



Department of Justice

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STATEMENT
BY
ATTORNEY GENERAL RAMSEY CLARK
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
SENATE COMMITTEE ON THE JUDICIARY
ON

S. 1 - Amendment No. 90. State Firearms Control
Assistance Act of 1967

TUESDAY, JULY 18, 1967

How long will it take a people deeply concerned about crime in their midst to move to control the principal weapon of the criminal: guns? How long will it take us to realize that times have changed, that indiscriminate traffic in guns needlessly subjects thousands annually to death, injury, fear and property loss? How long will we neglect our duty to do what we can to prevent the majority of our murders, and the tens of thousands of robberies and assaults committed annually with firearms? How many summers will we leave law enforcement with the single alternative--return fire--to thousands of firearms in the hands of the lawless who terrorize whole sections of great cities with sniper fire? When will we act?

We are not the pioneer venturing into the wilderness, dependent on his rifle for food and protection. We are 200 million highly urbanized and interdependent citizens of the most technologically advanced and affluent nation in history. We must control the indiscriminate flow of firearms to those who use them for crime.

If government is incapable of keeping guns from the criminal while permitting them to the law abiding, then government is inadequate to the times. Considering the stakes, we should at least try before conceding defeat.

There is no quick and easy way to control crime in America. We, as a people, must recognize this and commit ourselves to a long and ardent effort. But of all the techniques of law enforcement, its methods of investigation, and the procedures of courts, none offers such clear, quick and substantial enhancement to public safety as gun control. Here is a law that, implemented, can reduce crime, can aid law enforcement.

In 1966, we estimate 6,400 murders, 10,000 suicides and 2,600 accidental deaths were caused by firearms in the United States. Criminals used guns in 43,000 aggravated assaults and 50,000 robberies.

Some two million firearms were sold in the United States, half by mail order houses and half by retailers from sporting goods stores to five-and-dimes and filling stations. Among the purchasers were known dangerous criminals, mental defectives, angry spouses, habitual drunkards, children and drug addicts.

Now the thought is voiced that guns in the hands of an unorganized citizen militia is essential to the public safety. The notion is the antithesis of the rule of law and can only spell the failure of government.

It is as President Johnson said in his message on crime in America: "To pass strict firearms control laws at every level of government is an act of simple prudence and a measure of civilized society. Further delay is unconscionable."

Existing Federal firearms laws are largely ineffective and inadequate. They do little to control the mail order sale of handguns, rifles, and shotguns. Local laws are avoided by ordering firearms in interstate commerce. Strict firearms controls by a state or city are also nullified when a potential criminal secures a firearm in a neighboring jurisdiction with lax controls and returns to his own state to commit crime.

S.1., Amendment 90 is designed to provide better controls over interstate and foreign commerce in firearms, thus enabling the states to control more effectively the traffic of firearms within their own borders.

Nearly 800,000 Americans have died since 1900 by means of firearms, other than in armed conflicts. In contrast, fewer than 600,000 Americans have been killed in all our wars from the Revolution to date. Guns claim on the average of 50 lives a day, or one every half-hour. This is not to say that all of these deaths are the result of criminal acts, though many are. It is to say guns are dangerous. They can kill. They should not be available for those who will use them for crime. Common sense dictates that we act now.

J. Edgar Hoover, in the FBI Law Enforcement Bulletin in June 1963, observed forcefully: "The easy accessibility of firearms is a significant factor in murders committed in the United States today. It is a problem which the American public needs to examine closely. . .The questionable traffic in deadly weapons in many sections of our country is a disgrace. To my mind, the public has a right to expect that the distributor and the purchaser of weapons so deadly and easily concealed such as handguns must meet certain regulations and qualifications. Spotlight of such attention should be focused on the easy accessibility of firearms and its influence on willful killings."

The National Crime Commission supported firearms legislation similar to that which you are considering here today. The Commission stated that it "strongly believes that the increasing violence in every section of the nation compels an effort to control possession and sale of the many kinds of firearms that contribute to that violence."

FBI statistics show that reported serious assaults with a gun increased 23 percent during 1966 (more than twice the reported increase for all serious crime). Six of every 10 murders were committed by means of firearms. Handguns were used in 71 percent of these murders, shotguns in 17 percent, and rifles or other firearms in 12 percent.

Ownership of guns among those legally entitled to own them will not be curtailed by this bill, nor will regulations be forced on unwilling states.

The bill would:

- (1) Prohibit interstate mail order sale of all firearms. However, rifles and shotguns purchased in person at the licensee's place of business could be shipped interstate to the purchaser at his residence.
- (2) Prohibit a Federal licensee from selling or delivering a firearm to a person less than 21 years of age, and 18 years of age in the case of a rifle or shotgun.
- (3) Prohibit a Federal licensee from selling or delivering a firearm to a person who the licensee believes is prohibited by state or local law from receiving or possessing a firearm.
- (4) Prohibit the sale or delivery of any firearm, other than a rifle or shotgun, to anyone not residing in the state in which the licensee's place of business is located.
- (5) Provide standards and increase licensing fees for Federal firearms dealers, importers and manufacturers.
- (6) Prohibit interstate transportation of destructive devices, machine guns, and short-barrelled shotguns and rifles, except between Federal licensees or with the approval of the Secretary of the Treasury.
- (7) Regulate the importation of firearms into the United States.

The bill does not deal with the question of gun permits or registration, leaving it to the states and local communities to decide what local firearms laws, if any, they want. It would not prohibit sportsmen from carrying their shotguns or rifles across state lines, and pistols could be carried in conformity with state laws.

The people of the United States want stricter control of guns. Their safety demands action now. The Congress is fully empowered to act. The issue has been debated beyond reason.