



CONGRESSMAN'S REPORT

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Gun Fight at the Congress Corral

My first newsletter of the 89th Congress deals with guns and laws and people. It's about a modern-day battle almost as charged as that famous gunfight in Tombstone's OK Corral. Let's start with two stories -- one fictional, one real:

A 13-year-old Tucson boy saves \$20 to buy a rifle; his father refuses. The boy secretly tries to make a purchase at a reputable local gun store; under Arizona law the dealer cannot make the sale without parental consent. The boy then clips a gun magazine ad and orders a rifle from St. Louis, to be shipped to him at General Delivery. The St. Louis firm accepts the boy's word that he is an adult. Under present federal law it can and does mail the gun. State law and the boy's parents both are circumvented. The untrained boy, or one of his friends, may lose his life as a result.

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In Dallas, a man named Lee Oswald (using a false name) orders from a Chicago mail order house a foreign rifle with a telescopic sight. He is a Marxist, a former defector to Russia, and a person under FBI scrutiny. But the gun is shipped, no questions asked. A President is killed with this gun.

BLASTS FROM BOTH SIDES

Last month I introduced a bill to make carefully limited changes in federal firearms law. Identical bills were sponsored by nine other Members of Congress representing a broad cross-section of political thinking. Among the sponsors were conservatives and liberals, Democrats and Republicans -- people like Sen. Thomas Dodd of Connecticut, the principal sponsor, Sen. Strom Thurmond of South Carolina and Congressman John Lindsay of New York.

Reaction to these bills has been in the tradition of the West as portrayed nightly on television screens across the land. Names like Colt, Winchester, and Remington evoke colorful memories, and their admirers are not about to let them fade. When they read that a "gun bill" has been introduced, they hurried to head it off at the "pass."

But not all my mail is coming from opponents of gun legislation. Strangely I find myself being attacked from two directions at once:

** It's too mild. Some see my bill as a mild, almost meaningless gesture when crime, especially juvenile crime and crime in our cities, is increasing without adequate efforts to meet it. These people believe firearms should be registered and other restrictions imposed.

** It's too tough. On the other hand, many vocal Arizonans charge my bill with violating the Second Amendment, opening the doors to Communist dictatorship, destroying one of our national pastimes, interfering with father-and-son relationships, etc.

The Arizona State Rifle and Pistol Association wrote: "It would unduly punish the law-abiding citizen, the rancher or farmer who needs a firearm in his daily life, the sportsman who helps harvest our tremendous game herds, and the citizen who shoots for recreation." And, my old friend, Ben Avery, respected political and wildlife columnist for the Arizona Republic, wrote of my bill and others affecting firearms:

"My guess is that if this goes through, there will be great rejoicing in Peking and Moscow."

WHAT THE BILL WOULD DO

I welcome constructive criticism from any point of view, asking only that it be factual. Thus I want to make very clear what my bill would do, and what it would not do.

If the bill became law, here is how you would buy a mail-order gun:

1. Answering a magazine ad, you would fill out two copies of a standard notarized form, affirming that you are at least 18 years old, have not been convicted of a felony, and that it is not against local law to purchase a gun. You also would name your local sheriff or police chief.
2. You would mail the affidavit with your order to the company.
3. On receiving your order the company would send, by registered mail, a copy of the affidavit and a description of the firearm (but not its serial number) to the local sheriff or police.
4. As soon as the receipt for the letter was returned, the seller would ship your gun to you.

That's all. If your statements on the form are true, the police cannot prevent shipment. You are entitled to the gun whether the police like or dislike you and whether or not they think you need a gun.

WHAT THE BILL WOULD NOT DO

Now I want to state clearly what my bill would not do: ** It would not require state or federal registration of guns. (I am opposed to a federal firearms registration law.) ** It would not require a police permit or license for gun ownership. ** It would not prevent or affect over-the-counter sales in Arizona. (It deals only with mail-order sales.) ** It would not prevent law-abiding adults from obtaining guns through the mail just as they can now. ** It would not place any restrictions on citizens who may have committed minor traffic violations or other misdemeanors. ** It would not restrict Arizona ranchers and farmers in any way from owning or using guns. ** It would not affect in any way sellers or collectors of antique guns. (They are specifically exempted from the bill.)

WHY ADDITIONAL LAWS ARE NEEDED

Americans are becoming increasingly concentrated in big cities. In fact, 70 per cent of our people now live on only 3 percent of our land. Crime rates, especially juvenile crime rates, are increasing sharply. In 1963, for example, youngsters under 18 were involved in 46 per cent of the arrests for serious crimes such as homicide, robbery and assault.

I believe the need for this legislation was made obvious in a series of hearings conducted over the past four years by Senator Dodd's Subcommittee on Juvenile Delinquency. Here are some of the impressive facts and conclusions:

** One-fourth of the mail-order firearms shipped into the District of Columbia go to persons with criminal records.

** Two Los Angeles firms sent over 4,000 firearms to buyers in Chicago in three years; one-fourth of these buyers had criminal records.

** Juvenile delinquents are prime users of guns ordered through the mail.

** In Los Angeles, hardened felons have ordered and received mail-order firearms which were then used in armed robberies.

** Lawmen from Washington, Los Angeles, Pittsburgh and New York City said mail-order firearms have substantially contributed to the overall crime rates in their areas.

WHERE I STAND

Let me make my personal background clear. I grew up in a northern Arizona community where nearly every family owned guns. As a boy, I had one of my own. I was a rifle instructor during

World War II. I know about guns, too, from my work as a defense lawyer and prosecuting attorney in many Pima County cases. I still own guns and have taught my children to shoot. I believe the handling of rifles is valuable training, and I support rifle clubs. I believe police agencies have no right to determine who can or cannot own guns.

My bill would be only a modest addition to existing federal law. Present laws, dating back to 1934, already prohibit shipping guns to criminals. But they have not worked -- because the laws lack effective machinery such as I am proposing. Crime prevention, in my judgment, is largely a local function. But the holes in existing federal law defeat attempts by local police to prevent criminals and juveniles from getting their hands on the weapons of crime. My bill would strengthen local law enforcement.

I do not claim that this legislation would have prevented President Kennedy's assassination or that it would keep any particular criminal from committing any particular crime. No bill will keep all children or all convicted criminals from getting their hands on a gun, but a reasonable law will make it a little harder for them to do so. I think this bill could save lives and help combat crime.

OPPONENTS' ARGUMENTS

Opponents of my bill offer a number of arguments. Let's look at them:

Argument No. 1. "It isn't the gun that kills; it's the person. Only stronger penalties will solve the crime problem."

Of course an inanimate gun doesn't kill, but this sidesteps the issue. We could argue that automobiles don't kill either -- that the drunk or careless driver does the killing. Yet we require auto registration and demand that automobiles have adequate lights and brakes. The switchblade knife doesn't kill, either, but its mere possession is a violation of federal law.

Imposing stronger penalties for using a gun while committing a crime may have merit, but it is not the only approach. After all, with good aim a gun user makes himself subject to the death penalty in most states right now.

Argument No. 2 "The law won't have any real effect; anyone who wants to commit a crime still will be able to get a gun."

Of course, determined criminals still will be able to get guns regardless of any law. But the bill would dry up one of the major sources of weapons for use in violent crimes, and would enable police to solve more gun crimes.

It can be argued that narcotics addicts can still get their hands on drugs, despite our present laws, and this is true. Yet I wonder how much more narcotics addiction we would have if a high school student could simply write a friendly dope peddler in Oshkosh, give an alias and receive any

amount of heroin or cocaine in an unmarked package, no questions asked. Requiring verified identification to buy a gun through the mail will remove the mask of anonymity which makes mail-order purchases so attractive.

Argument No. 3 "This law violates the Second Amendment and will deprive Americans of a basic freedom."

There are no absolute freedoms. The "right to bear arms" provision of the Second Amendment does not authorize me to acquire a 6-inch cannon and hold target practice on Main Street. A homeowner's right to use his own private property as he wishes does not allow him to convert his back yard into a soap factory or a pig farm. Reasonable limitations are applied to all our freedoms.

According to the National Wildlife Federation, 29 states require a license or permit to carry a hand-gun; 18 states require a license to carry a hand-gun in a vehicle. All states have firearms laws connected with hunting. Arizona laws now prohibit; (a) possession of pistols by criminals, (b) selling or giving firearms to minors without parents' consent, and (c) carrying concealed weapons. To my knowledge, no one has ever questioned the constitutionality of these state laws.

My own bill clearly does not violate the Second Amendment. It would not limit the right of children under 18, or even convicted criminals, to keep and bear arms. It would make it harder for them to buy guns through the mail.

Argument No. 4. "Why single out guns? Why not restrict the sale of knives and other weapons?"

First of all, we totally prohibit the sale or ownership of switchblade knives (except, curiously, to people who have but one arm). However, this law notwithstanding, the lethal nature of a gun puts it in a special class. Guns account for more than half of all murders and an even larger percentage of other serious crimes. From 1960 through 1963 criminals killed 168 police officers; guns were used in 96 per cent of these murders.

We cannot overlook the sheer physical killing power of a chunk of lead traveling from 850 to 2,700 feet per second. J. Edgar Hoover, Director of the FBI, put it bluntly:

"Guns are by far the most lethal weapons used in assaults to kill -- seven times more deadly than all other weapons combined." In other words, if you are assaulted by a hoodlum using a knife or a broken beer bottle, your chances of survival are seven times as good as they would be if he used a pistol.

Mr. Hoover continued: "Those who claim that the availability of firearms is not a factor in murders in this country are not facing reality 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 purchaser of weapons so deadly and easily concealed as hand guns must meet certain regulations and qualifications."

Finally, we should recognize the psychological effect a gun can have -- the feeling of power it can give to an otherwise timid man in a potentially violent situation.

Argument No. 5. "This bill is just a 'foot in the door' for more restrictive legislation. It will lead to registration, police permits, and confiscation of private weapons."

Too often the inclination of special interest groups is to oppose even modest and reasonable proposals on the theory that passage of reasonable laws will surely lead to passage of unreasonable laws. Unfortunately, this approach usually results in more extreme action than would have occurred otherwise.

If I favor school lunches using government-donated surplus food, does that mean I also want the government to provide three hot meals daily to the entire American population? Of course not. But that's the same picture this argument paints.

I do not believe a federal gun registration law could pass the Congress. Of course, many citizens advocate stringent gun laws, and I can understand the concern of sportsmen. But I can only affirm that my bill is no Trojan Horse with more extreme legislation hiding inside.

Argument No. 6. "The fact that the world's free nations do not restrict gun use proves that well-armed citizens are essential for a democracy."

The fact is that most of the nations we consider free have much tighter gun restrictions than we have ever considered. For instance, France, West Germany, and Norway all require gun licensing and prohibit guns to criminals. I do not advocate their rules for our country, but obviously the fact that a democratic nation chooses to place restrictions on access to guns does not automatically convert it to a police state.

WIDE SUPPORT FOR BILL

This moderate bill has attracted wide support. The Treasury Department, the FBI and Justice Department have joined many local law enforcement agencies in backing the bill. And it has the support of the American Legion.

Public opinion indicates that the American people favor far stronger laws. My own questionnaire last year showed over 60 per cent of the people in my district favor a complete ban on sales of firearms to criminals and deranged persons. The latest Gallup Poll showed 73 per cent of those answering approve police permits for purchasing a gun. Now President Johnson, taking note of the serious crime problem in this country, has asked for legislation going far beyond my limited bill; he wants to ban all retail mail-order sales of firearms.

The National Rifle Association deserves a special word of commendation. This is the largest organization of shooting sportsmen in the country, and certainly one of the most effective. To its credit, the NRA has worked with Senator Dodd in drafting our present bill, advising its more militant members that failure to do so would result in even more sweeping legislation. The President's proposal proves the NRA leadership was right.

I have heard it asserted that the NRA does not back the Dodd-Udall bills. I checked again with Franklin L. Orth, NRA executive vice-president, as this newsletter was being written. He assured me that the NRA stood solidly behind Senator Dodd's bill last year, and that the organization "supports the intent and purpose" of our bill this year.

TO SUM IT UP

Now that the President has given his support to firearms legislation it is likely that some bill will be enacted; it could be this one. In any case, I am convinced that:

** New legislation is needed in the fight against crime, especially in our cities. ** My bill could be particularly effective in controlling juvenile crime. ** It could prevent many heartbreaking family tragedies. ** It would not interfere with the rights of sportsmen, hunters or ranchers. ** It would not lead to federal registration or anything similar. ** It would strengthen the position of reputable Arizona gun dealers.

A handwritten signature in black ink, appearing to read "Howard Udall". The signature is written in a cursive, flowing style with a long horizontal tail stroke extending to the right.