illegal activity which will create a parole violation and land him right back into the recidivist category.

Mr. STOKES. Correct; and I would like to go one step beyond that. If for instance the Federal Government has a bonding program for ex-offenders. It takes approximately 2½ weeks to 1 month for an

applicant to get approved. Now, how many employers are going to hold a job open for 1 month for an ex-offender when there are countless numbers of individuals who don't have to go through the same type of screening process. I am saying this program to a certain extent isn't of any value. It is just something on paper. Also, a lot of applications which persons fill out in applying for jobs have, "have you been convicted of a felony?" Number one, that is going straight to the trash can. I am saying that new legislation needs to be enacted to show that the offender can be rehabilitated number one by way of employment when reentering society if he has meaningful skills and these meaningful skills must be taught to him while he is incarcerated. The average education of an offender incarcerated in these United States is from 9th to 10th grade. What type of program is being enacted, what type of success in which they are having is needed to be looked at by the Federal Government and if it is not, by 1980 we will have approximately a half a million people in prison.

Mr. CONYERS. Mr. Gates.

Mr. GATES. That remark is real amazing. That goes back to my original point about spending time in prisons. To me there is another priority. We know so many things about ex-convicts, about prisons, and about those who commit crimes. It seems to me to be an oversight on all of our parts if we fail to realize that our resources can be better utilized if the Federal Government provides a program for men coming out of prison, where these men will be assured of employment. Now I understand one thing: All men coming out of prison don't want to work. There are men who are locked up today who want to be professional criminals, I understand that, but a large majority of them are looking for jobs. There was a man who called me yesterday who had served time with me; he was out, he had been out 18 hours and he had no place to find a job and I know in 6 months he will be back in jail. We have got to find some way to employ people, train them while they are in prison, and begin to move them gradually back into society. There is a great change when a man leaves prison and comes back to the streets with $50 in his pocket if he has got that much money left, and expects to find someone to pick him up, to carry him and help him until he can find a place to work in our society where there are no jobs. It is contradictory altogether.

Mr. CONYERS. So is a mandatory sentencing provision under that socioeconomic description that you have just related to the committee.

Mr. STOKES. That provision is only in case, only in the event the Federal Government will not provide the resources.

Mr. CONYERS. Well they haven't so far.

Mr. STOKES. I hope they do.

Mr. CONYERS. Well right now we are handling the firearms problems. There hasn't been a Federal law of any significance since 1968. Do you think the black community will be made any safer if these weapons, handguns specifically, are reduced, not confiscated, in the black communities across the United States?

Mr. STOKES. My problem with the Saturday night special is one that seems to be geared at lower income groups of people and I

am concerned with the fact that if we have more registration of a weapon, it will have any effect on the crime rate. It may provide fewer gun crimes but I still think the cause that brings about the crime in the first place is that it's a crime of passion. Those causes are still there.

If you pass a law tomorrow, the most effective gun control law in the world, it is not going to take away or prevent the crimes of passion.

Mr. CONYERS. We admit we are not going to be omnicient when this law comes down, but the suggestion has been made that a concealable inexpensive weapon, if removed, might also cause fewer people to have fewer weapons and that that might have some impact upon the gun homicide rate in the country.

What other alternative would you put to us other than the one which you don't like so much?

Mr. GATES. These are several proposals which I made concerning identification, records, unifying systems of reporting, for instance, by dealers. I think we need to start looking at the distributor a lot because I feel as a result of certain experiences, I have seen quite a few numbers of guns being obtained and purchased and no one knew what they were going to be used for. I am saying that there are a lot of groups that are purchasing guns wholesale that are becoming very drastic and these guns are being circulated back into the community, groups need to be paid a lot of attention on, who the groups are, what the usages of the guns are for. Are they just warehousing these guns and waiting for a later date or certain priorities that the groups may have set. I am saying that a lot of the guns that are committing the crimes which we are experiencing in the United States are not being purchased across the counter.

Mr. CONYERS. Mr. Barboza.

Mr. BARBOZA. Mr. Gates, are you implying that wholesale firearms dealers are buying, are stockpiling guns?

Mr. GATES. I am not saying that wholesale dealers are stock——

Mr. BARBOZA. Are you saying that nonlicensees are somehow buying these guns to wholesale and stockpile. I mean are you referring to licensees or nonlicensees?

Mr. GATES. I am referring not necessarily to either one but a combination possibly of both.

Mr. BARBOZA. So you are saying that people who are licensed under the Gun Control Act are engaging—we have cases here in which licensed dealers are buying large quantities of guns and selling them illegally to nonresidents of the State. Are you referring to them or are you saying the problem of nonlicensees?

Mr. GATES. I am saying it is a combination of both. The dealer and the nonlicensed dealer per se. One other thing I would like to mention concerning transporting firearms across State lines. This is being done drastically, drastically. Some type of legislation should be enacted where this could not occur.

Mr. BARBOZA. Where do you get your information and when I say where do you get your information, I am saying do you have access to information?

Mr. GATES. I have access to information sources I cannot disclose.

Mr. BARBOZA. No, I am not asking that. I am saying you do have sources, this is not just something that you walked in this room today and decided that that is a problem.

Mr. GATES. That is correct.

Mr. BARBOZA. You do have information.

Mr. GATES. That's right, and the information I have is quite valid.

Mr. CONYERS. Well you have made some very important suggestions, a number of which this committee has under advisement.

I would like to yield now to Mr. Mann for any questions he may have.

Mr. MANN. I have just one observation. Mr. Stokes, I think you, without naming it, really had reference in connection with the mandatory sentencing problem to the habitual criminal act, which I think has great merit and is not being used enough. A situation after you have committed so many offenses, then you get the whole load or a graduated sentence. Rather than deprive the courts altogether, there is discretion in the first and second instance, but the habitual criminal act can get you if you are going to keep on coming back.

Mr. STOKES. If you talk to the men who are now locked up in prison, there is a consensus among these men that there are two States in which it is not safe to commit a crime, those States are Texas and Oklahoma. They have reputations there of putting you away for a long time. I am not justifying the fact that that's the way they do it.

Mr. CONYERS. Have you looked at the crime rate in those two States lately?

Mr. STOKES. I have not recently.

I see it is way up so obviously you know if you look at the statistics you will find that in those States, again, most of the offenders are first offenders, on those figures; they are not repeaters. The oldtimers seem to go to Arkansas or other places to commit their crimes.

Mr. CONYERS. Well, I'm—I am on Mr. Mann's time.

Mr. MANN. I had no further questions.

Mr. GATES. One thing I would like to mention before closing, I feel that just as you all have utilized the few expertise that we possess in trying to remedy some of the problems which exist concerning gun control, I feel also that in the future other offenders or former ex-offenders who have tried, who are trying to be a part of their community could be utilized in the forming of programs designed for ex-offenders. Usually you will find, that a lot of programs, that proposals are written but the ex-offender input is very limited, especially as far as programs within the institutions that I think should be earmarked and looked at very closely and with a certain amount of scrutiny in distributing these funds to different States because in a nutshell, most of them are failing, and unless the Federal Government looks at them, looks at certain priorities and reduction of recidivism, then I feel that within time by 1985 or 1990, we will have incarcerated approximately 1 million people and as you will notice in the different budgets in which State is allocated for corrections, a large percentage of this money is going

into custodial rather than in vocational assistance and I feel that we got a meaningful task whenever a man is returning to the society, he is nothing but set up to become a recidivist, he is one of the 7 men that walk out of the gate that go back out of a number of 10.

Mr. CONYERS. I couldn't agree with you more. We need the input of all the people in our society in the decisionmaking process. That, of course, is why we considered that your testimony would be important. There were many others here in the Atlanta area that wanted to testify. We had to ask many people to submit statements. I quite agree with you, the offenders' views can be extremely important, not only on this legislation but on prison reform, rehabilitation, paroles, the job market situation, and the even nonrelated social matters that we are called upon to legislate.

Thank you very much for joining us.

Mr. STOKES. May I say one more thing before we go?

Mr. CONYERS. Of course.

Mr. STOKES. I wish you luck on your gun control legislation, I really do. I would like to see all guns confiscated, but I have one reservation and that is people when laws are passed, create criminals. I just wonder if the system has the capacity to deal effectively with those people who will violate the new gun law legislation if it is passed. That concerns me very, very much. If we—all we are going to do is play hands again in passing a law then we are really making a mockery of justice. We must have places or some other system to deal with people who violate the law other than in prison, because we know one thing now, prison is not the answer to our problem.

Mr. CONYERS. Well would you both not agree that one approach might be to this problem, since most of the homicides and injuries are not even criminally connected to begin with, wouldn't the approach of drying up this sea of weapons that is in effect drowning the populace of this country be an important way to move about it in terms of the regulations, the distributors, the licensing requirements, the tracing and identification procedures that too frequently have been all but ignored in the past?

Mr. STOKES. That is the best beginning I can think of. It is a beginning.

Mr. GATES. But also I feel that the offender, the former offender, should be able to bear arms if he or she have come back into the community and have tried to be part of the community by being a law-abiding citizen. I am saying again, let's not put our foot on the offender's neck, and saying he cannot maintain or be provided what is in the Constitution to bear arms. I am saying we should look at the offender, too, in looking at the legislation.

Mr. CONYERS. I am sure not going to get into that question just as we are concluding your testimony.

Mr. GATES. All right.

Mr. CONYERS. Thank you very much.

Mr. STOKES. Thank you.

Mr. CONYERS. We appreciate it very much.

The next witnesses are a panel from the State Rifle and Pistol Associations. They are members from Florida, Georgia, Kentucky, North Carolina, and Tennessee.

We would now ask Dr. Arenson, Mr. Caldwell, Mr. Cummings, Mr. Abernathy, and Mr. Hoy to join us at the witness table. We will accept your statements for the record, and welcome you to this hearing. We express our gratitude that you take time out of your schedules to prepare for the testimony. That testimony is now in the record. You are free to make brief preliminary statements and then we can discuss your comments.

Welcome to the hearing.

[The prepared statements of the panel of State Rifle and Pistol Associations: Nathan B. Arenson, M.D., Florida; Claude Caldwell, Georgia; J. Richard Cummings, Kentucky; Henry Abernathy, North Carolina; and Harry G. Hoy, Jr., Tennessee follow:]

STATEMENT OF DR. NATHAN ARENSON, REPRESENTING THE FLORIDA STATE PISTOL AND RIFLE ASSOCIATION

Congressman Conyers, members of the Committee: I am Dr. Nathan Arenson, a Radiologist, from Gulf Breeze, Florida. I am representing the Florida State Pistol Association and am a Past President and Life member of that organization.

Permit me to express my sincere appreciation for the privilege of appearing before you and speaking to a subject of great interest and concern to the thousands of legitimate gun owners in the State of Florida, as well as the millions throughout the United States.

We are concerned, just as you are, by the soaring, uncontrolled, escalation of violent crime. We are concerned when the Attorney General of the United States Edward H. Levi commenting on the 1974 FBI figures for serious crime stated "These figures represent a dismal and tragic failure on the part of our present system of criminal justice." We are concerned when New York Governor Hugh Carey addressing the New York Assembly stated "We do not need dozens of studies to tell us the truth that literally hits us over the head everyday, the criminal justice system has collapsed." We are concerned when Clarence M. Kelley, FBI Director, in answer to the query, "To what do you attribute the crime increase?" stated "It's not possible to single out one factor, but I think it's agreed we need to deal more firmly in court with repeat offenders (more than 66 percent of all persons arrested in the United States have previous arrest and/or conviction records)."

We are concerned about living in a country where criminal offenders under 20 years of age are arrested on an average of once every three months; where only one crime in a hundred actually results in imprisonment. We are concerned, and feel very strongly, that attempting to control the law breaker by passing additional laws which will affect, and be obeyed by, only the law abiding, is the epitomy of *futility*.

Gentlemen, every law which has been proposed, or is being considered, which attempts to control crime through gun control, rather than criminal control, is just such an exercise in futility, will be disregarded by the criminal, and will only serve to further erode our rapidly dwindling individual rights and liberties.

We are concerned that there are still legislative diehards who are advocating gun registration in spite of the obvious facts that such a proposal would impose monumental and unbearable economic and physical burdens upon the overworked inadequate law enforcement agencies; that *only* the law abiding would obey; that such registration would provide convenient gun inventories for those who would steal—or confiscate, as is being proposed in Washington and New York.

We are concerned that licensing to possess a firearm is still being urged, since almost invariable the issuance of a license to an individual of good repute is not mandatory, is dependent upon the decision, and whim, of the

issuing authority, and all too frequently results in an arbitrary denial of the application. We are convinced that the license requirement to own a gun is used and will be used, as a means of denying the privilege of gun ownership.

We are also very much concerned by the latest and currently most popular, approach to the elimination of private ownership of handguns, the proposed ban on the "Saturday Night Special." This concept achieved instant popularity by diverse groups. The antigun forces envisioned the ban on the Saturday Night Special as the first easily achieved step on the road to hand gun elimination. Some of our legislators feel that this might appease their constituents, and mislead them into thinking they were doing something. Many of our lawmakers, both on State and National levels, feel that there should be no serious objection to the SNS ban. Why then our concern?

In order to pass a law concerning any given object which can be enforced, that object must be clearly and specifically defined. Many attempts were made to define the SNS, using such arbitrary criteria as barrel length, caliber, sales price, safety features and composition of the metal. It rapidly became evident that any one or combination of these standards would result in legislation that would be misdirected and unenforceable.

Because of the multiplicity and infinite variety of existing handguns, the standards established by the proposed legislation would outlaw almost one-third of the handguns in the United States, including many well made, expensive, and difficult to conceal. For example, the Hammerli Free Pistol, used exclusively in International style slow-fire pistol competition, one of the most expensive guns made today, has an overall length of 18½ inches, hardly a gun that can be readily slipped into a pocket. Yet this beautifully made competitive firearm would be classed as a Saturday Night Special because it does not have a "positive manually operated safety device." Of course it doesn't—it's a single shot gun, and there is no need for a locking device. Again, the Walther Rapid Fire Gun, also designed for International competition, made with the care of an expensive watch, over 12 inches in length, would be considered a Saturday Night Special because it has a barrel only 2½ inches in length and shoots shorts! Both of these features were carefully and deliberately included in the guns' design to eliminate recoil. Practically all of the many well made, sturdy and expensive single action revolvers would fail to meet the standards of the proposed legislation.

In addition to the fact that many well made guns would be outlawed, there is no conceivable set of standards which could be proposed that could not be circumvented by the manufacturer, before the legislative ink was dry. Barrel length of 2 inches is outlawed?—make it 2½ inches. Melting point lesss than 800 degrees is prohibited?—make it 850. The gun is outlawed because it is inexpensive? Charge more for it!

There are several questions that, not surprisingly, are left unanswered by proponents of the SNS ban. For instance, how long would it take, and what is to prevent, the criminal from cutting off the barrel of an "acceptable" gun, and make it more readily concealable? Does it really make any difference to the victim of a crime whether the gun used is a Saturday Night Special—or a more expensive gun? What will happen to the untold thousands of these guns now in the hands of criminals? Who will really be affected by the passage of a SNS Bill—the criminal, who can, and will, pay whatever is demanded on the Black Market for any gun available, or the honest individual who may wish to possess a relatively inexpensive gun for the defense of his home and family?

Finally, how long will it be before a more restrictive, broader, more inclusive SNS Bill is proposed as another step toward the total elimination of gun ownership by the honest American citizen?

It may be called a Saturday Night Special Bill—a Registration law—a licensing proposal. *Any* legislation which seeks to control the gun rather than the criminal will affect only the law abiding, and result in making things easier and safer for the criminal.

We are also concerned about the current acceptance of the myth concerning "Crimes of Passion." In attempting to justify banning handgun ownership by the average law abiding citizen, it has been stated that "statistics show that guns are more often used to shoot members of the family than to wipe out intruders and that frequently shootings occur between friends." Therefore,

it is concluded that the elimination of handguns would largely prevent such occurrences.

Fact or Fiction? A rather extensive and careful analysis of such events was compiled by the Senate Juvenile Delinquency Sub-Committee. The statistics were employed to construct a profile of the typical gun killer:

"He had been piling up a criminal record for ten years prior to his most recent charge of murder; 62% of gun murderers had previously been arrested for crimes of violence; on an average he had been arrested 2.4 times for serious crimes. As for the victims and occasions, 81% of the murderers *chose their wives or friends or relatives to kill*, and in 88% of the cases killed them during a *lover's quarrel* or a *drunken brawl*.

The prototype that emerges from this evidence is a low class, squabbling, drunken ne'er-do-well, in most instances with a criminal record. *This* is the type of individual who commits Crimes of Passion—and *this* is the type of household where such crimes occur! Yet our anti-gun advocates would have one believe that the "crimes of passion" and violence between "friends" occurs in the average American household!

America is becoming an armed camp and the millions of handgun purchases each year represents millions of votes of no confidence by the Amercian people in the criminal justice system of the United States. The massive inventory of firearms is a mountain of testimony to Government's utter failure to protect the life, home and property of the average citizen. These citizens—all of us—are concerned, angry and frustrated that the hundreds of bills being introduced calling for Gun Registration, Licensing to possess, banning the Saturday Night Special, imposing prohibitive fees and taxes, establishing prolonged waiting periods before purchasing a gun—are all legislative proposals that would affect and be obeyed by only the honest, law abiding citizen.

As our legislators, our representatives, the group most intimately involved with this complex and difficult problem, we ask, we plead, we insist, we demand that future legislation be directed toward controlling the criminal by the imposition of severe and mandatory penalties for the use of a dangerous weapon in the commission of a crime; that assistance be provided in funds and manpower for more effective enforcement of present laws, assurance of speedy trials, with elimination of plea bargaining in crimes of violence, and reduction of unwarranted parole and probation.

The American people are keenly aware that their very existence is being threatened—by the relentless pressure of those controlling the enslaved peoples of the world to engulf us and overthrow our democracy—by the ever increasing threat to our freedom and liberty by the monolithic monster known as our government which even now is more socialisic than democratic—and by the real and growing danger to our personal welfare and security by the goons, hoodlums, crooks, uncontrolled by an inadequate police force and by a deteriorating judicial system.

We cherish our individual perogatives—our Constitutional rights—and refuse to sacrifice them on the altar of futility. To give up our guns, and our constitutional rights pertaining thereto in a senseless, misguided attempt to stop crime, is the epitomy of futility.

STATEMENT OF CLAUDE R. CALDWELL, GEORGIA STATE RIFLE AND PISTOL ASSOCIATION

The solution to reduction of crime in these United States does not lie along the popular pathway of limting, licensing or eliminating firearms. The thrust should be toward better preparing private citizens to protect themselves in their persons and in their homes. Rendering citizens defenseless to the certain incursions of lawless elements will only prolong and intensify the havoc to which they are now subject.

Officials in the crime prevention business seem to be unable to stem the rise in the incidence of crimes of violence. They call for heroic measures to aid them in their assigned tasks. More money, more man-power, more sophisticated devices, more education and competence of personnel have failed to reduce the rate of increase. My suggestion looks to the basic strength of this country—the law-abiding ciitzenry.

Small efforts have been made toward educating individuals in the basics of small-arms use and safety. Various police departments have conducted train-

ing sessions to teach people the use of hand guns. The press reports that impressive reductions in the numbers of robberies, rapes and other assaults have been achieved in those favored communities. The cost of such programs is small; facilities are available in most communities that could be adapted to such purposes; there is a plethora of individuals capable of conducting such safety training courses.

Full faith and credit must be given to the Second Amendment which aims "to the security of a free state," by providing "the right of the people to keep and bear Arms, shall not be infringed." The framers of our Constitution intended to cement the rights contained in the Second Amendment when they also adopted the Tenth Amendment which reserves to the people the powers not delegated. The power of the people to protect themselves has not been surrendered, and this power should be recognized and augmented by affirmative action to aid in imprementing this power. Try educating the law-abiding citizen in crime prevention by affirmative action and not relegate him to the permanent role of hapless victim.

STATEMENT OF JASPER RICHARD CUMMINGS, KENTUCKY STATE RIFLE AND PISTOL ASSOCIATION

Mr. Chairman, members of the committee and invited guests: thank you very much for inviting me to testify before you today. It is a great pleasure to contribute to the democratic process.

The first point I would like to make is that we in the shooting sports deplore and detest the criminal misuse of firearms as much as, and possibly more than any of you. Our perception of this social phenomenon includes not only the loss of lives and injuries which you see, but in addition includes a very real threat to our hobby, our ability to protect our homes, and our investment in firearms. We shudder when public figures are shot because we know what will come afterwards.

Where we differ from the anti-gun clique is in what action shall be taken to reduce firearms-related crimes. If I were convinced that putting my name on a piece of paper together with the manufacturers, calibers, types and serial numbers of my firearms would alter the probabilities of my criminally assaulting someone with them, then I could cheerfully support registration or licensing measures. I suspect, however, that making such a record would alter circumstances about as much as writing a letter to Santa Claus. Sources which I consider reliable inform me that fewer than 1,000 private citizens like myself possess pistol permits in New York City under its famous Sullivan Law, yet we see little reduction in crime rates. In addition, many of us fear that the end result of registrations and licensing submitted to in trust and good faith will be uncompensated confiscation such as was recently proposed in Washington, D.C.

We support mandatory additional penalties for the use of firearms in crime because we believe that even the most rigid confiscation programs will fail as long as interpersonal violence is seen as a possible solution to interpersonal conflicts and the machinist's lathe remains the chief tool of the machine age.

We believe that it is time to take a good look at the total reality of gun control proposals: while many of them may come from sincere and well-meaning persons, no doubt, it is also quite possible that many of them are merely attempts by public officials, both elected and appointed, to persuade an anxious public that *something* is being done about crime. Whether these proposals will work or not is being ignored. Since gun control is an emotional issue, such proposals are an excellent means of generating much publicity. Many of us feel, therefore, that gun control belongs in the same category as wars on poverty, missile gaps, communists under the late Senator Joseph McCarthy's bed, wars to make the world safe for democracy and ware to end wars. The term "Gun Lobby" is on the same level as Hitler's "Jewish conspiracy."

If memory serves me correctly, it was Henry David Thoreau who said that there were a great many people pruning the branches of the tree of evil for every one digging at the roots. Today I tell you that the roots of crime are far deeper than mere possession of the implements with which to commit it, for man, remember, is the creature who makes tools in order to carry out his wishes.

Published estimates of the costs of national registration suggest that such a program will double the national budget for law enforcement. Since the proportion of handguns used in crime to total handguns in the nation is the same as about 1.8¢ out of $100,000, we believe that the nation would be better served by using these funds to improve confinement facilities, police training, and the judicial system. Rather than the primitive system of corrections which many offenders find themselves in today, "Lock him up for – years," let us explore the possibilities of individualized corrections in community-based facilities that do not disrupt the offender's life so devestatingly as do our present practices. Let us explore the possibilities of using census tract boundaries as the limits of police beats with social surveys conducted within each tract to learn what the people therein want from the police. Let us use these funds to provide more courts so that each citizen may have a speedy and just trial. These things will improve the quality of American life far more than more firearms controls.

Again, thank you for allowing me to appear before you today.

STATEMENT OF HENRY W. ABERNETHY, M.D., REPRESENTING NORTH CAROLINA RIFLE & PISTOL ASSOCIATION

INTRODUCTION

Mr. Chairman, I have been asked to address this congressional group as spokesman for and representative of the North Carolina Rifle & Pistol Association and its affiliated clubs with a membership of approximately 1200. The membership of this organization includes people from a broad segment of our society—students, teachers, lawyers, city policemen, highway patrolmen, doctors, farmers, businessmen, manufacturers, school superintendants, bankers, factory workers housewives, Boy Scout leaders, wildlife officials, gamewardens, and many others. The association is not unique and is similar to organizations in other states.

Included in our association's work are shooting sport activities for the Boy Scouts, the YMCA, the 4-H Clubs, the Police Boys Clubs, the Future Farmers of America, the Hunter Safety Programs, the National Rifle Association Junior Clubs, skeet shooting, and competitive target shooting. Records show that in such programs over nine million youngsters have been educated towards good citizenship and safe fire arms handling. In 1973 over 3,600 registered and approved shooting tournaments were carried out in this country with nearly 111,000 participating shooters. Target and skeet shooting is a major activity of our association; through such associations olympic shooters and selected to represent the USA in world championships. Olympic game and world championship records reveal that only in track and field sports do more nations field teams than they do for the great shooting events. A survey of the U.S. Olympic Committee a few years ago revealed that of the national sports governing bodies, when membership was considered along with operating budgets and working staffs, the body governing shooting sports was not only the largest but exceeded all other sports organizations combined in these particular features.

The North Carolina Rifle and Pistol Association is in turn affiliated with the National Rifle Association which is made up of more than a million individual members. This group involves a cross section of America—both affluent and unaffluent, professional people and blue collar workers, men and women. The association includes a number of United States Senators, many United States Congressmen, judges, lawyers, and others. Dedication is shown by the fact that more than 15% have enrolled as life members. During the past 20 years more than 7½ million new generation hunters have graduated from the National Rifle Association's Hunter Safety Program.

OBSERVATIONS AND RECOMMENDATIONS REGARDING CRIME CONTROL

From the foregoing introduction it becomes obvious that a large and responsible segment of our population enjoys shooting as a healthy and worthwhile sport. And like all reasonable people we have become concerned over

the rising crime rate in America and offer the following observations and recommendations:

It has become apparent that the court system in this country has become entirely too lenient in dealing with the known criminal. In the Uniform Crime Reports published by the Federal Bureau of Investigation for the periods 1964–1973, 858 police officers were slain in the line of duty; 1,207 offenders were identified and 77% of these had prior arrests for criminal charges with 59% having been convicted of these charges, over 41% had prior arrests for violent crimes such as murder, rape and armed robbery. Over 60% of those that had previous convictions had been granted parole or probations. Sixteen percent were on parole or probation when they were involved with the killing of an officer and 10% had previous arrests for murder.

The California Attorney general in relating a report by the Bureau of Crime Statistics stated that in the first half of 1973 41.5% of those using firearms in murders, 41% of those using firearms in robberies and 60% of those using firearms in felonious assaults were granted probation. He further states: "The crime of burglary is one which touches almost every citizen . . . and which often leads to physical violence. Yet the Los Angeles Police department reports that persons with three and four burglary convictions are placed on probation. In 1972, one-half of those convicted of burglary were on probation for other crimes, including burglary, when they were convicted."

There are entirely too many "three time losers" turned loose to prey on our people. A recent report in the Evansville Press (Evansville, Indiana) relates that a felon attempted to rob a small store owner and after the fracas was over it was determined that this individual had a record of 41 previous arrests. It would appear that even an idiot would recognize the need for getting this man off the streets after 25 or 30 arrests. In the words of editor Jenkin Lloyd Jones: "Someone is Tampering with the Soul of America!"

The North Carolina Rifle and Pistol Association recommends that a convicted criminal who uses a firearm in commission of a felony be dealt with in a swift and sure manner including a mandatory jail sentence of at least five years with no provisions for suspension, parole, probation, or concurrent sentencing. The association further recommends that for second and third offenses the mandatory jail sentence be doubled and tripled.

OBSERVATIONS AND RECOMMENDATIONS REGARDING GUN REGISTRATION AND CONFISCATION

With an estimated 50 million gun owners in America, with 20 million Americans regularly hunting, and with many others enjoying the other shooting sports, it is not surprising that there is considerable oppositon to any program designed to destroy the individual right to own or possess a firearm.

Many well meaning groups have as their avowed purpose, a plan to ultimately eliminate private gun ownership in America through a progressive program of registration, licensing and prohibition. This concept is unacceptable to vast segments of our population. In their concern in trying to prevent the use of firearms in crime, these groups, forget that the right to keep and bear arms is critically significant to a free people. It was not by accident or merely because of the temper of the times that a guarantee of individual gun ownership was incorporated into the Bill of Rights; this was a product of our founding fathers' wisdom and knowledge of history. It has been said that those who fail to understand history are often doomed to repeat it. In modern history, the first step in the direction of a dictotorial form of government is to disarm the population, the rest is relatively easy.

Our nation has risen to its position of world leadership in part because the government has never had to fear the people and the people have never had to fear the government. When things were the other way around in 1776, quite a furor was stirred up. Fortunately for us the British hadn't gotten around to registering and confiscating all of those Kentucky rifles. If they had the situation would have been infinitely better for Ferguson at King's Mountain and Cornwallis at Yorktown. Dr. Margaret Mead, the famous sociologist-Anthropologist, has stated: "Governments very strictly control access to firearms to protect those governments against armed uprising and rebellion." One begins to wonder if the people raising the hue and cry about gun registration and confiscation are not really talking about people control rather

than gun control. Dr. Mead further states that "our Constitution provides that every peaceful responsible man may have a gun to protect his own life and the lives of his family." Dr. Mead has been in favor of some form of gun control but she further states that "gun control alone will not solve our problems of violence" and "gun control will never work until it touches the law breaker directly and positively."

A survey of state law enforcement agencies (in 44 states reporting records covering the period from 1959-1968) reveal that cases solved by tracing a firearm by the use of the serial number totaled 6 homicides and 6 robberies. A police chief of Washington, D. C., Jerry Wilson, in discussing the criminal who commits a crime with a firearm has stated: "Put him in jail and keep him there for awhile and I think it will take care of the gun." Chief Jerry Wilson further stated "Prohibition of handguns would infringe the privileges of the law-abiding individuals and the criminals would still have them." Los Angeles Police Chief Edward Davis has asserted that he "does not support the registration restriction of owning or possessing of firearms by law-abiding American citizens, a right which is constitutionally protected by the Second Amendment." Police Captain Lewis Byrd, who retired after 35 years of service to the St. Paul, Minnesota Police Department stated his opinion this way: "Gun control laws being proposed are utterly assinine. The offenders who are going to use a gun are going to get them one way or another and they won't register them anyway." Michigan State Police Commander, Matt T. Hrebec, puts it this way, "All the registration they think of are not going to take guns out of the hands of the criminal."

Senator James A. McCloer and Representatives George Hansen and Steven D. Sims of Idaho appeared before the Subcommittee on Crime of the House Judiciary Committee to raise strong voices against the proposed anti-gun legislation. In his testimony, Senator McCloer said: "Gun control will not end crimes. That's pie in the sky. I am opposed to gun control, I am against them, and I will fight them because the Constitution guarantees the right to keep and bear arms. The Second Amendment is absolute—it is inviolable." Senator McCloer went on to state that there were 10,340 homicides by firearms in 1974 and that there are an estimated 40 million handguns owned by Americans. This figure supports the statement that 2/100 of 1% of the nation's handguns were used in homicide. This also means that 99 98/100% of the handguns were not used in homicide. It seems a little ridiculous to penalize the owners of 99 98/100% of the handguns in the country to get 2/100 of 1%.

The North Carolina Rifle and Pistol Association recommends that no new laws be introduced regarding registration, licensing, or confiscation of firearms privately owned by the law-abiding citizen. The position is taken that there are adequate laws on the books to cover any possible need in this area; any required action could be accomplished by merely enforcing existing laws.

SUMMARY

An introduction is presented outlining the organization, membership, and functions of The North Carolina Rifle and Pistol Association and its affiliated clubs. Supporting data is given to substantiate the wide state and national interest in the shooting sports by a large, responsible and influential segment of the American public.

The Association is appalled by the current lenient court system which allows, with increasing frequency, horrifying crimes to go virtually unpunished. Documented examples are given.

Background information is presented to outline the basic position of the approximately 50 million law abiding gun owners in America. Data from a number of varied authoritative sources, is given which supports the right of free men to possess a firearm and which condemns efforts to register, license, and confiscate these firearms.

Two recommendations are made by The North Carolina Rifle & Pistol Association. The first encourages the swift and sure punishment of a convicted felon who commits a crime with a gun; included in this punishment should be a mandatory jail sentence of five years without provisions for suspension, parole, probation or concurrent sentencing. For second and third convictions the mandatory jail sentence should be doubled and tripled. The second recommendation opposes any additional gun laws requiring registration, licensing,

or confiscation of firearms; this approach is based on the contention that there are adequate laws presently on the books that only need to be enforced to accomplish any required action.

STATEMENT OF HARRY HOY, TENNESSEE STATE RIFLE AND PISTOL ASSOCIATION

Mr. Chairman—may I enter this written statement and references into the record? That you. My name is Harry Hoy. I am here to give my views on Firearms Legislation. My experience with firearms covers almost 40 years. 40 years which have been involved with Sport and Recreational Shooting. As a Police Firearms Instructor, Tennessee Hunter Safety Instructor and recreational shooter I have trained hundreds. Having been involved for so long all over the United States and some foreign countries, I have come to know in varying degrees a vast number of competitive and recreational shooters. And I will have to say that not once have I met a shooter who was not 110% American, law abiding and dedicated to the principles of his country. Almost all of them volunteer for civic programs involving community service. You can not find a more dedicated group of Americans and I think that it would be wrong to place any further restrictions or harassments on these citizens who happen to own firearms. Any further laws are only going to be obeyed by the same group of people who now obey the law. Don't think for one minute that those who now violate the law are going to be concerned with breaking one more law. Especially when, as a criminal, their chances of being apprehended are small and their chances of any restrictive, punitive punishment even less.

If the law requires me to register my guns, I won't like it, but I'll either sell or register them. But will that in any way reduce crime? Of course not! How could it? My guns haven't and won't, while in my possession, be involved in any criminal activity. They are marked with identification, have serial numbers and if stolen I can put this information into NCIC within minutes. Registration could not accomplish any more and if registration were to be meaningful it must be kept current. Keeping a current registration on firearms will require another large, widespread bureaucracy to be created. And to insure the accuracy either every firearm owner must make a report which will have to be assumed to be accurate or every home and business must be thoroughly searched to verify the listings. How much better it would be for the money to be spent in providing cells for criminals and leaving the sportsmen and recreational shooters alone.

This country is big geographically, with many and diverse life styles. What's good or bad for one section or group may not even be applicable in another part of the country. Firearms in rural areas of our states are taken for granted, as a tool or piece of sporting equipment. Not so in the large urban areas. The attitudes are different. Any national universal law, written because of firearms misuse by a small percentage is going to effect all of us. Punish the misuser but don't restrict or harass the law abiding citizen. Don't try to treat us all the same because we are all very different, and have the right to stay that way.

There is, of course, no easy pat answer to the problem of crime especially violent crime. But we must not allow ourselves to be diverted from the main problem which is crime. Crime is the problem, not guns, knives, brass knuckles or what have you. To reduce violent crime, and I include mugging, forcible rape, assault and assault with a deadly weapon, is going to require the separation by imprisonment of those inclined and involved in criminal acts from those normal law abiding citizens—the vast majority of Americans and sportsmen. I'll admit that I'm not as worried about rehabilitation as I am about reducing crime. I can't understand how passing any more restrictive firearms laws is going to help when the arrest, conviction and sentencing record is minimal and the time served per conviction is a farce. The F.B.I. statistics tell us that a great percentage of crimes are committed by repeaters—now one way to keep offenders from repeating is to keep them where they can't repeat—keep them in prison. Treat them humanly, give them a chance to be trained for useful skills, but keep them off the streets. The small percentage that can't live within the law, especially the perpetrators of violent crimes, must be separated from the honest law abiding citizenery.

Mr. CONYERS. Dr. Arenson, you may begin.

TESTIMONY OF DR. NATHAN ARENSON, REPRESENTING THE FLORIDA STATE PISTOL AND RIFLE ASSOCIATION

Dr. ARENSON. Congressman Conyers and members of the committee, I am another member of your medical panel that's appearing today. I want to thank you for this privilege. I think this is a very refreshing demonstration of our American governmental system in action and I commend you for it.

Mr. CONYERS. Thank you.

Dr. ARENSON. The statement that I submitted essentially is an expression of great concern from the residents of Florida, the legitimate gun owners of Florida, and I am sure that this expresses the feelings of many citizens throughout the country.

We are concerned, just as you are, by the soaring, uncontrolled escalation of violent crime. When the Attorney General of the United States, Edward H. Levi commenting on the 1974 FBI figures for serious crime, he stated:

> These figures represent a dismal and tragic failure on the part of our present system of criminal justice.

When Governor Carey addressing the New York Assembly stated:

> We do not need dozens of studies to tell us the truth that literally hits us over the head everyday, the criminal justice system has collapsed.

When Clarence Kelley, FBI Director, in answer to the query, "To what do you attribute the crime increase?", he stated "It's not possible to single out one factor but I think it's agreed we need to deal more firmly in court with repeat offenders".

Mr. CONYERS. Have any of you, you know this question comes up, Doctor, so much—has anyone ever discussed with the judiciary this question that is constantly thrown before this committee? I meant to ask the two witnesses that preceded you, have they ever run into any soft criminal judges. As a defense attorney, I always had the misfortune of never getting before those kind of judges. Everybody that I approached was for heavy sentencing, mandatories, it was always a very cut and dried situation. I never met any judges that were saying, oh well, you committed a crime, we are going to let you off, we are going to turn you back into the streets, and yet I continually hear that. I am hoping that in addition to us assuming our responsibility to inquire into this question that some of the representatives of organizations also consult with the judiciary. They are not isolated off in another planet somewhere. They are human beings who put on pants every morning like the rest of us. There must be some rational explanation for what appears to be this great disparity between what ought to be the kind of justice that we receive and what we think that we're receiving.

Dr. ARENSON. Yes, sir, unfortunately I am not a legislator, I am just a practicing physician, however, all we can go on are the statistics that are offered to us and we just assume that they are valid.

Mr. CONYERS. I am in the same fix. Unfortunately I am not a doctor, I am just a mere legislator.

Dr. ARENSON. It is a matter of concern, I know, to everybody, to legislators, to physicians, and citizens living in this country. We

are concerned about living in this country when more than 66 percent of all persons arrested have previous arrest and/or conviction records. Where criminal offenders under 20 years of age are arrested on an average of once every 3 months, where only one crime in a hundred actually results in imprisonment. Something is obviously wrong and as a legislator, I look to you for the answers.

We are concerned and, gentlemen, this is the essence——

Mr. CONYERS. I won't raise that question anymore before this panel, that's for sure. [Laughter.]

Dr. ARENSON. This is the essence of the message I wish to convey. I am going to try to be as brief as I can, I know it has been a long day, but we feel that attempting to control the lawbreakers by passing additional laws which will affect and be obeyed by only the law abiding, is to me the epitomy of futility.

Every law which has been proposed or is being considered which attempts to control crime through gun control rather than criminal control, is just such an exercise in futility, it will be disregarded by the criminal, and will only serve to further erode our rapidly dwindling individual rights and liberties.

I know you have heard this before but it doesn't make it any less valid.

We are concerned that there are still legislative diehards who are advocating gun registration in spite of the obvious facts that such a proposal would impose monumental and unbearable economic and physical burdens upon the overworked inadequate law enforcement agencies, that only the law abiding would obey, that such registration would provide convenient gun inventories for those who would steal, or confiscate—you didn't like that word I have heard, but actually it is being proposed in Washington and New York.

Mr. CONYERS. Not in this subcommittee, it isn't.

Dr. ARENSON. I know.

Mr. CONYERS. I don't mean to say that there haven't been bills introduced in that direction, but there have been no members of this subcommittee that have expressed that desire be effected legislatively to me.

Dr. ARENSON. And we thank you for it.

We are concerned that licensing to possess a firearm is still being urged, since almost invariably the issuance of a license to an individual of good repute is not mandatory, is dependent upon the decision and whim of the issuing authority, and all too frequently results in an arbitrary denial of the application. We are convinced that the license requirement to own a gun is used and will be used as a means of denying the privilege of gun ownership.

I am not referring to licensing to carry, that I approve of.

We are also very much concerned by the latest and currently most popular approach to the gun control, the proposed ban of the "Saturday night special." Why should we be concerned, why object to the seemingly innocuous legislation? It has rapidly become evident that many attempts to define the Saturday night special, using such criteria as barrel length, caliber, sales price, safety features, metal composition, would result in misdirected and unenforceable legislation, legislation that would include only a third of all handguns in

the United States, many are well made, expensive and difficult to conceal.

For example, I am a competitive pistol shooter myself and I have got two guns, probably the most expensive guns. One is a Hammerli free pistol used in international competition. It would be classed a Saturday night special since it does not have a "positive manually operated safety device." Of course not, there is no need for one, it is a single shot.

Another gun I use in competition, the Walther rapid fire pistol, used for international rapid fire competition, would be considered or might be considered a Saturday night special, even though it is a large gun, about—over 12 inches in length, but its barrel is only 2½ inches in length and it shoots shorts. For some reason, shooting shorts is a no, no. But this is designed specifically for this gun to avoid recoil.

There is no conceivable set of standards which could be proposed that could not be circumvented by the manufacturer and I would say before the legislative ink was dry.

Let's suppose that standards could be formulated, and this is a supposition that I don't hold with, and a Saturday night special bill passed. How long would it take and what is to prevent the criminal from cutting off the barrel of an acceptable gun and make it more readily concealable? Does it really make any difference to the victim of a crime whether the gun that is used is a Saturday night special or a more expensive gun? What will happen to the untold thousands of these guns now in the hands of criminals? Who will really be affected by the passage of the Saturday night special bill, the criminal, who can, and will pay whatever is demanded on the black market for any gun available, or the honest individual who may wish to possess a relatively inexpensive for the defense of his home and family?

Finally, how long will it be—and this is most important—how long will it be before a more restrictive, broader, more inclusive Saturday night special bill is proposed as another step toward the total elimination of gun ownership by the honest American citizen?

We are all concerned about the crimes of passion myth. This was brought up several times during the day and I would like to take another minute if I may. One of the reasons given for the curtailment of handgun possession is the frequency of shooting between members of the family and between friends. The Senate Juvenile Delinquency Sub-Committee constructed a profile of the typical gun killer. He had been piling up a criminal record for 10 years prior to his most recent charge of murder, on an average he had been arrested two to four times for serious crimes, 62 percent of gun murderers had previously been arrested for crimes of violence; 81 percent chose their wives or friends or relatives to kill and in 88 percent of the cases killed them during a lovers' quarrel or a drunken brawl.

The prototype that emerges from this evidence is a low class, squabbling, drunken ne'er-do-well, in most instances with a criminal record. This is the type of individual who commits crimes of passion, and this is the type household where such crimes occur. Yet our antigun advocates would have one believe that the crimes of passion

and violence between friends occurs in the average American household. This is not true.

America is becoming an armed camp and the millions of handgun purchases each year represents millions of votes of no confidence by the American people in the criminal justice system. We, all of the law abiding citizens of this country are concerned, frustrated, and angry at the hundreds of bills being introduced calling for gun registration, licensing to possess, banning the Saturday night special, imposing prohibitive fees and taxes, establishing prolonged waiting periods before purchasing a gun, are all legislative proposals that would affect and be obeyed by only the honest, law abiding citizen.

As our legislators, our representatives, the group most intimately involved with this complex and difficult problem, we ask, we plead, we insist, that future legislation be directed toward controlling the criminal by the imposition of severe additional penalties for the use of a dangerous weapon in the commission of a crime, that assistance be provided in funds and manpower for more effective enforcement of our present laws, assurance of speedy trials, elimination of plea bargaining in crimes of violence, and reduction of unwarranted parole and probation.

We feel strongly that this approach to crime control together with a sincere and determined effort to eliminate the causative social and economic conditions as listed by the FBI and were touched upon at this meeting, is the only logical and effective solution.

The proliferation of gun ownership is the result of, not the cause of crime increase.

We cherish our individual perogatives—I am on my last sentence, Mr. Chairman—we cherish our individual perogatives, our constitutional rights, and refuse to sacrifice them on the altar of futility. To give up our guns, and our constitutional rights pertaining thereto in a senseless, misguided attempt to stop crime, is the epitomy of futility.

Thank you once again for this opportunity. I appreciate it very much.

Mr. CONYERS. You are not only a member of the medical profession but you are an excellent advocate as well.

Mr. Caldwell.

TESTIMONY OF CLAUDE R. CALDWELL, GEORGIA STATE RIFLE AND PISTOL ASSOCIATION

Mr. CALDWELL. Mr. Chairman and gentlemen of the committee, I have not prepared the erudite presentation the gentleman on my left has given to you, but for some time I have been concerned with the matter of safety in firearms. I gave you a resume but I didn't mention there that in 1934 I first became attached to the Armed Forces as a Reserve second lieutenant. In 1941, I went on active duty. In those days it was the business of the individual unit to conduct the training for the members, not as you have now with these training camps. It was my responsibility to train the men in my group and incidentally all from New York City, the Bronx, up the Hudson River——

Mr. CONYERS. That was a good experience for them.

Mr. CALDWELL. We had 250 yankees with a southerner, that was the situation; but we trained those people so that every man was qualified as at least a marksman, with a rifle, with a carbine, with a machine gun, with a submachine gun, and with a .50 caliber machine gun; and from that day, while we were training and until the present, I have heard of no firearm accident among the members of that group. It is still a cohesive group and they meet every year.

The rationale of increasing appropriations I think is beyond all reason. We taxpayers can't stand it anymore, and I suggest an alternative to that that is enunciated somewhat by Mr. Davis from Los Angeles, in the past, since I have received your kind invitation to be here, I looked at the newspapers and I found a few articles.

This Mr. Davis, chief of police out there says:

> At no time in history anywhere has there ever been a police department that has been able to combat crime before it occurred.

That is what the advocates of gun control say, let's combat the crime before it occurs. The cost of it would be prohibitive, and so every person, every family, every home should do an optimum amount of self-protection and we have a right under the second amendment to keep and bear arms. You have a right to possess in your home and in your business a rifle or pistol and King George can't take it away.

Mr. CONYERS. Preventive medicine is an accepted practice, looking to your colleague to your left. Isn't there some way that programs without being exhorbitant could be preventive. Especially if they were educational in nature, which is precisely how you trained your own men in the service and why they don't have accidents. They know how to handle their weapons.

Mr. CALDWELL. Some years ago in Orlando, the first program that I heard of, and possibly you may have the details on it, they conducted a program to teach the women in the community safety of firearms and how to use them. There was an immediate drop to zero of assaults and rapes and burglaries. How long that continued, I don't know.

Mr. CONYERS. Do you have any indications of how many accidents were prevented?

Mr. CALDWELL. I do not. I don't have any statistics. I don't have any percentages. I have these things that have come to my attention.

Even Mr. Harris who writes a column in our paper talking about gun control and he says that you can't do it. In point of fact, autos kill about 2½ times as many citizens a year as murderers are responsible for, and we are conducting educational programs on the use of automobiles, we hope that that will tend to reduce the accident rate.

I submit to you and for your consideration and hopefully an adoption of some such program, to emphasize, to augment, to encourage the training of individual citizens in the use of firearms, and at least, oh I would say two, three, or four times a month.

My personal friend asked me would you take my wife out and teach her to shoot a pistol, and I said "well, you trust her, do you" and he says "yes, I do but I want her to protect the house while I

am gone". Now that is within my very limited experience, that is the sphere of my activity, these people come to me for assistance. I think a public offering, a public emphasis on firearms training and education would produce the results that you seek, to reduce accidents and to deter criminals.

I will give you an example. I live in a compact neighborhood. The man to the rear of me, his house was burgled when he was away. The man across the street, his house was burgled. The man around the corner, his house was burgled, and I have two things going for me. One is an ever present pistol and the reputation that I earned some years back the distinguished pistol award, and second a St. Bernard dog—now which one is the most effective I don't know, but the combination of the two have kept wrongdoers away, and I tend to think that the knowledge that people have generally that I have available a firearm and I am capable of using it, not as my brother does here on the international rapid fire, because you know that is five shots in 4 seconds—you can think about it.

Mr. CONYERS. Well that is where I made my mistake. I kept a gun and they didn't care, they must have known I was a lousy shot, they came in anyway.

You, you have a reputation.

Mr. CALDWELL. Well, I would suggest education.

Mr. CONYERS. And training.

Thank you very much. Mr. Cummings, we welcome your presence here and any remarks you want to add.

TESTIMONY OF JASPER RICHARD CUMMINGS, KENTUCKY STATE RIFLE AND PISTOL ASSOCIATION

Mr. CUMMINGS. Well, Mr. Chairman, thank you very much. Since you have already made my written statement a part of the record, I have had to sit here and reorganize what I had to say, and thank you for inviting me here today, it is a great pleasure to contribute to the democratic process.

One point I would like to make is that we have heard a great deal about the polls and what the people want here today, and I would submit that there is a difference of opinion on what people want. I think it was in November of 1971 that the Advocates, a program on educational television, ran a debate on gun control and which the listeners sent in post cards as to whether or not they are for it or against it. The response if I recall correctly was some 25,000 against further gun control, as opposed to some 5,000 for more gun control.

At about the same time Life magazine ran a mail-in poll and I think it was in February of 1972 that they published the results. They asked the readers do you favor among other things more gun control. Of 43,000 persons who responded to that poll, Life magazine stated that there was no sympathy for more gun control.

Now I freely admit that the readership of Life magazine did not constitute a valid cross section of the American public, but I think there is a strong indication that there is some basis for doubt from the polls that we have seen.

Furthermore, we have 10,000 members of the NRA in the state of Kentucky, shooters. We have 3,000 people on our State Rifle and

Pistol Association mailing list. For the last 5 years our association in conjunction with an extremely active club in the Louisville area where our State fair is annually held, we have been running a booth at the Kentucky State Fair and circulating a petition which calls for our legislators to refrain from enacting further gun control legislation.

Every year for the last 5 years, we have collected between 7,000 and 9,000 signatures in a 10-day fair, and those petitions are still in our possession.

What we, the shooters, are wondering is where have gun controls worked. Sources which I consider reliable within the shooting sports, have informed me that fewer than 1,000 people like myself, private citizens, hold pistol permits under New York City's famous or to us, infamous, Sullivan law, and yet we see little reduction in crime rate. I have heard here today a horrendous figure of the number of unregistered guns in New York City. We have heard here today of the southern connection, handguns being transferred in interstate commerce in violation of the Gun Control Act of 1968. It is already against the law to do those things and yet people are doing it. How will one more law work?

In addition to our fear that gun control will not reduce crime, we also fear that the end result of registrations and licensing submitted to in trust and good faith will be uncompensated confiscation, such has been recently proposed in Washington, D.C. by a member of the City Council, I believe.

We believe that stricter penalties for the use of firearms in crime is one way to inhibit the use of firearms in crime. If punishment does not deter, what are we doing supporting prisons?

Mr. CONYERS. That is a rhetorical question of course.

Mr. CUMMINGS. We feel that it is time to take a good look at the reality of gun control and while much of it may come from sincere well-meaning persons, a lot of it may be publicity seeking. It stirs up a great deal of publicity and gets a great deal of public attention.

Most of us in the shooting sports feel that the roots of crime are far deeper than mere possession of the implements with which to commit it, because man is the creature who makes the tools with which to carry out his wishes.

I am no gunsmith. I have mediocre mechanical ability. In the absence of a weapon, I believe sincerely that I could go in a hardware store with $15 in my pocket and come out with enough bits and pieces of pipe and assorted things, which I would rather not discuss in public, and make myself a thing which would not be suitable for hunting quail, but with which I could kill a human being if I had to.

Since the President's Commission on the causes of crime and violence in American life came out in 1969, I believe it was, with an estimate that there were 90 million handguns in the United States at that time, 17,000 people a year were being hurt, and of course, the mind bobbles at such figures as these. All any school boy has to do is take three digits, three zeros off the end of 17,000 and three zeros off the end of the 90 million and he gets 17 guns out of every 90,000 that hurt people, annually. This is in a proportion of

about 1.8 cents out of a $100 bill. Handguns, in other words, the handguns causing the crime are a very small proportion with the total handguns in the Nation and these are Government figures, they are not my figures. I have just done a little manipulation with them.

Since this is so, we feel that the Nation would be better served by using these funds to improve confinement facilities, for giving police better training, and improving the judicial system.

Our present correctional system is as intellectually valid as a doctor's prescribing aspirin for all illnesses. We give the same treatment to everybody, just varying amounts of it. Lock him up for 2 years for this, lock him up for 4 years for that, but it always winds up the same thing, the same treatment, just more or less of it.

Instead of doing this, let us explore the possibility of individualized corrections in community based facilities that don't disrupt the offender's life so devastatingly, as our present practices. What if we explore the possibilities of using the boundaries of the census tract as the limit of a police beat and utilize a social survey for the people within that census tract to learn what they want from the police. Let us have more courts so that each citizen can have a speedy and just trial, so we can put an end to plea bargaining which is what I believe my colleagues on my left over here have been objecting to. The docket gets backed up and you know it does; and as an attorney, I am sure you are familiar with the process of plea bargaining. Well, if you'll plead guilty to a lesser charge, you don't have to stand trial. If you want a trial, we can get you on this more serious thing and put you away for even longer, and it is all because the funds do not exist to provide more prosecutors, more prosecutors' assistants, and more courts.

We feel these things will improve the quality of the American life far more than more firearms controls, and, again, I thank you for allowing me to appear here today.

Mr. CONYERS. Thank you very much for a very thoughtful statement.

I am happy to welcome Mr. Henry Abernethy, because he is I think our first witness from North Carolina that has joined us today.

TESTIMONY OF HENRY ABERNETHY, OF THE NORTH CAROLINA RIFLE AND PISTOL ASSOCIATION

Mr. ABERNETHY. Mr. Chairman, thank you. Do you have a copy of my prepared statement?

Mr. CONYERS. I do not.

Mr. ABERNETHY. Did you ask Mr. Hobbs to give you and the panel copies of it. I had this prepared.

Mr. CONYERS. I do not know. Thank you and we will incorporate it into the record, along with others on the panel.

Mr. ABERNETHY. Do you have my curriculum vita?

Mr. CONYERS. Pardon?

Mr. ABERNETHY. Do you have a copy of my curriculum vita?

Mr. CONYERS. Yes, we do. I don't have it right here but I would like to get it right now and review it.

Mr. ABERNETHY. Mr. Chairman, when I was asked to appear I was a little hesitant to come without dark glasses and a mask.

Mr. CONYERS. Excuse me, I notice you are a doctor and I did not take note of that before.

Dr. ABERNETHY. Well that is no problem, I am just a country doctor.

Mr. CONYERS. You are a medical country doctor.

Dr. ABERNETHY. Yes, sir, I am a family physician.

Mr. CONYERS. Thank you.

Dr. ABERNETHY. When I was asked to appear, I wasn't sure whether I should wear dark glasses and a mask to avoid being recognized by my Atlanta friends, or not; but be that as it may, I feel that I am in good company and I have been impressed with the testimony to your panel and your group this morning, and this afternoon.

I have been asked to address this congressional group as spokesman for and representative of the North Carolina Rifle & Pistol Association and their membership of approximately 1,200. The membership of this organization includes people from a broad segment of our society; students, teachers, lawyers, city policemen, highway patrolmen, doctors, farmers, businessmen, manufacturers, school superintendents, bankers, factory workers, housewives, Boy Scout leaders, and others. The association is not unique and is similar to organizations in other States.

Included in our association's work are shooting sport activities for the Boy Scouts, the YMCA, the 4–H Clubs, the Police Boys Clubs, the Future Farmers of America, the Hunter Safety Programs, the National Rifle Association Junior Clubs, skeet shooting, and competitive target shooting. Records show that in such programs over 9 million youngsters have been educated towards good citizenship and safe firearms handling.

In 1973 alone, 3,600 registered and approved shooting tournaments were carried out in this country with nearly 111,000 participating shooters.

The North Carolina Rifle and Pistol Association is in turn affiliated with the National Rifle Association which is made up of more than 1 million members. This group involves a cross section of America, both affluent and unaffluent, professional people and blue collar workers, men and women. The association includes a number of U.S. Senators, many U.S. Congressmen, judges, lawyers, and others. Dedication is shown by the fact that more than 15 percent have enrolled as life members. During the past 20 years more than 7½ million new generation hunters have graduated from the National Rifle Association's Hunter Safety Program.

From the foregoing introduction it becomes obvious that a large and responsible segment of our population enjoys shooting as a healthy and worthwhile sport. And like all reasonable people, we have become concerned over the rising crime rate in America and offer the following observations and recommendations.

It has become apparent that the court system in this country has become entirely too lenient in dealing with the known criminal.

In the Uniform Crime Reports published by the FBI for the periods 1964 to 1973, 858 police officers were slain in the line of duty; 1,207 offenders were identified and 77 percent of these had prior arrests for criminal charges with 59 percent having been convicted of these charges; over 41 percent had prior arrests for violent crimes such as murder, rape, and armed robbery. Over 60 percent of those that had previous convictions had been granted parole or probations. Sixteen percent were on parole or probation when they were involved with the killing of a police officer and 10 percent of these had previous arrests for murder.

The California Attorney General in relating a report by the Bureau of Crime Statistics stated that in the first half of 1973, 41.5 percent of those using firearms in murders, 41 percent of those using firearms in robberies and 60 percent of those using firearms in felonious assaults were granted probation. He further states:

> The crime of burglary is one which touches almost every citizen, and which often leads to physical violence. Yet the Los Angeles Police Department reports that persons with three and four burglary convictions are placed on probation. In 1972, one-half of those convicted of burglary were on probation for other crimes, including burglary, at the time of their next conviction.

This might be the lenient judge you are talking about, Congressman, a moment ago.

There are entirely too many three time losers turned lose to prey on our people. A recent report in the Evansville Press, Evansville, Ind., relates that a felon attempted to rob a small store owner and after the fracas was over it was determined that this individual had a record of 41 previous arrests. Now it would appear that even an idiot would recognize the need for getting this man off the streets after 25 or 30 arrests. In the words of editor Jenkin Lloyd Jones, "Someone is tampering with the soul of America."

The North Carolina Rifle and Pistol Association recommends that a convicted criminal who uses a firearm in commission of a felony be dealt with in a swift and sure manner including a mandatory jail sentence of at least 5 years with no provisions for suspension, parole, probation, or concurrent sentencing. The association further recommends that for the second and third offenses, the mandatory jail sentence be doubled and tripled.

Now in the words of the famous Catawba County philosopher, James Ferlong, he says, "You have got it all wrong, we are not talking about punishing the criminal, we are talking about protecting society," so this should be termed society protection rather than criminal punishment.

With an estimated 50 million gun owners in America with 20 million Americans regularly hunting, and with many others enjoying the other shooting sports, it is not surprising that there is considerable opposition to any program designed to destroy the individual right to own or possess a firearm.

Many well meaning groups have as their avowed purpose a plan to ultimately eliminate private gun ownership in America, and the records are replete with their statements. This is through a progressive program of registration, licensing, and finally prohibition. This concept is unacceptable to vast segments of our population. In their concern in trying to prevent the use of firearms in crime, these groups forget that the right to keep and bear arms is critically significant to a free people. It was not by accident or merely because of the temper of the times that a guarantee of individual gun ownership was incorporated into the Bill of Rights, this was a product of our founding fathers' wisdom and knowledge of history. It has been said that those who fail to understand history are often doomed to repeat it. In modern history, the first step in the direction of a dictatorial takeover, and a dictatorial form of government is to disarm the population. The rest is easy.

Our Nation has risen to its position of world leadership in part because of the Government has never had to fear the people and the people have never had to fear the Government. When things were the other way around in 1776, quite a furor was stirred up. Fortunately for us, the British hadn't gotten around to registering and confiscating all of those Kentucky rifles. If they had, the situation would have been infinitely better for Ferguson at King's Mountain and Cornwallis at Yorktown.

Dr. Margaret Mead, the famous sociologist-anthropologist, has stated, "Governments very strictly control access to firearms to protect those governments against armed uprising and rebellion." One begins to wonder if the people raising the hue and cry about gun registration and confiscation are not really talking about people control rather than gun control. Dr. Mead further states that "our Constitution provides that every peaceful, responsible man may have a gun to protect his own life, and the lives of his family."

Now in all fairness, Dr. Mead has been in favor of some form of gun control but she further states, "gun control alone will not solve our problems of violence," and "gun control will never work until it touches the law breaker directly and positively."

A survey of State law enforcement agencies in the 44 States reporting records covering the period from 1959 to 1968, you are familiar with these figures, I believe, Mr. Congressman, reveal that cases solved by tracing a firearm by the use of serial number totaled six homicides and six robberies. A police chief of Washington, D.C., Jerry Wilson, in discussing the criminal who commits a crime with a firearm has stated, "Put him in jail and keep him there for awhile and I think it will take care of the gun." Chief Jerry Wilson further stated, "Prohibition of handguns would infringe the privileges of the law abiding individuals and the criminals would still have them."

Los Angeles police chief, Edward Davis, has asserted that he "does not support the registration restriction of owning or possessing of firearms by law abiding American citizens, a right which is constitutionally protected by the second amendment."

Michigan State police commander, Matt T. Hrebec, puts it this way, "All the registrations they can think of are not going to take guns out of the hands of the criminal."

Senator James A. McClure and Representatives and colleagues George Hansen and Steven Sims of Idaho appeared before your Committee on Crime to raise strong voices against the proposed antigun legislation.

Mr. CONYERS. We remember it well.

Dr. ABERNETHY. I am sure you do and I will not be redundant and go over it in length, but Senator McClure said, "Gun control will not end crimes. That's pie in the sky. I am opposed to gun controls, I am against them, and I will fight them because the Constitution guarantees the right to keep and bear arms." I will not burden you with the additional statements he made.

The North Carolina Rifle and Pistol Association recommends that no new laws be introduced regarding registration, licensing, or confiscation of firearms privately owned by the law abiding citizen. The position is taken that there are adequate laws on the books to cover any possible need in this area, any required action could be accomplished by merely enforcing existing laws.

Now in summary, I have presented an introduction outlining the organization, membership, and functions of the North Carolina Rifle and Pistol Association and its affiliated clubs. Supporting data is given to substantiate the wide State and national interest in the shooting sports by a large, responsible, and influential segment of the American public.

The association is appalled by the current lenient court system which allows with increasing frequency, horrifying crimes to go virtually unpunished and documented examples are given.

Recommendations are made in the direction of swift and sure punishment of criminals and recommendations are made to enforce existing laws rather than to pass new ones.

Thank you, sir.

Mr. CONYERS. Thank you, Dr. Abernethy. You represent your organization very ably.

The Chair must now confess to the dilemma of having two witnesses remaining and also 10 minutes remaining. Of course, Mr. Harry Hoy of Knoxville, Tenn is the next witness, but I also have another witness, Mr. Gary Faysash who has not been heard and we have those time restrictions. I apologize for not budgeting the time more carefully but I would now like to recognize and welcome Mr. Hoy.

TESTIMONY OF HARRY HOY, TENNESSEE STATE RIFLE AND PISTOL ASSOCIATION

Mr. HOY. Mr. Chairman, members of the committee. I have a written abstract of my statement which I have submitted and if you will bear with me, I will read it rather rapidly and I think I can complete within the time.

First may I ask that this be, this article be entered into the record in addition to my written statement, which I picked up as I came through, in the airport. If I may submit it.

Mr. CONYERS. All right. We will receive it for consideration for submission as a part of the record.

[The document referred to follows:]

[From True Magazine, July 1975]

MYTH #1—GUNS CAUSE CRIME

The Case of *The People* vs. *Gun Control Laws*

Last year, New York City had 16 times as many murders as London, and 182 times as many robberies as Tokyo. Tokyo has 11 million inhabitants, New York 8 million. American crime rates, enormous to begin with, continue to rise. Serious crime rose 17 percent nationwide in 1974 alone. More than 18,000 Americans were murdered last year.

There are about 40 million handguns in circulation, and they are used in 70 percent of all gun crimes. (The remainder are committed with long guns.) Many people therefore believe that handguns are a cause of violent crime; that without them at the least there would be fewer deadly crimes; and, above all, that strict federal legislation actually could reduce the number of handguns used for crime and, thereby, crime. None of this is true. Yet agitation for compulsory federal registration or licensing for the purpose of indirectly reducing the number of handguns is mounting. Why? Shadow boxing is more comfortable than actual fighting. One can win painlessly. By advocating handgun registration, politicians try to prevent us from discovering what actually causes, and above all, what might prevent criminal violence. For the measures actually needed are not easy to enact. Handguns do not cause crime anymore than prostitutes cause sex.

We used to hear that crime is caused by poverty, or by lack of education. Poverty has decreased—50 percent of all families were below the government established poverty line (in actual purchasing power) in 1920. Today, only 11 percent are below the poverty line. Education certainly has increased. So has crime. To be blunt: crime rose as education and prosperity did. Not just violent crime. All crime. In the first two months of 1975, robbery increased by 26 percent in New York, compared to 1974; aggravated assault increased by 20 percent, larcency-theft by 27 percent. Larceny, of course, is not done with guns. It increased more than gun crimes. From 1973 to 1974, as larceny rose 28 percent in New York (163,157 cases), and robbery by 7 percent (77,940 cases), murder decreased by 7 percent. (It is on the increase again.)

In other words, gun crimes either were fewer, or rose less than non-gun crimes—which does not suggest that the increased number of guns caused the rise of crime in the U.S., but that the rise in crime rates is clearly independent of the rise in gun ownership. Again, if we compare our crime rates with those abroad, it becomes clear that guns have nothing to do with the difference. All our crime rates are much higher than those abroad.

Crimes are committed only if intended—else, legally, they are not crimes. Guns do not produce criminal intentions, though they are more effective instruments in carrying out such intentions than most other weapons: People attacked with guns die more often than people attacked with knives. But the instruments are chosen according to the intention. The gunman is more ready to kill, compared to the knife wielder—which is why he uses a gun. The willingness to murder is the cause of choosing a gun; the gun is not the cause of the willingness.

Taking handguns away—if that could be done (a big "if")—would not leave the criminal unable to strike, although he would have to use less effective weapons; hands, knives, clubs, or more indiscriminate ones such as bombs—to replace handguns; or, he may use sawed-off shotguns (there are about 200 million long guns in private hands). When it comes to "crimes of passion"—violence among family, or friends is not necessarily deliberately chosen, the outcome is less deadly in many cases if a gun is not handy. But we don't know how often. Othello did not use a gun when he murdered Desdemona; nor did Brutus when he killed Caesar. They would have used them had guns been

around. But they managed without. Had they used guns—would the guns have been the cause of the murder?

Anyway, no law—however strict—can prevent people from getting guns. Zipguns, quite sufficient to kill, can be made at home more easily than bathtub gin. You and I won't make them, but criminals will. The ease of producing guns would render gun control laws as futile as Prohibition was. And we might have learned from the experience of prohibition that laws opposed by a major segment of the population cannot be effectively enforced in a democracy. Forty million people own handguns. How can the government confiscate them?

States that have restrictive gun laws—e.g., the Sullivan Law in New York—do not succeed in enforcing them among people willing to break the law. You can buy an illegal gun in New York as easily as an ounce of marijuana. (Upstate the police merely license.) In New York City, however, the police use the Sullivan Law to make it nearly impossible for non-criminals lawfully to have handguns. Yet the murder rate (per 100,000) is higher in the city, where law-abiding citizens do not have guns while lawbreakers do, than in the rest of the state. In 1926, New York shopkeepers and homeowners were issued 7,000 gun permits. There were less than 1,200 robberies. Forty years later, only 282 gun licenses were issued. There were 223,539 robberies. Were those robberies fostered by the presence or absence of guns in the hands of law-abiding citizens? The figures speak for themselves. The law in New York City serves to disarm law-abiding citizens, but unavoidably it leaves the lawbreakers armed; which explains why the streets are unsafe. In New York, to be law-abiding is to be defenseless. Federal laws would be only a little more effective than the Sullivan law. They could not prevent the gun running, or stealing, that would supply criminals; nor the making of guns at home. Unilateral disarmament would increase the advantage criminals already have and make it safer for them to use it.

When carelessly handled, guns can produce fatal accidents, as anti-gun people never tire pointing out. But so can medicines. Medicines, however also save and protect lives. So do guns in the hands of law-abiding citizens who have learned how to use them. And in the right hands, more guns would reduce crime. When policemen in New York were encouraged to drive cabs in civilian garb, cab robberies (often fatal), fell by one-third. What is the difference between a disguised policeman and actual cab driver? The policeman has a handgun and is trained to use it. Robbers rarely attack if they suspect their victims are armed. The reasonable conclusion is to train and arm selected cab drivers—and storekeepers, householders, bank tellers, and bartenders. Disarmament of all individuals reduces interpersonal violence (or its dangerousness), just as universal disarmament of nations reduces international violence. However, unilateral disarmament always has increased the danger of war—and of crime. Which is why not even Switzerland dares disarm. (Incidentally, the crime rate in Switzerland is low. Yet every male Swiss of military age keeps his military gear, including guns, at home.)

What actually causes crime? There is little agreement. But we do know one thing. In the U.S., only 1 percent of all those who commit crimes ever serve any time in prison—99 percent stay on the streets. Even the tenderhearted former Attorney General, Ramsey Clark, doubts that "we achieve one conviction for every 50 serious crimes," and convictions do not lead to prison sentences by a long shot.

Crime rose 74 percent between 1966 and 1974, 176 percent between 1960-70. In the same period, arrests increased only 31 percent, while the number of convictions decreased from 117- to 95-per-100,000 persons! More crime, less punishment. The latter explains the former. In New York, 80 percent of defendants accused of homicide plead guilty to a reduced charge and are freed on probation. As crime rises, and arrests and convictions fall, politicians tell us that guns cause crime. The fact is that crime does pay—at least it doesn't cost the criminal much. That is why there is so much of it and so much more here than abroad.

Handguns are in great demand—both by criminals and their prospective victims, but they do not cause crime. Crime causes people to need and want guns. They become popular when crime does. Guns will sell legally or illegally, as long as crime pays as well as it does now—as long as the prospect of even mild punishment is remote and improbable.

More than half of all violent crimes are committed by people who are on probation, or parole, or out on bail. These people are the source of danger, not the handguns they certainly—and always—can manage to acquire, or, if need be, produce themselves. Even the unlucky few who are convicted are rarely incarcerated, and then only for a short time. Few of the convicted go to, or stay in, jail for any length of time. Most of those arrested are allowed to plead guilty to lesser charges. Thus an all-too-typical case history (New York Times, Feb. 11, 1975):

"Willie Poinsette was 48 years old and had a record of 21 previous arrests when, on April 8, 1973, he was charged with robbery and possession of a gun, both felonies. If convicted on these charges he would have faced up to 32 years in prison. Two days later in Criminal Court, Mr. Poinsette pleaded guilty to petit larceny, and was sentenced to two months in city jail."

Very few criminals are ever convicted to begin with. A steadily declining proportion of crimes lead to arrest. A very small proportion of the arrested are convicted or jailed. Joseph W. Bishop Jr., Professor of Law at Yale University, put it this way: ". . . the incarceration of even the most obviously guilty criminal is a task comparable to landing a barracuda with a trout-rod and a dry-fly . . ." It is not guns that cause crime. The cause of crime is politicians and courts which, while attempting to divert our attention to guns, release the criminals. New York, I mentioned, has 182 times as many robberies as Tokyo. But in Japan, more than 90 percent of all crimes lead to arrest and conviction, whereas we punish, let me repeat, 1 percent of all crimes, and obtain about one conviction for every 50 serious crimes. No wonder politicians like to look the other way.

Murders committed by juveniles have been increasing most rapidly: In New York City, persons under 16 committed three times as many murders in 1972 as in 1968. Guns? How about this: No matter how many murders he commits, the maximum sentence (which must be expunged from the record) for a juvenile killer is 18 months in reform school—of which, on the average, he serves nine. We license juveniles to murder. No wonder they do. Not guns, but our way of letting loose dangerous people on the community causes the high rate of violent crime—of all crime.

Cars are about 10 times as likely to cause fatal accidents as guns are. We lose 55,000 people a year owing to car accidents, half of them because of drunken driving. It would be silly to abolish cars. But it would make a great deal of sense to prevent and punish abuses. So for guns. Just as only trained people are allowed to carry handguns. (Owning a gun is a different matter: you need no license to own a car.) Anyone who proves his competence, and has no previous record, should be as entitled to a gun license, as he is to a driving license. No government should have a right to withhold or withdraw a license except for cause. Anyone driving a car while drunk should be severely punished—no probation and a mandatory minimum prison sentence. (This has been done quite successfully in England and in Sweden.) So anyone carrying an unlicensed gun should be severely punished, and anyone using a gun while committing a crime should be refused probation or parole, and the sentence should be higher by one-third of what it would have been had he not used a gun. This will neither prevent all car accidents nor all gun accidents, nor all gun crimes. But it will reduce them. Doctors can neither prevent nor cure all diseases. But they can reduce them. At present, police are unable to do much about crime, not because of guns, but because the courts simply release criminals, convicted or otherwise. What is needed then is court reform above all, not gun reform. But a non-restrictive licensing law which would entitle anyone competent to carry a gun would not be objectionable.

It is not enough to prevent courts from releasing dangerous convicts on probation. Or to prevent parole which is now automatic except in rare special cases. It is necessary to isolate people known to be dangerous to the community. This can be done, for dangerousness is not hard to predict on the basis of previous arrests and convictions, combined with such matters as age and sex. We know, for instance, from past statistical experience that delinquents who have committed three violent crimes before they are 18 are 80 percent sure of continuing a career of crime in the next 20 years. It seems irresponsible to release such persons before they are 35, except when there are special circumstances. To be sure, 20 percent of them would not commit further violent crimes. But I'd rather isolate them than to let loose the 80 percent who

would. To do otherwise is to inflict suffering and death on innocent people who could have been spared.

The federal prisons now have custody of a man sentenced to life for homicide, who, while in prison, committed three more murders on three seperate occasions. Three more life terms obviously did not deter him—which may be a good argument for the death penalty in such cases. (And there is an argument for better prison security in here somewhere.) But the cirumstances also show that men, not guns, are the danger. This convict managed to do without guns in his three separate additional murders. Where there is a will, there is a way. And guns do not produce the will.

This is not the place for a full discussion of the necessary reforms of courts, laws and prisons. But the direction is clear: crime is reduced by locking up criminals, not guns.

Mr. HOY. Very rapidly, my name is Harry Hoy. I am here representing the Tennessee State Rifle Association which is made up of some 1,700 competitive shooters.

Mr. CONYERS. Excuse me, Mr. Hoy, are we going to be able to share the 10 minutes remaining?

Mr. HOY. I would think so.

Mr. CONYERS. All right.

Mr. HOY. I will read as rapidly as I can and this statement is much shorter than theirs.

Mr. CONYERS. OK. I am going to have to stop you in about 5 minutes so that we can let the final witness get on. That is the only thing I can do is to fairly divide the time, as long as you realize that.

Mr. HOY. I will hurry as much as I possibly can.

Mr. CONYERS. Thank you.

Mr. HOY. I am here to give my views on firearms legislation. My experience with firearms covers almost 40 years; 40 years which have been involved with sport and recreational shooting. As a police firearms instructor, Tennessee hunter safety instructor and recreational shooter, I have trained hundreds. Having been involved for so long all over the United States and some foreign countries, I have come to know in varying degrees a vast number of competitive and recreational shooters; and I will have to say that not once have I met a shooter who was not 110 percent American, law abiding and dedicated to the principles of his country. Almost all of them volunteer for civic programs involving community service. You cannot find a more dedicated group of Americans and I think that it would be wrong to place any further restrictions or harrassments on these citizens who happen to own firearms. Any further laws are only going to be obeyed by the same group of people who now obey the law. Don't think for 1 minute that those who now violate the law are going to be concerned with breaking one more law. Especially when, as a criminal, their chances of being apprehended are small and their chances of any restrictive, punitive punishment even less.

If the law requires me to register my guns, I won't like it, but I'll either sell or register them. But will that in any way reduce crime? Of course not. How could it? My guns haven't and won't while in my possession, be involved in any criminal activity. They are marked with identification, have serial numbers and if stolen I can put this information into NCIC within minutes. Registration

could not accomplish any more and if registration were to be meaningful it must be kept current. Keeping a current registration of firearms will require another large, widespread bureaucracy to be created. And to insure the accuracy either every firearms owner must make a report which will have to be assumed to be accurate or every home and business must be thoroughly searched to verify the listings. How much better would it be for—how much better it would be for the money to be spent in providing cells for criminals and leaving the sportsmen and recreational shooters alone.

This country is big geographically, with many and diverse life styles. What's good or bad for one section or group may not even be applicable in another part of the country.

Firearms in rural areas of our States are taken for granted, as a tool or piece of sporting equipment. Not so in the large urban areas. The attitudes are different. Any national universal law, written because of firearms misuse by a small percentage is going to affect all of us. Punish the misuser but don't restrict or harrass the law abiding citizen. Don't try to treat us all the same because we are all very different, and have the right to stay that way.

There is, of course, no easy pat answer to the problem of crime especially violent crime. But we must not allow ourselves to be diverted from the main problem which is crime. Crime is the problem, not guns, knives, brass knuckles, or what have you.

To reduce violent crime, and I include mugging, forcible rape, assault and assault with a deadly weapon, and so forth, is going to require the separation by imprisonment of those inclined and involved in criminal acts from those normal law abiding citizens, the vast majority of Americans and sportsmen. I'll admit that I'm not as worried about rehabilitation as I am about reducing crime.

I can't understand how passing any more restrictive firearms laws is going to help when the arrest, conviction, and sentencing record is minimal and the time served per conviction is a farce.

The FBI statistics tell us that a great percentage of crimes are committed by repeaters. Now one way to keep offenders from repeating is to keep them where they can't repeat, keep them in prison. Treat them humanly, give them a chance to be trained for useful skills, but keep them off the streets. If the small percentage can't live within the law, especially the perpetrators of violent crimes, then they must be separated from the honest law abiding citizenry.

By reducing crime, in the long run, you will reduce the number of people who own guns by removing the reason for their wanting protection.

I have skipped through as rapidly as I could, sir. I thank you for the opportunity to appear and I will close with that.

Mr. CONYERS. Well, I first have to say to all of you that you ably represent your respective organizations and I will promise that I will carefully consider all of the items that you have raised here.

I think nothing could be more harmful to our deliberations and to our final product than saying that this subcommittee has not carefully weighed all of the advice that has been proferred by you who are the leaders of your organizations; who in fact bring to this subcommittee some considerable experience about firearms, their

use and their deployment in our society. I feel that your testimony is very important in bringing about a balance of information so that we can proceed with our responsibility.

I am very grateful for your coming and I will yield now to Congressman James Mann for any observations he may have.

Mr. MANN. Thank you, Mr. Chairman. Just one quick question and one quick observation.

Mr. Caldwell, do you favor some formalized requirement for education in the use of firearms? For example, before purchase you could require a person to present a certificate from some gun group or someone else——

Mr. CALDWELL. No, sir, I do not.

Mr. MANN. Then how do you go about educating them?

Mr. CALDWELL. I would go about educating them by inviting people interested to appear at a time and a place and have them sign a card giving their name and address, and then use two, three, or four sessions, probably 2 hours per session, to give them some training, instruction, and the use of the weapons which they themselves possess.

Mr. MANN. One observation, the operation of the courts on the local level and police on the local level and the law enforcement on the local level is a local function. Don't be looking at us, we are looking at you.

Mr. CUMMINGS. It runs on Federal money, sir, much of it. Federal grants are possible, sir.

Mr. CALDWELL. Might I say, sir, I endorse that principal.

Mr. MANN. I wish I had time to hear you on that subject.

Mr. CALDWELL. I endorse that principal and ask the committee to stay out of the local law operations.

Mr. CONYERS. Well we will consider all your advice and the admonishments as well.

Thank you, gentlemen, and doctors, for being with us.

Mr. HOY. May I sum up, you asked a question awhile ago: had we talked to our judges and the answer is at least within the local jurisdiction that I can find, we have talked to our judges and we are finding less and less returnees to the streets.

Mr. CONYERS. Thank you again.

Mr. CUMMINGS. Thank you for listening, sir.

Mr. CONYERS. Our final witness is the legislative coordinator of Georgians for Handgun Control, Mr. Gary Faysash. Welcome, sir.

Mr. FAYSASH. Thank you.

Mr. CONYERS. By being the final witness of the day it is in no way intended to demean or diminish the importance of your testimony and I would like that to be made clear before you begin.

TESTIMONY OF GARY FAYSASH, LEGISLATIVE COORDINATOR, GEORGIANS FOR HANDGUN CONTROL

Mr. FAYSASH. Thank you very much and thank you for allowing me at least a few minutes to present our views to your committee.

My own personal involvement with this group stems from a number of incidents over the last 2 years which have been uncomfortably close to me. Within that period of time, I have been a

witness to a shootout between the police and a religious group on the trafficked downtown streets of Atlanta. I have had a man killed only a few parking spaces from me by a juvenile with a Saturday night special. I have a secretary accosted on her way to work by a gun-toting criminal. I have been aware of two other shootings and killings within two blocks of my job. It is not a pleasant place to work in because of the people with handguns.

This morning you also heard a member of our group relate her experience with the menace of handguns. This incident has naturally affected us deeply. Like Mrs. Morris, many innocent people are victims of crimes involving handguns.

Georgians for Handgun Control formed itself in April of this year for three purposes; to advance public knowledge and awareness of the destruction handguns cause society; to develop and promote effective legislation at the Federal, State, and local levels; and to seek more stringent enforcement of handgun laws presently enacted. More specifically, this group was organized because we feel that opponents of handgun control have deliberately up to now failed—have up to now deliberately and negligently failed to address themselves to the basic problems to which handguns contribute significantly—the burgeoning crime rate and in particular, the rapid growth in crimes of violence, the spread of domestic violence in which handguns are the weapons most commonly used, and the danger to unqualified persons caused by excessively easy access to these weapons and consequent accidental shootings.

Up to now, no practical, workable solutions have been made, only excuses and poor rationalizations. But to our way of thinking, effective legislation and strict law enforcement can be combined to control these problems without forcing the responsible and law-abiding citizen to forego any of his rights.

Let me tell you what kind of legislation we want on the local, State, or Federal levels.

First: Centralized registration of all handgun sales and transfers on the State level to allow law enforcement agencies to efficiently trace them. Such registration would be similar, of course, to that required in the sale and transfer of automobiles and would serve much the same purpose.

Second: The licensing of users of handguns after qualifications by examination, minimum age, mental and physical competence, and no criminal record.

Third: Strict and mandatory sentences for the use of handguns or handweapons in the commission of a crime.

Fourth: Severe penalties for the possession of handguns without proper authority or license.

Fifth: The stopping of loopholes in the 1968 Gun Control Act, such as prohibiting the importation of unassembled handgun parts.

Sixth: The regulation of handguns by strict quality control.

Seventh, and I hope not least: The eventual legal definition of the term "Saturday night special" and the subsequent banning of the manufacture, assembly, sale, possession, or use of it.

Legislation and law enforcement measures to effectively combat the handgun tragedy should not necessarily be limited to the items I have just covered. Georgians for Handgun Control, for instance,

feel that the growing homicide rate by handguns is a national problem. State-level legislation can help but such legislation cannot be really effective until there exists a uniform code of handgun control throughout the country.

Handgun control legislation and enforcement should not be construed either as being aimed at control or elimination of handguns from law enforcement agencies, the military, security guards, licensed pistol clubs, or the prohibition of gun collecting or sport hunting. In fact, with the cooperation of such groups, over time, this weapon can be taken out of the hands of the criminal and the unqualified, while the responsible citizen will still have access to it for its rightful purposes, law enforcement and sport.

I might add that enforcement is vital to the effectiveness of existing and future legislation, including current criminal laws, and I think on this point even our opponents are in agreement. Through public education and a concerted effort to work with all law enforcement agencies and the criminal justice system, we hope that the administration of such laws can be strengthened.

One other point about the right to bear arms, rights do require responsibilities, and I believe the Supreme Court in several decisions have indicated that the right referred to State militia, not to individuals.

Unlike some groups—groups whose connection with the handgun control issue may be politically or monetarily motivated—Georgians for Handgun Control are everyday people who work at everyday jobs.

Mr. CONYERS. Pardon me, could I ask that you work toward a conclusion. We are going to have to end the hearing in just a minute or two.

Mr. FAYSASH. OK. I think I have covered everything pretty much.

Mr. CONYERS. As you know, your statement is incorporated in full in the record.

Mr. FAYSASH. I am aware of that fact.

I would only conclude by saying that we do intend to take a more active part in the legislative process, and to let you know that when you vote in favor of gun control, you have the support of a majority of the American people. No matter what the NRA or the gladhanders tell you, responsible and effective handgun control is an idea whose time has come. It is only a matter of time until Congress becomes persuaded that the people of the United States want nothing less, and we urge you to take your stand now on the side of commonsense, reason, and the majority to prevent any more years from going by with handgun hysteria stopping us from controlling a serious and growing problem.

Mr. CONYERS. Thank you, Mr. Faysash.

[The prepared statement of Mr. Faysash follows:]

STATEMENT OF GARY J. FAYSASH, LEGISLATIVE COORDINATOR, GEORGIANS FOR HANDGUN CONTROL, INC.

BIOGRAPHY

Gary Faysash is a director of a newly formed citizens group supporting handgun control legislation—Georgians for Handgun Control, Inc. Mr. Faysash is a banker and received degrees in political science and international finance

from the University of California, Santa Barbara and the American Graduate School of International Management. He served as an officer aboard the USS Perkins and completed two cruises to Vietnam. He presently lives in Marietta, Georgia, with his wife and son.

STATEMENT

Chairman Conyers, my name is Gary Faysash, I am a director of the newly formed Georgians for Handgun Control, and I thank you for giving me a few minutes to acquaint you with my organization and its views regarding your efforts.

Georgians for Handgun Control, Inc. was formed in April of this year for three purposes: 1) To advance public knowledge and awareness of the destruction handguns cause society; 2) To develop and promote effective legislation at the Federal, State and local levels; and 3) To seek more stringent enforcement of handgun laws presently enacted. More specifically, this group was organized because we feel that opponents of handgun control have deliberately and negligently failed to address themselves to the basic problems to which handguns contribute significantly—the burgeoning crime rate and, in particular, the rapid growth in crimes of violence; the spread of domestic violence in which handguns are the weapons most commonly used; and the danger to unqualified persons caused by excessively easy access to these weapons and consequent accidental shootings. No practical, workable solutions have been made by them—only excuses and poor rationalizations. If they offer no solutions, then they stand in the way of the majority of Americans to whom these problems have taken on a more terrifying aspect in recent years and who desire a change.

To our way of thinking, effective legislation and strict law enforcement can be combined to control these problems without forcing the responsible and law-abiding citizen to forego any of his rights. Although you concern yourselves today with Federal legislation, let me tell you what kinds of legislation we want on the local, State or Federal levels:

1. Centralized registration of all handgun sales and transfers on the State level to allow law enforcement agencies to efficiently trace them. Such registration would be similar, of course, to that required in the sale and transfer of automobiles and would serve much the same purpose.
2. Licensing of users of handguns after qualification by examination, minimum age, mental and physical competence and no criminal record.
3. Strict and mandatory sentences for the use of handguns or handweapons in the commission of a crime.
4. Severe penalties for the possession of handguns without proper authority or license.
5. The stopping up of loopholes in the 1968 Gun Control Act, such as prohibiting the importation of unassembled handgun parts. Let me touch on that again later.
6. Regulation of production of handguns by strict quality control.
7. The legal definition of the term "Saturday night special," and the subsequent banning of the manufacture, assembly, sale, possession, or use of it.

Legislation and law enforcement measures to effectively combat the handgun tragedy should not necessarily be limited to the terms I've just covered. Georgians for Handgun Control, for instance, feels that the growing homicide rate by handguns is a national problem. State legal legislation can help but such legislation cannot be really effective until there exists a uniform code of handgun control throughout the country, which includes a standardized set of definitions. In the interim, we will actively support passage of such legislation in our State Assembly.

Handgun control legislation and enforcement should not be construed as being aimed at control or elimination of handguns from law enforcement agencies, the military, security guards, licensed pistol clubs, or the prohibition of gun collecting or sport hunting. In fact, with the cooperation of such groups, over time this weapon can be taken out of the hands of the criminal and the unqualified, while the responsible citizen will still have access to it for its rightful purposes—law enforcement and sport.

I might add that enforcement is vital to the effectiveness of existing and future legislation. Through public education and a concerted effort to work with law enforcement agencies and the criminal justice system, we hope that the administration of such laws can be strengthened.

Although we are new and small, the membership of this non-profit organization will be State-wide and will comprise citizens from all walks of life

whose common bond is a commitment to reducing the senseless destruction done by handguns in Georgia and the United States.

Unlike some groups—groups whose connection with the handgun control issue may be politically or monetarily motivated—Georgians for Handgun Control are everyday people who work at everyday jobs. We cannot concentrate our full energies on this issue. We are neither well-financed nor skilled in political manipulation. In these respects we are not like the National Rifle Association, the gun manufacturers or dealers. We have been less vocal and less financed—and, therefore, less effective—than shooting clubs and "wildlife conservation" groups who have had the able assistance of the NRA and its professional, highly paid, full-time lobbyists.

But who we are and who we do represent—indeed our one major characteristic—is what we are: The majority. As you know, every poll by a major survey organization since 1959 has shown that a majority of approximately two-thirds of all Americans favor some kind of gun control legislation. We are only a few of that majority at present; however, we intend to make ourselves heard throughout the State and the Nation as we are being heard today until Congress takes action to alleviate the handgun problem.

You have heard today about the role which handguns have played in earning Atlanta the title of murder capital of the Nation (albeit a dubious title debatable with several other unfortunate cities), and of the sorry state of Georgia laws which permit anyone who will fill out a form, whether truthfully or not, to purchase a handgun with no wait and no bother. While these problems may not relate directly to your efforts, let me mention one example about which the Congress of the United States can do something. As I mentioned before, the 1968 act prohibited the importation of sub-standard handguns. One of a number of loopholes in that law permitted the importation of parts for those guns. Assembly of those parts in the United States permits foreign suppliers and their local accomplices to circumvent the intent of the law. For a time in 1974, one of the major assembly plants in this country operated in Georgia—completely within the law. Georgians for Handgun Control intends to push for State legislation to prevent a reoccurence of that event, but it is up to you to keep these so-called "parts guns" out of the United States altogether by plugging the loopholes in the 1968 act.

We intend to take a more active part in the legislative process, to let you know that when you vote in favor of gun control you have the support of a majority of the American people. No matter what the "gladhanders" tell you, responsible and effective handgun control is an idea whose time has come. It is only a matter of time until Congress becomes persuaded that the people of the United States want nothing less. We urge you to take your stand now on the side of common sense, reason, and the majority to prevent any more years from going by with handgun hysteria stopping us from controlling a serious and growing problem.

Mr. CONYERS. This hearing today has covered a wide spectrum of witnesses on a variety of subjects related to firearms regulations. Your statement was important, but I think all of them were. I feel our visit to Atlanta added an important dimension to our inquiry. The witnesses have come from a wide area of the several States near Atlanta. On that note, and on behalf of the subcommittee, we are very grateful for the cooperation that has been afforded us, particularly by the mayor, and by public television channel 30, WETV, which has worked so hard and diligently with the associate counsel, Tim Harte, who has helped to establish and organize these hearings. So on behalf of all of the subcommittee members, Counsels Maurice A. Barboza and Chris Gekas, I wish to express our thanks for the cooperation that hopefully will make these proceedings an important part of the final deliberations out of which will come helpful and important firearms regulations from the Congress of the United States.

Thank you very much and I declare these hearings recessed.

[Whereupon, at 5 p.m., the subcommittee was recessed, subject to call of the Chair.]

APPENDIXES

APPENDIX 1

CORRESPONDENCE

ABBEY OF GETHSEMANI,
Trappist, Ky., March 24, 1975.

Hon. JOHN CONYERS JR.,
U. S. House of Representatives, Washington, D.C.

DEAR MR. CONYERS: I wish to express my gratitude towards you in your efforts to find some effective control on the sale and use of hand-guns in this country.

Let me state here that I am a proud owner of a hunting rifle and would see no problem if I were asked to register and obtain a license for this rifle. In fact I would certainly question the motive of a person who would refuse.

In a similar way, I enjoy the privilege of driving an automobile and find no problem in getting a registration and license for the same. This is a bit off the subject but I can't resist saying that drinking and driving don't mix and violators—of which a huge percentage are responsible for highway deaths every year—should lose their license or privilege. With every privilege goes responsibility.

Without control on hand-guns there seems to be developing very rapidly a mentality that one has to be able to defend onself and so one very easily justifies the need for a revolver. Right-away from the above statement if correct, then our police-force will need some rehabilitation, from its public image to its effectiveness in quelling violence in all forms. Perhaps this should be the first step but passing a law and enforcing it on the sale and use of hand guns is I believe a very good start.

Your Honor, please excuse my long-windedness but its the best I could do in expressing my desire and appreciation on paper to back up your efforts.

I'm convinced good government will only come from good people doing all in their power to overcome what is basically wrong, evil and a source of unlimited control.

Thank you for listening.

Gratefully,

Brother M. CORMAC.

ST. PETERSBURG, FLA., *July 7, 1975.*

Hon. JOHN CONYERS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: In November of 1974, our family was confronted with an ordeal which I feel you can be very instrumental in sparing many other families, including your own, your friends and associates from having to go through.

Our family's ordeal began in our own neighborhood, out of the barrel of a .357 Magnum Handgun. Our only son Byron, a fine student, athlete and a credit to his school, church and community, was visiting his best friend, two doors from our home. His friends father had left and left his son the responsibility of cleaning hunting rifles and the .357 Magnum Handgun, used the day before hunting. We are not sure just what took place, but our son had only been in their home a few moments when somehow his friend discharged the gun, hitting Byron in the chest, killing him instantly, he will be forever 14 years old.

The aftermath of this tragedy has been a nightmare for our family, and one which I pray to God no other family will ever have to live through, it is something that confronts one every day, having to bury your child.

This event is mirrored many times over daily in our country, as born out by our newspapers, the grim details of death wrought by the Handgun. I feel that our society can no longer tolerate the menace that the Handgun presents to every citizen, it is time to take decisive action when, statistically speaking your children and mine stands a greater chance of being killed by a Handgun, than did a soldier on combat duty during the second world war.

I urge you and your associates, as responsible fathers, Americans and the peoples voice in Government, to take decisive action on this issue of Handgun Control, before the Handgun claims another victim.

Sincerely,

WALTER M. SCHRAM.

FEDERAL PENITENTIARY,
Atlanta, Ga., July 21, 1975.

DEAR CHAIRMAN CONYERS: I am very appreciative of your kindness in allowing me to submit a statement regarding my views on Gun Control Legislation which is before your Subcommittee. I would like the record to clearly show that I am categorically opposed to any type of gun control legislation whether it be on a City, County, State or Federal level. As has been stated numerous times in the past, "people murder people not guns." The crime problem can be "arrested" over night if all Americans are guaranteed decent employment, decent housing, decent medical treatment and a decent education. This nation is being plagued by narcotic addiction, armed robberies, assults and an archaic criminal justice system, and it will continue to increase until all of us take affirmative action to see that people are not compelled to live in sub-human conditions, i.e., housing employment, education, and medical.

Sincerely yours,

PAUL B. OWENS.

MOUNT STERLING, KY., *March 5, 9175.*

Representative JOHN CONYERS,
Chairman, House Judiciary Panel on Gun Control, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am writing to the panel, chaired by you, which is looking into the gun control issue. I wish to express my opposition to any attempts to take away or make unavailable firearms to the public.

Before continuing with the aforementioned intent of this letter allow me to introduce myself. I am twenty-seven years of age, a teacher of junior high school science and part-time farmer. I am by nature peaceable yet hold a deep conviction of the right of an individual to protect his family and home.

Allow me now to mention only a few of the scores of reasons for opposing restrictive gun controls. First is the Constitution of the United States, Amendment II. "A well regulated militia being necessary to the security of a free state; the right of the people to keep and bear arms shall not be infringed." When this was written its intent was to prevent a recurrence of the acts whereby the British had entered private homes and confiscated firearms and ammunition. The militia of that time consisted of untrained "minutemen"; just ordinary private citizens. The amendment states clearly ". . . the right of the people . . ."; we, the ordinary private citizens, are the people of this land; therefore any attempt to prevent firearms ownership by the aforementioned persons is a violation of the Constitution.

Secondly no amount of laws will prevent criminals from possessing guns with which to perpetrate their illegal acts. After all by the very definition of a criminal he is opposed to abiding by the laws of the land. Restrictive firearms laws only work a hardship on law abiding citizens; not only making the obtaining of a firearm for the usual sporting purposes difficult but also greatly limiting our ability to defend our homes and families.

Please note that the laws preventing ordinary citizens from owning fully automatic weapons and explosive devices has not deterred or prevented criminals from obtaining such items.

A third reason to oppose restrictive firearms legislation is the safety factor. If we can believe the figures quoted by Representative Mikva the 13040 gun related deaths in 1973 is certainly small compared to the number killed by automobiles,

falls in the home, and alcohol. According to the figures presented by Representative Mikva only .0326% of all guns contribute to the death of a human being and only .2826% of all guns contribute to a human injury. It should be noted that due to these truly remarkable safety records that insurance companies provide liability insurance for gun collections at one of the lowest rates for any type of liability insurance. For an item that numbers well over 40 million pieces this is quite an impressive safety record. I wonder too, how many of those deaths and injuries with guns were caused directly by alcohol and/or drugs?

As to the allegation that a gun in the home is more likely to kill a member of the family than an intruder I live in a community of more than 15000 and can only think of three deaths in a household due to a gun accident in the past five years. I do not count suicides in the above since a person bent on suicide will find a way no matter what the obstacles. If guns were as dangerous as Mr. Mikva and Mr. Fauntroy claim I seriously doubt that the insurance companies would be willing to provide liability insurance so cheaply: it sure does not come cheap for automobiles.

The only thing that will combat crime is for our courts and judges to convict and properly sentence those who commit unlawful acts. When of two murderers in my own community one receives a suspended one year sentence and the other, who by his own admission was not only guilty of murdering three adults and one unborn baby but has a list of others to kill, receives a sentence that will allow him to be returned to society in four and one-half years I must say that it is no wonder the United States has such a high rate of crime. Correcting this lenient attitude toward criminals is the only thing that will curb crime; not taking guns away from millions of decent, law-abiding citizens: If guns are removed from the people this country will be host to a rise in crime the likes of which has never before been imagined in this nation. After all, a criminal will find his job much easier and safer if the only legal guns are those in the hands of law officers miles or blocks from his intended victim.

In closing I leave this thought; prosecute the human criminal; not an inanimate object such as the gun or automobile a criminal may use in the commission of a crime.

Thank you for considering my letter.

Respectfully,

W. TANDY CHENAULT.

SOUTH MIAMI, FLA., *March 27, 1975.*

Hon. JOHN CONYERS,
Chairman, Judiciary Subcommittee on Crime, House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am writing this letter to urge you not to pass any more gun control legislation. What we already have is sufficient for the law abiding citizens. And for the rest; well, they are going to get guns no matter how many laws you pass.

Shooting and hunting are healthy sports and if more people, especially children, were involved in something like this, it might keep them out of so much trouble.

Instead of trying to keep anyone from owning a gun or from buying ammunition, why not concentrate your efforts on the criminal use of guns. If the courts would be harder on the people who use guns in crimes, the criminals would think twice about using them. Ask any Police Department, and I'll bet they tell you they would rather have harder court sentences than stronger gun control laws.

Don't make a lot of innocent people suffer for what a few do. Make those few pay with years, instead of months, in jail and I'll bet you get better results than you had hoped for.

Very truly yours,

LOIS C. GILBERT.

CAPE CORAL, FLA., *April 12, 1975.*

Hon. JOHN CONYERS,
House of Representatives,
Washington, D.C.

DEAR MR. CONYERS: Even though this letter shows that my present home is Florida, I was born and reared, from two generations of Georgians, in Atlanta, Georgia. As I travel across the country, I read newspaper editorials and news

items about gun control and, in the same paper, news which proves to me that the things I heard and saw in Atlantia, Georgia twenty to fifty years ago, were true all over the nation.

If 10,340 people were murdered by hand guns in 1973, I wonder if anyone has stopped to analyze and see who the murderers and the murdered were, and how this compares with the number of these same kind of people that were murdering and being murdered, thirty, forty, fifty or sixty years ago, when ice picks, switchblade knives and straight razors were the weapons of the day.

"Assault with a deadly weapon" has not always resulted in murder, but regardless of the weapon used, and only in recent years as compared with the nation's 200 years of existence, have "hand guns" become the weapon that is universally and very effectively used. Murder is what was intended.

What I am saying is, when I was a boy, 45 and 50 years ago, ice picks were commonplace, and there were very few, if any, refrigerators, and our local "brethren" frequently used ice picks on each other. We had one man come to work one morning with over 27 ice pick wounds in his back. Now, I am sure that whoever inflicted these intended to murder him, but they were not quite so successful. This is just one of tens of thousands of examples.

Now, as for statistics, I have heard it said from law enforcement officers of the day that, in and around Atlanta forty and fifty years ago, no statistics of these types of assaults were ever kept, in fact, they didn't even record the dead bodies that were picked up, particularly after a Saturday night brawl—let alone, the way they became dead or why. So, what I am suggesting is that 10,340 murdered with hand guns in 1973 is probably a low number compared with the total deaths caused by any and all weapons prior to the time the murderers could afford to buy "hand guns". I rather believe that this figure is low, taken on a population density basis, anyway you ought to develop it.

From information that I hear and read, it would lead me to believe that if you took the "minority" out of the crime picture, particularly crimes that the "minority" commits against the "minority", and just limit it to the crimes of "passion" of a serious nature, to include "assault with a deadly weapon" and/or "murder", we would have very little crime left. What serious crime is left appears, to me, to be the "minority" using deadly weapons, some hand guns, to commit robberies and/or armed holdups, not only against each other, but against the balance of the population. With these taken out of the total crime picture, what serious crimes that involved deadly weapons, "hand guns", can usually be traced to isolated cases of murder and robbery, but the majority would be in the area of family and domestic quarrels, most of these by "minorities" and/or foreigner.

Like most people that do not favor "gun control", I am in favor of the complete elimination of the manufacture, distribution, sale and possession of the so-called "Saturday night special", particularly the importing of such a weapon from foreign sources.

If times get hard enough, you will see the swing from murder by "hand guns" to other inexpensive and ineffective weapons. I doubt if we will go back to ice picks, but sharp and blunt instruments will continue.

The very best proof I have to prove my point, is to step into any United States Post Office and look at the wanted posters and study them. Over 95% of them will be the exact types of individuals I have just been discussing.

Very truly yours,

GEORGE W. WEST, Jr.

DAVIS HOSPITAL,
Statesville, N.C., April 18, 1975.

Representative JOHN CONYERS, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: The U.S. House of Representatives Committee on the judiciary "Sub-Committee on Crime" is presently holding hearings on Gun Control. Hearings range from registration, licensing, banning of the sale of all guns, banning Saturday night specials, and also the Imposition of Mandatory Minimum Penalties for the Use of Fire Arms in the Commission of a Crime.

I support the latter proposal—Mandatory Minimum Penalties, and so does every law abiding citizen, every sportsman, every N.R.A. member, every Legis-

lator, and every American. The only people against such a law would be professional criminals and "occasional criminals."

Such a law would be so easy to pass and so effective, you would note a decrease in homicide and a decrease in armed robbery of over 1,000% overnight, and every American would appreciate it.

I note some valid reasons for such a law "rather than a law to ban guns and/or ammunition" in a recent letter I wrote to the Consumer Products Safety Commission.

Please look over these reasons I have listed as well as the underlined comments by Robert J. Kukla, whose article I have also enclosed. It is a very complete, enlightening discussion of the uselessness if gun abolition.

Again, I would like to say that every American, every sportsman, every Legislator—every law abiding citizen would whole heartedly support such a proposal for Mandatory Federal Minimum Penalties to commit a crime with a gun. If guns themselves are the object of Legislation, I believe the result would be a terrible Pandora's Box.

Again, I appreciate your time in reading this letter and would encourage you to read the next couple of pages of information enclosed. It is quite enlightening and quite complete and factual.

Thank you very much.

Yours truly,

ROBERT G. DILLION, M.D.

ENGLEWOOD, FLA., *July 3, 1975.*

HON. PETER RODINO,
Chairman, House Judiciary Committee,
Rayburn Building,
Washington, D.C.

DEAR SIR: As a Regular Officer of the United States Army I was unaccustomed to writing letters to Congressmen. Since my retirement everything "American" seems to be collapsing so generally, rapidly, and continuously that it is imperative to open a dialogue with my representatives in the national government. In over 28 years of Federal service I know that I have acquired a great amount of specialized education and experience in several fields which very few Americans, even Congressmen, ever have the opportunity to develop.

As the Chairman of the House Judiciary Committee you have a serious responsibility in influencing certain proposed legislation which is passed to the House for action. In this capacity, you could play a major role in affecting legislation which is best for the long-range interests of the United States to enable it to remain strong, free, and an independent Constitutional Republic, rather than continuing to drift leftward toward a socialist welfare state which we are too rapidly becoming.

At the present time a veritable avalanche of anti-gun and "gun control" legislation, primarily against handguns, has been launched in the Congress, all of which are ill-considered, fallaciously based in unreasoning rationale, and would be highly detrimental to the future freedom of the people of this country if enacted. These laws, which would definitely infringe upon the peoples right to keep and bear arms, as guaranteed in the Second Amendment to the Constitution, would also deny to the individual law-abiding citizen the right to defend himself and his home or property against criminal, mob, or subversive para-military action. The proposed anti-handgun laws, also including in some cases handgun ammunition, strike at the law-abiding citizen and disarm him, threatening the basic strength of America, without touching the armed criminal. For example, these laws further assume, in their fundamental premises, that the ownership of firearms is illegal or evil, and would thus condemn the innocent, law-abiding gun-owner as "criminal" only for that reason! This is a ridiculous position.

The ownership of a gun does not cause crime! The over 100 million gun-owning citizens of the United States are those who are, nearly without exception, the heart of the law-abiding, patriotic, citizenry of the nation, whose concern about the increase of crime even exceeds that of most Congressmen. Their major problem is that, being law-abiding, by definition, they are not using their guns effectively against the armed criminal who, by definition, will have guns whether their owenrship is or is not legal. The existence of so many restrictive laws on the use of guns already has nearly prohibited the effective control of armed criminal

activity, by either the public or the police. This has destroyed the "balance of power" between the public and the criminal, all in the criminal's favor. The Sullivan Law and other grossly restrictive laws of New York have served only to prove that this approach to crime control is useless. Crime in New York has increased ten-fold since the Sullivan Law, and has resulted in the criminal's assurance that his potential victim will not be armed to oppose him!

The fault does not lie with the guns themselves, nor the availability nor numbers of guns extant among the citizenry. The majority of stolen crime weapons come from Government arsenals anyway. This attempt to control a means is not the answer. The answer must be in tougher legislation to control the criminal person. It is the misuse of guns which creates crime, because the criminal wills it so! Thus, legislation to impose severe mandatory sentences on the criminal misuse of firearms is the proper solution, providing the present court system is instructed to use such legal authority! Such laws must also contain safeguards to insure that the law-abiding armed citizen who might shoot a criminal in the course of a felony is protected and not considered guilty of using a firearm for self-defense! In fact, this is the effect that some of the proposed bans and confiscations of handguns would have!

The bans on handguns and ammunition proposed by such suggested legislation as that of Representatives Mikva, Drinan, Harrington and others would also affect the use of .22 caliber rifles, inasmuch as .22 caliber ammunition is also used in handguns, which would deny the millions of American sportsmen one of the most popular competitive and sporting/practice calibers available. This is total infringement! The effect if such a law would disarm about one-third of the numbers of law-abiding citizens of the country, which is also one-third of our armed national defense ultimate potential. Is this the intent of these legislators?

Therefore, I urge you to oppose and discourage all such anti-gun proposals, and to support the several bills which would promote the proper ownership and use of all guns, repeal the Gun Control Act of 1968, penalize the use of firearms in felonious acts, prevent the Consumer Product Safety Commission from banning handgun ammunition, prohibit a ban on the use of lead shot for waterfowl hunting, remove .22 caliber ammunition from the restrictions of controls under the GCA '68, and other similar proposed legislation sponsored by Representatives Bafalis, Symms, Runnels and others.

Respectfully,

HIRAM M. WOLFE III.

SCURRY CLINIC,
Greenwood, S.C., August 9, 1975.

Hon. JOHN CONYERS,
House Office Building,
Washington, D.C.

DEAR MR. CONYERS: I was alarmed to read in the paper this morning about the handgun legislation that your Judiciary Subcommittee is considering. I realize that you and your associates have spent many hours and interviewed many people during the course of your investigation, but I think that there are some very serious questions that need to be answered honestly and frankly. Here are a few of them:

1. How many criminals and persons of criminal intent are going to register their guns? We all know the answer: NONE!

2. How many decent and otherwise honest citizens are going to be made criminals because they honestly do not feel that registering their guns will be in their own best interest? A recent poll conducted by the American Assn. of Federally Licensed Firearms Dealers estimated up to 93% would not.

3. Can you imagine the consequences of these registration lists falling into the hands of the wrong persons such as criminals, or even subversives? Nearly every secret that the United States has ever had has been uncovered by someone of malevolent intent. This registration list will be no exception. I tremble to think that my home would be earmarked for larceny or confiscation.

4. Would the identification card costing $25 every two years cover all guns owned by a single person, or would this charge be made for each handgun? Collectors would be hard hit if it applied to each gun.

5. Since only honest persons are going to register their guns, can you justify spending $160,000,000 the first two years just to keep track of honest persons who own 99.98% of all the handguns that will not be used to commit crimes of violence? Could this money be better spent in attempting to control the other 0.02% of guns owned by criminal elements?

Thanks for listening to me. I think that these questions are worthy of thoughtful consideration before recommending legislation.

Sincerely,

R. E. HUNTON, M.D.

BEAUFORT, S.C., *April 9, 1975.*

Hon. JOHN CONYERS,
Chairman, U.S. House of Representatives, Subcommittee on Crime,
Washington, D.C.

SIR: It has been brought to my attention that several bills have been introduced which are directed toward further gun control. Never having voiced my opinion to any government official before, I felt that this was a good time to do so, in view of the importance of the matter.

As a layman, it has been my impression that we are now plagued with a conglomeration of legislation aimed at the control of the manufacture, transportation, sale and use of firearms. Yet in spite of the various laws, the illegal use of firearms continues to rise. It then becomes quite apparent, to me at least, that more laws, more regulations, and even more restrictions on firearms is not going to alter, or reverse this trend. The only effect of any further regulation on firearms would be to further restrict the use of firearms by the law-abiding segment of society.

But the law-abiding segment of society consisting of millions of Americans who are sportsman shooters are not the problem. Why then do you continuously, and seriously, consider legislation which would effect only those who obey the law? It is, after all, the law-abiding citizens who are the victims of the illegal use of firearms. Is it not enough that we suffer at the hands of the criminally inclined? Why must we also suffer at the hands of our legislators, who persist in restricting the recreational and legal use of firearms? What did we do to deserve such treatment when we have done nothing wrong?

It has always been my understanding that it is the duty of the judicial branch to protect (not punish) the victims of crime, and punish (not protect) the perpetrators of those crimes. Yet the judicial system has repeatedly expanded the rights of criminals, to the extent that—if put on paper—would far outnumber the rights given the common citizen. At the same time, the rights and privileges of the law-abiding citizen, as set forth in the constitution, have been eroded, reduced, and infringed upon in legislation limiting the use of firearms. The dismal failure of the judicial branch to administer justice to those convicted of crimes involving firearms is a major factor contributing to the increase in crime involving guns. The individual contemplating any crime knows that the punishment for use of a firearm is probably going to be light—IF he is punished at all. In essence, then, further legislation would serve no purpose in restricting the criminal, but, as previously stated, would only serve to impose more restrictions on the rights of the individual citizen who has done nothing wrong.

This nation was founded in protest over unjust and unreasonable laws and taxes imposed by a political power out of touch with the people they pretended to represent. The struggle for freedom and individual liberties that resulted from that protest was based in large part on individually owned firearms. In fact, we owe our very existence to those patriots who, through their skill and resourcefulness with a firearm, earned a victory over oppressive government.

The authors of our constitution recognized the contribution of the citizen and his rifle, and in their wisdom, saw fit to establish the right to keep and bear arms as one of our fundamental rights.

Any legislation limiting, lessening, restricting or controlling firearms by a law-abiding citizen is an encroachment on that right, and one that most Americans—including myself, will not tolerate.

I feel that many Americans are rapidly approaching the limit of their tolerance on government controls, restrictions, and taxation. In this respect it appears we may have come full circle, for the situation was much the same two hundred years ago.

We have heard too much talk from almost all departments of the government—all voicing concern over the increase in crime and use of firearms in the commission of crimes. It is time the rhetoric, proliferation of legislation, and all foot-dragging stop. It is time the judicial branch of this government started to rigorously Enforce the laws now on the books, and Punish those guilty of crimes involving guns. The courts have been disgracefully lax in the enforcement of present laws. By what magic formula do you propose to accomplish the enforcement of any new law?

I respectfully ask that you desist from enacting any more gun-control legislation unless and until the present laws are enforced by our courts. I especially ask that you not consider any legislation that would restrict the peaceful and recreational use of firearms by those citizens who are guilty of no crime. I would, on the other hand, support any responsible legislation aimed at the criminal use of firearms.

Sincerely,

W. M. DAVIDSON.

SPARTANBURG, S.C., *March 19, 1975.*

Hon. JAMES R. MANN,
The House of Representatives, Longworth Building, Washington, D.C.

DEAR MR. MANN: As my elected representative in Washington and also a member of the House Judiciary Subcommittee on Crime, I would like you to know my views on the subject of gun control.

This subject has been belabored by the two extremes and by anything in between. However, it seems all too few take an honest, common sense attitude. At least, not many in this category reach the public through our media.

I am in favor of honest, law abiding citizens owning guns for the sake of collecting for hobby, recreation, such as hunting, target, trap and skeet shooting and for self-defense. I am not in favor of dishonest people having guns for unlawful reasons. Those who own guns and obey the law should not be made to suffer for those who don't. Those who use and/or deal in guns unlawfully should be penalized to the maximum extent according to their crime.

In my opinion guns should be subject to safety regulations to the extent such regulations would remove from the market the cheap, junk guns which are a hazard in themselves, regardless of the intended use.

I am for gun instruction in our education system no less than I am for driver education. It is a fact, we have far more damn fools running around in automobiles than we do with guns.

I am against the extremes of "those for" and "those against". I am not negative to sane, common sense restrictions, i.e., waiting periods. I am against inane piece-meal regulations that are obvious stepping stones to total gun control. I am for a reasonable approach to a problem which does exist, that will penalize the guilty and leave the innocent alone.

For the sake of brevity, I will not discuss, now, those approaches I consider to be sane and of common sense. I will say that my ideas on the subject are of a normal nature and not extreme.

If you, as a member of the House Judiciary Subcommittee on Crime, are active in your research on the subject of gun control and are interested, I will be pleased to go further as to my opinions.

I, and a vast number of other voters, observe with keen interest the individual opinions and actions taken on this subject. Therefore, I wait your reply to this letter, expressing, in some detail, your attitudes and intentions as regards gun control.

Yours very truly,

DOUGLAS M. AUDSLEY.

WAYNESBORO, GA., *March 18, 1975.*

Hon. JOHN CONYERS, Jr.,
Rayburn House Office Building,
Washington, D.C.

HONORABLE SIR: In news items I note that some persons including a "Cop" has appeared before your committee and advocated their being in favor of more gun control laws and the possibility of making it unlawful to manufacture what I call, "pistols."

Before your committee takes final action on this matter I wish you would consider the other side of the question, for instance *mine.*

1. I am 78 years old and my wife 71. We are former teachers, now retired on a small pension. I had to build up social security with part time employment after retiring from teaching therefore I began at minimum. Because of low income our social activities are limited as we do not have the money to pay our way in many activities.

2. We decided to take up fishing and hunting for recreation. At present my hunting is not threatened as I use "long guns". Where we fish we have a lot of moccasins and a few rattlesnakes. This is on creek and one pond with lot of

willow bushes. A rifle is cumberson in boat with our other "Junk" and old people have a lot.

3. At present I am using a 22 pistol, 4 inch barrel, with shot cartridges to shoot these snakes. I killed two yesterday and let a hugh one get away. As soon as my license to carry this gun expires I will take out a license to carry a 38 special (S&W). They are manufacturing shot cartridges for this caliber gun now. I use shot cartridges because they are not dangerous but for a short distance and I cannot see well enough to aim and hit with bullets.

4. The first gun (22) was shipped thru the sheriffs department and the 38 was bought in Lavonia. The dealer took my name, address, drivers license description of gun and number and usual questions. I buy a license to carry the gun I use, will be 38 soon, while fishing, at our Ordinarys office. License good for three years. They record number etc.

5. I feel that the records on these guns are sufficient for them to be identified any time. They are kept locked in cabinet in room we seldom use.

6. In our state a college coed stayed in prison longer than two of three people who pleaded guilty to robbing a business of about $28,000. If I recall correctly, they "restituted" $21,000 of the money and drew a probated sentence. The girl took a rocking chair off of the porch of an abandoned tenant house.

7. I feel that any person using a gun in the commission of a crime should be forced to serve a prison sentence when and if convicted.

Thanks.

JOHN L. BOLTON.

AUGUSTA, GA., *March 24, 1975.*

Hon. JOHN CONYERS, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: I respectfully call your attention to the matter of handgun controls which I believe are being heard by the House Subcommitteee on Crime at the present time. I wish to make it clear that I am Opposed To Any Ban, Registration or Licensing of handguns or any other guns.

This letter is perhaps a bit lengthy however I will appreciate if you or one of your aids will read this letter in its entirety so you will know how I feel about this matter and why.

As I wrote to our Georgia Legislators a short time ago on the same issue, I think it is very unfortunate the current trend is to hop on the handgun control bandwagon whenever the crime rate increases instead of getting at the heart of the matter—that is enforcing the laws we now have on crime or strengthening them so they will have more teeth. This I believe will deter the criminal or would-be criminal and at the same time leave the handguns in the hands of the law abiding citizens where they belong. After all a handgun is an inanimate object—its the heart of the shooter behind the gun that is to blame for any wrong doing.

I realize that a number of people in this country including some Police Chiefs are calling for some restrictions on handguns up to a total ban. Frankly I do not agree with them nor can I see the reasoning behind their thinking. This is not a case of keeping the criminals from acquiring handguns for the criminals already have them (and full automatic weapons and sawed-off shotguns which have been outlawed for years). All a ban or further restrictions on handguns would do would be to hurt "Old John Q. Citizen" like myself. Under these adverse conditions, it would be difficult for a man to protect his own family just because of the wrong deeds of a few.

And what about the 2nd Amendment? I thought this gave every law abiding citizen the right to bear arms. Oh yes, I know some of our courts have interpreted this as meaning a well regulated militia but somehow I just don't believe this is what our founding fathers meant.

A few years ago, a citizen from Ireland wrote an article in a well read magazine in this country and he stated this: "If you want to see the United States in the same condition that Ireland is in, just take away the guns from the citizen."

I will greatly appreciate any help you can render in assisting the law abiding citizen to bear arms and without the imposing of any further restrictions. Let's place the burden where it belongs—square on the shoulders of the criminal. In addition, many of us consider the handgun a hobby. They are used for hunting

purposes as well as target shooting, plinking and collecting. Many of us prefer this hobby to golf or ball games.

Thank you very much for hearing my side of the argument.

Sincerely yours,

HAL D. BEMAN, JR.

APPENDIX 2

STATUTE CONCERNING FIREARMS EFFECTIVE JUNE 18, 1975

THE STATE OF SOUTH CAROLINA

SECTION 1. Section 2 of Act 330 of 1965 is amended by striking item (a) and inserting:

"(a) 'Pistol' means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges."

SECTION 2. Section 2 of Act 330 of 1965 is amended by adding items (g) and (h) which shall read:

"(g) The term 'Division' shall mean the State Law Enforcement Division.

(h) The term 'purchase' shall mean to knowingly buy, offer to buy, receive, lease, rent, barter or exchange."

SECTION 3. Section 6 of Act 330 of 1965 is amended by striking it and inserting:

"Section 6. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this act. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

(a) The license or a copy thereof, authenticated by the issuing authority, shall at all times and places of sale be available for inspection or displayed where it can easily be read.

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. A separate firearm transaction form shall be completed for each pistol sold, a copy of which must be submitted to the Division as provided in Section 5A. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

(d) The fee for issuance of such licenses shall be one hundred dollars.

(e) Each applicant for a license shall post with the Division a bond in favor of the State with surety in the amount of ten thousand dollars. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this State and conditioned that the principal named therein shall not do any act meriting suspension or revocation of his license under provisions of this act. In lieu of a bond, a cash deposit or a deposit of other securities acceptable to the Division of a value of ten thousand dollars shall be accepted. Any person aggrieved by any act of the principal named in such bond may in an action against the principal or surety therein, or both, recover damages. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond giving thirty days' notice to the Division and thereafter shall be relieved of liability for any breach of condition after the effective date of the cancellation.

(f) A breach of any of the above conditions or violations of any provisions of this act by a dealer, or the giving of false information by a licensee on an application for purchase or transfer shall result in forfeiture of license, but the licensee shall be entitled to reasonable notice and proper hearing in the circuit court of the county in which he is licensed."

SECTION 4. Section 9 of Act 330 of 1965 is amended by striking it and inserting:

"Section 9. Any person including a dealer violating any of the provisions of this act shall be deemed guilty of a felony and upon conviction shall be fined not

more than two thousand dollars or be imprisoned for not more than two years, or both.

When a violation occurs within a municipality the fines collected shall be delivered to the municipality by the clerk of court. If the violation occurs outside a municipality, the fines shall be delivered to the county treasurer.

Any person convicted of violating the provisions of this act, in addition to the penalty provided herein, shall have the pistol involved in such violation confiscated. Notwithstanding any other provisions of law, such pistol shall be delivered to the chief of police of the municipality or to the sheriff of the county, if the violation occurred outside the corporate limits of a municipality. The law enforcement agencies that receive the confiscated pistols shall use them within their department, transfer them to another law enforcement agency or destroy them. Records shall be kept of all confiscated pistols received by the law enforcement agencies under the provisions of this act."

SECTION 5. Act 330 of 1965 is amended by adding Section 5A which shall read:

"Section 5A. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain the applicant's (1) name; (2) residence and business address; (3) date and place of birth; (4) social security number; (5) South Carolina driver's license number or South Carolina Highway Department Identification Card Number; (6) physical description; (7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5); (8) a signed sworn statement by the applicant that he is not within any classification set forth in items (a), (b), (c) or (d) of Section 4 of this act, and that he has not purchased a pistol within the previous thirty days; (9) the signatures of applicant and the dealer; (10) and such other personal identifying information as may be required by the Division.

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; *provided*, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police or his designated agent of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality to the sheriff or his designated agent of the county in which the applicant resides citing these facts and reasons why he cannot wait for a thirty-day period to purchase a pistol. The special permit shall contain such information as required by the Division and shall be on a form furnished by the Division. The issuing officer shall retain a copy of the permit and forward a copy to the Division.

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this act, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Upon proper completion of the application the dealer shall submit the original application to the Division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the Division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer."

SECTION 6. This act shall take effect upon approval by the Governor.

APPENDIX 3

METROPOLITAN ATLANTA CRIME INDEX

In 1974, there were 92,353 Index Crimes in the area policed by the thirteen agencies providing data for this study compared to 81,469 in 1973. This represents a 13.4 percent increase in reported crime for the region at a minimum and perhaps larger if a complete data base were available. Violent crimes (murder, forcible rape, robbery, and aggravated assault) increased 19.2 percent from 1973 to 1974 while property crimes increased only 12.6 percent during the same period. The crime exhibiting the largest percentage increase was aggravated assault which increased 33.6 percent from 1973 to 1974.

Contrasted with population growth we found that the region's population only grew 3.08 percent from 1973 to 1974 so that crime increases again outstripped the population increase on a percentage basis.

METROPOLITAN AREA

INDEX OFFENSES		Number of Offenses January Through December	Percent Change Over Previous Year	Rate Per 100,000 Population	Percent Rate Change Over Previous Year
MURDER	1974	343	+ 3.0	21.0	± 0.0
	1973	333		21.0	
FORCIBLE RAPE	1974	699	+ 3.6	42.7	+ 0.5
	1973	675		42.5	
ROBBERY	1974	5,783	+ 12.0	353.5	+ 8.6
	1973	5,164		325.4	
AGGRAVATED ASSAULT	1974	4,894	+ 33.6	299.1	+ 30.0
	1973	3,663		230.8	
VIOLENT CRIMES	1974	11,719	+ 19.2	716.3	+ 15.6
	1973	9,835		619.7	
BURGLARY	1974	34,840	+ 13.6	2,129.6	+ 10.2
	1973	30,663		1,932.1	
LARCENY-THEFT	1974	36,879	+ 15.4	2,254.2	+ 11.9
	1973	31,960		2,013.8	
AUTO THEFT	1974	8,915	- 1.1	544.9	- 4.0
	1973	9,011		567.8	
PROPERTY CRIMES	1974	80,634	+ 12.6	4,928.7	+ 9.2
	1973	71,634		4,514.0	
TOTAL	1974	92,353	+ 13.4	5,645.0	+ 10.0
	1973	81,469		5,133.5	

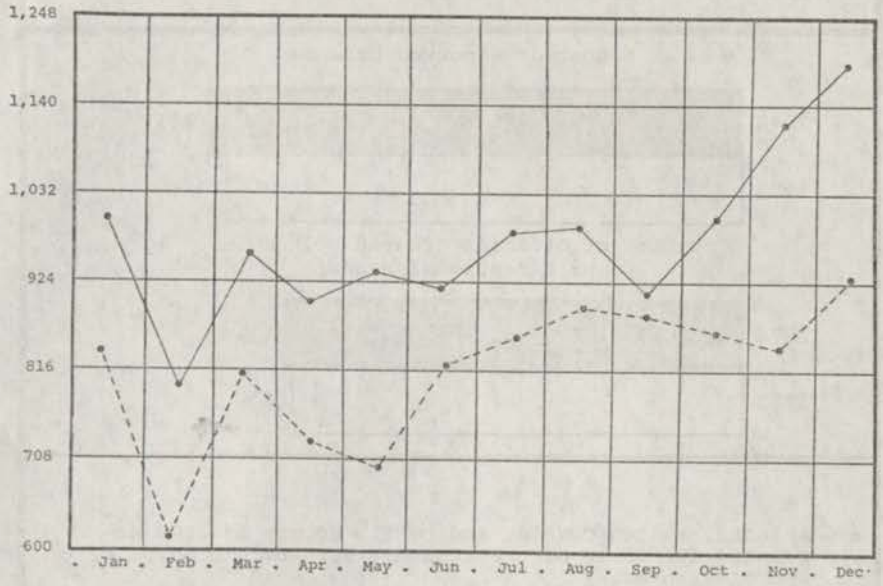
MACC
February 1975

NOTE: Rates are computed for the region on its total population of 1,636,000 in 1974 and 1,587,000 in 1973. This somewhat understates the rate since all agencies did not report crime data.

VIOLENT CRIME BY MONTH

13 Agencies Reporting in 1974
12 Agencies Reporting in 1973

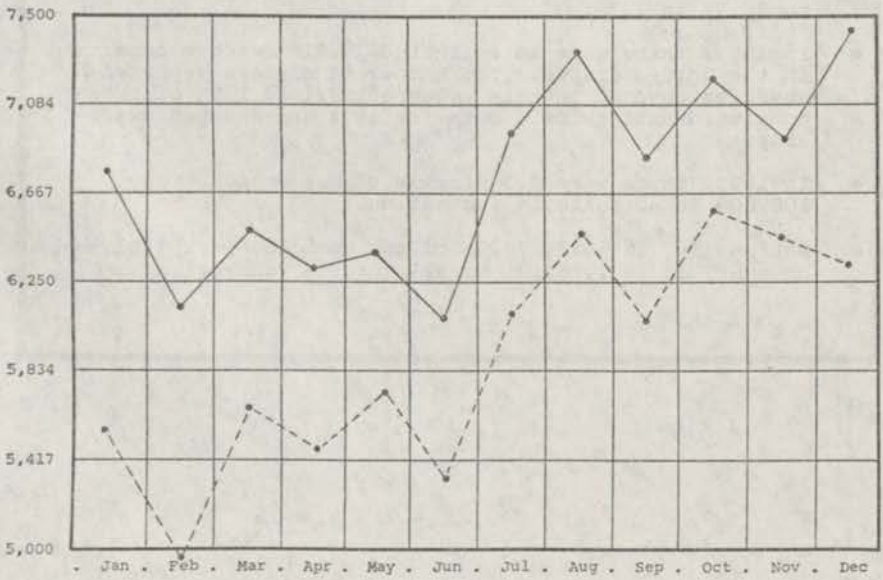
1974 ——
1973 ---



PROPERTY CRIME BY MONTH

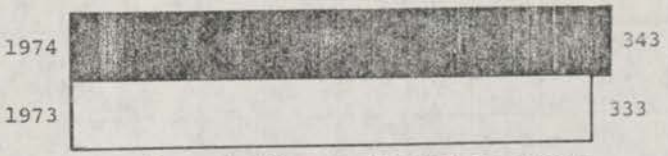
13 Agencies Reporting in 1974
12 Agencies Reporting in 1973

1974 ——
1973 ---



MURDER

Number of Reported Offenses



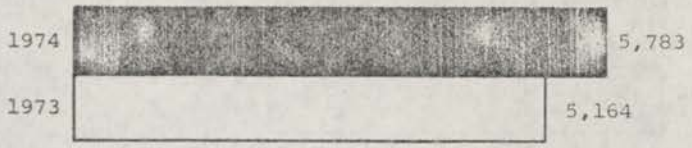
Number of Offenses Cleared by Arrest or Exceptional Means



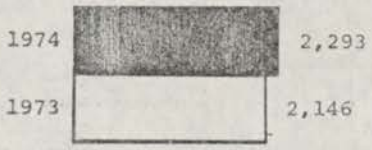
- Atlanta, Fulton County, and DeKalb County in 1974 accounted for 85.1% of the region's murders and 85.0% of the clearances.
- The rate per 100,000 for murder in the region for 1974 was 21.0 which represents no change over the 1973 rate (21.0).
- The murder clearance rate decreased from 87.7% in 1973 to 85.7% in 1974.
- In 1973, there were an estimated 19,510 murders committed in the United States. The number of murders reported by agencies covered in this volume comprised 1.7% of those committed nationwide. Data for 1974 are not yet available.
- In 1973, there were 9.3 victims of murder for every 100,000 inhabitants in the nation.
- Nationally, in 1973, 79.0% of the homicides were solved; however, in 1972, 82.0% of all murders were solved.

ROBBERY

Number of Reported Offenses

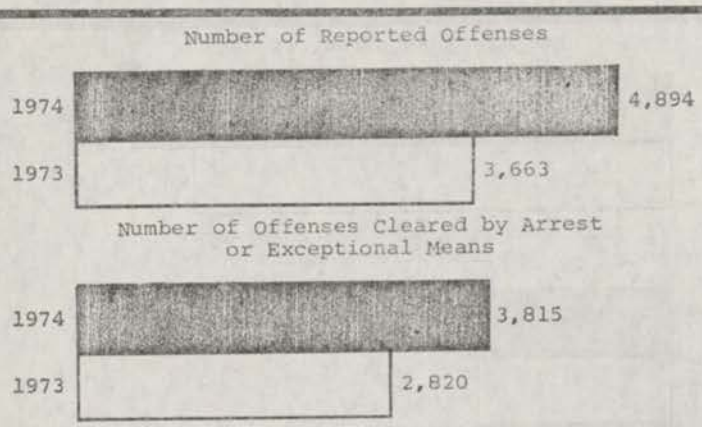


Number of Offenses Cleared by Arrest or Exceptional Means



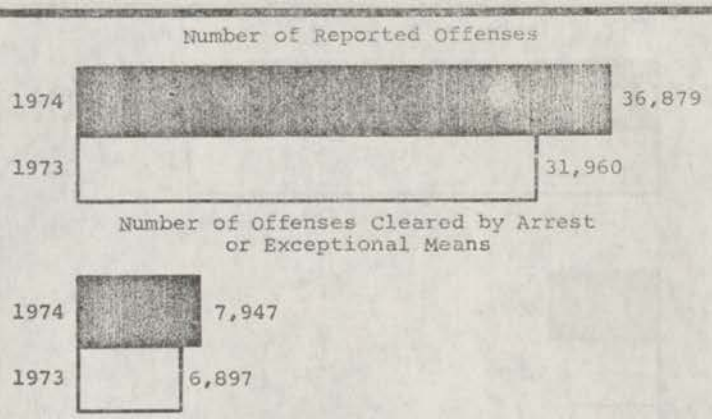
- Atlanta, DeKalb County, and Cobb County in 1974 accounted for 89.7% of the region's robberies and 91.0% of the clearances.
- The rate per 100,000 for robbery in the region for 1974 was 353.5, an 8.6% increase in the rate over 1973 (325.4).
- The robbery clearance rate decreased from 41.6% in 1973 to 39.7% in 1974.
- There was an estimated total of 382,680 robbery offenses committed in the United States in 1973. The number of robberies reported by agencies covered in this volume comprised 1.3% of those committed nationwide. Data for 1974 are not yet available.
- In 1973, there were 182 victims of robbery per 100,000 inhabitants in the nation.
- In 1973, law enforcement agencies were successful in clearing 27.0% of the robbery offenses reported.

AGGRAVATED ASSAULT



- Atlanta, DeKalb County, and Marietta in 1974 accounted for 88.0% of the region's aggravated assaults and 89.7% of the clearances.
- The rate per 100,000 for aggravated assault in the region for 1974 was 299.1, an increase in the rate over 1973 (230.8) of 30.0%.
- The aggravated assault clearance rate increased from 77.0% in 1973 to 78.0% in 1974.
- In calendar year 1973, there were an estimated 416,270 aggravated assaults in the nation. The number of aggravated assaults reported to agencies covered in this report in 1973 represented 0.9% of the national total.
- For each 100,000 persons in the United States during 1973, there were 198 victims of aggravated assault.
- Law enforcement agencies nationally were successful in solving 63 of each 100 cases of aggravated assault.

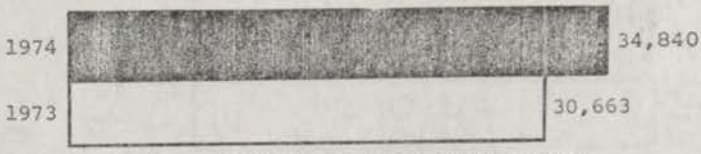
LARCENY-THEFT



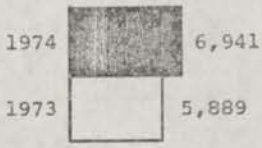
- Atlanta, Fulton County, Cobb County, and DeKalb County accounted for 79.7% of the region's larceny-thefts and 85.1% of the clearances.
- The rate per 100,000 for larceny-theft in the region for 1974 was 2,254.2, an 11.9% increase in the rate over 1973 (2,013.8).
- The larceny-theft clearance rate decreased slightly from 21.6% in 1973 to 21.5% in 1974.
- In 1973, there were an estimated 4,304,400 offenses of larceny-theft nationwide which is an increase from 4,109,600 such crimes in 1972. The number of larceny-thefts reported to agencies covered in this report represents 0.7% of the nationwide total.
- During 1973, the larceny crime rate was 2,051.0 offenses per 100,000 inhabitants, an increase of 4.0% from the 1972 rate.
- The average value of property stolen in each larceny in 1973 (nationwide) was $140, up from $100 in 1968 and $74 in 1960. Applying this average to the number of offenses reported herein represents an approximate economic loss of $4,474,400 to the metropolitan area in 1973.
- In 1973, in the United States, 19.0% of all larceny offenses brought to police attention were solved.

BURGLARY

Number of Reported Offenses



Number of Offenses Cleared by Arrest or Exceptional Means



- Atlanta, DeKalb County, and Cobb County in 1974 accounted for 75.5% of the region's burglaries and 78.4% of the clearances.
- The rate per 100,000 for burglary in the region was 2,129.6, a 10.2% increase in the rate over 1973 (1,932.1).
- The burglary clearance rate increased from 19.9% in 1973 to 20.0% in 1974.
- The FBI estimates that there were 2,540,900 burglaries that occurred in 1973. The number of burglaries reported to agencies covered in this report represents 1.2% of the nationwide total.
- The national burglary rate in 1973 was 1,211.0 per 100,000 inhabitants.
- In 1973, the average dollar loss nationwide per burglary was $337. Based on this average an approximate economic loss to the metropolitan area of $10,333,431 accrued in 1973.
- In 1973, law enforcement was successful in clearing 18.0% of all burglary offenses nationwide.

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