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THE WHITE HOUSE

WASHINGTON

January 27, 1986 (XXX312)

Dear Mr. Ortega:

On behalf of President Reagan, thank you for your message about gun control. Your views are much appreciated.

The President is well aware of the congerns of many Americans about this issue. He believes we must/protect the rights of lawabiding citizens to legitimate ownership and use of firearms while strongly enforcing laws against their criminal misuse. Administration has endorsed S. 49, which would ease sections of the 1968 Gun Control Act while protecting and enhancing Federal criminal law enforcement efforts. The Senate passed this measure last year and the President hopes that the House of Representatives will soon take action on companion legislation.

As Governor of California, President Reagan signed into law legislation to increase penalties and impose mandatory jail terms for those convicted of crimes involving firearms. He believes that strengthening our laws dealing with firearm possession during the commission of a crime is the best answer to the problems posed by gun ownership. He was pleased to sign into law the Comprehensive Crime Control Act of 1984, which adopted such proposals. This /egislation, which has been called "the most far-reaching and substantial reform of the Federal criminal justice system in our history," fundamentally readjusted the balance between the forces of law and the forces of lawlessness.

This and other Administration initiatives dealing with criminal law enforcement may already be having an effect: The Federal Bureau of Investigation's index of serious crime showed a decline of 3 percent in 1984, the third consecutive yearly drop. In addition, each of our Nation's four geographic regions saw a decrease in serious crime.

The Administration realizes that more needs to be done to combat crime, but the success of our efforts to date underscores the importance of keeping the debate on crime control focused on the deterrence, detection and detention of criminals rather than on the legitimate ownership of firearms by law-abiding citizens.

With President Reagan's best wishes,

Sincerely,

Anne Higgins

Special Assistant to the President and Director of Correspondence

Mr. Michael Ortega (1/27/86)Evening Supervisor Correspondence Analysis Section Room 60 Old Executive Office Building Washington, DC 20500

AVH/DE/CAD/AVH

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

1-21-86

TO:

JUDY JOHNSTON/OPD

FROM:

CHUCK DONOVAN

Office of Correspondence

The attached draft form reply is submitted for review by the appropriate staff member. This issue is running in current mail and the volume justifies use of a form response. I can be reached at x7610 if any information on the incoming mail regarding this issue is required by your office.

Thank you very much.

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cc: Pending File

AVH-312 (5th Rev.) .
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THE WHITE HOUSE
WASHINGTON

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January 8, 1986

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AVH312

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As Governor of California, President Reagan signed into law legislation to increase penalties and impose mandatory jail terms for those convicted of crimes involving firearms. He remains committed to strengthening our laws dealing with firearm possession for the purpose of committing a crime as the best answer to the problems posed by gun ownership. He was pleased to sign into law the Comprehensive Crime Control Act of 1984, which adopted such proposals. This legislation, which has been called "the most far-reaching and substantial reform of the Federal criminal justice system in our history," fundamentally readjusts the balance between the forces of law and the forces of lawlessness.

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With President Reagan's best wishes,

AVH-312 (4th Rev.) RE: Gin Control

THE WHITE HOUSE WASHINGTON

September 25, 1985 (XXX312)

Dear Mr. Ortega:

On behalf of President Reagan, thank you for your message about gun control.

The President is well aware of the concerns that many Americans have expressed about this issue. He believes that we must seek to protect the rights of law-abiding citizens to legitimate ownership and use of firearms while enforcing strongly laws which guard against their criminal misuse. In line with this viewpoint, the Administration has endorsed S. 49 which would ease provisions of the 1968 Gun Control Act, while protecting and enhancing Federal criminal law enforcement efforts. The Senate passed this measure on July 9 and companion legislation is awaiting action in the House of Representatives.

As Governor of California President Reagan signed into law new legislation which increased penalties and imposed mandatory jail terms for persons convicted of crimes involving guns. Since that time he has remained committed to strengthening our laws dealing with firearm possession for the purpose of committing a crime as the best answer to the problems posed by gun ownership. He is particularly pleased that the 98th Congress finally enacted such proposals by adopting the Comprehensive Crime Control Act of 1984 which he signed into law on October 12, 1984. This legislation, which has been called "the most far-reaching and substantial reform of the Federal criminal justice system in our history," fundamentally readjusts the balance between the forces of lawlessness.

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Your comments are appreciated and have been passed along to the appropriate Administration representatives who deal with these issues.

With President Reagan's best wishes,

Sincerely,

Anne Higgins Special Assistant to the President and Director of Correspondence

(9/25/85)

Mr. Michael Ortega Evening Supervisor Correspondence Analysis Section Room 60 Old Executive Office Building Washington, DC 20500 · revised to incorporate
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THE WHITE HOUSE

WASHINGTON

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MEMORANDUM

TO:

JUDY JOHNSTON/OPD

FROM:

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Thank you very much.

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RE: Gun Control

THE WHITE HOUSE WASHINGTON

Quy (CV/DE/200)

September 4, 1985

AVH312

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With President Reagan's best wishes,

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Senate Approves Bill Easing Gun Control Law

The Senate-July 9 handily passed legislation relaxing federal gun control laws to allow interstate sales of rifles, shotguns and handguns.

The bill (S 49), which was approved 79-15, would ease many restrictions of the 1968 Gun Control Act, including those barring such interstate sales. (Vote 142, p. 1398)

Westerners in Congress, encouraged by the National Rifle Association (NRA), have been seeking relaxation of the law almost from the day it was enacted. "The Gun Control Act of 1968 is snake oil," said Sen. James A. McClure, R-Idaho, chief sponsor of S 49. "It is medicine that does not solve the ill of violent firearms abuse. It is about time we changed the dose."

Advocates of strong gun controls, led by Edward M. Kennedy, D-Mass., sought to retain the ban on interstate sales of handguns. But a Kennedy amendment to preserve the ban was tabled, and thus killed, on a 69-26 procedural vote. (Vote 139, p. 1398)

The Senate also rejected an amendment to require a 14-day waiting period for anyone seeking to purchase a handgun. A number of police organizations had endorsed both amendments.

The FBI's "Crime in the United States" report for 1983, the last year for which complete figures are available, shows that handguns were used in 44 percent of all murders that year. Other types of firearms accounted for an additional 14 percent of murders.

The 1968 law banned the importation of most firearms, but not of gun parts. An amendment agreed to after negotiations among supporters and foes of S 49 would ban the importation of barrels, frames and receivers for so-called "Saturday night specials." These are small handguns not suitable for sporting purposes but frequently used in the commission of crimes. (Weekly Report p. 1274)

The bill also included a mandatory five-year sentence for use of a firearm during commission of a federal crime of violence.

And it made it illegal for anyone, not just a licensed gun dealer, to sell a

-By Nadine Cohodas

firearm to persons prohibited by law from owning one—such as convicted felons, drug addicts or persons committed to mental institutions.

House Outlook Dim

S 49 was the first gun legislation to be considered by the full Senate in 13 years. In 1972, the Senate passed a measure that would have strengthened the 1968 law, but the bill died in the House. (1972 Almanac p. 520)

Although opposite in thrust, this year's legislation may suffer the same fate as the 1972 measure. Companion House legislation (HR 945) had 125 cosponsors as of July 10, but it is buried in the House Judiciary Committee, which has consistently opposed any move to weaken existing gun controls.

Judiciary Chairman Peter W. Rodino Jr., D-N.J., said July 9 that S 49 moved in the wrong direction. "I'm



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-Sen. James A. McClure, R-Idaho not going to work to weaken a law that already needed strengthening," Rodino said.

Proponents of HR 945 said they may file a discharge petition to pry it out of Judiciary and get it to the floor. But such a petition requires the signatures of 218 members — a majority of the entire House.

Another option, proponents said, was attaching the gun bill as a rider to other legislation, such as the fiscal 1986 continuing appropriations resolution that will move through the House near the close of the current fiscal year, which ends Sept. 30.

Background: The 1968 Law

The 1968 law was enacted following the assassinations that year of the Rev. Dr. Martin Luther King Jr. and Sen. Robert F. Kennedy, D-N.Y. (1968 Almanac p. 549)

It has long been a thorn in the side of many gun owners and dealers, who contend it has put too many restrictions on their activities and subjected them to harassment by overzealous federal authorities.

The law barred mail-order or interstate shipment of firearms and ammunition. It also established detailed licensing procedures for those who manufacture, import, sell or collect guns and ammunition.

The law required licensed dealers to keep records of all firearms transactions and authorized federal authorities to inspect a licensee's firearms inventory and records at all "reasonable" times. Federal authorities were not required to give a licensee notice of these inspections.

Easing Restrictions

S 49 relaxes many of these requirements. It would, for example, require federal agents to give notice to gun dealers before conducting routine inspections aimed at determining their compliance with the law's record-keeping requirements. Such inspections in most cases would be limited to one a year.

Gun collectors would no longer have to get dealers' licenses to sell weapons from their private collections. And those who sell ammunition

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July 13, 1985-PAGE 1391

would be exempt from record-keeping requirements.

Another provision would bar prosecution under the act unless the alleged violator knew he violated the law or acted "willfully" to violate the law. Currently, federal authorities can prosecute any time they find a violation, regardless of the state of mind of the defendant.

The Lobbying

Passage of S 49 was a major victory for the NRA, which has been trying for more than a decade to soften the gun law's regulatory scheme.

The group's chief allies in the Senate, McClure and Orrin G. Hatch, R-Utah, have worked relentlessly to get the measure to the floor. This year, they bypassed the Judiciary Committee, which had approved bills in 1982 and 1984, and had S 49 placed directly on the Senate calendar. Last year, the gun bill was offered as a floor amendment to unrelated civil rights legislation, but was withdrawn when it became snarled in a procedural imbroglio. (1984 Almanac pp. 226, 242; 1982 Almanac p. 415)

Advocates of strict handgun laws, led by Handgun Control, a Washington, D.C.-based organization, had worked hard to strengthen the Mclure-Hatch bill.

They marshaled the support of five national police organizations in seeking amendments to retain the existing ban on interstate handgun sales and to require a waiting period for handgun purchases. They visited senators July 8-9, and the week before, they sent letters to senators urging support for the amendments.

The police groups involved were the International Association of Chiefs of Police, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the Fraternal Order of Police and the National Troopers Coalition

Their efforts, however, were no match for the three-million-strong NRA and its allies, including the Gun Owners of America and Citizens Committee for the Right to Keep and Bear Arms.

In the two weeks before the bill was considered, the NRA, for example, told its members to write or call senators urging support for S 49. One Senate office reported getting about 80 calls by midday July 9 in support of bill

McClure said the large margin of

victory was in part a reaction to "abusive enforcement" of the law over the last 17 years.

But one disgruntled Senate aide said the vote was a tribute to the gun lobby. "This place is marching in lock step with the NRA," he said.

Interstate Sales

While S 49 removes the ban on interstate sales of guns, sponsors said it retains adequate controls on such transactions. The bill would allow interstate sales face-to-face, over-the-counter, only if the sale did not violate the laws of either the seller's or the buyer's state. The seller would be presumed to know the law in the buyer's state and could be penalized for a sale that violated the law in either state.

The bill keeps the same penalty as current law for selling a firearm to a person prohibited by the law from owning one — a fine of up to \$5,000 and imprisonment for up to five years.

Kennedy argued that Congress should treat handguns differently from long guns. He pointed out that the Judiciary Committee in last year's bill had retained the ban on interstate sales of guns with barrels of three inches or less.

"There are no sporting purposes whatsoever — no hunting purposes whatsoever — for a Saturday night special," Kennedy said. "You cannot hit anything accurately beyond a few feet."

Hatch and McClure opposed Kennedy's amendment, contending that the current ban is, as Hatch put it, "more restrictive than necessary" to ensure adequate regulation of guns.

Notice of Inspections

The provision requiring government notice before routine inspections was intended to stop federal authorities from conducting "fishing expeditions for inadvertent record-keeping violations," Hatch said.

The bill would permit surprise inspections when government officials obtained a warrant based on a "reasonable cause to believe that a violation of the law has occurred." Such inspections also would be allowed during a criminal investigation of someone other than the gun dealer or when authorities are tracing a firearm.

Charles McC. Mathias Jr., R-Md., offered an amendment to delete the notice requirement and retain current law. But the amendment was tabled, or killed, 76-18. (Vote 140, p. 1398)

Mathias contended that the no-

tice requirement would "cripple federal enforcement of the law. Only the dishonest dealer will benefit from such pre-inspection notification," he said. "But all of the American people will suffer because of a reduction in enforcement effectiveness."

Waiting Period

By 71-23, the Senate also tabled, and thus killed, an amendment offered by Daniel K. Inouye, D-Hawaii, to require a 14-day waiting period between the purchase of a handgun and its delivery. Exceptions would have been permitted if the purchaser's local police chief certified that immediate delivery of the handgun was necessary to "protect against a threat of immediate danger to the physical safety of the buyer." (Vote 141, p. 1398)

The waiting period, Inouye said, would allow local authorities to verify information the buyer gave about himself, although the amendment did not require either the gun dealer or police to conduct a records check.

The gun bill approved by the Judiciary Committee in 1982 had included a similar waiting period.

Inouye noted a number of law enforcement officials and organizations had urged adoption of a waiting period for handgun purchases, as had a special task force on violent crime established in 1981 by former Attorney General William French Smith.

The senator said that 15 states and a number of localities have waiting periods ranging from three to 15 days. Congress should establish a federal minimum, Inouye said, "to ensure national uniformity and reinforce the government's commitment to the enforcement of the law."

McClure said the amendment would not be effective because it did not require background or criminal record checks. "I think the real rationale is something more, simply to serve as an inconvenience in those of our states ... which do not want such waiting periods," he said.

Guns in Transit

By voice vote, the Senate agreed to an amendment that would bar prosecution under state laws regulating transportation of guns when the gun in question was unloaded and inaccessible—for example, a gun packed in the trunk of a car.

Proponents of the legislation said that some state laws interfere with the legitimate movement of guns by hunters or collectors traveling interstate.

THE WHITE HOUSE WASHINGTON

September 24, 1985

AVH312

On behalf of President Reagan, thank you for your message about gun control.

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Your comments are appreciated and have been passed along to the appropriate Administration representatives who deal with these issues.

With President Reagan's best wishes,

THE WHITE HOUSE WASHINGTON

May 1, 1985 (XXX312)

Dear Mr. Ortega:

On behalf of President Reagan, thank you for your message about gun control.

The President is well aware of the concerns that many Americans have expressed about this issue. He believes that we must seek to protect the rights of law-abiding citizens to legitimate ownership and use of firearms without diminishing the effectiveness of laws against their criminal misuse. He made his views clear in an address to fellow members of the National Rifle Association in 1983, stressing his experience as Governor of California where he signed into law new legislation to increase penalties and to impose mandatory jail terms on criminals convicted of crimes involving possession of a firearm.

President Reagan has continued to emphasize strengthening of our criminal laws as the best answer to the problems caused by serious crime. He is particularly pleased that the 98th Congress finally reacted to the proposals he submitted in 1983 and adopted the Comprehensive Crime Control Act of 1984. President Reagan signed this landmark legislation into law on October 12, 1984. This legislation has been called "the most far-reaching and substantial reform of the Federal criminal justice system in our history." It fundamentally readjusts the balance between the forces of law and the forces of lawlessness.

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With President Reagan's best wishes,

Sincerely,

Anne Higgins Special Assistant to the President and Director of Correspondence

(4/30/85)

Mr. Michael Ortega Evening Supervisor Correspondence Analysis Section Room 60 Old Executive Office Building Washington, DC 20500

AVH/CV/DE/CAD/AVH

AVH-312 (3rd Rev.) RE: Gun Control

THE WHITE HOUSE
WASHINGTON

ALM/pg/cv/DE/como

April 29, 1985

AVH312

On behalf of President Reagan, thank you for your message about gun control.

The President is well aware of the concerns that many Americans have expressed about this issue. He believes that we must seek to protect the rights of law-abiding citizens to legitimate ownership and use of firearms without diminishing the effectiveness of laws against their criminal misuse. He made his views clear in an address to fellow members of the National Rifle Association in 1983, stressing his experience as Governor of California where he signed into law new legislation to increase penalties and to impose mandatory jail terms on criminals convicted of crimes involving possession of a firearm.

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With President Reagan's best wishes,

AVH-312 (2nd Rev.)
RE*: Gun Control

THE WHITE HOUSE WASHINGTON

March 25, 1985 (XXX312)

Dear Mr. Ortega:

On behalf of President Reagan, thank you for your message about gun control.

The President is well aware of the concerns that many Americans have expressed about this issue. He believes that we must seek to protect the rights of law-abiding citizens to legitimate ownership and use of firearms without diminishing the effectiveness of laws against their criminal misuse. He made his views clear in an address to fellow members of the National Rifle Association in 1983, stressing his experience as Governor of California where he signed into law new legislation to increase penalties and to impose mandatory jail terms on criminals convicted of crimes involving possession of a firearm.

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The success of this and other Administration initiatives is apparent. For the first time in the history of the serious crime index maintained by the Federal Bureau of Investigation, serious crime has dropped two years in a row. The decrease in 1983 was 7 percent, the largest decline since 1960. We recognize that more needs to be done, but this experience underscores the importance of keeping the debate on crime control focused on the deterrence, detection and detention of criminals and not on the activities of law-abiding citizens.

Your comments are appreciated and they have been passed along to the Administration officials who deal with these important issues.

With President Reagan's best wishes,

Sincerely,

Anne Higgins Special Assistant to the President and Director of Correspondence

(3/22/85)

Mr. Michael Ortega Evening Supervisor Correspondence Analysis Section Room 60 Old Executive Office Building Washington, DC 20500

AVH/DE/CAD/AVH

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With President Reagan's best wishes, 1/4

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AVH-312 (Rev.) RE: Gun Control

THE WHITE HOUSE WASHINGTON

January 2, 1985 (XXX312)

Dear Mr. Ortega:

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The success of this and other Administration initiatives is apparent. For the first time in the history of the serious crime index maintained by the Federal Bureau of Investigation, serious crime has dropped two years in a row. The decrease in 1983 was 7 percent, the largest decline since 1960. We recognize that more needs to be done, but this experience underscores the importance of keeping the debate on crime control focused on the deterrence, detection and detention of criminals and not on the activities of law-abiding citizens.

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With President Reagan's best wishes,

Sincerely,

Anne Higgins
Special Assistant to the President and Director of Correspondence

(12/26/84)

Mr. Michael Ortega Evening Supervisor Correspondence Analysis Section Room 60 Old Executive Office Building Washington, DC 20500

AVH/DE/CAD/AVH

REI Gan Control

THE WHITE HOUSE WASHINGTON

Note 2 micoming

December 26, 1984

AVH312

On behalf of President Reagan, thank you for your message about gun control.

The President is well aware of the concerns that many Americans have expressed about this issue. He believes that we must seek to protect the rights of law-abiding citizens to legitimate ownership and use of firearms without diminishing the effectiveness of laws against their criminal misuse. He made his views clear in an address to fellow members of the National Rifle Association in 1983, stressing his experience as Governor of California where he signed into law new legislation to increase penalties and to impose mandatory jail terms on criminals convicted of crimes involving possession of a firearm.

President Reagan has continued to emphasize strengthening of our criminal laws as the best answer to the problems caused by serious crime. He is particularly pleased that the 98th Congress finally reacted to the proposals he submitted in 1983 and adopted the Comprehensive Crime Control Act of 1984. President Reagan signed this landmark legislation into law on October 12, 1984. United States Attorney General William French Smith has called this legislation "the most far-reaching and substantial reform of the Federal criminal justice system in our history . . . It fundamen-

ally, indeed profoundly, readjusts the balance between the forces of law and the forces of lawlessness."

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