

are used, is traditionally regarded as defense and a protection of the home and the individual. I believe this question should be considered very carefully. The provisions of this title greatly trouble me.

I say this because I am greatly troubled, both from the standpoint of the draftsmanship and the standpoint of the effect they might have later on.

I have joined in sponsoring legislation which would make criminal misuse of firearms. But it is very plain, I would say, Mr. Chairman, from reading this section, that it is not the intent that this section be regularly applied, but that this section will be triggered by the happening of riots. So, I believe, this is a section that should be more carefully considered.

I have no suggestions to the committee as to how the committee should evolve the decision for having this section appropriately considered. There are an abundance of laws on the books, both State and Federal and local, to control the traffic and possession of firearms and the unlawful use of firearms. There are, indeed, some 20,000 laws dealing with the possession and ownership and use of firearms, State, Federal, and local.

There are two strong Federal statutes available, which have little been used by the Department of Justice, setting a more strict control, the National Firearms Act and the Federal Firearms Act, which would control the traffic in machineguns, which caught Rap Brown passing from one State to another. He is the only fellow, to my knowledge, who has been prosecuted under that section.

I think this would raise questions. There are laws on the books, Mr. Chairman. I believe a reading of this will cause considerable concern to a person with regard to the possible effect of this statute on someone who is doing, at the time, what seems to him, and which was plain to the person around him, to be an entirely innocent act. I am very troubled by this section. I wanted to come here to bring my concerns to the attention of this committee so you would be aware of the facts.

I want to point out one other thing. The bill sets out two definitions; in one they set up a definition of civil disorder. And, of course, this further complicated the application of section 231 and the provisions thereof, which might deal with the innocent instruction and the use of the firearm.

I point, as an example, to the business of the instruction and use of firearms. There are a number of police programs which are conducted for the benefit of the children around the country, some of which are marksmanship programs, and sportsmanship programs. Many of these are conducted, I think, for and to the substantial benefit of our young people in the underprivileged neighborhoods and areas of this country.

Conceivably, in the course of one of those programs, a police officer could be charged at a later time with having breached this section by teaching the use—and careful use—of firearms and perhaps he taught good sportsmanship and love of the outdoors at the same time. And his action might be entirely innocent. But because he had taught a Negro youth in the practice of the firearm, the officer could conceivably be charged under section 231 with having reason to know, or intending, that the same would be unlawfully employed in the course of a riot.