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PRESIDENTIAL PROTECTION AND FEDERAL FIREARMS CONTROL LEGISLATION

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HEARINGS

BEFORE THE

COMMITTEE ON GOVERNMENT OPERATIONS UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 2152

TO PROMOTE MORE EFFECTIVE MANAGEMENT OF CERTAIN
LAW ENFORCEMENT FUNCTIONS OF THE EXECUTIVE
BRANCH BY TRANSFERRING FUNCTION OF THE SECRE-
TARY OF THE TREASURY UNDER THE GUN CONTROL ACT
OF 1968 TO THE ATTORNEY GENERAL, BY CONSOLIDATING
CERTAIN LAW ENFORCEMENT FUNCTIONS UNDER THAT
ACT IN A FIREARMS SAFETY AND ABUSE CONTROL AD-
MINISTRATION, AND FOR OTHER PURPOSES

S. 2166

TO AMEND THE FEDERAL PROPERTY AND ADMINISTRA-
TIVE SERVICES ACT OF 1919 TO ESTABLISH PROCEDURES
FOR THE USE OF FEDERAL PROPERTY AND SERVICES FOR
THE PROTECTION OF THE PRESIDENT OF THE UNITED
STATES AND OTHER PERSONS

H.R. 1244

TO ESTABLISH PROCEDURES AND REGULATIONS FOR CER-
TAIN PROTECTIVE SERVICES PROVIDED BY THE UNITED
STATES AND OTHER PERSONS

OCTOBER 7, 8, AND 24, 1975

Printed for the use of the Committee on Government Operations

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PRESIDENTIAL PROTECTION AND FEDERAL FIREARMS CONTROL LEGISLATION

TUESDAY, OCTOBER 7, 1975

U.S. SENATE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The committee met, pursuant to notice at 10 a.m., room 3302, Dirksen Senate Office Building, Senator Abraham Ribicoff (chairman) presiding.

Present: Senators Ribicoff, Percy, Javits, Nunn, and Chiles.

Staff present: Richard A. Wegman, chief counsel and staff director; Marilyn Harris, chief clerk, and Elizabeth Preast, assistant chief clerk.

Chairman RIBICOFF. The committee will be in order.

OPENING STATEMENT OF CHAIRMAN RIBICOFF

Today the Committee on Government Operations begins hearings on Presidential Protection and Federal Firearms Control.

The committee has before it S. 2166, a bill introduced by Senator Nunn which is designed to correct certain deficiencies in existing laws and procedures relating to the security and protection of the President, Vice President, their families, and other persons whom the Secret Service is directed to protect. S. 2166 is identical in thrust to H.R. 1244, also before this committee, which was passed by the House of Representatives on May 5, 1975.

The committee also has before it S. 2152, a bill introduced by Senator Javits for himself and Senator Percy. This bill is designed to correct certain deficiencies in the present Federal efforts to control handguns. S. 2152 is part of a new comprehensive approach to gun control developed by Senators Javits and Percy. S. 2152 would transfer all functions relating to the enforcement of the Gun Control Act of 1968, now vested in the Secretary of the Treasury, to the Attorney General. These functions would be exercised by a new Firearms Safety and Abuse Control Administration which would have expanded handgun information gathering authority.

In considering these measures, this committee will seek to determine whether the existing Federal Gun Control Act of 1968 and its implementation by the Bureau of Alcohol, Firearms and Tobacco of the Treasury Department has achieved an effective degree of Federal control of handgun and ammunition commerce and ownership. We will

consider whether more effective gun control legislation would aid the Secret Service in its important and difficult job of protecting the life of our President. We will also consider whether reorganization of the Bureau of Alcohol, Firearms and Tobacco or other statutory amendments are required to improve the degree of Federal control over handguns.

Within the last month, two attempts have been made on the life of the President of the United States. Both of these attempts involved the use of handguns. One of the attempts on the President's life involved a handgun purchased the very day that that gun was fired at the President.

The President, however, is not the only person whose life is threatened by handguns. During the period from 1964 to 1973, 858 law enforcement officers have been murdered in the line of duty. Firearms were used by felons to commit 95 percent of the police killings and 71 percent of the weapons used were handguns.

In 1973, there were 19,510 murders in the United States. Handguns were used in 53 percent of these murders, accounting for 10,323 victims. Since 1966 use of firearms to commit murder has increased 98.6 percent—nearly double in less than 10 years.

The major piece of Federal legislation regulating the manufacture and sale of firearms is the Gun Control Act of 1968. This legislation sought to prevent access to guns and gun ammunition by "high risk" individuals—criminals, juveniles, and others—and to try to make it more difficult to circumvent State and local gun controls generally. However, it is obvious that this legislation has failed to achieve one of its most important goals—the elimination of the interstate flow of handguns.

Studies done by the Bureau of Alcohol, Tobacco and Firearms illustrate beyond question that large numbers of handguns continue to flow from States with lenient or nonexistent gun controls to States with strict controls. A study of firearms seized from persons arrested in New York City, a jurisdiction with strict gun controls, showed that 77 percent of the firearms traced had been purchased outside the State of New York. Similarly, 92 percent of all firearms traced in Detroit, Mich., were traced to dealers in other States. In the study of New York City, 54 percent of the handguns seized were originally purchased in four Southern States.

The role of firearms in American violence is greater in 1975 than 1968. The rate of gun violence and the proportion of violent acts committed by guns have increased substantially. Since 1966, the rate of handgun homicide has increased more than three times as much as homicides by all other means.

Another goal of the Gun Control Act of 1968 was the reduction of the number of cheap handguns—most of which were then imported. While the number of handguns imported into the United States has dropped from 747,013 in 1967 to 408,485 in 1974, the number of handguns manufactured domestically has increased from 926,404 in 1967 to 1,894,872 in 1974. Thus the total number of new handguns sold each year has increased from 1,673,417 in 1967 to 2,303,357 in 1973—more than a 35 percent increase in 8 years. It is conservatively estimated that there are presently 40 million handguns owned by private citizens in this country.

In considering this most important and complex problem, the committee will look for guidance to the recommendations of the five most recent National Crime Commissions. These Presidentially appointed Commissions have been composed of distinguished Americans and staffed with the very best minds and resources to inquire into the very same issues confronting this committee.

The National Commission on the Causes and Prevention of Violence said: "A national firearms policy which significantly reduced the availability of handguns will reduce the amount of firearms violence." The 1969 National Commission on the Causes and Prevention of Violence recommended restrictive licensing of all handguns. Similarly the 1967 report of the President's Commission on Law Enforcement and the Administration of Justice recommended legislation requiring the registration of handguns, rifles, and shotguns and, among other proposals, legislation requiring permits for the possession of a handgun. In addition, the 1968 Advisory Commission on Civil Disorders recommended the enactment of gun control legislation of the type recommended by the President's Commissions.

Most recently, the 1973 report of the National Advisory Commission on Criminal Justice Standards and Goals recommended that by 1983 each State should enact legislation which would ban the manufacture, sale, and possession of handguns, except for law enforcement and military personnel. Finally in 1971 a majority of the Commissioners of the National Commission on Reform of the Federal Criminal Laws recommended that the Congress ban the production and possession of, and trafficking in handguns, with exceptions only for military, police, and similar activities.

Today, it is the pleasure of the Committee on Government Operations to hear from our distinguished colleague, Senator Kennedy. Also testifying this morning will be Robert Morgenthau, the district attorney of New York County, and Rufus Youngblood, former Deputy Director of the U.S. Secret Service. Tomorrow, the committee will hear from the Director of the U.S. Secret Service and a panel of police chiefs from a number of our major cities.

On Friday, October 24, the committee will hear Louis Harris report on what public opinions polls reveal about the attitudes of the American public on these issues. We will also have the honor of having Dr. Milton Eisenhower, the distinguished Chairman of the National Commission on the Causes and Prevention of Violence, testify before the committee.

It is really a privilege to have the distinguished district attorney of New York County, Robert Morgenthau, here today. We welcome you here, but before your testimony, I would like to extend the privilege to the ranking minority member, Senator Percy, to make an opening statement. Senator Percy, with Senator Javits, is the author of basic legislation in this area.

OPENING STATEMENT OF SENATOR PERCY

Senator PERCY. Mr. Chairman, the subject of these hearings is of great national importance and concern. My remarks will be very brief in deference to our distinguished witness today.

The recent apparent attempts on the life of President Ford demonstrate the difficulties that the lack of effective firearms control pose to those assigned to protect the President. They also demonstrate that virtually anyone in the United States can obtain a handgun. It is obvious that laws punishing firearms abuse are not enough. We must assure that guns do not get into the hands of potential abusers in the first place.

How to best identify such potential abusers and restrict their access to firearms has been the subject of considerable debate. I think it is high time for Congress to make some decisions and enact protective legislation the majority of the American people are demanding.

These hearings should contribute significantly to the renewed public debate on this subject. Hopefully, they will help to mold the congressional consensus necessary to the adoption of strong, remedial legislation.

Certainly, I cannot imagine that when we have distinguished law enforcement people throughout the country, mayors throughout the country in urban areas, many of us, insisting that this country not be run by the gun lobby, but run by common sense and judgment; now, as to what we should do about this. I do not think the economy of this country depends upon the manufacture of guns nor should it. I do not care how many retailers there are whose livelihoods are dependent upon it. The slaughter in this country simply has to stop.

Certainly, I have grown up with it. I have lived with it, and I think we just have to face up to this issue. I hope those of us who feel deeply about this issue will just issue a warning now that we are not going to take any longer control of the Congress by a lobby who is just not interested in what the safety and concern of the American citizens are today.

Mr. Morgenthau, we certainly welcome you as one of the most distinguished district attorneys in the country, and I know Senator Javits will want to issue a warm welcome to you also.

Chairman RIBICOFF. Senator Javits.

OPENING STATEMENT OF SENATOR JAVITS

Senator JAVITS. Mr. Chairman, I am grateful for your decision to take up this difficult issue in our committee. We initiate our hearings knowing that this beginning is set against a record of relative inaction to on this issue as the level of handgun violence has skyrocketed to extraordinary heights. This continues to be the case despite the endless round of senseless assaults against President, policeman and citizen alike which seems to assail our national life.

Handguns may indeed be a part of the heritage of our Nation, but in our time—in 1975—the undeniable fact is that the pointed gun represents a particularly paralyzing form of inhumanity to man which is intruding into the lives of too many and threatening to undermine the civilized nature of our society.

While one can no longer deny that we have a dangerous and burgeoning problem, finding the right legislative solution which will both reconcile political differences and work in terms of specifically reducing the level of handgun violence will not be easy.

The two bills which I introduced earlier this year with Senator Percy, S. 2152 and S. 2153, and which will be the subject of considera-

tion in these hearings, are designed to provide a comprehensive, integrated, workable approach to the problem of almost unlimited availability of handguns. They can and hopefully will provide a framework within which we can evaluate the assumptions which underlie the theory of the 1968 act itself, as well as the traditional arguments advanced by both the proponents and opponents of stronger Federal gun control measures.

I should say that I do not share the view of some proponents of gun control that the 1968 act has been a total failure and is flawed conceptually. Its basic approach has been of some help to the States, although Congress and the Executive have never really made the commitment of resources necessary to have a measurable impact upon the problem. It was with this in mind that I introduced S. 2152 providing for a consolidation and strengthening of Federal law enforcement functions in this field by transferring all functions relating to the enforcement of the 1968 act and now vested in the Secretary of the Treasury to the Attorney General.

The Alcohol, Tobacco, and Firearms Bureau of the Treasury Department has been overburdened and overextended in its efforts to curtail the tidal wave of illicit handguns. In addition to the enforcement of Federal gun laws, this organization must enforce Federal alcohol and tobacco laws as well. It has only 1,500 agents and an annual budget which is less than 1.2 percent of its collected revenues—almost \$8 billion per year.

Most importantly it cannot adequately supervise the more than 156,000 federal licensed gun dealers and assist State and local law enforcement agencies in the tracing of weapons used by dangerous offenders. Its present capability in this area is crippled by a system characterized by long delays and lack of reliable information relating to the last legitimate purchaser of a handgun.

Law enforcement officials have stated that we now have no intergovernmental system for developing regional and national statistics on handguns which have been used in the commission of crimes and that timely tracing is now extremely difficult if not impossible. That is of particular concern to this committee which has primary responsibility for the resolution of intergovernmental relations problems of this type.

It is of the utmost importance that we modernize, reorganize, and upgrade the Federal capability in this field and develop an interrelated system of information verification and handgun identification running from manufacturer, to dealer to first owner and to private resales of handguns. The use of Federal-State task forces can also be of great value in bringing greater pressure to bear on interstate gun running operations, and my legislation so provides.

My second and related bill—S. 2153—is designed to remedy the inherent weaknesses in the 1968 act which have made strong enforcement under that act extremely difficult. It combines a number of proposals which I believe represent a reasonable and moderate approach to the problem. It would strengthen our ability to deal with the problem by:

(1) Requiring verification of personal identification information required to be submitted by a prospective purchaser and a prescribed waiting period prior to delivery or shipment of any firearm; (2)

covering sale and resale of firearms between private persons who are not dealers, manufacturers, and collectors as regards verification of eligibility; (3) requiring the development and enforcement by the Attorney General of national theft prevention and security standards which would apply to all licensed dealers, manufacturers, importers, collectors, and common carriers; (4) banning the sale or delivery to any one person of multiple handguns in excess of one in any 1 calendar year except to police and other governmental units; (5) developing adequate licensing standards to assure that Federal licenses to manufacture, import, or deal in firearms will be issued only to responsible persons legitimately engaged in such business; (6) banning with proper exceptions the possession, sale, use or importation of handguns in public or private in any standard metropolitan statistical area—SMSA—where the violent crime rate is 20 percent above the national average, or where it is 10 percent above the national rate and 5 percent above the prior year's local rate and; (7) banning the domestic manufacture, sale, transportation, or possession of "Saturday night specials"—barrel length up to 10 inches.

Mr. Chairman, one of the long-term, major obstacles to the enactment of Federal gun control legislation has been the lack of an approach which would be tailored to areas or regions of the country where the abuse of handguns as reflected in violent crime rates is greatest. Traditional political opposition to such a selective gun control approach should be substantially reduced.

As the committee knows, Attorney General Edward H. Levi has suggested such a system of triggered Federal controls. It was upon his proposal that the provision in my bill was based. It is my view that we should consider an alternative variation on this idea by tying the regional ban to SMSA's of a particular population density, for example areas with 100,000 inhabitants.

Mr. Chairman, the American people understand that the problem of violent crime and the use and availability of handguns are directly related. Public opinion polls continue to show an overwhelming majority of Americans favor strong controls. In my judgment, a bill such as the Senate passed in 1972 covering a very small category of "Saturday night specials" is grossly inadequate. The proposals which I and others support would not interfere with the legitimate activities of hunters and sportsmen. Rather, they would allow us to achieve measurable gains in seeking to reduce the tragic cost of handgun violence to the political life of our country and the private lives of our citizens.

Chairman RIBICOFF. You may proceed, Mr. District Attorney.

TESTIMONY OF ROBERT MORGENTHAU, DISTRICT ATTORNEY FOR NEW YORK COUNTY, STATE OF NEW YORK

Mr. MORGENTHAU. Thank you very much, Senator Ribicoff, Senator Percy.

I deeply appreciate the opportunity of being here today. I think it is most encouraging that the Senate Committee on Government Operations has turned its attention to the need for gun control legislation.

As a law enforcement officer, I can think of no problem affecting the safety of our citizens which is more critical and more urgently needs the attention of the Congress and the Federal Government.

The dimensions of this problem are staggering and frightening. In New York City, with a population of approximately 8 million people, informed surveys estimate there are between 1 million and 2 million illegal guns in circulation. Over one-half of the felonies prosecuted in my jurisdiction involved the use of guns. Last year, 769 homicides were committed in our city with firearms, as compared with 455, 5 years ago.

It has become commonplace in New York City for the police to find guns in possession of youths 14 and 15 years old.

Our recent history of successful and unsuccessful attempts to assassinate Presidents of the United States and distinguished public servants has been sensationally documented in the press and grows more alarming every week. Killings of policemen occur in New York and other major cities with alarmingly greater frequency than was true a few years ago.

While the assassination of a leading public figure or police officer still receives prominent press coverage, we are sad to say that the murder of an ordinary citizen has become so commonplace in our big cities that it commands no press or public attention. A recent study revealed in the United States over 25,000 people a year are being killed by firearms.

It is clear to me that the problem demands effective Federal legislation which would close up the sources of supply to gangs of criminals in the cities and which would help law enforcement authorities in crime detection.

Opponents of Federal legislation argue that prior experience has demonstrated the ineffectiveness of gun control laws. They point out, first, that the Federal Government has already passed a gun control statute in 1968. They further point out that New York's severe gun laws have done little to help the problem in New York City. They declare, "it is people, not guns, who kill. Outlaw guns and only the outlaws will have guns." Those arguments are superficial, deceptive and frequently false.

First, as to the Federal Fire Arms Control Act of 1968, it was a statute designed for failure. Due to the efforts of the powerful gun manufacturing lobbies, it was not designed to shut off the supply of handguns to the thugs in the cities. It was rather designed to insure that those thugs would "buy American." The act closed off the U.S. market to foreign manufacturers of cheap handguns. Domestic fabricators were quick to pick up the slack. While the act includes hollow utterances prohibiting interstate sales, it was designed to make those prohibitions unenforceable. The result has been a booming market for handguns in those States with lax selling laws. The great majority of those handguns have been purchased for resale to illegal possessors in New York and other cities.

The 1968 act does not require sellers to verify the identity or background of purchasers. It does not permit the Alcohol, Tobacco and Firearms Unit of the Treasury Department to collect bulk information

on purchasers. In short, it contains no effective constraints on the flow of handguns in our cities.

The arguments that the ineffectiveness of the strict gun control laws in New York shows the futility of such legislation is a faulty conclusion based on faulty premises. First, although the situation is serious in New York, it would be considerably worse without its gun control laws. A study conducted in 1973 found that the murder rate in New York City was the second lowest of the 10 largest cities and was considerably lower than Dallas or Atlanta where there are no local controls.

Also, the percentage of crimes committed with firearms was found to be lower in New York City than the national average. The Eisenhower Commission found in 1967 a substantially lower percentage of guns in New York than other major cities.

More importantly, however, local gun possession restrictions can be only marginally effective if not coupled with nationwide measures to stop the flow of handguns. I do believe that possession of handguns should be prohibited in high density areas. I believe the Federal Government should impose such prohibition for heavily populated areas on a nationwide basis. But even such a prohibition would not be effective unless the source of supply to city criminals were closed.

If every year a river overflows and floods several towns downstream, you would not deal with the problem at the local level by handing out mops to the townspeople. It would, of course, be necessary to control the flow of the waters. The same is true of guns. Tough local possession laws will not stop their flow into major cities and crime centers. There can be no substitute for nationwide restriction on the sale of handguns.

I would like to make a few comments to the bills which are before this and other committees of the Senate.

Section 101(a) of S. 2153, amending Title 42, U.S. Code by adding at the end a new subchapter including section 4354 provides for the establishment of a statistical office in the Department of Justice which will maintain a file identifying each person who possesses a handgun. Section 4247 requires dealers to furnish such information to the Department of Justice upon each sale of a handgun. The maintenance of a data bank is of vital importance for crime detection and law enforcement. It is essential to require, subject to Federal criminal penalties, that every person possessing a handgun furnish identifying information to the Department of Justice.

The dealer is forbidden by the act to sell firearms without first checking the identity of the purchaser with the Department of Justice. This is a desirable provision which will keep firearms from being purchased by fugitives and felons. Hopefully, it will also control sales to traffickers who buy for resale in city markets.

A weakness of the act, together with the Firearms Control Act of 1968, is that they do not adequately provide against resale or transfer to a resident of a different State. While such resale is technically forbidden, the prohibition is virtually unenforceable. We should recognize that resales are the heart of the problem of gun control. To succeed in keeping guns out of the hands of criminals in the cities, we must pass effective measures to control resales.

A recent study conducted by the New York City Police Department, to which Senator Ribicoff, I think, alluded, involved the seizure of

handguns during a 6-month period, showing that 75 percent of them had been resold by dealers in other States; 69 percent of them had been sold by dealers in four Southern States where the sale of guns is virtually unregulated. Of the guns sold in those States, 97 percent had been purchased by persons other than those later arrested in possession in New York.

It is clear that it would be a mistake to seek to control the problem by regulating only the initial sale. To be effective, gun control laws must contain an effective method of monitoring or preventing resales. One approach may be to forbid any transfer by the purchase of a gun except to a registered dealer. The original purchaser should remain accountable for his gun and should be required to present it for inspection on demand of a law enforcement officer.

Section 4249 contains a ban on multiple sales of handguns. The purpose is desirable, but the provision needs tightening. As drafted, the provision is on a single dealer and forbids him to sell more than one handgun in 1 year to one individual. It does not forbid the purchase of more than one handgun by an individual. Thus an individual would be free to buy a handgun from every dealer in his State. The provision should apply to the purchaser as well as the seller. The purchaser on making his purchase should be required to certify that he has not purchased another handgun in that calendar year. This fact could be verified by the Department of Justice data bank before the purchase was consummated.

Two highly desirable provisions are those providing for the Attorney General to promulgate regulations governing licensed dealers and manufacturers and governing security standards for theft prevention. It is shocking to me that the present law does not even require the reporting of large scale thefts of firearms.

The provisions of sections 4250-4260 adopt an interesting and, I think, valid approach to the problem of gun possession.

These provisions divide the country essentially into two areas: the high density-high crime metropolitan areas, and the rest of the country. The bill provides that within the densely populated high crime areas, sale, purchase, and possession of handguns is forbidden. The rest of the country is not covered. I favor this approach. It does not interfere with the enjoyment of guns by people who live in the country where their enjoyment does not represent an unusual threat to others. It does prohibit guns in cities where they do represent an unreasonable danger.

While I favor the approach of outlawing possession of guns in cities, I believe it may be possible to improve upon the terms of this bill. The provisions for measuring and comparing crime rates between standard metropolitan statistical areas may be a complicated and difficult apparatus for telling us what we already know, that we have a serious crime problem in our major metropolitan areas.

I would favor a more simple and direct approach which would be to outlaw the possession of guns in all major population centers, including their surrounding suburbs. I am not sure that anything useful is added by the statistical exercise of comparing crime rates between cities.

The sad fact is that the crime rates is very high in all of our cities. On the other hand, I am not sure it is necessary to cover cities of only

50,000 inhabitants. Perhaps, a somewhat larger population would be a more suitable dividing line.

While I support the approach of prohibiting possession in metropolitan centers, I would add an important precaution. Such a prohibition will not be effective unless it is coupled with nationwide controls on the sale of guns. To adopt a tough sounding prohibition on possession in cities without doing anything to control gun sales would be to repeat the mistakes of the 1968 legislation.

S. 2152 is designed to transfer to the Department of Justice the statistical recordkeeping and enforcement functions which have historically resided in the Treasury Department. I support this approach. Guns are a law enforcement problem. It is most important to place all available gun information at the disposition of Federal and local law enforcement authorities, to help solve and prevent serious crimes. I believe it would be a constructive step to place responsibility for those functions with the Department of Justice.

In addition, I reiterate the need for a national data bank collecting all possible information on the importation, manufacture, distribution, and sale of guns. It should also receive data from all local police departments on the seizure of guns used in criminal activity. It should scarcely need saying that guns are a serious and dangerous matter of crime concern to law enforcement. It is unthinkable, but true, that innumerable murders and other serious crimes remain unsolved or are unable to be prosecuted because of this country's failure to take the steps of collecting and maintaining data on guns and circulation.

For many years all Americans have registered their automobiles without ever thinking that such registration compromised their freedom. Vehicle registration often provides essential clues for crime detection. By comparison, guns create a clear and present danger of abuse and of the commission of serious crimes. It seems only reasonable that we collect all available identifying information to aid in crime detection and prevention.

Thank you very much.

Chairman RIBICOFF. Thank you very much.

I do appreciate your constructive suggestions, Mr. Morgenthau. Many of them are most pertinent. Knowing Senator Javits and Senator Percy, and, speaking for myself, any suggestions that would improve this legislation will certainly be accepted and appreciated.

How do you believe the people of New York City would react to a strict licensing and registration gun control law?

Mr. MORGENTHAU. I think, Mr. Chairman, that they would strongly favor it because we already have a very strict licensing law. The Sullivan law requires that nobody can obtain a handgun, to purchase it or possess it, without obtaining a license through the police department. So, we already have that very strict local law, and I am sure they would welcome Federal legislation.

Chairman RIBICOFF. Your statistics are very interesting. You estimate that there are between 1 million and 2 million illegal guns in circulation in New York City?

Mr. MORGENTHAU. Illegal guns, yes.

Chairman RIBICOFF. What percentage of those guns are held by people who you would not categorize as criminal?

Mr. MORGENTHAU. That is hard to estimate. But certainly a substantial—~~we~~ have 500,000 reported crimes a year in New York City—certainly, a substantial percentage of those guns are held by criminals.

Chairman RIBICOFF. Do you feel that a person with a gun who is not a criminal is safer than a person without a gun who is not a criminal?

Mr. MORGENTHAU. I think not, because I think unless a person is highly trained and skilled in the use of a gun, often the person who possesses the gun is the victim of that gun, or a friend or neighbor is. I think from a law enforcement standpoint, guns do not afford protection to the holder unless they are highly trained and skilled in its use.

Chairman RIBICOFF. I am also intrigued by your statement that in New York City it is commonplace for the police to find guns in possession of young people 14 and 15 years of age. How commonplace is that?

Mr. MORGENTHAU. That now, regrettably, is extremely commonplace. These guns are readily available. They can be easily purchased. And each year we have a higher percentage of crime being committed by minors than the year before. Many of them involving use of guns.

Chairman RIBICOFF. Do these kids get their guns from licensed dealers, or do they pick them up illegally on the street?

Mr. MORGENTHAU. They are picked up illegally from the people who buy them out-of-state and then come back into the city and sell them.

Chairman RIBICOFF. What type of assistance has your office had generally from the Bureau of Alcohol, Tobacco and Firearms in your efforts to prevent handguns from illegally entering New York County?

Mr. MORGENTHAU. We have had good cooperation from that Bureau, but their information and their authority is extremely limited.

Manufacturers and dealers of guns do not turn information over in bulk to Alcohol, Tobacco and Firearms. So we cannot call them up and say that we have seized a Smith and Wesson with such and such a number on it. Can you give us the history of that gun?

They have to treat that as an individual case and they then have to go back to the manufacture and try to trace that out. But they do not have that information in a data bank which this bill would provide for.

Chairman RIBICOFF. In other words, as a law enforcement officer, it becomes very important that the jurisdiction over guns be transferred to the Justice Department from the Treasury Department?

Mr. MORGENTHAU. I think that that would be extremely important. This bill provides for that. I think it is also important that that data be immediately available so that it does not or is not necessary as now to trace out each gun. That the data would be immediately present and you could get it by teletype or phone call.

Chairman RIBICOFF. Do you know how the Justice Department feels about this transfer?

Mr. MORGENTHAU. No; I do not.

Chairman RIBICOFF. Would you be surprised if they were not enthusiastic for it?

Mr. MORGENTHAU. Well, I would certainly—I would be surprised and I would certainly hope they would be enthusiastic because I think it would be an important weapon, if I may say, in the fight against

crime for the Justice Department to have this information. Certainly, it is a way of helping local law enforcement.

Chairman RIBICOFF. We have some 40 million handguns now in the country. Let us say that we passed a law providing for strict control of the future sale and possession of guns. What should we do about the 40 million guns now in this Nation?

Mr. MORGENTHAU. Well, unfortunately, when you have a problem as serious as this one you cannot wipe it out over night. So, the liquidation of that inventory of guns would take a period of time. We think, for instance, in New York alone that 100,000 guns are coming in each year, so that to be able to eliminate that additional source of supply would be very important.

Chairman RIBICOFF. I suppose you could require the registration of guns presently held by individuals in this nation.

Mr. MORGENTHAU. I personally would favor that, but I understand that is not the subject of this bill. I personally do not believe anybody should have a gun who has not registered it and not satisfied some minimum requirements for ownership.

Chairman RIBICOFF. I am puzzled. No one objects to the registration of an automobile as you indicate. No one objects to being licensed to drive a car. No one seems to take any umbrage at being required to get a hunting license or a fishing license. Why do you think the gun lobby objects to registration of a firearm?

Mr. MORGENTHAU. I do not know the real reason. I think it is totally unreasonable. I think that this is the price of living in civilized society, that we do have to register—we should have to register guns, just as we have to register cars and as we need a birth certificate.

I think this is part of the price of living in a civilized society.

Chairman RIBICOFF. Should a law-abiding citizen who does not have a criminal record object to being required to register the possession of a gun?

Mr. MORGENTHAU. I see no reason for it. I think it is just a throwback to our earlier history which we should have outgrown by now. I really see no reason why any reasonable person should object to the registration of a gun.

Chairman RIBICOFF. Do you have any explanation of the fear of Congress and the President of the United States to take on the gun lobby in this country?

Mr. MORGENTHAU. No; I do not.

Chairman RIBICOFF. Senator Percy?

Senator PERCY. I would like to yield to Senator Javits because he will be questioning Secretary Kissinger before I. I would like to say, however, as a follow-up on your questioning, Mr. Chairman, that we have gone through the experience of the highway lobby. I can remember when that was just as violent a subject, indeed, to use the highway trust fund, for anything other than paving over America. We gradually beat them down. But what happened was that a few responsible individuals who were key members of the trust fund, Leonard Woodcock, head of FUAU, Henry Ford, head of Ford Motor Company, spoke out and put the national interest ahead of their selfish short-run interest and made it so crystal clear that the national interest was what they felt they should serve, and it served the overall best interest to in-

vade the highway trust fund for mass transit that gradually we were able to move in that direction.

I hope someone right within the protected area of the gun lobby would speak up for the national interest now. I think I have heard a few voices and we certainly will give their voice prominence.

I will yield to Senator Javits.

Senator JAVITS. Thank you, Mr. Chairman.

I will appreciate being noticed when my 10 minutes have expired.

Mr. Morgenthau, it is a great pleasure to me to have you here. You have a tremendous reputation, very well deserved for being a great figure in the field of law enforcement. I know of no subject that is more critical to it than this one.

Mr. Morgenthau, you have traveled a great deal. Is it not a fact that the United States is relatively unique among industrial countries in having such lax gun control laws?

Mr. MORGENTHAU. That is absolutely right, Senator. We have the loosest gun control laws of any civilized country.

Senator JAVITS. Is it not a fact that our rate of homicide shows a direct relationship in comparison with other countries to this very fact?

Mr. MORGENTHAU. Yes; that is right.

Senator JAVITS. And that the homicides are relatively scarce in countries like Great Britain which have, even when you adjust for difference in population size.

Mr. MORGENTHAU. Yes; all the studies show that the European countries which limit the right to possess guns have far lower homicide rates than we do.

Senator JAVITS. Doesn't it amaze you as it does me that Members of Congress, the Senate and House alike, notwithstanding polls which show overwhelming majority for gun control, nevertheless vote the other way out of some theory that manhood and manliness requires the free right to possess a gun no matter how dangerous to our country?

Mr. MORGENTHAU. I think this is just something that we have to face up to. If we want to, in the words of the President, insure domestic tranquility, we just have to come to grips with the problem of the proliferation of guns.

Senator JAVITS. Personally, it has been amazing to me with the new consciousness by women of their own personalities and rights, that they have not, with the greatest militancy, espoused gun control as a premiere cause. Could you think of anything more effective they could do about crime without having this hangup about guns that men do, apparently, than to rally strongly to the support of this kind of legislation.

Mr. MORGENTHAU. I think that this kind of legislation is the single most effective thing we can do about crime in this country.

Senator JAVITS. Mr. Morgenthau, I am very taken with your suggestions. I shall give them my personal attention. I am so pleased that our chairman, Senator Ribicoff, to whom I am extremely grateful, and Senator Percy who has joined me in the bills and who is our ranking member, for initiating these hearings and beginning this debate in our committee without what I call the hangups which have previously characterized congressional hearings in these matters.

For one, I am very much interested in your suggestion that we simply prohibit, outlaw, as you put it, the possession of handguns in certain areas. You say guns, but I am sure you mean handguns, and you support such a ban in all major metropolitan population centers including their surrounding suburbs without the statistical criteria relating to rates of crime which I now have in my bill. Would you say that if we went that way, plus registration and other strengthening amendments to the 1968 act contained in both these bills, would these components form for the first time a really effective gun control system in this country?

Mr. MORGENTHAU. Yes, I think that is right, Senator. This would be a major effort and I think it would be a successful one to limit the illegal possession of guns in this country.

Senator JAVITS. But you would agree with me that only the outcry of the citizen in jeopardy, including the women of the country, is likely to produce any such result.

Mr. MORGENTHAU. I do agree with that. I think that the average citizen, voter, really desperately wants gun control, and I think they have got to make their voices known and heard.

Senator JAVITS. Now, the real opposition here comes, as Senator Ribicoff said, from the gun lobby which is really those owners of guns, sportsmen or collectors, generally marshalled by the National Rifle Association. Is there anything in here that you can see, having heard these arguments for years, just as I have, that would jeopardize, any sportsman, any collector, or any hunter, from owning a weapon with complete legality.

Mr. MORGENTHAU. No, I think your bill, Senator, provides for that. It permits the legitimate sportsman to own a gun and to use it for sporting purposes.

Senator JAVITS. Mr. Morgenthau, I would like to make this pledge again publicly, because it answers, it seems to me, one of the principal innuendoes of the so-called gun lobby. That is, I have no other design. I have no intention or desire, and Senator Percy will speak for himself, to prevent sportsmen from hunting or from owning rifles or from having rifle practice or sharpshooting. What we are against is crapshooting with the people's lives by this widespread and unbelievable commerce in handguns. You would agree with that, would you not?

Mr. MORGENTHAU. I would agree.

Senator JAVITS. You have no such design either, have you?

Mr. MORGENTHAU. Absolutely none.

Senator JAVITS. Thank you very much.

Chairman RIBICOFF. Thank you. Senator Percy.

Senator PERCY. Mr. Morgenthau, I wonder if you could, from your own experience—if you have had any experience with them—tell us how the gun lobby operates and works, and what you think is their primary motivation? Where are the forces and power in that gun lobby? We are going to break it down and seek out some of the responsible members of it and hope to wean them away from the blinders they have on with respect to the public safety. How can we go about doing it?

Mr. MORGENTHAU. I think my special knowledge is limited to knowing what handguns are doing to our society and to law enforcement. I am hopeful that the gun lobby is based on a romantic attachment to the past and that when people face up to what are real problems today,

this legislation will be supported. I think that people who lived in the country were able to own handguns. But I just think that with the pressures of city living, we just cannot accept that kind of possession of guns.

Senator PERCY. When you feel so strongly about this, and you certainly speak with the voice of authority, and if most people feel so strongly today, our surveys seem to indicate certainly in urban areas at least that people feel strongly about this, why do you think it is that we cannot get adequate legislation? Is it primarily the very effective lobbying of the gun lobby and the pressures that they put on and the sentiment that they whip up? And they certainly do whip up the sentiment. I know as I go around downstate and I see these wanted signs with my picture on it, wanted, and they attribute to me the desire to confiscate. I offered a \$1,000 reward to anyone if they could find any statement I have ever made that inferred confiscation. But they are very extreme in trying to whip up the emotions of anyone who dares have the audacity to question the things that they have espoused.

Is this primarily the problem of really working with State legislatures, city councils and the Congress against the power of the gun lobby.

Mr. MORGENTHAU. I think it is, and I would hope that people in downstate Illinois will read this bill of yours carefully, because I think that they would see that that would not infringe on their legitimate rights in any way. I think it is a question of getting people to listen to the facts and listening to reason and understanding this kind of legislation is absolutely critical. At the same time, it does not infringe on any legitimate interest.

Senator PERCY. The opponents of legislation in this area have pointed to New York City and have pointed out the fact that you have one of the strongest laws, as you have indicated, the Sullivan law, but it has been ineffective. Could you expand on your statements as to whether or not you feel it has been effective and what would have happened if you had no such law?

Mr. MORGENTHAU. Our laws have been very effective. We have the next to lowest homicide rate by gun of any major city. We have the lowest rates of gun crimes in several categories of all of the major cities. But we cannot control the flow of guns into our city. It is like we have a flood problem. You do not give the townspeople mops. You try to have a flood control plan, an interstate plan involving dams and many other things. We cannot cope with the flood of guns coming into the city, even though we are far better off than if we did not have a strict law like the Sullivan law, and that has had a major impact. It is the same situation with drugs. We have the toughest narcotic enforcement laws of any city in the country and I think our drug problem has been reduced. But unless the flood of drugs coming in from overseas is going to be reduced, we still have a major problem.

Senator PERCY. We have the emotional arguments made by opponents, or by the gun lobby, that all the criminals are armed in areas of high crime and that citizens need handguns to protect themselves against these armed criminals. And it is a very emotional issue. Is there any way that you could put logic and reason and facts behind that? I know in my own case when a crime was committed in our home, the existence of a handgun, and I have never had one, in that instance would not have done a single thing. There was no opportunity to use it.

How many opportunities are there for private citizens to use handguns to protect themselves against criminals?

They have them. Now, how many times has it really helped them?

Mr. MORGENTHAU. Very rarely, and the reverse is true, that the possession of handguns by people who are not trained in their use often results in the killing of family members and friends accidentally, and sometimes in a fight at a party, and so forth. So, I think the whole experience is that the ownership of a handgun is not a protection, but a serious danger.

Senator PERCY. I heard the figure that three out of every four murders were not committed by criminals, but by friends and relatives and that the very existence of a handgun and its easy access made possible that crime, which is a crime of passion at the moment, and would not have been committed if the gun had not been available. Is that your defense?

Mr. MORGENTHAU. That is true. [About 65 percent of our homicides last year were committed among family members or friends.] Of course, you have to add to that the straight-out accidents that occur with possession of guns. That increases that statistic substantially.

Senator PERCY. Is it your feeling, being involved in the prosecution of crime, that there is adequate cooperation between Federal, State, and local governments in the area of gun control? Would you have any further comment you would like to make as to how Federal legislation could improve this relationship?

Mr. MORGENTHAU. I think, Senator, that your bill, the bill sponsored by you and Senator Javits, which provides for a data bank in the Department of Justice, with all of the information about the sale and resale of guns and the purchases of guns would be of major help to the local law enforcement. We now seek help from ATF, but really their information is extremely limited. This would provide for adequate information.

Senator PERCY. Could you tell us offhand or supply for the record how many policemen were killed in New York City last year and how many private citizens?

Mr. MORGENTHAU. I think in the first 9 months of this year, there have been eight police officers killed in the line of duty. The homicide rate for the 9 months through September is 1,243.

Senator PERCY. Could you give us the essential features that in your judgment should be incorporated in a Federal gun control law?

Mr. MORGENTHAU. Well, I think that the essential elements are present in your legislation which would provide for an accurate recordkeeping on the manufacture and sale of guns. I think that no guns should be sold to a felon, to a minor, or any person with mental disability. I think that adequate notice should be given of each sale so that the records could be checked. I think in addition that no citizen should be permitted to purchase more than one gun in any year. And that the bill needs to be tightened up a little in that area so that they cannot buy—or that they can buy one gun from several dealers. I think those are important. I think that the prohibition, really, the outright prohibition of the ownership of guns, possession and sales in major metropolitan areas and even carrying that down to perhaps cities of 100,000 would be an important step forward. Your bill provides for that with cities over 50,000 that meet certain criteria. I

think it might be simpler to take the blanket figure, every city over 100,000 or over 200,000, whatever cutoff seems to be indicated, and prohibit the sale and ownership of guns in those areas.

Senator PERCY. There have been proposals requiring increased and strengthened mandatory sentences for those committing crimes with guns. Is it your belief that legislation of this type provides an effective deterrent to the use of guns in crime?

Mr. MORGENTHAU. I think those things help, but I think you have got to curtail the flow. You have to get at the river. So that merely increasing sentences, although it might have some beneficial effect, the major effort has to be to limit the flow and limit the categories of people who can purchase guns.

I think this legislation is designed to do that.

Senator PERCY. Finally, there have been those who have advocated that this is a matter for State control. Do you think that State laws being passed will be an adequate substitute for strong laws at the Federal level, and has it been your experience that the 1968 Gun Control Act which restricted interstate sales of firearms has had any significant effect in lessening the flow of firearms into New York City?

Mr. MORGENTHAU. The 1968 act has really been a disaster as far as we are concerned because it does not limit the purchaser or the subsequent purchaser. In other words, somebody can go down to North Carolina, give a fictitious name, purchase 500 guns, and then resell them to somebody else who will bring them right back to New York without really any fear of detection. Certainly, if everyone of the 50 States had a tough gun control law, that would be a major help. But this is a national problem and it has to be controlled at the national level.

Senator PERCY. Mr. Morgenthau, in deference to Senator Kennedy who is waiting to testify, I think that this testimony will be sufficient for now. I do want to thank you very much, indeed, for your appearance and your very, very helpful testimony.

Chairman RIBICOFF. Thank you very much. You have made a very great contribution.

Mr. MORGENTHAU. I appreciate appearing and I do think this is the No. 1 problem. I appreciate the opportunity.

Chairman RIBICOFF. Thank you.

Senator Kennedy, on behalf of all of us, I want to thank you for being with us. I personally acknowledge your leadership in the entire field of Federal firearms control. You have fought consistently to bring some sense to this complex issue. You have not been successful in taking on the gun lobby. None of us have. But I am full of admiration of your determination to keep up this fight. It is only proper that you play a major role before the Senate and before this committee, and we value your thinking and your ideas.

You may proceed as you wish, Senator Kennedy.

TESTIMONY OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman and Senator Percy.

I would like to, with the permission of the committee, submit my testimony as read if I could.

Chairman RIBICOFF. Without objection it will be printed at the conclusion of your testimony.

Senator KENNEDY. I will touch on some of the points which I think are of very considerable importance and consequence, and why I feel so strongly about this issue and why I am so thankful that you, Mr. Chairman, and the members of this committee, are willing to address this particular issue. I want to thank you and Senator Percy and Senator Javits, and other members of this committee, who have been willing to attack one of our most serious national problems. That is, the proliferation of handguns. I think it is important, Mr. Chairman, at the outset to understand that in the various commissions that have been set up by Presidents of the United States to examine the problems of gun abuse, each of them has made the same recommendations. These Commissions have been bipartisan in nature, and have included some of the most outstanding criminologists in this country. The five Presidential Commissions have reached the singular conclusion that if the Congress of the United States is really serious about doing something about crime in this country that the most effective way of dealing with crime in this country is doing something about controlling handguns.

Chairman RIBICOFF. Let me ask you, Senator Kennedy. In addition to Congress, do you not think it is the responsibility of the President of the United States to take some leadership in this field?

Senator KENNEDY. Very definitely, Mr. Chairman, very definitely. The fact of the matter is, as you would understand, for a period of time when Robert Kennedy was Attorney General, when Nicholas Katzenbach was Attorney General, we had Attorneys General of the United States who appeared before the Senate Judiciary Committee and who testified in favor of gun control legislation. Over the period of the last 7 years, we have not had, with the exception of the brief comments that have been made by the present Attorney General, Mr. Levi, we have not had an Attorney General of the United States who has been willing to take a position on gun control legislation. Thus, we have had neither a President nor the principal law enforcement officer of the country, who has been willing to talk about it or express support of it.

Mr. Chairman, I sit on the Criminal Laws Subcommittee of the Judiciary Committee. At the present time we are considering extending the Law Enforcement Assistance Act. As you know, that program operates from \$4½ billion of American taxpayers' funds to try and do something about crime in this country.

Mr. Chairman, the kind of crime we are talking about are the crimes that affect people. The kinds of muggings and street crimes, the assaults and armed robberies, the kind that affect the older people whether from Hartford, Conn., or Chicago, Ill., or Boston, Mass.; the older lady who is going to church at night, the senior citizen who is scared to go out and who puts a wire guard in front of the screen window because of the fear of crime, it is the everyday citizen who really fears crime and who really suffers as the principal victim of crime.

The source of the crime that is conducted on the streets of our cities is caused, for the most part, by those who use handguns. We in the Senate have an opportunity to do something about the abuse of handguns, and the American people are demanding some kind of controls on these weapons. But as you know, because you have been strong about reasonable and rational gun control legislation, it is the Senate of the United States and the Congress of the United States who have refused to address this issue and have refused to stand up against the National Rifle Association.

Chairman RIBICOFF. Let me ask you a question on that. The President of the United States will not face up to this issue and shies away from it. I do not see any Democratic candidate for the Presidency taking the lead in this issue either. Do you think this is the type of issue that some candidate for the Presidency ought to have the guts to go to the American people to try to do something about gun control?

Senator KENNEDY. I definitely do, Mr. Chairman. I think it is an absolutely essential issue. If we are really seriously interested in doing something about crime and violence in the streets of this country, this is the No. 1 issue.

I think anyone who is talking or concerned about this particular matter ought to be willing to take a stand on this particular item. You and I know, Mr. Chairman, that most public officials refuse to talk about this issue because they have felt that they are going to get the wrath of the National Rifle Association. You know the power it has. You remember only a short time ago when the Senate of the United States took away from the Consumer Products Safety Commission even the responsibility for labeling ammunition, we saw the power of the National Rifle Association at that time. You and I know and Senator Percy understands that the only way we are going to get any kind of action is if the American people demand it.

Chairman RIBICOFF. The recent Harris and Gallup polls have indicated that two-thirds of the American people support strong gun control legislation. In view of that overwhelming public support from the people of this country, how do you explain the power of the gun lobby?

Senator KENNEDY. Well, as you would understand, Mr. Chairman, the politician understands that the NRA is going to be around at election time. They are going to have their mimeograph machines. They have their mailing list out. And many politicians do not really understand whether his constituents will be as concerned at election time about gun control as they are when a national gun tragedy occurs. But they do know that they are going to face the National Rifle Association the next time they come up for election. And they are concerned about this. They are concerned about the power of the NRA. Beyond that, the NRA has important outlets in magazines and publications. They have, over the period of time that I have talked about gun legislation, seriously distorted, misrepresented, and mislabeled the positions of many in the Congress who are seriously interested in reasonable legislation, and are attempting to deal primarily with the area of handgun and handgun control and the problems of violence. You know, Mr. Chairman, I wish the National Rifle Association would work with Members of Congress, like yourself and Senator Percy and other Members of the Congress, in helping us fashion legislation to really deal with the problems of crime and violence in this country.

I wish they would be forthcoming in terms of helping us fashion this legislation which is clearly in the interest of the American people, so that we would not necessarily infringe upon the legitimate interests of the sportsman. But I would just point out, Mr. Chairman, that, as Senator Percy was talking about the dangers of weaponry in the hands of people in this country, that most gun murders occur among acquaintances and relatives. The FBI reports that 71 percent of gun murder victims in our country are acquainted with the person who shot them. When that mother or father hears someone rustling around in their house at night and feels it is a burglar, there is a much higher chance of killing one of their own children or their spouse if they have a weapon in there than they are of really meeting the problems of burglary or crime of violence.

It is really about time, Mr. Chairman, that we as a Congress deal with this. Let me just point out that there has not been an issue which has been before the Congress that has been as studied as this particular issue. We have over 400 witnesses who have appeared before the Judiciary Committee in the period of 12 years I have served on the Judiciary Committee, and over which this matter has been considered. We have had scores of days of hearings on this particular matter. The issue has been debated and discussed. There are really no new issues. The only issue is the lack of willingness and courage and resolve to do what has to be done. People must speak out on this issue, and the Members of Congress must deal effectively with the fact that the public needs and wants strong control.

We must have an outpouring from the American people in dealing with it. That is the only way we are going to get the kind of legislation which is essential.

Let me point out, Mr. Chairman, the last time the Congress really dealt with this issue was in 1968 in the wake of the tragedies of 1968. The fact of the matter is that with the 1968 Gun Control Act we were able to bring a dramatic reduction in the proliferation of handguns in this country. Before 1968, annual imports of handguns amounted to 1 million per year. After the law was enacted, imports were reduced to approximately 350,000. Since then we have seen how the manufacturers have been able to import handgun parts from across the seas and assemble these various weapons until now we have cheap handguns on the markets of the American distributor.

We have seen a time in the thirties when Franklin Roosevelt signed legislation to eliminate the availability of machineguns and we found that legislation was effective. We can do this. I would, finally, point out that the kind of propositions that have been made either by our current Attorney General, Mr. Levi, that talks about singling out those particular areas which are high crime areas. The fact of the matter is we have strong gun control legislation in my own State of Massachusetts. But as the Commissioner of Public Safety points out, 85 percent of the guns which are used in crime in my own State of Massachusetts are brought in from the northern three States. Unless you are going to have legislation which is going to be universal and national, particularly in the areas of handgun control, then we are really not going to be effective in dealing with crime and violence in this country.

I think it is important, Mr. Chairman, that we make that particular point.

Every American ought to understand and demand of their Representative in Congress that, if they are interested in doing something about crime and violence, the street crime and violence which is a principal concern to the American people, then we can pass strong handgun control legislation of the kind which you and Senator Percy have supported.

Chairman RIBICOFF. Do you see how any candidate can run for public office on a law and order platform without being for strong gun control?

Senator KENNEDY. I do not, Mr. Chairman.

Chairman RIBICOFF. So, if a President or Member of Congress runs on such a platform, he is hypocritical?

Senator KENNEDY. I think the people are going to see through any such statements. I think any Presidential candidate ought to be asked the clear and simple question whether, if elected President, they are going to support strong handgun control legislation and really do something about crime and violence in this country. And I think that all you have to do is look at the number of police officers that have been killed in the line of duty. The greatest percentage of those, anywhere from 75 to 80 percent of them, have been killed by handguns.

Finally, Mr. Chairman, you just have to recognize that these cheap handguns have only one purpose. They serve no sporting purpose, for those weapons are extremely limited in numbers. Perhaps only a hundred thousand out of probably 35 million handguns in this country, are designed for target shooting. Thus, the other handguns have only one purpose and that is to kill someone. There is no other kind of legitimate purpose for them. That is as clear and as precise and as simple as we can understand. That is what we ought to be dealing with.

I am extremely hopeful that we can develop the kind of legislation to effectively deal with it, but so far we have not. I believe we can only do it by getting the American people to speak out on it.

Senator PERCY. Senator Kennedy, the chairman has called for some of the candidates for the Presidency to step up and be counted on this issue. I think it is rather interesting that if they would just look at your own polls as the most prominent non-candidate in the Democratic Party, it has not seemed to, overall, hurt you. Could you describe the situation you face in Massachusetts? How much pressure do you get from what parts of the State against your position. Do you have an outstate or downstate separation as we do in Illinois where the feelings are very, very strong on this issue, where in the city of Chicago, where crime is so rampant, there is a greater tolerance and understanding of a strong gun control position?

Senator KENNEDY. We do not have an upstate or downstate, but in the western part of our State there are a good many hunters who enjoy the opportunity to hunt, particularly in the northern tier States of Maine, New Hampshire, and Vermont. But it does seem to me that thoughtful gun owners, Mr. Chairman, are not going to oppose strong legislation in the area of handgun controls. I like to believe that we can get some support from the legitimate hunters and sport shooters.

We hear the various statements that are made about the problem. I am for banning the manufacture and distribution of handguns as well as the licensing of handgun owners and registration of handguns. We register cars, we obtain a license to drive, and we get a license for fishing. Similar procedures for handguns would be a minor inconvenience.

I do think that really, thoughtful citizens can support this kind of legislation. But I would point out that many in the western part of the State are opposed to any gun control legislation. But I do not think that this is as seriously debated as a couple of other issues in Massachusetts which are drawing most of the attention at the present time.

Senator PERCY. On page three of your testimony, you quote a member of the Chicago police force who insisted that young people who want laws changed seek change through due process of law. You mention that gun control legislation has been a fight that has now gone through six Congresses and seven attorney generals and that 80 percent of the American people and even two-thirds of the Nation's gun owners favor control. You say on the first page that the Judiciary Committee has an impressive legislative history compiled over more than a decade from hundreds of witnesses on gun control legislation. With all of that impressive array of statistics, can you tell us why the Judiciary Committee has not voted out, then, more effective gun control legislation in both the Senate and the House?

Senator KENNEDY. We cannot get it through the committee, Mr. Chairman. I am hopeful that you will be able to get something through your committee. I have sat through hour after hour of filibuster by members who were opposed to any legislation. We have resorted to every kind of parliamentary device, even to tabling our own amendments in order to try and get votes, to try and get some kind of reflection on how members of the Judiciary Committee would stand. I would think that if you would look at the membership of that committee and the people that have supported strong legislation, you will find that it has been Senator Hart of Michigan and myself, Senator Tunney of California, Senator Bayh who have done important work in the area of the Saturday night special! Outside of those individuals, we have been opposed by the majority of the members of that committee, just like we have been opposed by the overwhelming majority of the Members of the Senate.

Senator PERCY. Would you still support the admonition of the police officer in Chicago, that we should just wait and go through the due process of law? Do you see any change coming on?

Senator Hart is leaving the Senate. Is there any change coming along in the constitution of the committees that would over a period of time enable us to move through the orderly due process of law in the dual constituted committees and getting something that 80 percent of the American people apparently want, but cannot seem to get through the Congress?

Senator KENNEDY. I am forever hopeful, Senator Percy. But I do think that even being able to get it through that committee, as you well understand, if you look at the various votes that have been taken on the floor of the Senate on meaningful legislation, we have been lucky to get no more than 12 or 15 votes on important legislation, with

the exception of the Saturday night special. I think there may be some important things that can usefully be done.

I do not think we are probably able to get more than 10 or 11 votes on legislation that I would support. But I think we ought to be willing to think about some of these other steps that I know have triggered your continuing interest and the chairman's interest. The notice of transfer, for example, is a process for registering the transfer of weapons that may be more acceptable to the Congress. There may be some opportunity in the sale of various weapons which we might be able to track. That, of course, is extremely important in terms of the attempted assassination of George Wallace and the assassination of Martin Luther King, where they were able to detect and find the weapon within 20 minutes or so just because of the registration of the transfer of sale. This may be an interim step that can make an important contribution in the area of crime. It may not go as far as any of us would like for us to go or as far as we think is necessary. But I am not one that is willing to turn his back on the possibility of getting some legislation. As a matter of fact, when the Administration was searching around for someone to introduce their own bill, when they could not find anybody to introduce it, I called the attorney general and told him I would introduce it if they did not find anyone else. Then they got Senator Fong to introduce it the next day. He called me back and said he appreciated the offer. So this is just symbolic of the problem.

Just in conclusion, I would like to mention the four or five principal arguments against the controls which I think are raised and I think ought to be discounted. Then I would also like to make a part of the record a rather interesting exchange between Senator Hruska and Senator Hart. Senator Hart has introduced important legislation. The good Senator from Nebraska is probably about as tough an opponent toward gun control legislation as anyone in the Senate. Senator Hart is one of the strong supporters. There was a very interesting exchange. [The information referred to follows:]

[EXCERPT FROM THE HEARING OF THE SUBCOMMITTEE ON JUVENILE DELINQUENCY,
COMMITTEE ON THE JUDICIARY, APRIL 23, 1975]

Senator BAYH. We will convene our hearings.

* * * * *

Senator KENNEDY. I want to thank you, Senator Hart, for both the leadership you are providing in the introduction of the legislation and for very convincing testimony.

You were commenting about open and closed minds, and I have one, too.

Senator BAYH. Closed or open?

[General laughter.]

Senator HART. This is going to be a very useful set of hearings.

Senator BAYH. I hope we can call on you to preside over some of them.

Senator Hruska, do you have any comments?

Senator HRUSKA. Yes, I just have a few questions at this time.

First, I would like to incorporate into the record by leave, an opening statement in which I lay some foundation for the general problem.

[The information referred to is not reprinted here.]

Senator HRUSKA. I reserve for the future time to submit a statement and to discuss the merits of the position taken by Senator Hart in his bill that he has introduced, which would ban private ownership of handguns.

There are a few questions I would like to ask Senator Hart.

We are aware, of course, of the latest attempt to enact in the Senate a bill which you are now proposing and on which you testified, of which there were only seven votes for it and 84, I understand, 84 against it. It would be difficult, would it not, to envision that there would be a reversal of that sentiment, which is pretty well set in the Senate, among the members of the Senate?

Senator HART. Yes, I think you are correct.

Senator HRUSKA. Is that not demonstrated not only in that vote, but in Congress we had a bill which made it a felony with an added sentence if it were accompanied by possession of a gun during the commission of that felony. It was passed in the Senate and got no place in the House. Why is this attitude—you answered in part—but if an idea is not politically acceptable on a national basis, why is it that that is true?

Now, you have answered in part, but could you elaborate on it a little more.

Senator HART. No, Senator Hruska, I can not. It is just, for one who feels as I do, one of those items you list when people say, does anything frustrate you. Well sure, this frustrates me. To me it seems clear that this should be our position. But there is nothing clearer than a roll call that picks up only seven votes. I am not among those who say that it is just fear of political reprisal, although there is a healthy chunk of that involved. I caught myself a recall campaign after this.

But it goes beyond that. I do not know what the answer is.

Senator HRUSKA. Now among the statistics is that there are in the range of 2 million handguns manufactured every year. I forget the number of murders or homicides or shootings by handguns. I think Attorney General Levi mentioned that in his recent speech. What is it—about 10,000 a year? Do you recall?

Senator HART. I am told it is about that.

Senator HRUSKA. Tell me your explanation. Who is it that buys these 2 million handguns every year? Is it limited to hoodlums and criminals?

Senator HART. No, indeed. It is contributed to very importantly by people who think they are buying some security, good people.

Getting back to your question, why do we not turn ourselves around to do what I suggested to do, and what is inhibiting Congress—I suppose it is because we are typical. We in Congress are typical of the broad community. We continue to think, as do those buyers, a big bulk of those 2 million, that if I have a gun, I am advantaged over the dishonest criminal fellow. Sure, I do not know what the percentage is between buyers who are decent, honorable citizens and those who are bad. But an awful lot of people believe that they are safer because they have the handgun. Maybe the reason our roll calls around here are as they are is because a majority of us continue to believe that.

My point is that six or seven out of every ten handgun killings is through the use of the handgun that I have bought and at my hands, or my children's, is in accidents. For a moment, if that tool of death is available and handy, good people are bad people, for just that moment, and the result is the tragedy that we talk about.

Senator HRUSKA. You suggest that we would be better off if we could get rid of firearms. Can we? New York has had a law that makes it illegal without a permit to own a handgun. It has been on the books 60 years. Every year there are some 8,000 to 10,000 guns picked up on the streets there. What promise does any law preventing private ownership have in view of the experience of many cities, your own included, in Detroit, Michigan. We have a law against that in Michigan and in New York. Why can it not be enforced? New York has 32,000 or 35,000 police. Why can it not be enforced?

Senator HART. For a number of reasons, and we have mentioned some: because they buy it in South Carolina and bring it back. You are violating the law but it is there. There are a large number of lawfully present handguns in New York and Detroit. People do go in, assert legitimate reasons for the possession, and have them. I would not anticipate the day when one could say that all handguns have been removed from private hands in this country. But the fact that New York has a tough penalty, and there are still an awful lot of handguns does not prove to me that we could not, if we would, say nationally that there be no private possession of handguns and turn them in—that would be the first step in reducing the total, because most people are law abiding. Most people would turn their handguns in.

Therefore you reduce the source from which the bad guy gets his gun, and every time a man or a woman is seen with a handgun, a private individual, un-

like today in New York, you would know that there was a law violation and you could move. Eventually you would reduce enormously the number in private hands. Whether at the end of the hundred years of this you would eliminate all handguns, I have no idea.

Senator HRUSKA. You suggest that you could go to Toledo from Detroit, you can go to South Carolina from New York or Massachusetts, which also has a very strict gun law now. But there is a law against that. That is against a Federal law.

Now what the proponents of gun control, like yourself, propose, is another law making it illegal. I cannot quite understand just the rationale of that. It is already illegal. It is illegal for those 2,000 people down there in South Carolina who either have arrest records or who have had convictions. It is against the law. It is against the law to own a gun in New York.

Senator HART. I know it. I think that in subsequent days the Subcommittee will listen to men and women in law enforcement roles in places like Detroit, Toledo, New York and South Carolina. You say it is against the law; but in most cases all you do is fill out a slip, and I suppose the hardware merchant or the hock shop does not simply keep it in his file. He sends it to some place. But there is no real overriding supervisory agency.

Senator HRUSKA. I know it.

Senator HART. Because there is no reach beyond South Carolina. If they wanted to try it, they still could not insure that North Carolina would do it, or that Toledo would do it. In South Carolina you mentioned the law that would prohibit this. Of the 2,000 that bought guns down there, in one town in South Carolina, according to the Alcohol and Tax Report, more than 200 had prior arrest records, and 73 prior felony convictions.

Now you say that proves that a national law would not be useful in reducing the number of handguns. You must assume, to take that position, that you, a decent person, if you owned a handgun and the Federal Government said turn it in, would not turn it in.

Senator HRUSKA. The decent would.

Senator HART. Yes, sure they would. And most of us, we tell each other, are decent. So it follows that most handguns would be turned in. Therefore you start with the number one source of the bad man's handgun, and that is your gun and mine. That itself would be progress, would it not; plus the fact that the danger the handgun poses to me and to you—we will agree that we are decent people—the danger that it poses to you and me is removed by the Federal requirement that I turn it in. I repeat, the principal source of the handgun slaughter is not strangers, the felon that gets it in South Carolina, it is the gun in my drawer. The noise in the back yard. It is dark. Out I go and I discover I have shot my neighbor who has lost his key. Or, my child finds the gun in the drawer and I find my child dead. That is what we are talking about being able to eliminate.

Senator HRUSKA. I do not intend to let you get off too easily on that South Carolina business because that it against a Federal law, for the man to buy it there and transport it across statelines. It is against Federal law for a licensed dealer to sell it to anyone he has reason to know or believe is a nonresident.

Now there is a law and it is not enforced. Why is it not enforced? Why does it not do any good? Until you answer that question, it is most difficult to understand why if you pass another law making it illegal to have a gun that that law will be enforced.

Senator HART. You may not want to let me off the hook on South Carolina, but I do not care whether you keep me on it, because I think that is the secondary cause of death from firearms. We can argue, if you will, but the forms in South Carolina, I am told, are not sent any place. It sounds like that has very little followup. For purposes of this discussion, I will concede that not all bad men will ever be disarmed solely by the passage of a law that would prohibit private gun ownership, but eventually, he will find it darn hard to keep his firearm.

Leave me on the South Carolina hook, but I would like to get you on the national hook. The proposition that if honest people obey the law, and we operate on that principle with reason, vast numbers of handguns will be turned in, and for every handgun thus turned in, we are reducing death by handgun, and that is good and that is enforceable. Just because we are a decent people we will turn the gun in if we are told to.

Senator HRUSKA. Where those handguns in the hands of decent people, except for accidents which do happen, and far too often, and they are tragic, those decent people, those are not the guns that are used by people who abuse them, are they?

Senator HART. Yes.

Senator HRUSKA. How do they abuse them?

Senator HART. By being subject to robbery and burglary. Before you came in, I sought to remind us that the bad guy does not go to Abercrombie for his guns. He looks in my bureau drawer, or he finds it in a hock shop. The source from which most of these illegal people are armed is us good people; we are the source of the thing.

Senator HRUSKA. Well, we will have to continue that discussion at a greater length and, perhaps, maybe, some other people can explain the mystery of why a law that is so simple and so plain it is not enforced. Now, in New York they have the law——

Senator HART. Senator, let me ask this. Would you agree that a law so simple and so plain as "turn your handgun in" would produce results? Would not that produce good results too?

Senator HRUSKA. Well, it does not work now. New York has a law. It bans and makes illegal——

Senator HART. We are simply not listening to each other.

Senator HRUSKA [continuing]. The ownership of a gun. Now, why does it not work?

Senator HART. We are not listening to each other. There is no law that compels me in New York—it does not say you may not own a handgun.

Senator HRUSKA. Yes, it does.

Senator HART. All right.

Senator HRUSKA. For all practical purposes——

Senator HART. All right, there are only about 30,000 or 40,000 bad people. Is that the only number that have guns there?

Senator HRUSKA. We have estimates in "The New York Times", and no one would doubt "The New York Times"; they are very authoritative, very solid in their statistical——

[General laughter.]

Senator BAYH. Would the Senator yield? Are you certain you want that played back to you next time?

Senator HRUSKA. I do, in the same tone of voice that I use now on it, but I do not say that in a derogatory way, but "The New York Times" has for years contended that the estimate of guns in New York is one million, in the range of one million; and Tim Murphy, when he was here, and Mayor Lindsey, when he was here, John Lindsey, a former colleague of ours, they testified to the same thing. Now, here is a law making it illegal and yet they have that there, and the only illegal one——

Senator HART. I do not know what the population is in New York, but it is just under Tokyo's, or it is four million less than Tokyo's, and the law in Tokyo says you will not have any and apparently it works.

Now, should be hire some outside agency to tell us why it works in one place and not in another? But, my underlying repeated theme is, I do not accept the proposition that if the Federal Government told you and me, you may not have a handgun, that we would not turn it in. I believe we would, and I say that every time we do it, we are improving, if you will, the quality of life by at least reducing the number of killings.

Senator HRUSKA. You do not have to, you can stick to that belief if you wish, but there are a million people in New York that disprove it, and it is not only illegal to have the gun, it is illegal to have it without registering it. That is a state law, and it is not even registered, and it is possessed and is owned, without a permit, and the latest figures I recall the permits granted were about 25,000 in a city of several million.

Now, you can say, maybe in the Federal law you are going to have compliance with it. It is disproved, of course, by the great numbers of guns in areas where there are laws forbidding them in private homes.

Let me ask you this, we had a national commission here on standards and goals. They made a recommendation for a program which was far different from yours, and it confined it to states, rather than Federal law. I am sure you are familiar with the general thrust of their report. If you are not, perhaps, you would like to familiarize yourself with it, and submit a memorandum of your comments on it.

Senator HART. If their suggestion is that you should leave to the states the resolution of the extent to which handguns may circulate, I do not know how near Omaha is to a boundary, but I know it happens in Detroit, and I say the idea does not work.

Senator HRUSKA. Well, if you have any further comments on that recommendation of that very splendidly balanced law enforcement officers, citizens, lawyers, prosecutors, judges, chiefs of police, and so on, they made that recommendation, we will go into that further later in these hearings.

Would you make any allowance, Senator Hart, for areas where a gun is necessary for self-protection? I can think of remote areas out in my area, out in the sandhills and the desert country, the mountain country, the prairie country, and in Alaska, for example, and I doubt very, very much that passing a law is going to get rid in the minds and hearts of those with criminal intent and who are predatory in nature. They are going to have a gun, and they will have plastered on every house in every one of those places, this house has no gun, so they walk in with their gun and they are master of the situation.

What allowance would you make for that?

Senator HART. I thought your question was going to be, do I make allowance for areas of the country where you need the weapon, and the answer is yes, of course. You are talking about the honest person; the fellow out on the prairies is not disarmed of his rifle or the shotgun or in Alaska either by this bill. Why do you need a hand gun instead of a shotgun or a rifle? What is the problem on the prairie?

Senator HRUSKA. Maybe you can go up there and live awhile and see and talk to people who live there.

Senator HART. I would be curious to have an explanation about why my prairie problem cannot be handled with a rifle, my honest problem.

Senator BAYH. Would the Senator yield because I think the question is a good one. And I say, without bragging, because it has been my responsibility, I suppose I listen to more witnesses, more hours of testimony than anybody else in the Congress on this issue of firearms. I listen to all of the misconceptions and the very tense feelings on both sides, and one of the things that I think we need to recognize is that the record does show that if a criminal comes into our house and you and I and our families are upstairs asleep, and our respective spouses say, Roman, Birch, wake up, there is somebody prowling around downstairs, that we are subjecting ourselves, if we reach over in the bureau drawer or the night table drawer to a hand weapon; that the time it takes to get the foggiest out of our minds is less than it would if we went to the gun cabinet where we could get up and actually have access to another weapon. The police officers tell me—I mean, I do not know anything about this, and I hear all of the arguments on the other side—that to the extent you have immediate access to a small weapon, that you really are not nearly as much in control of what you are doing with it as that fellow on the other end, prowling around downstairs who is wide awake and probably knows how to use that weapon.

So, I think there is a question there about the ability to defend oneself being significantly greater if you have a different kind of weapon than one that is readily available. Excuse me, I do not want to interrupt this dialog.

Senator HRUSKA. That is a good thought that you advance, and I value it, but you know there is a rebuttal to that. Every year two million citizens in this country do not agree with that policeman that says you are going to fumble around in a stupor because you just got through sleeping—

Senator BAYH. And every year some of them are dead.

Senator HRUSKA [continuing]. And they buy two million guns a year. Now you see you may have theories on it; the police may have cases and so on, but in the minds of the people of this country, two million people a year buy guns. Now, how do you get rid of that?

Senator HART. That is why I said, in earlier questioning that until we persuade those two million that it is not just some bubble-headed theory, but it is fact that they are better off without the weapon, we will also have the problem of Birch Bayh having hearings here, but as soon as we get the fact established—

Senator BAYH. Let me have a moment of confession, may I? I have that old traditional, mid-West farm boy feeling, I suppose, but I would rather have something there to defend myself. You know, I confess that. But, my feeling is one thing; what police officer after police officer reports to me based on the facts, the statistics, makes me wonder whether my old native visceral feeling is accurate or not, and, of course, I think the problem with this is that all of us, individually, think that we can take care of our own situation. We will not be the number of people the police tell us. I mean my distinguished colleague from Nebraska, I am sure, has been here. They tell us that there are a lot more people

killed every year by the criminal when they try to get up in the middle of the night and defend themselves, than are criminals killed. That is fact.

Now, what we do about it is something else, but I think what we have to do is keep pursuing the truth on this and trying to persuade those on both sides of this issue to listen to what the facts are and not what some of the normal inclinations might be. Excuse me.

Senator HRUSKA. That is all in good case and in order. I do not know that any of us have the position that every effort should be made to keep the hand gun out of the hands of people who will use them improperly. In our state, Nebraska, for example, we have a law making it mandatory, in the commission of a felony with the use of a hand gun, when a sentence is passed for that felony, whether it is a hold-up or assault with intent or actually inflicting wounds, or whatever, there is a mandatory sentence of up to two years, and there is a minimum also established, and it has had a very, very salutary effect. Now, that is our way of dealing with people who misuse the gun, and when that becomes known and when that becomes applied, it has a very beneficial impact upon the criminal community, and it is something that is readily enforceable, and it is effective.

Now, there are other ways in which it can be done, but if we are going to make accommodations for the feelings and for the convictions on the part of people who are in areas of the country that are not like the interior of Boston or Philadelphia or Detroit or even Omaha, when we get into that I think we can make a pretty good case that there would not be much hope of enacting legislation that would take the gun away from them.

Senator HART. You mean the people, except in those center cities, would not obey the laws?

Senator HRUSKA. Pardon me?

Senator HART. You mean, except in those center cities, people would not obey the law?

Senator HRUSKA. They are not obeying it in New York, are they? A million of them.

Senator HART. I was just trying to understand what you just said.

Senator HRUSKA. I say that precisely. I said, I do not advocate it, I do not approve it, I do not like it, but they do, in cities where there are registration laws, millions of them, in those states and in those towns, do not obey the law. They are law-abiding citizens in every other respect, but they are not going to do it in this case, and they do not do it. Now, you see that is separate and apart. If a law would guarantee that there would be absolute abolition of guns and with a puff of smoke they would disappear, that is one thing, but where you have the residue of people who will have them and they are not the counterforce in the minds of many people, it is going to be a tragic situation, and what are you going to do with the individual who will make a zip gun, very easy to make. Any high school boy with a couple of hours in a basement, with a couple of pieces of pipe and a few pieces of metal can rig up a zip gun. How are you going to deal with situations like that and good people will not have any counterforce to that? They will not have any counterforce.

Senator BAYH. Could I ask my colleague from Nebraska, a question relative to that Peterson Commission? Because, as I recall, you recommended that approach to our colleague from Michigan, and we are going to have to find a way to reconcile some rather dramatic differences of opinion. I think they are expressed here. Not only are they dramatically different, but I think they are based on convictions of both of you gentlemen here, and, as the fellow in charge of this Committee, I would just like to suggest that the only firearms legislation we passed in the last few years is that Saturday night special bill, which we passed through the Senate and could not get any action in the House, which it did not go as far, nearly as far as the Senator from Michigan wants to go. It went a little bit further than the Senator from Nebraska would want it to go, but he ultimately supported—I guess both of you supported it as a step in the right direction.

It seems to me we are going to have to reconcile some differences here if we are going to have any progress, because none of us like to have people illegally using weapons, none of us like to see families preyed upon, or unsuspecting business people, and I would suggest probably we are going to have to approach it, both from the standpoint of what we can do to limit the supply, access to weapons, on the one hand, particularly access.

If we can find a way, as I think we can, to limit access to those weapons that are preferred weapons that would be a first step and second, I am convinced, in listening to some of the stories that are told by the law enforcement officers,

that we are going to have to deal with the criminal element because once a person has committed a crime, I would rather take the steps that limit access, so if a crime is not committed, but I think one of the disincentives is how you deal with the criminal element. And, we have had experiences right here in this city where you have somebody who commits a felony with a firearm; they are brought before a judge; 24 hours later they are out on the street and apprehended committing another felony with another weapon.

Now, certainly we can deal with that, as well as deal with access to firearms. Now, the Peterson Commission approach is basically a state approach, and it deals, of course, with the limited access approach. Would my distinguished colleague from Nebraska consider the possibility of saying, all right, we are going to follow the Peterson approach, or a version thereof as it affects handguns, and give the States first option, but for those States who refuse to comply with Peterson, then we are going to impose a national option?

Senator HRUSKA. A sort of voluntary plan that you must do it?

Senator BAYH. No, but you are recommending—I may have misinterpreted, but you recommended that the Senator from Michigan read the Peterson report.

Senator HART. I read one sentence from the Peterson report.

Senator HRUSKA. Go ahead. Quote it out of context, which is what is going to happen, go ahead.

Senator HART. I believe it is under the caption, "Conclusion: All of the arguments against prohibiting the private possession of handguns become, by comparison, subordinate to the death, tragedy and violence that abound in the absence of such legislation." That is the way I read it.

Senator BAYH. There is also a sentence in there that I—in struggling for the facts in my previous colloquy here—would show, at least according to the expert witnesses that put the Peterson report together, that there are six times as many people killed trying to protect themselves with firearms as are criminals using firearms. Now, that is a sad figure. It is a sad figure.

Senator HART. That is the kind of figure that we simply have to come to accept. It is not theory; it is fact.

Senator BAYH. That goes against my native feeling, but that is what the Peterson report indicates.

Senator HART. If we understand that there is greater danger in me, a good person, having one of those things, long, short or in between, than not having it, and if, by my not having it, we reduce the reservoir from which the bad guy gets his, then those seven votes of a couple of years ago would turn up to be about 98; but until that happens, we are swimming upstream, I know.

Senator HRUSKA. Just to set the record straight here, there was nothing in my remarks that would be construed as an approval of the Peterson report, a report of the standards and goals. My remarks were directed to a question to the Senator from Michigan, asking what comments he would have on that approach, and I am not prepared to accept the totality of the Peterson approach. I am not prepared to do that, and in due time I will explain why.

But, the idea has been explored before on the floor of this Senate—I believe it was the junior Senator from Massachusetts who proposed it on a voluntary basis—that the states be given so many years in which to enact a law and, if they did not, the Federal law would apply. That, in my idea, is a distortion, it is a little bit of a violation on the business of volunteer—you have to do it—and it was turned down with a very handsome vote, impressive vote, from my standpoint, handsome and impressive. In any event, they just did not go for it. It was not voluntary, and it was another wolf in sheep's clothing.

So, those are some of the things we are going to have to thresh out here. I still say the goal and the big thing we have to lick when we get into the question of enforcement of law. Also, we had the exhibit in 1972 from Jerry Wilson, the Chief of Police down in Washington, D.C. here, where he cited hundreds of arrests for illegal possession of guns on the streets, literally hundreds, I forget how many there were, and I do not know that a one went to jail on that account.

We have a study here in Philadelphia which shows a total of some 2,700 arrests for carrying dangerous weapons, and 28 went to state prison and 100 went to county prison. The rest were either found guilty, charges were not filed, or they were put on probation, or suspended sentence and fined. Now, with that kind of enforcement and what more simple violation of the law is there? It is against the law to have a gun on your person on the streets of Washington, and a man who is found with a gun in his possession in Washington, what simpler prosecutory problem is there than that? Yet, we find it is not done. It can be done in

Houston; for example, as I point out in my statement in 1973 there were 1,563 cases filed, resulting in 1,430 convictions and sentences.

It can be done, but it is not done in America, generally, and that was pointed out so dramatically by Attorney General Saxbe in, I think, the last speech he made as Attorney General, in which he said that people do not want to enforce a law, the people in this country do not put that burden sufficiently, either upon the prosecutors or the judges, to get the job done. They do not want it, and that is one of the things we are going to have to lick in this thing. And the goal is to keep the handguns out of the hands of people who will misuse them, and there is a way of doing it.

But, I do not believe that the passage of a law, even banning outright, would do the job. That is my position on it which I will elaborate on a little bit more specifically at a later time when I analyze your bill, Senator Hart, and comment on it in detail.

We have been over this ground before.

Senator HART. Yes, we have.

Senator BAYH. It sounds familiar.

Senator HRUSKA. Thank you, Mr. Chairman, for your patience and your courtesy.

Senator BAYH. That is what we are trying to do here, to develop a dialogue. Senator Hart, we appreciate your being here. The members of this Committee, of course, you being a member, are trying to exercise these responsibilities that we have and to do it in such a way—of course, the magic formula, if we could do it so that the onus and the burden is directed at those who misuse and the inconvenience is minimized so far as those who do not misuse, of course, that is what we are trying to do. It is awfully difficult to draft a statute to do that.

Senator HRUSKA. May I have permission, Mr. Chairman, to put in the record a story in "The Baltimore Sun" about the drive in New York to get a voluntary surrender of the illegal guns that are held there. It netted 600, and there are other similar situations in other cities. Maryland, I guess, tried it; Baltimore tried it.

Bearing again on the proposition of the idea where the people disobey the law, heavens, yes, out of a million, 600 turned in their guns, and the balance are violating the law.

[The material referred to is not printed here.]

Senator BAYH. You see, the tragic thing about this—and you know I am not prepared to go as far in this matter as my distinguished friend from Michigan—I would prefer to find a solution that were less severe than his, but you cannot refute the fact that a lot of those law-abiding people out there that are disobeying the law are going to kill themselves.

Senator HRUSKA. There are 600 gun accidents, accidental gun accidents, in 1971. There is no reason to believe that by accidental discharges—

Senator BAYH. I am not talking about accidental; I am talking about domestic disputes.

Senator HRUSKA. Oh, on that score, you are right.

Senator BAYH. Something goes wrong inside your head and the emotion of the moment causes you to strike out, and if you have a firearm there, particularly, the record will show, if you have one of those seemingly inoffensive small weapons, you go and, zap, you dispense a death missile there, and what we do about that, I do not know, but that is a fact. You do not permit a cooling period.

Well, I do not think there is any need to pursue that. The facts are that a lot of people are being killed out there among acquaintances.

Well, you have been very kind, Senator Hart.

Senator HART. Thank you very much, Mr. Chairman.

Senator KENNEDY. The following statement was broadcast on WRC-Radio in Washington, D.C., on September 22, the evening that President Ford's life was threatened by Sarah Jane Moore.

This statement, according to Pat Carey of the WRC public affairs staff, was broadcast free of charge as a public affairs announcement.

The National Rifle Association prepared the text of the statement and submitted it to the station, an NBC affiliate, for broadcasting at the station's discretion.

It is the type of statement that would appear to undermine the efforts of those who wish to redefine the role of firearms in American society.

At best it is poor taste or bad judgment to air such an announcement, in the Nation's Capital, on the same day that the life of the President has been threatened by an assault from a gun.

Hopefully, the American people can also receive from the broadcast media, through public service announcements, the views of those who seek to restrict the abuse of firearms in order to help reduce gun violence in America.

I would like the statement from the WRC Radio Station to be placed in the record of this hearing.

[The information referred to follows:]

WRC-RADIO—PUBLIC AFFAIRS ANNOUNCEMENT PREPARED BY NATIONAL RIFLE ASSOCIATION

Oh yes, that's my grandson. Lungs like that run in the family. I'd like to think good sense runs in the family too. His dad will teach him firearms safety and responsibility just like I did him. Doesn't seem that long ago, he was walking into his first Junior NRA Program. Taught him a lot too. Build up his self confidence. A steady hand—keen eye—and respect for firearms. That's important. Kids got to know the difference between real and toy guns. It's a discipline that will serve later on too. Guess that's why they call it a lifetime sport. A good idea—that NRA Junior Program and regular membership later on. Yep, a lifetime sport. From air rifle to competition firearms. You do the right thing by your kids too.

Send a self-addressed stamped envelope to the National NRA; Scott Circle; Washington, D.C. Ask for information about the NRA Junior Program. That's the NRA; Scott Circle; Washington, D.C. 20036

Senator PERCY. Do you have a few members you could mention on your side who offset Senator Hruska?

Senator KENNEDY. I could let you name a few on your committee that support it. But the fact remains on the constitutional issue, as you would well understand, the ruling on the Supreme Court has been clear, on the *Miller* case, that those provisions applied only toward the militia, and did not provide the kind of constitutional right for the individuals or prohibit the Congress from acting in this area in a reasonable and rational manner in the areas of either restriction or registration or licensing.

Some say controls will only disarm those who disobey the law. I think we have been over that issue. It shows three-quarters are against. The chances of killing one of their loved ones is greater than their chances of killing a criminal. What we are really interested in is isolating the criminal element and we can do that by strong legislation, and this is important. The old slogan about guns don't kill, people do. You could use the same kind of argument about driving cars. Nonetheless, we do licensing and registration in terms of vehicles.

Some claim that registration and licensing are cumbersome and burdensome. I think we have been over that. It does provide some inconvenience, but no more than receiving a marriage license, less so probably, or a fishing license, or any of the other kinds of licenses that individuals receive. Others say that controls cannot restrict the supply of handguns. I think we have been over that. I would submit

the figures of what happened the last time in the 1968 act when there was really a serious reduction in the proliferation of weaponry. That was as a direct result of Federal legislation. Today there is an enormous proliferation of handguns. At that time, we were making about 500,000 handguns, it is 2½ million now. It is going right up through the ceiling in terms of increased proliferation. Some people say there are so many now, why even bother to do anything about it. But because it is proliferating at such a rapid rate, we have an even more important reason to do something about it at this particular time.

So, I am hopeful, Mr. Chairman, that we can get some legislation. I know that before the committee are pieces of legislation. I am hopeful about the Javits-Percy bill to transfer gun control from the Bureau of Alcohol, Tobacco, and Firearms to the Department of Justice. It should be in Justice.

In the fight against crime, you ought to have it coordinated, and consolidated. It ought to be in an area of the Justice Department. That only makes sense. The other parts of the ATF is spent in collecting fees. There is no reason why gun controls ought to be in the Treasury Department. We always heard from the Attorneys General, when you would ask them their position about handgun control, they would say, "Listen, it is not in our department, it is in Treasury," as if we are supposed to have the Secretary of Treasury to come up and talk to you about gun control legislation. I know you are also considering these other issues about improving Secret Service coverage on the President. It was interesting to see that the immediate response was to ask for more guns for the Secret Service. I am prepared to insure that they receive everything they possibly need for the protection of the President.

I wish we had also had in that some control of weaponry. The tragedy is that we always move after something has happened. I believe it is important to prevent individuals from gaining the guns in the first place, not afterward. Finally, I want it understood, Mr. Chairman, that I support those provisions in terms of strong sentencing provisions for people who commit crimes with guns.

I do not think we should permit those people to say "Well, we are against gun control. What we ought to do is enforce the law." I am all for enforcing the law. I would certainly support mandatory minimum sentences for people who commit crimes of violence with guns.

I think we ought to support legislation such as that. I think that is important. But I do not think we ought to take support for that type of legislation away from our responsibilities for doing something about the enormous growth and proliferation of hand weaponry around this country.

Chairman RIBICOFF. You know, Senator Kennedy, if you keep on talking like this, you may still end up as a Democratic candidate for President in spite of yourself.

Senator KENNEDY. I am hopeful we can work with you, Mr. Chairman, in getting some good legislation. I really appreciate your willingness to take on this issue, Senator Percy, Senator Javits. It is in the national interest. I just want to pledge my continued support and help in getting legislation.

Senator PERCY. Is that your full answer to the chairman's comment?

Senator KENNEDY. That's the full answer.

Senator PERCY. I have just a couple of other questions. We have, the chairman and I, talked with the powers that be in the Judiciary Committee about LEAA legislation. We spent better than \$6 billion under this legislation. There have not been as I understand it any oversight hearing on it. We are about to go into a new multimillion dollar authorization program. The Judiciary Committee does not have, apparently, the staff time or member time to have hearings before such authorizing legislation. In our oversight responsibility, some of us have felt it would be desirable to do so, coordinating those hearings very closely with the staff of the Judiciary Committee, and to try to have those hearings prior to the authorizing legislation being debated on the floor and in committee. Would that be a desirable thing in your judgment?

Senator KENNEDY. I would like to consult with you, Senator. I had the opportunity to talk with Senator Ribicoff about it. You are quite correct. Over a period probably now of 8 years, we have had, outside the initial authorizing legislation, 2 days of oversight hearings. In the time when this came to the floor, there were myself and others who wanted to just extend it for a period of 2 years so we could get some oversight, but we have been unable to do it. We were in the extraordinary position last week to hear the Attorney General say that he was for a 5-year extension. This is in spite of the fact of various GAO reports that show both the amount of administration and failure of accountability of funds provided under LEAA and the number of newspaper articles that talk about the administrative nightmare in the LEAA. But I think they have set about 9 days of hearings. Senator Hart and I have asked for a variety of hearings in which the chairman has indicated a willingness to respond.

I would like to work with you in insuring whether it is either the Criminal Laws Subcommittee or this committee to get the kind of oversight which is essential. We had, last week, for example, Mr. Levi indicated to us that the areas in which there ought to be the greatest allocations of resources in terms of LEAA is in court reform, trial procedures. When he was out with Mr. Beldey and I asked Mr. Beldey how much was being expended in that area, he said about 15 or 16 percent. Here we have the Attorney General going on for 5 more years, yet we are only allocating a small percentage of resources in the areas in which he, and I dare say most of us would agree, could be the area which could be most productive and fruitful. I think we are going to do a job that is important. It was not done the last time. I would like to continue this conversation with you and other members of the committee about how the job can best be done.

Senator PERCY. In this committee we have a close relationship with the GAO and they have made a number of reports and analyses that have not had oversight or hearings on them. That might be a logical place for us to start. It would not necessarily duplicate other things that can be done in the Judiciary. We are not looking for work. What I am looking for is to take this one area that is of such vital concern to the American people, where we are spending huge sums of money, to just be certain that we take a good hard look at it to see whether or not we cannot find ways to improve the effectiveness of those dollars that are being spent and pinpoint them on areas, as you point out.

It may lead to the fact that just getting more guns for law enforcement people and getting more law enforcement people may not be the best approach. Maybe the other approach is to try to license the weaponry available to persons who might perpetrate crimes. Finally, I would like to ask you, because it is so frequently said that it is political suicide to support this kind of legislation, and everyone notes our former colleague, Joe Tydings, who went down to defeat, supposedly because of his position on gun control. People are gun shy, you might say, in politics on this, what has been the personal reaction to you in your attitude in your own State, particularly the western parts, is it political suicide for a politician to stand up and be counted on this issue? Do you feel there is a growing perception in America now that something has to be done, and we may be clinging to the past to say, "Well, it's political suicide, I can't take the position"?

Senator KENNEDY. I think the latter statement is the accurate one, Senator Percy. I do believe, as you do, that the overwhelming majority of Americans want legislation that is going to deal effectively with the kind of street crime which is plaguing every major urban area and increasingly so in the suburban area, and which strikes such fear in the hearts of American citizenry. I think, hopefully, they will be willing to express their views to their legislative representatives in the Congress and Senate and say, "You know, finally give us something that is going to do the job." We have seen, as you mentioned, the expenditure of billions of dollars in the area of the war on crime. And all we have seen is the crime statistics and figures, so far they are up this year 17 percent over last year.

Last year, about 30 percent over the year before. It is just going right up through the ceiling. We are spending and throwing billions of dollars at it. Here we have studied this issue time and time again. We know what has to be done. The American people believe and understand what has to be done. Hopefully, we can get their representatives in the Congress and Senate, finally, to do what is essential, necessary, and they will, if they will, communicate with Congressmen and Senators to do it.

Senator PERCY. You have strong gun control laws in Massachusetts. If they were submitted to a referendum, would they be overwhelmingly supported, even in western Massachusetts?

Senator KENNEDY. I believe they would be overwhelmingly supported.

Senator PERCY. Thank you.

Chairman RIBICOFF. Thank you for your contribution, Senator Kennedy. We owe you a debt of gratitude. So does every law abiding person in the United States. Thank you very much.

Senator KENNEDY. Thank you very much.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM
THE STATE OF MASSACHUSETTS

I am pleased to have the opportunity to appear before this distinguished Committee this morning and to lend my support to your interest in controlling the abuse of civilian owned firearms.

Your committee deserves every commendation for its initiative in this area of serious national social concern. For, the problem of gun violence is probably the

most critical issue affecting the safety and comfort of people in communities all across America. I am encouraged to see this Committee join with the Judiciary Committee in campaigning for effective legislation to reduce the abuse and misuse of firearms.

It is certainly appropriate for the members of this Committee to focus on the problems of gun control and I am gratified to know that the Committee members are so forthright in addressing this matter.

I believe that these Senate hearings on gun control will contribute to the public demand for Congress to act on restricting the access to firearms.

From deliberations of the Judiciary Committee, I am familiar with the impressive legislative history compiled over more than a decade from hundreds of witnesses, in thousands of pages, who have chronicled the demand for gun control. This is a vital social concern that has probably been documented better than any other issue that has been brought to the attention of the Senate. Yet, gun violence rages unabated in our cities streets—because the Congress has not acted.

The American people in 1975 are threatened by the most extensive peace time firearms assault in our nation's history. The toll of gun deaths mounts higher each day. Armed assaults and armed robberies generate in our urban centers fears that are almost paranoid. More and more people are buying guns because more and more people have guns.

Even at the highest level of our government, the trend seems to lean to arms escalation instead of restricting the public's access to guns.

When the President's life was threatened on September 22, the national reaction was one of relief, upon learning that he was not harmed.

But our government reacted by seeking to buy more guns in an apparent design to safeguard the President's life. The administration wants the Congress to authorize 1,200 new Secret Service officers for Presidential protection. And surely, this request should be granted. But, it is absolutely clear that America also needs a system for keeping guns out of the hands of those who would misuse them.

It is reported that Sara Jane Moore was able to purchase a .38 caliber handgun within hours after the .44 caliber weapon was taken from her by authorities in California. An effectively enforced firearms registration and licensing system could have at least delayed her purchase until after the President's visit.

The entire issue of gun control is an exceptionally emotional one. People are either for it or against it. I believe in gun control because I believe effective controls can stem the ever rising increase in the number of needless deaths generated simply because too many guns are available to the members of our very complex society.

Today we live in a society where the role of firearms sorely needs redefining. For too many years, I have heard all the arguments for and against controls.

And after working for passage of the 1968 Gun Control Act, I have worked to gain Senate approval for even stronger firearms legislation.

My reasons for supporting such measures are clear and straight forward.

We know what causes gun deaths.

We know how to stop them.

And I insist that we must reduce the bloody toll of death by gunfire.

I have introduced gun control legislation at least three times since 1971. Initially, the bills I offered included coverage for all firearms—both handguns and long guns.

On the occasion that the Senate voted on provisions in that legislation—eleven Senators voted for the registration and licensing provisions of my bill. Senators argued that the problem with guns is concentrated among criminals. Those who legitimately use rifles or shotguns pose no criminal threat. And Senators do not want to irritate, inconvenience or overburden legitimate sportsmen and hunters who use long guns in pursuit of recreation and enjoyment.

For that reason, I introduced legislation on April 17 of this year that deals only with restrictions for handguns.

My bill requires the licensing of all handgun owners; the registration of all handguns; and, the bill prohibits the domestic manufacture, sale and transfer of any handgun with a barrel less than six inches in length.

Handguns are the deadly devices responsible for so much fear, intimidation, injury and death.

Handguns account for only a third of all firearms owned by civilians—but they account for 53% of all murders.

In 1963, handgun murders totaled 4,200. Eleven years later (in 1974, handguns were used to murder 11,000 Americans.) The tragic toll of handgun suicides and accidental handgun deaths pushes the annual figures well beyond reasonable limits for a society that claims to revere life and personal security. Handgun production rose from 568,000 in 1968 to 2.5 million in 1974.

For handgun manufacturers these may be profitable totals. But any gain from the profit of handgun output is sorrowfully overcome by the wanton abuse made possible by too many guns in civilian hands.

When our high schools must be policed against armed students, it is clear our society makes it too easy to obtain a handgun.

When jobless people can rent a weapon to hijack a taxi or rob a bank, the handgun industry has overproduced.

Seven years ago, I heard a member of the Chicago police force insist that young people who want laws changed must seek change through the due processes of law. Our system of government he said, responds when change is necessary, and the proper way to make it respond is through legislative action, not through street demonstrations.

Today, I think of the fight for gun controls, a fight which has lasted through six Congresses and seven Attorneys General, a fight which has never been taken to the streets, but has been pursued lawfully and quietly in the hearing rooms, committee rooms, and Chambers of this Capitol. It is a fight supported by over 80 percent of the American people, and even by two-thirds of the Nation's gun owners. But it is a fight which has not yet produced results.

I agreed to testify before this Committee today because I firmly believe that the campaign to enact federal firearms controls must continue until we can stop the toll of gun deaths from rising year after year.

We must cut off the annual increase in handgun production. With 2.5 million handguns produced last year; will there be three million this year?

How many handguns are enough? Will the two gun family become as common as the two car family?

It is my hope that through the work of this Committee, along with the diligence of the Judiciary Committee, this Senate will enact legislation that can impose effective restraints on the availability of handguns in America.

In June 1934, President Franklin Roosevelt signed the National Firearms Act which outlawed civilian ownership of machine guns. Since then, machine guns have been virtually eliminated from the scene. Obviously that weapon has no legitimately useful place in a civilized society. Easily concealable pistols and revolvers are also out of place in today's highly urbanized and complex society.

With meaningful legislation, we can reduce the awesome rate of death and injury caused by fire from pistols and revolvers.

At least five panels of experts have convened on Presidential Commissions, to study the problems of firearms violence. Their recommendations consistently urge the adoption of stringent controls to restrain the proliferation of handguns in our society.

It is my hope that the Senate will take timely action on this serious matter.

Chairman RIBICOFF. Mr. Youngblood, please.

Again, we are deeply appreciative to you, Mr. Youngblood, for joining us here today. Do you have any prepared statement, or would you want to respond to some questions?

TESTIMONY OF RUFUS YOUNGBLOOD, FORMER DEPUTY DIRECTOR, U.S. SECRET SERVICE

Mr. YOUNGBLOOD. Mr. Chairman, I have no prepared opening statement. I am here to support the cause of adequate gun control legislation.

Chairman RIBICOFF. Thank you, Mr. Youngblood, how long have you been in the Secret Service?

Mr. YOUNGBLOOD. I was in the Secret Service 20 years. I retired in 1971.

Chairman RIBICOFF. So you started in 1951?

Mr. YOUNGBLOOD. Yes, sir.

Chairman RIBICOFF. In your 20 years of experience, how do you view the danger to the President of the United States today as against 20 years ago?

Mr. YOUNGBLOOD. Well, I think the tenor of the times has changed. People appear to be more emotional in their demonstrations and things of that nature. Back in the Truman years and the Eisenhower years, I think there was just a more peaceful existence within our country.

Chairman RIBICOFF. Do you think there is greater danger to President Ford when he plunges into a crowd than there was to President Truman when he plunged into a crowd?

Mr. YOUNGBLOOD. Well, the potential danger was there, and always has been, even back in the days of Lincoln, Garfield, and McKinley. The people seem to be more open in their demonstrations. I think the President gets more exposure now than he did in the past.

Chairman RIBICOFF. Do you feel that the advent of television and the exposure of the President to television endangers the President more than it did before the advent of television?

Mr. YOUNGBLOOD. I do not think the television people should be blamed for it, but I think the people of the country want to stay more up-to-date on the news. This, in a way, calls for more exposure of the President.

Chairman RIBICOFF. In other words, do you think television makes a President seek more exposure and do things than he would not have done and take risks he would not have taken if he were not the President of the United States or if we did not have television?

Mr. YOUNGBLOOD. Very possible.

Chairman RIBICOFF. In other words, the tendency of a politician is to play to the television cameras for exposure throughout to the voters of the Nation.

Mr. YOUNGBLOOD. Yes, sir.

Chairman RIBICOFF. The second assassination attempt against President Ford might have been prevented if Sara Jane Moore had not been able to immediately replace a handgun that had been confiscated by the police. Do you believe there should be a cooling off period before a person gets a handgun after they apply for it? Should a person be able to go into a store and make application for a handgun and get it? Or should there be an intervention of a number of days to give an opportunity to check the person, to check the file, and to contact the police authorities?

Mr. YOUNGBLOOD. Mr. Chairman, I really think there should be a timelag or cooling off period. Quite often it is referred to as the "Saturday Night Specials," when you are talking of handguns. If a person could not get that gun on Saturday night a lot of these crimes of passion and violence could perhaps be prevented.

Chairman RIBICOFF. In my own personal 40 years of political experience, I have accompanied many Presidents on many occasions in large crowds and small crowds. I have often been curious as to how much control does the Secret Service have over a President. How often does a President actually listen to the men who have the responsibility of guarding and protecting his life?

Mr. YOUNGBLOOD. Presidents, all I have known, are basically politicians. There is really no way to prevent a politician from politicking. I think the control of a President going within and throughout a crowd rests within the man himself. Presidents will normally listen to what Secret Service people have to say insofar as security, but even after listening, they will still make their own judgment as to what to do. I see no way to change this.

Chairman RIBICOFF. In other words, generally, if someone tries to blame the Secret Service for an act of the President, the Secret Service are the servants and agents of the President, and there is no way that you can order a President to do or not to do a certain act, isn't that right?

Mr. YOUNGBLOOD. That is correct. You would be remiss if you did not make certain recommendations and tell the President things that you know. But when it comes right down to who is the boss of the President, there is none.

Chairman RIBICOFF. In other words, the President does his own thing and you are just right there. If, as a happenstance, he gets hurt, or some untoward incident happens, you just have to be on the lookout all the time. However, the President ultimately decides whether he wants to accept or take that danger?

Mr. YOUNGBLOOD. Yes, sir.

Chairman RIBICOFF. Senator Percy is due to question Secretary Kissinger, so I will defer to Senator Percy.

Senator PERCY. Thank you very much, Mr. Chairman. I appreciate it very much indeed. Mr. Youngblood, my first question pertains to how easy it actually is for an individual armed with a handgun to shoot a President, assuming the individual is not concerned with being caught or losing his or her own life in the process.

Mr. YOUNGBLOOD. There is no way possible to give 100-percent protection. I hate to say all these things can happen or might happen. It is the job, the duty of the Secret Service agents, to do everything within their power to make a secure environment for the President. But as history has proven, there is no foolproof answer.

Senator PERCY. I would now generalize that question to include anyone in a position of controversy. It could be a labor leader, a corporation executive, any politician. And we know that every single Governor is subject to threats of all kinds by people mentally deranged. I have had threats against me, and police protection is provided by the Governor whenever I am in the State, but doesn't it get down to the fact that you cannot throw enough guards around people or the President and the only effective way beyond doing everything you can reasonably do, is to try to find a way to preclude the presence of handguns or to know who has handguns and try to trace them and make every assurance that some unstable person does not have access to such guns, is that correct?

Mr. YOUNGBLOOD. That is correct, sir. Our problem is not limited at all to Presidents. As you point out, any person in the limelight is perhaps the subject or target of potential trouble. I think that gun control legislation would certainly be an aid in providing for a safer country.

Senator PERCY. Would it not be accurate, actually, to state that the ability of virtually anyone to obtain a handgun is the most potent foe of the Secret Service in its task of protecting the President or of any

Presidential candidate or of law enforcement officers protecting any public official?

Mr. YOUNGBLOOD. Yes, sir.

Senator PERCY. Has there ever been an assassination attempt against an American President or Presidential contender or any high U.S. Government official which has not involved the use of some kind of firearm, to your knowledge?

Mr. YOUNGBLOOD. Yes, sir, there have been attempts. They still were explosive devices, but not all of them were firearms.

Senator PERCY. But for the most part, it would be firearms?

Mr. YOUNGBLOOD. For the most part. I can only think of one which was overt and publicized which was not a firearm.

Senator PERCY. We have heard suggestions in the past 2 weeks concerning preventive steps the Secret Service might have taken to avoid the apparent attempts on President Ford's life, particularly in regard to the second incident involving Sara Jane Moore. It has been suggested that perhaps the Secret Service could have retained her in the light of her various telephone calls to the Secret Service and San Francisco Police. On a large scale, do you consider this kind of preventive action to be a feasible approach to the protection of the President in his public appearances?

Mr. YOUNGBLOOD. The people who are mentally deranged are a potential source of trouble to the President or Secret Service. Someone can be coherent 1 day and incoherent the next day. I do not want to criticize anyone for the handling of this case. I was not there. I do not know how the lady was when she was interviewed, when they made the conclusion of not placing her under surveillance or under custody.

They had the facts to base that decision on. I do not have them.

Senator PERCY. Finally, I would like to just critically look at this whole question of the necessity of a politician going out to the people. I think there is a lot of hypocrisy in this, frankly. My own experience in 10 years in elective office has been that you gain very little from these instantaneous sort of responses and reactions when you are shaking hands. Your mind is basically with who you are shaking hands with and who the next one is, and so forth. You are not really carrying on any kind of dissertation or exchanging viewpoints and ideas.

About the most you can say is, "How do you do," or "How are you?" Or somebody will try to tell you someplace they met you before. That is quite different than give and take discussions. Is it not possible in those kinds of instances—and I have seen President Ford engage in them in Peoria, they are extraordinarily good, but there it is possible to screen everyone who comes in. If we can screen everyone that gets on an airline, we ought to be able to screen everyone that goes into a room with a President and not object to it, have them just walk through a detector and not let them in if they have an explosive or firearm. But that makes it possible for a President to have contact, give and take. But this business of rushing out in a crowd and having the feeling that that is getting next to the people, maybe it boils the adrenalin, maybe it is good for the ego, but I do not think it is good for the ego or necessary for the ego of a dead President. It does not make sense to continue that kind of activity. Would you not really

feel it is possible to have the President exposed to people, and yet do so in a rational, sensible way that the people of this country would really understand.

If there is to be some really deliberative process in this whole process, and not of just a bunch of speechwriters writing a bunch of candidate speeches and advertising agencies turning out one liners and think that that is really exchanging viewpoints, is it not better to have a series of national television debates between the candidates of the two parties under rules that are fair and just to both of them? Certainly in the parliamentary process, the Prime Minister has to come up against his adversaries in the other party right on the floor all the time.

In our process, I should think we could substitute the Lincoln-Douglas debates or something like that and use the media television where tens of millions of people can watch them and judge candidates not for what their respective speechwriters write, but for what the quality of their responses are to the questions, to see what is behind the man? I happen to think the television camera really does get behind it many, many times. As you have observed Presidents, would this not be a more sensible approach and should we not fundamentally think through American politics as such? All of it is not bad but all of it is not good either.

Mr. YOUNGBLOOD. There is a lot of substance in what you are saying. I think the Presidents are going to use television in addition to going out and seeing the people.

Senator PERCY. I will ask this final question then. I will ask first, are you self-employed now? You are outside of Government service.

Mr. YOUNGBLOOD. I am outside of Government service.

Senator PERCY. Your pension does not depend upon the benevolence of anyone on your reaction to the questions here today?

Mr. YOUNGBLOOD. No, sir, I have no restrictions.

Senator PERCY. Would you get down to the nitty gritty and tell us what your own reaction as a Secret Service man is to Presidents who rush into crowds and really feel that is essential and necessary in light of the grave responsibility the Secret Service has now to protect the life of the President, yet realizing that everyone of them can be overruled in their judgment and that judgment put aside if the President suddenly decides to get out and do this?

Is there not some way we can bring to the President's attention the grave concern the Secret Service has, if they have such concern, about the actions of the President and the dangers he exposes himself to and the terrible dangers he exposes the Republic to and the trauma we would be put to if there was another assassination in this country?

Mr. YOUNGBLOOD. I think the last point you made about the danger he puts the Republic to is the theme that really should be sold to the President or to Presidential candidates. I do not think it is within the bailiwick of the Secret Service to be able to control what the President is going to do in regard to his methods and mannerisms of politicking. I might say this. When that President or candidate goes into a crowd and goes into a situation which is perhaps not as secure as you would like it to be, those of us who go with him are also targets. Naturally, we would prefer not to be targets.

Senator PERCY. I am sorry, I do have to leave for a Foreign Relations Committee hearing, but I hope further impressions from you can be drawn out along the line of the Chairman's prior questioning as to the limited authority the Secret Service has. There is not anyone who can overrule the President on this. If he decides to say no, that no is binding. Yet, I tend to think the American people now are going to be very understanding if the President is very restrained and very reserved in what he does and sensible about it.

The Congress of the United States elected the President and put him into office. I think we ought to have something to say about this and also indicate our strong concerns as I have just within the last few days to the chief of staff of the White House, and I will do it directly to the President.

Certainly, I feel very strongly on this issue, and I think your testimony today is very helpful indeed.

Thank you.

Chairman RIBICOFF. Mr. Youngblood, I just want to put an exclamation mark after your last comment. It is so seldom realized that the lives of the Secret Service are at stake, too. As I say, I have been with many Presidents through these motorcades and in crowds, and I have seen the physical battering the Secret Service and police have taken in trying to protect the President. Their bodies are between the multitudes and the President, as people push and claw to try to grasp the President's clothing or his hand or his arm. Every time you go out with a President, there are more of you than the President of the United States. It is a miracle that more Secret Service and police are not seriously hurt.

I think the President not only has an obligation and responsibility to the people of the United States, should he be attacked, but he has a responsibility as well to the Secret Service who put up their own bodies to protect the President of the United States.

Senator NUNN?

Senator NUNN. One of the subjects of this hearing is S. 2166, a bill I introduced on July 23. This bill is very similar to H.R. 1244 introduced by Congressman Jack Brooks which has passed the House of Representatives. The Subcommittee on Oversight Procedures held hearings at the end of July on these bills. This particular bill, and the similar bill Representative Brooks introduced and the House passed, have the limited purpose of controlling expenditures for protection of the President, such as occurred at San Clemente and Key Biscayne. These bills are aimed at that rather limited purpose and have absolutely no connection at this time with any gun control legislation that may either be in the mill or may be introduced.

I think, in my own opinion, that these two subjects should not be tied together. I think it is very important to go ahead with some congressional limitation on expenditures for Presidential homes. I think if you tie a gun control measure to it, you will effectively delay it for many, many months, perhaps even years. So, I would hope that both the news media here and the Senators who have been present will understand that there is a total separation of these two subjects. Anybody can amend any bill in the Senate to do whatever they want to, but I would hope these two subjects would remain separate because I

think it is important to go ahead and pass some measure very similar to the Brooks measure which has passed the House. I would hope these hearings would further that purpose and not the purpose of tying these two measures together.

Chairman RIBICOFF. I can assure Senator Nunn that when we come to the markup stage that both bills will be subject to separate markups.

Senator NUNN. If anybody attaches an amendment on gun control to it, Mr. Chairman, I would hope we would change the name from the Nunn bill.

Mr. Youngblood, I would like to ask one question, if it has not already been asked. Is it more difficult for the Secret Service to protect the President from handguns than from a rifle, or can you make a distinction between these two?

Mr. YOUNGBLOOD. I think the history of assassinations and attempted assassinations within the United States proves that there are more handguns used in these attempts or in the assassinations than the other type of gun. Lincoln, Garfield, McKinley, those were all handguns. The more recent assassinations, everyone is more familiar with. In Oswald's case, of course, it was a rifle. But all the rest were handguns.

Senator NUNN. How about Martin Luther King, was that not a rifle also?

Mr. YOUNGBLOOD. Yes. I really was not including him in the Presidential framework. But Martin Luther King was with a rifle.

Senator NUNN. Can you distinguish the steps necessary to protect a President from someone who may be attempting an assassination with a handgun as opposed to someone who may be in a building several hundred yards off with a rifle? In other words, is there any distinction? I know there must be a tremendous distinction in how you go about that kind of protection. I am just asking which is more difficult. If you eliminate all handguns would it necessarily follow that there was less danger to the President than from some other type of weapon?

Mr. YOUNGBLOOD. If you eliminated all the problems of the handguns, I think you would improve your degree of safety or percentage of safety for the President, but you are still not going to reach a hundred percent. If people did not have the use of handguns, they might resort to different things. But I certainly think the limitation of handguns would be an aid to providing a more secure environment.

Senator NUNN. I believe you have recommended this morning there be some "cooling off" period between the time a person goes in to purchase a handgun and the time he actually is permitted to purchase it, is that right?

Mr. YOUNGBLOOD. A time lag, yes.

Senator NUNN. I understand that. That makes a lot of sense to me. Beyond that, what measures could be taken on a national level to limit handguns that would do the job, considering the fact there are almost 50 million handguns already in this country, if you did not manufacture another one?

Mr. YOUNGBLOOD. A registration program is perhaps the best answer. If the gun were not registered, and used in the performance of a crime, then you would already, in effect, have one count.

Senator NUNN. Have one what?

Mr. YOUNGBLOOD. You would have one count insofar as any criminal indictment or judicial action. If you required registration and people who now own handguns did not comply with it, and then they were caught using a gun in some criminal act, I think you would already have one count against them or one indictment.

Senator NUNN. Do you not already have that same situation now when a person carries a concealed weapon? That is already one count?

Mr. YOUNGBLOOD. I think it varies from place to place, Senator.

Senator NUNN. I have great difficulty with the translation from so-called gun regulation to Presidential protection. There is a huge gap in there that I do not understand at all. How you are going to protect the President more as a result of gun registration? It may aid in tracking down the person who shot the President, but that has never been a big problem when you have a handgun attempt anyway. How would handgun registration in any way help in protecting the President of the United States? That is very difficult for me to see.

Mr. YOUNGBLOOD. If we did not limit it to the President but included all political figures or all people in the limelight, just a registration as an aid to reducing the number of handguns that are out in the hands of people who have them for no legitimate purpose, just the reduction of the weapons, I think——

Senator NUNN. I did not think registration had any reducing effect. What is it in the registration legislation that reduces the number of handguns?

Mr. YOUNGBLOOD. If you had a registration, and if it were more difficult for people to obtain a gun for legitimate purposes, then I certainly think the number of illegal guns, in time, would be reduced.

Senator NUNN. All right. That is all.

Chairman RIBICOFF. Thank you very much, Mr. Youngblood. You have been very, very helpful. We are all most appreciative. The committee will stand adjourned until tomorrow at 10 a.m.

[Whereupon at 11:55 a.m. the hearing was recessed to reconvene Wednesday, October 8, 1975, at 10 a.m.]

PRESIDENTIAL PROTECTION AND FEDERAL FIREARMS CONTROL LEGISLATION

WEDNESDAY, OCTOBER 8, 1975

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The committee met, pursuant to notice at 10:10 a.m., in room 3302, Dirksen Senate Office Building, the Honorable Abraham Ribicoff, chairman, presiding.

Present: Senators Ribicoff, Percy, and Javits.

Staff present: Richard A. Wegman, chief counsel and staff director, David R. Schaefer, counsel; Marilyn Harris, chief clerk; and Elizabeth Preast, assistant chief clerk.

Chairman RIBICOFF. The committee will be in order.

Our first witness is Mr. H. S. Knight, Director of the U.S. Secret Service.

Mr. Long, you are with the Secret Service?

Mr. LONG. Yes, sir. I am Francis A. Long, Assistant Director for Administration, Mr. Chairman.

Chairman RIBICOFF. You may proceed, Mr. Knight.

TESTIMONY OF H. STUART KNIGHT, DIRECTOR OF U.S. SECRET SERVICE; ACCOMPANIED BY FRANCIS A. LONG, ASSISTANT DIRECTOR

Mr. KNIGHT. Thank you, Mr. Chairman.

I am pleased to appear before you and the other distinguished members of this committee to comment on the provisions of H.R. 1244 and S. 2166. The purpose of the bills is "to establish procedures and regulations for certain protective services provided by the U.S. Secret Service."

As you know, historically, the Secret Service has from time to time called upon other Government agencies to assist it in carrying out its protective responsibilities. The Congress has recognized this need by providing express statutory provisions for this practice through the enactment of Public Law 90-331 which also authorized the Secret Service to furnish protection to major Presidential and Vice Presidential candidates.

The bills before you today, H.R. 1244 and S. 2166, expand upon existing practices and statutes by placing limitations on the number of residences that could be permanently protected and, at the same time, in most instances, require that the Secret Service reimburse other

agencies who assist the Service in carrying out its protective responsibilities, including those pertaining to the protection of candidates and nominees.

The procedures by which the Secret Service has obtained the assistance of other agencies were studied very thoroughly by the General Accounting Office, and a number of recommendations were made to the Congress. Most of these recommendations already have been implemented by the Secret Service, including, at the direction of the Subcommittees on Appropriations, the establishment of comprehensive written procedures for the acquisition of space, alterations, and services at locations involving protective operations. With your permission, Mr. Chairman, I would like to submit a copy of these procedures for the record.

Chairman RIBICOFF. Without objection, so ordered.
[The material referred to follows:]



DIRECTOR

DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

WASHINGTON, D.C. 20223

February 22, 1974

620.0
x530.0

MEMORANDUM

To: Deputy Director
Assistant Directors
Assistants to the Director
Legal Counsel
All SAIC's and Division Chiefs

From: Director

Subject: Procedure for the Acquisition of Space, Alterations,
and Services at Locations Involving Protective Operations

Attached are revised procedures covering the acquisition of space, alterations, and services at locations involving protective operations. These procedures are effective immediately.

As indicated in the procedures, all approved work will be monitored jointly by the Office of Administration and the operational office involved. Any necessary adjustments in the action requested will be conveyed to the initiating office through the appropriate Assistant Director for the operational office involved.

It is expected that these procedures will be strictly followed. Any deviations therefrom must have the express written approval of the Deputy Director.

Additional copies of SS Form No. 1911 may be obtained from the Administrative Operations Division in the usual manner.

H. S. Knight
H. S. Knight

Attachment

PROCEDURES FOR THE ACQUISITION OF SPACE,
ALTERATIONS, AND SERVICES AT LOCATIONS
INVOLVING PROTECTIVE OPERATIONS

1. Purpose

The purpose of these procedures is to establish a uniform method in the Secret Service for the acquisition of space, alterations, and other services at locations involving protective operations.

2. Scope

These procedures are applicable to all Secret Service Offices, Divisions, Details, or other groups who have been assigned the duty to provide protection to persons, places, or things. Included in this coverage are operations at both Government-owned and Government-leased sites and property, as well as privately-owned or leased sites and property.

3. General Coverage

These procedures cover all work performed or to be performed, together with any related expenditures for all space, alterations, services, equipment, furniture, and all other items of tangible property which are furnished, installed, constructed, repaired, or altered by or at the request of the United States Secret Service, including those items that are physically attached or made a permanent part of any structure, property, site, or other physical entity.

4. Survey or Requirements

The Secret Service will conduct its usual survey to determine what measures are necessary to provide the desired level of protection.

5. Request for Authorization and Performance

Requests for work or expenditures described in paragraph 3 above will be documented as indicated on SS Form No. 1911, including all pertinent justifications and specifications. The cost estimate will include information obtained from the General Services Administration, where appropriate. When required, use plain paper for continuation sheets. Requests will be deemed to include all necessary future replacements, maintenance, and repairs relating to the work or other items specifically requested.

6. Proposed Recovery of Equipment and/or Restoration Required

Items of equipment that the Secret Service proposes to recover at the termination of the mission will be clearly spelled out on SS Form No. 1911, together with any restorations that appear to be required. It should be understood that in some instances, it may not be practical or economically feasible at some future date to recover items and make restorations as contemplated at the time the work was originally performed.

7. Concurrence of Protectee or His Designee when Either Privately-owned or Leased Property is Involved

Prior to the commencement of any work on privately-owned or privately-leased property, the concurrence for such work that is required to be performed will be obtained by the requesting office from the protectee or his designated representative. When representatives are designated to act for protectees, such authorizations shall be obtained in writing from the particular protectee involved. Such concurrence shall not be considered as agreement by the protectee to the proposed recovery or restoration proposed in the request.

- 3 -

8. Processing of SS Form No. 1911, "Request for Space, Alterations, Equipment, and Services at Locations Involving Protective Operations"

SS Form No. 1911 will be initiated by the appropriate Special Agent in Charge or Assistant Director involved. Cost estimates will be determined by the requesting office in conjunction with the Administrative Operations Division in the Office of Administration. Any cost information required from the General Services Administration will be obtained by the Administrative Operations Division, which will also serve as the contacting office with that agency. After the requisite approvals and certifications as to the availability of funds has been obtained, the Administrative Operations Division will issue the appropriate job orders, purchase orders, or contracts, as the case may be. The performance of any work required will be monitored jointly by the Administrative Operations Division and the appropriate Special Agent in Charge or Assistant Director involved.

9. Emergency Procedures

When an emergency arises and time does not permit the processing of SS Form No. 1911 in the usual manner, all requests, concurrences, and approvals required by these procedures may be processed orally. Any such emergency oral actions shall be confirmed by the submission of SS Form No. 1911 with a check mark in the "Confirmation" block as soon as possible thereafter, preferably within 24 hours.

10. Accounting and Reporting

Costs will be accumulated for each location indicating whether the property is Government-owned or leased or privately-owned or leased. Any reports or notices required by law pertaining

to the activities covered by these procedures will have the concurrence of the agencies involved, i.e., Secret Service and the General Services Administration.

Effective July 1, 1974, all costs incurred under these procedures will be funded from the appropriation of the United States Secret Service. Appropriate reports of the activities performed and the costs incurred under these procedures will be made to the Appropriations Committees of the Congress.

11. Effective Date

The requirements spelled out in these procedures are effective immediately. The Director's memorandum of October 15, 1973, subject "Space for Protectees," File No. 530.0 (x 610.0) is hereby rescinded.

REQUEST FOR SPACE, ALTERATIONS, EQUIPMENT AND SERVICES
AT LOCATIONS INVOLVING PROTECTIVE OPERATIONS

A. GENERAL INFORMATION		PAGE NO.	OF	PAGES
NAME OF PROTECTEE		FINANCIAL CODE (FMD USE ONLY)		DATE OF REQUEST
NAME OF SITE LOCATION		☐ ORIGINAL REQUEST		FILE NO.
☐ GOV'T OWNED ☐ PRIVATELY OWNED ☐ GOV'T LEASED ☐ PRIVATELY LEASED		☐ CONFIRMATION OF		620.0
GENERAL PROJECT TITLE				
SUMMARY OF PROPOSAL				
NAME OF REQUESTOR		OFFICE		
CONTACT FOR ADDITIONAL INFORMATION		TELEPHONE NO.		REQUIRED COMPLETION DATE

B. SUMMARY JUSTIFICATION AND SPECIFICATIONS FOR PROJECT (CONTINUE ON PLAIN BOND PAPER)

TOTAL ESTIMATED COST	

C. PROPOSED RECOVERY OF EQUIPMENT AND/OR RESTORATION REQUIRED

TOTAL ESTIMATED COST	

D. CONCURRENCE OF PROTECTEE OR DESIGNEE
(PRIVATELY OWNED/LEASED PROPERTY ONLY)

SIGNATURE	DATE
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E. APPROVALS

OPERATIONAL			
SAIC (SIGNATURE)	DATE	APPROPRIATE ASSISTANT DIRECTOR (SIGNATURE)	DATE
ADMINISTRATIVE			
AD-ADMINISTRATION (SIGNATURE)	DATE		
AGENCY			
DEPUTY DIRECTOR (SIGNATURE)	DATE		

F. AVAILABILITY OF FUNDS CERTIFICATION
(FMD USE ONLY)

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UNITED STATES SECRET SERVICE

SSF 1911 (02-74)

Mr. KNIGHT. It should be noted that the procedures require regular reports of all costs incurred to the Appropriations Committees of the Congress.

Essentially, the issues raised by the General Accounting Office that have not yet been addressed are those matters, such as the limitation on the number of residences that may be provided permanent protection and the provision for reimbursements to other agencies, which will require the action of the Congress.

Also, I might mention that some sections of the proposed bills, namely sections 4, 5, and 9 of H.R. 1244 appear to be redundant, in that they duplicate the provisions of already existing statutes.

Due to constraints of time, this statement has not been cleared with the Office of Management and Budget.

Mr. Chairman, this concludes my remarks, and I shall now be glad to answer any questions you or the other members of the committee may have.

EXPENDITURES FOR KEY BISCAYNE AND SAN CLEMENTE

Chairman RIBICOFF. I think the most refreshing part of your statement is that you didn't clear it with the Office of Management and Budget. I think it would be a great innovation from the executive branch if witnesses could come up with their own ideas without having to run it through the Office of Management and Budget. Most testimony is stilted, it doesn't say very much, and it filters out the thinking and ideas of the men who have the responsibility of running their own departments.

Let me ask you, Mr. Knight, how do you explain the government spending for Key Biscayne? There was expended some \$3,360,000 at Key Biscayne and there was expended over \$6,000,000 for protection at San Clemente.

How much of that money was really for protection of the President?

Mr. LONG. Mr. Chairman, I think the figures that you cited include salaries of support personnel and protective people as well as alterations and other improvements.

By and large, all of the expenditures at those places were for protective operations with a few exceptions.

The items that have been in question in proportion to the total amount expended were relatively small.

PUBLIC BUILDINGS ACT AMENDMENT OF 1972

Chairman RIBICOFF. Do you believe that Senate Bill 2166 would prevent excessive expenditures from recurring?

Mr. LONG. We think, Mr. Chairman, by virtue of the enactment of the Public Buildings Act Amendment of 1972, that the situation essentially has already been corrected.

For instance, the General Services Administration no longer has any funds to do any work at private protective sites, which means that all alterations or improvements are funded through the Secret Service appropriation, and that seemed to be the main thrust of the Congress objection.

PROTECTION OF THE PRESIDENT

Chairman RIBICOFF. In the protection of a President most people believe the responsibility is that of the Secret Service, but I recall in my years as Governor, whenever a President came to the State, that there was tremendous effort being expended in time and money by State and local police. I would guess it would be impossible for the Secret Service to do the job all by itself.

Do you have any idea what it costs not only the Federal Government, but State and local governments that protect the President when he travels?

Mr. KNIGHT. I don't have the exact figures, Mr. Chairman, but my feeling is that the cost would be significant.

I understand you will have four gentlemen appearing before you later who can perhaps give you some facts on those matters.

Chairman RIBICOFF. I think it is something the Congress and the people ought to know.

What do you find in your experience concerning coordination between State, local, and Federal authorities in the travel of a President? How does the coordination work?

Mr. KNIGHT. I could sum it up in one word and characterize it as outstanding, Mr. Chairman.

The State, Federal, and local enforcement agencies just couldn't be better in terms of protection of the President.

Chairman RIBICOFF. Could there be better coordination or any other suggestions that you have?

Mr. KNIGHT. No. As I say, if I characterize it as outstanding, that doesn't leave much room for improvement. I think they have just been wonderful to us, and I recognize, also, they have some severe budgetary and financial problems themselves in fulfilling this cooperation.

Chairman RIBICOFF. Was there a breakdown at all in coordination in the last incident involving the President?

Mr. KNIGHT. No, sir. I am glad you asked that question. I think there has been some misunderstanding about that.

The differences that emerged in the testimony before your colleague, Senator Montoya, I think, are rather small and irrelevant in terms of exact recollections of what words were said to whom and at what time.

One of the issues was: did the San Francisco police use the term "Squeaky Fromme?" They say they did. Our agents said that they didn't. But our agents quickly followed that up by saying whether they did or did not is almost irrelevant because they considered her in that light anyway.

So I am perfectly satisfied with the cooperation and the activities of the San Francisco Police Department. I thought they did an excellent job.

USE OF FIREARMS

Chairman RIBICOFF. Now, the two attempts last month on the President were committed by people using firearms.

Do you consider that the use of firearms and the availability of handguns is a problem that concerns you and your agency in the protection of the President of the United States?

Mr. KNIGHT. I think the answer has to be yes, Mr. Chairman. Both of those attempts to assassinate the President were with handguns, and if there was some formula, which I do not have, that would keep handguns out of the hands of criminals or the mentally unstable, I would be very, very pleased. This wouldn't solve all our problems, but it would go a great percentage of the way toward solving some of our problems.

Chairman RIBICOFF. Is that the largest worry that you have about the President's life the use of handguns?

Would that be the weapon that would be the most extensively used and potentially the most dangerous to a President?

Mr. KNIGHT. Well, I think that is one of those that we have to consider as a high probability. Of course, I am reminded of Dallas where a rifle was used. There are other means of attempting an assassination but I think handguns have to rank near the top in terms of our concern and the techniques and tactics that can be used.

Chairman RIBICOFF. Do you believe there is a responsibility on the Congress and the President to try to pass some laws and regulations to prevent the widespread use of handguns not only against the President, but against society as a whole?

Mr. KNIGHT. Yes, sir, I do.

WARREN COMMISSION REPORT

Chairman RIBICOFF. The Warren Commission report concluded, "Protection must be a cooperative effort among Federal, State, and local law enforcement and intelligence agencies." It concluded that better liaison between the Secret Service and other departments and agencies was needed.

That is sort of puzzling to me. When they talk about cooperation between other departments and agencies, what do you think they were referring to?

Mr. KNIGHT. I think their concern was primarily with formalizing the liaison function, institutionalizing it, which we have done with all the Federal, State, and local agencies.

Chairman RIBICOFF. Is there any way that Congress could be helpful in the protection of the life of the President and your job?

Is there anything that we do that should be changed or is there anything we don't do that we should do to be helpful to you?

RECOMMENDATION BY THE SECRET SERVICE

Mr. KNIGHT. No, sir, I think the Congress has been most receptive to our requests. I have made, I think, three recommendations to Senator Montoya, who held the hearings a week ago.

Chairman RIBICOFF. Will you repeat those?

Mr. KNIGHT. Yes, sir, I certainly will.

First of all, title 18, section 871 of the United States Code, gives the Secret Service the power to arrest someone who threatens the life of a President or the Vice President, but it does not cover the many other persons for whom we are also responsible. I would like to see that extended. That would give us an additional tool.

Section 1751 of title 18, United States Code, is enforced by the Federal Bureau of Investigation. This gives them authority to con-

duct investigations when there are assaults and conspiracies, but, again, it is limited to the President or the Vice President. I would like to see that extended to the other people for whom we are responsible.

And the third one I am sure is a very emotional issue, a very volatile issue, one I think the Congress should deliberate very, very carefully, as to whether or not there should be some special preventative detention statute which a magistrate could enforce or a commitment statute when there are those instances when no crime has been committed and no arrest can be made, but still on the basis of what a reasonable prudent man would believe that an individual might be a danger or a threat to one of the people we protect.

Chairman RIBICOFF. You have got a problem. Now you get into a problem of civil liberties.

Mr. KNIGHT. Yes, sir.

Chairman RIBICOFF. How do you determine that? Should the civil liberties of a nation be circumscribed because a President might be doing foolish things like plunging and playing the crowd?

Should you circumscribe the civil liberties of the people of this country to enable the President to do some handshaking?

Mr. KNIGHT. As I indicated to you, I have some severe reservations about this matter—I hesitate to characterize it even as a recommendation. I am just offering it as something that the Congress could consider.

PROTECTION OF THE PRESIDENT

Chairman RIBICOFF. How long have you been a member of the Secret Service?

Mr. KNIGHT. Twenty-six years.

Chairman RIBICOFF. Have you ever known a President who followed orders or followed the instructions of the Secret Service for the protection of his own life?

Mr. KNIGHT. In very, very few instances, yes, sir, when we had good hard information that no one really could ignore.

Chairman RIBICOFF. Generally he does his own thing to your dismay and the dismay of the Secret Service?

Mr. KNIGHT. Yes, sir. And we understand it.

Chairman RIBICOFF. And he is your boss?

Mr. KNIGHT. Yes, sir.

Chairman RIBICOFF. And you may have other ideas, but he goes along and does it the way he thinks it should be done.

Would you have any suggestions from your 26 years of experience, of how a President, excluding the present President, should conduct himself in his meeting with large groups of people, taking into account that you don't only have the President and his own life to protect and the responsibility to his family, but the responsibility of a President to the entire Nation and the entire world?

What should be a code or a habit of action or conduct by a President under those circumstances?

Mr. KNIGHT. Well, if we can draw a difference between what we might consider a totally controlled environment, such as the White House, and a totally uncontrolled environment, such as a large mass gathering at a football game or similar function, then the other in-

stances would fall somewhere between these events. You know, the more controlled the environment is, the happier we would be.

Also, the more we know about what the President plans to do and what his intentions are, the better we are able to function.

And I must say not only in the case of the incumbent, but for his predecessors as well, they have always been very, very, cooperative in that sense. But given the fact there are degrees of being able to control a situation, the possibility of something happening escalates with each unknown or uncontrolled instance.

Chairman RIBICOFF. You say the possibility of something happening escalates with each instance? Why is that?

Mr. KNIGHT. In terms of how much we are able to control the environment. In other words, the less control we have, I would think that the possibilities of an untoward incident occurring would be greater.

Chairman RIBICOFF. In other words, you always have advance information about where the President is going?

Mr. KNIGHT. Yes, sir.

Chairman RIBICOFF. And you then meet with local and State authorities and coordinate your activities?

Mr. KNIGHT. Correct, sir.

Chairman RIBICOFF. And you call upon the information of the local and State authorities to implement and supplement your own?

Mr. KNIGHT. Absolutely.

Chairman RIBICOFF. And you listen to the local and State police if they have suggestions for the safety of the President; is that correct?

Mr. KNIGHT. Yes, sir.

Chairman RIBICOFF. Have you ever found a lack of cooperation from local or State authorities?

Mr. KNIGHT. No, sir.

Chairman RIBICOFF. You never have?

But generally the decisions are made by the Secret Service?

Mr. KNIGHT. Yes, sir, the ultimate responsibility is ours.

Chairman RIBICOFF. Senator Percy.

TRAFFIC JAM IN CHICAGO

Senator PERCY. Mr. Knight, I appreciate your being here this morning. I wonder if you could tell the committee what happened in Chicago in the traffic jam. I was riding in from the airport with the President in his car and suddenly—I have never been in that kind of situation—we were suddenly caught in a traffic jam going into the city and we were stopped there. Your men seemed quite concerned about it. What happened?

Mr. KNIGHT. I am familiar with the incident you are discussing, Senator, but I do not know the circumstances that caused that.

Traffic in Chicago or New York or any major urban area, I am sure, is a problem even to move the President of the United States.

PROTECTION OF THE PRESIDENT

Senator PERCY. As long as there was no danger, and I saw he was well protected, I thought maybe that was one experience a President

ought to have, caught in a traffic jam just like the rest of us. If he wants to have experiences, that was it right there, because it happens to millions of Americans every day at five o'clock and that was just about the time it was.

I would like to ask you about the situation we faced in the last time I was out in a large crowd with the President where everyone that was there was not monitored and so forth. It was in Pekin, Ill. I was really quite concerned, not because I was sitting next to him, but simply just looking at the situation there, thousands and thousands of people at this memorial service dedicating the Dirksen Library. The President sat there exposed to that crowd for better than an hour, tall buildings around us, and I couldn't help but think of Dallas the whole time. I am sure that occurred to other people.

Now, since then we have had these two incidents. Do you think the President should be exposed that way again, taking into account that the incidence of violence has increased now?

Mr. KNIGHT. Well, as the Director of the Secret Service, the direct answer is "no," I don't think he should be exposed.

I am also enough of a realist to understand that is a way of life in the United States and we do have a "free and open society" and that the President should be able to move about without hinderance.

Senator PERCY. But when you say in your professional capacity that should not occur, taking now into account the new situation that we have, I am just wondering whether there isn't a way that the Congress can indicate to the President, particularly in this situation where we have in our time lost a President, we have had attempts made against candidates or the President, and where the Congress has really elected, for the first time, Mr. Ford as President. He was one of us, and he understands that we now share this. I think we can all understand a President not wanting to appear personally afraid, and he is about as fearless a man that I know. I have traveled with him several times since the California incident, and he is more cautious.

I think he follows advice and counsel of your staff better, but still taking risks. I wonder before we go into this campaign whether some of us should not sit down with you and share some of this responsibility with the White House and with the President. The trauma that would be created throughout the world, if there was another situation, as Senator Ribicoff has said, is really too great to leave just to the impulsive judgment of just one man, who is a political man, who has been in politics all his life, and who has that adrenalin flowing, just as all of us occasionally have felt it.

We get caught up in the situation of the moment. I don't think we can allow emotionalism of that moment to rule the decisions we make. The very, very cool heads of the Secret Service, who have this responsibility, I think must be somehow—somehow we must emphasize to you and the President that the Congress shares a great responsibility in this situation, and I don't think it can be just left to the ultimate decision of one man, who is the boss, who can give the orders, but who ought to be under restraint and admonitions of his colleagues, who admire him and have great affection for him, but also be impassionate and rational about the situation.

I am going to speak with the chairman to see whether or not we cannot counsel together on this problem and strengthen your hand

and the hand of those who have the responsibility of taking care of the President.

PREVENTIVE ACTION

We have had several suggestions of preventative steps that the Secret Service might have taken to avoid the apparent attempts on President Ford's life, particularly in regard to the second incident involving Sarah Jane Moore. It has been suggested that the Secret Service could have detained her.

On a large scale, do you consider this kind of preventative action a feasible approach to the protection of the President in his public appearances?

Mr. KNIGHT. Senator, you are saying detain her, I don't know on what basis. If you meant keep her under surveillance, that is a different thing, and that could have been done.

But again, on a large scale, that is not practical from our standpoint. We just don't have the personnel, the manpower, or anything else.

Also, as the chairman indicated, we are very conscious of civil rights and we don't want to jeopardize the civil rights of citizens and we don't want to get the reputation as being heavyhanded and overbearing and overprotective. It's a very delicate line we try to tread, hopefully successfully.

Senator PERCY. Again, we are very sympathetic to that. I voted for the D.C. crime bill, but I registered a moment before the vote my deep concern still about preventative detention and no knock.

Now, we are talking here about preventative detention of an individual we fear may create for a period of 24 hours a hazard to the President. What power does the Secret Service have working with local authorities to preventatively detain a person about whom they have serious reservations, and there was a basis for having serious reservations about the stability of Sarah Jane Moore?

Mr. KNIGHT. If we could demonstrate, and this depends upon the mental health laws in the various 50 States, that he or she is a danger to himself or others, and can be committed for observation, that is done on occasion. This takes a rather clear indication that there is a severe emotional or mental illness.

Lacking that, there really is not much that we can do, Senator Percy.

Senator PERCY. But if you think you can make a case, you have the procedures that you can go through to preventatively detain a person at least while the President is in their locality?

Mr. KNIGHT. Depending on the State laws. We have in the past worked with relatives, the parents of some of these persons who welcome the opportunity to have the individual seek help.

PROTECTEE'S PERSONAL CONTACT WITH THE PUBLIC

Senator PERCY. I questioned Mr. Youngblood yesterday, and I recognize that he is in a much better position to be absolutely free in his comments, but I think the President understands if you are asked to respond to a Senate committee, that you really have an overall major responsibility to the whole system to respond as candidly as you possibly can.

I would like to ask you along the same lines of my questions to Mr. Youngblood yesterday about the possibility of our revising our approach to the campaign process to make your job somewhat easier.

The need for a candidate and for a President to have contact with the people, I think it is essential. I think it is absolutely necessary, but I think it must be taken into account only when you put safety and security of the President first. That is the first and foremost, and there is no one that can convince me that the body contact is as important as that, and I am sure we all realize that.

Is there any real, as you have observed it throughout a period of 26 years, or however many of those years you have been associated with political candidates and Presidents, is there any real exchange that occurs when a President goes to a fence gate, as I have seen five Presidents do now in my experience with them, and shake a lot of hands? Is there any real communication that can go back and forth, that can be meaningful to the President?

It is meaningful, obviously, to any individual if they just touch the hand of a President. You just see it in their faces. We all see it. We all have that same feeling.

But is there any really meaningful exchange that can go on, that can somehow give the President a feeling he has gotten more information about how people feel about given critical issues effecting the well-being of the country in those kinds of visitations and contacts?

Mr. KNIGHT. Not that I am aware of, sir.

CONTROLLED SITUATIONS

Senator PERCY. That is my observation, too. Whether it was President Eisenhower, who loved to do it, or certainly President Ford, who has done it all his life, he has a good feeling about it. Senator Ribicoff has done the same thing and I have. We get a good feeling about doing it, shaking a lot of hands, but there is not a really meaningful exchange. Factory workers going into a factory have more time, but going out you just try and detain them and get one meaningful sentence out of them or they will never vote for you again. They want to go home. You do your campaigning in the morning when they are coming in on a more leisurely basis.

I felt that the exchanges that occurred in Peoria after the Pekin business were very meaningful. They were in a ballroom, and people stepped up to the microphone. People asked him questions. He took the questions and fielded them and gave a response.

Isn't it possible for the Secret Service then in that situation, in a closed ballroom, and there were a thousand people in there, to set that up as a controlled situation?

Mr. KNIGHT. Not totally controlled, Senator.

Senator PERCY. Could you do it even more controlled than you do now?

Mr. KNIGHT. Yes, sir.

Senator PERCY. Every single day every passenger that gets on an airline goes through a screening device. At first it was a little resented.

But there has been no resentment of this now. We all recognize it's for everyone's safety we go through the screening process. You do it

when you come in this building. They check everyone's briefcase when they come in. We don't resent that at all.

Isn't it possible in those situations, at some cost, but moderate cost, to really screen to see if anyone has an explosive or a weapon before they go into that room?

Mr. KNIGHT. Given enough time, the answer is: "yes, we can do that." They are not the most rapid things in the world.

Senator PERCY. In your judgment is it worth taking the time, particularly in the heat of a campaign, worth taking that time to ensure the safety of the President so he has every assurance that he is standing there and everyone alongside of him—remember, Franklin D. Roosevelt wasn't shot, the mayor was shot. So it is everyone around the President who is in danger if we have a totally uncontrolled situation.

Can we move more toward controlled situations?

Mr. KNIGHT. Yes, sir, we can, and given the time we could do that.

OPEN FORUM

Senator PERCY. And would you feel the exchange of views—and here I get into a substantive question that goes beyond your jurisdiction, and if you don't want to answer it, you don't have to—but it seems to me in the tradition of, say, a Lincoln-Douglas debate. The debate technique is a good technique. An exchange of views, as long as it is controlled and guidelines set up so it is fair and just to both candidates, isn't that really something we can do, with no concern to the Secret Service, and covering millions of people simultaneously all over the country with a real meaningful exchange of views and possibly more rationality to it without a lot of emotion-charge of a crowd?

Mr. KNIGHT. Yes, sir.

Senator PERCY. So that that situation from the Secret Service standpoint would be an ideal situation as far as a campaign causing, you know, real concern, but you see the President in action exchanging views with an opponent alongside of him?

Mr. KNIGHT. Yes, sir.

Senator PERCY. I think we might then in our own way recommend strongly to the President that that may be something that we ought to give consideration to.

But would it be accurate to state it is just not a matter of providing for guards for the President or better crowd control ultimately, but rather the ability to preclude the presence of handguns that is the greatest importance in protecting the President or a presidential contender in a close-contact situation?

Mr. KNIGHT. Yes, sir. If we can guarantee there are no handguns, I think we have gone a long way to assuring the safety of the President.

Senator PERCY. It is not just the President. Do you feel a sense of concern about everyone who now exposes themselves as a candidate for President—and to a lesser degree—every Governor, every Senator, every Congressman, everyone taking a public position that someone can be angry about, emotionally react to, and feel they are a symbol of what they want to get rid of?

Mr. KNIGHT. In that connection, we have trained a substantial number of State and local police, whose responsibilities are, as you say, to

protect the governors and the mayors, because they also have a deep concern about this whole thing.

Senator PERCY. So that really we are talking about huge sums of money, we are talking about thousands of law enforcement officials all over the country engaged in the process of protecting individuals who are in public life?

Mr. KNIGHT. Yes, sir.

HANDGUN CONTROL

Senator PERCY. Anyone of whom might be a target. And the best way to get at that is the control of guns themselves.

Would it be accurate to state that the ability of virtually anyone to obtain a handgun is the most potent foe of the Secret Service in its task of protecting the President, Presidential candidates, and protection of all public officials? Just the ability to buy guns and have guns and the proliferation of guns is probably the single greatest foe that you have?

Mr. KNIGHT. Deep concern, yes.

Senator PERCY. Would you have the same concern in protecting the President in a country like Great Britain or France where guns are controlled?

They are a free society. They have free institutions. They have a parliamentary system, they have elections; they just have fewer guns, a great many fewer guns, and a great many fewer murders, a lot less violence.

Would you feel better about protecting the President in that situation where there were fewer guns in the society?

Mr. KNIGHT. Yes, sir.

Senator PERCY. I think that is all the questions I have. We thank you, Mr. Knight, very much indeed.

Again, as I have publicly stated before, I pay tremendous tribute to the Secret Service. I think you have got the most elite, finest corps of men and women in this country, and we all express our gratitude to you.

Mr. KNIGHT. Thank you very much.

SIZE OF U.S. SECRET SERVICE

Chairman RIBICOFF. Mr. Knight, what is the size of your department? How many people are attached to it?

Mr. KNIGHT. We have 3,200 people, about 1,350 of which are special agents.

Chairman RIBICOFF. I want to agree with Senator Percy's observations. I have watched the Secret Service with many many Presidents. I have seen you work, and I am full of admiration for the job you have done. It would be very easy to criticize the Secret Service when there is some untoward incident. But day in and day out, it is forgotten that the people's lives that are most at stake are the men and women who guard the President personally. You are really the shield protecting the life of the President and his family.

I have watched you work in crowds, and it is a miracle that more of you aren't hurt, when the crowds start pushing and shoving to try

to reach a President, the people who get battered are the men of the Secret Service.

I think you do a great job, and I think the country and every President owes a debt of gratitude to you.

Mr. KNIGHT. Thank you, Mr. Chairman.

Chairman RUBIOFF. Thank you very much, Mr. Knight and Mr. Long.

Our next group of witnesses are a panel of police chiefs from some of the major cities of our Nation.

Robert DiGrazia of Boston, Reggie Eaves of Atlanta, Pete Pitchess of Los Angeles, Hubert Williams of Newark, and E. E. Peters of San Antonio.

In behalf of this committee, I want to express our appreciation for your taking your time from your very, very busy schedule to give us the benefit of your views.

When all is said and done, you are the men with the basic responsibility of protecting the lives of the people of your respective cities. You are the symbol. You keep getting the rap for every failure of every ill of society, and you have got the difficulties. You really are in the frontlines day in and day out.

We have a basic problem when it comes to guns. We are very, very anxious to get the point of you men and your testimony. What you tell us, in my opinion, has great meaning to the Congress and the people of our Nation.

As we have it listed, Robert DiGrazia is the first witness. Would you like to make a statement, Mr. DiGrazia?

TESTIMONY OF ROBERT DIGRAZIA, POLICE COMMISSIONER, BOSTON, MASS.

Mr. DIGRAZIA. Thank you, Mr. Chairman.

Thank you for giving me the opportunity to present my views on handguns. It is gratifying to see this important issue the focus of the committee's study.

I will not inundate you with statistics, nor shock you with horrifying stories of the gruesome toll caused by handguns. I have no new or surprising study which clearly and emphatically proves my point of view. The facts and studies have already been documented. I come before you today to just talk commonsense.

Let me begin by clarifying a point. I am not in favor of gun control. I am for handgun control. The term "gun control" is a misnomer which has aroused passions and confused the issue. Some people have come to believe that the control of handguns is the first step toward taking all guns away from people. I am not now, nor will I ever be, in favor of restricting people from owning rifles or other long-arm guns for the purpose of sport. My concern is for the handgun, which is both concealable and deadly, and which, in a civilized society, serves no useful social purpose.

It is my view that law must banish private handguns from this country. I am not asking for registration or licensing or outlawing cheap "Saturday night specials"; I am saying that no private citizen, whatever his claim, should possess a handgun; only police officers and the military should. I want to see this accomplished by outlawing

the manufacture, distribution, sale, ownership, and possession of handguns. During the first 6 months after the law is passed, all handgun owners should be permitted to turn in their guns, receiving fair market value for them. After the end of that amnesty period, anyone caught with a handgun in his possession should be severely punished. Any crime committed with one, should be punished far more severely than that same crime committed without a handgun.

Many people think this is a radical position. My position is not radical. It is the current situation which is radical and unreasonable. They ask "Wouldn't you accept something less"? My answer to that is "No." Let me explain why.

As long as we have handguns available the citizens continue to accidentally shoot one another as well as themselves. Lives and limbs will be lost needlessly. They will continue to be the main source of violent crime. It is often said that guns don't commit crimes, people do. The supposition here is that if handguns were not available the criminal would find something else. Undoubtedly, this would be true in some cases, although it may not lead to as many deaths. However, in many other cases, the unavailability of a handgun could mean the non-commission of a violent crime. The wife and husband arguing would not be able to grab a handgun and easily end a life. Attempts on the President's life could not occur as frequently or as easily without a handgun. The juvenile robber might not have the perverted boldness to commit his crime without the handgun. The concealability of a handgun, its depersonalized lethal nature, all give him the slight psychological edge needed to commit his crime. Given another weapon, he might not think he has the force to commit his crime. With a handgun he knows he has the ultimate force, the power to easily kill. In short, people do commit crimes, but handguns make it easier and in some cases inspire the commission of violent crimes.

But, some will ask, why the elimination of handguns? Why not the registration of handguns so that only responsible people would have guns. This is just not practical when you look at the millions of guns stolen each year and the thousands stolen right after they are manufactured. As long as handguns are available, irresponsible people will have them. The only way to keep them from being used improperly is to keep them from coming into existence. Eliminating Saturday night specials might remove the cheap handgun from circulation but millions of other handguns will still be available. In effect, it won't solve the problem, just up the ante.

I am asking for the abolition of handguns so that we can remove one of the root causes of violent crime.

If we abolish handguns and have people turn them in, won't only the criminals have handguns? In the beginning, the answer to this is probably yes. But that is what the police are for. We have been entrusted with the responsibility for personal protection. Individuals need not, and in fact will not be safer by carrying their own handguns. America has not yet returned to those yesteryears where one gun-toting citizen must protect himself against another gun-toting citizen. In our more civilized society we have turned the use of legal force over to the police. The police will continue to protect citizens against harm while handguns are removed from circulation. It will take time, but eventually the handgun will be as rare as the buffalo roaming the

prairies. Perhaps then we will be as safe from the carnage of handguns as other civilized nations which long ago eliminated this lethal anachronism.

People have argued with me that if we abolish the handgun because it causes death then we should abolish the automobile because it causes more deaths than the handgun. There is however one significant difference between the automobile and the handgun. The former has a useful social purpose while the latter has none. It is important that people be able to easily move from place to place in our mobile society. It is unfortunate that a byproduct of this is accidental deaths and injuries. But what purpose does the handgun have? Its primary purpose is to kill or maim. It is a "people hunter," it is a "people killer." It is not just unfortunate, but predictable, that it not only causes accidental deaths and injuries but also causes intentional deaths and injuries. We are forcing manufacturers to make cars safer with seat belts and other safety devices with the hope that cars will eventually be safe to serve their intended purpose. But how do we make handguns safe? How can we make them safe when their only purpose is to do harm? My answer is to eliminate them. Those few who believe they have a right to shoot their handgun for target practice—although it is legally clear they have no constitutional right—must give up this enjoyment of a trivial social significance for the greater social good.

For these reasons, I am here today to plead with you for some national action against the spiralling menace of handguns. As a police commissioner, I urge you to take action to save the lives of my police officers and the lives of the citizens of my city and reduce the fear of violent crime. If we are to make serious inroads into the reduction of violent crimes, then you must do something about the facilitator of violent crimes.

Only you can take the necessary step. National legislation is needed because scattered tough State laws can't do the job. Guns don't observe State boundaries. As long as there is a pool of handguns available there will always be the same problems. Congress must take the first step since the President won't.

I am woefully distressed at President Ford's package on crime. The control of handguns was not meaningfully addressed. As I said earlier, Saturday night specials are not the problem—all handguns are. Severe punishment after the fact does not prevent violent crime. I can imagine the terrible burden of issues facing the President. With worldwide crises and national problems of all types it may appear that the handgun control issue is peripheral and even philosophical. It is however a problem, the consequences of which I see and deal with every day. I therefore, humbly, but vigorously disagree with the President's position, or rather lack of position, on handgun control.

The President has emphasized the importance of détente with Russia as an important ingredient to international disarmament. The administration is deeply committed to international disarmament through the "SALT" talks; it concerns me that the President does not see the arms race in this country. The proliferation of handguns has turned this country into an armed camp. We need a national disarmament so as to bring about national peace. I, therefore, call on the President to convene national "SALT" talks to begin national disarmament.

While the international "SALT" talks stand for "strategic arms limitation talks," national "SALT" talks could stand for "save American lives today."

As this Nation approaches its 200th birthday, it is perhaps appropriate to look at the goals set out for us by our founding fathers. The preamble of the Constitution declares the need to "insure domestic tranquility." Two hundred years later I would hope that we now see that national legislation abolishing handguns is the only step that will meet this goal.

Chairman RIBICOFF. Thank you, Chief, for your hard hitting, lay-it-on-the-line statement. I wish that all those defenders of handguns in the U.S. Senate could have you as their opponent. I commend you for your frank discussion of this very, very, tough problem.

I think we will withhold our questions until we have testimony from all the chiefs.

Senator PERCY. I am anxious to hear the other witnesses. That is a hard act to follow. That is about as powerful a statement as I think I have ever heard and very convincing.

Chairman RIBICOFF. Mr. Reggie Eaves, the chief of police of Atlanta.

TESTIMONY OF COMMISSIONER A. REGINALD EAVES, DEPARTMENT OF PUBLIC SAFETY, ATLANTA, GA.

Mr. EAVES. Senators Ribicoff and Percy, I am pleased to appear before this distinguished committee of the U.S. Senate to offer some observations, some facts, some evidence and some strong recommendations regarding gun control.

During the past year, since becoming Atlanta's Commissioner of Public Safety, I have appeared before a U.S. House committee, a committee of the Georgia Legislature, U.S. Conference of Mayors, city counsel of the city of Atlanta, and at meetings of local, State, regional, and National organizations with the same message: Enact gun control legislation. In Atlanta, we have passed handgun control legislation; it was ruled unconstitutional. Bills are regularly-introduced in the Georgia Legislature—and regularly die in committee, year after year after year. You all are aware of the similar fate of this legislation in the Halls of Congress. Nothing is done. Statistics continue to pour out of police departments daily about the deadly effect of handguns in America, and nothing is done. Our President is threatened twice in less than two weeks by would-be assassins with handguns and nothing is done.

It is frankly frustrating to repeat the same grim figures, and the same inaction but those of us who care about this preventable killing are willing to tell our story as long and as often as it takes, if we can get some meaningful national legislation passed.

From January 1972 to April 1975 there were 758 homicides committed in the city of Atlanta; 69.1 percent of these involved the use of handguns. Of the total number of homicides, 83.9 percent or 5 out of 6 were committed between people who knew each other. And of the 635 nonstranger-to-stranger homicides 381 or 60 percent were committed with handguns.

The same depressing figures are true of aggravated assaults; 7,064 occurred in the same 3 $\frac{1}{4}$ year span; 44.8 percent of those involved handguns. But the most interesting statistic is that the percentage of aggravated assaults involving handguns during this period increased at 14.9 percent annually, compared to a 14.4 percent for the total increase, so that the increase in handguns more than matched the total increase in aggravated assaults.

We have found that our tracing of handguns involved in Atlanta's crime in 1973 and 1974 indicates the principal source of the weapon is purchased at gun stores; that the principal sources of handguns in Atlanta are gun stores.

If a Georgia citizen wishes to acquire and keep a handgun, he must be 21 years of age, have a Georgia driver's license and must swear there is no prior conviction of a felony. That is all. Period.

A further breakdown of the 161 handgun homicides in Atlanta last year showed that 3 out of 4 motives for these homicides could be classified as ranging from anger and drunken argument, jealousy, and revenge; 3 out of 4 deaths, gentlemen, which I believe could have been prevented, were a handgun not available. Out of the total of 248 homicides committed in 1974, only 38 were related to robbery or rape.

A study of handguns confiscated in Atlanta's crimes for the second half of 1973 showed "The Saturday Night Special" accounted for 71 percent of the handgun-related crimes, with a total of 592 specials confiscated during that 6-month period. Most of the specials confiscated were originally purchased locally, primarily from 12 licensed dealers in Atlanta.

I could of course cite the staggering figures of tens of millions of handguns in the hands of Americans, both criminals and law-abiding citizens. I could speak about the practically nonexistent homicide rates of those foreign countries which have outlawed firearms, such as Japan and England. I could also cite the number of homicides and assaults committed each year in America and the percentage involving handguns. But I won't repeat what scores of persons have already said.

What I have attempted to show is that the handgun is the primary weapon in both homicides and aggravated assaults; that most persons involved in those crimes in which a handgun is used, are acquainted with each other. Further, I have tried to demonstrate that these persons commit homicides and aggravated assaults in agitated states and that preventing them from having handguns would significantly reduce these types of crime.

As a member of LEAA's task force on disorders and terrorism, I have seen much evidence clearly pointing to the impact of weapon screening at airports. Since airports have implemented these screening procedures, the number of airplane hijackings and terrorist actions have dropped tremendously. As a result, millions of airplane passengers can and do fly safely and without fear.

I speak today as not only the police administrator of a major representative city in the Southeastern United States, but as someone who is in constant contact with law enforcement and criminal justice officials on all levels throughout the United States. Let me then say to you there is a growing consensus that handgun control is not a

matter of choice, but of necessity. It is no longer a question of whether, but how long before we stop this armed madness by national legislation. The hour is late; and the crime statistics continue to climb. But it is not too late. The first step is in the hands of Congress and, in my opinion, must be taken soon.

And I must concur with my colleague, Mr. DiGrazia, by saying emphatically that we are talking about not just the Saturday Night Special. We have to talk seriously about the banning of handguns, period, not only the banning as locally talked about, but nationally, to prevent the manufacture, the possession, the sale of handguns, and I believe we can eventually return this country to the kind of sane society we all wish for.

Chairman RIBICOFF. Thank you very much, Chief.

Sheriff Pitchess of Los Angeles, please.

TESTIMONY OF SHERIFF PETE PITCHESS, LOS ANGELES COUNTY, CALIF.

Mr. PITCHESS. Mr. Chairman, Senator Percy, for the record would you please refer to me as Sheriff of Los Angeles County? That is a small county located on the shores of the Pacific with about 7 million souls that suffer the same problems as they do on the east coast.

I am also chief of police of 30 cities by contract, if that means anything to you.

I am here today to avail myself of the opportunity to discuss the insidious problem of handgun ownership. My position is simple and clear. I am in favor of banning the private possession of handguns except for law enforcement and military personnel. I am not in favor of the registration or licensing of handguns, rifles, or shotguns, merely because such regulations would be totally unenforceable and entirely too expensive. Quite frankly, registration and licensing will accomplish nothing toward reducing the total number of guns in this country and will have no impact on the wanton slaughter that we are witnessing as a result of the proliferation of guns in our society.

I am hopeful that this committee will be able to take positive steps toward undoing what has become a national disgrace. Of course, I was similarly hopeful 3 years ago when I testified before the House Committee on the Judiciary.

They listened patiently, nodded their heads wisely, and have unfortunately, accomplished absolutely nothing since then. The reasons for a lack of action on the subject of handguns should be obvious, even to the most naive observer. Most politicians are fearful of the consequences should they speak out in favor of limiting the availability of that tool of death. It is a weapon that is designed for, and utilized for, killing people. The handgun has a romantic history in this country and, as a result, there are certain groups of people, or perhaps I should refer to them as voters, who refuse to recognize that we are approaching the 21st century, that the world is becoming crowded, that social and moral values are changing, and that providing the means for every citizen to have easy access to deadly weapons is just no longer acceptable. The time is past due for the political leaders in this country to stand up and meet their responsibilities, to provide the safeguards necessary to allow our citizens the right to

lead peaceful lives, and to finally approach the problem of handgun control headon.

The problem is not new. It has been escalating rapidly since John F. Kennedy's assassination in 1963. I am sure that you are all familiar with the staggering statistics reflecting death, injury, misery, and heartbreak that has been wrought by the handgun. In fact, you are probably satiated by them to the point they no longer carry the proper impact. Rather than use statistics to show a need for legislative action, I would call your attention to the hearings and studies conducted in recent years to bring the facts to the attention of our citizens and our political leaders.

Starting in 1967, we had the President's Commission on Law Enforcement and Administration of Justice, established by Lyndon Johnson to study the relationship between the easy availability of firearms and violent crime. This Commission recommended specific Federal and State legislation to regulate the purchase, transportation, sale and possession of firearms. Also in 1967, the National Advisory Commission on Civil Disorders was appointed. This body noted that Federal gun legislation is essential to make State and local laws fully effective.

In 1968, the National Commission on the Causes and Prevention of Violence recommended that Federal law should prescribe minimum Federal standards for State firearms control systems.

In 1970, the National Commission on Reform of the Federal Criminal Laws recommended Federal legislation to control firearms.

In 1972, the National Advisory Commission on Criminal Justice Standards and Goals was established. The former Governor of Delaware, Russell Peterson, was chairman and I had the privilege of serving as vice chairman of that body.

The Commission reached the conclusion that the private use and possession of handguns infringes on the right of the American public to be free from violence and death caused by the use of these handguns. Rights and freedoms cannot exist without recognition of the concept that one person's rights can exist only to the degree that they do not infringe on the rights and freedoms of another.

All five of the Commissions I have mentioned unequivocally called for a concerted and dramatic effort toward handgun control. As early as 1967, they documented the undisputable fact that the safety and welfare of the public and the maintenance of ordered liberty cannot tolerate anything less. Still, nothing has been done. Why? It can only be laid on the doorstep of political expediency. The need is overwhelming, yet ignored.

I would like to repeat the statement I made before the House Committee in 1972. The handgun is made for killing people, and I challenge anyone to disprove that statement. We would not have millions and millions of handguns in this country if they were only designed for target shooting and collecting. It is absurd to use such hobbies as justification for their presence.

I have noticed the phrase, "Handguns don't kill people, people kill people", in the news lately. If we accept such ridiculous logic, then there is no reason to restrict people from owning machineguns, hand grenades and bombs. After all, we have nothing to fear from such weapons so long as the people who possess them behave. Such logic

is utter nonsense. It is people and handguns that kill. Separate one from the other and the problem of unrestrained homicide and bloodshed no longer exists.

I fear that America is in grave danger of losing her greatness and her standing among the nations of the world. We have shown ourselves to be impotent in the face of a tidal wave of death and crime. It is a national disgrace when we must fear for our President's life, every time he is within shooting range of the public, when every kook and crazy in the country can easily obtain the means to gain worldwide notoriety and fame through assassination. When we take a gun away from a potential assassin and they can turn around and get another gun the very next day, there is something gravely wrong with our system. It is an intolerable situation that cries out for remedial action.

In directly addressing the subject of discussion today, I would say yes, there is a tremendous need for Federal legislation to restrict the ownership of handguns; yes, it is essential that our Nation's lawmakers get off the fence and perform their duty to the law-abiding citizens in this country; and yes, we need Federal legislation right now. We needed it years ago and the need grows greater each day.

I emphatically urge that this committee take the necessary steps toward gaining Federal legislation to control the proliferation of handguns in the United States. We need legislation to control the manufacture, sales, and the private possession of the handgun and we need it now. Many of the leaders in law enforcement personally support this type of legislation but are fearful of taking such a position publicly due to the political implications. There must also be laws enacted that would mandate prison sentences for those who commit crimes while armed with a handgun.

No matter what course we follow, we should not lead the public to believe that this problem will be quickly solved. Dramatic results may not be observed for 5, 10, or even 20 years. We can, however, take steps to reverse the trend of murder and violence in our communities. We must halt the spread of this plague that is reaching into the homes of thousands, perhaps millions, of our friends, neighbors, and families. None of us are immune.

The system, or nonsystem, we have been following and which has allowed for the possession of handguns just hasn't worked. It is time to try something else. No longer can our society indulge in the luxury of handguns.

Thank you.

Chairman RIBICOFF. We will now hear from Chief Williams.

**TESTIMONY OF HUBERT WILLIAMS, POLICE DIRECTOR,
NEWARK, N.J.**

Mr. WILLIAMS. Mr. Chairman and members of the committee, I am Hubert Williams, director of the police department in Newark, N.J. My purpose in being here today is to emphasize my deep and growing concern about the uncontrolled proliferation of handguns throughout our country and the dramatic increase in violent crimes against persons.

As the administrator of a police department with over 1,600 sworn officers, it is my public responsibility to protect the lives and property of 386,000 residents of Newark and the 150,000 nonresidents who commute into and work in our city. In carrying out that mandate, I have a dual responsibility to both the public and to the officers whom I command, and for both of these groups the threat of violence by handguns is alarmingly great. The level of violent crime involving handguns and the fear of such crime has a pervasive effect on the quality of life in Newark and other cities throughout the country. And, in addition, the extent of such violence and the frightening proliferation of handguns immeasurably complicates the job of providing adequate police service to the public.

These general opening remarks lead directly to two important conclusions. There can be little disagreement with the first conclusion: Violent crime, particularly crime involving handguns, must be reduced drastically if our cities and towns are to be safe and livable. Second, to reduce the level of violent crime, strict control on the availability, possession, and use of handguns must be introduced.

As the committee opens its hearings today, it must surely be noted that in no other country could the merits of these two conclusions be debated as endlessly and as fruitlessly as has occurred in the United States during the past several years.

This thought is expressed dramatically by Ricard Hofstadter in an article entitled, "America as a Gun Culture":

In all societies, the presence of small groups of uncontrolled and unauthorized men in unregulated possession of arms is recognized to be dangerous. A query therefore must ring in our heads. Why is it that in all other modern democratic societies those endangered ask to have such men disarmed, while in the United States alone they insist on arming themselves?

And we must ask whether our Nation can continue to permit the virtually free and uncontrolled commerce which presently exists in handguns, a commodity which is carefully designed and skillfully manufactured with only one purpose—to provide an instrument of death which can be concealed readily, drawn with no warning, and used with awesome and effectiveness on friend and foe alike.

The inescapable facts are that handguns are used in a large and increasing proportion of violent crimes and that handguns are terribly effective in accomplishing their intended purpose. Nationally, according to the FBI, 53 percent of the 19,510 murders reported in 1973 were committed with a handgun. Studies have shown that a gun is five times as likely to cause death than is a knife—source: Newton and Zimring—and it can thus be said that the presence and use of a handgun as a choice of weapon converts many atrocious assaults into murders because of handgun's greater effectiveness.

Such a conclusion is consistent with an observation that is well known to the police. Many murders are not premeditated, and FBI statistics show that in 72.6 percent of homicides in 1972, the victim and perpetrator were either members of the same family, acquaintances, or lovers. The term "crime of passion" is very descriptive of a substantial portion of assaults and murders, and while reducing the number or rate of such crimes is a very difficult law enforcement problem, reducing the severity of such incidents could be accomplished

by reducing the availability and possession of handguns. A study in New York City supports such a conclusion through statistics showing that 73 percent of the murders in 1972 were carried out by persons who had never before broken the law—Lindsay: "The Case for Federal Firearms Control."

It is difficult to avoid the conclusion that handguns directly contribute to increasing the severity of crimes, if not the actual number. Statistics from Newark certainly bear out the general conclusions concerning violent crime. During 1974, officers in my department responded to 2,877 incidents in which a firearm was used, and this figure included 52 homicides, 1,322 armed robberies, 331 aggravated assaults with a gun, 237 cases in which a life had been threatened with a gun, and 74 cases of vandalism. Forty percent of the homicides were committed with a handgun, and approximately half of all homicides occurred in family disputes or brawls. In addition, we arrested 469 persons for possession of a dangerous weapon, and confiscated 358 illegal guns. And these general statistics tell only part of the story, because our research staff has only during the last year established improved reporting procedures and begun to analyze carefully the patterns and trends in handgun and firearm usage.

An even more ominous trend which can be seen in Newark and other cities is the rapid increase in gun violence by juveniles. In 1974, the Newark police arrested 18 youths between 12 and 18 years of age for homicide committed with a gun. These 18 juveniles constituted approximately 25 percent of the total of 75 perpetrators of homicide with a gun. Like many cities, in Newark the level of violence by juveniles has been increasing steadily and dramatically, and the availability of handguns is an important factor in the growing seriousness of juvenile crime.

Officers in my department estimate that there are over 50,000 illegal gun. Like many cities, in Newark the level of violence by juveniles come from, we do know that a significant portion of them are brought in illegally from South Carolina, Virginia, Georgia, and Florida. Many others are stolen from manufacturers, retail outlets, and private residences. Unfortunately, there is presently no requirement that forces people to report theft or losses of their firearms to the police department.

My State, New Jersey, has what is considered by most standards to be a strict gun control law. Under this law, which was passed in 1966, a person must apply to his local police department for a permit to purchase a handgun and for a special firearms identification card to purchase a long gun. The applicant must be photographed and fingerprinted and a character investigation is conducted as to criminal convictions, mental incompetence, or narcotics addiction.

A 7-day waiting period is stipulated between the date of application and receipt of the permit. A separate permit is needed to carry a concealed weapon. As of 1972, approximately 134,000 applications for the purchase of pistols and revolvers had been approved by local and State police in New Jersey. At the same time, 2,500 were denied, of which 48.6 percent involved persons with criminal records.

While this law deters a certain amount of gun proliferation, it has not solved our gun problem in New Jersey. At the present time, for instance, manpower shortages in police departments have caused a

backlog of 16,000 gun permit applications to be processed. But a more serious matter is that residents of New Jersey continue to buy firearms in other States and bring them back illegally. Also, this law does not mandate registration of all firearms in circulation, nor does it effectively regulate the private transfer of guns between citizens. And, as I mentioned before, there is no system to account for stolen or lost guns. One major concern that I share with the police officers in my department is the need to control the source of the firearms, be they retail merchants, wholesalers, or the manufacturers themselves.

Crime is a local problem, but handgun control is a national problem. Dealing with crime effectively at the local level is dependent to a great degree on whether or not strict Federal controls on handguns will be introduced.

The fact of the matter has been and continues to be that State and local efforts to control handguns and handgun violence cannot succeed without strong national controls. The issue at the national level is not one of crime, however. It is a question of commerce.

Crime, handguns, and commerce in handguns go together appallingly well. Although 37 States have some form of gun control laws in effect, not even the strictest of these statutes can affect the interstate commerce in handguns. And we are clearly talking about commerce on a large scale. During the 10 years examined in an Eisenhower Commission study, from 1959 through 1968, 10.2 million handguns were added to the civilian population. This is a frighteningly high portion of the 29.4 million total of all firearms, both long guns and handguns, added to the civilian population during those years.

However, my basic observation is that 10.2 million handguns is big business, and it is a business which is almost self-perpetuating. As a police administrator, it is my conclusion that the proliferation in handguns contributes to more serious crime, which contributes to more fear of crime, which contributes to more handgun sales (supposedly for protection), which in turn contributes to another round of the same cycle. The only winners on this self-perpetuating cycle are the gun manufacturers. The public is the clear loser. And the police are caught in the middle with a massive problem which is beyond their present powers to control.

This commerce in handguns simply cannot be controlled at the local level. It is an interstate commerce problem. It is an interstate transportation problem. It is an interstate law enforcement problem. To control the local problem of crime, we must also control the national problem of the manufacture, sale, transportation, and distribution of handguns to civilians. Only then can we at the local or State levels begin to control within our jurisdictions the possession, sale, and criminal use of handguns, and through such control inevitably improve the prevention and control of crime within our society.

Chairman RIBICOFF. Thank you very much.

Mr. Peters of San Antonio.

TESTIMONY OF E. E. PETERS, CHIEF OF POLICE, SAN ANTONIO, TEX.

Mr. PETERS. Thank you, Senator Ribicoff.

I appreciate the opportunity to come before you, even though my view may be described as being a bit more moderate than that of at

least two of my colleagues, Commissioner DiGrazia and Sheriff Pitchess.

However, total abolition of guns in Texas, I am afraid, would be unacceptable. I draw this inference from the mood of the legislators during this last legislative session.

In San Antonio this year, we have, for the first 8 months, had 92 murders—projecting this figure for the year would give us a potential murder total of 138 by the end of the year.

To be consistent, I'll confine my statistics to the 8 months. Of these murders, 60 were committed with handguns. During this same period, we experienced 595 armed robberies and 419 assaults with a firearm, for a total of 1,074 violent crimes committed with a firearm.

Despite the fact that it is against the law to carry a firearm, I believe it follows from this that surely something should be done to curb this blatant disregard of the law—or perhaps I should call it, the flaunting of lawlessness.

In Texas, it is a class A misdemeanor to carry a prohibited weapon—handgun—other than on one's own premises. It becomes a felony, third degree, if occurring on any premises licensed for the sale of alcoholic beverages. Likewise, the first condition—misdemeanor—becomes a felony if the person so carrying has been previously convicted of a felony.

In our city, my department has booked 580 persons during this period for unlawfully carrying a firearm—this figure does not include the persons charged with a more serious crime such as murder or robbery. Nevertheless, 880 arrests last year and 580 this year thus far, have failed to have any impact whatsoever on the gunpacking individuals.

A question frequently arises regarding the trafficking of guns interstate or across the border. At this time, guns are moved from the United States into Mexico, as guns are hard to come by south of the border. In candor, I might say that this is not affecting our problem of "shootouts" and robberies. However, I recognize that this could become a two-way street, especially as the import of foreign-made guns becomes more difficult and certainly, any tighter restraints or stiffer penalties are in order. Yet, eventually we run into the same old problem at the enforcement level—the "rights of the people"—against unreasonable search—or is it unreasonable?

What is the answer? In our State legislature this past spring, some six bills were introduced, half aimed at outlawing the sale of cheap handguns of inferior metals, the other to require the registration of all handguns with the state police agency. None of the proposed bills in Texas passed; and personally, I could not get real enthused anyway, because in none of these proposals were there any real improvements with regard to sentencing the convicted. The usual is a fine or probated sentence. If the person is convicted of a more serious crime—murder, robbery and so forth—the gun charge is generally dropped.

I feel that we are past the time of adding additional laws to the State books, as long as the sentencing practices continue so inconsistent and meaningless. No one is going to jail for carrying a prohibited weapon—would they be sentenced to jail for failing to register a gun? Hardly.

On the other hand, if the outlawing of certain guns and/or the registration of all handguns, including good regulations governing the

purchase or transfer of a handgun, are enacted at a Federal level, I believe the regulation would carry more punch. Reason: Generally speaking, the criminal or "would-be" criminal holds a deeper regard or fear of violating a Federal law. At the same time, I do not think a law or laws to take away—whether to buy or confiscate all the guns held by individuals, is workable as I feel it is totally unacceptable to our citizens.

Finally, I mentioned above, the lack of court followthrough—this I blame for the failure of our system, to provide a "deterrent" to crime—gun toting included. Serious thought must be given to some mandatory sentences—for one—crimes committed with a gun such as robbery, murder, and rape. Let's take away the gun and destroy it in the lesser category of unlawfully carrying. Forfeiture of the "right to bail" when charged with the commission of a felony committed while out on bail for a previous felony. Eliminate the granting of probation sentences to persons previously convicted of a felony.

Experience is showing us that the repeat offender is causing 60 percent or more of our crime. Therefore, rules to guarantee taking the repeater out of society is going to be the only certain way to effectively overcome the problem. Thank you.

Chairman RIBICOFF. Thank you, very much.

Frankly, your statements have been so powerful and so important that almost all the questions have been answered. But I would like to have some discussion with you gentlemen to have the record complete.

I gather from what you say that a very large percentage of violent crimes within your jurisdiction involve the use of guns. Would that be correct?

Mr. DiGRAZIA. Correct.

Mr. EAVES. That is correct.

Chairman RIBICOFF. What do you estimate would be the drop in violent crimes in your cities if you didn't have handguns? What difference would it make in the crime rate in your respective cities? Any of you gentlemen.

Mr. PITCHESS. I can say this: I couldn't predict, any more than anyone else could, but I would say it would be very, very significant, because, the handgun is concealable, and is more readily available and is used in more instances. So there is just no question; simple logic indicates it would be significant.

Chairman RIBICOFF. Chief?

Mr. DiGRAZIA. I agree totally. The greatest problem, of course, is the concealability of it, availableness. People can walk down the street and walk quickly into a store and pull an armed robbery where, of course, it wouldn't be as easy to put a rifle under your coat and conceal it. It gives the person that power they feel they have got to have unless they have a handgun.

Mr. WILLIAMS. It is difficult to estimate the initial impact. I feel it would be substantial, but I think in the long run we could look to the other civilized nations, for example Japan, that has virtually no homicides—on murders with handguns. If we in fact eliminated the weapon, I think we would save a lot of lives of police officers, we would save a lot of lives of individual citizens, and I believe the liberties and freedoms of the people would be more secure under those circumstances, because it seems clear to me that the police have to arm them-

selves more in order to protect themselves. And 134 police officers died last year through firearms. Handguns contributed the bulk of that.

As police departments move progressively to heavier weapons, hollow-nosed bullets, move to heavier armament. I think this is an endangerment to basic freedom and liberties. The only way to alleviate that is to eliminate the problem, and the source of the problem is the handgun. It affects our lives in many more ways than the death statistics that we, as police chiefs, count at this table. It affects the liberties that we talk about protecting.

Chairman RIBICOFF. In other words, you give a gun to a criminal, and you put him in an equal position to that of a police officer.

Mr. WILLIAMS. That's right.

Chairman RIBICOFF. He's got a gun. He can take on a cop, he can hide, he can shoot down a cop.

Yes, Sheriff Pitchess.

Mr. PITCHESS. That isn't exactly a correct statement. I don't mean to contradict you.

Chairman RIBICOFF. No, no; I am just trying to get this information.

Mr. PITCHESS. The criminal is under no restrictions in the use of that firearm, and the police officer is under considerable restrictions and progressively is getting more so.

Chairman RIBICOFF. If so, in other words, you make him superior to a police officer.

Mr. PITCHESS. Exactly. Many law enforcement agencies refuse to use the hollow-point bullet because some people have a hangup on it. There is nothing that prevents a criminal from using the hollow-point bullet or any kind of lethal device that he wishes to use. That is why there is not an equal level of position.

Mr. DiGRAZIA. Senator, there is always great concern about the need for everyday citizens to arm themselves because they feel that everyone else has a weapon. Things are so bad that in that situation, as far as the city of Boston is concerned, that we have a toy weapon that looks like something stolen from the Army, a .45 Colt, that has the Army inscription on it, and everything else. It cannot fire. But it is an exact replica in every other way of a U.S. Army Colt .45, and it sells for \$38 in the city of Boston so that people can go around and have that feeling and hopefully, I guess, in their minds if someone sticks a gun in their ribs, they have got a gun to display also.

Chairman RIBICOFF. You gentlemen can interrupt or interject any time during this discussion.

Mr. Eaves.

Mr. EAVES. Senator, I would just suggest to you that I think the impact would be a bit more tremendous than most of us would anticipate because most of the crimes—not most, a significant number of your crimes are committed by teenagers, and they really feel superior with the use of a handgun. I think once taken out of their hands, you will cut down on the number of teenagers involved in aggravated assaults and homicides.

Chairman RIBICOFF. Are you finding from your experience that teenagers are more and more being involved in homicides and aggravated assaults?

Mr. EAVES. Absolutely. As a matter of fact, I was talking to the Director of the FBI, Mr. Kelly, I think it was in March, and he indi-

cated that roughly 50 percent of such crimes in certain areas were committed by teenagers, under the age of 19. I think that is significant.

If you can just take that false superiority and false security from them, I think you will see a tremendous drop in crime.

Chairman RIBICOFF. So to a great extent our failure to enact gun control legislation with any bite so to speak, is encouraging crime?

Mr. EAVES. Absolutely.

Chairman RIBICOFF. Why is it that those who are hollering the most that we must have law and order are those who are most opposed to having any gun control? What is the psychology involved?

Mr. Peters.

Mr. EAVES. I think they are victimized by a series of myths. Such as, that guns don't kill people. Obviously, they don't; someone has to pull the trigger. But if that gun is there, it causes the rate of homicide to go up.

Chairman RIBICOFF. As Sheriff Pitchess said, if you follow that reasoning, what about machineguns, hand grenades, and atomic bombs, Mr. Peters?

Mr. PETERS. Another view is, I think, many of them feel only the people who believe in law and order would register the guns and turn in the guns, and the criminal would not. He operates outside of the law anyway, so it would just be another law that he would be breaking by still having the gun.

Then I guess some of the statistics that show that so many of the armed robberies are committed with the use of a stolen firearm probably lends to this, too.

Chairman RIBICOFF. Do you find that the person who has a gun in his household is more protected against crime than a person who does not?

Mr. PITCHESS. The statistics pretty well dispute that. Just to give you a rough figure off the top of my head, it has been conservatively reported, and I think can be supported, that for every robber stopped by a homeowner or a store owner with a handgun, four homeowners or members of their family suffer death in a gun accident.

Mr. DiGRAZIA. If someone is truly concerned about safety in a home, they should go out and get themselves a beautiful German shepherd, and it can be a pet and also a protector. I think it is a fallacy for someone to say because they have a handgun in their home that they are safe. Are they going to answer the door every time with the .45 strapped to their waist?

Chairman RIBICOFF. Do you find that you have been able to end the traffic or stop the traffic of guns in your cities and States? Is it really, even potentially possible for you to handle this problem yourselves?

Mr. EAVES. Only with coverage by national legislation. To try it on a local level just shifts it around from place to place.

For example, I plan a series of raids soon to hit areas where we have a great many assaults. You will shift that and you will confiscate a few weapons and put a couple of people in jail, and they get fined \$25 or \$15 and they are sent home. Then they shift to another place.

But without national legislation, even though you can clamp down on the sales in some States by law, they can just go to Georgia or to South Carolina or to Massachusetts or some other State where it is not prohibited, pick up that weapon and return home.

Chairman RIBICOFF. Have you gentlemen found in your experience that the Bureau of Alcohol, Tobacco, and Firearms has been effective in stopping the traffic in guns?

Have you found that in your jurisdictions?

Mr. WILLIAMS. They have only 1,600 men. There are approximately 150,000 gun dealers they have to deal with, and their function goes beyond merely handling guns. So clearly they are not set up to be effective.

Based on the tremendous trafficking of hardware in these guns and the flow from the South, where they can be purchased easily, where there are virtually no restrictions, it is clear they haven't been effective. I think they would be the first to admit they haven't been effective, and they would probably give all of the reasons why.

But even if you substantially increase the manpower in that agency, and even if you reduce the number of licensed premises that they would have to deal with, which I think are two steps that should be taken, that still would not deal with the problem that is basically a national problem; namely, the placing into the flow of commerce of dangerous weapons; it wouldn't deal with the 40 million weapons—that is handguns—that we have at a minimum existing in this country today; we would not deal with that problem unless we take stronger and firmer steps; and that is why I think virtually everyone on this panel has urged this committee to stop the manufacture of handguns and the importation of handguns.

Chairman RIBICOFF. Let me ask you this: Senator Javits, who is a very able and also a very practical man, who sees the difficulty we have in passing any gun legislation, has come up with the suggestion that we try to demarcate some separate rules affecting urban areas, high crime areas, as opposed to rural areas.

Would that have any significance? You are all from urban areas, and your areas would be affected. Do you think we could work something out similar to Senator Javits' proposal?

Mr. WILLIAMS. I am not absolutely certain. I believe that the proposal speaks to an increase in crime in a particular municipality, 20 percent above the national level, or 10 percent over what the crime rate was the previous year.

Senator JAVITS. Correct.

Mr. WILLIAMS. I don't know why the figure 10 percent was established. That seems to me—

Chairman RIBICOFF. We can change those figures. I think the concept of Senator Javits, has great appeal, and is a very pragmatic one. Of course, I don't want to speak for the Senator, he is here himself. But the great difficulty is with the rural area's representatives in Congress. I think you would find that most Senators and Congressmen who come from urban areas would like to see gun traffic stopped, and yet we have such great difficulty in passing this legislation.

Could you conceive of legislation that would be effective if we could make this demarcation?

Senator JAVITS. Mr. Chairman, may I add one point, it relates not just to the municipality, but it relates to the standard metropolitan statistical area, which means the economic area, including urban areas and surrounding suburbs which is generally defined as the metropolitan area.

I just wanted you to have that in mind.

Mr. DiGRAZIA. I think we still have to look at the fact that we are a highly mobile society and that handguns are floating across this total country of ours, not just in certain areas. It would be the same way as if we had a very strict law in the State of Massachusetts, as an example, and you don't have one in Connecticut, Rhode Island, or Vermont. It is too close and somebody can import them in from those areas. I think it would be the same thing exactly with that type of legislation because it would allow weapons to be sold, purchased, and possessed in other areas of the country and they would find their way into the urban areas of our country.

Chairman RIBICOFF. If I may interrupt, how effective has been the Massachusetts law, Chief?

It is one of the most stringent in the Nation. How effective has it been?

Mr. DiGRAZIA. We haven't seen any big change at the present time. It has only been in effect since April 1 of this year.

One of the problems right away is the mandatory sentencing. It appears that people are finding ways out because of that mandatory sentencing. The judges seem to be not as enthusiastic about applying that punishment, so there is pleading for a lesser crime, or if it goes to a jury trial, the jury tends to find the person not guilty.

Senator JAVITS. Mr. DiGrazia, I didn't want to interrupt you, but in New York we have the Sullivan law, and we have had it for many years. Our law enforcement people testified, also, that it is not by any means a perfect cure, but that it does very definitely help. They, too, appeared here passionately pleading for exactly what you are pleading for. They do say, however, that the Sullivan law is effective. New York City is No. 10 in the list of major cities as far as homicides are concerned, notwithstanding New York's reputation as being an open city, which it is not. Nonetheless, they point out that that is attributable, they think, to the Sullivan law, which does have some deterrent.

I thoroughly agree with your defense of the hunter and the hunting rifle. I can't for the life of me understand what they are afraid of, but nonetheless, they are. But we have simply realized we have tried and tried and tried and we haven't even come close on any kind of meaningful handgun control, let alone handgun elimination.

Therefore, I would like to ask you the question, considering the fact that we are dealing with practicalities, not what would be idealistically best, but rather whether you can suggest any other way by which we might try the concept in my bill.

This concept, as Senator Ribicoff, who is a man of great experience around here himself, has said, has a better chance of any others that we have tried.

In addition, it seems to have a sympathetic consideration by the Attorney General of the United States, which is no inconsiderable help.

Is there anything else that you gentlemen could suggest? If you agree with Mr. DiGrazia, that this proposal simply will not make a material difference. I think it will. We would like to hear from you.

Mr. EAVES. I tend to concur with Mr. DiGrazia. It will have a small impact. It's like a stopgap. But if it is just going to be restricted to certain areas, it is not going to be effective. That is the reason we are

asking for national legislation. To make it local or to make it regional, in my opinion, will not be halfway as effective as national legislation across the board.

Senator JAVITS. Mr. Eaves, the minute you say half as effective, you encourage me. I am very serious about that. We are talking on the same side of the issue, because, frankly, sir, I despair that we will prevail within the proximate future, unless the women in this country really rise up in this matter. When you talk about women's liberation and all the rights for which they are contending, which I thoroughly respect and work for, I can hardly think of anything which should cause as much of a revolt among women than the masculine influence in the main on this issue, to retain this unbelievably dangerous and lethal situation to our people.

So if you say half as effective, I am very encouraged. Do you really mean it?

Mr. EAVES. I really mean that for this reason: Many law-abiding citizens obviously will not break the law. If it means the abandoning of possession of handguns, they will abide. And many of our burglaries are a result of stolen handguns, and those same guns are used in the commission of crimes.

So it is going to have its impact. I would be lying to say otherwise. But the problem is I don't know how long that will last in terms of, again, the mobile society we have, being able to move outside and come up with what they need if they are not picking them up through burglaries or whatever the case may be.

Senator JAVITS. Gentlemen, hopefully if we try it, and our hunting friends and members of the National Rifle Association understand that it is not going into their area of interest, and has no design or intention to, and there is appreciable improvement in certain urban and suburban regions covered by the ban in my bill, we may then move on to what you desire.

Mr. WILLIAMS. Senator Javits, I would just like to take issue with what my colleagues said. I don't believe your bill will have any significant impact at all. I think there are two basic problems which your bill fails to do. One is we produce on the market about 3 million of these guns every year. The bill doesn't deal with the proliferation of handguns. Guns will still be produced. The gap in the 1968 legislation, importation of parts, that will still occur. We won't do anything about accumulating more and more handguns in our country.

No. 2, the bill does not address itself to commerce in a meaningful fashion. If we try to attach it to some kind of a metropolitan statistical region, then guns can still be brought in from other regions in the country. There is nothing in the bill that would address that.

The major effect that I believe that the bill would have is that all of the momentum that has been built up to try to do something about the senseless slaughter of people in this country will have fallen again to the power of the National Rifle Association and those other gun lobbyists that make it ever more difficult for us to obtain a better status of life in this country.

Senator JAVITS. Well, gentlemen, the bill is not quite as bare of effects upon commerce as this comment would indicate, because the bill requires a form of national registration of handguns, and a ban on the manufacture of Saturday night specials. It bars the multiple sales of

handguns. It places very tight security and theft prevention standards upon handgun manufacturers; common carriers, and dealers. We understand there are about half a million thefts a year from commerce.

So, again, we are not relying exclusively upon this regional concept, but it is of course, an important aspect with the bill. And if you gentlemen could suggest any other provisions that we have not put in respecting commerce generally, then I would be very glad to give them the utmost consideration. So would my colleagues.

Finally, you are right, Mr. Williams, about the enormous manufacture of guns, but the market will be tremendously shrunk if a bill such as mine shall become law. In our country I don't think manufacturers, no matter what we might say about that as profiting from the gun trade, I doubt that they will manufacture if there is no demand just to do us in.

So this comprehensive approach could bring about a very, very serious curb on what will be produced if we eliminate major metropolitan areas and then add these other restraints and restrictions, including the ability to trace a gun used in a crime from the owner through the various hands through which it passes. This is all contained in the bill.

Mr. Peters, could we have a view from you?

Mr. PETERS. I was going to say I subscribe particularly to one paragraph in your bill which covers the sale and resale of firearms between private persons who are not dealers or collectors, I think that is something that heretofore has been overlooked entirely.

Senator JAVITS. Mr. Pitchess.

Mr. PITCHESS. I would like to answer two questions that you posed earlier: What other solution?

I think there is no other solution than the outright banning. I respectfully want to disagree with your position on registering the handguns. It would be totally unenforceable nationwide.

So in answer to that question, I don't think there is any other solution than the banning of the handgun. And that may take a period of time before it becomes effective, as I said in my prepared remarks.

However, if we don't ban the handgun today, I dread to think what kind of society we are going to live in 5 and 10 years from now. We are going to revert to the old law of the West where the fastest gun will prevail.

Senator JAVITS. Mr. Pitchess, we live in a society which is governed democratically. Are you telling us now—by the way, registration works in my State. It has 18½ million people. So I am not concerned about your view about it breaking down.

But be that as it may, you are asking us to run these risks, because we cannot get the perfect solution now. That is hardly the way our society runs.

I don't wish to put it in any invidious way, but many people could be killed whose deaths could be avoided with some new controls short of the total ban you advocate that we can accomplish by legislation now. Why should we do nothing, because we are not going to get what you want for a long time? I shed tears to say so, but it is true.

Mr. PITCHESS. I am afraid you are correct, and I optimistically hoped we could do something about it, but realistically I am afraid what you are saying is true.

Senator JAVITS. Yes. You better help us. You know, the police are supposed to be ultraconservative, and many other things. But it is amazing to me, and I have great relations with the police, and I have feeling about them, and it is amazing to me that in this particular issue you are way out there in front. You are the outermost liberal to seek to eliminate handguns in this country.

So I appeal to you we can't do it. All of us here, Senator Ribicoff, I, Senator Percy, in fact most of us who happen to be in this particular committee, would like it very much. We can't, so at least help us, which is what I am appealing you to do with your prestige in this field, to do all we can within the parameter with what we as legislators believe is the possible.

So I appeal to you for suggestions, ideas, anything that you can give us. I am not close minded at all.

Mr. PITCHESS. Senator, I don't quite understand why a ban of handguns would violate democratic principles of our society.

Senator JAVITS. I didn't say that.

Mr. PITCHESS. Then I didn't understand you. You said we live in a democratic society.

Senator JAVITS. We can only accomplish the possible by a majority of votes in the House and Senate.

Mr. PITCHESS. The polls have all favored this banning of handguns.

Senator JAVITS. I know, but my colleagues for years have not listened to those polls. They voted just the other way not by a few votes, but by two to one and more.

Mr. PITCHESS. Then I have to say regretfully that the Congress has failed in responding to the national will.

Senator JAVITS. That is true, but the poor guy that is going to get shot down this afternoon, and we are trying to save at least some, isn't going to be helped by that.

Sure, the Congress has failed the American people in respect to this matter.

Mr. PITCHESS. We in the law enforcement have failed and that is why we are coming to you with whatever you want to call it, the liberal or the radical position that we take. The system that we have had has not worked.

Chairman RIBICOFF. As a matter of fact, I think it happens to be the most conservative position of all. You are trying to conserve life. That is the irony, you know. We had interchange yesterday and I made the statement then that I repeat, Senator Javits wasn't here, that the time had come for the Congress and the President and every man that is a candidate for the Presidency to show the guts to take the action that you men plead for. Here you are, the chiefs of police, with the responsibility, everybody kicks you around every time there is a murder or every time there is a rise in the crime rate, something is wrong with the chief of police, and yet we won't give you the support that you need to lessen crime, especially violent crime.

But, you see, the point my colleague, Senator Javits, makes, is that we are confronted with a very tough situation. May I say to you, Chief DiGrazia, I would buy personally and would vote for every suggestion you would make, and I think Senator Javits would, too.

Senator JAVITS. I would.

Chairman RIBICOFF. We get these amendments up, 15 votes, 18 votes, you might reach a plateau of 20 votes.

Now, we search our experience and say if we can't get this across, can we do it incrementally one step at a time if we can't get the whole thing? How do you do it? We need your help. We need your wisdom.

I have a few questions. Do you believe there should be a cooling off or waiting period between the time a person seeks to buy a gun and the time they get it? In other words, if a person applies for a gun, should he be able to go into a gun store and get it immediately or should there be a week or 10 days or 2 weeks where they have to submit to you the application to be checked out by you? Would this be any good at all?

Mr. EAVES. It just delays the death a couple of days.

Chairman RIBICOFF. If a man has a record and you know who he is, you might have a chance to veto it in licensing, although Chief DiGrazia said licensing and registration would be needed.

Mr. EAVES. Again, Senator, I think it delays it for a period. Many of the homicides we talked about are the passionate homicides that Director Williams talked about, and our records—and the Kansas City study—indicate that the police had gone to the home about five times before the homicide takes place in those particular situations.

Now, it is very rare that a man is going to go up to a gun store, purchase a gun, and then go down the street and rob a bank.

We talk about that, but that is rare. There is a little planning and then it takes time. I am not sure the delayed registration makes any difference whatsoever.

Mr. DiGRAZIA. Again, we have to talk about all of the guns that are floating around this country. It is not so much the buying. It is the ones that are stolen. Every time someone burglarizes a home, the first thing they are looking for is cash and the firearms. If they go and rob a retailer and he has a gun under the register, the first thing he goes for after the money is the gun. So someone goes along, a legitimate purchaser, and buys a gun, and waits for 6 months for it to be delivered. When it comes out into circulation, it's still then going to get into the wrong kind of circulation.

Chairman RIBICOFF. Do you think it would be any good or more effective if the whole enforcement of Federal gun control laws were transferred from the Treasury to the Justice Department? Would that make any difference at all?

Mr. DiGRAZIA. I don't think it would, because it is just again working with the same type of laws that we have. A great concern was mentioned by Mr. Williams earlier. We had a lot of discussion and public rhetoric on the subject of gun control in 1968, and a watered-down bill goes through and here we are in 1975 facing the same thing. This is why we say, where do we go from here? What type of legislation do we have? We are always afraid there is going to be that watered-down bill. I realize what you are going through when you do these things, but we end up with a bill that really doesn't face the issue because it is finally something more or less down the middle. I think we have to really face what we need and that is a total banning.

Chairman RIBICOFF. In other words, your feeling is that the fight ought to continue even if you go down to defeat until you can turn public opinion?

Mr. DiGRAZIA. Senator, of the major city chiefs of this country, for a long time there were only two people that stood up to be counted; Peter Pitchess and Pat Murphy. They were the only two that stood for total banning of handguns. We now have a majority that are in favor of total banning of handguns.

Chairman RIBICOFF. In other words, the majority of the chiefs of police?

Mr. DiGRAZIA. The major city chiefs, yes, sir.

Mr. PITCHESS. Earlier a question was asked about rural communities. I think Senator Javits brought that up. The most dramatic and significant increase in murders over the past 3 years, and I am sure the uniform crime reports will support that, the most significant percentage-wise increase in murders have occurred in rural areas of our Nation, which means, Senator, the problem is not one of the urban areas alone. It has gone out from the urban areas. The suburban areas have had it for some time. It has gone into the very rural areas, the areas in Nevada and Wyoming and Utah and Idaho. I know it is difficult to sell it because I am from the West.

Now, I have a question. Since I am a little old cow county sheriff, perhaps I don't understand your democratic processes. You agreed that you believe that the majority of people in this Nation want some severe control of the handguns, and yet you say you can't persuade the rest of your colleagues in Congress. What can we do to help you persuade them?

Senator JAVITS. May I give you an example which Mr. Conboy, my assistant, was just giving me?

In 1972 Senator Philip Hart brought up exactly the same bill which you are talking about, a complete ban on the possession of handguns, as an amendment to the Bayh bill. And all that latter did when it passed the Senate was to ban handguns on very narrow criteria, that is, the Saturday night special, and obviously it was really meaningless, but even that didn't get anywhere in the House. They didn't even consider it.

But be that as it may, Senator Hart brought this up, the very thing you are for. He got eight votes in the Senate. I was one of them, and Senator Ribicoff was another.

Eight votes out of 100.

Mr. PITCHESS. Then we are wasting our time educating you. We should be educating some other senators.

Chairman RIBICOFF. That is very important. It becomes important for you to speak up. I know the influence of chiefs of police. You do a big public relations job. You speak before Chambers of Commerce, Rotary Clubs, League of Women Voters, and PTA's. They ask you about crime. And I think you can make the plea for handgun control, because it has to come from the grass roots. There is no question that every poll that has been taken by the most renowned pollsters, Harris and Gallup, have indicated that the public overwhelmingly are for this, but unfortunately most of our colleagues and presidential candidates succumb to the pressure of the gun lobby. It becomes very important to get across that being for gun control means votes instead of losing votes, because that is what the people want. When the people are talking about crime, and the increase of crime, I am willing to wager that the most criticism that you get for the high incidence of

crime in your city comes from people who are against handgun control, and you ought to throw it right into their teeth when they throw it at you.

Mr. PITCHESS. Senator, let me cite a political situation that is rather personal, and I don't mean to be immodest about it.

As DiGrazia told you, Pat Murphy and I were the first two law enforcement officers to publicly take this stand about banning handguns. Last June I ran for reelection in a county that is a metropolitan area, it's almost as bad as New York or Chicago or Boston or whatever you want to say. We have a population of 7 million. I happen to be a Republican and my county is maybe $2\frac{1}{2}$ to 1 Democratic. I had a tremendous opposition from this gun lobby, people who vowed not only to defeat me but threatened otherwise. And I received 79 percent of the vote.

All I use that for is to tell you that I believe that the people basically will support the people who stand up and say this, and so please tell your colleagues in the Senate that perhaps they will benefit their political position if they come out with this.

Chairman RIBICOFF. I don't know what the figures are, however, on October 24th Mr. Lou Harris, who has taken a new poll, will publicly unveil it before this committee. Again the problem is the unorganized majority succumbing to the organized minority who scare the life out of a weak-kneed candidate, and the candidates not knowing that when they meet this head on they would get themselves votes instead of losing them.

Mr. EAVES. Senator, you asked for a suggestion.

Chairman RIBICOFF. Yes, sir.

Mr. EAVES. If you must give respect to the gun lobbyists, maybe we need to try a new approach. Maybe we need to ban the manufacturing, possession, and sale of bullets. As facetious as that sounds, bullets wear out over a period of time, and if they wanted to have these guns to look like they are from the wild, wild west of years ago, then let them carry them around with no bullets in them. I think that will help a great deal.

And I believe that if you really show how significant it is to stop the killing, that over a period of time you will be able to convince your colleagues. If we can do anything to help you convince your colleagues, I think the citizens of this country will be the benefactors of that.

But I just am appalled to believe that in 1975, after conference after conference and just volumes of statistics, poll after poll, indicating that the people are ready—the Congress is not ready.

But I heard Senator Javits say a few minutes ago that what is going to take place is that you are going to have women to rise up. I don't think we are too far from that, because I am speaking to the PTA's that you are speaking about and to the Rotary Clubs and to the League of Women Voters all over the city all the time, and that cry is there. We get the support.

So without even knowing statistics behind the Sheriff, I am quite confident that a lot of you elected officials are going to be looking at that because people are asking about that more and more.

Chairman RIBICOFF. When you get through and they ask you what you can do, say buttonhole and write your Congressman and Senator and the President of the United States. You should follow that up,

because that is where the crunch comes in just with that one sentence when they ask you that question.

Mr. WILLIAMS. Mr. Chairman, the question was asked earlier whether we would support no bill or a watered-down version. I just wanted to go on record as saying if we have a bill that in form presents a deterrence but in substance really presents none, I say let's have no bill at all. Let's have no bill.

We are going too far—we have victimization centers established over this country now, the State of New Jersey has one, most States are beginning to establish them. We prefer to pay the victim's hospital bill than to stop the victim from becoming a victim.

Senator Percy was discussing earlier with the head of the Secret Service maybe that the President shouldn't go out in the crowds because it is too dangerous. We would prefer to give up some of the basic things that we do in our life that has been historical in our country because we are afraid to take the kinds of stands or positions that have to be taken to make it possible that we continue a thing that has been historically a part of our lives. Presidents have historically been able to be a part of the people and it is in part that which distinguishes us from other forms of government.

Granted, the presence may be too dangerous, but I think at some point in time we have to cope with the question as to whether or not we are going to take the stand and do the thing that has to be done, and if we can't do it, if the only thing we can do is what we did in 1968, which was to develop some legislation that you could drive a Mack truck through, and truly they drove and they continue to drive truckloads of imported gun parts all over this country. This occurred after the legislation was passed, and domestic production has increased threefold. Then I say let's not have a bill until we can get a bill that is truly going to effect the problem and not just be something in form and have no substance.

Chairman RIBICOFF. May I say the people of your respective communities ought to be mighty proud of each one of you men. I mean your passion, your intelligence, and your understanding of this problem is a most encouraging indication of the police leadership we have in so many places in this Nation. You take an awful kicking around, but yet you go right to where the guts of this problem really lie, and you have my admiration, each and every one of you.

Senator Percy, do you have anything?

Senator PERCY. Mr. Chairman, I first would like to say it was a hard act to follow, but it all measured up to it. I would like to join with you and suggest that we insert for the benefit of all our colleagues in the Congress this testimony in the Congressional Record. If you would like to do it on the floor some time, if we can arrange a convenient time, I think the commentary comparable to the comment that you have made about the pride that you feel the citizens of your city should have in the law enforcement officials should be included. We are very grateful for your being here.

Mr. DiGrazia, you did mention you put your emphasis and concentration on handguns very strongly. You made it clear you don't object to shotguns being owned by someone for sporting purposes. I don't think you commented on a rifle, and after all, it was a rifle that was used in the assassination of President Kennedy.

What controls do you feel should be placed on rifles?

Mr. DiGRAZIA. I did refer to the rifles. Anything used for sport. I don't feel there has to be that concern on both those weapons, the shotgun or the rifle. Certainly, it can be used on someone. It can also be used in a robbery, but it is not as concealable and handy as a handgun, and certainly there will always be that type of situation where someone can purchase a rifle and sit up in a book depository and use it for an assassination attempt.

But I still think we have to get to the handgun. That is the problem we have that is facing us. That is the thing that is very handy. Usually with rifles, with most of the citizens, rifles are placed in fairly secure places. Shotguns are maintained in fairly secure places. The handgun seems to be around the home where it is easily accessible. It is kept under the register of a drugstore, and it just isn't the type—a shotgun or rifle is just not the type of weapon that can be utilized as easily as a handgun, and it does have, if you can relate it to the automobile, it does have a purpose. It can be used for sport.

The handgun is used for nothing except to kill people.

Senator PERCY. I have never owned a gun, never would permit one at any time in my life in our home simply because of my deep concern about it, its possible misuse. The crime that was committed in our home could not have been prevented with the possession of a handgun in the home.

I understand while I was out you may have touched on this question, but I would be most interested in a brief response from each of you, just yes or no, whatever way we could do it. Do you feel that the possession of guns in homes is a valid defense against the violent crimes that are committed in those homes?

Mr. DiGRAZIA. Certainly not.

Mr. EAVES. No.

Senator PERCY. Do you feel that the carrying of a handgun has demonstrably indicated that it is a real protection for someone against street crime, and with all the guns being carried, have there been instances where a person has been really protected, that is with any degree of frequency, by the possession of such a handgun?

Mr. DiGRAZIA. You could certainly state that we hear of one or two and then you think of all the others in opposition. How often someone who unfortunately has been robbed, say a store owner, and the robber would have left. That is what he had the handgun for, because he wanted that security. He knew the intimidation of that weapon, and he would have left.

But then the owner, for \$40, had to take the weapon out from underneath the register and attempt to shoot it. He usually doesn't know how to handle it. All he knows is he bought it and it is there and it is supposed to shoot. Sometimes the safety is on and what the robber then does, is turn into a killer by killing that owner. That happens, I would say, 10 times as often as the fact that someone could possibly be saved from an act like that.

Senator PERCY. So would all of you say that all of life is a balancing of risks against the benefits; that the tilt here is so strongly in the direction of not having handguns available, accessible, with you, that the advantage, potential advantage, that somehow you are going to

protect yourself, is way overshadowed by the grave danger that those handguns present?

Mr. EAVES. It is truly a false sense of security, false sense of security.

Senator PERCY. And gives, as one of you testified, the sense of overconfidence with an armed bandit going in to commit some crime that really ends up getting the person in trouble rather than the other way around?

Mr. PITCHESS. Senator, I would suggest and have suggested to the people who give me this argument, especially my conservative reactionary friends who tell me that I am disarming them or threatening to disarm them, I would suggest to them that they keep a shotgun in their home if they want to protect themselves. The mere presence of that shotgun is far more effective than the presence of a handgun. And I think during your absence I gave a figure, that my colleagues will agree with me, the fact that for every case where the homeowner or the store owner has stopped a robber with a handgun, gun ownership has resulted in his own death or death to a member of his family in a gun accident.

So, you see, there just isn't any support whatsoever for that handgun. Most people are not effective in the use of a handgun, and you don't even have to have that shotgun loaded, but just point it at somebody and they will surrender, I will guarantee to you.

Senator PERCY. If we are appealing to rational men, that certainly is an argument.

Mr. PETERS. I want to add to that the potential home accident.

Senator PERCY. Mr. Chairman, I haven't seen it in the schedule of hearings, is the NRA scheduled to be before us? Have they been given an opportunity to testify and are they going to testify?

Chairman RIBICOFF. We will give an opportunity to the administration and the National Rifle Association to come before us.

Senator PERCY. I would like to have them right here. I am sure someone is in the room from NRA or will hear about that testimony.

Mr. PITCHESS. I am a member of the NRA. Could I speak on their behalf?

Chairman RIBICOFF. If you were the spokesman for them, this legislation would have passed a long time ago.

Senator PERCY. Might go down in the area of nobility.

Mr. PITCHESS. In fact, the executive director, Major General Rich and I were classmates at the University of Utah together, and that just shows you what opposite directions we have taken.

Senator PERCY. I think they should be given an opportunity to testify and present their point of view. I would hope they would read all of the testimony that has been given.

Mr. PITCHESS. Just remind them what we propose is really not anti-NRA principles. We are defending their right to possess rifles and shotguns, and we are only asking for the concession that they eliminate their opposition to the handgun.

Senator PERCY. Then I will modify my request. Let's find the most representative and responsible "group" defending the right of individuals to hold handguns and own handguns and bring them before us so they have an opportunity to present their point of view.

I received a letter last week from a constituent who reported that his 14-year-old was picked up by the police for shooting a slingshot in

a deserted school yard. He stated that: "It seems that there is an Illinois law against possession or shooting such a device"; that is, a slingshot. "It is too bad he didn't purchase a handgun; there is no Illinois or Federal law against them."

There is a permit requirement in Illinois for a handgun, but I do believe my constituent raises an important point. Are there cases in your jurisdictions, or are you aware of other cases where there are stricter requirements for or prohibitions against possession of certain potential weapons, such as a slingshot or brass knuckles or a knife, than there are for possession of a handgun?

Mr. DiGRAZIA. Definitely. Brass knuckles—

Senator PERCY. Where are all the defenders of slingshots left in this country? Are there no Davids around?

Where are the defenders of manliness with brass knuckles? If we can pass restrictions against those, what is so sacrosanct about restrictions on handguns, which are the real killers?

Mr. PITCHESS. I would say nationally it is illegal to carry a sap. Do you know what a sap is?

Mr. DiGRAZIA. Blackjack.

Mr. PITCHESS. It is illegal to carry one.

Mr. EAVES. Senator, I would term it as a John Wayne syndrome where everybody believes they have to be armed. It is so bad in some places, if I were walking down the street and bumped into someone and they turned around and felt and reached into their pocket for a handkerchief, I would be on the move because I would think they would be coming out with a gun. That is pretty bad when you believe every other man on the street is armed. That is the way it is now in very many of our cities.

Senator PERCY. Last, because I am anxious to yield to Senator Javits, who has been such a leader in this field, and who has spoken out with his customary clairvoyance on it, and courageously so, I would like to ask this question: There have been proposals to increase or strengthen the mandatory sentences for those who commit criminal acts with guns. Are stricter sentences in themselves a significant deterrent to the criminal use of firearms?

Mr. PITCHESS. First of all, you have to have mandatory sentencing. That doesn't exist throughout this entire country. I said earlier, we passed that law in California. You have it in Massachusetts—

Senator PERCY. Is a mandatory sentence a help?

Mr. PITCHESS. Very, very definitely. I would say that is the first step that should be taken by the Federal Government and that is to create a mandatory sentencing law for anyone who commits a crime with a gun.

Mr. PETERS. That is what I asked for in consideration of my appeal.

Senator PERCY. Mr. DiGrazia.

Mr. DiGRAZIA. I have some concern over that. I feel certain if we had—if we banned handguns and then we had stricter sentencing for—I mean, you have strict sentencing for the possession of handguns, but then stricter sentences when the weapon is used in the commission of a crime over the same crime without a weapon being used, I think that might be effective.

I have some concern, and I agree with Pete, about the mandatory sentencing might be a way. But I am looking very closely at the legis-

lation in the Commonwealth that we have had since April 1 of this year, and I don't see that yet as working. If anything, it appears that judges shirk it because it doesn't leave them with discretion.

Also, juries have a tendency to find someone not guilty because they know there is a mandatory sentence.

There is something else that goes along with all of that, too, and this is coming from the man on the street, the police officer, that has to face this situation every day. They have great concern—when I talked to them, they have told me this—over the fact that they may be killed in Massachusetts these days because someone who is carrying a weapon and is a hardened criminal is going to shoot them with the hope that they will get away because they know if they are arrested, they will go away for a minimum of a year or a maximum of 5 years mandatory sentencing, and of course, what we have seen with this law is that the hardened criminal continues to carry the weapon, and it is usually the honest citizen, of course, who is not.

Senator PERCY. Then when we take into account we are spending tens of billions of dollars, I say billions of dollars at least, on law enforcement all over the country—LEAA alone is running into multi-billion-dollar figures—when we consider the cost of crime to this country, is there any single thing that we could do better than just reduce the amount of handguns to reduce the incidence of violent crimes in this country?

Mr. DiGRAZIA. I don't think there is.

Chairman RIBICOFF. Anyone name anything?

Mr. EAVES. Is there any single thing you can do to assist? I have to disagree. I think we can get some jobs for some folks, because that is significant, because a lot of folks who are involved in some of these violent crimes are in fact people who are struggling to try and survive.

I know a lot of my colleagues disagree with me, but I think many of the cases we have discovered are people who are unemployed and have been unemployed for over a period of time, were not on welfare, and were not on unemployment compensation.

I want to buttress just for a moment what Commissioner DiGrazia said, and that is my only drawback with talking about mandatory sentencing is the fact that if a man is committing a robbery with a gun and he knows he is going to be sentenced, he is more likely to kill the witness, if that witness can identify him, than he is now when he would just grab him and leave.

Senator PERCY. Your point on jobs couldn't be a better lead-in for Senator JAVITS, the tower of strength behind public service employment.

Chairman RIBICOFF. Thank you very much, gentlemen.

Senator JAVITS. Well, I would like to ask a couple of questions.

Chairman RIBICOFF. I am sorry.

Senator JAVITS. My colleagues have done brilliantly well with you, and I just wanted to complete one thing. I join with them in being very grateful for what you have said and have done and will do. I think if you could arouse the same degree of passionate advocacy among all the police chiefs of the country, this could be a measurable step forward, and I hope you will all keep in mind what should be the burning interest of women in this subject. That could be the difference, very seriously.

I notice that Mr. Williams and Mr. Eaves didn't comment on the mandatory sentence. Do you have any different views?

MR. EAVES. I did. I commented on the mandatory sentence. I have some reservations about it.

Chairman RIBICOFF. Mr. Williams.

MR. WILLIAMS. Well, in addition to the fact that we probably could use a computer as opposed to a judge, I think we have—if you look at the entire effect of that, before you pass any legislation, you might be a bit reluctant to do it.

The State of New Jersey, Chief Justice of the Supreme Court, has urged that no one during a specified period of time be sent into a penal institution because there is no room. That is a real factor that is facing New York. And Senator Javits, I am sure you are aware of that.

Then the question becomes what happens when we introduce mandatory sentencing on the entire criminal justice system. Are judges now—are we going to have facilities to place the person into? Are there facilities available? And even if there are facilities available, is it going to be any greater impact on his introduction back into society once he gets out? I think the bottom line of most of these questions is that we have been unwilling as a society to pay the price, you see. We can't say rehabilitation doesn't work because we have never tried it. We don't rehabilitate in our jails, we warehouse. And even the warehousing approach is unworkable because there is no room to send prisoners anymore, and even the most conservative of our political people, like Governor Reagan of California, failed to build any new jails.

Somewhere along the line a decision will have to be made that we are going to have to take a look at the impact of what we do initially on the entire process and how that is going to affect our society. And I submit to you that if you follow through the mandatory sentencing bit, which at least initially looks good, on the end result of it it is not going to work. It is going to have a backdoor effect. They are going to get right back out, and it is not going to work. I don't set that as feasible. It sounds good, it glitters like a mackeral, but beneath the surface—

Senator JAVITS. I don't want to get into the mandatory sentences, but it is a fact that the judges have very grave reservation about this curtailment of their discretion. And that goes for judges across the board.

But I would like to ask you one question which may not have been covered, and that is the incidence of gun use and attack in schools up to and including the high school level. Is there any special comment that any of you would like to make on that?

MR. DIGRAZIA. I don't wish to be facetious, but with the situation in Boston these days and with the airport detectors at all of the front doors, we don't have that problem.

Senator JAVITS. Any other comments on the school situation?

They have been used. Guns have been used.

MR. PITCHESS. In the last year we had 30 murders committed in the schools, Los Angeles city schools alone. We just don't happen to have the figures for the remaining 87 cities in the county and the unincorporated areas; 211 guns, handguns, were confiscated during that same period of time.

It is of epidemic proportions in our community, and in tracing these guns back, we find that they are stolen from their parents, stolen from hardware stores, or other retail or wholesale outlets, handguns.

Senator JAVITS. The 30 homicides were with handguns?

Mr. PITCHESS. Yes; give or take a few. I am just giving you that—that is a very accurate figure, and over 211 confiscated off the school grounds.

Mr. PETERS. No appreciable change.

Senator JAVITS. I don't get what you mean by that.

Mr. PETERS. We have had some isolated incidents in schools, but not any more in recent times. We have had more with juveniles, but not necessarily in the campus.

Chairman RIBICOFF. Thank you very much, gentlemen. The committee will stand adjourned until October 24.

[Whereupon, at 12:10 o'clock p.m. proceedings were adjourned to reconvene on October 24, 1975.]

PRESIDENTIAL PROTECTION AND FEDERAL FIREARMS CONTROL LEGISLATION

FRIDAY, OCTOBER 24, 1975

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 3302, Dirksen Senate Office Building, Senator Abraham Ribicoff, chairman, presiding.

Present: Senators Ribicoff, Javits, and Percy.

Staff present: Richard A. Wegman, chief counsel and staff director; David R. Schaefer, counsel; Marilyn Harris, chief clerk, and Elizabeth Preast, assistant chief clerk.

Chairman RIBICOFF. This morning we resume our hearings on Presidential Protection and Federal Firearms Control. We are so pleased to have with us public opinion pollster, Louis Harris, whom I have known for many, many years, whose accuracy is recognized throughout the world, and whose impartiality is respected throughout the world. He will be followed by Dr. Milton Eisenhower, who spends his entire life in the public interest and is Chairman of the National Commission on the Causes and Prevention of Violence.

Mr. Harris, please proceed as you will, sir.

TESTIMONY OF LOUIS HARRIS, PUBLIC OPINION POLLSTER

Mr. HARRIS. Mr. Chairman, it is a great privilege to come before your committee this morning, for there is no subject which has so upset and disturbed the American people for over a decade now than that of the pervading pall of violence which seems to hang over our land and to take such a frightening toll of our citizens, our leaders, and, indeed, threatens to destroy the very fabric of our national life.

I come before you not as a partisan for or against gun control in even the slightest respect. I appear here rather, as a professional, whose task, as I see it, is no less than to report accurately, fully, and fairly on just how the American people see this issue of gun control, and I might add, Mr. Chairman, protection of the President. We have just concluded a major study on gun control conducted between October 16 and October 20 among a cross section of 1,519 adults nationwide and I might say, Mr. Chairman, at my firm's own expense as a public service.

Chairman RIBICOFF. May I add, 1,519 is a fairly broad sample, is it not?

(93)

Mr. HARRIS. If there were 15,000 or 150,000 or 1,500,000 by the way we do it, the results should not vary by more than 3 percentage points, because we can say truthfully that each adult in the population has an equal chance of being drawn into the sample. My basic obligation here today is to report to you and to the people themselves just how they see this issue and what they want done about it. My task, at least as I view it, is to put together what the people out there are trying to say.

Right at the outset, let me report that the American people may have low confidence in politics, politicians, government at all levels, the White House, the Congress, and the U.S. Senate, but they have not lost hope. They do not feel that we are a doomed giant of a nation in the last throes of other empires of the past, where corruption is rife, where the disease of disintegration has reached an advanced stage, and where desperation reigns. A solid 95 out of every 100 Americans believe in our system of pluralistic democracy. But, above all they want it to work.

On the subject of these hearings, by 59-34 percent, as of last week, a majority of the public just in the past 2 weeks told us they do not believe that "this country is inclined to be violent by nature." Despite the hideous record of streets that are no longer safe to walk on, rising violent crime rates, the murder in cold blood of one President, the killing of his brother almost 5 years later, the assassination of the outstanding black leader this country produced in this century, the assassination attempt of a Presidential candidate in 1972, two attempted assassinations of our current President, and countless other traumatic killings of policemen, public figures, bizarre kidnappings, bombings, and other violent acts, our people still are not prepared to say that our legacy is violence. They do not think violence is inevitable. They do not think violence is in our bones, that it is an integral part of the American character.

However, by 77-15 percent, an overwhelming majority also think that "we are slow to find ways to control violence." I think, Mr. Chairman, if I might suggest, the Senate ought to heed that. A 73-20 percent majority believe that "America is an easy place in which to commit assassinations." Obviously, they think there is something deeply wrong with the way we have coped with violence as a grim reality of life in this country in the middle of the 1970's.

Let me take up directly the matter of assassinations of our Presidents. A high 83 percent of the American people report that they are concerned today that President Ford or a candidate for President will be assassinated. More shocking is the additional fact that by 74-19 percent, a lopsided majority of the public is now convinced that "it is impossible for a President to avoid being assassinated if someone really wants to shoot him." At first glance, one might conclude from this result that people are simply being realistic. After all, no matter how tight the security of the Secret Service or local police or other security forces, it is probably correct to estimate that a Lee Harvey Oswald taking dead aim out of a book depository window or a James Earl Ray firing from the blind of a stakeout across from the balcony Martin Luther stepped out on, or a Sirhan Sirhan firing a handgun at close quarters in a kitchen of a Los Angeles hotel to murder Robert Kennedy—all these and other searing events we have lived through could not have been stopped as they happened.

But there is other, deeper meaning to the fact that by 4 to 1 our people think no President is immune to the successful accomplishment of an assassination mission. Just think of it, Mr. Chairman, in this light, if you will.

The American people are saying the incredible fact is that on the eve of our 200th anniversary, this country of ours, a modern, giant colossus of a nation, the possessor of both the most advanced technology the world has even seen, as well as the most destructive nuclear arsenal ever assembled, the leading superpower of the universe, for all of this vast array of power, might, and status, we are virtually powerless and helpless to keep our leader, the President of the United States, from falling the victim of assassination if some strange or demented or crazed individual takes it into his or her head to buy a gun, plot out some point of small public exposure of the President, and shoot him on sight. The shocking fact is that our people are saying that any leader of this democracy must perforce be assumed to live on a regular diet of being in mortal peril whenever he comes into contact with any of his fellow citizens.

At the same time, the public will not opt for having the President become a prisoner of a fortress existence, where he is only seen on television and never in person, where he will not venture forth from a prison called the White House, unless it is to military installations or similar fortresses where the public is to be banned. No more than 9 percent would have this President take that extreme measure of stopping all of his public appearances. By the same token, only 18 percent feel so fatalistic that they are willing to see the President make unlimited appearances in public as has been generally the case in the past.

Instead, a clear majority of 65 percent feel that the President should make only a limited number of public appearances under carefully protected conditions. In essence, the people are not going to give any President in the future high marks for machismo for foolishly laying his life on the line to prove his manhood. At the same time, the people are not willing to tolerate national leadership which, in fear of its own life, must hide from the very people it is meant to represent. The answer is caution and limited and calculated risks in public appearances by Presidents and Presidential candidates.

One element in this central problem of violence and assassinations which is the direct focus of these hearings deals with the availability of guns of all types and kinds in this society. In just going through the public's attitudes on assassinations, one key link to make them so imminent and impossible to defend against, people feel, is the easy availability of guns for assassins to use. An assassin might be successful using some other weapon, but guns are both convenient and lethal enough to efficiently do the job. It is not overstating the case to say that the availability of a gun is a central pivot for the perpetrator of violence, for the assassin who waits in the dark.

As a Nation, the facts show that we are armed to the teeth with guns. Right today, 47 percent of the Nation's households report having a gun. This is markedly up from 41 percent who reported having guns exactly 7 years ago this October, in 1968, when many of the country's cities were burning and when we thought we were in

our most violent internal period since our tragic civil war. Ownership of guns is not distributed evenly among our population.

By region, only 29 percent of people in the East own guns, compared with a much higher 50 percent in the Midwest, still higher 52 percent in the West, and a high of 61 percent in the South. While no more than 30 percent of the people in big cities own guns, 42 percent own one in the suburbs, 57 percent in the small towns, and 68 percent in rural areas.

Although 41 percent of white collar people and 42 percent of professionals own guns, 50 percent of skilled labor people, and a high 53 percent of business executives own one. A somewhat small number of 30 percent of black people own guns, while a much higher 51 percent of white people do. If white people in this country suffer from the illusion of a hostile black population armed with handguns and rifles, then think of how blacks who possess far fewer weapons must feel about the dominant white society that is armed to the tune of two-thirds more than the black population.

Among those who own guns, 70 percent have rifles, 66 percent shotguns, 49 percent pistols or handguns, and 7 percent muzzle loaders. For the most part, 43 percent bought their guns at a sporting goods store, but 20 percent bought it from a friend or other acquaintance, 15 percent from a hardware store, 13 percent from another kind of store, 1 percent from a gun or target club, and a somewhat mysterious 23 percent, that I cannot fully explain, but it is a high number, from "another private source", some of which are pawnshops, gun collectors, and other assorted gun merchants.

I cannot prove this, but the suggestion of these results is that there may be a kind of gun peddling underground in this country that perhaps this committee might want to find out more about because we get a quarter of all guns bought from other private sources, other than these and it suggests some mechanism of selling which at least I am not entirely familiar with.

When we step back and look at this pattern of gun ownership, the commanding and impressive fact is just how pervasive and generic gun ownership has become in this country. Just by way of illustration, more people own guns than dish washers, more own guns than stereo sets, more own guns than smoke cigarettes or drink alcoholic beverages. While 43 percent of the American people smoke cigarettes and 40 percent drink hard liquor, 47 percent own a gun.

We do not have numbers of gun ownership in other countries of the world. But it is probably a safe bet this affluent America, this land of abundant milk and honey, this haven of civilized democratic life is indeed armed to the teeth more than any other people on the face of the Earth, albeit it is our constitutional right to own a gun.

Before reporting directly on how people feel about Federal gun control registration, let me report that by 51 to 44 percent, a narrow majority of the American people do not believe that if laws were passed making it harder for people to get guns there would necessarily be less violence in the country. People in the East, the suburbs, the cities, and union members, all think that there would be less violence. But in the Midwest, South, West, small towns, rural areas, and gun owners themselves disagree. They tend to think that the causes

of violence run deeper than merely the question of how many people own guns or the difficulty they have in obtaining them.

Upon further probing in our survey, it became evident why a slim majority does not feel that gun control in itself would make the violence in the country appreciably decline. We asked the cross section of the public about 16 different possible contributors to violence, and for each, whether it is viewed as a major or minor contributor to violence in the country today or hardly a contributor at all.

At the top of the list, cited by 75 percent as a major contributor to violence, is organized crime, which our people feel our law enforcement officials have just not brought to hand at all. Next came a cluster of militant and revolutionary groups, 65 percent; black militant groups, 61 percent; urban guerrilla groups, 61 percent; Communist, 54 percent; left wing radical groups, 54 percent; and extreme right wing militant groups, 52 percent. Note well that the extremes of both the left and right are viewed as almost equally harmful and dangerous in generating violence. I will suggest, Mr. Chairman, that anyone who tries to lay violence to the exclusive doorstep of one ideological group of the left or right is flying in the face of public credibility in this country.

Then, below these forces of organized crime and radical, revolutionary groups, and standing alone, important in its own right, is "The easy availability of guns." A substantial 49 percent of the public believes this easy access to guns is a major contributor to violence, another 29 percent feel it is a minor contributor, and only 18 percent say it is "hardly a contributor at all." It is fair to conclude that the reason 51 percent feel that gun control laws would not necessarily mean less violence is that there are organized groups in this society who would know how to possess the weapons of destruction no matter how many laws are on the books, and therefore gun control by itself would not do the job alone. Clearly, people want vigorous action taken to curb organized crime and to curb the militant, radical, and revolutionary group who engage in violent activity, and that is a higher public priority than gun control.

But gun control in turn outstrips a number of other favorite targets often blamed for violence in this country. Television crime shows are viewed as a major contributor to violence by 41 percent, press coverage of violent acts by 36 percent, citizen vigilante groups who train people to handle guns by 35 percent, Congress not passing strict gun control laws by 35 percent, the President for not pushing hard for strict gun control laws by 29 percent.

Bringing up the rear on this list of major contributors to violence are the National Rifle Association, seen as a cause of violence by no more than 14 percent and hunters who hunt animals by only 9 percent. Let me make it clear that I am not passing judgment on the soundness nor wisdom of the public's view here this morning, nor the accuracy of its knowledge about just who does or does not contribute to violence. But I would have to say that those favoring gun control who have painted the National Rifle Association as a prime generator of violence in its opposition to gun control legislation have simply not made a dent in the reputation of the NRA. Perhaps, that is one reason why that organization is so effective.

The point, however, that does emerge from this last set of findings of our study is that 68 percent of the American people are now convinced, the NRA notwithstanding, that "easy availability of guns" is a contributor to violence in this country. That is an impressive number, for it means two out of every three adults are convinced of that fact.

Thus, we come down to the basic measurement of just what kind of legislation on gun control people favor or oppose. On the basic proposition of "Federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where the purchases are made," the public would favor such laws by a decisive 73 to 24 margin. This latest result marks an increase from a comparable 66 to 28 percent majority who favored such legislation back in 1967.

Now, among key groups in the population, in the East, an 85- to 12-percent majority favors gun control registration; in the Midwest, it is 73 to 23 in favor; in the West 70 to 27 percent in favor; and in the South, least of all, but still, 62 to 34 percent in favor. In the big cities, it is 76 to 19 percent in favor; in the suburbs an even higher 78 to 20 percent in favor; in the smaller towns, where we saw gun ownership quite high before, 73 to 25 percent in favor, and in rural areas 64 to 32 percent in favor. Now let me get to the key dimension of gun ownership. Among nongun owners, whom I might add, Mr. Chairman, also have rights on this issue, a high 83- to 13-percent majority feel that gun registration laws must be passed. Among all gun owners, a significant and revealing 63- to 34-percent majority favor such legislation. And among handgun owners, a 64- to 33-percent majority favor such legislation.

Now let us take further two acid test questions we asked. The first deals with rifles and the proposition that no person in the country could buy a rifle without first getting a permit by law authorities. By 66 to 30 percent, a solid majority would favor that provision. Among all gun owners, a 54- to 42-percent majority would favor the necessity to obtain a permit before buying a rifle. Among those who own a handgun, a narrower 51- to 43-percent majority would favor it. Now on requiring that all handguns people own be registered with Federal authorities, a 77- to 19-percent majority, the highest yet would favor that law, up sharply from a 66- to 30-percent majority who felt the same in 1971. Among gun owners, 69 to 27 percent favor mandatory registration of all handguns, and among those who own a handgun, 61 to 33 percent would be willing to submit to registration themselves.

These results are decisive and beyond any doubt of whether the American people favor gun control. The answer, decisively and firmly, is that they do. They do not see gun control as a cure-all to violence in the country. They do not see violence being stemmed easily or quickly by it. But what they are saying as I read and hear them is this: We want Federal control of guns quickly and decisively. We do not believe such a step will make our country all calmness and tranquility, nor that violence will go away. But we view gun control legislation as a necessary, critical, and primary first step. It is better to control guns than not. It is better to try to alleviate the boiling pressures of violence through gun control at the Federal level than to leave it to chance, and to then come up one day an aggrieved Nation mourning the loss

of another leader, ashamed because we are little better than the most primitive society, that our claim to civilization has been made a mockery of again.

This matter of violence is both our national trauma and our national shame. Gun control will not do the whole job, but we must begin somewhere. There is as clear a national mandate for this committee, for the House, and for the Senate as any you have ever had. Mr. Chairman, the cries from the people this morning, not born out of despair but certainly with much anguish, are: Do the job effectively and quickly, for there is a peril stalking us every day of our lives and it is time enough to snuff that peril out decisively, before it is too late.

Chairman RIBICOFF. Mr. Harris, you and your organization have rendered a great public service today. You have been involved in polling for many years. Many of those years you polled for men in political life.

Mr. HARRIS. I did indeed.

Chairman RIBICOFF. The three men that you are talking to on this committee are all deeply committed to gun control along the lines suggested by you. Yet, we represent a very small minority in the Senate of the United States or the House of Representatives. The three of us have polled, too. Once in a while a politician will take an issue based on principle instead of percentages. But most politicians look at the percentages from pollsters as if their very life depended on it. With the figures you have given us, 73-24 percent of the public favors such laws, it goes through every segment and every geographical location in varying degrees, gun owners and nongun owners. How do you explain the reluctance of politicians and officeseekers and officeholders to advocate registration and licensing and gun control?

Mr. HARRIS. Mr. Chairman, I think you have operating, as I have observed it, the phenomenon of a clear minority. We can prove it is a minority, who oppose gun control, but that any minority being mobilized by forces such as the National Rifle Association and others at the time of election to have a single issue approach. People who are, say, members of the NRA are solicited and urged, as in the case of one of your former colleagues, Senator Tydings, of Maryland, who, I think, widely was attributed, partly the loss, at least, to the gun control issue where he came out in favor of gun control and lost. You can arouse, exercise, and get out to vote a minority who cares about a particular issue, and gun control is just one illustration of that, while the vast majority may oppose what that minority feels, but will be motivated to vote for all reasons, but that. It seems to me that what you have not had in this country are very many people running for office who make gun control a front and center issue, and then take the pain and trouble to go out and organize their natural constituency on it.

Chairman RIBICOFF. In other words, a natural constituency, the overwhelming majority of the American people, are for gun control?

Mr. HARRIS. No doubt about that.

Chairman RIBICOFF. But the politician has to have the courage to take on an organized minority?

Mr. HARRIS. That is true.

Chairman RIBICOFF. Is there any proof Joe Tydings lost just on the gun control issue? He happened to run against a very attractive,

experienced, independent individual who might have had appeal beyond the gun lobby, did he not?

Mr. HARRIS. No one can say that he might not have lost, Mr. Chairman, even if there had not been a gun control issue. But I have seen some data which would indicate that the gun control issue had some effect. But I think the answer is that the countervailing majority in that campaign and where this is used is not adequately organized. Mr. Chairman, may I suggest something else that is broader, really, than these hearings, but I feel obliged to say this. I think the day in American politics when these appeals to specialized minorities, and I have certainly in my lifetime before I gave up polling for candidates even recommended this, so I have to confess some guilt in perpetrating the system, the idea would be to get 14 different segments of the given electorate, or it might be 50, but you get all these minorities, find out what appeals to them, say to them, "Look, I can get this for you, I will serve your special pleading or get you something special," and hopefully, on election day they will add up to more than 51 percent. I would say as a result of our divisions over Vietnam, as a result of the trauma over Watergate, as a result of the hard times we are living through now, we find, contrary to popular belief that is prevailing wisdom along the banks of the Potomac, Mr. Chairman, a tremendous and growing community of interest in this country. People wish that their leaders, one of the reasons for the decline of confidence in leadership is that they wish, just yearn for leadership which will see a larger community of interest beyond these specialized segment interests out there.

I think this gun control issue, if I might suggest, is a primary example of this.

Chairman RIBICOFF. We have a situation in the United States today where you have the President of the United States who is unwilling to take on the gun lobby. I mean he has come out against gun control. To my knowledge, no Democratic candidate for the Presidency today is willing to take on the gun lobby.

Senator Kennedy, who is not a candidate, is the only man in the national limelight who is willing to take it up. The overwhelming number of Senators and Congressmen are unwilling to take it up. Yet, from your figures you disclosed that, should a candidate for National, State, or local office be willing to go to the mat on this issue and go to the people strongly with this issue with the figures you have, television, press, public appearances, and make it an issue, that the public will respond positively for that candidate as against a candidate who ducks it, trims on it, or goes along with the gun lobby, is that not so?

Mr. HARRIS. Yes, Mr. Chairman. I think implicit in my testimony this morning, I would like to go back and dwell on it at this point because I think it involves how adequately those who favor gun control communicated. As I have studied the opposition to gun control, the basic argument used against gun control is, well, if you make it more difficult for people to get guns, all the innocent people who want guns for a variety of perfectly legitimate reasons will find it more difficult to get a gun. But a person who wants to be a criminal or an assassin or commit some act of violence always will be able to get a gun. Therefore, it is concluded gun control will not stop the use of guns nor stop violence.

We tested this, and indeed we found by 31 to 44 percent a majority of people say, yes, if you have stiff, tough gun control legislation, it will not necessarily curb violence. But, you see, if you stop right there, and if I might suggest, Mr. Chairman, the candidate who goes out and leaves his dialog at that and argues on the point of saying gun control is the absolute *sine qua non* to controlling violence, and then the counterargument is made, he will lose on that. The key is to be able to say something quite different. It is to say, "Look, I recognize there are many causes of violence in this country. We have organized crime. People think that is number one. We have urban guerrillas on our streets. We have a whole host of left wing-right wing radical groups committed to violence."

People say these are more important than gun control. But in third place, and very important, two out of three people say that a contributor to violence, either major or minor, 49 percent say a major contributor, is the "easy availability of guns." So, that the reasonable answer is, look, if we do not try to control guns, if we do not try to make guns more difficult to obtain, then we run a much higher risk of violence being created and continuing and accelerating.

Therefore, what people say is, not as an absolute, not as a cure-all, but rather as a first basic step, gun control is an essential. I think if a candidate, if I might suggest, made that case in this way, I think even those States, I could name a number of them where you have a high rural population, a very active hunter population, a highly organized gun control lobby, I mean opposition to gun control lobby, I think he could prevail with the people of that State. That is the evidence we have.

Chairman RIBICOFF. In the average State, I know in my own State of Connecticut, I don't know the 50 States, you have to get a license to go hunting. Is that not right?

Mr. HARRIS. Yes.

Chairman RIBICOFF. And there is no objection. You have to get a license to go fishing. You have to get a license to drive an automobile.

Mr. HARRIS. But not necessarily a permit to own a rifle.

Chairman RIBICOFF. That is right. But you do have to get a license. You have to go to some central place to get these licenses.

In the State of Connecticut, it happens to be the town clerk's office. You go to the motor vehicle department to get a license to operate a car. So you do have these restrictions on the complete freedom to do anything you want. Your figures now indicate that as far as the American people are concerned, overwhelmingly, North, South, East, West, urban, suburban, rural, gun owners, nongun owners, there is an overwhelming number who have no objection to registration?

Mr. HARRIS. That is right.

Chairman RIBICOFF. So, if a candidate pointed this out, and the fact that a law-abiding citizen should not be concerned with registering a gun, he would have a positive political issue.

Mr. HARRIS. Absolutely. Especially if he emphasized the need to register handguns. I was struck by this in most of the data I have observed, as you get a growth of handgun ownership, violent crimes increase. It is just like a one to one relationship here. Yet, even among those, and I might say, Mr. Chairman, I prorated it out here this

morning coming down, 17 million American households, close to 1 in every 4, has a handgun in it. That is not used for hunting animals, Mr. Chairman. That is, if anything, used to hunt human beings in some way or to defend against human beings.

Handguns are an antihuman weapon. In some cases merchants, we found businessmen very high in ownership, feel it is necessary to have them to protect themselves. I am not saying they are not justified to have them. But the notion of registering handguns, maybe the most lethal of all these guns, runs higher.

The people seem to have the sense that handguns, I suppose as George Orwell said, are more equal among all guns in terms of their lethal qualities.

Chairman RIBICOFF. In other words, you or any political pollster, could sit down with these figures and build up a scenario for a candidate for public office to use the issue of registration of handguns as a positive vote-getting technique, instead of a negative technique?

Mr. HARRIS. Right.

Mr. Chairman, I do not advise candidates any longer since I write a column for 260 newspapers twice a week. But back when I did advise about 240 candidates, as one who went through all those elections, I would judge the handgun issue to be one where a candidate, leave aside convictions, which should be the prime motivation of the candidate, but leave that aside, just the coldblooded notion of, "Is this a positive or negative issue for a candidate," I would say across America this is an issue that could help a candidate, and the man who gets up and says he is opposed to strong gun control by the Federal Government I think that candidate in 1976 elections, to put it figuratively, will have his head handed to him by the voters.

Chairman RIBICOFF. What you are saying is that if a candidate for statewide office would have the courage of being positive on this, and people knew where he stood, whether they would agree with him or not they would respect him for his honesty and dedication and he would be riding along with what the overwhelming majority of the people believe?

Mr. HARRIS. That is correct, Mr. Chairman.

Chairman RIBICOFF. It is really strange.

Mr. HARRIS. May I make a suggestion? I do not come here to abuse the people of the Senate or House, or people who run for office, but I would say that one of the basic troubles we find and one of the root causes of why leadership, politically in the political area, has fallen from grace precipitously in this country, you cannot get more than 13 percent of the public today who has a high degree of confidence in the people running the Congress or White House—why? As I have studied this, one of the major reasons, I think, behind it is that people get elected or hear about people who did not get elected in the past for a variety of reasons. Once having won on a whole combination of circumstances, I find far too many people in public office, who hold elective office, who will go to their graves swearing by what elected them 10, 15, or 20 years ago. I might suggest, Mr. Chairman, the trouble with leadership is, that which spends 20 years clawing its way to the top and then finds itself 20 years out of date. I think our politics are changing drastically. Those who will point to cases such as Senator

Tydings or others who were supposed victims of opposition to gun control, I will go so far this morning as to say, I think we will see in 1976, if someone takes national leadership on this gun control issue, you will see some casualties on the other side; that those who dared to oppose gun control will be casualties as opposed to those who dared to stand up for gun control being casualties.

That is how radically, I think, the American people are changing.

Chairman RIBICOFF. You have just given every candidate a \$15,000 free piece of advice he could use. I think the three of us here have run for office a few times. We have been consistently for gun control in our entire political years.

I think all of us have had the active opposition of the gun lobby, but it has not hurt our political success at the polls. We are very grateful to you, Mr. Harris. This is very significant. The three of us are really dedicated to trying to turn this issue around. Can we do it? I don't know. Every time there is an attempt to try, we are beaten abysmally. We represent a very small minority. And yet we are speaking for the majority of the people.

The only way that I see we can make this turn is to continuously take an issue like this and stay with it, because not only is it a correct issue on the basis of principles, but it happens to be politically feasible, too.

Thank you very much, Mr. Harris, for your public service and this poll.

Senator Percy?

Senator PERCY. Mr. Harris, we certainly all appreciate what you have done in this survey and taking this forum to reveal this information to us. Why do you suppose it is that with only 19 percent of people opposing the registration, national registration of guns, that the pro-gun-control people have proven to date to be so weak and politically ineffective with respect to moving the Congress to do what such an overwhelming majority of the people apparently want them to do?

Mr. HARRIS. Senator Percy, I would like to suggest that the reason why you have had a minority with, in effect, majority control when it comes to the voting level, is that you have not had very many leaders in this country who have had the courage to stand up against the prevailing wisdom, which in this case is that at your peril, you can afford to advocate gun control. You may vote for it, you may talk quietly about it, but if you get out there really rallying the people, you are supposed to be in the deepest kind of trouble. I suspect from all the evidence we have that if you had a concerted effort on the part of leadership right here in this room, right here in this Congress on Capitol Hill, maybe hopefully across and down Pennsylvania Avenue, from the White House, if you had both of those, I think, political people would be absolutely astounded at the enormous positive public outburst. Why? Because there is an issue which goes deeper than just gun control here. It is this terrible national shame and trauma of violence which has been visited upon us.

I do not think any of us were raised to believe that we were just inherently a violent country which warranted this and was dedicated to it and doomed to it. This has seriously distressed people. The reason,

as we know now, from the survey we have conducted, we know that the recent attempts on President Ford's life stunned the country. Stunned the country. And they said, "Oh, God, not again. Are we going to have to go through this national shame and grief?" You know, here we are a postindustrial civilization, advanced society in many ways, and in the end we are so primitive that the only way a President can survive is to hide from his people. I do not find, though, leadership making this case. And I don't know why.

So I would suggest that the water is not only wide open, it is rather warm for those who would go into it. Maybe you ought to urge some of your colleagues to join you in it.

Senator PERCY. I would like to advance the theory as to why more leaders do not step up to the line and, as you say, bite the bullet on this issue, because of the realistic knowledge that we have that there are certain one issue voters in this country. They will feel so strongly about one gut issue that it doesn't matter what you do on all your other voting record. You can sit there and tell them about the 17,000 votes you have cast, and ask if they are going to be so narrow as to judge you on just that one vote, and they are going to turn around and say "Yes." I point out the highway trust fund and the highway lobby. When I came out against the highway lobby to abolish the trust fund, and I am still for doing it, I began to feel a little pressure. And there is the issue of the right to life. They are very strong and very militant.

Mr. HARRIS. Right.

Senator PERCY. There are Zionists, and I think we all know that there are certain issues, one-issue voters, I don't care how humanitarian you are on a thousand issues, you either vote right or wrong on the issue of Israel or you're dead. And that holds true. We have not seen in gun control, on the pro-gun-issue side, a strong assertion. They have not made it feel strong. But the gun control lobby on the other side has made it on one issue. They can be small, but it can be the issue. Would you agree that there are one-issue voters?

Mr. HARRIS. Oh, yes. But I think the way to treat that in order not to be victimized by these one-issue causes, I think you have to make it plain and clear to the majority of the voters that in your taking the stand, you have run the risk of being run out of office, not by a majority, but by people who say, "This is the only issue on which I want to vote." And then put it up to the rest of the voters, not once, but over and over again.

I know back in my former life, working campaigns, I worked with Senator Ribicoff back in 1960, with President Kennedy. I remember saying, "You have to say these things over and over and over again. When you never want to say them again and when reporters stuff their ears with cotton, you have to say them over again." If you said over and over again, are you going to let me be victimized by a minority here who oppose gun control and make that the only issue, or are you going to vote your convictions on this? That is the way I think you make it. But if you leave the forum, so to speak, to one side and one set of voices, and they do all the organizing, and they have the dialog going one way, then indeed they can be very effective.

Senator PERCY. Do you have any information, Mr. Harris, as to how many people on either side of the issue feel strongly enough about it to really write their Senator or their Congressman? Could

you tell us what effect that might have if the minority feels strongly and right, and stands up in public sessions and constantly pounds away, and the majority are silent about it? What is the Congressperson in a swing district likely to do then on that issue?

Mr. HARRIS. I think, again, Senator, if I might suggest, this business of how much mail you get is hardly a function of what people feel deeply without much prodding. But to a larger degree, it is also how the focus of issues is made. In other words, and I cannot do the committee's business or even suggest it, but if what Senator Ribicoff suggested, the chairman suggested, that let's say you three, for example, stand as a very lonely minority here, I think if you made it clear to people that you were a lonely minority in the face of this overwhelming public support, and that for some strange reason forces have either gotten to or persuaded a majority of the Senate not to vote for stiff gun control legislation, I think you would find people's sense of moral outrage aroused and their sense of justice somewhat violated. This is a very delicate issue now following Watergate where people feel that justice is meted out rather selectively in this country. And again, if they feel the public will is thwarted, not that the public is right automatically, or that what majority feels should be legislated automatically, but the public, having lived with this issue for well over a decade now, assassinations and growing violence, if they feel their will is being thwarted by some contrivance of a minority, I think you will find quite a flood of letters coming to not only yourselves, but to all kinds of Congressmen and Senators.

Senator PERCY. To the urban dweller, crime is one of the absolutely top issues in his mind. Across the country, a major issue is ever larger government, more regulation, more control. How do most people view gun control? Is it an issue of ever-encroaching government against individual rights, or is it an issue of crime, and law and order, and a means of controlling crime?

Mr. HARRIS. Let me pick you up on something earlier. One of the phenomena that we found this past year, it used to be 5 or 6 years ago that big cities were used as the central, or people in big cities felt more acutely about crime, felt crime was increasing. One of the phenomena we have observed over the past 2 or 3 years, and quite a shift, and the official crime statistics bear out what the people have told us, is that, believe it or not, the most rapidly rising crime rate in the country and where people feel most apprehensive, of changes to become more apprehensive, about crime and safety and fear of violence, believe it or not, is in the South. And where in the South? Not in the big cities in the South, but rather in the small towns of the South. So, what we have had is this whole bit about crime, violence, worry over safety being a northern big city phenomenon has now penetrated to just about every part of the country with a real rise in apprehension taking place in smaller communities, both in the Middle West and the South, but more particularly in the South.

So, I think the notion that this is something which is peculiarly a big city problem, you get a lot of that on a lot of other issues, such as the plight of New York and others these days, we find is a national issue. It is one, if you take gun control by itself, it is not the top priority in curbing violence, I hope I made that clear, but it is viewed

as a lot more important than the whole series of other things people use. They will say, "Well, if you want to avoid violence, tell the media not to report it as much." Well, media reporting is, what, 35 percent think that is the major cause of it. It is not insubstantial, but it is way down below what is viewed, for example, organized crime, 75 percent view it as the major cause.

I think it sorts out where gun control comes in sort of the pecking order of importance. I would say it is not the most important issue in terms of curbing violence, but it certainly ranks among the major steps that could be taken.

I would say this, if I could speak on behalf of the public survey: if you do not show soon, it is very late in the day, and you do not soon show some visible action which this committee, the Senate, the Congress, this Government, this Federal Government takes toward doing something about violence, then all you will do is feed this sense of lack of confidence, sense of impotence, cynicism. What people will say, they have not yet, but they will say it, certainly, then, the people in power must be either benefitting themselves personally, or for some strange reason they are in cahoots with crooks, criminals, and thieves or people who perpetrate crime because what other reason can there be for them not to take action on this issue of violence. And gun control is an important part of that.

Senator PERCY. The colloquy that you and Senator Ribicoff had would lead me to believe that the key message that can be gained from your testimony today is that it is a myth that a politician will be destroyed if he takes a strong position on this. But it is up to those that are pro gun control to make their voices heard, is that correct?

Mr. HARRIS. Absolutely.

Senator PERCY. Just to clarify your own survey, you gave the percentage of people who own guns in each region of the country. Do you have any idea how many in each region own handguns? ¹

Mr. HARRIS. We have that, and I can furnish that to the committee.

Senator PERCY. I think we would be interested in that. Also, you have shown an overwhelming ratio of people who would favor national registration of guns. Do you have any data that would give us information as to what proportion of our American citizenry would actually favor the banning of possession of a handgun, first in a high crime area, and then nationwide?

Mr. HARRIS. Senator, I am sorry to say that I did not put this in our survey. I will be delighted the next time we go out to get the answer to that.¹

Senator PERCY. I think that is something Senator Javits and I, all three of us, would be particularly interested in. We put legislation in that would directly relate to that. It would help us to know how much support we have.

Chairman RIBICOFF. When you get those figures, would you please furnish them to our committee?

Mr. HARRIS. I will, Mr. Chairman.

Senator PERCY. Thank you very much indeed, Mr. Harris, we appreciate it.

Chairman RIBICOFF. Senator Javits?

¹ See p. 141.

Senator JAVITS. Mr. Harris, as author of bills in this field and working with my colleagues who are here, I am very impressed with your statement. You're very, very helpful in what you are doing. One thing strikes me very importantly in the survey. I would like to know whether you feel the same way. That is the relationship of the present figures with previous figures. There appears to be mounting support now. Take these two factors for example. You say that on the basic proposition that a Federal law which would control the sale of guns such as making all persons register all gun purchases no matter where the purchases are made, the public would favor such laws by 73 to 24. The latest result marks an increase from a comparable 66 to 28 who favored such legislation back in 1967. Do you consider that that represents some new awareness, that proportion of differences, even though the time is about 8 years?

Mr. HARRIS. Senator, the sad fact that I have to report, I say sad in the sense that we find two things rising simultaneously. We find the ownership of guns rising, from 41 to 47 percent over, let's say, the last 7 years. We also find the number of people worried about violence rising. At the same time, we find the number who favor the passage of stiff gun control legislation rising.

Yet strangely, we do not find gun control legislation being passed. In other words, it is almost as though with violence rising, more people are arming themselves to the teeth in self-defense in the absence of any action by their Government.

Senator JAVITS. Doesn't that tie in with the finding that they are kind of giving up on government?

Mr. HARRIS. I would say that people, and I said at the outset, 95 out of 100 people have not given up on the system. We watch that closely because I think people can only go through so much disenchantment before we begin to get rising numbers of people who say maybe the system isn't that good. Up to now, they have had remarkable patience. But I would say if you get inaction on something like gun control and a whole host of other issues, I can well see people saying "I have got to depend on myself because I cannot rely on my government."

Senator JAVITS. There could be an abrupt shift, therefore, in faith in the system should that persist?

Mr. HARRIS. There could very well. We have found without doubt in almost every area, people are now more confident about themselves as people than they are about government. I will give you an analogy out of air and water pollution. We have asked this every year out of the last four and it has not changed a great deal. We asked them, "Who do you think would be most effective in enforcing air and water pollution. First, local government. Two to one, negative. State government, 3 to 2 negative. Federal Government, 4 to 3 negative. Then we say, citizens groups of people who would point out violations to the Government. You get 2 to 1 they think this would be effective. People trust themselves much more than they do Government. But I think, Senator, if I might suggest, as Shakespeare said, "The fault, dear Brutus, is not with the Gods, but with ourselves." I think the Government ought to look to itself on this.

Senator JAVITS. I thoroughly agree with that. Would you say, therefore, that we need as effective a private citizens organization as the

National Rifle Association, which seems to be the principal culprit in holding off gun legislation, but has not been held publicly accountable for it?

Mr. HARRIS. Given these numbers, I think I can say a vast majority of the public would be highly relieved and vastly pleased and highly contributive to an organization of citizens dedicated to gun control.

Senator JAVITS. Of course, Mr. Eisenhower is going to follow you. He is prominently connected with at least the beginnings of such an effort which is long overdue. It is really very late in coming.

The other point I would like to establish with you concerns registration. The total in favor of legislation with the Federal authorities is even higher than on the general proposition of gun control, is that not so?

Mr. HARRIS. Handguns particularly, yes.

Senator JAVITS. There, too, would you say you have a sensational rise from national attitudes reported only 3 years ago in 1971?

Mr. HARRIS. Yes; that is a very precipitous rise, a 11-point rise in 4 years is a very substantial rise. I think what it is, people are highly aware of the fact that, as I think I said earlier, but I will repeat it, that handguns are basically an anti-human weapon. And, therefore, most of the lethal results from the use of guns are likely to occur from handguns, and I think people make a priority here.

What is significant though, and I think again this survey closes a loop on one of the arguments I have heard made, to say, "Well, why should you then hinder and impair the freedom of individuals to own in an unfettered way rifle for purely sports purposes in the name of handguns," you see. Well, we find that even rifle owners, the majority of rifle owners are perfectly willing to say, I should get a permit from Federal or local authorities before I can get a rifle, which means, in effect, you have got a record of all those. If a friend sells a rifle or handgun to someone else, or worse yet some kind of, as I suggested, underground exists, 23 percent say some sort of mysterious channels of getting them, they realize that that is a violation of a law. You haven't registered it. Or if you haven't received a permit, I think that becomes quite a deterrent here.

Senator JAVITS. That is the high-water mark of public approval for the registration of handguns with Federal authority?

Mr. HARRIS. Yes.

Senator JAVITS. That has shown the most sensational rise, that is the biggest majority?

Mr. HARRIS. Yes.

Senator JAVITS. Finally, I found the figures on page four very interesting. They relate to the sources of guns, and especially, where people acquire them. The analysis of this would indicate that registration would go a long way toward dealing with the lack of identification of those who use handguns for criminal purposes, because it certainly would unearth a material part of that mysterious, what you call mysterious 23 percent from miscellaneous sources including, I assume, stealing them.

Mr. HARRIS. Senator, the thing that does not impress me about that number, is this I cannot prove, but it is strongly suggested, is if anyone comes into a community, almost any community in America, and goes to the right street corner, or wherever, where he kind of

sniffs out, this is where he might find out about it, and asks where can I get a gun, apparently there is no trouble at all in finding a place, any hour of the day or night, where he can get a gun, probably a Saturday night special.

It is interesting to me, because there is no reason for people who have got guns through some rather, some nefarious, or through a questionable source, to say they could have said they got it at a sporting goods store, but another private source, there is a kind of open currency that exists around the country, and that is rather staggering.

Chairman RIBICOFF. Also, you state the 43 percent bought their guns at sporting goods stores, 15 percent of hardware stores, and 20 percent from a friend. That accounts for 84 percent of it. Let's see——

Mr. HARRIS. Senator, the reason they add to more than 100 is we found the average person that owns a gun, they own more than one, they own 1.3.

Chairman RIBICOFF. I am looking at this, if you have 43, that would be 78 percent.

Mr. HARRIS. Yes.

Chairman RIBICOFF. Even with the most primitive administration of this registration law, that would certainly be enough to make a very real and very material change in the situation.

Mr. HARRIS. Senator, as I understand, it is not illegal today for a lot of different sources to sell guns, is it?

Chairman RIBICOFF. Exactly. It is not illegal, nor is it illegal to transfer them and to give no notice to anybody.

Thank you very much. We are very grateful to you, Mr. Harris.

Mr. HARRIS. Thank you.

Chairman RIBICOFF. Our next witness is the Honorable Milton S. Eisenhower, president emeritus of the Johns Hopkins University and former chairman of the President's Commission on the Cause and Prevention of Violence. Welcome to the committee, Dr. Eisenhower.

TESTIMONY OF MILTON S. EISENHOWER, PRESIDENT EMERITUS OF THE JOHNS HOPKINS UNIVERSITY AND FORMER CHAIRMAN OF THE PRESIDENT'S COMMISSION ON THE CAUSES AND PREVEN- TION OF VIOLENCE

Dr. EISENHOWER. Mr. Chairman and members of the Senate Committee on Government Operations:

I am Milton S. Eisenhower, president emeritus of the Johns Hopkins University and former chairman of the President's Commission on the Causes and Prevention of Violence.

I am here in response to an invitation from a member of this distinguished committee and am happy to testify, hoping that what I say may be moderately helpful to you in your important deliberations.

I apologize for not having given you advance copies of my statement, but I completed it on short notice. I shall leave copies with the committee staff.

Mr. Chairman, my statement will take about 17 minutes, and in the first 5 minutes you may think I am not pointing directly to the issue

before you, but may I assure you that the material is essential background for the suggestions I shall make.

For 18 months, from June 1968 to December 1969, the Commission of 13 members which I headed, had the assistance of more than 200 lawyers, criminologists, sociologists, psychiatrists, law-enforcement officers, and other specialists who studied objectively and with deep concern the growing tide of violence in the American society.

In the decade ending in 1968, the rate of violent crime in this country increased 100 percent, and it has increased each year since then. Fear dominates our cities. Fear is driving many who can afford to do so to flee to the suburbs which are becoming armed camps and electronic sanctuaries.

The tax bases of cities are declining, tax revenues in many fail to support adequate public services, bankruptcy threatens one city, and the ability to govern cities successfully is brought into question.

The Violence Commission solemnly declared its conviction that crime is threatening the very character of American life and that we now need to be as concerned by internal dangers to our free society as by any possible combination of external threats.

The Commission submitted to the President a report which contained 81 recommendations, only 2 of which were not unanimously adopted by a diverse group of liberals, conservatives, Republicans, Democrats, independents, lawyers, educators, judges, and scholars from widely scattered geographic areas.

When we first met, our views were divergent. That we achieved unanimous agreement on all but two recommendations was due to the fact that for 18 months we studied the frightening facts and soberly reasoned together about causes and solutions.

Unfortunately, our report was never presented to the Congress by the President. It gathered dust, as have so many reports of Presidential Commissions.

A brief summary is obviously inadequate and possibly misleading, but I venture to compress our findings and suggestions into three general areas.

First, we urge a gradual expansion and improvement in the quality of all phases of the criminal justice system.

Our carefully compiled estimate indicated that in 1968 there were more than 9 million serious crimes committed in the United States, including homicides, rapes, robberies, burglaries, larcenies, auto thefts, and aggravated assaults, about half of which were reported to the police and the Federal Bureau of Investigation.

Of the 9-million crimes, 12 percent resulted in arrests of suspects, 6 percent in convictions or confessions, often at reduced charges, and only 1½ percent in incarcerations.

In the 6 years since then, most crimes in the categories I have mentioned increased substantially each year, but the percentages of arrests, convictions, and incarcerations did not change appreciably.

As the distinguished lawyer who served as our executive director said, the criminal justice system does not detect, does not convict, and does not correct.

We recommended a gradual doubling of Federal, State, and local investments in the criminal justice system, including more and better **trained police, more judges, and more and improved jails and prisons.**

Second, we recommended a massive and persistent attack on the social causes of crime. We are now an urbanized society, with more than 70 percent of our people living in cities or their suburbs. The rate of crime in large cities is seven times that of towns under 10,000 population, eight times that of rural areas.

In the cities, violent crimes are overwhelmingly committed by males. They are concentrated especially among male youths between the ages of 15 and 24 but in a single decade young males in the 10 to 14 age group threatened to catch up with 300 percent increase in assaults and a 200 percent increase in robberies.

Violent crimes in the cities are committed by individuals in the lower end of the occupational scale. It is not surprising, therefore, that violent crimes stem disproportionately from the ghetto slums where most black residents live. But I emphasize that all research evidence indicates that blacks inherently are no more criminogenic than whites. Environmental conditions, lower employment rates, racial concentrations, broken homes, discrimination, inferior education, and a host of other factors—not race—are responsible for the conditions I have mentioned.

The victims of violence in the cities normally have the same characteristics as the offenders, save for robberies. Robbery victims are usually older whites.

Usually the violent crime of homicide is an act of passion among family members, friends, and acquaintances.

About 60 percent of all serious crimes are committed by repeaters, a fact of crucial importance in considering the question of gun control.

To overcome the social causes of violence will require manifold actions over a long period of years and at high cost. And it will also take time and considerable cost to expand and improve the criminal justice system.

But the third area of the Commission's study, to which I now turn, can be started quickly, and the cost would be reasonable.

The concealable handgun is the favorite weapon of first offenders and recidivists alike.

There are at least 40 million concealable handguns in the United States and the number is increasing about 3 million each year.

Two out of every three homicides are committed with handguns. About 25 of each 100 aggravated assaults are committed with handguns; 2 out of 3 armed robberies are committed with handguns. The fatality rate of handgun victims is five times as great as those attacked with switchblade knives, the second most lethal weapon used by criminals.

Our Commission recommended and I earnestly urge this committee to foster legislation which will prohibit the manufacture, importation, distribution, and sale of concealable handguns; that the possession of handguns be made illegal, save for especially excepted groups; that the Federal Government pay a reasonable price for each gun surrendered; that only police, military personnel, possibly bank guards, and a relatively few others who could make a convincing case for ownership be granted licenses for possession of handguns, and that licensed individuals be prohibited from giving, selling, or otherwise transferring such guns to others.

The Commission concluded that the best method of accomplishing this is for a comprehensive Federal law to be enacted, with definitions,

standards for obtaining licenses, and penalties for violations set forth in detail, the Federal law to become effective in those States which do not within a stated period, say 3 years, enact legislation which meets the requirements and standards of the Federal act.

Though more than 70 percent of the American people in poll after poll over a period of 15 years have expressed deep concern and have favored various types of gun control, powerful forces are working against the adoption of essential legislation.

I have personally, I may say, been bombarded with hysterical and occasional threatening letters since the Commission report was published in 1969.

Citizens in all States are constantly bombarded with propaganda which says that gun ownership is guaranteed by the Constitution. The people of this country should be told time and time again that the Supreme Court long ago ruled that the relevant provision in the Constitution applies to the militia, not to individual gun possession.

The propagandists say, and many believe, that the Government does not have the authority to require a private citizen to surrender a handgun whose only purpose is to wound or kill.

Those who circulate this falsehood seemingly approve police raids in private homes to confiscate drugs, from marihuana to heroin, and they ignore favorable court rulings in States which limit private ownership of handguns.

Many persons mistakenly but honestly believe that in our crime-ridden society a gun in the home is essential for family protection. Less than 3 percent of killings by robbers occur in private homes, and the best evidence available indicates that only two-tenths of 1 percent of home robberies result in firearm injuries to intruders.

Yet these guns in the home are responsible for from 50 to 80 percent of homicides in families, and among friends and acquaintances.

Fear of armed intrusion is genuine and understandable. I, therefore, urge that the Congress fund research for the development of improved nonlethal weapons which would incapacitate intruders for sufficient time for police to be called and make arrests. Most homeowners would, I believe, gratefully substitute nonlethal weapons for dangerous handguns.

The propagandists say that guns are not the offenders in crime—people are. Obviously guns do not fire themselves. People do. Take away the guns and violent crimes will be reduced. Psychiatrists agree that the availability of a gun in a moment of passion is an incitement to murder.

May I say, we had many psychiatrists come before our Commission and testify to that fact.

Nationwide propaganda repeats ad nauseam that if concealable handguns become illegal, honest citizens will surrender them, but criminals and potential criminals will not.

This is no doubt true, but two facts must be considered here. Since a high percentage of homicides are committed by otherwise honest citizens in moments of anger, killings would automatically decline.

Second, since a high percentage of armed robberies, assaults, rapes, and commercially oriented killings are committed by recidivists, most of whom are known to the police, and it is legal for law-enforcement

officers to frisk suspects, many persons illegally carrying handguns would be apprehended, convicted, and I hope incarcerated.

Here, again, intensive research would help. We should develop more sophisticated equipment which will enable the police to detect the possession of concealable handguns on the bodies of unlicensed persons.

Gradually the number of handguns in the hands of recidivists and potential criminals would be reduced, contrary to the propaganda.

It is well known that the rate of violent crime in the United States is from 5 to as much as 90 times higher than the rates in other civilized, developed countries.

Other countries have gun laws. Concealable handguns in the United States constitute the major cause of the horrifying comparison I have cited.

No one would be so rash as to argue that effective legislation to prohibit handguns will eliminate all crime. But the reduction in crime would be substantial, perhaps spectacular. If we did no more than return to the rate of violent crimes that existed in 1960 we could claim a great achievement.

Nothing I have said applies to shotguns and rifles. The concealable handgun is the enemy of our society, not sporting weapons.

Mr. Chairman, when I was requested to be here today, it was suggested that I comment very briefly on S. 2153, S. 2152, and S. 2166.

I am going to complete my statement on 2153, as I have it in the written testimony, and then I will add an extemporaneous comment which will modify it.

S. 2153 would make it illegal for unlicensed persons in cities of higher than average crime rates to possess handguns.

Residents outside the high-crime cities could own and carry handguns unless State law prohibited this.

In cities such as Baltimore, Chicago, Newark, Atlanta, and many others, residents could not legally possess handguns until the crime rate was reduced below national and other averages stated in the bill.

My judgment is that this would accomplish little and might be detrimental, for it might lull citizens into believing that the basic problem was under successful attack.

Today several States have laws which are similar, at least one does, and others are proposing, what I have proposed.

These laws are only marginally successful, if at all, because of the availability of handguns in other States.

The problem under S. 2153 would be even more acute, for residents of the cities would only have to go outside the city limits to obtain handguns.

I suggest that a study of the Sullivan Act in New York and its ineffectiveness for the reason I have stated would be convincing to this or any other committee.

In any event, we should be concerned not only with bringing crime in cities below the national average, but in reducing drastically the averages in all 50 States.

So I am convinced that only fairly uniform laws in all States, with the Federal Act becoming operative in those States that failed to take appropriate action, have a chance of achieving a desirable result.

Mr. Chairman, I do see that appropriate amendments to S. 2153 could make it a really good start in tackling this problem, but the amendments must be technically and legally exact, and I am not, therefore, prepared this morning to be specific. While I am not a member of the National Council to Control Handguns, I am a volunteer adviser to it, and I know that in a couple of weeks the specific suggestions of the type I have just alluded to will be prepared, and I hope your committee will wish to hear the evidence.

Chairman RIBICOFF. We certainly will.

Dr. EISENHOWER. S. 2152 would establish a Fair Arms Safety and Abuse Control Administration in the Department of Justice and transfer to it the duties of the Secretary of the Treasury under the Gun Control Act of 1968, as well as other relevant Federal activities, and empower the Attorney General to develop with State and local authorities concentrated attacks on violators of existing gun laws.

This seems desirable, but it would be effective in reducing handgun crimes only after the enactment of Federal legislation of the type the Violence Commission recommended.

S. 2166 is intended to assist the Secret Service in protecting the President of the United States and certain other public officials by making available on a temporary basis to the Secret Service equipment and services from other public agencies—equipment that would help the Secret Service in fulfilling its serious obligations.

This, too, seems desirable, but it will not reduce appreciably the danger of assassinations. The President and other public persons attractive to assassin-prone individuals should greatly reduce their exposure in situations where they can be shot, at least until the handgun problem has truly been brought under control.

I applaud the desire of the President and other leaders to explain truthfully and honestly what people need to know and to obtain citizen views on critical current problems.

But a leader traveling extensively and making many public appearances will reach only a small fraction of the American people. There are other ways for leaders to demonstrate their democratic credentials and to communicate with the people, especially in this time of mass communication.

The assassination of our President or other high official would do this Nation far more harm than any good accomplished by excessive public exposure.

Finally, I wish to say that I have been deeply impressed by the despair evident in the testimony of police chiefs and police commissioners who have appeared before this committee.

I was especially impressed by a statement made by the police commissioner of Boston. He found it appalling that we should be deeply concerned, as of course we should, about international disarmament as one vital step toward world peace, but seemingly indifferent to national handgun disarmament which could contribute mightily to peace at home.

I would like to agree with the statement made to you this morning by Mr. Harris that obviously the President should not lock himself up in a sanctuary, and not appear at all, but that his appearances should be carefully prepared and limited in number.

I repeat: Internal dangers to our society, including the threat of crime, are greater than any posed from abroad.

Abraham Lincoln said this in different words in January 1838; it is tragically true in 1975.

Thank you very much.

Chairman RIBICOFF. Dr. Eisenhower, thank you very much for your very cogent statement. We are very appreciative of your appearance. Senator Percy?

Senator PERCY. Dr. Eisenhower, I thank you very much indeed for being here, and certainly for the thought you put into your testimony, without benefit of a large staff, no longer what you have been used to in the past. Your effort is deeply appreciated by the members of the committee.

You mentioned in your testimony on page 2, that the Commission did submit a report to the President, which had 81 recommendations, only 2 of which were not unanimously adopted by that diverse membership of your committee, and yet the report was never presented to the Congress by the President.

What year was that, why was it not presented to Congress, and what can you tell us about the internal debate that may have gone on in the White House and within the Administration, from what you know of it, as to why it was never sent to Congress?

Dr. EISENHOWER. We were established in June 1968 by President Johnson, who hoped we could complete the report, and that he could transmit it to the Congress with his recommendations before he left office, but the task was so massive that we could not possibly complete it in that period. So President Nixon signed an Executive order extending our time an additional six months. We presented the report to him in December 1969.

Two Members of the Senate and I visited with the President for about an hour, and I orally outlined to him what was in the report. He showed some knowledge of the subject.

He indicated to me that he would read the report. We had 13 research volumes in support, and he said if I would go through those 13 volumes and mark the relevant portions, he would read those too.

After I had gone back through the research reports at home, I wrote to Mr. Ehrlichman, who had been sitting in the meeting, saying I had concluded that a reading of the report itself would make it unnecessary to read the research reports. I went on to say that if the President sincerely wished to develop his own program, either similar or different from the ones we had developed, I was willing free of charge as always, to make myself available to the White House for such help as I could give.

About a month later, I received a letter from the third assistant to the assistant to the assistant, who said we thank you for your offer, Dr. Eisenhower, but you understand we are very busy at the White House.

He evidently did not know I knew this already. That was the last I ever heard of the matter from the White House.

During the 18 months of our studies, the Attorney General of the United States, knowing that we were going to say that only an attack on the social causes of crime, or only strengthening the criminal justice

system, or only doing away with handguns, would solve the problem. It required all things, we said.

We must strengthen the criminal justice system, we must tackle over a long period of time the social causes, and we must get rid of lethal handguns.

Well, all the time we were meeting, the Attorney General was constantly holding press conferences, and saying that poverty is not a cause of crime.

We were not saying that poverty was a cause of crime. We were saying the total human and environmental situations existing in the slums, with their ethnic and racial concentrations, low employment, and so on—that the totality of the situation, where, by the way, youngsters between the ages of 6 and 18 watched violent TV programs more hours than they went to school, and they do not realize the difference between the fiction of the television and the life of the street—these, we said, are the cause of crime. But the Attorney General kept making statements about poverty, trying to discredit our report. So he set up his own Commission, headed by Mr. Petersen.

That Commission, when it reported, repeated the essential recommendations made by the Eisenhower Commission, and then added a new dimension that had come into the national picture after we completed our work; the new report said that the lack of integrity and honesty in high places of government is also an incentive to crime—to criminals in the United States.

Senator PERCY. In other words, it gives them the rationalization, just as income-tax evasion at higher levels probably would give an incentive to individuals. If they are not paying it, why should they?

Dr. EISENHOWER. When people see Governors refusing to enforce laws of various kinds, and see dishonesty on the part of high officials, it begins to change the attitude and the very character of the people of this country.

Now, this is a frightening fact: We need to be as concerned, if not more so, by the disintegration within our country than from any threat without. I am not referring just to gun control, but all of the disintegrating forces, of which crime is a major one.

Senator PERCY. Dr. Eisenhower, you finished your report 5 years ago?

Dr. EISENHOWER. Yes; nearly 6 years.

Senator PERCY. Eighty recommendations were unanimous by the 16 members, and then reconfirmed by the so-called Petersen Commission after that, that came right out of the Justice Department.

How many of those 80 recommendations have now been implemented and put into law or regulations? Do you have any idea?

Dr. EISENHOWER. By the Federal Government, I think none.

There has been a great deal of action in most of the States, but I think that various types of State action will continue to be fairly ineffective until we have a Federal act with standards which would go into effect in any State that does not accept the Federal standards as its own.

I think this is a national problem and has to be uniformly observed throughout the Nation.

Senator PERCY. I know the sacrifices you made in giving up 18 months of your life, at a time when you wanted to write, study, and

contribute in other ways, but you felt it was that important, and convinced all of your Commission members to take on this responsibility.

Is it not somewhat disheartening, when you put $1\frac{1}{2}$ years of effort in, and you work and you make 80 recommendations unanimously adopted, and 2 more that had a split decision, that none of them have been implemented 5 years later, with the crime rate soaring, and people across the country saying it is one of our major problems affecting the quality of life in America?

We have freedom from religious persecution, freedom of speech, freedom of assembly, but we do not have freedom from fear.

You can go to a Communist country, as we did in the Soviet Union, and you can walk around. You do not have a lot of freedom, but you can walk the streets, and you can walk the streets in any place in China and have no fear, so should not this be a matter of the highest priority? Also, don't you think before establishing a Commission of this sort, that we should somehow have assurance that those recommendations will be made; and when they are made, there will be a real attempt to follow through on it?

Dr. EISENHOWER. Senator, I am delighted you have asked this question.

I would like to make two comments about it. I did not really feel my time had been wasted.

Incidentally, when one sets out on a voluntary basis to perform a public service, he never knows whether it will result in constructive action.

You do it because you think it is right. However, in this instance, 2 million copies of our report were sold commercially, and three great national agencies made it their primary document for education on this subject throughout the United States. I saw that the figures cited by Mr. Harris earlier about the growing concern among the people, and the vote going up of those who realize how serious this problem is, might be partially attributable to the wide distribution of our report.

You made another point I wanted to be sure to answer, and I have forgotten what it was.

Chairman RIBICOFF. I, too, noted that your comment on page 2 had gathered dust, as so many reports of Presidential Commissions. I often wonder why anyone would serve on a Presidential Commission.

Dr. EISENHOWER. That reminds me of what I wanted to say. I was asked, I think by a subcommittee of this committee, headed by Senator Kennedy, to testify about the ineffectiveness of commission reports. This was 18 months after our report had been submitted to the President, and nothing had been done. I recommended to the subcommittee that we take a serious look at a good procedure in Great Britain. When a royal commission is appointed by the government, and submits its report, the government in power must issue a white paper within a specified amount of time; it is 6 months or 1 year, either approving, and if disapproving, stating why.

I think in this country, that to establish a Presidential Commission, the President should ask for special legislation, carrying an appropriation to finance the work of the Commission, and that such an act should require that the President report to the Congress his feelings

about the report submitted to him; the time limit should be a maximum of 1 year.

Chairman RIBICOFF. You know, Dr. Eisenhower, I have participated in these commissions, I have seen this happen time and time again.

If I were a public-spirited citizen, being asked by my President to participate in a commission, as a condition to my participation, I would insist that the President do exactly that, and in the 6 years that I was Governor, I had occasion to appoint many commissions as Governor of the State of Connecticut.

I never had a single refusal from any person, Democrat or Republican, to serve on a Commission. I stated to each individual personally and publicly, that whatever that Commission came out with, I would back, and fight for with the legislature, and with the public, and I did. As a consequence, I believe that some of these men, free of charge, put into the mill, so to speak, the best brains, and competence, and experts in their own organizations to help, and we in the State of Connecticut were the beneficiaries. However, what happened to you, I have seen happen time and time again. A President gets a report that is not consistent with his political thinking at that time, and down the drain goes the work of these outstanding men who devoted their time and energy. There is only one thing to do—to look a President in the eye, and say I will serve, Mr. President, but as a condition of my serving, I expect you to publicly state that when the Commission's finding is completed, you will make this public, submit it to Congress, and tell the Congress and the American people that you agree or disagree with the findings, and, if you agree, to fight for it. Otherwise, I think it is an imposition on public-spirited people to be used for a President's political purposes.

Dr. EISENHOWER. Senator Ribicoff, if you do that, you want to make sure there is not a change in the Presidency after the commitment is established, which happened in my case.

Senator PERCY. I would like to say something to Dr. Eisenhower, that I never commented to him on, President Johnson asked my future son-in-law to serve on a Commission just on the eve of his wedding, which would have interfered with his honeymoon to Japan, which was of serious concern to my daughter.

I recall I called you at 11 o'clock at night, and asked you about this Commission and its relative importance, and you said, "I don't think I would ever hear about it again," and I told him to go on his honeymoon. He did not serve, and no one ever heard of the Commission, indeed. They went, and thank you.

I will be staying until the end, so I will yield to Senator Javits, and I will have a couple of questions later.

Senator JAVITS. Thank you, Dr. Eisenhower. I thank you for all that you have done, and that you will do, and I think what I want to develop from you is a chance to discuss the Lou Harris poll.

There is a certain cresting in public support for gun control legislation. I understand that you are a consultant to the National Council to Control Handguns.

What can we do to stimulate and advance this movement so that at least the good guys begin to acquire as much clout as the bad guys in the field? The National Rifle Association has been conducting its activities with such success for years, and alarmingly, when we look at the Harris poll, without even incurring public disapproval, because

it is going exactly contrary to what the public thinks is the right way to go on gun control.

Dr. EISENHOWER. Well, there is no doubt that the minority has been highly organized, and highly financed, and the majority has been disorganized, and with no money.

The National Council to Control Handguns: I am not a member of it, but I am serving as a consultant, happy to do so, the organization is growing in size and effectiveness.

I think it is the most promising development we have seen in this regard. If we do not get action now, I think this council will continue to expand, and that the majority of the people of the United States will have a voice through which they can speak. I mentioned this, I think, when you were out of the room, Senator Javits.

Senator JAVITS. I had to go to another committee.

Dr. EISENHOWER. Having doubts about S. 2153, as it is now written, I am glad serious work is being done on, I think, reasonable, but rather technical amendments, which I am not prepared to discuss now. They will complete it in a few weeks. I am very hopeful you will have them in to present their suggestions. There are groups like the Urban League, the Council to Control Handguns, the American Jewish Committee, Common Cause, and other groups that should help mobilize citizens. My judgment is that the National Council to Control Handguns is in a key position to keep the majority of the people of this country to be heard.

Senator JAVITS. I am very interested in your comments about our bill, and I am delighted that you are submitting amendments, or at least comments.

Now, we had a group of police chiefs the other day, who went into this subject, and at least two of them, I think there were five, said they would rather have no law at all unless they could have a law absolutely prohibiting handguns except to police and armed forces, et cetera.

You should know, Dr. Eisenhower, that I feel the same way, and many of my colleagues, unhappily not nearly enough, feel the same way, but we did not think that we had a prayer to achieve that. The situation was so urgent, the public feeling was mounting, the Attorney General of the United States had shown some sympathy to the approach in our bill, dealing with high crime areas, and the sharp controls there, and so I wondered what you thought about the philosophy whether you thought that we too should simply forget about any measurer which we felt would certainly reduce materially the danger of handguns, and go all out for prohibition even though it is very clear that we have very little political support in Congress for such an approach right now.

Dr. EISENHOWER. In all governments, and in all periods of history, we have had to compromise with reality in order to make progress, and, of course, I would applaud a first step that would make progress in this field. I am sure a good many people feel as I do, and as you have expressed you do, about the outright prohibition of handgun ownership. I do think, and I am refraining from stating what it is, that amendments to S. 2153 can make it an effective beginning in attacking the handgun problem. I believe such amendments will be acceptable to you and to your committee. Amendments can correct what I now see as a serious deficiency, namely, that city residents could walk

outside the limits of the city and obtain a handgun. I think this is a serious shortcoming in the bill as it stands, but, as I say, I believe this can be corrected. I hope you will hear from the group as soon as they are ready.

Senator JAVITS. We certainly will, and we will certainly listen, not only here.

We have another association in the country called the National Council for Responsible Firearms Policy, which has been around for about 8 years. The U.S. Conference of Mayors has also done excellent work in this field. They have done quite well in New York, where we do have a law, with which you are very familiar. But I just wondered Dr. Eisenhower, if anything might be done to consolidate the efforts of these and several other groups in order to mount the major citizens effort?

Dr. EISENHOWER. Without having talked to them, I can certainly say I would like to see all agencies that are working on this problem have a common policy and goal, to consolidate their efforts, and make them as big and well financed as possible.

Senator JAVITS. Well, it seems to me that this is the time, because I think the sensational findings of the Harris poll are the very steep increase in the willingness to see registration take place, and that is sensational because it is less than 4 years since the last survey. So I would hope, Dr. Eisenhower, that what we do can encourage you, and I would certainly look with the greatest attention and respect at amendments which are proposed, and would like to encourage you and your associates, to really push a very, very major citizens effort right now.

Dr. EISENHOWER. I assure you I will do what I can.

Senator JAVITS. Thank you.

Senator PERCY. Thank you very much, Senator Javits.

When Senator Javits and I introduced legislation we patterned it to a degree after the thinking that Attorney General Levi had mentioned, to restrict possession, manufacture, sale, and distribution in areas of high crime, and so forth. It is really an effort to imply that the Attorney General at least is behind that kind of a concept, even if he cannot do it officially, and it was our hope, of course, the White House would provide some leadership in this area, but what we are looking for is some degree of help to do something.

Our problem is if we reach for the ultimate, you will just never get it, so we have to go some place, and find some starting point. There is a pattern of Federal action, where there is need, as in education. Federal funds are moved into areas of need, where there is a cultural deprivation, and so forth, and here there is a rational for taking the areas of high crime and saying we treat those somewhat differently than we do in these other areas.

We are also cognizant politically, when you consider how the Senate is made up, of the votes of the Senators from the Western States, who feel very strongly about it. Some of them have a low incidence of crime. Their support may be gained, without their voting against the long rifle held by a man out on a ranch someplace to shoot coyotes. It is again politically motivating, as I think to seek some measure that may be half way, but on the other hand is a more practical way of doing it.

Dr. EISENHOWER. May I say, Senator Percy, there were two Members of the Senate on the Commission with me, both from the Midwest. One was militantly in favor of the type of gun control I would like to see, the other was opposed. I, like many others, am willing to take one step this time if that is what we have to do. Perhaps other steps can be taken later against handguns, not sporting weapons.

The two issues on which we did not have unanimous agreement was handgun control, where the vote was nine in favor of what I have advocated, and merely a footnote by four saying this problem should be left to the States, which is the same as saying let's not do anything. The other was on the problem that has bothered civilization since Aristotle, namely civil disobedience; there the vote was seven to six.

Senator PERCY. When I came out for registration of guns, all over southern Illinois in the height of the reelection campaign, they printed wanted posters with my picture, and a number under it, I guess, wanted for various crimes, one of which was support of gun control legislation.

What sort of tactics did they use against you, what sort of letters did you get when the report came out?

Dr. EISENHOWER. I received letters calling me a Nazi, a Communist, which is quite a spectrum. I was besmirching the Eisenhower name. I was all but crazy, and some even intimated possible reprisals of a violent sort; those I threw in the wastebasket. But these came from a small fraction of the American people.

You know, after you have been in public over a long period of years, as you have and I have, I much longer than you, you even detect a letter from a nut, just by the way the handwriting is on the outside of the envelope.

Senator PERCY. The Commission you headed was chartered to explore the causes of violence in the country, and much of the rhetoric which has surrounded the gun control issue has in fact dealt with the question of causation.

Gun control opponents, as you have said in your testimony, say that guns themselves will not cause crime, but criminals cause crime.

Do you think the two can really be separated, that without the weapon, you could still have the crime?

Dr. EISENHOWER. I think the statement, constantly repeated, is nonsense. I said in my testimony, the second most lethal weapon is the switchblade knife, and it is only one-fifth as lethal as the handgun.

Further, the handgun, more than the switchblade knife, makes the smallest midget in the country feel like a giant. With a gun he is now capable of anything.

I do not think there is any other weapon comparable to the handgun, and certainly in homicides, it is an incitement to murder, as I indicated.

Senator PERCY. The sheriff of Los Angeles County was asked at these hearings about safety, how much safety there is in a handgun kept in the household.

You have touched on this in your testimony. The sheriff reached out for a rough figure. He said off the top of his head, a rough figure, it would be that for every robber stopped by a home gunowner, that four homeowners or members of their family suffer death in a gun accident.

Dr. EISENHOWER. That is correct, as I cited in my testimony. The best research evidence we could get—we had a big staff—showed that only two-tenths of 1 percent of intruders into homes for the purpose

of robbery are either wounded or killed, very few killed, but there are about 2,000 accidental deaths in the home where the gun is possessed, so it simply does not prevent intrusion.

Now, I have suggested to you that we do more research and get a very effective and immediately effective nonlethal weapon.

A nonlethal weapon would not stop many intruders either, but the reason so many homeowners have the gun is they think they need protection, and if they could have nonlethal protection, I think they would willingly, even gratefully give up the gun that kills.

Senator PERCY. Would mace serve as a deterrent and provide some degree of protection?

Dr. EISENHOWER. There are fairly good guns now with mace, which will cause the person to flee, but he will not be apprehended.

There are also nonlethal guns available, which put a dye on the individual, on the intruder, which cannot be removed, and, therefore, may aid the police later in capturing him, particularly if it strikes a portion of his skin rather than his clothing. There is an engineering and scientific problem here.

I would visualize a nonlethal weapon that would shoot a small pellet accurately, break upon impact, release the gas which would immediately immobilize the person for 15 minutes, for enough time to call the police.

Senator PERCY. Do you suppose the CIA has such weapons developed?

Dr. EISENHOWER. I am afraid to ask.

[Laughter.]

Senator PERCY. On the causes of crime. I have forgotten what your Commission report said about television, but since its release, the incidence of violence on television has mounted astronomically, as crime rates have mounted astronomically, and the most popular programs appear to be some of the most violent programs.

I was very interested in a recent issue of the Asia Foundation publication, called the Asian Student. I read this last night; they said that one of our hemisphere countries, Mexico, banned 21 American TV programs. They claim these shows are responsible for the sharp increase in violent crimes committed by the young in Mexico, and after the ban, sure enough, the crime rate dropped dramatically.

I have written to each of the presidents of the TV networks within the last month or so, and met this week with Mr. Taylor, the president of CBS, who is certainly deeply conscious of the social obligations of the television networks.

What is your feeling about violence on television, and its relationship to crime?

Dr. EISENHOWER. We have irrefutable proof that among the young who watch television, and they turn to violent programs, it affects their attitudes, their behavior, and is a contributing factor to crime in the cities.

Remember, I said that between the ages of 6 and 18, young people in the ghettos watch television and usually violence in television more hours than they go to school.

The influence on their attitudes and behavior starts at a very young age and continues. Unquestionably it has a serious effect in the directions in which you have indicated.

You and I and all adults can distinguish between fact and fiction. It is different with young people.

Now, interestingly, when our report came out containing this evidence, the Presidents of the three networks did not dispute the fact, but said that our report was out of date because they were already reducing violent programs.

It happens that I was fairly ill for 8 months last year, and a part of this year. I had an electric bed sent to my bedroom, and put in remote-control television. I think I now know more about television than most people in America as a result of watching programs. If the networks did reduce violence—I think they did for a while—it is right back up at the top now.

Senator PERCY. The prevalence of guns on television, just ready access, so many people seem to have them, is that not—knowing as you do as an educator that children learn through watching and imitation—is that not just an inducement to a child to get a gun?

Dr. EISENHOWER. No doubt about that.

Senator PERCY. How many children are armed in the New York schools and in the Chicago schools, with a teacher standing up there armed with an eraser? How many children sit in that room with a handgun?

Dr. EISENHOWER. In Baltimore when you pick up the morning paper it is not uncommon to read of a 12-year-old boy shooting a 14-year-old boy, killing him. This is unacceptable in a civilized society.

Senator PERCY. I was in Chicago last week on recess, and talked about this problem in a speech, and afterwards, the superintendent of a local suburban school came up and said you are not talking about deep in the heart of Chicago, for we had a 16-year-old kill another 16-year-old with a handgun in the schoolyard just this week. Two armed 16-year-olds going to suburban school is what we are talking about here.

Lastly, Dr. Eisenhower, our time is just about up, could you name any other of the features of an effective gun control law that you would like to see incorporated?

Dr. EISENHOWER. The Commission only said one thing about handguns. It was simply a repetition of what the gun manufacturers themselves were advocating, namely, the establishment of so-called identification cards for all those who possess guns. Other than that, I think in my testimony, and in the discussion we have had, I have covered the points I would like to make.

Senator PERCY. All right.

Thank you. We will keep the record open for anything you would like to insert. Finally, if we are able to ban the possession of handguns in areas of high crime, and at the same time provide a very stiff mandatory sentence for any criminal who engages in a crime and carries or uses a handgun, do you think this would provide an increasing deterrence against the criminal use of firearms?

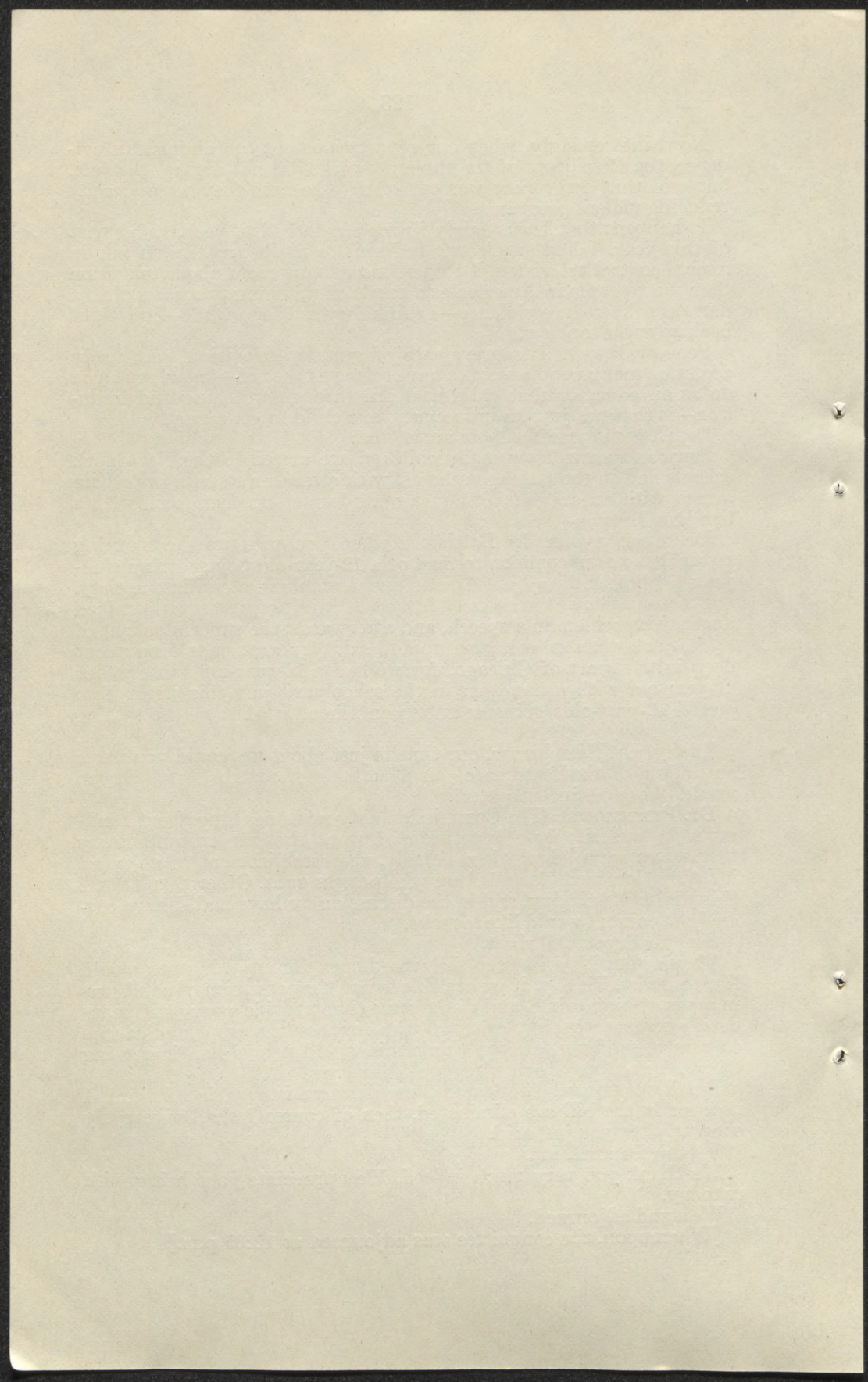
Dr. EISENHOWER. If, Senator, the shortcomings which I think I now see in the bill are eliminated, then of course I shall vigorously support what you just said.

Senator PERCY. Fine.

We thank you very much indeed. We appreciate your being with us today.

We stand adjourned.

[Whereupon, the committee was adjourned at 12:05 p.m.]



APPENDIX

APPENDIX

[S. 2152, 94th Cong., 1st sess.]

A BILL To promote more effective management of certain law enforcement functions of the executive branch by transferring functions of the Secretary of the Treasury under the Gun Control Act of 1968 to the Attorney General, by consolidating certain law enforcement functions under that Act in a Firearms Safety and Abuse Control Administration, in the Department of Justice, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Law Enforcement Cooperation and Reorganization Act of 1975".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) the effectiveness of cooperative intergovernmental efforts to control illicit handgun traffic by Federal, State, and local governmental agencies are hindered by a lack of coordination among each level of government and the failure to develop and share necessary statistical and criminal intelligence information;

(2) Federal, State, and local governmental agencies have found it difficult to mobilize existing law enforcement resources to mount more effective efforts to control the illegal traffic in and use of handguns;

(3) the increasing rate of illegal activities involving the use of handguns constitutes a threat to national public safety, health, and welfare and requires a more strengthened and consolidated effort at the Federal level;

(4) since the enactment of Public Law 90-351 there continues to be widespread traffic in handguns moving in or otherwise affecting commerce, and that existing Federal procedures and organizational structures do not adequately enable the States to control illicit handgun traffic within each State;

(5) annual sales of handguns in the United States have continued to rise since 1968, despite the provisions of the Gun Control Act of 1968; and

(6) handguns continue to play a major role, and a role disproportionate to their number in comparison with long guns, in the commission of homicide, aggravated assault, armed robbery, and other crimes of violence.

(b) It is the purpose of this Act to provide (1) a new organizational structure for improved performance, coordination, and evaluation of firearms control functions at the Federal level, and (2) more effective coordination between Federal, State, and local governmental agencies in an effort to assist States and localities in improving interstate and local regulations of illicit handgun traffic.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Department" means the Department of Justice;

(2) "function" includes power and duty;

(3) "handgun" means any weapon designed or redesignated to be fired while held in one hand having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore;

(4) "licensed dealer" means any dealer, and "licensed importer" means any importer, and "licensed manufacturer" means any manufacturer licensed under the provisions of the United States Code;

(5) "possess" means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time; and

(6) "sell" means give, bequeath, or otherwise transfer ownership or possession.

TITLE I—GUN CONTROL TRANSFERS

TRANSFER OF FUNCTIONS

Sec. 101 (a) There are transferred to the Attorney General, and the Attorney General shall perform, all functions of the Secretary of the Treasury under the Gun Control Act of 1968.

(b) Within one hundred and eighty days after the effective date of this section, the President may transfer to the Department any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Department by this section.

(c) Any reference in such Act to the "Secretary of the Treasury" is amended to read "the Attorney General."

ESTABLISHMENT OF THE FIREARMS SAFETY AND ABUSE CONTROL ADMINISTRATION

SEC. 102. (a) There is established within the Department the Firearms Safety and Abuse Control Administration. The Administration shall be headed by an Administrator appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be under the supervision and direction of the Attorney General.

(b) The functions of the Attorney General under this Act shall be administered through the Administration.

ANNUAL REPORT

SEC. 103. (a) The Attorney General shall prepare and transmit to the Congress as part of the annual report of the Department of Justice a report on the activities of the Administration.

(b) Each such report shall include a description of the effective use of the resources of the Federal, State, and local law enforcement agencies in controlling illicit handgun traffic, the extent of intergovernmental cooperation in controlling such traffic, a detailed summary of the activities of the Administration, an assessment and evaluation of specific programs of Federal, State, and local law enforcement agencies to reduce illicit handgun traffic, a description of the nature, extent, and effect of Federal, State, and local law enforcement agency intelligence operations relating to illicit handgun traffic, and such recommendations, including recommendations for additional legislation, as the Attorney General deems appropriate.

TRANSFER OF OFFICES AND PERSONNEL

SEC. 104. (a) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 101, are transferred to the Attorney General.

(b) (1) Except as provided to paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, contracts, certificates, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Attorney General, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Attorney General, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this title any function of such agency, office, or part thereof, or officer is transferred to the Attorney General, then such suit shall be continued by the Attorney General (except in the case of a suit not involving functions transferred to the Attorney General, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Attorney General in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Attorney General.

(f) In the exercise of the functions transferred under this title, the Attorney General shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

COMPENSATION OF ADMINISTRATOR

SEC. 106. Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(62) Administrator, Firearms Safety and Abuse Control Administration, Department of Justice."

TITLE II—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

STUDY OF EFFECTIVENESS OF PUBLIC LAW 90-351

SEC. 201. (a) The Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations", approved September 24, 1959 (42 U.S.C. 4271 et seq.) is amended by adding at the end thereof the following new section:

"EVALUATION OF PUBLIC LAW 90-351

"(a) The Commission in consultation with the United States Conference of Mayors and the National League of Cities, and representatives of Federal, State, and local law enforcement agencies shall investigate, analyze, and report within six months of the enactment of the Act upon (1) intergovernmental problems involved in controlling illicit handgun traffic, and (2) the effectiveness of Public Law 90-351, and particularly the requirements for licensing of manufacturers, importers, and dealers."

[S. 2153, 94th Cong., 1st sess.]

A BILL To amend the Intergovernmental Cooperation Act to prevent lawless and irresponsible use of handguns in selected areas with high crime rates, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Handgun Control Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the effectiveness of cooperative intergovernmental efforts to control illicit handgun traffic by Federal, State, and local governmental agencies are hindered by a lack of coordination among each level of government and the failure to develop and share necessary statistical and criminal intelligence information;

(2) Federal, State, and local governmental agencies have found it difficult to mobilize existing law enforcement resources to mount more effective efforts to control the illegal traffic in and use of handguns;

(3) the increasing rate of illegal activities involving the use of handguns constitutes a threat to national public safety, health, and welfare and requires a more strengthened and consolidated effort at the Federal level;

(4) since the enactment of Public Law 90-351 there continues to be widespread traffic in handguns moving in or otherwise affecting commerce, and that existing Federal procedures and organizational structures do not adequately enable the Senate to control illicit handgun traffic within each State;

(5) annual sales of handguns in the United States have continued to rise since 1968, despite the provisions of the Gun Control Act of 1968; and

(6) handguns continue to play a major role, and a role disproportionate to their number in comparison with long guns, in the commission of homicide, aggravated assault, armed robbery, and other crimes of violence.

(b) It is the purpose of this Act to provide (1) a new organizational structure for improved performance, coordination, and evaluation of firearms control functions at the Federal level, (2) more effective coordination between Federal, State, and local governmental agencies in an effort to assist States and localities in improving interstate and local regulation of illicit handgun traffic, (3) procedures for the prohibition of handguns in certain areas with high crime rates, without placing any undue Federal burden on law abiding citizens with respect to the use of firearms for sporting and other lawful purposes, and (4) for increased public safety by banning the manufacture, sale, importation, and possession of handguns not suitable for sporting or other lawful purpose.

TITLE I—INTERGOVERNMENTAL COOPERATION ACT AMENDMENTS

SEC. 101. (a) Title 42, United States Code, chapter 52 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—TECHNICAL SERVICES FOR STATES AND LOCAL UNITS OF GOVERNMENT IN CONTROLLING ILLICIT HANDGUN TRAFFIC

"§ 4245. National handgun statistics

"(a) In order to provide for more effective, intergovernmental efforts in controlling illicit, interstate handgun traffic, the Attorney General is authorized and directed, subject to the provisions of section 552(a) of title 5, United States Code, "The Privacy Protection Act of 1974",—

"(1) establish and maintain a national handgun statistics office which shall be responsible for identifying—

"(A) the name, address, and social security or taxpayer identification number of any person in the United States possessing a handgun,

"(B) the number, if any, of the handgun license required by the State or locality of residence of the individual possessing a handgun,

"(C) the name of the manufacturer, the caliber or gauge, the model and type, and the serial number of each such handgun, and

"(D) the importation, production, shipment, receipt, sale, or resale or any other disposition of any handgun;

"(2) establish procedures for the verification of the information collected under clause (1) of this subsection, and to analyze such information; and

"(3) distribute, upon request, the Federal, State, and local law enforcement agencies information developed and maintained by the Office established by this subsection.

"(b) Notwithstanding any other provision of this title, no information of any kind shall be collected, maintained, or disseminated concerning any shotgun, short barreled shotgun, rifle, or short barreled rifle.

"(c) In order to carry out the provisions of this section, each importer, manufacturer, dealer, and collector and each person who possesses a handgun on the effective date of this Act shall furnish to the Attorney General the information required by subsection (a) of this section in such form, at such time, and at such place, as the Attorney General may by regulation prescribe.

"(d) In order to carry out the provisions of subsection (a) of this section each importer, manufacturer, dealer, collector, and any person who and any Federal, State, or local unit of government which owns or possesses a handgun after the effective date of this Act and—

"(1) who has lost a handgun after such effective date, or

"(2) who has had a handgun stolen after the effective date of this Act, shall report the loss or theft of the handgun to the Attorney General not later than sixty days after the discovery of the loss or theft, in such form, at such place, and containing such description of the circumstances of the loss or theft, as the Attorney General may by regulation prescribe.

"§ 4246. Exemptions; penalties

"(a) The provisions of section 4245 of this title shall not apply to any handgun or handgun ammunition suitable for use in a handgun sold or delivered to or possessed by the United States or any department or agency of the United States, or any State or any department or agency of a State, or any political subdivision of a State or any department or agency of a political subdivision of a State.

"(b) Whoever fails to comply with the provisions of the subchapter or knowingly makes any false statement or representation with respect to any information required by the provisions of section 4245(a) or violates any provision of section 4245(b) or section 4245(c) shall be fined not than \$5,000, or imprisoned not more than five years, or both.

"§ 4247. Verification of data concerning firearms transactions

"(a) (1) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person (other than those exempted under section 4246 above and another licensed importer, manufacturer, dealer, or collector) until—

"(A) such importer, manufacturer, dealer, or collector has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a card in such form as the Attorney General shall prescribe setting forth the name and address of the transferee and that the transferee—

"(i) is (is not) under indictment for, or has been (has not been) convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(ii) is (is not) a fugitive from justice; to the Department of Justice, Washington, District of Columbia, and has received a return receipt evidencing delivery of the form by the Department; and

"(B) such importer, manufacturer, dealer, or collector has delayed shipment or delivery for a period of at least ten days after the receipt of the notification of the acceptance of the delivery of that form.

The Attorney General shall take whatever action is necessary promptly to process the forms to determine the relevant information with respect to the transferee named in the submitted form and return the form by the speediest means available to the appropriate importer, manufacturer, dealer, or collector. The contents of the form required under this paragraph shall not be divulged by any Government official to any other person other than the appropriate importer, manufacturer, dealer, or collector and the appropriate law enforcement officials as prescribed pursuant to regulations prescribed by the Attorney General.

"(2) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person without first requiring the presentation of

reasonable proof of such person's identity, and the fact that he or she is a bona fide resident of the State and of the standard metropolitan statistical area in which such sale or other disposition is to take place, and is over the age of twenty-one knowing or having reasonable cause to believe that such person—

“(A) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(B) is a fugitive from justice;

“(C) is an abuser of any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); and

“(D) has been adjudicated as a mental defective or has been committed to any mental institution.

“(3) This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is not precluded from dealing in firearms or ammunition, or, to a person who has been granted relief from disabilities pursuant to subsection (c) of such section of such chapter.

“(4) It shall be unlawful one hundred and twenty days after the effective date of this Act for any licensed importer, manufacturer, dealer, or collector, or any other person to sell or otherwise dispose of a handgun or handgun ammunition to any resident of any standard metropolitan statistical area identified by the Attorney General pursuant to section 4253 of this title if he knows or has reasonable cause to know that such handgun or handgun ammunition will be transported into a standard metropolitan statistical area.

“§ 4248. Requirement upon resale

“(a) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer or licensed collector to sell or deliver any handgun or ammunition suitable for a handgun after the effective date of the Intergovernmental Law Enforcement Cooperation and Reorganization Act of 1975 unless such importer, manufacturer, dealer, or collector has submitted to the Attorney General the information required by section 4245 (a) (1) (A), (B), and (C) of such Act.

“(b) (1) It shall be unlawful for any person to resell sixty days after the effective date of the Intergovernmental Law Enforcement Cooperation and Reorganization Act of 1975 any handgun unless such person has submitted to the Attorney General the information required by section 4245(a) (1) (A), (B), and (C) of such Act, and complied with the provisions of section 4250 of this title.

“(2) It shall be unlawful for any importer, manufacturer, dealer, or collector to sell any handgun to any person except a licensed importer, manufacturer, dealer, or collector without first giving notice of the requirement of paragraph (b) of this subsection.

“(3) For the purpose of this subsection the term “resell” means the sale, or offer for sale of any handgun after the first purchase of it in good faith for purposes other than resale, and includes any gift, devise, or other transfer of ownership of a handgun.

“§ 4249. Ban on sale of multiple handguns

“It shall be unlawful for any person including an importer, manufacturer, dealer, or collector licensed under the provisions of Federal law, to sell or deliver more than one handgun within one calendar year to any person except a licensed importer, manufacturer, dealer, or collector or to persons and organizations exempt under section 4246 of this subchapter.

§ 4250. Theft prevention and security standards required

“(a) No application for a license to engage in business as a firearms or ammunition importer, manufacturer, or dealer submitted pursuant to Federal law shall be approved unless the applicant is in compliance with theft prevention and security standards prescribed under paragraph (b) of this section.

“(b) The Attorney General shall within ninety days after the effective date of this Act prescribe standards for theft prevention and security requirements for importers, manufacturers, dealers, and common carriers who transfer handguns in interstate commerce who are licensed under the provisions of Federal law. Such standards shall be promulgated in accordance with the provisions of chapter 5 of title 5, United States Code.

"§ 4251. Authorization for joint Federal-local task forces for handgun trafficking control

"(a) The Attorney General is authorized to enter into agreements with States, cities, localities, and other units of local governments to establish temporary task forces comprised of Federal, State, and local law enforcement personnel which shall—

"(1) identify and trace handguns that have been transported interstate, illegally, and used in the commission of crimes, develop and exchange intelligence information regarding such illegal operations and assist in apprehending and prosecuting violators of the law; and

"(2) collect, analyze, and make available specific data on the amount, nature, and flow of handguns in interstate commerce.

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"§ 4251A. *Federal firearms licenses standards required*

"The Attorney General shall within ninety days after the effective date of this Act prescribe standards to assure that Federal licenses to manufacture, import, or deal in firearms will be issued only to persons determined to be responsible and legitimately engaged in the business for which the license is sought. Such standards shall be promulgated in accordance with the provisions of chapter 5, United States Code."

SEC. 102. (a) Title 42, United States Code, chapter 52, is amended further by adding at the end thereof the following new subchapter:

"SUBCHAPTER VII—EMERGENCY ASSISTANCE FOR CERTAIN LOCAL UNITS OF GOVERNMENT AND STANDARD METROPOLITAN STATISTICAL AREAS IN CONTROLLING ILLICIT HANDGUN TRAFFIC

"Sec.

"4252. Definitions.

"4253. Application.

"4254. Prohibition on possession of handguns.

"4255. Termination of applicability.

"4256. Exceptions.

"4257. Penalty.

"4258. Disposition of handguns; amnesty.

"4259. Rules and regulations; assistance to the Attorney General.

"§ 4252. *Definitions*

"As used in this chapter—

"(1) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any handgun.

"(2) The term 'crime of violence' means any of the following crimes, or an attempt to commit any such crime: Murder, manslaughter, rape, mayhem, maliciously disfiguring another abduction, kidnapping, burglary, robbery, house-breaking, larceny, any assault with intent to kill, commit or assault with intent to commit any offense punishable by imprisonment for a term exceeding one year.

"(3) The term 'handgun' means any weapon designed or redesigned to be fired while held in one hand; having a barrel less than ten inches in length and designed or redesigned or made or remade to use the energy or an explosive to expel a projectile or projectiles through smooth or rifled bore.

"(4) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"(5) The term 'standard metropolitan statistical area' means any area as defined by the Director of the Office of Management and Budget having a city as one of its components with a population of at least fifty thousand residents.

"(6) The term 'sell' means give, bequeath, or otherwise transfer ownership.

"§ 4253. *Application*

"(a) The provisions of this chapter shall apply to any political subdivision which is a component of a standard metropolitan statistical area with respect to which the Attorney General determines—

"(A) the rate of crime for crimes of violence in that standard metropolitan statistical area is 120 percent of the rate of crime for crimes of violence for the United States, or

"(B) the rate of crime for crimes of violence in that standard metropolitan statistical area is 110 percent of the rate of crime for crimes of violence for the United States and is 105 percent of such rate for crimes of violence in that area for the year preceding the year for which the determination is made.

"(b) The provisions of this chapter shall also apply to any political subdivision which, within ninety days after the effective date of the Handgun Enforcement Reorganization Act of 1975 or within sixty days after the beginning of any calendar year beginning with the year after such date, notifies the Attorney General of the desire of such subdivision to be subject to the provisions of this chapter.

"(c) The Attorney General shall make the initial determination under subsection (a) of this section not later than ninety days after the effective date of this Act. Subsequent determinations for the applications of the provisions of this chapter may be made not later than sixty days after the beginning of any calendar year beginning with the year after the year in which the initial determination was made. All determinations made under this section shall be based upon the most satisfactory recent data available to the Attorney General, and shall be published in the Federal Register.

"§ 4254. Prohibition against possession of handguns in high crime areas

"It shall be unlawful for any person, except as provided in section 4256 of this Act, thirty days after a determination has been made under section 932 of this chapter, who is a resident of any standard metropolitan statistical area subject to that determination to sell, deliver, possess, import, or to cause to be sold, delivered, possessed, or imported a handgun or ammunition suitable for use in a handgun.

"§ 4255. Termination of applicability of this chapter

"(a) Not earlier than five years after the year in which the determination under section 932 is made, the Attorney General may terminate the applicability of the provisions of this chapter with respect to any standard metropolitan statistical area if the Attorney General determines that—

"(1) (A) the rate of crime for crimes of violence in that standard metropolitan statistical area is 80 percent of the crime rate for crimes of violence for the United States, or

"(B) the rate of crime for crimes of violence in that standard metropolitan statistical area is 90 percent of the crime rate for crimes of violence for the United States and is 95 percent of such rate for crimes of violence in that area for the year preceding the year for which the determination is made;

"(2) that any pattern of illegal activity which showed evidence of danger to the residents of that area and which involved offenses committed with the use of handguns in violation of the laws of the United States has ceased to exist; and

"(3) the termination of the applicability of the provisions of this chapter to that standard metropolitan statistical area is not likely to result in a significant rise in the incidence of crimes of violence.

"(b) Any determination made under subsection (a) of this section shall be based upon the most satisfactory recent data available to the Attorney General, and shall be published in the Federal Register.

"§ 4256. Exceptions

"(a) The provisions of this subchapter shall not apply to any handgun or ammunition suitable for use in a handgun sold or delivered to or possessed by the United States or any department or agency of the United States, or any State or any department or agency of a State, or any political subdivision of a State or any department or agency of a political subdivision of a State.

"(b) The provisions of this subchapter shall not apply to any handgun or ammunition suitable for use in a handgun sold or delivered to or possessed by any agency which furnishes security guard services if that agency is licensed by the State or a political subdivision of the State in which the handgun or the handgun ammunition is to be used and its employees are licensed and authorized to furnish such security service in the State or political subdivision concerned.

"§ 4257. Penalties

"Whoever violates any provisions of this chapter or knowingly makes any false statement or representation with respect to any information required by the provisions of this chapter shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

"§ 4258. Disposition of handguns to the Attorney General; amnesty

"(a) (1) Any person who prior to a determination made under section 4254 of this chapter lawfully possessed a handgun or handgun ammunition and who

becomes ineligible to possess such handgun or ammunition by virtue of that provision, shall, if within sixty days after it becomes illegal for any such person to possess such handgun or handgun ammunition, receive reasonable compensation for the handgun or the handgun ammunition or both upon its surrender to the Attorney General.

"(2) The Attorney General is authorized to pay reasonable value for handguns and handgun ammunition voluntarily relinquished to him under this section.

"(3) The Attorney General is authorized to take the action necessary to facilitate carrying out the provisions of this section including advertisement within the standard metropolitan statistical area concerned.

"(b) (1) The Attorney General may whenever he considers it will carry out the objectives of this chapter provide for periods of amnesty during which persons who voluntarily surrender handguns or handgun ammunition or both may be paid reasonable value for their surrender as provided in subsection (a) and shall be granted immunity from prosecution for unlawful possession of such handgun or handgun ammunition.

"(2) Nothing in this section shall be construed as granting immunity from prosecution by any court for any crime other than the unlawful possession of a handgun or handgun ammunition.

"§ 4259. Rules and regulations; assistance to the Attorney General

"(a) The Attorney General may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.

"(b) When requested by the Attorney General the head of each department and agency of the Federal Government shall assist the Attorney General in the administration of the provisions of this chapter."

Sec. 203(a) Title 42, United States Code, chapter 52 is amended further by adding at the end thereof the following new subchapter:

**"SUBCHAPTER VIII—INTERGOVERNMENTAL REDUCTION OF HANDGUN
RELATED CRIMES**

"§ 4260. Prohibition of certain handguns

"(a) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, transport, or possess any handgun which the Attorney General determines to be unsuitable for law enforcement, military uses, hunting, sport shooting and other lawful purposes based upon standards established by the Attorney General.

"(b) (A) The Attorney General may, consistent with public safety and necessity, exempt from the operations of paragraph (1) of this subsection such importation, manufacture, sale, purchase, transfer, receipt, transportation, or possession of handguns by importers, manufacturers, or dealers licensed under this chapter.

"(B) Such exemptions may take into consideration the needs of police officers, security guards, sportsmen, target shooters, firearms collectors, and other lawful uses.

"(C) For the purposes of this subsection the term 'handgun' means any weapon designed or redesigned and intended to be fired while held in one hand; having a barrel less than ten inches in length and designed, redesigned, or made or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

"(c) (1) Any person who prior to a determination made under subsection (a) of this chapter lawfully possessed a handgun or handgun ammunition and who becomes ineligible to possess such handgun or ammunition and who becomes ineligible to possess such handgun or ammunition by virtue of that provisions, shall, if within sixty days after it becomes illegal for any such person to possess such handgun or handgun ammunition, receive reasonable compensation for the handgun or the handgun ammunition or both upon its surrender to the Attorney General.

"(2) The Attorney General is authorized to pay reasonable value for handguns and handgun ammunition voluntarily relinquished to him under this section.

"(3) The Attorney General is authorized to take the action necessary to facilitate carrying out the provisions of this section including advertisement within the standard metropolitan statistical area concerned.

"(b) (1) The Attorney General may whenever he considers it will carry out the objectives of this chapter provide for periods of amnesty during which persons who voluntarily surrender handguns or handgun ammunition or both may be

paid reasonable value for their surrender as provided in subsection (a) and shall be granted immunity from prosecution for unlawful possession of such handgun or handgun ammunition.

"(2) Nothing in this section shall be construed as granting immunity from prosecution by any court for any crime other than the unlawful possession of a handgun or handgun ammunition."

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. EFFECTIVE DATE.—(a) Except as provided in subsection (b) and (c) of this section, the amendment made by this Act shall take effect on the first day of the third month after its enactment.

(b) The provisions of title II, except the provisions of sections 4245 and 4246 take effect sixty days after the date of enactment of this Act, or on such prior date after enactment of this Act, as the President shall prescribe and publish in the Federal Register.

(c) Notwithstanding subsection (a) or (b), the officer provided for in section 102 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. That officer shall be compensated from the date he first takes office, at the rate provided for in this Act. Such compensation and related expenses of his office shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

[S. 2166, 94th Cong., 1st sess.]

A BILL To amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Protection Assistance Act of 1975".

SEC. 2. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended to add a new title, as follows:

"TITLE IX—PRESIDENTIAL PROTECTION"

"SEC. 901. In performance of the protective duties of the United States Secret Service pursuant to section 3056 of title 18 of the United States Code (pertaining to the protection of the President of the United States and other persons) and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), Federal departments and agencies shall assist the United States Secret Service by—

"(1) providing, when requested by the Director of the United States Secret Service or his authorized representative and on a reimbursable basis, services, equipment, or facilities on a temporary basis except that the Department of Defense and the Coast Guard shall provide such services, equipment, or facilities on a temporary basis without reimbursement when assisting the United States Secret Service in its duties directly related to the protection of the President or Vice President of the United States or other officer next in order of succession to the office of the President;

"(2) providing, upon advance written request of the Director of the United States Secret Service or his or her authorized representative and on a reimbursable basis such facilities, equipment, and services as are required by the United States Secret Service to provide full-time security for each protectee at no more than one property at a time not in Government ownership or control, such property having been designated by a President, President-elect, former President, or any other person entitled to protection under the above provision of law, as the one property to be secured under this paragraph. Where more than one family member is eligible for Secret Service protection, there shall be only one such designated property allowed per family: *Provided, however*, That such limitation shall not be construed to apply to members of the immediate family who do not permanently reside with the person entitled to protection;

"(3) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services, as are required by the United States Secret Service to provide full-time security at any property not covered by paragraph (2) of this section and not in Government ownership or control to the extent that such expenditures do not cumulatively exceed \$10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection under such sections of title 18 and such Act unless approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

"SEC. 903. Expenditures by the United States Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure non-Government property owned, leased, occupied, or otherwise utilized by persons entitled to protection under the above provisions of law shall be limited as provided in section 902(2) and 903(3) of this title.

"SEC. 904. All purchases and contracts entered into pursuant to sections 902(2), 902(3), and 903 of this title shall be made in accordance with the provisions of this Act.

"SEC. 905. No payments shall be made pursuant to this title for service, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons other than officers or employees of the Federal Government duly authorized by the Director of the United States Secret Service to make such procurements.

"SEC. 906. All improvements and other items acquired pursuant to this title shall be the property of the Federal Government. Upon termination of entitlement to Secret Service protection or if a President, President-elect, former President, or other person entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled, "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), designates a different property to be so secured, all improvements or other items shall be removed from the original property unless it is economically unfeasible to do so, as determined by the United States Secret Service, except that, such improvements or other items shall be removed and the property restored to its original state, regardless of the determination of economic unfeasibility, if the owner of such property at the time of determination requests removal. If improvements or other items are not removed, the owner of the property containing the improvements at the time of termination shall compensate the Government for the original cost of such improvements or other items or the amount they have increased the fair market value, as determined by the General Accounting Office, of the property as of the date of transfer or termination whichever is less.

"SEC. 907. Expenditures under this title shall be from funds specifically appropriated to the United States Secret Service for carrying out the provisions of this title, with the exception of those expenditures exempted in section 902(1). Public funds not so appropriated shall not be used for the purpose of securing any nongovernmentally owned property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice-Presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170).

"SEC. 908. The Director of the United States Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard shall transmit a detailed report of expenditures made pursuant to this title to the Committees on Appropriations, Committee on the Judiciary, and Committees on Government Operations of the House of Representatives and Senate on March 31 and September 30 of each year.

"SEC. 909. Expenditures made pursuant to this title shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate."

SEC. 3. Section 2 of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential and Vice-Presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), is repealed.

AN ACT To establish procedures and regulations for certain protective services provided by the United States Secret Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Protection Assistance Act of 1975".

SEC. 2. In performance of the protective duties of the United States Secret Service pursuant to section 3056 of title 18 of the United States Code (pertaining to the protection of the President of the United States and other persons) and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), Federal departments and agencies shall assist the United States Secret Service by—

(1) providing, when requested by the Director of the United States Secret Service or his authorized representative and on a reimbursable basis, services, equipment, or facilities on a temporary basis except that the Department of Defense and the Coast Guard shall provide such services, equipment, or facilities on a temporary basis without reimbursement when assisting the United States Secret Service in its duties directly related to the protection of the President or Vice President of the United States or other officer next in the order of succession to the office of President;

(2) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services as are required by the United States Secret Service to provide full-time security for each protectee at no more than one property at a time not in Government ownership or control, such property having been designated by a President, President-elect, former President, or any other person entitled to protection under the above provision of law, as the one property to be secured under this paragraph. Where more than one family member is eligible for Secret Service protection, there shall be only one such designated property allowed per family: *Provided, however,* That such limitation shall not be construed to apply to members of the immediate family who do not permanently reside with the person entitled to protection;

(3) providing, upon advance written request of the Director of the United States Secret Service or his authorized representative and on a reimbursable basis such facilities, equipment, and services, as are required by the United States Secret Service to provide full-time security at any property not covered by paragraph (2) of this section and not in Government ownership or control to the extent that such expenditures do not cumulatively exceed \$10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection under such sections of title 18 and such Act unless approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

SEC. 3. Expenditures by the United States Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure non-Government property owned, leased, occupied, or otherwise utilized by person entitled to protection under the above provisions of law shall be limited as provided in section 2 (2) and (3) of this Act.

SEC. 4. All purchases and contracts entered into pursuant to sections 2(2), 2(3), and 3 of this Act shall be made in accordance with the provisions of the Federal Property and Administrative Services Act of 1949.

SEC. 5. No payments shall be made pursuant to this Act for service, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons other than officers or employees of the Federal Government duly authorized by the Director of the United States Secret Service to make such procurements.

SEC. 6. All improvements and other items acquired pursuant to this Act shall be the property of the Federal Government. Upon termination of entitlement to

Secret Service protection or if a President, President-elect, former President, or other person entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), designates a different property to be so secured, all improvements or other items shall be removed from the original property unless it is economically unfeasible to do so, as determined by the United States Secret Service, except that, such improvements or other items shall be removed and the property restored to its original state, regardless of the determination of economic unfeasibility, if the owner of such property at the time of determination requests removal. If improvements or other items are not removed, the owner of the property containing the improvements at the time of termination shall compensate the Government for the original cost of such improvements or other items or the amount they have increased the fair market value, as determined by the General Accounting Office, of the property as of the date of transfer or termination, whichever is less.

SEC. 7. Expenditures under this Act shall be from funds specifically appropriated to the United States Secret Service for carrying out the provisions of this Act, with the exception of those expenditures exempted in section 2(1). Public funds not so appropriated shall not be used for the purpose of securing any non-governmentally-owned property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 of the United States Code and the first section of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice-presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170).

SEC. 8. The Director of the United States Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard shall transmit a detailed report of expenditures made pursuant to this Act to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and Senate on March 31 and September 30 of each year.

SEC. 9. Expenditures made pursuant to this Act shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate.

SEC. 10. Section 2 of the joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential and vice-presidential candidates", approved June 6, 1968 (Public Law 90-331; 82 Stat. 170), is repealed.

Passed the House of Representatives May 5, 1975.

Attest:

W. PAT JENNINGS,
Clerk.

PREPARED STATEMENT OF HUGO J. MASINI, CHIEF OF POLICE, HARTFORD, CONN.

Thank you for your interest in my views on the important question of handgun control in the United States.

As Chief of Police in a typical urban setting, I share your concern about the dimensions of the problems caused by the ready availability and criminal employment of firearms.

I strongly favor policies which will reduce the widespread availability of deadly weapons in our society while not infringing upon legitimate interests of such groups as sportsmen and collectors.

There is a need to impact upon the criminal who does not and will not seek to register a weapon, secure a license or follow conditions of eligibility related to handgun purchase. Particular attention must be paid to such diverse categories as the violence prone, the drug addict, the alcoholic and the impressionable juvenile. The youth category today represents that segment of the population which emerges in significant numbers in two crime related roles—as perpetrator and as victim.

I feel very strongly that concurrent with any move to bring about some regulation of possession of weapons, every effort must be made to assure that criminals who commit crimes while armed are processed quickly through the courts and receive maximum sentences. Gun control calls for fair, meaningful, enforcement and judicial review on a uniform state or federal level. Firm prosecution of sensible laws can fortify public respect for the law. There should be sufficient discretion allowed the courts to deal with gun crimes without imposition of mandatory penalties so severe that juries and judges will turn away from applying the law. As distinguished from gun possession infractions, I believe we should consider carefully how to deal with cases in which handguns have been used in commission of crimes. These should be elevated from a misdemeanor to a felony and not permitted to be weakened through the plea bargaining process.

With respect to legislation, it should address current problems and needs, some of which are briefly outlined below:

A national policy to encourage

(a) uniform state registration of handguns including those used by police, but excluding military.

(b) the licensing of individual handgun owners or caretakers with clearly specified standards of eligibility pertaining to manufacture, import, export, assembly, modification, sale, transfer, ownership, use and disposal of unwanted handguns.

There should be uniformity of regulations governing interstate commerce to protect residents of a given state from the flow of unwanted weapons emanating from another state. We should establish as a goal that precautionary measures be applied to all who possess deadly weapons and not solely the police. To decrease sources for the stolen gun market greater responsibility must be directed toward dealers, gunsmiths, pawnshops, private collectors, armories, museums, and those organizations which possess numbers of handguns.

Some closing thoughts when considering how to draft needed legislation are that much confusion and controversy has clouded issues over lack of universal definition of terms. For example, the phrase, Saturday Night Special, has been variously interpreted to distinguish a handgun by the following: caliber, overall size and concealability, purchase price, origin, quality of manufacture, melting point and even time of purchase or use according to folkways of such diverse geographic points as the "deep South" and northern cities of Detroit and Chicago.

With control there will be increasing need to prevent conditions favorable to growth in black market activity whether it be on organized crime or other level.

We must further develop the belief that uncontrolled guns endanger the sanctity of human life. Control of criminal use of guns can lead to a change in the viewpoint that the citizens must bear them for purpose of defense.

Further research into the gun control problem while unquestionably essential, should not be cause to delay realistically enforceable legislation, even though it be produced in stages to reach long range goals.

Again, my thanks to you for your interest and apologies if I have dwelt too long upon the basics of this problem. Please call upon me if I may further assist you or your staff.

PUBLIC OPINION POLLS **By Louis Harris and Associates, Inc.**

GUN OWNERSHIP BY HOUSEHOLD

[In percent]

	Total	East	Mid-west	South	West	Cities	Suburbs	Towns	Rural
Own a gun.....	47	29	50	61	52	30	42	57	68
Don't own a gun.....	52	70	50	37	47	68	57	42	32
Not sure.....	1	1		2	1	2	1	1	

HANDGUN OWNERSHIP BY HOUSEHOLD

[In percent]

	Total	East	Mid-west	South	West	Cities	Suburbs	Towns	Rural
Own a handgun.....	45	51	32	46	51	47	50	52	36
Don't own a handgun.....	51	45	65	52	42	47	45	46	61
Not sure or refused to answer.....	4	4	3	2	7	6	5	2	3

Source: Excerpt from survey conducted by Louis Harris and Associates, Inc., Oct. 21, 1975.

BAN ON ALL HANDGUNS ¹

[In percent]

	Total	East	Mid-west	South	West	Cities	Suburbs	Towns	Rural
Favor.....	37	51	43	18	36	48	44	26	24
Oppose.....	57	43	54	74	59	45	53	67	69
Not sure.....	6	6	3	8	5	7	3	7	7

BAN ON ALL HANDGUNS IN HIGH CRIME AREAS ¹

[In percent]

	Total	East	Mid-west	South	West	Cities	Suburbs	Towns	Rural
Favor.....	44	57	50	29	38	55	50	30	35
Oppose.....	49	37	45	64	54	39	45	63	57
Not sure.....	7	6	5	7	8	6	5	7	8

¹ The exact question asked was: Would you favor a Federal law that banned the ownership of all handguns by private citizens/in high crime areas?

Source: Excerpt from survey conducted by Louis Harris and Associates, Inc., Dec. 8, 1975.



RIGHTS ONLY UNIT
By Louis Harris and Associates, Inc.

and others, respondents

Plaintiffs

Comes now the Plaintiff, Louis Harris and Associates, Inc., and files this Complaint against the Defendants, and alleges:

1. That the Plaintiff is a corporation organized under the laws of the State of New York.

2. That the Plaintiff is engaged in the business of providing real estate services.

3. That the Plaintiff has been operating its business since the year 1960.

4. That the Plaintiff has a reputation for honesty and integrity.

5. That the Plaintiff has been successful in its business operations.

6. That the Plaintiff has been a member of the National Association of Realtors.

7. That the Plaintiff has been a member of the New York State Association of Realtors.

8. That the Plaintiff has been a member of the New York State Bar Association.

9. That the Plaintiff has been a member of the New York State Chamber of Commerce.

10. That the Plaintiff has been a member of the New York State Association of Business.

11. That the Plaintiff has been a member of the New York State Association of Manufacturers.

12. That the Plaintiff has been a member of the New York State Association of Laborers.

13. That the Plaintiff has been a member of the New York State Association of Teachers.

14. That the Plaintiff has been a member of the New York State Association of Nurses.

15. That the Plaintiff has been a member of the New York State Association of Doctors.

16. That the Plaintiff has been a member of the New York State Association of Lawyers.

17. That the Plaintiff has been a member of the New York State Association of Judges.

18. That the Plaintiff has been a member of the New York State Association of Clergy.

19. That the Plaintiff has been a member of the New York State Association of Ministers.

