

missioners suggest that there be added at the end of the bill the following new title:

"TITLE VI

"Sec. 601. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

"Sec. 602. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction or control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

"Sec. 603. This Act shall become effective on the first day of the second month which follows its approval by more than ten days."

The Commissioners note that throughout the bill the intention appears to be to increase the penalty presently provided for certain offenses, and in several instances to establish a mandatory minimum penalty. The Commissioners have considerable question concerning the effectiveness of a mandatory minimum penalty. They are of the view that any such penalty may in its effect be self-defeating, in that if the mandatory minimum penalty is considered excessive by a jury, it may tend to acquit the defendant rather than subject him to what the jury may consider an excessively high mandatory minimum penalty. The Commissioners are cognizant of the fact that some effort is made to keep from the jury the knowledge of the penalty to which a defendant may be subject, in view of the fact that this knowledge is irrelevant to the question of whether the defendant did or did not commit the offense with which he is charged. However, the Commissioners recognize that sooner or later the jurors in attendance at court acquire knowledge concerning the maximum and minimum penalties for the more common offenses, and carry this knowledge with them into the jury room at the time they begin their consideration of a case. In view of this, the Commissioners question whether a mandatory minimum penalty, or an increase in an existing mandatory minimum penalty, will operate in such manner as to affect materially the crime situation in the District of Columbia.

Finally, the Commissioners are of the view that H.R. 7525 in its present form does not deal with the serious inadequacies in present law regarding the acquisition and possession of firearms. They believe that an appropriate means of dealing with this problem is that set forth in H.R. 5608, 88th Congress, a bill to amend the act of July 8, 1932, relating to the control of possession in the District of Columbia of dangerous weapons, and for other purposes, introduced at the request of the Commissioners. The purpose of this bill is to reduce the rate of serious crimes in the District by more closely controlling the acquisition and possession of dangerous weapons, with particular attention to handguns, which the Commissioners feel are now too easily available to criminal elements in the community. In general, the bill requires persons desiring to possess handguns to obtain permits therefor from the Commissioners; prohibits possession of handguns by persons under 18 years of age; prohibits the carrying about of any loaded rifle or shotgun anywhere in the District, except in one's home, place of business, or on other land owned or leased by the possessor of such weapon; requires closer surveillance by law-enforcement authorities over the importation and delivery of handguns into the District; requires stricter licensing of manufacturers and dealers in weapons in the District, and requires records to be kept and reports to be made to the chief of police concerning weapons sold and repaired and to whom sold or for whom repaired; tightens existing provisions prohibiting the possession of a dangerous weapon with intent to use it unlawfully, including establishment of a presumption that the possession of certain weapons, including possession of a pistol without a permit, constitutes possession of such weapon with intent to use it unlawfully; and require any person desiring to purchase a pistol, machinegun, sawed-off shotgun, or blackjack, within the District, first to obtain a permit to purchase any such weapon. The foregoing provisions, the Commissioners believe, constitute a strong, enforceable law to deal with the dangerous weapons problem in the District of Columbia. Accordingly, the Commissioners recommend that legislation substantially similar to H.R. 5608 be enacted by the Congress.