

# THE CONGRESS PROJECT

## *Assignment Prompt Sheet*

### **Omnibus Crime Control and Safe Streets Act of 1968**

#### **Overview**

**Act Titles:** Omnibus Crime Control and Safe Streets Act of 1968

**Congress:** 90th Congress (1967-1968)

**Session/Sessions:** 1-2

**Statute No:** 82 Stat. 197-239

**Public Law No:** 90 PL 351

**Eid:** 900351

**Gid:** 241-010

**Bill:** HR 5037

**Sponsor:** Rep. [Emanuel Celler](#) (D-NY)

**House Committees:** Judiciary

**Senate Committees:** Judiciary

**Companion Bill:** S 917

**Related Bills:** HR 421; HR 8654; HR 17417

**House Rules:** Hres 825; Hres 1197

**Past Bills:** 89 S 2190; 89 HR 13441; 89 S 3063; 89 S 1592; 89 S 3767

**Introduced Date- Law Date:** July 17, 1967 - June 20, 1968

**House Floor Days:** 6

**Senate Floor Days:** 15

**Roll Call Votes:** 34 (28 in the Senate on S 917; 1 in the Senate on HR 5037; 2 in the House on HR 5037; 2 in the House on Hres 1197).

**Issues:** guns; criminal justice

**Procedures:** open rule; substitute amendment; rider; sop; failed motion to disagree; vote pair; self-executing rule

**Last Updated:** 3/11/24



*(Above) Senator Robert F. Kennedy, who was assassinated while running for President. Final House passage of the Omnibus Crime Control and Safe Streets Act of 1968 occurred on June 6, 1968, the day he died. His assassination would lead to supplementary legislation regarding guns in the form of the Gun Control Act of 1968 (90 PL 618).*

---

# THE CONGRESS PROJECT

---

## Legislative History Comments

The Omnibus Consolidated Appropriations Act of 1968 (90 PL 351) administered appropriations for law enforcement grants, established standards for the admissibility wiretapping, created firearm control provisions and sought to overturn several major Supreme Court rulings related to criminal justice. Financially, the measure “authorized more than \$100 million in fiscal years 1968-19-69 and an additional \$300 million in fiscal 1970 for state and local governments to upgrade their law enforcement (Stathis 2014, 332).” [CQ Almanac \(1968\)](#) dubbed it “the most extensive anticrime legislation in the nation's history.” As [CRS \(1998\)](#) noted, the measure has served as the “base authority for federal assistance to state and local governments in reducing crime.” Clinton and Lapinski (2006) rated this as the third most impactful enactment of the 90<sup>th</sup> Congress.

The measure’s enactment followed a call from President Lyndon Johnson (D-TX) for a “war on crime (Time 2015).” And the House’s initial measure echoed many of his legislative priorities. However, the measure became more conservative on the House floor. In the Senate, the bill featured a number of provisions opposed by liberals. This included the wiretapping provision, which was added in response to the Supreme Court’s decision in *Berger v. New York*; as well as the language “overruling” *Miranda v. Arizona* and several cases (See e.g. [CRS 2012](#); [New York Times 1999](#).) The Senate measure was far more conservative than the House-passed bill and the sponsor, Rep. Emanuel Celler (D-NY) tried to force a compromise. His attempts were defeated and the Senate bill was passed by the House.

While the measure is associated with Johnson, he took issue with several parts and there were doubts as to whether he intended to sign it. Specifically, he argued the gun control provisions were weak and it contained “several other provisions which are unwise and which will not aid effective law enforcement ([Johnson 1968](#)).” Despite his concerns, he did sign the bill into law. Later, after Sen. Robert F. Kennedy (D-NY) was assassinated, Congress bolstered the gun control provisions included in the Safe Streets Act by enacting the Gun Control Act of 1968 (90 PL 618). For more on the broader issue of wiretapping, take a look at the Last Week Tonight video below:

- [https://www.youtube.com/watch?v=XEVlyP4\\_11M](https://www.youtube.com/watch?v=XEVlyP4_11M)

This is an omnibus crime control act, so there is a lot going on here. It’s not terrible from a process standpoint, but it does get a bit confusing at times. The biggest issue is the large number of floor amendments. Especially during Senate consideration. I flagged a few of the more interesting ones below that might be worth some attention. Basically, just focus on a handful of the ones the press or the prompt sheet highlight. As noted above, Celler and House liberals hated the Senate bill and they tried to force a compromise via conference. Those efforts failed though and the Senate-passed bill was enacted by the House through a self-executing rule by [a 369-17](#) vote.

Consult [CQ Almanac \(1967\)](#) and [CQ Almanac \(1968\)](#) should you have process questions (or just e-mail me directly). This is a really entertaining measure!

---

# THE CONGRESS PROJECT

---

## Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1. Duhan

#2. Roesch

#3. Open

## Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress?

Specifically, why did Johnson declare a "war on crime?" In addition to the Safe Streets Act, what was in the other major crime laws passed in the 90<sup>th</sup> Congress (1967-1968)? What about the 91st Congress (1969-1970)?

The Stathis (2014) piece might worth a citation here. See also [CQ Almanac \(1967\)](#); [CQ Almanac \(1968\)](#); [CQ Almanac \(1970c\)](#).

2. What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?

What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed? With this question, address the first three facets of this bill: the block grants to law enforcement; the wiretapping provisions; and gun control.

3. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered comparable legislation?

With this question, address the major assassinations as well as the Supreme Court rulings related to criminal justice. Why was Congress motivated to address the later issue?

---

# THE CONGRESS PROJECT

---

## Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

### *#1. House Consideration of HR 5037 (August 2-3; August 8, 1967)*

HR 5037 was referred to the House Committee on the Judiciary. The subcommittee held hearings in March and April on the bill, with the first day being March 15th.<sup>1</sup> The measure included a provision that barred “interstate shipment to individuals of pistols and revolvers and the over-the-counter purchase of handguns by individuals who did not live in the dealer's state. But it specifically exempted rifles and shotguns from any controls ([CQ Almanac 1967](#)).”

Prior to considering HR 5037 on the floor, the House debated Hres 825, which provided for consideration of HR 5037 under an “open rule.” Hres 825 was eventually adopted via voice vote on August 2, 1967. Debate on HR 5037 began the next day, on August 3rd. In support of the bill, its sponsor, Rep. Emanuel Celler (D-NY) called it the “heart of the national strategy against crime (Congressional Record, 90th Congress, August 2, 1967, 21086).”

Rep. William Cahill (R-NJ) then introduced a controversial amendment which sought to direct appropriated funds under Titles I and II to go to state planning agencies appointed by their governors instead of funds going to local governments for specific projects.

Cahill’s amendment was amended by Rep. Clark MacGregor (R-MN). It was [eventually adopted 256-147](#).

The House would eventually pass HR 5037 on August 8th [by a 378-23 vote](#). One Republican joined 22 (mostly Southern) Democrats in opposition.

### *#2. Senate Consideration of HR 5037 & S 917 (May 1-3; 6-10; 13-17; 20-23, 1968)*

S 917 was sponsored by Sen. John McClellan (D-AR) and referred to the Senate Judiciary. It was then immediately sent to the Subcommittee on Criminal Laws and Procedures on March 7th, 1967. Hearings were held until July 12th, 1967.<sup>2</sup>

On May 1, 1968, Sen. Robert Byrd (D-WV) asked for—and received—unanimous consent the Senate proceed to consider S 917. In his opening remarks, McClellan acknowledged the measure was “highly controversial” and “quite consequential (Congressional Record, 90<sup>th</sup> Congress, May 1, 1968, 11200).”

A number of controversial amendments were considered. For example, on May 14<sup>th</sup>, the Senate considered an amendment by Sen. Charles Percy (R-IL) that would allow funds to be used to

---

<sup>1</sup> “House Rewrites and Passes Safe Streets Bill.” In *CQ Almanac 1967*, 23rd ed., 13-848-13-853. Washington, DC: Congressional Quarterly. <https://library.cqpress.com/cqalmanac/document.php?id=cqal67-1313006>

<sup>2</sup> See “Major Provisions.” In *CQ Almanac 1968*, 24th ed., 09-226-9-237. Washington, DC: Congressional Quarterly, 1969.

---

# THE CONGRESS PROJECT

---

train and pay kids to improve police and community relations. Percy's amendment was [adopted 40-38](#).

Later that day, Sen. Ted Kennedy (D-MA) proposed an amendment that would have barred mail-order sale of rifles and shotguns. The Senate would debate Kennedy's amendment, as well as an amendment by Sen. Roman Hruska (R-NE) that sought to allow mail-order sale of handguns over the next few days. Hruska would argue: "Prohibition of mail-order sales will not keep firearms out of the hands of the wrong people (*Congressional Record*, 90<sup>th</sup> Congress, May 15, 1968, 13311)."

In contrast, Kennedy argued that "[t]he worst thing we could do in enacting gun control legislation is to enact a bill which uses the name of gun control, but is gun control in form only (*Congressional Record*, 90<sup>th</sup> Congress, May 15, 1968, 13311)." In support of the Kennedy amendment, Sen. Thomas Dodd (D-CT) pointed out that a "mail-order rifle" was used to assassinate President John F. Kennedy (D-MA) and a "rifle with a sniper scope struck down Dr. Martin Luther King (*Congressional Record*, 90<sup>th</sup> Congress, May 15, 1968, 13332)."

Kennedy's amendment was [defeated 29-53 on May 16<sup>th</sup>](#). Democrats split 23-38 and Republicans 11-22. The Hruska amendment was [rejected 37-45 later that day](#).<sup>3</sup>

Debate and amendments related to firearms, wiretapping and the controversial section overturning several major Supreme Court rulings continued over the next few weeks. Most attempts to "weaken" conservative provisions in the bill were defeated. For example, an amendment by Sen. Philip Hart (D-MI) to disallow "emergency" wiretapping without a court order [fell 37-44 on May 23](#).<sup>4</sup>

Later in the day on May 23, the Senate adopted HR 5037 by striking the language of the bill and inserted the amended S 917 [by a 72-4 margin](#). Most of the opposition came from liberals. Five Democrats and two Republicans either voted no or were "paired" no votes on the measure.<sup>5</sup>

---

<sup>3</sup> See e.g. Albright, Robert C. 1968. "Handgun Controls Retained." *Washington Post*, May 17.

<sup>4</sup> See e.g. Finney, John. 1968. "Senate Votes Crime Control Bill and Backs Broad Wiretapping." *New York Times*, May 24; Graham, Fred. 1968. "Senate Uphold Supreme Court on Review Issue." *New York Times*, May 22; "Wiretap Authority Upheld," *Washington Post*, May 24, 1968.

<sup>5</sup> Vote pairs are agreements where two members from opposing parties (or who knowingly have opposing views on issues) agree to abstain on key votes when one or the other is absent. They were most common during earlier congresses when travel was particularly onerous. Members tend to keep their pairs for extensive periods and try to make them with opposing partisans that they disagree with frequently.

For example, Senators Boise Penrose and John Sharp Williams (D-MS) were paired for several congresses. Penrose died in 1921. Upon learning this, Williams approached Senator James Watson (R-IN), informing him that "Jim, Penrose is dead, my pair is going, and I've to have another one. I don't want any confounded mugwump for my pair. I want just as much of a reactionary as I can find. I want a man who for thirty years, by neither direction nor indirection, has ever been right on any public question, and, by golly, you're my man!" Williams and Watson remained paired throughout the rest of the Mississippiian's time in the Senate (Osborn 1943, 386)."

---

# THE CONGRESS PROJECT

---

## #3. House Consideration of the Senate Amendments to HR 5037 (June 5-6, 1968)

On June 5, 1968, Celler motioned that the House disagree to the Senate amendment and agree to a conference (Congressional Record, 90th Congress, June 5, 1968, H16065). Members debated the constitutionality of the bill. However the majority of representatives willingly accepted the Senate version of the bill against Rep. Celler’s argument “that this bill is bursting at the seams with unconstitutional provisions (Congressional Record, 90th Congress, June 5, 1968, 16069).”<sup>6</sup>

The Celler motion to disagree [was rejected 60-318](#).

The following day, Rep. Bernice Sisk (D-CA) called up Hres 1197, which sought to provide for consideration of the Senate’s amendments to HR 5037. Hres 1197 also included a self-executing provision which stated that “upon the adoption of this resolution, the bill (HR 5037) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to (Congressional Record, 90th Congress, June 6, 1968, 16271).”<sup>7</sup>

Rep. Don Edwards (D-CA) urged the House to reject the previous question motion so he could offer an amendment “to eliminate titles II and III, which are objectionable because they deal with Supreme Court decisions regarding the admissibility of confessions and authorize broad-scale wiretapping and electronic eavesdropping without effective controls (Congressional Record, 90th Congress, June 6, 1968, 16277).”

The previous question motion on Hres 1197 was [adopted 349-40](#). Hres 1197 was [then adopted 369-17](#), sending the measure to President Lyndon Johnson (D-TX). Newspaper coverage suggests the House was partially “stirred up” by the shooting of Sen. Robert F. Kennedy (D-NY), which had occurred on June 5<sup>th</sup>.<sup>8</sup>

---

<sup>6</sup> Celler inserted a detailed analysis of the constitutionality of the bill with Supreme Court precedent. He called the bill a “cruel hoax (Congressional Record, 90th Congress, June 5, 1968, 16067-16069).”

<sup>7</sup> Sometimes referred to as a “deem and pass” rule. A self-executing rule is a special rule that provides “the House—upon adoption of the special rule—is considered or “deemed” to have taken some other action as well (Binder 2011).” Typically the other action is the passage of the bill itself. This type of rule is sometimes used for strategic reasons to avoid another direct vote on the bill. This rule can also be used to speed up the passage of legislation on uncontroversial measures. See Binder (2010) here:

- <https://www.brookings.edu/blog/up-front/2010/03/17/a-primer-on-self-executing-rules/>

<sup>8</sup> See Lardner, George. 1968. “House to Pass Anti-Crime Bill Today.” *Washington Post*, June 6<sup>th</sup>.

---

# THE CONGRESS PROJECT

---

## Member Spotlight

Choose one of the following for your member spotlight:

**#1.** Rep. Emanuel Celler (D-NY); Rep. William Cahill (R-NJ); Rep. Gerald Ford (R-MI); Rep. Clark MacGregor (R-MN); Rep. Robert McClory (R-IL); Rep. James O'Hara (D-MI); Rep. Charles Goodell (R-NY)

**#2.** Sen. John McClellan (D-AR); Sen. Bobby Kennedy (D-NY); Sen. Robert Byrd (D-WV); Sen. Charles Percy (R-IL); Sen. Ted Kennedy (D-MA); Sen. Roman Hruska (R-NE); Sen. Thomas Dodd (D-CT); Sen. Philip Hart (D-MI)

**#3.** Rep. Bernice Sisk (D-CA); Rep. Don Edwards (D-CA); Rep. Jimmy Quillen (R-TN); Rep. Richard Poff (R-VA); Rep. Dan Rostenkowski (D-IL); Rep. John Anderson (R-IL); Rep. John McCormack (D-MA)

## Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? How has this act been viewed by scholars? Did it achieve its stated goals?

Why did LBJ eventually sign it? What led him to this decision? He mentioned he viewed many of the provisions as “unwise”? Why?

2. How has this law evolved over time? Has this measure been featured in any major Supreme Court cases? Significantly altered by subsequent legislation?

Specifically, what led to the exclusion of substantial gun control legislation? What happened with the Gun Control Act of 1968?

3. How has this act been viewed by scholars? Do scholars highlight any major limitations? With this measure, what specifically happened regarding the language “overruling” Supreme Court decisions like Miranda? Why do police still read Miranda rights to citizens? What about the other cases?

---

# THE CONGRESS PROJECT

---

## Suggested Sources

### *Scholarly Articles*

Clinton, Joshua D., and John S. Lapinski. "Measuring legislative accomplishment, 1877–1994." *American Journal of Political Science* 50.1 (2006): 232-249.

Stathis, Stephen W. 2014. *Landmark Legislation, 1774-2012: Major U.S. Acts and Treaties, 2<sup>nd</sup> Edition*. Washington: CQ Press.

Esmonde, Jackie. "Criminalizing poverty: The criminal law power and the safe streets act." *JL & Soc. Pol'y* 17 (2002): 63.

Vanagunas, Stanley. "Sharing crime control funds." *Public Administration Review* (1972): 127-134.

Capezza, Michelle. "Controlling Guns: A Call for Consistency in Judicial Review of Challenges to Gun Control Legislation." *Seton Hall L. Rev.* 25 (1994): 1467.

Zimring, F. "Firearms and Federal Law: The Gun Control Act of 1968", (1975)." *Journal of Legal Studies* 4: 133-133.

Kleck, G. 1986. "Policy Lessons from Recent Gun Control Research." *Law and Contemporary Problems*. 49(1), 35–62.

Newman, Benjamin J., and Todd K. Hartman. "Mass shootings and public support for gun control." *British Journal of Political Science* (2017): 1-27.

Barney, David J., and Brian F. Schaffner. "Reexamining the Effect of Mass Shootings on Public Support for Gun Control." *British Journal of Political Science* 49.4 (2019): 1555-1565.

Congressional Service Report. 2019. "Federal Firearms Laws: Overview and Selected Legal Issues for the 116th Congress." *CRS Report: R45629, March 25*.

<https://crsreports.congress.gov/product/pdf/R/R45629>

Congressional Service Report. 2018. "U.S. Gun Policy: Framework and Major Issues."

<https://crsreports.congress.gov/product/pdf/IF/IF11038>

Zelizer, Julian E. 2015. *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society*. New York: Penguin Press.

---

# THE CONGRESS PROJECT

---

## *Newspaper Pieces*

- <https://time.com/5429002/gun-control-act-history-1968/>
- [https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278\\_story.html](https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278_story.html)
- <https://www.nytimes.com/2018/03/22/opinion/gun-control-1968.html>
- <https://www.npr.org/templates/story/story.php?storyId=91942478>
- [https://www.washingtonpost.com/politics/how-the-assassinations-of-1968-led-the-nra-to-become-the-lobbying-force-it-is-today/2018/05/25/e75458f6-4342-11e8-8569-26fda6b404c7\\_story.html](https://www.washingtonpost.com/politics/how-the-assassinations-of-1968-led-the-nra-to-become-the-lobbying-force-it-is-today/2018/05/25/e75458f6-4342-11e8-8569-26fda6b404c7_story.html)
- <https://www.nytimes.com/2018/04/03/us/martin-luther-king-1968-gun-control-act.html>
- <https://www.nytimes.com/1990/05/24/us/six-decades-of-gun-legislation.html>
- <https://www.vox.com/policy-and-politics/2017/10/12/16418524/nra-second-amendment-guns-violence>
- <https://www.vox.com/the-highlight/2020/3/24/21191524/nra-national-rifle-association-history-frank-smyth-wayne-la-pierre>
- <https://www.washingtonpost.com/outlook/2021/04/27/gun-control-effort-that-almost-stopped-our-addiction-weapons-war/>
- <https://www.theatlantic.com/magazine/archive/2021/10/responsible-gun-ownership-is-a-lie/619811/>
- <https://www.vox.com/policy-and-politics/2019/6/20/18677998/joe-biden-1994-crime-bill-law-mass-incarceration>
- <https://time.com/3746059/war-on-crime-history/>
- <https://www.nytimes.com/1975/04/13/archives/why-lots-of-money-didnt-end-lots-of-crime-a-safe-streets-act-but.html>
- <https://www.nytimes.com/1999/09/26/magazine/miranda-on-the-hot-seat.html>
- <https://www.nytimes.com/1970/02/18/archives/congress-to-review-crimecontrol-act.html>
- <https://www.nytimes.com/1969/06/22/archives/mayors-criticize-states-on-crime-1968-omnibus-crime-act-is-called-a.html>
- <https://www.washingtonpost.com/archive/politics/1977/01/19/high-court-expands-governments-use-of-wiretap-evidence/5a8481ac-ea3a-463f-83a8-46970a904883/>
- [https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278\\_story.html](https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278_story.html)
- <https://www.washingtonpost.com/archive/lifestyle/magazine/1997/07/20/the-rise-of-the-fbi/07c009a3-ddb0-4e6a-81bd-91bc0aa3c996/>
- [https://www.washingtonpost.com/world/national-security/just-how-would-the-government-obtain-a-wiretap-in-a-counterintelligence-probe-show-a-federal-judge-probable-cause-that-the-target-is-an-agent-of-a-foreign-power/2017/03/04/5905d7b4-0117-11e7-99b4-9e613afeb09f\\_story.html](https://www.washingtonpost.com/world/national-security/just-how-would-the-government-obtain-a-wiretap-in-a-counterintelligence-probe-show-a-federal-judge-probable-cause-that-the-target-is-an-agent-of-a-foreign-power/2017/03/04/5905d7b4-0117-11e7-99b4-9e613afeb09f_story.html)
- <https://www.presidency.ucsb.edu/documents/statement-the-president-upon-signing-the-omnibus-crime-control-and-safe-streets-act-1968>