

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

on

ASSEMBLY BILL NO. 165
[RE REGULATION OF SALE
AND PURCHASE OF FIREARMS]

before

ASSEMBLY COMMITTEE ON STATE GOVERNMENT

Held:
Assembly Chamber
State House
Trenton, New Jersey
March 2, 1966

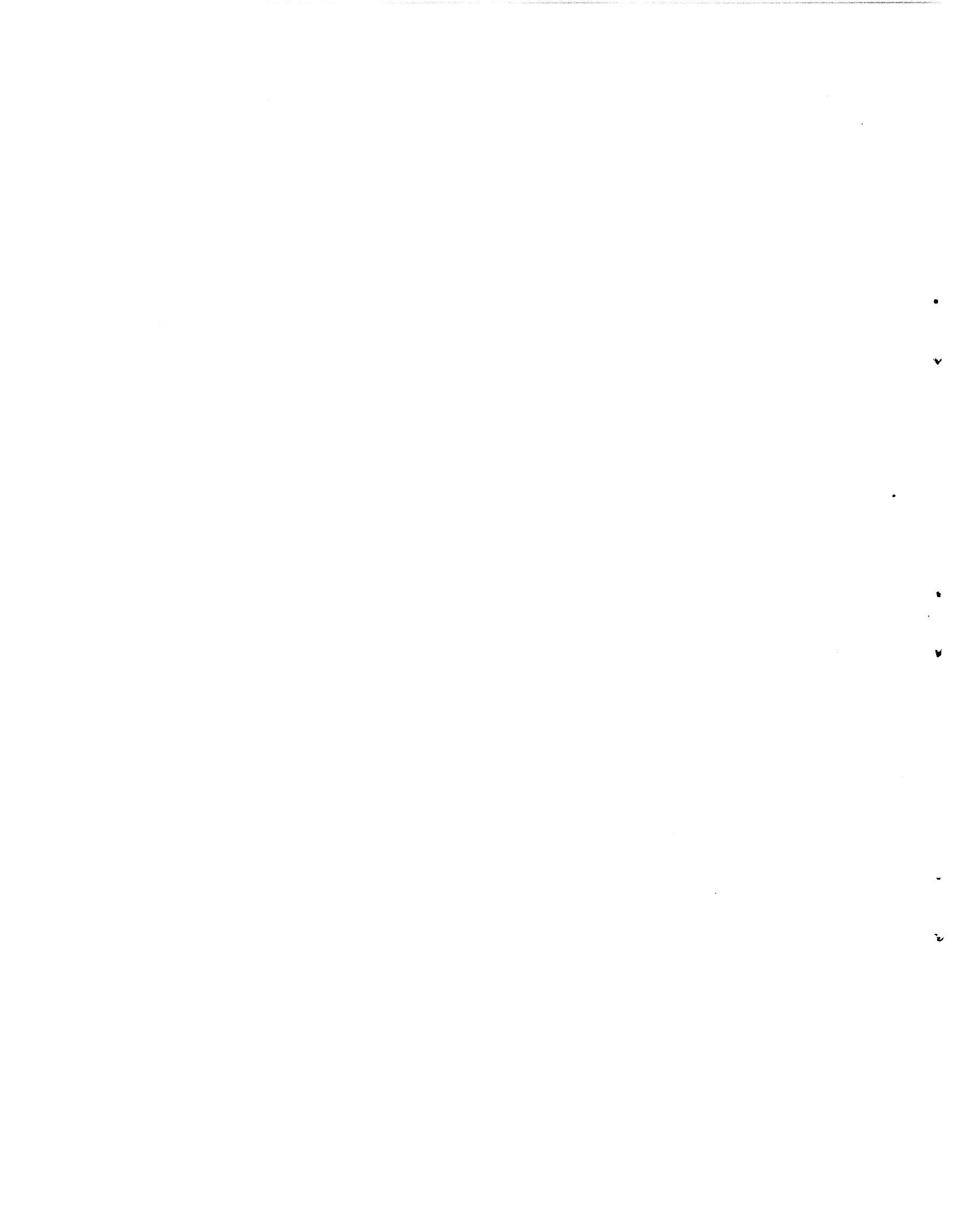
MEMBERS OF COMMITTEE PRESENT:

Assemblyman Victor F. Addonizio [Chairman]
Assemblyman Arnold E. Brown
Assemblyman David J. Friedland
Assemblyman Edward J. Sweeney

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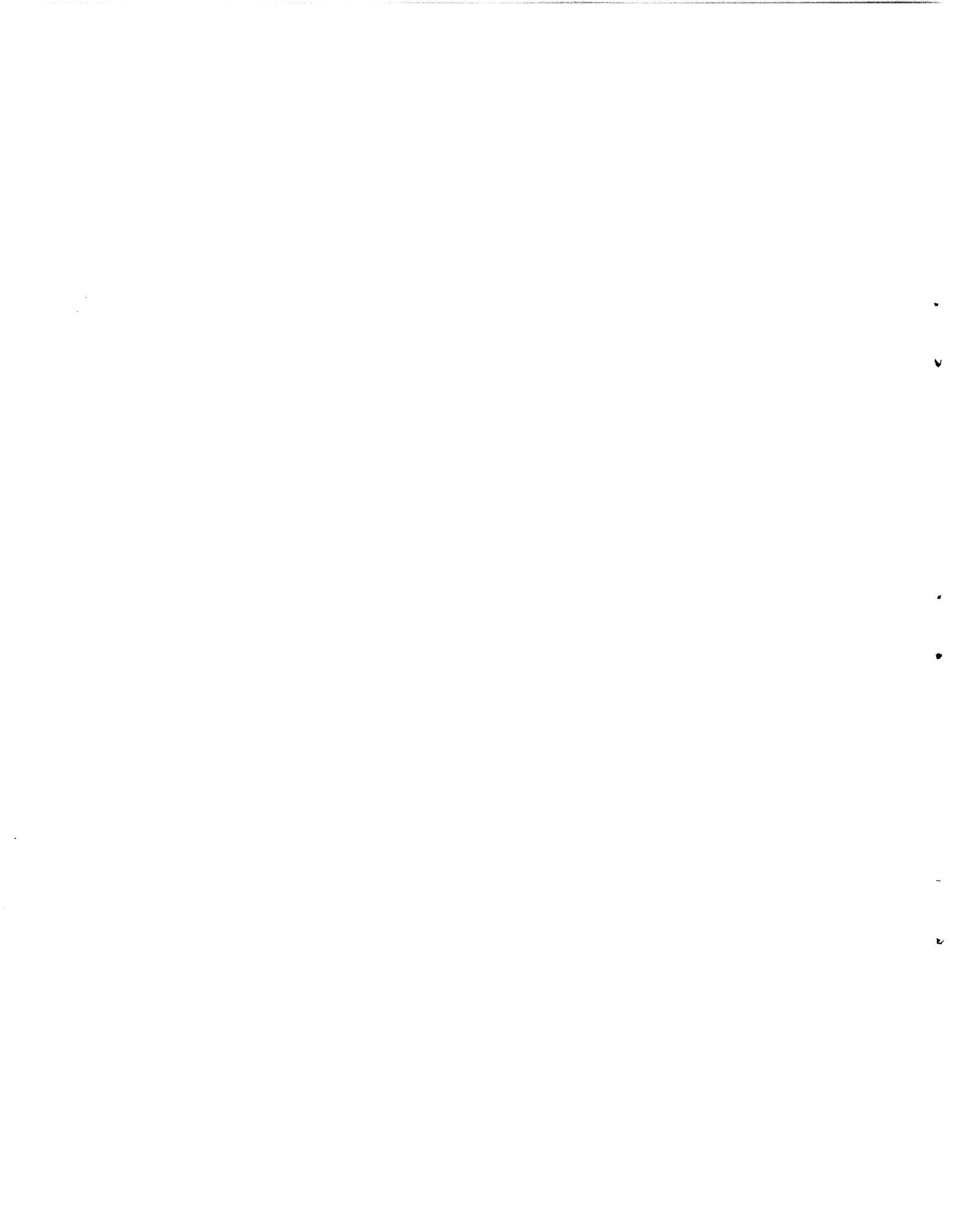
I N D E X

	<u>Page</u>
Arthur J. Sills Attorney General State of New Jersey	2
L. Arthur Burton, Secretary Citizens Committee for Firearms Legislation	17
Dominic Spina Director of Public Safety Newark, New Jersey	49
Louis A. Benton N. J. Ass'n of Rifle & Pistol Clubs	54
Mr. Waldor President National Jewish War Veterans Ass'n	1 A
Thomas B. Fitzgerald Ridgewood Rifle Club	13 A
Rabbi Morris Shmidman Rabbinical Council of New Jersey	21 A
James C. Rikhoff High Bridge, New Jersey	24 A
Edward J. Dolan Prosecutor, Middlesex County	32 A
Mrs. John J. Ryan Essex Council on Alcoholism	35 A
John J. Heffernan Police Benevolent Ass'n of New Jersey	40 A
Thomas F. Harrigan, President Fort Lee Arms Collectors, Inc.	46 A
Joseph P. Hanarahan 1st Asst. Prosecutor Hudson County	49 A
Cornelius H. Grondin, Jr. Private Detective Ass'n of N. J., Inc.	51 A
James E. Anderson Attorney, Union City	69 A



I N D E X (cont'd)

	<u>Page</u>
Carl Kastner Member, Board of Directors National Rifle Ass'n	83 A
Edmond H. Shuler N. J. State Federation of Sportsmen's Clubs	86 A
John Krahnert	92 A
George Henry McCloskey N. J. State Fish & Game Council	95 A
Joseph L. Montague	98 A
Dr. Robert H. MacLeod Collector of Antique Firearms	103 A
Edward Kopec	107 A



ASSEMBLYMAN VICTOR F. ADDONIZIO [The Chairman]: May I have your attention, please. To begin with, I am very sorry for the short delay, but these things do happen. It is only a few minutes. I would like to thank you for your patience.

This public hearing will please come to order. I am Victor F. Addonizio of Essex County, Chairman of the Assembly Committee on State Government. The members of my Committee who are present are: to my left, Assemblyman Edward Sweeney from Mercer County; on my right, Assemblyman David Friedland from Hudson County. Present here today, but not a member of this particular Committee, on my extreme right, Mr. Barry Parker, Burlington County; in the rear, Assemblyman Perskie from Cape May County. There might be other Assemblymen in the hall. I don't know. But if they wish to be announced, they can notify me.

The purpose of this hearing is to receive testimony for and against Assembly Bill No. 165, "AN ACT concerning firearms and other dangerous weapons and revising, repealing and supplementing parts of the statutory law."

The Committee has received a number of requests from various individuals and organizations to be heard and a tentative agenda has been prepared for today. If there is anyone here who wishes to be heard and has not already done so, he will please sign the roster either for or against the measure, giving his full name and address, the organization he represents, if any, and whether he wishes to speak, as I said before, for or against the bill.

As the witnesses are called, will they please occupy this first chair to my left. There the microphone will be available and open for the purposes of our recording secretaries.

If anyone in the audience has any question - and this is rather important - the question should be addressed in writing to the Chairman. I say that for this purpose, that if we don't have these questions in writing with such a large gathering, we would certainly run into quite a turmoil with people just wanting to stand and ask questions. So if a question is directed to a speaker, please submit it to the Chairman in writing and we will see that the question is directed to the particular speaker.

I shall now call the first witness, the Attorney General of the State of New Jersey, Mr. Sills. Will you kindly take the chair, sir.

A R T H U R J. S I L L S: Mr. Chairman, members of this Committee and other Assemblymen who are present: It is with a feeling of deep seriousness and hopeful expectations that I come before you today to state my case in support of Assembly Bill 165. Gvernor Hughes and I have strongly advocated the passage of a law in this State which would make it illegal to sell wantonly and indiscriminately fire-arms to persons whose backgrounds indicate they are unfit to use them.

As you have probably noted from the gentlemen who said good morning to me as I sat down to testify, I have something more than a passing acquaintance with the sportsmen

of this State and with their representatives.

The history of the efforts of my office to draft suitable firearms controls precedes by many months that tragic day in Dallas of November 22, 1963. [Disorder in the audience.] I guess some people came already loaded. This problem was brought to my attention as early as 1963 by the prosecutors of this State.

Nevertheless, I feel very strongly that the assassination of the President of the United States, if it were the only reason, would be reason enough to take action in this area.

In April of this year I received a special delivery letter from a New Jersey mother, excerpts of which read as follows:

"My son, age 9, was killed by a neighbor's son who had parental permission, if you please, to kill snakes in a heavily populated neighborhood. Three months to the day before the assassination of our beloved president. . .

"Our only beloved son -- please, please know that most people feel as you do. . . We will give you any support you require. Our blessings in your purpose."

I know that most people favor measures designed to remedy the misuse of firearms. In 1962 a Gallup Poll stated that 70 per cent of Americans, including sportsmen, favored some supervision of the sale of firearms. I also know that responsible officials in and outside the field of law enforcement recognize the need for legislation. Furthermore, the responsible news media have wholeheartedly endorsed better firearms controls. I have with me today and I will leave with the Committee what I have called Schedule "A", which is a schedule of editorials published in the State of New Jersey

endorsing not only this bill, but in some cases criticizing it because it is not strong enough.

I cannot believe that either the average citizen or the sportsman could object to the main thrust of the bill before this committee -- which is to keep dangerous weapons out of the hands of misfits.

Some groups have raised objections to certain aspects of the bill and, unfortunately, many others have followed these objections without realizing or understanding that even these groups do not object to the main thrust of Assembly Bill 165. This thrust is mirrored in the following quote:

"There is general agreement that guns should not be sold to persons who have been convicted of a crime of violence, fugitives from justice, mental incompetents, drug addicts and habitual drunkards. There is general agreement that the sale of firearms to juveniles should be subject to parental consent. Most people who are informed on the subject recognize the problem created in some local communities by the availability of pistols and revolvers to juvenile delinquents and known criminals through mail order purchases."

This statement is taken from the June, 1965 issue of the American Rifleman, the journal of the National Rifle Association.

The main thrust of A 165 is to make it illegal to sell or purchase pistols and revolvers in New Jersey if the purchaser involved has a physical defect or sickness which makes it unsafe for him to handle firearms -- [Now many people have said that this bill prevents a purchaser who has a physical defect from getting a permit. It does not say that. It says, which defect makes it unsafe for him to handle firearms.] -- also if he has ever been confined to a mental

institution or sanitarium and cannot produce a doctor's certificate indicating he can safely handle a firearm; if he has ever been convicted of a crime, is an alcoholic, an habitual user of or addicted to narcotics, goof-balls or pep pills; or if he is a subversive. In other words, standards are set forth to determine if the issuance of a permit to a person to purchase or carry a pistol or revolver would be in the interest of public health, safety or welfare.

For those who wish to carry a pistol or revolver, permits will be required as they are under present law.

For those who desire to purchase rifles or shotguns, they will have to obtain a firearms purchaser identification card. This card would be obtained once in a lifetime and its holder would be able to purchase and carry as many rifles and shotguns as he owns or desires to own.

For those who wish to obtain the permits or the identification card, it will be necessary, if they have not already been, to be fingerprinted in order to determine if they are any of the unfit persons described in the bill. This is the only effective way I know of checking an individual's background and, as I am sure you gentlemen know, is a matter of policy with respect to the hiring of military and law enforcement personnel. Apparently there are some people who feel there is a stigma attached to being fingerprinted. I have, therefore, asked the State Police to prepare a list of persons fingerprinted by them, either voluntarily, by law, or by preference of an employer. This list includes, among others, dentists licensed by this State, school bus drivers,

taxi drivers, persons with press cards, bar examiners, and the like. And as a matter of fact, I have another schedule, Schedule "B" which I will leave with the Committee, entitled "Noncriminal Fingerprints Received in the New Jersey State Bureau of Identification," which runs the gamut from firemen and policemen to special deputies, correction officers, state troopers, those who cash checks, pistol permits, special officers, railroad police, race track employees, welfare employees, Atlantic City personnel, school bus drivers, those who want to canvass locally under local ordinances, school crossing guards, bus drivers, members of the Department of Labor and Industry, Alcohol Beverage Control employees, and so on down the line. Block Party Safety for Children Program - this is a local ordinance - people promoting the program permit themselves to be fingerprinted. I will leave this list with you. Indeed, it includes a broad cross-section of the citizens of New Jersey.

For the person who is truly a sportsman, a number of changes have also been made in the present law which are to his benefit. The bill provides the right to obtain weapons, so long as the purchaser is not subject to the disabilities enumerated in the bill. Provision has been made for county court and appellate review of denials of permits. Those who are carrying weapons for the purpose of hunting, target practice or fishing may do so without permit while traveling to and from the target range, or the place where they are going to hunt or fish.

This has long been a source of agitation for sportsmen

because, more often than not, permits to carry pistols are refused for this purpose.

I have attempted today to hit on the main points of this legislation for you. My main concern revolves about what I have termed the "main thrust" of A 165 - to try to prevent the needless taking of human life with lethal weapons by keeping these weapons from those people with the potential to kill.

There will always be people who will object to firearms legislation, no matter what its nature may be. I believe, however, that the main purpose of this bill is reasonable and necessary for the safety and welfare of the citizens of our State.

This is not to say I would not recommend changes in the bill if such changes are consistent with this objective. I have no objection to recommending changes which may be brought to my attention which would be of assistance to sportsmen, provided these changes are not inconsistent with our objectives.

There is no question in my mind that the standards and procedures prescribed in A 165 are constitutional. I remind those critics who espouse this position of unconstitutionality that no one has attacked on constitutional grounds the New Jersey Weapons and Explosives Laws enacted as early as 1898.

To prove the need for better firearms controls, I refer you to the F.B.I. Uniform Crime Reports for 1964, which shows that firearms were used in 55 per cent of all

murders. Additionally, from 1960 to 1964, inclusive, 96 per cent of the 225 police officers slain were killed with firearms.

These statistics should be convincing enough, and yet they do not tell the individual story of personal heart-break and tragedy which may be prevented with sensible firearms controls.

On June 30, 1964, a 22-year old man purchased a .22 calibre rifle from a local dealer in Orange, New Jersey, using a fictitious name and address. He hitch-hiked to a summer home owned by his parents on Cranbury Lake, New Jersey, where he fired a shot from a window of the bungalow, striking a fisherman about 200 feet away. When a New Jersey State Trooper responded to an emergency call, he was shot in the chest as he approached the bungalow. It was later determined that the perpetrator had a prior mental record and was released from the Trenton State Hospital in February of the very same year.

On May 21, 1965, an indictment was returned against a woman in one of our county courts, alleging that on April 11, 1965, she killed a migrant worker companion with his own shotgun. The deceased, who purchased the shotgun in Florida a year ago for hunting, had a lengthy criminal record in that State and had been convicted of an offense in New Jersey on October 13, 1963.

On October 13, 1964, in Delanco, New Jersey, a woman, under the care of a psychiatrist, shot and killed her four-year-old daughter and committed suicide with a 12-gauge shotgun.

The weapon was purchased from an out-of-state department store and was delivered to her home by united parcel shortly before the shooting occurred.

In February 1962, in Secaucus, New Jersey, several high school youths were caught shooting high-powered war surplus rifles in the New Jersey meadows. The bullets travelled over two miles in distance, penetrating a house trailer and smashing the window of a private residence. Fortunately, no one was injured by the use of these Italian, Russian, British and German rifles which were purchased as military antiques, not guaranteed for firing.

On November 17, 1964, two Trenton, New Jersey, policemen were detailed to investigate a complaint of a tavern owner who stated that he had just evicted a person from his establishment who was threatening to explode a hand grenade. When the police arrived at the tavern, the evicted person exploded the grenade, killing himself, one of the policemen, and a by-stander.

On December 26, 1962, two young adults and a juvenile were found conducting a private war game on the Cherry Ridge rifle range in Sussex County, New Jersey. The weapons used were a 20MM anti-tank gun, six rifles and two .38 calibre revolvers. Extensive damage was done to buildings on the range, as well as the destruction of a bull-dozer by a missile fired from the anti-tank gun.

More recently, we have seen how a 10-year old Heislerville boy was shot to death while he and his 11-year old brother were playing with a .22 calibre rifle on

September 22, 1965; how, on September 14, 1965, an 18-year-old Newark boy was shot to death in an apparent game of Russian roulette with a double-barrel shotgun; how an East Brunswick boy ended his life on September 23, 1965, with a small-calibre rifle he received last June as a grammar school graduation present; how on September 19, 1965, a teenage airman in Kearny wounded two youths in the head with a .41 calibre magnum he bought out of state; how a 15-year old boy was killed with a defective 12-guage shotgun in Woodbridge on January 24, 1966; how a man shot his wife with a .22 calibre rifle in Monmouth County on January 9, 1966; how a man shot his girlfriend with a shotgun in Newark on January 5, 1966; how an 18-year-old youth was shot in the back of the head with a .22 calibre rifle in Piscataway on January 3, 1966; how a woman shot a fellow worker with a 12-guage shotgun in Jackson on January 25, 1966; how a Jersey City man killed his wife and himself with a 12-guage shotgun on February 9, 1966; how a Perth Amboy man did the same to his wife and himself with a shotgun on February 15, 1966; how a Spotswood man committed suicide with a 22-calibre rifle on February 19, 1966; how a 14-year old Madison Township boy seriously wounded his 16-year old brother with a 12-guage shotgun on February 21, 1966.

Indeed, the list of these tragedies is endless and we seem to read about them almost daily.

With respect to the effectiveness of firearms controls, the fact is that where they exist, far less murders are committed with guns. J. Edgar Hoover has pointed out that in

two states with "stringent laws" controlling firearms, 32 per cent of the murders were committed by firearms. In 18 states which have "bare minimum" controls, over 65 per cent of the murders were committed by guns.

In New York City where there are stringent controls, firearms were involved in 25 per cent of all murders in 1963. Of the 637 homicides in New York City in 1964, firearms were used in 26 per cent of the cases. In Texas, on the other hand, where there was little gun control, firearms were involved in 72 per cent of all murders in 1963 in Dallas. And this does not necessarily mean that other methods of committing murder have replaced the firearm in New York. The rate of murder and non-negligent manslaughter per 100,000 people in the Dallas area was 10.1 in 1963 and 12.7 in 1964 as compared to 5.2 in 1963 and 6.1 in 1964 in the New York metropolitan area.

Now New Jersey is known as one of the stringent weapons laws states. And yet the homicide rate which was 2.8 in 1963 rose to 3.1 in 1964. While this is below the national average of 4.8 in 1963 and 4.7 in 1964, - the national average went down in '64, but our State rate went up - it is no reason to gloat. There is still a substantial number of lives lost annually. Remember, we have also been among the five best states in the Nation in terms of the traffic fatality rate for the last two years. Yet, there were still 1,074 lives lost on our highways in 1964 and 1,095 lost in 1965. As much as we desire to cut down on the tragic number of traffic fatalities in this State, so also do we

wish to see a decrease in firearms murders and accidents.

Referring once more to New York, it must be kept in mind also that this is a metropolitan, highly-urbanized community. If urbanization breeds crime, then we would expect the murder rate in New York City to be much higher than in cities such as Dallas.

On a regional basis, the F.B.I. reports that "guns were used in 35 per cent of the murders in the northeastern states. . . and 64 per cent in the southern states" where gun controls are lax.

While we must be concerned with a situation which allows criminals to purchase guns legally, we must also be concerned with a situation where so many others with backgrounds of instability, addiction, alcoholism, and the like, can also walk into any store today and legally purchase a rifle or shotgun.

The F.B.I. Uniform Crime Report for 1964 states that, "A gun, because of its accessibility and lethal nature, makes murder easy."

In 1964, 80 per cent of all murders occurred within the family or among acquaintances, usually because of altercations involving lover's quarrels or drinking situations. Felony murders made up only 15 per cent of all murders. And we all know that Lee Harvey Oswald, while he had no criminal background, did have a record of instability and subversion.

As soon as one speaks of gun legislation, however, we hear the often-repeated cry that, "Criminals will get guns

anyway." We require licenses for motorists. We know that some habitually drive either without licenses or while on the revoked list. Some of these drivers may be criminals. The answer would not be to make it legal to drive without a license, just as here the answer is not to make it legal for criminals and other unfit persons to buy firearms.

Throughout history, people living together determined that certain things should or should not be done and have developed the mores of their society. They decided in early civilization that certain kinds of behavior clashed so violently with these mores that punishment should be meted out to those who offend the way of life which man had established. This is primarily the way common law crimes were developed. Later on, as civilization advanced, statutes were enacted, including common law crimes, as well as others, defining modes of behavior which were in opposition to the social mores.

These modes of behavior were made crimes because their perpetration was considered by the dominant element of society to be anti-social. The same reasoning must apply to the anti-social use of firearms. To say that criminals will get guns anyway should be the reason for making it legal for them to do so is an absurdity. It is like saying that murder should not be a crime because some people commit murder.

I believe it is the sense of the community that we should try to prevent the needless taking of human life with lethal weapons by keeping these weapons from those

people with the potential to kill. If the thrust of A 165 is the answer, and I think it is, then that is what should be done.

Now I am going to present in closing to this Committee some statistics. I hope that in doing so, I do not give the impression I believe all opponents of gun controls are not voicing their dissent in good faith, or are not good citizens of New Jersey.

But I think it is interesting to find out about some of the people who are objecting and what kind of people are buying firearms today legitimately.

After being asked to appear before Senator Dodd's Committee on June 3, 1965, I thought it might be worthwhile to have a check made to see if the persons who had written to me prior to June 3rd had police records.

A check was made on approximately 335 letters received by me. Evidence disclosed records of arrests for approximately 25 of these letter writers for such offenses as: shoplifting, possession of lottery slips, highway robbery, assault and battery, hi-jacking deer, passing bad checks, manslaughter, carrying a concealed weapon, breaking and entering, larceny, abandonment, lewdness, child neglect, impairing the morals of minors, possession of stolen property, and the like.

In addition to these 25 positive identifications, there were 64 other names indicating possible arrest records which we could not identify without field investigation because of variations in the letter writer's identity with

that of the arrestee, such as discrepancies in spelling and addresses.

Also, in the latter part of last year, I requested the Division of State Police to spot check some gun dealers in New Jersey. They did, in fact, check the records of three reputable New Jersey gun dealers for sales of rifles or shotguns from January 1, 1965. They took the names of some 485 persons. Only slightly more than half could be checked through police records without field investigation because of inaccuracies in spelling of names, addresses, and the like. Of the 240 who could be checked accurately, 36 were found to have had arrest records for such offenses as murder in the first degree, rape, larceny, breaking and entering, bank robbery, bigamy, carnal abuse and others. The fact that some of these could not be located is not in and of itself an indication that improper names or addresses were given at the time of sale, although it is hard to conceive that so many could have moved their residences in the short period of time involved. Yet I must point out that the members of the State Police who did the checking were convinced that some phony names and addresses were given. One person, for example, gave his name as Steve Brody of Kansas.

This suggests to me that some people object to gun legislation of this type because they would be disqualified as being unfit to purchase firearms. But to those who have a legitimate use for firearms and to those who are not on the unfit list, this bill poses no threat or hardship of any kind.

By way of conclusion, may I ask how many more children

will be murdered by deranged parents using a weapon they should not have been able to purchase? How many more policemen will be murdered by ex-convicts who are able to purchase a firearm with no questions asked? How many more people will be killed in their homes, their cars, or a crowded place by a sniper's bullet from a high-powered rifle? How many more children will kill themselves with a shotgun given to them as a gift?

In fact, how many more presidents must we lose before we come to our senses?

No one knows the answer to these questions. And, like the lighthouse off a rocky shore, we will never know how many lives will be saved by better gun controls. My guess is that many will be saved. For that matter, if only one son or daughter or mother or father, or president, is saved, I believe our efforts will be worthwhile. Thank you, gentlemen.

ASSEMBLYMAN ADDONIZIO: Thank you very much for your remarks, Attorney General.

MR. SILLS: What is your procedure, Mr. Chairman?

ASSEMBLYMAN ADDONIZIO: Well, my procedure now is to let someone who is an opponent give his remarks on behalf of his thoughts, and, secondly, to receive any questions we might have. And after Mr. Burton, who is our next speaker, speaks, then we will proceed with questions to you and later him.

MR. SILLS: May I state that I will make myself available for the entire day.

ASSEMBLYMAN ADDONIZIO: Thank you.

Our next witness will be Mr. L. A. Burton, Secretary for the Citizens Committee for Firearms Legislation. Before Mr. Burton speaks, I would like to mention the fact that Mr. Arnold Brown is here on my extreme left. He is also an Assemblyman and a member of our State Government Committee.

I would like to mention also that if the opponents of the bill later during the day as they speak would kindly avoid any repetition and overlapping of remarks that might have been covered by a previous speaker, it would be appreciated. Kindly be sympathetic not only to the Committee, but the audience. In other words, if a point is actually covered and someone intends to speak on the same point, they might get their heads together and consolidate their thoughts. We would appreciate it very much.

Mr. Burton.

L. A R T H U R B U R T O N: Assemblyman Addonizio and gentlemen: My name is L. Arthur Burton. I am the Secretary of the Citizens Committee for Firearms Legislation.

This Committee, briefly, was formed last year because a group of interested citizens got together and we spoke with the Attorney General's Office and voiced our objections. And rather than have many, many people write individual letters, we said, "Let's get together, form a Committee and centralize our efforts and reduce everybody's work load." This is how this Committee came into being.

Now this Committee is comprised of approximately fifteen individuals. It represents the major shooting and sporting organizations in the State. It encompasses a number of groups that you will hear today: the Association of New Jersey Rifle and Pistol Clubs, the New Jersey State Federation of Sportsmens Clubs, the New Jersey Arms Collectors, the Private Detectives Association, the American District Telegraph, the Security Guard System, Gunsmiths, the New Jersey Firearms Dealers, Pistolsmiths, the National Muzzle-Loading Association, and the National Rifle Association and National Shooting Sports Foundation as advisors.

I think I will now read the statement that we have prepared for you, which I have submitted to each of your Committee members.

Gentlemen, the Citizens Committee for Firearms Legislation shares with you, and is in agreement with, the idea of keeping firearms out of the hands of undesirables, and indeed have worked long and hard to assist the Attorney General's Office to develop such legislation. However, we must respectfully disagree with the Bill A 165 as presented, and with much of its content. I repeat, we disagree with the methods advocated in A 165, not the purpose of it.

This Committee was formed from the deep abiding interest of the citizens, sportsmen, police and various organizations represented on this Committee, with over 100,000 persons who are concerned with the use of firearms. Indeed, if this hearing were held on an evening or weekend, there would be thousands of people attending. Many of these

people cannot afford the loss of a day's pay and have asked these groups to represent them and express their opinions.

Some of the material in A 165 was taken from the 40-page report submitted to the Governor at his request, and to the Attorney General's office, and which we earlier submitted to your Assembly Committee. This report contains some of the earlier ideas suggested by the Attorney General's office. This indicates that some degree of cooperation and consideration can be worked out.

However, A 165 contains errors, misquotations and objections. For example, the Citizens Committee in no way, manner or form suggested any "Firearms Identification Card." We do suggest a "certification" at point of sale, under penalty of false statement. Page 39 suggests the endorsement of fingerprinting by the Committee, when in fact this Committee is consistently opposed to such schemes except for pistol carry permits. Again, page 30, paragraph 2, states that the Citizens Committee suggested a purchase permit for a rifle, which is a complete error. Again, on page 1, the Committee carefully defined types of firearms for different purposes, but A 165 then goes on and includes all firearms under one definition.

The Committee has spoken to many public police officers, who for professional reasons must be discreet. Nonetheless, many of them are against A 165 and the methods it contains as being unwieldy and a burden to their departments, in many cases requiring the hiring of additional

personnel. The Committee feels that it is an unwarranted responsibility to thrust upon the chiefs of police to make medical and psychiatric judgments regarding physical fitness.

The Committee has had several lawyers, including a former deputy attorney general, go over A 165, and they concur with the judgments of the Committee, that A 165 is an unwarranted harassment of the citizen.

Now with regard to fingerprinting, only 70 million out of 190 million persons are fingerprinted. The FBI lecture to us stated that relatively few crimes are solved by fingerprints because of difficulty taking prints from the firearms. Congressman Saylor of Pennsylvania noted that no fingerprints have ever been identified from the rifle that killed President Kennedy. We have so far only uncovered one case where a criminal applied for a purchase permit. And, incidentally, digressing from the statement, we have spoken to many chiefs and police officers and we still have yet to find someone with a criminal record who has applied for a purchase permit.

Since the thrust of A 165, and its philosophy, is to make firearms a dirty word, the connotation of mandatory fingerprinting is reprehensible to the honest citizens. The criminal will not bother, and there is no way to check on persons who conceal that they have become unfit. To single out the sportsmen is discriminatory, unless every citizen were fingerprinted.

Firearms Purchasers Identification Card - The so-called

\$2 lifetime permit is now up to \$25 in New York. This permit to purchase may be called an ID card, but Section 32 B would require a written certification to be signed for every purchase in addition to the permit. This is rather like wearing suspenders and a belt.

Then the seller, dealer or private citizen, must retain a copy of the certification and make it available to the authorities, which places him in the position of bookkeeping for the state as a semi-dealer. [Section 24, line 57.]

A 165 is aimed at total registration of all firearms, rifle and shotgun, which will occur when the required certification includes serial number, which it can since the "prescribed form" can contain whatever the State desires. Make no mistake, total registration is the ultimate goal of A 165. This has been the stated goal of subversive organizations, and it is unwise from a statistical burden as well as a security aspect.

Juveniles - The Citizens Committee wholeheartedly endorses the juvenile training programs, but cannot advocate the ownership of firearms by juveniles nor their purchase, since A 165 would allow juveniles to buy rifles and shotguns with written parent's consent. But would the parent have to have an ID card before such written consent? How would a parent be cleared? The Citizens Committee prefers the present law which makes the parent purchase and then take the responsibility of allowing the juvenile to use.

Under A 165, juveniles would have to be fingerprinted

for an ID card.

Juveniles would have to purchase a hunting license for \$5 plus \$2 for an ID card, whether they hunt or not, if they were to purchase their own rifles.

Section 11 states that juveniles may carry a rifle for hunting. Under present game laws one may only hunt woodchucks with a rifle and one must be 18 years old. Obviously there is a conflict of laws.

Section 11 - Here a juvenile may supervise other juveniles who are shooting if the phrase "responsible adult" is deleted from the present law, as A 165 does.

Section 11 - "holder of a permit to purchase a pistol or revolver" may supervise juveniles is meaningless because a permit to purchase is only good for a limited time. This should be deleted.

Section 33 conflicts with the same section regarding juvenile ID cards and these conflict and are not clear with Section 10.

Now under "General Notes," I don't want to go through the whole thing. I will hit some of the most important parts for you, which I will quote from the letter.

Under Section 13 where they are eliminating CO² guns, BB guns and the like, they also have inserted "elastic band" which will eliminate spear guns used by underwater fishermen, since it falls into the dangerous weapons class, and may not be possessed. Most underwater spears are under 3/8ths of an inch in diameter.

Line 18 and elsewhere -- "or has ever been a member

of any subversive organization." Now this is in the Committee report as well, but we sort of think now that probably will be thrown out in light of recent court decisions regarding self incrimination, although we agree with the Attorney General that these are some of the people we do not want to see have firearms.

Such provisions as, if you fall into one of the undesirable categories, you must return your ID card within 5 days -- well, this is fine, but the average person may throw it in a drawer and forget about it and if he doesn't return it within five days, he is guilty of a misdemeanor and this can be a pretty stiff penalty for an unwitting violator.

Another important thing is that Section 42 (o) requires an annual list of gun club members to be submitted to the State Police. But what about clubs who don't belong to the Department of Civilian Marksmanship? This requirement is discriminatory, singling out gun clubs to list members. Many of the fine hunting clubs and shooting organizations have been active for over 30 years. One goes back to the late 1890's, I believe it is. Now they are being regarded with suspicion. Incidentally the Arthur D. Little report recently pointed out there has never been a crime committed with any DCM loaned firearms in 18 years.

Such phrases as "must demonstrate familiarity with" and "sufficient skill and knowledge" and so forth are widely permissive and meaningless. There are no standards

prescribed.

Now under Section 44, the permit to carry means, and can easily be used to mean, a carry permit for a rifle or shotgun by definition of 151-1-1-a of a firearm once this bill is passed. This may not be the present intention, but this is what the bill says. Then such permits could be denied under the phrase where it is not in the interest of the "public health and safety and welfare."

Now Section 24 of A 165 accepts the idea of, and requires a "certification" when a purchase occurs. Thus the method must be workable if it is included and it is included in several places, "written certification," "signatures constitute a representation of accuracy of information," and so forth. But a phrase such as this, "certification shall contain among other things," that phrase can mean anything the authorities want it to mean, and can easily be misused.

There are no dealers' fees set forth in this bill. There are fees for wholesalers and manufacturers, but there are no dealers' fees set forth and we think that they should be stated.

Section 32 says "otherwise dispose of." Now this can be a barrier to the disposal of an estate. Firearms could not be handed down to a son or wife unless they are fingerprinted and have an ID card.

Non-residents must obtain a permit to purchase a pistol or revolver as is presently the law and should be. But non-residents would now have to obtain an ID card to buy a rifle or shotgun and this will certainly cut down on

our dealers' sales a great deal.

Now going a little bit further, one thing we were curious about where it says under 151-1, "retail dealer includes any person who sells any firearm to satisfy a debt secured by the pledge of a firearm," does this now mean that pawnbrokers would be allowed to deal in firearms? We don't know. We are asking the question because the present law forbids this as does A 165 in another section.

Now under 16 it says, anything that is illegally possessed will be disposed of. But no standards are indicated or prescribed. Therefore, how are they disposed? How are they destroyed? Will they dump them in the bay as in New York? Will they auction them off as they do in Pennsylvania?

Under 33 -- "not issued to person who suffers from a physical defect or sickness which would make it unsafe to handle firearms." - Now this could badly stifle the various rehabilitation shooting programs conducted by the sportsmen throughout the State. In many cases this is the only recreation and competition open to the handicapped and should be fostered, not denied.

Here I will depart for the moment. In Pennsylvania they just passed a law permitting the handicapped to hunt from automobiles. So they are going the other way. The Citizens Rifle and Pistol Club in Princeton conducts an extensive shooting program for the deaf. I help on the Junior Rifle Team. We have people with cerebral palsy who are on the Junior Rifle Team - marvelous rehabilitation.

But for these people to go down and attempt to get a permit to purchase, it would be questionable - they would have to fight to get this.

Out in North Dakota the police are running a shooting program for the blind and it is becoming very successful - marvelous therapy.

We don't feel that this should be stifled in any way. I think in terms of physical defects common sense generally prevails.

Page 29, paragraph 2, says that the present law does not permit transporting pistols to and from target ranges, when in fact it does, witnessed by the fact that many chiefs, counties and cities refuse to issue carry permits for target shooting, stating that they are not needed. Obviously many law enforcement officers disagree with A 165. And our present law has worked rather well for over 25 years.

As far as the right to purchase being included, this right exists today. The courts and the Governor have affirmed the right to possess arms, although the State can and should regulate some of their use.

A little thing like under 42, they are permitted to go to or from target shooting, but they use the word "directly" to or "directly" from. I have a letter here from Dr. Rathouser, a very eminent physician, and he does not feel that because he has to stop off at the hospital and then go on to a shooting match that he would technically be guilty under this law. Many people go to other functions

and then shoot or stop somewhere and shoot and come back. So the word "directly" should be eliminated.

As far as "cased gun" goes, the present Game Law says that after dark any firearm that you have must be in a case. The sportsmen helped put this bill in. Another thing that we would like to see is the Case Gun Law, as far as these bills go, applied to pistols and revolvers. If you are going to take your gun shooting, it should be empty, in a case, and not accessible and we agree on this and we have suggested this.

Now there are other ambiguities and so forth the way the thing is set up. There are a lot of little details which we feel could be changed.

One of the things is where they forbid possession of antiques unless they are incapable of being fired. Now this could force mutilation of many firearms of economic and historic value because a man may already possess his guns, but let's say he has spent some time under a doctor's care, but he has quite an extensive historic collection. Under this law he probably could not qualify to keep them unless he rendered them incapable of operation.

Phrases such as "possession or control in public place" could be badly abused. I guarantee you if I misused a shotgun out here in Trenton right now, I would certainly be taken care of without having a phrase such as "possession or control in a public place."

We have suggestions which you will hear from private detectives and certainly nobody is more checked out

than these people are.

In conclusion, gentlemen, the State wants to know who has recreational firearms, where they are, what make, type, when acquired, when sold or disposed, when and where you carry them, where you keep them, how you carry them, have the citizen fingerprinted, identified, cleared for security, and then re-identified and reaffirmed by signing many times in his life that he is still the same honest citizen that he was previously checked to be; in other words, he is suspected while supposedly cleared for the rest of his hunting or shooting life. This is rather an odious burden to place upon the citizens, since we believe no legislator is so extremely suspicious of his constituents and neighbors as to endorse A 165. The Governor in his Fourth Annual Message to the Legislature wants to "preserve the right of sportsmen and other law-abiding citizens to own firearms for legitimate purposes."

Now every firearm is by itself legitimate until it is misused. We cannot endorse any bill which reverses all concepts of justice and makes all firearms ownership illegitimate until cleared by the State. We need legislation to encourage firearms ownership and recreational use as our State develops, offering one more form of recreation that is necessary in highly urban areas, not A 165 which will curtail and stifle these recreational and training and rehabilitation programs.

We sincerely and respectfully urge your committee to reject A 165, and respectfully request that further work

be done to develop model legislation that will be endorsed by the people, offering the maximum recreation with the maximum law enforcement.

Now I have here a few quotations and extractions from the Senate hearings and from the House hearings, which I think are interesting and certainly pertinent to this discussion.

Mr. Katzenbach on page 113 in the report submitted to the committee said: "Most weapons control legislation depends to some degree or substantially on provisions of law requiring registration of weapons. Such provisions of law are probably unenforceable, at least against the criminal." And that is interesting.

Representative Broyhill from Virginia regarding the hearings for Washington, D. C. where they wanted to put through a Sullivan type law, and also Mr. Murray, who is the Superintendent down there, who is against the Sullivan-type law - quote - "Further testimony before the committee was not convincing as to the effectiveness of the Sullivan Law in preventing acquisition of handguns by criminals. Little evidence could be produced showing that the Sullivan Law prevented the determined criminal from securing a weapon."

Now there are other statistics and so forth in here that can be gone over. As we have often said, many things can be proved by statistics or disproved. For instance, in the voluntary registration of firearms in New Jersey, 98 per cent of the people do not care to register their

firearms. As far as statistics in New Jersey go, they are very low. Mr. Sills himself testified, "We are unable to determine readily at the State level how many murders are committed with a firearm or the type of firearm used in every case. So therefore we have to apply the national figures."

Now the national figures can be proved or disproved in many ways. For instance in the 1964 F.B.I. Report gun availability is not listed as one of the causes of crime. Most of the police, according to the F.B.I. Report, that were killed in line of duty were by guns that were in the hands of paroled criminals, not by honest citizens. And, of course, it is already illegal under our present law for the criminals to have guns.

Now I think rather than just quote statistic after statistic, this would just about cover our position and I make myself available to the committee at any time.

ASSEMBLYMAN ADDONIZIO: Thank you very much, Mr. Burton.

[Applause]

ASSEMBLYMAN ADDONIZIO: As chairman, I appreciate your enthusiasm, but formality requires us to keep our applause to ourselves during a hearing. Thank you very much.

At this time I would like to mention that I expect to break at 12:30 for lunch and resume the hearing again at 2:00 P.M. I expect to conclude the hearing at or about 4:30 P.M. However, if we do run a little later than that,

we won't cut anyone short if they want to testify.

For the next few minutes or longer, I anticipate a question and answer period to both Attorney General Sills and Mr. Burton.

Mr. Burton, since you had the microphone and the chair last, I have a question I would like to ask myself; and anybody who has a question for the Attorney General, will you kindly submit it to the chair, please. After I get through with this one question that I have, if there are others, we will ask them of Mr. Burton.

Mr. Burton, do you think it should be legal for criminals to buy rifles or shotguns - pistols, revolvers and the like?

MR. BURTON: No. We have consistently said that the present law forbids these people to have these firearms. So we are not producing anything new either in our report or A 165. We all agree that they should not have them.

ASSEMBLYMAN ADDONIZIO: Since your answer is "no," how do you suggest that a purchaser of weapons be screened to determine if his background indicates that he is unfit to use firearms?

MR. BURTON: Well, we have suggested a revoked list be maintained. Now the State has told us that they know who these undesirable people are. They know who the criminals are. They know who the alcoholics and narcotics are. These people are people of record and much as they publish a revoked list, they know who these people are.

So we have suggested two things in this order: first, that there is a statute -48 which provides a penalty for false swearing on any application. We have suggested that on the back of the bill of sale when you buy from a legitimate dealer these things be listed -"I am not a member of--" - I'll call them the undesirables, the five unfit categories. And you will sign this under penalty of false swearing much as you sign your driver's license and your income tax, and this is legal. However, suppose somebody signs the name Steve Brody, Kansas City. Under the present law, the dealer must require him to identify himself for pistols and revolvers. He would now require it for rifles and shotguns - identification.

Now the dealer, the registered dealer, not a person with a dollar Federal firearms permit, would get this revoked list and be kept up to date monthly or weekly as it may be, which poses no burden to the average police department because it is another one to add to their file.

Now the man signs for it and he is up for false statement. The dealer, if he has any misgivings, can contact the local chief and ask him to check the man out and the chief can carry it further with the State Police or the dealer himself is free to call the State Police and say, "Will you check this man further?" And if he is at all suspicious, he has a right to refuse to sell the gun to him. This does away with the idea of knowingly selling; the dealer can check and he has to have the man produce evidence that he is who he says he is. This is the one way we feel it

should be gone about.

Now what do we do about a situation, for instance, where I sell a shotgun to you? Well, we have said that the police chief would maintain this revoked list as well. And I can go down to the chief and say, "Chief, will you please let me have one of the forms for private sale?" It would be the same thing as a dealer. You would sign it under penalty of false swearing and I can go to the chief and say, "Is Mr. Addonizio on the revoked list?" He can check it and tell me. But I cannot inquire if my neighbors or other people are on the revoked list, just one specific piece of information. This then means that I have done the best I can do in a private sale to determine that this person is a fit person.

As far as pistols and revolvers are concerned, the present law would still apply. And we think that this is a good workable method. We think it can work. We also feel that it works on the principle that everybody is innocent until proved guilty.

ASSEMBLYMAN FRIEDLAND: May I ask a question?

ASSEMBLYMAN ADDONIZIO: Yes, Mr. Friedland.

ASSEMBLYMAN FRIEDLAND: Mr. Burton, do I understand that you would have the State prepare a list of all the citizens of the State who have been convicted of crimes and disseminate these lists to all dealers in the State?

MR. BURTON: Registered dealers.

ASSEMBLYMAN FRIEDLAND: Registered dealers?

MR. BURTON: Just registered dealers, yes.

ASSEMBLYMAN FRIEDLAND: Now if an individual comes

in to purchase a gun or revolver --

MR. BURTON: Beg pardon, but a pistol or a revolver - he has to have a regular purchase permit.

ASSEMBLYMAN FRIEDLAND: Right. If he goes to purchase a rifle and he presents a false name, how would you prevent the sale of that gun to that individual?

MR. BURTON: The dealer checks his list. If he doesn't know the person, first he says, "What is your identification?" If a man says, "Steve Brody," he had better have a driver's license or something of Steve Brody. Now he checks his list. If the man isn't on the list, the dealer, if he is at all suspicious, can go further and have the State Police check on this man.

ASSEMBLYMAN FRIEDLAND: Isn't the problem there that if he presents a false name, he probably will get the rifle? The problem that we are faced with is that we are trying to catch a horse that has already left the barn. In other words, the purpose of the legislation, as I understand it - the thrust of it is to prevent the initial sale --

MR. BURTON: Right.

ASSEMBLYMAN FRIEDLAND: [Continuing] -- of rifles to criminals, people who have been convicted of crimes.

MR. BURTON: You understand this is already illegal.

ASSEMBLYMAN FRIEDLAND: Yes, I do understand that the possession of such rifles may be illegal. But the problem is that any criminal can go into a rifle store and buy a rifle and it can be sold to him and there is no

legislation which prevents a criminal from acquiring the weapon at that stage, is there?

MR. BURTON: No. This is what we are proposing, a method of a revoked list of checking.

Incidentally, according to the House hearings and all the police hearings and so forth, the criminal is not going to pay any attention to any laws we write here today. This is not to say we should not have laws. I agree with Mr. Sills.

ASSEMBLYMAN FRIEDLAND: That may well be so. I wouldn't disagree with you on that. But the question which I pose is this: Isn't this bill more effective in controlling the sale of weapons to criminals than your proposal --

MR. BURTON: No, sir.

ASSEMBLYMAN FRIEDLAND: [Continuing] -- because under your proposal there are people who have been convicted of crimes who can get a gun by simply going into a store and producing a false identification and there is no way that the salesman will know whether or not that individual has been convicted of a crime if he produces a false name, and there are no protections to prevent the sale of rifles in those conditions?

MR. BURTON: Suppose he produces a false identification card, firearms purchase identification card?

ASSEMBLYMAN FRIEDLAND: As you point out, that is subject to later prosecution. The applications may be processed and we may have prosecutions for false swearing.

MR. BURTON: Right.

ASSEMBLYMAN FRIEDLAND: The point is this, that the gun is still out - it's on the street - and it's in the hands of a criminal. Now it may well be that we can punish him later for lying, but we haven't accomplished what we sought to do and that is to prevent the gun from getting out in the first place.

MR. BURTON: Now you recognize that if any criminal wants to get a gun, he is going to get it regardless of what we say here today or do.

ASSEMBLYMAN FRIEDLAND: Maybe.

MR. BURTON: All of this legislation, including A 165, is just as you say - it's locking the door later. We agree.

ASSEMBLYMAN FRIEDLAND: Right.

MR. BURTON: Now it has been suggested in the Congressional hearings that total confiscation of firearms would solve the problem. But since 80 per cent of all crimes are crimes of passion, you are not going to stop those anyway, and 10 per cent are committed by hardened criminals and they are not going to be deterred by any law. So it leaves us about 10 per cent that we might control. Incidentally, there are approximately 8200 or 8500 homicides of all types committed every year. This figure has remained just about static for the last 30 years. And in 30 years, we have certainly - well, I guess almost doubled our population and quadrupled the number of guns around. Yet the total number of homicides of all methods, including knifings and stabbings, poisons and what have you, has remained relatively constant. This is not to say that we should not consider

strengthening the present law. There are many people who feel the present laws are very good.

ASSEMBLYMAN FRIEDLAND: I have just one more question, Mr. Chairman, with your permission.

ASSEMBLYMAN ADDONIZIO: Go right ahead.

ASSEMBLYMAN FRIEDLAND: On page 2 of your report you state, "Make no mistake, total registration is the ultimate goal of A 165. This has been the stated goal of subversive organizations, and it is unwise from a statistical burden as well as a security aspect." I would appreciate it if you could indicate to me how the passage of A 165 will impair the security of the State of New Jersey which I gather is your contention.

MR. BURTON: Not my only contention, only part of it.

ASSEMBLYMAN FRIEDLAND: I know you make other contentions, but would you deal with this one? How do you believe that the security of the State of New Jersey would be impaired by the passage of A 165? You say that it is the stated goal of subversive organizations to obtain total registration of all weapons and you imply, I gather, that this is just the first step towards that.

MR. BURTON: No, I do not feel that the purpose of this is to do that. I say that it parallels what is attempted to be done. As far as total registration of guns is concerned, at page 397, Mr. Sills' Senate hearing, 1965, quote, "If registration is the answer, and I think it is, then that is what should be done," or again, quote, ". . . or legislation like S 1592, which will make registration feasible

and effective."

ASSEMBLYMAN FRIEDLAND: But you do agree, do you not, that A 165 as it has been presented to us does not in its current form require registration of weapons?

MR. BURTON: It will for this reason --

ASSEMBLYMAN FRIEDLAND: It may if it is amended, but in its current form, it does not.

MR. BURTON: No, sir. In its present form, it will, due to the passage of time. Now as I have said, the bill requires a firearms purchaser's identification card. Then at the point of sale, it requires you, no matter how many guns you buy, to sign a certification that you are who you say you are, and here again under penalty of false swearing.

ASSEMBLYMAN ADDONIZIO: Excuse me.

MR. BURTON: Yes, sir.

ASSEMBLYMAN ADDONIZIO: Will you instead of having cross conversation more or less, kindly ask a question and then wait for an answer rather than give cross conversation because it can be confusing.

MR. BURTON: All right. Well, if I may then answer your question, every time that the sale is consummated, the firearm purchaser identification card number will be recorded. Now we know which person has how many guns. The only thing lacking is the serial number. Incidentally, on a Federal level all the firearms' serial numbers are recorded anyway - on a Federal level, but not on a State level. We understand this. However, in sales between persons - this is where they lose track of the serial number of guns.

Now many people feel that one of the things that would be ideal - and this has been proven time and time again, but, of course, it always sounds very outlandish, the fact that people could ever take over here, this type of thing, and this is always a ticklish thing to describe because the Communist thing is not as menacing as it might seem. Although Mr. Hoover has said it is an ever and present danger. Now as far as the group's saying that it is to their liking, out in Los Angeles in 1963 they tried to pass a very strong anti-firearms law, a man testified for them, and when they got all done, they asked him and it turned out that he was a member of the Communist Party so he was very much in favor of this legislation. I have the clipping here from the Trentonian paper.

ASSEMBLYMAN FRIEDLAND: Mr. Chairman, the reason I asked this question is that I take it that the main thrust of your argument against this particular bill is that you believe it restricts the sportsmen of our State and I got the impression from reading this particular comment that you are concerned about having a self-protective group of people who had firearms for the protection against subversive organizations.

MR. BURTON: No, sir. Out in California they worked very hard to pass a paramilitary bill and when they got all done they didn't find any groups to apply it to. Magically these hundreds of groups disappeared. We do say this - and police will bear it out - that they prefer to have the armed citizen in his home. On the basis of it, A 165 - and I am

sure it is not the intent of the present authorities to construe this in such a way - our point is that as it is written it could later be construed that way and this is our feeling. Once it is on the books, anything can happen. We would like to see it spelled out.

ASSEMBLYMAN ADDONIZIO: All right, sir.

MR. BURTON: Thank you.

ASSEMBLYMAN ADDONIZIO: Mr. Attorney General, will you please take the chair.

Will you kindly submit any questions that you might have to the chair.

Mr. Attorney General, I have a question from a Mr. Fitzgerald, evidently of the Ridgewood Rifle Club. Incidentally, you will have to bear with me with some of the various handwritings. They are a little difficult to make out. The question is, Mr. Attorney General: What purpose does the provision for filing of a club charter and a list of members annually to the Superintendent of State Police serve on page 21 of the bill?

MR. SILLS: You are referring, I believe, to subparagraph (o) of Section 43, which is an exemption provision and which is to some extent similar to the exemptions provided in Section 42, just prior thereto. That has its genesis in this type of thinking: First of all, Section 42 today purports to be an exemption and yet Section 42 speaks in terms of carrying a gun, rifle or knife on the hunting fields.

Now to begin with, today in the State of New Jersey,

it is not permissible to hunt with pistols or revolvers. It is not permissible to hunt with a rifle, except for woodchuck. In 1964, there were only 6,416 licenses, I believe it was, for hunting of woodchuck. I say that this then is an ambiguity because if the word "gun" doesn't mean "handgun," how can it mean "shotgun" when the law today says that you need not have a permit either to purchase or to carry a shotgun?

Now we go over to the exemption in little (o) in 43 and, if that is read carefully, it says that those seeking to have rifle practice who belong to a club established in accordance with the rules and regulations of the National Board for Rifle Practice have an exemption. It does not mention the word "pistol" at all.

We thought that we would cure an ambiguity - and let me say that it is true that many law enforcement officials have not been enforcing this particular provision of the law. Some have said, "It is not necessary," and others have just shrugged their shoulders. There are others, however, because I have had complaints from people who live in Newark and who have summer homes at the shore that they couldn't carry their pistols from Newark down to the shore and they desired to get permits for this and they couldn't get the permits -- We thought that we would assist the sportsmen by including the word "pistol" in there as well as "rifle" to make it positive that they had the right to carry their pistols to and from target practice, and that, of course, is directly in 42 as well.

Now coming directly to your question, we added the next provision for the following reason, the provision concerning the giving of the names to the State Police: A man has a pistol in his car. He is stopped for one reason or another by a police officer. He sees the pistol. He says, "I am a member of a club and I am going to the target range." The policeman has absolutely no way of checking whether or not that is so unless there is a list on file. This gentleman, whoever he may be - he may be a dishonest citizen - he may be an honest citizen who made a mistake - would probably then try to get some gun club to include his name or to pay the fee prior to the time that a field investigation could be made. And, of course, if no records are kept by anyone, there would be no way of checking and then, of course, it would just be an open book for anyone carrying pistols at all times. We must remember that the law even as it is written today and even as Mr. Burton and his group would have it, does not permit the carrying of a pistol without a permit and this is an exemption. And we thought it reasonable that if we are giving the exemption to a man who is a member of a club, that he be willing to admit that he is a member of that club.

ASSEMBLYMAN ADDONIZIO: Thank you very much.

I would like to acknowledge the presence of Police Director of Newark Dominic Spina who is here and if he desires to testify after this question and answer period, he may do so.

The second question here seems to be from John

Krahnert. Why does Mr. Sills include the physically handicapped in his bill A 165?

MR. SILLS: I would suggest to the gentleman that the word "physical handicap" be read together with the words "or disease which makes it unfit for said person to handle a firearm." I think that it is obvious if a man suffers from unfortunately cerebral palsy or some other physical handicap or disease and has never been trained to carry a gun - I don't think he ought to be permitted to go down and buy a pistol. I think that should be a disqualification. It has nothing to do with training handicapped people to shoot because Mr. Burton misconceives something. There is no law which would prevent any one of the clubs which he mentions from having handicapped people, physically handicapped or handicapped by disease, from going to a pistol or a rifle range and at that point at the range being given rifle instruction or pistol instruction with rifles or pistols supplied by the club at that point. When that person has reached the point where he can handle a rifle or a pistol with safety, he no longer is disqualified under the words "physically handicapped or diseased in such a manner as to render it unsafe for him to handle firearms."

MR. KRAHNERT: May I say something, Mr. Chairman?

ASSEMBLYMAN ADDONIZIO: Are you the gentleman who asked the question?

MR. KRAHNERT: That's right.

ASSEMBLYMAN ADDONIZIO: I will permit you to carry the question a bit further.

MR. KRAHNERT: Mr. Sills does not say that the police chief is the sole judge of whether a person can safely handle a firearm or not. Now I am a physically handicapped person and when a police chief sees me, he cannot determine whether I can safely handle a firearm or not by simply looking at me.

Firearm safety is jeopardized by carelessness or ignorance and Mr. Sills does not determine this at all in his bill. All he says is that the police chief has the right to determine whether a physically-handicapped person can safely handle a firearm or not. I want to know how a police chief can judge whether a physically-handicapped person can safely handle a firearm? There is a gentleman over there in a wheel chair who I am sure can handle a firearm as well as a person who is not physically-handicapped. I would like to know more specific reasons why Mr. Sills has this in here. He has me and that gentleman grouped with the drug addict, the alcoholic, the criminal and the subversive elements of our country and I would like to know why because I am a responsible citizen and I am against this bill 100 per cent.

MR. SILLS: May I through the chair ask this gentleman a question?

ASSEMBLYMAN ADDONIZIO: Yes, sir, Mr. Sills.

MR. SILLS: If this were removed from the bill, would he support it?

MR. KRAHNERT: No, because I am also against the identification card.

MR. SILLS: I think that answers the question.

Might I also say, Mr. Chairman --

ASSEMBLYMAN ADDONIZIO: Yes, sir.

MR. SILLS: [Continuing] -- that from the remarks made by the gentleman who just spoke, there would obviously be no difficulty in the gentleman in the wheel chair - and incidentally I use a wheel chair myself - in proving to the chief of police that he is an expert marksman.

Now the way our government is run today, someone at some level of government is given responsibility for something. Mr. Kastner, who will probably testify here this morning or this afternoon against this bill, is secretary of one of the professional boards in my department. He knows that these professionals get licensed and he knows that the board is the one which grants the license and he knows that standards are set and he knows that on occasion the board makes errors. But he also knows that there are courts to which you can appeal and if one reads this bill carefully, we will see that the bill contains standards which do not appear in the act today, that the bill makes it imperative that there be a speedy appeal and that the courts adjudicate the question in any instance where there has been a violation of the application of the standard by the issuing authority.

ASSEMBLYMAN ADDONIZIO: There is a question here from Mr. Harrigan from Wyckoff, New Jersey, directed to Mr. Sills. Bearing in mind that sales and transfer of pistols are already controlled by permit under existing law,

please state what percentage of crimes committed with firearms for any yearly period was committed with rifles or shotguns as compared to pistols and comment on how this comparison would justify the extension of such control to rifles and shotguns?

MR. SILLS: The absence of uniform crime reporting heretofore in the State of New Jersey does not make it possible to give accurate statistics here in the State of New Jersey. Nationwide the F.B.I. reports that 70 per cent of the crimes are committed with handguns and 30 per cent are committed with rifles. From speaking to the New Jersey State Police, I am informed that as a matter of personal expertise, it is the feeling that that is about the same in New Jersey, but that there has been a rise in recent years in crime with the use of the rifle or shotgun. I believe reading not too very long ago that the Director of Safety of Newark - and he may so testify this morning - indicated that especially in Newark there was an upsurge of crime with the use of the rifle and the shotgun, which then would bring it over the 30 per cent situation.

ASSEMBLYMAN ADDONIZIO: I will continue with these questions until 12:30. I hope to cover all of them. However, I was hoping to hear from another witness.

MR. SILLS: Mr. Chairman, I would be pleased to sit by while some of these gentlemen I know who have details elsewhere testify. As I said, I am here and will be here until late this afternoon. So I am more than willing to answer these questions and any and all questions, and personally

I would feel that it would be a matter of respect for some of the gentlemen who have obligations elsewhere to permit them to testify.

ASSEMBLYMAN ADDONIZIO: Thank you for your consideration and we will cover these questions throughout the course of the day.

MR. SILLS: May I just say this before I step aside, Mr. Chairman, that I was very interested in hearing Mr. Burton say, as he has always said, that he and his committee and the major groups are in favor of the main thrust, keeping guns out of the hands of unfit people, and that what we disagree on are methods.

Just let me say this: His method recently suggested of a so-called revoked list would mean a list which would encompass not only the State of New Jersey, but the United States of America because under Section 5 of the laws that exist today, as it has been expanded by recommendation of the Citizens' Committee, anyone who commits an armed crime anywhere in the United States of America is subject to the disqualification.

Let me say that here in the State of New Jersey we have 900,000 arrest records on file. This does not include the drug addicts, the habitual alcoholics and those who have been confined to mental institutions or subversives, which are other lists and which are generally kept confidential. Now if a person is not seeking to purchase a firearm, I think it would be an invasion of his privacy to take a list, assuming that such a monumental task could be performed, and keep

submitting this list to retailers throughout the State of New Jersey. Now there are some 416 men licensed as gun dealers in the State of New Jersey, but there are about 1700 which have Federal registration and it is our feeling that if this bill went through, many of that 1300 not registered would register. They would have to register.

So I merely point out to you that the method suggested by Mr. Burton is not a feasible method at all.

ASSEMBLYMAN ADDONIZIO: Sir, one more question before you are excused, please - we will cover this - from a Mr. A. Goodman of West Orange who is present here: Please spell out [quote] "where the issuance of a permit would not be in the interest of public health and safety or welfare." Then the questions are: Who makes the decision and upon what stated facts?

MR. SILLS: Well, of course, you who are legislators know that throughout the entire Statutes Annotated and the Revised Statutes, the terms "public health" and "safety" have been used on innumerable occasions and courts have construed it in accordance with the intent of the legislation. Now in this particular case, the present law has, and we were asked to maintain, the qualification, although it has not been mentioned, that a person be of good reputation and of good character. Now it is very difficult for anyone to sit down and try to construe all of the things which would make a person of poor character or poor reputation. One thing, for example, as I sit here and think, might be a person who is indicted presently for a felony and who may be out on

bail, but he has not been convicted of a crime; a person who perhaps has been engaged in every kind of escapade in his community for many, many years, but was fortunate in that he escaped the claws of the law. It is very difficult, although one can sit down and enumerate all of the various things which might possibly occur. But as I point out to you, the present law has these very same words in it with respect to manufacturers and wholesalers and we have extended it here to the point of the granting of the permit and, as I indicate, it would be construed in the manner in which I have just suggested.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

If Public Safety Director Dominic Spina is available for comments, I would appreciate it if he would take the chair.

MR. SPINA: May I proceed, Mr. Chairman?

ASSEMBLYMAN ADDONIZIO: Yes, sir, Mr. Spina, you may.

D O M I N I C S P I N A: I am here this afternoon to speak in behalf of Assembly Bill 165. I want to say at the outset that I am not mad at anybody in here. The applause that greeted Mr. Burton was terrific. And I am not going to fight everybody. As a matter of fact, I am on both sides of the fence here. I am a member of the National Rifle Association and have been for many, many years and I know the problems that are involved. I also know the problems of law enforcement and I am here specifically to speak about law enforcement and in what ways we can coordinate the features of this bill.

I also as a law enforcement administrator am familiar with the problems of violence in the streets, the extent of the violence, and I am a realist in that regard. I realize too that there must be some means of protection for the man in his home and the man that has a business. But I do think there should be some regulation to prevent those people who have been convicted felons or are otherwise disqualified as, for example, narcotic addicts and other persons described in this present bill.

I am not for any bill, for example, like the New York bill which says that any weapon is a dangerous weapon and that only those people that can carry or have in their possession weapons are those who have a special permit.

I am seriously concerned with the number of times firearms have been used in Part One crimes in the City of Newark. I think it is very important for me as a law enforcement officer to think about what is happening in Newark. I also would like to say at this time that what is happening in Newark and happening in other large major cities is spreading to the suburbs. For example, the F.B.I. statistics of 1964 indicate that crime is increasing six times as rapidly in the suburban areas as it is in the urban areas. And I think that you who do live in the suburbs - and I think most of you here do - should take this into consideration when you consider this bill.

Now remarks were made by Mr. Burton about what constitutes crime and what is crime. He took these things out of context. But the F.B.I. Bulletin that he read, 1964,

also states that a gun because of its accessibility and lethal nature makes murder easy.

I think that this is a mild bill and I think that there is kind of a hysteria amongst those people who are interested in gun clubs and who are interested in protecting their homes. And I think that if it were viewed realistically, you should be in favor of this law.

I wasn't here, but I think the Attorney General did cite some statistics this morning, national statistics, that there were 5,090 homicides in 1964 and that in 55 per cent of these homicides firearms were used. I don't know whether he broke it down or not as to the type of firearms. In 70 per cent of these murders by firearms, the handgun was used, a revolver or pistol. In 20 per cent of these homicides a shotgun was used. In 10 per cent a rifle was used. Now again, according to the F.B.I. statistics of 1964, which are the last statistics available, 57 policemen were killed in the United States in 1964. Now out of 57, 54 were killed by firearms. Since 1960, 96 per cent of all the policemen killed in the United States were killed by firearms. 79 per cent of these were killed by handguns.

Let's take Newark last year, 1965. We had 75 homicides in the City of Newark, which is a near record for the city. Twenty-nine of these murders were committed by firearms. Twenty-one of these 29 were killed by handguns, 7 by shotguns and 1 by rifle. Two policemen were shot and hit - and I am not talking about the ones that were missed - in the City of Newark in 1965. One was killed and the other is in a wheel

chair where he will be for the rest of his life. And in both of these instances, the perpetrators were convicted felons in the past.

This talk about rifles and shotguns, the accessibility of shotguns and rifles - last year one man walked into a store in the City of Newark and he bought a shotgun and shells and threw them in the trunk of his car. Exactly two days later, he is in a tavern and he is having an argument with the bartender. He became angry, walked outside, opened the trunk of his car, inserted the shells, came back in, shot the bartender and also shot the owner. There were two murders because this man could not be checked in advance because this man previously had been a convicted felon.

I agree with the Committee on Fair Legislation about the minor. I think that we are giving him too much freedom when he is able to buy a gun by merely having a letter from his parents giving their consent.

But there are a lot of good things about this bill. For example, for the first time it clarifies many inconsistencies. Heretofore a chief of police could arbitrarily refuse to issue a permit to purchase or a permit to carry a concealed weapon and I have seen some very bad cases where chiefs of police have turned down these permits. You know a lot of chiefs of police are afraid to issue these permits because if a homicide does occur as a result of this man or this woman having a gun which happened through a permit to purchase, he feels that the onus is upon him and that he would be at fault. This bill clarifies this. As the Attorney General said, within thirty days, I think the period is, the man has

a right to go to a county court and apply for relief.

There were also a great many other inconsistencies, for example, amongst the chiefs of police, as to what right a man had to take a gun for repair or to carry it back and forth from a range or from his gun club. There were many inconsistencies and I have seen in my time in the Police Department over 25 years, 26 years, where citizens were brought in because there was no clarification down to the last man in the Police Department as to what the policy should be or what the law was, and this bill clarifies it.

I think that every man has a right, according to the Second Amendment, to have a weapon in his home for his protection because there is so much violence extant in our land today. I think a man has a right to have rifle practice or target practice with a handgun. These things should not be denied the citizen. But at the same time I think that there must be some kind of regulation whereby those people who could bring harm to a community, who can cause the death of an individual, either by being felons or by being diseased in the mind in one way or another, narcotic addicts - they should be prevented from having these guns. In view of these things, I think that this is a good bill. It is a mild bill and I recommend that the Assembly pass this bill. Thank you very much.

ASSEMBLYMAN ADDONIZIO: Thank you very much, Director; you are excused.

Is there a Mr. Benton in the House? [Mr. Benton acknowledges his presence.] Mr. Benton, will you please

take the chair.

We have fifteen minutes before we break for lunch.
Is fifteen minutes adequate for you?

MR. BENTON: I will make it easily.

ASSEMBLYMAN ADDONIZIO: Mr. Benton, the N.R.A.,
is this the National Rifle Association?

MR. BENTON: It's the National Rifle Association.

ASSEMBLYMAN ADDONIZIO: I would like to acknowledge
the presence of Assistant Majority Leader, Assemblyman
Paul Policastro.

Go right ahead, sir.

L O U I S A . B E N T O N : Mr. Chairman and Members
of the Assembly State Government Committee: My name is Louis
A. Benton. I live at 327 Grant Avenue in Middlesex, New
Jersey. I am a registered Professional Engineer in New
Jersey and in several other states.

I have been elected by the 700,000 members of the
National Rifle Association to be a director. The Directors
in turn have elected me to their Executive Committee.

I am one of the 51 Directors of the U. S. Olympic
Committee. I am the Vice President of the New Jersey
Association of Rifle and Pistol Clubs. I am a member of the
New Jersey State Federation of Sportsmens Clubs.

I am the chairman of the Citizens Committee for
Firearms Legislation. I think I understand the firearms
problem from both the standpoint of the citizen and from
the standpoint of the police.

I, and several others, representing organizations met with Attorney General Sills in late 1964 to see if we could not form a united front against the misuse of firearms. We thought we could. We met with him, his State Police and with some of the County Prosecutors. We exchanged ideas over a considerable period of time.

Attorney General Sills called us together in March of 1965 and read to us his version of a firearms bill.

This bill was absolutely unacceptable. It was the Sullivan Law of Rifles and Shotguns. It was completely incompatible with our ideals for the responsibility of free citizens in a free state.

We went to see Governor Hughes. We had a most sympathetic hearing. He suggested that we continue working with the Attorney General. We did, and we never heard much more from that particular version of the bill until a watered down bill was introduced last Spring for study.

Since that time, the Citizens Committee for Firearms Legislation has been most diligently working to produce a suggested bill that would effectively broaden the present firearms act and make it consistent and understandable and to provide certain and firm punishment for those who misuse firearms, also to keep firearms from those who through deficiencies, both mental and acquired, are incapable of proper judgment.

There is no one in this room who can disagree with this purpose. You will hear from others how well we accomplished it.

You will hear in detail from others how disappointed we are that our Attorney General has chosen to try to control the weapon and not the criminal and has submitted A 165 to the Assembly.

A 165 is based only on one premise -- the belief that the availability of firearms has caused an increase in crime -- the belief that to do something about an inanimate object of wood and steel is to do something about crime. The question is -- Is this true? Is it true that if you do something to eliminate guns, you will do something to eliminate crime?

We know that when there were only four people on earth Cain slew his brother Abel. Since that day there has not been one paragraph of written history to establish that the control of weapons has had anything to do with the control of crime.

If we should be deceived into thinking that we can solve the crime problem by interfering with the right of law-abiding citizens to keep and bear arms, we are being directed into a tortured pathway which will eventually lead to the elimination of our shooting sports, accompanied by sinister and unpredictable changes in the nature of our society and our government.

Many of our opponents may not realize, but to attack a firearm, as though to attack it would be to do something about the crime situation, is to deceive the people and to lead them to think that something is being done about crime, when really nothing is being done about crime.

New York has a harsh and unreasonable firearms law

for pistols, not rifles and shotguns as we see in A 165, and New York has a higher rate of murder and non-negligent homicide than we do, or Rhode Island, or Connecticut, and we all have the same kind of people - Americans.

You will hear the British applauded for their success in controlling firearms. Their laws are often pointed out to us as examples of the kind of control we should have in this country.

Let me quote from a speech by Lord Shawcross, a leading British attorney, as reported in "U.S. News and World Report," November 1, 1965: "Since the war, crimes like burglary have gone up 250 per cent; crimes of violence by 500 per cent. In the last ten years serious crimes have increased by 120 per cent."

Such alarming increases in crimes of violence in a country with the most stringent gun laws leads to a question: Exactly what is the interest of our opponents who applaud the British gun laws - control of guns or the control of crime?

By newspaper reports and by excited TV commentary, many people have been led to be indignant against firearms because last year 57 policemen were murdered in America - 54 of them with firearms.

But how many of those commentaries informed the public that of all the police officers murdered in the United States in the last five years, one-third of their murderers were on parole or probation when they committed the murders. How often have you been told that of the 14 Special Agents of the F.B.I. killed in gun battles, 12 were slain by criminals

who had been the beneficiaries of parole, probation or other types of leniency?

Why is it that some of those among our opponents who are working most vigorously for firearms control are also found prominently among those who seek to eliminate capital punishment and who seek to surround, to an increasing extent, the whole of American penology with country-club concept and with release from prison as quickly as any construction of the law will permit?

What do the real experts say concerning firearms use in crime? A very comprehensive study in regard to the crime of murder was made in the Philadelphia area of every homicide occurring from 1948 through 1952, resulting in an authoritative book, "Patterns in Criminal Homicide," by Dr. Marvin E. Wolfgang, Professor of Sociology at the University of Pennsylvania. He says, "It is probably safe to contend that many homicides occur only because there is sufficient motivation or provocation and that the type of method used to kill is merely an accident of availability. It is the contention of this observer that few homicides due to shooting could be avoided merely if the firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal. Probably only in those cases where a felon kills a police officer, or vice versa, would homicide be avoided in the absence of a firearm."

William C. Shead in the South Texas Law Journal - Summer-Fall Edition 1958 - stated, "It appears that once the

homicidal intent is formed, the instrument to be used is only incidental. If a firearm is handy, it will be used due to its convenience, but if a gun is not available, then a knife, a board, an icepick, or simply the bare hands will be used."

In the F.B.I. Uniform Crime Reports it is stated that the causes of crime are many and vary from place to place. There is a warning against drawing conclusions from direct comparisons of crime figures without first considering the crime factors involved. "Crime is a social problem," the Report says. These are some of the factors which affect the amount and type of crime that occurs in different areas:

"Density and size of the community population and the metropolitan area of which it is a part.

"Composition of the population with reference particularly to age, sex and race.

"Economic status and mores of the population.

"Relative stability of population, including commuters, seasonal, and other transient types.

"Climate, including seasonal weather conditions.

"Educational, recreational, and religious characteristics.

"Effective strength of the police force.

"Standards governing appointments to the police force.

"Policies of the prosecuting officials and the courts.

"Attitude of the public toward law enforcement problems.

"Policies of the prosecuting officials and the courts.

"Attitude of the public toward law enforcement problems.

"The administrative and investigative efficiency of the local law enforcement agency."

Note that the F.B.I. doesn't even list firearms.

We are good citizens. We can be trusted. We believe the people can be trusted. We don't need identification cards. We don't want to start a police state.

In conclusion, let me quote a great man: "You do not examine legislation in the light of the benefits it will convey if properly administered, but in the light of the wrongs it would do and the harms it would cause if improperly administered." That was Lyndon B. Johnson, President of the United States. Think of this. It is an excellent rule and thank you, gentlemen, for hearing me. [Applause.]

ASSEMBLYMAN ADDONIZIO: Mr. Waldor, President of the National Jewish War Veterans, asked for five minutes. Fortunately, we have about five minutes left before our break for lunch so will Mr. Waldor please step to the front. Is Mr. Waldor in the House? [No response.]

Well, it looks as though he left a few minutes early.

We will adjourn now until 2:00 p.m.

[Adjournment for Lunch]

(Afternoon session)

ASSEMBLYMAN ADDONIZIO: We will now resume the afternoon session of this public hearing on Assembly Bill 165.

For the first speaker of the afternoon I would like to call on Mr. Waldor, President of the National Jewish War Veterans Association.

M R. W A L D O R: Mr. Chairman and members of the Committee, I am National Commander of the Jewish War Veterans of the United States of America and I should like at the outset to compliment you, Mr. Chairman, and members of your Committee on the manner in which this hearing is being conducted. I think that, consistent with American tradition, it gives the opportunity to both sides to present their views with respect to either the passage or the defeat of A-165.

I come before the Committee this afternoon to suggest that at the last national convention of the organization, which I have the honor to represent, we adopted a resolution consistent with most of the provisions contained in A-165 and I am here to urge the Committee in its recommendations to adopt this measure.

I shan't, keeping in mind the admonition of the Chair this morning, reiterate any of the facts or statistics presented by Attorney General Sills or Director Spina, Mr. Burton or Mr. Benton or any of the other speakers except there are several comments that I should like to make.

I am particularly concerned, and I know Assemblyman Friedland questioned Mr. Burton with respect to this and I, too,

am somewhat at a loss as to the rationale behind the statement made by Mr. Burton that subversive organizations believe in the regulation or in the total control or the total registration of firearms.

I think that a careful study of the situation throughout this Nation, as a matter of fact throughout the world, would indicate that the contrary is true, and no quotation that can be made by any one individual, who at any period of time was a member of the Communist Party or any other subversive group, to the contrary would make any impression upon me. I think it's perfectly obvious that rampant in this Nation today, and unfortunately not as well known as it might be by many of our citizens, are various groups who seem to believe that they have contained within them the right to arm themselves with arsenals of various types of weapons of every kind, every make, and every description, in the belief that they are in some way protecting the rights of the citizens of this Nation.

I, along with all of the people who favor and those who oppose this bill, deplore arms falling into the hands of those who are irresponsible or who are unable to handle them.

I certainly believe that the threat of various organizations, such as the Minute Men, the American Nazi Party, the National Renaissance Party, and many others throughout this Country who have over a period of time built up these arsenals or caches of arms should be in some way prevented from doing so, and I think the only

answer to that is the adoption by both the Federal Government and all state governments of legislation that would regulate the sale of firearms. And I might say - although I realize that this afternoon it's an extremely unpopular viewpoint - I would favor the total registration of firearms.

I cannot see, and I have attempted as objectively as possible to examine the views expressed by Mr. Burton this morning, the objection or deprivation of the rights of any individual with a legitimate purpose. And I am certain that everyone here today objecting to the passage of this bill has a respectable, legitimate purpose in mind.

I cannot see the validity of objection or the deprivation of any constitutional rights involved in the registration of an owner of a firearm.

Insofar as fingerprinting is concerned, it would seem to me that from the very day of our birth each and every one of us, at least in modern times, is involved in a system of one kind or another of fingerprinting, whether it be footprinting or anything of that nature. Certainly our highest public officials upon their ascension to public office, either appointive or elective, in many cases are required to be fingerprinted and photographed, and so forth and so on. This does not, in my judgment, in any way unfavorably reflect upon an individual who complies with that requirement.

I further -- and I am completely unable to

understand the statements that have been made - although I respect the right of the individuals to make them - concerning, for example, I think Mr. Burton alluded to the question of a youngster, a juvenile, someone under age having to pay \$5.00 for a hunter's license and then go out and pay \$2.00 for an identification card. Now certainly the question of the payment of the \$2.00 fee I cannot believe is one of the significant objections to the passage of this bill. Those, of course, who are interested in the pursuit of any sport, whether it be hunting or fishing or golf or tennis, or anything, skiing, whatever it may be, who are in a position to purchase the equipment necessary to pursue this sport could not conceivably object to the payment of the \$2.00 registration, or whatever the registration might be.

With respect to the arguments concerning criminals and their coming into possession of firearms, if they are desirous of doing so, irrespective of the passage of this bill, obviously, that is a fact. But the purpose of this bill is not -- as any other bill, the purpose may be to eliminate the firearms or dangerous weapons of any kind coming into the hands of a criminal element but obviously, being practical, realistic individuals, as I assume we all must be, we recognize the fact that the passage of a law does not mean that perfection or Utopia has been achieved.

The purpose or the thrust, the term that has been used by both the Attorney General, Mr. Burton and others, - the thrust of the bill or the prime purposes of it, as

I understand it, is to make less easily accessible to those who are irresponsible in one way or another, as defined in the bill, the possession of firearms. I think this is a most worthwhile objective. I think it's one - that the whole question is basically in which direction the most good is accomplished; or does the good of this bill outweigh what little bad that it may do.

And I respectfully suggest to the Committee and to those present that the figures and the percentages that have been projected this morning, by all people who have testified and all who have spoken, to me, frankly, are of very little significance.

I respectfully suggest that, if the figures or percentages were so minute as to the number of crimes or homicides committed with a shotgun or a rifle, this would make no impression upon my thinking whatever.

If there were the danger, forgetting the reality, but the danger of one life being lost, one life out of some 8,000, I think one witness testified, or 4,000 or 5,000, whatever it might be, - if the mere danger existed and we could enact this bill as a preventive measure of any kind, then I certainly think it's worth your favorable consideration. And irrespective of what the past has indicated, insofar as figures are concerned, I suggest that the danger that is ever present by the use of firearms by those individuals who are incapable, as a result of a lack of training, a lack of knowledge, carelessness, or whatever the reason may be, is the best reason imaginable for the

favorable consideration of the passage of this bill.

I further believe that the term has been used or the argument has been advanced that a great inconvenience or burden is placed upon those individuals who for respectable, legitimate purposes use firearms or have them in their possession. And they are somewhat disturbed by reason of the fact, one, that they have to be fingerprinted; two, that possible discretion lies in the hands of public officials as to whether or not identification cards shall be issued to them or purchase permits, whatever the terminology may be.

I think if we rationalize from that point, these people are in effect, all of you, as I, as a citizen of this nation, - are saying to you, the Committee, "Have confidence in us because our record is free from any blemishes insofar as the commission of crimes is concerned and we've had guns over many, many years.

Well, I say to you that we, the people of the State of New Jersey, or I, as a citizen of this State, do have confidence in the membership of gun clubs. But confidence in a person's integrity or in their honesty or in their dedication to purposes are two way streets. And as members of gun clubs if you expect the government and public officials to have confidence in you and in the knowledge that you will do no wrong by possessing these firearms and in using them, then you too must have confidence in the public officials whom you select and in our governmental process, confidence to the extent that

perhaps this red tape or the burdensome nature of relying on someone else's judgment as to whether a permit is issued is in true American tradition and, if we are to lose confidence in public officials and government itself, certainly none of us would be here this morning to express our views with respect to this bill one way or another.

I think, further than that, the question of how many policemen were killed by guns falling into the hands of individuals again is not particularly germane. I don't think any of the statistics or figures are, as I indicated before.

The purpose of the bill, as I understand it, is to make the acquisition of firearms by those who are unable to handle them properly or who are irresponsible enough by reason of a criminal background, or otherwise, to have them, - the purpose is to make the acquisition of these firearms as difficult as possible.

The mere passage of that bill unquestionably and by the very nature of the objections registered here this morning, and this afternoon, I assume, will make it more difficult for persons to come into possession or to purchase firearms. It will make it more difficult by reason of the fact that their names must be bared and other personal information about them must be given.

This, I think, is most commendable. I think it goes further. It protects, it protects those respected members of our community who are members of gun clubs. It frees them from perhaps a burden of public

opinion that may have existed heretofore that anyone who has a gun could get in trouble with it and perhaps should not be in possession of it; whereas under the circumstances that would be prevalent if this bill were to be passed, certainly those who have legitimate objectives in mind could have no unfavorable reflections cast upon them.

I can well understand the objections of several gentlemen who raised them this morning concerning the use of the term "physically handicapped." In a conversation with someone prior to my testimony, they indicated, "Well, I'm a disabled veteran and perhaps I would have some difficulty in placing my future or the possibility of my having firearms in the hands of a public official."

Again I say, if you expect the government and public officials to have confidence in your meaning and in your integrity or in the reason for your desire to have a firearm, then certainly you must have confidence in the public officials whose decision it is to make as to whether or not you are capable of handling that firearm.

I was very interested, and I'm coming to the end of my remarks now because, as I said, I concur completely with those thoughts expressed by Attorney General Sills this morning, except that I go a step further. I favor total registration of firearms. I see no objection to it.

I want to comment on this. A gentleman this morning said that free citizens in a free state should not be subjected to controls by the government. There isn't a

person seated in this room who isn't subjected to all sorts of governmental controls in every walk and every phase of our everyday lives. And I say in most cases, "Thank God for these controls," because, as Attorney General Sills indicated, and I concur completely, no one can ever measure those lives which have been saved by the so-called ounce of prevention; it can never be determined by what has not happened as a result of good legislation, what would have happened had not this legislation been enacted. And I suggest that free citizens in a free community or in a free state or in a free nation or in a free world have a responsibility to one another and to their fellow citizens. And in assuming that responsibility they must ask themselves one basic question, "Wherein is the most good accomplished for the greatest majority of the people?" And if the greatest majority of the people and their welfare is best served by the registration of firearms or by the bill that is presently before this Committee, simply because it would save one human life, prevent one accident with a gun, or a shotgun, or a rifle in the hands of an individual who does not know how to use it and has not been trained in its use, or in the hands of an individual who has and does suffer some sort of mental disability or has a previous criminal inclination, then I suggest that the bill is worthwhile of passage.

I suggest further to you and to this Committee that it is not a fact, it is not a fact, as Mr. Benton

stated - and I am not personally taking quarrel with him as an individual - but it is not a fact in our present-day society that the control of weapons is not related to the control of crime. If we were to accept this hypothesis or this premise, we could then ask ourselves successfully the question, why then does every free-thinking nation in the world today subscribe to the theory that there must be some sort of nuclear control for the prevention of future nuclear wars. There is no difference between the relationship -- (demonstration by audience)

ASSEMBLYMAN ADDONIZIO: Excuse me. Kindly keep your ohs and ahs quiet please. This is testimony and it's going on record.

MR. WALDOR: There is a direct relationship between the control of weapons and the control of crime even as there is a relationship between the control of nuclear weapons and the control of the outbreak of war of any kind. And I respectfully suggest to this Committee and to those present that I respect them for their right to disagree and then they must respect me for my right to support this bill. However, I think the prime question concerned here is, does the good outweigh the inconvenience that may be suffered by the passage of this bill.

Thank you so much for the opportunity to testify, Mr. Chairman.

ASSEMBLYMAN ADDONIZIO: Thank you very much, Mr. Waldor.

Mr. Attorney General, before I call the next

speaker would you like to answer a couple of questions?

MR. SILLS: I'll be glad to.

ASSEMBLYMAN ADDONIZIO: Here is a question, Mr. Attorney General, from John Borea of Teaneck, New Jersey. The question: "After a person has an identification card, why must a dealer keep these records?" That's question number 1, if you will answer that, sir.

MR. SILLS: The dealer must keep these records because at some time in the future something might happen with respect to that gun and law enforcement officials would like to know where the gun was purchased, whether or not the man who came in, for some reason, got it improperly or not, whether or not that was the gun that was used in the crime. And it may very well be that a crime could be solved for that particular reason.

And may I state that this is the federal law today. This is no different from what the federal people, the Treasury Department says must be done today by a dealer who sells a rifle or shotgun.

ASSEMBLYMAN ADDONIZIO: The second part of that question is: "Does not this section, in ultimate effect, mean registration of all guns?"

MR. SILLS: Well, this term "registration," first of all, has been used very, very loosely. I have always understood registration to mean that the make, model, manufacture or serial number of that rifle or shotgun, if taken, would amount to registration. If that's called registration, then the answer is no, this will not amount to registration of rifles and shotguns.

On the other hand, if it is meant by registration that an Id. card is obtained, which Id. card will give the name and address of the particular person, then in that sense if the gun is not registered then perhaps we are talking about the person, in effect, being registered, registered in that sense, just the same as a man is registered when he gets a driver's license, in the sense that his name and address is placed on his driver's license.

Now, I may say that, in the first instance, when I started out I was told by law enforcement people - and a number of gentlemen have testified today to this extent so far, Mr. Spina and Mr. Waldor, - that they favored this kind of total registration which would be more effective in tracing a weapon if it were used in a crime. But I started out with that idea and then I was met with a slogan "Guns don't kill people, people kill people." Well, what do you have against the gun? Why don't you check the person, forget about the gun. And, very frankly, I took that suggestion, compromised my position, and said, all right, we won't take the make, serial number, etc., of a rifle or shotgun but we will check out the person and give him an Id. card. Now I note that Mr. Benton said this morning, and is quoted as having said to the newspapers the other day, - "what do you have against registering people, why don't you get after the gun?"

So, I just don't know what it is that some of the people who are objecting want done except, very frankly, I've come to the conclusion that they would just

prefer that there be no legislation whatsoever concerning the regulation of weapons -- (applause)

ASSEMBLYMAN ADDONIZIO: Once again I ask you to please not applaud.

MR. SILLS: And let the record note that from the amount of applause, which has just occurred, it proves what I have just said, that these people who are here objecting don't want any kind of gun legislation of any kind whatsoever; they would prefer to have the right to roam the streets and make a jungle out of the United States. (Boos.)

ASSEMBLYMAN ADDONIZIO: May I call Mr. Fitzgerald. Is there a Mr. Fitzgerald in the house?

Mr. Fitzgerald, if you represent a particular group or club, you may state so.

T H O M A S B . F I T Z G E R A L D: Mr. Chairman, Attorney General, my name is Thomas B. Fitzgerald. I live at 405 Spring Avenue, Ridgewood, New Jersey, and I represent the Ridgewood Rifle Club.

Before I go into my statement, I would like to tell a little story, as the Attorney General did when he started his remarks, about a good friend of mine who had two sons aged 17 and 12, and the mere thought of the problem bothers me now. The one boy was an Eagle Scout, an A student, he was a basketball star in our area, and a true credit to his father. These people went on a vacation to Vermont and they took along with them a rifle for some casual target shooting. On unloading the car the first

day, the younger boy removed the rifle from the trunk, which was loaded, and shot his oldest brother through the heart. This was a tragedy but this gentleman, an executive of a major oil company, said to me when we were having lunch, upon some reflection, "Tom, if he had only had the proper training in the handling of firearms."

My reasoning or the Club's reasoning, as far as opposing this bill, is as follows:

The Ridgewood Rifle Club, the oldest and largest rifle club in the State of New Jersey, is appearing at this public hearing to ask that consideration be given to portions of the bill which we feel would directly affect our membership.

We typify the average club in Bergen County. There are some 15 clubs in Bergen County with a total membership of approximately 500 people.

The Club has provided a public service to the community in which it is located since 1856 by training individuals in the safe handling of firearms, and has provided a national service during World Wars I and II by offering a basic familiarization course to men about to enter the armed services. The Club's junior program has undoubtedly provided this country with skilled marksmen during the Korean Conflict and the present action in Viet Nam.

If I may interject a personal note. I was taught to shoot in 1939 as a Tenderfoot Scout in Jersey City. And since I served in World War II and the Korean

Police Action, I can assure you I put that training to good use.

While the Club's basic interest is in the promotion of all shooting sports, we like to feel its greater contribution is to juniors from age 12 to 18 in the instruction of marksmanship and the safe handling of firearms. We also provide a familiarization course to Boy Scout Troops, the Y.M.C.A., church groups, and the like. We also work with the State qualifying individuals for licenses to hunt by providing an annual hunter safety course. We also rent our range to the DeMolay organization, a local high school, and a Boy Scout Troop. These clubs are all administered by qualified individuals as the qualifications are set down by the National Rifle Association.

In the course of a year there are some 700 shooters that visit our range. And since we run the largest sectional tournament - that's the National Rifle Association Sectional Tournament - in the country, visitors come from the neighboring states of Pennsylvania, New York, Connecticut, Delaware and Massachusetts. We feel sure that these visitors contribute to the economy of our community by their purchases during the time of their visit.

Ridgewood is a highly urbanized community and the club is located in the heart of the village and has been a good neighbor at its present location for the past 15 years. There has never been an accident at our range,

nor has any member of our club been involved in a problem concerning firearms.

Since we have an active junior program, we have a standard for the support of this program, and that is that any junior will be taught to shoot and can take full advantage of our range facilities only if his parent or guardian is a member of our club. The dues assessed this member are our main source of income and we would say now that if this bill is enacted, and the requirement that we provide the State Police with a list of our members annually is retained, the juniors' parents will probably advise their sons and daughters to become involved in a sport other than shooting because the general feeling is against any registration with a law enforcement agency.

The Attorney General has pointed out that the polls - I forget which one now - show that 90% of the citizens are for firearm legislation - I think it was the Gallup Poll - I would say that the Gallup Poll, maybe it's contradictory, predicted that Dewey would win the election.

But they do feel they are against the unnecessary registration with a law enforcement agency and we, the active membership, wonder ourselves still as to just what advantage this will be to the State Police and for what purpose will this list of members be used.

I asked this question before and, quite frankly, it has still not been clarified.

We enjoy a fine relationship with the Ridgewood Police Department and it has been our policy to include

on our list of honorary members the Police Chief. In view of this, we feel that to require shooters to apply for and retain identification cards will put a burden on the department, which could have nothing more than an adverse effect. With the paperwork involved, it will surely demand that an officer be taken from other duties to administer these records.

Along these lines we feel it is a further burden to the police chief to decide whether or not a man is physically capable of qualifying for the identification card, and whether or not he has a sickness which would jeopardize public safety should he be issued an identification card. Should the police chief be overcautious due to a lack of medical knowledge and deny the issuance of an identification card, a shooter is faced with further problems.

We realize he has a right to appeal, but this will necessitate his taking time off from his place of employment to attend a hearing in court where, quite possibly, the judge will be faced with the same medical decision.

And I might insert there that I make my living in the tank truck business and the Interstate Commerce Commission requires - in fact I have one since I'm an ex-driver - that you carry an identification card, and we are not against it, saying that you are physically qualified to drive a truck. In the State of New Jersey this means that you must be 17 years old. This truck, or my trucks are rolling up and down the highway presently with 8,000 gallons

of highly volatile gasoline or jet fuel or corrosive acids, muriatic or what-have-you. But this driver who has this qualification card is not in the slightest coerced with fingerprinting.

Now I bring that out - it may seem a strange parallel but I bring that out because if this man is mentally incapable or deranged or has some grudge against society he can very, very easily take it out on the small Volkswagon with a vehicle that weighs 73,000 pounds. So we don't understand where the fingerprinting comes in.

Further, so far as the appeal to the court on decisions of the State Police, I myself was a licensed gun dealer in 1952. I went before Judge Demorest DelMar and he asked me a few pertinent questions and I was granted the license. The second time I went to the Judge and asked for renewal of my license I was told by his Secretary that he was reviewing all licenses and this went on until I finally gave up because in those days, and now, I cannot spare the time to keep going to court pleading my case.

The issuance of an identification card we feel discriminates against the active shooter since it is only issued when the shooter acquires a rifle. This would mean that gun owners who are somewhat static in the pursuit of their hunting or shooting hobby would go unregistered. And if the intent of the bill is to restrict firearms, this would seem to contradict its purpose unless, of course, there are some plans to amend or extend the law at some later date toward total registration which would be a further

violation of what we feel, no matter what interpretation, are our constitutional rights.

We realize that the statement at the end of the bill explains that there is no registration, but this is contradictory for it does demand that the gun dealer send a record of the purchase to Trenton which, in effect, is registration.

We ask that the Assembly give consideration or that the Committee give consideration to our statement since the provisions of this bill would sound the death knell for our club and, we are sure, for the other 15 clubs and their 500-odd members located throughout Bergen County.

Thank you, gentlemen.

ASSEMBLYMAN ADDONIZIO: Assemblyman Friedland has a question.

ASSEMBLYMAN FRIEDLAND: Mr. Fitzgerald, you indicated in your remarks that one of the objectives of your club was the training of young men in the use of firearms. And particularly your opening statement indicated that perhaps a very tragic accident might have been avoided had that occurred.

And I get the impression from your remarks and from the remarks that others have made that you believe there is something in this bill which somehow interferes with the training of young men in the use of firearms.

As I read the bill, and I pose this to you as a question because perhaps you can help me out, - as I read the bill, particularly the provisions on page 7 which

require a young man to have in his possession a certificate indicating the successful completion of a course in training in the use of firearms. The bill seems to encourage such training rather than to discourage it.

Am I correct in understanding that you oppose this bill because you believe it will interfere with training of young men in the use of firearms?

MR. FITZGERALD: Are you talking about the provision in the bill for the hunter safety course where he must keep in his possession a certificate that he has completed that course?

ASSEMBLYMAN FRIEDLAND: That's right. And the question really boils down to this - does this bill, in your opinion, interfere with the training program which you have and, if so, what provision of the bill does this?

MR. FITZGERALD: We have no objection, of course, to young men carrying with them a certificate that they have been approved by a hunter safety instructor. But to answer your question, as far as the Ridgewood Rifle Club is concerned we have very few fathers and mothers who are enthusiastic about the shooting sport. It is a controversial sport. So, as I said in my statement, we depend on their approval. Now, when it comes to the cumbersome registration or fingerprinting - as I say, the bulk of our income comes from these parents, - if they are faced with this registration and ask questions why do they have to be included in the list to the State Police, I am sure they will say to their boys that there

is a basketball course open on Saturday morning and why don't you try that rather than Ridgewood Rifle Club. That's our objection to it.

Does that answer your question?

ASSEMBLYMAN FRIEDLAND: You've answered it.

Thank you.

MR. FITZGERALD: Thank you.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

I would like to call on Rabbi Morris Shmidman who asked for a few moments to make some remarks.

Rabbi, are you representing the Rabbinical Council of New Jersey?

R A B B I S H M I D M A N: That's correct. Mr. Chairman, I want to briefly submit this statement on behalf of the Rabbinical Council of New Jersey, which is composed of over 100 Rabbis serving in congregations within the State with membership of over 250,000 people.

I should like to just briefly state what I think is well known to all of us. I think all of us accept the fact that firearms are potentially a dangerous implement. We, secondly, all accept the principle that the protection and safety of the life of any individual is part of our basic duty and responsibility.

I think it is also axiomatic in our society structure that when one's rights or privileges also affect the safety and the health of others, it becomes a proper business of government.

One of the fundamental parts of our democratic structure is that in our society we are prepared to yield some of our own conveniences in order to protect the health and safety of others.

What has made our country strong and great, what makes our state a proper place in which to live is that all of us in some of our responsibilities and the exercise of our personal and public functions are always prepared to give up some of our own personal conveniences and pleasures in order to promote the health and safety of others.

I think that what is involved within this particular bill is just this, that through the adoption of this particular measure we may add to the health and the safety of some individual.

One of the things that has been noted throughout has been the question regarding fingerprinting and which has constantly been attacked because it seems to have a tinge of criminality to it.

As we have developed within our own society, fingerprinting is no longer related only to criminal behavior. Within our great space programs, within scientific endeavors people feel free to submit themselves to fingerprinting so that it serves as a proper basis of identification. And what was formerly the notion that fingerprinting automatically stamped the individual as having a relatedness to some criminal act, is no longer the case today.

Overwhelmingly, Mr. Chairman, our point is simply this - within our tradition there is one fundamental principle and that is that he who preserves one life is as if he had preserved the entire world. And if we enact legislation which helps to preserve one single life, then it is as if we have saved an entire world.

And I think all of us, in every group, those who are participants within this area of activity and those who may not be, are concerned with the life of another individual. And if we can through some regulatory process help to preserve the life of one individual then I think it's a laudatory and proper act. Therefore, I urge the adoption of this legislation.

ASSEMBLYMAN ADDONIZIO: Thank you, Rabbi.

I have another question directed to Attorney General Sills. The question is: Who makes the decision as to whether a physical impairment would make it unsafe for a person to handle weapons?

MR. SILLS: The issuing authority in accordance with the standards promulgated by the statute and the law.

ASSEMBLYMAN ADDONIZIO: Is Mr. Rikhoff in the house? Will you kindly that the chair, please.

Mr. Rikhoff, if you represent a particular group or organization, would you state so, please.

J A M E S C. R I K H O F F: Mr. Chairman, members of the Committee, may I express my appreciation for the privilege of testifying before the New Jersey Assembly Committee on State Government concerning Assembly Bill 165.

My name is James C. Rikhoff, a resident taxpayer and registered voter of High Bridge, Hunterdon County, New Jersey. I am an employee of the Olin Mathieson Chemical Corporation in New York City. While I have their permission to speak on this bill, I must stress that my testimony should in no way be construed as any official policy statement on that Corporation's behalf.

I am speaking as a member of the legislative committee of the Camp Fire Club of America, a national conservation and sportsman's organization that has devoted over seven decades to the preservation of both our country's natural beauties and citizen heritages. Among our farflung achievements in conservation was our successful campaign for the Mount McKinley National Park in Alaska. The club sponsored and finally achieved passage of the Enabling Act in July 1918 which put the Migratory Bird Treaty in force. The club's conservation committee was asked in 1929 to supply standards, still in use, to govern the national parks.

I might also add that we include such famous members as Theodore Roosevelt, Gifford Pinchot, Ernest Thompson Seton, and numerous other gentlemen who are well

known in politics and conservation. I mention this only to provide a background to the club's activities.

The Camp Fire Club has always had great interest in all legislation affecting the use, purchase and ownership of sporting firearms by United States citizens. We are particularly concerned with proposed restrictive legislation in the Metropolitan area surrounding New York City as so many of our members are resident in this region.

Frankly, the membership views the proposed Assembly Bill 165 with nothing short of alarm, astonishment, and well-founded suspicion. The club has a number of excellent lawyers included in its membership and the bill has been carefully considered from a legal aspect, but I do not intend to burden you with a recapitulation of our findings in this regard as this subject has been painstakingly analyzed by many others today. Rather, I have included a brief synopsis of our constructive criticism on certain points as an attachment to my remarks. We sincerely hope this summary will be of some assistance in revising the legislation before us.

We prefer to utilize our time in bringing out what we consider to be some original opinion in regard to the construction and application of this legislation as currently written. In order to properly construct our point it will be necessary to go back to the founding of our Republic for a brief background for the issue involved. Surprisingly, we do not intend to discuss the famous Constitutional Second Amendment -- "The Right to Keep and Bear Arms" --

although we do feel there is considerable relevance to the underlying significance of this particular bill. Our approach is rather more basic as the contrasting political philosophy to be outlined obviously applies to many other things than the citizen's rights to purchase and keep arms without undue restriction.

When this country moved from a revolutionary confederation of semi-autonomous states to a federal system of government in the latter part of the 18th Century, there evolved two basic political approaches -- or rather one main political division -- to the government's attitude towards its citizens and that citizenry to its government. In a short time political leaders and parties grew up around these concepts and, to a large extent, this division in attitude has persisted to this day.

Briefly, Thomas Jefferson's "Jeffersonian Democracy" embraced the belief that the ultimate sovereignty belonged to all the people on an equal basis and all men shared the same privileges and responsibilities. On the other hand, Alexander Hamilton's Federalists envisioned a traditional republic ruled by an enlightened elite of talent and wealth. Those who deserved to rule would rule for the "good" of all. The common man could not be trusted with government; his rights would be doled out and governed by a self-perpetuating upper class of privilege and, hopefully, talent.

After a fairly horrendous period under the later Federalists when the Alien and Sedition Acts very nearly

undermined democracy in the new United States, Jefferson's ascendancy affirmed our democratic path and our government - with some notable setbacks - has continued on this line until recently. Unfortunately, the voices of the power elite - the privileged few - are being heard once more, but their cry remains the same...the common man cannot be trusted with dangerous so-called rights, the Bill of Rights is outmoded for the time, liberties change over the ages, the needs of the atomic age require the limitation of individual freedom, the state is the only one in a position to determine what is right or wrong for a people. Need I go further? I am sure you all have an equal stock of unfortunate examples of this sort of thinking. Needless to say, if this political philosophy ever prevails, public hearings such as these will become superfluous -- as well, I might add, as you and I in our present roles.

Within the framework of the contrasting political philosophies outlined above, where does Assembly Bill 165 fit? Let us consider this bill in its entirety -- and, more importantly, in its application to voter citizens of this state. Stop and reflect a moment or two. On what classes of people will this bill grind down upon harshly? What classes of citizens will be relatively unscathed by the bill's provisions and application by the authorities?

Gentlemen, this bill is the worst sort of class legislation. Let me pose a few more questions -- the answers you come up with will, I am sure, provide the justification of my statement. Will this bill apply equally

to all members of New Jersey's body politic? Will the members of the less privileged social and economic classes in our large urban centers have the same treatment as rural middle and upper class sportsmen? Who will be arbitrarily refused permits and firearms identification cards? Will it be a member of a minority group who has to walk into an unfamiliar, impersonal...and, let's face it, suspicious and possibly prejudiced -- police station and try to get a permit? Or will it be the farmer who has known his local chief for 20 some years? And who is the most likely to be denied a permit or identification card for the good of the so-called "public safety, health and welfare" - whatever that may mean in a particular situation? Who is most likely to violate one of the multitudinous and confusing prohibitions within the labyrinth of this misconceived and ambiguous bill? And, most importantly, when all is said and done, who is going to carry out his torturous appeal if he feels he has been capriciously denied his right to own a firearm? Who can afford the cost of justice? The record on this situation already speaks for itself.

We have heard it said that this Committee, this Assembly, couldn't care less for the sportsman or the right of New Jersey citizens to purchase and keep arms without undue restriction. We have heard it said that this is a "big city" assembly and that only the rural people were concerned about this bill. In other words, the implication was that "someone else's ox was being gored" so urban representatives weren't concerned.

I don't believe it - on any count. I think you are concerned - not only for the rural sportsman's rights, but for the rights of all of our citizens in this important area of legislation. In the first place, you cannot make this an issue of city versus country. My county, Hunterdon, has some 55,000 residents. How many hunting licenses could they have? What is the population of Essex, Bergen, Hudson, Union and Mercer counties? How many hunting licenses do they have? Gentlemen, when legislation like this is passed, everyone's ox is gored...and for generations to come. Secondly, I believe you are representatives of all the people of New Jersey, not merely spokesman for one particular area, class or group.

We at Camp Fire adhere to certain basic principles for any gun law, and our policy in this respect closely parallels that of the National Rifle Association. We support the right of law-abiding citizens to own and use arms, but we do not advocate a traffic of firearms totally divorced from control by proper authority.

When regulation is required to correct abuses, legislation should not exceed these criteria: prohibition of the possession of firearms by felons, fugitives, mental incompetents, drug addicts and habitual drunkards; severe additional penalties for the use of a dangerous weapon in the commission of a crime; making the sale of firearms to juveniles subject to parental consent and the public use of firearms by juveniles subject to adequate supervision; regulations on the carrying of concealed handguns should be

reasonable, with requirements set by law.

We are opposed to licensing or registering the possession of firearms, because we are convinced that appointed or elected officials should not have the arbitrary power to say who may or may not own a gun. And we know there is no positive evidence whatever that licensing in fact reduces the misuse of guns. The existence of a lawless few must not become an ill-considered excuse to jeopardize the rights of many.

We should follow the dictates of our principles and the mandate of common sense. We can ill-afford to abdicate our responsibility in this matter. When asked to comment on or support proposed firearms bills, ask your conscience and your opponents three questions relevant to the construction of good law.

1. Does the bill do what it is intended to do? In other words, does it right the wrong, stop the crime, remove the evil from society?

2. Does it impose an unreasonable burden upon the honest members of society out of all reasonable proportion to the results to be gained from its application to the criminal.

3. Can it be enforced?

Assembly Bill 165 as currently proposed cannot elicit affirmative answers to these questions. We have the example of prohibition in front of us to illustrate what can happen to a law that breaks down on these three counts.

And I might add here as an injection that any

time you have a law which is not accepted by a great segment of society because of its obviously unfair applications, it weakens all law. We cannot afford the loss of another important freedom by the stroke of a pen.

The firearms crisis today is dictated by the conflict between two fears: society's fears of the misuse of firearms, and our fears as shooters that the legitimate use of firearms will be destroyed by hasty legislation and arbitrary enforcement. We must work hard to find a common constructive ground of agreement that will preserve the legitimate interests of both parties, or our entire society will be the loser.

Lastly, we would like to restate two quotations that have particular significance to this situation. Thomas Jefferson once said: "No free man shall be debarred the use of arms." Ironically, his political opponent, Alexander Hamilton, had written in the Federalist in 1788: "No man can be sure that he may not tomorrow be the victim of injustice by which he may be the gainer today."

Gentlemen, this closes our statement. Again, please accept our appreciation for this time to set forth our views on this important legislation before you. (Applause.)

ASSEMBLYMAN ADDONIZIO: Kindly refrain from applauding, please.

Thank you very much.

Any further speakers, kindly spell out your name for the benefit of the press and our recording stenographers, please.

I would like to mention once again for the further speakers that if their point or points of view have been covered by a previous speaker, would they kindly be considerate and either bow out as a speaker or be brief. Some of these dissertations are quite long and I would appreciate it if you would be as brief as possible but yet make your point. Thank you.

I would like to call Mr. Edward Dolan, Prosecutor of Middlesex County, if he's available.

E D W A R D J. D O L A N: Mr. Chairman, my name is Edward J. Dolan, spelled D-o-l-a-n. I am Prosecutor of Middlesex County. I am here representing the great County of Middlesex, as well as representing the Prosecutor's Association of the entire State of New Jersey, in support of the proposed legislation on which you are presently conducting a hearing.

Anything that could be said in favor of this bill has been eminently set forth by the Attorney General. We have had several meetings - that is, the Prosecutors of this State have had several meetings with the Attorney General and the views of the Prosecutors and various other law enforcement officials of this State have been set forth at these meetings. The pros and cons of this bill have been adequately discussed and thrashed out and the Attorney General's position is the position of the Prosecutors of this State.

My personal position is that the bill does not go far enough. I believe that there should be total

registration, if we're going to have any enforcement measure at all.

Now, it seems to me that the objectors are very touchy about registration. I'm sure they are not touchy about registering their automobiles. As I understand the law in this State, you can't even run an outboard motorboat over 17 or 18 feet unless it is registered. I know because I tried it a year ago and I was stopped by the Coast Guard. And I forthwith had the boat registered. Our refrigerators, our TV sets, our hair dryers, everything's registered if you are going to have a guarantee on it. So there is no reason why, no logical reason, other than, of course, this very interested group of citizens, - other than the reasons they have - no reason from the standpoint of law enforcement why a weapon shouldn't be registered.

Now, if you pass this particular bill in its present form, to be perfectly honest with you, if we have a situation where we have found at the scene of a crime a rifle and there's no number on it, to be perfectly honest with you, it takes us months and months and months, if we can ever find where the rifle came from or who owned it.

If you have registration and if the owner is to have the \$2.00 certificate to purchase, then I see no reason why you don't have total registration and simply have the vendor also indicate the number of the weapon sold.

We had, in the past five years in Middlesex County, at least six or seven armed robberies, bank robberies,

and three of them were committed with shotguns. Two of the shotguns were left behind and we never had any way of finding where the shotguns came from.

I think that this particular proposed piece of legislation sets forth very reasonable standards. I can conceive, gentlemen, of a situation of a man who would be a known epileptic, for instance, carrying a gun and being permitted to carry a gun even while he was hunting.

I think that the Motor Vehicle Department, for instance, at the present time forbids epileptics from driving automobiles. Now, a fortiori, why not have the same rule apply to people who have permission to carry loaded guns.

I feel that this is a totally reasonable statute.

So far as fingerprinting is concerned, I look around this room and I see people 45 or 46, like I am, and I dare say that 95% of them have already been fingerprinted at least once in their life if they served in the Armed Forces. And there was no objection on my part when the Company Commander said "Step in line, Dolan, and be fingerprinted." I was very, very happy.

For instance, to carry this a step further, any Prosecutor in this State, I know in our office - all of our men are fingerprinted, all of our detectives are fingerprinted, all of our assistant prosecutors are fingerprinted. Now they are not second-class citizens. We don't infer that they are criminals by virtue of the fingerprinting regulation. The same thing applies to doctors and dentists and lawyers

before they take their State Boards, they have to be fingerprinted. So I think the fingerprinting objection to this bill is, frankly, not a good objection.

I think that this bill will definitely control or assist law enforcement agencies and I am sure in controlling the weapons and in controlling the registration of them, we're going to have a greater degree of control over crime. I know we will in our county.

So, without repeating the things that have been said by the Attorney General and the other persons who are in favor of this bill, I would like to say that the Prosecutors of this State are in favor of it. We have thoroughly discussed it and my personal feeling is that the bill does not go far enough.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

I would like to call Mrs. John J. Ryan of 29 Main Terrace, Bloomfield, to the chair, please.

Mrs. Ryan, you represent the Essex Council on Alcoholism?

M R S. J O H N J. R Y A N: Thank you, Mr. Chairman. The Essex Council on Alcoholism is an affiliate of the National Council on Alcoholism. This organization is neither wet nor dry. We don't care whether an individual drinks or he doesn't drink. We are interested in the person who is having trouble with his drinking. The purpose of the Council is to educate the public on the fact that alcoholism is a diagnosable and treatable disease; secondly, to help the person who is afflicted with this

disease; and, third, to stimulate the interest in the development of treatment facilities for the alcoholic.

As spokesman for the Essex Council on Alcoholism I should like to state at the outset that this organization does not take any stand or position as to whether a bill regulating the use of guns is passed by this or any Legislature. Our concern and the purpose for which I am appearing here today is solely to point out the discriminatory aspect of the proposed Assembly Bill No. 165 insofar as it makes reference to alcoholics. Because of this provision, we are definitely opposed to this bill as it now exists.

I would like to direct a question to each person who is present here today. That is: What is your concept of an alcoholic? I am sure that the answer to this question would definitely lack any semblance of uniformity as to the individual concepts offered. If this bill were to become the law of this State in its present form, the interpretations of the word "alcoholic" would be relegated to the subjective determinations of each administrative official administering the terms of the bill. This determination, however, cannot be construed as a purely ministerial endeavor without sufficient standards being established. This the bill fails to do.

We cannot dispute the fact that a weapon in the hands of one who is under the influence of alcohol certainly endangers the welfare of all. However, because an individual who some five or six years ago experienced a drinking problem is no reason to brand him for life as an alcoholic and, therefore not entitled to the same privileges as those of his

neighbor.

I'm sure that we can assume that the very basis for this law is predicated upon the public health, safety and welfare of the community. I am also sure that in many instances it is of necessity that the public good must prevail over that of the individual good. However, where we have reached a point that there is no rational basis for depriving the individual of his right, especially where the two interests may coincide, and function without interfering with each other, then the public health, safety and welfare cannot be used to extinguish the individual right.

If a person is no longer obsessed with a drinking problem, why should he not be permitted to enjoy the same pleasures of others? Undoubtedly, many such individuals have risen above their affliction to hold responsible positions at all levels of government, labor and industry. They have been entrusted with great responsibilities and have carried out their obligations with diligence. Can it be said that this individual falls within the "unfit" category? I speak, of course, of this unfit category as characterized in this piece of legislation. I feel sure that you will agree that this is not the intent of the framers of bill No. 165. Although he may have been considered as one with a drinking problem some years ago or even as an alcoholic, he certainly would not come within the terms of any such definition today. Further, he should not, therefore, fall within the unfit category

of an alcoholic under the terms of the present bill. Likewise, he should not be subjected to the supposed ministerial determination of one administering the law as to whether he falls within this unfit classification.

I might point that with regard to the mentally disturbed, the drafters of this legislation recognized that recovery from this affliction can result and provided for medical certification. Yet the same drafters have failed to consider rehabilitation for other categories including alcoholics and have impliedly branded them with the affliction for life.

How is one to be branded an alcoholic? Is it by medical records of an institution? If this be the intent of the legislators then there is going to be a reluctance of those afflicted with the disease of alcoholism, as well as their families, to seek the aid of such institutions less the individual and his family be stigmatized for life as an unfit person or a family who has an unfit member. This certainly retards the rehabilitative aspect which all those concerned with the disease hope to achieve.

Recently, in a newspaper article, I read what this bill has under consideration. It will require that the applicant will have to sign an affidavit that he is not within those unfit categories noted in the bill and this will have to be executed under penalty of the law for false swearing. Can a recovered alcoholic sign such an affidavit with any assurance that he would not be subsequently penalized for false swearing? Now we would be transferring

the ministerial subjective determination to the individual. The one-time alcoholic would never be able to sign such an affidavit particularly if he had ever been confined to an institution. How does this affect the recovered alcoholic who has not touched a drink for the past 20 or 25 years?

If we are going to brand this individual for life, I submit that this is a violation of his constitutional rights. Let us remember that alcoholism is a disease and, therefore, a medical problem and not a criminal problem. Even though alcoholics have been arrested in the past and will continue to be arrested, we must remember that the problem lends itself to a medical solution and one which the public is fast learning and accepting. The archaic concept of the skid row bum is fast disappearing and be assured that there is a vast difference between a drunk and a recovered alcoholic.

If it be the desire to pass the so-called gun control bill, then let there be standards clearly defined for those who are to administer the bill. Afford the alcoholic the same protection as that afforded to others in the same category.

We have no complaint to denying the right to have a gun to one under the influence of alcohol or who in fact is an active alcoholic. This is for the protection of the individual as well as the public health, safety and welfare, but, gentlemen, please reconsider your position on the all-encompassing term "alcoholic" because

in this State alone there are over 5,000 such persons who have been rehabilitated and would arbitrarily be affected by Assembly Bill No. 165.

Thank you.

ASSEMBLYMAN ADDONIZIO: Thank you very much, Mrs. Ryan.

I would like to call Mr. John J. Heffernan to the chair. He is President of the Police Benevolent Association of New Jersey.

J O H N J. H E F F E R N A N: Thank you, Mr. Chairman. My name is John J. Heffernan, H-e-f-f-e-r-n-a-n. I represent 15,000 members of the New Jersey State Benevolent Association. I am also affiliated with the International Conference of Police Associations which represents 400,000 law enforcement officers. I am also a member of the New Jersey State Police Training Commission.

I am here in wholehearted support, on behalf of my membership, of Assembly Bill 165.

I cannot see all of the controversy that's going on over such a bill, especially when citizens of this state who advocate law enforcement and we, in law enforcement, look at all the aspects of this bill and see that it's for the good of every citizen and the protection of lives and property. The very people in this room who are opponents of such legislation - their lives and property are affected under the jurisdiction of the bill. They have no idea what the criminal today - the easy way of obtaining guns that makes it possible for

crime and the rise in statistics, the way it is today.

I feel that all good citizens of this State should wholeheartedly support this bill as we do in law enforcement.

We are your public servants. We take an oath and are sworn in. We're screened. We are registered. we are fingerprinted to carry the guns that protect your very lives.

We have nothing against the sportsmen. I would say a majority of my members belong to sportsmen's clubs. We have nothing against sportsmen and we feel that the sportsmen should ^{have} nothing against law enforcement, and anything that's for the good of law enforcement. And certainly this legislation is for the good of law enforcement.

And certainly, as I went over the bill with the Attorney General, any aspects of the bill that are controversial or any constructive criticism or changes that can be made, that will not take away from the thrust of the bill, certainly will be reviewed and reconsidered.

So I beseech you people, in the wholehearted endeavors of law enforcement, to wholeheartedly support this Assembly Bill 165.

Thank you very much.

ASSEMBLYMAN ADDONIZIO: Thank you, Mr. Heffernan.

Mr. Attorney General, there is another question directed to you. It's in reference to a gentleman in our presence who is an amputee. I feel that the question

warrants another answer from you since you are certainly capable of giving the gentleman a satisfactory answer and it reads this way: I am an amputee and would like to know why I am classified with the subversives, criminals and addicts; and, secondly, if I am denied a permit by a local police chief either for personal reasons or in his estimation I am not able to handle firearms then I have to appeal to a judge which by hearing may take four or five months. Signed Maurice Hageman from Hightstown.

Would you answer that, sir?

MR. SILLS: I would be glad to answer it, Mr. Chairman. I tried to answer this directly by question this morning, by a terse answer a few moments ago, but I'll try again and if I miss the point I hope you will come back to the question because there is so much entailed in it.

First of all, this man is not classified anymore than I am, and I am physically handicapped, with criminals and narcotic addicts and so forth and so on.

The purport of this legislation is to seek out people who should not handle firearms either because they are physically unable to with safety or because they fall into a category which we in society know makes them a threat to the rest of the community.

So he is not being classified, nor am I being classified, and I'm in the same position as he is. I had polio in both arms, in both legs, in my stomach, and I have a spinal fusion, and I don't feel that I am being categorized and I am the one who assisted in the drafting

of this bill.

Now the next portion of the question, I think, concerned itself with who issues the permit?

ASSEMBLYMAN ADDONIZIO: I'll read it to you. The second part is: If I am denied a permit by a local police chief either for personal reasons or in his estimation I am not able to handle firearms then I have to appeal to a judge which hearing may take some four or five months.

MR. SILLS: First, let's take the law as it is today. If this gentleman wants to buy a rifle or shotgun, of course he can; if he wants to purchase a pistol, he would still have to go to the Chief of Police today but he would have to go to the Chief of Police today under little or no standards established by the law today. If that Chief of Police denied him, he would still have to go to the judge.

Now, this bill, if passed, would mean that even with respect to the rifle and shotgun, as well as the pistol or revolver, he would go again to that Chief of Police or the Superintendent of the State Police.

If that person determined, notwithstanding the evidence which the physically handicapped person gave, arbitrarily and contrary to the statute, that this man was unfit, he would have to do the same thing that he has to do under the law today for a pistol or revolver, go to the county court. This is our system of government.

If I ask the government for something and I feel I'm entitled to it and they don't give it to me, I have to go to

court. This is the democratic process. This is done in almost every phase of life which you can possibly imagine.

Now, the question was asked before and I answered it tersely and I heard somebody in the background say "Make him answer it again." so I'll answer it again. The question was: Who issues the permit? Who makes the determination if a man is physically unfit? And I said, the issuer.

The issuer, under the bill, is the Chief of Police or the Superintendent of State Police. During the recess hour I was asked by the Sheriff's Association to have the Sheriff also included as part of the issuing authority, and that will be taken under consideration. But those are the people who would make the determination.

Now the question is raised, how do they know when someone is physically unfit so that it's unsafe for that person to do it; how do they know who is a psychotic? Well, first of all, not everybody who is in every office is extremely expert in every phase of everything which comes to them. And if that person properly administers his job, he goes looking for expert advice.

Now in the case of the gentleman who spoke this morning, who mentioned himself and the other gentleman in the wheelchair, the indication was given that these people are trained in the use of rifles and shotguns and pistols and revolvers. They evidently have been on target ranges. They evidently have done hunting. If they appear before a chief of police or any issuing authority and present their evidence to him, they would be proving that they can safely

handle the firearms and, therefore, they would not be considered a disqualified person.

Now I must also point out, on the waiting period, that under the present law it probably would take four months but this bill provides for a hearing within 30 days. That's on page 15, line 12.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir. Getting to facts here, may I ask you a question, sir?

MR. SILLS: Surely.

ASSEMBLYMAN ADDONIZIO: These people present, Mr. Hageman and the gentleman in the wheelchair, if they applied - and I believe it's the intent of this bill -- if they applied for a license to own a weapon for hunting purposes or what-have-you, and they are classified as able, then am I right in saying that they would be permitted to hunt?

MR. SILLS: There's no question about it.

ASSEMBLYMAN ADDONIZIO: Thank you, sir.

MR. SILLS: They could hunt, go target shooting or anything that anyone else could do under this bill.

May I point out, Mr. Chairman, one thing. This bill doesn't look to the handicapped person who already is an expert. This bill points to the handicapped person who has never handled a gun but who today can walk down to a gun dealer and buy a rifle or a shotgun whether he's shaking all over or whether he has no arms or legs.

ASSEMBLYMAN ADDONIZIO: Thank you.

May I call Mr. Harrigan. Mr. Harrigan, would you

state your full name and the club or organization that you represent?

T H O M A S F. H A R R I G A N: My name is Thomas F. Harrigan. I am from Wyckoff, New Jersey, and I am President of the Fort Lee Arms Collectors, Inc.

I come here representing a membership of some 400 men who are interested in collecting firearms in the same way that another man might be interested in collecting stamps or another, coins.

Our men meet once a month in Bergen County and it is our practice to bring with us to the meetings firearms from our collections. These are not only antique firearms, which I understand would be exempted under this bill, but also modern long arms. We do not allow cartridge hand guns of any type in our meetings. But our members, many of them, are interested in collecting and shooting modern long arms, military weapons from World Wars I and II. And as I read the law, specifically on page 19, I do not see how our members could legally transport such long arms from their houses to our place of meeting and back to their homes again. The reasons given for a person transporting a firearm outside his house are given as in transit to an authorized target range, to a place for having repairs done, or - let me see, what was the other one, it escapes me at present, but at any rate there was no provision for a member of our club bringing a modern long arm from his house to this club and displaying it.

Now, in addition to displaying such weapons in our club, we also trade them, buy them, and sell them.

On page 2 of the law, under the definition of who is a retail dealer, it is mentioned that any person selling for a fee or profit any firearm becomes a retail dealer.

Now, many of our members do dispose of their firearms at our meetings for a profit. Some of these guns were bought many years ago at a time when the prices were depressed. At modern prices they sell them at a profit.

Now it's mentioned that retail dealers will have to be licensed under the new law, although no mention is made of what the licensing fee will be.

To me it appears that, if the law is passed in its present form, it will mean the end of the Fort Lee Arms Collectors, Inc., and any club of its type in the State.

I am sure that most of our members will either be unable or unwilling to pay the fee necessary to license themselves as retail dealers in order to sell or swap and sell one or two pieces from their collection in the course of a year.

Also, I do not see how they could legally transport any of their weapons to our club meetings.

In general, our membership is opposed to this law on other counts.

We have witnessed here today some rather unfortunate oratory, I think. We've seen the blood stained toga of our dead President held aloft as a reason why this

law should be put on the books, although no law of this type would have prevented the death of President Kennedy. The gun that was used to kill him was bought in interstate commerce and could not have been denied to Oswald by a law of this type.

We've also heard, and I believe unfortunately, members of Jewish groups come before us and speak in favor of this law when all of us have witnessed in recent years the tragedies that befell European nations where gun registration was in force and where the first things that a bunch of guerrillas, like the Nazis, did when they took over a country was to go immediately to the places where the registration told them the guns existed and seize them. So that later on the people, the Jews and others like them, were led away like sheep, disarmed, to the slaughter.

We all know what happened in Warsaw where these people, reduced to the last extremity to defend themselves and their own dignity, fought against their oppressors with bricks and broken bottles and pieces of wood and whatever guns they were able to steal by breaking the law.

I do not believe that we should see any law put on the books in the State of New Jersey which, although its announced intention is not to register firearms, would in fact be a defacto registration within a single decade. Over 90% of the guns would change hands at some time within a decade with the result that there would be a record on file with the authorities of the location of over 90% of the guns in the State of New Jersey.

The people charged with the enforcement of our laws today can promise us what they will do and what they will not do but can they promise us what those who follow them in another generation or in two generations will do, or how these laws will be interpreted.

In general then, I would like to, first, speak for a clarification of the status of members of clubs such as the one I represent; how are we to carry on the conduct of our business, which we maintain is no more reprehensible than that of stamp collectors or coin collectors, if such a law is put on the books; and do we wish to see go on the books a method of registering firearms.

I thank you, gentlemen. (Applause)

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir. Please refrain from applauding.

I would like to acknowledge the presence of Assemblyman Gimson of Hunterdon County on my extreme left. Mr. Gimson is not a member of this particular Committee but he is a member of the State Legislature and his interest, of course, is here and that's why he's present.

I would like to call Mr. J. Hanarahan, First Assistant Prosecutor, Hudson County.

Would you please spell out your name, sir, for the press and for the recording stenographers.

J O S E P H P A T R I C K H A N A R A H A N: I am Joseph Patrick Hanarahan, H-a-n-a-r-a-h-a-n. I represent James A. Tumulty, Jr., Prosecutor of Hudson County, and

while speaking for him I speak also for 12 Departments of Police and perhaps 3,000 members thereof.

We are totally in accord with the statement given by the Attorney General this morning, and the answers to questions given by him this afternoon.

We like very much the remarks of Prosecutor Dolan.

We think the adoption or the passage of this bill would be an aid in the detection and the prosecution of criminals and criminal acts.

The young lady said a few minutes ago that alcoholics are no longer dangerous people, if ever they were. Perhaps a harsher word could have been used than alcoholics.

The bill, we interpret not to mean people who have been rehabilitated from the strong use of alcoholic liquor but those who now suffer from the influence of overdosage. The word probably should be drunks or drunkards.

Those who may be inconvenienced because of new interpretations of recording, manufacture, sale, and use of firearms, because in the over-all the good citizens of the State of New Jersey, which these clubs are, should want to, and we believe they do want to, help in the prevention of crime and the prosecution of those who commit crime.

In the over-all picture in the help to those entrusted with law enforcement, as compared with the little

inconvenience, if there is any at all, should be outweighed.

Those who complain that they may be required to register themselves as business people, perhaps pay a small fee to be recognized as such by their government, should be no strong opposition to the bill.

Again I repeat, we recommend the passage of it, we adopt and support the views expressed by the Attorney General and the other law enforcing officers of the State.

If there is a question, I will be glad to attempt to answer it.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

Once again I would like to mention, if someone has covered your point, kindly be considerate and be as brief as possible.

I would like to call Mr. Grondin. Kindly spell out your name and state the organization or club you are affiliated with, if any.

C O R N E L I U S H . G R O N D I N , J R . : My name is Cornelius Howard Grondin, Jr. I reside at 150 Thomas Drive in Clark, Union County, New Jersey. The name is spelled G-r-o-n-d-i-n.

I operate a licensed detective agency in Woodbridge.

Before going into the text of my prepared material here this afternoon I wish to bring warm greetings to the Assembly Committee on State Government, its Chairman, Assemblyman Victor F. Addonizio, and the members, on behalf

of the Private Detective Association of New Jersey, Inc.

This material has been prepared and distributed by our Association, a non-profit organization and any appearance or statements, vocally or written, by me is on behalf of the Association.

You may find repetition on my part relative to the remarks of other speakers. As I proceed, however, I am sure you will agree our position in this matter is different from the position of others and unique.

The purpose of this Association is stated in the prepared material made available to you, Mr. Chairman and the various members. In addition to our declared purpose I wish to enlighten the Committee as to the position of the Private Detectives Association of New Jersey and the sound reasons for our position in the matter of A-165.

The following opinions and observations are worthy of mention in order for the Committee to realize the importance and to realize the impact of A-165 has and would have on those of us licensed and to those duly registered under our licenses in this State.

I have been personally engaged in this professional field since 1950. I have held a license jointly and individually since 1958.

I am well aware of the total scope of operations and trust you will agree with me and thus deliberate accordingly in your reviews of A-165, especially concerning sections 41 through 45, inclusive.

Incidentally, you have those spelled out

separately on sheets in the material presented to you.

You will also find other areas of A-165 that we are opposed to in part or fully.

Appearing today is something I personally feel could have been avoided. Although our purpose relates to harmony with law enforcement bodies, the Private Detective Association has found sincere cause to differ. This is the only time, to my knowledge or to the knowledge of my colleagues, that the Private Detective has been caused to differ, publicly or privately, with the Attorney General's Office and the views in some quarters of the State Police and other enforcement bodies at lower levels.

As Past President of our Association for three terms, as present Chairman of its Legislation Committee, as advisor to the Citizens Committee for Firearms Legislation, and having maintained a liaison with many police departments in New Jersey, and an active and regular or associate member of many law enforcement associations and professional organizations, it is my fervent wish that the foregoing and the following will serve to assist you all in a positive direction in your deliberations regarding certain sections of this entire Act. You may rest assured we of this Association shall be standing ready to be of whatever assistance this Committee deems necessary in the future.

For the edification of this Committee and other interested parties, I submit the following, but care to eliminate the "Purpose" that I set forth on page 3 of our prepared material in the point of brevity. However,

some of our observations and opinions follow:

Originally in these United States, all law enforcement was by the Militia of the original Thirteen States, then by the sheriffs of the respective counties, and as towns and cities sprang up, throughout the original states, constables and marshalls assisted locally under narrow jurisdiction.

However, the ultimate power to keep the peace, enforce law and make arrests when in the public interest, was given by our founding fathers to each and every citizen of the United States, and was so intended to remain there for as long as our republic would endure.

The reasons were well founded. Our founding fathers knew that an unarmed citizenry could always be cowed and subjugated by tyrants both within as well as beyond our borders.

Therefore, it was intended by our founding fathers and so written into the Constitution that each and every citizen of the United States of America would police his neighbors, police his county, police his state, police his nation against all enemies, within and without.

And you might note that these powers were vested in citizens of the United States, not resident aliens, tourists or visitors.

In view of these opinions, the only function of all law enforcement agencies was to and presently is to carry out the will of the citizenry of the United States

wherever the citizenry cannot or does not wish to become involved personally and hires such enforcement officers to do its bidding.

Public law enforcement officers must be paid, and paid out of the public tax revenue. Modern law enforcement has become a monstrously complicated and immensely expensive drain on the economy of all governing bodies, whether municipal, county, state or the federal level. Yet, in the final analysis they have not and never will be successful in controlling crime and the criminal element, because the law enforcement bodies cannot do it alone.

In the same light as above, with all the huge law enforcement agencies in this nation, no government body can guarantee such a basic and elemental right as the right to protect private property. Whether it be a modest home or small piece of land, or huge industrial complex, unless the individual concerned at his own expense supplements law enforcement agencies with the hiring of security guards for protection of life and property.

You will note here that the expense is borne by that individual or corporate group and not the taxpayers as a whole. In other words, the individuals that need the additional police protection provide it themselves with no drain on the economy.

In like manner, no enforcement body in these United States can guarantee any person to be safe, secure in their person, life, property or belongings, whenever the criminal element in any community becomes numerous enough

and beyond the control of enforcement agencies. Therefore, again the individual who wants to supplement local law enforcement must hire private police guard to be safe in his person, life, property and personal belongings, again at his own expense.

In order to develop the proper understanding of the private detective or the private police in the United States and their place in the over-all scheme of things related to law enforcement and the protection of life, property and valuables, we have to go back to the early days of our republic.

Remembering that the United States Army and its citizen soldiers did all the fighting and pacifying of hostiles in the United States with its many Indian wars, guerrilla wars, outlaw and renegade gangs, and the sad war between the states; yet, the only place both the citizenry as well as most government bodies could turn for investigative and protective services were the organized detective agencies who did furnish to the United States government, as well as states and territories, counties and municipalities and most of the private business giants the protection that was so badly needed then as well as now.

It may be incidental and it is our history, one agency was the official investigative and protective body for President Lincoln and the federal government during the war between the states. They later contributed greatly to the Federal Identification Bureau. And I wish to mention at this time some of the services that are provided by

licensed private detectives in this and other states. Our responsibilities lie with accounts such as banks and warehouses, public utility groups, private towns, horse racing tracks, car racing tracks, amusement parks, docks, piers, construction sites, private clubs, and the rest. For brevity sake, I will not mention the other dozen or so listed here.

Now, acquainting you with the background of the private detective, in part, I would now like to go into the present circumstances.

For each person appearing on a private detective license a complete background investigation is conducted by the Division of State Police. This includes state and federal files check, credit background, military background and neighborhood inquiries. It also includes inquiries of references submitted and/or other inquiries deemed by the Superintendent of State Police to be necessary and pertinent. The applicant is fingerprinted on three or more prescribed applicant cards which also set forth his description, prior records on file and other pertinent data.

The license holder must provide a bond through a surety company. Once licensed, he must make a sizeable investment to operate. He must possess many other qualities, virtues and abilities to be self-sustaining.

The license holder takes no issue with what he must possess and what he must do to be properly licensed by this State and under the supervision of the Division of State Police.

Now, because of the stringent background investigations, adequate fingerprinting and constant awareness of the State Police as the issuing and supervising body, the license holder strongly opposes portions of Section 43 in A-165 which omit him from being excepted from the Carry Permit Provisions.

Mere appointments by local governing bodies exempt certain of those in the exempting paragraphs presently, whereas one qualified to hold a license after all the foregoing has been complied with must subject himself to a duplication of effort, expenditure of time and money and finally be judged by a municipal police head as to whether the permit shall be issued or denied.

I loathe to think of the potential corruption and bribery that would be nurtured by the Firearms Identification Card and abuses in connection with the issuance and denials of same.

For your further edification, all licensees in this State operate with assistants - employees, if you will. Some are clerical, many are investigative and many are uniformed security guards.

To hire any and all of the employees, as mentioned, the license holder must obtain three sets of fingerprints of the applicant. He must require a prescribed three page employee statement to be rendered in the hand of the applicant which also must be notarized. Thereafter the Superintendent of the Division of State Police causes two sets of the fingerprints to be checked,

and so forth.

If no derogatory record of the applicant is uncovered, he may be hired. Further, many agencies conduct their own investigation of the applicant. These requirements of license holders concerning prospective employees have existed since 1939 under 45:19-8 - and you have a copy, Mr. Chairman.

With such requirements being satisfied in every case of a duly hired employee the Private Detectives Association strongly opposes portions of Sections 41, 42 and 45 as set forth in the proposed bill, A-165.

In addition to supporting the Citizens Committee for Firearms Legislation in these areas of 41 through 45 inclusive, this Association strongly urges you to consider exempting employees of private detective licensees from the carrying of blackjack, billy and nightstick, as the Section may allude, while in the performance of their assigned duties. To exempt such employees would assist the licensee in providing the essential implements in many instances and also avoid issuance of a hand gun or shotgun or the request for a carry permit in these respects. Therefore, you can see we could exercise more control over each employee and it would decrease carry permit applications and the county court responsibilities connected with that issuance.

Although the Private Detectives Association is in accord with many of the provisions of A-165 and it is gratified that some of its suggestions offered in an

advisory capacity to the Citizens Committee for Firearms Registration have been included in the present A-165, it does oppose some further sections and/or portions of sections.

We predicate our differences thusly:

The Act must be constitutional and practical.

It must class firearms and dangerous weapons separately.

A further distinction must be made between sporting arms, such as rifles, shotguns and the like; between hand guns as the Act may affect target shooting and recreation; and it must allow for the wholesome pursuit of firearms education as it is best provided by the possession and use of air, gas and spring operated small arms.

We urge you to remember the Boy Scouts of America, the Chartered Hunting Club Auxiliaries, and the like.

I now relate to certain portions of A-165. Chapter 151-1, paragraph (h). This requirement would require a licensed private detective to be licensed annually as a dealer at \$50 per annum, as it presently reads.

Relating to Sections 4, 12 and 32, withstanding the Attorney General's office issuing a favorable opinion concerning paragraph (h), licensees would still be in violation of this section when transferring any firearms to the custody of a security guard even when on private property in order for him to properly carry out his duties.

Relating to Section 5, we of the Association feel that three convictions are all that is necessary to make the third conviction a possible life sentence. To have a fourth conviction, or more, for a life sentence to be imposed, would only free the criminal with such propensities to further endanger the public at large.

We are in basic agreement with the following, although as presently written, we have serious reservations on certain aspects:

Relating to Section 9, it is noted that disenfranchised citizens, those you've heard about during the day, such as the subversive members or groups, mental incompetents or less, physical incompetents, persons with a recurring or prevailing sickness, addicts, alcoholics or users of habit-forming drugs, make up a very light amount of criminal fingerprint files. This segment, these five or six groupings, is what an uninformed press has related to the public within the borders of our state as being the prime need for a firearms act reform. And here today we know the act goes well beyond those five or six elements.

What subversive member or group is required to be fingerprinted? Recent Supreme Court decisions have taken care of that, sad to say. The fingerprinting of mental confinees is a small if not minute process. Physical disabilities, to the point of being incompetent are nowhere chartered or apparent in citizen or criminal fingerprint files, other than aspects of characteristics

of a criminal.

From the practical approach, the adoption of a fingerprint system to allow New Jersey citizens the Constitutional Right to bear arms would include only those clear in background, "possessing no disabilities," infirmities or unwholesome habits or subversive inclinations.

What we have in the present A-165 proposal is a partial process for the honest citizen, the agreeable payer of taxes to be fingerprinted to eliminate himself as a member of the foregoing categories or the criminally inclined or recorded. In essence, he ends up as a name and number in a file related to crime and the criminal.

Relating to Section 16, we find that property rights would be voided due to minor and technical violations. An unwholly grotto for a police state, in our opinion. It would require proof of the owner as to the date of possession, whether acquired before or after enactment of this proposed act as presently written; it reverses the Constitutional Rights and legal process by which, in part, our society continues to be the forerunner of all societies on earth.

Relating to Section 19, the one valid reason for concern of the firearms posture in New Jersey is the lack of proper enforcement of our present Act. We urge you to avoid such phrases as "public safety, health and welfare." Such are ambiguous, arbitrary and revert to judgments on a local, county and state level. We urge you

to spell out any conditions you, this Committee, may deem necessary concerning any qualifications. We implore you that any standards to be prescribed by any office, accompany proposed legislation. To do less is to neglect your duty to your constituents and office.

Relating to Section 33, we are completely opposed to a system of firearms purchase identification cards. As related heretofore, the criminal does not register anything. He is lawless. He takes pride in evading our statutes and can ultimately possess any firearm or dangerous weapon he may desire. To fingerprint every citizen possessing a firearm is repugnant in itself. A positive, direct, and relatively inexpensive and sole approach would be a firearms revoked list. Such a list would be maintained by the Division of State Police in liaison with every municipality, county and dealers or other interested persons, as the Division may direct. In this way a minority is dealt with. In fact, a minority that must be dealt with. It would place convicted persons and criminals with convicted persons and criminals, mental disorders with mental disorders and would leave the honest citizen that which he is.

This Association endorses the Citizens Committee for Firearms Legislation Study and Recommendations set forth in Section 30 of the CCFL study.

Do not overlook the possessor of such an identification card as in A-165, of keeping, storing and using his firearms in a domicile or atmosphere permeated

by a convicted criminal, mentally committed or retarded or subversive person.

In essence, you gentlemen here today can perceive with ease the Private Detective Association is concerned foremost with the public good. Our second interest lies with licensees in excess of 225 and the thousands of employees thereunder. Of equal concern is the ability and actual enforcement of any weapons law.

On behalf of the Private Detectives Association and its members, we urge you to revise A-165 to adopt Sections 41 as stated herein and Sections 42 through 45, inclusive, as related herein and attached.

Revisions to Sections 1, 4, 5, 9, 12, 16, 19 and 32 are also necessary.

We are completely opposed to Section 33 and Sections that relate to it and its purposes. Presently all legitimate arms transactions are recorded and therefore registered. Concern yourselves with further registration only by adopting the firearms revoked list.

In closing, I remind all those present that in this great society, this golden era, if you will, the trends are education, liberty, freedom of choice, speech, press and all the other freedoms. It is the time, the atmosphere of enlightenment, attainment, and the time of judicial and executive sensitivity. How at this time, nonetheless ever before, can we think - I loathe to say do - with three hundred thousand interested firearms enthusiasts, to the homeowner, propertyowner, taxpayer and family head,

reduce or take away, and I say in a generation or two, the keeping and bearing of arms for all the wholesome motives you have heard today or will hear and read from this time forth. Let us not consider far-out do-gooder thinking. The present firearms in any household has a profound effect on any potential burglar, breaking and entering artist, thief or rapist.

Let us provide enforcement with a proper statute. Bury bureaucratic approaches, adopt the revoked list which would avoid harassment of the law-abiding citizen, adopt stiff, enforceable penalties for offenders.

How in good conscience will anyone attempt to prohibit licensed private detectives and his agency from providing the sorely needed services and duties thereunder that are his endeavor, from which many of you derive benefits.

I wish to thank this Committee, its Chairman and members, and all other interested parties for the opportunity extended the Private Detective Association in being heard on this matter. And I thank you further, in advance, Mr. Chairman, for your learned deliberations in this issue.

ASSEMBLYMAN ADDONIZIO: Thank you, Mr. Grondin.

I have a question for you, please. Is it true that under the present law a private detective needs a permit to purchase or carry a pistol today?

MR. GRONDIN: To both carry and to purchase, yes.

ASSEMBLYMAN ADDONIZIO: And is he not subject to

the chief of police of a given community or city?

MR. GRONDIN: In that respect he is, whereas we had an amendment --

ASSEMBLYMAN ADDONIZIO: Then for those reasons you don't oppose A-165 because there is no change in A-165 on that score.

MR. GRONDIN: There is no change in A-165 relative to our not being exempted from the exempting paragraphs but we are at issue with A-165, and now that we have commenced this study we are at issue with not being exempted as a result of an amendment and you will find prior to the amendment that paragraph (j) deleted any member of a legally organized detective agency.

ASSEMBLYMAN ADDONIZIO: Well, you have a quarrel, evidently, with an existing law and not this particular measure. There is no change.--

MR. GRONDIN: We wouldn't term it a quarrel.

ASSEMBLYMAN ADDONIZIO: -- on carrying a permit or needing a permit to purchase or carry a pistol.

MR. GRONDIN: No, sir. But we wouldn't term it a quarrel. We would term it something that would be good for all because what we must do to be licensed is something we must do again, not as greatly but in part, to get a permit and on an annual basis.

ASSEMBLYMAN ADDONIZIO: Thank you very much.

MR. SILLS: May I make an observation?

ASSEMBLYMAN ADDONIZIO: Yes, Mr. Attorney General.

MR. SILLS: Section 43 originally contained a

paragraph called (j) which was deleted by the Legislature and the bill was signed by the Governor in 1963. This exemption, at that time, was directed to officers of private detective corporations and it stated that they were exempt from the law concerning the carrying of concealed weapons.

It happened that many of the private corporations would have one man who was screened by the State Police and who made the corporation qualify for the license and then they could hire five people the night before, and this was done, make them officers of this corporation, from first to tenth vice president or fifth in the case of five people, give them a gun and let them go out on some particular case.

Now, there were violations of law involved. There was quite a case here in Mercer County, not too very long ago and, as a matter of fact, it was after that case, when a private detective I think with four or five other men broke into a private home and into the bedroom and there was some shooting involved - and it was after that case that the Legislature in its wisdom deleted paragraph (j), and that's the reason for it.

It is our feeling that any man who can pass the State Police, as he does today, as evidently this gentleman has today, and be fingerprinted and be licensed as a private detective would have no difficulty himself in getting a permit to purchase or to carry, and if he wants to hire people in his business, it seems to us that they should be as qualified as he is, especially if the private

detectives are going to take the point of view which this gentleman took today, that they are supplemental to the police agencies in the State of New Jersey.

ASSEMBLYMAN ADDONIZIO: Thank you, sir.

You are excused, Mr. Grondin, if there are no further questions.

I would like to make a point to the speakers who will follow, kindly bring your points to a head, not that I want to cut anybody's time but be as brief as you possibly can and yet stress your points.

I would like to call Mr. James E. Anderson.

Kindly spell out your name and state the group you represent, if any.

J A M E S E. A N D E R S O N: Thank you, Mr. Chairman. My name is James E. Anderson and I'm an attorney with offices in Union City in Hudson County. I am also a lifelong shooter and sportsman and for this reason I feel that I am perhaps better qualified than the average layman to express an opinion on the problems which revolve around firearms legislation. I want to make it clear that the comments and opinions which I am about to make and express are my own. I am not representing any particular group.

Now, in the present state of our firearms law, there are numerous areas which are gray, foggy, and not well construed. In many portions of A-165, these gray areas are resolved. They are clear, so that while I completely understand some sportsmen's, at least, opposition to this proposed legislation, I would like to make it clear to them that in many sections, or in a number of sections at least, this bill resolves, I hope, forever, many of the problems which we have encountered.

In the last few years my name has been on file with the National Rifle Association which has, upon receipt of complaints from sportsmen of harassment and being denied purchase permits for hand guns, sent them my name, and I have, without charge, in the interest of maintaining the rights of all of us with respect to our weapons, managed in most instances to clear up the difficulties.

Now the main thrust of the bill being to restrict and deter undesirables from obtaining access to firearms, I think we should consider the sociological and criminological aspects of this bill.

In our State, as in most states, driving an automobile is not an absolute right. It is a privilege. I think no one can deny that certainly a firearm is equally as dangerous, if not more so, than an automobile. So why, then, should a sportsman, taking a reasonable and logical view, not admit that in our modern urban society his privilege to have and use and acquire firearms might be subjected to reasonable restriction and reasonable control. I am quite aware that the firearms purchaser's identity card is a novel approach - I don't know of its having been used elsewhere - but early last year, Mr. Sills was kind enough to permit me to discuss the proposed legislation with him, and I was immediately subjected to a bombardment of questions from my brother sportsmen, many of whom I see here today. I told them then and I tell them now that anything I do, or any expression of opinion which I may come to, is arrived at by my experience as a sportsman and a shooter and also by my experience as a lawyer. So, as I say, I see both sides of this coin from the standpoint of me as a shooter and Jim Anderson also as a lawyer.

I feel I am a moderate in my views. I look forward to the day when I can teach my son, now six, to shoot his first little rifle and later on a hand gun. I think this

is the American boy's heritage and I don't intend to give it up for anyone. However, as I say, this not "right" but "privilege" to own firearms in the light of presentday crime problems must be given a sound, logical consideration.

The proposed legislation, I think basically, is sound. However, there are certain provisions which will bear some looking into. Taking them up in order, on page 2 the definition of "manufacturer" at subparagraph f. should take into consideration and exclude persons who hand-build firearms, particularly hand guns. It should also take into consideration pistolsmiths. I refer now and I think of my good friend Austin Bealet who is somewhere here. He's a craftsman, an artisan in the manufacture or modification of factory-built weapons. I don't think he should be called a manufacturer, and it's conceivable to me that under the provisions of paragraph f. he might be so considered. I think this should be taken into account.

Further on down on page 2, I think we should define "high explosives." This is a rather loose generic term and I feel that I wouldn't want my chief of police coming into my home and telling me that the bull's eye powder I am using to reload 38 and 45 calibre cases is a high explosive. I would like to see that clarified.

Another item which I find objectionable is on page 3, 2A:151-2,- the words "dangerous instrument of any kind." This brings to my mind the Sullivan law in New York, the constructions of which I am advised might make a housewife's

paring knife a dangerous implement so that she might be subjected to prosecution for possession of it. I realize this is a wild example but wild things happen, and I feel that when we are considering restrictive legislation we should be most careful not to leave room for injudicious interpretation. Judges, like lawyers and attorneys general, are all human and subject to error, and I don't like to see or think of a situation where an injudicious interpretation might result in a conviction of some otherwise innocent person.

Now there should be a provision in this bill for firearms coming into the possession of an administrator, executor or guardian, or any other personal representative of a decedent, an infant, or an incompetent. Some mechanics should be devised to provide for this.

On page 3 again, 2A:151-5. I feel that we should say whether we are speaking of statutory or common law crimes; for instance, burglary, a common law, was the breaking into a dwelling house by night. Statutorily it's otherwise. I think we should define this.

Page 11, subparagraph c., line 35. I feel that the words "or imitation thereof" are frivolous usage or terminology and I see no reason why a pistol dealer shouldn't have a replica of a pistol in his window. Obviously, he shouldn't have a pistol in it, because glass is highly breakable - the criminal element.

On page 15, the phraseology, "nor to any person where the issuance to him of a permit would not be in the interest

of the public health, safety or welfare.." I feel that this leaves entirely too much latitude to the idiosyncrasies of the individual issuing authorities. I have handled literally dozens, and perhaps more, of cases where applicants for a purchase permit were denied by a police chief who misconstrues his rights and his obligations under the law. As recently as a month ago, I spoke with a police chief in northern New Jersey who was consistently denying permits. Based upon his opinion a person should have training and experience with firearms before he was permitted to have one. Now this is a very fine safety provision and I can't disagree with it on that ground. However, this created what we might call a "chicken or the egg" proposition. Two or three of these applicants from the same large city couldn't get the pistol until they had experience, and they couldn't get experience until they had a pistol. Where were they to go from there? I feel that some standard should be established in the use of the phraseology which I have just quoted from the act. I certainly don't ever intend to speak in a derogatory manner of the superior police official; he is human, like all of us, but I have found, as I said, that many of them indulge in the most unusual interpretations of the law.

I had another one less than a month ago tell me he was denying a permit because he personally thought the man had enough guns, period. Now this was not his right and I so advised him. I advised him further that, while

I did not want to litigate the issue, I didn't want to publicize to the undesirables the mechanics of obtaining a purchase permit - as a matter of policy I consistently decline to do so - and he said to me, "Well, why don't you make a test case out of it?" I said, "Chief, that's exactly what I'm trying to avoid." This is very, very bad publicity in public relations. To tell some joker who is a criminal but has never been caught that he can obtain a purchase permit because he has no criminal record, I don't want that. I asked him to obtain advice, for instance, through corporation counsel of his municipality, which he subsequently either did or forgot about, and he eventually issued the permit. This is the sort of discretion that I do not want to see exercised by issuing authorities, and for this reason I find this terminology objectionable.

I now come to a portion of this statute which I discussed with our Attorney General this past year and, true to his word, he has given the shooter something in exchange for a little restriction. He has provided that any person aggrieved by the denial of a permit or identification card may request a hearing in the county court of his county. It is further provided that the hearing must be held within 30 days, thus doing away with what Shakespeare referred to as "the law and its delays." I suggest that this provision be amended to indicate that the denied applicant has a right to so apply within 60

days of the date of denial and, further, that the chief of police or other issuing authority be obliged to serve upon him, by certified mail and return receipt, his determination and the reasons therefor. This notification of the denial of the permit should include in very, very plain language that you don't have to be a lawyer to understand that the applicant has this period of time in which to apply to the county court, so that every person is advised of his rights. I find that many shooters don't know the law - I don't expect them to - and I think that they should be advised of it when they are denied a permit to purchase or carry.

On page 16 of the bill, I note that conviction of a crime or a disorderly persons offense is referred to. I suggest that this act, when it is put into final form, or the Legislature attempts to act upon it, have a provision of some sort which sets forth that a disorderly persons conviction is not, in and of itself, a ground for the denial of a purchase permit or a firearms purchaser's identity card. The reason for this is that our disorderly persons act contains so many provisions, the violation of which does not involve moral turpitude, that I feel that some innocent shooter would inadvertantly run afoul of the disorderly persons act, and a policeman who strictly enforces the law should not be subjected to a disability because of such provision.

On page 17, I come to what we might call giving a stock dividend, which I feel Mr. Sills has given the shooters of this State. Upon receipt of this life

time pass, as we might call it, to buy a rifle or shotgun, when you apply for other firearms permits you should not be fingerprinted again. The benefit in this consists of the fact that many detective bureaus are not open at night and the shooter has to take a day off every time he wants to purchase a permit for a hand gun - take a day off and go up there and wait his turn.

Also on page 17, line 11, "A permit to purchase a pistol or revolver shall be valid for a period of 60 days from the date of issuance.." I suggest that this be lengthened to six months, for what I consider to be an excellent reason. Anyone who goes to buy one of John Giles .38 conversions or .45 calibre automatics which are "accurized," sometimes puts an order in in January and doesn't get the gun until June. I went through this myself and I feel that for this reason the permit should have a life of at least six months and be extendable for at least 3 months in the event the weapon cannot be delivered in time. I could note that I particularly, as of last year, asked Austin Bealet to build me a new .45 and he took six months. I had this in mind when I noted this provision of the bill.

Line 21 of page 17, I feel should be made stronger so that issuing authorities having no formal legal training will understand clearly, unequivocally and forever that they are completely forbidden to set their own personal standards as requirements for shooters to obtain their weapons. This should be made as strong as it can be made. My own experience with chiefs all over the State produces

this attitude on my part with respect to this portion of the bill.

On page 19, the exemption permitting the shooter to travel to and from a range, I find the terminology "traveling directly to or directly from any target range or other authorized place for the purpose of practice" objectionable inasmuch as I feel reasonable deviation from the route should be permitted. I might inject the thought that my spouse joins with me in this inasmuch as she goes to Shutsin Park on Tuesday nights with her pistol case and then goes for a hamburger with a friend. Under the terms of this act, I would have to bail her out some fine night for deviating from her route. And she doesn't pay fees, and I object to that.

Now on page 21, subparagraph o., I would like to call the attention of my fellow-sportsmen to the fact that this paragraph, as long as I have been a lawyer and been familiar with it, as it exists at present was one of these dark, cloudy areas. A strict judge, and I have several of them in mind, would have construed this section as it now exists to mean that you were exempt from the provisions of paragraph o., as an NRA member, only traveling to and from a range where you were conducting an NRA sponsored match, competition or practice. It might further be construed to be applicable only to members of clubs formed under the DCM, the Director of Civilian Marksmanship. It might have applied to it an even stricter construction that pistols weren't in the thing at all, inasmuch as the National Board for the Promotion of

Rifle Practice is involved. These constructions, I will admit, would have been extremely specious and very frivolous, but in order to prove that the judge was being frivolous the citizen involved might wind up in front of our Chief Justice and his six associates, spending several thousand dollars to prove his innocence. For this reason, I feel that this amendment makes it very clear what our rights are with respect to pistols.

There is a further provision here that a copy of the charter of the Club must be filed with the Superintendent of State Police and a list of the members of the Club submitted annually to the Superintendent. I am of two minds on this, but I feel that any person,- and I will make this a blanket application - who by reason of the exemptions given to him by this act, is accorded the privilege of carrying his weapons back and forth to wherever and from wherever should reciprocate by not objecting to Superintendent Kelly's having his name and address. I don't see anything offensive about that at all.

I feel further that the exemptions contained in 2A:151-43 should be amended to exempt a person in possession of a firearm when he is in fresh pursuit of a criminal, in the act of preventing a crime, defending himself against the commission of a crime, and attempting to apprehend a criminal. The reason for this is very simple. In New York City if you are walking along and you happen to be a good shot with a pistol and a policeman is injured

by a criminal and, while he is lying there his gun is on the ground and you pick it up and attempt to pick off the miscreant, you have instantly violated the Sullivan law and you may be apprehended, and many people have been.

I feel that for this reason and the further reason that this act now makes it an offense to possess an unconcealed weapon - hand gun at the very least - without a permit to carry, whereas heretofore you could walk down Broad Street in Paterson with a pistol on each hip and you were immune because the weapon was not concealed - for this reason, this act becomes a little more stringent, and I feel that this exemption should be granted to a civic-minded citizen who may either protect an officer's pistol if he's injured or attempt to use it on a criminal. I feel that this would be in keeping with the "tit for tat" exchange of privilege and restriction.

I feel further with reference to the provisions for issuance of a permit to carry a concealed weapon that some standard should be established. The only provision, as this bill handles the situation - it says that the judge must be satisfied of many things, including the need of the applicant to carry a pistol or revolver. I feel that some standard should be established on this score.

Again, when an applicant for a carrying permit is denied his permit, I feel the bill should include a provision that the denying authority should advise him by certified mail, return receipt, of the denial of his

application, the reasons for the denial, and further advising him of his right to a hearing, which I have previously mentioned.

Also with respect to "carry" permits, I feel that it is needless, tedious repetition for a person who has been found qualified and with need to carry a weapon to have to renew it every year. I feel that once the need has been established, he merely be required to certify annually that this need still exists. As most of us know, it is a high misdemeanor, which is in other states called a felony, to make an inaccurate, knowledgeable misrepresentation on any application for a firearms permit to purchase or carry and thus I feel that such a provision would do away with a lot of processing and a lot of waste of time.

This concludes my consideration of the portions of the bill which I feel need some change. However, I feel that some additional assurances might be given me and my fellow-sportsmen that the heretofore existing harassment of sportsmen coming in and "well, we're only open from 1 to 2 with an hour out for lunch today; we can't give you your purchase permit" should be done away with. I feel that the bill should contain a provision protecting sportsmen from repeated returns to their police department for things to which they are unquestionably entitled.

I want to say with reference to the proponents of more severe penalties for crime as a deterrent to the use of firearms in criminal endeavors that in old England, when the

hangings were going on at Tyburn for larceny, when picking pockets was a capital offense, the pickpockets had a field day. The severity of the penalty is no deterrent to crime. If it were, we wouldn't have the homicide rate that we have.

I further feel that the bill should not include sheriffs as issuing authorities for these permits. I feel that this is a duplication, that this will give the shooter in some municipalities the run-around. "I don't want to give it to you. Go to the sheriff." and the sheriff says, "I don't want to give it to you. Go to the Superintendent." And the shooter may thereby become subject to a "Tinkers to Evers to Chance" throwing of the baseball.

Insofar as objections to the firearms purchaser's identity card, I feel that there will be abuses of this system and it will cause corruption, and I feel it is unwarranted. Inasmuch as no system ever devised by man is perfect, there will always be abuses and there has always been and always will be crime. I feel that the use of rifles and shotguns is of such a nature and the weapons themselves are of such a nature that no reasonable person should object if law enforcement wants to know who is or who isn't qualified, morally and otherwise, to have a weapon.

I think that I have amply covered and considered my examination of the bill. I want to thank the Committee for its time and I want to thank my fellow-sportsmen for coming down here and showing their interest, and I hope that not too many of them are in conflict with my views.

Thank you.

ASSEMBLYMAN ADDONIZIO: Thank you, sir. Due to the lengthy testimony by some of us, I may not be able to reach everyone who desires to speak. However, if you will submit to me, as Chairman of the State Government Committee, any testimony in writing, I will see that it will be entered in the record. The same thing applies to the legitimate questions.

UNIDENTIFIED MEMBER OF AUDIENCE: Who should these be addressed to?

ASSEMBLYMAN ADDONIZIO: You can address them to the Chairman of the State Government Committee, New Jersey Assembly, State House, Trenton. I have several questions along the same order directed to Attorney General Sills and I will consolidate them and ask him the one question.

If this bill becomes a law, what will stop a criminal or an individual from going to New York State or Pennsylvania, or the essence is out-of-state, to purchase a weapon? Now, there are several questions along that line, Attorney General, and I realize it's kind of a vague question.

MR. SILLS: I think in one form or another, Mr. Chairman, I have answered this question today. In my formal presentation, I indicated that just as Mr. Anderson and other people before him have said, this bill will not extinguish crimes with weapons, but it will at least take away the validity of an unfit person from going in and purchasing today a rifle or shotgun with which to commit that crime.

Now, I don't want to extend this hearing into a much larger hearing. But today, Mr. Benton quoted from the President of the United States but didn't say that the President of the United States had asked Senator Dodd, one of the most outstanding anti-communistic Senators in the United States Senate today, to propose legislation on an interstate basis. The bill which Senator Dodd presented to the Senate remained in committee because of the objections of the NRA and other interested groups. If the Dodd bill had been passed, even with all of the amendments which Senator Dodd said he was willing to make with it, it would be another tool whereby there would be a restriction on the interstate sale. Also, if the State of New Jersey requires an ID card for the purchase and carrying of a rifle or shotgun and if the State of New Jersey, as it does today, requires a permit for the purchase and the carry of a pistol or revolver, anyone in the State of New Jersey who writes and receives through the mail from out of the state a pistol, revolver, rifle or shotgun, without having that permit or an ID card, would be violating the federal law as it exists today.

I hope I have answered that question.

ASSEMBLYMAN ADDONZIO: Thank you very much, sir.

C A R L K A S T N E R: I have a few words to say on organization of DCM Clubs. There seems to be a little confusion. I submitted the organization of clubs to you gentlemen before the meeting, and today there seemed to be a difference of opinion on what a DCM Club is, because it

mentions the National Board for the Promotion of Rifle Practice.

ASSEMBLYMAN ADDONIZIO: Just a minute.

MR. KASTNER: I won't bore you with this but I would like to explain it.

ASSEMBLYMAN KASTNER: Take the chair. You, like everyone else here, did apply to speak, you know, prior to today. Unfortunately, the list is lengthy. Make your remarks, we appreciate them, and try to be as brief as possible, please.

MR. KASTNER: I will. You gentlemen have had this little form through the mail which explains the organization of the Clubs, DCM, National Rifle Association, etc. Then I have a prepared statement for today which lists my qualifications, which I'll skip over quickly.

I have been interested in organized shooting since 1924 when I first qualified as an expert rifleman. I have been a member of the Board of Directors of the National Rifle Association since 1939. I served on its executive committee for 14 years and have been an officer of the Association of New Jersey Rifle and Pistol Clubs since 1935. I have been a member of the Olympic Shooting Committee since 1948, when the United States went back into competitive international shooting. I served as a member of the National Board for the Promotion of Rifle Practice for five years. I have been a member of the International Shooting Union, and actually have been all over the world at international shoots.

Now, I'll skip the rest of this and say that in my opinion, the most objectional requirement of the proposed

statute is the requirement that a list of the membership of all DCM Clubs be submitted to the Superintendent annually, while no other club members or individuals are subjected to such listing. This is a complete turn-about from the current statute wherein the members of such federally-organized clubs have been specifically exempted from the carrying provisions of the statute while going to and from their several places of target practice and carrying weapons necessary for such practice.

In 1903 the Congress of the United States realized the need for training the citizenry of the country in the proper use of small arms for possible use in the event of war. To this end, the Congress appropriates, through the Department of the Army, certain funds for the maintenance of the program set up for this purpose.

Strict reports of the disposition of all items issued for this purpose are required and maintained by the Director of Civilian Marksmanship in Washington, D.C. To place restrictions on this program is to work in opposition to the best interests of the defense of the country and to the men in our services who are today using these same weapons and knowledge of their proper use in Viet Nam.

Now in the present statute, Exemption o, says "members of government civilian rifle clubs duly organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice." I heard here today that this only covered rifles. The National Board for the Promotion of Rifle Practice is not interested only in rifles. It issues

arms and ammunition in the small arms category. This includes pistols, revolvers, .30 calibre rifles and such items, and the ammunition for the annual practice with those weapons. So the point I am trying to bring out is that now the change is to civilian rifle or pistol clubs organized in accordance with the rules. All of the clubs under the National Board rules have both rifle and pistol clubs, and that's the point I want to bring out.

Thank you, gentlemen, for your kindness.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

E D M O N D H. S H U L E R: I represent the N. J. State Federation of Sportsmen's Clubs.

ASSEMBLYMAN ADDONZIO: Are you on the list?

MR. SHULER: Yes, sir, I am on the list.

ASSEMBLYMAN ADDONZIO: Will you state your name and affiliation?

MR. SHULER: Mr. Chairman, I am Edmond H. Shuler and am a native-born citizen of the State of New Jersey, 65 years old, live at 343 South Pine Avenue, South Amboy, New Jersey, and am appearing as the representative of the N. J. State Federation of Sportsmen's Clubs. I am a past president of that organization, am their delegate, and a member of the Citizens Committee for Firearms Legislation, a life member of the National Rifle Association, and a qualified and practicing Hunter Safety instructor.

Gentlemen and ladies: I am grateful for the opportunity you have accorded me to appear before you as a spokesman for the over 40,000 dues-paying members of the N. J. State

Federation of Sportsmen's Clubs. I believe I am also acting as a representative of the over 151,000 firearm and trapping license buyers, plus the over 21,000 bow and arrow license buyers, not all federated members, plus the many thousands of gun owners and users who trapshoot, target shoot, and the gun collectors and varied other interests contained in our federation who will undoubtedly have their own spokesmen.

I shall confine my remarks to the area covered by this bill that primarily affects the sportsmen in their varied pursuits of hunting and target practice.

I am very sure that you know that the hunter and the target shooter are decent, law-abiding and sensible people, self-policing and that no one may classify them as criminals, a source of illegal arms, or as a group favoring any use of a firearm for illegal or criminal use.

You also know that we would favor any legislation that would accomplish a reduction in crime or the illegal use of a firearm. It obviously would hurt us too much to have any other attitude.

There is attached to Assembly Bill 165 a statement with regard to its purpose. Oddly enough, reading this bill does not disclose the stated direction at all. We can find no requirement that the criminal be required to carry a gun purchase identification card. He gets his by theft mostly - nor that any of the very thoroughly-described group of unfortunates carry such cards. Compulsory fingerprinting of these people does not seem to be a requirement. I suggest, and we submit, that the actual "thrust"

of this proposed legislation is to use this statement to further an aim at complete police-state control of the sportsmen. He is required to accept the theory that the right to keep and bear arms as guaranteed by the "second amendment" does not exist for him except after asking police permission.

He is also required to give evidence against himself by being fingerprinted, these fingerprints to become part of the criminal file. Thus he acquires a record without charge and without trial or conviction. (That statement, gentlemen, I had from the State Police, that they do go in the criminal file.)

Property rights are denied. Valuable and treasured weapons must have their value destroyed and rendered inoperable, be confiscated, or must be registered and fingerprinting endured.

The right to inherit is similarly denied unless the same process is followed, with the result that within one generation all weapons through fingerprinting, registers of varied kinds, and the many times repeated permission to the Superintendent of State Police to set and change the rules as he pleases will be fully registered.

This bill mentions the Superintendent of State Police at least 30 times, and varied other police at least as many. Being decent, law-abiding, sensible and with a fully-developed sense of responsibility in the handling of a firearm, we have never objected to the restrictions, constitutional or not, placed upon the issuance of a permit to carry a concealable weapon, commonly understood to mean a pistol or

revolver.

We do object to the requirements regarding purchase. We find that this bill, irrespective of statements made, do require police permission and registration to purchase not just a pistol or revolver but also a rifle or shotgun, even if the purchaser wants the arm for defense of home, property, his own or his family's life, and we submit in these times it is a most necessary requirement that every citizen be prepared to exercise his police power and duties.

We cannot as citizens surrender the police power now ours and now delegated to our representatives, the police, to anyone and be subject to the inherent dangers that lie in registration. That way lies confiscation and the possible, and by history's evidence, the probable, military or police take-over from civilian control.

The present New Jersey firearms laws are very good. The present 2A:151, sections 8 and 9, already grant power to control the criminal and the unfortunate. They, like most similar laws, have not been enforced. We are now being asked to agree to a new highly-restrictive bill which also will not be enforced against the criminal or the unfortunate but will be against the state's law-abiding citizens at a cost of money, time, the necessity of getting police permission and the change of a birthright to a granted privilege.

We urge that this bill be rejected in its entirety as being unconstitutional, not reaching those stated to be its objectives, subjecting the law-abiding to unnecessary

cost and harassment, assuming powers not granted, granting unspecified or not detailed powers to the Superintendent of State Police that should not be granted to anyone, subjecting the sportsman who only wants to go hunting to unreasonable requirements that can have no other effect than to discourage the pursuit of his sport which he now pays for in full, including its policing without recourse to any taxpayer requirements for funds.

We suggest that your Committee study, introduce and pass a bill embodying the findings and recommendations of the Citizens' Committee for Firearms Legislation. Their report gives to the police all of the force of law they should require without taking away protection of the Constitution and the Bill of Rights or requiring police permission to defend home, property, life or country.

I then give you some references in the body of this bill which, if read and studied, will show the way and manner in which this grows to accomplish precisely the purposes I state and embodies so much that it even brings in the disorderly persons offense which should not be there, as it means to disqualify somebody from even getting a permit to possess a gun.

Bill A-165 is also replete with the words "public health, safety and welfare," which used in a Baltimore bill has been held by the courts to permit search without warrant even of the home.

This bill is a menace on many grounds to every citizen and is not just the business of the sportsmen. It is our feeling that your Committee should know that every member

of the Citizens' Committee on Firearms Legislation has been the subject of police investigation. Many sportsmen have had the same experience and we do think with with profit your Committee with its powers should provide us with the answer to several questions. We don't object individually to that type of examination, because none of us. So far as fingerprints are concerned, we all probably have been fingerprinted, but they haven't gone to a criminal file.

We want to know these things: Who would like to see this state's citizens disarmed?

We want to know who is interested in creating this police state. We would like to know who is fostering the guilt by inference in cartoon and press all to the point that to own a gun lawfully for lawful purposes makes you an associate of the criminal, the varied addicts, the mentally incompetent, the idiot, and the insane. Why do so many newspapers print one side only of this controversy, quote only from the statement attached to this bill, and never print any of the contents of the proposed bill.

Gentlemen, I am very grateful to you and I will, with your permission, deliver to you a series of small petitions and a letter left in my care.

ASSEMBLYMAN ADDINIZIO: All right, sir. Thank you very much.

GEORGE McCLOSKEY: Gentleman, my name is George McCloskey, and I am a member of the New Jersey Fish and Game Council.

ASSEMBLYMAN ADDINIZIO: Just one moment, sir. I have someone else before you. Is there a Mr. Krahnert present?

Will you kindly state your full name, sir, and any affiliation with any clubs or other organizations?

J O H N K R A H N E R T: My name is John Krahnert.

I am mainly concerned with the handicapped shooter. Most of the statements that I was going to make have already been covered. But I would like to point out a couple of things.

Two of the most stringent gun laws in our country, the Sullivan Law of New York City and the new Philadelphia gun law, do not mention the physically-handicapped at all. Why then are we included in this bill? In fact, I just found out - I'm not sure - that our present New Jersey gun law does not mention the physically handicapped. I think that's right.

I would also like to point out that firearm accidents are caused by two things, and two things alone: These are carelessness and ignorance, neither one of which is governed by physical capabilities. This gun bill is attempting to accomplish by prohibition what can be accomplished only by training and education.

I am for a law that will hinder the criminal element, but I am against this bill because it will unjustly harass the law-abiding citizen and, in particular, the physically handicapped.

That is the statement I was going to make, but I would like to point out a few other things. Now, the Prosecutor of Middlesex mentioned epileptics. I would like to ask, what about the man who is in good physical condition

who has a heart attack on the firing line while he is hunting? Now he also can be dangerous. Also, Mr. Sills mentioned a person who is shaky or has no arms or legs. Well, for one thing, a person who is shaky, he can shoot from a fence rest. A child who suffers from cerebral palsy, should he be handicapped further from something that he enjoys or that he may enjoy with his father? Now, a person with no arms or legs, he cannot load or pull the trigger with his teeth. If he has the proper artificial arms, I am sure that he can safely handle a firearm also.

But this bill will enable a police chief to judge you and by simply looking at you, he will be able to determine whether you can safely handle a firearm or not. And, gentlemen, I don't think that any man can judge a man's physical capabilities.

Now those were the few extra points that I wanted to point out.

ASSEMBLYMAN FRIEDLAND: May I ask you just one question?

Is there an organized or recognized test or series of tests which are administered for the purpose of determining whether or not a person is qualified to use firearms?

MR. KRAHNERT: Not that I know of.

ASSEMBLYMAN FRIEDLAND: Are there recognized programs for training in existence, currently in existence, being conducted by recognized associations, as a result of which a certification could be presented that an individual is qualified to use firearms?

MR. KRAHNERT: Well, the NRA runs a big program for handicapped shooters. But what I am interested in is the person who does not belong to any organization, a man who is physically handicapped who has to appear before a police chief, who is judged by the police chief and decided on just because he looks different. To me, this is discrimination and I do not like it at all.

ASSEMBLYMAN ADDONIZIO: There is a gentleman here who has a question. To whom is it directed?

MEMBER OF AUDIENCE: To you.

ASSEMBLYMAN ADDONIZIO: To me as Chairman?

MEMBER OF AUDIENCE: Yes, regarding procedure.

ASSEMBLYMAN ADDONIZIO: All right, go ahead.

MEMBER OF AUDIENCE: I am beginning to wonder if we have any citizens in New Jersey who are neither public officials nor sportsmen. I have heard from at least five members of this Citizens Committee on Firearms Legislation, or whatever it is here, who are supposed to have been working on this bill for several years. I think there are some other people who live in this State besides sportsmen, shooters and policemen.

ASSEMBLYMAN ADDONIZIO: That's true, sir. A number of these spokesmen represent individual citizens and they are their representatives. We don't intend to eliminate anyone from testifying. Though they have titles, some of them, most of them do represent individuals.

[Addressing member of audience). Will you state your name, please?

G E O R G E H E N R Y M c C L O S K E Y: My name is George Henry McCloskey, a member of the New Jersey State Fish and Game Council of the Division of Fish and Game, Department of Conservation and Economic Development of the State of New Jersey, which represents the organized interests of farmers, sportsmen and commercial fishermen.

On February 9, 1965, the Fish and Game Council by unanimous action went on record in opposition to any legislation dealing with firearms and the use of firearms that would severely penalize law-abiding citizens, deprive them of their individual rights or their Constitutional right to bear arms.

The Council is aware of the need to establish guidelines for the control of firearms with respect to juveniles, criminals, drunkards, and the mentally unstable. However, the Council is of the opinion that existing legislation, if properly enforced or amended, can deter the acquisition of firearms by persons in these categories.

This tenet on the part of the Council is the result of a review of some existing regulations. The Council is aware of the report that there are literally several thousands of firearm laws and ordinances on the books of federal, state, county and municipal governments.

I will now digress from the various federal and state laws which I believe have been covered before, and continue.

The Fish and Game Council does not approve the unlawful use of firearms by criminals, the mentally ill or irresponsible persons. They look with considerable favor on the

firearms law that is presently on the statute books of the State of Washington, which provides:

1. No license is required to purchase or possess any firearm.

2. A license is required to carry a hand gun on the person (except in the home or a fixed place of business). Application for this license is made to the judge of a court of record, police chief of a municipality, or the county sheriff. The license shall be issued within 30 days for the purpose of protection or while engaged in business, sport, or while traveling unless the applicant has a record of prior court conviction of a crime of violence, drug addiction, habitual drunkenness or confinement to a mental institution. Certain organizations, such as armed service personnel, police officers, collectors and target clubs are exempted.

3. No hand gun may be sold under any circumstances unless the purchase is personally known to the seller or presents clear evidence of his identity.

4. No such firearm may be delivered to any person under 21 years of age or to a person who the deliverer has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or is of unsound mind.

5. It is illegal to possess or carry a loaded gun in any motor-driven or horse-drawn vehicle.

The Washington State statute endeavors to control the sale of hand guns to criminals, drunkards, the mentally

unstable and juveniles. Education and training are still necessary.

In New Jersey a youth must complete a safety course before receiving his first resident hunting license. In addition to safety, he is taught good sportsmanship and conservation.

In New Jersey the rifle is an illegal weapon. It can only be used legally by securing a permit from the New Jersey Division of Fish and Game for a fee of \$2.00, and the only game that can be legally taken is the groundhog.

The shotgun, which is used by the licensed hunter, has not been a weapon used by criminals. Therefore, there is no evident need for the control of this type of firearm. The firearms owned and used by licensed sportsmen, skeet clubs, trap shooting clubs, target shooting clubs, and gun collectors are not used with criminal intent and, therefore, should not be subjected to regulation or registration.

In addition, in support of our stand that education and training are very important, we submit a news release from the Department of Conservation and Economic Development citing the fact that the accident rate, the hunting accident rate, in New Jersey has dropped to one-half of what it was prior to the installation of a hunting safety training program. Also, in the same news release, it cites the fact that firearms rank below automobiles, falls, fires, drownings, poisoning and railroad accidents as causes of accidental mortalities. Also, in over-all statistics among sports, hunting ranks sixteenth - according to insurance

company statistics. And according to our Director, Lester G. MacNamara, these figures attest to the fact that hunting is a safe recreational pastime and to the care taken by New Jersey sportsmen. He concluded by urging even greater caution in 1966 to continue the State's record of safe and enjoyable pursuit of this traditional sport. I thank you.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir. Will the gentleman to my right please take the chair? Will you kindly state your name and your county at least?

J O S E P H L. M O N T A G U E: I am Joseph L. Montague and I live at 1731 Valley Road in Millington, New Jersey. That's in Morris County, Passaic Township. I am here representing myself. I think I'm an ordinary citizen; I hope so. I'm a practicing chemical engineer and have been shooting for about 35 years without any serious accident. I've lived in six states and I've lived under the laws and with the laws that govern the use of firearms in these six states, and my reason for coming up here now is that I think a fundamental point has been missed here. Self protection is a well-established point in law with regard to the rights of citizens. The way this bill is written, the restrictions on firearms and "dangerous weapons" - in many cases, for example, knives and razors are common tools. These restrictions make self-protection difficult or impossible and most of our organized law-enforcement agencies now admit that they have a difficult time in trying to enforce the law to keep up with the

criminal violations, and what is left to the citizen except to protect himself. As in the case of a fire, the fellow who can do the best job in putting out the fire is the guy who is there on the job with the tool and knows how to use it. The same thing is true in preventing a criminal act. I have had personal experience with this where we demonstrated to people who insisted on bothering us when we lived in a rural area that we were capable of using firearms and I had to leave my wife for six months or so with a firearm; they knew she knew how to use it and they left her alone.

Now, you have written into this law in Section 2A:151-42 on page 19, a restriction which says that a firearm even in a dwelling must be cased and unloaded. What the hell are you supposed to do? - hit the guy with a table leg? What good is it?

MR. SILLS: Mr. Chairman, would the gentleman kindly point out where in Section 42 it says that a gun that's in the house has to be cased?

MR. MONTAGUE: Page 19, sir. It is one sentence from line 3 where it says "2A:151-42." Now if this is English, I read it as follows: Nothing contained in section so and so shall be construed to prevent a person from keeping or carrying about his place of business, dwelling house, premises, or on land possessed by him, any pistol, revolver, firearm or other weapon, or from carrying the same, and so forth. And at the bottom it says, "provided in all cases"- every case in this sentence or paragraph which is a sentence - "that the firearm is unloaded and contained in a closed and

fastened case, gunbox or securely-tied package."

MR. SILLS: All right. Now before you get yourself excited and everyone else, this has been gone over by the gentleman from the Game Council over there smiling, and if you will just read very carefully, this concerns itself with any person transporting any pistol, revolver or other firearm. It has nothing whatsoever to do with a pistol, revolver, firearm or other weapon which is in the house.

Now don't take my word for it. Mr. Burton is sitting behind you, and Mr. Benton is behind you. They know this. And Mr. Shuler is behind you. Turn around and ask them if what I am telling you is true or not.

MR. MONTAGUE: Is that what the English says, gentlemen?

MR. BURTON: He is correct. The intent of this -

MR. MONTAGUE: I am not asking for the intent. I am asking what does the English say?

MR. BURTON: The English as I read it refers to transporting pistols or revolvers. This is in addition to the present law which is in solid type above. Am I correct, Mr. Benton?

MR. BENTON: Always.

MR. BURTON: Not always.

ASSEMBLYMAN ADDONIZIO: Gentlemen, I don't mind questions during the testimony but, Mr. Montague, if you do think you have a question or you are in doubt about something, then present it as a question if you would. Proceed.

MR. MONTAGUE: All right. In the same context on

pages 4 and 5, 2A:151-8, it says one of these persons who is defined in this bill may not possess dangerous weapons, which are again common tools - a knife or a razor, and things of this kind. Now, if these persons are unfit; namely, ex-criminals and ex-mental patients, what are they doing among us. In order to get out of a mental hospital, you have to have a doctor's certificate, I believe, and a criminal, as near as I know, after he has served his time ceases to be a criminal except in the case of a felony where there are some restrictions on his voting right, etc. If these people are unfit in this sense, how do they go about earning a living? Can this man work as a butcher where he uses knives that are certainly dangerous weapons? Can he work as a carpenter or a doctor? I am fully in accord with your intentions. I don't think there is anything wrong with your intentions. I am questioning what you have said in here. And you people aren't going to be around here for a thousand years; somebody else is going to have to interpret these things and they are awfully difficult to get out of the record after they are in it.

MR. SILLS : Mr. Chairman, may I say with respect to the latter criticism, it's a valid one and one which is under consideration by my office and others at this particular moment. There are people who use knives and there are meat cleavers in kitchens, and razors and razor blades are used in ordinary purposes, and this comes about

because this is taken from the law as it exists today in section 5, and it appears to us that something will have to be done with respect to the criticism made by the gentleman relative to these particular instruments which could be ordinary household instruments.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

MR. MONTAGUE: Now the reason I asked these kinds of questions about this bill is that you have in existing law today, and I would like to comment on my reason for asking these questions: Your law today makes it possible for a sportsman to at least shoot at me if not shoot me in my own backyard and pay five hundred dollars for the privilege. This is what your law says today, because I live on a place 133 feet wide and 600 feet deep and he may hunt with his shotgun within 300 feet of an occupied dwelling. So in effect this says that half the property on which I pay taxes I may not use during the hunting season.

ASSEMBLYMAN ADDONIZIO: This doesn't happen too often, does it?

MR. MONTAGUE: Enough so that my wife is afraid to go into the backyard. We have a pond down back. Now, I am just pointing out the things you often see because you don't read these things. The same law which you have on the books has fixed it so that it is impossible for us to drive away animals which are nuisances. A cat has a very unusual legal position in our society. I wish I had the same kind, frankly. But if cats come in and destroy property, or animals, I can get a permit to destroy this animal completely but I can't

use a slingshot to drive it away. I tried to buy a B-B gun because I could sting them and if they got stung often enough, they would stay away. But, no, the state law will not permit me to buy anything like this.

ASSEMBLYMAN ADDONIZIO: Mr. Montague, if I may, we appreciate your thoughts on existing laws that you might disagree with but try to confine your remarks--

MR. MONTAGUE: That's all I have to say. This is to point out why you should read what you have written here. That's what I want you to do. Thank you very much.

ASSEMBLYMAN ADDONIZIO: It is now five o'clock. When this hearing began I thought we might close it out at 4:30. I ran an extra half hour to try to get in as many speakers as possible. I think the Committee has been fair to both proponents and opponents of the measure, and I will run for another few minutes maybe to listen to one or two more speakers, then the rest of the people will have to be patient with us, submit their testimony or remarks to me as chairman, and the Committee will make it part of the record. We will review everything that has been said and will be written in and I want to express my appreciation to all of you at this moment for attending. However, we would like to have one or two more speakers and then we will close out.

Now, will this gentleman kindly take the chair, please?

D R. R O B E R T H. M a c L E O D: Mr. Chairman, I am Dr. Robert MacCleod of Morris Plains, New Jersey. I am a registered Optometrist and a collector of antique firearms for many years and a shooter. I will abandon most of my

prepared remarks in the interest of brevity and because many of the points have already been covered.

As collectors we are most seriously concerned with 2A:151-18 which supposedly exempts antique firearms from the provisions of the act.

To quote the exact wording of the bill, "This chapter does not apply to antique firearms which are incapable of being fired or discharged, and which do not fire fixed ammunition." Thus, two conditions must be satisfied in that phrase. Our interpretation is that each antique weapon referred to must be permanently deactivated in some manner not specified. The second condition, that they not fire fixed ammunition, becomes meaningless in view of the fact that the guns must be incapable of being fired.

Again, a little later on it says that these guns manufactured before 1898, and for which no cartridge ammunition is commercially available, would be exempt. This second set of conditions gives little comfort to us either, as ammunition can be obtained commercially for virtually any gun ever manufactured.

The following phrase, "and are possessed as curiosities or ornaments" applies only to those guns which are not used as firearms. Many people use antique guns for hunting, for target practice, and for organized competition, and we would like to preserve not only the old and historic guns but also the right to use them legally.

Another point is that several thousands of New Jersey residents possess old firearms as investments. In some cases these collections contain hundreds of pieces and

are valued in the tens of thousands of dollars. They often represent a man's only planned investment program. Legislation of this type would absolutely end the possibility of such an investment program.

Many craftsmen in our State like to build replicas of old weapons, particularly the Kentucky rifle. This interest is certainly not inspired by criminal intent but by deep respect for the craftsmanship of our forefathers and an attempt to duplicate their work. A-165 would also put so many restrictions on this type of activity that it would be almost impossible to do this. If a man builds one Kentucky rifle and, because of limited time, it takes him 3 or 4 years, it looks to me as if the annual fee of \$50 would have to be paid year after year until the thing was completed.

I will only make one more comment and that will be on the tactics in the promotion of this bill. I really very much object to investigating the letter-writers of the State. Now, if there was some good purpose served by investigating writers of letters, I would say it would be a good thing. However, if this is used as the basis of a story in news media, then it only serves to discourage free expression of opinion because no one wants to be investigated, and if they fear investigation for any reason because of the stigma of being investigated then you certainly tend to get a one-sided opinion.

Now I must be opposed to the extension of the principle of government by investigation.

Thank you very much for your time.

ASSEMBLYMAN ADDONIZIO: Thank you, sir.

MR. SILLS: Mr. Chairman, if I may just interpose a comment, and this will probably not change Dr. MacLeod's opinion any, but I know -

ASSEMBLYMAN ADDONIZIO: Excuse me, sir, is it a question you have?

MR. SILLS: No, I want to make a comment.

ASSEMBLYMAN ADDONIZIO: O.K.

MR. SILLS: On page 8 of the bill, line 3, we have the exemption for antique firearms and on line 4, the very last word is "and." This was an error in printing. It should read "or." Now, I don't say that this will change the doctor's opinion but I also want to point out that essentially this definition was taken from the suggestion made by the Citizens Firearms Legislation Committee which recommended the following language: "This chapter does not apply to weapons which do not fire fixed ammunition, or to early cartridge firearms for which cartridge ammunition is not currently manufactured or commercially available, provided the weapon has been manufactured before 1898 and is possessed for curiosity or ornament."

Now, we are open for suggestion on this, but I would like to point out to all those who talk about using modern long arms for hunting and target practice that those, regardless of the age of the weapons, are not necessarily antiques. There's a man on trial today in New York who

has confessed on the witness stand that he was hired to kill someone else who had an antique arsenal weapon, so to say - an antique arsenal in his home here in New Jersey - rifles and shotguns, etc. So they can be misused, and all that would be necessary for the antique dealer who wants to use this long arm, which is modern and which can be used just the same as any other gun, is for him to pay two dollars for an identification card. Now, of course, if he objects to the identification card that's something else but it really should not apply to the antique section.

One final comment is this: I don't like government by investigation either and I don't know of anybody in my office or any other place who has investigated this gentleman whom I have seen for the first time here today.

ASSEMBLYMAN ADDONIZIO: Thank you very much, sir.

Will Mr. Kopec please take the chair?

E D W A R D K O P E C: My name is Edward Kopec.

Gentlemen, I'm not a polished public speaker, so please bear with me. If I sound nervous, I'm sorry. I'm just an ordinary citizen; I don't have a gun and I don't intend to get one. This bill probably means well but I'm afraid it can backfire. By that I mean this: We are all old enough here to know and remember a little paperhanger by the name of Adolph Hitler. He took half of Europe without firing a shot and this was done through gun registration. They had an act over there under the guise of safety and protection and they registered practically all the guns. And we remember in 1937 the Nazi Army

marched into Austria and they took it literally without firing a shot. Again, in 1938 they marched into the Sudetenland, which was part of Czechoslovakia at the time, and he took that almost without firing a shot, simply because they knew just about where every gun was.

Then again they took the Lowlands, which was Holland and Belgium and Denmark, and I shudder to think and I fear what could happen if our known enemies, the Communists, were to ever get a complete registry list of every gun. This could be very dangerous if our opposition knew where every gun was and they could possibly get access to these registry lists. I feel that if they can get access to atomic secrets and hydrogen secrets, they can get registry lists too of guns.

If any one of you people read history books, you will see that back around the 17th Century the King of England issued a proclamation and it read something similar to this: "Hear ye, hear ye, hear ye, all colonists will register arms down at Town Hall." And had we done this, the country would have never been born, because if we stop to think the country was born through revolution, and if we registered all the guns the King of England would know where every gun was and consequently we would have never been born. I fear the same thing could happen in reverse. It happened in Europe and people are apathetic and say, "Well, it can't happen here." Maybe it can and maybe it can't. I don't know. I think that if we put restrictions on guns, it

would only stimulate black market sales. If a guy wants to get a gun, he'll find one way or another to get it. Whether it's done legally or illegally, if he wants a gun bad enough the chances are he'll get it. We have laws against dope addicts and narcotics and everything and yet there's more dope and narcotics around now than we have seen in a long time.

I would like to read a little flyer that I have here. When I read it, it opened my eyes and made me think. It says, "No dictatorship has ever been imposed upon a nation of free men who were not first effectively disarmed by being compelled to register privately weapons."

I don't know much about gun laws. I don't have one and I don't intend to get one, but I feel from what I've heard today that we have adequate gun laws if they are properly enforced, and we don't need another one. I, myself, feel that this law is just one too many.

I am a Junior Vice Commander of the Ocean County Chapter 24 and we have had considerable discussion on this, and the majority of the membership are in opposition to this registration law. I say "the majority," I don't say each and every one of them but the majority of them are in opposition to this gun law. They just don't feel that it's the right thing. Many of them feel that if you are going to register anybody, you should register the "Reds" and not the rifles, because the Reds are a known common enemy. People shoot guns

and they don't operate by themselves.

I want to point out that I imagine this law must be intended to help and protect. Nobody is against safety and health, but we have an electrical contractors' law that was passed in 1962, and it was meant to do the same thing. However, it backfired and it handcuffed a lot of honest and hardworking men who would like to do electrical work but who just can't seem to get a license. It just doesn't seem right that these laws are passed this way and they handcuff people.

That's about all I have to say on that. I want to thank you gentlemen for allowing me to speak and to be heard. Thank you.

ASSEMBLYMAN ADDONIZIO: You're welcome, sir.

It's approximately a quarter after five. I feel that the testimony given at this hearing has been adequate for both the proponents and opponents, and I hereby declare this hearing on this day adjourned. Thank you all for attending.

[HEARING CONCLUDED]

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