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Abortions

The State Board of Medical Examiners is cooperating with the Attorney General to prosecute doctors who perform therapeutic but illegal abortions. Dr. James McNulty, head of the Board, said they must be prosecuted, since they are breaking the law, but urged changes in statutes in favor of broadening circumstances for legal abortions. He called California's abortion laws "archaic" because they preempt the possibility of legal abortion for good moral and medical reasons.

The 300 member House of Delegates of the 22,000 member California Medical Association approved a resolution for extending therapeutic abortions. The resolution also called for proper medical control through establishment of hospital staffs or medical society committees to rule on the necessity for abortion in individual cases.

Source: San Diego Union 3/22/66

GUNS:

A Senate Subcommittee Tuesday approved a Bill to ban mail order sales of pistols and revolvers and restrict interstate purchases of rifles and shotguns. The Senate Juvenile Delinquency Subcommittee broke a long deadlock to approve, 6 to 3, a watered down version of the Administration's Bill. The Bill, bitterly opposed by the National Rifle Association, cleared the Subcommittee with surprising ease during a closed-door and unannounced session that lasted less than an hour.

The Bill would outlaw the interstate sale of concealed weapons except between dealers, manufacturers, and importers. It would also end the sale to individuals of the so-called destructive weapons such as Bazookas and hand grenades. The Bill would make it more difficult to purchase rifles and shotguns through the mails. The purchaser would have to send the manufacturer or dealer a sworn affidavit that he was 18, that he had no criminal record, and that the sale would not be contrary to law. The manufacturer or dealers then would send the affidavit to the local law enforcement official by registered mail. The sale could be completed on receipt of registered mail certificate.

The Legislation would permit over-the-counter sale of hand weapons at age 21, and shotguns and rifles at 18. The Bill does not include any restrictions on the sale of ammunition. The Bill also would ban the import of firearms except in cases where the Secretary of the Treasury deems they are sporting weapons.

Source: UPI 3/22/66

The Right To Bear Arms

The Second Amendment to the U. S. Constitution provides that: "A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." As the wording suggests, this Amendment pertains to the establishment of state militias, a fact further borne out by a clause that was dropped from James Madison's original text. Madison's phrase--"but no person religiously scrupulous of bearing arms should be compelled to render military service in person"--was deleted from the Amendment.

Congressional debate on the Second Amendment makes this point even clearer, for Elbridge Gerry, answering the question of why a militia was necessary to the security of a free state, affirmatively replied: "What, Sir, is the use of a militia? It is to prevent the establishment of a standing army, the band of liberty." Thus, the weight of evidence suggests that the purpose of the Second Amendment was to forbid congress to prohibit the maintenance of a state militia. The individuals right to keep and bear arms is, thus, neither guaranteed nor prohibited, by either the U. S. or California state constitutions.

In opposing the partial or total registration or prohibition of arms of all kinds by the state and federal authorities, various arguments besides that which rests upon Constitutional interpretation can be presented.

(1) The moral argument holds that governments cannot successfully legislate morality in

an area that involves prodigious numbers of citizens (e.g., Prohibition)

2. The practical argument holds that, were it possible to legislate morality in this area, the costs of such an effort would be fantastically prohibitive, if possible at all.
3. The statutory argument, reasoning from the above two arguments, holds that existing legislation is generally the most that can be hoped for under the circumstances.

California laws now

- (1) Prohibit possession of concealable weapons by dangerous drug or narcotic addicts;
- (2) Prohibit possession of concealable weapons by persons convicted of a felony;
- (3) Prohibit purchases of such weapons by persons under 18 years of age, unless accompanied by parents;

- (4) Make the theft of any firearm, regardless of value, a grand theft offense;
- (5) Prohibit possession of any firearm by a person who has been involuntarily confined in a mental institution for 30 days or more without clearance from the institution confinement.

Areas in firearm legislation that might be changed or strengthened are:

- (1) Control of mail-order guns and rifles;
- (2) Change of the prohibition on the sale of firearms to former patients of mental institutions for 30 days or more, so as to make patients undergoing confinement for any period subject to the law (and subject to the same certification process;)
- (3) The whole area of possession by felons or dangerous drug or narcotics addicts of firearms other than concealable weapons.