

GUN LEGISLATION--A THREAT TO THE PITTMAN-ROBERTSON PROGRAM

Leslie E. Lahr
Department of Fish and Game
Redding, California

Abstract: The Wildlife Restoration Act has allotted nearly \$325 million since 1937 to the participating states. Much of the habitat improvement and increases in diminishing game species can be attributed to the use of these funds.

Terror tactics, emotionalism and deliberate fabrications have been used to confuse, mislead and stampede the enactment of severe firearms restrictions; no factual material has been submitted which would objectively portray either the motive behind the proposed legislation or the actual effects of existing similar laws.

The regulations promulgated under the Gun Control Act of 1968 exceed the provisions of the act and are in opposition to the purposes of the act as set forth in Section 101.

The enactment of a Federal gun registration law, administered in the manner of existing gun control laws would markedly decrease the funds available for wildlife restoration and have a depressing effect on the general economy of the country.

Existing firearms registration laws have failed to disarm the criminal but have imposed a burden on the law abiding citizen, without reducing the crime rate. The cost of national firearms registration would amount to some \$4 or \$5 billion initially, and would be a recurring cost. The total cost of all law enforcement is between \$4 and \$5 billion per year. There is no difference in the homicide rate between states having severe and moderate firearms control laws.

The 1968 sessions of Congress and the various State Legislature experienced the most concentrated pressures to enact severe firearms registration and firearms owner licensing laws. The emotion-charged atmosphere surrounding murders, assassinations and widespread violent crimes completely obscured reason, objectivity, and practicality in the minds of the proponents of the numerous ill advised bills placed before these bodies.

The fact that various cities and states had experimented with firearms registration, owner licensing and virtual confiscation of privately owned firearms without success in either preventing crime or aiding in apprehending criminals was ignored by the proponents of legislation, in most respects, identical to existing laws that had failed to achieve the expected end.

Instead the numerous groups, individuals and almost the entire news medium parroted alleged statistics that are known to be completely without factual support maligned highly reputable national organizations, boasted of achievements that would be the result of firearms curbs and resorted to emotional appeals that frightened the timid, worried those unfamiliar with the facts, and created a nation-wide turmoil that has been unequalled since the days of the Volstead Act.

Since passage in 1937, the Federal Aid in Wildlife Restoration Act (commonly termed ~~Pittman-Robertson~~ Act) has allotted \$324,816,125 to the various states (McKenna 1968). Accrued for an 11% tax on firearms and ammunition collected at the manufacturers' level, these monies are used by the various state conservation agencies for wildlife projects under the overall administration of the U. S. Bureau of Sport Fisheries and Wildlife.

To be eligible for Pittman-Robertson funds, all receipts from hunting license sales must be reserved for the states' fish and game departments. After obtaining Federal approval for wildlife projects, states may be reimbursed for no less than 10% and up to as much as 75% of the costs of the project.

Unobligated monies at the end of the second year revert to the U. S. Bureau of Sport Fisheries and Wildlife. Allotments may not be transferred from one state to another, nor may any state receive more than 5% of the total funds collected from the tax, or less than .5%. Allotments are based on the number of hunting licenses sold and on each state's area.

The extent to which this act has benefited wildlife and the hunter and nature lover can be understood when it is realized that during the past 30 years, states have purchased outright 2,730,628 acres of some of the finest hunting lands in the Nation.

Where conservation largely meant the shortening of seasons and the lowering of bag limits some 30 years ago, today the preservation of some of the finest habitat, improvement of wildlife living conditions and the provision of a place for the beleaguered hunter to hunt has brought new meaning and enthusiasm to game departments and the public.

The extents which knowledge of wildlife has been increased are beyond calculation; some of the information developed has had a material effect on the increase of game species and has been of assistance in the protection of endangered species that otherwise might not have survived.

Much of the foregoing is common knowledge to most of you. The insidious threat to conservation that has aroused millions of hunters and other citizens during the past year has posed a danger to the Pittman-Robertson program that is by no means past. To many people, firearms registration and gun owner licensing means little more than a news media controversy or a nuisance that is often considered inevitable.

To many wildlife workers, the restriction on firearms means a safe environment for their wildlife friends, but to informed persons, the prospect of a loss of a substantial portion of the yearly \$10,000,000 is more than a bread and butter loss--it could easily be the beginning of the end of modern conservation.

For the past several years, various bills designed to register, license, or limit ownership of firearms have been introduced into the U.S. Congress. Various supporting information purportedly showing the desirability of this legislation was usually written into the justification of the bill.

More recently, supporting information was contained in the actual bill such as the preface of Senator Dodd's various efforts which included such statements as "the ready availability of firearms being a major cause of crime" and others to the effect that registration of firearms would be of substantial assistance in the solution and prevention of crime, although none of these statements could be supported in fact and documented evidence presented at the various committee hearings refuted the allegations, the proponents of the restrictive legislation continued to repeat their charges without regard to either the truth or the intellectual capabilities of the American citizen.

One of the more flamboyant statements that was repeated by virtually every news commentator, newspaper, magazine and politician supporting gun registration was the shocking statement that "since the turn of the century more than 750,000 (or 800,000) people had died by private guns in private hands".

This statement was made by Attorney General Ramsey Clark, by President Johnson on nationally televised news reports and by every advocate of firearms registration who could obtain a public forum for this deliberate falsehood.

The September 1968 issue of the American Rifleman reprinted an article from the New York Times Magazine under the title, "Terror Techniques Used Against Guns", two photos, one which showed a blackskinned man with bushy hair, a beast-like nose and fang-like teeth, with the sub-title, "In America today, even this man can buy a gun."

As long as "this man" is not a felon, a narcotic addict, an alien or a mental incompetent, why shouldn't he buy a gun? Are we legislating so that only the handsome and physically pleasing in appearance may buy guns?

Maybe this poor fellow needs to buy a gun to defend himself against persons who would not only deprive him of his Constitutional right to buy a gun, but also of his Constitutional rights to be an individual.

On January 23, 1968, Senator Tydings told the U. S. Senate quoting the Harris poll as showing that "68% of white gun owners favor passage of a law in Congress that would require that all persons register all gun purchases no matter where they can buy them" - "that the major public complaint about Congress is our failure to pass a meaningful firearms control bill."

President Johnson, in several television appearances, repeatedly told the American people that firearms registration laws must be enacted immediately to stop and prevent murder in the streets. Either he was ignorant of the facts or he is guilty of fostering an ulterior purpose.

Just what were the laws that were being proposed? First a requirement that every person purchase a renewable license before he could purchase a gun--any gun. Second, that all guns be registered and an annual fee be charged for this service.

Requirements as to age, mental health, physical ability to handle a firearm safely, the knowledge and ability to handle a firearm safely, the filing of a complete personal history, supported by both medical and mental examinations attesting to the fitness of the applicant, recent photographs, personal description, several sets of fingerprints, letters of reference from persons acquainted with the applicant and the reason why the applicant desired to purchase the firearm.

After all the basic requirements were met, the actual granting of the permit was left to the discretion of a political authority who could arbitrarily deny the application, could require additional supporting evidence of fitness or could delay issuance for a myriad of reasons, at the personal whim of the issuing power. If an application was denied, no reason need be given and in most cases there was no appeal, other than to sue in the Courts.

The Gun Control Act of 1968 fell short of the emotional demands of its proponents. The most immediately noticeable effect was the prohibition of the mail order sale of all firearms. The change most noticeable to the public came on December 16, 1968, when all purchasers of ammunition were required to present identification showing date of birth, residence address and the name of the purchaser. The dealer was required to record all of this information for each sale.

One case that shows how difficult this can be was where a 74 year old man tried to purchase a box of .22 cartridges. When asked for his operator's license he was unable to produce it as he could no longer qualify to operate a motor vehicle. His Social Security card did not contain the required information and none of his personal cards were considered legal evidence of any of the information needed. The dealer then told the would-be-purchaser to go home and bring back his birth certificate. The painful fact is that no such certificate was available as few birth certificates were issued or births recorded in the late 1890's.

Firearms may not be sold to narcotic addicts, persons under indictment or convicted of a crime punishable by imprisonment for more than one year, nor may firearms be sold in violation of any state or local law or to mental defectives. Certain destructive devices (bombs, grenades, rockets, missiles, mines and weapons, except shotguns having a bore larger than $\frac{1}{2}$ inch) must be licensed. All reloading components except shot and unprimed shotgun cases must be recorded when sold.

There are special exclusions for firearms reproduced before 1898, but they are somewhat complicated by the ambiguity in the provision that they must not be of such caliber that ammunition is presently readily available.

A special provision was included that would permit the sale of firearms to persons living in contiguous states. This was viewed as a not unreasonable provision since interstate traffic in firearms except between federally licensed dealers was prohibited. However, when the IRS promulgated their regulations they received a nudge from Senator Dodd and ruled that unless the contiguous state had a law specifically permitting its citizens to purchase firearms in a contiguous state, such sale was illegal. Since when do we have to be permitted to do that which is not prohibited?

Any firearms legislation which would place unnecessary and undesirable burdens upon the law abiding gun owner who uses his firearms for sport and recreation would be detrimental to the conservation movement. Any legislation which would make it difficult or unpleasant for the sportsman to own and bear arms for lawful use in recreational activities would depress the economic, sociological and political forces supporting conservation and wise use of our natural resources.

The most important immediate effects of a depression in recreational shooting activities would be economic; a decrease in the Federal funds available for waterfowl management; a decrease in funds available to state game agencies for wildlife conservation and management; and a decrease in the funds available to privately sponsored wildlife conservation organizations. In addition, there would be a depressing effect on the growth of

the general economy - more on this last item later.

Most important of all would be the long run depression of the sociological and political forces behind the conservation movement. Ultimately, the effects would be all-pervasive, with few areas of natural resources management left unscathed (Krug 1965).

Throughout all the fury of the gun legislation, when they could forsake their emotional appeals long enough, the proponents of firearms registration reiterated their promise that proposed laws would affect only the criminal; that the law-abiding citizen had nothing to fear - that there was no intent to take guns away from law abiding citizens and as President Johnson phrased it, "Registration will tell us how many guns there are, where they are and in whose hands they are held". "In whose hands they are held" will not, you may be sure, include the hands of those persons possessing weapons for illegal purposes.

While it is still too early to know the effects of the recent enactments, we can always review what has actually happened under the often praised Sullivan Law of New York. While this law originally applied to handguns, New York City has recently required the registration of shotguns and rifles, but now for what may well be a look at the future if the Dodd-Tydings Kennedy-Celler combine has its way.

Beginning in 1911, New York law required the registration of handguns at the cost of 50¢ per gun. The cost at this time is \$20 per gun and if the application is denied, the fee is not refunded.

Since 1930, New York City has gradually reduced the number of pistol permits, particularly the premises permit - the type issued to store owners. By 1966, the premises permit had been reduced from 6,363 in 1930 to 282 in 1966, a decrease of 96 per cent.

Carry permits have been reduced from 28,295 in 1930 to 18,256 in 1966, or a decrease of 35 per cent. With a factual example as graphic as this, are you willing to take a chance on losing virtually all of the income now available for wildlife resources management and research?

In the U.S. today, some 50 million persons own an estimated 200 million firearms. In Philadelphia, under a 1965 ordinance, the cost of investigation alone by the police in connection with each application is \$15. Cost analysis of firearms registration conducted in 1967 by New York Mayor John Lindsay put the cost at \$25 per gun owner and concluded that the ultimate cost could run as high as \$25 per firearm. Using Mayor Lindsay's estimate, the cost of national registration of 100 million firearms could be as much as \$4 to \$5 billion (Krug 1965). In comparison, the total spent on all law enforcement in the U.S. is from \$4 to \$5

billion per year. Earlier I mentioned that slightly less than \$325 million had been allotted under the Pittman-Robertson Act since 1937. The minimum initial registration fee for half the estimated number of legally owned firearms based on a well researched and documented cost will cost the sportsmen a little more than 12.3 times the entire amount of funds collected under the Wildlife Restoration Act since 1937. How does that grab you? How many \$4 billion golden eggs is the hunter good for?

Earlier I mentioned the economic factors associated with firearms, shooting and hunting, and the fact that there is approximately one firearm for every man, woman and child in the U.S. will give some idea of the all prevading effect of severe firearms restrictions.

The American firearms industry is presently manufacturing and selling in this country about one million sporting rifles and shotguns annually. Americans purchase an additional one million antiques, imported firearms, handguns and surplus arms imported from abroad. Exclusive of purchases by the military, 1964 purchases of American made firearms and ammunition totaled \$282.5 million.

Sales of guns and ammunition generated 20,000 jobs and a \$100 million payroll in the firearms industry. Presently, there are more than 100,000 retail outlets for guns and ammunition, all providing jobs and payrolls. Also, there are more than 1,600 firms manufacturing hunting and shooting equipment, exclusive of the firearms industry itself.

In 1963, hunters drove their automobiles 4.8 billion miles, or wore out in one year 47,880 new automobiles at a cost of \$143 million; wore out 215,000 new tires costing \$5.5 million; burned up 300 million gallons of gasoline and four million quarts of oil costing \$103 million; accounted for \$9.4 million in vehicle repairs and automobile insurance as prorated for hunting vehicle use only, which totaled an expenditure of \$261 million for hunting transportation by personally owned vehicles.

During the same year, hunters spent \$675 million on food, lodging, camping equipment, duckboats, hunting apparel, and other miscellaneous gear. I note that this does not include any snakebite remedy or personal anti-freeze products.

Hunters expended in 1963, \$50 million to develop private land for wildlife; \$10 million for bus, rail, and air travel; \$7.1 million for liability, fire and theft insurance; \$10 million for hunting and shooting privilege fees; \$35 million for guide fees and other trip expenses, and \$158 million for hunting dogs. This was in addition to \$300 million for guns and ammunition which brought the total hunting expenditure to \$1.5 billion. While not contributing to the Wildlife Restoration Act funds, handloaders spent upwards of \$25 million for tools and components in the pursuit of

their hobby and a more accurate round of ammunition.

The U.S. News and World Report of December 9, 1968, carried under the heading "Hunting - a Business that's Getting Bigger", presented the following information - "Close to 20 million hunters, or about a tenth of the U.S. population are taking to the woods and fields for the 1968 hunting season. Extra business generated by hunting is a major economic factor in many rural counties. Nationally, government surveys indicate it amounts to well over a billion dollars a year. The kill of deer in any one recent year is reported to exceed substantially the entire deer population in the U.S. in 1900. Wild turkeys, once nearly extinct, have been largely restored. Western game such as antelope and elk have made a comeback under careful controls. This vast restocking has been largely paid for by the hunters themselves. Under the Pittman-Robertson Act enacted by Congress in 1937, an 11 per cent manufacturer's excise tax is built into the price of U.S. made firearms and ammunition. This is sometimes referred to as "the nation's only popular tax". The states get a substantial revenue from hunting licenses. In the year ended in mid 1967, hunters paid out \$81,467,480.90 for licenses, tags, permits, and stamps."

What are the prospects for adverse affects on the Wildlife Restoration Act funds? Assuming, and this seems to be the favorite tactic of the proponents of restrictive firearms laws, so let's give them a taste of their own prescription - assuming that eventually firearms registration will have the same depressing effect on rifle and shotgun ownership that has been demonstrated on handgun ownership in New York, what will result?

Permits to carry handguns in New York have been reduced by 35%. The 1968 Wildlife Restoration Funds totaled \$17.4 million - a reduction of 35% would cut this amount by \$6,090,000. If the registration requirements just to obtain an identification card and a permit to keep firearms at home are comparable to restrictions imposed on handgun owners, and they are, we may reasonably expect the reduction in gun ownership to reach the 96% level now maintaining in home and business handgun permits. This reduction in P-R Funds would amount to \$16,704,000 - leaving the magnificent sum of \$696,000 to maintain the vast herds of game animals and birds that are our present achievement.

Having reviewed some of the possible effects of restrictive firearms legislation, we make pause to ask "Just what is the situation; what is the relationship of guns to crime, accidents, suicide and the often repeated danger of law abiding citizens possessing firearms."

The Uniform Crime Report published by the Federal Bureau of Investigation for 1966 listed 3,243,370 serious crimes committed in the United States. Firearms of all types including zip-guns, gangster weapons and fake guns were involved in 3.4% or 109,734 of these crimes. Rifles and shotguns were involved in less than one half of one per cent (0.005) (Krug 1968:2A).

This information needs a second look. It should be realized that if all criminal misuse of firearms could be eliminated - if all guns were taken out of the hands of the law abiding citizen, and the latter would be more easily accomplished than the first condition, that 96.6% of all the serious crimes committed in 1966 would still have been committed.

The real fact is that probably there would have been more crimes committed for there is no record available of the number of criminals who were thwarted by an armed citizen, or having the knowledge that the victim might be armed took the path of lesser resistance and did not act against the possibility of resistance.

Statistics show that there is no significant difference in crime rates between states that have firearms licensing laws and those that do not. In general, as the proportion of the population possessing firearms goes down, the crime rates go up. Statistics show that fewer people with guns does not mean less crime. The exact opposite has been demonstrated in several instances.

On July 20, 1967, the Detroit News reported that grocery store holdups showed "a sharp reduction" after a grocers' organization began conducting gun clinics. In Orlando, Florida where police trained 2,500 women in the safe handling of firearms after a series of attacks on women in their homes, noticed a reduction in the first nine months after the training, of 90% in forcible rapes, 25% in aggravated assaults, and 24% in burglaries.

Advocates of firearms registration continually point out that European countries are virtually immune from homicides with guns due to the strict controls; the same protagonists point to Japan's record of no criminal gun deaths. What you are NOT told is that even in Japan where guns are completely prohibited to the public, the homicide rate per 100,000 population is 2.43 compared with the U.S. rate of 1.30 homicides per 100,000, making the murder rate without guns in Japan almost twice as high as the same rate in the U.S. Murder rates for other countries are, without guns, Canada 1.61; with guns (.5); West Germany 2.60 (.1); France 2.48 (.3); Italy 2.08 (.5); Sweden 1.90 (.2); and U.S. 4.80 (3.50).

During the recent attempts to pass federal firearms registration laws, President Johnson exhorted the public on nationwide television newscasts that these laws were absolutely vital to prevent murder in the streets, and made the startling statement that 800,000 persons had died from private guns in private hands since the turn of the century.

Attorney General Ramsey Clark, no less emotional than his chief, stated that 750,000 persons had died from private guns in private hands during the past 68 years - a 50,000 difference - (of course, Mr. Clark isn't

from Texas). This figure has been bandied about by every person who was trying to abrogate the Second Amendment throughout the year. Just what is the truth?

Written by Carl Bakal of New York, an extremist anti-gun book, "The Right to Bear Arms", later changed to "No Right to Bear Arms" first listed this astounding figure. Investigation disclosed that Bakal claimed as his authority statistics published by the U.S. Department of Health, Education, and Welfare.

In reference to the 750,000 death figure, J. Edgar Hoover, Director of the FBI, said "This Bureau does not have any reliable figures or estimates on the total number of Americans killed by firearms since 1900. We began compiling data on this subject in 1961."

Just how did Bakal become a firearms expert? According to Harper's for December 1964, "Carl Bakal, long a student of America's firearms customs and laws served two tours of duty as an officer in the U.S. Armed Forces."

Bakal was commissioned a 2nd Lt. in 1945 and served in the Phillipines and Japan as a photo assignment officer. Recalled during the Korean War, he spent a year in Germany as a "scenario writer". At no time did Bakal become involved in combat and there is nothing in his Army service that contributed to his experience on firearms. Bakal's own statement as to his experience with firearms is, "I did have a BB gun for awhile."

Yet this book and this author and his accumulation of errata has been used as an authority by Senator Dodd in his fight to require law abiding American citizens to register their firearms. Dodd referred to Bakal's book as an "outstanding and well balanced encyclopedia of information, widely quoted by witnesses before our recent hearings on firearms legislation."

When asked for a breakdown on the 750,000 figure, Attorney General Clark said, "I would assume that accidental death would be among the highest." Actually, accidental deaths by firearms is the lowest of the three categories of firearms deaths - (criminal activity, accidents, and suicides) for each of the years for which data is kept. Due to the Hunter Safety Training Program, the Home Firearms Safety Program and basic marksmanship training originated by NRA and conducted by cooperating game departments and volunteer instructors, the firearms accident rate has declined steadily. In California, the rate per 10,000 hunters who are involved in Hunting Casualties has decreased by 50% since the program became effective in 1954.

The constant cry during the hectic days of the 90th Congress was that the ready availability of firearms is a significant factor in the commission of crime. Just how significant is the ready availability of firearms? For the best demonstration, let's take a negative approach. New York City with its "model" Sullivan Law can best serve as an example.

Recognizing the severe penalties that exist - I said exist - not being imposed - for having an unregistered handgun in New York, during 1966, 26,018 robberies were recorded; 25.6% of these crimes were committed with firearms; of the 879 homicides, 35.7% were committed with firearms. These are the results, in spite of 55 years of systematically disarming the public. In 26 years, from 1940 to 1966, murders increased 237%; police strength increased 151%; and police department expenditures increased 232% in terms of constant dollars. While the population increased four per cent during this period, the seizure of pistols more than tripled. In 1966, the New York police seized 8,700 illegal handguns. Here the failure of the Sullivan Law to keep pistols out of the hands of criminals is clearly evident. The undeclared intent of disarming the law abiding citizen is also apparent.

The cost in monies that might have been used to better advantage is not less an outstanding failure than the failure to protect human lives and prevent suffering; if ever a legislative failure was more clearly demonstrated, it has yet to come to my attention, with the possible exception of the unlamented Volstead Act.

The Sacramento (California) Bee of August 27, 1968, quotes the Uniform Crime Report for 1967 showing that with New York's severe gun laws 34% of its 4,835 murders were committed with firearms. California with more reasonable gun laws had 4,857 murders, 52% committed with guns. The populations of both states are about equal and the same report lists the homicide rate of both states as an identical 5.4 per 100,000. For what purpose the red tape, bureaucratic meddling and excessive expenditures of public and private funds?

The attitudes of politicians is an intriguing study in itself. A few moments ago, I told you of the holocaust predicted by Attorney General Clark in his supplications to Congress for firearms registration in the summer of 1968. As of September 30, 1968, Mr. Clark must have realized that running contrary to public opinion, or perhaps being so lavish with information of questionable parentage may have had a bearing on the poor showing his party candidate was making at that time. In an attempt to reassure us, Mr. Clark was quoted by U.S. News and World Report, "that the individual's chance of falling victim to a crime of violence in the U.S. is once in 400 years, or the odds are 1 in 146,800 per day. The incidence of criminal use of firearms in serious crimes

being 3.4% or something like one-thirtieth of the serious crimes being committed with firearms, brings into focus the real import of firearms in crime."

If Mr. Clark's figures are correct, then you have a chance of being involved in a crime of violence committed with firearms only if you live to be 12,000 years of age. Do we still want to spend \$4 billion so that our chances in California are just as good as in New York?

The inevitable and specious argument, that if we register our automobiles, why not register our guns, is one of the standard questions posed to opponents of firearms registration. Registration of motor vehicles is primarily a revenue measure, as is the licensing of operators. There is probably no article of property or any license issued that more completely describes the property and its operator, yet what effect has this had on the prevention of automobile connected crimes?

Annually, 52,000 persons are killed by the careless or criminal misuse of motor vehicles. In 1967 there were 436,561 recorded car thefts, an increase of 12% over the previous year. Of course, we have a Federal law that is violated every time a stolen motor vehicle is driven across a state line, which seems to accomplish little in preventing illegal traffic in stolen motor vehicles. Something else to consider. A motor vehicle is a lot harder to steal and conceal than a firearm.

The clamor concerning the actual provisions of the Second Amendment to the U.S. Constitution has worried many gun owners. While there is an apparent right defined, it has not been tested in the U.S. Supreme Court. The Amendment reads, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Thirty-five states include in their Constitution the specific right of their citizens to keep and bear arms. Blackstone believed "That the right to have and bear arms was considered a basic right under the old English common law."

In the case of *Bliss vs The Commonwealth*, the Supreme Court of Kentucky ruled "that any restraint on the rights of the citizens to bear arms in defense of themselves and the State was unconstitutional."

The Supreme Court of Michigan stated in *The People vs Brown* that "the proposition is a limitation upon the legislature to enact any laws to the contrary, and that the right is not subject to virtual destruction or confiscation through the medium of extreme legislative proposals."

In 1962, Associate Justice William J. Brennan, Jr., said, "The Constitutions of the various states anticipated the national Constitution in

declaring that there are human liberties which are inalienable" and further declared "that the 14th Amendment made the Bill of Rights binding on the separate states." (Olds 1967)

We are constantly reassured that the sole purpose of firearms registration is to apprehend criminals, prevent crime and improve our safety. Public Law 90-618 known as the Gun Control Act of 1968, Section 101, reads as follows: "The Congress hereby declares that the purpose of this title is to provide support to the Federal, State and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title."

The law provides that a person may purchase a firearm in a contiguous state providing such purchase does not violate the law in his state of residence, among other provisions. In writing the regulations the Internal Revenue Service accepted this provision as written, but a call from Senator Dodd changed the interpretation to mean that a firearm could not be purchased in a contiguous state unless the purchaser's state of residence specifically provided for such purchase by law. How good is the written and adjudicated word of Congress?

On July 12, 1968, the Hollywood Citizen News carried an article over the by-line of Dick Reid headlined, "State Aide Urges All Guns Be Seized" and quoted Deputy State Attorney General John F. McLaren in a speech before the Junior Barristers of the Los Angeles County Bar Association as calling for a ban on all guns by private individuals and "hoped that we would ban the possession of handguns by our police departments."

"He prefaced his stand by stating that the Second Amendment to the United States Constitution is no longer valid. McLaren told the gathered attorneys that the first step in confiscation of all weapons would be to pass pending registration and license legislation."

When asked by a citizens' organization if these statements represented the opinion of his office, Attorney General Thomas C. Lynch replied that "McLaren's comments do not represent the views of this office" and that "he was free to express his personal views as long as he did not attribute them to the office."

When requested again for comments regarding McLaren's statement that the "Second Amendment was no longer valid", Mr. Lynch wrote, "I must advise you that it is not the function of this office to furnish legal opinions or advice except to officials and agencies of the State of California."

In summary, let us review that the murder rate is not affected by gun registration laws; that the firearms accident rate has steadily declined over the past 30 years; that a person intent on taking his own life will find a way to do so; that the firearms industry and hunting are an important factor in our economy; that wildlife restoration funds in current quantity would probably disappear; that promises contained in legislation are frequently forgotten once the legislation is enacted; that numerous high courts have held that you do have a right to keep and bear arms and that much of the "information" on which firearms registration bills depended for support is false, misleading or contrived; that other countries have a high murder rate without the ready availability of firearms.

Finally, let us carefully appraise the liberties and responsibilities we enjoy under Man's greatest document. If the Second Amendment is no longer valid, how long will it be before some bureaucrat rules that the First Amendment is not valid and you cannot peaceably assemble to discuss matters of mutual interest, or express your opinion thereon, or read the publication of your choice?

How long before the Fourth Amendment is discarded and your homes, persons, papers, and effects are no longer immune from unreasonable search and seizure, and reasonable cause need not be established before a warrant is issued?

Think on this seriously, I urge you - if the Second Amendment is no longer valid - how valid are the remaining nine?

LITERATURE CITED

Krug, A. S. 1965. The socio-economic import of firearms in the field of conservation and natural resources management. Southeastern Asso. Game Fish Comm. Annual Confer. 19:3.

_____. 1968. The true facts of firearms legislation. National Shooting Sports Foundation. Riverside, Conn. 19 p.

McKenna, G. 1968. A federal act that improved our hunting. The American Rifleman. 116(10):49-51.

Olds, N. V. 1967. The second amendment and the right to bear arms. State Bar J. 46(10).