

SENATE UNIT ACTS ON GUN BILL TODAY

Magnuson Seeks to Block Curb on Postal Sales

Special to The New York Times

WASHINGTON, Aug. 10 — The final battle over a proposal to regulate the flourishing mail-order gun business will probably be fought tomorrow at an executive session of the Senate Commerce Committee.

Opponents of the bill, led by the committee chairman, Warren G. Magnuson, will try to prevent a vote that might send the measure to the floor.

An aide to the Washington Democrat said he doubted that the bill would "move." He said the meeting probably would be the committee's last before the Democratic National Convention, which opens Aug. 24.

"And we hope it's the last meeting, period," he declared.

If the bill is not brought to the Senate floor before the convention recess it will die, unless the Senate reconvenes after the convention. It has not yet been determined whether the Senate will reconvene.

The bill was introduced last August by Senator Thomas J. Dodd after more than two years of investigation by the Juvenile Delinquency subcommittee of the Judiciary Committee.

The Connecticut Democrat amended the bill in November, after the assassination of President Kennedy, to cover all firearms, not only concealable weapons, and to strengthen other provisions.

The bill now would:

¶Prohibit the shipment in interstate commerce of guns to persons under 18 years of age.

¶Prohibit the shipment of such weapons to convicted felons.

¶Increase the Federal license fee for gun dealers from \$1 to \$10 in an attempt to discourage fly-by-night mail-order houses.

¶Require the purchaser of a mail-order gun to state in an affidavit his name, address, age, criminal record, if any, and whether the purchase would be contrary to state law.

¶Require that the affidavit include the name and address of the principal law enforcement officer in the purchaser's community. The gun seller would send a copy of the affidavit to the law officer, who would verify it and return it to the

seller. The purchase would then be completed.

The main argument put forth against the bill is that it violates the Second Amendment, which guarantees "the right of the people to keep and bear arms."

Supporters of the bill vigorously deny this. They say the Second Amendment pertains to the maintenance of a militia and that is not relevant in this case.

Senator Frank Lausche, a member of the Commerce Committee, said today that the bill merely would require that "public officials be informed of who buys what kind of guns through the mail."

The Ohio Democrat said the bill in no way "prohibits a person from buying firearms" who conforms to local and state regulations.

More Study Sought

Senator Magnuson is said to believe that the bill needs more study.

However, supporters of the bill note that after the two-year study by the Juvenile Delinquency subcommittee hearings on the bill by the Commerce Committee last winter filled 340 printed pages.

Exactly who opposes the bill is not clear. The National Rifle Association, long a foe of restrictive gun regulations, has backed it publicly.

Some observers claim, however, that the association, which runs a powerful lobbying operation, has opposed the bill in private.

As evidence, they point to a citation the association recently awarded Mr. Magnuson for his "calm judgment" and "refusal to act precipitously . . . on anti-firearms legislation."

Last week Mr. Dodd told the Senate he was convinced that opposition to the bill "does not come from responsible sportsmen's groups."

"The protests," he said, "have come from the crackpot element."

The Juvenile Delinquency subcommittee estimates that a million guns were bought by mail in 1963, and that in some areas as many as 25 per cent of them were sold to convicted criminals.

The subcommittee also says that there is an extraordinary correlation between areas with strict gun laws and low homicide rates.

New York, which has the toughest laws of any state in the nation, has a rate of 5.4 homicides per 100,000 population. Dallas, which has very lax laws, has a rate of 13.4 murders per 100,000 persons.