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P U B L I C H E A R I N G

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

SENATE, #1225 AND #1226

(GUN CONTROL)

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Held:
June 23, 1976
Senate Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Carmen A. Orechio (Chairman)
Senator Alene S. Ammond

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I N D E X

	Page
William C. Kraemer President Plainfield Shooting Club	1
Irving Ittner Clark, New Jersey	2
Herman Treptow Secretary New Jersey Sporting Goods Dealers & Manufacturers Assn.	3
Roger Mistove North Plainfield, New Jersey	3
Harold Frowery Bridgewater, New Jersey	4
Roger Donat Gillette, New Jersey	6
Dr. Walter Stocker Basking Ridge, New Jersey	8
Alexander J. Menza Senator, 20th District	11
Robert J. Del Tufo First Assistant Attorney General and Director of Criminal Justice State of New Jersey	18
Paul Green Liberty Township	21
P. K. Hilliard Chairman of the Board New Jersey State Federation of Sportsmen's Clubs	22

- - - -

Also:

Letter from A. R. Bonorden Plainfield, New Jersey	1X

- - - -

SENATE, No. 1225

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1976

By Senator MENZA

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the registration of pistols and revolvers and supplementing chapter 151 of Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. This act shall be known and may be cited as the "Pistol and Revolver Registration Act of 1976."

2. Except as hereinafter provided, every person residing in the State or arriving in the State who owns, keeps, stores or has in his possession a pistol or revolver of any description, except antique firearms as defined in N. J. S. 2A:151–18, shall within 48 hours of obtaining the same, or within 48 hours of arrival, register the same with the Superintendent of State Police in the manner in this act provided. Any person who, after the effective date of this act, shall knowingly own, keep, store or have in his possession any pistol or revolver, except antique firearms, unless said pistol or revolver has been registered with the Superintendent of State Police in the manner in this act provided, shall be guilty of a misdemeanor.

3. This act shall be administered and enforced by the Superintendent of State Police, who is hereby authorized, empowered and directed to do and perform all acts which may be necessary and proper to the lawful administration and enforcement of the provisions of this act and not inconsistent herewith. His powers and duties shall include, but not be limited to:

a. The promulgation, adoption, publication and enforcement of rules and regulations not inconsistent with the provisions of this act, relating to any matter or thing pertaining to the administration or enforcement thereof, which rules and regulations shall have the force and effect of law;

b. The collection, classification, publication, protection and preservation of records, statistics, and information related to the administration and enforcement of this act, or tending to promote the objects hereof;

c. The collection, and remission to the State Treasurer of moneys collected under this act;

d. The appointment and designation of persons to act as his agents for the purposes of this act. Except as otherwise provided by rule or regulation of the superintendent, the chief of police of each of the several municipalities of the State is designated an agent of the superintendent; provided, however, that the superintendent may, in his discretion, establish by rule or regulation such other or additional geographical areas, governmental units, or administrative areas, and such other or additional persons to act as his agents as he may deem necessary or convenient.

4. The superintendent shall refuse to accept any registration, or shall revoke any registration, whenever he finds that the pistol or revolver is in an unsafe condition or is otherwise unlawful for use in this State, or that the applicant or registrant is prohibited from purchasing, owning, possessing or controlling any firearm under the laws of this State, any other state, or any Federal laws.

5. An applicant for registration of a pistol or revolver not previously registered pursuant to this act and acquired from a person other than a manufacturer, wholesale dealer or retail dealer licensed or registered under this chapter or acquired without the permit to purchase a pistol or revolver provided for in this chapter shall personally appear before a designated agent of the superintendent for such purpose and shall present said pistol or revolver for inspection. The application shall be made upon a form furnished by the superintendent, which shall require the name, address and such other identification of the applicant as the superintendent shall deem advisable to establish his identity, a description of the pistol or revolver sufficient to positively identify it, a statement of the manner in which the pistol or revolver was acquired, including the date of acquisition thereof, and such additional information as may be reasonably required to enable the superintendent or his agent to make the determinations required by this act.

6. An applicant for registration of a pistol or revolver heretofore or hereafter acquired by him from a manufacturer, wholesale dealer or retail dealer pursuant to this chapter, shall register such pistol or revolver in accordance with such rules and regula-

tions promulgated by the superintendent as he shall determine necessary or practicable to safeguard the public safety and welfare.

7. Upon the sale or other transfer of a registered pistol or revolver, the transferor shall execute upon a form furnished by the superintendent an application for assignment of said registration to the transferee, and the transferee shall execute upon the same form an application for registration. The said application shall be signed by the transferor and the transferee respectively, and, in addition to the information required to be furnished upon an initial registration application, shall set forth the registration number of the pistol or revolver, and a statement under oath by the transferor whether to his knowledge, information or belief, there exists any cause for revocation of said registration. The transferee shall personally appear before and present the said form to a designated agent of the superintendent. The transferor shall make no physical delivery of said pistol or revolver to the transferee unless and until the transferee shall first furnish to the transferor an official copy of the temporary registration card issued to said transferee for said pistol or revolver by a designated agent of the supeintendent, as further provided herein.

8. A fee shall be charged for the registration of pistols and revolvers as determined by the superintendent to cover the expenses of registering pistols and revolvers in this State so as to make the cost of administering this act pay for itself.

9. Upon the presentation of an application for registration, the designated agent of the superintendent shall, within 72 hours, inspect the pistol or revolver where required by this act, review the contents of the application form, and make such inquiry or investigation as may be deemed necessary to determine whether the information furnished by the applicant is correct and complete. Upon the completion of such inspection, review and investigation, and in any event within said 72-hour period, the designated agent of the superintendent shall determine whether there appears to be cause for refusal of registration. Should said agent determine that no such cause appears, he shall temporarily register the pistol or revolver, and shall furnish to the applicant a temporary registration card upon a form approved by the superintendent, which card shall be valid for a period of 15 days, and shall bear the temporary registration number assigned to said pistol or revolver, the name and address of the registrant, a description of the registered pistol or revolver sufficient to readily identify it, the name, address and signature of the agent issuing said registration and such other information or statement as the superintendent may require.

10. Upon the issuance of a temporary registration card, the designated agent of the superintendent shall immediately forward a copy thereof to the superintendent, together with a copy of the application form and such other information as the superintendent may require. The superintendent shall examine the same, and make such further inquiry or investigation as he may deem necessary. Upon the completion of such examination and investigation, and in any event within 7 calendar days of his receipt thereof, the superintendent shall determine whether there appears to be cause for revocation of the temporary registration. Failure to approve an application within 7 calendar days shall be deemed an approval. Should the superintendent determine that no such cause appears, he shall permanently register the pistol or revolver, or where said pistol or revolver has previously been registered, transfer the registration to the new registrant, and shall furnish to the registrant a permanent registration card which shall bear the permanent registration number, the seal and signature of the superintendent, and the information and statements appearing upon the temporary registration card.

11. A duplicate registration card may be issued to the owner of a lost, destroyed, or defaced registration card upon proof of such loss, destruction or defacement as the superintendent may require and upon payment of the fee herein provided for an original registration. Application for reissuance of such a card shall be made by the owner within 48 hours of his discovery of such loss, destruction or defacement. The owner shall notify the superintendent of any change of name or address from those appearing upon his registration card within 48 hours of such change.

12. Any person who owns or possesses an unwanted pistol or revolver and who does not wish to register said pistol or revolver may surrender it to a designated agent of the superintendent prior to the 30th day after the effective date of this act, in accordance with such rules and regulations as the superintendent may promulgate. The superintendent shall record such surrender and destroy or otherwise dispose of such pistol or revolver as he shall determine to be in the public interest.

13. For the purpose of surrendering unwanted pistols or revolvers or complying with the provisions of this act requiring an applicant for registration of a pistol or revolver to present in person said pistol or revolver for inspection, it shall be lawful for an applicant to transport said pistol or revolver while traveling directly to and from his residence or other place where said pistol

or revolver is situated and the office of a designated agent of the superintendent, provided that in all cases during the course of said travel the said pistol or revolver shall be unloaded, broken down if possible, and safely carried in strict compliance with rules and regulations established by the superintendent for such travel.

14. The superintendent shall maintain a central file of all pistols and revolvers registered and recorded as provided herein, which file shall be arranged:

a. Alphabetically, by name of registrant or licensee or permittee;

b. Numerically, by registration number and by license or permit number; and

c. By type, manufacturer, serial number or such other classification of pistol or revolver as he may deem proper.

The said file shall be reviewed from time to time, and the superintendent shall by regulation establish procedures by which such information as may affect the suspension or revocation of any registration or recordation shall be reported to him by persons or agencies having such information.

15. Should the superintendent refuse registration or suspend or revoke the same, he shall forthwith require the pistol or revolver in question to be surrendered to him, together with the registration card if any, and he may delegate authority to any law enforcement officer to take possession thereof without warrant. The said pistol or revolver shall be held in the custody of the superintendent until such time as any appeal taken hereunder has been finally determined, at which time said pistol or revolver shall be registered and returned to the owner, confiscated as provided by law, or held by the superintendent for a period of 7 days during which the owner thereof may divest himself thereof by transferring said pistol or revolver to a person qualified to register the same. In addition to the foregoing, the superintendent shall, promptly upon refusal, suspension or revocation of registration, notify the applicant or registrant of his action and of the reason therefor, and if no hearing has theretofore been held, afford him an opportunity to appear and be heard. After hearing, the superintendent shall either rescind his order of refusal, suspension or revocation, or, good cause appearing therefor, may continue to refuse to register or to suspend or revoke said registration for such period and under such terms as may be required for the proper enforcement of this act. Any person aggrieved by any such decision of the superintendent shall have the right to appeal from said decision in the Superior Court.

16. The superintendent shall have authority to make agreements with duly authorized representatives of other States regarding reciprocal arrangements for the exemption of residents of such States owning or having custody of pistols or revolvers within this State from the registration provisions of this act, where the laws of such States provide for registration pocedures and requirements substantially similar to those imposed by this act, and permit reciprocal exemption therefrom as herein provided. In the absence of any such agreement, nonresidents shall be exempt from the registration provisions of this act only where (a) such nonresident holds a current and valid out of state license or permit to own, possess and carry a pistol or revolver; and (b) such nonresident is in transit through this State, and the pistol or revolver in his possession or custody is unloaded, broken down if possible and safely carried in a closed and locked container in the nonresident's immediate control, as a part of the personal baggage or belongings of said nonresident.

17. The provisions of this act shall not apply to:

a. Manufacturers and wholesalers of pistols or revolvers registered pursuant to this chapter;

b. Retail dealers of pistols or revolvers licensed pursuant to this chapter;

c. Persons employed by the United States and law enforcement officers employed by the United States or by governmental agencies outside the State of New Jersey who are engaged in their official duties provided that they have first notified the chief law enforcement officers of the municipality or the county prosecutor of the county in which they are engaged or the superintendent.

18. Any person who violates any provisions of this act, except for section 2. shall be guilty of a misdemeanor and, upon conviction thereof shall be sentenced, for each separate offense to pay a fine of not more than $500.00 or undergo imprisonment for a term of not more than 1 year, or both.

19. This act shall take effect immediately.

STATEMENT

New Jersey firearm statutes now require a license to carry a pistol or revolver on or about a person, concealed or openly; a license to carry a pistol or revolver in a vehicle, concealed or openly; a permit to purchase a pistol or revolver; and a waiting

period between the purchase and delivery of a pistol or revolver. While the State's regulations of pistols and revolvers are among the most stringent in the nation, the registration of pistols or revolvers as a prerequisite for their legal possession is not required (although the registration of firearms by the firearms dealer at the time of purchase is required and the register shall be retained by the dealer). This bill would now require the registration of a pistol or revolver by the purchaser or owner as a prerequisite for their legal possession. A fee would be charged for the registration is determined by the Superintendent of State Police to cover the cost of registering a pistol or revolver. This would assist law enforcement officials in the investigation of crimes involving pistols or revolvers, which amounted to 36 percent of all murders reported in New Jersey in 1974. Pistol or revolver involvement in murders as a percentage of all firearms involved was 81 percent in 1974.

SENATE, No. 1226

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1976

By Senator MENZA

Referred to Committee on Law, Public Safety and Defense

AN ACT banning the importation, manufacture, sale, buying, transferal, receiving, transportation, owning or possession of a pistol or revolver or ammunition therefor, providing for their voluntary delivery to a law enforcement agency, creating a Firearms Violation Fund, amending N. J. S. 2A:151-16 and supplementing chapter 151 of Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N. J. S. 2A:151-16 is amended to read as follows:

2A:151-16. No property right exists in firearms *or ammunition* unlawfully possessed, carried, acquired or used, and all such firearms *or ammunition* are declared to be nuisances and forfeited to the State. When such forfeited firearms *or ammunition* are taken from any person, they shall be surrendered to the sheriff of the county in which taken, or to the head of the police department in municipalities, or to the office of the county prosecutor and may be disposed of when they are no longer needed for evidential purposes and after they have been inventoried and their disposition witnessed and recorded by the head of the agency having possession or his representative designated for this purpose. If any such firearms *or ammunition* are found to be the property of an innocent owner prior to their disposition, they shall be returned to him if and when no longer needed for evidential purposes.

2. (New section) a. Except as provided hereafter, it shall be unlawful after 30 days from the effective date of this act, for any person to import, manufacture, sell, buy, transfer, receive, or transport a pistol or revolver or ammunition therefor.

b. The provisions of this secetion shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, or transportation of any pistol or revolver or ammunition therefor

which the superintendent determines is being imported or manufactured for, sold, or transferred to, purchased, received, or transported by, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or a professional security guard service which is licensed by the State, and which is authorized to provide armed security guards for hire; provided, however, that every security guard service purchasing or transporting a pistol or revolver or ammunition therefor shall maintain records of receipt in such form as the superintendent may provide and permit the superintendent to enter the premises at reasonable times for the purpose of inspecting such records.

c. The provisions of this section shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, or transportation of a pistol or revolver which is an antique firearm as defined in N. J. S. 2A:151–18.

d. The superintendent may, consistent with public safety, exempt from the provisions of this section pistol, target and marksmanship clubs.

e. Any pistol or revolver or ammunition therefor involved in a violation of the provisions of this section shall be subject to seizure and forfeiture and shall be disposed of in the manner provided for in N. J. S. 2A:151–16.

f. Any person who violates the provisions of this section shall be guilty of a high misdemeanor.

3. (New section) a. Except as provided hereafter it shall be unlawful, after 1 year from the effective date of this act, for any person to own or possess a pistol or revolver or ammunition therefor.

b. The provisions of this section shall not apply with respect to the possession or ownership of a pistol or revolver and ammunition therefor which the superintendent determines is owned or possessed by the United States or any department, agency or political subdivision thereof, or by the State or any department, agency, or political subdivision thereof, or a professional security guard service which is licensed by the State, and which is authorized to provide armed security guards for hire; provided, however, that every security guard service owning or possessing a pistol or revolver and ammunition therefor shall maintain records of ownership and possession in such form as the superintendent may provide and permit the superintendent to enter the premises at reasonable times for the purpose of inspecting such records.

c. The provisions of this section shall not apply with respect to the possession or ownership of a pistol or revolver which is an antique firearm as defined in N. J. S. 2A:151–18.

d. The superintendent may, consistent with public safety, exempt from the provisions of this section pistol, target and marksmanship clubs.

e. Any pistol or revolver and ammunition therefore involved in a violation of the provisions of this section shall be subject to seizure and forfeiture and shall be disposed of in the manner provided for in N. J. S. 29:151–16.

f. Any person who violates the provisions of this section shall be guilty of a high misdemeanor.

4. (New section) a. No person shall be convicted of an offense under this chapter for the illegal possession of a pistol or revolver if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrenders the pistol or revolver in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the pistol or revolver in question and before any investigation has been commenced by any law enforcement agency concerning the unlawful possession thereof. The superintendent shall arrange with the chiefs of police for the transfer, destruction, or other disposition of all pistols or revolvers received under this act.

b. Upon proof of the lawful acquisition and ownership by a person delivering a pistol or revolver to the superintendent or a chief of police within 1 year of the effective date of this act, the owner of the pistol or revolver shall be entitled to receive from the State a payment equal to the fair market value of the pistol or revolver or $25.00, whichever is less. The superintendent shall provide for the payment, directly or through the local chiefs of police of the amounts to which owners of handguns delivered under this section are entitled.

c. Nothing herein shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of a pistol or revolver as provided for in this section.

5. There is hereby established in, but not as part of, the Department of Law and Public Safety, a Firearms Violation Fund to be administered by the Superintendent of State Police. Fifty percent

of all fines collected for violations of this chapter or for violations of any State statutes, when a person is armed with or has in his possession any firearm, whether or not capable of being discharged, shall be paid into this fund for 1 year after the effective date of this act. The moneys of said fund shall be held by the State Treasurer in trust for the carrying out of the purpose of section 4 of this act.

6. The cost of financing this act shall be met by:

a. Funds available in the discretionary fund created pursuant to the "Safe and Clean Neighborhoods Act of 1973" (P. L. 1973, c. 46, C. 52:27D-108 et seq.);

b. Funds available in the Firearms Violation Fund created pursuant to section 5 of this act; and

c. Money appropriated by the Legislature for the purposes of this act.

7. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to ban, after 30 days from the effective date of this act, the importation, manufacture, sale, buying, transferal, receiving, or transportation of a pistol or revolver or ammunition thereof; and after 1 year from the effective date of this act, the owning or possession of a pistol or revolver or ammunition therefor. Antique pistol or revolvers are exempted from the provisions of this act, as are pistols or revolvers issued for the use of, or owned or possessed by, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or a professional security guard service which is licensed by the State, and which is authorized to provide armed security guards for hire. Any person who violates the provisions of this act shall be guilty of a high misdemeanor.

The banning of pistols or revolvers presupposes two critical assumptions: (1) current laws have failed to control the intolerable use of handguns; and (2) lesser legal measures than abolition would not work. The problem in this nation is the availability, and great number, of pistols and revolvers—which are highly concealable firearms. Crimes involving pistols or revolvers amounted to 36% of all murders reported in New Jersey in 1974, which, as a percentage of all firearms involved in murders in 1974, was 81%. If 20,000 state and local gun laws and regulations have failed to prevent handgun abuse in this country, why would additional laws

help. Furthermore, registration and licensing statutes do not deal with the widespread present availability of handguns.

Neither hunting, sport shooting or self-defense is sufficient to justify the unrestrained private possession of pistols or revolvers. A pistol or revolver is rarely an effective instrument for protecting the home against either a burglar or robber because the former avoids confrontation, and the latter moves too swiftly. In fact, killings among acquaintances of anger or passion are more common when a pistol or revolver is accessible. The Superintendent of the State Police may, however, consistent with public safety, exempt from the provisions of this bill pistol, target and marksmanship clubs.

This bill would provide for the voluntary surrender of pistols or revolvers with immunity from prosecution for 1 year after the effective date of this act. Funds for purposes of paying the fair market value of the pistol or revolver or $25.00, whichever is less, are provided for in the bill. It should be remembered, however, that the cost in lives and property stemming from the abuse of pistols or revolvers far outweighs the cost of administering this bill.

SENATOR CARMEN A. ORECHIO (Chairman): Good morning everybody. I want to, at this time, open a public hearing on gun control in New Jersey, as prescribed by Senate Bills 1225 and 1226, sponsored by Senator Alexander Menza.

Usually when we open public hearings the sponsor of the bill is the first speaker but, unfortunately, today Senator Menza is in court and he will speak when he arrives, which will be about 11:00 or 11:15 A.M. Since we have another hearing this afternoon, we must proceed with this hearing now.

Before we go any further, I would like to introduce the members of the committee. On my right is Senator Alene Ammond and on my left is attorney Steve Robbins, who is a member of the committee staff. I am Carmen Orechio, Chairman of the Senate Law, Public Safety and Defense Committee.

Our first speaker will be William C. Kraemer, President of and representing the Plainfield Shooting Club, Inc.

W I L L I A M C. K R A E M E R: Ladies and Gentlemen: The basic reasoning behind the two proposed bills that are up for consideration by the committee this morning is predicated on the fact the we are seeing in the State of New Jersey, every year, a constant and ever-increasing degree of violent crime, crime on the streets, crime in the stores, and crime throughout the State, whether you are talking about an urban or a rural area.

We ask ourselves, basically, number one, is this crime due to handguns, knives, the economic situation - employment - or is it due to other factors? What has been found is - our economists and our statisticians in America have recently uncovered this - that, basically, in the United States,crime is a profitable occupation and profession. It is such because the criminal in the United States and in New Jersey is among the most educated group of criminals anywhere in the world. What they are motivated by is the fact that the cost/benefit ratio works to the advantage of the violent criminal in New Jersey. His acts of robbery, assault, mugging, bank robbery, holding up of stores and homes, are such that the benefits that he obtains far outweigh the cost that may descend upon him by our ultra liberal and lenient courts and judicial system.

So, we must ask ourselves about the two bills that are being considered this morning - what will they do to affect the common denominator, the common denominator being the cost/benefit ratio of crime in New Jersey today. The problem with hand guns is such that we presently have in the State of New Jersey licensing and registration requirements - permit requirements - for the possession of them and for the purchase of them.

We have Federal laws on the books - the Gun Control Act of 1968 - which prohibit the interstate dealing, sale and transfer of firearms, except as approved by the Act and by the law-abiding people who have already obtained the necessary permits, licenses and so forth.

I say unto you that these two bills that are presently under consideration, will primarily work to the detriment of the law-abiding, honest citizen of the State of New Jersey. We cannot, by any bill that is promulgated and passed in the State of New Jersey, control the acquisition and possession of handguns by the criminal. They are obtainable elsewhere. They are obtainable in other states. They are obtainable in other countries.

The Federal Gun Control Act has not been able to control the situation. What we must realize, gentlemen, is this: No bill introduced and passed in Trenton, or in the Congress of the United States, is going to control the use of handguns in violent crimes. The problem is not controlling an object, whether the object is a handgun, a pen in the hands of a forger, a printing press in the hands of a counterfeiter, or matches in the hands of an arsonist, the problem that must eventually be recognized by our judicial

system and by our legislators on the state and federal level is that we must change the cost/benefit ratio of crime in America and this involves, basically, gentlemen, not getting after the objects that are involved, be they the pen or the gun, but, rather, the act. We must strengthen criminal law and one possible suggestion toward this goal is the reinstitution in the State of New Jersey of capital punishment. This would go a long way as a detriment to the violent use of handguns, knives, and other objects, in the State of New Jersey.

This is what should be done and what has to be done. As far as the controlling of handguns on the federal level, this also would end up in utter and complete chaos and would be negated by the fact that it also would not work.

Fifty years ago, in the Congress of the United States, Senator Volstead decided that he would upgrade the morals of our country by the elimination of alcoholic beverages on a national level. What happened? We ended up having the illegal manufacture of alcoholic beverages in the United States and the illegal importation of alcohol from other countries.

The same thing would happen on either the state or the federal levels if stringent handgun controls are introduced either in New Jersey or in the Congress of the United States. Keep in mind, gentlemen, that neither the state nor the federal Congress can legislate the entire world. Importation, as we had in the 20's with liquor, would flourish in a matter of days, not months or years, but days.

So, in summary, please remember what we must get down to is the unpleasant fact that we must - we must - change the cost/benefit ratio. We have to face the basic factor of the act. We must make the act of committing a crime so expensive that the benefits of committing this crime are negated.

Finally, I would like to leave you with some remarks that were made by one of the sages in Switzerland many years ago. This gentleman was a member of the Bar in Zurich. During the summer of 1939, just prior to Europe being plunged into the great war, legislation was introduced in Switzerland calling for the registration and eventual confiscation of firearms in the country. This elderly gentleman arose and he stated, "Gentlemen, when a government is fearful of the possession of firearms in the hands of lawful and honest citizens, it is then time for the lawful and honest citizens to be fearful of their government." Thank you.

SENATOR ORECHIO: Thank you. Our next speaker is Irving Ittner from Clark, New Jersey, speaking as an individual.

I R V I N G I T T N E R: A lot of people, well educated and with good intentions, think that this will all be solved by doing away with all firearms.

Now to mention some people at the top, whom you must all know: Four years ago, Senator Bayh of Indiana and Senator Kennedy of Massachusetts viewed with alarm that there are 50 million hand guns in the entire United States and that there are 2 million-500 thousand manufactured every year. Four years later, Attorney General Levi also said that there 2,500,000 manufactured every year. His mathematics were a little off when he said that there were 50 million hand guns, after another 10 million had been made. So, according to Senators Bayh and Kennedy, there are about 60 million hand guns.

Now, I can't see how -- 60 million hand guns - that would mean families of more than 120 million people. That is a lot of people that have firearms. I have also seen figures saying that there are 200 million firearms in this country. Now, if you wanted to start a registration of all firearms - not on the state level but on the national level - and it costs $10 to register each piece, that would be $2 billion. We have a lot more to do with our money on the state level and the federal level than to

waste it on projects such as this.

While this state at the present time doesn't see how it is going to raise money to keep the schools going, they want to take the guns away from all the people.

Now, to go on to some other figures that can be germane to this, New York State -- It has been found out that in New York State, the State Police in Albany have registered some 990 thousand pistols. There are many more found from criminals. Criminals have them unregistered. There is no reason why a criminal should go and register a pistol. It doesn't pay him to do so. When they find that pistols have been misused and they check the numbers, they seldom find any of these properly-held pistols are used in crimes.

Now, this bill wants to take all pistols away and pay people up to $25, when decent pistols today cost $100 or more. What would happen? The other day I saw on Chanel 5 - I was looking at the news and they always throw the crimes in - and out of all the crimes that night, there were three homicides in New York City. All three homicides where committed with knives - pointed instruments. The guns had a day off that day.

So, I don't see why law abiding people have to be harassed by legislation such as this.

Now, a previous speaker spoke about prohibition. A lot of the containers brought in during prohibition from the ships off the coast were pints of wiskey. A pistol can be packaged and salt water-proofed just as easily as that. Pints passed around from people to people and pistols can be also, the same way.

When you disarm us, what are we going to use to defend ourselves -- rolling pins or umbrellas? I ask that this legislation not be brought to the Senate floor. Thank you.

SENATOR ORECHIO: Before we go on to the next speaker, I just want to make one point for the edification of others who may follow and others who are interested. Senate bill #1225 does provide that the fees are to be set by the Superintendent of the State Police and if this did become law - the registration anyway - this would not become a financial burden to the State, but the fees would more than compensate for the expense involved in the program.

Our next speaker is Herman Treptow, representing the New Jersey Sporting Goods Dealers and Manufacturers Association.

H E R M A N T R E P T O W: Ladies and Gentlemen: I represent the New Jersey Sporting Goods Dealers and Manufacturers Association as their Secretary. I refer to 1225, which calls for registration of firearms. We presently have approximately the same thing. Information is available to the State Police concerning any legal pistol sale in New Jersey. This is available any time they desire it during business hours, because each dealer must keep a record of it.

In reference to 1226, this would immediately set up a black market in firearms and ammunition. The ammunition for a hand gun, particularly .22 rim fire ammunition would eliminate all .22 rim fire ammunition in the State of New Jersey and in answer to that, the New Jersey Sporting Goods Dealers and Manufacturers Association are unalterably opposed to either of these bills.

SENATOR ORECHIO: Thank you. The next speaker is Roger Mistove, sporting goods wholesaler from North Plainfield.

R O G E R M I S T O V E: I would like to correct that, sir. I represent myself only at this time and I would like this to be my personal viewpoint.

What I intended to do is merely to read a few reports from a survey made in the Fall of 1975 referencing the feelings of the general public throughout the United States - and I feel that New Jersey is still a part of the United States - as to what they

felt about gun control.

When asked what could be done to reduce crime, only 11% replied that more gun control would be necessary. Eighty-two percent of the American public believe in the right of the citizen to own guns. Seventy-three percent - and these are no little percentage points - doubt that even a step as extreme as firearms confiscation would reduce crime. Sixty-eight percent feel that less than half of the United States gun owners would turn in their firearms to federal or state government, if they demanded them. Fifty percent suspect that a federal gun - and in this case we can also insert "state" - registration program would lead to government confiscation of guns. Fourty-six percent of all American households contain at least one gun. Fourty-one percent answered "yes"; five percent declined to answer and are presumed to own guns.

In addition, eighty-four percent of the people questioned feel that handgun registration would not prevent criminals from getting guns. Sixty-six percent believe that if any gun registration laws are passed, they should be state, or local, rather than federal, and seventy-one percent oppose giving the police authority to decide who owns firearms.

Exactly half of those who forthrightly say they own firearms, acknowledge to having at least one hand gun in their possession. Of the gun owners in general, thirty-eight percent - I have forgotten whether this is 12.5 or 12.6 - makes no provision for, or specifically excludes, hunting as a reason for owning a hand gun. Of the gun owners in general, thirty-eight percent say they use their guns for hunting, or other sports shooting but also regard them as self-defense arms. Twenty-two percent give hunting as the primary reason.

In short, what I think I am trying to say here and what this particular survey has done is to prove that the majority of the people in this country and this state are opposed to any further registration or gun legislation and I personally take that same viewpoint. I thank you for the opportunity to say so.

SENATOR ORECHIO: I just want to make one comment, Mr. Mistove. I don't know what the authority is of that article you read from but the results of a Gallop Poll that was released on June 4, 1975 - this was taken nationwide - indicated that 67% of the American people favor registration, while 27% opposed registration and 6% didn't have an opinion. So, it appears that we have figures that are opposed.

MR. MISTOVE: I have some Gallop figures myself.

SENATOR ORECHIO: What do your figures show?

MR. MISTOVE: This shows in the Gallop Poll in the Spring of 1975 that 55% were against outlawing handguns. The Harris Poll, to go further, in the Winter of 1975 showed that 57% were against this.

SENATOR ORECHIO: We are talking about registration, not possession.

MR. MISTOVE: Well, these are against outlawing and I assume that both these bills are, in effect, outlawing them.

SENATOR ORECHIO: One is for registration and one -- the outlawing has to do with possession or prohibiting ownership.

MR. MISTOVE: Well, that's what this says.

SENATOR OREHCIO: I just wanted to make that point for the record.

Our next speaker is Harold Frowery from Bridgewater, New Jersey.

H A R O L D F R O W E R Y: Good morning, Ladies and Gentlemen. I am very, very deeply troubled by the fact that in this year of the official birthday of our nation - 200 years of pridefulness - I have to take off from work, lose a day's pay, to talk about a bill which is so preposterous that it nearly staggers my imagination.

I am diametrically opposed to registration, controls, or the eventuality of confiscation - which, in my opinion, would follow, one step behind the other.

Allow me, though, to further introduce myself as method of identification - I have never been arrested; I have never sampled drugs; my morals are considered by many, and myself, above reproach. I am a hard-working, taxpaying, civic-minded, middle-class American about whom so much has been written and said lately.

It is definitely assured that in the past it is my group of people that are affected the most, whether it be because of rules that are established, laws that are passed, or taxes that are passed. In short, it has been said that I, as a member of the "silent majority", am very complaisant and I imagine that certainly is true and it describes much of America today.

But, we all know there are certain points to which men and women can be pushed and then they begin to take a stand. This is, indeed, the point that has been reached by me.

I don't quite understand how things like this even get considered. I would like to quote, if I may, from a Union County editorialist who was writing, about four months ago, on these bills proposed by Alexander Menza and how the public felt at that time regarding these bills. He said that Menza's mail was running 49 to 1 against - 98% against what Mr. Menza's thoughts were.

At the same time, it was stated in the same article that Mr. Menza sought to push these things aside and vote his conscience. One of the things that disturbs me greatly in this country - if I may just get off on a little bit of detour for one moment - is that our legislators really seem to forget to whom they should owe their allegiance. Our legislators, around election time, are very glib of tongue with promises. Once they are in office, it seems as though they forget everything about which they have ever spoken.

I wrote to Mr. Menza - who happened to represent me in Union County before I moved out to Somerset County - and I would like to read to you just a portion of this letter, which will take no more than about thirty to forty seconds, tops. I quote - "'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.' You are, of course, very familiar with the above, Al," - and I call him Al because I know him personally - "because it is the credo to which law-abiding, gun-owning citizens often refer and hold as their own, and rightly so. Our forefathers knew exactly the import and implication as they penned these words.

"However, our liberal establishment controlling the various media and thought patterns to which today's people are subjected, have contested these lofty ideals - 'How could the original lawmakers have envisioned the lawlessness running rampant where a gun could, as quickly as not, be produced to end an argument or be used in a crime of passion or be brandished during a holdup.' Or, 'Yesterday, a militia man was a practical and necessary thing; today he is not part of the American scene.' These ideas, and others, have been spouted in an effort to confiscate weapons nationally.

"But, let's examine and dissect, more thoroughly, the second amendment to the United States Constitution. The authors were well aware of its true meaning. Simply put, the founding fathers conceived the possibility of tyranny from within our own country as well as from without and the armed citizen would be the last line of defense to preserve our cherished liberty. They meant for man and woman to be armed forever; after all, that was a part of their birthright. And despite the four erroneous interpretations, dating from 1897, issued by our Supreme Court on gun control, that our first leaders

did not mean that it was an American right to keep and bear arms, the intent was for the law-abiding to be guaranteed the option to be armed in perpetuity should he choose.

"You are barking up the wrong tree, Al. Your efforts, which have been noble in the past, could be channeled toward more constructiveness by simply pushing for strict enforcement of laws already on the books - tacking on additional years of incarceration should a gun be used in the commission of a crime, or if a gun is illegally owned or transported, and the reinstatement of capital punishment.

"These, I believe, are the avenues you should be exploring and toward which your obvious dedication as a public servant ought to be directed. Leave us good people alone."

As the popular expression goes - and this is not said as a threat, but it is the spot at which I take a stand - "They can take my gun away from me when they pry my cold, dead fingers from around it." Please, ladies and gentlemen of this body, and of any other ruling body, do not try to see - ah, by test of fire if I, in fact, mean those words. Thank you very much.

SENATOR ORECHIO: Mr. Frowery, I just have two comments for you. Number one, the committee deeply regrets that you had to take off today to be at this hearing but the democratic process is certainly observed here in New Jersey and the fact that we do have a public hearing, I think, is most beneficial. It does afford the citizens an opportunity to speak, whether they are in opposition or whether they are in approval of legislation and there is nothing wrong with a healthy debate on a bill or bills that may become law.

Your comment about legislators who are glib of tongue during election time, that matter can be resolved very easily too. If those legislators make promises they don't deliver, they can be turned out of office by the people and I sugggst--

MR. FROWERY: To be replaced by whom?

SENATOR ORECHIO: By somebody like you if you are interested and are so disposed.

You know, the feeling is that too many people don't get involved in government and certainly if you have legislators who are continuously elected, and reelected to office, and who continue to fail to deliver promises, then the public is to blame for that situation.

Our next speaker is Roger Donat from Gillette, New Jersey.

R O G E R D O N A T: Senators, thank you very much for the opportunity to present my views this morning.

I too found it necessary to take a day off from work to be here. I do not have prepared notes because much of what I wanted to say to you was, in fact, already covered. I will not trouble you with redundancy.

Twelve years of involvement in law enforcement in the State of New Jersey have taught me that there definitely is a need for something to be done to control the crime that is rampant in our streets.

After approximately eight years of studying the correlation between gun laws and the rate of crime, as a kind of advocation, I have learned that there is, definitely, a correlation. I am afraid that it is quite the opposite of what Mr. Menza's feelings are in preparing this bill.

If your idea here is to thwart crime, I suggest that Bill #1225 be discarded immediately because it has already been negated some eleven years ago by the United States Supreme Court. In the case of Haines versus the United States in 1965, and Dugan versus the United States in 1968, you will find that the Supreme Court ruled that in order to have a criminal register his firearm, you have violated his rights under the Fifth Amendment.

Consequently Bill #1225 is aimed directly at me, the honest citizen, and only me. In addition, you already have the Director of the State Police registering every firearm which is sold within the State of New Jersey. You have these records on file and, in fact, the State of New Jersey is in violation of its own laws because they are running a 20,000 permit backlog per month and exceeding the limits set down by the law which set up this process.

That should give you some indication, Senator, as to the feelings of the majority of the people of this State. So much for 1225.

I will not try to go into lengthy dissertation with regard to the correlation between crime and gun control. I think the City of New York is, quite obviously, one that we can point to, where they have gun control laws which, in many ways, exceed those in the City of Moscow and, yet, there is only one city in the country that has a higher crime rate than New York City.

By the same token - this was covered recently in a magazene publication that is available to law enforcement departments - a Chief of Police in the State of California, in one of the major cities, was at his wits end in attempting to control rape. He had tried every possible law enforcement technique and he finally ordered his range officers, from his police department, to bring in housewives and young women from the street and he ordered them to train these housewives and issue permits to carry hand guns in their purses. The figures are available, Senator, he cut the rate of rape in that town by 84% within the ensuing year because the criminal was afraid.

We have a situation in the State of New Jersey where burglary is indeed a profitable crime and do you know why? The chances of that burglar being caught and sentenced are better than 300 to 1 in his favor and he has many outlets for the wares or fruits of his crime. The thing that deters burglary is not even the most aggressive police officer on patrol. It is, in fact, the knowledge - and this is based on quotations from prisoners in the jails - that in the average, middle-class home there is a good chance that there is a gun waiting to stop him.

I suggest to you that if you begin to disarm the American or the New Jersey public, you will see crime at rates that you have never seen before because they will be unprotected.

In addition, I would try to encourage the Legislature to look first towards the State of Maine, for recent legislation enacted there regarding the control of crime and, second, look to Institutions and Agencies in our own state. When a criminal - a felon - is finally incarcerated, the F.B.I. tells us - the Uniform Crime Statistics for last year - that that is only 1.8% of those committing felonious crime in this country. When they are finally incarcerated in the State of New Jersey, we find them in very lovely hotels, in some cases, and in other cases, unfortunately, on work-release programs. We find them on work-release programs where they are supposedly limited to the City of Trenton but, in fact, we find them in Northern Morris County riding around in automobiles with sawed-off shotguns and .32 caliber revolvers. This can be documented too.

We must cease to make crime a profitable venture. We must encourage the people to all take an active part in law enforcement and, Senator, we must punish the criminal. Crime is just too easy. It is too easy to perpetrate and too easy to get away with. And, if you take away my firearm, I have no way to protect myself because there is a time lapse between the time you call the police and the time they arrive.

I must defend my wife, my babies, and myself, and my home during that period of time. I suggest to you that I feel, at the present time, the State of New Jersey has already exceeded its constitutional authority, in violation of my constitutional rights. Unfortunately, I don't have the money to persue this in the courts.

As far as use of firearms - I have used my weapons for law enforcement; I use them to protect my home; and for a fee of 75¢, I carry my firearms in the State of Pennsylvania for hunting. They allow me to carry a hand gun for that fee.

I don't know how much more I can say to you that hasn't already been said but I know that if you pass 1226, I shall go from one end of the spectrum to the other and you will have forced me to do one of two things: I shall have to sell my house, leave my job, and uproot my family to leave this State, because I will not live here without my hand guns, or I shall have to become a criminal in violation of a misdemeanor.

I too would like to comment on the newspaper article in which Mr. Menza was quoted. If, indeed, the ratio of letters is something like three to five hundred per month, and if, indeed, he is receiving a ratio of 50 to 1, or 48 to 1, or whatever, where, in fact, is his justification for continuing to persevere? I suggest it comes to you from words we have heard him utter. He said that the people don't know what is good for them. I know better. That kind of attitude has no place in a representative form of government; it makes a mockery of it. Good day.

SENATOR ORECHIO: The next speaker is Dr. Walter Stocker from Basking Ridge, New Jersey.

D O C T O R W A L T E R S T O C K E R: Senator Orechio, Senator Ammond, thank you very much for being here. I thank the very lovely and charming Senator Ammond for her interest in being here to hear our comments. If I get a little bit choked-up by what I am about to say, you will have to forgive me because I feel very strongly about these things.

Two hundred years ago and sixty-five days, on the 19th of April, in 1776, Captain John Parker and a group of irregular Continentals faced Major Pitkirn at the head of the British troops, ordered to Lexington by Governor Gage to seize the powder and the shot legally-owned and amassed by the Continentals for their own defense.

Two hundred years and sixty-five days later, we are met here in the halls of this Senate Chamber to talk about a bill which would require the registration of all hand guns owned by honest citizens, not by criminals, and a bill which would seize those firearms from the honest citizen. Happy Birthday, America, we have come a long way.

Now then, as you have been told before, no convicted felon in the United States, by the 1936 Federal Firearms Act, may own a firearm. If you require honest citizens to register their guns - legally, this you can do. You cannot require a convicted felon to register his firearms because this is a violation of his Fifth Amendment right, which says that no person can be compelled to give evidence against himself of a crime for which he can be convicted. And that has been upheld in four cases before the Supreme Court of the United States.

We see in the City of New York the Sullivan Law and it says in the Bible, "Eyes they have not and ears they have not" because the State Legislature, in considering this bill, has failed to take into account, or, if it is passed, will fail to take into account the toothlessness of the Sullivan Law in reducing crime.

To get on to the question of crime and why we have criminals, let me put it to you this way: You have television and the media and no one wants to go ahead and to criticize CBS and NBC and all of the other ones - CBS the worst, if you will forgive my saying, "prostitute" of all in that they can condemn hunting and they own Field and Stream Magazine, the illigitimate child of CBS. CBS violence hour after hour, killing after killing, knifings, beatings, shootings - this is what conditions your general public to crime. Little children watching hour after hour after hour of violence

which extends down to the cartoons and being conditioned that the way to solve a problem or a dispute is through the use of force. We have a long way to go in our State.

It is easy, simple - seize upon the gun, that is an object. It is easy - oppress the honest people, the law-abiding citizen again. It is much easier to oppress the honest citizen then it is to face the true root of the problem - the criminal and the criminal act and the fact that crime is, indeed, profitable.

Let's get on to another thing. We have a jail system and a prison system in this State which is packed to overflowing, so much so that the judges in this State are told that there are no places in which to incarcerate first degree murderers and felons. We have seen a revolving-door instituted by our very Commissioner of Institutions, so the criminal virtually almost gets to the door before the arresting officer. We have seen, within the past two years in New Jersey, a murderer, convicted of the murder of a State Trooper, loose on a work program and that murderer walked away from the warehouse in front of the State Prison in Trenton and was shot dead in New York City trying to buy a firearm.

We have seen a convicted murderer loose on a work release program who had gone out and performed a contractual murder for another inmate who paid him to commit that murder.

We see time and time and time again, people who are brought up before judges, who are indicted,and who are released, going out and committing other crimes. I can tell you that in Flemington a little 17-year-old girl was knifed and dismembered by a man who had a record of sodomizing a child, who was on parole, who was brought before the Grand Jury, and who was indicted of committing another act against a child and was turned loose by a judge on a $2,500 bail and cut a young girl up who was looking for her pet calf.

Gentlemen, the problem is the criminal justice system in the United States and in the State of New Jersey. Justice for the criminals, perhaps. Protection for the honest citizens, no. And should you choose to pass the registration bill - and I wholeheartedly thank Alexander Menza for introducing S-1225 and S-1226 because it finally laid to rest the myth, the sugar-coated pill, that we will register your guns but we are not going to confiscate them; for as surely as S-1225 is followed by S-1226, as soon as the honest citizen's hand guns are registered, they will be confiscated. And I tell you that once you have done away with the right to keep and bear arms by the general, honest and law-abiding public, the next Constitutional and Bill of Rights Amendment which will fall will be the right to freedom of speech and the right to freedom of the press.

These bills are acts of infamy and the day on which they will pass will be a day of tyranny and I tell you that you will create a whole new class of criminals - people who have had to draw the line and who will draw the line at having had their personal possessions taken from them without adequate remuneration. I can tell you that any number of firearms today, Senator Orechio, cost around $400 and there are weapons today which cost upwards of $1,250 and more, per firearm. This would impose, to me, a substantial financial loss if you take my possessions from me as an honest citizen and pay me at the rate of $25 per hand gun, which is a paltry sum.

I would say to you, Senator, that we have a long way to go before we understand the criminal and the criminal justice system in New Jersey. We have turned our back on punishment and if you have raised children, you know very well that you cannot threaten and threaten and threaten punishment because sooner or later your child is going to laugh at you. Sooner or later there has to come a time when he learns "if and when"- if he steals a cookie or breaks a plate glass window, he is going to get a spanking

and if you haven't taught him that as a youngster, you are going to have an insufferable teenager on your hands and you are going to have a criminal in the community later on.

Too few of us have been brought up in this country and in this State to respect the rights of others. You have quoted polls. I can tell you that no figures lie like statistics, or can be made to lie like statistics. It all depends, Senator, on how you phrase the question to the person. If the question is, "Shall we let murderers go free?", what do you think the average person will say? The average person will say, "No."

Do you realize that Richard Speck, the murderer of eight student nurses, and do you realize that the Manson people are due for parole - they are coming up for parole very shortly? Do you know what the average time of incarceration is for the first degree murderer in this State? Take away the guns from the honest citizen and the honest citizen will not be able to protect you - and, pray God, it doesn't happen to you or to your family - they will not be able to protect you on your way home if you are attacked by a criminal, and they will not be able to come to the aid of a police officer who is overpowered by a motorcycle gang. All he can do is stand there and say, "If I get myself involved, I am going to get shot, or I am going to get mugged."

I say to you, gentlemen, that we have reached a crisis stage in the history of our country and in the history of our state and it gets to be a matter of taking possessions away from honest people and the rights and the civil liberties of honest, taxpaying citizens. I would say to you that for every home in which there is a firearm there is not one voter but, perhaps, two voters, and perhaps three voters. I would ask you to remember that.

At the very last, if I may approach you for just one moment, I am going to voluntarily surrender to you one object - I have more of them and I intend to use them - which is far more dangerous than the sword and that is my pen.

(Whereupon the witness surrenders his pen to Senator Orechio)

SENATOR ORECHIO: Thank you, Dr. Stocker.

Senator Ammond.

SENATOR AMMOND: Doctor, thank you for your comments. I wanted you to know and be assured that we understand that there is a very serious problem in the prison systems throughout the United States. I don't think there is anyone who doesn't understand that.

There was a study by CCNY - a seven year study - in New York City of the national prison programs and the rehabilitation problems and their effects - prison rehabilitation in the United States has zero effect on the recidivism rate. So, it is a fact. We know that it is a total failure and we understand that something has to be done. The problem now is, it probably needs a little more citizen support because in the past, citizens did not take that much time to become involved in the problems of the criminal. They may complain about it but, after all, that person is in prison.

So, I think that we have to redirect our efforts towards the criminal justice system and towards reevaluation of the many millions of dollars that we spend on that system.

So, we take you comments very seriously and we understand what you are saying.

DOCTOR STOCKER: One comment, strong and loud and clear: You can cut the ricidivism rate of convicted first degree murderers - and note sometimes how many people have been brought before the criminal justice system time and time again with previous records of having killed - to zero, you can cut a tremendous slice from the tax burden of the over-burdened citizen and from our State budget by instituting capital punishment and go ahead and institute it with a vengeance but do not institute it for privileged people only. Do not institute the death penalty only for the killing of a police officer.

Do not institute the death penalty only for the killing of a politician. Do not institute the death penalty only for the killing of a jail guard, or a jurist. My God, in Heaven, are those people who are suggesting they institute the death penalty only in those instances, are they telling us that the lives of every person in this room are worth far less than the lives of those people?

Yes, there is an answer and it is a difficult and a very unpleasant answer but it is about time - the situation has grown so bitter and so difficult-- We are going to have to make some difficult and some very unpleasant decisions but that may be the answer to our crime problems in this country. I thank you very much.

SENATOR ORECHIO: Thank you, Doctor Stocker.

The next speaker is the young man all of you have been waiting for, the sponsor of S-1225 and S-1226, Senator Alex Menza. Alex.

S E N A T O R A L E X A N D E R M E N Z A: The applause, Mr. Chairman, is absolutely overwhelming. I want to thank you very much for having this public hearing and talking about handguns in our society. I have nothing prepared, by the way - I have no prepared statement.

As usual, I note, the average citizen who is opposed to hand guns in our society is not here. But the NRA representatives and those people who vitally oppose the prohibition of handguns in our society are here talking about the criminals and talking about the good people in our society, with their usual inferences and innuendo.

I prepared this paper for a reason. It is called the White Paper on Hand Gun Controls and I think all of you have it. I think it is about time that we debate, openly in the Chambers of our Senate and our Assembly, about handguns and the legitimacy they have or do not have in our society.

I prepared this because I wanted this type of debate. I prepared this because I wanted the NRA to be heard; I wanted the legitimate citizen to be heard; I want the people to exactly know what the NRA and the gun groups are all about and I want them to say it loud and clear. I want them to talk about the death penalty. I want them to talk about the fact that guns kill people and not people kill people. I want them to talk about how we are going to hurt the good people in our society and so forth and so on.

Before I get to my paper, I urge the Committee, Mr. Chairman, very strongly, to give serious consideration to, and to release, this bill. I am a very practical politician and I have been in elective office for ten years. I am a very practical politician. I know that it will be a difficult job having a bill such as this, banning hand guns in the State of New Jersey, passed in the State Legislature. But I think it merits debate. I think the people of the State of New Jersey should know exactly where their legislators stand on this particular issue. I think they have a right to be heard.

After me, Robert Deltufo, the head of the Criminal Justice Department of the Attorney General's office, will be testifying, I presume similarly to the way I am going to testify.

We prepared the White Paper - and permit me, if I may, to read excerpts to you-- I realize fully, and I have been in numerous debates now with various key persons who are opposed to my bills, that everything that I say and every statistic I point out can have another statistic on the other side, and another point of view, and so forth and so on. But I preface all my remarks by saying that I am absolutely, totally convinced that hand guns have absolutely no place in our society. I further preface my remarks by saying to you that hand guns are used for one thing and one thing only, and that is to kill people.

Now, as far as criminal statistics are concerned, there is projected to be no

less than 40 million hand guns in circulation in the country today. Approximately 2 1/2 million guns are added to that pool each year. In terms of the devastating effects that hand guns have in this country, approximately 10,000 Americans are killed by them in each year. In 1973, hand guns were used in 53% of the 19,510 murders reported. In 1974, hand guns were used in 54% of the 18,632 murders reported. From 1966 to 1973, hand gun homicides tripled from 1,569 to 4,635, although total firearms assault only doubled in that a year.

I had better paraphrase this as I go along. It is a large report and for me to read the entire report would be silly, particularly since you have it in front of you. I am going to address my remarks to some of the points of opposition. Initially, concerning the use of handguns for self defense - available research data demonstrates that a handgun in the home more often increased the probability of a homicide and serious injury resulting from domestic quarrels than it deters a robbery or burglary. A handgun is rarely an effective instrument for protecting the home against either the burglar or the robber because the former avoids confrontation and the latter moves too swiftly. As the Eisenhower Commission concluded,"The low death rate of homeowners at the hands of home robbers and burglars and the limited opportunity the homeowners have to defend themselves against such intruders suggests that having a loaded firearm in the house does not now, nor is it likely to,result in substantial savings of life in the home...." "Possession of a gun undoubtedly provides a measure of comfort to a great many Americans; but for the homeowner this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns.

My paper also points out that a great portion of the murders that are committed are committed in the home, or as a result of excessive drinking. This is not the criminal that comes to your house and shoots you dead or the fellow who goes to a bank and shoots the bank guard. Most of these murders are committed amongst family members because a hand gun happens to be handy.

The Constitutional right to bear arms - well, the Supreme Court has ruled on that on numerous occasions. In the United States versus Cruckshank, in Presser versus Illinois and Miller versus Texas and the United States versus Miller, the court indicated that this is not a private, individual right guaranteed by the Second Amendment. The Second Amendment protects the collective right of the people to bear arms in a military capacity for the security of the state political framework and the state sovereignty. To this end, state militias were maintained to prevent encroachment and oppression by the federal government.

So, what I am saying is that gun control-- The Second Amendment protects the people as a whole in their right to bear arms for the purpose of a militia and to defend themselves against a common enemy, not for individuals to bear arms. These cases are cited in the White Paper and I strongly urge you to read it as best you can.

Permit me -- My thoughts are fragmented and I am going to paraphrase this, as I mentioned. As far as statistics are concerned, I find them extremely interesting. I have three bills on this, as you know.

As far as registration is concerned, nationwide,67% of the people favor registration of hand guns; 61% of the men and 72% of the women, and so forth and so on. I call you attention to page 12 and 13 of the White Paper.

As far as, "Should there be a law banning possession of hand guns?" - nationwide, 41% say there should be such a law; 55% say there should not be. In the East, fifty-eight percent of all the people who were polled state that, in fact, there should be a law forbidding possession of hand guns.

Now, permit me, if I may, to read the last page of my report - Conclusions and Recommendations - and I will have a few more comments and then I will answer any questions which you, I am sure, will have: Stringent handgun control laws are an absolute necessity in this country, especially in the East, and most emphatically in urban centers, where armed violence is a problem. The real issue is: How stringent should the inevitable legislation be?

New Jersey handgun statutes are presently among the most restrictive in the nation. As this paper points out, of all major forms of handgun control, only the registration of firearms as a prerequisite for legal possession is lacking in our present law. Yet, even the registration of handguns will not eliminate the availability of handguns in private hands.

The three alternatives to strengthening handgun control appear to be (1) stiffer penalties for crimes committed with a handgun; (2) establishing more "condition precedents" to the purchase and possession of handguns. By the way, you know, you can get a permit now for a handgun and no one tests you to see whether you can shoot the handgun properly, and so forth. And also, by the way - as an aside - I am not a total and complete novice with regard to handguns. The only experience I do have with them is as a military policeman for two years in the Army. I carried for two years - every day, every day - a .45 weapon handgun - a devastating weapon. I can see, of course, handguns for the military and I can see them for law enforcement officers, but, again, I reiterate, absolutely not for other citizens in our state, or in the country for that matter.

The third alternative is the total banning of handguns. While opinions differ on the merits of the last approach it should be noted that, if nowhere else, a majority of the people in the eastern part of the United States favor forbidding the possession of handguns.

It is my firm opinion that while alternatives two and three should be followed in a graduated manner, I do not believe stiffer penalties for crimes committed with a handgun will serve to curtail crimes committed with handguns. The emphasis must be on eliminating handguns from our society. Therefore, I conclude the following - and I make the following recommendations:

1. Require the immediate registration of handguns as a prerequisite for their legal possession.

2. Require immediately affirmative proof of the ability to safely handle handguns as a "condition precedent" to their purchase.

3. Ban immediately the manufacture, sale or disposition of "Saturday night specials" in New Jersey.

Assemblyman Thomas Kean has a bill that passed the Assembly and is coming over to the Senate. Some time ago this bill passed and was vetoed for some technical reason or another by the Governor.

A handgun - I am sure that you will have other people testify to this fact-- This is just a very, very cheap handgun. The argument for handguns is that they need it to protect themselves or they need it for target shooting. A Saturday night special is absolutely useless for target shooting. They are inaccurate; they are cheap weapons and they have absolutely no place in our society.

4. Establish immediately a procedure whereby police officers may confiscate handguns from an individual carrying such weapons if they believe the person, by virtue of some physical or mental characteristic, is a threat to himself or others.

5. Encourage immediately the voluntary surrender of handguns, with immunity from prosecution for the possession of handguns surrendered.

6. Prohibit the sale of handguns, their parts, and ammunition to other than law enforcement agencies or Federal or state governments for military purposes one month after the enactment of this proposal.

7. Prohibit the manufacturing of handguns, their parts, and ammunition except for those categories listed in number six above one month after the enactment of this proposal.

8. Prohibit the private possession of all handguns one year after the enactment of this proposal.

9. Memoralize Congress to ban nationwide the production and possession of, and trafficking in, handguns with exceptions only for military, police and similar official activities.

I should also add that there are other countries who have banned,completely and totally, handguns. I have set those forth in my report. It has worked in many of these countries. I haven't seen the Hitler-type revolution that I am sure is going to be alluded to - if it has not been already. I have heard the argument from thousands on many, many occasions, that this is a Communist-motivated bill - a Communist-motivated law - so that we can permit some leftist, liberal, pinko, communist to take over society, and, God knows we need our handguns so that we can shoot them dead and make sure they don't take over society. I am being a little facetious, you know -- just a little bit. I am being a little smart-alecky. I am being a little wise and I am being this for a reason: I am writing a book of my five years in the Legislature and it is called, "Dear Alex - Letters to a Politician". The toughest, worst, letters I have ever received in my entire life - I should add - are from those people who oppose my bills on gun control. They are violent letters. They are violent letters. They insist on having their guns - for God knows what reason -- God knows what reason. I have heard argument, after argument, after argument and I can't understand, under any circumstances, why a handgun is necessary in our society.

Handguns, again I say, are used simply for one thing: To kill people -- to kill people. You can say all you like that people kill people, but a gun helps, I can assure you. You don't have to have that personal contact. You can stand some distance away and you can kill somebody.

As far as protection is concerned, the Eisenhower Commission - and many other commissions - have demonstrated quite clearly that it is not protection; it is merely an illusion. So, why handguns? I have absolutely no idea why people insist on handguns in our society.

Rifles -- well, perhaps there can be some argument for hunting or for various other reasons - primarily hunting. But handguns -- why? To target shoot? There is a balance of interest you must have in our society and if this means sometimes that you are going to take a handgun away from a fellow and he can't target shoot anymore, for the benefit of society generally, then so be it.

What else do you use handguns for? I know of no other purpose. Target shooting? We had a Supreme Court decision many, many years ago on freedom of speech and Justice Brandise said that freedom of speech is probably the most important aspect of the Bill of Rights that we have - the ability to say what we please. But you don't run up and down the theatre yelling "fire - fire - fire". At that point you restrict private speech - or public speech.

I am saying that in this situation you have to balance the interests. You have to say, "Is this good for our society or is it not good for our society?" Let me add this: I am amazed - I am utterly and totally amazed at the influence and the power and

money that these organized groups have in our society. I am absolutely, totally, amazed. They can sit here and they can talk from now until doomsday that they don't have any money - that is a lot of bull. They defeat candidates. They bottle up bills in the federal government, for years and years and years. Some time ago they had a bill in the Judiciary Committee - Congressman Rodino's Committee - and the bill came out and because of the pressure of these organized groups, the bill went right back in. And the odds are, you are not going to have any federal control over handguns in our society because of a very small, vocal, powerful group with an awful lot of money. Don't be influenced by the scare tactics of these people - "I need the gun to protect society", "The criminal is going to come out and rape and kill your wife", and so forth and so on. A great deal of that is only scare tactics and they know it is scare tactics.

I put this bill in and this paper in for one reason only - to wake up the citizens of the State of New Jersey and, hopefully, the people in this country, once and for all, to the horrible, horrible, things about handguns, and also to wake them up about the terrible influence that the organized group who oppose handgun legislation have in our society.

I will bet you $1,000 that if this bill comes on the floor - I will bet each one of you $1,000 - that you will get more mail, you will get more phone calls, threatening or otherwise depending upon how you feel about the bill, then you will ever get on any bill, ever, in your entire legislative or political career, and that includes the income tax, or bilingual education, or whatever it may be. They know exactly what they are doing. They are going to continue to keep handguns in our society and I just don't know why, maybe it is because they think it is an encroachment on their rights under the Second Amendment -"if you take the gun away here, you are going to take the rifle away next," and so forth and so on. I don't know if that is the case but I do know one thing: Handguns have absolutely no place in our society because they are used for one thing and one thing only, to kill people -- to kill people.

Now, if we start with that major premise then we would respond by saying, "Well, why then? Why should we have it? Does it make sense? It is only used to kill people." And why has it worked in other countries? Why is there registration in other countries and banning of weapons in other countries? Has there been this tremendous crime-wave? Has there been this tremendous killing?

Now, we have pointed out statistics and we could point out statistics from now until dooms day about what handguns do to people in our society and no one really listens.

I am a very practical man. I think that if you are going to have legislation with regard to handguns, it should be on the federal level. But that has been kicking around for years and years and years and nothing has been done. So, if you can't do that, if you can't get this bill out on the floor - and I really think it belongs out on the floor - to be voted on and debated publicly, then let's at least do this: Let's push Assemblyman Thomas Kean's bill to ban Saturday night specials and let's at least register these weapons. Let's insure that people who purchase weapons have the ability to use these weapons. Let's do something, not just nothing.

I wish --

(witness interrupted from audience)

I'm testifying now, sir. You can testify after I do, if the Chairman so permits you. I am not trying to be rude, but I have been in numerous debates and I reiterate, the most dramatic attitudes towards me, ever since I have been in political office, are from the gun people. I am utterly amazed at their power and their influence. Let's see, once and for all, how large their power and influence is. Let's be the

prototype throughout the entire country. Let us, in New Jersey, start first and see whether the other states will follow or not. Let's see if we can stand up, publicly, and debate this issue and let's see how powerful these people who want to keep their handguns really are.

Don't bottle this up in committee. I am practical. I know it doesn't have much of a chance in the Senate or the Assembly, but don't bottle it up in committee. Let it be put on the board and let's hear what the legislators have to say.

Do you know what is going to happen? The people in the State of New Jersey and, hopefully, the people throughout the country are going to wake up and they are going to say, "Well, maybe I should say something once in a while. Maybe I should be heard. Maybe I have a point of view."

When I see that 54% of the people in the East do not want handguns possessed, where are they? They are never heard from. They are never heard from because they are not organized, or because the issue may not be that important to them, or whatever it may be. But, this is an issue that has got to be debated.

I am asking the committee to also do this: You know, in my committee - I am Chairman of Institutions, Health and Welfare - there are oftentimes bills that I don't like and will not vote for. Recently, we let out - and I voted to let it out - a bill on podiatry and I was the only negative vote. Yet, I thought it was a bill that was important enough to at least be voted on by all of the members of the House. I think that -- that is the approach I take with my committee, on many bills.

Nobody is going to bottle the bill up like this. Why should they? Why should they let these people bottle up a bill? It is a concept bill. You can't go through the bill and talk about technical amendments here and technical amendments there. Perhaps you can. Any amendments you want, in that sense, go ahead and change it. But, we have a democratic form of government. We have a form of government where we just don't have a vocal group bottle up a bill, or kill a bill, because they happen to be influential. We have a democratic government, which means that all of us stand up on the floor and we look at the board and we vote. We vote for a bill. We are representing the people. And, if then there are not 21 votes garnered; and if then we have a bunch of people who say, "No, we need handguns in our society", at least then we had an open debate in a true democratic fashion.

Don't be intimidated by a group of very, very vocal people who do not want you to ban their handguns. I reiterate again, and again, and again, I made this White Paper up for a purpose. I need, politically, the gun people on my back like a hole in the head but I think it is time - it is absolute time - in our society--

(witness interrupted from audience)

SENATOR ORECHIO: No demonstrations from the balcony, please.

MEMBER OF AUDIENCE: I can't help it.

SENATOR MENZA: It is time, in our society, that we do something about it. You know, I don't like to sponsor some of these bills that give me "acida" - to use the Italian colloquialism - or heartburn, or don't let me sleep at night, and so forth and so on. But, at times there are things that are right and this is right. This is totally and completely right. It is about time that we have a law like that we can debate on the floor, publicly, in front of the cameras, and in front of all of the citizens of this State. It is about time because it is right.

I put it in as a vehicle. Let the people be heard - not the NRA, not the sports groups, not any of those groups. Let the people - the people now - in our society be heard. You are going to see that a funny thing is going to happen. They are going to be heard loud and clear because it is only a matter of time, gentlemen - there is no

question about it - it is only a matter of time, whether it is next year or six months from now or ten years from now, when handguns are not going to exist in our society anymore. Why? Because they are there to kill people. It is as simple as that. That is the only answer I can give.

SENATOR ORECHIO: Thank you, Senator Menza.

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SENATOR ORECHIO: Our next speaker will be Robert Del Tufo, First Assistant Attorney General and the Director of Criminal Justice, State of New Jersey.

R O B E R T J. D E L T U F O: Thank you very much, Senator.

I appreciate the opportunity to be able to appear here today to speak in favor of S 1226.

At their recent annual meeting in April, the 21 County Prosecutors and the Attorney General initiated an organized and rational effort to deal with the problem posed by violent crime. The plan gives priority to the treatment of such crime and prescribes a program to deal with the violent offender within 120 days from arrest through sentence.

However, any rational plan for combatting violent crime must address the need for strong, effective gun control legislation. Significantly, the County Prosecutors recognized this fact because at the same meeting that I have referred to before, the Prosecutors adopted a resolution supporting, and I quote, "The adoption of any state and federal handgun control law which would ban the possession of handguns by any person other than law enforcement personnel." I have made some copies of the background statement of the County Prosecutors dealing with this resolution and of the resolution, itself, and I believe they are available to you people at this time.

The proposal made by the County Prosecutors makes sense, though I would not hesitate to include in the exemption the legitimate sportsmen's groups. Over one-half of all homicides and a great number of other violent crimes are committed with handguns. And a handgun is used in approximately three-quarters of all crimes that are committed with a firearm. Frankly, it need not be this way. Firearm carnage, as Senator Menza has pointed out, is not indiginous to most societies; and, in fact, firearms are stringently regulated in most European countries. I would cite to you at this point, the response of Sir Robert Mark, the head of England's Scotland Yard, to a question posed by a Washington Star Reporter. I think this is most interesting and pertinent, and I quote:

"Question: ... Almost all American police officers are armed. To what do you attribute this and what in your view could be done to eliminate it?"

Here is Sir Mark's answer: "I think your question raises a broader issue. And that is, I think in a free society the police force must reflect the quality of that society. We are unarmed, as police officers, in Great Britain, because we are an unarmed society. There are very few lawfully owned firearms. There are only, for example, 24,000 lawfully owned rifles and pistols in the whole of Greater London, in a population of about 8 million people. We will not grant firearm certificates to people like security guards, bodyguards, private detectives. In fact, we won't grant firearm certificates to anyone excepting perhaps members of pistol or rifle clubs or people who've got antiques or that sort of thing. If, from your point of view, you have a society in which it is thought proper for every citizen to have the right to own firearms, it seems to me that police must reflect that. After all, you can hardly expect an unarmed police force to control a population which is extensively armed itself. I think that would be illogical. It's a question of tailoring your police policies to meet the needs of your community."

The implications of Dr. Mark's statement are frankly embarrassing. Truly, is the quality of our society one of an armed camp, one of carnage and one of bloodshed? I would hope not. I would hope that we are better than that. England, it seems to me, is a prime example of how attitudes and regulation have prevented the proliferation of dangerous weapons. We must make an effort to do the same here. We must address ourselves to the growing number of handguns in the possession of our citizenry and to the

high incidence of the use of such weapons in homicides and aggravated assaults. There is a definite correlation between both circumstances. The situation must be checked. I too believe that direct controls upon the possession of handguns are the only effective means to achieve that result. And, frankly, I see no legitimate need or justification for the existence, ownership or possession of handguns from any standpoint except perhaps insofar as law enforcement and organized sportsmen are concerned. I am addressing myself, as Senator Menza has, to handguns, not at this juncture to rifles and shotguns and the recreational and other use which those weapons are put to. But I agree there is no legitimate need for the existence of such weapons in our society. The only function they are performing in our society is, as the Senator stated, to kill.

In that connection, there was a study made by a Massachusetts committee in 1974 which indicated that since the Revolution through 1968 some 630 thousand people were killed in all the wars in which the United States had been involved; whereas, since 1900 in this country, 800 thousand had been killed with a firearm.

I understand the public's apprehension about personal safety. It is something about which we all have to be concerned. It is something that law enforcement is addressing itself to now on a priority basis. It is something that is reflected in the efforts that have been made by the 21 County Prosecutors and by the Attorney General and the efforts that are going to be redoubled in this area. But I respectfully disagree that possession of a handgun is either a proper or effective remedy. Indeed, possession of handguns in a home context involves considerable risk and potential inopportune results. Chances are four times higher that the person whom one shoots and kills will be a wife, a child or a neighbor rather than a burglar. Accidents can and do occur. Moreover, a large number of homicides occur in home situations in the heat of passion or on the spur of the moment. Ready access to a handgun serves to increase the possibility that a dispute or an assault will terminate in a homicide. For that matter, the presence of such weapons in a home might equally exacerbate what might otherwise be an admittedly unlawful and reprehensible, but perhaps potentially non-violent, crime such as a break and entry, into a violent one simply because of the availability and use of a firearm. Concerns for personal safety, as I have stated, are real and legitimate. But they must be met, as we are attempting to do at this time, by additional law enforcement vigilance and societal reform, not by dividing society into armed camps, and, I might say, by society meeting its commitments in other areas to provide law enforcement officials with the resources necessary to do that job and also to provide the resources necessary to address the root causes of crime, itself.

I realize that there are numerous handguns in existence and in the possession of people at the present time. I also realize that a ban upon the sale and possession of these weapons will be difficult to enforce completely, at least in the initial stages of regulation. But I feel we must make a start. We have been delinquent in long delaying this effort. We must act now if we are to achieve a necessary and desirable result some years down the line. The continuing proliferation of handguns in our society, the virtual armed camps which such activity is creating, will, if unchecked at this point in time, in my judgment, do nothing less than undermine the very structure of our society and destroy the quality of life as we know it. It is my conviction that we must act now if any action is to have any chance of ultimate effectiveness.

I would say in closing again that I agree with Senator Menza's statement and with the statement made by Boston Police Commissioner Robert di Grazia, which is on page 11 of the white paper, in which he indicates, and I am paraphrasing, that violent crime is one of our most pressing problems and that a handgun is used to a large extent in

in this activity, and that the only real purpose of a handgun is to kill - and for no other purpose.

I suggest that federal regulation of a ban on handguns is a meaningful approach to this and which is something which has to come eventually. But the State of New Jersey was in the forefront of gun control legislation in this country. The State of New Jersey enacted a law in 1966 which has served as a model, as a pinnacle, for the rest of the nation. I would hope that New Jersey would be in the forefront again of dealing effectively with this particular problem, by enacting or at least, as Senator Menza has pointed out, debating the desirability of gun control legislation of this type.

I will state again to you, while federal regulation in this area is desirable, I believe the New Jersey statute has proven its effectiveness over the ten years that it has been in operation, both in terms of maintaining firearms identification cards and keeping weapons out of the hands of people who are unsuited to have those weapons, and statistically it has shown that New Jersey's homicide rate with weapons and aggravated assaults to be lower than the national average, to be lower than the percentages in some neighboring or like industrial states. I think this demonstrates the effectiveness of the effort we have made to this point. I would hope again that New Jersey would take the lead and show the country how responsibilities of this type should be discharged. Thank you very much.

SENATOR ORECHIO: Thank you, Mr. Del Tufo.

Senator Ammond has a question.

SENATOR AMMOND: I don't know whether it is really a question or not. But you don't believe that the gun control problem can be separated from the entire criminal justice problem in the United States - that our priority has to be a total picture.

MR. DEL TUFO: That is correct. I think they go hand in glove.

SENATOR AMMOND: Because in England and in other countries where,it is true, they are unarmed,the personality of the nation is distinctly different from ours, which appears to have a history of more violence. I don't know if we really know why, whether it is training in the schools, whether it is television, whether it dates from the days in the West when our country started and the pioneering spirit. But don't you feel it is difficult to change the personality of an entire nation overnight and, if we are going to direct our efforts to a nation and changing attitudes, that it has to be done on an educational level as well? Just taking a gun away does not prohibit somebody from getting a gun illegally. And how would we stop that?

MR. DEL TUFO: It is going to be difficult to address the problem of drying up the gun supply. There is no question about that. There are a lot of guns in circulation. There are 40 million handguns in circulation in the country. There are a million handguns in circulation in the State of New Jersey. I am not trying to change the personality of our society. I would hope that the personality of our society is better than statistics seem to suggest. We have a more diversified population than England; it is a more homogeneous type of population. We have different backgrounds. You mentioned, Senator, the pioneer spirit, and there has been our long association with firearms.

I am sure education is a major component of any type of full-blown guncontrol, violent-crime type of problem. We have to go out and talk to the public. We also have to try to identify the root causes of situations which lead to the criminal event itself. We have a very pressing problem these days with juvenile crime. The violent crime may largely arise in the juvenile sector by children under the age of eighteen. We are doing something wrong. We have to address ourselves to those problems. We have to start doing something right if we are going to survive as a society. I think

we can do that, but I think we have to address our efforts to it now. Frankly, one thing we can do is lessen this armed-camp situation and atmosphere that we have in our society now. We can go after the handguns, starting our efforts right now, and try to remove the incidence of death and serious injury caused by them from the landscape. I think that would be extremely helpful.

This is not to deny the legitimate sportsman his recreation - his target shooting and the like. This is not to deny the pastime ingrained in this country of hunting and the use of rifles and shotguns by sportsmen. This is really to deal with a particular pest in our society that is creating very violent and undesirable results.

I would say, in line with the statistics cited by Senator Menza, that the majority of the public would right now, I think, favor some type of control on handguns. I believe, if the debate were widened and more information was presented to the public, that the response would be even more overwhelming.

SENATOR AMMOND: Thank you.

SENATOR ORECHIO: Thank you very much.

The next speaker will be Paul Green from Liberty Township.

P A U L G R E E N: Mr. Chairman, members of the committee, and ladies and gentlemen: The Second Amendment to the Constitution is a collective and individual right that was originally conceived as a check on government power, on the military power of the government which got excessive. That it is a collective and individual right is recognized in U.S. versus Miller, a Supreme Court decision in 1939, which Senator Menza quoted. It recognized the militia as all the males physically capable of acting in concert for the common defense.

Under the Fourteenth Amendment to the Constitution which gives equal protection under the law, I believe that women are included under this concept too.

I work as a Police Dispatcher up in Netcong Station, New Jersey State Police. I worked before at the Washington Station. There were a number of townships in the Washington Station area which did not have local police departments. So our department was called upon to provide protection to these people.

The fact is - and one speaker mentioned this before - that there is a time gap between the time a person calls in with an emergency and when the police can respond. In a rural area, it is aggravated by the fact that you have to give directions because there is a labyrinth of roads, the signs for which do not often correspond with the maps, plus the fact that most of these emergency calls happen at night, which would have an effect on the landmarks that would be used to get to the place. So there is a time gap between the emergency and the response to the emergency. I think that people have to be able to defend themselves during that time gap.

I am also a National Guardsman. I am in the militia. I am in the Support Company of the 1st of the 102nd Armored, in the scout platoon. Our unit rides in military vehicles and, you know, we are driving. I am a forward observer. I am called upon to use a compass, binoculars and maps in accomplishing a mission. We have to have our hands free, so many of us are issued .45's. For a .45 automatic, you have to have quite a bit of practice with that thing to achieve the skill necessary to defend yourself and to accomplish your mission. And your mission in the militia is the defense of every one of you from Facist and Communist groups outside the country and inside it, such as the SLA, etc.

I oppose this confiscation and I oppose the registration because I believe it will lead to confiscation. I believe, sir, it is the product of elitism and authoritanism

Elitism is a small group of people just determining what is right for the rest of the people. I notice that this attitude is prevalent among the media representatives here when they completely ignored the other speakers and just swarmed all over Senator Menza when he finished speaking. They were taking pictures of him, etc., and hardly paid any attention to the rest of the other speakers. This seems to me to be elitist. And the idea that you just do not have a right to self-defense is an authoritarian attitude, that you have to depend totally upon the state, you have to depend totally upon law enforcement resources. But what happens if those resources are cut back? What happens if a bunch of policemen are in court a certain night and one guy gets called one place and there is an emergency some place else - and there is that time gap. People need to be able to defend themselves during that time gap.

I don't think that these gun laws are directed at the real roots of violent crime and the real roots of violent crime are chaotic family situations that you have which produce backlogs of hatred in the children as they grow up. Then you have degenerate subcultures and lascivious media treatment of violence, such as movies that show blood spurting all over. It is just violent pornography. And it is subject to no constraint at all. Most of the constraints are upon sexual matters. But the violent pornography is scarcely dealt with at all. That encourages the release of the backlog of hatred that comes from kids growing up in chaotic family situations. So I don't believe it is being directed at the true root of violent crime. I believe, as the other speakers said, that because of this backlog of hatred and because of the fear that it produces, there will become a gigantic black market in handguns.

I think a proper regulatory approach to handguns would consist of teaching people to use them properly and to direct efforts at the roots of the violence that I mentioned. Thank you.

SENATOR ORECHIO: Thank you very much, Mr. Green.

Our next speaker will be Mr. P. K. Hilliard, the Chairman of the Board of Directors of the New Jersey State Federation of Sportsmen's Clubs in Trenton.

P. K. H I L L I A R D: Mr. Chairman, ladies and gentlemen: By way of introduction, I am P. K. Hilliard, Chairman of the Board of the New Jersey State Federation of Sportsmen's Clubs, representing 45,000 Federated Sportsmen in the State of New Jersey.

On March 2nd, 1966, the Assembly Chamber and gallery were filled with what was then described as one of the largest crowds to attend a legislative hearing in the past five years. That day a little more than ten years ago, the hearing was held on Assembly Bill No. 165, introduced on January 24th, 1966. Firearm owners were assured that A-165, if enacted, would not be used to harass firearm owners. It was enacted and it was used to harass those who wished to obtain a firearm's identification card.

This law, which went into effect in August of '66, required the applicant for the card to be issued or denied the card within ten days of the application. It has often taken long months for an applicant to obtain such a card.

Today, this chamber and gallery are not filled with interested citizens, probably because of the ill-timed issuance of the news releases announcing this hearing. I would hope that the news release which was used by only a few of the media last Saturday was not designed to draw scant attention.

The bills before us today are more offensive than A 165 of the 1966 vintage. Senate Bill 1226 proposes that the owner of a handgun should be entitled to receive from the State a payment equal to the fair market value of the handgun or $25, whichever is less. The average value of a handgun is far closer to $100. Rifles as well as handguns are chambered for the use of .22 caliber rim-fire ammunition and under S 1226

such cartridge is illegal, even though the .22 is the most widely used cartridge.

The statement attached to this bill says the banning of handguns presupposes two critical assumptions. Imprecise language such as this indicates the author of this bill is assuming a position without knowledge. His assumption - and I quote - "Current laws have failed to control the intolerable use of handguns and lesser legal measures... would not work." Have current laws failed or have the prosecutors and the courts failed to utilize them?

I submit that we first make use of current gun laws before passing new ones. Senate No. 1225, which would require registration of handguns, is another exercise in futility. New York City has one of the strictest handgun registration laws in the country and there are an estimated one and one-half million handguns illegally possessed in New York City despite the Sullivan Law.

Would the fee for the registration in New Jersey simply cover the cost of the registration or would it escalate to the point of ridiculousness as it has in New York City, therefore depriving law-abiding citizens of the right to possess firearms?

Our police are busy enough without the added duties which would be imposed upon them by 1225 and 1226. More importantly, bills such as these divert the attention from the cause of the misuse of handguns. They address only the symptoms. Most crimes committed with firearms are as a result of socio-economic conditions, not possession of firearms by law-abiding citizens.

We respectfully urge this Committee to focus on the cause of the crimes with firearms. If new criteria or prevention laws must be enacted, we certainly believe they should take the form of mandatory penalties for those convicted of crimes while possessing firearms or dangerous weapons. Judges should be impressed with the need to get violent criminals off the streets. Mandatory penalties would deter misuse of firearms as well as protect society from violent criminals.

We fervently hope that this Committee will thoughtfully consider the implications of proposed laws that would confiscate private property. Don't be misled by the well-financedanti-gun lobby that tailors statistics to serve its purposes. Legislation that is not enforceable is useless. Let's not be too quick to listen to people who are well intended, but are apparently ready to infringe on our constitutional personal rights under the guise of thinking they know what is best for everyone. Have we not learned anything from the Eighteenth Amendment which brought us prohibition? Added to the constitutional question raised by handgun confiscation, consider whether law-breakers would turn in their guns? Illegal possession would have to be proven. Illegal firearms are not banished until they are used.

If we recommend confiscation of handguns, we will have to assume that the criminal will voluntarily comply with the law. Federal law already contains certain restrictions with regard to firearms. State law requires the purchaser to possess a firearm identification card. The purchaser of a handgun also must have a permit from the Chief of Police. We have adequate gun control laws and we have had them for years. They must be used effectively. National statistics indicate that only a fraction of those arrested for illegal possession of handguns receive jail sentences.

Does the Committee have any such data for our State? Are our State gun laws being fully utilized? Will another gun law or two such as 1225 or 1226, which implies handguners will misuse handguns, be better enforced? Let us not spend so much time considering new laws when so many people believe, and perhaps know, that it is our criminal justice system that is so sorely failing.

Back in the '60's and even the early '70's supporters of new gun control laws repeatedly told firearm owners that concern over confiscation of firearms was unfounded.

Today it is real. Today it is handguns. Tomorrow it will surely be shotguns and rifles. Thank you. (Applause.)

SENATOR ORECHIO: Thank you very much, Mr. Hilliard.

On behalf of the Committee, I wish to thank all of the speakers who gave their opinions of what they think of these bills that Senator Menza sponsored, as well as the others who were here today just to observe the proceedings.

The next step in this process will be for the Committee to receive the transcript of these proceedings after they are prepared. Then eventually we will have a Committee meeting to discuss the fate of these bills. If you would like to be apprised of the date of that meeting, I would suggest you contact Mr. Robbins, our Committee Aide, and give him your complete address. Thank you very much for coming.

(Hearing Concluded)

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LETTER FROM A. R. BONORDEN

Assembly Committee on ANTI*GUN laws, Trenton, N.J.

(P.S. I remind you that Atlantic City is the first highest and Plainfield the highest in criminalty of cities their size in the USA.)

MAY 12 1976

Gentlemen;
Dear Sir;

March 1976

I call your attention to the page intitled THE ARMED CITIZEN which has appeared in each monthly issue of THE AMERICAN RIFLEMAN since September 1958, such as the copy from the July 1971 issue attached. Does your committee have statistics of crime prevention by the 'armed citizen' during the past decade? Of course not. The average of 12 reported cases each month for the last 10 years is probably less than 10% of those actually occuring. Thereforein 10 years the 'armed citizen' home-owner and small shopkeeper has prevented 24,400 crimes thru-out the nation. How many of the 24,400 good lawabiding people do you estimate would have been murdered or perhaps crippled for life had they not had access to a gun? AND YOUR COMMITTEE WOULD NOW BAN HAND-GUNS? With crime at the highest levels per capita in 100 years?

I remind you and the committee the 54.6% increase in crime from 1967 to 1972 (isn't it about 75% since 1960) stands as an execrable monument to the lawyer-politicians, the judges and justices of criminal courts, even the Supreme Court, of this nation. When will the legal profession realize this and establish better ethics and morals and procedures that will protect the citizen and his family from the repeater criminal? The FBI reports on approximately 135,000 offenders (page 692, 1967 WORLD ALMANAC) that over one-half had benefited from leniency in the form of parole, probation, conditional release or suspended sentence and, after the first leniency, the group averaged more than three NEW ARRESTS.

For a thousand or more milleniums the developement and mental growth of the human race has reacted to pain and pleasure. The amoeba reacts to its environment. We should bring back the whipping post, mechanically designed to control the quantity and intensity of lashes, and apply it for crimes which, today, commend less than 45 days in jail, - such a painful whipping of X-lashes should be given in PUBLIC. Jails today are schools of methology in crime.

The parents of juveniles caught vandalizing our tax-paid schools or throwing stones at automobiles passing on high-speed highways should be fined $100, said fine to be reduced to $50 then and there if the parent accepts a whip from the judge and gives son the required lashes across the bare back (witness the millions of dollars we spend erecting high wire fences on the balustrades of highway overpasses). A baseball size stone weighs 3 pounds (21,000 grains) and if dropped in front of a car traveling 68 mph will smash thru the windshield at 100 feet per second with an energy of 467 foot-pounds (a 210 grain 30-caliber rifle bullet traveling 1000 feet per second strikes a non-moving body with an energy of 467 foot-pounds). Many accidents have been caused by dropped stones from over passes, - on the New Jersey Turnpike the driver, his wife and two children were all killed. All because of laws and rules passed eliminating painful disciplinary measures in the school.

Lawyers, Supreme Court Justices, have eliminated the death penalty. The question of capital punishment can only be decided on the basis of two risks; (1) If we execute convicted murderers without thereby deterring prospective murderers beyond the deterrence that could have been achieved by life imprisonment, we may have vainly sacrificed the life of the convicted murderer.(2) If we fail to execute a convicted murderer whose execution might have deterred an indefinite number of prospective murderers, our failure sacrifices an indefinite number of victims of future murderers. (I quote Mr. William F. Buckley,Jr., 1972). Your committee should IMMEDIATELY rectify this terrible mistake by reinstating the death penalty for the specific crimes recommended by the Association of State Attorney Generals listed on the attached.

Yours Truly A R Bonorden

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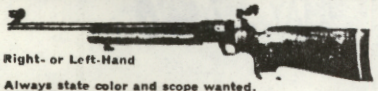
A. R. Bonorden, 1121 Park Terrace, Plainfield, N.J. 07062 (201/755-2642)

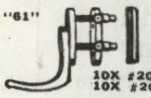
For The Shooter By A Shooter

BSA .22 TARGET RIFLE MARK V HB $440.00
BSA ISU .22 TARGET RIFLE LIGHT WEIGHT $425.00



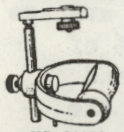
Right- or Left-Hand

Always state color and scope wanted.
AAT TRIPOD Gray or Green, with saddle $31.75
ZT TRIPOD with LUG for ZOOM $31.75
OB BIPOD with saddle or ZOOM $33.75
REGAL BIPOD with saddle or lug, gray or green $36.50
SBR STD. BENCHREST STAND $28.90



"61"

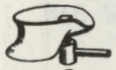
OBP/H OLYMPIC BUTT PLATE-Base plate & Free Rifle Hook $35.00
"61" INTERNATIONAL BUTT PLATE complete $65.50
DOUBLE ELBOW JERSEY ..... $ 7.50
10X #202 Smallbore Men's Coat $42.50
10X #209 Big-Bore Men's Coat $41.50



MR. CAIRO #2 Supreme

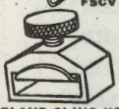


S-G



REGAL BIPOD with saddle (complete unit)

FSCV



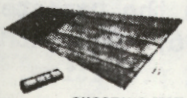
FREELAND SLING KEEPER



MIDCENTURY CUFF COMB



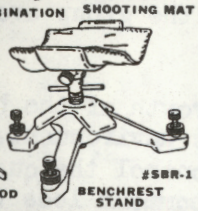
No. 61A ARM CUFF & SLING COMBINATION



SHOOTING MAT



FREELAND "ALL-ANGLE" TRIPOD with Saddle



#SBR-1 BENCHREST STAND

"MR. CAIRO" Supreme #2 Palm Rest ..... $ 48.00
Freeland SUPERIOR FRONT SIGHT ..... $ 22.00
Freeland TUBE REAR SIGHT ..... $ 71.50
Freeland SLING KEEPER ..... $ 2.75
Freeland MIDCENTURY CUFF COMB. ..... $ 15.75
FREELAND CLEANING GUIDE, state gun From ..... $ 8.00
FREELAND FOAM-PADDED GLOVE ..... $ 11.85
Freeland Versatile FSCV fore-end stop mention gun $16.75
Freeland "AR" SHOOTING MAT ..... $ 42.00
Freeland Gun Carrying "Trunk" ..... $ 55.00
FREELAND KNEELING ROLL ..... $ 9.75
HAWKEYE NRA BLK LEATHER COAT #100 ..... $175.00
HAWKEYE ISU BLK LEATHER COAT #200 ..... $145.00
FREELAND 61-A CUFF-SLING ..... $ 12.00
Lyman Supertarget Scope $204.95
FREELAND CANVAS RIFLE W/SCOPE CASE ..... $ 38.50
RCBS Junior Press, 1 Caliber ..... $ 52.50
S-G VISUAL-SCORING .22 GAUGE ..... $ 5.00
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Freeland's Scope Stands, Inc.

ATTORNEY WANTED

The NRA Institute for Legislative Action has a staff opening for an attorney to work on gun control issues. Experience in legislative analysis, especially in criminal law, is desired. Writing skill is a must, and a background in lobbying or politics would be helpful. Relocation to Washington, D. C., is required. Please send complete résumé and salary requirement to **Office of the General Counsel, NRA Institute for Legislative Action, National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036.**

March '76

The Armed Citizen

Daniel Webb, 89 and crippled, was locking the back door of his North Nashville, Tenn., home when a man broke in and attacked him. Webb begged the intruder to let him sit down, then grabbed a hidden pistol, fired and killed his assailant. Police ruled the killing justifiable homicide but confiscated the pistol. (*The Nashville Banner*, Nashville, Tenn.)

Truck driver Dudley Jones, making a delivery in Hartford, Conn., saw three young thugs knock down a woman and steal her purse. He fired several pistol shots into the air. Two of the thugs halted and were arrested by police. (*The Courant*, Hartford, Conn.)

Ensil Malone arrived at his St. Marys, W. Va., tavern about 3 a.m. to find two burglars preparing to cart away liquor and stereo equipment. Shots from his .22 rifle sent the looters running off empty-handed. (*The Oracle*, St. Marys, W. Va.)

Three hours after a Seattle, Wash., druggist was murdered in a robbery, a man entered Richard Isaksen's Seattle pharmacy and began reading magazines until all the other customers left the store. Isaksen became suspicious and drew a pistol just as the man whirled around and pointed a gun. Seeing the druggist was armed, the would-be robber dropped to the floor, fired several wild shots, then crawled out the door. (*The Seattle Times*, Seattle, Wash.)

A gunman entered an Oklahoma City, Okla., liquor store and told owner Timothy Dryden to hand over his cash. Instead, Dryden snatched a revolver from underneath the counter and shot the robber twice. The wounded thug soon was apprehended by police on the sidewalk outside the store. (*The Daily Oklahoman*, Oklahoma City, Okla.)

Answering the doorbell and finding no one there, Richard Harry retired to the bedroom of his Anderson, Ind., home. Minutes later an intruder entered the room, and when Harry reached for a gun, the man threw a framed picture at him and fled. (*The Anderson Herald*, Anderson, Ind.)

Two holdup men confronted Dr. Arthur Gorney and his wife in a Brookline, Mass., restaurant parking lot. One held a knife to Mrs. Gorney's throat while the other took Dr. Gorney's wallet. As they fled, Dr. Gorney drew and fired his licensed handgun. One fell mortally wounded. Police arrested another man as a suspect. (*The Herald American*, Boston, Mass.)

Three young employees of a Barkeyville, Pa., truck stop had planned to go deer hunting after work but hadn't planned on being held up by a masked gunman. After emptying the truck stop's cash register, the robber fled into nearby woods, but was soon captured by his trio of victims who by then were all armed with deer rifles. (*The Allied News*, Grove City, Pa.)

Hearing strange noises in the kitchen of his Covina, Calif., home, Robert Griffin got a pistol, entered the room and found an intruder hiding behind a table. Griffin forced the man to lie face-down on the floor while his wife phoned the police. (*The El Monte Herald*, El Monte, Calif.)

When the alarm in his New York City apartment signaled a break-in at his nearby liquor store, Wilbert Gilliard got his .38 revolver and went to investigate. At the store he found a thief carting off a box of liquor bottles and held the man at gunpoint until police arrived. How the thief had reached the bottles through an iron grill that covered the storefront was revealed when a small monkey popped from his coat. The monkey had slipped through the grating and passed the liquor out to his human accomplice. (*The New York Daily News*, New York, N.Y.)

Awakened about 5 a.m. by the sounds of someone trying to break down the front door of his Virginia Beach, Va., home, Daniel Hitt grabbed his .22 rifle. Hitt confronted a burglar inside the house and fired one shot when the man advanced toward him, disregarding orders to halt. The burglar then ran from the house. (*The Ledger-Star* Norfolk, Va.)

Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The above accounts are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

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FBI CRIME INDEX STATISTICS

	Total Crime Index	Murder	Manslaughter By Negligence	Rape	Robbery	Assault	Burglary	Larceny Theft	Stolen Cars
TOP FIVE CITIES (25,000 to 50,000 Population)									
Atlantic City	4,856	16	3	18	238	217	1,699	1,993	675
Yakima, Wash.	4,672	4	2	13	88	175	995	3,175	222
Lynwood, Calif.	4,664	5	1	19	458	214	1,257	2,230	481
Plainfield	4,239	6	0	23	336	288	1,224	1,942	500
Highland Park, Mich.	4,048	24	4	46	420	337	823	1,501	897
AREA MUNICIPALITIES 10,000 to 25,000 POPULATION									
North Plainfield	816	0	0	5	28	16	169	517	82
South Plainfield	1,029	3	0	1	29	18	296	707	65
Somerville	367	0	0	0	11	3	100	229	22
Scotch Plains	881	1	0	4	13	9	221	570	19
Bound Brook	318	0	0	0	7	2	99	183	27
Middlesex	554	0	0	1	16	9	165	333	30
Hillsborough	289	1	4	1	0	1	91	189	6
Morristown	992	2	0	2	17	15	305	598	53
Berkeley Heights	132	0	0	0	0	0	48	99	5
New Providence	150	0	0	0	0	1	18	125	6
Bernards	212	0	0	1	0	5	101	100	5
Clark	299	0	0	0	2	3	91	190	11
Metuchen	368	0	0	1	6	5	93	241	22

City is high on crime index

By JACK GILL

The crime index total for Plainfield last year was the fourth highest in the nation among cities in the 25,000 to 50,000 range.

A review of the annual Uniform Crime Report of the FBI reveals that only Atlantic City, Yakima, Wash., and Lynwood, Calif., handled more criminal actions than Plainfield.

The 24 police departments in this area of Central Jersey were busy last year. They reported a total of 32,668 cases to the FBI.

With the rest of the police officers throughout the nation, area lawmen were making some of the nine million arrests, exclusive of traffic violations, which were reported to the bureau.

Offenses listed in the index are murder, forcible rape, aggravated assault, burglary, larceny-theft and auto theft. They are reported to the bureau on a monthly basis by most local departments.

Cautioning against making comparisons of community crime index totals on a similarity of their population counts, the FBI says many factors besides number of inhabitants affect the volume and types of crime.

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Continued on Page A-5

DEATH PENALTY

The question of capital punishment can only be decided by each of us on the basis of two risks. "RISK 1; If we execute convicted murderers without thereby deterring prospective murderers beyond the deterrence that could have been achieved by life imprisonment, we may have vainly sacrificed the life of the convicted murderer. RISK 2; If we fail to execute a convicted murderer whose execution might have deterred an indefinite number of prospective murderers, our failure sacrifices an indefinite number of victims of future murderers".* (* Wm.F.Buckley 1972)

The association of state attorney generals believe the mandatory death penalty in the following instances has an excellant chance of constitutional success. What is your decision? Mark this ballot with others who agree, sign and mail to your State Attorney General.

NO	YES	ITEM
		1. Murder of an on-duty cop, fireman, prison guard.
		2. Murder of an on-duty uniformed security guard in a bank or in a vehicle transporting money or art treasures or in a public museum.
		3. Murder by a hired killer.
		4. Murder by malicious use of a bomb or explosive missile.
		5. Murder by a person previously convicted of murder or a "lifer".
		6. Murder during or attempting rape, kidnapping, arson, armed robbery, armed burglary, or death following sexual molestation.
		7. Murder to prevent arrest or to escape.
		8. Murder of a public official.
		9. Murder resulting from hi-jacking or multiple slaying.

AGE GROUP 18 to 30	Over 30	Over 50	NAME AND ADDRESS