



# Department of Justice

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STATEMENT

by

ATTORNEY GENERAL RAMSEY CLARK

before the

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY  
of the  
SENATE JUDICIARY COMMITTEE

on

The Proposed Federal Gun Registration  
and Licensing Act of 1968

June 26, 1968

America pays a terrible price for its heritage of guns. We are virtually unique among nations that know guns in our failure to control them. Guns have scarred our national character, marking many of the most terrible moments of our history. Destroyer of life, causer of crime, guns threaten our future.

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 long will we permit guns in the hands of the assassin to threaten our political system? How many summers will we risk sniper fire which can terrorize whole sections of great cities? When will we act?

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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.

In question is our ability to meet a crisis. It is not hysteria that demands gun control, it is 7,700 murders, 11,000 suicides, 55,000 assaults, 71,200 robberies in a single year. It is an urgent need realized by more than four out of five of our people. We must question the capability of our democratic system if we fail to act.

Several tragic assassinations have dramatized the peril firearms are. But that peril has existed and been known for decades. It has been disregarded at an awesome cost which, when totaled, amounts to a national catastrophe.

Since 1900, firearms have killed some 800,000 persons in this country. Today, more than 20,000 Americans are shot to death and upwards of 200,000 are injured or maimed by guns each year.

For the first time in three decades, Congress has acted to control firearms by recently approving as part of the Omnibus Crime Control and Safe Streets Act a ban on the

mail order purchase of handguns. You are now considering a measure to extend those provisions to long guns and ammunition.

Valuable as those measures are, greater protection is needed. Today, I appear to urge passage of President Johnson's proposal for registration and licensing of firearms. They are essential to comprehensive control.

The bill would require that a national registration of firearms begin 180 days after its effective date. All those who now have firearms and all those who buy them in the future would be required to register the weapons with the Secretary of the Treasury. The registration application form would contain essential information: name, address, date of birth, Social Security number, the maker of the gun, the caliber and model, serial number, and information from whom it was purchased.

This information would be fed into the National Crime Information Center operated by the Federal Bureau of Investigation. By using the Center's computers, authorities in every part of the country would be able to trace the ownership of a registered gun in a matter of seconds.

Other provisions are designed to assure registration. An unregistered gun cannot be purchased legally. To make certain a gun has previously been registered, a buyer must see the

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seller's certificate and list the number in his own application. The seller must in turn report the name and address of the purchaser to the Secretary. If a new registration application is not received, the Secretary knows who to contact. A registration expires if a person fails to notify the Secretary within 30 days of a change of name or address. Licensed dealers, subject to federal regulation, may not deliver a firearm without personally seeing that it is registered.

Ammunition cannot be purchased from a federal dealer without presenting a certificate of registration for an appropriate firearm. The Secretary has power to declare periods of amnesty to encourage registration of previously unregistered firearms.

To assist enforcement, a person carrying a firearm must have in his possession a certificate of registration or evidence that he has applied for it. He also would be required, when carrying the weapon, to show the certificate to a law enforcement officer upon request.

Violation of registration provisions carries a maximum penalty of two years in prison and a \$2,000 fine. Willful falsification of registration information or forging or altering a registration certificate would carry a maximum penalty of five years in prison and a \$10,000 fine.

To reduce the number of firearms, the Secretary is authorized to pay just compensation for firearms when the owners voluntarily relinquish them and is required to pay just compensation when the owners become eligible under federal law to possess them.

Information on registration applications will not be divulged except to law enforcement officers as part of their official duties.

The licensing section of the bill would ultimately make it illegal for a person to possess a firearm without a state permit or a federal gun license. The bill is designed to encourage the states to enact adequate permit systems for firearms.

The Secretary designates the states or political subdivisions which have adequate permit systems under the standards specified in the Act. Permits must show the name, address and signature or photograph of the permit holder. Persons under indictment, fugitives from justice, and felons must be prohibited from possessing guns. Restrictions must also apply to minors, alcoholics, mentally disturbed, drug addicts, and persons with previous violations of the firearms laws. There must be procedures to investigate the eligibility of all applicants--including fingerprinting and photographs. Finally, the state must make it illegal for a person to possess--

not just purchase--firearms or ammunition without a permit.

If a state fails to adopt an adequate permit system by September 1, 1970, then federal licensing standards would become effective until the state creates its own program. Federal gun licenses could be obtained from a federally-licensed dealer. The requirements would be strict.

The applicant, first of all, would have to present a valid, official document from his state--such as a driver's license--showing his name, address, age and signature or photograph. Then he would have to present a form signed by the chief law enforcement officer in his town or county that he was not a fugitive, not under indictment, had no felony conviction record, and was not ineligible under state or local law to possess firearms. A licensed physician would have to sign a statement that, in his professional opinion, the applicant was mentally and physically competent to possess and use a firearm safely. A set of fingerprints, certified by a law enforcement agency, and a photograph also would have to be furnished by the applicant.

Federal gun licenses would be valid for a maximum period of three years. They would, of course, be renewable under proper procedures.

After September 1, 1970, it would be illegal to sell or transfer firearms or ammunition unless the purchaser has a valid state permit or a federal gun license. After September 1,

1971, no person may possess firearms or ammunition without a valid state or local permit or a federal gun license.

Illegal sales or possession would carry a maximum penalty of five years in prison and a \$5,000 fine.

The bill contains an additional provision relating to the Federal Wildlife Restoration Fund--which gives to states their proportionate share of the federal excise taxes on sales of guns and ammunition. After June 30, 1971, states without adequate permit laws will be ineligible to receive any of that money. States benefiting from the sale of firearms should meet their responsibility to protect their citizens. Funds would be diverted from the ineligible to the eligible states. We should be at least as diligent in conserving human life as in conserving wildlife.

After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.

The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now.