

**BLACK POWDER (S. 1083)—1973**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON THE JUDICIARY**  
**UNITED STATES SENATE**  
NINETY-THIRD CONGRESS

FIRST SESSION  
ON

**S. 1083**

A BILL TO EXEMPT BLACK POWDER FROM THE LICENSING  
AND PERMIT PROVISIONS OF TITLE XI OF THE  
ORGANIZED CRIME CONTROL ACT

JUNE 12, 1973

Printed for the use of the Committee on the Judiciary



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U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

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## EXEMPTIONS FOR BLACK POWDER, S. 1083

TUESDAY, JUNE 12, 1973

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C.

The committee met, pursuant to notice, at 9:45 a.m., in room 4200, Dirksen Senate Office Building, Senator Birch Bayh presiding.

Present: Senator Bayh (presiding).

Also present: Mathea Falco, staff director and chief counsel; Nancy Smith, research director; Lance Ringel, assistant clerk; Elizabeth Martin, secretary to the staff director; and Catherine van de Velde, secretary; staff members of the Subcommittee To Investigate Juvenile Delinquency.

Senator BAYH. This morning we open hearings on S. 1083, a bill which I introduced to exempt commercially produced black powder from the licensing, permit, transportation, and storage provisions of title XI of the Organized Crime Control Act of 1970. Under present Federal law, the purchase, possession, storage, and transportation of black powder in amounts larger than 5 pounds as well as certain igniters are subject to extensive regulation, resulting in serious hardships for the many thousands of Americans who use these materials for recreational, cultural, and sporting purposes. My bill would remove these burdens without affecting in any way the strict criminal penalties for the misuse of explosives, including black powder and igniters. These penalties, adopted by the Congress in 1970, are designed to prevent unlawful damage of property, intimidation, personal injury, and loss of life through the use of explosives. I believe that these terrible crimes must be punished swiftly and severely, as provided by present law.

S. 1083 has been considered by the Subcommittee on Criminal Laws and Procedures, of which Senator McClellan is chairman, and has been reported by a majority of the subcommittee, with an amendment in the nature of a substitute, to the Full Judiciary Committee. The subcommittee amendment improved my original bill by extending the black powder and igniter exemption to include not only sporting purposes but also cultural and recreational purposes in the definition of the permissible uses of these materials. Because of certain questions raised in subcommittee about the bill, we determined that hearings would be useful and informative in our further deliberation

of the proposed legislation. I am conducting these hearings on behalf of Chairman Eastland.

The issue we are considering today, the regulation of black powder, is not new to this committee. In the 91st Congress, Senators McClellan and Hruska introduced a bill, S. 3650, to strengthen the Federal laws concerning the illegal use, transportation, and possession of explosives. During consideration of this measure, the committee recognized the overly broad scope of its provisions with regard to ammunition and materials used for sporting purposes. The committee report on S. 3650 notes that:

The broad scope of the bill as originally introduced would have resulted in needlessly penalizing law abiding sportsmen who, because of the expense involved in purchasing ammunition and as a hobby, hand load their own shells to be used for legitimate sporting purposes. In addition, over 10,000 of our citizens legitimately use black powder, smokeless powder, primers and percussion caps in connection with sporting activities involving muzzle loaded rifles and other guns. To meet this problem, Senator Schweiker (cosponsored by 27 other Senators) introduced amendment No. 728 to S. 3650 (See 116 Cong. Rec. S. 9559 (daily ed. June 23, 1970)), and others contacted the subcommittee. Consequently, language has been added to the bill that would exempt from its coverage these kinds of legitimate sporting activities. (Senate Report 91-1215, 91st Cong., 2d. Sess., pp. 8-9 (1970).

While Senator Schweiker's amendment—No. 728—referred to in the committee report provided an exemption for black powder in amounts not to exceed 6 pounds for use for lawful sporting purposes, the bill as reported by the committee contained a complete exemption for black powder by excluding small arms ammunition and components intended for use therein from the definition of explosive.

The Senate accepted without debate the committee amendments and adopted the bill by a vote of 68-0 on October 8, 1970. However, both Houses passed separate bills, with the Senate finally adopting the House version which did not give adequate recognition to the use of black powder for sporting purposes. Thus, despite the language of the explosives law as finally enacted, the legislative history of this important measure clearly indicates that the Senate thoroughly considered the issue of exempting black powder for sporting purposes and acted favorably upon such an exemption.

Title XI of the Organized Crime Control Act was enacted 3 years ago to meet an immediate, critical need to strengthen the Federal laws applicable to bomb explosions and bombing threats. The dangers posed by potential loss of life, destruction of property, intimidation, and the disruption of the daily activities of our people demanded strong, effective congressional action to curtail these bombings. However, I am sure that these efforts to deter criminals from misusing explosives were not intended to penalize our law-abiding sportsmen.

Furthermore, experience has shown that the restrictions on black powder are not effective in curtailing bomb threats and bombing incidents. Studies conducted by the National Bomb Data Center have

found that black powder is used in an insignificant number of bombings. During the period July 1970 through June 1971, 2,352 bombings were recorded by the Center, of which only 96 contained black powder. Even more significant is the fact that a comparison of bombing reports for the 8-month period preceding the effective date of title XI—July 1970—February 1971, inclusive—and the 8-month period following that date—March 1971—October 1971, inclusive—reveals that the number of black powder bombs actually increased, as did the total number of bombs.

Thus, the restrictions placed on commercially manufactured black powder propellant have not had any demonstrable effect in reducing the incidence of black powder use for illegal purposes.

The Center study on bombing, conducted by the International Association of Chiefs of Police, was based on newspaper reports and field reports from law enforcement agencies. Although no information was obtained on the type of black powder used in the small number of reported bombings, it is probable that a large percentage of the black powder incidents involved homemade black powder. Commercially manufactured black powder has been extremely difficult to obtain, even for legitimate purposes, since the effective date of title XI. As any schoolboy knows, black powder can easily be made from sulfur, saltpeter, and charcoal. However, as antique shooting sports enthusiasts know all too well, only the highest grade of propellant is suitable for muzzle-loading rifles and antique cannons.

The use of antique firearms and replicas of antique rifles and cannons is an integral part of the sporting, cultural, and recreational life of this country. Muzzle-loading rifles are used at meets throughout the Nation by organizations such as the National Muzzle Loading Rifle Association and the North-South Skirmish Association.

These include both team and individual competitions using various types of Civil War weapons and other antique firearms. Antique or replica muzzle-loading cannons are also used nationwide by various civic, Boy Scouts, and veterans groups in a variety of ceremonies, including flag-raising, centennial, sesquicentennial, and Fourth of July celebrations. Moreover, they are used by symphony orchestras in the performance of classical music, such as Tchaikovsky's "1812 Overture." In addition, replicas are manufactured for historical groups and associations for use on historical restorative projects throughout the country. In my own State of Indiana, organized competitions using antique muzzle-loading weapons are an important part of our recreational and sporting tradition.

At this point in the record I wish to insert the text of S. 1083, introduced on March 1, 1973, and the text of S. 1083, as amended, and reported from the Committee on the Judiciary.

[The documents were marked "Exhibits Nos. 1 and 2" and are as follows:]

**S. 1083**

IN THE SENATE OF THE UNITED STATES

MARCH 1, 1973

Mr. BAYH introduced the following bill: which was read twice and referred to the Committee on the Judiciary

**A BILL**

To amend certain provisions of Federal law relating to explosives.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 That section 845 (a) of title 18 of the United States Code  
 4 (relating to exemptions from certain provisions of Federal  
 5 law relating to explosives) is amended by striking out para-  
 6 graph (5) and inserting in lieu thereof the following new  
 7 paragraph:

8 " (5) commercially manufactured black powder,  
 9 percussion caps, safety and pyrotechnic fuses, quills,  
 10 quick and slow matches, and friction primers intended

II

2

1 to be used solely for sporting purposes in antique fire-  
 2 arms or devices as defined in section 921 (a) of title 18  
 3 of the United States Code; and".

Calendar No. 260

**S. 1083**

[Report No. 93-274]

IN THE SENATE OF THE UNITED STATES

MARCH 1, 1973

Mr. BAYH (for himself, Mr. ERVIN, and Mr. HUDDLESTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 28 (legislative day, JUNE 25), 1973  
 Reported by Mr. BAYH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

**A BILL**

To amend certain provisions of Federal law relating to explosives.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 That section 845 (a) of title 18 of the United States Code  
 4 relating to exemptions from certain provisions of Federal  
 5 law relating to explosives) is amended by striking out para-  
 6 graph (5) and inserting in lieu thereof the following new  
 7 paragraph:

8 "~~(5)~~ commercially manufactured black powder,  
 9 percussion caps, safety and pyrotechnic fuses, quills,  
 10 quick and slow matches, and friction primers intended  
 11 to be used solely for sporting purposes in antique fire-

II

1 arms or devices as defined in section 921(a) of title 18  
2 of the United States Code; and".

3 That this Act may be cited as "Amendments of 1973 to Fed-  
4 eral Law Relating to Explosives".

5 *Sec. 101. Section 845(a) of title 18 of the United States*  
6 *Code (relating to exemptions from certain provisions of Fed-*  
7 *eral law relating to explosives) is amended by striking out*  
8 *paragraph (5) and inserting in lieu thereof the following*  
9 *new paragraph:*

10 " (5) commercially manufactured black powder, per-  
11 cussion caps, safety and pyrotechnic fuses, quills, quick  
12 and slow matches, and friction primers, intended to be  
13 used solely for sporting, recreational, or cultural pur-  
14 poses in antique firearms as defined in section 921(a)  
15 (16) of title 18 of the United States Code, or in antique  
16 devices as exempted from the term 'destructive device'  
17 in section 921(a)(4) of title 18 of the United States  
18 Code; and".

19 *Sec. 102. Section 921(a)(4) of title 18 of the United*  
20 *States Code is amended by inserting after the word "sport-*  
21 *ing" in the last sentence the following: ", recreational or*  
22 *cultural".*

I note the interest of my colleague, Senator Scott from Pennsylv-  
ania, the distinguished minority leader and a member of this com-  
mittee, in this important measure. He strongly supports S. 1083, and  
has asked that his statement be included in this hearing record.

[Senator Scott's prepared statement was marked "Exhibit No. 3"  
and is as follows:]

STATEMENT OF SENATOR HUGH SCOTT, JUDICIARY SUBCOMMITTEE ON CRIMINAL  
LAWS AND PROCEDURES, JUNE 12, 1973

Mr. Chairman, as a member of this Subcommittee on Criminal Laws and  
Procedures, I am pleased that you have called these hearings on S. 1083, a bill  
to exempt black powder and certain igniters used in antique weapons or devices  
from the licensing and permit provisions of the Federal laws relating to  
explosives.

As presently drafted, this bill would not alter the existing tough criminal  
penalties for the wrongful use of black powder. However, it would lift an un-  
necessary burden from thousands of American sportsmen and history buffs who  
use black powder in their recreational activities. For example, the National  
Muzzle Loading Rifle Association and the North-South Skirmish Association  
both have legitimate uses for black powder in their normal competitive activity.

I am aware of the objections which have been raised against this partial ex-  
emption on the grounds that black powder is thought to be frequently used by  
bombers and anarchists. However, I am persuaded by studies prepared by the  
International Association of Chiefs of Police that an extremely small percentage  
of bombings can be directly attributed to the use of black powder, especially  
that which is commercially produced.

Mr. Chairman, I am not convinced that the current "permit" system now in  
operation accomplishes the worthy objectives of the law—that is, to keep explo-  
sive material out of the hands of persons with criminal intentions. On the con-  
trary, Pennsylvanians who have a legitimate use for black powder are effectively  
prohibited from either purchasing it or using it because of the cumbersome re-  
quirements associated with its acquisition. I strongly urge the approval of legis-  
lation to lift this burden from law-abiding citizens, while at the same time  
vigorously enforcing the criminal sanctions already applicable.

I also note for the record the interest and concern which has been  
expressed by my distinguished colleague, a Congressman from the  
Ninth Congressional District in Indiana, Congressman Lee Hamilton,  
who has been interested in finding a way to remove this imposition  
on sportsmen who have used black powder for some time.

[Congressman Hamilton's prepared statement was marked "Exhibit  
No. 4" and is as follows:]

EXHIBIT No. 4

BLACK POWDER LEGISLATION

Mr. Chairman, I support S. 1083, a bill to amend certain provisions of Federal  
law relating to black powder explosives. This bill is nearly identical to H.R. 5964,  
which I have introduced with 16 co-sponsors. Both bills exempt commercially  
manufactured black powder and certain ignition devices from the licensing and  
permit provisions of Title XI of the Organized Crime Control Act. These provi-  
sions severely curtail the use of black powder in quantities of more than five  
pounds.

The current law has had a very great adverse effect on the sport of shooting  
with muzzle loading guns. This form of weapon was used up until the late 1800's,  
and these antiques or replicas of them are now used for competitive and rec-  
reational purposes by thousands of sportsmen throughout the nation. The  
National Muzzle Loading Rifle Association, with headquarters in my Congres-  
sional District, has about 17,000 members but this figure represents only a small  
fraction of the total number of users of these antiques.

Since the explosives law, which covers black powder, went into effect in early  
1971, there have been severe and increasing shortages of this propellant. It has  
become up to six times as expensive to buy it, and the sole remaining American  
manufacturer of it has ceased operations. Muzzle loading sportsmen have had to  
rely increasingly on inferior quality powder imported from Scotland, while  
existing domestic stocks are hoarded like gold.

In effect, Mr. Chairman, the purchase, shipment and storage restrictions imposed by the law are causing a popular and historic sports to die out. While not the intention of the drafters of the law, this will surely be the result if relief is not forthcoming. This would be most unfortunate, especially since black powder is a weak explosive that should not be lumped in with such strong explosives as TNT and nitroglycerine for regulatory purposes, as it is under the law.

Safety is foremost in the minds of muzzle loading sportsmen. Participants in competitive matches use protective glasses and sound suppressors, and firing procedures are strictly controlled and supervised.

If safety is the watchword for these matches, authenticity is the key, and participants go to great lengths to insure that their outfits and equipment are historically accurate. Muzzle loading "regiments" or teams gave many colorful performances during the Civil War Centennial, and historic recreations should be equally popular—should the powder supply permit them—during the American Revolution Bicentennial.

While S. 1083 would lift the restrictions on the lawful use of black powder, it would not affect the existing criminal penalties for the misuse of explosives. Those who would use black powder for illegitimate purposes would get absolutely no relief from the bill.

This legislation has been endorsed by many sportsmen's groups, including the National Rifle Association, the Indiana Sportsmen's Council, and the North-South Skirmish Association, as well as the N.M.L.R.A.

Muzzle loading shooting is a legitimate sport, and part of our national heritage. It deserves to stay alive, and can do so if prompt and affirmative action is taken to lift the severe restriction now threatening it.

Mr. Chairman, I respectfully urge that such positive action be taken.

Our first presentation this morning is a doubleheaded one. We have two witnesses who will make the first presentation, Lt. Col. Vaughn K. Goodwin, president, National Muzzle Loading Rifle Association, and Hon. Gary Butler, State Representative, Lawrenceburg, Ind., and a member of the board of directors of the National Muzzle Loading Rifle Association.

Gentlemen, would you join us at the witness table, please?

**STATEMENT OF VAUGHN K. GOODWIN, PRESIDENT, NATIONAL MUZZLE LOADING RIFLE ASSOCIATION, AND STATEMENT OF HON. GARY L. BUTLER, STATE REPRESENTATIVE IN THE INDIANA GENERAL ASSEMBLY, LAWRENCEBURG, IND., MEMBER, NATIONAL MUZZLE LOADING RIFLE ASSOCIATION**

Mr. Goodwin. Mr. Chairman and members of the committee.

I appreciate the opportunity to represent the National Muzzle Loading Rifle Association, which I will refer to as "NMLRA," and you will all understand what it is. It is the parent organization of muzzle loading shooting in the United States.

Mr. Chairman, my name is Vaughn K. Goodwin, president of the association, and at the present time I am retired from the Air Force of the United States, with over 28 years of service as an aviation ordnance officer and a Regular Air Force officer. I am a graduate in mechanical engineering from Stanford University and have a total of over 32 years as an ordnance engineer and in R. & D. My home is Annapolis, Md., home and residence, both. I have been a member of NMLRA for over 23 years and a directing officer for 18.

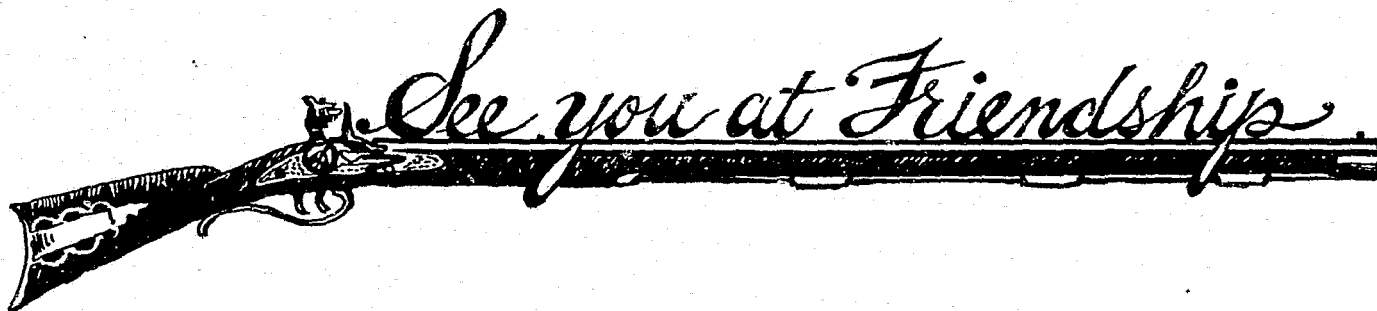
The NMLRA is an American heritage shooter-sportsman organization of over 17,500 members and 270 charter clubs in the United States. We have our national office and home range at Friendship, Ind. We are a nonprofit organization dedicated to the development of skills in marksmanship and riflemaking craftsmanship of early American muzzle loading firearms and to furthering the heritage on which this country was founded. Our members are from all walks of life. One can be shooting with a judge from Texas or a judge from Indiana, a lawyer from Toledo, with farmers, with people from all working services. So, we can truly say that we could represent the cross-section of the country. From the meeting of a handful of sportsmen who gathered in February 1933 at Portsmouth, Ohio to shoot the muzzle-loading rifles of our Nation's forefathers and who established the NMLRA, muzzle-loading shooting has grown until today it is heralded as the fastest-growing shooting sport in the United States.

I have here—I only have one—a brochure that I would like to leave with you, Senator. "See You at Friendship." I think, if anyone sees this—you can talk for hours, but I think the pictures in here will depict what "Friendship" is all about.

Senator BAYH. Glad to have that for the record.

[The brochure was marked "Exhibit No. 5" and is as follows:]



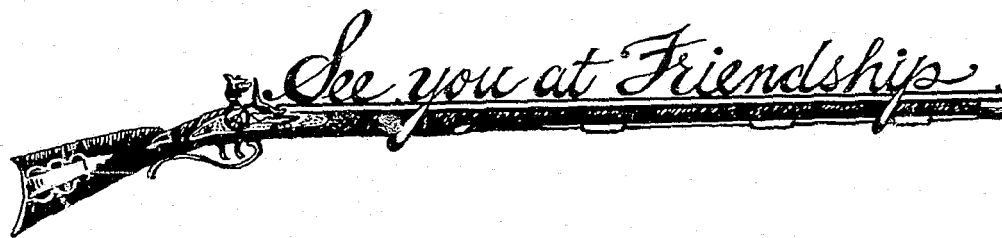


thanks for your help:

MARGARET AND MERRILL DEER  
LEE GOOD - AND ALYNE, CLYDE AND MARTIN  
MAXINE MOSS  
"RED" FARRIS  
IVO GREENWELL  
NANCY PARK

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10



photographs:  
Cliff King  
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Kriker  
Bob Wheaton  
and the author

art:  
JOHN MONTGOMERY

compiled by  
**Mary Elizabeth Good**  
of the NMLRA Public Relations Committee

11

*dedicated to*

. . . the muzzle loading rifle . . .

which emerged in its true American form out of the labors of a Pennsylvania blacksmith around 1720 . . . then was carried across the Cumberland Gap, headed for the West. Created to fit the needs of the times and the place, it began as a long, lean, full-stock Flintlock "Kentucky" rifle, and evolved into the Percussion Fullstock whose style varied regionally. It finally ended up in the backwoods as the slender, half-stock squirrel rifle.

As "westward the course of empire lay," the gun on the scene was the Plains Rifle . . . larger caliber . . . shorter length . . . heavy barreled.

The American musket made its importance felt from Bunker Hill to Shiloh . . . and the Kentucky was heard from the swamps around New Orleans, and from the walls of a mission called Alamo.

These are the guns that gave this Nation its freedom, and made possible the settlement of a continent.

Today, each is a monument to a "moment in history".

Now, they and others like them made by contemporary craftsmen, are brought to Walter Cline Range at Friendship to be fired at the matches . . . and admired around the campfires.

This is a living American tradition!

meg



12

99-090 O - 74 - 2



13

the road to Friendship . . .

WALTER CLINE RANGE . . . where muzzle loading firearms, which were a deciding factor in our nation's growth for nearly two centuries, continue to prove their legendary accuracy in the hands of skilled marksmen!

The NATIONAL OFFICE (1) and RANGE are situated on 364 acres in historic Laughery Creek Valley, near the quiet and picturesque village of Friendship, in southeastern Indiana.

Facilities include:

770 feet of covered firing line . . . 25 to 500 yard positions. (2)

Flintlock and percussion matches for rifles, muskets, pistols and shotguns.

Day and night trap shooting for shotgunners. (3)

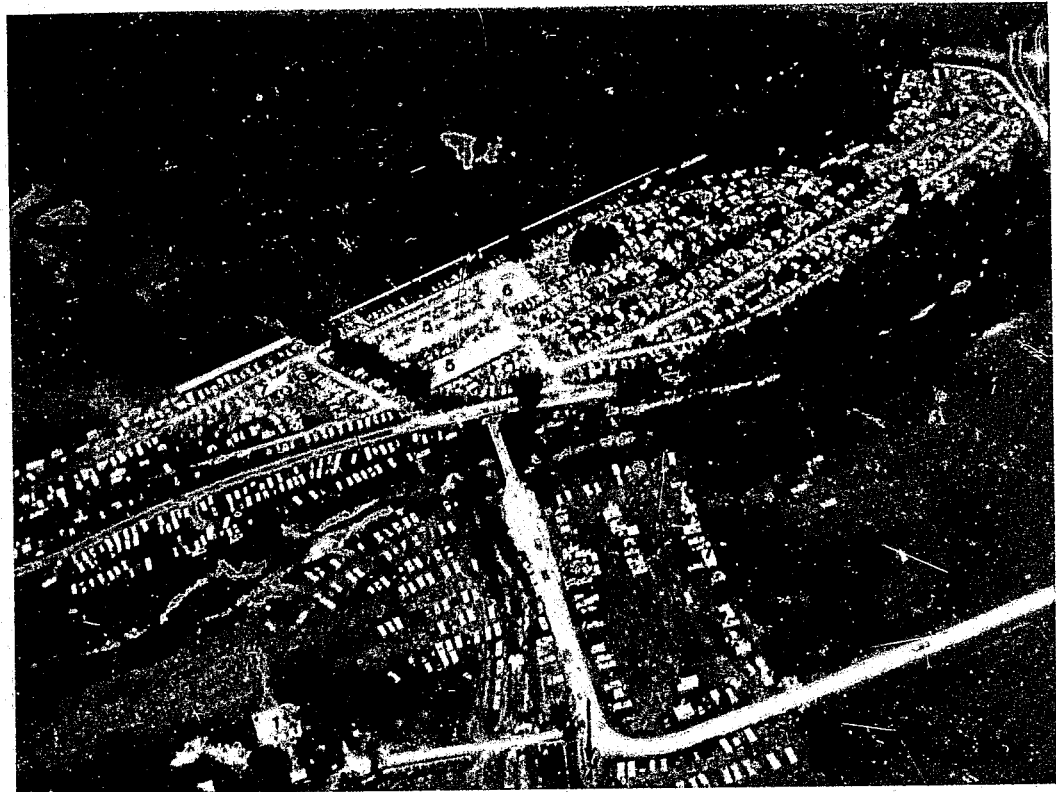
"Primitive" Range . . . where riflemen, dressed in the tradition of the American frontier, fire matches reminiscent of that phase in our history. (4)

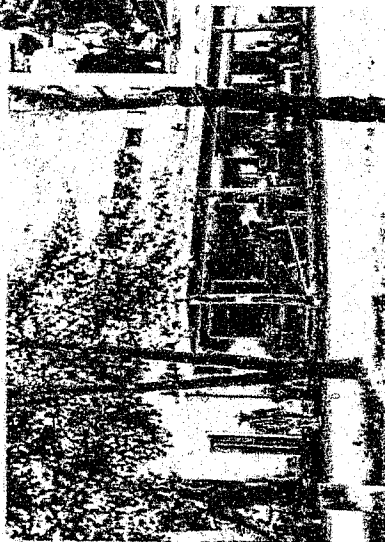
Large Commercial Row . . . 75 booths with firearms, antiques, and Americana. (5)

Spacious Club House . . . good meals in the dining room. (6)

Excellent camping facilities for member-families. (7)

Folk music and square dancing in the big barn, just south of the national office.





One "front door"

and Club House



Aged by the passing of  
centuries for nearly a century,  
constructed of brick, hand-  
made and fired nearby, this  
lovely old farm house is now  
the HOME of the NATIONAL  
MUZZLE LOADING RIFLE  
ASSOCIATION.

from A to Z . . . you'll find it on

COMMERCIAL ROW . . .

Antiques • arrowheads  
Buckskin • books • Bowie knives  
Coon skin caps • candlesticks  
Dulcimers • documents  
Elkhorn  
Flintlocks  
Gun flint  
Hides • harpins  
Inkewells • inlays  
Jew's hair  
Kettles  
Lanterns



Amorangs • muskets • nails  
Antique grater • napian rug  
Old glass  
Powderboxes • patchboxes • powder  
Quaint clothes  
Rifles  
School bells • sunbonnets •olph bells  
Tomahawks • traps • triggers • tips  
Utensils  
Wares • Victrola  
Wrought iron • whale's teeth  
Xylophone  
Yardsticks  
Zither

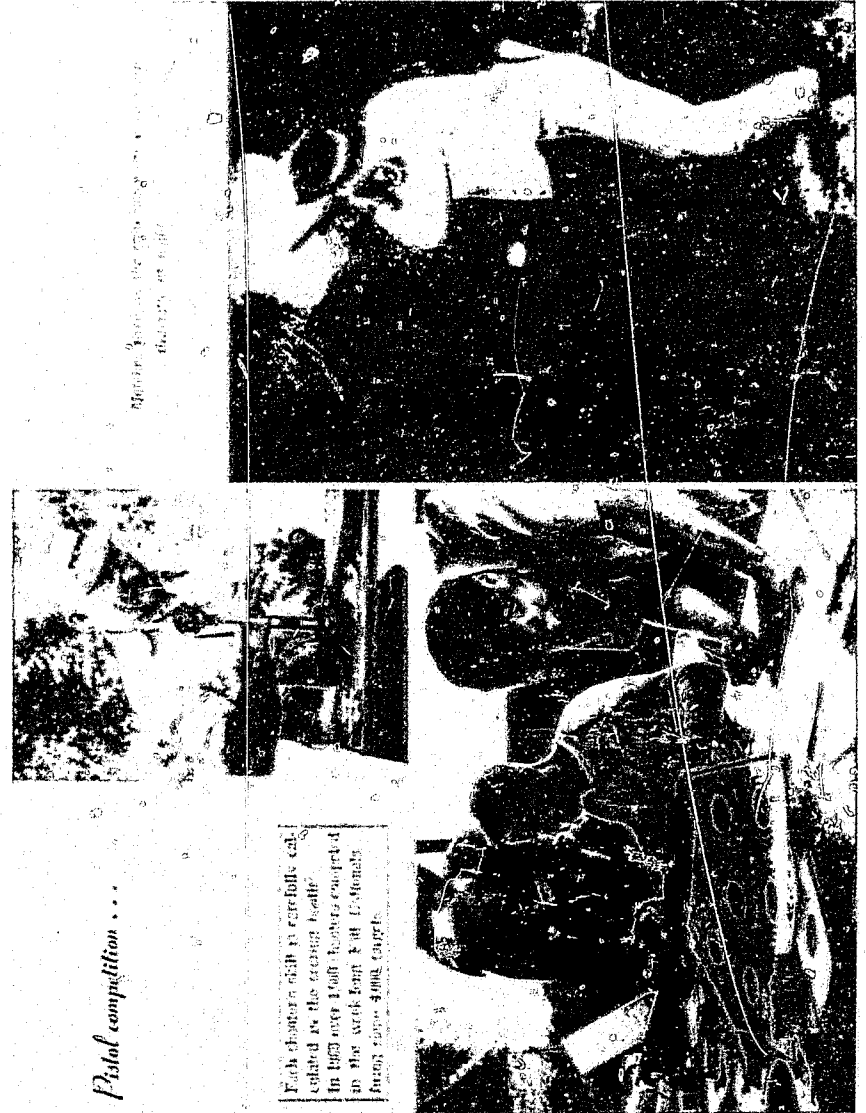
The revival of interest in the shooting and poaching  
of the furcans of our history began in the Ohio Valley  
in the early 1940s, and resulted in the formation of the  
National Muzzle Loading Rifle Association

Now, members from every state in the Union, from  
Canada, and around the world share the enthusiasm



on  
the  
Firing  
Line

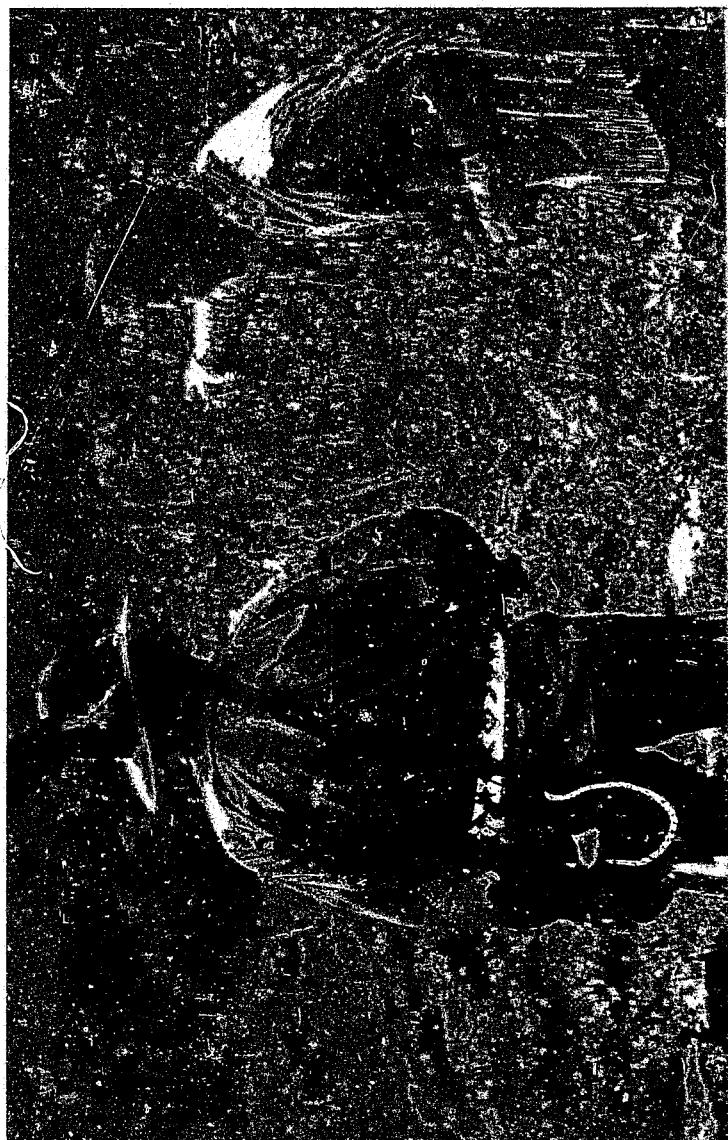




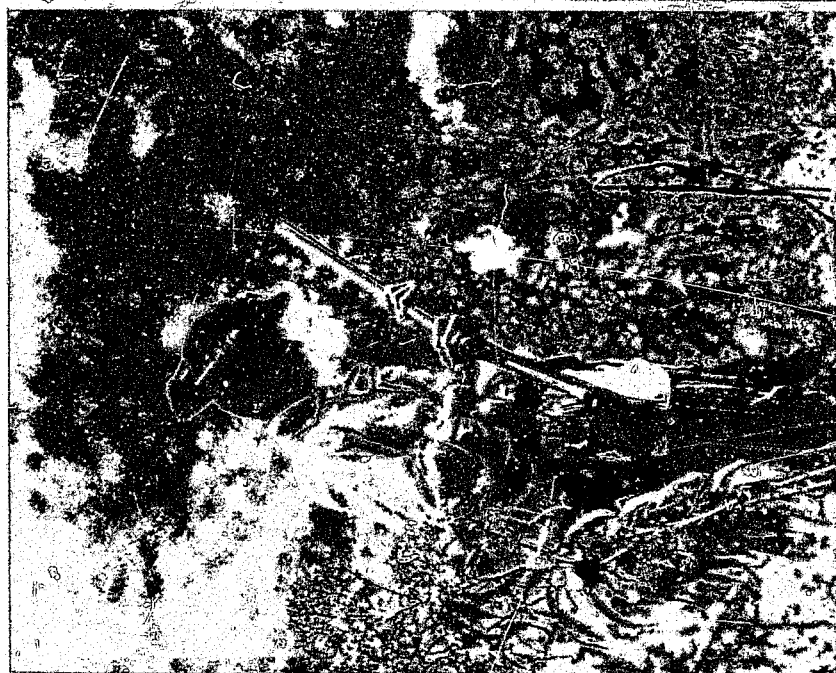
*Pistol competition . . .*

Each contestant aims to retrieve cash  
 hidden in the treasure chest.  
 In 1953 over 1,000 soldiers competed  
 in the week long \$ 100,000 contest.  
 Award given to 4000 troops.

Major General J. B. ...  
 ...



which way to the primitive moccasins . . . ?

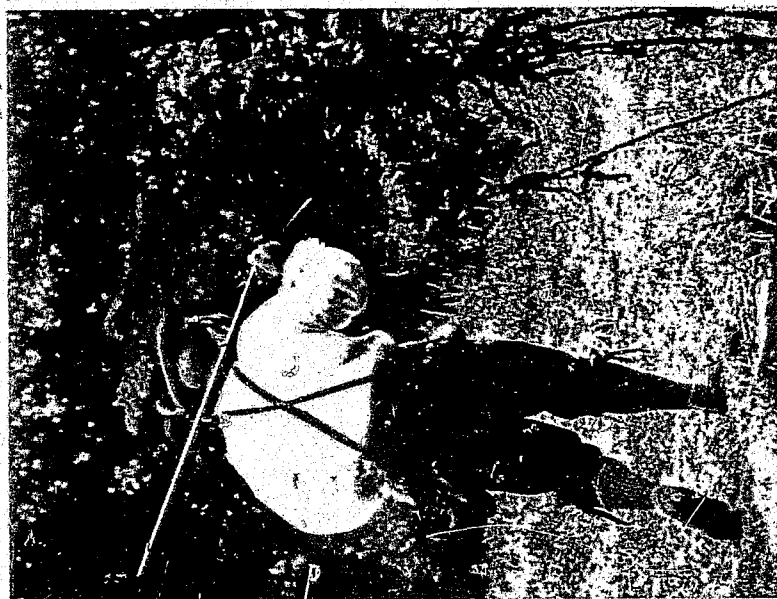


from out of the past . . .  
costumed Eskimos demonstrate the skill and  
targets of an era when rifle moccasins were  
the national sport of a young Arctic.





*Heading for home, remembering...*



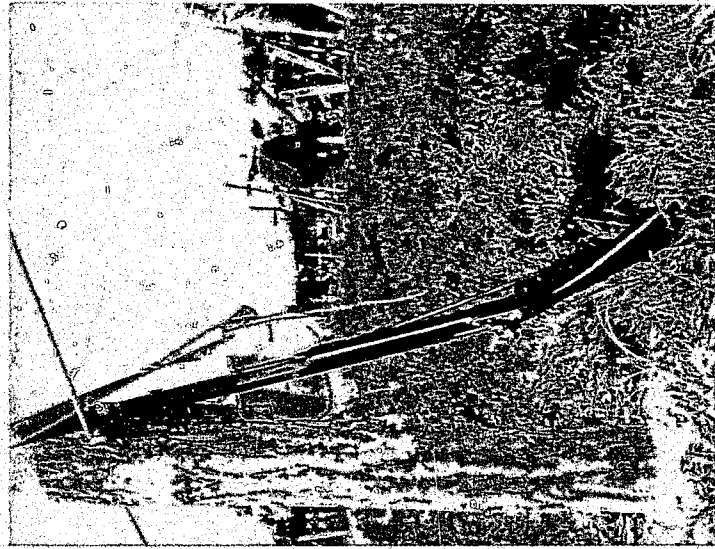
*conversations around the campfire...*



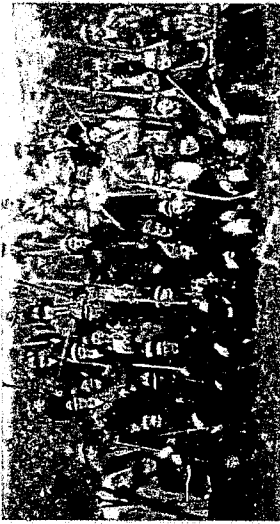
*squares dancing in the bar...*



and days long past at Friendship



shooting matches at Friendship, when sky was the only cover over the firing line.



A group of the men who "started it all" Competitors at one of the first of the shoots that led to formation of the NMLRA.

### How Did It All Begin?

In the March 1941 issue of "Muzzle Blasts", E. M. "Red" Farris described DEVELOPMENTS OF A DECADE.

"The reader before our eyes tells us this is the 22nd of February, 1941, and what it's just passed anniversary of the birth of George Washington. Sure.

"But it was another anniversary, too. Few who were on hand recall the particular birth... only this was a 're-birth'.

"It was exactly ten years ago on this date that the members of the NMLRA small bore rifle club here at Fortsumath, staged the muzzle loading rifle shoot that finally got 'round the world' via WJW and Saturday Evening Post.

"The records show that sixty-seven competitors entered the event that day. The main item was two eight foot and three with rest at 60 yards. The photographic program that has before me always there were to be gold, silver and bronze medals for the high three in this match, with the big cup... the cup that's now awarded annually to the National Champion... as the special prize to the top man.

"At the bottom of this Involution-Program we note the dated words: MAKE THIS MATCH A SUCCESS AND IT WILL BE AN ANNUAL AFFAIR. Little did any of the promoters think this was going to result in a revival of interest in frontier rifles that would sweep the nation. Yes, even move into other countries. But that happens to be the result.



OSCAR L. SEITH proposed the muzzle loading match in 1931 that started this great and expanding movement which became the NMLRA. That first match must have been something! Out of the barns and woodsheds, attics and cellars, the forgotten rifles, resurrected for a day, stayed to teach new generations of their history and to find a whole new era of usefulness. Sell served as president of the N & W YNCA Rifle and Revolver Club at Portsmouth, who sponsored the early day muzzle loading matches, and when the NMLRA was directly founded in 1932, he was the first president.

"Talking guns" and talking over the early days of the black powder revival... E. M. "RED" FARRIS and C. R. "BULL" RAMSEY.

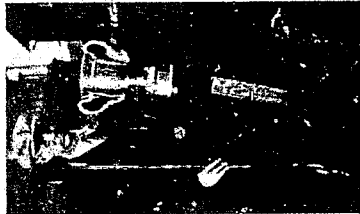
Shortly after the Portsmouth club held its famous Washington's Birthday match in 1931, Farris heard of a muzzle gun shoot promoted by Boss Johnson of WJW and Powell Croasley, Jr., which had been held in the school yard at Friendship... not over a half mile from where we are holding our national matches today. Enthusiasm shared by men of both groups was the nucleus of the NMLRA movement.

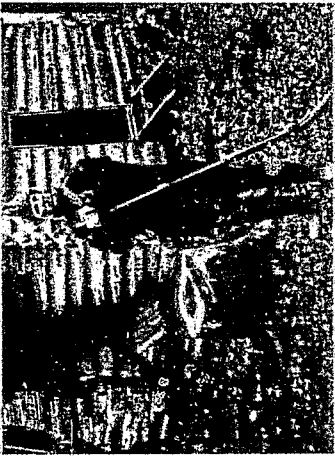
Red Farris was the first man to sign up on the original NMLRA membership list in 1933... and was the association's first secretary... originator of "Muzzle Blasts"... and for many years, its editor... public relations officer... and honorary president. Ramsey was one of the directors of the association.

"From the light hunting type firearms that turned out for the initial shoot we now see the little plinking types, the hunting, match and slug guns that have been developed upon in all ways already by the members. We see rifles that would be difficult to teach even with modern rifles, even if the majority of us must be content with mediocre grouping.

"In that 1931 shoot, many a rifle was brought out that could not be loaded, the bore was too rusty or the ball too large. Patching had been left on the rifle which was in the powder tray. Some of the rifles were loaded in the approach of the match, but no saving or stamping of caps could relax that lead to defeat from its very testing place in the depths of the bore.

"The day ended with all happy and tired. But it can be safely stated that the old guns were out there and proved their worth. It was a day to favor with American sportsmen in the field and to the eternal glory of those early artisans who so painstakingly developed the rifle gun."





"In having a heck of a time collecting my thoughts with the blue winged teal calling into Hogan Creek with the north wind I look across the valley to the little village of Wilmington on the western horizon. Here, five-too years ago came Thanksgiving. Uncle Alf took me with him horse-back to a turkey plant. I saw bearded men carefully loading long-barreled rifles and arguing about breaking centers."

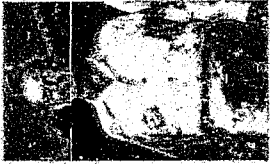
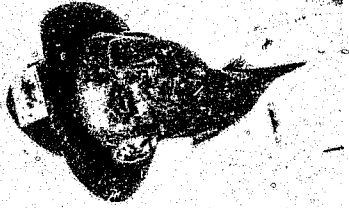
"Last night I sat on a hill overlooking Lanesville Valley. In the creek below I heard Old Lead, my own hound, sniffing out dry rocks to bury them running a back track. As his dream I saw a wilderness untouched by thousands of white men. I saw the first Kappeler's rabbit, built in 1796... on Yankee hill the signal fire of Blue Jacket, the Shawnee chief."

"I saw the first log cabin alone, built by Peter Hess at what is now Hartford, in the lower valley. In the latter years of the 17th century, many more families speared down the Great River to Belle, so called by the French explorers to find homes and neighbors in the rich fertile valley."

"On Christmas, 1894, the first race club was held at Friendship News of the Shoot was spread by word of mouth and around great woods fires the first cowboys stamped wild feet waiting for the match to start. I saw the Shawnees driven from their homes and hunting grounds by the march of civilization."

"May we of this modern age never forget the honest principles of that race of sturdy men who originated here, in a wilderness, the silent sport in America."

"ROSS", JOHNSTON  
President: 1935-1948  
Excerpt from "Muscle Blasts," Nov. 1929



WALTER CLINE  
President: 1934-1935

"His knowledge of historic events, of the early firearms and their part in the building of America was an inspiration to those who listened with truly grateful hearts."

Walter Cline, in costume and with a favorite rifle, is pictured in a setting which he loved: the mountains of western Tennessee. This figure is perpetuated on one of the N.M.L.R.A. medals

GEORGE CARRICO  
President: 1936-1937



"That is the spirit of respect which makes our wonderful sport. National Endowment for the Humanities might be supported upon our year."

"I am not setting down the names of all the good men and women who have helped me to get on my feet and the name."

"I think of all the work that off the to every one who has labored so hard making this a wonderful sport and a wonderful time."

"I am remembering the companies, the fierce men, the leaders, the players, the coaches and players, the hunters, the square dance, but most of all the good people."

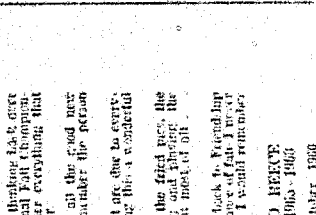
"I have been able to go back to Friendship again and again, but I can never go back to the old days. I can never go back to the old days."

WILLIAM D. HECKE  
President: 1963-1965

Reprinted from Muscle Blasts, number 1908



MORRIS VANWAY  
President: 1937-1962



## MEMORIAL SERVICE

September 6, 1964

"We have a very beautiful and quiet Sunday morning... and let us look at it, let us look at ourselves... and let us look at the things around us."

"Even when we stand you cannot look anywhere but about you see timbered rolling hills. We stand in a green and fertile valley and just to the south of us runs a line of hills to the Ohio River. All of it beautiful. Please take time to thank God you have been given the privilege and and the pleasure to look on it."

"Why are we here? Because we have a common bond, a love for the outdoors, a deep sincere interest and respect for the people who opened up this land 173 years ago of us. We show their guns, we copy their dress, and some of us cook over an open fire. This is for coming a vacation, an outing, a good competitive sport. Yet... I ask you... there, not one of you here who does not feel the pride, the concern, the hardships, and the dangers of the early settlers."

"In our lives today, even if it be in a small degree, we try to talk them that we could have walked in with them, helped when their axes were swung hilly deep in mud. Please remember this. We have had men to us so very much... let us think SOMEONE for! There is another group of people who felt as we do. The very recent departed. They lived their lives, the things we do, or they would not have been members of this organization."

"I ask you for one minute of reverent remembrance to someone in the Path of your race. Then, I ask the gentlemen of the many squad to give a volley equivalent of the last volley for those departed members."

"In the smoke that hangs and spreads through this valley try to see the people, the happenings, the loss and the sorrow."

MAX VICKEYRY  
President: 1966



*"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."*

Second Amendment to the Constitution

**N. M. L. R. A.  
PLATFORM**

Understanding of and the ability in marksmanship with early American muzzle loading firearms.

Match promotion for the purpose of advancing fine accuracy with these arms and to promote standard practices for competition.

Greater safety with all firearms, especially with muzzle loading rifles, pistols and shotguns.

If you are interested in muzzle loading firearms and the history surrounding them . . . . and in America's formative years . . . tales of traders, trappers . . . and the mountain men . . . the great westward movement and frontier settlement . . . the American Revolution, and the War Between the States . . . as well as the skills and crafts of this important era, then you will especially appreciate a membership in the

**National Muzzle Loading  
Rifle Association**

because you'll receive the only monthly magazine which deals solely with these things . . . .

**Muzzle Blasts**

You'll read about the activities of muzzle loading clubs and "primitive" hunting seasons in your area . . . as well as throughout the country.

And membership entitles you to shoot at NMLRA matches at Walter Cline Range in Friendship, and enjoy our fine camping facilities.

Our Address is: P.O. Box 67, Friendship, Indiana 47021

Memberships are available at \$6.00 for one year . . . \$10.50 for two years . . . \$15.00 for three years . . . \$150.00 for LIFE.

Become part of the NATIONAL MUZZLE LOADING RIFLE ASSOCIATION  
. . . an organization rich in American traditions.

Mr. GOODWIN. From the very beginning, the NMLRA has constantly directed its efforts to furthering the traditions of the American way of life. Our shooting matches are family affairs which feature matches for both ladies and junior members of our association.

Included in our ranges are rifle ranges, pistol ranges, trap and skeet ranges and a primitive shooting range where it is limited to those who have to make not only their own costumes but they also have their own frontier village consisting of 60 tepees made by the individuals.

During matches held at our 431-acre national range at Friendship, we play host to thousands of shooter members, their families, antique gun dealers, and visitors. In fact, the fall shoot this fall, in August, for 10 days, we are expecting up to 20,000 people. In fact, in our 40 years of experience when we have grown from 61 original members to our present 17,500 members, we have fired and handled tons of black powder at Friendship without a serious accident. We feel that this record speaks for itself as to our ability to handle black powder in the quantities required to meet the needs of our members.

In order to shoot muzzle-loading firearms, you must for reasons of safety use only black powder. I would like to state briefly why, because some people do not understand.

Black powder is a low explosive or a propellant and is indicated as such. That means that it is something that pushes; it does not detonate and destroy, such as high explosives instantaneously. It is defined on its burning rate, a burning rate of 1,000 meters per second. Anything above that is determined to be a detonating or high explosive; anything below that is determined to be a propellant or deflagrating explosive, and that is what black powder is. The guns that were made to shoot black powder and the replicas presently being manufactured are made exactly the way they were made by our forefathers. Consequently they are made to withstand low pressures which can only be furnished by black powder. Any other powder causes high pressures and causes damage to the gun and to the shooter. So, we are very serious about allowing only black powder to be shot at our muzzle-loading shoots. We cannot use manufactured, fixed ammunition but must load from powder horn and bullet pouch.

We have fought long and hard to have muzzle loading firearms both antique and replicas thereof exempted from the control provisions of the law. We also fought to prevent propellant shooting grade black powder from being included in the Federal Explosives Law of 1970. During the hearings on this regulation held by the House of Representatives Judiciary Committee on July 29, 1970, could be best described as a frantic last minute effort to pass an explosives bill which would eliminate the bomber's source of explosives. We were barely able to get into this law an exemption of 5 pounds of black powder. To the uninformed, 5 pounds of black powder seems like an adequate amount. If it were smokeless powder for modern rifles it would be. However, 5 pounds of black powder, because of the amount needed per shot, is hardly enough for 2 days' competition with muzzle loading shotguns or large bore rifles.

At the time of the hearings on the 1970 explosives law, it was pointed out that the controls on shipment of black powder were already severely controlled and shipments regulated by Interstate Commerce Commission regulations. I explained that we obtained our powder at

our national matches from five muzzle loading gun suppliers and dealers on our commercial row. These dealers had their powder delivered to them by a distributor.

It was then stored in our approved powder magazine until sold by the dealer to the individual. I pointed out that this highly successful method of powder sale and supply would cease to exist if the proposed law were passed, since these dealers were from Ohio, and under the new bill they would be precluded from selling black powder except for their home State and place of business. This is exactly what happened. None of the dealers were able to supply us and several of them including Mr. Jesse Booher of Dayton, Ohio and Mr. W. C. Porter of Chillicothe, Ohio were forced out of the business as were hundreds of other muzzle loading suppliers throughout the country, who handled black powder as a convenience to the shooter.

Coupled with this loss of the hundreds of dealers who sold black powder was the almost instant rise in price caused by the drying up of dealers and distributors who could handle black powder under the new law. Since that time, we have seen black powder rise from \$1.50 per pound in 1970 to prices from \$3.25 to \$7 per pound when it can be found today. While not all of this increase in price can be laid directly to the passage of the Federal Explosives Law of 1970, it can indirectly. At the House Judiciary hearings of 1970, the Dupont representatives said that they were not planning on curtailing the manufacture and sale of shooting grades of black powder.

In fact, they were planning on increasing their manufacture and distribution. They told me, personally, that they already had an approved 5-pound can that they were going to use under the provisions of the new law. Scarcely had the ink dried on the new explosives law when Dupont went out of the commercial sale of black powder in June 1971 but continued to fill their Government contract for Government grades. Dupont's decision to do this was sudden and was certainly influenced by the new explosive law and the manufacturing, distribution and dealer problems involved. This left the only available manufacturer of sporting grade black powder as Curtis & Harvey in Scotland, which has remained as the only source since that time. Never have the shipments provided been able to meet the demand, and supplies have dwindled and prices have risen to the highs previously discussed.

As president of the NMLRA it has been my responsibility to try to assure an adequate supply of black powder for our national matches held at our national range, Friendship, Ind. This has been far from being an easy task. In 1971, after the present law was passed, we obtained our own license and have fortunately been able to obtain and provide 5 pounds per registered shooter during our matches. I want to emphasize that we do not sell powder at any other time, just at the four or five matches that are held at our national range. We are not the distribution point of the entire NMLRA as someone has alluded to. However, in January of this year, our distributor, the Austin Powder Co., which was one of three distributors left in the country after the new law, suddenly went out of the black powder business because of the problems involved. With their demise went our 6-ton requirement for 1973.

I have scoured this country and Canada and managed to obtain enough for our spring shoot. The supply for our 9-day national

matches in August is still questionable, as it is dependent on receipt of a shipment from Curtis & Harvey in July. As you can see, unless something is done to eliminate the restrictions posed on the sale of sporting grades of propellant black powder so that we can induce domestic industry and distributors to get back into business, our sport is in serious jeopardy.

I might mention here that even if we had a tremendous source of powder in this country, the distribution problem and the dealer problem are the ones we have to solve here in order to get the proper distribution. A mountain of black powder in Pennsylvania is of no use to the people on the west coast who have not seen any for months.

It can be truly stated that the Treasury Department went as far as they could under the letter of the law to be as lenient as possible in the wording of their regulations to the black powder shooter. We met with Treasury Department officials and they included as many of our recommendations as possible in the implementing regulations. They realize the problems the black powder sportsman shooter is having but point out that only by amending the present explosives law can any relief be obtained.

Many of the individuals and organizations who will testify here today have been working to obtain the support of our lawmakers to amend the Federal explosives law of 1970, title XI of the Organized Crime Control Act of 1970. That is why we are here to present our case and ask for passage of an exemption for commercially manufactured propellant black powder. The exemption we are asking for is that proposed in S. 1083.

This exemption would remove the restriction on the black powder shooting sportsman and place the burden where it should be, on the criminal bomber. This exemption would permit the honest citizen shooter to obtain his commercial black powder propellant without harassment and provide an inducement to domestic production of sporting grades of black powder.

Approval of this exemption would also help to restore many of our chain of small business dealer distributors. It will also aid in providing black powder supplies needed for bicentennial celebrations and events being planned for the 1976 time period. Among the many planned events involving muzzle loading arms is an international match between the United States, England, France, Germany, and Spain. Invitations for this event scheduled by the NMLRA for July 4-6, 1976 at Friendship, Ind., have already been issued. We solicit your support by passing the exemption which can provide the black powder needed to conduct this shoot and the many other National and State shooting events and demonstrations being planned. Above all, we urge the passage of this exemption to keep alive this truly American heritage sport of muzzle loading shooting.

[Mr. Goodwin's prepared statement is as follows:]

PREPARED STATEMENT OF VAUGHN K. GOODWIN, PRESIDENT, NATIONAL MUZZLE LOADING RIFLE ASSOCIATION

Mr. Chairman, Members of the Committee, I appreciate the opportunity to represent the National Muzzle Loading Rifle Association (NMLRA), the parent organization of muzzle loading shooting in the United States.

The NMLRA is an American Heritage shooter-sportsman organization of over 17,500 members and 270 Charter Clubs in the United States. We are a non-profit

organization dedicated to the development of skills in marksmanship and rifle-making craftsmanship of early American muzzle loading firearms, and to furthering the heritage on which this country was founded. From the meeting of a handful of sportsmen who gathered in February 1933, at Portsmouth, Ohio to shoot the muzzle loading rifles of our nations forefathers and who established the NMLRA, muzzle loading shooting has grown until today it is heralded as the fastest growing shooting sport in the United States.

From the very beginning the NMLRA has constantly directed its efforts to furthering the traditions of the American way of life. Our shooting matches are family affairs which feature matches for both ladies and junior members of our Association. During the matches held at our 431 acre National Range at Friendship, Indiana we play host to thousands of shooter members, their families, antique gun dealers and visitors. In our forty years of existence we have fired and handled tons of black powder without a serious accident. We feel that this record speaks for itself and to our ability to handle black powder in the quantities required to meet the needs of our members.

In order to shoot muzzle loading firearms you must for reasons of safety use only black powder. We cannot use manufactured fixed ammunition, but must load from powder horn and bullet pouch. We have fought long and hard to have muzzle loading firearms both antique and replicas thereof exempted from the control provisions of the law. We also fought to prevent propellant shooting grade black powder from being included in the Federal Explosives Law of 1970. During the hearings on this regulation held by the House of Representative Judiciary Committee in July 29, 1970, could be best described as a frantic last minute effort to pass an explosives bill which would eliminate the bomber's source of explosives. We were barely able to get into this law an exemption of five pounds of black powder. To the uninformed five pounds of black powder seem like an adequate amount. If it were smokeless powder for modern rifles it would be. However, five pounds of black powder because of the amount needed per shot is hardly enough for two days competition with muzzle loading shotguns or large bore rifles.

At the time of the hearings on the 1970 Explosives Law, it was pointed out that the controls on shipment of black powder were already severely controlled and shipments regulated by Interstate Commerce Commission regulations. I explained that we obtained our powder at our National Matches from five muzzle-loading gun suppliers and dealers on our Commercial Row. These dealers had their powder delivered to them by a distributor, it was then stored in our approved powder magazine until sold by the dealer to the individual. I pointed out that this highly successful method of powder sale and supply would cease to exist if the proposed law were passed, since these dealers were from Ohio, and under the new bill they would be precluded from selling black powder except for their home state and place of business. This is exactly what happened. None of the dealers were able to supply us and several of them including Mr. Jesse Booher of Dayton, Ohio, and Mr. W. C. Porter of Chillicothe, Ohio were forced out of the business as were hundreds of other muzzle loading suppliers throughout the country, who handled black powder as a convenience to the shooter.

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Senator BAYH. Mr. Butler.

Mr. BUTLER. Mr. Chairman and gentlemen of the committee.

My name is Gary Butler, and I live in the small Ohio River town of Lawrenceburg, Ind., where I own and operate a small retail lumber business. I serve as a State representative in the Indiana General Assembly representing all or part of six counties in southeastern Indiana. I have, for many years, been a muzzle-loading hunter and match competitor. I also serve on the board of directors of the National Muzzle Loading Rifle Association, whose home range, incidentally, is located in my legislative district.

I am most pleased to be able to appear before you gentlemen today and present my views in favor of a fair and just exemption for sporting black powder.

I would first like to dispel some myths which are always set forth by those few people who would oppose the lifting of the 5-pound limit on sporting black powder.

The first myth is that 5 pounds of black powder is enough for a shooter. This just is not true. As a muzzle loading trapshooter, I can tell you from personal experience that it's quite easy to shoot 5 pounds of powder in one afternoon's shoot. I have done it.

The second myth is that the NMLRA has plenty of powder and can supply the country's muzzle loaders. Again, this, of course, is also not true.

The NMLRA, with its 17,000 members, is just a small part of the thousands of muzzle loaders around the United States who shoot and hunt with black-powder firearms. At the association's national championship shoot that the colonel has been talking about at Friendship, Ind., the largest number of competitors every has only been approximately 2,000.

Of further interest in this regard is a statement issued on September 4, 1971, by the board of directors of the NMLRA. I would like to read it at this time:

Whereas, it has been asserted that under the so-called Explosive Act, being Title XI, Organized Crime Control Act of 1970 (P.L. 91-452), that adequate black powder is available for sporting and target uses by members of National Muzzle Loading Rifle Association, and, whereas, such is not the fact. Now, therefore, be it

*Resolved*, That current five-pound exemption came to us as a choice between five pounds and none. The National Muzzle Loading Rifle Association has never approved that exemption except as the less objectionable of two wholly objectionable choices, neither of which was adequate to supply the needs of the general field of the antique shooting sports. This organization has maintained from the outset that no amount of restriction on black powder, which is scarce under the best of conditions, can measurably affect the activities of bombers, whose field of choice is limitless and very common.

Our position remains that when it is possessed for use as a sporting propellant in antique weapons, black powder should be exempt, be it further

*Resolved*, That exempting commercially manufactured black powder and all related accomplishments of the black powder shooting sports, when distributed or sold or possessed as ammunition components is reasonably and sound consistent with the expressed purposes and intent of Title XI of Organized Crime Control Act of 1970 (P.L. 91-452) and that unlimited availability thereof is necessary to the survival of the antique shooting sports.

The National Muzzle Loading Rifle Association's black powder magazine located at Friendship, Indiana, is for the sole purpose of guaranteeing an adequate supply of black powder propellant for the members competing at the national range. This magazine is not, and never was intended, to supply the membership from coast to coast.

Due to the fact that only a small minority of the national membership ever attend matches at the national range, an unrestricted distribution system is of utmost importance if this sport is to survive.

The suggestion that the National Muzzle Loading Rifle Association magazine supplies the nationwide membership is erroneous. Furthermore, the present magazine system at our range has proved inadequate for the intended purpose stated above. To illustrate, a scheduled delivery of black powder failed to arrive at the Fall 1971 shoot. Due to this fact, at one point the entire shoot was in jeopardy. Had there been unrestricted availability many shooters would have transported the necessary propellant from their home areas.

As those of you in the Congress well know, many times State legislatures seek to copy Federal legislation and apply it on the State level. Sometimes this is good and at other times it is disastrous. Many of the States that have sought to enact on the State level legislation copied from Public Law 91-452 have added harsher and more unreasonable restrictions. Such a bill originated in the senate during the

1972 session of the Indiana General Assembly. I testified, along with several members of the Indiana Sportsmen's Council, at the first committee hearing on the bill, as to the undesirable aspects of it, including a 5-pound limitation on black powder. The 5-pound limitation was one of the prime reasons that the bill was tabled on the request of the chairman who was the principal sponsor of the bill. The bill has not reappeared, but some other States have not been as fortunate. By amending Public Law 91-452 to give a fair exemption for sporting black powder, Congress can right a mistake that many States will try to copy and possibly even embellish.

An exemption for sporting black powder based on user intent is certainly fair, just, and every bit as enforceable as the user intent exemptions provided for gasoline and ammonium nitrate fertilizer. Certainly, both of these are most easily obtainable. They are used more often in criminal bombings, and, in the case of ammonium nitrate fertilizer mixed with fuel oil, are much more explosive. In fact, many State conservation departments, including my own, advocate the use of this mixture to blow out ponds for wildlife, and they pass out fact sheets on how to most effectively do it. I have attached an Indiana Department of Natural Resources fact sheet as appendix B.

Mr. BUTLER. The wording of the proposed alternative language to S. 1083 is excellent and I certainly hope this committee will give its support to this legislation. This amendment will certainly help those in the antique shooting sports who, by their very nature, believe in compliance and will hurt the criminal bombers who, by their very nature, do not.

At this time, I would like to show to the committee what we are talking about, regarding the ease in putting together black powder.

The three ingredients you see before you are all that are required to manufacture black powder that is most effective in homemade bombs but is not effective for sporting purposes. It is not stable enough. We cannot use it in our guns, but it does make an excellent bomb. It consists of what is commonly called saltpeter, or potassium nitrate, sulfur, charcoal, ingredients readily available at any drugstore even here in the Capital. We noticed that our can of potassium nitrate was a little low last night, and we stopped at a drugstore, but they said they were out of it and that they would have it for us about 3:30 this afternoon if we wanted to wait. This is something that is very widespread, the knowledge of how to make it. As a matter of fact, when I came into this building today and my briefcase was checked downstairs, the guard looked at my can of sulfur and potassium nitrate and said "Where is your charcoal?" I said that it was right here.

Senator BAYH. You have an honest face, Mr. Butler.

Mr. BUTLER. These are all the ingredients that are required to make a homemade bomb of black powder. If that is what you want to do, the ingredients are available in any drugstore in the country.

The wording, I think, that you proposed and submitted to the Senate in 1083 is excellent. I hope the committee will give its support to this legislation, and this amendment will certainly help those of us, particularly the shooting sportsmen, who, by their very nature, do believe in compliance. I think the same legislation will hurt and tighten up a very obvious loophole in the law for the criminal bombers who, by their very nature, do not believe in compliance.

Senator BAYH. Thank you, gentlemen.

As you know, as a member of this committee as well as chairman of the Juvenile Delinquency Subcommittee, I inherited the responsibility of dealing with firearms legislation, and I have been concerned about steps that could be taken to limit access to certain types of weapons that have in the past been used with a high degree of frequency by those who commit crimes. I do not want to get involved in that issue now, but I do want to try to compare the incidence of use of the small, easily concealed handguns in the commission of crime, and the use of the kind of weapon that you gentlemen use regularly in your sporting events.

Could you tell me the number of incidents that have been brought to your attention where muzzle loading weapons that use black powder have been used in the commission of a criminal act?

Mr. GOODWIN. I surveyed this several years ago, and I can find no incident where a black powder gun or muzzle-loading rifle had been used in the commission of crime since the turn of the century.

Senator BAYH. How about a muzzle loading pistol?

Mr. GOODWIN. A muzzle loading pistol. There is no incident of crime being perpetrated with one of these.

There was the incident, if you will recall, of Federal and Maryland agents who broke into the man's house here in the Washington area. There is a legal case against the people that did it. This was an incident where the man's wife was taking a bath and the door was knocked down by the agents. He came out, and when he did he grabbed a muzzle loading pistol from his collection but did not get a chance to shoot it, before he was shot in the head. That is the only incident that I know of where a muzzle loading arm was involved and that is because he thought his rifle was being attacked. I am sure you are all familiar with the Konyon Bollow case.

Senator BAYH. I may be a bit old fashioned, but I do not figure that grabbing the nearest weapon, whether it be a muzzle loader or a hatchet, to defend your wife is a crime.

Mr. GOODWIN. I said that myself. It was not a crime, but that was the only incident I know where even a black powder arm was involved in recent years.

Senator BAYH. I am talking about the street crimes that we are all too familiar with.

Mr. GOODWIN. No record.

Another thing we have no record of a juvenile or adult of our association being involved in a crime involving a firearm.

Senator BAYH. You mentioned, Colonel, the fact that your organization represents 17,500 people.

Mr. GOODWIN. Yes.

Senator BAYH. What is your estimate of the total number of individuals in the country who participate in sports where black powder is used?

Mr. GOODWIN. I would say it is close to 100,000 people right now.

Wouldn't you, Gary?

Mr. BUTLER. I think that figure would actually be low.

I know that I was basically alluding to in my testimony that many people in my own area who do not participate or are not members but

who do shoot in made-up matches with muzzle loading firearms and also hunt with muzzle loading firearms.

As a matter of fact, the Indiana State Department of Natural Resources realizes this and has now instituted—they have always allowed the use of muzzle loading weapons, but they now have instituted, and will have for the first time, a muzzle loading primitive weapon season, a special season for hunting.

Mr. GOODWIN. I might say, if we go on the basis of our growth in the last 5 years, we have doubled in size. As I mentioned before, it is considered the fastest growing shooting sport appearing. So, I would say that we could look at it as doubling in the next year or two.

Senator BAYH. How much black powder do you need to participate in your national meets? Suppose I were a participant in your meet at Friendship, Ind., this August, how much black powder would I need?

Mr. GOODWIN. If I shot across the board like a lot of people do at our 10-day shoot at Friendship, Ind., in our fall shoot, I would use 15 or 20 pounds of powder.

Mr. BUTLER. Senator, I shot this spring in a 4-day shoot, and I shot just slightly over ten pounds; just got into the—probably used 10½ pounds in the 4-day shoot and shot only muzzle loading trap.

Senator BAYH. Let us just talk about the average sportsmen who may not have the time to participate in the kind of meet that you gentlemen are so familiar with.

Suppose I wanted to take my son and a few of his friends and go out in the woods for an afternoon. What are we talking about, so far as the quantity of powder that the average citizen might need if he was going to do this during vacation, say some every afternoon out in the woods?

Mr. BUTLER. It would be hard to set a figure on that.

It would depend on a number of variances, aside from the obvious one of how many times you fire, and also would depend on the size of the gun and the quantity of the load.

Senator BAYH. Let us talk about a large bore rifle.

Mr. BUTLER. A large bore rifle or a shotgun, I could only estimate and say it would probably run in the vicinity of 2, 3, 4 pounds—somewhere in that vicinity—possibly 5. The thing is that these people, the people you are talking about now, as well as the hunters, do use in most cases very small amounts. They do not fire that many shots. Some of them will do some practicing in the year, but in the actual field they would not fire that many shots. The problem here is one of supply and availability, in getting it.

I know, personally, of a couple in our area, one very close friend of mine who ran all over for 2 weeks trying to find enough powder to use to shoot a new gun that he purchased, a new black powder gun, to get into the sport. This will be mentioned in following testimony. We will go into this in great detail, as far as the availability and source of supply. This is where you would get hurt, your first problem would be finding powder to purchase.

Senator BAYH. I have a farm. As you know, my home is about a mile from the Illinois State line. Suppose I wanted to take up that weapon and go shooting, where would I go to get black powder?

Mr. BUTLER. In your area, Senator, I am not that familiar. In the past we have had a system of supply of black powder based on a kind of an old bit—of just trying to help out, strictly a courtesy deal. There has never been a great deal of profit in black powder because they have never made or sold it in enough quantity. The sporting-goods dealers did have it and did handle it primarily as a courtesy to their customers. Of course, these are the ones that have dried up. We have lost, in Indiana alone, at least four or five in southern Indiana, in my district, people who did carry small amounts of black powder strictly as a courtesy who no longer get into it because of the problem to begin with in acquisition and distribution, and so forth.

It is just not that available. In your particular area, I, quite frankly, do not know the situation. In talking—as I am sure you have—with people in the area there, it is not a plentiful situation. They have had problems in the past in obtaining black powder.

Senator BAYH. I would like to know how many dealers carry black powder in a State like Indiana. If you can give us that and any other information about the national picture for the record, so we will know how critical the problem is, I would appreciate it.

The way that I understand it, from talking to Mr. Weger and to you, Representative Butler, the problem is not only that we have to import everything from Great Britain but also that you do not have a good supply at Friendship. A lot of traditional hardware dealers that used to sell .22 rifles and shotgun shells and had a modest supply of black powder just as a courtesy, as you mentioned, those people are going out of business. They just do not handle it at all; it is too much of a nuisance.

Mr. GOODWIN. Senator, you talked about the availability of powder. If I would be permitted, I would like to add something to that.

Senator BAYH. Please.

Mr. GOODWIN. You mentioned something about getting powder. Over here in Maryland, or even in Virginia, or anywhere in this area, you would run into the problem of where could I find even 1 pound of black powder, and when I did find it it probably would not be in any grade I needed and it would probably cost in the neighborhood of \$6 a pound.

Now, that is not so bad, except, if I had to shoot a big bench gun, which I happen to shoot, a charge of 280 grains is not uncommon. Now, 280 grains of powder means that you do not get too many shots from 1 pound of powder. So, if you want to do that kind of shooting, you are really not going to do much with a pound of powder. You might switch over and get a squirrel rifle, and you will get more shots out of a pound. But there are not too many squirrel matches at our national matches.

Senator BAYH. You gentlemen mentioned the pending celebration of our 200th birthday. There will be all sorts of festivities, firing not only the kinds of weapons that you gentlemen mention, but the antique cannons and other antique weapons. What does an average antique cannon use when it is discharged, as far as the amount of black powder is concerned?



Mr. BUTLER. I would rather defer that question, if we could, to Mr. Barnett, who will be following in testimony.

Mr. GOODWIN. He is in that business all the way.

Senator BAYH. All right.

Some people have said that you can get around this by just increasing the size of the exemption. 10, 15, or 20 pounds.

What do you gentlemen think of that approach?

Mr. BUTLER. The problem with that, Senator, again, is what it does to our distribution system.

The supply and demand of the courtesy dealers that I mentioned before—of course, the situation being as it is now, as you say, the powder that is already being imported from Scotland—I understand that the Dupont plant that has furnished the powder has been purchased and is in the progress of making powder, and, I believe, it is something that I at least heard in the last couple of days, they actually started making some shipments, but the problem is one of getting the powder to the various distributors.

The muzzle loading sport has long been based on the situation—it has never, in recent years, been plentiful, the supply of black powder was not plentiful. It was a situation where one man would maybe drive 100 miles to purchase powder, and he would purchase, say, two kegs of powder, 25-pound kegs of powder, and divide it up between 7, 8, 10, or 15 friends, or whatever number it is. It is basically that kind of sport.

So, the increasing of poundage limitations still puts down the real burden on the supply of the powder.

Mr. GOODWIN. We presently have two distributors of black powder, sporting grade propellant black powder. As I mentioned in my testimony, one went out of business. This distributor was the Austin Powder Co. As a result I was forced to go to Canadian Industries Limited in Montreal, Canada. The other one was the Hodgdon Powder Co. in Shawnee, Kans. We have only one distributor in the United States. These are the only sources that are available that I could go to, to find if I could get any powder at all after the Austin Powder Co. went out of business.

Senator BAYH. Let me just make one observation.

From what you tell me, as you look at the situation, you have a sport where the number of participants is going up rather dramatically, and the source of supply and the number of distributors and therefore the availability of the commodity used in the sport are all going down.

Mr. GOODWIN. Correct.

Senator BAYH. It seems to me that the cost of participating in the sport must be going up like everything else.

Mr. BUTLER. Yes.

Mr. GOODWIN. Right, only much more so.

Senator BAYH. Gentlemen, I do not think there is any need to impose on you further.

I appreciate very much the time you have taken to start off our hearings this morning.

Mr. GOODWIN. I thank you very much.

Mr. BUTLER. Thank you.

[Mr. Butler's prepared statement and attached article "The 'User-Limited' License Is a Trap!" are as follows:]

PREPARED STATEMENT ON S. 1083, TO SENATE COMMITTEE ON THE JUDICIARY, JUNE 12, 1973, BY GARY L. BUTLER, NATIONAL MUZZLE LOADING RIFLE ASSOCIATION

Mr. Chairman and gentlemen of the committee, my name is Gary Butler and I live in the small Ohio River town of Lawrenceburg, Ind. where I own & operate a small retail lumber business. I serve as a State representative in the Indiana General Assembly representing all or part of six counties in southeastern Indiana. I have for many years been a muzzle loading hunter and match competitor. I also serve on the board of directors of the National Muzzle Loading Rifle Association, whose home range incidently, is located in my legislative district.

I am most pleased to be able to appear before you gentlemen and present my views in favor of a fair and just exemption for sporting black powder.

I would first like to dispel some myths which are always set forth by those few people who would oppose the lifting of the five pound limit on sporting black powder.

The first myth is that five pounds of black powder is enough for a shooter. This just isn't true. As a muzzle loading trap shooter I can tell you from personal experience that its quite easy to shoot up five pounds of powder in one afternoon's matches.

The second myth is that the NMLRA has plenty of powder and can supply the country's muzzleloaders. This of course is also not true.

The NMLRA with its seventeen thousand members is just a small part of the thousands of muzzle loaders around the United States who shoot and hunt with black powder firearms. At the association's national championship shoot at Friendship, Ind. the largest number of competitors ever has only been approximately two thousand.

The powder magazine at Friendship has several times not been able to adequately serve the competitors at the matches. Shoots have ran out of powder and other shoots have ran out of powder suitable for rifle and pistol shooters, who require a finer granulation of powder than the shotgun shooters.

Of further interest in this regard is a statement issued on September 4, 1971 by the board of directors of the NMLRA, I would like to read it at this time. (Appendix I)

As those of you in the Congress well know, many times state legislatures seek to copy Federal legislation and apply it on the State level. Sometimes this is good and at other times it's disastrous. Many of the States that have sought to enact on the State level legislation copied from PL 91-452 have added harsher and more unreasonable restrictions. Such a bill originated in the Senate during the 1972 session of the Indiana General Assembly. I testified, along with several members of the Indiana sportsmen's council, at the first committee hearing on the bill, as to the undesirable aspects of it, including a five pound limitation on black powder. The five pound limitation was one of the prime reasons that the bill was tabled on the request of the chairman who was the principal sponsor of the bill. The bill has not reappeared, but some other States have not been as fortunate. By amending PL 91-452 to give a fair exemption for sporting black powder, Congress can right a mistake that many States will try to copy and possibly even embellish.

An exemption for sporting black powder based on user intent is certainly fair, just, and every bit as enforceable as the user intent exemptions provided for gasoline and ammonium nitrate fertilizer. Certainly both of these are more easily obtainable, are used more often in criminal bombings, and in the case of ammonium nitrate fertilizer mixed with fuel oil are much more explosive. In fact many State conservation departments, including my own, advocate the use of this mixture to blow out ponds for wildlife, and pass out fact sheets on how to most effectively do it. I have attached an Indiana Department of Natural Resources fact sheet as appendix B.

The wording of the proposed alternative language to S. 1083 is excellent and I certainly hope this committee will give its support to this legislation. This amendment will certainly help those in the antique shooting sports, who by their very nature believe in compliance, and will hurt the criminal bombers, who by their very nature, do not.

## APPENDIX A

## NATIONAL MUZZLE LOADING RIFLE ASSOCIATION, FRIENDSHIP, IND.

NATIONAL MUZZLE LOADING RIFLE ASSOCIATION RESOLUTION OF SEPTEMBER 4, 1971,  
CONCERNING BLACK POWDER

Whereas, it has been asserted that under the so called Explosive Act being Title XI, Organized Crime Control Act of 1970 (PL91-452), that adequate black powder is available for sporting and target uses by members of National Muzzle Loading Rifle Association, and, whereas, such is not the fact. Now, therefore, be it resolved, "The current five pound exemption came to us as a choice between five pounds and none. The National Muzzle Loading Rifle Association has never approved that exemption except as the less objectionable of two wholly objectionable choices, neither of which was adequate to supply the needs of the general field of the antique shooting sports.

This organization has maintained from the outset that no amount of restriction on black powder, which is scarce under the best of conditions, can measurably affect the activities of bombers, whose field of choice is limitless, and common.

Our position remains that when it is possessed for use as a sporting propellant in antique weapons, black powder should be exempt."

Be it further resolved that exempting commercially manufactured black powder and all related accouterments of the black powder shooting sports, when distributed or sold or possessed as ammunition components is reasonable and sound consistent with the expressed purposes and intent of Title XI of Organized Crime Control Act of 1970 (PL91-452) and that unlimited availability thereof is necessary to the survival of the antique shooting sports.

The National Muzzle Loading Rifle Association's black powder magazine located at Friendship, Indiana, is for the sole purpose of guaranteeing an adequate supply of black powder propellant for the members shooting at the national range. This magazine is not, and never was intended to supply the membership from coast to coast.

Due to the fact that only a small minority of the national membership ever attends matches at the national range, an unrestricted distribution system is of utmost importance if this sport is to survive.

The suggestion that the National Muzzle Loading Rifle Association magazine supplies the nation wide membership is erroneous. Furthermore, the present magazine system at our range has proved inadequate for the intended purpose stated above. To illustrate, a scheduled delivery of black powder failed to arrive at the Fall 1971 shoot. Due to this fact, at one point the entire shoot was in jeopardy. Had there been unrestricted availability many shooters would have transported the necessary propellant from their home areas.

## APPENDIX B

## POT HOLE BLASTING FOR WILDLIFE

(By Jim New, Wildlife Management Biologist)

Marshes and swamps play a very important role in the wildlife habitat system. No other single habitat type produces more variety, or numbers of wildlife. Unfortunately we are losing marsh habitat faster than any other type of habitat.

Shallow water areas have been coming and going since the beginning of time. When glaciers receded they left chunks of ice in the ground. Later this ice melted and a pothole was made. Rivers twisted and turned while making their way to the sea. When they changed their course they left ponds called ox bows. Glaciers gnawed holes in bed rock when they moved. Later these filled with water. All water areas, large or small, have one thing in common. Once formed they begin a succession that fills them until they are a marsh. Later succession results in an area of deep organic soils that will support trees and other land plants.

Many animals prefer to inhabit the marsh state of succession. Too often little or no surface water is present. Since many birds and mammals need the open water a wildlife management technique was introduced to improve marsh areas.

Originally Ammonium Nitrate mixed with fuel oil (AN/FO) was used for blasting open water areas in marshes. The explosive quality of AN/FO was adequate but the mixture had limitations. Not the least of these limitations was the fact that water in the mixture would kill the blast.

Recently, a new material called SLURRY has been developed. This material is more dependable, easier to handle, needs no mixing, is safer, and produces a greater blast per pound of explosive. SLURRY comes in two sized charges, 12 pounds and 30 pounds. For most potholes, one or more 30 pound charges are used. This charge is approximately three feet long, and six inches in diameter. It is wrapped in heavy clear plastic and can easily be folded. No blasting agent has proven successful in developing fish ponds. The minimum size for a manageable fish pond is about one half acre. Although SLURRY would probably produce a pothole this large, the necessary charge would result in a "dangerous" shock wave. Explosives experts suggest that no shot be made within 200 yards of buildings. If there is any danger of breaking glass, cracking plaster or caving in wells, consider other means of pothole construction.

Soils have a great deal to do with the success of pothole blasting. Heavy dark soils and sand are generally better than peat or muck. When a soil can compress during the explosion, energy is lost and the hole will not be blown clear. If the wet area lies over a porous subsoil and a hole is blown, there is a chance that the blast will dig into this porous material. When this happens it is comparable to pulling the plug in a bath tub. The water in the pothole will constantly seep into the subsoil and the pothole will never hold water. Soils information can be obtained from the local Soil Conservation Service.

There are three types of pot holes you can make. They depend on the size you desire and the soil conditions of the blasting area. The simplest pothole can be made by placing a single 30 pound charge four to five feet deep. This will blow a hole about 25 feet in diameter.

A large pothole can be made by placing four 30 pound charges, three in the form of a triangle twenty feet apart with the fourth one in the center of the triangle. This will make a hole approximately forty-five feet in diameter.

The third type is made by stringing out a series of 30 pound charges placed fifteen feet apart. This will blow a hole about twenty-five feet wide and as long as the series of charges are set.

In preparation for blasting, the following equipment and materials are needed: One post hole digger, X pounds of SLURRY, one booster for each hole, twenty feet of primachord per hole, one blasting cap for each series of holes, a length of electrical cord (at least 300 feet long), and a battery to set off the charge. A 12 volt car battery works well. Always separate the caps and primachord and store all explosives according to Federal regulations.

Once the necessary material is acquired, the following procedure should be orderly and exact. Holes should be dug for the type of pothole desired. A length of primachord should be cut for each hole, making sure it is long enough to reach from the bottom of one hole to the top of the next hole. Fasten one booster to the end of each piece of primachord. One booster, with primachord attached should be pushed into each SLURRY bag. The bags are then sealed and placed into the dug holes. In all cases the charges should be placed at least three feet below ground level. The holes should then be stemmed with mud. Each exposed length of primachord should be taped to the next length in a series. Make sure that all are attached. The electrical cord should be unrolled from a point near the battery to a point near the last length of primachord. DO NOT ATTACH TO THE BATTERY. KEEP EXPOSED ENDS NEAR THE BATTERY TWISTED TOGETHER. Push the electrical cap into the ground and attach the electrical cord. Remove the cap from the ground and tape it to the primachord. The system is now ready to go. Clear the area of people and separate the grounded ends of the fring line near the battery. Check again to make sure the area is clear, then touch the wires to the battery terminals.

If the pothole site was chosen carefully and the preceding procedure was followed, you can be assured wildlife useage for years to come. Deer will water here, waterfowl can rest on them or even raise their young and a multitude of smaller birds and mammals will find them refreshing.

Note: Federal and state regulations MUST be followed when handling or storing explosives. These regulations may be obtained by contacting your local fire chief.

SLURRY blasting agent may be obtained by contacting I.R.E.C.O., P.O. Box 479, 1433 Western Avenue, Plymouth, Ind. 46563. Phone 219-936-2146.

In some areas of the state commercial blasters are available to do the pothole blasting.

[From the "Handloader," January-February 1973]

THE "USER-LIMITED" LICENSE IS A TRAP!

BLACK POWDER BUFFS TEMPTED TO EASE THE SUPPLY SITUATION BY PURCHASING A FEDERAL LICENSE ARE ASKING FOR TROUBLE

(By Gene Crum)

Black powder buffs who buy the federal "User-Limited" license for the interstate purchase of up to 50 pounds of black powder may be unwittingly entrapping themselves in a web of felony charges.

With black powder being in increasing short supply, due to the cessation of domestic manufacture, prohibitive commercial transportation costs, and a dearth of local suppliers, some well-meaning authorities have suggested a "solution." Their recommendation is that sportsmen feeling the pinch have one of their group obtain a one-time-only \$2.00 "User-Limited" license, make the long trip to an out-of-state supplier, bring home up to the 50 pounds allowed, and distribute it to fellow shooters. On the surface, this might seem to be a good idea, for without such a license a shooter may not purchase more than five pounds, and he might have to travel a long way to find those five pounds. But anyone recommending the "User-Limited" license, particularly for joint purchases, is handing out dangerously poor advice.

The problem, of course, is that the traffic in explosives is not merely covered by the "Organized Crime Control Act of 1970, Title XI" and subsequent enforcement regulations, but that in addition to this infamous law, there are already many other federal, state and local laws and regulations which each pose special problems.

Most active sportsmen concerned with black powder are now aware that, for all practical purposes, we are limited to possession of five pounds or less of loose black powder—in our homes, in our vehicles, and certainly, in the act of crossing state lines. This is a federal stipulation, and by no means interferes with transport regulations on any level, nor specialized possession regulations. To put matters bluntly, compliance with the OCCA '70, Title XI, in no way relieves the black powder buyer of any legal liability which he incurs under any other law or regulation.

The "User-Limited" \$2 license allows a man to go across a state line and buy a limited amount of explosives—that's all. There are even some slight hedges on this, depending on how his state feels about his doing so. Once the \$2 licenseholder makes his purchase, he's on federal record as having made a bulk purchase of explosives. This record is similar to the federal form now required by all firearms purchasers. However, there are some extras: from one, the buyer is required to state the use intended for the explosives; he is also required to indicate where the explosives will be stored, giving the exact location of his magazine. There are a few other little matters of interest, but this is enough.

Specifying that, for example, the black powder will be used in firearms is legitimate. However, if the buyer studies the form carefully, he will notice the implication is that the buyer plans to use all the explosives himself. The form is, to be precise, an "ultimate user" registration form. The buyer who plans to take his powder back home and parcel it out to his friends—even in 5-pound lots—is not an ultimate user. By his action in dividing and parceling his purchase, he becomes a "dealer."

What is a "dealer?" According to discussions with ATF (BATF) agents, the term is vague. However, the verbally expressed, highly "iffy" rule of thumb has been that, if a supplier sells his powder in lots of no greater than five pounds per sale, he is not a "dealer" under the "explosives dealer" clause of OCCA '70, *providing he is a licensed dealer under the Gun Control Act of 1968!* If, on the other hand, he is so unwise as to sell a bulk quantity of black powder greater than five pounds at once, he must then comply with the licensing requirements for explosives dealers under OCCA '70. There is no provision whatsoever for the fellow who wishes to merely help out the boys back home, without becoming involved in licensing formalities as a "dealer."

As final as this may seem, the Feds haven't finished this particular shaft for the sportsmen. The application-for-purchase form includes a section asking about the

buyer's explosives-storage facilities. Here comes the second trap: all explosives magazines, including those for any quantity of black powder in excess of five pounds, must be built to exacting specifications *and approved by personal inspection by an ATFD agent.* The agent will examine the magazine to determine if it is sufficiently large, permanent, secure, safe and distant from a number of other things, properly proof against the elements—and possessing an up-to-date record of the contents, detailing when explosives were either added to or taken from the magazine.

Non-dealers basically are limited to permanent magazines for long-term storage of black powder. GCA '68-licensed dealers, with commercial premises, have a slight break in that they may have a little magazine on wheels and built like a safe in which they may store up to 50 pounds of black powder. Nothing in the OCCA '70 law exists to permit shelf-display, let alone storage, of black powder.

This leaves the private purchaser, buying powder for his buddies, in a quandry: he may state on his purchase-form that the powder will be used in firearms; he may state that it will not be stored in a magazine, and his purchase will still be legal. But, unless he is prepared to prove that the powder so purchased was used on the same day as the purchase, he has a problem. If he admits to an investigator that he sold part of the powder, he is in hot water. If he hides his powder and claims that he used it all, he has compounded the problem: it's a felony to lie to a federal agent; it's a felony to improperly store explosives. No matter how the hapless powder-buyer handles the problem, he can't very easily win.

This only begins to outline the problems of the \$2.00 license-buyer and his goodwill trip. With each state crossed with the powder bouncing around in his car, it's a lead-pipe cinch that our "explosives hauler"—for that's what he is now—is breaking state and local possession and transportation regulations by the score. Most places, both cities and states, require very large "EXPLOSIVES" signs to be displayed on the front and back of vehicles hauling same. Most places require such vehicles to observe special safety regulations, ranging from full stops at railroad crossings through filing detailed route-sheets with local, if not state, officials. In addition, most states have very strict codes detailing the conditions under which explosives may be carried in motor vehicles—and most private automobiles cannot comply. Most violations of these and other laws and regulations carry felony provisions.

Now for a real "hooker": most of the recent federal statutes carry the additional provision that it is a federal felony to violate a state law on the covered subject. In other words, the man who arms himself with the \$2 license permitting him to buy black powder in another state can indeed go and buy his powder. However, in so doing, he leaves a trail of shattered laws all the way back home. And, if he isn't a licensed dealer and does indeed parcel his powder out among his friends, he finishes matters in grand style with a few more federal violations—all fairly easily provable in court, and all felonies.

What are the practical changes of his actually being called to accounts? Is an answer really necessary in the face of the ATFD record of harassments and entrapments of sportsmen on "unlicensed gun dealer" charges?

When OCCA '70 was enacted, during a wave of terrorist bombings, the sportsmen's friends in Congress felt that they were fortunate to obtain the exemption for smokeless propellants and quantities of less than five pounds of black powder. But because of the realities of distribution and supply of black powder, the five-pound limit is inadequate. While five pounds might seem like a lot to the occasional muzzle loading rifle or pistol shooter, it isn't much for the man who competes with black powder, particularly if he's stoking a big-bore shot-gun. And five pounds will barely warm the barrels of the muzzle loading cannons so popular among N-SSA skirmishers and others in many parts of the country.

So the only solution is the passage of a relief measure, such as H.R. 12406, which provides for an easing of restrictions, based upon the intent of the buyer-user. Such exemptions already exist for gasoline and potentially explosive fertilizers. But this bill, which was the object of intensive lobbying by the Indiana Sportsmen's Council and a few other groups during the past two years, was sent to Rep. Emanuel Celler's House Judiciary Committee, a graveyard for pro-gun bills.

Unless this bill is re-introduced in the next session of Congress, and actively pushed by sportsmen's groups all across the nation—whether or not they shoot black powder—the rapidly growing muzzle-loading sport promises to die before it reaches its prime. This relief measure is the *only* solution, for the present five-pound limit is insufficient to support the hobby, and the \$2.00 "User-Limited" license, with its beckoning 50-pound, out-of-state provisions, is a trap!

Senator BAYH. Our next set of witnesses is Mr. J. Paul Barnett, northern vice president, and Mr. Al Cors, Jr., southern vice president, Indiana Sportsmen's Council, South Bend, Ind.

Gentlemen, we appreciate your joining us here this morning.

**STATEMENT OF J. PAUL BARNETT, NORTHERN VICE PRESIDENT, INDIANA SPORTSMEN'S COUNCIL, AND STATEMENT OF AL CORS, JR., SOUTHERN VICE PRESIDENT, INDIANA SPORTSMEN'S COUNCIL, SOUTH BEND, IND.**

Mr. Cors. Mr. Chairman, gentlemen of the committee.

By way of introducing myself, my name is Al Cors, Jr., and I live in Lawrenceburg, Ind. I am presently employed at Commercial Motor Freight of Indiana's Cincinnati Terminal.

I now hold the elected office of southern vice president of the Indiana Sportsmen's Council, this being the third year I have served in this position. I am also a member of the Public Relations Committee of the National Muzzle Loading Rifle Association.

I am very pleased to have the opportunity to appear before this very able Senate Committee and testify in favor of S. 1083 as introduced by Senator Bayh.

Title XI of the 1970 Organized Crime Control Act was passed by Congress following a number of bombings spread across the United States. The Senate passed versions of this legislation contained, for the benefit of the sportsman, a blanket exemption of black powder, just as it contained a like exemption for smokeless powder. The House passed version contained a 5-pound exemption for black powder, although it too contained a blanket exemption for smokeless powder. The 5-pound limit prevailed in conference and was signed into law.

In the period of time following the enactment of Public Law 91-452 thousands of people have found the House advocated 5-pound limit to be an extremely bad choice. To begin with, the 5-pound limit has wrought havoc on the antique shooting sports, the same antique shooting sports which were very kindly and very wisely given a complete exemption from the 1963 gun control law by Congress.

As the black powder commercially manufactured for specific use as a propellant used in muzzle loading firearms has never been in great abundance, retail suppliers of it have always been few and far between. Many retail suppliers have carried it largely as a courtesy to their customers.

Thousands of muzzle loaders around the United States are now faced with traveling long distances to buy their black powder, of which they can only buy and transport 5 pounds, an amount they can easily expend in an afternoon's series of matches if they shoot trap or big bore rifle. As a result, the amount of sporting black powder sold by the small retail distributor has nosedived. Many of these retailers

have of necessity discontinued stocking sporting black powder or have raised their prices far beyond the reach of the average muzzle loader.

As a result, the sportsman finds himself in a position where he can buy 5 pounds of sporting black powder under the law, but he can't find an ounce because the law has driven the retailers out of the powder business. At the same time, the sportsman finds powder he could buy at between \$1 and \$2 a pound in early 1970 now selling in early 1973 at prices as high as \$8 a pound, a direct result of the law.

The sportsman and the public have found that even their safety has been threatened by the law as many shooters have found out the hard way that homemade black powder and smokeless powder are extremely dangerous substitutes for sporting black powder.

I am quite sure that the general public and particularly the learned gentlemen of this committee, would in no way wish to see the general destruction of the antique shooting sports. This destruction seems imminent unless this law is changed.

On the other side of the coin is the benefit or rather lack of benefit to the public as a result of the 5-pound limit.

Since the law was enacted the International Chiefs of Police published a study revealing that only 3 percent of all bombings involved black powder, either homemade or commercially manufactured. The scarcity of sporting black powder, and the relative ease with which any idiot can make black powder capable only of exploding, would lead one to believe that sporting black powder would constitute only a small fraction of the black powder used in that 3 percent of all bombings.

While the 5-pound limit is humorous to the bomber who makes his own black powder from easily obtainable and completely exempt ingredients, it should be pointed out that, that same bomber can legally buy, transport, and store pounds of black powder, that that same bomber can also legally buy, transport and store a great many items which have a much higher incidence in crime than black powder. Two examples are gasoline and ammonium nitrate fertilizer which are exempt from Public Law 91-452 on the basis of user intent.

I do not have copies of this, but I have it for the information of the committee. Here is a headline in the Cincinnati Post, Saturday, February 3, 1973, "Fire Bombing, Miami Beach, UPI." An old man in a yellow suit walked into the crowded cafeteria last night, dumped gasoline in the middle of the dining room and set fire to it. An estimated 90 persons were injured in the ensuing blaze that swept through the cafeteria.

[The article was marked "Exhibit No. 6" and is as follows:]

**EXHIBIT No. 6**

[From the Cincinnati Post, Feb. 3, 1973]

**MIAMI FIREBOMB INJURES 90**

MIAMI BEACH (UPI).—A little man in a yellow suit walked into a crowded cafeteria last night, dumped gasoline in the middle of the dining room and set fire to it. An estimated 90 persons were injured in the ensuing blaze that gutted the cafeteria.

Miami Beach Police Chief Rocky Pomerace said a suspect was taken into custody shortly after midnight and was being questioned by detectives. However, police were still searching for another man, indicating they were not satisfied the man in custody was the person they wanted.

The search continued for the second suspect, described as five-foot four, 110 pounds, with dark hair.

Customers of the Concord Cafeteria on Collins avenue in the heart of the Miami Beach tourist area said the ignited gasoline mushroomed into a reddish-yellow ball of flame.

Mayor Chuck Hall, who rushed to the scene in his white Rolls-Royce convertible, said several witnesses told him a man walked into the cafeteria carrying a plastic jug, methodically poured a liquid on the floor and lit it with a match.

Capt. Alvin Ridgway, head of the Miami Beach rescue squad, said at least 91 persons were taken to four Miami area hospitals. "I'm sure it's more, it's not any less," he said.

Hall said some of the injured were in critical condition.

"A little man with dark hair and a yellow suit did it," said Mrs. Anne Norochnik, who lives across the street from the cafeteria in the Greystone Hotel.

"It was a big giant ball of flame all over the tables. It was right in my face," said Mrs. Norochnik, who had just walked in and sat down in the cafeteria.

"A man threw a chair through the window and that's how we got out," Mrs. Norochnik said.

Hall said it was fortunate the firebombing occurred late in the evening, when the cafeteria was less crowded than it might have been earlier.

"Hundreds and hundreds of people could have been hurt," he said.

Mr. Cors. I would testify to this committee that the 5-pound limits on commercial black powder does little or nothing to protect the public or hamper a bomber.

In closing this statement, I would point out that the excellent work of Senator Bayh's S. 1083 and the use of a user intent clause will accomplish two very desirable goals: S. 1083 would loosen the law as it applies to sportsmen and tighten the law as it applies to the criminal.

I would like to express my thanks to the members of this committee for their time, their interest, and their kind consideration of my testimony.

Senator BAYH. Thank you very much, Mr. Cors.

[Mr. Cors' prepared statement is as follows:]

#### PREPARED STATEMENT OF INDIANA SPORTSMEN'S COUNCIL

Mr. Chairman, gentlemen, by way of introducing myself, my name is Al Cors Jr. and I live in Lawrenceburg, Indiana. I am presently employed at Commercial Motor Freight of Indiana's Cincinnati Terminal.

I now hold the elected office of Southern Vice President of the Indiana Sportsmen Council, this being the third year I have served in this position. I am also a member of the Public Relations Committee of the National Muzzle Loading Rifle Association.

I am very pleased to have the opportunity to appear before this very able Senate Subcommittee and testify in favor of S. 1083 as introduced by Senator Bayh.

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In the period of time following the enactment of PL 91-452 thousands of people have found the House advocated five pound limit to be an extremely bad choice. To begin with the five pound limit has wreaked havoc on the antique shooting sports, the same antique shooting sports which were very kindly and very wisely given a complete exemption from the 1968 Gun Control Law by Congress.

As the black powder commercially manufactured for specific use as a propellant used in muzzleloading firearms has never been in great abundance, retail suppliers of it have always been few and far between. Many retail suppliers have carried it largely as a courtesy to their customers.

Thousands of muzzleloaders around the United States are now faced with traveling long distances to buy their black powder, of which they can only buy and transport five pounds (an amount they can easily expend in an afternoon's matches if they shoot trap or big bore rifle). As a result the amount of sporting black powder sold by the small retail distributor has nosedived. Many of these retailers have of necessity either discontinued stocking sporting black powder, or have raised their prices far beyond the reach of the average muzzle loader.

As a result the sportsman finds himself in a position where he can buy five pounds of sporting black powder under the law but he can't find an ounce because the law has driven the retailers out of the powder business. At the same time the sportsman finds powder he could buy at between one and two dollars a pound in early 1970 now selling in early 1973 at prices as high as eight dollars a pound, a direct result of the law.

The Sportsman and the public have found that even their safety has been threatened by the law as many shooters have found out the hard way that homemade blackpowder and smokeless powder are extremely dangerous substitutes for sporting black powder.

I'm quite sure that the general public and particularly the learned gentlemen of this Committee would in no way wish to see the total destruction of the antique shooting sports. This destruction seems eminent unless this law is changed.

On the other side of the coin is the benefit or rather the lack of benefit to the public as a result of the five pound limit.

Since the law was enacted the International Chiefs of Police published a study revealing that only three percent of all bombings involved black powder, either home-made or commercially manufactured. The scarcity of sporting black powder, and the relative ease with which any idiot can make black powder capable only of exploding, would lead one to believe that sporting black powder would constitute only a small fraction of the black powder used in three percent of all bombings.

While the five pound limit is humorous to the bomber who makes his own black powder from easily obtainable and completely exempt ingredients, it should be pointed out that, that same bomber can legally buy, transport, and store five pounds of black powder. That same bomber can also legally buy, transport, and store a great many items which have a much higher incidence in crime than black powder. Two examples are gasoline and Ammonium Nitrate fertilizer which are exempt from PL 91-452 on the basis of user intent.

I would testify to this committee that five pound limit on commercial black powder does little or nothing to protect the public or hamper a bomber.

In closing this statement I would point out that the excellent wording of Senator Bayh's S. 1083 and the use of a user intent clause will accomplish two very desirable goals. S. 1083 will loosen the law as it applies to sportsmen, and tighten the law as it applies to the criminal.

I'd like to express my thanks to the members of this committee for their time, their interest, and their kind consideration of my testimony.

I also have this, which is a very nice article written by a wildlife biologist. This is in the Kentucky Happy Hunting Ground Magazine, the special publication of the Kentucky Department of Natural Resources, which shows the use of ammonium nitrate fertilizer and fuel oil to blow out potholes for wildlife.

[The article was marked "Exhibit No. 7" and is as follows:]

## EXHIBIT No. 7

[From Kentucky Happy Hunting Ground, Department of Fish and Wildlife Resources, January 1973]



Digging the hole.



Emptying the blasting agent.



Inserting the detonating cord.

This past August game biologists and management personnel gathered in Muddy Slough on the 1400-acre Sauerheber Unit in Henderson County, and watched in amazement as tons of earth skyrocketed from beneath the surface. The explosion caused a thunder-like roar three miles away and sent dirt clods showering down on vehicles parked near the blasting site.

Game Manager Larry Sharp and Biologists Carl Kays, Lee Nelson and I were blasting for, rather than at, ducks. Our purpose — to establish potholes for improved waterfowl habitat.

Although pothole blasting for marsh improvement (by creating more open water in the form of small ponds) is not a new concept among waterfowl biologists, the blasting on the Sauer-

heber Unit was the first to be conducted in Kentucky.

In past, waterfowl managers have relied on heavy equipment such as bulldozers and draglines to create open water areas. In the past decade, however, waterfowl specialists have turned to blasting, using a mixture of ammonium nitrate and fuel oil (FO) as the blasting agent.

A common fertilizer, ammonium nitrate (AN), when mixed with a carbonaceous "carrier" such as #2 fuel oil, becomes violently explosive. Advantages of the AN/FO compound are that it is easy to use, cheaper than large equipment and relatively safe when properly handled.

(The term "relatively safe" can be applied to the AN/FO compound, or other such mixtures, only when the blasting is conducted by individuals

experienced in the handling of explosives. The AN/FO mixture must be considered dangerous and handled properly and the use of this blasting agent should not be employed without a qualified supervisor.)

For the Sloughs Area blasting, commercial mixtures of AN/FO were purchased and delivered in 25-pound bags. The fertilizer mixture was sealed in polyethylene sacks of sufficient strength to prevent puncture since the main disadvantage of ammonium nitrate is that it must be kept dry.

On the Sauerheber Unit we dug three holes 11 feet apart, in a triangular pattern, and approximately four feet deep. A 25-pound bag of AN/FO was emptied into each hole and detonating cord (Primacord) was used since multiple charges were to be detonated.

The Primacord was attached to a



Attaching the blasting cap to the blasting machine.



BOOM . . .



A newly blasted pothole.

section of a dynamite stick and inserted into the center of the AN/FO mixture. Then the fertilizer compound was covered with about 15 inches of tamped dirt. The three charges were then connected to a "main line" of Primacord and an electrical blasting cap was attached directly to the main line. Standard electrical wire was used to connect the blasting cap with the blasting machine.

The electrical blasting machine used was nothing more than a small generator operated by hand. The action and reaction was as follows: A quick turn of the hand generator explodes the blasting cap which sets off the detonating cord. The detonating cord simultaneously ignites the dynamite primers, which then "trigger" the three AN/FO charges. This entire process results in one loud BOOM. The por-

holes thus created averaged 20 feet in diameter and four and one-half feet deep.

The versatility of this procedure can be appreciated in the fact that almost any size or form of pothold may be blown. We blasted nine potholes by using the triangular pattern described above. A tenth hole was blown by extending the apex of the triangle with an additional charge and a pothole approximately one-fourth larger resulted. (Blasting efficiency varies greatly with soil types and testing is recommended before establishing a particular pattern.)

Past waterfowl studies have found that the highest utilization of blasted potholes occurs during spring and early summer. The studies also show that dabbling ducks have been found to

visit the small ponds more than divers. These observations have special connotations for the Henderson County area, since the Sloughs is used as a staging area for green-winged and blue-winged teal, gadwalls and shovelers.

After the initial sloughing-in and settling of the blasted potholes occurs, marsh vegetation will surround the waterholes, and the small ponds should remain open for Jucks for a number of years.

At present the potholes are full of water and are being used by wintering birds. Increased use is expected as the breeding and migrating season nears.

And so the initial phases of the "blasting for ducks" project can be termed successful. Time will tell us the rest. ■

Senator BAYH. Mr. Barnett, I notice that your statement is rather lengthy. You may handle it any way you want to; you can put it all in the record as if you read it—or would you care to proceed?

Mr. BARNETT. I think maybe it would take 20 minutes.

Senator BAYH. I would prefer for you to summarize it, if you would, so we could ask both of you gentlemen some questions.

Mr. BARNETT. Fine.

My particular connection with black powder is in the field of antique ordnance replicas. My company has participated in many civil events: the "1812 Overture," with the New York Philharmonic, and so forth.

As written, as I see the objection of many people to the Organized Crime Control Act of 1970, the law makes no distinction between commercially manufactured and homemade black powder.

Senator BAYH. Mr. Cors has mentioned that.

What is the comparative volatility of the homemade powder and commercially manufactured black powder?

Should we make a distinction in the Federal Code?

Mr. BARNETT. I think the distinction should be made, because homemade black powder can be legally made in 5-pound increments. It is available everywhere, because the components are available everywhere. It is a simple mechanical mixture; an ordinary kitchen blender will do a fine job. Homemade black powder, well mixed, can be as volatile as the commercial grades.

The commercial grades are necessary for the antique shooting sports, because they come in several granulations, and uniformity is constant.

Homemade black powder is not useful in antique firearms and ordnance. But the person of ill-intent has no concern with uniformity from one batch to the next batch; it serves his purpose just as well, regardless of uniformity.

Senator BAYH. I directed this question to the preceding witnesses, and they suggested that it should be directed to you.

As one who manufactures antique cannons, can you tell us what are we talking about in terms of the amount of black powder necessary to discharge an antique cannon once or a number of times?

Mr. BARNETT. Frequency of outing, of course, has a great deal to do with it. A person who is an active participant will use fairly great quantities as opposed to a person who goes out maybe once or twice a year.

Now, in our own activities, we have found it necessary to take the better part of a case to perform the "1812 Overture." Tchaikovsky wrote 16 gunshots into the score, and we provide those 16 gunshots with 16 Lyle-type line throwing guns, fired electrically in accordance with the composer's 1880 specifications.

In the past, the way we have handled it is that we take the better part of a case, use what we need, and bring home the rest.

As to the specific load, this is impossible to say until we get there, because atmospheric conditions, the exact location of the guns, the distance between the orchestra and the guns, and practically everything but the moon phase affects the load that will be used. Our usual procedure is that during the afternoon we will fire a number of test shots to develop a load that produces the report that we are after. Then, of course, in the concert, we will fire the 16 shots.

We have fired as little as 3 or 4 ounces per gun; we have fired as much as 7 or 8 ounces per gun.

Another factor that enters into this is the potency of the powder.

Under the present system, as it has been declared legal by the Treasury Department, we cannot take our powder with us; instead the orchestra buys the powder locally and transfers it to us in 5-pound incre-

ments. This creates a great problem for us, of course, because we are not involved in the situation, and because people totally unfamiliar with such matters are acquiring and handling the powder instead of having us do it. We have no idea how that powder has been stored; whether it has gotten damp. Sometimes we will get to the concert and the powder that shows up is good; sometimes the powder that shows up is bad. Sometimes, it is of one granulation, and at other times it is of another granulation.

On one occasion, as I mentioned in my statement, the orchestra people were frantically trying to locate the powder while the powder dealer was out of town for the weekend by that time, and it was eventually discovered that he had left the powder with a guard earlier in the day, earlier than he was supposed to arrive. The powder was there all the time, yet the concert almost did not go on for lack of powder.

Senator BAYH. If you are talking about those cannons where you have used as much as 8 ounces, you have 16 discharges, and that would be 8 pounds plus whatever is required to test in advance?

Mr. BARNETT. Right.

Here, again, the problem does not center on the precise quantity so much as it does on "Where on earth are we going to get it?"

On one occasion we did an "1812" for the National Park Service in St. Louis under the Arch, and we left from South Bend. At the time, we had the powder on hand in South Bend, but it was illegal to take it to St. Louis. The St. Louis Symphony said they thought they had found some powder but it was a granulation we were not sure we could use, and we left for St. Louis under those circumstances.

Senator BAYH. In your statement, you mention storage requirements. Could you describe for the record what kind of storage facilities are required for more than 5 pounds of black powder, and what kind of storage requirement do you think would be more appropriate?

Mr. BARNETT. Well, I am not fully familiar with the storage requirements that are prescribed, because I read them over and found that I could not comply with them on my budget. The difficulty with storage regulations as they are written is that they were drafted apparently by military and industrial people who were unaware of sporting needs and sporting use.

One of the difficulties we can see in these regulations is that the foot-distance table does not take into account the unit of packaging. For instance, a sporting user of black powder may be dealing with a case of 1-pound cans, the cans themselves contained in an ICC-approved shipping container. Well, now certainly this is a reasonable method of containing powder. On the other hand, the foot-distance table applies to powder whether it is packaged that way or whether it is shoveled in in a heap. In other words, the table says so many pounds and so many feet; yet as we handle the powder, it is normally in Department of Transportation approved containers. But the regulations would apply to that, the same as they would if the powder were in a Government approved magazine in bushel baskets. This is one reason we feel the storage regulations are excessive as they apply to sporting users.

Senator BAYH. Mr. Barnett, how do you classify cannons?

Mr. BARNETT. Muzzle-loading cannons. Antique cannons.

Like the Lyle-type lifesaving guns, they are not necessarily antiques, but they are historically valid instruments.

Senator BAYH. You have traveled around the country talking with those who use this type of instrument.

What has been the track record around the country of individuals who have access to this kind of instrument which uses black powder who in turn utilized it for illegal purposes?

Mr. BARNETT. To my knowledge, there have been no incidents of a large bore antique being used in crime.

As a matter of fact, I could not imagine a feasible way of doing so even if one had that inclination. It is just the sort of thing you do not carry around easily.

Senator BAYH. Mr. Cors, as an official of the Indiana Sportsmen's Council, have any incidents of abuse or misuse of these weapons or the black powder used in them been brought to your attention?

Mr. Cors. No, sir, I know of no case of illegal use. I am only aware of one accident that has occurred in the State of Indiana involving black powder firearms.

Senator BAYH. That had no relationship to the 5-pound limit, did it?

Mr. Cors. Rights; there have been no incidents that I know of, of illegal use of these weapons or black powder in the State.

Senator BAYH. Mr. Barnett, what is going to happen if we do not do something about the limitation on black powder?

Is that going to have dramatic consequences on the type of cultural activities you do?

Mr. BARNETT. Yes. And another thing that is going to happen: In my 5 years of research on the Lyle-type life-saving guns, I have lately come across information to the effect that at least one ship line has released a bulletin urging all American ship masters to cut open and inspect all Lyle gun charges to be sure they contain black powder of the proper granulation instead of substitute powders provided by chandlers unschooled in the hazards of substitution.

A Coast Guard memorandum gives a similar warning to all U.S. merchant marine vessels.

I am informed by Department of Transportation officials that it may become necessary to withdraw all Lyle guns from service aboard U.S. merchant ships because of conditions intensified by the Organized Crime Control Act of 1970.

Senator BAYH. You are talking about Lyle guns that are used on American ships?

Mr. BARNETT. U.S. merchant ships.

The Lyle gun was developed in 1878. By the turn of the century it was in use aboard steamships. The Lyle gun, until 1952, remained the primary instrument for projecting lifelines to persons stranded by shipwreck or other disaster. The Lyle guns operate on a very coarse grade of black powder.

In the absence of that grade of black powder or the absence of black powder itself, the Lyle guns cannot be safely operated.

According to what I am told by the Department of Transportation and what I am told by the chief officer of the SS *Cristobal*, who was recently involved in a shortage-related accident, the shortages of black powder have been brought about by the chandlers' not having any

practical way to stock black powder for Lyle guns, and, in the absence of black powder. The guns cannot be safely operated.

As a matter of fact, the chief officer of the SS *Cristobal* retired his ship's Lyle gun because it was impossible for him to find powder for it, and he used another appliance and was injured with it.

Senator BAYH. Do you think the legislation we now have before us is going to be helpful in remedying that situation or is that the result of something else out of control?

Mr. BARNETT. It would allow the chandlers to get powder.

Mr. Cors. Senator Bayh, I wonder if I could make one point?

Senator BAYH. Yes.

Mr. Cors. We have spoken about the use of these types of weapons in crime which is just about nil.

For the information of this committee, I would like to go through a description of what it takes to load a muzzle loading shotgun.

You have a double-barrel. All right. Then, you put a charge of powder down both barrels. Then, you put a Nitro-Card wad down each barrel. After that, you put a wet wad soaked in cleaning solution down each barrel, and then, you put in a measure of shot in each barrel. Then, you put over the shot wads in each barrel. And this is all, of course, that is involved.

So, some considerable amount of time is involved. OK.

Then, you are ready to shoot. But, first, you have to cock back the hammers and put on a percussion cap. So, you can see the use of this thing; you then have two shots. So, you can see this is a matter of quite a few minutes of preparation, just to get two shots.

The use of this weapon in crime would be superfoolish.

Senator BAYH. Gentlemen, thank you. You have been very helpful to us.

Mr. BARNETT. May I enter these exhibits?

Senator BAYH. Please, I hope you will.

Mr. BARNETT. Exhibit A is about 50 letters of concurrence. The authors of those letters include officials from every national antique sporting organization. Some writers, legislators, and so forth, and the resident conductor of the Cincinnati Symphony Orchestra.

I would also like to submit exhibit B, which is a photograph of gasoline and fertilizer being sold for their intended purposes at a gasoline station under their present exemption.

Exhibit C is a sheaf of newspaper clippings. These were gathered over a short period of time in a single city and pertain to explosions, massacres, and other incidents that involved gasoline, natural gas, U.S. military munitions and so forth. I think everybody will agree that gasoline is not too dangerous a material for the public to handle.

Senator BAYH. Thank you very much, Mr. Barnett and Mr. Cors. [Mr. Barnett's prepared statement and exhibits A, B, and C are as follows:]

[Information supplied for the record is marked "Exhibit Nos. 8 and 9" and is as follows:]

PREPARED STATEMENT OF THE INDIANA SPORTSMEN'S COUNCIL

Gentlemen, many participants in the historical shooting sports have asked me to expressly convey their thanks for the present opportunity for their experienced and practical views to be heard by this committee.



By way of personal introduction, I am a former Indiana state trooper, later a public high school teacher who after eight years of service left the field in order to devote full time attention to the historical shooting sports and related matters of craft, research, writing, and other related endeavors. I appear before you in my elective position as northern vice-president of the Indiana Sportsmen's Council, an organization which in view of Indiana's long tenure as a major homeground of antique firearm study and related activity has a deep interest in preserving the legitimate use of the only antique propellant, black powder, and in seeing fair means provided to discourage isolated instances of its misuse by persons of ill intent.

I am a member of the Smithsonian Associates, the Nautical Research Guild, the Northern Indiana Historical Society, the National Muzzle Loading Rifle Association, the Cannon Hunters Association of Seattle, the NRA, the River Valley Muzzle Loaders, and other organizations of generally related interest.

By occupation, I am president of a small company which manufactures replicas of antique ordnance by authentic methods, for the most part using salvaged and restored machinery dating well back to the 19th century. As such, my company has built the gun barrels for the reconstruction of the 18th century ship *HMS Rose*, has many times been of related service to state, federal, and private restorations of historical sites, and has been tentatively asked to furnish barrels to a restoration of the gunfoundry at which the originals of the same barrels were made a century ago. My consultatory services have been sought and donated toward the making of a feature film, parts of which require practical insights into 18th century gunmaking processes.

My company's services have many times been sought by prominent symphony orchestras (Appendix I), including Cincinnati, St. Louis, the New York Philharmonic, and others, in their performances of Tchaikovsky's "1812 Overture," which for historical and artistic accuracy requires punctuation by sixteen precisely timed cannon shots, fired electrically in accordance with the composer's 1880 specifications. Each of those performances has been a major civic event; in Cincinnati, for example, drawing park audiences of up to 40,000 persons, and for several consecutive years setting new records for concert attendance in that city.

As a student of the history of antique firearms and ordnance, I have recently completed five years of original research in the preparation of a definitive manuscript on the history of lifesaving ordnance, especially Lyle guns but also including other appliances used since 1701 for projecting lifelines to persons stranded by shipwreck or other disaster.

One result of that research—the first of its kind undertaken since 1878—is that a "missing" area of American history has been found an illuminated; another is that I have been able to locate and identify heretofore unrecognized factors relating to Lyle gun performance, thereby making significant contributions to the future safety of United States Merchant Marine personnel and at least one major nautical museum, part of which is to eventually include a reconstructed life-saving station.

As presently worded, Title XI of the Organized Crime Control Act of 1970 (PL 91-452) greatly impedes legitimate acquisition and use of black powder, and at the same time, provides an easy and legal loophole for clandestine acquisition, thus having the overall effect of providing persons of ill intent a far more useful exemption than has been allowed historical sportsmen, in direct opposition to the law's expressed purposes.

As written, PL 91-452 exempts "black powder in quantities not to exceed five pounds." Since the present exemption makes no distinction between *commercially manufactured* and *home made* black powder, it applies to both equally, a condition many times acknowledged and verified by legislators and enforcement personnel.

Participants in the antique shooting sports must have *commercial* uniformity and granulation options provided by commercial production, for reasons involving safety, consistency, and suitability to specific purpose. Thus, *home made* black powder is virtually useless to persons intending legitimate application.

At the same time (Appendix II), it is typically easier to acquire black powder through the simple expedient of home manufacture from exempt ingredients than it is to locate and buy scarce commercial grades, which normally flow through esoteric channels. In home manufacture, less equipment than an ordinary kitchen blender can be used to create black powder wholly suitable for

clandestine purposes, but for lack of controlled uniformity, wholly unsuitable for propellant use.

Commercially manufactured black powder, bearing the scarcity of obsolescence, is expensive and difficult to find, even under the best of circumstances. Home made black powder, being easily mixed from common ingredients as exempt as charcoal briquets, is cheap and simple to acquire, even under the worst of circumstances.

So in addition to the more useful exemption, persons of ill intent also have the privilege of better prices, should they elect to use black powder instead of the host of choices open to them otherwise through yet commoner means.

(It should of course be borne in mind that since passage of PL 91-452, at which time it was just assumed that black powder was a major factor in domestic bombings, a later study subsidized by the Justice Department revealed it to actually be a very minor factor, accounting for very few bomb fillers. Even of the three per cent or so figure given, it should be noted that many substances other than black powder are frequently misidentified in news reports, and so forth, as "black powder," by persons not familiar with the limits of the term.)

A second basic reason that the present exemption impedes legitimate access without placing corresponding burdens on persons of ill intent is that the term "five pounds" is unattached in time and space, giving rise to limitless interpretations about its applicability.

There sportsmen together, each possessing five pounds: are they individually exempt, or are they in collective violation? If they are in collective violation, how do they legally associate? Travel? Or if they are individually exempt, then are not three—or five or a dozen—bombers with five pounds each equally exempt? Attorneys advise that they would seem to be. Who is more greatly impeded?

The legitimate person who must fear the very appearance of evil and its attendant entanglements, even if later resolved favorably, finds himself disallowed to make the simplest judgments, having instead to rely on opinions far removed from his situation, and often made by persons less expert in the same matters than himself. The difficulty and delays in obtaining such opinions are well known. So is the sometimes inapplicability of them when received.

Yet the person of ill intent, by his nature fearing no such entanglements, has to do nothing but pick his options and go right on.

Related other tripwires and barricades of impracticability leave the honorable user of black powder in an obstacle course to be negotiated in the dim light of ambiguity, imperfect applicability, pages of legalese, and the conflicting interpretations that accompany all of those things. On one occasion, for instance, I was myself informed by a ranking Treasury official that people had "even been caught" doing what a higher ranking official had expressly *approved* earlier, and which therefore was my own custom. However charitable the overall attitudes in such matters, a prudent person is compelled to worry about them.

If commercially manufactured black powder were as plentiful and close as a sack of flour—or the ingredients of home made black powder, or gasoline and fertilizer (Appendix III)—a five pound exemption would not be so debilitating as it is. But commercially manufactured black powder has for generations been scarce.

For many years, common carrier shipment of black powder in quantities under several tons has been economically infeasible. Very few dealers are equipped to handle such quantities, even when it is available from plant sources—the nearest of which presently is Scotland.

From those few major depots downward under company, and finally personal, cartage, the distribution of black powder for sporting purposes becomes less and less a matter of business, and more and more a matter of courtesy, often at minimal or no profit.

Distribution at field level is almost totally dependent on courtesy dealers and friends supplying other friends within the sports. Of necessity, many state lines are involved.

Under the present exemption, friends can no longer cross state lines to pick up quantities sufficient to supply sporting acquaintances with whom they have gotten together an order. Intra-state searches frequently yield no powder from formerly consistent sources. Storage restrictions contain discouraging excesses, being drafted—with significant oversights—to meet military and industrial requirements. Permits portrayed as simple are not simple, and aside from diffi-

culty of acquisition and unsuitability to sporting use, pose absurdly far-reaching conditions of qualification; e.g., water pollution control certification. Courtesy dealers have understandably vanished.

To the person who cannot find an ounce of powder within practical reach, the five pound exemption is a hollow concession. The law has crushed the lame but workable system of supply on which antique sportsmen have had to depend for more than a generation. There are many honorable people now out of supplies, or facing vastly multiplied prices in order to obtain bare amounts. There are no such bombers.

This is the way the old system worked. In 1970, the Cincinnati Symphony Orchestra asked if my company could participate in a park concert ten days hence. Having just loaned my last case of powder to a Michigan dealer, just over the state line, I said we could participate if we could find powder. A friend near Detroit, a historian, had some time before mentioned soon making a trip through South Bend.

Calling him, I asked if he could pick me up a case from a depot in his area. He did, and delivered it to me at cost, and in time for the concert. The concert consumed about half the case. The surplus supplied some of my own area acquaintances.

Shortly after, the Michigan dealer to whom I had loaned the original case called to say that he had been able to replenish somewhat from his regular source, but only in a granulation useless to me. No matter; with the money instead, I could always locate the right granulation at Friendship on an upcoming trip there, which I did. The only profit was access, and nobody had been stranded without powder.

The following year, each of those innocent, beneficial, and financially profitless transactions had become illegal.

This is typical of the way the same thing works now. Under an arrangement declared legal by the Treasury Department, orchestra personnel wholly unfamiliar with such matters are to find and purchase powder locally, and give it to us in five pound increments on arrival. As we prepared for a 1971 lakeside concert in Cincinnati, after much explanatory correspondence, the powder did not appear at the proper time. Orchestra personnel, approaching panic, left their regular full time duties and frantically tried to reach the dealer, who by then was out of town for the weekend.

After all reasonable deadlines for loading had passed, it was discovered that the dealer had come early, leaving the powder with a guard who had failed to mention the delivery. We were barely able to make the performance.

At another performance, in Riverfront Stadium, the guns required lighter charges. More than five pounds of powder was left over. In order to be certain of coming home "legal," the precious surplus was poured down a toilet. In principle, the days of correspondence and procedural concern were much the same—if the issue was crime.

At a later St. Louis concert for the National Park Service, we left South Bend not knowing whether suitable powder had been located or not. With the New York Philharmonic at Madison, Wisconsin—where the Army Math Center was demolished with fertilizer—civil authorities, not finding powder locally, sent a special truck to Moline, Illinois after it, at great costs in time, attention, and expense. At another concert, a lapse of understanding by orchestra personnel resulted in our being presented with a bulk fifteen pound increment: a felony we avoided by refusing to assume custody of the powder. And so on. (Appendix IV.)

I am of course no longer in a position to supply my friends, nor they to supply me. Of the other three former sources in the general South Bend area, one found it necessary to quit, after passage of PL 91-452, as I did. Another, the elderly owner of a sporting goods store 20 miles west, rarely has powder; then in small quantities with virtually no choice of granulation. The other, ten miles north in Michigan, also has it sporadically and in whatever granulation turns up.

I am told by a man in another part of the country that his plea for "any granulation at all" yielded four pounds of flintlock priming powder: about as useful as a case of lighter fluid would be to a person interested in running an outboard motor.

Prices have of course left reason far behind. In 1970, typical case prices from courtesy dealers were about \$1.35 a pound, more or less depending on supply in

any given area at the time. Single-pound prices centered around \$2.00 per pound from courtesy dealers, or about \$2.50 a pound from commercial outlets. As my earlier example indicated, it was to everybody's interest to help one another stay supplied at minimal prices, the effect of which was twofold: (1) distribution kept manufacturers willing to supply the market and (2) low courtesy-dealer prices prevented any "cornering" of the market by a few large, well-financed interests, however good the intentions involved. And there were plain fraternal considerations.

My own experiences with the Organized Crime Control Act of 1970 are not singular. A Virginia gentleman reports finding two pounds, at \$7.50 per pound. A Nebraska gentleman reports prices of \$5.00 per pound with a two pound limit, and with sales only to customers who have purchased muzzleloading firearms at the same store. A Maine gentleman says if he wanted to be a criminal, he could make his own powder overnight for criminal purposes for 50¢ a pound, but that he has just refused to buy a pound of commercial powder for \$8.00, and can find no other. A government official asks where a fort can find powder with which to continue its history program. A person in an area of relative plenty reports a price of \$3.75 a pound with a two pound limit, and on hearing of the others, decides he is fortunate. And so on.

An exemption that creates chaos among compliant people without placing corresponding burdens on discompliant ones needs correction.

When the law was first implemented, the Treasury Department relayed assurances of "an official of DuPont (Appendix V) that contrary to long-standing rumor, DuPont had no intention of quitting the commercial market; that in fact, the intention was to increase the number of distribution centers so as to keep powder available despite decimation of traditional channels of supply. It was also pointed out that Friendship, Indiana, would serve as a midwestern distribution center—nearby state lines and all the rest of the country notwithstanding.

Six months later, DuPont was out of the commercial market but still producing to fill government contracts, leaving Scotland the nearest source of commercially manufactured black powder. Some time later, DuPont was out altogether. Shortly after, an official of DuPont—apparently not the same one to whom the Treasury official had spoken—informed me that it had been common knowledge for years that DuPont's intention was to quit production of black powder. Two days after passage of the law, the same had been suggested to me by an official of the Institute of Makers of Explosives.

Friendship, the Eden of Powder, first found it necessary to limit sales to members only, and then—after matches were jeopardized by the magazine running dry—to on-site match participants only, in quantities geared only for on-site use and at prices driven up to double prior "courtesy" prices, with further rises expected.

In a November 27, 1972 letter to the Indiana Sportsmen's Council, the Treasury's Director of Operations said that an exemption for commercially manufactured black powder "would be of little significance since no black powder is manufactured in the United States," seeming to miss that feasible distribution of the commercially manufactured Scottish powder would help, and that resumption of domestic production might be encouraged if feasible distribution were in sight.

That Treasury letter, as have many before, expressed great sympathy with the plight of antique sportsmen, explaining that "there is no avenue of relief without amending legislation enacted by Congress." In 1971, "constrained by the wording of the law" was the phrasing of a Treasury enforcement official, in referring us to Congress for remedy.

Now we appear before Congress.

Meanwhile, black powder organizations, publications, and individual sportsmen have undertaken a national cooperative effort to head off sometimes-reported "advice" from store clerks and other persons not even connected with the historical shooting sports, to substitute wrong powders for black in muzzle-loading firearms, such "advisors" sometimes even presenting themselves as knowledgeable.

Nor is the problem limited to the antique shooting sports. The New York Port Authority has released a bulletin urging all shipmasters to cut open and inspect all Lyle gun charges to ensure that they contain black powder of proper granulation, instead of substitute powders provided by chandlers unschooled

in the hazards of substitution. A Coast Guard memorandum gives similar warning.

In the course of my Lyle gun research, I have been informed by a Department of Transportation official that it may become necessary to simply withdraw all Lyle guns from service aboard United States merchant ships because of conditions intensified by the Organized Crime Control Act of 1970.

In plain language, the exemption proposed by the Indiana Sportsmen's Council and other organizations who appear before you would exempt *commercially manufactured* black powder and historically documentable antique ignition implements *when distributed and possessed for use as antique ammunition components*, under the same principle of exemption *now in effect* for many other special-purpose substances.

The proposed wording would remove the *now-existing* "bomber's exemption" for home made black powder in five pound increments. It would legalize the possession of *any quantity* of black powder, however small, under prima facie evidence of intent to make a bomb, a condition that does not now exist under P.L. 91-452.

It would in no way interfere with existing federal statutes prohibiting the making of a bomb, or possessing bomb components with the intent of doing so. Nor would it interfere with existing penalties for violating those statutes.

What the exemption *would* do is permit honorable citizens who require reasonable access to the antique propellant as part of their legitimate endeavors to get back to their old and long-standing problems of acquiring it in the face of marginal supplies, free of harassment by conditions and prices beyond reason.

I respectfully bring to this committee's attention Northern Ireland, where there is no commercially manufactured black powder, and where the historical shooting sports and attendant studies do not exist.

Again, thank you for allowing us to be heard.

J. PAUL BARNETT,  
Vice-president (North).

EXHIBIT A

CINCINNATI SYMPHONY ORCHESTRA,  
Cincinnati, Ohio, November 13, 1972.

(Comments of Erich Kunzel on learning of the marginal conditions under which his concerts have been being performed.)

Mr. J. PAUL BARNETT,  
President, South Bend Replicas, Inc., South Bend, Ind.

DEAR PAUL: Thank you for your letter of October 3. I was not aware that the Title XI of the Organized Crime Control Act of 1970 also involved the antique shooting sport, moreover, and in particular, I didn't realize this involved the survival of what you have been doing for us.

Thus, if any government official receives this letter, I would clearly like to point out to them that the contribution which your firm has made toward music here in Cincinnati as far as enjoyment and authenticity is concerned is overwhelming. In particular, you have performed on many occasions the "1812" Overture Sollenelle by Tchaikovsky with us, but by providing the cannon shots which Tchaikovsky clearly marked in the score.

These performances, of course, have been outdoors, either in Cincinnati's Riverfront Stadium, or at Winton Woods in Ohio, a suburb of Cincinnati. To perform this Tchaikovsky work without these cannons as called for by the composer would certainly detract both from the authenticity of the work and also from its complete enjoyment on the part of the listeners. Your firm has made this all possible and I would be deeply shocked if Congress would enact laws which would prohibit people from learning something historical; and this is historical in the art sense.

If there is anything I can do on your behalf, Paul, please feel free to contact me. With all good wishes,

Yours sincerely,

ERICH KUNZEL, Resident Conductor.

NATIONAL MUZZLE LOADING RIFLE ASSOCIATION,  
Friendship, Ind., June 23, 1971.

Mr. J. P. BARNETT,  
Vice President (North), Indiana Sportsmen's Council,  
South Bend, Ind.

Mr. BARNETT: Thank you for your letter of June 2nd. I welcome your invitation to comment on a fair and proper exemption for black powder, and to clear up any misconceptions that may have arisen in regard to our position in the matter.

As you know, the current five pound exemption came to us as a choice between five pounds and none. The National Muzzle Loading Rifle Association has never approved that exemption except as the less objectionable of two wholly objectionable choices, neither of which was adequate to supply the needs of the general field of the antique shooting sports.

This organization was maintained from the outset that no amount of restriction on black powder, which is scarce under the best of conditions, can measurably affect the activities of bombers, whose field of choice is limitless, and common.

Our position remains that when it is possessed for use as a sporting propellant in antiques and replicas, black powder should be exempt.

I have examined the summary and position of the Indiana Sportsmen's Council regarding the situation, and have invited others among us to do the same. We find it to be accurate and valid, and we gladly endorse it as a means of improving the effectiveness of the law as it pertains to those at whom it was aimed, and properly and necessarily relaxing it as it applies to the tens of thousands of honorable antique sportsmen who have thus far borne the brunt of it.

The proposals that it sets forth are reasonable, sound, and entirely consistent with the expressed purposes of Title XI of the Organized Crime Control Act. And, as you pointed out, are amply precedented.

I enjoyed the conversation we shared with Mr. Al Cors at Friendship, Indiana, and I hope you will keep us posted on any new developments. Our 12,500 members join me in extending our best regards to the members of the Indiana Sportsmen's Council.

Sincerely,

MAX VICKERY, President.

ALBUQUERQUE, N. MEX., September 23, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
Bloomington, Ind.

GENTLEMEN: It was with great pleasure that I read your memo on a black powder exemption recently.

Having been a black powder shooter for a solid half century (I started at about 7), and being now the author of many articles, columns and handbooks on that subject, I think I am qualified to say that the ISC MEMO presents our mutual problems fairly and accurately. The solutions it proposes are only reasonable, unless the current governmental object is to flatly decimate the antique shooting sports in the interest of showing, on paper, an inconvenience to bombers that does not exist in fact. And which would be an insignificant one, if it did.

Black powder has been convicted of mystique as seen by incompletely-informed legislators, rather than on any concrete evidence. The five pound exemption shows that. So does the "intent" exemption for fertilizer, which is available anywhere, and which is well known for its potential as a bomb material.

I have heard it said that P.L. 91-452, Title XI, is not a factor in the current shortages of the antique propellant among sporting users; that it is the system of distribution which is at fault. Yet to say so is to propose that the two factors can be separated, and to deny the very purpose of the law—which was to restrict the flow of black powder.

It has done that all right. DuPont has quit the business, right after assuring the government of its interest in seeing that sportsmen are better supplied. Black powder shooters all across the country are running out of supplies. Bombers are not. Attempts to justify that condition are like firing a shot through a paper and then drawing a bullseye around the hole. It is not right.

Likewise, to say that since formal match activity is still well supplied (which it is not) and that therefore all is well, is to deny the existence of the bulk of

the field. Formal match activity consumes a *very* small percentage of the requirements of the field and cannot exist by itself, any more than a small percentage of a ship can float by itself.

Please add my name to those of other individuals and organizations who have endorsed your excellent summary and position.

Very cordially yours,

R. O. ACKERMAN,  
(For Gun Week, Guns, Muzzle Blasts, and others).

CANNON HUNTERS ASSOCIATION OF SEATTLE,  
Seattle, Wash., September 7, 1971.

Mr. J. P. BARNETT,  
Vice President,  
(North), Indiana Sportsmen's Council,  
Bloomington, Ind.

DEAR MR. BARNETT: It is with much concern that the Great Guns of CHAOS have studied the Indiana Sportsmen's Council memo of May 20, 1971 re. the urgent necessity to introduce a measure of reason and fair play into the current black powder situation. The 4000 members of CHAOS extend to you their whole-hearted support and concurrence.

CHAOS is an international organization, composed of a great cross section of citizens from 32 nations, from historians to government officials, yes, even royalty, we run the gamut of delightfully interesting, effective people. If John F. Kennedy had not passed away, we would have a President on our membership rolls.

It is quite neutral that a large segment of our membership should participate in cannon shooting as well as cannon recovery, preservation and public display. In all respects, CHAOS is eminently qualified to represent a large segment of our nation's poorly-treated cannon hobbyists and students.

Anyone who says the current five pound exemption for black powder serves even the minimal needs of antique cannon lovers knows neither the nature, nor needs, of this very dedicated portion of our population. Or, perhaps, he is not yet out of powder, himself.

Mr. Barnett, for your information, CHAOS was formed more than 32 years ago, and for a dual purpose:

1. To preserve ancient, historic cannon and,
2. To take a good-natured poke at the stuffed shirts of an over-organized society. It appears, today, that a cadre of well-entrenched professional administrators have, somehow, wrenched control of our government from the legislators and the citizens. It sounds as though the 1970 Organized Crime Control Act, Title XI, was born of this sort of bureaucracy.

We've known for some time that DuPont would become irritated to the point of action; the point where they would cease the manufacture of black powder. Now, there is no maker in the country. A direct contradiction, it would seem, to the apparently-well-meant assurances that exempt quantities would be made more available.

It is certainly difficult, and most optimistic, to imagine that either Canada or Scotland will rush in to fill the need in the face of such obstacles, plus the 10% import boost.

Today's hard-pressed taxpayer is already pushed to the limit of endurance, and, in many cases, the only thing keeping him going is recreational release. To take this away provides an atmosphere dangerously parallel to that in socialistic states. Our people find joy in research and field work as well as in the operation of their cannon. Much work is voluntary, and most recovered cannon are donated to public sites for the enjoyment and education of all.

How, then, can they be expected to undertake these efforts, at their own expense, with no reward other than personal satisfaction, when this satisfaction is dulled by official rejection in place of gratitude or protection?

Without an adequate supply of manufactured black powder, the antique sports are beyond pursuance. We are fast running out of powder, despite assurances of those who say the law will not let us run out.

Bombers and anarchists are not discouraged at all. They can whip up a batch of black powder with less effort than it takes us to find a pound of manufactured powder somewhere, for legitimate purposes!

These revolutionaries transport their bombs by means of an automobile. Then, let's restrict automobiles. They cannot survive without food, so, obviously, we must then cease all production of foodstuffs. They cannot reproduce without sex, so let us outlaw marital relations. Overstated, perhaps, but not too far from the quality of rationale employed by those who inspire such decisions as Title XI.

The Indiana Sportsmen's Council speaks with the *full* endorsement of the membership of this organization.

Sincerely,

DONALD R. CLARK

NATIONAL MUZZLE LOADING RIFLE ASSOCIATION, FRIENDSHIP, IND.

NATIONAL MUZZLE LOADING RIFLE ASSOCIATION RESOLUTION OF SEPTEMBER 4, 1971,  
CONCERNING BLACK POWDER

Whereas, it has been asserted that under the so-called Explosives Act being Title XI, Organized Crime Control Act of 1970 (PL 91-452), that adequate black powder is available for sporting and target uses by members of National Muzzle Loading Rifle Association, and, whereas, such is not the fact. Now, therefore, be it resolved, "The current five pound exemption came to us as a choice between five pounds and none. The National Muzzle Loading Rifle Association has never approved that exemption except as the less objectionable of two wholly objectionable choices, neither of which was adequate to supply the needs of the general field of the antique shooting sports.

This organization has maintained from the outset that no amount of restriction on black powder, which is scarce under the best of conditions, can measurably affect the activities of bombers, whose field of choice is limitless, and common.

Our position remains that when it is possessed for use as a sporting propellant in antique weapons, black powder should be exempt.

Be it further resolved that exempting commercially manufactured black powder and all related accouterments of the black powder shooting sports, when distributed or sold or possessed as ammunition components is reasonable and sound consistent with the expressed purposes and intent of Title XI of Organized Crime Control Act of 1970 (PL 91-452) and that unlimited availability thereof is necessary to the survival of the antique shooting sports.

The National Muzzle Loading Rifle Association's black powder magazine located at Friendship, Indiana, is for the sole purpose of guaranteeing an adequate supply of black powder propellant for the members shooting at the national range. This magazine is not, and never was intended to supply the membership from coast to coast.

Due to the fact that only a small minority of the national membership ever attends matches at the national range, an unrestricted distribution system is of utmost importance if this sport is to survive.

The suggestion that the National Muzzle Loading Rifle Association magazine supplies the nation wide membership is erroneous. Furthermore, the present magazine system at our range has proved inadequate for the intended purpose stated above. To illustrate, a scheduled delivery of black powder failed to arrive at the Fall 1971 shoot. Due to this fact, at one point the entire shoot was in jeopardy. Had there been unrestricted availability many shooters would have transported the necessary propellant from their home areas.

NORTH-SOUTH SKIRMISH ASSOCIATION, INC.,  
Fort Knox, Ky., October 5, 1971.

Mr. J. PAUL BARNETT,  
Vice-President (North), Indiana Sportsmen's Council,  
South Bend, Ind.

DEAR MR. BARNETT: I have examined the Indiana Sportsmen's Council's position and arguments for exemptions for blackpowder shooting propellant from restrictions at the federal, the state, and the local levels of government. The N-SSA is very much in agreement with your position, for we believe that black-

powder shooting sports are threatened with possible extinction, largely because of the passage of well-intended pieces of legislation such as Title XI of the Organized Crime Control Act of 1970 and growing numbers of similar "anti-bomber" laws and ordinances passed by many states and local communities. We support our law-makers in their efforts to cope with terrorist bombers. Any explosive or anti-bomber laws, however, must be sufficiently flexible to accomplish their objectives of deterrence and punishment without imposing extreme and unreasonable hardships on the activities of legitimate sportsmen. Unfortunately, for the most part, the laws referred to earlier do not adequately exempt sportsmen! Instead of differentiating between shooting propellants and materials commonly used by bombers, these laws lump blackpowder shooting propellant into the same category as explosives and subject it to costly, bothersome, and unnecessary purchase, transportation and storage requirements.

While bombers face no shortage of usable materials, users of antique firearms and handloaders who re-load blackpowder cartridges do! Blackpowder is the ONLY propellant which can be safely used in muzzle-loading and other firearms specifically designed for it. Modern smokeless powders can not be used, for they produce dangerously high levels of pressure in antique firearms.

In addition to the wide range of commercially manufactured explosives and home-made blackpowder, the criminal bomber can make his destructive devices from a vast variety of suitable materials which can be readily obtained from such places as drug, grocery, and hardware stores and chemical storage rooms. The bomber has numerous alternatives; the blackpowder sportsman has but ONE!

It is the official position of the N-SSA that Blackpowder Propellant, when manufactured, possessed, and used as a shooting propellant should be exempt from all explosive and/or "anti-bomber" laws. We further feel it imperative that the growing "crazy-quilt" pattern of widely differing state and local laws restricting blackpowder propellant must be replaced by a single nationwide exemption.

Sincerely,

RICHARD L. CORRIGAN, *President.*

WESTERN STATES MUZZLE LOADERS ASSOCIATION,  
*El Segundo, Calif., September 16, 1971.*

Mr. J. P. BARNETT,  
*Vice President (North),  
Indiana Sportsmen's Council,  
South Bend, Ind.*

DEAR MR. BARNETT: Thank you for requesting WSWMLA's position regarding the 1970 Explosives Control Act.

The avowed purpose of legislation such as this is the control and successful attenuation of crime.

We feel that no law can prevent a dedicated revolutionary from obtaining the necessary equipment to construct a bomb, and that a greater deterrent to criminals and revolutionaries would be mandatory prison sentences rather than restrictions interfering with the legal use of propellants and reloading components, such as the 5 pound restriction applying to black powder (which by ATF definitions is a low yield explosive as opposed to some common household materials considered *high yield*).

The current restrictions on black powder have forced countless dealers, in the West, to cease the sale of black powder as a gainful employment thereby severely curtailing the pursuit of the muzzle loading sport by thousands of honest, law-abiding sportsmen.

The position of the Indiana Sportsmen's Council regarding the Explosives Control Act of 1970 is endorsed and supported by the Western States Muzzle Loaders Association and the 90 Clubs in 17 Western States represented.

Enclosed is a copy of Senate Memorial I, Oregon Legislative Assembly, urging Congress to repeal the Gun Control Act of 1968.

Please let us know if we can assist you further.

Sincerely,

VERN CHAPEN, *President.*

THE NATIONAL RIFLE ASSOCIATION OF AMERICA,  
*Washington, D.C., February 2, 1972.*

Mr. J. P. BARNETT,  
*Vice President (North),  
Indiana Sportsmen's Council,  
South Bend, Ind.*

DEAR MR. BARNETT: Like you were glad to see the proposal incorporated in HR 12406. We did report this bill in our weekly legislative report which we distributed to our Official Family on January 21, and it will be further reported in The American Rifleman magazine, March issue.

Quite obviously, NRA will support HR 12406 and we are hopeful that this bill will be passed by the Congress.

Sincerely yours,

MAXWELL E. RICH,  
*Major General (Retired), Executive Vice President.*

ILLINOIS STATE RIFLE ASSOCIATION,  
*Chicago, Ill., January 27, 1973.*

*Indiana Sportsmen's Council,  
Bloomington, Ind.*

GENTLEMEN: Your "Memo on a Black Powder Exemption", dated May 20, 1971 has recently come to our attention. We strongly concur with your feeling that legislations should be based on the intent of the proposed views rather than arbitrary poundage.

Sporting use of powder, like sporting use of fire arms should be encouraged, but the illegal use or use in crime should be severely punished.

We hope that your activities lead to more sensible legislation.

Very truly yours,

JAMES VALENTINO, JR.,  
*Chairman, Legislative Committee.*

PENNSYLVANIA RIFLE AND PISTOL ASSOCIATION,  
*Mount Joy, Pa., June 1, 1971.*

The Pennsylvania Rifle & Pistol Assn. representing 50,000 shooting sportsmen in Pennsylvania, is in disagreement with the black powder regulations in the Organized Crime Control Act of 1970 P.L. 91-452, Title XI.

Gasoline when purchased with the intent to use it as a motor fuel is unrestricted, but its use as an incendiary device is prohibited under the penalties of the above law. Likewise, ammonium nitrate when purchased with the intent to use it as a fertilizer is unrestricted, but its use as an explosive is prohibited.

Therefore, it is the contention of this organization that black powder, when purchased with the intent to use it as a sporting propellant should be unrestricted. Although black powder can be used in the construction of bombs, it is seldom used for this purpose, since there are more powerful and more easily obtained ingredients available for this purpose. Also, the present five pound limit on black powder will allow the bomber to purchase enough for his needs without violating the law.

The present restrictions on the purchase and possession of black powder serve only to harrass the sportsmen and contribute nothing to crime control. We believe the burden should rest on the criminal and not on the law-abiding sportsman.

We also contend that the present storage regulations are useless and unnecessary. It is virtually impossible for the average citizen to locate the black powder storage facility on his property and maintain a distance of 75 feet from the facility to the nearest road, railroad or inhabited building. The law in Pennsylvania requires a distance of 30 feet and has caused no problems. There are many cases on record of homes exploding from leaking natural gas lines, but we know of no instance where a home has been destroyed by black powder.

Therefore, it is our unequivocal stand that black powder should be placed in the "intent category" now enjoyed by ammonium nitrate, gasoline and other explosives and that the storage facility distance should be reduced to 30 feet.

JAMES N. SPICER,  
*Legislative Chairman.*

THE SECOND PENNSYLVANIA REGIMENT OF THE CONTINENTAL LINE,  
Valley Forge, Pa., October 25, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
South Bend, Ind.:

The members of this organization wish to go on record as being fully in accord with your stand for having black powder excluded from the Crime Control Act of 1970. We feel that the intent of the user should govern any question as to legality of its use.

It is indeed a pity that the outrages of a benighted few should have the effect of destroying the great pleasures of the many. The members of this organization and many more like it have for many years used black powder not only for recreation but to give pleasure to thousands who witness our activities.

I warmly support your efforts to have this legislation amended.

Sincerely yours,

G. G. GODWIN,  
Major, Commanding.

THE COMMITTEE FOR EFFECTIVE CRIME CONTROL,  
June 25, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
Bloomington, Ind.

GENTLEMEN: The Board of Directors has asked that I convey their commendation of your "Memo on a Black Powder Exemption" of May 20, 1971. It is well done and we appreciate your efforts on behalf of all black powder shooters.

We are enclosing our own statement on so-called explosives laws from the *Congressional Record* of June 22, 1970. We are also sending you a copy of our position paper and a check for \$15.00 to help a little in your literature distribution.

Let us know when we can assist you. Both our attorney and myself are black powder shooters. He frequently uses his black powder shotgun and we're on the same mortar team at the annual July 4 cannon shoot at Mayer, Minnesota. Please be assured that the C.E.C.C. is alert to the problems of black powder shooters.

Thanks so much for your efforts.

Yours truly,

JON WILLAND, Secretary.

YONKERS, N.Y., March 17, 1972.

INDIANA SPORTSMEN'S COUNCIL,  
Bloomington, Ind.

GENTLEMEN: The 64th Regiment of Foot, 1st Battalion, and Oakley's Rangers have been doubly blighted by the action of Congress in 1970. Not only have our interstate activities been halted, but influenced by this thoughtless restriction placed upon us, the New York State Legislature, in July of that year, through now admitted ignorance, made our recreational pursuits a criminal offense.

As this is written, a bill to rectify the injustice in this State has just been passed and awaits the Governor's signature.

Should provision be again made for our legitimate existence here, our participation in activities planned for the forthcoming bi-centennial celebrations of the birth of this Nation will still have to remain cancelled.

The present form of Public Law 91-452 has made it impossible to obtain sufficient black powder for our engagement. Further, since we would package powder in cartridges and charges in preparation for such events prior to traveling to them, Federal restrictions on our interstate movement with these items will stop us entirely.

Our organization wishes to declare its absolute concurrence with the Indiana Sportsmen's Council's MEMO ON A BLACK POWDER EXEMPTION of May 20, 1971.

Additionally, we enthusiastically endorse House Bill 12406 and fervently await its enactment.

Yours very truly,

JOHN G. SHERMAN,  
Spokesman, 1st Battalion, 64th Regiment of Foot, British and Hessian  
Armies, and Oakley's Rangers.

NORTH INDIANA GUN COLLECTORS ASSOCIATION,  
South Bend, Ind., August 30, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
Box 93,  
Bloomington, Ind.

GENTLEMEN: The officers and members of this organization have read and discussed the "Memo on a Black Powder Exemption" published by the Indiana Sportsmen's Council, dated May 20, 1971.

I am pleased to report our wholehearted endorsement of your analysis and position. The problem is correctly stated in every respect. The solution proposed is justifiable in every respect.

The governmental justification of intent-based exemptions for such common and powerful explosives as gasoline and fertilizer, saying that if made into bombs they are amply covered by the "destructive device" provisions is good, true, and entirely fair.

For the same exemption under the same justification *not* to be applied to commercially manufactured black powder—always scarce and the only substance on which an entire field of wholesome endeavor can survive—is ludicrous.

But alongside the unforgivable blunder of freely handing bombers a five pound exemption for home made black powder, useful to them but useless to us, the whole situation borders on incredible.

Meanwhile, as people in offices boast of their familiarity with and ability to prescribe for our problems of acquisition, we are out of powder. There used to be three fairly regular suppliers in our area. Now there is not one.

Rest assured that we are doing all within our power to bring the entire truth of the situation to public attention.

Call on our organization if there is more we can do.

Sincerely,

WILLIAM R. BEST,  
President.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the Board of Directors of the North-South Skirmish Association, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future blackpowder shooting can be insured.

Adopted by the Board of Directors of The North-South Skirmish Association on October 2, 1971 at Gainsboro, Virginia.

FORT ERIE MUZZLE LOADERS,  
Erie, Pa., November 4, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
61650 Oak Road,  
South Bend, Ind.

DEAR SIR: The Fort Erie Muzzle Loaders wishes to endorse your position regarding commercially manufactured black powder. We believe black powder should be excluded from the Crime Control Act of 1970, on the basis of intent of user.

As members of a Muzzle Loaders club, we enjoy the sportsmanship and competition we have at our meetings.

We would approve any laws making black powder more available.

Sincerely,

FORT ERIE MUZZLE LOADERS,  
JUD TURNER, Secretary.

HARRISBURG HUNTERS' AND ANGLERS' ASSOCIATION,  
Harrisburg, Pa., June 1971.

Mr. J. PAUL BARNETT,  
Propellant Blackpowder, Legislative Coordinator,  
61650 Oak Road,  
South Bend, Ind.

DEAR MR. BARNETT: As concerned citizens and Pennsylvania sportsmen, we endorse the principal that Title XI of the 1970 Crime Control Act should be amended to state that blackpowder shall be regulated according to the intent of the user, as are other potential bomb materials, rather than by weight which presently give five pound lots to anyone, no questions asked.

We favor the proposal that:

(1) Blackpowder, in any amount, possessed and used for sporting purposes, shall be called BLACKPOWDER PROPELLANT and shall be exempt from any and all regulations as an explosive under Title XI of the Crime Control Act of 1970 and/or any other acts which define it as an explosive. For purpose of definition, "sporting purposes" shall be for use in firearms defined as antiques or reproductions thereof in the Gun Control Act of 1968.

(2) Blackpowder, in any amount, possessed and/or used for purposes other than "sporting" shall be called an explosive and shall be subject to regulation as such.

(3) Congress shall have the exclusive right to regulate the purchase, storage, possession, transportation and use of blackpowder propellant.

Your assistance toward favorable consideration by the Congress of the above proposal will be very much appreciated by our 2200 members and Board of Directors.

Very respectfully,

WALTER A. WISE,  
President.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., October 21, 1971.

Mr. J. P. BARNETT,  
South Bend, Ind.

DEAR MR. BARNETT: Thank you for your letter of October 19 recommending certain alterations of Title XI of the Organized Crime Control Act of 1970 which would benefit owners of antique firearms who use black powder in the pursuit of their sport.

The request of your organization seems like a reasonable one and I would be most happy to work with my colleague Lee Hamilton in this matter. I shall endeavor to ascertain if Lee plans actual bill sponsorship in the near future and, if he does, will assist him in any appropriate way to gain passage of his amendment.

As you may be aware, I strongly opposed the Gun Control Act of 1968, believing that it worked an unconscionable hardship on law abiding citizens without penalizing the criminal element who continue to have access to firearms. It is regrettable that the Organized Crime Control Act of 1970, an otherwise good law,

compounded this particular problem for sportsmen and antique gun hobbyists. You can certainly count on my support for Lee's efforts in this matter and I appreciate having this background. Incidentally, Belden and his wife enjoyed themselves a great deal at the NSSA meeting two weeks ago.

Sincerely,

ROGER H. ZION, M.O.,  
Indiana's 8th District.

RIVER VALLEY MUZZLE LOADERS ASSOCIATION,  
South Bend, Ind., September 30, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
Bloomington, Ind.

GENTLEMEN: We are a group of about 20 middle to retirement age men. Last year, a few of us took an interest in muzzle loading firearms, and shortly formed the River Valley Muzzle Loaders Association. Our hope, naturally, was to grow, and to provide a center of antique activity in our area. There is much interest here, but it is all scattered as yet.

Under the frustrations of Title XI of the Organized Crime Control Act, we are about ready to quit. Some already have.

There used to be three regular suppliers of black powder in our area. Two were just south of the Michigan line, and one just north of it. Now there are none.

Our "business address" (see permits) is my home in South Bend. Our range is a borrowed one at Edwardsburg, Michigan. The nearest source of powder is at Sawyer, Michigan, about 40 miles from either place.

When we go to the range at Edwardsburg, there is no practical and legal way for us to supply a match there. There is no practical and legal way for us to bring enough powder home from Michigan to shoot informally at nearby farms and gravel pits, as sportsmen do.

In short, for all practical purposes we are out of powder.

There is not a man among us who does not know how to make black powder from sulphur, potassium nitrate, and charcoal, which we could get anywhere. If we were bombers, we would legally make ourselves five pounds each, but not being bombers, we have no use for home made powder.

And our antiques won't work on fertilizer, which makes a better bomb than black powder but is exempt.

Please accept the enclosed token contribution (we aren't rich, either) and use it in your effort to gain a reasonable exemption for antique sportsmen. Our legislators must think very little of us, to give bombers a better exemption than they gave us, and then to not want to correct it.

Sincerely,

RICHARD PRICE,  
Secretary.

KNAP'S BATTERY E,  
PENNSYLVANIA LIGHT ARTILLERY,  
June 7, 1971.

To All Friends of Our Traditional American Sports:

DEAR SIR: Some portions of Title XI of the 1970 Crime Control Act are NOT effecting their intended purpose of discouraging criminal bombers but ARE strangling our black powder shooting sports. Recreational muzzle loader shooting (which can use NO other propellant but black powder) is the sport and hobby of MANY thousands of Americans but it will not long survive the strict interpretations of Title XI copies being enacted by state and local jurisdictions nor the stricter interpretations of some perhaps not too future ATF administrator.

The fallacy of Title XI is that it regulates our SCARCE propellant black powder by weight (exempt up to five pounds) while much more readily available bomb materials such as gasoline, nitrate fertilizers and smokeless powder are regulated only according to the intent of the user. This error makes black powder as readily available, no questions asked, to the bomber as to the sportsman while effectively shutting off interstate supplies to legitimate users and halting the purchase of economically practical quantities by shooters clubs; i.e. one pound cans are now retailing at about three dollars each, while in a 25 pound keg it is about a dollar and a half a pound. Black cannon powder for commemorative reenactments and other patriotic events is ONLY available in twenty five pound

kegs. Our propellant black powder is a LOW explosive which knowledgeable bombers disdain to use even when it is available.

We therefore most strongly urge that you support an amendment to Title XI which shall contain the following stipulations:

(1) Blackpowder, in any amount, possessed and used for sporting purposes, shall be called BLACKPOWDER PROPELLANT and shall be exempt from any and all regulations as an explosive under Title XI of the Crime Control Act of 1970 and/or any other acts which define it as an explosive. For definition purposes, "sporting purposes" shall be for use in firearms defined as antiques or reproductions thereof in the Gun Control Act of 1968.

(2) Blackpowder, in any amount, possessed and/or used for purposes other than "sporting" shall be called an explosive and shall be subject to regulations as such.

(3) Congress shall have the exclusive right to regulate the purchase, storage, possession, transportation and use of blackpowder propellant.

Respectfully submitted for your urgent consideration,

JOHN DeWALT, Harrisburg, Pa.

1ST NEW JERSEY CAVALRY,  
Fort Lee, N.J., December 15, 1971.

Mr. J. PAUL BARNETT,  
South Bend, Ind.

#### RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

WHEREAS, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

WHEREAS, terrorist bombers face no shortage of explosive materials with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the members of The First New Jersey Cavalry, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

Very truly yours,

BOB ARCHER,  
Commander, First New Jersey Cavalry.

3100 BANCROFT, MISSOULA, MONT.,  
August 31, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
P.O. Box 93,  
Bloomington, Ind.

GENTLEMEN: Please add my name to the list of those wishing a change in the BLACK POWDER regulations. It has always been rather difficult to obtain black powder except in small quantities at high prices but it is next to impossible now.

Those of us who live away from large city sources of supply must expect some sort of difficulty but there is no honest excuse for the action of the government in denying us the opportunity to buy black powder in sufficient quantity to last awhile.

Those who wrote the black powder regulations, not only for the federal government but also for state and local governments, seem to forget, for example, that black powder is shipped in 25 pound kegs as well as one (1) pound tins. It would be of great economic value to many of us to be able to buy a keg of powder at, say, \$30.00 rather than the same 25 pounds of powder at \$3.00 per pound. The difference between \$30 and \$75 is considerable but the government thinkers do not want to know about common sense things like that.

Good luck in your efforts and best wishes.

Sincerely yours,

R. G. SCHIFF.

HYATTSVILLE, MD.,  
October 20, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
c/o Mr. J. P. Barnett, 61650 Oak Road,  
South Bend, Ind.

GENTLEMEN: I am associated with a group of Blue Ridge Mountain men, up in the hills back of Thurmont, Maryland, who use black gunpowder for their muzzle-loading rifles ("patch-guns").

We endorse your stand on having black powder excluded from the Crime Control Act of 1970.

There are about 50 of us who use old Kentucky rifles for target shooting and like to use them on ground hogs and other small game.

We need black powder.

Cordially yours,

WILLIAM O. HARRIS.

KALISELL, MONT., September 20, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
P.O. Box 93,  
Bloomington, Ind.

DEAR SIR: In reply to your Explosives Review in Sept. 3 Gun Week, let me say that you have my wholehearted approval, in trying to get relief from the present restrictive controls on black powder. Any law that is enacted against an object, is an Un-Working law.

Enclosed copy of "The Earl Nightingale Program" is one of the very best descriptions of why such laws are Un-Working.

This is the best description of why the "Abominable" 1968 gun control act should be "Abolished." (Repealed)

If you can show me where anyone who is a dedicated shooter, hunter or sportsman, has gotten into any serious trouble with a gun, I would just about promise to eat my whole "hawken" rifle, and it weighs about 14 lbs.

I hope we can induce our Senators and Representatives to go at these abominable gun bills in a sane manner. Control the "lawbreakers," and quit harassing us top citizens.

Respectfully yours,

LEE H. BROWN.

SYCAMORE VALLEY GUN CLUB,  
Bloomington, Ind., August 9, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
P.O. Box 93,  
Bloomington, Ind.

GENTLEMEN: Please be advised that the position of the Indiana Sportsmen's Council, relative to the commerce, possession and use of blackpowder by sportsmen (as stated in the ISC May 20, 1971 "Black Powder Memo") meets with the full support and approval of the Sycamore Valley Gun Club, Inc.

We of the Sycamore Valley Gun Club share wide-ranging interests, one of the foremost being blackpowder shooting in all its forms. Since the passage of the Organized Crime Control Act of 1970, Title XI, our members have suffered drastic inconvenience in the lawful pursuit of this sport, and have been distressed



by the continual fears that a casual error in following the unreasonable dictates of the above law might result in a possible felony conviction.

It is a most unsatisfactory situation when what has been over two hundred years of custom and lawful national tradition becomes overnight a criminal act. Worse, it is a serious blow to popular faith in our governmental processes when the same legislation which causes such hardship is so carefully drawn that we find ourselves continually harrassed by arbitrary administrative decisions and regulations.

If the efforts of the Indiana Sportsmen's Council are able to gain, even in a small way, the overdue relief due sportsmen from the burdens and dangers of this law, the ISC has the full support and cooperation of all our members, both individually and as an incorporated group. We know that we speak not only for ourselves, but for our community as well.

Most Sincerely,

MAURICE LATIMER  
President.

SELLERSVILLE PA., December 6.

INDIANA SPORTSMEN'S COUNCIL,  
C/O J. P. Barnett  
6650 Oak Rd., South Bend, Ind.

GENTLEMEN: As the man in charge of the Rifle section (including smallbore and handguns) and also in charge of Pub. of a fairly new club of only 300 members I am writing to you to let you know that we do support you and endorse your stand for having black powder excluded from the Crime Control Act of 1970.

Let me add that any law that is aimed against any shooting group, including even Archery we are opposed to. For no matter what is in front of a shooter, be it a cloud of smoke, or the handle of a bow we are all kin. I personally know many people who are die in the wool Rifle, that come Archery season have a bow in their hands and also Archers who use Rifles and Pistols and while each sports has its high lights, the day of one being opposed to the other or down grading the other has passed. We in our club stand together and while a few will vote the party line, most of us today vote the man. Remember Clark, and another named Scott who stirred up a hornets nest. I'm sure Clark is still crying.

Your truly

PAT ALLEN.

JASPER RIFLE AND GUN CLUB INC.,  
Jasper, Ind., September 15, 1971.

To Whom It May Concern:

The Jasper Rifle and Gun Club Inc., it's members and officers unanimously endorse the Indiana Sportsman's Councils position on Black Powder Legislation.

Our club sponsors monthly black powder matches with 25 to 40 competitors, drawing shooters as far as 125 miles. We also sponsor a spring and fall two-day registration match sanctioned by the NMLRA and one annual match in October. In these 15 matches we have approximately 500 entries.

The present restrictions on Black Powder are definitely a hardship on the members who compete in this fine sport.

The Black Powder shooters are our most active members and a great asset to our club. Black Powder guns, percussion and Flint, are owned by most of our members.

Sincerely,

AL MILLER,  
President.

DECEMBER 23, 1971.

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzleloading firearms;

Whereas, our nation was carved out, settled and developed by men and women who relied on muzzleloading firearms for both feed and protection;

Whereas, the muzzleloading shooting activities of the North-South Skirmish Association, the National Muzzleloading Rifle Association, and the numerous other organized and unorganized users of black powder propellant form a wholesome sport steeped in American heritage;

Whereas, black powder is the only propellant (gunpowder) which can be used safely in muzzleloading and other arms specifically designed for it;

Whereas, the future of firearms similar to these used by our forefathers is gravely threatened because black powder propellant has been classified as an explosive and severely restricted as such under Title II of the Crime Control Act of 1970;

Whereas, many state laws and local ordinances restrict the availability and use of black powder propellant more severely than does Title XI;

Whereas, Terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery and hardware stores or chemistry laboratories, black powder shooters are limited to using commercially manufactured grades of black powder:

We, 1st United States Artillery, K Battery, through the passage of this resolution, do hereby implore national, state and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of black powder shooting. We further ask that public officials at all levels of government speedily amend existing laws and ordinances so that the future of black powder shooting can be insured.

Sgt. MAC CROTTY,  
Adj., 1st U.S. Artillery, K Battery.

DECEMBER 9, 1971.

INDIANA SPORTSMEN'S COUNCIL,  
Mr. Maurice "Red" Latimer, President, P.O. Box 98,  
Bloomington, Ind.

DEAR SIR: The members of the ODCC Gun Club are 100% in back of any movement that will allow a freer usage of the time honored sport of shooting.

We believe that the Constitution of the United States guarantees us this right as a protection for ourselves and our Nation.

It is our intent to use every legal action toward continuing this end.

Very truly yours,

EUGENE G. HALL,  
President, ODCC Gun Club, Box 328, Crane, Ind.

"A" BATTERY, 1ST CALIFORNIA VOLUNTEERS, LIGHT ARTILLERY,  
Norwalk, Calif., December 26, 1971.

DEAR SIRS:

I am writing this letter to tell you that I have read the paper that was in the Dixie catalog I received.

I also belong to a muzzle loading unit of the Civil war period as you can see by the heading on this letter.

Everything in the paper is true only more so out here in California, we cannot purchase more than two pounds of Black Powder in any gun store.

Being an Artillery unit we consume more powder than any other unit, making it almost impossible for us to perform for the public let alone for ourselves. If we only had a supply where we could purchase at least 25 pounds at one time at a reasonable price so that shipping rates wouldn't run the cost out of sight.

I have noticed in the Dixie Catalog, they sell Black Powder, but they don't at this time have any permit to ship it out. If you know of any way we can get it out here without too much cost would you please let us know.

I am particularly bitter because we are being penalized for what others will do anyway, even after the black powder is gone. I personally think that if these nuts and kooks were delt with more harshly with the laws we already have to discourage them instead of making new laws that hurt the honest black powder user, and still does nothing to the bomber.

This is like taking the guns away from the honest gun handler, but the crooks and gangsters will still manage to get them for illegal use.

Our Headquarters is at Fort Tejon, California, but I am the company clerk, so all letters I send will be answered to my address.

Respectfully yours,

Pvt. R. M. YOUNKER,  
Company Clerk.

THE ROD & GUN CLUB OF NEW BEDFORD, INC.,  
New Bedford, Mass.

Sirs: My name is John Buckles and I am head of the rifle comm. and we are very interested in black powder shooting. We are interested in what the Indiana Sportsmens Council is doing for black powder. We are starting our own muzzle loading rifle Brigade and would like to have any help you could give. We would like to take a stand and help the Indiana Sportsmens Council as much as possible. We would also like to meet the Council's representatives if there is one in this area. I would also like to keep in touch with someone from the Council each and every month so we can give a report and stay up to date on what is going on. We would like to join you 100 percent. We will be looking for your reply. Please send all mail to my home address. Thank you.

JOHN BUCKLES III,  
Rifle Committee.

THE SECOND UNITED STATES REGIMENT OF SHARPSHOOTERS.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

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Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, black powder shooters are limited to using commercially manufactured grades of blackpowder:

We, the Second United States Regiment of Sharpshooter (R. Harmond Commander), through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

NEW CASTLE, IND., August 20, 1971.

DEAR SIR: We of the Terre Coupee Sportsmen's Association Inc. support the Ind. Sportsmens Council stand on Black Powder.

Thank you.

HOWARD V. COLLINGS,  
President.

8TH TEXAS CAVALRY,  
TERRY'S RANGERS.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

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Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous

other organized and unorganized users of blackpowder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercial manufactured grades of blackpowder:

We, the 8th, Texas Cavalry, Terry's Texas Rangers, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the Independence of this Nation through the use of muzzle-loading firearms,

Whereas, our Nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant are a wholesome sports steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970.

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the AMVETS, (American Veterans of World War II, Korea and Viet Nam), through the passage of this resolution, do hereby implore National, State and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask our public officials at all levels of government speedily amend the existing laws and ordinances so that future of blackpowder shooting can be insured.

Resolution passed by unanimous vote, Indiana Department of AMVETS State Executive Committee Meeting, July 25th, 1971.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., February 1, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Assn.,  
740 South 29th Street, Harrisburg, Pa.

DEAR JOHN: I received your letter regarding H.R. 12408, a bill which would ease the federal regulation of black propellant powders and certain ignition devices for firearms.

I am for this legislation, and I would like you to know that I am doing all I can to see that it is passed.

If I may ever be of any assistance to you, please do not hesitate to contact me at my Washington office.  
With kindest personal regards, I am  
Sincerely yours,

FRANK M. CLARK,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., November 5, 1971.

Mr. J. P. BARNETT,  
Vice-President, Indiana Sportsmen's Council,  
61650 Oak Road, South Bend, Ind.

DEAR MR. BARNETT: I certainly appreciate your kind letter of November 2, 1971, indicating support for my stand on gun control legislation.

I have advised Congressman Hamilton of my support for his proposed legislation correcting inequities in Title XI of the Organized Crime Control Act of 1970. He has agreed to furnish me with a copy of the draft of this legislation so that I might study it and consider joining him as a co-sponsor.

If, in the future, there is some further way that I can assist you in this or any other matter, please do not hesitate to call on me.

With best wishes, I am  
Sincerely,

JOHN R. RARICK,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., February 1, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Association,  
740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: Thank you for expressing interest in my supporting legislation which would exempt black powder from the Crime Control Act of 1970 and sending me a copy of a photo editorial reprinted from *The Handloader Magazine*.

At present, this proposal is pending before the House Judiciary Committee awaiting assignment to a subcommittee for action.

My position has always been to support tough laws which should be directed against criminals, not against legitimate sportsmen.

During the 91st Congress, I supported legislation to permit sportsmen to possess black powder and percussion caps and I shall continue to oppose unreasonable inconveniences to sportsmen.

I appreciate having the benefit of your views on this matter.

With all best wishes,  
Cordially,

LAWRENCE COUGHLIN.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., March 21, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Association,  
740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: I have been reviewing your letters and enclosures regarding H.R. 12406, and I want you to know that I appreciated receiving them.

I will support this legislation should it come before the House for consideration.

With best regards,  
Sincerely yours,

ALBERT W. JOHNSON.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., January 31, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Association, 740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: I have received your letter of January 28th concerning H.R. 12406 which deals with the regulations on black propellant powders.

Thank you very much for taking the time to write to me. I did appreciate hearing from you and knowing your views on this bill. As you know, in the past I have supported legislation which benefits the sportsman and I shall continue to give such issues my close attention. Please rest assured that I will keep your thoughts in mind when this matter comes before the members of the House of Representatives for consideration.

If I can be of further assistance to you at anytime in the future, please do not hesitate to contact me.

With best regards, I am  
Sincerely yours,

JOSEPH P. VIGORITO,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., January 31, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Association, 740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: Through your letter of recent date you urge my support of H.R. 12406, legislation that would ease the Federal regulation with respect to black propellant powders and of certain ignition devices for firearms.

H.R. 12406 has been referred to the House Committee on the Judiciary. I have checked with that Committee, and I am advised that no hearings have either been held or scheduled with respect to H.R. 12406 or any other legislation dealing with firearms.

Ample time remains for Congress to extend consideration to H.R. 12406, because the current 92nd Congress will not terminate until sometime late this year. I appreciate knowing of your endorsement of H.R. 12406, and you can be certain that when and if this legislation comes before me in the House of Representatives for consideration, I will certainly view it sympathetically.

Sincerely yours,

GEORGE A. GOODLING,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., March 23, 1972.

Mr. JOHN H. DEWALT,  
National Muzzle Loading Rifle Association,  
740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: I have received your letter expressing your concern with the excessive controls on the use of black powder.

I appreciate having the benefit of your views on H.R. 12406, which would amend certain provisions of Federal law relating to explosives.

I am in agreement with you, and read the editorial you sent with interest. You can be sure of my support of this bill to eliminate restrictions on black powder.

Again, thank you for sharing your concern with me.

Sincerely yours,

JEROME R. WALDIE,  
Congressman, Fourteenth District.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., January 31, 1972.

Mr. JOHN H. DEWALT,  
Muzzle Loading Rifle Association,  
740 South 29th Street,  
Harrisburg, Pa.

DEAR MR. DEWALT: Thank you for your letter of recent date concerning Congressman Hamilton's bill easing restrictions on the use of "black powder."

Congressman Hamilton's intention to introduce such a bill came to my attention last October even though it was not actually put into the hopper until the beginning of this session. I studied the provisions of the legislation when it was first presented to me, I feel that it has a great deal of merit.

As in the past, I will certainly cast my support to the sportsmen of Pennsylvania.

With every kind of regard, I am  
Sincerely yours,

JOHN H. DENT, M.C.

27TH VOLUNTEER VIRGINIA INFANTRY INC.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, this nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle loading shooting activities of the North-South Skirmish Association, the National Muzzle-loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the 27th Volunteer Virginia Infantry Inc., through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

6TH WISCONSIN VOLUNTEERS,  
Milwaukee, Wis., November 6, 1971.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Association, and the numerous other organized and unorganized users of black-powder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the 6th WISCONSIN VOLUNTEERS, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

JANUARY 2, 1972.

J. P. BARNETT,  
61650 Oak Road,  
South Bend, Pa.

DEAR SIR: You have my endorsement for the Indiana Sportsmen's Council's black powder policy.

Sincerely,

ELDON M. CADY,  
NMLRA, NSSA, NRA.

NORTH-SOUTH SKIRMISH ASSOCIATION, INC.,  
Co. K, 42ND NEW YORK VOL'S. INF.—NASSAU-SUFFOLK COUNTY CHAPTER,  
Hicksville, N.Y.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, Company K, 42nd New York Volunteer Infantry, Hicksville, New York, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

FIRST PENNSYLVANIA ARTILLERY,  
 FORTY-THIRD REGIMENT, LIGHT ARTILLERY RESERVES N.S.S.A.,  
 AND PHILADELPHIA MUZZLELOADERS ASSOCIATION,  
 January 1972.

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms.

Whereas, our nation was carved out, settled and developed by men and women who relied on muzzle-loading firearms for both food and protection.

Whereas, the muzzle loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage.

Whereas, blackpowder is the only propellant (gunpowder) which can be safely used in muzzle-loading and other firearms specifically designed for it.

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970.

Whereas, many state laws and local ordinance restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder;

We, the Philadelphia Muzzle-Loaders and First Penna. Artillery of the North-South Skirmish Asso., through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grade of blackpowder;

We, the 5th Regiment Virginia Volunteer Cavalry, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

115TH NEW YORK VOLUNTEER INFANTRY,  
 St. Johnsville, N.Y., January 1, 1972.

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant for a wholesome sport, steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder;

We, the Members of the 115th New York Vol. INF, North-South Skirmish Association, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

33D VA. VOL. INF., COMPANY E,  
 New Market, Va.

RESOLUTION ON LAWS REGULATING THE USE OF BLACK POWDER PROPELLANT

Whereas, our forefathers fought and gained the independence of this nation through the use of muzzle-loading firearms.

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage.

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients, available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder;

We, the members of Co. E, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

2ND PENNSYLVANIA RESERVES, COMPANY F,  
Hollidaysburg, Pa.

RESOLUTION ON LAWS REGULATING THE USE OF BLACK POWDER PROPELLANT

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant for a wholesome sport steeped in American heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the 2nd Regt., Pennsylvania Reserve Volunteer Corps., North-South Skirmish Association, through the passage of this resolution, do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

Box 7, MIMOSA HALL, GLASSBORO STATE COLLEGE,  
Glassboro, N.J.

INDIANA SPORTSMAN'S COUNCIL,  
Bloomington, Ind.

DEAR SIR: I received your memo on the black powder crisis in my latest Dixie Gun Works catalog. It's tough enough for me to get black powder as it is, let alone having the government clamp down on it even more. It makes no sense for black powder firearms to be classified as antiques and thus freely transportable and not say the same about the propellant. A black powder gun with out the powder is no more than useless scrap iron. What is equally disturbing is the decision by Du Pont to quit the manufacture of black powder. At no time has black powder usage been so low as to discontinue its manufacture, even after the advent of smokeless powders around the turn of the century. Black powder usage should be even on the rise, what with more and more brands of replica arms coming out. Everybody knows that b.p. sportsmen aren't going to use the stuff to make bombs, the amounts needed to produce the results of say, dynamite rule this out right away. But, then, everybody knows our State Department. All I can do is to wish you fellows the best of luck in your fight. I intend to write letters to my Congressman, Senator, or any damn person who will listen. Good Luck!

WAYNE ANTONIAZZI

PRINCETON, ILL., February 15, 1971.

DEAR SIR: The Dad Joe Smith Muzzle Loading Club of Wyanet, Illinois which was formed in early 1971 highly concur with H.R. 12406.

Our club was organized to provide safe shooting of Black Powder and antique firearms and to better assist Wildlife program, better landowners shooter relationship and above all to maintain the tradition relating to muzzle loading firearms and the way of life of the pioneer.

We feel that the 5 lbs. of Black Powder restriction hampers us in this endeavor. It makes it impossible for us to buy powder in quantity lots, which in turn creates a hardship as to prices and availability.

Thank you.

RONALD B. HULSLANDER.

120TH NEW YORK VOLUNTEER INFANTRY REGIMENT, COMPANY G  
December 22, 1971.

Whereas, our forefathers fought for and gained the independence of this nation through the use of muzzle-loading firearms,

Whereas, our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas, the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, the Brigade of the American Revolution and the numerous other organized and un-organized users of blackpowder propellant form a wholesome sport steeped in American Heritage,

Whereas, blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas, the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas, many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI,

Whereas, terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the 120th New York Volunteer Infantry Regiment through the passage of this resolution, do hereby implore national, state and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

TURTLE CREEK, PA.,  
January 29, 1972.

Indiana Sportsmen's Council,  
c/o J. P. Barnett, 61650 Oak Road, South Bend, Ind.

DEAR SIR: On behalf of Old Westmoreland Rifles, Pittsburgh Pennsylvania, I write in regards to the propellant used in our type of arms.

We heartily endorse your stand on having black powder excluded from the Crime Control Act of 1970 on the basis of intent of user, the same as gasoline and explosive nitrate fertilizer.

Sincerely,

JACK MOUCHESON,  
Adjutant, Old Westmoreland Rifles.

SEPTEMBER 28, 1971.

INDIANA SPORTSMAN'S COUNCIL,  
Box 93,  
Bloomington, Ind.

GENTLEMEN: I've been using muzzle loaders for a number of years. I've suddenly found that there is no black powder available.

I hope that you will do everything you can to correct this situation in order that this interesting sport will not go down the drain.

Sincerely,

NORRIS E. WILLIAMSON.

RICHMOND, MICH.,  
January 11, 1972.

J. PAUL BARNETT,  
South Bend, Ind.

DEAR MR. BARNETT: This letter is in regards to the Resolution on Laws regulating the use of Blackpowder Propellant. The 1st. South Carolina Vol. Inf. has adopted this resolution, but regrets to say that due to difficulties which we are trying to correct we do not have a letterhead on which to place this resolution.

We are sorry for this delay and we hope to have the resolution on a letterhead and sent to you in the near future.

Thank you for your patience.

Yours Sincerely,

NORMAN GIBSON,  
Adj. 1st. South Carolina Vol. Inf.

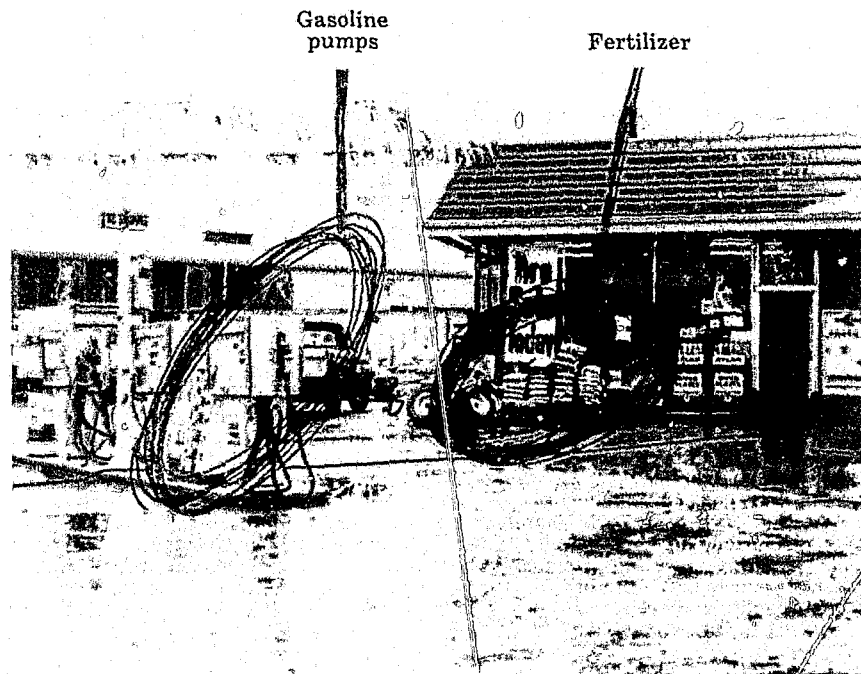


EXHIBIT B

[From the South Bend Tribune, May 2, 1973]

## GAS IS PROBLEM—FIRE CONCERN GROWS

(By Ray Lellaert)

City fire officials have expressed growing concern over the misuse of gasoline by homeowners. Two children killed Monday night in a gasoline-caused fire brought to five the city's 1973 toll of death by fire.

According to Fire Chief Jack R. Bland, all of the South Bend fire deaths this year resulted from fires caused by the presence of gasoline in homes. He pointed out that last year only three South Bend residents died in city fires.

The latest fire victims, Andrea J. Burton, 7, and her sister, Sabrina, 3, died after the ignition of gasoline, spilled from the fuel tank of a minibike that was being cleaned in the living room of their home.

## TRAPPED IN BUILDING

The two children ran up the stairs of their home at 522 Wenger St. to escape the flames and were trapped inside the building. In an effort to rescue them, their father, Lee Burton, 29, a city police officer, and a city fireman were injured.

On Jan. 15, a fire resulting from the use of gasoline to clean paint brushes caused burns and other injuries that were fatal to three members of the Harry Scott family.

Officials said the blaze resulted when vapors from a can of gasoline inside the home reached the pilot light of a nearby stove.

Bland called the deaths "a tremendous, horrible waste of human life." He also said at least two other persons have been injured this year in flash gasoline fires while using the fuel as a cleaning agent. "There are probably many more instances that go unreported," he added.

## VERY VOLATILE

"Gasoline of any kind is one of the most volatile liquids available to the consumer today," Bland said. "It's so readily available they can buy it anyplace and use it for anything they want."

However, 100-octane gasoline has a flash point of a minus-45 degrees Fahrenheit and will ignite spontaneously at 853 degrees Fahrenheit, Bland pointed out. He added that this makes gasoline an extremely dangerous substance to have around the house.

"Vapors from gasoline will spill over the side of an upright can and travel until they reach an open flame from some source such as a gas-fired appliance," the chief said. The fumes will then explode and result in a fire, he explained.

Bland also said smoking or a spark from a heelplate can ignite gasoline fumes. Flash gasoline fires normally generate "tremendous amounts of surface fire and the heat decreases the oxygen in the area and people suffocate," Bland added.

## COMMERCIAL SOLVENTS

He warned that gasoline never should be used as a cleaning solvent. "Commercial solvents are better cleaning agents and are generally less explosive," Bland said. He pointed out that gasoline used for cleaning automobile parts, especially in confined areas such as garages, increases the danger of fire "because the vapors don't have a chance to dissipate in the air."

"I would like to really encourage people who use gasoline in lawnmowers and other equipment around the house to be very cautious," the chief said.

Bland added that he was concerned especially about the coming summer months when people usually make greater use of gasoline in small engines and for cleaning.

"It's up to the individual in the home, the head of the household or whoever to look out and enforce the rules of fire safety," Bland said.

## CENTERS FAR AWAY

He also pointed out that the nearest centers for treating severe burns are in Ann Arbor, Mich., and Chicago, adding that burns covering a major part of the body often take years to heal completely.

Bland called it a shame that anyone should lose his life because of the misuse of gasoline in the home. He compared the explosiveness of the fuel to dynamite and pointed out that the gasoline-fueled internal-combustion engine operates on the principle of an explosion.

## SPILLED GAS FUELS \$1,300 FIRE

Two 17-year-old boys removing a gasoline tank from a car inside a garage at the rear of the Robert E. Lemere home, 2126 Huey St., accidentally started a garage fire Monday afternoon which resulted in an estimated \$1,300 damage.

Fire Inspector Lt. Louis R. Kovach said gasoline spilled from the tank and was ignited by a gas heater inside the garage.

The flames were brought under control after 20 minutes firemen said. Among the items inside the garage at the time of the blaze were the auto, two motorcycles and a bicycle.

Responding to the alarm were Engines 2, 11, Rescue 1, Ladder 3, the battalion chief and the fire inspector. The youths were not injured.

## CAUSE OF BLASTS—NOT MALFUNCTION

ROSEVILLE, CALIF.—A boxcar fire which triggered a series of bomb blasts last weekend did not result from "physical or mechanical malfunction," but the exact cause may never be known, a Southern Pacific railroad (SP) official said Tuesday.

R. D. Spence, SP director of operations, said the railroad and five federal agencies, including the FBI, considered the initial blaze crucial to their investigations.

"There is nothing to indicate that any physical or mechanical malfunction caused the blaze," Spence said. But he pointed out that the impact of the repeated blasts could have destroyed any physical evidence.

Spence's comments came as the FBI, Department of Defense, Federal Railroad Administration, National Transportation Safety Board and a division of the U.S. Treasury probed the ruins of the devastated SP switching yard and questioned SP employees for the second straight day.

#### 15 DIE IN AUSTRALIA CLUB FIREBOMBING

BRISBANE, AUSTRALIA.—Two firebombs exploded and touched off a flash fire that swept through a night club early today and killed 15 persons in what police called the biggest mass murder in Australian history.

Ten men and five women died when two firebombs went off at 2:10 a.m. in the entrance of the Whiskey Au-Go-Go night club.

About 100 patrons and employees were in the club when the fire broke out.

#### 5 DIE IN NORTHWEST SIDE FLAT; HEATER FUMES BLAMED

Five persons, three of them children, were found dead, apparently from gas fumes, in a Northwest Side apartment at 1623 N. Talman Av. yesterday.

Police said all apparently breathed fumes from a gas space heater with a disconnected exhaust pipe.

The victims were Andrew Wantland, 21; his wife, Dorothy, 16; their daughter, Tammy, 6 months, all of the Talman Avenue address; and Mrs. Wantland's sisters, Sandra Richards, 13, and Sue Richards 11, of 2728 W. Chanay St.

Tammy Wantland was pronounced dead at St. Elizabeth's Hospital shortly after being admitted and after unsuccessful efforts at the scene to revive her by mouth-to-mouth resuscitation.

Overcome by the fumes and reported in critical condition in the hospital were two brothers of Mrs. Wantland: Martin Long, 6, and Frank Long, 4.

The dead Richards children were the daughters by a previous marriage of Mrs. Doris Wilson of the Chanay Street address.

Wantland's mother, Mrs. Shirley Patton, 49, who lives next door at 1625 N. Talman Av., and Mrs. Adeline Kozlowski, who lives on the second floor over the Wantlands' first floor apartment, found the victims after breaking a chain lock on the back door of the apartment.

[From the South Bend Tribune, May 7, 1973]

#### FUMES KILL TWO; GIRL SURVIVES

GOBLES.—Reports on autopsies performed in the bodies of two young men found dead in a home on Sweet Lake near here Saturday afternoon reveal both died of carbon monoxide poisoning.

The victims were Ronald Andre, 19, of 207 W. Main St., Gobles, and William Westfall, 19, of Rt. 1, Gobles.

A third person in the house, Miss Susan Rowe, 19, of Rt. 4, Gobles, was admitted to Allegan General Hospital, suffering from inhalation of carbon monoxide fumes.

Van Buren County Sheriff's deputies received a call from the Gobles Fire Department, whose rescue equipment was summoned to the scene by a neighbor.

Deputies report the three teen-agers were discovered by Edward Smith, 19, of 512 W. Van Buren St., Gobles, who went to the house about 2:30 p.m. Saturday. Smith was going to pick up Andre to go fishing, deputies said.

Smith was unable to raise anyone by knocking at the front door so he went to the rear of the house, where he saw one of the men lying on a bed. Smith kicked in the rear door to gain entry.

Deputies said Smith pulled Miss Rowe from the house and when he noticed she was still breathing ran inside to drag the other victims outside. Smith administered mouth-to-mouth resuscitation to Andre and Westfall until Gobles Fire Department firemen arrived with emergency equipment.

Two ambulances were called to transport the victims to Allegan General Hospital, where the two men were pronounced dead.

Police say a faulty gas furnace is apparently the cause of the gas poisoning. Black smoke from the faulty furnace was found above the registers in the house.

#### EXPLOSIONS, FIRE HIT KANSAS TOWN

GALENA, KANS.—Three explosions ripped through a half-block downtown area and set ablaze a hotel, a cafe and a recreation center. Authorities said no one was seriously injured.

Fire companies from more than 15 surrounding communities rushed to the southeast Kansas town of 3,800 Sunday night to aid in fighting the fires at the Galent. Hotel, Reed's Cafe and a recreation center. All were open at the time of the explosions.

#### OIL STOVE FLARES, KILLS WEST SIDER

A man was burned to death Monday when an oil stove suddenly burst into flames.

James Barnes, 36, of 3025 W. Washington, was pronounced dead at Cook County Hospital.

Homicide investigator Michael Shull said Barnes and Ray Wolton, 64, of 1912 W. Warren, were moving the stove in a garage at 2943 W. Warren when it ignited and caused a flash fire.

Shull said Barnes was trapped in the garage, but Wolton escaped without injury.

#### WOMAN BURNED BY BLAST

Mrs. Phyllis Lemoine, 36, of 1611 S. High St., was released after treatment at Memorial Hospital for burns suffered about 10:20 p.m. Friday when her oven exploded.

Hospital officials said Mrs. Lemoine suffered first degree burns to both arms, hands and her face, and second degree burns to her right hand. Firemen said no fire resulted from the explosion and there was no damage to the home.

Mrs. Lemoine told police she opened the oven to check a pizza she was baking when the oven exploded. She was taken to the hospital in a Fire Department ambulance.

#### CHECK CAR BLAZE

Firemen are investigating the causes of a fire shortly after midnight which destroyed a 1970 Cadillac owned by Jerry T. Mason of 525 S. Carroll St. Mason told firemen he discovered the car burning in front of his home about 12:50 a.m. He set the loss at \$4,000.

#### BROKEN GAS LINE CAUSES \$1,500 APARTMENT FIRE

A fire caused by a broken gas line caused an estimated \$1,500 damage this morning in the home of Lewis Jaronik at 614 Leland Ave. Fire inspector Lt. Richard J. Klemczewski said that Earl Brumbaugh, a service man for Radio Furniture Mart, was working on the gas stove in the kitchen on the second-floor apartment when a gas line broke.

The gas from the line ignited, causing extensive damage to the apartment which is owned by Mrs. Viola Felkins, of the same address. Klemczewski said. Responding to the alarm at 10:51 a.m. were Engines 2 and 7, Rescue 1, Ladder 3, a battalion chief and an inspector.

[From the South Bend Tribune, Feb. 23, 1973]

#### PIPELINE BLASTS KILL FOUR IN TEXAS

AUSTIN, TEX.—A series of thundering explosions in a liquid petroleum pipeline sent flames shooting hundreds of feet into the air and killed at least four persons, authorities reported early today. Others were injured. The explosions occurred 10 miles southeast of here.

Two automobiles and a truck on a nearby roadway were destroyed by the blast. Four persons were brought to a hospital here with burns.



An injured survivor, Michael Grant, 26, of Long Island, N.Y., said at the hospital he was driving a panel truck with several companions near a Phillips Petroleum Co. booster station when his motor died.

Grant said when he turned on the ignition again there was a tremendous explosion and G. E. Wright, a Phillips official at the scene, said, "The booster station just went up."

Fires touched off by the explosions were still burning early today but authorities said the flow of volatile fuel had been cut off.

[From the South Bend Tribune, Apr. 29, 1973]

#### PAPER BOY, 18, CHARGED AFTER SIX DIE IN FIRE

KANSAS CITY, KANS.—Six counts of first-degree murder were filed Saturday against an 18-year-old newspaper delivery boy arrested shortly after six elderly women died in an apartment fire.

Another youth, 16, was referred to juvenile authorities in connection with the fire.

Joseph Crossland, fire chief, said the fire was "definitely arson." The building housed 20 persons, all elderly.

#### OTHER CHARGES

The murder charges were filed against Jimmy Massey of Kansas City, Kans., police said. He also was charged by the Wyandotte County attorney's office with one count of aggravated arson and one count of attempted arson.

The six victims—all widows—were identified as Alice Koontz, 72; Dale Kalene, 85; Hazel Vernon, 85; Rose Gainey, 85; Etta Ira, 83, and Pauline Kalousek, 77.

Rt. Rev. Msgr. J. K. Spurlock of St. Peter's Cathedral, whose parishoners included three of the victims, said a number of elderly widows lived in the neighborhood, not far from the downtown business district.

#### LONGTIME RESIDENTS

"They moved here in the 1920s and 1930s" when it was a fashionable suburb, Msgr. Spurlock said. "They did not want to move from the area when they were widowed."

Police reported that a small fire, apparently started by a box of matches left open in a hallway, was put out by the owner of a neighboring apartment building at about the same time the major alarm was turned in.

#### BLAST DAMAGES DOW CHEMICAL

MIDLAND.—An explosion of undetermined origin Sunday knocked out two walls and caused extensive internal damage to an agricultural chemical plant in the huge Dow Chemical Complex here.

No injuries were reported.

Source of the explosion in Dow's cyclic products plant was a unit which manufactures a weed killer, a company spokesman said.

#### EXPLOSION, FIRE INJURES DARYL HULL

Daryl Hull, 23, of 57045 Mayflower Rd. is listed in fair condition in Memorial Hospital with first and second-degree burns to both legs suffered Saturday afternoon when gasoline he was working with exploded in the rear of Veldman's Service Center, 430 S. Mayflower Rd.

Fire Inspector Lt. Edward J. Szymkowiak said Hull was using gasoline to burn insulation off copper wire when a gallon can of gasoline exploded. Hull was driven to the hospital in a private car shortly before 4 p.m.

# CONTINUED

# 1 OF 2

## BURN VICTIM REPORTED FAIR

A 7-year-old boy who was accidentally burned by gasoline in an incident about noon Saturday, was reported in fair condition this morning in St. Joseph Hospital.

Larry T. Kolodziej, son of Mr. and Mrs. Larry Kolodziej, 1010 E. Broadway, was admitted to the hospital for treatment of first-second and third-degree burns over the upper portion of his body. He was taken to the hospital from his home in a police patrol car.

Police had originally quoted the boy as saying two older boys had thrown some gasoline over him, and set him afire as he was playing near his home. After questioning Larry, police today reported that the boy admitted playing with a can of gasoline, and had held a lighted match near the opening of the container. The fumes exploded, burning him, detectives said.

## BOMBS FALL ACCIDENTALLY

LAS VEGAS, Nev.—An A7D fighter jet accidentally dropped six 500-pound bombs near a residence 15 miles southeast of a bombing range outside Las Vegas, an Air Force spokesman said on Friday.

There were no injuries reported. It was not known if the building was occupied. Damage from the bombs, dropped Thursday, were believed to be limited to broken window glass in the buildings, "described as a residence and a smaller building."

Three homes are in the area where the bombs landed.

The mishap occurred about 7:15 p.m. Thursday near the Nellis Air Force Base Bombing Range Three some 25 miles northwest of Las Vegas, the spokesman said.

## ARSON BLAMED IN CAR FIRE

Arson was blamed in a fire which destroyed a 1968 Pontiac owned by Ernest Escobedo, 714 S. Falcon St., shortly before 3 a.m. Saturday.

Firemen said they found a metal container near the scene and that it contained a flammable liquid. Investigators said they believe the liquid was poured over the car's interior and ignited.

## BLAST LEVELS BUILDING, KILLING 7

CINCINNATI.—Mary Evans had the Cincinnati Gas & Electric Co. on the telephone, complaining about a strong gas odor, when her apartment building exploded and collapsed.

Mrs. Evans' husband, in another room at the time, was one of seven persons killed in the Saturday night blast. Another 17 were hurt.

Five of the victims were in Al and Clara's Cafe on the first floor when the explosion, believed triggered by a natural gas leak, wrecked the brick and wood building in the over-the-Rhine area of the city. The other victims were in apartments.

The explosion heavily damaged an adjacent two-story storefront church, destroyed two cars, damaged a dozen others and shattered windows in houses blocks away.

Damage to the apartment building was estimated at \$48,000.

## WORST BLAZE HERE SINCE FIRE OF 1871

(By Philip Wattlely and Marcia Opp)

Damage from the massive explosion and fire at a Southwest Side industrial complex Sunday will run between \$30 and \$50 million, an insurance investigator said yesterday.

## ARSON HINTED IN CAR BURNING

Arson was listed as the probable cause of a fire early today which caused an estimated \$500 damage to a 1965 model car owned by John F. Bean, 1022 N. Main St.

Lt. Larry Slabaugh, of the Fire Department inspection bureau, said the car's engine and hood had been doused with a flammable liquid and set afire.

The owner told police he was awakened at 3:13 a.m. by a loud explosion and found his car, parked in front of 109 W. Marion St., afire. The blaze damaged the engine, front tires and defroster hose. Engine No. 1 from Central Station extinguished the blaze.

## CARRYING CAN OF "GAS" IN TRUNK COULD BE FATAL

WASHINGTON (AP)—Carrying a can of extra gasoline in the car trunk may help beat the gas shortage, but it could also be fatal, says a federal fire expert.

Richard E. Bland, chairman of the President's Commission on Fire Prevention, said such a practice "would be almost like having a bomb in your trunk waiting for something to ignite it."

Bland said he understood some gasoline companies have recommended carrying the extra gasoline as a means of beating the fuel shortage.

## 28 DIE IN NEW ORLEANS FIRE

## VICTIMS TRAPPED IN BAR

NEW ORLEANS, June 24.—A flash fire raced thru a second story bar in the French Quarter tonight. The Associated Press reported 28 persons were killed in what the coroner called "a mass of death."

Coroner Carl Radin said he had counted 28 bodies stacked near a stairwell and that it appeared there may be more.

Scene was in the lounge just one block off Canal Street and across Iberville Street from the new 40-story Marriott Hotel.

"All we can say is there is a heavy loss of life," said Fire Chief William McCrossen. "As far as death toll, it certainly may be one of the worst in New Orleans history. It was a rapid moving fire."

The bodies of three victims could be seen from the street near a charred window. The building was burned out.

The fire was put out by firemen only 16 minutes after it was reported, but it moved so rapidly thruout the building many patrons apparently were cut off from fire escapes.

Firemen reported seeing "many bodies."

"I saw the front door open and stay open for a second and that's when I saw the flames come in," said Douglas M. Rasmusen, a bartender on the ground floor Jimani Lounge. "I took about 25 or 30 people out the back exit when I went."

The second floor of the building housed another cocktail lounge and the third floor also had a small bar.

Antoinette Evelyn Harris, who runs the second-floor cocktail lounge, said, "I was playing bingo when somebody came up to me and said 'My God, Evelyn, your place is on fire.'"

The owner of the building, Anthony Guarino, said he did not know how many persons had been killed, but added, "they tell me there may be 10 or 15 bodies up there."

## SUSPECTED ARSON INVESTIGATED

Inspectors are investigating a fire of suspicious origin which occurred at 318 S. Taylor St. today, causing \$8,000 damage to a vacant house owned by Robert Ruff of Westville.

Fire inspector Lt. Edward Szymkowiak said that the house had been ransacked and that a flammable liquid had apparently been used to start the fire on the back porch. Damage to the contents of the house was set at \$50.

## CONVICT BURNED FATALLY IN CELL

WALPOLE, Mass., June 12.—An inmate at the maximum security Walpole State Prison was found burned to death in his cell early today, the Correction Department said. A spokesman said Patrick R. Gonsalves, 33, of Boston, was found in his cell in the maximum security Block 8 at about 2 a. m. "Apparently something flammable was thrown at him, then a match," said John A. MacLean, a spokesman for the department.

## \$200 GARAGE FIRE REPORTED ON FORD STREET

A fire of suspicious origin early today resulted in \$200 damage to the garage of Price W. McMahan, 2906 Ford St.

The fire began on the overhead door of the garage and on the west wall, and fire investigators believe that a flammable liquid was used. A spout that would fit a gasoline can was found in the alley behind the garage.

McMahan told police that a young man came to his door after midnight and told him that his attached garage was ablaze.

A vehicle parked in the driveway suffered minor paint damage from the heat, and there was no loss estimate on the contents of the garage.

## THREE ARRESTED IN ATTACK ON GRANDMOTHER

An 82-year-old grandmother who was raped repeatedly, beaten, and robbed by three youths was in guarded condition yesterday in MacNeal Memorial Hospital, Berwyn.

The woman has lived in a West Grenshaw Street bungalow for 52 years. She suffered fractured ribs, head injuries, and extensive burns Wednesday when the three burned her with a toxic chemical substance, police said.

After neighbors saw the three flee the home, they called police. Police arrested Jessie Glen, 18, of 4129 West Grenshaw St., and James Blan, 17, of 1236 S. Tripp Av., near the woman's home. They were charged with rape, robbery, and aggravated battery.

## COPS SEEK OWNER OF EXPLOSIVES LAB

(By Weldon Whisler)

Elmhurst police were trying yesterday to reach the family of a 13-year-old boy, whose well-stocked and potentially explosive chemistry laboratory was uncovered Wednesday in the basement of the family's home.

The John Davis family of 209 E. North Av., Elmhurst, were reported on a camping trip, and authorities were hoping they might telephone a friend so they could be told police want to talk to them.

Police were told of the collection of dangerous chemicals by a runaway 14-year-old boy, who bragged he had a friend who could make nitroglycerine.

After verifying the formula, police and an army demolition team entered the vacant home with a search warrant from Judge Jack Parish of Du Page County Circuit Court. They found large stores of chemicals, along with crude handwritten formulas for producing various explosives.

After evacuating neighboring homes and carefully removing the chemicals, police called scientists at Argonne National Laboratory for advice on what to do with the substances.

After getting another order from Judge Parish authorizing disposal of the chemicals, police accepted the offer of Argonne personnel to handle it. The chemicals were then transported to Argonne, except for samples retained by police for possible use as evidence.

James Russell and Peter J. Smith, Elmhurst police youth officers, said no decision has been made on filing charges pending a conference with the Du Page County state's attorney and the questioning of the Davis family.

Dr. Franco Fiorese, chief state toxicologist who was called to the Davis home when police entered it Wednesday, said the combination of chemicals in the basement was capable of "blowing up half of Elmhurst."

#### DELAY SENTENCES OF 2 TEACHERS IN BOMBING

A Federal judge ordered a background investigation of two Gary school teachers before sentencing them for attempting to firebomb the home of another teacher during a 1972 strike.

William Tankersley, 27, of 108 Rensselaer St., Griffith; and Frank Steffaneli, 28, of 3509 Tyler St., Gary, teachers at Gary's Emerson High School, were found guilty late Wednesday by a jury in Federal District Court in Hammond.

The federal charges were possession of a destructive weapon and possession of a weapon without a serial number. The maximum sentence for each charge is 10 years in prison and a \$10,000 fine.

The bombing attempt took place May 18, 1972, three days before the month-long strike ended.

#### FOUR CHICAGO EXECES ARE FOUND DEAD IN CANADA FISHING CABIN

Coroner Colin Bullock said they apparently were asphyxiated from carbon monoxide produced by the incomplete combustion of propane gas used in the cabin stove and refrigerator.

#### EXHIBIT No. 8

INDIANA SPORTSMEN'S COUNCIL,  
Bloomington, Ind., July 25, 1973.

HON. BIRCH BAYH,  
Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: The Indiana Sportsmen's Council would like to briefly respond to some specific points raised in opposition to S. 1083. Those points are:

1. that black powder is a "low explosive that should be controlled like all other low explosives . . ."

(Other low explosives are not controlled, except when possessed under circumstances indicating intent of clandestine use.)

2. that "the untrustworthiness of black powder cannot be over-emphasized."

(Yes it can. The "untrustworthiness" of gasoline, propane, and many other substances is neither questioned nor raised as an issue. Black powder produces no seeping explosive vapors, nor is it otherwise so treacherous.)

3. that sporting black powder equals pyrotechnic powder.

(True only in the sense that steam equals superheated steam. Flash powder is specially treated to be many times more powerful than plain black powder. For purposes of accuracy and especially safety, the two should never be equated. Flash powder is not a propellant.)

4. that "those who are knowledgeable . . . will admit that black powder was becoming steadily scarcer prior to enactment of Title XI."

("Admit" is hardly the word. Knowledgeable people strongly protested, in 1970, that black powder's obsolescence as an explosive enhanced the importance of unimpeded sporting access, which was keeping sporting supplies apace of sporting needs, in the main. The law impeded access. Sporting shortages followed.)

5. that "unknown" bomb fillers probably encompass black powder.

(Black powder leaves a distinctive charcoal residue that smells strongly of rotten eggs, permeates any porous material, turns water black, and is difficult to even clean away. It is hard to mistake for something else.)

In regard to the proposal that resumption of domestic production will solve distribution problems, the Indiana Sportsmen's Council is informed by Mr. Harold Owen, president of Gearhart-Owen Industries, Inc., that that opinion is not shared by either him or his company. He has expressed a desire that his company's strong concurrence with sportsmen's testimony on the subject be made a matter of record.

I would also like to submit, for the record, the text of a letter to the Indiana Sportsmen's Council just received, and which reads as follows:

I am aware of the many problems created for the legitimate users of the antique propellant, black powder, by Title XI of the Organized Crime Control Act of 1970 (PL 91-452).

This office wishes you success in your organization's attempt to gain a fair ammunition exemption for the antique shooting sports, of which this state has been a major homeground for many years.

Kindest personal regards.

The signature is that of Otis R. Bowen, M.D., Governor, State of Indiana. The Indiana Sportsmen's Council again thanks the Committee on the Judiciary for its kind consideration.

Sincerely,

J. P. BARNETT,  
Vice President (North).

Exhibit No. 9

OFFICE OF THE GOVERNOR,  
Indianapolis, Ind., June 22, 1973.

MR. J. P. BARNETT,  
Vice-President, Northern Indiana Sportsmen's Council,  
South Bend, Ind.

DEAR MR. BARNETT: I am aware of the many problems created for the legitimate users of the antique propellant, black powder, by Title XI of the Organized Crime Control Act of 1970 (PL 91-452).

This office wishes you success in your organization's attempt to gain a fair ammunition exemption for the antique shooting sports, of which this state has been a major homeground for many years.

Kindest personal regard,

OTIS R. BOWEN, M.D.,  
Governor.

Senator BAYH. Our next witness is Mr. Richard Corrigan, national commander, North-South Skirmish Association, Fort Knox, Ky.

Mr. CORRIGAN. Sir, if there be no objection, I would like to read only certain portions of my testimony and then submit it in total for the record. As there are some technical details, I would like to read excerpts to correctly illustrate my points.

#### STATEMENT OF RICHARD L. CORRIGAN, NATIONAL COMMANDER (PRESIDENT), NORTH-SOUTH SKIRMISH ASSOCIATION, INC.

Mr. CORRIGAN. Mr. Chairman and members of the Judiciary Committee of the U.S. Senate, I would like to start my oral testimony with a point that has not been raised by the previous individuals who have offered testimony.

Members of shooting organizations like the North-South Skirmish Association, the Muzzle Loading Rifle Association, and any individuals who happen to own firearms and use them for sporting and recreational purposes make substantial contributions to the economy of this Nation, in addition to providing certain amounts of recreation and enjoyment for themselves.

In an appendix which I have attached to my testimony there is revealed the estimated economic contributions which are made by members of the North-South Skirmish Association each year.

To highlight this point, expenditures just for traveling, lodging, and food for people who attend our formal matches, which are only a small part of the activities of the members of the North-South Skirmish Association, are over \$2½ million per year.

In addition, we have the costs involved for individuals purchasing firearms, powder, camper-trailers, tents, and what-have-you for use in their activities within the large organization.

While these people engage in formal shooting match activities they participate a great deal more in activities back in their home communities in their clubs or as individuals.

I really want to emphasize that point, because, I think, perhaps, as Colonel Goodwin has suggested earlier, there are some who think that all of our activities are formal matches, this helped create the confusion that the magazine of the National Muzzle Loading Rifle Association at Friendship, Ind. supplied the entire world since it was believed by some that everyone attended only formal matches there. There are many formal organizations and most of the shooting activities of our members and those of other organizations are not in regular matches.

I would like to move on to confront a myth that has been of particular difficulty and concern to us and, perhaps, is one of the reasons why we have the present law on the books.

I would like to read from my testimony on page 4 that, "the amendments contained in Senate bill 1088 are consistent with the Senate's position on the 1970 legislation that black powder shooting propellant shall not and need not be regulated. As we understand, this is well enough intentioned but unfortunate definition (black powder in quantities over 5 pounds is an explosive), was included in the law at the insistence of the House of Representatives who has little understanding of the nature of the black powder shooting sports and who accepted the then popular myth that black powder was widely used for the making of bombs.

While this myth had great acceptance, perhaps due to the unfortunate tendency of the media to refer to every terrorist device that exploded as a black powder bomb or made from black powder, evidence is now available which thoroughly refutes this incorrect and greatly exaggerated assumption. Information obtained from the National Association of Chiefs of Police reveals that during the period of July 1, 1970, through December 31, 1971, there were 3,841 bomb devices employed by terrorists in the United States. Of that number only 149 used what is termed "black powder." Those who collected this data did not differentiate between homemade black powder, which any of us can make from readily available sources, and the scarce shooting grades. Thus it cannot be asserted that our propellant alone is the bomb filler. In fact, the 149 cases of black powder bomb filler out of nearly 4,000 bomb devices clearly establishes the infrequent use of this substance called black powder—homemade or commercial—as a bomb filler and provides ample justification for amending title XI.

I might add that this is largely the timeframe during which the present law was being debated, enacted and, finally, put into effect on February 12, 1971—the height of the terrorist bombing activity in the United States. As a followup to the above bomb data we had communication with then Acting Director of the FBI, Mr. L. Patrick Gray in November of last year—a copy of his reply is attached as an

appendix—we asked him specific questions regarding the collection of statistics on bomb fillers. This was because the bomb data centers of the International Chiefs of Police ceased to handle that function on December 31, 1971, and it was transferred to the FBI beginning on January 1, 1972. Mr. Gray's letter, which I will not read, as it is attached to my testimony, but which I will comment on, indicates that of the total number of bomb incidents there are a large number of fillers used but states the FBI does not maintain statistics on the types of bomb fillers nor can they distinguish between the use of commercial manufactured black powder, if any, or the homemade type.

I think it is significant to note that Mr. Gray did not indicate that black powder is a widely used bomb filler. I am sure, he would have done so had the various field reports frequently mentioned black powder as a bomb filler.

I would like to then cite No. 3, which is on page 5 of my testimony. The present quantity limitations on the purchase, possession, storage, and transportation of black powder propellant prevent shooters from obtaining it in sufficient quantities to be able to do so without unreasonable costs and great hardship. Unlike modern powders where a little goes a long way, large quantities of black powder are required for each shot fired. This is especially so when cannons of the Revolutionary and Civil Wars are fired. Many of these guns use a pound of powder per round fired. It was certainly not the intent of Congress that N-SSA gun crews split their match ammunition among three persons in order to legally possess enough ammunition to fire a 12-shot match at a skirmish. While the amounts of powder used per year by shooters varies with the individual, all active shooters use much more than the legal limit of 5 pounds which they may have.

I would like to elaborate on usage, because members of my organization do use cannons as well as small arms in official competition. Many of these cannons are the original Civil War field pieces; others are reproductions and, as such, the service loads for these pieces is well over 1 pound.

Senator BAYH. When you talk about one Civil War field piece, you mean cannon?

Mr. CORRIGAN. Cannon, yes, sir.

Senator BAYH. And you have competitions once a year?

Mr. CORRIGAN. Yes, we do have competitions, but numerous times each year. We fire at various ranges from approximately 100 to 200 yards, and we have a bull's-eye target painted on a large backer about 4 feet by 8 feet and the cannons are fired in the original fashion; the accuracy is phenomenal. A good crew, at 200 yards, can put 20 consecutive shots in an area just about this size [indicating] [1 foot in diameter].

Senator BAYH. You say you need more than 1 pound per charge?

Mr. CORRIGAN. The service load for these pieces was over 1 pound. The exact amount depends on the cannon itself, because, like any black powder firearm, there is a certain load that somehow works "right." Some of these guns do use a pound per shot. Even more may sometimes be used as "blanks" for historical demonstrations and reenactments.

Senator BAYH. Suppose I am the crew captain of a gun crew going to participate in this kind of an activity. How do I go about getting

the amount of powder that I need which, in a meet, would be significant?

Mr. CORRIGAN. Yes, sir. This is a very serious problem, and the artillery people are more sorely pressed than small arms users are. It is our understanding that under the present restrictions each individual may possess a quantity of black powder of only up to 5 pounds without a permit or license. Only 5 pounds may be carried in a vehicle transporting powder interstate, or intrastate, regardless of how many individuals are in the same vehicle, unless one has a license or permit.

Senator BAYH. Suppose you have a whole crew going, and four or five members have taken advantage of the 5-pound exemption and have purchased 5 pounds each, how would they get it there?

Mr. CORRIGAN. They could not combine this into one large lot of prepared ammunition, even in their safety-inspected ammunition chest. They would have to split this ammunition among the members of the gun crew, each bringing his maximum of 5 pounds to the match site. Only at that point could they put the powder together to meet the ammunition requirements for the match.

Senator BAYH. If they are all going in the same car, they cannot put it in the trunk?

Mr. CORRIGAN. No, sir, not under present law and regulations.

Senator BAYH. They can't?

Mr. CORRIGAN. The permit options in the regulations, which are sometimes cited as evidence of the flexibility and the meeting of the needs of the legitimate sportsmen, are, in fact, complicated, confusing (to even those who sometimes try to explain them to us) and, for the most part, are unworkable. Worse yet, they are a "catch-22." To purchase in quantities of over 5 pounds one must have a permit. Before he can obtain a permit, however, he must have a magazine which has to be constructed to exacting specifications and personally inspected by an AFT agent. Mr. Barnett discussed this a little bit earlier. Before he has a permit, the magazine has to be inspected and approved.

There is considerable delay involved in here, as well as cost, even if the individual tries to comply and build a magazine. But even if he does get this permit, which allows him to make a single purchase under some circumstances, he cannot legally distribute any of the powder under the permit system that previous witnesses have discussed. For example, if you and I were members in the same shooting team and you had an opportunity to purchase some powder, you could purchase it under your permit, but you could neither give nor sell me a pinch of it.

So, if this is a regulation which some cite as being "flexible," I say, indeed, it is inflexible! In order for one to be able to sell or distribute powder to members of his own family or members of his own team, he would have to buy a dealer's license at considerable extra cost. So, this is where the impact of the law is the greatest, in the manner of acquisition and distribution of the propellant. I shall not belabor the point about the interstate transportation and the other related things which are part of my written testimony here for the record.

It had been suggested by some in 1971 when Du Pont was supposed to be going to increase the quantity of powder it produced, that "this would take care of all of your problems." No sooner were these state-

ments issued by ATF officials then Du Pont ceased making powder for individual sportsmen, but rebuilt its plant for an exclusive Government contract. Despite the possibility of a company in Texas purchasing the Du Pont works and producing black powder propellant, and the same statements issued to deter passage of your bill, it should be pointed out that the shooters will be No. 3 in production priority and powder production will still not remove the objectionable features of the law. First, a quantity of over a million pounds of powder is for the U.S. Government, because black powder is a defense-related item used in the preparation of types of timed fuses and other war-related materials. A certain amount will next go to the oil industry, and what is left, if any, will be for the shooters.

Senator BAYH. Does our Government have to rely on Great Britain to provide black powder for the defense-oriented items that you mentioned?

Mr. CORRIGAN. I do not think so. I do not claim to be an expert, but Du Pont in 1971 ceased production of powder for shooters but yet did go into production in 1971 for an exclusive Government contract and has produced a defense-related item of black powder until the recent sale of their powder works.

Senator BAYH. My staff advises me that they do produce for military procurement. Right?

Mr. CORRIGAN. Yes, sir, but none for the sportsmen. But I might further emphasize that even if this plant produced black powder in the quantities demanded for sport shooting, a mountain of it in Moosic, Pa., would not do the men in Indiana or Kentucky one bit of good if they still do not have a system to distribute or if they cannot possess, purchase, or store it in realistic amounts.

The problem with this law is that it has destroyed a very frail and tenuous system which has kept the users of this country supplied for years. Unless the changes in your bill are enacted into law, this mass production of powder, if it becomes available—and I emphasize the word "if" as a result of our past experience and repeated assurances by ATF in 1971—the problem remains as I have discussed in my prepared statement as well as here.

Others have alluded to the number of sources of black powder propellant that have gone out of business as a result of title XI of the Organized Crime Control Act. I would like to point out appendix No. 4 of my testimony which reflects a survey hastily done of member organizations of the North-South Skirmish Association in which over one-half responded. I asked two questions: One was the number of sources they had available of black powder prior to February 12, 1971, which is the implementation date of title XI, and the number that we have now; and the other was the average price that they paid for the propellant at that time and the average price paid now.

It is significant to note that from the information obtained here, prior to February 12, 1971, there were 383 sources of black powder available to our shooters in various States. This is, by no means, an inclusive figure; this is just the number that we knew of. The known number that remain today is 52, which is a dramatic reduction of over sevenfold in the number of sources that shooters can now purchase powder from.

Colonel Goodwin was talking earlier about distributors. These are major outlets in the country, linked to the powder plant in Scotland and at the head of the trickle of the blackpowder, which, with great difficulty, gets to some parts of the country and not at all to others.

The average price of blackpowder propellant before the law's implementation was \$1.35. Many individuals reported that they could purchase it for 75 cents to \$1 a pound. The average price of that powder today is \$3.50, and many report having to pay over \$7 per pound for the only kind of propellant which can be used in their antique guns. In addition, it is frequently not of desirable granulation or quality.

I should like to return very briefly to one of the comments on page 6 of my testimony, which deals with the impact on the Bicentennial of the American Revolution:

It is significant to note that the problems faced by the legitimate users of black-powder shooting propellant will have a serious impact on historical reenactments, pageants, and shooting matches to be held in conjunction with the forthcoming celebration of the Bicentennial of the American Revolution. This is ironic in several respects. First, our Nation won its independence through the use of the very same types of black powder firearms that we now term antiques and which modern-day shooters fire in historically oriented recreation. Secondly, "the shots heard around the world" were fired during a clash between colonists and British soldiers marching to seize stores of black powder and other munitions stored by the colonists in Massachusetts.

Unless the Congress is willing to impose similar restrictions on such materials as gasoline, fertilizers, propane, and countless other readily available bomb materials which are exempt from control, as I have indicated in my statement, I respectfully submit that it is futile and grossly unfair to restrict the "lifeblood" of blackpowder shooting groups in the face of evidence which demonstrates the infrequent use of any form of blackpowder, homemade or shooting grade, for bomb fillers.

Please note appendix 5 that shows the explosive effect of \$3 worth of fertilizer. It is significant to point out that was the very type of explosive that destroyed the Army mathematics building in 1970.

Any laws which seek to restrain terrorist bombers must be sufficiently flexible to accomplish their objectives of deterrence and punishment without imposing extreme and unreasonable hardships on the activities of legitimate sportsmen. The amendment to title XI offered by Senator Bayh and his cosponsors will obtain this greatly needed flexibility without weakening in any way the criminal penalties for those who misuse any material by employing it as bomb filler.

Since there is presently a "bomber's exemption" and since the punitive aspects of the law can be invoked only after someone makes or explodes a bomb, or it has been established that the intent to do so exists, who, in reality, does the present law restrict? Certainly, it is not the criminal who, by his actions, is breaking laws to accomplish his ends.

On behalf of the North-South Skirmish Association and all who make up the fraternity of black-powder shooters, I ask for this committee and the Senate to provide this greatly needed relief for law-abiding citizens who enjoy shooting antique firearms and to keep alive significant portions of the heritage of this great Nation, which are kept alive through the black-powder shooting sports.

We thank you for the opportunity to present our views on this bill. It is vital to our survival.

Senator BAYH. Thank you, Mr. Corrigan.

How many members do you have in the North-South Skirmish Association?

Mr. CORRIGAN. We are talking of about approximately 3,000, and, again, I would reiterate the point that others have made, that we are a small part of those who only use black-powder arms throughout this country.

Senator BAYH. I note, with a great deal of interest, your specific reference to the economic impact of black-powder sports, which, I think, is very interesting.

You have been very kind to give us this very detailed analysis of the impacts these black-powder restrictions have on the activities of your organization. It is particularly important, as we get ready for the 1976 bicentennial celebration.

Thank you for joining us this morning.

Mr. CORRIGAN. Thank you, Senator.

[Mr. Corrigan's prepared statement is as follows:]

PREPARED STATEMENT OF THE NORTH-SOUTH SKIRMISH ASSOCIATION TO THE JUDICIARY COMMITTEE OF THE UNITED STATES SENATE IN SUPPORT OF SENATE BILL 1083 TO AMEND TITLE XI OF THE ORGANIZED CRIME CONTROL ACT OF 1970 (PUBLIC LAW 91-452)

Mr. Chairman and members of the Judiciary Committee of the United States Senate, by name is Richard L. Corrigan. I am the National Commander (President) of the North-South Skirmish Association, and, as the elected head of this organization, I am here today to express our support for Senate Bill 1083. We greatly appreciate the opportunity to express our specific views and interests and those of all members of the blackpowder shooting fraternity.

Before elaborating the reasons why we believe it is imperative that Senate Bill 1083 be enacted into law, permit me to provide some background information about myself and the unique Association which it is my honor to represent.

I was born thirty-two years ago in the state of Wisconsin, where I lived until moving to Kentucky about three and one-half years ago. A resident of Milwaukee, I am a graduate of the University of Wisconsin-Milwaukee where I received a B.S. in History, Political Science and Secondary Education and a Masters Degree in Political Science. While completing my advanced degree, I taught at UWM as a Teaching Assistant in the Department of Political Science.

Having completed Reserve Officer Training as an undergraduate, I received an Army Commission upon graduation. I am presently a First Lieutenant in the United States Army and am stationed in the Armor School at Fort Knox, Kentucky.

Most of my three and one-half years in the Army have been spent as an educator, serving as an Instructor of Political Science in a special University of Kentucky/U.S. Army Armor School educational program for career officers. I had the pleasure of serving as a special project officer in charge of a Civil War display for the new Patton Museum of Cavalry and Armor which opened last fall. In addition, I am a Military History Instructor for the Military History Seminar Program, specializing in the Civil War Period. I am also a part-time Instructor of Political Science at the University of Kentucky Center at Fort Knox. This Center provides evening higher education for members of the Fort Knox Community and those of the surrounding areas.

Since the age of twelve, I have been a hunter and a shooter of various types of firearms. None give me more satisfaction than do "the charcoal burners", a name we affectionately give to blackpowder firearms. A long and deep interest in American history has caused me to become a student of the American Civil War; my interest in and familiarity with firearms has caused me to study, collect, and shoot blackpowder guns. Both caused me to join the North-South Skirmish Association, in which I am currently in my 17th year of membership and am serving in my second two-year term as National Commander.

What is the North-South Skirmish Association? What is Skirmishing? What possible interest can we have in amending the Organized Crime Control Act of 1970?

On a Sunday afternoon in May of 1950, a group of shooters wearing uniforms of the Union Army met a group of gray-clad Confederates at Berwyn, Maryland for a shooting contest with the original firearms of the Civil War. This unique form of shooting, with participants wearing Civil War uniforms and shooting old guns at breakable targets was an instant success. The contestants agreed to meet again, and when they did, more interested shooters turned out to join them. Shortly thereafter a formal organization was created and has grown readily.

Today, the N-SSA has over 150 member organizations, most of which are located in states east of the Mississippi River, though interest is rapidly growing in the west. Member organizations consist of a minimum of eight men, though some number fifty or more. They choose to represent a Union or Confederate unit of Cavalry, Infantry, Artillery, Navy, or Marines. The arms they use in competition are originals of the Civil War or authentic replicas; uniforms are carefully researched copies of the units represented.

Skirmishes are the competitive shooting events of the N-SSA, and our members are known as "Skirmishers." These names are taken from specialized troops—"Skirmishers"—who, as forward elements of both Armies under the tactics of the day, were in almost continuous contact—usually hostile, but often approaching fraternization—whenever the two sides were in close proximity.

Modern day Skirmishes of the N-SSA are of two kinds—Nationals and Regionals—with the difference being only size and location. Each year two Nationals are held near Gainsboro, Virginia. The upwards of fourth Regional Skirmishes are held in the ten geographical Regions to provide local competition. Our 47th National Skirmish in May attracted 198 eight-man Companies. Companies are synonymous with teams, and an organization may enter as many as it can field.

Targets for the Company Matches are "bustables" such as clay pigeons mounted on a backer, hanging flower pots, liquid-filled cans, balloons, and a wooden stake which is cut in two by musket fire. All events are timed and the Company with the lowest total time for all events is the winner and all others can be ranked according to time of finish.

While we as shooters enjoy our sport more than any spectator can possibly do, we take pride in its uniqueness, historical nature and spectator appeal. The sight of men wearing the varied uniforms of the North and the South, the brasswork and ramrods flashing in the sun, the rattle of musketry, and the breaking of targets provide graphic insight into earlier chapters of American History. The accuracy of these old firearms continues to amaze those not familiar with them. In demonstration events, companies of Skirmishes with their muzzle-loaders consistently defeat Military teams using the most modern of firearms.

Though the Company Matches are the most important aspect of Skirmishing, original and replica cannons are shot in colorful and exciting competition. Besides the Company and Cannon events, there are individual matches for muskets, carbines, and revolvers.

There is much more to Skirmishing than shooting! On two weekends each year our range near Gainsboro, Virginia becomes a city of 7,500 people. Friends from different parts of the nation meet once again after months of separation. The campsites, the smell of wood fires and cooking, the period clothing worn by members and their families, the Saturday night Blue-Gray Ball, and the competitive aspects of Skirmishing already described give one a certain feeling of being somewhere in the nostalgic past.

Within the ranks of the N-SSA are persons from all walks of life and from all parts of the nation. They include among them superb competitive shooters, collectors of guns, equipment, uniforms, etc., serious historians, "Civil War Buffs," and sutlers who make available a variety of equipment and wares. These individuals and their families are linked by shooting to create an Association with richness and diversity equaled by few, if any.

While we of the N-SSA and the other blackpowder shooting organizations derive great pleasure from our unique recreation, we make some meaningful contributions to the Economy of the nation. Years ago, Skirmishes were encouraged to use silver dollars for purchases near Skirmish sites to demonstrate their contributions to the local economies. The effect was dramatic. Appendix I reveals the N-SSA's estimated economic contributions, which are substantial.

While I have provided you with a brief insight into Skirmishing, I must point out that the N-SSA and its membership are but a part of the whole blackpowder shooting fraternity. There are many other organizations, large and small. These engage in similar but yet distinctive shooting activities of their own. This is especially so for the largest organization, the National Muzzle-Loading Rifle Association.

Then too, it must be pointed out that the bulk of blackpowder shooters belong to no formal organizations, but own antique firearms for hunting and other forms of recreational shooting. For the members of the N-SSA and the NMLRA, formal matches constitute but a part of the use of the antique firearms by our members.

The major muzzle-loading shooting organizations are held together by their competitive events. Without those events, they would have no purpose and would disintegrate and all of the "living history" that is a part of them would be lost. For both individuals and organizations, blackpowder propellant is our vital "life-blood."

It is because this "life-blood" is threatened that we ask the Judiciary Committee to favorably act on S.B. 1083. The amendments to Title XI of the Organized Crime Control Act which are contained in S.B. 1083 will remove the harsh and unnecessary restrictions which the act imposes on quantities of blackpowder propellant greater than five pounds. Under Title XI any quantity of blackpowder over five pounds—no matter what its intended use—is, by definition, "an explosive" and is subject to severe restrictions on its purchase, possession, transportation, and storage which impose great burdens on those who must have it in order to shoot their antique firearms.

These burdens are such that they threaten the future of blackpowder shooting sports and yet place no real corresponding burdens on terrorist bombers who use other bomb filler materials in nearly every case as I shall show later in my statement. In fact, the present five pound exemption is ironically referred to by shooters as a "bombers exemption," for if any bomber did intend to use blackpowder as a bomb filler, he could legally possess the same amount as the legitimate citizen user until such time as he made or exploded the terrorist device.

The amendments contained in Senate Bill 1083 are consistent with the Senate's position on the 1970 Legislation that blackpowder shooting propellant should not and need not be regulated. As we understand, this well-intended but unfortunate definition was included in the law at the insistence of the House of Representatives, who had little understanding of the nature of blackpowder shooting sports and who accepted the then popular myth that blackpowder was widely used for the making of bombs.

While this myth once had wide acceptance, perhaps due to the unfortunate tendency of the media to refer to every terrorist device which exploded as a "blackpowder bomb" or a "pipe-bomb made with blackpowder," evidence is now available which thoroughly refutes this incorrect and greatly exaggerated assumption. Information obtained from the Bomb Data Center of the International Association of Chiefs of Police reveals that during the period of July 1, 1970 through December 31, 1971, there were 3,841 bomb devices employed by terrorists in the United States. Of this number ONLY 149 USED WHAT IS TERMED "BLACKPOWDER!" Those who collected the data did not differentiate between "home-made blackpowder," which any of us can make from readily available sources, and the scarce shooting grades, thus it can not be asserted that our propellant alone is the bomb filler. In fact, the 149 cases of blackpowder bomb filler out of nearly four thousand bomb devices clearly establishes the infrequent use of this substance called blackpowder—home-made or commercial—as a bomb filler and provides ample justification for amending Title XI. For further information, please note Appendix II, "Statistical Summary of Bombings and Bomb Device Fillers Used by Bombers," and Appendix III, a letter from the Acting Director of the FBI.

The following will make abundantly clear the plight of users of blackpowder propellant and reveal why the need for prompt action on Senate Bill 1083.

(1) Commercially manufactured blackpowder propellant is the ONLY propellant which can be used in firearms of antique design. The home-made varieties are unsuitable for the use because of the consistency and quality which are required for shooting. There are NO substitutes, for blackpowder propellant alone has the characteristics and low pressures which make it a safe propellant in firearms of antique design. Modern—smokeless—powders create such high levels of pressures upon ignition that they can burst antique gun barrels causing serious injury or death. The present scarcity of blackpowder propellant increases the



likelihood that the uninformed or ill-advised will attempt to substitute smokeless powders for the proper ones which they can not obtain.

(2) It is a cruel irony that while the Congress in its wisdom specifically exempted antique firearms and their ammunition components from the Gun Control Act of 1968 because of historical, shooting, and collecting uses, as well as recognized unsuitability for criminal purposes, that exemption was removed as one of the unintended effects of Title XI.

(3) The present quantity limitations on the purchase, possession, storage, and transportation of blackpowder propellant prevent shooters from obtaining it in sufficient quantities to be able to do so without unreasonable costs and great hardship. Unlike modern powders, where a little goes a long way, large quantities of blackpowder are required for each shot fired. This is especially so when cannons of the Revolutionary and Civil Wars are fired; many of these guns use a pound of powder per round fired. It was certainly not the intent of the Congress that N-SSA gun crews split their match ammunition among three persons in order legally possess enough ammunition to fire a twelve-shot match at a Skirmish! While the amounts of powder used per year by shooters varies with the individual, all active shooters use much more than the legal limit of five pounds which they may have.

(4) The permit options in the Alcohol, Firearms and Tobacco Regulations which are sometimes cited as evidence of the "flexibility" and the meeting of the needs of legitimate sportsmen are in fact complicated, confusing (to even those of ATF who give conflicting interpretations to bewildered sportsmen trying to comply with the law), and, for the most part, unworkable. Worse yet, they are a "Catch-22!" To purchase in quantities over five pounds one must have a permit. Before he can obtain a permit, however, he must have a magazine which has to be constructed to exacting specifications and personally inspected by an ATF agent. Should he comply with the above, he still may be greatly constrained. While there are several permits, only a dealer's permit allows him to sell or give propellant to ANYONE, even if they are members of his immediate family or shooting club. Those who assert that the present law is workable are obviously those who do not seek to purchase or to use blackpowder propellant.

(5) But what good are even workable permits, if the same law has strained and all but destroyed the system for distributing our only propellant to those who need it? With a limited demand for this product, it is not a profit-making item for many who have and continue to sell it. Most shooters have been dependent upon an informal system, which includes hardware stores, gun shops, cooperatives, fellow shooters, and other "courtesy dealers" who ordered or stocked limited amounts of the propellant as a service rather than money making item. Because of the permit limitations, the permit fees, the costs of constructing magazines for limited storage, and other related expenses, most of the courtesy dealers who are vital to keeping shooters supplied have ceased to handle blackpowder. Prices at the few remaining sources have been raised significantly—in some cases five to seven times that of pre-Title XI! Detailed information is contained in Appendix IV.

(6) The interstate restrictions have created real problems for obtaining propellant and for attending shooting events. Many users of blackpowder have always had to travel interstate to purchase propellant from available sources. While some must go significant distances, for others interstate sources are but a few miles away.

Nearly all North-South Skirmishes and the events of other blackpowder shooting organizations necessitate the participants traveling interstate to reach the match sites. When a family of shooters, or a number of teammates, or cannon shooters as referred to earlier travel to a match in a single vehicle, their total ammunition requirements exceed those allowed by Title XI. This is because our propellant, in quantities of over five pounds, does not lose its definition of an "explosive" even when prepared as ammunition.

(7) It is significant to note that the problems faced by legitimate users of blackpowder shooting propellant will have a serious impact on historical reenactments, pageants, and shooting matches to be held in conjunction with the forthcoming celebration of the Bi-Centennial of the American Revolution. This is ironic in several respects. First, our nation won its independence through the use of the very same types of blackpowder firearms that we now term antiques and which modern day shooters fire in historically oriented recreation. Secondly, "the shots heard around the world" were fired during a clash between Colonists and British soldiers marching to seize stores of blackpowder and other munitions stored by the Colonists.

(8) While bombers face no shortage of materials, antique firearms users do! As I have pointed out earlier, we have but one propellant. Bombers, who are for the most part sophisticated and educated, have numerous potential bomb fillers. In addition to the wide range of commercially made explosives, the terrorist can make bombs from countless materials readily available in the drug store, hardware store, grocery, chemistry lab, etc. Knowledge of chemistry or access to the variety of library references or possession of a variety of available manuals—government printed or such as *THE ANARCHISTS COOKBOOK OR THE REVOLUTIONARIES FORMULARY*—afford the terrorist bomber many alternatives, while we have but one!

Unless the Congress is willing to impose similar restrictions on such materials as gasoline, fertilizer, propane, and countless other readily available bomb materials which are exempt from control, we respectfully submit that it is futile and grossly unfair to restrict the "life-blood" of blackpowder shooting sports in the face of evidence which demonstrates the infrequent use of ANY form of blackpowder (home-made or shooting grades) for bomb filler. Please note Appendix V which shows the explosive effect of \$3.00 worth of fertilizer. It was fertilizer which destroyed the Army mathematics building in Madison, Wisconsin in 1970.

Any laws which seek to restrain terrorist bombers must be sufficiently flexible to accomplish their objectives of deterrence and punishment without imposing extreme and unreasonable hardships on the activities of legitimate sportsmen. The amendment to Title XI offered by Senator Bayh and his co-sponsors will obtain this greatly needed flexibility without weakening in any way the criminal penalties for those who misuse any material by employing it as bomb filler.

Since there is presently a "bombers exemption" and since the punitive aspects of the law can be invoked only after someone makes or explodes a bomb, or it has been established that the intent to do so exists, who in reality does the present law restrict? Certainly, it is not the criminal who by his actions is breaking laws to accomplish his ends!

On behalf of the North-South Skirmish Association and all who make up the fraternity of blackpowder shooters, I ask for you to provide this greatly needed relief for law abiding citizens who enjoy shooting antique firearms and to keep alive significant portions of the heritage of this great nation which are kept alive through the blackpowder shooting sports!

We thank you for the opportunity to present our views on this bill; it is vital to our survival.

RICHARD L. CORRIGAN, *National Commander.*

#### APPENDIX I

##### ECONOMIC IMPACT OF SKIRMISHING

Mr. Leonard Cooper of Kingston, New York (a Skirmisher) recently conducted a limited survey on the contributions of our blackpowder organization to the nation's economy. The following are salient pints:

1. The approximately 3,000 Skirmishers each attend an average of ten Skirmishes a year.
2. The Skirmisher spends an average of \$30.00 per Skirmish weekend for non-travel purchases for himself and his family—approximately \$900,000 for the membership each year.
3. Average travel to and from Skirmishes is 4,000 miles per member per year. For the entire membership, it is 12,000,000 miles annually; not counted are individuals who have traveled to Skirmishes from Vietnam, Korea, and Europe.
  - (a) Assuming the life of an automobile to be 50,000 miles: Skirmishers use the equivalent of 240 automobiles per year. At an average cost of \$4,000, this amounts to \$960,000 per year.
  - (b) Figuring 20,000 miles as the life of a tire, N-SSA members use the equivalent of 600 sets of tires (2,400 tires) per year, and, at \$30.00 per tire, this amounts to \$72,000.
  - (c) Assuming fifteen miles per gallon of gasoline and 40 cents per gallon, total expenditure for gasoline is \$320,000. Of this amount, \$32,000 goes for Federal taxes and approximately \$48,000 in taxes goes to the various states.
  - (d) Thus, total expenditures just for travel to and from Skirmishes amount to approximately \$2,452,000 per year.
4. The previous figures are for travel, lodging, and food ONLY. The following additional items must also be considered part of our economic contributions:
  - (a) Fees paid by members using Toll Highways to attend Skirmishes.

(b) The initial investments in firearms (these range from \$100.00 to \$400.00, with each member owning at least one), uniforms, accoutrements and related uniform equipment (range of costs is from \$75.00 to \$250.00 per man), and camping equipment (camper vehicles, camper trailers, tents, stoves, ice chests, tent flies, etc), as well as replacements for these items.

(c) The costs of powder, caps, lead, and other ammunition components used in the Skirmishes, practices, demonstrations, hunting, etc.

(d) The 11 percent federal excise tax paid on the sale of our competition firearms.

(e) The costs of targeting, awards, and other materials used for the Skirmishes themselves. Each of our two National Skirmishes cost approximately \$5,000 to conduct, while each of the approximately forty Regionals costs about \$1,000-\$50,000, approximate total.

(f) The expenditures by member organizations and individuals for transportation and other items relating to their meetings, practices, demonstrations and other activities.

While this assessment of the economic impact of Skirmishing is by no means as complete as we would desire, it clearly demonstrates that our historical recreation makes meaningful contributions to our nation's economy and significant contributions to the local economics where Skirmishes are held.

There is no doubt but that similar contributions are made by all other black-powder shooting organizations as well as unaffiliated individuals.

#### APPENDIX II

##### STATISTICAL SUMMARY OF BOMBINGS AND BOMB DEVICE FILLERS USED BY BOMBERS

	Number	Percent
Bombings in the United States for the period of July 1, 1970 to June 30, 1971: <sup>1</sup>		
Total number of bomb devices (all types).....	3,352	100.0
Blackpowder devices (homemade and commercial).....	96	4.1
Devices employing materials other than blackpowder.....	2,256	95.9
Bombings in the United States for the period of July 1, 1971 to Dec. 31, 1971: <sup>2</sup>		
Total number of bomb devices (all types).....	1,489	100.0
Blackpowder devices (homemade and commercial).....	53	3.55
Devices employing materials other than blackpowder.....	1,436	96.45
Bombings in the United States for the period of July 1, 1970 to Dec. 31, 1971: <sup>3</sup>		
Total number of bomb devices (all types).....	3,841	100.0
Blackpowder devices (homemade and commercial).....	149	3.87
Devices employing materials other than blackpowder.....	3,692	96.13
Use of smokeless powder as a bomb filler of the above same time periods:		
July 1, 1970 to June 30, 1971 <sup>1</sup> .....	54	2.3
July 1, 1971 to Dec. 31, 1971 <sup>2</sup> .....	46	3.1
July 1, 1970 to Dec. 31, 1971 <sup>3</sup> .....	100	2.6

<sup>1</sup> Jane P. Morton and Gary S. Persinger, "Bombing in the United States," July 1970-June 1971. International Association of Chiefs of Police Research Division, Gaithersburg, Md. (Note: During this time period is when the ill-advised and infamous title XI of the Organized Crime Control Act of 1970, Public Law 91-452, was being debated, enacted late in 1970 and put into effect on Feb. 12, 1971.)

<sup>2</sup> December 1971 Summary Report on Bombing in the United States: International Association of Chiefs of Police Research Division, Gaithersburg, Md.

<sup>3</sup> Sources No. 1 and No. 2 were combined to give totals for an 18-month period.

#### APPENDIX III

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, D.C., November 17, 1972.

Mr. RICHARD L. CORRIGAN,  
President, North-South Skirmish Association, Inc.  
Fort Knox, Ky.

DEAR MR. CORRIGAN: This is in response to your letter dated November 7, 1972, in which you requested information regarding bombings, bombs, and fillers used in bombs.

There was a total of 1,486 bombing incidents reported throughout the United States, Puerto Rico, and the Virgin Islands during the first nine months of 1972. Of the 1,486 incidents, 712 involved the use of explosive bombs while 774 were incendiary attacks. During the period January-September, 1972, a total of 1,973 devices were used in connection with the 1,486 bombing situations. Of this number, 803 were explosive in nature and 1,170 incendiary.

Regarding questions two and three, we do not maintain statistics on fillers used in bombs, although some incident reports received do state the types of fillers. There are numerous fillers used, including smokeless powder and black powder. We likewise cannot provide you with accurate statistics concerning the number of black powder bombs which employed homemade black powder and the number using commercial sporting grades.

Sincerely yours,

L. PATRICK GRAY, III, Acting Director

A "State by State" Summary of Black powder used for bomb device fillers by bombers in the United States during the period of: July 1, 1970 through December 31, 1971.<sup>1</sup>

Alabama	1	Nebraska	0
Alaska	0	Nevada	0
Arizona	15	New Hampshire	0
Arkansas	0	New Jersey	5
California	46	New Mexico	0
Colorado	2	New York	5
Connecticut	2	North Carolina	1
Delaware	0	North Dakota	0
Florida	5	Ohio	6
Georgia	2	Oklahoma	0
Hawaii	1	Oregon	1
Idaho	1	Pennsylvania	4
Illinois	14	Rhode Island	0
Indiana	3	South Carolina	0
Iowa	0	South Dakota	0
Kansas	5	Tennessee	0
Kentucky	0	Texas	2
Louisiana	2	Utah	0
Maine	0	Vermont	0
Maryland	3	Virginia	2
Massachusetts	1	Washington	1
Michigan	8	West Virginia	0
Minnesota	4	Wisconsin	0
Mississippi	0	Wyoming	0
Missouri	7	Washington, D.C.	0
Montana	0	Total	149

The total number of devices employing Blackpowder for a bomb filler is 149 for the Eighteen Month Period: July 1, 1970 through December 31, 1971.<sup>1</sup>

#### APPENDIX IV

##### SOURCES OF BLACKPOWDER PROPELLANT

Recently, the Member organizations of the N-SSA were asked about the impact of Title XI of the Organized Crime Control Act of 1970 upon the sources and prices of blackpowder propellant. Due to the shortness of time, not all have been able to respond to the preparation of this appendix.

The information obtained from those responding reveals the startling effects of Title XI on the "system" for distribution of blackpowder propellant.

	Before Feb. 12, 1971 <sup>1</sup>	May 1973
Number of sources for purchase of black-powder propellant.....	383	52
Average price of black-powder propellant per pound.....	\$1.35	\$3.50

<sup>1</sup> Data upon which title XI took effect.

<sup>1</sup> International Association of Chiefs of Police Research Division, Gaithersburg, Md.

When considering the above figures, it must be pointed out that some members were able to purchase blackpowder propellant for seventy-five cents per pound prior to the implementation of Title XI, with the average being only \$1.35 per pound.

Today, the average cost is nearly 260 percent greater than prior to Title XI and some organizations report prices of seven dollars and over. This is when they can locate suppliers who have propellant, for in some parts of the country there are none.

[Mr. Corrigan subsequently supplied two additional statements for the record. They are marked "Exhibits Nos. 10 and 11" and are as follows:]

## EXHIBIT No. 10

AMVETS,  
DEPARTMENT OF MICHIGAN,  
Detroit, Mich.

## RESOLUTION ON LAWS REGULATING THE USE OF BLACKPOWDER PROPELLANT

Whereas our forefathers fought for and gained the independence of this nation through the use of muzzle-loaded firearms,

Whereas our nation was carved out, settled, and developed by men and women who relied on muzzle-loading firearms for both food and protection,

Whereas the muzzle-loading shooting activities of the North-South Skirmish Association, the National Muzzle-Loading Rifle Association, and the numerous other organized and unorganized users of blackpowder propellant form a wholesome sport steeped in American heritage,

Whereas blackpowder is the only propellant (gunpowder) which can be used safely in muzzle-loading and other firearms specifically designed for it,

Whereas the future use of firearms similar to those used by our forefathers is gravely threatened because blackpowder propellant has been classified as an explosive and severely restricted as such under Title XI of the Crime Control Act of 1970,

Whereas many state laws and local ordinances restrict the availability and use of blackpowder propellant more severely than does Title XI.

Whereas terrorist bombers face no shortage of explosive materials, with the wide range of commercially made explosives and the vast numbers of potential bomb ingredients available in drug, grocery, and hardware stores or chemistry laboratories, blackpowder shooters are limited to using commercially manufactured grades of blackpowder:

We, the Michigan Department of AMVETS at our Annual Department Convention—June 25, 1972 in Traverse City, Michigan have passed this resolution unanimsly, and do hereby implore national, state, and local elected officials to cease enacting laws and ordinances which threaten the legitimate sport of blackpowder shooting. We further ask that our public officials at all levels of government speedily amend existing laws and ordinances so that the future of blackpowder shooting can be insured.

Sincerely yours,

TED LESKIEWICZ, *Commander.*

## EXHIBIT No. 11

## ADDITIONAL MATERIALS SUBMITTED BY RICHARD L. CORRIGAN, NORTH-SOUTH SKIRMISH ASSOCIATION IN SUPPORT OF SENATE BILL 1083

It is surprising to find representatives of the executive branch in opposition to the proposal to remove the restrictions on blackpowder shooting propellant as proposed in Senate Bill 1083. The proposed amendments to Title XI of the Organized Crime Control Act of 1970 (PL 91-452) will remove the harsh, un-reasonable and unnecessary restrictions on blackpowder propellant without weakening in any way the criminal penalties for those who misuse any material by employing it as bomb filler.

This opposition, based on little more than generalities and fearful assertions, is quite unexplainable in light of the often professed sympathy by officials of the Treasury Department toward the problems of users of blackpowder propellant. On numerous occasions representatives of shooting groups, including myself,

have met with these officials to seek solutions to our problems. A uniform response by these officials, to include a former assistant Secretary of the Treasury, has been, "We would like to help, but we are constrained by the wording of the law. You must go to Congress for relief."

And, yet, when this Senate Committee is considering a reasonable solution to the unintended effects of the Title XI, the proposal faces their opposition.

Not only does their testimony reveal a complete lack of understanding of our problems and a lack of interest, but their use of statistical references seeks to create an impression of the widespread use of blackpowder for illegal purposes, when in reality, they prove no such thing! Their testimony to this committee states, "ATF does not keep statistics on the actual number of cases brought, and convictions obtained under Title XI which involves blackpowder because such statistics have little or no impact in the law enforcement area (Page 11)."

This statement and the responses to the questions of Senator Bayh suggests that ATF has no real basis for asserting that the amendment of Title XI will in fact present any threat to our society or that it will weaken their ability to control terrorist bombers.

Under Senator Bayh's questioning, officials of ATF admitted that it was entirely possible for all reported blackpowder bombs to have been made from home-made blackpowder or from completely legal purchases under the present five pound exemption which shooters have termed a "bomber's exemption."

It was noted that a great discrepancy exists between the percentages of bombs employing "blackpowder" as bomb filler as reported by ATF and that reported by the Bomb Data Center of the International Association of Chiefs of Police. It is significant to note, however, that the total number of cases per reporting period are nearly identical. The difference, as admitted by an ATF official before this Committee, is that ATF's figures do not include all types of terrorist bomb fillers. This stands in sharp contrast to the Bomb Data Center which has based its published results on all types of bomb fillers employed for terror and destruction.

We submit that neither the Treasury or the Justice Departments have offered any valid reasons why this Committee should not favorably act on SB 1083 as soon as possible.

Senator BAYH. Our next witness is Dr. C. R. Gutermuth, president of the National Rifle Association.

I might note for therecord that Dr. Gutermuth served as director of education and director of the fish and game for the Indiana Department of Conservation.

Mr. GUTERMUTH. I served in the department for a period of years.

STATEMENT OF DR. C. R. GUTERMUTH, PRESIDENT, NATIONAL RIFLE ASSOCIATION OF AMERICA, WASHINGTON, D.C., ACCOMPANIED BY COL. E. H. HARRISON, SENIOR TECHNICAL ADVISER, AND JACK BASIL, MANAGER, LEGISLATIVE INFORMATION SERVICE, NATIONAL RIFLE ASSOCIATION OF AMERICA

Dr. GUTERMUTH. Mr. Chairman, I am president of the National Rifle Association of America. I am delighted to have the opportunity to testify in support of S. 1083, sponsored by the chairman of this distinguished committee, to remove black powder from the license-permit requirements of the Federal explosives law of 1970.

The National Rifle Association numbers among its more than 1 million members many thousands of muzzle-loading shooters throughout the Nation. Those shooters pursue their sport on the target range and in the hunting field. Moreover, Mr. Chairman, many of those shooters hold colorful and historic shooting events annually, using not only black powder shoulder arms but also black-powder cannon. These events are exemplified in the gala affairs sponsored by, among

other groups, the North-South Skirmish Association and the National Muzzle Loading Rifle Association. The muzzle-loading shoots are well known to America's sportsmen and have been widely publicized in the press and over television. Users of muzzle-loading firearms and participants in local, regional, and national muzzle-loading shoots view their activity not only as a sport but also as a means of preserving, for the public good, the historical drama and events associated with obsolete ordnance.

Before proceeding Mr. Chairman, I should like to say that the National Rifle Association supports the approach and purpose of S. 1083 introduced by the distinguished Senator from my home State of Indiana, and the several other black powder exemption bills by Senator Stevens, of Alaska, and by Representatives Saylor, of Pennsylvania, Dorn, of South Carolina, Hamilton, of Indiana, Morgan, of Pennsylvania, Long, of Maryland, and Kemp, of New York.

The necessity and desirability of legislation to exempt black powder from existing legal restrictions, if muzzle-loading shooting is to continue as a healthy sporting activity, are based on the following considerations:

(1) The existing law provides for the unrestricted purchase, without permit, of 5 pounds of black powder or less as often as required. Repeated purchases of such small quantity cannot be done without great inconvenience or substantial expense because of the obvious factors of time, travel distance, frequency of use and limited availability.

(2) Unlike smokeless powder, where a small amount goes a long way, large quantities of black powder are required for each shot fired. The typical black powder shooter uses several times the present unrestricted amount of 5 pounds each year. The growing number of cannon shooters will use much more than that.

(3) The sources for the purchase of black powder are much fewer than those for smokeless powder. Hence, where the purchase without restriction of small amounts of smokeless powder from many other outlets presents no problem, the acquisition with restrictions of small amounts of black powder from far fewer outlets poses a difficult problem. Many States have few or no sources at all.

(4) Black powder suitable for use in muzzle-loading firearms cannot be easily homemade as is sometimes thought. Only commercial black powder which meets certain physical and qualitative standards is suitable for antique firearms.

(5) Black powder used in muzzle-loading firearms is primarily and almost exclusively used for muzzle-loading shooting. It seldom is used for blasting or similar purposes. Its use as an explosive is very limited.

(6) Commercially manufactured black powder is the only propellant which can be used in muzzle loading and other firearms designed for black powder propellant because only this propellant has the low pressures and other characteristics which are safe for antique-type firearms.

(7) There are many materials which present a far greater hazard than black powder that are easily available, in abundant supply, that are not covered by the Federal explosives law. I need mention only a few, such as gasoline, cleaning solvents, certain fertilizers, that is,

ammonium nitrate and bleaching powders. Ammonium nitrate, the most widely used fertilizer, was used to blow up the mathematics research building at the University of Wisconsin a few years ago. The effectiveness of ammonium nitrate as a blasting agent has caused its general substitution for dynamite in most kinds of blasting and a very great decrease in the manufacture of dynamite.

Mr. Chairman, the future of countless numbers of organized and unorganized muzzle-loading shooters hangs in the balance because of the present severe restrictions of the Federal explosives law of 1970. While the rationale of the law and accompanying regulations are to deter the criminal use of explosives, the law and regulations nevertheless have had the effect of severely curbing a historical sport and a wholesome recreation. This, indeed, is an ironical twist when one considers the nature and use of black powder in relation to the wide availability of common substances which could easily be converted to bombs and other unlawful explosives.

On behalf of the membership of the National Rifle Association of America and the thousands of muzzle-loading shooters throughout the land, I urge the speedy and favorable consideration of S. 1083 and/or similar legislation pending before the Congress.

Mr. Chairman, I am deeply appreciative of your concern and of your interest.

I was most disturbed to see, while sitting back here and reading the statements of both the Treasury Department and the Department of Justice, that they are going to testify in support of the retention of this requirement. In studying their facts, I would suggest to you and members of this committee that both of these departments be asked to make a real showing for the need of the retention of this requirement, which is causing a serious inconvenience to hundreds of thousands of people across the country.

They state that 18 percent of the uses of explosive in the year 1971-1972 were black powder, and I would like to know what the rigid storage requirements and this 5-pound limitation and permits have to do with the misuse of black powder in serious crime.

To me, this sort of crime, as reported here in these statements, is going to continue regardless of these restrictions. This has nothing to do with the availability of black powder.

Now, as I understand the present law, I can buy all the black powder I want if I stay under the 5-pound limitation. Therefore, I wish to say that all we are doing with this particular kind of restriction is to impose a hardship and serious inconvenience on people who want to participate in the wholesome recreational sport of black powder shooting. I want to commend you and the other Members of Congress for their introduction of this remedial legislation which I hope will be given favorable and prompt consideration.

It is quite obvious to me that there has been no showing that the storage and permit requirements on black powder have anything to do with the crime situation in this country which can only be controlled by stricter enforcement of existing laws. These laws should deal with the way in which crime is committed rather than on the availability of black powder.

Thank you, Mr. Chairman.

Senator BAYH. Thank you, Dr. Gutermuth.

You itemized very specifically and very succinctly the reasons which led me to believe that it was important to remove these restrictions. I have, in one specific instance, not concurred in the judgment of your organization relative to the sale of Saturday Night Special handguns, because of my belief that they are frequently used in the commission of crime. I do not want to get involved in that issue now, but I do feel that my view in that instance is 180 degrees different from the issue we are considering today. You talked about the fact that a building at the University of Wisconsin was blown up with ammonium nitrate fertilizer. I happened to be in that neighborhood shortly afterwards and witnessed the destruction caused by ingredients which can be easily and lawfully purchased. As a leading conservationist, you are familiar with the effort being made to provide habitat for fowl through the use of explosives. We had shown to us earlier a State publication on this topic from the State of Kentucky. It showed a big explosion on the front page in living full color, so to speak.

Is it your judgment that there is an ample supply of ingredients to blowup almost anything without having to resort to black powder?

Dr. GUTERMUTH. That is right. There is no question about it at all.

As I indicated, I do not think that there has been an adequate showing, either in the original enactment of the explosive law of 1970 or here at the present time, that the removal of these restrictions would worsen the crime situation a bit, because explosives like ammonium nitrate are available without restriction to all those who want to use explosives. But black powder is available in quantity now. Even under the present law you are able to get up to 5 pounds at a time and you can make purchases as often as you want. Let me repeat, what does that storage restriction have to do with those 179 cases of use of black powder in explosives during the 2-year period cited by the Treasury Department?

Senator BAYH. How big a hole can you produce with 5 pounds of black powder?

Dr. GUTERMUTH. Oh, that would have to be—

Senator BAYH. Suppose I was going to create havoc and wanted to blowup something. Could I not make a pretty good bang with 5 pounds of black powder?

Dr. GUTERMUTH. You very definitely could, if it were confined in a rigid container. However, I think there are a lot of misconceptions about black powder. Black powder out in the open will do nothing more than burn, and it must be used expertly to become an explosive.

Senator BAYH. What I am trying to get at is the purchase of materials by those who really want to bomb. Does the 5-pound limit on black powder confine purchase and possession sufficiently to preclude a pretty good bomb from being made?

We are talking about, of course, the bathtub variety of black powder, where you can make your own, which is unlimited so far as its availability is concerned.

Dr. GUTERMUTH. For explosive purposes, you can make all the black powder you want.

Senator BAYH. How about that 5 pounds?

Dr. GUTERMUTH. I think, with 5 pounds of black powder, you could make a very effective bomb or explosive. I would like Colonel Harrison to comment on that.

Colonel HARRISON. Yes; you could create a large disturbance, and with 5 pounds of black powder you could damage a house, destroy a room, that kind of thing—yes.

Dr. GUTERMUTH. Mr. Chairman, I am greatly disturbed that we require the average individual shooter to provide elaborate storage facilities under the existing law. Actually, there has been and can be very little enforcement of this. The Bureau of Alcohol, Tobacco and Firearms never will have the manpower to do that kind of a job. But more than that, I am quite concerned about the fact that there has been no real showing that there ever has been a significant number of serious explosions resulting from the careless misuse of black powder that should cause such rigid storage requirements to be imposed by the Federal Government against the average individual citizen as well as to impose such unnecessary restrictions on the small dealers across the country.

Senator BAYH. So, you have a 5-pound restriction. Does that really prevent anybody from making a bomb, going in and buying legally 5 pounds of black powder?

Dr. GUTERMUTH. No; they can get up to 5 pounds now. I would like to say in conclusion, Mr. Chairman, that the National Rifle Association has been misunderstood and downgraded by a lot of people in recent years—I would like to say that the 1 million members of our great organization are just as law-abiding and are just as desirous of controlling crime as anyone else in this country. We support sound and sensible laws that will aid in minimizing crime. But the imposition of a lot of unwarranted and unnecessary restrictions on the general public and on the sportsmen of this country, we think, in many cases, is carried to an extreme. I think that serious consideration should be given to the removal of these restrictions that are imposed on the small dealers and individuals, because, if you can get up to 5 pounds of black powder openly without restrictions, then, I do not think that it is necessarily to have all shooters policed by the Federal Government. It simply is not possible in every single case for us to be on hand to make every person behave himself as a good citizen.

We have a great many skirmish and black powder shooters in this country, and I, myself, do not know of a single case of misuse or careless use of this powder. Now, this may exist but it certainly has never been prevalent enough to have been brought to my attention, and I have been using black powder occasionally myself in my gun collecting for 40 years. I think I would be somewhat knowledgeable about serious accidents if they were occurring. I know of no case that the retention this kind of law would overcome.

Senator BAYH. Thank you very much, Doctor. I appreciate your coming to appear before us this morning.

[Dr. Gutermuth's proposed statement is as follows:]

PREPARED STATEMENT OF DR. C. R. GUTERMUTH, PRESIDENT, NATIONAL RIFLE ASSOCIATION OF AMERICA

Mr. Chairman, I am Dr. C. R. Gutermuth, President of the National Rifle Association of America. I am delighted to have the opportunity to testify in support of S. 1083, sponsored by the Chairman of this distinguished Committee, to remove black powder from the license-permit requirements of the federal explosives law of 1970.

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Before proceeding further, Mr. Chairman, I should like to say that the National Rifle Association supports the purpose and approach of S. 1083, by the distinguished Senator from my home state of Indiana, and the several other black-powder exemption bills by Senator Stevens of Alaska, and by Representatives Saylor of Pennsylvania, Dorn of South Carolina, Hamilton of Indiana, Morgan of Pennsylvania, Long of Maryland and Kemp of New York.

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2. Unlike smokeless powder, where a small amount goes a long way, large quantities of black powder are required for each shot fired. The typical black-powder shooter uses several times the present unrestricted amount of five pounds each year. The growing number of cannon shooters will use much more than that.

3. The sources for the purchase of black powder are much fewer than those for smokeless powder. Hence, where the purchase without restriction of small amounts of smokeless powder from many outlets presents no problem, the acquisition with restrictions of small amounts of black powder from far fewer outlets poses a difficult problem. Many states have few or no sources at all.

4. Black powder suitable for use in muzzle-loading firearms cannot be easily "home made" as is sometimes thought. Only commercial black powder which meets certain physical and qualitative standards is suitable for antique firearms.

5. Black powder used in muzzle-loading firearms is primarily and almost exclusively used for muzzle-loading shooting. It seldom is used for blasting or similar purposes. Its use as an explosive is limited.

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On behalf of the membership of the National Rifle Association of America and the thousands of muzzle-loading shooters throughout the land, I urge the speedy and favorable consideration of S. 1083 and/or similar legislation pending before the Congress.

Mr. Chairman, I am deeply appreciative of your concern and of your interest.

Senator BAYH. Our next witness is Rex Davis, Director, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, representing the Government. I know he is a very well-intentioned individual. I have had the chance to benefit from the counsel of Mr. Hawk, presently Acting Associate Deputy Attorney General, as the adviser of my friend and colleague, Senator Hruska.

I would like to ask the two Government witnesses—Mr. Rex Davis and Mr. Malcolm Hawk—if they would mind testifying in concert?

We have some questions which I can see no need to ask each of you separately. I think you both are very familiar with this issue.

At this time we will take a short recess.

[Short recess.]

Senator BAYH. All right, gentlemen, without being trite, fire away.

**STATEMENT OF REX DAVIS, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY ROBERT DEXTER, EXPLOSIVE ENFORCEMENT ANALYST, AND MARVIN J. DESSLER OF THE CHIEF COUNSEL'S OFFICE**

Mr. DAVIS. Mr. Chairman and members of the committee.

I am Rex Davis, Director of the Bureau of Alcohol, Tobacco, and Firearms, Treasury Department.

I am here in response to your request to give the views of the Treasury Department on S. 1083. I would like to identify the people with me.

Accompanying me today are Robert Dexter, Explosive Enforcement Analyst for the Bureau and Marvin J. Dessler from our Chief Counsel's Office.

If it is agreeable with the chairman, since my prepared statement will be made a part of the hearing record, I would like to highlight certain portions of it rather than read it.

Senator BAYH. Yes, sir.

Mr. DAVIS. With respect to the general effectiveness of title XI of the Organized Crime Control Act of 1970, we have included some figures which indicate the number of criminal cases perfected and the number of persons arrested for three separate fiscal periods of time which I think does indicate a positive enforcement of this particular law.

I might point out that there are three attachments to my statement which we have included as a representative description of cases that have been made under title XI of the Organized Crime Control Act of 1970.

Attachment No. 1 is a summary of representative cases involving stolen explosives; attachment No. 2 is a summary of representative cases perfected under title XI of the 1970 act, and attachment No. 3 reflects some representative cases involving the criminal misuse of black powder.

Senator BAYH. The cases that you previously mentioned, as I understand it, Mr. Davis, do not specifically differentiate between the use of black powder and other ingredients?

Mr. DAVIS. The ones in attachment No. 3 do identify the misuse of black powder and are reflected in our statistics.

Senator BAYH. Go ahead.

Mr. DAVIS. I might say that the statistics which we have referred to previously, where we have the number of cases perfected, the number of persons arrested and the pounds of explosives seized do not differentiate between the type of explosives involved.

Senator BAYH. Could you tell us how most of your cases are brought? I think it is important for our record to understand that.

My understanding is that most of your cases are brought under title II of the National Firearms Act which S. 1083 does not affect.

We are not really making it more difficult to bring charges under that provision, are we?

Mr. DAVIS. Right. Certainly, I am not including here the several thousand firearms cases that we have made each year. Many of them involve a violation of title II of the Gun Control Act of 1968 since they involve destructive devices.

The cases that are represented on page 2 of my statement are those which involved a charge under title XI of the Organized Crime Control Act of 1970, as differentiated from the Gun Control Act of 1968.

I might say that I think some of the testimony that has been presented here this morning may reflect a misunderstanding of the procedures and requirements under the implementing regulations. For example, the question has previously been asked whether there would be a violation of the act. If six people brought five pounds of black powder each to a meet and traveled together in the same car since they would have 30 pounds in their possession.

If it was being transported as a result of a legal acquisition, it would not be subject to the storage requirements of the act.

Furthermore, if the 30 pounds of black powder were consumed at the meet that day, there would be no storage requirement.

However, any black powder in excess of 5 pounds which remained at the end of the day's shooting would have to be stored in compliance with the requirements of the regulations.

I would like to point out an error on page 5 that I would like to correct. To say that black powder is a mass detonating explosive is not correct. It should be "mass deflagrating explosive," to be technically accurate.

On page 6 of my statement we explain—the hazardous nature of black powder. There has been mention made here today of the availability and use of ammonium nitrate and fuel oil as an explosive agent, such as that which was used at the University of Wisconsin. For accuracy of the record, it should be pointed out that the use of this kind of an explosive requires a detonating device. Ordinarily, you would use a stick of dynamite, and it cannot be detonated without a detonating cap. Black powder, on the other hand, can be detonated by the use of any type of fuse, newspaper, or any other kind of application of fire. So, there is a problem.

A person who intends to use ammonium nitrate as an explosive agent, then, would have to acquire it or steal a detonating cap and a fuze in order to activate it.

Senator BAYH. How difficult is it to get a detonating cap?

Mr. DAVIS. Well, all of these materials are covered under the provisions of title XI of the Organized Crime Control Act of 1970. A person would have to comply with the provisions of the act, and a person who was otherwise under a disability such as a convicted felon, adjudged mentally incompetent, and so forth, would be precluded from obtaining that kind of material.

Senator BAYH. I am not a felon, I am not addicted to drugs. How difficult is it to get a detonating cap?

Mr. DAVIS. You would have to go to a licensed dealer and if you were not a licensee you would have to fill out a Federal form in which you would certify that you were not under these disabilities and that you were a resident of the State. You would also have to indicate your intended use.

So, there would be a record of your acquisition.

The other way to obtain it would be to steal it.

Essentially, the provisions of the 1970 Organized Crime Control Act make stealing much more difficult, because the storage requirements under that act and regulations require that the storage not only be safe but also secure. The types of locks, the types of doors and construction requirements are provided for. So that, if you did steal the detonating cap you would leave some indication that there had been a theft.

As pointed out on page 4 of my statement, from August of 1971 through February 15 of 1973, special agents have investigated 1,213 thefts of explosive materials. There have been some statements made concerning the relative strength of black powder. My explosive experts tell me that the strength of black powder is .55 of TNT, or roughly one-half the strength.

So, 50 pounds of black powder would be equivalent to 25 pounds of TNT in strength. Again, I would like to point out that this would be where the black powder was contained.

On page 8 of my statement, we do indicate the number of shots that five pounds represent. We do recognize that this is a variable amount, and, as we have indicated, for example, in the case of cannons, it would depend on a number of circumstances. We used the minimum sized load of four ounces, which would give you 1 shot or 5 pounds for 20 shots.

The Department of the Treasury's opposition to the enactment of this bill is in no way a reflection on the organizations that have testified this morning. We certainly are sympathetic to their problems and we recognize their activities as being valid sporting activities. In fact, we have, as one witness testified earlier this morning, done everything within our power to assist them in meeting the various problems.

To give two or three examples: The one thing the Department of Defense looks at—or I should say considers is that black powder is a high explosive for the purpose of their storage requirements. However, in adopting a table of distance for implementing the requirements of title XI, we use the Department of Defense storage distances

for low explosives, thereby, hopefully, accommodating to some extent the storage of black powder by the sportsmen.

It has been indicated on page 9 of my statement that personnel from our office did, in fact, go to the National Muzzle Loading Rifle Association meet in Friendship, Ind., and prior thereto assisted the association in explaining the rules and regulations and storage requirements for black powder. They also expedited issuance of permits so they could acquire quantities of black powder for their meet.

There has been a great deal said about the scarcity of black powder in this country. My frank opinion is that the scarcity of black powder or the scarcity of the availability of black powder to the black powder sportsmen is primarily the source of the problem we are talking about this morning. As has been pointed out, in 1970 Dupont was the only manufacturer of commercial black powder within the United States. As a matter of fact, after our hearing on the regulations on black powder to implement title XI of the Organized Crime Control Act of 1970, I personally talked to executives of Dupont.

They assured me that they were going to increase the production of commercial black powder, that they were going to include it in shipments of other explosives to magazines so that it would be readily available. I think what has not been pointed out here is that on July 1, 1971, the Du Pont plant suffered a fire and explosion that decreased their capacity to produce commercial black powder. I have heard different estimates about the cost. I think it was in the range of about \$200,000 in order for them to go back into production. So, they made what I considered to be an economic decision: they would not resume the commercial production of black powder.

Senator BAYH. The fire was when?

Mr. DAVIS. July 1—Excuse me. June 1, 1971.

This was after the regulatory provisions became effective on February 12, 1971. A very short period after that the explosion and fire occurred.

It has also been pointed out that there has been a company, the Gearhart Owens Co., that has taken over the plant at Moosic, Pa., from Du Pont. They have indicated not only in written matter but orally to members of my staff personally that substantial quantities of commercial black powder will be on the market in the United States in the summer of this year. I might point out that any organization that has a meet can obtain a permit, much as the National Muzzle Loading Rifle Association did at Friendship, Ind., which would permit them to obtain black powder interstate. So long as the black powder was distributed in 5 pounds or less no dealer license would be required. There is absolutely no redtape or other procedure that has to be followed.

In fact, they could distribute from a magazine that meets the requirements under the existing regulations. They could distribute 5 pounds or less of black powder to the same individuals several times a day with no forms to fill out or redtape, so to speak, involved.

On page 11, we have set forth statistics relating to black powder bombing incidents reported to ATF.

I might point out that attachment No. 4 to my statement contains a blank form that is used in the compilation of these statistics. We feel that these statistics are very accurate because they are filled out by our

special agents in the field, and they are the result of specifications developed by the Bureau of Alcohol, Tobacco, and Firearms. They reflect the results of incidents which are reported directly to our special agents by State and local law enforcement officers.

We have made our compilations and, then, we verified them so that the figures represented in the statistics here are accurate and indicate an incidence of 18 percent for black powder.

I might point out that in the table which shows the "other" category, that category includes those cases in which it was not possible to tell whether the material involved was black powder, smokeless powder, or some other type of explosive. We have tried to be as accurate as we can. I would assume that some of those other categories of explosives might be black powder.

Senator BAYH. I have a series of questions that I would like to direct to you. I do not want to interrupt you. I am familiar with your statement, and I appreciate the time that has gone into the preparation of it. I appreciate you and your staff being here. I would like to emphasize that you and your officials have cooperated and have been very considerate within the provisions of the law.

I just want the record to show that I recognize that, before asking questions, Mr. Davis. Perhaps, we should give Mr. Hawk a chance to be heard.

STATEMENT OF MALCOLM D. HAWK, ACTING ASSOCIATE DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE; ACCOMPANIED BY JOHN KANE, CRIMINAL DIVISION, AND JIM WENTZEL, LEGISLATIVE AFFAIRS DIVISION, DEPARTMENT OF JUSTICE

Mr. HAWK. I have a very short statement which I would like to just summarize and have put in the record.

Mr. HAWK. First, let me introduce: On my immediate right is Mr. John Kane, Criminal Division, who is involved in the day-to-day operations of the Department.

On his right is Jim Wentzel who is with the Legislative Affairs Division of the Department.

I am pleased to appear here today to present the views of the Department of Justice concerning S. 1083.

By letter of April 19, 1973, to Chairman John L. McClellan, Subcommittee on Criminal Laws and Procedures, the Department expressed its opposition to S. 1083, and the proposed alternative language. As I will explain today, the Department adheres to these views. I will then be pleased to attempt to answer any questions which you may have.

The statement that I have prepared today supports that original determination.

When the 1970 explosive laws were drafted, the legitimate needs of sportsmen and commercial users were recognized. At that time there seemed to be a reasonable compromise between the interests of law enforcement and special "user" and "user-limited" permits were incorporated in the law in recognition of the needs of commercial users or sportsmen who would have to transport explosives interstate or buy large quantities of them. The law also specifically exempted black powder in quantities of 5 pounds or less from the requirements of the



law. The bill now before this committee proposes to exempt commercially manufactured black powder and the other enumerated explosives from the law.

The Department of Justice opposes these exemptions for several reasons. Aside from the fact that black powder is a relatively unsafe, low explosive which should be controlled like all other low explosives, there are legitimate law-enforcement purposes for controlling this particular substance.

As my colleague from the Department of the Treasury has indicated, his statistics suggest 18 percent of the bombings, in which the Bureau of Alcohol, Tobacco, and Firearms conducted investigations or assisted local police, involved bombs or explosive devices which contained black powder.

Thus, it appears that while black powder is popular among sportsmen it is also popular among those bent on destruction and criminal activity.

The existing Federal laws have given the Department of Justice a better capability to keep these explosives in the hands of legitimate users and to prosecute those who criminally misuse them. We can prosecute those who have assembled individual pipe bombs—which often contain less than 5 pounds of black powder—under the provisions of title XXVI, section 5961, which prohibits the unregistered possession of a destructive device. We can often prosecute those who have stolen black powder and other explosives or who are distributing it or assembling the component parts of the bombs for others under the provisions of title XVIII, sections 842 and 844.

The Department has found the existing laws regarding black powder, including the one we are talking about today, useful in preventing its criminal misuse.

Because the existing law contains recordkeeping and storage requirements, we are better able to keep these substances out of the hands of wrongdoers. We believe the Government's enforcement efforts have had a definite preventive effect.

We also believe the proposed amendment which would expand the exemption in the definition of destructive device to include a device which the possessor intends to use solely for recreational or cultural purposes is unnecessary. Under current law the definition of destructive device includes the requirement that the device must be designed as a weapon and that the law specifically provides that an individual may prove by way of affirmative defense that his unregistered device was not designed as a weapon. We believe this existing law poses no threat to legitimate users.

We appreciate the fact that present restrictions regarding black powder have caused some burden to persons who engage in recreational, cultural, or competitive activities using black powder. We do believe, however, that the present accommodations for such users are a reasonable compromise. The law entirely excepts the use of black powder in the amounts under 5 pounds. Further, these legitimate users may obtain greater amounts after first obtaining a low-cost user-limited permit.

The Congress, in enacting Public Law 91-452, stated that the purpose of title XI was not "to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the

acquisition, possession, storage, or use of explosive materials for industrial, mining, agricultural or other lawful purposes or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title. We believe that the present black powder restrictions are compatible with this stated purpose and that the minimal restrictions on lawful users are justified.

As we have stated black powder is often used by criminals and terrorists. While it is true that prosecutions are most often instituted in those cases under the destructive device law or other provisions, we believe the regulations concerning black powder to have a salutary effect. While illegal users in this substance are not completely prevented from acquisition of the material, absolutely free access to this dangerous explosive would, in our opinion, make more likely its destructive use.

In summary, as we stated in our written report, we are of the opinion that current law strikes the proper balance between the needs of law enforcement agencies and the needs of legitimate users of black powder. Accordingly, the Department is opposed to enactment of this legislation. I will now be pleased to try to answer any questions which you may have.

Senator BAYH. Thank you, Mr. Hawk.

I have read all the statements with a great deal of interest. To emphasize the concern I have about certain aspects of the statements, I will just go down point by point and ask some questions.

If you will bear with me, I will try to make our record complete.

Under section 842 of title 18, any person in the business of importing, manufacturing, or dealing in explosive materials must obtain a license in accordance with regulations prescribed by the Secretary of the Treasury.

Mr. Davis, beginning on page 5 of your testimony, you list the total numbers of licenses and permits issued for the fiscal years 1971, 1972, and 1973.

How many of these licensees are licensed to manufacture explosives?

Mr. DAVIS. We do not have these with us.

Senator BAYH. You can supply them for the record.

I would like to know how many are licensed to manufacture explosives, import explosives, and deal in explosives.

I would also like to know how many of these licensed manufacturers manufacture black powder; how many import black powder, and how many deal in black powder. I would like these figures for the record.

Mr. DAVIS. Yes, sir.

Senator BAYH. Since the effective date of chapter 40 of title 18, I would like to know how many licenses or permits have been revoked.

Sec. 843(d) of title 18 gives the Secretary the power to revoke licenses in chapter 40. Do you have that information available?

Mr. DAVIS. Yes, sir.

Senator BAYH. How many of these revocations have been based on violations involving black powder?

I think everybody on both sides of this issue wants to do whatever we can to prevent bombing and bombers from destroying society. But

we also want to make it as easy as possible for sportsmen to take advantage of wholesome, recreational activities.

I ask these questions to try to define just what we are talking about. Is it really necessary to have these restrictions on black powder? Are these restrictions effective in preventing bombings?

Does your Bureau, Mr. Davis, conduct spot checks of the records required to be maintained under chapter 40?

Mr. DAVIS. Yes, sir.

Senator BAYH. How do you determine which records to check? Do you do it in a random manner or after reported violations by a licensee or permittee?

Mr. DAVIS. We do it both ways. If we have a complaint about a particular licensee, why, certainly, we would respond to that. We would also make routine compliance checks to see if the records are being kept in accordance with regulations, and they would generally make a spot check of storage facilities.

Senator BAYH. How many spot checks were conducted in the past year?

You can supply this for the record if it is not available.

Mr. DAVIS. We have it available, and I think we have it in our statement.

Senator BAYH. I would like to know how many spot checks were conducted in the past year and how many have been conducted since the effective date of chapter 40 on February 12, 1971.

How many of these spot checks were of licensees? How many were of permittees? How many specifically involved licensees who import, manufacture, or deal in black powder? How many involved permittees who use black powder?

If you could provide that for us, we would appreciate it.

Mr. DAVIS. Under sec. 842(f), failure to keep the required records is punishable by a fine of \$10,000 or imprisonment of 2 years, or both.

Senator BAYH. I would like to know how many cases, based on sec. 842(f) violations, have been forwarded to the Justice Department since the effective date of chapter 40. How many of these cases involved black powder?

On page 2 of your testimony, Mr. Davis, you provide statistics reporting the number of criminal cases perfected and the number of persons arrested in fiscal years 1971, 1972, and 1973 under title XI of the Organized Crime Control Act.

Under what sections of title 18 were these cases brought? Do you know?

Mr. DAVIS. This would require a case-by-case review of those cases. It would be time consuming.

Senator BAYH. I think it is very relevant. I think these figures will show that removing the restrictions on black powder will not strip the Justice Department or your Bureau of the necessary tools to prosecute people who misuse black powder. To come forth with all these cases, violations, and prosecutions, and not define them specifically with regard to chapter 40, is, I think, irrelevant.

Mr. DAVIS. If I may explain, this was in response to the letter which asked for a comment on the general effectiveness of title XI of the Organized Crime Control Act of 1970.

Part of our statement was directed for the general effectiveness of the act and not toward, specifically, black powder.

Senator BAYH. But you do see, do you not, what I am after?

Mr. DAVIS. Oh, sure.

Senator BAYH. You are concerned and I am concerned about bombers. We need to look at the reliance that the ATF Bureau and the Justice Department place on these particular provisions which we are now attempting to modify.

Mr. DAVIS. Yes, sir.

Senator BAYH. I would also like to know how many of the criminal violations shown on page 2 of your testimony also involved violations of title II of the National Firearms Act, section 5861, title XXVI.

You mentioned that ATF does not keep statistics on the number of cases brought under Title XI which involved black powder.

I would like to know, without these statistics, how you can maintain that the restrictions on black powder are necessary law enforcement tools?

Mr. DAVIS. I would be happy to explain that.

Senator BAYH. Please do.

Mr. DAVIS. Well, again, I had hoped to use this in more or less a summary.

There are several reasons why we are essentially opposed to the bill, and some of these relates to safety and some to law enforcement.

I might get "safety" out of the way first, because enactment of this bill would permit persons to store unlimited amounts of black powder in any location they chose including residences. In other words if a person stored 50 pounds of black powder in his home, it would be equivalent to 25 pounds of TNT.

I assure you that it would not only wreck the home but more than likely the neighboring residences.

From the law enforcement standpoint, since black powder in excess of 5 pounds is not exempt under the act, it would mean, for example, if we have an undercover agent, informer, or otherwise learn of the storage of black powder for militant or criminal purposes, we can, on the basis of that information, obtain a search warrant, and from that warrant we can effect entry and seize the black powder improperly stored. We can also charge the occupants, assuming we can show that they did not have proper storage, with a misdemeanor under the provisions of the act.

If the bill under consideration was passed, we no longer could do that.

I think it is also important to note that a person under the proposed bill could travel interstate and obtain any quantity of black powder and thereby circumvent the laws of the State of residence.

Certainly, we think this is an important consideration. In fact, if there is a State law which affects the purchase and storage of black powder, a person could circumvent those laws by traveling interstate, which he cannot do at the present time.

Senator BAYH. You mean that by going interstate, you avoid the laws of the State in which you purchase or store?

Mr. DAVIS. Well, obviously, if you brought it back into the State, you would be subject to its storage laws. There are also States which restrict the acquisition of explosives like black powder. And, of course,

each State has its own laws. For example, some States will not permit a convicted felon to buy black powder.

Senator BAYH. As long as we are talking about interstate transportation, there is no law now that prohibits a person from going from State to State and buying 5 pounds of black powder.

Mr. DAVIS. I am talking in excess.

Senator BAYH. How much powder does it take to make a big explosion?

Mr. DAVIS. It depends on the size of the explosion you want to make.

Senator BAYH. Could you tell us, or supply for the record, the number of cases which the division has forwarded to the Justice Department for prosecution for violation of the storage provisions of the present act (sec. 842(j) of title 18)? How many cases involved black powder?

Mr. DAVIS. Black powder?

Senator BAYH. Black powder.

If this is a significant safety law enforcement tool, I am sure you keep records of the number of incidents.

Mr. DAVIS. In addition, I might point out that under the present law if a person purchases more than 5 pounds of black powder intrastate, he must fill out a Federal transaction record. If the present bill were enacted, then, he would no longer be required to do this.

Senator BAYH. What becomes of those records?

Mr. DAVIS. They are forwarded by the licensee to our regional office where they are examined to determine if there might be criminal misuse intended or if, in fact, the storage requirements may not be complied with.

Senator BAYH. Are they screened the same way the present records are for the purchase of ammunition and firearms?

Mr. DAVIS. No, sir. They are different, because in the case of the firearms transaction records, they are required to be maintained at the dealer's premises. When we do firearms compliance investigations we do screen them, but at the dealer's premises. There is, of course, no copy of such firearm record in our office.

Senator BAYH. As you know, some of the dealers are rather unhappy with me. I have yet to talk to a dealer—and I have talked to several—who has been screened.

Mr. DAVIS. Well, we have 155,000 dealers, and we have—

Senator BAYH. I have not talked to quite that many. I must say I have a good deal of sympathy with all these fellows who have to go through a lot of redtape. In what way are the records used to really catch somebody?

Mr. DAVIS. Well, we are moving into an area—all I can say is that we have made many cases which involved the dealer's records, not only cases that wound up for Federal prosecution—

Senator BAYH. Sort of after the fact, isn't it?

Mr. DAVIS. It would depend. We have prosecuted dealers for failure to keep records.

Senator BAYH. How many times and in how many specific cases where, by reviewing these records of black-powder transactions, have you been able to alert law enforcement agencies to the fact that something illegal was going on?

You testified that one important feature of title XI, section 842(h), makes the receipt, transportation, and concealment of stolen explosives a Federal violation.

I would like to know, for the record, of the 1,213 thefts of explosive materials you have investigated since August 1971, how many involved thefts of black powder?

How many cases involving the possession of stolen explosives which you testify you have made have been brought under section 842(h)? How many of these cases brought under section 842(h) involved possession of black powder?

You can supply these figures for the record.

Mr. DAVIS. I think that we are getting most of them.

Senator BAYH. On page 5 of your statement, you say that the 5-pound black powder limitation applies to amounts in the possession of a single individual.

You have heard testimony relative to the sportsmen's concern about transporting multiples of 5 pounds to a major meet. You say that the Department does not interpret this as being a violation—if you have 30 pounds of black powder in the trunk of a car containing six people, would they be required to comply with the storage requirements for more than 5 pounds of black powder?

Mr. DAVIS. No, sir; if it is being transported after a lawful acquisition. In this case, it would not be because they each had under 5 pounds.

The regulations relating to the movement of explosive materials provide: "All explosive materials must be kept in a storage facility meeting the standards described in this subsection," except explosive materials: "(d) being transported to a place of storage or use by a permittee or by a person who has lawfully acquired explosive material pursuant to section 181.126."

Senator BAYH. You mentioned the untrustworthiness of black powder. Are not gasoline and ammonium nitrate fertilizer, which are subject to a user intent exemption under regulation 181.141(i), also untrustworthy?

How do you distinguish between these materials and black powder?

Mr. DAVIS. I have already mentioned the ammonium nitrate and fuel oil combination. When it is mixed, it does become an explosive. There is no question about it.

Gasoline, of course, is an incendiary rather than an explosive, and it is generally used as such in Molotov cocktails or other types of explosives, which would be destructive devices under the Gun Control Act of 1968.

Mr. HAWK. As far as I know, the Department of Justice has not. I can go back and check it out; I cannot say at this time.

Senator BAYH. Is it reasonable to suggest it is a bit inconsistent?

Do you know of any organization such as the muzzle-loading groups and the historical groups that have been represented here that regularly require smokeless powder for sporting purposes?

Mr. DAVIS. I guess I do not understand your question Senator.

Senator BAYH. I am just trying to pursue the inconsistency here. We seem to have a limitation of 5 pounds on a commodity that is no more or less dangerous than another commodity. Yet, the commodity that has the restriction is used extensively by the citizens pursuing

a lawful purpose; whereas, the other commodity for which there is no exemption and no inconvenience has no such recognized purpose.

Mr. DAVIS. Yes, sir. Well, I might say that my understanding of smokeless powder is that it is extensively used throughout the United States relating to ammunition and components and would be used considerably more by sportsmen than black powder in terms of quantity.

Senator BAYH. Is it purchased in bulk?

Mr. DAVIS. Yes, sir.

Senator BAYH. For what? Loading cartridges, individually, and this kind of thing?

I would like to say, sir, in speaking of the untrustworthiness of black powder, we are speaking in terms of explosives. Dynamite, you can pound, you can drop, you can do a lot of things with it without it detonating. However, with black powder, we have some rather gruesome pictures of explosions in fireworks factories and black-powder explosions in fireworks factories caused by percussion. There are a number of ways that black powder can be ignited. And so this is the basis on which we say it is hazardous and explosive.

Senator BAYH. How about other kinds of powder?

Mr. DAVIS. Such as "smokeless"?

Senator BAYH. Yes.

Mr. DAVIS. Yes, it would be hazardous. I am going to rely on my expert for my information, but my understanding is that it would be about the same, yes.

Senator BAYH. Can you tell me the rationale for exempting smokeless powder and putting a 5-pound limit on black powder?

Mr. DAVIS. No, sir; I cannot.

Senator BAYH. Has the Bureau or the Department come forward with a recommendation that we impose a limitation on smokeless powder?

Mr. DAVIS. Speaking for the Treasury Department, it has not.

Mr. DAVIS. Yes, sir.

Senator BAYH. Now, I would like to deal with the inconsistencies in your data on bombings and the data supplied by the National Bomb Data Center. The study of bombings in the United States conducted by the National Bomb Data Center vary considerably from the figures which appear on page 11 of your testimony.

Can you tell me why your data show that 18 percent of the bombs that you have recorded during a 2-year period were black-powder bombs; whereas, a study conducted by the International Association of Chiefs of Police for the National Bomb Data Center show that only about 4 percent of the bombs that they investigated were black-powder bombs?

Are you investigating different bombings or using different criteria?

Mr. DAVIS. Obviously, there could be a difference in the accuracy of the source of the statistics. I, of course, am not in a position to comment on the way in which the National Bomb Data Center obtained their results. I am familiar with ours.

Senator BAYH. Do you coordinate with them? Do you question the reporting methods used by the National Bomb Data Center?

Mr. DAVIS. It is my understanding that we have recently started negotiations with the Federal Bureau of Investigation to introduce

our statistics on a cross-check. The statistics I quoted from the National Bomb Data Center have been interpreted in varying ways by witnesses before this committee.

For example, it was stated this morning in testimony that there was 154 out of, I believe, 3,000 incidents for the period of July of 1970 through June of 1971.

Now, when you look at those incidents for that period of time, it comes out that of those numbers, which was 36.5 percent, black powder was used in six of those incidents, or 13 percent. So there is a great deal of difference in the way you interpret the statistics.

Senator BAYH. You mean when a fellow throws a Molotov cocktail in a restaurant, it is considered a bomb?

Mr. DAVIS. Well, that depends on the way you want to interpret it. I am not saying that one is right and one is not right. Generally, you divide them into two categories: One is an "incendiary device," and one is an "explosive device." If you are talking about an explosive device, it is not one used to start fires.

Senator BAYH. When you say that one out of every five bombing incidents reported to ATF involves the use of black powder, do you exclude from the total of bombing incidents the throwing of a Molotov cocktail into a restaurant? That would not be included in the total?

Mr. DAVIS. They would not be included in it—

Senator BAYH. Even if you had 99 people injured in the incident?

Mr. DAVIS. Now, within the framework of our instructions, types of explosions included would be explosives-high, explosives-low, blasting agents, detonators, unknown.

Senator BAYH. Which categories do gasoline and ammonium nitrate fertilizers fit into?

Mr. DAVIS. Ammonium nitrate and fuel oil rather than gasoline would be a blasting agent.

Senator BAYH. But which category would they fit into? Explosive incidents or incendiary incidents?

Mr. DAVIS. That would be a blasting agent. It would be an explosive device, but it would not—

Senator BAYH. I am trying to break down your bomb figures.

So that we can get an accurate picture. What category would they go into?

Mr. DAVIS. In our statistics, it would go into "Other" category—in the statistics on page 11 of the statement. A blasting agent would be an explosive.

Senator BAYH. A blasting agent would be an explosive?

Mr. DAVIS. That is right.

Senator BAYH. How would gasoline be classified?

Mr. DAVIS. A gasoline bomb would be an incendiary incident and was not included in the "others" category on page 11 of my statement.

I might point out for the purpose of these statistics, we asked our agents only to report explosive incidences.

Senator BAYH. Do you have the capacity of determining the source of black powder in the bombs reported, whether it is commercially made or made by individuals in their own homes?

Mr. DAVIS. No, sir.

We ask our agents to report on the back side of this particular form a narrative description of the incident. It may be possible in some

instances to show whether it was homemade rather than commercial or vice versa, but I would say not as a general rule.

Senator BAYH. Does the Bureau recognize the ready availability and relative ease of manufacturing black powder?

Mr. DAVIS. Yes, sir.

Senator BAYH. Of the 100 bombs listed as 18 percent of all explosive bombs during the period of July 1, 1971, to June 30, 1972, how many of those bombs contained black powder in amounts of 5 pounds or less?

Mr. DAVIS. I do not know that our reports would show that.

Senator BAYH. Is that not a significant ingredient of the testimony opposing the removal of the exemption? If a significant percentage of those 100 bombs contained black powder which could have been purchased under the present restrictions, then, how would removal of the restrictions lessen that?

Mr. DAVIS. Well, only in the ways I have already described.

Senator BAYH. I do not think you have described it at all.

Mr. DAVIS. To the extent that the 5-pounds limitation would apply, then, of course, it would not affect it.

Senator BAYH. Is there any way you can find out what percentage of those 100 bombs contained quantities of black powder larger than 5 pounds?

Mr. DAVIS. It would be very difficult. We would have to go back through the figures, to each individual report, and based on inquiry to determine from many cases in which explosions had occurred. It would be very difficult to reconstruct and find out how much.

Senator BAYH. It would be very helpful if you could find out. If you had a 50-pound cap, this would be the same at 25 pounds of TNT. That caused tremors through the hearing room!

I suppose that the same experts could describe the dimensions of an explosion and tell you that there was close to 2½ pounds of TNT—

Mr. DAVIS. The problem, again, is that we have very few Mr. Dexters available, and there is not always that kind of expertise.

Senator BAYH. I am not being critical of Mr. Dexter or you, I am just trying to determine what your testimony says and what it does not say. I am not suggesting that you are trying to make it say more than it says or less than it says.

From what you said and from the way the records are kept, there is no way you can tell what percentage of those 100 bombs could have been excluded from the 5-pound limit?

Mr. DAVIS. Sir, that is correct.

Senator BAYH. In other words, it is entirely possible that all 100 of those bombs were made by somebody going in and buying a legal 5-pound supply of black powder?

Mr. DAVIS. Yes, sir, it is quite true.

We attempted to show here that the use of black powder was a preferred or commonly used ingredient of bombs.

Senator BAYH. What is acceptable as evidence without expert testimony that black powder will explode?

Mr. DAVIS. We are trying to show the incidents of use.

Senator BAYH. I know that, and what we are trying to do here, of course—without being facetious at all—is to try to find out just how effective this 5-pound limit is.

In other words, we really do not know the source of black powder for the any of 100 explosions in fiscal 1972 or 79 explosions in fiscal 1973. It could have been the regular 5 pounds legally purchased, or it could have been homemade 5 pounds.

Mr. DAVIS. Yes, sir.

Senator BAYH. I have some other questions which I will not belabor you with now; we would like to have these answers for the record.

Mr. Hawk, I have a series of questions here that relate to the number of prosecutions under various provisions of the statute.

Is it fair to assume that they might be beyond your capability of answering specifically now? Would it be helpful if I asked you to submit the answers for the record? Do you have categorized numbers?

Mr. Hawk. As I understand it, we do not have that information. We tried to obtain it in anticipation that you might ask such a question, and it is my understanding that the records of the U.S. courts do not define the prosecutions with regard to subsections of title XVIII, 842 and 844. So, I am not certain that we are going to be able to obtain that information for you.

Senator BAYH. Why don't we give you these questions, and then you can do the best you can.

Mr. Hawk. I will certainly try.

Senator BAYH. You are familiar with the fact that the courts and law enforcement officers have tools to keep people from blowing up communities and houses. I just want us to be as specific as we can in tying down the effectiveness for law and order and safety of these particular provisions.

Mr. Hawk. We would be happy to supply any information that we can.

Perhaps Mr. Kane has a few comments.

Mr. KANE. I could address a few comments that bear on the answer to that question.

First of all, to answer directly, we do have examples of title XI which involve black powder. Primarily, though, I would like to clear up one point discussed several times today, and that is prosecution under title XXVI versus prosecution under title XI, and what is the difference in those two laws.

Title XXVI allows us to prosecute the possession of unregistered destruction devices. Very often we catch people involved in criminal activities who have made black powder under 5 pounds or less. Often we catch these people with more than 5 pounds. If we do, title XXVI is available for prosecution.

Title XI of the Organized Crime Control Act has a different purpose. It was intended to increase the control over this substance along with others and to give us a greater prosecuting ability. We have better control and recordkeeping because of the storage requirements which are imposed on dealers and people who possess it, and also we have greater capability of prosecuting people in the incipient stages when they are making black powder, when they have stolen it or are in the process of distributing it to others.

Senator BAYH. Let me ask you this: I would like to have the number of cases, or whatever information you have, to show how many incidents you have had of people being caught just sitting on more than 5 pounds of black powder.

Mr. KANE. For example, if you were a maker of black powder you would be engaging in business or making it without a manufacturer-limited license. If someone has stolen it in large quantities and was redistributing it to others, we could prosecute—

Senator BAYH. Are we suggesting that the theft of black powder should become legal?

Mr. KANE. No, Senator. If the bill is passed, it can affect the law enforcement in two ways.

It loosens controls we have over people by making people identify themselves. It makes an exemption for people who use it for sporting purposes. Therefore, a lot of these unlawful users can claim they possess black powder for those legitimate purposes.

Senator BAYH. Is it legal or illegal now to make black powder at home?

Mr. KANE. It is illegal unless you have a permit.

Senator BAYH. What would be the status of the law if the amendment contained in S. 1083 took effect, relative to making black powder at home?

Mr. KANE. Well, if the exemption—if it exempts black powder, or if it is to be used for sporting purposes—

Senator BAYH. I am not too sure whether you are familiar with the measure that you are testifying about. S. 1083 says specifically "commercially manufactured black powder."

I interpret that as excluding the making of black powder at home, which is legal now in quantities of less than 5 pounds, and would be illegal for any amount if only commercially produced black powder is exempted.

Is that a reasonable interpretation?

Mr. KANE. That is subject to litigation; that is possible litigation.

Senator BAYH. Just how subject to litigation are the following words: "commercially manufactured black powder"? Isn't that rather specific?

Wouldn't litigation be rather foolish under that particular wording?

I do not want to be hard on you. If you really believe that this would make legal the home-manufacturing of black powder, all right. If you just do not realize that this wording says "commercially manufactured," I suggest that you—

Mr. KANE. Senator, I can testify that generally if this amendment were passed, it would loosen controls over those who possess it and store it.

Senator BAYH. I just want to make sure that we are testifying to facts, and I am sure that you want the record, relative to your testimony, to be confined to that, too.

So, what you said relative to home manufacture really is not accurate; is it?

Mr. KANE. Senator, I would say conceivably, although it would be difficult—

Mr. DAVIS. Senator, could I answer the question?

Senator BAYH. I would like an answer from Mr. Kane first.

Mr. KANE. One manufacturer would be distinguished from another—

Senator BAYH. In order to escape prosecution for the production of black powder is it necessary to have a permit or license? Can anybody go out of here and set up a black powder business?

Mr. KANE. Currently? I think that you can get a dealer's—

Senator BAYH. Pardon?

Mr. KANE. You need a license.

Senator BAYH. If you caught a character making it in the basement, couldn't you prosecute him under the statute now?

Mr. KANE. Yes, we can.

Senator BAYH. I have very little patience with somebody who accidentally makes a mistake and then will not admit it.

How can you say that the wording of this bill, tightens the arms of those of you are trying to protect our citizens?

Mr. KANE. Senator, all I was suggesting was that if somebody was making a large quantity of black powder and selling it, he could, conceivably, say he was doing this for profit and that he himself was not interested in bombing.

Senator BAYH. But in order to escape prosecution, wouldn't he have to show that he was engaged in the commercial production of black powder?

I think the answer is "Yes."

Mr. HAWK. Can we respond—maybe not to that one, but to the other questions—in a written fashion as best we can?

Senator BAYH. Yes, I wish you would.

I do not know how in the world you can make commercially manufactured black powder become home-manufactured black powder. Just saying that you are in the commercial business does not waive prosecution. If you are in the business of commercially producing black powder, then you have to do be able to prove it.

Mr. KANE. Senator, it seems to me that an exemption of commercially produced black powder from the requirements of all of these laws would also exempt one from having to have the required license.

Senator BAYH. Yes, sir.

I thank you very much.

[Mr. Davis' prepared statement is as follows:]

PREPARED STATEMENT OF REX D. DAVIS, DIRECTOR, THE DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Mr. Chairman and members of the committee, I am Rex D. Davis, Director of the Bureau of Alcohol, Tobacco and Firearms, Treasury Department. I am here in response to your request to give the views of the Treasury Department on S. 1083. Accompanying me today are Robert Dexter, Explosive Enforcement Analyst; Marvin J. Dessler from our Chief Counsel's Office.

The stated purpose of Congress in enacting Title XI of the Organized Crime Control Act of 1970 was to "reduce the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials."

The Bureau of ATF has enforced the regulatory provisions of Title XI from their inception on February 12, 1971. Let me emphasize our belief that as a whole the new explosives control law is an effective law enforcement tool. To illustrate, I would like to relate some statistics and other information on the type of cases generated and developed as a result of our activities since the effective date of the explosive law.

ATF criminal enforcement accomplishments in Title XI, The Organized Crime Control Act of 1970, Title 18 U.S. Code, which became effective (criminal portion) on November 15, 1970.

Fiscal year 1971:	69
Criminal cases perfected	67
Persons arrested	2,550
Explosives seized (pounds)	70
Explosives voluntarily surrendered to ATF (pounds)	
Fiscal year 1972:	265
Criminal cases perfected	280
Persons arrested	4,043
Explosives seized (pounds)	282
Explosives voluntarily surrendered to ATF (pounds)	
Fiscal year 1973:	168
Criminal cases perfected	251
Persons arrested	2,372
Explosives seized (pounds)	508
Explosives voluntarily surrendered to ATF (pounds)	

In addition to the above, ATF in enforcing the regulatory provisions of Title XI conducted explosive dealer application investigations, and compliance investigations in the following numbers by fiscal year:

Fiscal year 1971	5,251
Fiscal year 1972	5,011
Fiscal year 1973 (first three quarters)	1,774

The regulatory provisions of Title XI became effective on February 12, 1971, and involved the issuance of licenses to deal in explosives and/or permits for the interstate use of explosives. ATF investigates each applicant for either the license or permit to determine suitability for receipt of such license or permit.

The following data reflects by fiscal year the results of this regulatory function.

Fiscal year 1971 (February 12 through June):	950
Licenses issued	1,696
Permits issued	76
Licenses denied	138
Permits denied	
Fiscal year 1972:	2,291
Licenses issued	4,513
Permits issued	150
Licenses denied	230
Permits denied	
Fiscal year 1973 (first three quarters):	1,711
Licenses issued	2,449
Permits issued	19
Licenses denied	26
Permits denied	

One important feature of Title XI is section 842(h), making the receipt, concealment, transportation, shipment, storage, bartering, sale, or other disposition of stolen explosives a Federal violation. From August 1971 thru February 15, 1973, ATF agents have investigated 1,213 thefts of explosive materials. Many significant cases have been made regarding the possession of stolen explosives.

Attachment 1 contains summaries of some of these cases. In addition, Attachment 2 contains representative cases perfected under Title XI.

Although black powder is included within the Title XI definition of explosives, it is exempt from the controls of title XI in quantities not exceeding five pounds. This statutory exemption was included by the Congress in deference to sporting users of black powder. Under existing law, a person who purchases more than five pounds of black powder from a distributor in a state other than his state of residence, or who transports more than five pounds of black powder in interstate commerce, must obtain a Federal permit. However, where black powder is acquired intrastate, no Federal permit is required. A person engaged in the business of distributing black powder at wholesale or retail in amounts exceeding five pounds is required to be licensed as a dealer.

As mentioned above, a person may acquire black powder in quantities of up to five pounds per purchase and be totally exempt from all of the explosives purchase requirements. For example, if six people brought a black powder cannon to a shoot, each person could bring five pounds, for a total of thirty pounds to the meet. However, black powder in excess of five pounds must meet the storage requirements of the regulations, no matter how acquired, in order to comply with the Congressional intent of protecting lives and property by reducing unsafe and hazardous conditions of explosives storage.

Black powder is a mass detonating explosive most of which can be expected to explode virtually instantaneously when a small portion is subjected to fire, to severe concussion or impact, to the impulse of an initiating agent, or to the effect of a considerable discharge of energy from without. Such an explosion will normally cause severe structural damage to adjacent objects, or simultaneous detonation of other separated ammunition and explosive if it is stored sufficiently close to the initially exploding material. The untrustworthiness of black powder cannot be overemphasized. Its high degree of accidental explosive hazard is attributable to its great sensitivity to ignition by flame, incandescent particles or electric spark. The name black powder is a generic classification applied to low explosive materials which are an intimate mixture of sulfur, potassium nitrate and charcoal. It can also apply to mixtures utilizing bituminous coal instead of charcoal and sodium nitrate in place of potassium nitrate. Even though most safety men look upon black powder with disfavor, it is one of the oldest and most generally used explosive materials in commercial work. In 1860, 25 million pounds of blasting powder (black powder) were manufactured in the United States. Today, black powder accounts for only a small portion of the total explosives used in the United States. The current areas of black powder use are in military pyrotechnics, fireworks and in "sporting powder" used by shooting and gun enthusiasts.

Under Title XI black powder in amounts of five pounds or less is exempt from Federal regulation. On first analysis, this may lead to the conclusion that black powder in small quantities is less hazardous. This is not the case; for the danger of black powder is not inversely proportional to the quantity. Unregulated black powder represents a significant hazard to the public.

Thus, Title XI requires that all persons must store explosives only in facilities meeting Federal standards. Of course, the storage requirements do not apply to black powder in quantities not exceeding five pounds. Under the regulations implementing Title XI, black powder in quantities exceeding five pounds may be stored in a building, a tunnel, a dugout, a box, a trailer, or a semitrailer or other mobile facility which is resistant to fire, weather and theft. Such facilities may be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials (26 C.F.R. § 181.196). An indoor storage facility meeting the above specifications may contain up to fifty pounds of black powder, but must not be located in a residence or dwelling.

The Department's position is that the five pound exemption for black powder is more than adequate to meet the needs of most sporting users and that the regulations do not work an undue hardship on either the black powder sporting shooter or any other legitimate user of explosive materials. With respect to the sporting use of black powder, we believe the following figures demonstrate that the five pound exemption is not unduly restrictive.

#### SHOOTER'S STATISTICS

##### Rifles

Average number of grains per load, 80. Grains per pound powder, 7,000. Number of shots per pound, 88. Shots per 5 lb. supply, 440.

##### Cannons

Cannons require varying amounts of black powder depending on the model. These amounts start in the area of 4 ounces per load, which would amount to: 4 ounces per shot; 4 shots per pound; 20 shots per 5 lb. load.

Where sporting users desire to acquire black powder from out of state in quantities exceeding five pounds or transport black powder in quantities exceeding five pounds in interstate commerce, a user-limited permit may be obtained. Such a permit will be issued upon proper application and qualification. The fee for a user-limited permit is \$2.00 and the permit is valid for a single purchase transaction, with a new permit being required for a subsequent purchase. Where a user-limited permit does not meet the needs of a particular sport-

ing user, he may apply for a user permit, the fee for which is \$20.00 for the first year and \$10.00 for each annual renewal. The Bureau of ATF fully understands the concerns of the black powder users. Our agents have met with representatives of the sporting users of black powder, and attended shoots on numerous occasions to better understand and appreciate the problems of the black powder sporting shooter. In particular, in preparation for the National Muzzle Loading Rifle Association meet at Friendship, Indiana, in 1971, personnel in our Central Region assisted officers and members of the Association by explaining the law, regulations and storage requirements, completing applications for permits and expediting the issuance of these permits.

In recent years black powder has grown steadily scarcer on the market, and has increased in price. Many of the sporting users of black powder have blamed this scarcity and price rise on Title XI and its implementing regulations. However, those who are knowledgeable in the field will admit that black powder was becoming steadily scarce prior to the enactment of Title XI. In 1970, the DuPont Plant at Moosic, Pennsylvania, was the one remaining commercial manufacturer of black powder within the United States. After a fire and explosion at their plant on June 1, 1971, this company evaluated the cost of resuming commercial production of black powder and decided to restrict itself to military production only. It also appears that all of the companies which previously were in the business of manufacturing black powder ceased such production because of proprietary reasons and not because of Federal laws and regulations. Until April of this year, when the Gearhart Owens Corporation began manufacturing black powder, there had not been any black powder commercially manufactured in this country. Since DuPont discontinued its manufacture this scarcity has driven the price upward and may have an effect on future supplies. While the current manufacturing of Gearhart Owens is primarily to supply the military of the United States, that company advises that sporting black powder will become available sometime during the late summer of this year.

ATF does not keep statistics on the actual number of cases brought and convictions obtained under Title XI which involve black powder because such statistics have little or no impact in the law enforcement area. Further, since ATF responds to many requests from local authorities, many cases are ultimately prosecuted in State and local courts. Compiling statistics concerning these instances would be both time-consuming and meaningless. However, ATF has maintained statistics relative to bombing incidents and the type of explosive utilized. These statistics indicate the following:

<i>July 1, 1971 to June 30, 1972</i>	
Black Powder Bombs (18 percent) -----	100
Dynamite Bombs -----	171
Other -----	271
<b>Total -----</b>	<b>542</b>
<i>July 1, 1972 to May 31, 1973</i>	
Black Powder Bombs (18 percent) -----	79
Dynamite Bombs -----	141
Other -----	189
<b>Total -----</b>	<b>409</b>

These statistics show that 18% or about one out of every five bombing incidents reported to ATF involve the use of black powder. We consider ATF bomb statistics accurate because each incident report comes from our own special agents, making it unnecessary to depend on outside sources for statistics. As an example of how these statistics are compiled, each special agent who receives information on an incident involving explosives, completes a Form 4761, Explosives Investigation Report. (See Attachment 4) The purpose of the form is to give a statistical reflection of the type and frequency of explosive incidents in the United States.

The form is completed by our special agents and mailed to Bureau Headquarters in Washington. There it is received as a statistic and frequency of incidents are kept as numeric values. The above statistics on incidents were compiled by personnel at Bureau Headquarters by reviewing each Form 4761 which reflected an explosive for the year indicated. Only those incidents which showed that black

powder was used or suspected of being used were recorded in black powder category. The same was recorded for dynamite. All others of a questionable nature, which may have included black powder or dynamite, were placed in the "other" category.

Attachment 3 contains a brief description of some of the incidents involving the malicious use of black powder.

In summary, it is the Department's position that to exempt black powder from regulation when " . . . intended to be used solely for sporting purposes. . ." would contravene the stated purpose of Congress in enacting Title XI. In our opinion, such action would in fact increase the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials. Black powder is a commodity which may be used for constructive or destructive purposes according to the wishes of its possessor. However, we fail to see how black powder can be treated as an innocent substance by virtue of the intent of its possessor, which can only be known at the moment the substance itself is used. The underlying purpose of Title XI is to deny access to potentially destructive explosive materials by those persons who may use such materials for malicious purposes, and to reduce the hazards inherent in their storage. We would submit the existing five pound black powder exemption constitutes a fair and equitable accommodation of the sporting users of this particular explosive substance which at the same time does not seriously contravene the underlying objectives of Title XI.

Moreover, enactment of S. 1083 would undermine the effective enforcement of Title XI by depriving the Bureau of the ability of taking immediate action in those cases involving improper storage and possession of black powder intended for criminal purposes.

#### SUMMARY OF CASES INVOLVING STOLEN EXPLOSIVES

On August 17, 1972, in Knoxville, Ohio, three men were arrested by ATF and charged with Title XI violations. When arrested, the three admitted stealing explosives, then bombing a highway bridge, a marina, and a local meeting hall.

On July 10, 1972, ATF agents watched as three Hells Angels associates burglarized an explosives storage bunker in the Sacramento, California area. The heavily armed suspects were arrested in a safe area away from the bunker, in possession of five tons of dynamite, seventeen cases of primacord, and a large quantity of electric blasting caps taken from the bunker.

On March 20, 1973, near Santa Barbara, California, four suspects were arrested by ATF selling undercover agents 650 pounds of dynamite, 2000 feet of detonating cord, and other explosive materials. The explosives had been stolen on March 11, 1973, at Fontana, California.

On April 16, 1971, Alton Oglesby and Curtis Love were apprehended by ATF agents immediately after bombing the office of the Overland Trucking Co., Ocoee (Orlando), Florida. Oglesby and Love were convicted in U.S. District Court, Orlando, Florida, and sentenced to 18 years. Travis Whigham and James Willard Lush, members of the Teamsters Union, gave perjured testimony and were subsequently convicted and sentenced to three years' custody. The investigation continued as to Teamster officials' participation and on April 6, 1973, Herman Witt, a prominent Orlando resident and business manager of Local #385, Teamster Union, Orlando, Florida, along with Charles Bullard, was convicted for conspiracy in the bombing.

On January 2, 1973, a U.S. Marine Corps and U.S. Navy Recruiting Station in Portland, Oregon was damaged by explosives. On January 4, 1973, a U.S. Army Recruiting Station in Portland, Oregon was damaged by explosives. These two incidents were investigated by the FBI. On January 15, 1973, a federally licensed firearms dealer was held up at gun point and 53 firearms were stolen from him. On January 26, 1973, a federally insured Savings and Loan Company was held up. Subsequent investigation by ATF, FBI and local officers linked all of the above-mentioned incidents to a group known as the Northwest Liberation Front.

During the course of the investigation, a large quantity of explosives was recovered, along with electrical fusing systems and time delay mechanisms which closely resembled those used in the recruiting station bombings. In addition, documents were found which outline the gun store robbery, the bank robbery, a restaurant robbery, and a decree from the Northwest Liberation Front dealing with the bombing of police stations, government buildings and recruiting stations.



The U.S. Attorney authorized the arrest of three members of the group for firearms violations. The FBI was authorized to arrest two individuals on bank robbery charges. One of the defendants made a statement implicating himself and four others, including a professor at Portland State University in the bombing of recruiting station.

Prosecution of these cases is pending.

A theft of explosives occurred on the evening of April 23, 1972, from a coal company in Johns Creek, Kentucky. Thirteen cases of dynamite and a case of electric blasting caps were stolen. The explosives were transported to Cleveland, Ohio and were offered for sale on the underground market.

ATF entered this investigation as a result of a reported theft of explosives. Our investigation resulted in the arrest of seven defendants. The investigation further disclosed information indicating the explosives were intended for use in connection with at least one homicide and the dynamite was being offered for sale to persons with alleged militant connections.

The case was brought to the United States Attorney, and all seven defendants were indicted. Six of the seven defendants were convicted and sentenced to a combination of confinement and probation.

In Michigan, two men were arrested when they attempted to sell stolen dynamite and blasting caps to undercover agents. Our investigation disclosed that the dynamite had been stolen in West Virginia. In Missouri, two bombings were solved with the arrest of four men charged with stealing explosives from a hardware store. These men stole the dynamite, manufactured the bombs and set them off. In Texas, we developed a conspiracy case against a group of militants who planned to steal explosives and blow up public utilities.

#### SUMMARY OF REPRESENTATIVE CASES INVOLVING THE REGULATION OF EXPLOSIVES

In August 1970 Omaha Police officers responded to a call indicating a woman was screaming for help in an abandoned house. All seven officers entered the house, stepping over a suitcase lying just inside the front door. Subsequently, one officer either kicked or moved the suitcase, which detonated, killing him instantly, and injuring the other six officers.

ATF agents immediately responded on a call for assistance from the Omaha Police Department. The scene search was conducted jointly. Perhaps the best piece of evidence recovered was a small copper wire which was blown through a window into the basement of the house next door. Subsequent investigation developed prime suspects as members of the militant National Committee to Combat Facism, an offshoot of a national based militant organization. A search warrant was executed on the residence of one of the leaders of this Omaha group, which resulted in recovery of additional dynamite, blasting caps, and a pair of wire cutters. Another suspect was eventually picked up, and a confession obtained from him, directly linking two other members of the group to the bombing murder.

ATF laboratory personnel examined the physical evidence from the scene. Their most important discovery was that the small copper wire had been cut by the wire cutters recovered from one suspect's house.

Trial was held in State Court, and two defendants were convicted and sentenced to life imprisonment. The third party involved, who had turned state's witness, is currently incarcerated in a State Reformatory until he is 21 years old. He pleaded guilty at age 16 to first degree murder charges.

On November 3, 1972, two members of the Jewish Defense League were sentenced to prison by the U.S. District Court in N.Y. for conspiring to make pipe bombs to blow up the Soviet Mission in Glen Cove, N.Y.

During July 1972 Joseph F. Bauer and Clarence W. Cunningham manufactured several homemade bombs and attempted to induce an undercover agent to kill a local truck driver with the bombs. On August 25, 1972, Bauer and Cunningham were convicted in U.S. District Court, New Mexico for the unlawful possession of the bombs and each received ten year prison sentences.

On February 2, 1971, Mrs. Fern Bolding, a schoolteacher, was killed in a bombing of a 1970 Chevrolet pickup truck in Bristow, Oklahoma. The truck was completely demolished. Fragments of the corpse were visible on the side of the victim's residence, the rooftop and in several of the neighboring yards. The head and thorax were found approximately 98 feet from the point of the blast.

After an extensive investigation by ATF special agents Garland "Rex" Brinlee, Jr., a well known underworld figure in Eastern Oklahoma was arrested and

convicted of murder in Oklahoma State Court in 1972. Brinlee was sentenced to life imprisonment.

In April 1973 Brinlee was tried and convicted for the bombing in Federal Court and sentenced to 12 more years.

#### SUMMARY OF REPRESENTATIVE CASES INVOLVING BLACK POWDER

Following is a brief description of some incidents involving the malicious use of black powder.

On June 17, 1971, ATF special agents executed a federal search warrant at a residence on 85th street, Brooklyn, N.Y., and seized three bombs containing a total of eight pounds of black powder. Three men, ages 49, 22 and 21 years, were arrested. Case is presently pending in U.S. District Court, Eastern Judicial District, N.Y.

During October 1971, ATF special agents, working in undercover capacities, purchased an illegal automatic machine gun and two (2) 25 pound cans of black powder, and electrical detonating caps from two men in Altus, Oklahoma.

On November 15, the defendants were arrested and an additional ten (10) firearms and high explosive detonating cord were seized.

On March 22, 1971, both men were convicted in Federal court in Western Judicial District of Oklahoma and each was sentenced to a \$500.00 fine and 2 years probationary sentence.

On March 29, 1971, a State search warrant was executed at the residence of a previously convicted felon. A homemade, glass bottle bomb, 4½" in height, and 1½" wide, filled with black powder and having metal flooring nails secured by tape to the exterior surface was seized. Two firearms and a small quantity of ammunition were also seized.

Defendant was found guilty on all counts, and sentenced to five years probation.

On May 19, 1972, an explosive device was detonated in a wall locker at the West Carteret High School, Carteret County, North Carolina. Black powder was a part of the bomb.

On June 3, 1972, a state search warrant was executed at the residence of one of the suspects. Thirty-five pounds of chemicals, including a small quantity of black powder, were seized.

Further investigation resulted in the arrest and conviction of three defendants. The two adults received sentences of 20 years imprisonment; and 5 years imprisonment under the Youth Correction Act, respectively. The juvenile was sentenced to a maximum of ten years as a youthful offender; suspended for five years and placed on probation five years, fined \$500.00.

On November 11, 1972, five Jasper, Tennessee youths were making a pipe bomb with black powder when it detonated. Three of the boys received serious injuries, and all were hospitalized.

On January 6, 1973, a 15 year old boy made a pipe bomb using black powder. The bomb detonated, seriously injuring his right hand. He had obtained the black powder from another youth who kept it on hand for his muzzle loading rifle.

On January 7, 1973, Dayton, Ohio Police officers seized two black powder pipe bombs from a man who stated he liked to experiment with explosives. An additional 20 pounds of black powder was seized from his residence.

On March 14, 1973, the Hamburg, N.Y. Police Department received a call from a woman who stated there was a box on the porch of the flat below her attached by a wire to a door. A police sergeant and a private citizen were investigating when the device exploded. The sergeant lost one hand, three fingers on the other hand, a leg, and received serious internal injuries. The citizen lost one hand and also received serious internal injuries. The New York State Police laboratory determined the bomb was constructed of black powder.

On April 29, 1973, a pipe bomb was thrown through the window of 2182 E. Cumberland St., Philadelphia, Pennsylvania (American Nazi Headquarters). The bomb was a piece of galvanized pipe containing black powder. It did not detonate.

On May 29, 1973, two men made a pipe bomb from black powder in Upper Deerfield Township, New Jersey. Later that night, the device detonated in a vehicle occupied by the two men, causing critical injuries to one and serious injuries to the other.

On January 21, 1972, a 14 year old high school student at Pinesville, Kentucky, had in his possession two home made bombs utilizing black powder at Bell County High School, Pinesville.

He was arrested by special agents, ATF and information was filed by U.S. Attorney, Eastern Judicial District, Kentucky. Prosecution was deferred and he was freed on one year probation and court ordered observation.

On January 19, 20, and 21, 1972, two high school students, aged 16 and 17 exploded home made black powder bombs. One bomb was detonated inside Eastern High School, Jefferson County, Kentucky. A second and third bombs were detonated the following day in the same school building.

Both defendants were arrested by special agents, ATF and were tried in Juvenile Court, Louisville, Kentucky on February 14, 1972. Each was sentenced to 1 year probation in custody of their parents.

[Subsequent material supplied for the record was marked "Exhibit No. 12 and 13" and is as follows:]

## EXHIBIT NO. 12

JUNE 19, 1973.

Mr. REX DAVIS,  
Director, Bureau of Alcohol, Tobacco, and Firearms, Department of Treasury,  
Washington, D.C.

DEAR Mr. DAVIS: On behalf of the members of the Senate Judiciary Committee, I would like to take this opportunity to express my sincere appreciation for your appearance before us on June 12, 1973. Your testimony on the proposed legislation, S. 1083, a bill to exempt commercially produced black powder from the regulatory provisions of Title XI of the Organized Crime Control Act of 1970, is a valuable contribution to our efforts to learn more about the impact of the black powder restrictions.

Enclosed is the transcript of your remarks at the Committee hearing. Please make all corrections in red ink directly onto the transcript attached. Kindly return the transcript within ONE WEEK to the Senate Subcommittee to Investigate Juvenile Delinquency, Room 302 Senate Annex, Washington, D.C. 20510, Attn: Mathea Falco.

In addition to responding to questions raised in the course of your testimony, I would appreciate receiving your written responses to the questions set forth below no later than June 28, 1973. These questions and your responses will be included in the final printed copy of the hearings.

1. Under Section 842 of Title 18, any person in the business of importing, manufacturing or dealing in explosive materials must obtain a license in accordance with regulations prescribed by the Secretary of the Treasury. Beginning on page 3 of your statement, you provide the total numbers of licenses and permits issued for Fiscal years 1971, 1972, and 1973.

- (a) How many of these licensees are licensed to manufacture explosives?  
How many are licensed to import explosives?  
How many are licensed to deal in explosives?
- (b) How many of these licensed manufacturers manufacture black powder?  
How many import black powder?  
How many deal in black powder?

(c) How many permits have been issued to users of black powder?  
2. Since the effective date of Chapter 40 of Title 18 (February 12, 1971), how many licenses or permits have been revoked?

How many of these revocations have been based on violations involving black powder?  
Of this total, how many licenses were revoked How many permits?

Can you tell us the specific reasons for these revocations?  
3. How many spot checks of the records required to be maintained under Chapter 40 were conducted in the past year? How many spot checks have been conducted since the effective date of the regulatory provisions of Chapter 40 (February 12, 1971)?

How many of these spot checks were of licensees?  
How many were of permittees  
How many specifically involved licensees who import, manufacture, or deal in black powder?  
How many involved permittees who use black powder?

4. Under Section 842(f), failure to keep the required records is punishable by a fine of \$10,000 or imprisonment for 10 years, or both.

How many cases based on violations of Section 842(f) has your Division forwarded to the Justice Department since the effective date of Chapter 40 (February 12, 1971)?

How many of these cases involved black powder?

5. In your prepared testimony, you provided statistics regarding the number of criminal cases perfected and the number of persons arrested for Fiscal Years 1971, 1972, and 1973 under Title XI of the Organized Crime Control Act.

How many of these cases and arrests involved black powder?

Under what sections of Title 18 were each of these cases involving black powder brought?

How many of these black powder cases were brought only for violations of the regulatory provisions of Chapter 40?

How many of these black powder cases were brought only for violations of the criminal misuse provisions of Section 844(d)-(i)?

How many of these black powder cases also involved violations of Title II of the National Firearms Act (Section 5861 of Title 26)?

6. You testified that one important feature of Title XI is Section 842(h), making the receipt, concealment, and transportation of stolen explosives a Federal violation.

Of the 1,213 thefts of explosive materials you have investigated since August 1971, how many involved thefts of black powder?

How many cases "regarding the possession of stolen explosives," which you testify that you have made, have been brought under Section 842(h)?

How many of the cases brought under Section 842(h) involved black powder?

7. Under Section 842(j) of Title 18, failure to store explosive materials in a manner not in conformity with regulations promulgated by the Secretary is punishable by a fine of \$1,000 or imprisonment for one year, or both.

How many cases involving violations of the storage requirements has your Division forwarded to the Justice Department since the effective date of Section 842(j) (February 12, 1971)?

How many of these storage violations cases involved black powder?

8. How many times and in what specific cases have you been able to alert law enforcement agencies of illegal activities involving black powder by reviewing records of transactions in black powder in amounts greater than five pounds?

9. On page 5 of your prepared statement, you indicate that the five pound black powder limitation applies to the amount in the possession of a single individual. At our June 12, hearings, you heard the testimony of the representatives of muzzle loading organizations which attested to their confusion about the interpretation of the five pound limit.

Would six people travelling in the same car to a meet be allowed to carry a total of 30 pounds of black powder with them?

Would they be required to comply with the storage requirements applicable to black powder in amounts greater than five pounds?

10. On page 11 of your prepared testimony, you provided statistics relative to the number of bombing incidents for Fiscal Years 1972 and 1973. These statistics vary considerably from those supplied by the National Bomb Data Center study which was conducted from July 1970 through February 1972 by the International Association of Chiefs of Police. This study was based on newspaper reports of bombings and field reports from law enforcement personnel, including FBI and ATF agents. According to their reports, during the period July 1, 1971-February 28, 1972 a total of 66 black powder bombs were reported out of a total of 1,634 bombs, or about 4.04%. The LAGP has informed me that data regarding black powder bombs for the remaining four months of Fiscal 1972 are not available. Furthermore, I understand that the FBI took over the contract for the National Bomb Data Center study in Fiscal 1973. Their official reports do not break down bombs by types of explosive filler, particularly black powder.

Why do your figures differ substantially from those supplied by the National Bomb Data Center?

Doesn't the Center have access to the field reports of your agents?

Are your percentages, shown on page 11, based on the total number of explosive bombs reported by your agents?

What about the total of all types of bombs, including incendiary devices?

Have you included all bombs reported, including those which never detonated?

What percentage of all bombs reported in Fiscal years 1972 and 1973, including explosive and incendiary bombs and bombs which never detonated, did black powder bombs comprise?

Based on the answers to the above questions, how accurate is your statement that "one out of every five bombing incidents reported to ATF involve the use of black powder?"

11. Of the 100 black powder bombs which you report for Fiscal Year 1972 and the 79 black powder bombs which you report for Fiscal Year 1973, how many contained black powder in amounts of five pounds or less?

12. Your testimony stated that "ATF does not keep statistics on the actual number of cases brought and convictions obtained under Title XI which involve black powder because such statistics have little or no impact in the law enforcement area.

Without these statistics, how can you maintain that the regulatory restrictions on black powder are a necessary law enforcement tool?

What other hard data, if any, do you have to substantiate your position?

13. As you know, S. 1088 does not propose the removal of all restrictions on black powder under Section 844, nor does it exempt black powder from the Department of Transportation Regulations issued pursuant to Section 834 of Title 18. Neither does S. 1088 affect in any way Title II of the National Firearms Act. State laws regarding the possession, purchase, storage, and use of black powder would also be unaffected by S. 1088.

Why are those regulations not adequate to protect the public safety?

14. Attachment No. 1 to your prepared testimony describes about a dozen cases "involving stolen explosives."

How many of these cases involved black powder?  
How many of these black powder cases involved violations of Section 842(h) of Title 18?

Of those black powder cases involving violations of Section 842(h), how many were also brought under other provisions of law?

Please enumerate these other provisions.

15. Attachment No. 2 to your prepared testimony presents a summary of representative cases involving the regulation of explosives.  
How many of these cases involved black powder?  
For violations of what provisions of law were these cases involving black powder forwarded to the Justice Department?

16. Attachment No. 3 to your prepared testimony presents a summary of representative cases involving black powder.  
For violations of what provisions of law were these cases forwarded to the Justice Department?

Thank you for your assistance.

Sincerely,

BIRCH BAYH, U.S. Senator.

Enclosure.

EXHIBIT NO. 13

DEPARTMENT OF THE TREASURY,  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,  
Washington, D.C., June 28, 1973.

HON. BIRCH BAYH,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR BAYH: This is in response to your request of June 19, 1973, asking certain questions concerning black powder in furtherance of S. 1088. I am also enclosing a copy of my statement which I have read and marked as you requested. The numbers below correspond to the numbered questions in your letter.

1. Under Section 842 of Title 18, any person in the business of importing, manufacturing or dealing in explosive materials must obtain a license in accordance with regulations prescribed by the Secretary of the Treasury. Beginning on Page 3 of your statement, you provide the total numbers of licenses and permits issued for Fiscal years 1971, 1972, and 1973.

A. How many of these licensees are licensed to manufacture explosives?  
There are 537 licensees for manufacturing explosives.

How many are licensed to import explosives?  
See asterisk at conclusion of report regarding licensees for importing explosives.

How many are licensed to deal in explosives?

All explosives manufacturers are permitted to deal in explosives from their manufacturing premises without obtaining an additional dealer's license.

B. How many of these licensed manufacturers manufacture black powder?  
To our knowledge only one of these licensees manufactures black powder, but all could manufacture black powder, if they so choose.

How many import black powder?

See asterisk at conclusion of report for response to how many licensees import black powder.

How many deal in black powder?

No statistics are kept of those who deal in black powder.

C. How many permits have been issued to users of black powder?

See asterisk at conclusion of report for response to this question.

2. Since the effective date of Chapter 40 of Title 18 (February 12, 1971), how many licenses or permits have been revoked?

There have been no revocations of licenses and permits; however, all new applicants for licenses and permits are visited and their storage facilities are examined prior to the issuance of a license or permit.

How many of these revocations have been based on violations involving black powder?

None.

Of this total, how many licenses were revoked? How many permits?

None.

Can you tell us the specific reasons for these revocations?

There were no revocations; however, in fiscal year, 1972, there were 150 licenses and 230 permits denied. Improper storage facilities and unqualified applicants were the specific reasons for most of these denials.

3. How many spot checks of the records required to be maintained under Chapter 40 were conducted in the past year? How many spot checks have been conducted since the effective date of the regulatory provisions of Chapter 40 (February 12, 1971)?

There were 1,141 spot checks from July 1, 1972 to April of 1973, and 4,072 since February 12, 1971.

How many of these spot checks were of licensees?

No specific statistics are kept on the spot checks of licensees, but the ratio is approximately two permittees to each licensee.

How many were of permittees?

See above response for how many were of permittees.

How many specifically involved licensees who import, manufacture or deal in black powder?

See asterisk at conclusion of report.

How many involved permittees use black powder?

See asterisk at conclusion of report.

4. Under Section 842(f), failure to keep the required records is punishable by a fine of \$10,000 or imprisonment for 10 years, or both.

How many cases based on violations of Section 842(f) has your Division forwarded to the Justice Department since the effective date of Chapter 40 (February 12, 1971)?

See asterisk at conclusion of report.

How many of these cases involved black powder?

See asterisk at conclusion of report.

5. In your prepared testimony, you provided statistics regarding the number of criminal cases perfected and the number of persons arrested for Fiscal years, 1971, 1972 and 1973 under Title XI of the Organized Crime Control Act.

How many of these cases and arrests involved black powder?

See asterisk at conclusion of report.

Under what Sections of Title 18 were each of these cases involving black powder brought?

See asterisk at conclusion of report.

How many of these black powder cases were brought *only* for violations of the regulatory provisions of Chapter 40?

See asterisk at conclusion of report.

How many of these black powder cases were brought *only* for violations of the criminal misuse provisions of Section 844(d)-(1)?

See asterisk at conclusion of report.

How many of these black powder cases also involved violations of Title II of the National Firearms Act (Section 5861 of Title 26)?

See asterisk at conclusion of report.

6. You testified that one important feature of Title XI is Section 842(h), making the receipt, concealment, and transportation of stolen explosives a Federal violation.

Of the 1,213 thefts of explosive materials you have investigated since August, 1971, how many involved thefts of black powder?

These statistics are not subdivided; however, from May 6, 1972 to May of 1973 there were nine significant incidents involving the theft of 981 pounds of black powder.

How many cases "regarding the possession of stolen explosives," which you testify that you have made, have been brought under Section 842(h)?

See asterisk at conclusion of report.

How many of the cases brought under Section 842(h) involved black powder?

See asterisk at conclusion of report.

7. Under Section 842(j) of Title 18, failure to store explosive materials in a manner not in conformity with regulations promulgated by the Secretary is punishable by a fine of \$1,000 or imprisonment for one year, or both.

How many cases involving violations of the storage requirements has your Division forwarded to the Justice Department since the effective date of Section 842(j) (February 12, 1971)?

See asterisk at conclusion of report.

How many of these storage violations cases involved black powder?

See asterisk at conclusion of report.

8. How many times, and in what specific cases have you been able to alert law enforcement agencies of illegal activities involving black powder by reviewing records of transactions in black powder in amounts greater than five pounds?

None. The Bureau of ATF is a law enforcement agency, and, as such, is authorized and capable of taking appropriate action when illegal activities are uncovered through records checks.

9. On Page 5 of your prepared statement, you indicate that the five pound black powder limitation applies to the amount in the possession of a single individual. At our June 12 hearings, you heard the testimony of the representatives of muzzle loading organizations which attested to their confusion about the interpretation of the five pound limit.

Would six people travelling in the same car to a meet be allowed to carry a total of thirty pounds of black powder with them?

Yes, six people travelling in the same car to a meet would be allowed to carry a total of thirty pounds of black powder with them.

The statutory and regulatory exemptions of five pounds of black powder has been interpreted by ATF as applying to the individual, as indicated on Page 5 of my June 12, 1973 statement before your Committee.

Would they be required to comply with the storage requirements applicable to black powder in amounts greater than five pounds?

If each person had possession of his five pounds or less after arriving at the meet, he would not be required to meet the storage requirements, however, individuals in possession of five pounds or more would be required to meet the storage requirements, after the meet is over.

10. On Page 11 of your prepared testimony, you provided statistics relative to the number of bombing incidents for Fiscal years, 1972 and 1973. These statistics vary considerably from those supplied by the National Bomb Data Center study which was conducted from July, 1970 through February, 1972 by the International Association of Chiefs of Police. This study was based on newspaper reports of bombings and field reports from law enforcement personnel, including FBI and ATF agents. According to their reports, during the period July 1, 1971-February 28, 1972, a total of 66 black powder bombs were reported out of a total of 1,634 bombs, or about 4.04%. The IACP has informed me that data regarding black powder bombs for the remaining four months of Fiscal, 1972 are not available. Furthermore, I understand that the FBI took over the contract for the National Bomb Data Center study in Fiscal, 1973. Their official reports do not break down bombs by types of explosive filler, particularly black powder.

Why; do your figures differ substantially from those supplied by the National Bomb Data Center?

Our bombing statistics differ from those of the National Bomb Data Center (NBDC) figures quoted by you for several reasons.

The NBDC is a statistics gathering agency which depends upon newspaper reports, and upon law enforcement agency reports whose participation up to July 1, 1972 was limited to members of the International Association of Chiefs of Police.

NBDC has no black powder bomb statistics available for March 1, 1972 through June 30, 1972, as you point out in your inquiry. ATF is not, and has not been a participant in the NBDC reporting system. ATF is a law enforcement agency, whose statistics represent participation in a bombing incident investigation by our own special agents, and ATF special agents are specially trained in the explosives area, enabling them to be more skilled in identifying components of bombing devices.

Doesn't the Center have access to the field reports of your agents?

See answer above.

Are your percentages, shown on Page 11, based on the total number of explosive bombs reported by your agents?

These totals do not include incendiary bombs.

What about the total of all types of bombs, including incendiary devices?

See answer above.

Have you included all bombs reported, including those which never detonated? Undetonated bombs are included in the totals.

What percentage of all bombs reported in Fiscal years, 1972 and 1973, including explosive and incendiary bombs and bombs which never detonated, did black powder bombs comprise?

ATF statistics on Page 11 of our statement do not include incendiary bombs, but do include both detonated and undetonated bombs in the summary. No estimate is included in the number of black powder bombs which conceivably are a part of the "other" category.

Based on the answers to the above questions, how accurate is your statement that "one out of every five bombing incidents reported to ATF involve the use of black powder"?

11. Of the 100 black powder bombs which you report for Fiscal year 1972, and the 79 black powder bombs which you report for Fiscal year 1973, how many contained black powder in amounts of five pounds or less?

A complete record search would be required to determine whether any of our reported black powder bombs contained more than five pounds of black powder, but we concede that probably none of them did. However, it should be noted that this Bureau is not in favor of the existing five-pound exemption, which is a statutory exemption rather than an ATF concession.

12. Your testimony stated that "ATF does not keep statistics on the actual number of cases brought and convictions obtained under Title XI which involve black powder because such statistics have little or no impact in the law enforcement area".

Without these statistics, how can you maintain that the regulatory restrictions on black powder are a necessary law enforcement tool?

Our determination that black powder should remain under control as a necessary enforcement tool is based on several factors. It is our experience that bombers ordinarily use an inexpensive, readily available explosive material. The Committee hearing emphasizes the scarcity of black powder, and even NBDC statistics show better than 4% of all kinds of bombs contain black powder. We believe that relaxed controls coupled with the anticipated increase in black powder supplies will cause a rise in the number of bombs containing black powder. Additionally, a lack of statutory controls will present serious safety and storage problems.

What other hard data, if any, do you have to substantiate your position?

See asterisk at conclusion of report.

13. As you know, S. 1083 does not propose the removal of all restrictions on black powder. It does not affect the criminal penalties for criminal misuse of black powder under Section 844, nor does it exempt black powder from the Department of Transportation Regulations issued pursuant to Section 834 of Title 18. Neither does S. 1083 affect, in any way, Title II of the National Firearms Act. State laws regarding the possession, purchase, storage, and use of black powder would also be unaffected by S. 1083.

Why are these regulations not adequate to protect the public safety?

State and local laws in some jurisdictions are adequate to safeguard the public from the misuse or unsafe and insecure storage of black powder. However, this is not uniformly true. In addition, the storage requirement provisions aid ATF as a law enforcement tool when other Federal violations are known or suspected to exist.

14. Attachment No. 1 to your prepared testimony describes about a dozen cases "involving stolen explosives".

How many of these cases involved black powder?

Attachment No. 1 includes two incidents in which black powder had been stolen. However, the first two attachments were not specifically intended to show the utilization of black powder, but were intended to indicate a cross-section of successful prosecutions under T-XI. This information was provided in direct response to your inquiry dated June 1, a copy of which is enclosed.

It is interesting to note that the 1972 NBDC Bomb Summary issued by the FBI includes two outstanding bombing incidents against the law enforcement community for each month of the year. Of the 24 cases highlighted for the year, five involved the use of black powder bombs, or about 20%.

How many of these black powder cases involved violations of Section 842(h) of Title 18?

See asterisk at conclusion of report.

Of those black powder cases involving violations of Section 842(h), how many were also brought under other provisions of law?

See asterisk at conclusion of this report.

15. Attachment No. 2 to your prepared testimony presents a summary of representative cases involving the regulation of explosives.

How many of these cases involved black powder?

As explained in response to your question No. 14, the four representative cases were selected to show the effectiveness of Title XI enforcement. None of the four cases were selected because of the type bomb filler used. These cases did not include black powder.

For violations of what provisions of law were these cases involving black powder forwarded to the Justice Department.

See answer above.

16. Attachment No. 3 to your prepared testimony presents a summary of representative cases involving black powder.

For violations of what provisions of law were these cases forwarded to the Justice Department?

Most of the cases cited in Attachment No. 3 involve black powder pipe bombs manufactured by juveniles, involved school buildings, and were either presented in State Court or no charges were filed at all. ATF includes Title XI violations where applicable in drawing charges for presentation to the appropriate U.S. Attorney.

\* This paragraph is in response to a number of preceding questions to which the following is equally pertinent. ATF is involved in both the regulatory and enforcement areas concerning explosive materials. While certain statistics are the natural consequence of maintaining these functions, there are many more which may be generated, but do not have a meaningful impact upon effective enforcement. While it is impractical to extract the statistics you have requested at this time, we are pleased to say that we are in the process of becoming computerized, and will, in the near future, be able to comply with requests such as yours.

The following is a summary of the Bureau of ATF's views and position concerning the black powder exemption proposed in S. 1083. Under the circumstances, we feel that the Bill, at best, is premature. The scarcity of black powder is conceded by all parties involved, yet, ATF is put in the unenviable position of defending the regulation of black powder while being asked, at the same time, to justify our position by providing supporting statistics showing that black powder has been a problem. We call your attention to the last page of Attachment No. 3 of my original statement, which reproduces an article by Sportswriter George Huber, taken from the October 3, 1971 Edition of the Washington Star. Mr. Huber accurately describes the true reasons for the shortage of black powder. Removal of black powder from regulation, as proposed by S. 1083, will also place the burden of establishing intended use of the powder on the Government in connection with criminal investigations, as well as allow the possible indiscriminate storage of black powder in homes and dwelling places, presenting a threat to the safety of the public.

Finally, we do not feel that compliance with the current explosives regulations works an undue hardship on the sporting user of black powder. Other users of explosives, as well as the manufacturers of explosives, have been happy to comply with the regulations and have been most cooperative.

We, therefore, respectfully request that favorable consideration not be given to passage of Bill S. 1083.

Sincerely yours,

REX D. DAVIS

Attachments.

[From the Sunday Star, Oct. 5, 1971]

SHORTAGE OF BLACK POWDER

(By George Huber)

You never know when the next crisis will come in sports. Now there's a shortage of black powder.

Not important, you might say, when consumption of the stuff in this country runs only to about 200,000 pounds a year. Why, they must shoot up that much smokeless powder in one week of trapshooting at the Grand American, maybe in one day.

But there are those who must have black powder, and their number is growing. With the Revolutionary War bicentennial coming up—and it will last eight years—they're liable to double the consumption of black powder.

#### MANY IN USE

Black powder is what the gun buffs shoot in their ancient weapons or reproductions thereof, the pre-Revolution muskets, flintlocks, old Kentucky rifles, Civil War weapons, even down through the Spanish American War. Muzzle loaders have to have it if they are to do things right.

There's a growing breed of outdoorsmen who use these old weapons, or copies, both for target shooting and actual hunting. There are a couple of clubs in the area with sizeable memberships that hold regular shoots, and in both Maryland and Virginia there will be special areas set aside for a few days during the deer hunting season for muzzle loading hunters.

This is to say nothing of those history buffs who go around dressed in costumes of the period, shooting off their firearms in re-enactments of battles—the North-South Skirmishers, various Revolutionary regiments, etc.

You think this isn't a country of black powder shooters? Black powder is so well established on the American shooting scene that those figures on your shotgun shells telling the weight of powder—say "1½ drams" for example—really don't mean that there are 1½ drams of the smokeless powder used nowadays in there. It means there is enough smokeless to give the same shot velocity that 1½ drams of black powder would give.

The reason we are running out of black powder is that it no longer is made in this country. An explosion wrecked the last place it was made. DuPont plant at Moosic, Pa. This was an old facility, long depreciated on the books, that more or less was turning out the stuff as a favor to sportsmen.

The DuPont people figured it would cost a quarter-million to build again, and decided against it. Thus a company that got its start nearly two centuries ago by making black powder had gone on to nylon and other things.

The last DuPont distribution of black powder was made in midsummer, and there is no more. Gun buffs able to get some of this are torn between two desires—to shoot it up as needed, or save it as a collector's item. Cans of DuPont black powder are sure to end up in museums or in private exhibits.

#### STUFF FOR MUSEUMS

The end of an era. No more black powder in a country that won four or five wars with it, opened up the West, killed off most of the buffalo.

Where is black powder to come from now? There's a plant in Scotland—Nobel Imperial Chemical—that makes a product of good quality, and it is being imported here under the brand name of Curtis & Harvey.

It is in very short supply for several reasons. They haven't revved up the manufacture to supply the entire American and Canadian market, and import and distributions regulations are complicated and tough under a law passed last year to curb bomb making by militants.

An importer needs all sorts of permits, and there are only a few ports through which powder may enter. Also, transportation and storage rules are stringent, and it must be admitted there is good reason. Black powder is a little more touchy than smokeless. It all hardly seems worthwhile to a businessman, and those that go to all the trouble either are doing it for a friend or as a goodwill gesture. At that the price is going to go up to \$4 a pound.

How much powder does a man need? Well, a careful shooter can get 60-70 rounds from a pound, so the price—if it's \$4— isn't going to be too prohibitive. But those buffs who shoot off ancient cannons are in trouble. They use up a half-pound or even a pound at one time. They do get a lot of smoke, though.

[From the American Rifleman]

#### BLACKPOWDER PLANT BACK IN BUSINESS

AMERICAN blackpowder shooters, who have been without U.S.-made powder since an explosion damaged Du Pont's blackpowder plant in Moosic, Pa., in 1971, will soon be able to buy domestic powder again.

Du Pont's plant has been bought by Gearhart-Owen Industries, Inc., of Fort Worth, Tex., which has resumed the production of the familiar sporting blackpowder for civilian consumption.

Du Pont, recently the only producer of sporting blackpowder in the U.S. discontinued production of the sporting powder after the explosion at the plant. The facility was restored to fulfill a military contract for blackpowder, which expired in March, 1973.

But Du Pont, which began its business existence by manufacturing blackpowder 171 years ago, wanted to get out of the blackpowder business; so the company asked the Federal government to negotiate a new contract with another company, and Du Pont would sell the plant to the successful bidder for a fixed price. Several interested companies submitted proposals for operating the plant. Gearhart-Owen was selected, and bought the plant.

Terms of the three-year contract call for one million pounds of blackpowder per year to be produced for the military, and allow the plant to produce 1½ million pounds per year for civilian consumption.

The new owner will resume the full line of sporting powder produced at the plant by Du Pont. It will be marketed in the same one-pound cans formerly used, but under the name Gearhart-Owen, with the Symbol GOI. There have been no charges in the plant or the plant staffing.

"The powder is produced by exactly the same techniques and exactly the same personnel that have been producing in that plant since 1912," said Dale Lamb, Vice President and Treasurer of Gearhart-Owen Industries. "I think it's important that people realize they're getting Du Pont powder, just under a different brand name."

Gearhart-Owen and its subsidiary companies deal mostly with services and equipment for producing oil and electrical energy. Blackpowder is used widely in the oil industry, and the company operates a military ordnance assembly plant near Fort Worth.

At press time—the company was still working out details of distribution, but Lamb said sporting powder should be available in many parts of the country by July.

#### NOTICE

Promotional literature issued earlier this year to the NRA membership contained an artist's concept of the U.S. flag, the NRA flag and a Minute Man. To some who received this literature, it appeared that the NRA flag was placed by mistake above the U.S. flag. The NRA flag was intended to appear as being in the background, and therefore should have been smaller, not larger than the U.S. flag. Certainly no slight to the U.S. flag was intended.

[Mr. Hawk's prepared statement is as follows:]

PREPARED STATEMENT OF MALCOLM D. HAWK, ACTING ASSOCIATE DEPUTY ATTORNEY GENERAL

Mr. Chairman and Members of the Committee, I am pleased to appear here today to present the views of the Department of Justice concerning S. 1083.

This bill would amend the current Federal laws relating to explosives by exempting black powder and certain igniters used in antique weapons or devices from the licensing and permit provisions of Title XI of the Organized Crime Control Act of 1970 (P.L. 91-452). I will also comment upon the proposed revised language which you forwarded, Mr. Chairman. The revised language would expand the exemption in the definition of "destructive device" to include a device which the possessor intends to use solely for recreational or cultural purposes.

I have with me today Mr. John Kane, an attorney of our Criminal Division. Mr. Kane is involved in the day to day problems relating to enforcement of the Federal laws relating to explosives.

By letter of April 19, 1973 to Chairman John L. McClellan, Subcommittee on Criminal Laws and Procedures, the Department expressed its opposition to S. 1083 and the proposed alternative language. As I will explain today, the Department adheres to these views. I will then be pleased to attempt to answer any questions which you may have.

In 1970 Congress enacted a comprehensive regulatory scheme to control the channels of commerce of explosives. These regulations were designed to assist the states in controlling explosives within their own border.

Specifically, this law required that interstate purchases be made through dealers and that all dealers obtain certain information and request identification from purchasers of explosives. Storage requirements were placed on explosives in an attempt to improve safety and to control theft of explosives, which would then be used for criminal purposes. The law also prohibited making bomb threats, carrying explosives interstate to commit a crime, possessing explosives in a Government building, destroying or attempting to destroy property owned by the United States or a facility of interstate commerce and certain other acts.

When the explosive laws were drafted, the legitimate needs of sportsmen and commercial users were recognized. Special "user" and "user-limited" permits were incorporated in the law in recognition of the needs of commercial users or sportsmen who would have to transport explosives interstate or buy large quantities of them. The law also specifically exempted black powder in quantities of five pounds or less from the requirements of the law. The bill now before the Committee proposes to exempt black powder and the other enumerated explosives from the law.

The Department of Justice opposes these exemptions for several reasons. Aside from the fact that black powder is a relatively unsafe, low explosive which should be controlled like all other low explosives, there are legitimate law enforcement purposes for controlling this particular substance. According to information provided to us by the Bureau of Alcohol, Tobacco and Firearms eighteen (18) percent of the bomb incidents in which they conducted an investigation or assisted local police involved bombs or explosive devices which contained black powder. Thus, it appears that while black powder is popular among sportsmen it is also popular among those bent on destruction and criminal activity.

The existing Federal laws have given the Department of Justice a better capability to keep these explosives in the hands of legitimate users and to prosecute those who criminally misuse them. We can prosecute those who have assembled individual pipe bombs—which often contain less than five pounds of black powder—under the provisions of Title 26, Section 5861, which prohibits the unregistered possession of a destructive device. We can often prosecute those who have stolen black powder and other explosives or who are distributing it or assembling the component parts of the bombs for others under the provisions of Title 18, Sections 842, and 844.

The Department has found the existing laws regarding black powder useful in preventing its criminal misuse. One of the main purposes of Title XI is to keep black powder and other explosives in the hands of legitimate users and out of the hands of criminals. The Department of Justice believes that these regulatory laws are useful in this regard.

Because the existing law contains record keeping and storage requirements, we are better able to keep these substances out of the hands of wrongdoers. We believe the Government's enforcement efforts have had a definite preventive effect.

We also believe the proposed amendment which would expand the exemption in the definition of destructive device to include a device which the possessor intends to use solely for recreational or cultural purposes is unnecessary. Under

current law the definition of destructive device includes the requirement that the device must be designed as a weapon and the law specifically provides that an individual may prove by way of affirmative defense that his unregistered device was not designed as a weapon. We believe this existing law poses no threat to legitimate users.

We appreciate the fact that present restrictions regarding black powder have caused some burden to persons who engage in recreational, cultural or competitive activities using black powder. We do believe, however, that the present accommodations for such users are a reasonable compromise. The law entirely excepts the use of black powder in the amounts under five pounds. Further, these legitimate users may obtain greater amounts after first obtaining a low cost user-limited permit. The Congress, in enacting P.L. 91-452, stated that the purpose of Title XI was not "to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, storage, or use of explosive materials for industrial, mining, agricultural or other lawful purposes, or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title." We believe that the present black powder restrictions are compatible with this stated purpose and that the minimal restrictions on lawful users are justified.

As we have stated, black powder is often used by criminals and terrorists. While it is true, that prosecutions are most often instituted in those cases under the destructive device law or other provisions, we believe the regulations concerning black powder to have a salutary effect. While illegal users of this substance are not completely prevented from acquisition of the material, absolutely free access to this dangerous explosive would, in our opinion, make more likely its destructive use.

In summary, as we stated in our written report, we are of the opinion that current law strikes the proper balance between needs of law enforcement agencies and the needs of legitimate users of black powder. Accordingly, the Department is opposed to enactment of this legislation. I will now be pleased to try to answer any questions which you may have.

[Subsequent material supplied for the record was marked "Exhibit No. 14 and 15" and is as follows:]

EXHIBIT NO. 14

JUNE 18, 1973.

MR. MALCOLM HAWK,  
Acting Director, Office of Criminal Justice,  
Department of Justice,  
Washington, D.C.

DEAR MR. HAWK: On behalf of the members of the Senate Judiciary Committee, I would like to take this opportunity to express my sincere appreciation for your appearance before us on June 12, 1973. Your testimony on the proposed legislation, S. 1083, a bill to exempt commercially produced black powder from the regulatory provisions of Title XI of the Organized Crime Control Act of 1970, is a valuable contribution to our efforts to learn more about the impact of the black powder restrictions.

Enclosed is the transcript of your remarks at the Committee hearing. Please make all corrections in red ink directly onto the transcript attached. Kindly return the transcript within ONE WEEK to the Senate Subcommittee to Investigate Juvenile Delinquency, Room 302 Senate Annex, Washington, D.C. 20510, Attn: Mathea Falco.

In addition to responding to questions raised in the course of your testimony, I would appreciate receiving your written responses to the questions set forth below no later than June 28, 1973. These questions and your responses will be included in the final printed copy of the hearings.

1. In your prepared testimony on S. 1083, you cite information provided by the Alcohol, Tobacco and Firearms Division of the Treasury Department regarding the percentage of bomb incidents involving black powder. This percentage, and the statistics on which it is based, differ considerably from those supplied by the National Bomb Data Center study which was conducted from July 1970 through February 1972 by the International Association of Chiefs of Police. According to their reports, during the period July 1, 1971-February 28, 1972, a

total of 66 black powder bombs were reported out of a total of 1,634 bombs, or about 4.04%. The IAOP has informed me that data regarding black powder bombs for the remaining four months of Fiscal 1972 are not available. Furthermore, I understand that the FBI took over the contract for the National Bomb Data Center study in Fiscal 1973. Their official reports do not break down bombs by types of explosive filler, particularly black powder.

Why have you relied on figures supplied by ATF rather than on those reported by the National Bomb Data Center?

Why have you not used the bomb data gathered for Fiscal 1973 by the FBI?

What coordination, if any, is there between the FBI, which is within the Department of Justice, and the ATF regarding the collection of bomb data?

2. In your prepared testimony, you state that "we can often prosecute those who have stolen black powder and other explosives or who are distributing it or assembling the component parts of the bombs for others under the provisions of Title 18, Sections 842, and 844."

How many cases involving violation of Section 842(h) of Title 18 have been brought by your Department since the effective date of that provisions?

How many convictions obtained?

How many of these cases brought involved black powder?

How many of these convictions?

Of the prosecutions and convictions for violations of Section 842(h) involving black powder, how many also involved violations of Section 844(d)-(1)?

How many also involved violations of Title II of the National Firearms Act (Section 5861 of Title 26)?

3. You testified that the regulatory laws governing black powder in amounts greater than five pounds are useful in keeping black powder "out of the hands of criminals." You also testified that "while illegal users of this substance [black powder] are not completely prevented from acquisition of the material, absolutely free access to this dangerous explosive would, in our opinion, make more likely its destructive use."

The National Bomb Data Center study which was conducted by the International Association of Chiefs of Police reported that during the eight month period (July 1, 1970-February 28, 1971) preceding the effective date of the regulatory provisions of Chapter 40, 50 black powder bombs were recorded out of a total 1,261 bombs. For the eight month period following the effective date of Chapter 40 (March 1, 1971-November 30, 1971), 71 black powder bombs were reported out of a total 1,918 bombs.

In light of these statistics, how can you maintain that the Chapter 40 regulatory provisions have been effective in keeping black powder out of the hands of criminals and in reducing the incidence of its destructive, criminal misuse?

4. Under Section 842(f) of Title 18, failure to keep the required records is punishable by a fine of \$10,000 or imprisonment for 10 years, or both.

How many cases involving violations of Section 842(f) has your Department prosecuted since the effective date of Chapter 40 (February 12, 1971)?

How many convictions have been obtained?

How many of these prosecutions involved black powder?

How many of these convictions?

5. Under Section 842(j) of Title 18, failure to store explosive materials in a manner not in conformity with regulations promulgated by the Secretary is punishable by a fine of \$1,000 or imprisonment for one year, or both.

How many cases involving violations of the storage requirements has your Department prosecuted since February 12, 1971?

How many convictions have been obtained?

How many of these prosecutions have involved black powder?

How many of these convictions?

6. How many of the black powder cases involving violations of the regulatory requirements of Chapter 40 did not also involve violations of Section 844(d)-(1) which prescribe severe penalties for the criminal misuse of explosives?

7. In your Department's report to Senator McClellan, Chairman of the Subcommittee on Criminal Laws and Procedures, to which S. 1083 was referred, you state that "bombs consisting of a lead pipe filled with black powder have been used in a large number of bombings."

How many of these lead pipe black powder bombs were recorded in the United States in 1972?

How many have been reported in 1973?

How many cases involving black powder bombs have been prosecuted solely under Chapter 40 of Title 18 since its effective date on February 12, 1971?

How many convictions have been obtained?  
 How many have been prosecuted under Title II of the National Firearms Act (Section 5861 of Title 26)?

How many convictions have been obtained?  
 8. Your testimony stated that "Because the existing law contains record keeping and storage requirements, we are better able to keep these substances out of the hands of wrongdoers. We believe the Government's enforcement efforts have had a definite preventive effect."

What statistical evidence do you have to substantiate this claim?  
 9. You testified that "the proposed amendment which would expand the exemption in the definition of destructive device to include a device which the possessor intends to use solely for recreational or cultural purposes is unnecessary. Under current law the definition of destructive device includes the requirement that the device must be designed as a weapon and the law specifically provides that an individual may prove by way of affirmative defense that his unregistered device was not designed as a weapon."

Under your interpretation of the law, what would be the status of cannons, originally designed as weapons, which are used for cultural and recreational purposes, such as group competitions and symphonic performances?

10. Has the Department of Justice ever recommended that a quantity limitation, similar to that imposed on black powder, be imposed on smokeless powder?  
 Thank you for your assistance.

Sincerely,

BIRCH RAYH, U.S. Senator.

EXHIBIT NO. 15

DEPARTMENT OF JUSTICE,  
 Washington, D.C., July 2, 1973.

Ms. MATHEA K. FALCO,  
 Staff Director and Chief Counsel, Subcommittee on Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR Ms. FALCO: Attached are the responses to the questions forwarded with Mr. Hawk's transcript of his testimony on June 12, 1973.

Sincerely,

HUGH M. DURHAM,  
 Chief, Legislative and Legal Section.

Enclosure.

1. As our testimony indicated, the Bureau of Alcohol, Tobacco and Firearms reports reveal that eighteen percent (18%) of the bombing incidents in which they conducted an investigation or assisted local police involved the use of black powder. This information, we understand, is based directly on bomb incident reports filed by field agents. It represents the total cases which they have investigated. While this percentage of incidents involving black powder differs from the percentage found by the IACP, it is considered pertinent and relevant.

We also queried the FBI, who keep statistics on all bombing incidents, including those investigated by local police. They report that in 1972, 2,613 devices were used in connection with 1,962 bombing incidents. Forty one percent (41%) or 1,075 were explosive in nature, while fifty nine percent (59%) or 1,538 were incendiary in nature.

We have been informed that although the 1972 Bomb Summary Report published by the FBI does not contain the figures on the nature of bombing devices, that in the future this data will be made available in the published summaries. We are attaching the Bomb Summary Report of the FBI for 1972.

We have worked very closely with both the FBI and the ATF in enforcement of the explosives laws and both of these agencies have supplied a great deal of detailed analyses of the threat of bombing in the United States. We have not attempted any specific coordination regarding collection of bomb data.

On June 18, 1973, the FBI announced the most recent information on bombing attacks. Unfortunately, for the purposes of your inquiry, the report does not reflect a black powder break down.

2. With regard to your question on how many prosecutions under Sections 842 and 844 have been brought for cases involving black powder, unfortunately this information is not readily available. Neither our own statistics nor the statistics compiled by the Administrative Office of the United States Courts

have concerned themselves with the nature of the device or bomb which was the subject of the indictment. Further, neither the Administrative Office of the United States Courts nor our Department keep statistics on either the explosives laws or the firearms laws by statutory subsection.

The data available does indicate that sections 842 and 844 prosecutions are running at a level of approximately 500 cases per year.

Although we do not have the precise figure of prosecutions for the possession of stolen explosives in violation of Section 842(h), the attachment to the testimony of the Bureau of Alcohol, Tobacco and Firearms contains a representative sample of the cases which we have investigated under that statute. Some of those cases involved the use of black powder. We are also aware that the ATF keeps records of major thefts of explosives, and has a list of several major thefts of black powder. Those cases can be prosecuted in the United States Courts if successfully investigated.

3. You questioned our statement that absolutely free access to black powder would, in our opinion, make more likely the destructive use of this substance. The information which we have cited above on the theft of black powder from commercial distributorships and manufacturing plants and the data on the use of black powder in bombs and other devices would indicate that this substance is used by a significant number of those bent on criminal acts. We have no way of citing statistics on how many criminal acts may have been prevented because of the restrictive acquisition requirements and the storage requirements on black powder. We believe that lifting those restrictions would inevitably increase, not decrease, the use of black powder by those bent on its criminal misuse.

4. We do not have precise statistics on Section 842(f) which requires recordkeeping information as it relates to black powder. This provision has been enforced under both the firearms laws and the explosive laws, and dealers are regularly checked. We believe the existence of this statute with regard to the manufacturers and distributors of black powder increases their accountability and responsibility in handling this substance, since failure to keep records and require identification is a criminal act.

5. Likewise, we have also prosecuted violations under Section 842(j) (failure to store explosive materials in a manner not in conformity with regulations), but do not have a statistical total. The statement from the Bureau of Alcohol, Tobacco and Firearms enumerated illustrative cases under this subsection.

6. Again we do not have specific statistics. It has been our experience that often explosives violations under 844(d)-(i) also involve violations under Section 842. We have prosecuted cases under the regulatory provisions of Section 842 in instances where the individual has not yet criminally misused the explosive.

7. We do not have specific statistics on the number of times lead pipe black powder bombs were used.

In Fiscal Year 1972 approximately 1,200 indictments were brought under Title II. In Fiscal Year 1973 there were approximately 1,300 indictments. While we do not have statistics on which of those were lead pipe bombs, figures from the investigative agencies would lead us to believe that 100 of 200 of these cases involved pipe bombs. The conviction rate was approximately 70%.

8. We do believe that the recordkeeping requirements which now exist concerning black powder and other explosives help us to prevent and detect the criminal misuse of these explosives. The recordkeeping provisions and their requirements for designating individuals from manufacturers and distributors who handle this material, we believe, has a deterrent effect upon the theft of this substance. The number of prosecutions and investigations conducted by the Federal Government since the enactment of the incendiary and explosive laws we also believe has probably had a deterrent effect on those who would misuse explosives and has enable us to prosecute many of those who have done so. We do not have any statistical evidence to substantiate this claim.

9. We do not believe that the present laws propose a threat of prosecution to legitimate sportsmen, such as cannoneers and musket loaders, who use this material. The intention of the destructive device laws is clear that black powder must first be used as or designed for use in a weapon. Antique cannons which are used for cultural and recreational purposes are not used as weapons. Furthermore, they are not explosive or incendiary bombs as defined under that statutory section. We know of no instance in which a cannoneer or user of such a cannon for cultural and recreational purposes has been criminally prosecuted for such activity.

10. The Department has not recommended that smokeless powder be limited.



# BOMB SUMMARY

A COMPREHENSIVE REPORT OF INCIDENTS  
INVOLVING EXPLOSIVE AND INCENDIARY  
DEVICES IN THE NATION -- 1972

FBI UNIFORM CRIME REPORTS



## INTRODUCTION

The nature and magnitude of bombing incidents that became known to the FBI during calendar year, 1972, furnish an indication as to the social attitudes existing in our country -- particularly, as evidenced by the anarchial and disruptive activities of certain elements in our society.

Actual and attempted bombings are crimes of violence regardless of the basic motive -- duress, fear, hate, injury, death, and/or the destruction of property.

We have endeavored to present the data concerning bombing incidents in a format which will be of value to the criminal justice community and others concerned with effectively combatting these ruthless and cowardly acts.

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BOMB SUMMARY  
UNIFORM CRIME REPORTS  
FEDERAL BUREAU OF INVESTIGATION  
NATIONAL BOMB DATA CENTER  
1972

SUMMARY

TOTAL NUMBER OF BOMBING INCIDENTS	--	<u>1,962</u>	
ACTUAL BOMBINGS - <u>1,507</u>		ATTEMPTED BOMBINGS - <u>455</u>	
Explosive	<u>714</u>	Explosive	<u>237</u>
Incendiary	793	Incendiary	218
	*		*

Two thousand six hundred thirteen devices were used in connection with the 1,962 bombing incidents. Forty-one percent or 1,075 were explosive in nature, while 59 percent or 1,538 were incendiary.

Twenty-five deaths and 176 injuries were reported to have occurred as a result of bombing incidents. The total value of property damaged due to bombings was \$7,991,815.

Forty-three percent of all bombing matters occurred in cities over 250,000 population. California led the Nation in number of incidents with 545 or 28 percent of the total. The Western Region experienced 776 or 40 percent of the 1,962 bombing incidents.

Seventy-eight percent of all bombings occurred between 6:01 p.m. and 6:00 a.m. Forty-three percent or 842 incidents occurred between 6:01 p.m. and midnight, and 35 percent or 686 occurred between 12:01 a.m. and 6:00 a.m.

The distribution of bombing incidents by day of the week was relatively even. Wednesday showed the highest frequency of occurrence with 302 incidents while Sunday was lowest with 263.

\* \* \*

The highest number of bombing incidents occurred during January with 199, followed by 197 incidents in July.

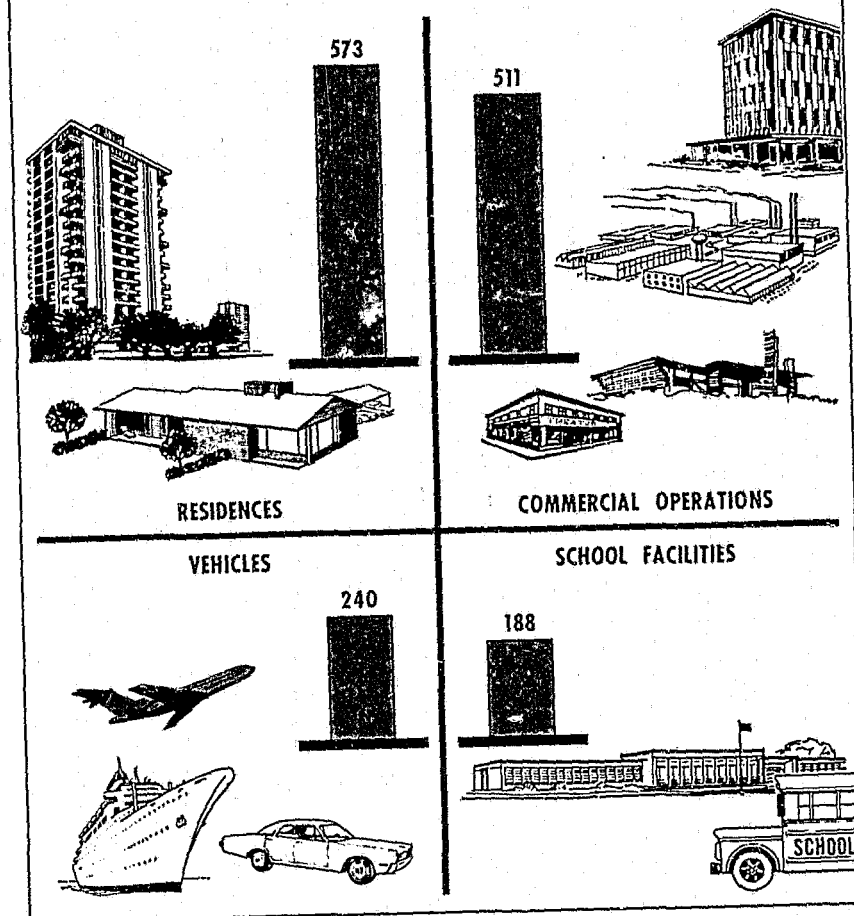
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The most common targets were residences with 573 attacks and commercial operations with 511 attacks. The combined total for these targets accounted for 55 percent of the bombing attacks.

## BOMBING INCIDENTS BY TARGET

Targets	Total Actual and Attempted Bombings	Actual		Attempt		Property Damage (Dollar Value)	Personal Injury	Death
		Explo.	Incend.	Explo.	Incend.			
<b>TOTAL</b>	<b>1,962</b>	<b>714</b>	<b>793</b>	<b>237</b>	<b>218</b>	<b>7,991,815</b>	<b>176</b>	<b>25</b>
Residences.....	573							
Apartment House	62	17	35	3	7	119,728	23	1
Private Residence	488	130	281	30	47	298,307	34	6
Other Private Property	23	13	3	4	3	2,020	.....	.....
Commercial Operations.....	511							
Commercial Building	410	160	177	46	37	2,460,063	18	2
Industrial Building	27	13	8	3	3	117,595	.....	.....
Motel and Hotel	11	6	1	.....	4	482,252	4	.....
Office Building	67	26	18	7	6	570,085	17	1
Theater	6	3	2	.....	1	5,000	.....	.....
Vehicles.....	240							
Auto	183	82	52	27	22	319,334	25	7
Other Vehicle	51	24	14	9	4	390,404	4	2
Aircraft	6	2	1	2	1	2,023,200	.....	.....
School Facilities.....	188	80	65	26	17	99,475	6	.....
Utilities.....	21							
Power Facilities	15	7	.....	6	2	220,918	.....	.....
Other Public Utilities	6	5	1	.....	.....	14,100	.....	.....
Public Buildings.....	34							
Church	17	4	8	2	3	5,510	.....	.....
Court House	8	4	1	1	2	286,683	.....	.....
Hospital and Health Facilities	4	1	1	1	1	50	.....	.....
Post Office	5	2	1	1	1	325	1	.....
News Media.....	1	.....	1	.....	.....	10	.....	.....
Other Communication Facilities.....	27							
Radio	3	2	1	.....	.....	77,000	.....	.....
Telephone	24	16	7	1	.....	5,337	1	.....
Persons.....	17	11	1	5	.....	2,100	14	3
Military.....	63							
Military Facilities	36	6	12	6	9	142,249	.....	.....
ROTC or Reserve	21	1	14	3	3	34,154	.....	.....
National Guard	7	1	3	1	2	200	.....	.....
Selective Service.....	2	.....	.....	1	1	25	.....	.....
Public Safety.....	60							
Fire Department	4	4	.....	.....	.....	10	.....	.....
Law Enforcement	56	14	14	13	15	122,986	6	2
Other Government Property.....	25	8	5	7	5	109,345	.....	.....
Transportation.....	24	11	5	7	1	33,354	.....	.....
Open Area.....	113	37	46	12	18	3,640	10	.....
Recreational Facilities.....	27	14	8	4	1	18,441	11	1
Other.....	36	18	7	9	2	27,905	2	.....

### BOMBING INCIDENTS By Target

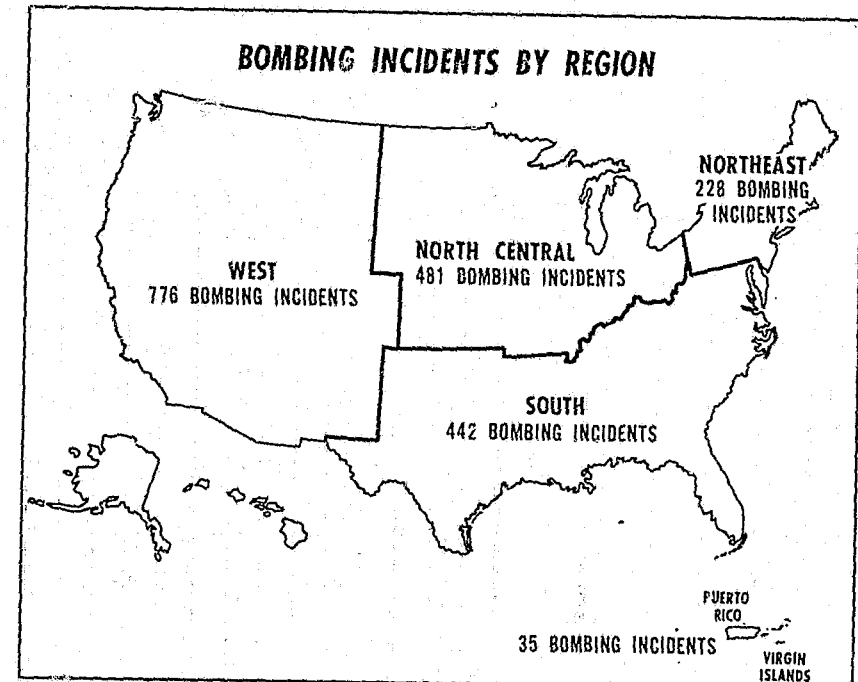


### BOMBING INCIDENTS BY REGION, GEOGRAPHIC DIVISION, AND STATE

Area	Total Actual and Attempted Bombings	Actual		Attempt		Property Damage (Dollar Value)	Personal Injury	Death
		Explo.	Incend.	Explo.	Incend.			
<b>TOTAL</b>	<b>1,962</b>	<b>714</b>	<b>793</b>	<b>237</b>	<b>218</b>	<b>7,991,815</b>	<b>176</b>	<b>25</b>
<b>Northeast</b>	<b>228</b>	<b>87</b>	<b>64</b>	<b>42</b>	<b>35</b>	<b>1,566,006</b>	<b>27</b>	<b>4</b>
<b>New England</b>								
Connecticut	7	1	1	4	1	15,000	.....	1
Maine	2	2	.....	.....	.....	2,000	.....	.....
Massachusetts	29	20	5	1	3	66,415	1	1
New Hampshire	8	6	2	.....	.....	25,975	1	.....
Rhode Island	3	1	1	.....	1	.....	.....	.....
Vermont	.....	.....	.....	.....	.....	.....	.....	.....
<b>Middle Atlantic</b>								
New Jersey	29	11	8	2	8	25,322	2	1
New York	118	34	35	31	18	786,242	18	1
Pennsylvania	32	12	12	4	4	655,952	5	.....
<b>North Central</b>	<b>481</b>	<b>217</b>	<b>164</b>	<b>61</b>	<b>39</b>	<b>1,969,330</b>	<b>51</b>	<b>5</b>
<b>East North Central</b>								
Illinois	110	46	39	11	14	218,050	16	.....
Indiana	13	8	1	4	.....	74,000	1	.....
Michigan	131	26	93	9	3	571,010	2	1
Ohio	126	83	12	19	12	672,108	15	2
Wisconsin	6	2	.....	4	.....	115	.....	.....
<b>West North Central</b>								
Iowa	10	5	3	1	1	500	0	.....
Kansas	7	3	.....	3	1	785	.....	.....
Minnesota	36	17	6	6	7	253,202	4	.....
Missouri	31	21	6	3	1	86,410	3	2
Nebraska	6	5	1	.....	.....	72,100	4	.....
North Dakota	4	1	3	.....	.....	21,050	.....	.....
South Dakota	1	.....	.....	1	.....	.....	.....	.....
<b>South</b>	<b>442</b>	<b>163</b>	<b>178</b>	<b>51</b>	<b>52</b>	<b>929,705</b>	<b>38</b>	<b>4</b>
<b>South Atlantic</b>								
Delaware	2	.....	2	.....	.....	4,025	.....	.....
Florida	72	19	41	6	6	53,578	6	.....
Georgia	27	5	12	7	3	248,726	1	.....
Maryland	39	4	26	6	3	34,055	5	.....
North Carolina	31	11	17	1	2	25,724	1	1
South Carolina	6	2	1	2	1	309	.....	.....
Virginia	39	10	19	3	7	176,360	.....	.....
West Virginia	6	3	.....	3	.....	1,415	.....	.....
District of Columbia	13	1	2	2	8	.....	2	.....
<b>East South Central</b>								
Alabama	13	8	1	2	2	11,302	3	.....
Kentucky	49	26	8	5	10	161,511	6	1
Mississippi	10	5	4	1	.....	5,545	.....	.....
Tennessee	32	15	16	1	.....	86,322	.....	.....

## BOMBING INCIDENTS BY REGION, GEOGRAPHIC DIVISION, AND STATE - Continued

Area	Total Actual and Attempted Bombings	Actual		Attempt		Property Damage (Dollar Value)	Personal Injury	Death
		Explo.	Incend.	Explo.	Incend.			
West South Central								
Arkansas	15	6	4	.....	5	10,070	1	.....
Louisiana	21	8	7	4	2	24,425	.....	.....
Oklahoma	13	8	2	2	1	49,975	11	1
Texas	54	32	14	8	2	38,372	2	1
West .....	776	230	375	81	90	3,062,054	59	12
Mountain								
Arizona	38	6	25	2	5	8,535	1	.....
Colorado	82	24	43	6	9	91,640	10	1
Idaho	3	3	.....	.....	.....	18,500	2	1
Montana	9	8	.....	.....	.....	90,730	.....	.....
Nevada	12	4	3	5	.....	2,050,775	.....	1
New Mexico	15	8	6	.....	1	158,255	1	.....
Utah	9	8	.....	1	.....	6,401	.....	.....
Wyoming	3	3	.....	.....	.....	400	.....	.....
Pacific								
Alaska	2	2	.....	.....	.....	.....	.....	.....
California	545	140	278	61	88	574,489	39	8
Hawaii	7	2	2	2	1	700	1	.....
Oregon	37	16	11	2	8	50,809	3	1
Washington	14	6	6	2	.....	10,720	2	2
Puerto Rico .....	31	17	11	1	2	455,660	1	.....
Virgin Islands .....	4	.....	3	1	.....	9,060	.....	.....

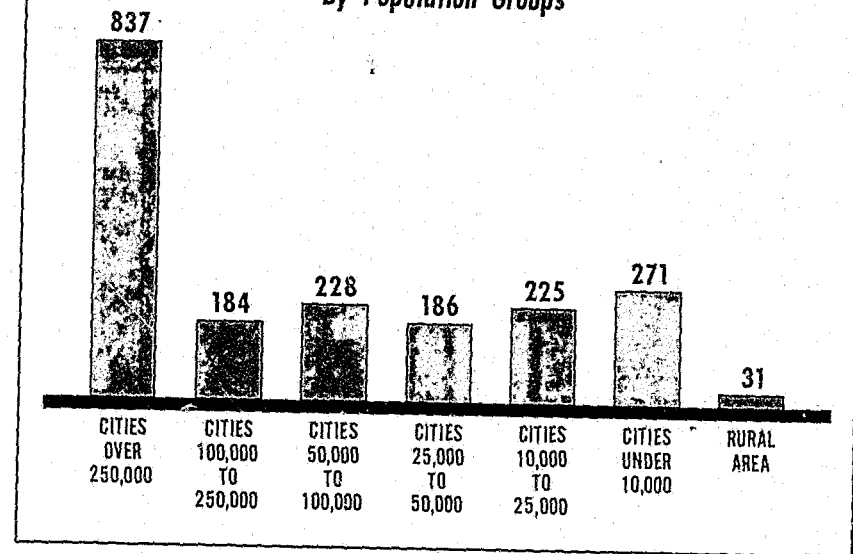




## BOMBING INCIDENTS BY POPULATION GROUP

Population Group	Total Actual and Attempted Bombings	Actual		Attempt		Property Damage (Dollar Value)	Personal Injury	Death
		Explo.	Incend.	Explo.	Incend.			
<b>TOTAL</b>	1,962	714	793	237	218	7,981,815	178	25
Group I Cities over 250,000 population	837	230	428	92	87	1,966,626	85	6
Group II Cities 100,000 to 250,000 population	184	87	52	21	24	2,624,560	8	6
Group III Cities 50,000 to 100,000 population	228	68	95	29	36	561,223	10	2
Group IV Cities 25,000 to 50,000 population	186	62	71	24	29	550,503	13	1
Group V Cities 10,000 to 25,000 population	225	97	79	29	20	1,043,410	37	5
Group VI Cities under 10,000 population	271	144	66	39	22	1,036,940	17	3
Rural Area	31	26	2	3	.....	208,553	6	2

### NUMBER OF BOMBING INCIDENTS By Population Groups

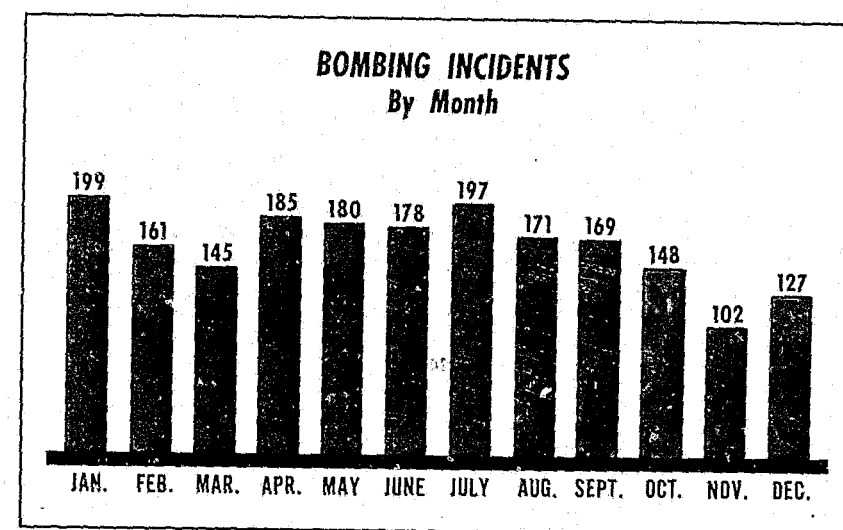


## TIME OF BOMBING INCIDENTS BY TARGET

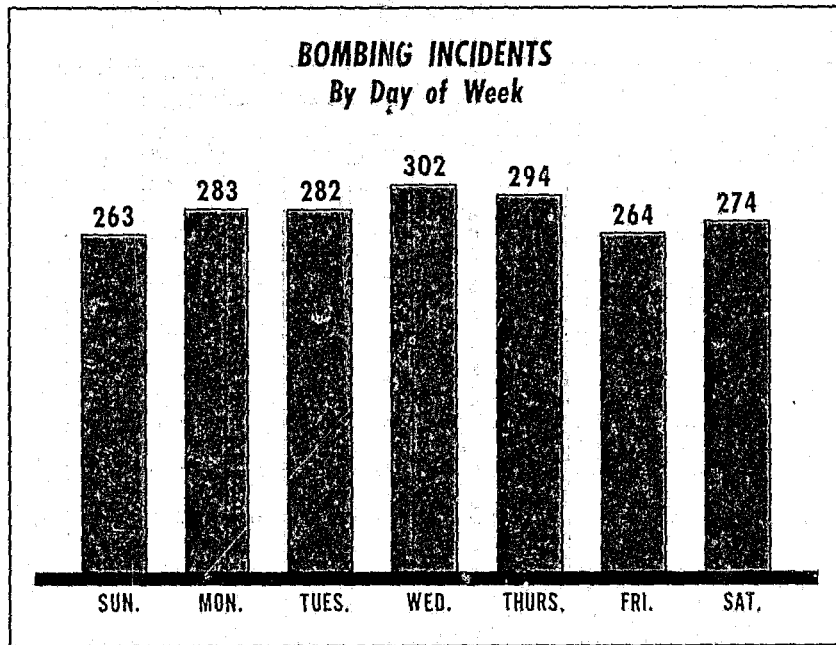
Targets	Total	12:01 a.m.	6:01 a.m.	12:01 p.m.	6:01 p.m.
		to 6:00 a.m.	to Noon	to 6:00 p.m.	to Midnight
<b>TOTAL</b>	<b>1,982</b>	<b>686</b>	<b>238</b>	<b>196</b>	<b>842</b>
Residences .....	573				
Apartment House	62	24	2	4	32
Private Residence	488	175	41	28	244
Other Private Property	23	7	2	2	12
Commercial Operations .....	511				
Commercial Building	410	182	41	29	158
Industrial Building	27	6	6	1	14
Motel and Hotel	11	2	2	1	6
Office Building	57	26	10	6	15
Theater	6	2	1	.....	3
Vehicles .....	240				
Auto	183	80	28	17	58
Other Vehicle	51	24	7	5	15
Aircraft	6	1	1	1	3
School Facilities .....	188	35	41	38	74
Utilities .....	21				
Power Facilities	15	7	4	.....	4
Other Public Utilities	6	1	.....	.....	5
Public Buildings .....	34				
Church	17	5	2	4	6
Court House	8	3	2	.....	3
Hospital and Health Facilities	4	.....	1	.....	3
Post Office	5	.....	.....	3	2
News Media .....	1	.....	.....	.....	1
Other Communication Facilities .....	27				
Radio	3	1	1	.....	1
Telephone	24	5	3	1	15
Persons .....	17	1	6	2	8
Military .....	63				
Military Facilities	35	20	5	5	5
ROTC or Reserve	21	7	4	.....	10
National Guard	7	5	.....	1	1
Selective Service .....	2	.....	.....	1	1
Public Safety .....	60				
Fire Department	4	1	.....	.....	3
Law Enforcement	56	19	7	8	22
Other Government Property ..	25	7	3	1	14
Transportation .....	24	4	2	5	13
Open Area .....	113	21	13	21	58
Recreational Facilities .....	27	9	.....	3	15
Other .....	36	6	3	9	16

## BOMBING INCIDENTS BY MONTH

Month	Total Actual and Attempted Bombings	Actual		Attempt		Property Damage (Dollar Value)	Personal Injury	Death
		Explo.	Incend.	Explo.	Incend.			
<b>TOTAL</b>	<b>1,982</b>	<b>714</b>	<b>793</b>	<b>237</b>	<b>218</b>	<b>7,991,815</b>	<b>176</b>	<b>25</b>
January .....	199	78	81	28	12	308,881	28	4
February .....	161	63	50	28	20	318,140	15	2
March .....	145	59	62	8	16	2,345,113	9	4
April .....	185	62	80	24	19	607,889	21	1
May .....	180	52	63	18	27	926,978	7	1
June .....	178	72	78	15	13	670,418	19	.....
July .....	197	55	93	24	25	496,089	14	2
August .....	171	63	77	11	20	245,848	20	5
September .....	169	57	61	27	24	904,998	8	2
October .....	148	56	52	19	21	288,470	5	1
November .....	102	45	37	16	4	287,411	8	.....
December .....	127	52	39	19	17	591,580	22	3







**Bombing Incidents  
Law Enforcement Targets**

The following are selected incidents involving bombing attacks directed against the law enforcement community:

January

New York

An employee of the Buffalo, New York, Police Department, observed a bomb on the sidewalk below a window near the Third Precinct Station. The device was a five inch cylinder filled with smokeless gun powder and shotgun-type primers. Electrical wires and a small vial of an undetermined type of acid were attached to the cylinder. The construction of the device appeared to be amateurish. No suspects were identified.

Idaho

The Lewiston, Idaho, Police Department, advised that an officer from that agency was killed by a bomb explosion after responding to a robbery in progress at a drug store. The victim officer and his partner subdued the robbery subject, a white male 26 years of age. The subject reportedly stated, "Get out of here, you only have thirty seconds." The officer opened a paper sack that the subject brought into the store with him and an explosion occurred killing the officer. The victim's partner received minor injuries. The device consisted of six sticks of dynamite wrapped together with a small wire to each stick and controlled by a time delay switch. The drug store suffered extensive damage. The subject sustained minor injuries.

February

New Hampshire

Two explosive devices were detonated at the Manchester, New Hampshire, Police Department; a third exploded at the fire department housed in the same building; and a fourth device was recovered from the office of the police chief prior to detonation. The recovered device was a cast-iron pipe bomb five inches long with two nine-volt batteries. A pocket watch was used as a timing device, and a flash cube as

primer for black powder. One of the devices which exploded at the police department was outside the building near its base and was contained in a large paper bag. The total damage from the three explosions was estimated at about five thousand dollars. One subject, a white male 23 years of age, was apprehended as he attempted to flee the area with a badly mangled right arm, which was injured by one of the explosions. A second subject, a white female 21 years of age, was apprehended running from the vicinity of the crime scene subsequent to the second explosion. Envelopes found on the female subject were addressed to various newspapers in New Hampshire. The envelopes contained a two paragraph letter signed, "Peoples Liberation Army" indicating the bombings were in protest against the war in Southeast Asia and recent arrests of demonstrators in Manchester, New Hampshire.

#### California

An unknown subject attempted to destroy vehicles belonging to the Sonoma County Sheriff's Office, Santa Rosa, California, at the agency's parking lot. A bottle containing flammable liquid which was ignited with a rag wick was thrown into the lot. The device landed about 48 feet from the nearest patrol vehicle. No damages or injuries were sustained.

The Ventura County, California, Sheriff's Office advised a subject, 16 years of age, threw a molotov cocktail at a sheriff's office patrol vehicle as it was being driven through the city of Ventura. The firebomb failed to detonate and the subject was apprehended. No damages or injuries were sustained.

A Stanislaus County, California, Sheriff's Office patrol vehicle was damaged by a molotov cocktail. The vehicle had responded along with cars from other area law enforcement agencies to assist Modesto, California, Police Department, officers who had been accosted by a crowd as they returned to their patrol vehicle after handling a prowler complaint. During an attempt to arrest members of the crowd, objects were thrown at the officers. A molotov cocktail struck the sheriff's office vehicle causing fire to spread over the right side and top of the vehicle damaging paint, breaking a window, and burning upholstery on one door. No injuries resulted from firebombing.

#### Kentucky

The private residence of a Bowling Green, Kentucky, Police Department, detective was completely destroyed by an explosion caused by what was believed to have been a dynamite bomb device. Damage was

estimated at twelve thousand dollars. No personal injuries were sustained. The motive may have been retribution for intensive investigation by the detective regarding vehicle thefts in the Bowling Green area.

#### Arkansas

A lieutenant of the Springfield, Arkansas, Police Department, was critically injured when an explosion occurred underneath his personal vehicle, apparently when he turned on the headlights or depressed the brake pedal. The officer had just completed his regular tour of duty and had entered his pickup truck parked behind the police station when the explosion took place. The victim officer's injuries were primarily restricted to his right hip and right elbow. The motive and identity of the subject were unknown at the time of the incident.

#### March

#### Wisconsin

The Chief Security Officer of the Sixth District Station, Milwaukee, Wisconsin, Police Department, observed a flaming object thrown at the station building. The officer immediately examined the object when it landed on the ground and determined it was a homemade pipe bomb. He defused the bomb and observed a young white male flee in a light-colored Volkswagen with no license plates.

#### California

An anonymous call from a female was received by the San Carlos, California, Police Department, stating police helicopters at the San Carlos Airport would be bombed by a militant group. The helicopter hangar was staked out by members of the San Mateo, California, Sheriff's Office, and two white males were observed leaving the vicinity of the hangar. A check of the hangar resulted in discovery of a bomb device beneath the gas tank of a helicopter. The device was removed to a nearby safe area where it exploded within four minutes. Residue indicates the device was possibly dynamite with a clock-timer.

#### Ohio

An officer of the Kettering, Ohio, Police Department, responded to a complaint from a citizen that prowlers were in the area. During the officer's investigation, an explosion occurred near his patrol vehicle. The explosive device was described as a six-inch-long lead pipe,

one-half inch in diameter, and capped at one end. The device contained a silver substance believed to be a form of gunpowder. The only damage incurred was burn marks on the rear fender of the patrol vehicle. No injuries were sustained.

#### April

##### Pennsylvania

An attempt was made to firebomb the Seventh Precinct Station of the Pittsburgh, Pennsylvania, Police Department. Five molotov cocktails made from beer bottles were used in the attempt. The bottles contained flammable liquid and cloth wicks. One device landed on the roof over the entrance to the station and one device landed near a police car parked in front of the station. Damage was estimated at five hundred dollars to the police car. The three remaining incendiary devices burned in the street in front of the station causing no damage. It is believed that the devices were thrown by someone standing across the street from the station. The motive was suspected to be retaliation for a large number of narcotic arrests.

##### Virgin Islands

The Department of Public Safety, Saint Thomas, Virgin Islands, advised a Saint Thomas radio station had received an anonymous call that a bomb was located near the wall of the Bureau of Investigation, investigative arm of the Department of Public Safety, United States Virgin Islands. The explosive device was located in a brown paper bag and was a booby trap in nature. The device consisted of a four-and-one-half-inch glass bottle capped with a metal cover, wrapped in masking tape, and filled with about five pounds of black powder. Inserted into the bottle was a six-inch fuse which was connected to a package of book matches. The matches were affixed in such a way as to ignite upon extraction or attempted extraction of the fuse from the bottle, thereby creating the booby trap situation. While disarming the device the matches did ignite, but failed to achieve the effect of setting off the powder. No apparent motive was known at the time of the incident.

##### Ohio

An explosion occurred behind the Adams County Jail, West Union, Ohio. One stick of dynamite was reportedly thrown at the building. No damage occurred, and no injuries were sustained as a result of the explosion.

Two suspects were taken into custody. The apparent motive was retribution for a prior arrest by the sheriff's office of one of the arrested suspects.

##### California

A deputy of the Marin County, California, Sheriff's Office, discovered a subject lurking around the Marin City Sheriff's Office Substation. The subject had a satchel in his possession and when challenged by a deputy, threw the satchel into a ditch behind the substation, stating it was going to explode. An Army EOD team was called, but the satchel exploded prior to their arrival. No damages were inflicted other than a small grass fire and no injuries were sustained. The satchel contained one dry cell battery, a clock, an unknown quantity of what appeared to be dynamite, and sixty to seventy rounds of thirty-eight caliber ammunition. The subject was apprehended.

##### New Hampshire

A pipe bomb exploded on the front steps of the Portsmouth, New Hampshire, Police Department, causing an estimated twenty-five dollars damage to the front door. No injuries were sustained. The pipe bomb was a one and a half inch diameter, chrome drain pipe, twenty inches long, crimped at one end, and mounted with masking tape on two bricks. The bricks were attached to a two by four piece of wood about twenty-seven inches long. The bomb was fused and filled with hard black powder and loaded with nuts, washers, and chain. No motive and no known suspects were developed at the time of the incident.

##### District of Columbia

The Metropolitan Police Department, Washington, D. C., advised an officer from that agency arrested a subject attempting to throw a molotov cocktail at his patrol vehicle. There was no damage, and no injuries were sustained.

##### May

##### Minnesota

A regional law enforcement center under construction in Mankato, Minnesota, was damaged by a suspected dynamite blast. The building, designed to house the Mankato Police Department and the Blue

Earth County Sheriff's Office, was expected to be open in two months. Damage was estimated at approximately seventy-five thousand to one hundred thousand dollars. There were no injuries involved and no immediate suspects.

#### Texas

A bomb exploded in the mouth of the gas tank of a patrol vehicle of the Nacogdoches, Texas, Police Department. Damage was limited to three burned places on a fender caused by the fuse while it was ignited. An unexploded bomb was also located in the mouth of a gas tank of a second patrol vehicle. These vehicles were parked behind the police department on municipal property. No injuries were involved. The unexploded bomb consisted of a one-half inch metal conduit, four to five inches long with a small hole in the center where a firecracker-type fuse was inserted. The device contained a small quantity of black powder held in the conduit by putty. There were no known suspects or motives at the time the incidents occurred.

#### California

A molotov cocktail was thrown by an unidentified subject against the side of a building occupied by the Ventura County, California, Sheriff's Office, Camarillo, California. The device broke and ignited on a window ledge but caused no damage. The fire bomb was constructed from a one-half gallon glass jar filled with flammable liquid. There were no injuries sustained.

A large crowd gathered outside the Blythe, California, Police Department, protesting the shooting of a subject by an officer of that agency. An unidentified person in the crowd threw a molotov cocktail consisting of a beer bottle filled with gasoline under a Riverside County, California, sheriff's patrol vehicle parked near the police department. There was no damage to the vehicle, and no injuries were sustained.

#### Kentucky

About one pound of an unknown explosive detonated thirty to thirty-five feet from the front door of the residence of a Hazard, Kentucky, police officer. The residence sustained about one thousand dollars in damages. There were no personal injuries. The suspected motive was personal revenge due to investigative pressure the officer had placed on local bootleggers.

#### June

#### California

Information was received concerning plans to blow up the building housing the Covina, California, Police Department. A search was made, and four sticks of dynamite were found on the roof of the police department. The four sticks of dynamite were fused with black smokeless powder which failed to ignite. No arrests were made at the time the incident occurred.

The West Valley Station of the Los Angeles, California, Police Department, received a live bomb through the mail. The bomb was contained in a parcel wrapped in brown paper with penciled writing, "Evidence, West Valley Police Station, Reseda, California." The bomb consisted of a metal pipe filled with black powder and a crimped straw. The Los Angeles Police Department Bomb Squad deactivated the device. The parcel contained a note signed, "Chris the pig killer."

#### Maryland

The Baltimore, Maryland, Police Department, advised that a two-man police cruiser, parked directly in front of a cocktail lounge, was firebombed by an unknown Negro male. The molotov cocktail was thrown through an open window of the patrol vehicle striking one officer on the head. The device caused severe burns to the officer's head and shoulders, and caused minor injury to his partner. The patrol vehicle was destroyed.

#### Indiana

Upon receipt of information from an anonymous caller, police units of the Indianapolis, Indiana, Police Department, were dispatched to investigate an allegation that a man was being dragged into a residence. Upon arrival at the residence, an officer observed a small flash inside the house. Investigation determined a bomb had been planted just inside the premises. The device consisted of an alarm clock with an electrode fixed through the face of the clock. The circuit closed upon the touching of the hands of the clock and electrode. The power source was a six-volt battery. The igniter was a hobby-type rocket motor, and the explosive charge was one pound of smokeless powder. The rocket motor failed to generate enough power for the powder to explode. There were no injuries and no immediate suspects.

#### Colorado

An explosion occurred in front of the Littleton, Colorado, Police Department's headquarters. One stick of dynamite was placed in a window

well on the lower level of the police department building causing minor damage. No injuries were sustained, and no suspects were developed at the time of the incident.

A molotov cocktail was thrown through the front glass door of a police community relations office in Denver, Colorado. The molotov cocktail consisted of a one-half gallon wine bottle containing gasoline. Damage occurred to the front of the building with slight smoke damage inside. There were no injuries.

#### Arizona

A brown paper sack containing an eight-inch stick of dynamite with a six-inch primer cord attached was found at the front door of the Kingman, Arizona, Police Department. Two unknown subjects were observed near the front door of the police department prior to the dynamite being discovered. The bomb was disarmed, and no injuries or damage resulted.

#### Virginia

A firebomb was thrown at the rear of the Third Precinct Station of the Virginia Beach, Virginia, Police Department. The device struck a brick portion of the building above a window outside the muster room where patrolmen were present for a shift change. No damage and no injuries were sustained. Two juvenile males were reported as suspects.

#### July

#### Colorado

Three officers of the Denver, Colorado, Police Department Bomb Squad were critically injured while deactivating an explosive device. The bomb, believed to have been a box of 100 blasting caps (nonelectrical) and one electrical blasting cap, was planted under the hood of a privately owned car at the time of the explosion. No suspects or motives were discovered through investigation.

#### Ohio

While on patrol, a Cleveland, Ohio, officer was injured by a firebomb thrown at him. He and another officer had parked their squad car to investigate a shooting incident when the firebomb attack occurred. Investigation failed to develop any suspects for this ambush.

Two molotov cocktails thrown at a Port Clinton, Ohio, police officer's home caused extensive fire damage. The two devices landed in a first floor room. Although the officer was on duty and away from home at the time of the bombing, his wife and three children were not. No one was injured, but the fire caused nearly three thousand dollars' damage to the home.

#### Pennsylvania

The Connellsville Police Headquarters was the target of a firebombing. A pint-sized bottle of gasoline was hurled through a window into the Chief's Office. A fire resulted, but no injuries were sustained. The attack was possibly the result of a recently imposed curfew in the downtown area.

#### District of Columbia

While on patrol, a scout car of the Washington, D. C., Metropolitan Police Department was attacked by a group of Negro males. A hail of objects including a molotov cocktail directed at the car caused no damage to the vehicle or injury to the officers.

#### Illinois

On July 30, 1972, an abandoned vehicle was discovered within six feet of the East St. Louis, Illinois, Police Department. A search of the vehicle revealed a cardboard box containing clothing, and two, one-half gallon containers with shredded paper surrounding them. Mixed in with the paper were 73 shotgun shells. Attached to the containers were two pipe bombs, 12 to 14 inches in length. The bombs held timing devices constructed of batteries and pocket watches set for six-thirty o'clock. The explosive devices were successfully dismantled. The vehicle was determined to have been stolen in St. Louis, Missouri, on July 26, and later used in an armed robbery of a currency exchange at East St. Louis on July 28.

#### August

#### Florida

The Police Department in Miami, Florida, received a domestic disturbance complaint and dispatched two units to the scene. As soon as the two vehicles arrived at the disturbance locale, two firebombs were thrown at them. The bombs landed near the vehicles, but caused no damage to the vehicles or the officers. Immediate search of the area failed to develop any suspects in the attack, but four additional firebombs were discovered.

Connecticut

Two officers of the Hartford, Connecticut, Police Department were targets of a firebomb while on patrol. The firebomb, which was thrown, exploded immediately in front of their vehicle. Three Negro males were seen running from the area of the incident. They were not identified. No injuries were sustained.

Ohio

The personally owned automobile of a Bluffton, Ohio, police officer was bombed while parked in front of his residence. The explosive device was apparently attached to the rear axle of the automobile. Damage to the vehicle was estimated at two hundred fifty dollars. The incident may have been the result of retribution for the officer's part in the department's effort to suppress illegal drug traffic.

Illinois

Headquarters of the Streator, Illinois, Police Department was attacked by means of a pipe bomb. The bomb, containing black powder, was detonated in the alley at the rear of the building. The explosion caused one broken window on the second floor of the police department and damaged exterior walls. Merchandise from a glass and mirror company immediately across the alley from the police department was also destroyed. There were no injuries as a result of this attack and no suspects were identified.

California

An unmarked Los Angeles County, California, Sheriff's Office vehicle was responding to a juvenile disturbance call when a molotov cocktail was thrown at it. The Sheriff's vehicle was traveling on a busy thoroughfare at the time the firebomb was thrown from behind a fence in a vacant lot. No damage or injuries occurred from this incident as the missile failed to hit the vehicle.

SeptemberIllinois

Two unknown subjects threw a homemade pipe bomb into the Waukegan, Illinois, Police Station and fled the area. The device failed to detonate. No suspects were developed at the time of the incident.

Nevada

During a hunger strike at the Nevada State Prison, two firebombs were thrown into the main dining room by unidentified inmates. The prison, located at Carson City, sustained some property damage principally to furniture in the dining area. The incendiary devices were constructed with empty glass coffee jars filled with match heads and hobby craft glue. No one was harmed in the blaze.

Missouri

A St. Louis, Missouri, Police Department cruiser was the target of a firebombing while responding to a call at a housing project. After the firebomb was thrown, six or eight shots were also fired at the vehicle. Two of the shots struck the vehicle. Subsequent to the attack, the officers searched a second floor apartment from which the shots appeared to have come. The search revealed a Savage twenty-two-caliber rifle, several empty twenty-two caliber rifle casings, and five molotov cocktails. The officers received no injuries and there was only slight damage to the patrol vehicle.

Pennsylvania

The Lancaster City, Pennsylvania, Police Department advised that a subject called the police station and stated that he had five firebombs which he intended to throw throughout the city. The Desk Sergeant persuaded the subject to come to the station. The subject arrived carrying an incendiary device and sat on a bench in the lobby of the station holding a lighter near the wick of the device. Three officers convinced him to turn the device over to them. The subject reportedly was seeking revenge against persons who had failed to find his family a place to live.

OctoberCalifornia

A firebomb was thrown at a patrol car of the San Diego, California, Police Department in the vicinity of the 2200 block of Harrison Avenue. The identity of the subject was unknown at the time of the incident.

The Los Angeles, California, Police Department had a patrol vehicle awaiting repair at a commercial facility when a high order explosive was detonated at the facility. The explosion created a crater 26 inches wide and 12 inches

deep. Extensive damage resulted to the patrol vehicle, another vehicle nearby, and to the building. Subsequent to the blast, 350 feet of telephone unit-box wiring was found leading from the point of detonation to an area behind the building. Later the same day the United Press International in Los Angeles received an anonymous telephone call indicating that the Afro-American Liberation Army was responsible for the bombing.

#### New Hampshire

The Epsom, New Hampshire, Police Department building, which is attached to the Epsom Town Hall, was firebombed during the early morning hours of the tenth. The police department annex, which was under construction, was extensively damaged. Two subjects were apprehended.

#### Kansas

The lobby of the Newton, Kansas, Police Department was damaged when a device labeled "Simulated Hand Grenade" exploded. The police department is located in the City Hall at Newton. Shortly before the explosion, two white males were observed running from the scene. The motive for the incident was not immediately established, nor were the identities of the two males fleeing the scene learned. Although property damage was experienced, no injuries resulted from the incident.

#### New York

A subject was observed attempting to light and throw a molotov cocktail at a New York City Police Department police car of the Tactical Patrol Force, 40th Precinct, Bronx, New York. The subject was arrested at the scene.

#### November

#### Kentucky

A bomb was thrown at the mobile home of a state police detective in Perry County, Kentucky. Although the bomb did not directly hit the residence, it did buckle the walls and raise the roof. A deep hole near the home also resulted from the blast. Damage was estimated at five thousand dollars. No injuries were experienced from the explosion and no specific suspects were immediately developed. The motive for the attack was initially thought to relate to the detective's role as a witness in numerous local prosecutions.

#### North Dakota

The home of the Chief of Detectives, Mandan, North Dakota, Police Department, was the object of a firebombing attack. A piece of brick was thrown through a window. This was followed by a molotov cocktail. The officer was awakened and was successful in containing the fire to his living room and subsequently extinguishing it. A second molotov cocktail and a can of burning fluid were found in the front yard. The officer had recently made numerous drug-related arrests giving rise to the thought that the attack was retaliatory in nature.

#### December

#### New York

The Intelligence Division of the New York City Police Department advised that a patrolman of that department observed a subject placing a brown bag on the driver's side of a police radio car. As the patrolman approached the subject, a device in the bag exploded. The subject was arrested and charged with criminal mischief, reckless endangerment, and possession of explosives. The subject was in possession of revolutionary literature when he was arrested.

#### West Virginia

State and local authorities advised that a police patrol car of the Ridgely, West Virginia, Police Department parked in front of an officer's residence was seriously damaged by an explosive device which was apparently placed under the hood of the vehicle on the driver's side. The explosion, possibly caused by dynamite, knocked out the windows of the residence and surrounding buildings and damaged an auto parked about fifteen yards from the cruiser. Two thin green-coated wires were found leading from the cruiser down an alley about one hundred thirty-five feet to a metal stake on which two flashlight batteries were taped. It is believed that the device was detonated by the batteries. A suspect who was seen running from the alley has been identified.

## APPENDIX

[Additional statements supplied for the record.]

NATIONAL SHOOTING SPORTS FOUNDATION, INC.,  
Riverside, Conn., June 11, 1973.

To Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate:

My name is Warren Page, and I am honored by being able to submit for the record a very brief statement on S. 1083 to this Subcommittee, on behalf of the National Shooting Sports Foundation.

The foundation has a membership of some 135 manufacturers, service companies, individuals, organizations, all of them with a keen interest in the welfare present and future of the shooting sports in this country. It has several times in the past, either by appearance or submitted statement, offered Congressional committees the rather considerable expertise and responsibility of its membership in support of proposals affecting firearms that showed real promise of bettering our society, and in opposition to those that did not, or that threatened undue restraints on the activities of responsible citizens. A list of members as of the moment, excluding some one thousand dealer members, is offered herewith.

We are in support of Senator Bayh's S. 1083, which would exempt black powder from the licensing and permit provisions of Title XI of the Organized Crime Control Act, for very simple and clear reasons. S. 1083 in no way affects the proper criminal penalties for the misuse of explosives, measures passed to allay bombing threats; yet it acts in the interest of the many thousands of law-abiding Americans who enjoy antique and replica firearms of muzzle loading and percussion or flint ignition sorts in a proper recreational fashion, including competitions in organized meets. There is no legitimate purpose served by undue hampering of their interests in obtaining the propellant needed for such reaction, and Senator Bayh's proposal would remove much of such procurement difficulty.

We submit that S. 1083 should be forwarded for affirmative committee and eventual Senate action.

Respectfully submitted.

WARREN PAGE, *President.*

Enclosure.

### NATIONAL SHOOTING SPORTS FOUNDATION MEMBERSHIP

Abercrombie & Fitch Company  
Amateur Trapshooting Association  
American Firearms Industry Magazine  
Argosy  
Arkansas Democrat, The  
Bair Machine Co.  
Bausch & Lomb, Inc.  
Bear Archery  
Beard, Dr. Frank S.  
Berns Wholesale Sporting Goods Co.  
Bess, Gordon—Gunsmith  
Bone Knives  
Brownell's, Inc.  
Browning  
J. M. Bucheimer Company  
Buck Knives, Inc.  
Bushnell Optical Corporation  
Canadian Industries Ltd.  
Canton Daily Ledger  
Carter's Gun Works



Casting Engineers  
 Caswell Equipment Co.  
 Charter Arms Corporation  
 Colorado Magazine, Inc.  
 Colt's Inc. Firearms Division, Colt Industries Inc.  
 Conetrol Scope Mounts  
 Connecticut Valley Arms  
 Crosman Company, Inc.  
 Daisy/Heddon, Division, Victor Comptometer Corporation  
 Dallas Uniform Cap & Emblem Mfg., Inc.  
 Devere Company of Southern California  
 Detroit Bullet Trap  
 Digest Books, Inc.  
 Dixie Gun Works, Inc.  
 E. I. DuPont de Nemours & Co. Inc.  
 Eggers, Charlie  
 Eissinger, Cliff  
 Reinhart Fajen, Inc.  
 Field & Stream  
 Firearms International Corporation  
 FFV Sports, Inc.  
 Game Winner, Inc.  
 Garcia Sporting Arms Corporation  
 Gun Week  
 Gun World  
 Guns & Ammo  
 Guns Magazine  
 GUNsport Magazine  
 The Handloader Magazine  
 Harrington & Richardson, Inc.  
 Herrett's Stocks  
 The High Standard Manufacturing Corp., Subsidiary of The Leisure Group, Inc.  
 Hi-Precision Mfg. Co.  
 Hodgdon Powder Company, Inc.  
 Frank A. Hoppe Division, Penguin Industries, Inc.  
 Hornady Manufacturing Company  
 Hoyt Archery Co.  
 Ithaca Gun Company, Incorporated  
 Iver Johnson's Arms & Cycle Works, Inc.  
 Jonas Brothers, Inc.  
 Jonas Bros. of Seattle Inc.  
 The George Lawrence Company  
 Dean L. Leeper Company  
 Leupold & Stevens Instruments, Inc.  
 Joe Lewis & Associates  
 Lion Brother Company, Inc.  
 Lyman Gun Sight Products, The Leisure Group, Inc.  
 Mayville Engineering Company, Inc.  
 Merphon Company, Division of Firearms Accessories, Inc.  
 Michaels of Oregon Co.  
 Mississippi Valley Outfitters  
 Mitchell's Shooting Glasses, Stan RX Optical Co., Inc.  
 Moulton, Stevens & Nelson Sales Assoc., Inc.  
 National Muzzle Loading Rifle Association  
 National Skeet Shooting Association  
 National Sporting Goods Association  
 National Wildlife Federation  
 Navy Arms Company Incorporated  
 Nistler, Vic  
 Ohaus Scale Corporation  
 Omark-CCI, Inc.  
 Outdoor Life  
 Pachmayr Gun Works, Inc.  
 Leo A. Petronave Associates  
 Poly-Choke Company, Inc.  
 Ponsness-Warren, Inc.

Popular Science Publishing Company, Inc.  
 RCBS, Inc.  
 Realist, Inc.  
 Redfield Gun Sight Co.  
 John Reid Company  
 Remington Arms Company, Inc.  
 The Rifle Magazine  
 Rx Sports and Travel  
 Savage Arms, Division of Emhart  
 Buddy Schoellkopf Products, Inc.  
 Scopes, Inc.  
 Selling Sporting Goods  
 Sheridan Products Inc.  
 Shooter's Bible, Inc.  
 The Shooting Industry  
 Shooting Times  
 Sierra Bullets, Inc.  
 Simmons Gun Specialties, Inc.  
 The Skeeter  
 Skinner's Sportsmans Supply  
 Smith & Wesson, Inc.  
 Speer, Inc.  
 The Sporting Goods Dealer  
 Sports Afield  
 Sports, Incorporated of Westbrook  
 Stackpole Books  
 Johnny Stewart Game Calls, Inc.  
 Stoeger Arms Corporation  
 G. B. Stump Associates  
 Sturm, Ruger & Company, Inc.  
 Super Vel Cartridge Corporation  
 10-X Manufacturing Company  
 Thompson/Center Arms  
 Trap & Field Magazine  
 Trius Products, Inc.  
 Utica Duxbak Corporation  
 Valentine Equipment Company  
 Weatherby, Inc.  
 W. R. Weaver Company  
 Western Outdoors  
 Winchester-Western Division of Olin  
 Winnebago Industries, Inc.

## EDUCATIONAL FUND CONTRIBUTORS

D. Lee Bassett  
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 Southern California Safari Club  
 E. J. Nutter  
 Illinois State Journal

Senator BAYH. We will close our hearings subject to the call of the Chair.

[Whereupon, at 12:55 p.m., an adjournment was taken, subject to the call of the Chair.]

**END**