

# To All Who Read This Binder

The purpose of the report within this binder is

- (1) to authenticate that the Second Amendment is still just as powerful and effective today, as it was at the time the Founding Fathers ratified it, and
- (2) to show that there never was any approval or permission by the people to prohibit their right to keep, bear, use or own firearms: it never happened and cannot be so! If this were allowed to happen, we would no longer be a “republic”.

A “republic” is a system wherein the people are the final authority, which would not be possible if the people were to be disarmed. A “republic” is not only required by the 1789 United States Constitution, but is also guaranteed in *the 1789 Constitution!* The “republic” is enforced by the Second Amendment. The 2<sup>nd</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments of the “*Bill of Rights*” prohibit enactment of any treaty or law that interferes with the right to arms of United States citizens.

**FALSIFICATION OF THE PEOPLE'S**

**APPROVAL FOR THE PROHIBITION**

**OF THEIR RIGHT**

**TO KEEP AND BEAR ARMS:**

**AN EXPOSE ON**

**UNLAWFUL PAGES 340 AND 341**

PAGE 340

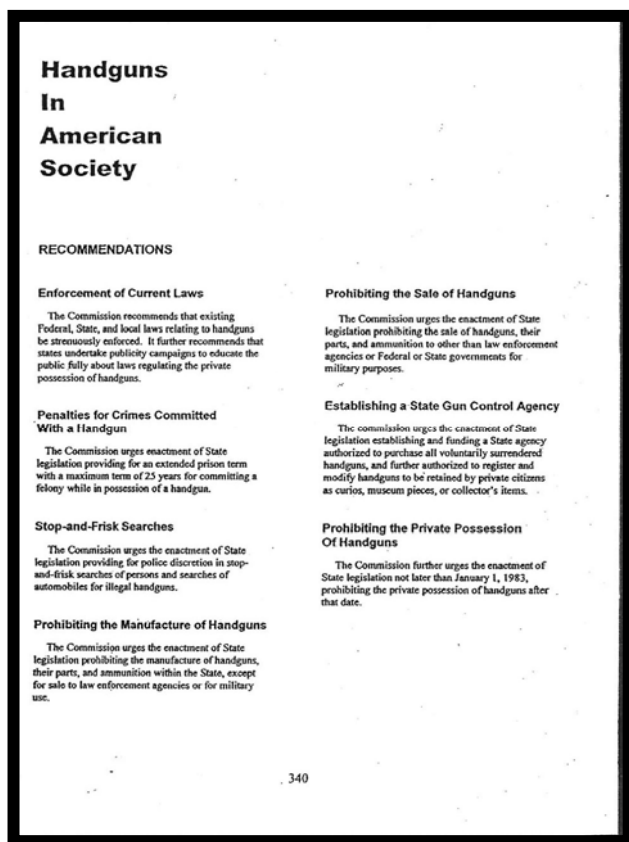
THE ROSETTA STONE!

**THIS DOCUMENT EXPLAINS  
HOW, WHEN, AND WHY  
THE CALIFORNIA STATE LEGISLATURE  
BECAME THE LEAD STATE  
TO SECRETLY PLAN A METHOD BY WHICH  
THE SECOND AMENDMENT  
OF THE BILL OF RIGHTS  
COULD BE NULLIFIED AND SET ASIDE  
AS INFERIOR AND NO LONGER APPLICABLE!**

**It explains the conduct of the California State Legislature which has  
been the lead state in abusing gun rights.**

# FALSIFICATION OF THE PEOPLE'S PERMISSION

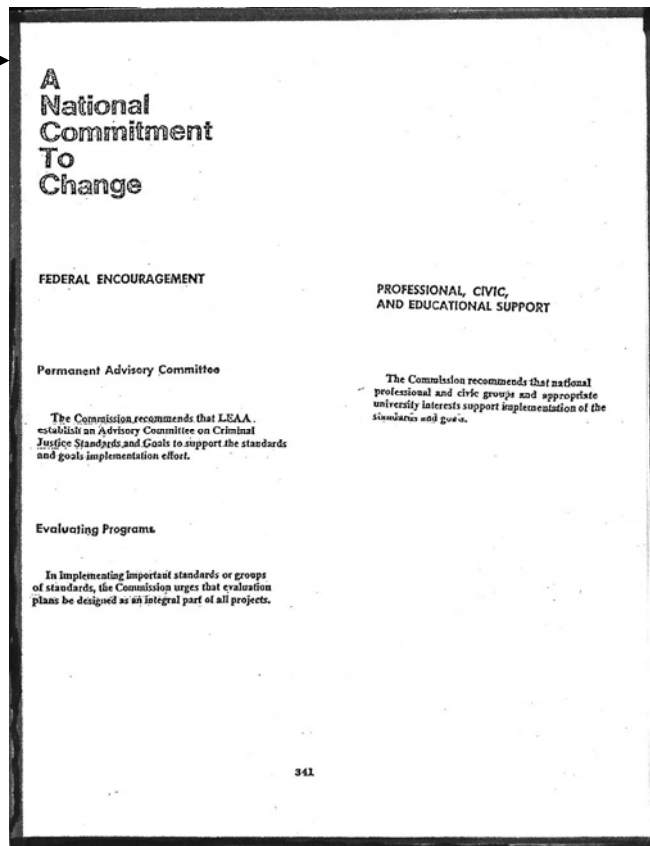
## TO PROHIBIT FIREARMS OWNERSHIP



← **This is Page 340.** It has been photocopied exactly as it was accidentally and timely discovered in the governor's own "Master Set of State Standards and Goals" during Ronald Reagan's governorship in California. The fact that *this illegal and unlawful handgun prohibition page was secretly inserted at the back of the governor's Master Set after the 17 Citizen Advisory Committee members had finished their duties, had been disbanded, and were returned to their homes, is beyond question!* Page 340 was never seen nor approved by the Committees responsible to judge it! Having been given a sequential number as the next to last page in the Master Set (numbered as 340) is in itself additional evidence to support charges that it was entered after the 17 Committees had departed! If it had been entered with the approval of the 17 working Committees, knowledge of such an undesirable action would have aroused a national outcry from the pro-gun public and the word would have spread state-to-state. The fact is that Page 340's entry was not known until

Josh Cooney discovered it, and the 17 working Committees were gone. This is evidence of fraud! This page has since existed in its *unacceptable position and function, unlawfully* numbered as Page 340.

Just as Page 340 was unlawfully added, **Page 341** → was *also* unlawfully inserted at the back of the "Governor's Master Set" and assigned a sequential identification page number. It falsely supports the claim that Page 340 was the "voice of the people", desiring to change the Second Amendment in the *Bill of Rights*. Everything in the Governor's Master Set was to be considered as having acquired "the permission of the people", but for obviously reasons that is not true! There was no true consent of the governed! These two pages falsely claim that they hold the *approval of all the people as a result of the participation of the Citizen Advisory Committees*. The people have never surrendered their right to arms. Such an action has been falsified! If this scandal receives the attention it deserves, the federal government's ability to sign the "Small Arms Treaty" is not possible.





The 17 working Citizen Advisory Committees (about 450 people at that time) were to represent California's entire population of about 21 million people in 1975. But no committee member ever studied these two pages, and they didn't get the chance to approve or disapprove of either one! As California concerned citizens, we monitored the work of these Advisory Committees. Neither page had been studied, nor received the acceptance of the 17 Citizen Advisory Committees members. These pages were unlawfully added without the knowledge or approval of the Committees or the public as was required! The L.E.A.A. knew beforehand that the people of America, whom the committees all over the nation were to represent, would never have stood for the approval of prohibiting their handguns. If such had been so, it would have opened up a huge public outcry during those days.

Reagan did agree to hold a meeting with a group of California citizens, led by Bernadine Smith, at which time he personally denied any presence of a gun banning subject in Project Safer California. Herb Ellingworth, Senators Bill Richardson, and John Stull were also present at this meeting on December 4, 1974 meeting in Reagan's office, in which Mrs. Smith charged Reagan, the pilot governor, with planning to outlaw our guns.

Reagan denied any participation whatsoever in the charges being made against him, telling how he always kept a gun near his bedside when he was a member of the Screen Actor's Guild. The charges we were making were that (1) Page 340 – 341 were added into the thick Governor's own copy of the "Master Set of State Standards and Goals" containing plans to outlaw the peoples' right to handguns; and (2) he was merging the military and the civilian law enforcement systems together under one head called "the Public Safety Agency". This was witnessed in his own Blue Book that was held up for his view. Reagan denied the charges. (Read article entitled: "The Blocking of a Charlatan"), despite the fact that the evidence was solidly displayed before him. He even stayed twice as long as his appointment with us allowed, because he was not convincing enough for us in his denials. Almost all of those 15 members in attendance agreed that Reagan was lying and was caught red handed!

This meeting had been arranged by John Stull who was sweating profusely throughout the meeting being held that day. The governor's denial meant nothing as we had the evidence before us. He refused another appointment to go into it further as he stated that he would be out deep sea fishing and Governor Jerry Brown would be taking his place as the head of the state. Reagan refused to issue the scheduled proclamation of the L.E.A.A. work and left it to be done by Jerry Brown who was elected to be the next governor of the state. Incidentally, Governor Brown refused to give us an appointment to discuss the gun threat issue and show the evidence. The planning to included Page 340 – 341 obviously continued on, making way for any future United Nations treaty that would come along to outlaw our guns. Jerry Brown was later elected for an additional term as governor of California in recent days for reasons that are obvious now that the United Nations treaty is getting ready for ratification by President Barack Obama. There will be no objection coming out from California, because Brown will still be governor of the State of California for at least another two and a half years. Every governor needs to be replaced by someone whose intent is to maintain American sovereignty and who sincerely opposes world government. All governors in office today should be considered suspect in this evil plan.

Nevertheless, nothing stopped the anti-gun people running the show. They should have considered this "Page 340 forgery" seriously, but they would not. Today what has been left is considered adequate

enough to over-ride the power of the Second Amendment of the “Bill of Rights” making way for the Small Arms Treaty.

By sneaking in the gun prohibition (Page 340) and its companion page (Page 341), the anti-gunners believe they hold the *will of the people to ban firearms*. This is not true! There never was any consent of the 17 Committees to prohibit the sale, possession or ownership of handguns. Page 340 and 341 are still undiscussed forgeries!

If the Small Arms Treaty is to be passed, disarming the American citizens, it should begin from scratch and ask the American people of today whether or not they will consent to such a treaty, the intent of which is to ultimately totally disarm them. As it stands today, no person in the government service of the United States has the permission to proceed with this treaty! Some misguided officials may think that the way has been paved for over-riding the Second Amendment, but the illegal groundwork won't hold up.

Page 340 is a counterfeit! On the same day I met with Reagan, two Birchers brought a member of one of the 17 Committees over to tell me that she had never missed a meeting of her Committee, nor the sub-committee, and they never studied the gun issue! We might get off the hook this time, but the globalists will try again and again, hoping to clear the way for a socialist world government by use of other deceptive techniques in which the people won't understand or be able to stop, or deter them. Such unscrupulous activity will recur again and again. The attempt to disarm the people will be continual. The oath taken before occupying the office of president, or the governor's chair, should be augmented with wording to swear against ever adopting or aiding in the building of a world government.

People, you won't get 'off the hook' next time unless you figure out some way to prevent a constant recurrence of the threat every couple of years. Actually, the globalists will never give up trying to achieve world management, which has to be conducted with military management over the civilian population so that the people will never be able to challenge them. This is how it started in California under the Law Enforcement Assistance Administration:

L.E.A.A. entered California by passage of the “Omnibus Crime Control and Safe Streets Act of 1968” (aka Gun Control Act of 1968). The state allowed the federal government to put the state under the dominance of the L.E.A.A. The motto of the L.E.A.A. was “We seek a disarmed populace....there can be no right of privacy in regard to armaments.” Director Dean Morris said: “The U.S. should move expeditiously to disarm the civilian population, other than police and security officers....no one should have a right to anonymous ownership or use of a gun. That is not a right we can safely allow anyone.” Not until April of 1982, when the L.E.A.A. had achieved all the missions that were assigned to it, did it disband. They had nine years to work the state over to achieve its assigned objectives.

One hope is to improve the adherence to the United States Constitution with “in perpetuity rights” or to enact a law against world government planning and operation that is renewed for long stretches of time. Still further, declare world government as unconstitutional, and teach in the schools that it is a return to serfdom for that is what it will be! Never lock gun rights into the state statutes, thinking you are protecting them. Actually, it makes it easier for anti-gun forces to wipe them out, state by state.

# PAGE 340 IS YOUR EVIDENCE!

## All the groundwork is being laid

Page 340 is an on-going viable plan, a part of the "Change" process which is scheduled to be enforced upon the people in the future as official law! It has falsely gained the seal of approval of the people through the machinations of the federal L.E.A.A. When government is ready to enforce it, only the effective date will be changed!

The objectives on Page 340 were copied from Chapter 9 of the federal book called: "A National Strategy to Reduce Crime". A full and exact copy of Chapter 9 is included here as your evidence to prove the federal government is guilty of unjust and seditious manipulation in an attempt to alter and *change* the power structure of this nation.

✓ After Chapter 9 was summarized into a one-page recommendation, it was secretly inserted in the state governor's Master Copy of Standards and Goals by federal/state collaborators, and then falsely charged as "official work", *supposedly* approved by the people.

Page 341, the last page in the governor's Master Set, should be enough evidence to warn the people that they are calling for their own destruction when they support the call for CHANGE! The groundwork is being laid for the end of the United States.

# Handguns In American Society

## RECOMMENDATIONS

### Enforcement of Current Laws

The Commission recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that States undertake publicity campaigns to educate the public fully about laws regulating the private possession of handguns.

### Penalties for Crimes Committed with a Handgun

The Commission urges enactment of State legislation providing for an extended prison term with a maximum term of 25 years for committing a felony while in possession of a handgun.

### Stop-and-Frisk Searches

The Commission urges the enactment of State legislation providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal handguns.

### Prohibiting the Manufacture of Handguns

The Commission urges the enactment of State legislation prohibiting the manufacture of handguns, their parts, and ammunition within the State, except for sale to law enforcement agencies or for military use.

### Prohibiting the Sale of Handguns

The Commission urges the enactment of State legislation prohibiting the sale of handguns, their parts, and ammunition to other than law enforcement agencies or Federal or State governments for military purposes.

### Establishing a State Gun Control Agency

The Commission urges the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns, and further authorized to register and modify handguns to be retained by private citizens as curios, museum pieces, or collector's items.

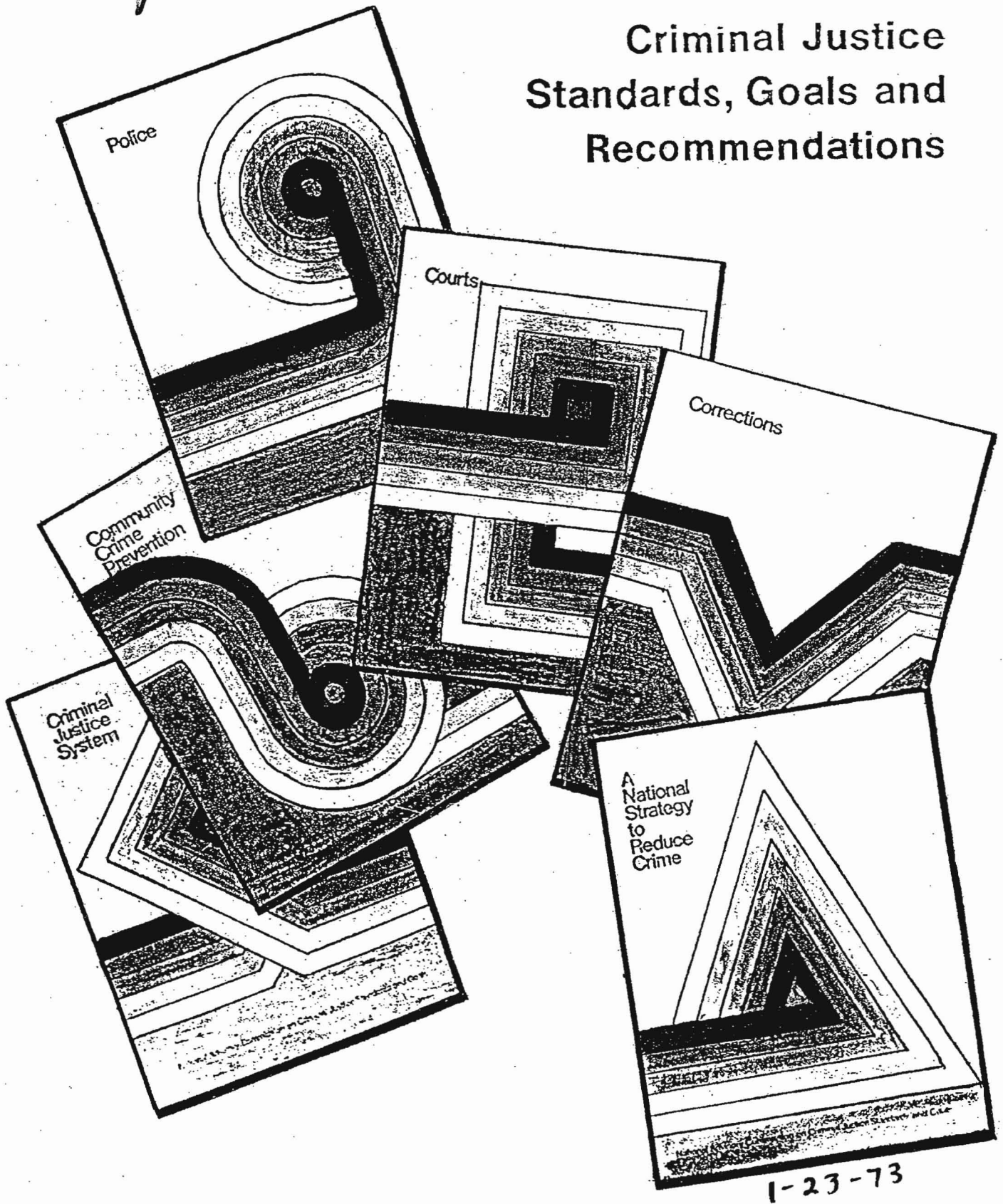
### Prohibiting the Private Possession of Handguns

The Commission further urges the enactment of State legislation not later than January 1, 1983, prohibiting the private possession of handguns after that date.

January 23, 1973

## Criminal Justice Standards, Goals and Recommendations

NOTE: These books detailed the 700 LAW ENFORCEMENT ADMINISTRATION'S 700 RECOMMENDATIONS



National Advisory Commission on Criminal Justice Standards and Goals

There were 6 books in the set compiled by the N.A.C. C J. S. & G.  
The Handgun Chapter was in "A National Strategy to Reduce Crime."

# Affidavit

February 9, 2011

## ACKNOWLEDGMENT

State of California  
County of Kings

On February 10, 2011 before me, Lisbeth Sanchez, Notary Public  
(insert name and title of the officer)

personally appeared Bernadine F. Smith  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lisbeth Sanchez (Seal)



**Statement by Bernadine Smith to attest to the fact that  
there never was any approval given by the people, nor their representatives,  
for the inclusion of the 340<sup>th</sup> Page in the final Master Set of California  
State Standards and Goals, entitled "Handguns in American Society."**

I, Bernadine Smith, attest to the fact that the people of the State of California have never given their approval for the prohibition of their privately owned and privately possessed handguns. There does not exist any valid or true authorization from the people for the government to be able to prohibit private possession of handguns. I am a witness to the fact that the inclusion of the 340<sup>th</sup> Page in the final Master Set of California State Standards and Goals, entitled "Handguns in American Society," was falsified and secretly inserted.

This affidavit is to certify that while I was in Sacramento, California, I spoke directly on December 4, 1974 to Mrs. Donna Vinton, who was a member of Committee No. 14, called the *Systemwide Elements of Corrections Committee*. She was listed as a public member from La Mesa, California.

Two people brought her over to speak to me that day. She told me that she "never missed a meeting of the full committee nor a meeting of the sub-committee. We never studied the gun issue!"

The gun issue was never brought up by any of the 17 working Citizens Advisory Committees in the State of California, nor their attending Sub-committees attached to "*Project Safer California*".

"*Project Safer California*" was undertaken during the gubernatorial administrations of Governor Ronald Reagan/Governor Jerry Brown, under the leadership of the federally created Law Enforcement Assistance Administration (L.E.A.A.). It participated nationwide, revising all of the Standards and Goals for all of the states in the nation.

No one knew that a prohibition had been entered into the final Master Set of California's State Standards and Goals, until the California Governor's Master Set was obtained and reviewed by a patriot man who was versed in systems analysis. He discovered Page 340 and 341 were the last two pages in the Master Set. He provided me with a copy of the Master Set. As a result an appointment was made for me to confer with Governor Reagan on December 4, 1974. I was the spokesman for a group of 12 prominent California citizens and I charged that Reagan was "selling us out". Reagan denied that he was promoting a plan to prohibit handgun ownership; however, I insisted that he would not be scheduled for such a gubernatorial proclamation which would enact the Master Set as law in California without first obtaining his consent and consulting with him! It was to be signed on December 31, 1974, New Years Eve, at which time most people would not be paying any attention to what was going on in government. Reagan sent me a letter in which he declined to sign the proclamation. The subject matter moved over to Jerry Brown's administration. As governor, Brown refused to give me an appointment to discuss the issue, and there was no word ever sent that Page 340 had been deleted from the Master Set in "*Project Safer California*".

The anti-gunners want to go down in history as having achieved the people's approval for prohibiting handguns, even if they had to falsify the record! Since Governor Brown would not confer with me, nor assure that Page 340 had been eliminated from the Master Set, the constant laws that are being written on state and federal levels, infringing upon the Second Amendment, indicate that L.E.A.A. has completed its assignment of falsifying records nation-wide. It appears that handgun prohibition may not only sit on California's books, but very possibly, a similar page as that which was discovered in California's Master Set has been included 'on the books' of other states as well.

In summary, neither the state nor the federal government can over-ride the Second Amendment in the Bill of Rights *without the permission of the people*. Getting permission of the people, by hook or crook, was the mission that L.E.A.A. was assigned, and indications today are such that L.E.A.A. *completed* their assignment *albeit that it has been achieved unlawfully and illegally!*

Bernadine Smith



**Handguns  
In  
American  
Society**

**RECOMMENDATIONS**

**Enforcement of Current Laws**

The Committee recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that state and local police agencies be encouraged to increase the public duty stand laws regarding the proper possession of handguns.

**Prohibition for Citizens Possession of Handguns**

The Committee urges enactment of laws prohibiting the possession of handguns by all citizens, regardless of age, sex, or race, except for law enforcement agencies or the military.

**Step-by-Step Approach**

The Committee urges the enactment of laws prohibiting the possession of handguns by all citizens, regardless of age, sex, or race, except for law enforcement agencies or the military.

**Prohibiting the Manufacture of Handguns**

The Committee urges the enactment of laws prohibiting the manufacture of handguns, except for law enforcement agencies or the military.

**Prohibiting the Sale of Handguns**

The Committee urges the enactment of laws prohibiting the sale of handguns, except for law enforcement agencies or the military.

**Establishing a State Gun Control Agency**

The Committee urges the enactment of laws establishing a State Gun Control Agency, which would be responsible for enforcing all handgun laws, and for conducting research and education on handgun safety.

**Prohibiting the Private Possession of Handguns**

The Committee urges the enactment of laws prohibiting the private possession of handguns, except for law enforcement agencies or the military.

340

# ← THIS IS PAGE 340

**It contains your permission for all of your handguns to be confiscated!**

**Question:** Who said I gave any permission for my handguns to be confiscated?

**Answer:** Most likely, you didn't, but your local citizen committees may have done so -- on your behalf. The attached article explains what has happened to gun owners.

**Question:** Why should I, as a gun owner, be concerned about Page 340, when it is dated January 1, 1983? That date has passed. Isn't Page 340 obsolete by now?

**Answer:** No, it is not obsolete. Even though the 1983 date has come and gone, Page 340 fulfilled several federal objectives. Page 340's main objective was to document the fact that the federal government had acquired the permission of the people (even though it was a fraud and a forgery) to allow for the prohibition of all handguns, the possession, use, manufacture, and/or sale in American society. The federal government has always had the option of changing the date they first set. Page 340 still retains its viability as the approval of the people: *their consent to disarm them*. Creation of Page 340 laid a foundation for the *Small Arms Treaty* to be effective when signed.

**Question:** Since the right to keep and bear arms is listed in the *Bill of Rights* and was ratified by the people, how can this right be subjected to repeal or denial?

**Answer:** If the government can show that the people "requested that they be denied the use of this right, or that they disapproved of their fellow citizens possessing handguns", global government advocates can more easily claim they are following 'the will of the people', and that they are authorized thereby. It is essential that the people are aware that Page 340 came about due to scandalous conduct by anti-gun government officials, and the danger it created still exists!

**Question:** Can we refuse to surrender the right to keep and bear arms, even under martial law?

**Answer:** The answer is "yes" and "no", depending upon whether you are "willing" or "not willing" to be swindled! Barack Obama hasn't given proof as yet of his authority to sign the Small Arms Treaty since the claim of his being "natural born" is still in question. Any treaty which is not "in pursuance thereof" (to the Constitution and the Bill of Rights) or not consistent with essential Constitutional principles and rights, cannot claim to be, nor be held to be, lawful. Any attempt to disarm the whole nation, by use of martial law or executive orders, can only be classed as intolerable subversive activity, and should confirm the existence of tyrannical and unfit rule.

**Question:** How do we get rid of Page 340?

**Answer:** Citizens Advisory Committees, which represented all of the people and approved of the changes being made to the Standards & Goals, never studied the gun issue! There is no statutory limit on fraud! Page 340 is a fraud, and while there is still time, should be exposed as a hidden federal swindle! An expose' must be demanded to restore the sanctity of the Second Amendment of the *Bill of Rights*. **Don't wait until it is too late to remedy this evil situation.**



Keep in mind that all the changes were required to have "the approval of the people". Page 340 and 341 did NOT have the people's approval!

The Citizen's Advisory Committee was considered to be the "voice of the people," a misnomer!!

Here are some points for you to know about Page 340:

#1 At the time this was first uncovered by an alert citizen who dug into Reagan's "Master Set", it was planned that public officials would go after *hand* guns first which was pretty bold for the '70's! *Long* guns were not written into the directive. Nevertheless, ALL guns were scheduled to be outlawed.

#2 Laws had been written (but did not get passed) to permit hunting only if you checked a gun out at the Club Master's and returned it at the end of your hunt.

#3 Relate this to the little blue book from the State Department called "FREEDOM FROM WAR" (some pages back from here). The plan is total disarmament!

#4 The anti-gun legislators did not make the goal of 1983 (see opposite page) and the date obviously had to be moved up.

#5 Page 340 is still viable! You will find current bills and actions on the next few pages that prove that the direction of current day legislation is complying with the directives on Page 340.

UNLESS THIS CORRECTION IS MADE, THE PEOPLE ARE SET UP FOR A COMPLETE WIPE-OUT OF THEIR SECOND AMENDMENT.

# Handguns In American Society

This page is a fraud, a forgery, and a counterfeit! It was added without public approval, which makes it unlawful and invalid. The general population, and not even the 17 Citizen Advisory Committees, ever saw or gave their approval of Page 340! *The federal government knew that a judge would rule against them in a court case regarding the gun issue, without the required "Citizen approval", which was not present!* So, the federal government falsified it by inserting Page 340 "as law". The intent was to acquire permission to take away the people's guns and clear the path for the upcoming "Small Arms Treaty". There will be no way to stop the confiscation of guns by the on-coming *Small Arms Treaty*, unless this fraud is exposed nationwide. **Unfortunately, as things are today in 2012, the federal government considers Page 340 to be the final authority over your firearms! Except for the date below, these objectives are still in effect.**

## RECOMMENDATIONS

### Enforcement of Current Laws

The Commission recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that states undertake publicity campaigns to educate the public fully about laws regulating the private possession of handguns.

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### Establishing a State Gun Control Agency

The commission urges the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns, and further authorized to register and modify handguns to be retained by private citizens as curios, museum pieces, or collector's items.

### Prohibiting the Private Possession Of Handguns

The Commission further urges the enactment of State legislation not later than January 1, 1983, prohibiting the private possession of handguns after that date.

## WHY PAGE 340 & PAGE 341 WERE WRITTEN

The federal government's objective in obtaining "permission" from the people for "change" is to break down safeguards and principles incorporated into the U. S. Constitution and the 1791 Bill of Rights. The *real* seat of power in the United States is in the states and in the people! The 1789 Constitution and the 1791 Bill of Rights were both sent around to the 13 original states and were ratified (approved and accepted) by the people therein, and their newly formed state. From that time on, each and every additional state that entered the Union signed an "Act of Admission to the Union" which included the provisions that they were entering "on an equal footing with the 13 original states in every respect whatever. Now we are faced with a federal government that thinks it has the last word and is superior to the states, which is untrue.

In legislation where "citizen participation" (of the people) is required, and none is included, a judge will throw out the case, or rule in favor of the person making the charge, especially when "the consent of the governed" is missing. The people were meant to be the highest authority in the American republic! It is essential that they are aware of this and are prepared to hold their own authority!

In order to supersede, reject, or reverse the original constituted principles, the anti-gunners believe that all they need to do is claim that they have "the people's approval". They do not have the approval of the people to disarm the people! However, they set out a plan to fabricate their authority! They succeeded by sneaking evil "Page 340" into the record and claiming that it was an order by the people. Actually, it was "sneaked" into the brown covered book *without the permission, approval, knowledge, or consent of the people*! Unless you know this, they will succeed in disarming you!

When the 340th page (refer to "Handguns in American Society") was unlawfully added into the brown covered book, the purpose was to vest Page 340 with the "approval of the people", which it did *not* have! Page 340 was listed as a "recommendation" which is indeed, quite serious!

Webster's Dictionary defines the word *recommend* to mean: (1) to entrust; (2) to praise; (3) to commend, offer, suggest as meriting consideration, election, or the like. (4) to make acceptable; to attract favor to. (5) to advise; and counsel.

The plan of the anti-gun public officials was based upon the fact that *everything* included in the brown covered book would be considered to be the *voice of the people*. That was the premise upon which the federal *Law Enforcement Assistance Administration* (LEAA) arranged the contents and changes within the brown covered book, listing new standards and goals for the various states, and then inserting Page 340 and 341 at the last minute to include something that the people had never studied or intended to have passed into law!

The finalized brown covered book did get shipped around within the state for the approval of all divisions of each state's government, including the legislature, mayors, city councilmen, and regional levels of state government. However, in California, Page 340 and Page 341 were found to be added in the brown covered book *after* the 17 state-wide California Citizen Advisory Committees had finished their work, were disbanded, and the members of these committees returned to their homes. These committees had never studied or approved of Page 340 and 341 because they were added in secret, and are now as they were then: a forgery! Their addition was a grievous fraud.

There are no time limits on certain serious cases of fraud. This horrendous goal would be a classic example of timeless cases meant to protect the sovereignty of the people. Today, Page 340 and 341 hold no authority nor demands against Californians, nor for any other of the 49 states that are suspected of employing this same unlawful manner in which to defraud the people. Nevertheless, the federal government will send in troops (foreign) to check our homes for guns just as soon as that treaty gets signed. (God forbid!)

It is important for the people to understand that judges are known for throwing out cases requiring "citizen participation" when none has been present. The fact is that Page 340 and 341 never received the approval of the people who comprised the 17 working California Advisory Committees! That is an important point and should be part of the solution!

LEAA worked over every state in the nation. We have records to prove this. It is not logical to think that California would be the only state in which such secrecy and deception had been practiced! However, the point I am making is that California is the only state where such forgery was uncovered, but logic tells us that the federal government would have used this deceit continuously to get the permission of the states, and their people, and to valid his upcoming signature on the Small Arms Treaty.

There are three reasons why the federal government would stoop to such treachery:

- (1) They were aware that the people would never approve of being totally and completely disarmed.
- (2) Public Law 87-297 (which Congress passed in 1961) calling for *general and complete disarmament of the United States, and transferring the entire United States national armed forces to international organizations* on a permanent basis" was a "victory" for them.
- (3) The time is becoming close for *The Small Arms Treaty* to get signed by President Barack Obama. It will call for the surrender of every firearm owned by American citizens.

It is important to remember that treaties must be written "in pursuance of" the U.S. Constitution and the Bill of Rights. Both Public Law 87-297 and the upcoming *Small Arms Treaty* are in shocking violation of our laws!

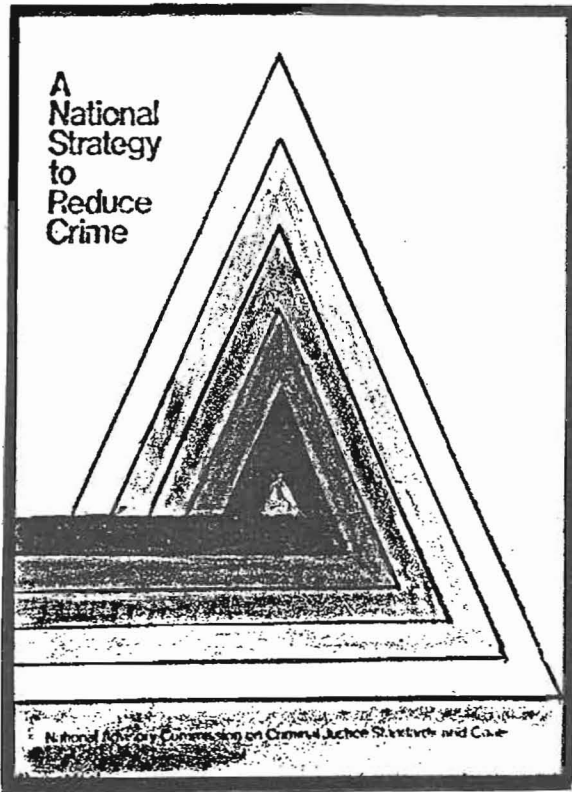
The Bill of Rights cannot be repealed, but the people can refuse to enforce it – or – they can agree to disregard it by virtue of their residual power. Prohibiting firearms was the purpose behind Page 340 and Page 341, and was to assure that the will of the people (supposedly) had changed. It was the intent of Page 340 to detrude the Second Amendment with the agreement of the people.

All these evil events happened at the time Ronald Reagan was the governor of California, and he was no help when the issues were brought to his attention. He did refuse to sign the scheduled proclamation on New Year's Eve because he was being saved to fool us as the president of the United States, yet to come! He was replaced as California's governor in 1974 by Jerry Brown. Brown refused to investigate the evil that had been done. He even refused to give me an appointment to discuss this issue.

As the situation now stands now in 2012, with Page 340 and 341 not having been stopped, the president considers that he has the "permission of the people" to override the Bill of Rights and sign the *Small Arms Treaty*, even though the "permission" is counterfeit and has no value – no worth!

The fact is that the Bill of Rights with its Second Amendment are still valid, as long as the people assert their belief. It is still a powerful protector against "general and complete disarmament" and the nullification of the Second Amendment if the people have the courage to defend their liberty. The sad part is that the people do not understand what evil planning has been set against their will and their sovereignty. They will lose unless they get the first strike and expose what the government has done to them with Page 340 and Page 341.

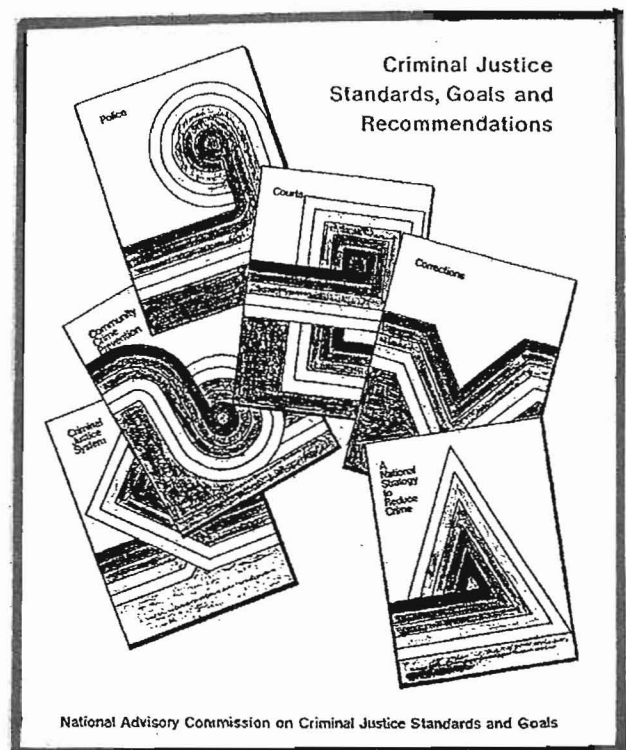
# How Page 340 got its name.



Page 340 was a composite made of the recommendations found in the Handgun Chapter of this book entitled: "A National Strategy to Reduce Crime" produced by the National Advisory Commission on Criminal Justice Standards & Goals

← a 195- page book.

Then the composite was quietly *slipped in* at the back of Governor Reagan's Master Set of "Standards and Goals", without the knowledge or approval of the Citizens' Advisory Committee. There were 339 pages in the Master Set already, and this addition was numbered to be the 340th page. Ever since it was accidentally discovered by citizens, and the alarm went off, the composite has become popularly known as Page 340. This is the cover of Governor Reagan's Master Set.

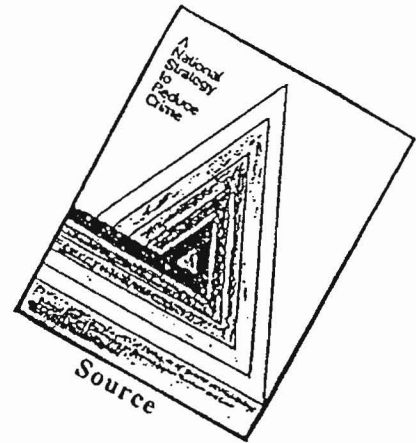


# Handguns In American Society

## RECOMMENDATIONS

### PAGE 340 DIRECTIVE

This is one of the secret federal directives which guides errant public officials in the State of California, the pilot state for the governors of the other 49 states in compliance with Public Law 87-297 for General and Complete Disarmament of the United States.



### Enforcement of Current Laws

The Commission recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that States undertake publicity campaigns to educate the public fully about laws regulating the private possession of handguns.

### Penalties for Crimes Committed with a Handgun

The Commission urges enactment of State legislation providing for an extended prison term with a maximum term of 25 years for committing a felony while in possession of a handgun.

### Stop-and-Frisk Searches

The Commission urges the enactment of State legislation providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal handguns.

### Prohibiting the Manufacture of Handguns

The Commission urges the enactment of State legislation prohibiting the manufacture of handguns, their parts, and ammunition within the State, except for sale to law enforcement agencies or for military use.

### Prohibiting the Sale of Handguns

The Commission urges the enactment of State legislation prohibiting the sale of handguns, their parts, and ammunition to other than law enforcement agencies or Federal or State governments for military purposes.

### Establishing a State Gun Control Agency

The Commission urges the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns, and further authorized to register and modify handguns to be retained by private citizens as curios, museum pieces, or collector's items.

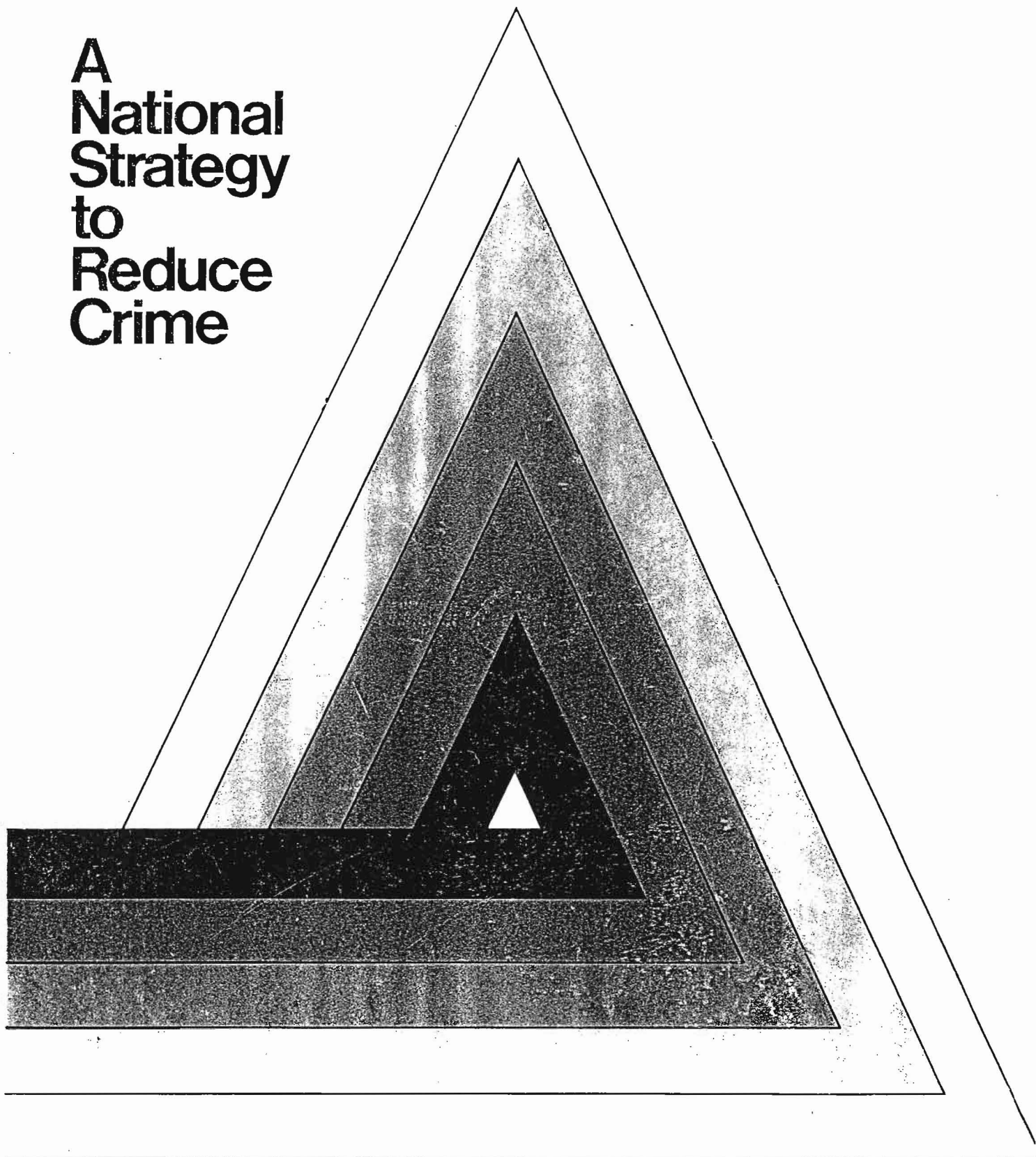
### Prohibiting the Private Possession of Handguns

The Commission further urges the enactment of State legislation not later than January 1, 1983, prohibiting the private possession of handguns after that date.





# **A National Strategy to Reduce Crime**



National Advisory Commission on Criminal Justice Standards and Goals



**NATIONAL  
ADVISORY  
COMMISSION  
ON  
CRIMINAL  
JUSTICE  
STANDARDS  
AND GOALS**

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✓ Richard W. Velde

This volume, *A National Strategy to Reduce Crime*, is one of six reports of the National Advisory Commission on Criminal Justice Standards and Goals.

The Commission was appointed by the Administrator of the Law Enforcement Assistance Administration (LEAA) on October 20, 1971, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

The views and recommendations presented in this volume are those of a majority of the Commission and do not necessarily represent those of the Department of Justice. Although LEAA provided \$1.75 million in discretionary grants for the work of the Commission, it did not direct that work and had no voting participation in the Commission.

Membership in the Commission was drawn from the three branches of State and local government, from industry, and from citizen groups. Commissioners were chosen, in part, for their working experience in the criminal justice area. Police chiefs, judges, corrections leaders, and prosecutors were represented.

Other recent Commissions have studied the causes and debilitating effects of crime in our society. We have sought to expand their work and build upon it by developing a clear statement of priorities, goals, and standards to help set a national strategy to reduce crime.

Some State or local governments may already meet standards or recommendations proposed by the Commission; most in the Nation do not. In any case, each State and local government is encouraged to evaluate its present status and to implement those standards and recommendations that it deems appropriate.

The precise standards and recommendations of the Commission are presented in the other Commission reports. Those five volumes, entitled *Criminal Justice System*, *Police*, *Courts*, *Corrections*, and *Community Crime Prevention*, are addressed to the State and local officials and other persons who would be responsible for implementing the standards and recommendations. Synopses of all Commission

standards and recommendations are presented in this volume to provide an overview of that material.

A seventh volume, *Proceedings of the National Conference on Criminal Justice*, is being published by the Commission. The *Proceedings* do not constitute a statement of the Commission, but they are included with the reports of the Commission for the convenience of the interested reader. They contain the edited transcripts of the National Conference on Criminal Justice, sponsored by LEAA and held in Washington, D.C., on January 23-26, 1973.

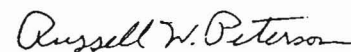
The purpose of *A National Strategy to Reduce Crime* is to present a broad picture of the Commission's work and its strategy for the reduction of crime in America. Many of the chapters of this volume are based on the companion reports. This volume also contains a substantial amount of material that does not appear in any other Commission report, including material in the chapters entitled *National Goals and Priorities*, *Criminal Code Reform and Revision*, *Handguns in American Society*, and *A National Commitment to Change*.

This Commission has completed its work and submitted its report. The Commission hopes that its standards and recommendations will influence the shape of the criminal justice system in this Nation for many years to come. And it believes that adoption of those standards and recommendations will contribute to a measurable reduction of the amount of crime in America.

The Commission thanks Jerris Leonard, Administrator of LEAA, and Richard W. Velde and Clarence M. Coster, Associate Administrators, for their efforts in authorizing and funding this Commission and for their support and encouragement during the life of the Commission.

The Commission expresses its sincerest gratitude to the task force chairmen and members and to the many practitioners, scholars, and advisers who contributed their expertise to this effort. We are also grateful to the Commission staff and to the staffs of the task forces for their hard and dedicated work.

On behalf of the Commission, I extend special and warmest thanks and admiration to Thomas J. Madden, Executive Director, for guiding this project through to completion.



RUSSELL W. PETERSON  
Chairman

Washington, D.C.  
January 23, 1973

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This project was supported by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the National Advisory Commission on Criminal Justice Standards and Goals, and do not necessarily represent the official position of the U.S. Department of Justice.

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## Chapter 9

# Handguns In American Society

Americans are accumulating handguns at a rate estimated at more than 1.8 million weapons a year.<sup>1</sup> The national arsenal of privately owned handguns is estimated to be as high as 30 million.<sup>2</sup>

Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. Similarly, nowhere among the industrial nations of the world is the criminal homicide rate as high as in the United States.

In the United States, during 1971 alone, approximately 9,000 Americans,<sup>3</sup> including 94 police officers,<sup>4</sup> were murdered with handguns. In 1971, more than 600 accidental deaths resulted from the improper use of handguns.<sup>5</sup>

In the past few years, handguns have also had a searing effect on American political life. In 1968, Senator Robert F. Kennedy of New York was killed

by a handgun. In 1972, Governor George C. Wallace of Alabama was wounded and crippled by a handgun. Early in 1973, Senator John C. Stennis of Mississippi was wounded seriously by a handgun.

Not surprisingly, the American public is concerned about gun control. The polls show that the vast majority of American citizens favor firearm control. As long as modern polling has existed, the polls have shown majority support for firearms control. Never have less than two-thirds of those polled favored gun control.<sup>6</sup> Most recently, in a 1972 Gallup Poll, 71 percent of all persons polled, and 61 percent of all gun owners polled, indicated they were in favor of gun control.<sup>7</sup>

This citizen concern has been recognized by Congress and by the President. In 1968, Congress enacted the Gun Control Act; and since taking office, President Nixon has expressed his support for legislation banning the possession of cheap handguns.

For these reasons, and because the members of the Commission are dedicated to the goal of reducing crime and violence in America, the Commission believes that it would be derelict in its duties if it did

<sup>1</sup> Data received from the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury.

<sup>2</sup> George Newton and Franklin Zimring, *Firearms and Violence in American Life*, A Staff Report to the National Commission on the Causes and Prevention of Violence (1969), p. 6.

<sup>3</sup> Federal Bureau of Investigation, *Uniform Crime Reports—1971*, pp. 7, 8.

<sup>4</sup> *Ibid.*, p. 44.

<sup>5</sup> Estimates made by the National Safety Council from data contained in "Accidental Facts, 1972."

<sup>6</sup> Hazel Erskine, "The Polls: Gun Control." *Public Opinion Quarterly* (Fall 1972), p. 455.

<sup>7</sup> *Ibid.*



not address the vital issue of handguns in today's society.

### Prohibition on Handguns

✓ The Commission believes that the violence, fear, suffering, and loss caused by the use of handguns must be stopped by firm and decisive action. The Commission therefore recommends that, no later than January 1, 1983, each State should take the following action:

- ✓ • The private possession of handguns should be prohibited for all persons other than law enforcement and military personnel.
- ✓ • Manufacture and sale of handguns should be terminated.
- ✓ • Existing handguns should be acquired by States.
- ✓ • Handguns held by private citizens as collector's items should be modified and rendered inoperative.

The recommendations of the Commission apply only to handguns, a term which for the purposes of this chapter refers to a firearm designed to be fired with one hand. The term also includes the personal possession or control of a combination of parts from which a handgun can be assembled. The term includes both pistols (sometimes referred to as automatics) and revolvers, but does not include antique firearms.

The Commission believes that laws currently in force regarding rifles and long guns require no change. The Commission does not wish to curtail the use of rifles and long guns by hunters and other legitimate users.

Further, the Commission makes recommendations for State and local units of government only, not for the Federal Government. Congress is on record on the subject of firearms; it has passed some controls and has encouraged States and local units of government to enact their own laws and adopt their own ordinances. It remains for the State and local governments to address the problems surrounding the public possession of handguns.

In an effort to prohibit possession of handguns, the Commission encourages States to examine and implement all recommendations proposed in this chapter. The recommendations are intended to be an operative package.

Some States, however, may want to implement the recommendations in stages. They are urged to do so in the order in which they are presented in this chapter. Further, some States may already have taken steps proposed in the recommendations. In keeping with these local variances, the Commission urges each State to work out a combination of steps best suited to complete control of handguns.

Toward this end, it is the recommendation of the Commission that States study their present laws

regulating handguns and take measures to insure that existing laws are enforced fully and are adhered to scrupulously by their citizens. Next, the Commission recommends that the penalties attached to committing a crime with the use of a handgun be increased. Further, to safeguard the lives of police officers, States should enact stop-and-frisk laws to authorize search of persons and automobiles when the officer has reasonable suspicion to believe that he is in danger due to a suspect's possession of and access to a weapon.

✓ As an additional step, the Commission recommends that States prohibit the manufacture, importation, or sale of all handguns other than those for use by law enforcement or military personnel. States should also establish agencies authorized to purchase handguns from private individuals for a just price, and further authorized to modify rare and valuable guns that owners wish to retain as collector's items. Finally, States should prohibit the private possession of all handguns other than those which have been designated as collector's items and rendered inoperative.

### WHY HANDGUNS MUST BE CONTROLLED BY THE STATES

To maintain an orderly society, a government must regulate certain of its citizens' acts. Rights and freedoms cannot exist without recognition that one person's rights exist only to the degree they do not infringe on those of another.

Such a balance must be maintained in the possession and use of handguns. The Commission believes that private use and possession of handguns infringes on the right of the American public to be free from violence and death caused by the use of handguns. Public welfare does not permit the civilian possession of machineguns, flame throwers, handgrenades, bombs, or sawed-off shotguns; neither can it any longer tolerate the private possession of handguns.

Removing the handgun from American society will not eliminate crime and violence, but documentation shows there is a strong correlation between the number of privately owned handguns and the corresponding use of guns in crimes of violence.

Nationally, the handgun is the principal weapon used in criminal homicide. Reported crime statistics for 1971 indicate that 51 percent of all murders and nonnegligent manslaughters were committed with the use of a handgun.<sup>8</sup>

Handguns are also an important instrument in other crimes of violence. Possibly a third of

<sup>8</sup> UCR—1971, p. 8.



*Saturday night special.*

all robberies and one-fifth of all aggravated assaults are committed with handguns.<sup>9</sup>

Countries that have restrictive regulations on the private possession of handguns have considerably lower homicide rates than does the United States. For example, in Tokyo, Japan, a congested metropolis of more than 11 million people, and where it is illegal to own, possess, or manufacture handguns, there was only one handgun homicide reported in 1971.<sup>10</sup> In contrast, during the same time period, Los Angeles County, Calif., with a population of just over 7 million, reported 308 handgun homicides.<sup>11</sup>

Cultural differences account for some of this disparity but this explanation alone cannot account for the wide difference in homicide rates nor for the fact that Japanese statistics reflect a consistent yearly decrease in the number of crimes committed with

firearms since the 1964 national prohibition against all firearms.<sup>12</sup>

In the past 10 years in the United States, 722 police officers were murdered while performing in the line of duty; 73 percent of them were murdered with handguns. During the same 10 years, nine police officers were killed by handguns in Great Britain, 26 in Japan, and in France, "not enough to make a percentage." These countries all have stringent handgun control laws.<sup>13</sup>

The Commission is aware that many persons keep firearms in their homes because they fear for the lives and safety of themselves and their families. It should be known, however, that many "gun" crimes are family killings—not the "stranger" crimes where protection is needed. In 1971, one-fourth of all murders were "intra-family" in which a family member seized the weapon at hand. When a gun was seized, the fatality rate was five times higher than by an attack with any other weapon.<sup>14</sup>

<sup>9</sup> Newton and Zimring, *Op. cit.*, pp. 70, 73.

<sup>10</sup> Data received from the Metropolitan Police Department, Tokyo, Japan.

<sup>11</sup> Telephone Survey of Los Angeles County, Calif., Police Departments (conducted by the Los Angeles County Sheriff's Department, 1972).

<sup>12</sup> Data received from the Japanese National Police Agency.

<sup>13</sup> National Conference of Christians and Jews, *Hot Line* (November 1972), p. 6.

<sup>14</sup> Newton and Zimring, *Op. cit.*, p. 44.

- ✓ Further, the self-protection afforded by a handgun often is illusory. Although many handguns are acquired to defend family and property from intruders, a handgun in the home is more likely to kill a member of the family than it is to provide life-saving protection from burglars and robbers. A survey conducted in Detroit, Mich., indicated that more people are killed in household handgun accidents in 1 year than die as a result of home burglaries and robberies in 4½ years.<sup>15</sup>

## RECOMMENDATIONS

In the following section the Commission sets out its detailed recommendations for the control of handguns. Each recommendation is followed by explanatory notes.

### Enforcement of Current Laws

- ✓ **The Commission recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that States undertake publicity campaigns to educate the public fully about laws regulating the private possession of handguns.**

Federal laws, if utilized, present a sound legislative base for control of handguns. The Federal Gun Control Act of 1968 (18 U.S.C. 900-928) encourages States to enact their own legislation in the area of firearms, and provides two key statutory incentives to do so.

First, Congress provides assistance for State and local gun control by prohibiting interstate gun transactions by any person in violation of local laws. In section 922(b)(2) of the Gun Control Act, Congress provided:

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.

Federal law becomes a seal at the border of the State, prohibiting licensed importers, manufacturers, dealers, or collectors from selling or delivering firearms to such persons in violation of State law or local ordinance.

<sup>15</sup> *Ibid.*, p. 64.

✓ Second, Congress encourages States to enact their own firearms legislation. Congress said:

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

✓ Thus, States may legislate freely in the area of gun control, and only when Federal and State law are in direct conflict will the doctrine of Federal preemption come into play.

The Gun Control Act of 1968 contains other provisions critical to an effective national policy of handgun control. These are:

- A ban on interstate transactions of firearms and ammunition, and a prohibition against any person receiving firearms and ammunition from out of State; licensed dealers would be exempt from this provision.
- The requirement that a buyer submit a sworn statement attesting to his competence and setting out the essential facts of the transaction in interstate mail order shipment and receipt of firearms.
- Prohibition against sale of rifles, shotguns, or ammunition to persons under 18, and of handguns to persons under 21.
- Establishment of licensing provisions for manufacturers, dealers, importers, and collectors.
- The requirement that several types of firearms, including short-barreled shotguns and machine guns, be registered with the Federal Government.
- Prohibition of sale of firearms to convicted felons, fugitives from justice, or persons under indictment for crimes punishable by more than 1-year imprisonment.

Many States and units of local government have statutes or ordinances that make it illegal with varying limitations to carry a handgun on or about the person or in a vehicle, and in some areas a handgun can be carried only by a person possessing either a special permit and/or registration.

The Commission firmly believes that the enforcement of these existing laws—Federal, State, and local—would substantially reduce the availability of handguns to criminals and incompetents, and effect a reduction in the level of violence in America today.

The Commission, however, does not include current laws dealing with mandatory minimum sentences within the scope of this recommendation.

The Commission believes that some of these laws are inconsistent with current knowledge about incarceration and its effect on rehabilitation. Also, juries are sometimes reluctant to convict a defendant

if they must in effect impose an exceedingly long prison term. For these reasons, the Commission recommends instead prison sentences up to 25 years but with no mandatory minimum.

✓ The public should also be educated fully about the laws in force through State publicity campaigns, through enlisting the aid of print, radio, and television media, and by making information easily available to interested citizens and citizen groups.

### Penalties for Crimes Committed with a Handgun

✓ The Commission urges enactment of State legislation providing for an extended prison term with a maximum term of 25 years for committing a felony while in possession of a handgun.

Because of its ease of portability and concealment, the handgun is by far the principal weapon of criminal gun use. Although nationally handguns constitute only one-fourth of all privately owned firearms, they account for more than three-fourths of all criminal gun violence. If the public ever is to experience a feeling of relative safety and well-being, there must be positive and effective measures enacted to remove and eliminate the constant threat of the criminal use of handguns.

✓ The Commission does not intend that legislatures mandate minimum sentences for those committing a felony while in possession of a handgun. Rather, this recommendation provides that extended prison sentences may be imposed if there are circumstances warranting their application.

This proposal allowing for increased prison sentences is consistent with the rest of the Commission's recommendations. In its *Report on Corrections*, the Commission recommends against incarceration beyond terms of 5 years except for dangerous and repeating offenders, for whom terms of up to 25 years may be appropriate. The Commission believes that individuals who perpetrate felonies while in possession of a handgun clearly fall within the defined exceptions, and should be subject to the imposition of an extended sentence.

The benefits to be derived from enactment of legislation providing extended sentences for persons possessing firearms while committing felonies are twofold. First, the gun-wielding criminal would be removed from society for a substantial time period; and, second, many criminals, considering the risk too great, would be dissuaded from the continued use and possession of handguns.

Most Americans appear to agree with this approach. On February 16, 1969, the Gallup Poll conducted a survey using the following question:

It has been suggested that anyone who commits a crime with a gun be given double the regular sentence. Does this sound like a good idea to you, or a poor idea?

The answers indicated that 58 percent of respondents thought that it would be a good idea.<sup>16</sup>

### ✓ Stop-and-Frisk Searches

The Commission urges the enactment of State legislation providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal handguns.

The fourth amendment provides that "The right of people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures shall not be violated."

The Commission believes that police discretion to stop and frisk persons and to search automobiles for handguns is reasonable in situations where there are articulable reasons to believe that a police officer's life is in danger. In suspicious circumstances, officers, for their own safety, must have the right to search the person and portion of the vehicle accessible to the occupants for deadly weapons, especially handguns.

In *Firearms and Violence in American Life*, a staff report to the National Commission on the Causes and Prevention of Violence, the problem is stated as follows:

Firearms are not only the most deadly instrument of attack, but also the most versatile. Firearms make attacks possible that simply would not occur without firearms. They permit attacks at greater range and from positions of better concealment than other weapons. They also permit attacks by persons physically or psychologically unable to overpower their victim through violent physical contact. It is not surprising, therefore, that firearms are virtually the only weapon used in killing police officers.

The policeman, himself armed, is capable of defending against many forms of violent attack. He is trained and equipped to ward off attacks with blunt instruments, knives, or fists, and his firearm is usually sufficient to overcome his attacker, even if surprised at close range. It is, therefore, the capacity of firearms to kill instantly and from a distance that threatens the lives of police officers in the United States.<sup>17</sup>

Stop-and-frisk legislation should include broad police powers to search for weapons where strong articulable suspicion exists to indicate that the suspect is engaged in criminal conduct and there is suspicion that he is armed. This is consistent with the holding of the U.S. Supreme Court in *Terry v. Ohio*, 389 U.S. 20 (1968).

<sup>16</sup> Erskine, *Op. cit.*, p. 468.

<sup>17</sup> Newton and Zimring, *Op. cit.*



Speaking for the court in the *Terry* decision, Chief Justice Earl Warren stated:

The crux of this case, however, is not the propriety of Officer McFadden's taking steps to investigate petitioner's suspicious behavior, but rather, whether there was justification for McFadden's invasion of Terry's personal security by searching him for weapons in the course of that investigation. We are now concerned with more than the governmental interest in investigating crime; in addition, there is the more immediate interest of the police officer in taking steps to assure himself that the person with whom he is dealing is not armed with a weapon that could unexpectedly and fatally be used against him. Certainly it would be unreasonable to require that police officers take unnecessary risks in the performance of their duties. American criminals have a long tradition of armed violence, and every year in this country many law enforcement officers are killed in the line of duty, and thousands more are wounded.

Virtually all of these deaths and a substantial portion of the injuries are inflicted with guns and knives.

In view of these facts, we cannot blind ourselves to the need for law enforcement officers to protect themselves and other prospective victims of violence in situations where they may lack probable cause for an arrest. When an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others, it would appear to be clearly unreasonable to deny the officer the power to take necessary measures to determine whether the person is in fact carrying a weapon and to neutralize the threat of physical harm.

Justice John M. Harlan, concurring, stated:

If the State of Ohio were to provide that police officers could, on articulable suspicion less than probable cause, forcibly frisk and disarm persons thought to be carrying concealed weapons, I would have little doubt that action taken pursuant to such authority would be constitutionally reasonable.<sup>18</sup>

### ✓ Prohibiting the Manufacture of Handguns

The Commission urges the enactment of State legislation prohibiting the manufacture of handguns, their parts, and ammunition within the State, except for sale to law enforcement agencies or for military use.

Effective immediately upon the enactment of the legislation, and under penalty of fine or imprisonment or both, all manufacturers within the State should be required to cease production of handguns, their parts, and ammunition, other than those designated or destined for sale to law enforcement agencies or to the Federal or State government for use by military personnel.

<sup>18</sup> See also *Adams v. Williams*, 92 S. Ct. 1921 (1972).

Any attempt to eliminate the private possession of handguns should necessarily begin with obstruction at the primary source, the firearms manufacturer. The usefulness of handguns would be greatly lessened by the elimination of the availability of handgun ammunition.

Legislation should be effective immediately in order to preclude the possibility of stockpiling handguns and ammunition.

The Commission urges the enactment of State legislation prohibiting the importation into a State of all handguns, their parts, and ammunition.

Effective immediately upon enactment of the legislation, and under penalty of fine or imprisonment or both, imports of all handguns, their parts, and ammunition should be prohibited.

Importation of handguns for law enforcement and military agencies would be permitted.

This legislation, when combined with the preceding section prohibiting the manufacture of firearms, their parts, and ammunition, would eliminate all legal sources of handguns and ammunition in a State except where the gun is already in existence in the State.

Effective enforcement of statutes prohibiting the manufacture or importation into a State of firearms or ammunition would restrict the handgun problem to those already in the hands of citizens. Of all handguns, law enforcement officials consider the so-called "Saturday night special" to be the most common and most dangerous in criminal use. This is a handgun cheaply and quickly cast in metal; it has a relatively short life span and, with normal attrition, should disappear eventually from use.

### ✓ Prohibiting the Sale of Handguns

The Commission urges the enactment of State legislation prohibiting the sale of handguns, their parts, and ammunition to other than law enforcement agencies or Federal or State governments for military purposes.

The Commission believes that any legislation to eliminate the private possession of handguns should require an immediate cessation of all handgun sales. Although a ban on production and importation of handguns and their parts would eliminate the source of any new handguns, there is a vast number of used handguns available for sale to the public. This legislation would eliminate the potential use of these second-hand weapons. Perhaps more significantly, it would also preclude any tendency to stockpile handguns in anticipation of the prohibition of their possession.

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## Establishing a State Gun Control Agency

The Commission urges the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns, and further authorized to register and modify handguns to be retained by private citizens as curios, museum pieces, or collector's items.

The Commission believes that the best way to obtain compliance with any prohibitive regulation is to offer a reasonable and practical alternative.

Many handguns presently in private possession represent a substantial financial investment, and the possessor would have an understandable reluctance to forfeit possession without receiving remuneration. The convenience of having easy access to a certain and proper buyer, willing to pay a fair price, would tend to discourage efforts to negotiate private sales, and at the same time would offer a positive motivation to comply with the law.

The program can be effective only if all persons, regardless of social or economic position, are aware of the existence of the program, the location of the purchasing centers, and the time constraints involved. All communication media should be encouraged to inform the public about the program to exchange handguns for monetary compensation.

Utilization of this agency should be voluntary. Purchasing centers should operate with the single determination to achieve the goal of substantially reducing the number of handguns in private possession. If, because of the absence of the threat of prosecution, a stolen handgun or one that had been used in a crime were forfeited, and thus eliminated from potential use in another crime, then certainly it would be to the benefit of society.

Some handgun owners have collections that are both rare and valuable; the Commission does not believe these handguns should be forfeited, or the collections diminished. Personnel at the purchasing centers should be authorized, upon a sworn statement that the handgun was intended for use as a curio, museum piece, or collector's item, to modify the firing mechanism to render the weapon inoperable as a firearm. Modified weapons should be fully registered and identified, with a copy of the registration constituting authorization for possession. Any future alteration to the firing mechanism

enabling the handgun to be used again as a firearm would result in a forfeiture of the authorization for possession and subject the owner to prosecution for violation of any possession laws then in effect.

## Prohibiting the Private Possession of Handguns

The Commission further urges the enactment of State legislation not later than January 1, 1983, prohibiting the private possession of handguns after that date.

Effective on January 1, 1983, and under penalty of fine or imprisonment or both, possession of a handgun should be made illegal for any person other than law enforcement or military personnel, or those persons authorized to manufacture or deal in handguns for use by law enforcement or the military.

All of the arguments against prohibiting the private possession of handguns become, by comparison, subordinate to the death, tragedy, and violence that abound in the absence of such legislation.

## CONCLUSION

The Commission hopes that its position on handguns will be well received and widely supported by the American people. It recognizes, however, that there may be some initial opposition from citizens who have strong convictions in favor of private possession of all kinds of firearms, including handguns. The Commission respects the opinions of these persons and urges a full airing of all views, and open and thorough debate on the handgun issue in public forums, the press, and other appropriate places at the State and local levels.

It would be easy for the Commission to sidestep this issue altogether and to limit its recommendations to the popular and uncontroversial.

After lengthy discussion and careful deliberation, however, the Commission concludes that it has no choice other than to urge the enactment of the recommendations proposed in this chapter. The Commission believes that the American people are willing to make the personal sacrifices necessary to insure that the level of crime and violence in this Nation is diminished.