

GUN CONTROL

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ISSUE DEFINITION

Supporters of more restrictive Federal controls on firearms have justified their position principally on the grounds that such controls are needed to curb access to these weapons by criminals, juveniles, and other "high risk" individuals. It is argued that the violent crime rate (and also the fatal accident rate) has a positive relationship to the availability of guns, and that only Federal measures can be successful in reducing this availability. Opposition to Federal controls (existing and proposed) varies widely in both nature and degree and may be based on constitutional positions or considerations of Federal-State relationships, or on the belief that gun controls are not in fact a crime deterrent.

BACKGROUND AND POLICY ANALYSIS

THE POSITIONS

The attack on President Reagan in late March, which resulted in the wounding of the President and three others, has again revived the national debate on gun control. In the sense that it concerns a Federal role, this debate began in the 1920s. Its early phase resulted in the enactment of two Federal statutes designed to reduce the availability of guns to criminals and to disclose to the government the ownership of especially lethal guns. These laws, passed in the 'Thirties, remained for the most part unchallenged until the early 1960s, when a Senate committee investigating juvenile delinquency turned its attention to the effects of a flourishing mail-order trade in firearms. This inquiry ultimately led to a major revision of the existing statutes. The new law, enacted in 1968, was considered too moderate by some and too restrictive by others, and both camps have regularly pressed for amendments. Only minor changes have won approval, however, and in the past several years the issue has dropped from the forefront. The attempt on the President's life has resurrected the calls for stronger controls, and the debate has been rekindled.

Is gun control crime control? Would the stricter regulation of firearm commerce and/or ownership lower the Nation's rates of homicide, robbery, and assault? Would they stop the attacks on public figures?

Although firearms suicides and accidents are also advanced as reasons for stronger controls, gun control advocates offer as their principal concern the large number of violent crimes committed in this country each year. Pointing to the generally lower crime rates of other industrial nations, these advocates contend that a strict curb on gun ownership and use is a major factor in the difference.

In recent years, proponents of controls have usually held that only a Federal law will be effective in the United States. Otherwise, they say, the States with moderate restrictions will continue to feed black markets in the restrictive States. They believe the Second Amendment to the Constitution, which states that "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," is: (1) obsolescent, (2) intended solely to guard against suppression of State militias by the central Government and therefore

restricted in scope by that intent, or (3) does not in any case guarantee a right that is absolute, but one that can be limited by reasonable requirements. They ask why a private citizen needs any firearm that has no hunting or other sporting use.

Opponents of gun control vary in their position vis-a-vis specific forms of control but in general take the view that interdiction laws don't accomplish what is intended. It is just as difficult to keep weapons from being acquired by "high risk" individuals, they argue, as it was to stop the sale and use of liquor during Prohibition. In their view, a regulatory system designed to do this only creates problems for law-abiding citizens and possibly threatens their civil rights. Moreover, they reject the contention that the low crime rates of such countries as England and Japan have anything to do with gun controls, maintaining that multiple cultural differences are responsible instead.

Gun control opponents also reject the assumption that the only legitimate purpose of ownership by a private citizen is recreational -- i.e., hunting and target-shooting. They insist on the continuing need of people for effective weapons to defend person and property. They observe that the law enforcement and criminal justice system in the United States has not demonstrated the ability to furnish an adequate measure of public safety. They further uphold the right to keep arms as a defense against potential government tyranny.

To the supporter of restrictive controls, the opposition is out of touch with the times, dogmatic about the Second Amendment, or lacking in sensitivity or concern for the problems of crime and violence. To the supporter of the National Rifle Association, the control advocate is naive in his faith in the power of regulation to solve social problems, bent on disarming the American citizen, or moved by hostility to firearms and gun enthusiasts instead of concern over crime.

SOME BASIC STATISTICS

In 1969, the National Commission on the Causes and Prevention of Violence (Eisenhower Commission) reported that Americans owned some 90 million firearms. Of these, approximately 24 million were handguns, 35 million were rifles, and 31 million were shotguns. The Bureau of Alcohol, Tobacco and Firearms estimates that as of 1980 these numbers had increased to roughly 52 million handguns, 59 million rifles, and 54 million shotguns. As a rule, about 2 million new handguns enter the domestic market each year, along with 1.8 million rifles and 1.3 million shotguns.

If Federal Bureau of Investigation statistics are to be accepted, the number of violent crimes committed by or with the aid of a firearm has, on the whole, increased through the past several decades. In the case of homicides, for example, 13,520 involved the use of a gun in 1979, compared to 4,762 in 1963. Relative to population, both total homicides and total firearm homicides have increased steadily over the past 20 years, although the 6.1 (per 100,000) rate for the latter in 1979 was below the high of 6.6, recorded in 1974. In relation to total homicides, those involving a firearm have consistently accounted for from 63% to 68% since 1967. In 1979, 63.3% of all murders were committed by gun -- 50% by handgun, 5% by rifle, and 8% by shotgun.

Robberies and aggravated assaults have also increased substantially over

the past 20 years. However, in the period since 1974 -- the first year for which specific robbery weapon data are available -- the percentage of the total that involved use of a gun declined. From 45% in 1974, it fell to 40% in 1979. Similarly, although rising during the period 1965 to 1973, the percentage of aggravated assaults involving use of a gun decreased from a high of 26 in the latter year to 23 in 1979.

FEDERAL LAW

Until 1968, the two basic Federal statutes regulating the manufacture and distribution of firearms were the National Firearms Act of 1934 and the Federal Firearms Act of 1938. Both laws were products of a reaction against the highly visible "gangster" activities of the 1920s and 1930s.

The Federal Firearms Act prohibited the shipment or receipt of firearms in interstate commerce by any manufacturer or dealer who had not been federally licensed. Firearms could not be sent to persons who had been convicted of (or indicted for) a felony or to fugitives from justice; and the transport of stolen firearms, or firearms from which the manufacturer's mark had been removed, obliterated, or altered, was prohibited.

The National Firearms Act (26 U.S.C. 5801 et seq.) was designed to make it difficult to obtain certain types of especially lethal firearms, in particular machine guns and sawed-off long guns. It places heavy taxes on all aspects of the manufacture and distribution of such weapons. Also, the Act compels the disclosure (through registration) of the production and distribution system from manufacturer to eventual buyer.

In 1968, the Federal Firearms Act was repealed and the National Firearms Act substantially amended. The former was replaced by a statute containing stricter and more detailed controls. The new legislation, popularly known as the Gun Control Act, was the culmination of congressional activity beginning in 1963. The assassinations of Dr. Martin Luther King and Senator Robert Kennedy were clearly influential in the bill's passage.

The Gun Control Act of 1968 has two major titles. Title II amends the National Firearms Act to remove certain constitutional difficulties and to extend the Act's provisions to so-called "destructive devices" (bombs, grenades, etc.). Title I is a replacement for the major part of Title IV of the Omnibus Crime Control and Safe Streets Act (P.L. 90-351). Essentially, it extends to long guns the earlier law's restrictions on commerce in handguns.

Title I of the Gun Control Act (18 U.S.C. 921 et seq.) requires all persons dealing in firearms or ammunition to be federally licensed, establishes more restrictive standards for licensing than those prescribed by the old Federal Firearms Act, prohibits the interstate mail-order sale of all firearms and ammunition, prohibits interstate sale of handguns generally, prohibits the interstate sale of long guns except under certain specified conditions, sets forth categories of persons to whom firearms or ammunition may not be sold (such as persons under a specified age or persons with criminal records), generally prohibits the importation of non-sporting firearms, and establishes special penalties for the use of a firearm in perpetration of a Federal felony.

CONGRESSIONAL ACTION SINCE 1968

Since passage of the Gun Control Act, hundreds of bills to amend it have been introduced in each Congress. These have ranged from proposals for stronger restrictions -- including several for the outright prohibition of the private ownership of handguns -- to repeal of the 1968 legislation. In most cases, however, the proposals have been less sweeping in design, calling for more limited increases in regulation or for the deletion of specific provisions of existing law that are especially unpopular with gun owners or the gun industry. Only minor changes have been accepted.

It is the proposals for additional handgun controls that have received the greatest attention in recent years. In 1972, a bill that passed the Senate would have extended the ban on importation of "non-sporting" handguns to the domestic manufacture and sale of such weapons (S. 2507, 92nd Congress). In 1976, a bill reported by the House Judiciary Committee contained the following major elements:

- Application of existing handgun importation criteria (designed to implement the "sporting purposes" test under GCA) to domestic industry, thus banning further production and sale of an estimated 54% of handguns being manufactured at the time;
- Requirement of prior police clearance of all handgun purchases, to be accomplished during a 14-day minimum, 28-day maximum, waiting period;
- Ban on importation of any handgun part intended for use in manufacture of a "concealable" handgun;
- Increase in annual fees for Federal firearms licensees;
- Elimination of the possibility of probation or suspended sentence in the case of the added sentence mandated under existing law for a first-time offender convicted of using or carrying a gun in committing a Federal felony.

General concepts that have been reflected in other handgun proposals are:

- (1) National registration of handguns.
- (2) National licensing as a prerequisite to handgun ownership.
- (3) Closer regulation of the gun industry--including measures that would substantially reduce the number of licensed dealers.
- (4) Elimination of cheap handguns by prohibiting the manufacture or transfer of handguns made of metal that fails to meet certain technical requirements, including an established minimum melting temperature.
- (5) Prohibition of the further manufacture or sale of "concealable" handguns (with definition of "concealability" varying from bill to bill).

- (6) Prohibition of the further manufacture or transfer of any handgun.
- (7) Prohibition of the private possession of any handgun.

During 1978, congressional interest in the gun control issue was centered on regulations proposed by the Treasury Department on Mar. 21, 1978 under the Gun Control Act. Although several matters were covered by these proposals, the most controversial was one requiring firearms dealers to submit quarterly reports on gun dispositions, including the serial number of each gun sold (but not the name of the buyer). The National Rifle Association charged that the move would be tantamount to imposing national gun registration by the "backdoor," or through administrative action, despite the consistent hostility Congress has shown the concept in the past. The Department maintained that the new information required would be used simply for the purpose of speeding up its gun tracing operation and for better tracking of the "flow" of gun commerce throughout the country. Resolutions were introduced to express disapproval of the regulations, and both House and Senate passed a Treasury Department appropriations bill that barred use of funds to implement them. The Department announced withdrawal of the proposal on Feb. 27, 1979.

In contrast to proposals aimed at reducing gun availability are those providing for added sanctions against persons who use a gun in committing a crime. Many of the opponents of stricter gun controls have supported the added gun-crime penalty bills, maintaining that present penalties or court sentencing practices have failed to establish a proper deterrent to violent crime.

COMMISSION STUDIES

Several national commissions have examined the question of gun controls during the past decade. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended State licensing for ownership or carrying of handguns and Federal prohibition of interstate handgun commerce (the latter subsequently implemented by the Gun Control Act). Additionally, the Commission recommended that each State require registration of all handguns, rifles, and shotguns and that if, after 5 years, some States had not enacted such laws, Congress pass a Federal firearms registration act applicable to those States. The National Commission on the Causes and Prevention of Violence ("Eisenhower Commission"), reporting in 1969, reiterated the handgun registration recommendation and also backed Federal legislation requiring eventual universal licensing for handgun ownership. Additionally, the Commission called for eventual adoption of a Federal regulatory system under which minimum standards for State regulation of long guns would be established.

QUESTIONS RAISED

Among the principal questions posed by the general gun control issue are:

- (1) Is availability of guns and/or ammunition a major or substantial factor in the violent crime rate? In the incidence of fatal or crippling accidents?
- (2) If added controls are desirable, which of the many proposed forms

should they take?

(3) Should such controls be Federal or State?

(4) Would certain of the proposed controls infringe on the police powers that some authorities hold are reserved to the States under the Constitution?

(5) Are there constitutional difficulties with respect to the Second Amendment, which states: "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"?

(6) Would the benefits of the controls outweigh the inconveniences or resentment they might cause?

(7) Practically, can the controls be achieved (e.g., would it be possible to gain public acquiescence to a law prohibiting private ownership of handguns)? What would be the cost?

(8) What have been the identifiable benefits of the 1968 legislation?

Specific proposals raise the following questions:

(1) Does the Gun Control Act's basic concept of regulation through Federal licensing of persons involved in gun and ammunition commerce provide a satisfactory framework for solving the gun-crime problem, or must some additional device be employed whereunder controls are achieved through a direct Government relationship to the individual gun owner (such as universal registration or licensing for ownership)?

(2) To keep guns (handguns or otherwise) out of the hands of criminals and irresponsible persons, is it necessary to reduce general gun availability, or would the restrictions provided by a registration and/or ownership licensing system be sufficient? (The general counter-question is: Would either approach accomplish the objective?)

(3) If the goal is reduction of gun availability, how far must a reduction policy be taken and how is the reduction best handled? Can handgun prohibitions be limited to a class of handguns that causes the greatest trouble (assuming such a class can be identified), or will it be necessary to include all handguns in the prohibition?

(4) Should any handgun ban be directed at further manufacture and transfer, or should it "reach into the home" and affect actual gun ownership at the time the prohibition might become effective?

(5) Can the commerce in so-called "Saturday night specials" be curbed without affecting availability of high quality handguns prized by sportsmen and other citizens? Or, in order to get the cheap handguns off the market, is it necessary to adopt a measure that would restrict commerce in other models as well?

(6) If new controls make it hard for criminals to acquire concealable weapons, will they revert to the sawed-off long guns of the Twenties and Thirties?

(7) With respect to the widespread use of handguns in the commission of

crimes, is the primary reason their cheapness or their concealability, or a combination of both?

(8) Are the Gun Control Act controls on ammunition serving a useful purpose? Should dealer recordkeeping requirements on all or any ammunition sales be eliminated? Would such a step simply remove a cumbersome and annoying feature of the act which doesn't contribute to its purposes, or would it be one in a series of steps to strip the legislation of its effectiveness?

(9) Are some existing provisions of Federal gun control law unnecessarily burdensome to the firearms industry and to consumers?

(10) Have Federal Government policies encouraged harassment of gun collectors and gun industry licensees by the Bureau of Alcohol, Tobacco and Firearms?

LEGISLATION

97th Congress Legislation

H.R. 27 (Anderson et al.)/S. 494 (Bumpers) (Related bills: H.R. 62, H.R. 459, H.R. 1444)

Increases mandatory minimum for a first offense, from 1 to 10 years, and eliminates the possibility of suspended sentence or probation. Increases minimum for a second offense from 2 to 10 years, and the maximum from 25 to life imprisonment. Makes a first offender ineligible for parole for 5 years and a second offender ineligible for 10 years. H.R. 27 introduced Jan. 5, 1981; referred to Committee on Judiciary. S. 494 introduced Feb. 19, 1981; referred to Committee on Judiciary.

H.R. 40 (Bingham)

Prohibits the private possession of handguns except by authorized pistol clubs. Introduced Jan. 5, 1981; referred to Committee on Judiciary.

H.R. 69 (Ashbrook)

Exempts ammunition from provisions of the Gun Control Act of 1968. Introduced Jan. 5, 1981; referred to Committee on Judiciary.

H.R. 5437 (Biaggi et al.)/S. 2128 (Moynihan) [Related bills: H.R. 2280, S. 2017]

Limits availability and use of handgun bullets that are capable of penetrating certain body armor. H.R. 5437 introduced Feb. 3, 1982; referred to Committee on the Judiciary. S. 2128 introduced Feb. 23, 1982; referred to Committee on the Judiciary.

H.R. 5043 (Hughes, Rodino, McClory, Sawyer, and Sam B. Hall, Jr.).

Transfers certain firearm and explosive control functions from the Treasury Department to the Justice Department. Introduced Nov. 19, 1981; referred to Committee on the Judiciary.

S. 974 (Kennedy)/H.R. 3200 (Rodino)

Handgun Crime Control Act of 1981. Provides for (1) a ban on the domestic manufacture and transfer of handguns except for those found by the Attorney General to be "generally recognized as particularly suitable for or readily adaptable to sporting purposes"; (2) pre-purchase clearance, with waiting period, for handgun purchase -- both for commercial and private transfers; (3) encouragement of State requirement of permits to purchase and permits to carry handguns; (4) a ban on intrastate mail-order commerce in handguns; (5) tighter regulation of the firearms industry, with substantial fee increases; (6) additional recordkeeping and reporting requirement for the firearms industry; (7) civil liability of a gun transferor for death or personal injury inflicted with the gun by the transferee; and (8) transfer of some functions of the Bureau of Alcohol, Tobacco, and Firearms to the Justice Department, specifically to a proposed new agency to be known as the Firearms Safety and Abuse Control Administration. S. 974 introduced Apr. 9, 1981; referred to Committee on Judiciary. H.R. 3200 introduced Apr. 9; referred to Committee on Judiciary.

S. 1030 (McClure et al.)/H.R. 3300 (Volkmer et al.)

Amends the Gun Control Act of 1968 to (1) eliminate restrictions on the sale of firearms to out-of-State residents, providing that such sales must nevertheless conform to the laws of the States of both the buyer and the seller; (2) require proof of "willfulness" to convict for violation of the Act; (3) clarify requirements for obtaining manufacturer, importer and dealer licenses; (4) exempt ammunition dealers from the Act's requirements; (5) restrict the right of inspection of licensees by Federal agents and the use of license revocation authority; (6) eliminate Treasury Department authority to require licensees to submit reports based on records kept pursuant to the Act; (7) restrict the grounds for seizure of firearms involved in violations of the Act; (8) prohibit the issuance of any regulations designed to create a central registry of firearms transactions; (9) require a 90-day comment period with respect to any proposed regulation under the Act; (10) make any regulation subject to congressional veto; (11) provide that the States may not interfere with otherwise lawful interstate transport of unloaded firearms; (12) nullify any regulations that might be issued with respect to the completion of forms or affidavits in connection with the retail sale of black powder in quantities up to 50 pounds. As reported by the Senate Judiciary Committee, further provides that no handgun may be sold by a licensed dealer until the expiration of 14 days after application. Also as ordered reported, increases the minimum penalty for a first-time offender convicted of using a gun in commission of a Federal felony, from 1 year to 2 years imprisonment. S. 1030 introduced Apr. 29, 1981; referred to Committee on Judiciary. Reported, amended, June 18, 1982. (S.Rept. 97-476) H.R. 3300 introduced Apr. 29, 1981; referred to Committee on Judiciary. Discharge petition filed July 13, 1982.

S. 1387 (Thurmond)

Amends the Gun Control Act to make commercial handgun sales subject to a 21-day waiting period requirement, during which time the FBI would be notified of the application to purchase. Introduced June 18, 1981; referred to Committee on the Judiciary.

S. 1630 (Thurmond, Biden et al.) (Related bills: H.R. 1647, H.R. 5703, H.R. 5679)

Criminal Code Revision Act of 1981. Revises title 18 of the U.S. Code (Crimes and Criminal Procedures). Attempts to transfer all criminal penalty provisions in the Code to the title and tie them to a general scheme of sentences and fines within the limits of which the courts are to be guided by

policies and guidelines established by a Sentencing Commission. Makes some substantive changes in existing provisions specifying added penalties for using a gun in committing a Federal felony. S. 1630 introduced Sept. 17, 1981; referred to Committee on the Judiciary. Reported Jan. 25, 1982 (S.Rept. 97-307).

S. 1688 (Specter)

Career Criminal Life Sentence Act, 1981. Provides for life imprisonment of any person convicted of committing a robbery or a burglary in violation of either a Federal or State felony statute, while in possession of a firearm, if such person has been convicted twice previously of a felony robbery or burglary. Introduced Oct. 1, 1981; referred to Committee on Judiciary.

S. 2572 (Thurmond, Biden et al.)/H.R. 6497 (McClory et al.)

Violent Crime and Drug Enforcement Improvements Act of 1982. Among other things, amends the Bail Reform Act of 1966 to: (1) permit danger to the community to be considered in determining whether to release a defendant pending trial, or, if release is appropriate, in determining conditions for release (specifies a presumption that an individual is a danger to the community if he has used a firearm in a violent crime), (2) establish a procedure for revocation of release, and contempt-of-court prosecution, for committing a crime while on release; (3) tighten the criteria for postconviction release pending sentencing and appeal; (4) provide for consecutive sentencing of persons convicted of crimes committed on pretrial release; and (5) increase penalties for jumping bail. S. 2572 introduced May 26, 1982; placed on the Senate calendar. H.R. 6497 introduced May 26, 1982; referred to Committee on the Judiciary.

HEARINGS

U.S. Congress. House. Committee on the Judiciary. Subcommittee No. 5. Anti-crime program. Hearings, 90th Congress, 1st session, on H.R. 5037, H.R. 5038, H.R. 5384, H.R. 5385, and H.R. 5386. Mar. 15-23; Apr. 5-27, 1967. Washington, U.S. Govt. Print. Off., 1967. 1551 p.

Hearings concerned bills relating to firearm control as well as to other anti-crime legislation.

---- Gun control legislation. Hearings, 92d Congress, 2d session, on H.R. 8828 and related bills. June 27-29, 1972. Washington, U.S. Govt. Print. Off., 1972. 360 p.
"Serial no. 33"

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime. Firearms legislation. Hearings, 94th Congress, 1st session. 8 parts. Washington, U.S. Govt. Print. Off., 1975. 3450 p. (LRS75-14346)
"Serial no. 11"

U.S. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution. Gun control and constitutional rights. Hearings, 96th Congress, 2d session. Sept. 15, 1980. Washington, U.S. Govt. Print. Off., 1981.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee to Investigate Juvenile Delinquency. Federal Firearms Act. Hearings, 90th Congress, 1st session, on S. 1, Amendment 90 to

- S. 1, S. 1853, and S. 1854. July 10-Aug. 1, 1967.
Washington, U.S. Govt. Print. Off., 1967. 1186 p.
- Federal firearms legislation. Hearings, 90th Congress, 2d session, pursuant to S. Res. 240, 90th Congress, on S. 369, S. 3604, S. 3634, S. 3637. June 26-July 10, 1968. Washington, U.S. Govt. Print. Off., 1968. 918 p.
- Firearms legislation. Hearings. 91st Congress, 1st session, pursuant to S.Res. 48 on S. 100, S. 849, S. 977, S. 2433, and S. 2667. July 23-29, 1969. Washington, U.S. Govt. Print. Off., 1970. 272 p.
- Handgun crime control - 1975 - 1976. Hearings, 94th Congress, 1st session. Apr. 23, July 22, Oct. 28, 1975. 2 vols. Washington, U.S. Govt. Print. Off., 1976. 2397 p.
- "Saturday night special" handguns, S. 2507. Hearings, 92d Congress, 1st session, pursuant to S.Res. 32, sec. 12. Sept. 13-Nov. 1, 1971. Washington, U.S. Govt. Print. Off., 1972. 432 p.

REPORTS AND CONGRESSIONAL DOCUMENTS

- U.S. Congress. Conference Committees, 1968. Gun Control Act of 1968; conference report to accompany H.R. 17735. [Washington, U.S. Govt. Print. Off.] 1968. 35 p. (90th Congress, 2d session. House. Report no. 1956)
- U.S. Congress. House. Committee on the Judiciary. Criminal Code Revision Act of 1980. Report ... to accompany H.R. 6915. Washington, U.S. Govt. Print. Off., 1980. 758 p. (96th Congress, 2d session. House. Report no 96-1396)
- State Firearms Control Assistance Act of 1968; report to accompany H.R. 17735 [Washington, U.S. Govt. Print. Off.] 1968. 31 p. (90th Congress, 2d session. House. Report no. 1577)
- U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime. Federal Firearms Act of 1976; report to accompany H.R. 11193 [Washington, U.S. Govt. Print. Off.] 1976. 114 p. (94th Congress, 2d session. House. Report no. 1103)
- U.S. Congress. Senate. Committee on the Judiciary. Criminal Code Reform Act of 1979; report to accompany S. 1722. Nov. 15, 1977. Washington, U.S. Govt. Print. Off., 1980. 1,507 p. (95th Congress, 2d session. Senate. Report no. 96-553)
- Criminal Code Reform Act of 1981; report to accompany S. 1630. Washington, U.S. Govt. Print. Off., 1982. 1569 p.
- Federal Firearms Owners Protection Act; report to accompany S. 1030. June 18, 1952. Washington, U.S. Govt. Print. Off., 1982. 59 p. (97th Congress, 2d session. Senate. Report no. 97-476)

- Federal regulation of firearms. Report prepared for the use of the Committee...by the Congressional Research Service, Library of Congress. Washington, U.S. Govt. Print. Off., 1982. 267 p.
At head of title: 97th Congress, 2d session. Committee print.
- Gun Control Act of 1968; report to accompany S. 3633 [Washington, U.S. Govt. Print. Off.] 1968. 105 p. (90th Congress, 2d session. Senate. Report no. 1501)
- Handgun Control Act of 1972; report together with supplemental and additional views to accompany S. 2507. [Washington, U.S. Govt. Print. Off.] 1972. 44 p.
- Omnibus Crime Control and Safe Streets Act of 1967; report together with minority, individual, and additional views to accompany S. 917. [Washington, U.S. Govt. Print. Off.] 1968. 284 p. (90th Congress, 2d session. Senate. Report no. 1097)
- Subcommittee on the Constitution. The right to keep and bear arms. Report. Washington, U.S. Govt. Print. Off., 1982. 175 p.
At head of title: 97th Congress, 2d session. Committee print.

OTHER CONGRESSIONAL ACTION

N/A

CHRONOLOGY OF EVENTS

- 07/13/82 -- A petition was filed in the House to discharge the Judiciary from further consideration of H.R. 3300 (the "McClure-Volkmer bill").
- 06/18/82 -- S. 1030 was reported to the Senate. The final version included a provision for a 14-day waiting period for purchase of a handgun, but omitted any reference to a check by (or notification to) law enforcement officials.
- 04/21/82 -- The Senate Committee on the Judiciary approved and ordered reported the Hatch amendment to S. 1030, the "McClure-Volkmer bill." The Committee accepted an amendment offered by Senators Kennedy and Dole, generally understood to require a 14-day waiting period and a check by the local police for the purchase of a handgun through commercial channels.
- 03/25/82 -- The Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government recommended disapproval of the Administration's proposal to transfer functions of the Bureau of Alcohol, Tobacco and

Firearms (BATF) to other Treasury Department agencies. The Subcommittee approved an alternative plan that calls for the Bureau's continued existence and retention of all its present functions except for arson, bombing, criminal trafficking and explosives, which would become the responsibilities of the Secret Service. Under the Subcommittee plan, 717 BATF agents would be transferred to the Secret Service.

- 03/24/82 -- House Committee on Appropriations disapproved the Administration's plan to shift the functions of the Bureau of Alcohol, Tobacco and Firearms to other Treasury Department agencies, extending the "freeze" on implementation of such a move until June 30, 1982.
- Senate Committee on the Judiciary commenced discussion of the Hatch Amendment to S. 1030 (McClure-Volkmer bill).
- 03/19/82 -- The Administration endorsed S. 1688, a bill that would make commission of a third armed robbery or armed burglary a Federal crime, subject to a minimum sentence of 15 years in prison without benefit of probation or parole.
- 01/25/82 -- S. 1630, to codify, revise, and reform the Federal criminal code, was reported in the Senate.
- 12/15/81 -- The President approved a joint resolution providing for further continuing appropriations (P.L. 97-92). The resolution specifically prohibited the use of appropriated funds to implement the proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms before Mar. 30, 1982. It further provided that such a reorganization may be implemented after Mar. 30, 1982, unless disapproved by the House and Senate Committees on Appropriations.
- 11/12/81 -- Notices were sent to field offices of the Bureau of Alcohol, Tobacco, and Firearms that the agency will be eliminated. No effective date was set.
- 09/19/81 -- The Washington Post and the Wall Street Journal reported that the Reagan Administration plans to disband the Bureau of Alcohol, Tobacco and Firearms. Gun control functions would be transferred to the Secret Service, according to the reports.
- 08/19/81 -- The final report of the Attorney General's Task Force on Violent Crime was released. Included were recommendations for: (1) police clearance as a prerequisite for commercial handgun purchase; (2) a ban on the importation of unassembled parts of handguns, which would be prohibited if assembled; (3) increased efforts to prosecute convicted felons apprehended when in possession of a firearm; and (4) a mandatory sentence for the use of a firearm in the commission of a Federal felony.

- 03/30/81 -- President Ronald Reagan and three other persons were wounded by gunfire in an attempt on the President's life.
- 09/25/80 -- H.R. 6915, to revise the Federal criminal code, was reported by the House Judiciary Committee. Attempts in mark-up to attach anti-gun control amendments were unsuccessful.
- 01/17/80 -- The Senate Judiciary Committee reported S. 1722, a bill for reform of the Federal Criminal Code. Under the bill, all penalty provisions of the Gun Control Act, the National Firearms Act, and the explosives control title of the Organized Crime Control Act would have been transferred to title 18 of the U.S. Code. Certain substantive changes were also included.
- 02/27/79 -- The Treasury Department withdrew proposed regulations requiring periodic reporting of gun sales by licensed dealers along with a new firearm serial number system.
- 06/27/78 -- Senate passed the Treasury Department appropriations bill, keeping intact the House provisions relating to the implementation of gun industry regulations; floor amendments hostile to those provisions were voted down.
- 06/07/78 -- House passed a Treasury Department appropriations bill with committee-recommended provisions (1) to ban the use of funds to implement the gun industry regulations proposed on Mar. 21, 1978, and (2) to delete \$4.2 million from the BATF request, the estimated amount required for implementation of the proposed regulations.
- 03/21/78 -- Treasury Department (Bureau of Alcohol, Tobacco and Firearms) proposed new regulations relating to the manufacture and commercial sale of firearms - covering requirements for a new, unique serial number system, the periodic reporting by licensed dealers on all firearms dispositions (including serial numbers of all weapons sold, but not the names of purchasers), and mandatory reporting of thefts and losses.
- 01/30/78 -- Senate passed an amended version of S. 1437, for reform of the Federal Criminal Code.
- 05/11/76 -- The President approved a bill containing a provision that excludes firearm ammunition from the items over which the Consumer Product Safety Commission has jurisdiction (P.L. 94-284).
- 05/06/76 -- House Judiciary Committee reported a bill for added handgun controls under the Gun Control Act (H.R. 11193; H.Rept. 94-1103). Similar to a Ford administration bill and to a bill previously approved by a Senate subcommittee, the measure provided for a ban on the manufacture and sale of non-sporting handguns, prior

police clearance of handgun purchases, and increases in the annual fees of gun industry licensees. The bill failed to get a rule.

- 12/01/75 -- The Senate Subcommittee to Investigate Juvenile Delinquency approved a measure providing for added handgun controls under the Gun Control Act.
- 03/13/74 -- The Senate rejected two floor amendments (to S. 1401) proposing further handgun controls: (1) an amendment containing provisions similar to those in the Bayh bill that passed the Senate in 1972, by a vote of 58 to 31; and (2) an amendment requiring the registration of all handguns, licensing of all handgun owners, and prohibition of production of all handguns unsuitable for sporting purposes, by a vote of 68 to 21.
- 08/09/73 -- The National Advisory Commission on Criminal Justice Standards and Goals made recommendations for State and local action to reduce crime, and proposed a ban on the private ownership of handguns by 1983.
- 09/15/72 -- A House Judiciary subcommittee approved a handgun control bill almost identical to the one passed by the Senate on Aug. 9, 1972; however, the full committee failed to act on the measure.
- 08/09/72 -- The Senate passed the Bayh bill to ban manufacture and sale of non-sporting handguns, 68 to 25. Attempts at broadening the bill to include such measures as registration, licensing of handgun owners, and prohibition of handgun possession were unsuccessful.
- 05/16/72 -- The shooting of Governor George Wallace spurred the campaign for added handgun controls.
- 10/15/70 -- The Organized Crime Control Act of 1970 was approved; it contained a title providing for stricter regulation of explosives.
- 07/00/69 -- The National Commission on the Causes and Prevention of Violence issued a statement on firearms and violence, calling for national handgun registration and Federal legislation providing for eventual universal licensing for handgun ownership.
- 10/22/68 -- The President signed the Gun Control Act, in part amending legislation enacted 4 months earlier, Title IV of the Omnibus Crime Control and Safe Streets Act, and also amending the National Firearms Act of 1934.
- 06/19/68 -- The President signed the Omnibus Crime Control and Safe Streets Act, containing two gun control titles.
- 06/05/68 -- Senator Robert Kennedy was assassinated by gun.
- 04/04/68 -- Dr. Martin Luther King was assassinated by gun.

02/00/67 -- The President's Commission on Law Enforcement and Administration of Justice issued a comprehensive report on the Nation's crime problem after a 2-year study. Among the recommendations was one for eventual national handgun registration and Federal prohibition of interstate handgun commerce.

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