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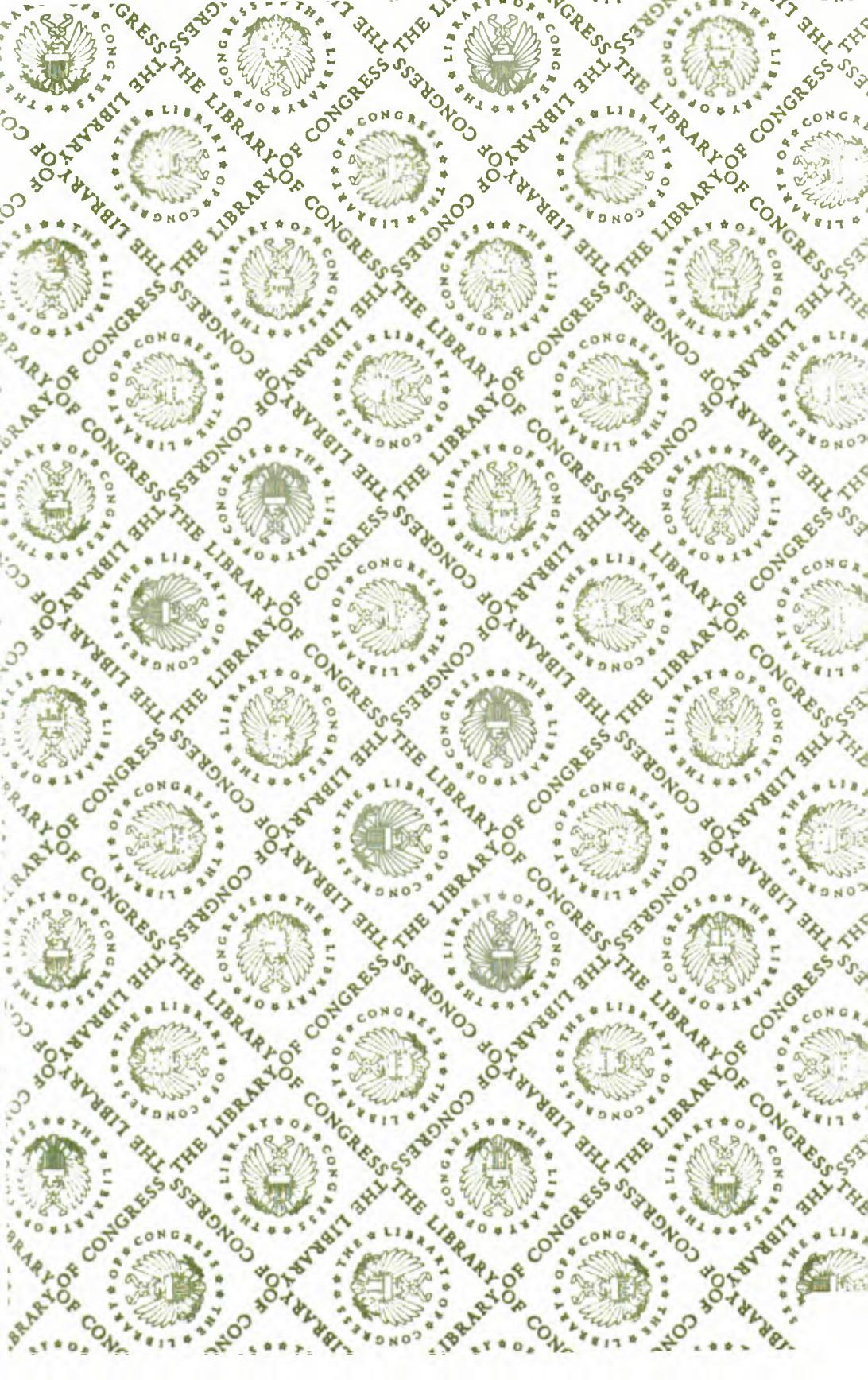
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UNITED STATES CONGRESS, HOUSE, COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CRIME.

PENDING FIREARMS LEGISLATION AND THE ADMINISTRATION'S ENFORCEMENT OF CURRENT GUN LAWS



SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
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PENDING FIREARMS LEGISLATION AND THE ADMINISTRATION'S ENFORCEMENT OF CUR- RENT GUN LAWS

THURSDAY, MAY 27, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 2:07 p.m., in Room 2141, Rayburn House Office Building, Hon. Bill McCollum [chairman of the subcommittee] presiding.

Present: Representatives Bill McCollum, Steve Chabot, Bob Barr, George W. Gekas, Howard Coble, Lamar S. Smith, Charles T. Canady, Asa Hutchinson, Robert C. Scott, Martin T. Meehan, Steven R. Rothman, Anthony D. Weiner, Sheila Jackson Lee.

Also present: Representatives Henry J. Hyde, Chris Cannon, Robert Wexler, and Carolyn McCarthy.

Staff present: Daniel J. Bryant, Chief Counsel, Bobby Vassar, Minority Counsel, Veronica Eligan, Staff Assistant.

OPENING STATEMENT OF CHAIRMAN MCCOLLUM

Mr. MCCOLLUM. The Subcommittee on Crime will come to order. Today we examine the issues of gun violence and enforcement of the Federal firearms laws. While many of my Democrat colleagues would prefer to just skip this opportunity for a rational discussion of what the Senate has passed and the President is proposing, I think it is very important that we are here today. This hearing is about policy, not politics.

Just yesterday, the last of my three sons graduated from high school. It is a sad commentary on the times that we live in that I am not only proud of what my son accomplished, but I am also relieved that he was not a victim of violent school crime. And, as we all know too well, not everyone is so fortunate. One of our witnesses today, Mr. Darrell Scott, lost his daughter at Columbine High School. We owe it to him and all of the other victims of these tragic school shootings to stop pretending that there are quick fixes and easy solutions to this nightmare of violence.

Passing legislation that makes politicians feel good but has no relation to the actual problems at hand only aggravates the tragedies that have occurred. It doesn't prevent them. It is a dereliction of our duty as lawmakers to prefer sound bytes to substance.

For example, last week in Conyers, Georgia, a student broke into a locked cabinet and stole two of the most widely owned firearms

in America: a .22-caliber rifle and a revolver. Nothing in the President's gun control proposals would even remotely address such circumstances, unless, of course, the Clinton-Gore administration is going to propose after the next tragedy that we go door to door to confiscate such firearms. And so we are here today to listen, to think, and to talk about various proposals.

Let me say right up front that I support closing loopholes and tightening existing gun laws not because they will prevent further devastating shootings by suicidal maniacs, but because such changes are the responsible thing to do. I want to stop felons from buying guns, even though we all know that most dangerous criminals get their guns on the streets or by stealing them. I also want to limit juvenile access to guns. Kids should only use guns under the supervision of a parent or a guardian. And so I will work to find a sensible solution to accomplish these goals.

This subcommittee will deal effectively with the concerns about gun shows, safety devices, juvenile gun possession, and other issues. But let me also make two fundamental points about youth violence and Federal legislation.

First, I believe that to the extent the Government can do anything about this problem, our reach is certainly limited. One of the most important things that we can do is to fix America's broken juvenile justice system. Most violent juveniles start life by committing property crimes and the less serious offenses in their early teens, but they are rarely punished for these actions. By beating the system repeatedly, these young delinquents wrongly assume that there are no negative consequences to bad conduct.

We must put all consequences back into the system. We also must be ready to impose swift and certain punishment on violent teens who are bent on harming our kids. We must send a clear message: If you dare to bring a gun to school, you will pay a high price for doing so. We must also make sure that juvenile records are not sealed or expunged if we are going to prevent violent teens from buying guns when they become adults. These records must be available for background checks and criminal sentencing.

Second, I believe that tighter gun laws and tougher punishment—will not do nearly as much as tighter hugs and tougher love for our kids. This whole problem is about how we raise our kids and what we choose to do as moral free agents. We are putting in their hearts, and it is very important that we put in their hearts, things that are more important than trying to take something out of their hands. If we have not instilled them with a measure of self-control sufficient to resist the urge to harm others, if we have sat idly by while our culture of violence has taught them that human life is cheap, if we simply watch them lose their souls on the dark side of progress and prosperity, then we have failed. And doubling the size of the book of Federal crimes will make little difference.

Finally, I must point out that doubling the size of the Federal Criminal Code will not matter if the Clinton-Gore administration refuses to vigorously enforce these laws. We will look today at some troubling statistics showing a significant drop-off in gun prosecutions over the past 6 years. I am especially shocked at the way that the juvenile possession statute has been virtually ignored. I will say this for the White House: It takes a lot of nerve to bang your

fist and demand tougher juvenile gun laws while doing almost nothing to enforce the ones that already exist. But nerve isn't what the public wants. Americans pay taxes for law enforcement, not press conferences.

So I look forward to hearing from today's witnesses. I also look forward to the full committee markup in less than 2 weeks and floor consideration in less than 3 weeks. I can assure my colleagues that we will have a very comprehensive bill. But we will not deceive ourselves or our constituents into believing that we can do more than what Government is capable of doing. At the end of the day, the hearts of America's children will be shaped far more by families, churches, and communities than by Government.

I now yield to the distinguished ranking member of the subcommittee, Mr. Scott, of the great Commonwealth of Virginia. Mr. Scott?

MR. SCOTT OF VIRGINIA. Thank you, Mr. Chairman.

Mr. Chairman, the recent tragedies in Littleton, Colorado, and Conyers, Georgia, are but the latest examples of the terrible price we must pay for the result of gun violence. The fact is that gun violence in the United States is off the charts, particularly as compared to other countries. For example, a review of handgun homicides per 10 million people in 1996 reveals that New Zealand had five, Australia seven, Japan one, Britain five per 10 million, Canada 38, Germany 26. The United States in the same period of time had 358 handgun homicides per 10 million people.

Perhaps the most troubling statistics involving gun violence concern our young people because in 1984 to 1993 a teenage was more likely to die from a gunshot wound than from all other natural causes combined. Although the number in recent years has declined slightly, the number of recent shootings demonstrates that gun violence among young people remains intolerably high. The fact is that guns have converted schoolyard fights into schoolyard murders.

Of course, gun violence is not limited to the young. For example, the vast majority of all homicides in which a weapon is used involved a firearm, and usually a handgun. Further, adults who keep guns in the home for self-protection are 43 times more likely to kill somebody they know than to kill in self-defense. This all comes at a serious cost to society. Obviously, there is the ultimate cost: the loss of life and the sorrow and tragedy inflicted on family members left behind.

In addition to that, society pays a cost when people live in fear of gun violence, and inevitably there is the health care cost of the victims of shootings. Left unaddressed, this problem is only going to get worse. We need only look at the availability of firearms to come to that conclusion. In 1996, alone, the ATF estimated that, on average, there was almost one firearm per person in America. That total includes roughly 72 million handguns, 76 million rifles, and 64 million shotguns. Most of the guns available are produced domestically, and each year 1 to 2 million handguns are manufactured.

Mr. Chairman, we need to act to do something about this problem, and as to what we should do, let me first say that the arguments offered by some that the second amendment to the Constitu-

tion prohibits Congress from passing the laws are simply wrong. The second amendment states that a well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The United States Supreme Court declared in 1939, in *United States v. Miller*, that the second amendment right to keep and bear arms applies only to the right of the State to maintain a militia and not to the individual's right to bear arms. More specifically, the Court said in *Miller* that the obvious purpose of the second amendment was to assure the continuation and render possible the effectiveness of the State militia and that the amendment must be interpreted and applied with that end in view. Thus, the second amendment does not constitute a barrier to congressional regulation of firearms. Rather, the real challenge before us is to determine what Congress can do in the form of regulating firearms which will actually result in a reduction of gun violence.

What we do know is that some modest provisions presently in existence have made a difference. For example, the Department of Justice reports that during phase one of the Brady Act implementation from December 1993 to November 1998, background checks prevented firearm sales to over 300,000 felons, fugitives, and others prohibited from receiving handguns.

Now, at the same time, we must be mindful that over the last several years Congress has been accused of responding to high-profile crimes with a quick-fix piece of Federal legislation. We must carefully consider the effect of any proposal which would federalize crimes which have been traditionally handled in State courts. Many have cautioned us about our eagerness to federalize crime, and those include the Chief Justice of the United States.

So it is my hope that this hearing will address issues so that we can craft the most effective legislation possible based on research-based sound policy and not poll-tested sound bites.

Now, with regard to sound policy, I would like to make one final point because in dealing with crime it has been my experience that we can play politics or we can reduce crime, but we can't do both. This subcommittee put crime reduction ahead of politics when it reported the bill H.R. 1501, a bipartisan juvenile justice bill which followed the advice of experts as to what research shows will reduce crime and save money.

Testimony was taken from judges, advocates, and researchers, and the bill reflects their unanimous view of what is needed to reduce crime. Predictably, the bill and the reporting of the bill created no headlines, but I look forward to working with you, Mr. Chairman, to pass H.R. 1501 as it presently exists, without loading it up with slogans which are ineffective and often counter-productive. And I would hope that we will use that same principled approach for developing equally thoughtful legislation dealing with firearms.

Thank you.

Mr. MCCOLLUM. Thank you very much, Mr. Scott.

We have several members of the committee, I understand, who will be with us today and some others of the Congress who are not on the full Judiciary Committee, and I want to lay out the ground

rules at the beginning that this subcommittee has always followed for both opening statements and questions of the witnesses.

We will recognize the subcommittee members only, though we welcome the others' attendance. Any subcommittee member during the course of their 5 minutes may yield a portion thereof to another Member of Congress, whether on the Judiciary Committee or not. But that is the basic premise. We will only recognize the subcommittee members in the usual order and only for 5 minutes.

Now, having said that, does Mr. Barr wish to make an opening statement?

Mr. BARR. I would, Mr. Chairman.

Mr. MCCOLLUM. You are recognized for 5 minutes.

Mr. BARR. Thank you. I very much appreciate the chairman convening this hearing today. I hope it is one of a series of hearings that the Congress will convene, in particular this Subcommittee on Crime, which has a great deal to do with the matters before us, but the roots of which and the solutions to which go far beyond any one subcommittee of this Congress to address.

The problem of youth violence encompasses our entire society, therefore, its many parts really fall within the jurisdictions of many committees. I have called today for the creation of a select committee on youth violence to address this domestic security problem in the same manner as we formed last year and which we recently saw the results of a select committee under Chairman Cox to address a problem of national security. If indeed, protection of our borders is of sufficient national importance to require the establishment of a focused, organized, and responsible select committee to bring to bear the full comprehensive weight of the Congress to address a national problem, then certainly the problem that is tearing our country apart internally—and that is a matter of the gravest domestic security, and that is youth violence and youth killings in our society—then we ought to give it at least equal weight. And I hope that we will do that.

So I view this hearing today, as important as it is, not as the end but as the beginning of that process. We will hear today from a number of very, very important witnesses both from within the Government and the private sector. That is as it should be because this is a problem that is going to entail, if we are going to begin to address it and solve it, the concerted and coordinated work of the private citizens of this country, our schools, our businesses, our religious institutions, as well as Federal, State, and local government authorities.

We will be probably looking today at many charts, two of which graphics are up here today. I would like to add one here which hangs in our office. It is not the result of any focus group. It is not the result of any poll. It is the Ten Commandments. The Ten Commandments hangs in the office of the Representative of the 7th District of Georgia for a reason, and that is that we hope that everybody that enters that office, be they constituent of the 7th District or from elsewhere in this country or from another country, recognize that there are certain norms of behavior well established among all organized societies, particularly those which have survived for any length of time, that govern behavior. And I would dare say, I would posit that if this same document which hangs in

my office, hung in the halls of the Columbine High School and Heritage High and other schools across the country, not to proselytize in the sense of a religious statement but to proselytize in terms of a statement of human behavior and human decency, and to which the attention of every student every day is directed in our schools, we would not have had the tragedies that bring us here today.

So I firmly hope, Mr. Chairman, that we focus not only on the technical aspects of this problem and its solutions but on the moral component as well.

With that, Mr. Chairman, I would again thank you for convening this hearing, but would urge all of us, including my colleagues on both sides of the aisle on this committee, to roll up our sleeves, not make statements of demagoguery, not respond to polls, but to look at this as a fundamental national problem of equal importance to those that have been addressed recently by the Cox committee, and to give it the comprehensive, focused, and responsible look that it deserves and not be rushed to judgment by politics on either side of the aisle, but to respond to the hearts and the minds of the American people, which are crying out for leadership. That leadership now does not require demagoguery over guns. It does not require an artificially short timetable. It requires concerted effort, and that is what I call on the American people today to demand of those of us here in the Congress, a well-focused, concerted effort to address these fundamental problems—not scrape the surface but get it out by its roots.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Barr.

Mr. Meehan, do you wish to make an opening statement?

Mr. MEEHAN. I do.

Mr. MCCOLLUM. You are recognized for 5 minutes.

Mr. MEEHAN. Thank you, Mr. Chairman. And with all due respect to the previous speaker, I think time is of the essence. Thirteen children die every day in this country as a result of gun violence. Thirteen children every day. Time is of the essence, and I think it is unfortunate, to say the least, that we haven't marked up this legislation before this. It is a very good piece of legislation. It should have been marked up before the full committee. And, frankly, I don't think that the Congress should be leaving on a Memorial Day recess for a week and a half without having passed this bill, a bill that contains some common-sense gun amendments that are overwhelmingly supported by the American people, that the United States Senate moved to pass. There is Republican and Democratic support for these common-sense gun measures, and we should have done it before this.

Thankfully, the school year will soon end, and parents won't have to worry about whether their kids will face violence in school; however, the end of the school year doesn't change the fact that 13 children will die every day as a result of gun violence. Our attention is focused on those children who die in schools where parents express shock that it could happen in their neighborhood. But for far too long, we have ignored those children who die in gun accidents and who die in the sort of gun violence that we have seen all across the country. And children are going to continue to die until this Congress takes action.

I do want to call attention to the second panel today because Officer Jerry Flynn from Lowell, Massachusetts, will testify—from my home town of Lowell—and I want to acknowledge Jerry Flynn and thank him for his service, and the Lowell Police Department has done a great job in Lowell of reducing crime and utilizing the community policing program.

But I think that really time is of the essence. I would have hoped we would have had this bill passed today. There have been, I think, 11 days when days were scheduled for votes in this Congress that have been canceled, all time where we could have passed this legislation and sent it over to the President.

But this is not a new debate, and, Mr. Chairman, I will submit my full comments to the record, but I want to point out that this isn't new. Over 30 years ago, Robert Kennedy spoke about the dangers of kids and guns in words that have proven, unfortunately, timeless. Robert Kennedy said, "We have a responsibility to the victims of crime and violence. It is a responsibility to think not only of our own convenience, but of the tragedy of sudden death. It is a responsibility to put away childish things, to make the possession and use of firearms a matter undertaken only by serious people who will use them with restraint and maturity and that their dangerous nature deserves and demands."

Let's end kids' access to guns once and for all. Let's have this hearing and move quickly, as soon as we get back from the recess, to pass meaningful, reasonable gun control.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Meehan.

Mr. Chabot, you are recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I thank you for holding this important hearing to fully explore and discuss the important juvenile crime issues that face this Congress and that face the American people.

On April 20th, I was sitting in this very room when we received word of the tragedy at Columbine High School in Littleton, Colorado. I, as were all Americans, was deeply saddened that this type of senseless violence could happen yet again in this country. I would like to offer my condolences to Mr. Scott, who will testify today concerning his family's tragedy.

Unfortunately, violence occurs in our classrooms, in our schoolyards, and on playgrounds in this country every day. Our challenge is to address these deeply ingrained societal problems in a very deliberative manner and in a responsible manner. Our constituents rightly expect us to support legislation that will truly make a difference. Politically expedient proposals that will not have a lasting impact should not be rushed to the floor and championed as a catch-all solution. Ultimately, the juvenile violence problem in this country is not simply the product of laws or the lack thereof. It is a societal one.

Our children are inundated every day with negative images, violent messages, and much less than positive role models. Parenting has become a struggle—I am a parent myself of two kids—in a country where the Government taxes an inordinate amount of a family's paycheck and forces parents to spend more time than they

would like to at work and less time raising and supervising their kids.

Nationally, we are faced with staggering statistics. The Bureau of Justice Statistics reports that in 1997 there were 2,500 juveniles age 17 and younger arrested for murder. That represents a 90 percent increase from 1986 in this Nation. Our Nation's youth are now among the most likely to fall victim to violent crimes, crimes often committed by their peers in our Nation's schools. To me, these numbers indicate an epidemic of youth violence, one which we must confront head on. We must pass stronger laws that target and punish violent juvenile offenders.

Stiffer sentencing guidelines, trying more violent juveniles as adults, and opening these violent juveniles' records would be a good start. Perhaps even more importantly, the Justice Department must begin to take the laws we already have on the books to protect our children more seriously. Over 6,000 kids were expelled for bringing guns to school during the 1996-97 school year, yet only 17 of them were prosecuted under the Federal Gun-Free School Zones Act by the U.S. Attorney's Office under this administration. It is inexcusable that Federal prosecutors have refused to enforce the law.

I would like to close by noting that we should not lose sight of the fact that most of our parents in this country are doing a good job and an overwhelming majority of our children are good kids, who go to school to learn, to make friends, and participate in positive activities.

I thank the chairman for holding this important hearing and yield back the balance of my time.

Mr. MCCOLLUM. Thank you, Mr. Chabot.

Mr. Rothman, you are recognized for 5 minutes.

Mr. ROTHMAN. Thank you, Mr. Chairman.

There is a question about whether the prevalence of violence and cruelty and sadism in our popular culture that is so prevalent in the media that our children are exposed to is having an effect. It is, and a terribly negative one. We ought to address that.

But without the easy access to guns, our children wouldn't be committing as many gun crimes as they are. So we must work on all fronts to deal with increases in juvenile violence, but the first thing we need to do is to deny the children access to guns. And then if they have these violent tendencies, they will have to act them out without guns, and we will save thousands and thousands and thousands of children's lives.

There are many firearm legislative initiatives that I support, including President Clinton's package of gun control measures. Now, I believe in the second amendment that says Americans should have the right to possess firearms. I believe in it. But like every other constitutional right, we have the ability and responsibility to make sure that that right is fairly and intelligently observed.

For example, we have freedom of speech, yet you can't threaten to kill somebody. You can't engage in obscenity or child pornography, though some would call it speech and it should be free. But we say, no, the first amendment can be interpreted rationally, with common sense. And so can the second amendment right to bear arms. We can interpret it rationally and sensibly and say adults

can have access to guns, but not children. And that is why these hearings are so important. Remove the easy accessibility and easy availability of guns to children. Deal with the other problems of violence and sadism and cruelty in the media, but get rid of the guns and you will have less gun crimes in the hands of children.

According to the Centers for Disease Control, 86 percent of the 1997 firearm-related deaths in the world among children 15 and younger occurred in America.

In my own suburban New Jersey district, 45 percent of the kids in my high schools had seen weapons in school; 46 percent said that they could get a gun if they wanted to.

How can we allow this? How can we as parents and legislators permit the easy availability of guns to children? Two-thirds of the American people think we shouldn't tolerate this. But the leadership in the Congress doesn't get it. That is why these hearings are so timely and so important and why the American people must remind the leadership in the Congress to get with it. End the easy availability of guns to children now and stop the killing of children by children with guns now. Address the long-range problems of violence in the media, yes, but end the availability of guns now.

Mr. Chairman, as the father of two young children, I know how it is as a parent to worry about sending your kid off to school and wonder if some other kid is going to bring a gun into school. We in Congress can do something about it if the leadership in the House and the Senate will permit us to do so. The American people should be heard and speak to their legislators about it.

I look forward to participating in this hearing, Mr. Chairman.

Mr. MCCOLLUM. Thank you very much.

Mr. Gekas, you are recognized for 5 minutes.

Mr. GEKAS. I thank the Chair.

The statements that have been made about cultural decay cannot be denied. Those that have been made with regard to accessibility to guns cannot be denied. But there is one element that has to be reinforced as we go about the business of determining the best possible legislation, and that is good, old-fashioned deterrence. When we talk about stricter law enforcement, that is not just a byword. We are talking about setting an example: punishment and deterrence.

Since the dawn of civilization there has been no substitute for disciplining individuals who would do violence to others, and no better example of how to deal with such individuals, except by swift, visible, palpable punishment. And it serves deterrence in two ways. It deters that individual if we punish him severely for violating the rights and the body and the spirit of others, and at the same time, as best as the civilized world can determine, it does serve as a deterrent, as an example to others, to say to them, wait, maybe I should not indulge in robbing a store or mugging an individual because look what happened to X who just did it 2 weeks ago. The deterrent value, even for the death penalty and for severe punishment to fit the severe crime, is something that has to be evaluated as we move in the debate even in juvenile justice circles, because juveniles must be treated as adults when they dare to commit those very serious and violent, heinous crimes.

We can hope and we can show evidence of—we can hope that dealing severely with the violent youngsters will deter other youngsters from following the same course. We cannot—and I for one will not—set aside the value of swift punishment and deterrence as an element of the inquiry that we are about to undertake.

I yield back the balance of my time.

Mr. MCCOLLUM. Thank you, Mr. Gekas.

Mr. Weiner, you are recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman.

We are engaged here in part of a strategy of stall. The leadership in this House is stalling to allow the NRA to mount another campaign to turn this Congress away from the broad national consensus on the necessity of tough, common-sense gun laws. And make no mistake. It doesn't take the NRA long to reload.

Lewis Carroll once wrote in "Through the Looking Glass" a poem called "Jabberwocky." It was a poem of half words and half made-up words. It led to Alice, from Alice in Wonderland, to declare that it is "brilliant nonsense." And, frankly, so much of what we have heard today and so much of what we have heard in the past weeks in this House are just that.

We have heard that the leadership of this House supports the Senate legislation on gun control. Yet, days and days go by, weeks go by, sessions go by, and we do nothing to act upon it.

Today, as we speak here, the House of Representatives is out of session. Many of our colleagues are on planes home for the Memorial Day recess. No action has been taken.

We have heard that the existing laws are not helping, that violent crimes with guns are down 27 percent in the last 5 years because of the initiatives of this administration.

We have heard even just a moment ago that there are not enough prosecutions for gun crimes. Well, in the last year of the Bush administration, 1992, there were 20,681 prosecutions for gun crimes. That number in 1997 had risen by 25 percent—25 percent more prosecutions than there were just 5 years ago.

And most recently we heard a statement saying we need more punishment, more punishment. Well, I would point out to my colleagues that the juvenile justice bill, one that has broad bipartisan support on this committee, one that the chairman deserves great credit for crafting and the minority leader deserves great credit as well, has been sitting and waiting and waiting and waiting for us to act upon it.

And what is this stall over? This stall is over common-sense, moderate, thoughtful, broadly supported regulations: closing the gun show loophole, limits on gun-running so you can only buy one handgun a month, raising the age for gun ownership, examining the smart technologies to allow only a gun owner to fire that gun, and making it more difficult for young people or anyone to get a hold of explosives.

So let's not stall while Charlton Heston tells us that no new gun laws are necessary. Let's not stall while we listen to flat-earth types like we may hear from today tell us that more guns in schools is actually good and will create safer classrooms. And let's not stall while the radical right tells us that we are trying to abrogate the Constitution in some way. Because while we stall, all the

American people here is "Jabberwocky"—"brilliant nonsense." We need Hollywood to help. We need parents to help. But we also need the men and women in this Congress to stop stalling and to help us do our job for the American people.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Weiner.

Just to set the record straight, the President's gun bill was introduced 12 days ago. We will have a markup 12 days from today. That is pretty expeditious.

Mr. Coble, you are recognized for 5 minutes.

Mr. COBLE. Thank you, Mr. Chairman. I can't add much to what has been said. I, therefore, will not consume 5 minutes.

But, Mr. Chairman, when television lights illuminate in our respective eyes, some people have a way of going off, as we say in the rural South, half-cocked. I think it is a good thing to be a little more deliberate, a little more thorough. When indefensible and inexcusable acts of violence erupt, such as was recently done in Georgia and Colorado, I think we humans, to use the words of my friend from Georgia, we are prone to rush to judgment, overreact. But it is my belief, Mr. Chairman, that tight, rigid, inflexible gun control laws do not result in a diminished or lower rate of crime.

If I thought otherwise, I would probably be espousing for tight, rigid gun control laws. I don't think it corresponds to a lower crime rate.

As we chart a course to resolve these problems, Mr. Chairman, I think we should consciously, generously lace our trains of thought with a good, healthy dose of common sense and thoughtful deliberation.

I appreciate your having raised this hearing today, Mr. Chairman, and I yield back the balance of my time.

Mr. MCCOLLUM. Thank you very much.

Ms. Jackson Lee, you are recognized for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Just a couple of days ago, I had the privilege of visiting for about 2 hours with one of our unsung heroes in this Nation, one of our ATF officers who was engaged in undercover work around the Nation dealing with guns. He indicated in his undercover work that he had bought more guns than, as we say sometimes, the Lord would allow. But one issue struck me particularly significant inasmuch as just a few days ago I buried one of our very fine law enforcement officers, shot down by a criminal with a gun in Houston, Texas.

This officer said he went to a State out West and bought a gun from, I guess, an unassuming woman, no license, selling it from the back of her car. He was out front and said, "I am going East to kill a police officer." She said, "Why don't you buy a silencer? And when they catch you, don't remember my name."

It befuddles me why, as we proceed in this very important hearing today, we still have individuals who are claiming the second amendment puts a bar to protecting our children, our law enforcement officers, our community.

I have become quite familiar with the Constitution over the last year, and its Preamble suggests to me that they are misguided because it says that the people will gather together, if you will, in

order to form a more perfect union. That suggests to me that when we fall upon hard times, we are to rise up and act. So I disagree with my colleague from Georgia that we should deliberate and study. I think the time to act is now.

I will say that I join Mr. Barr in calling for and join his request for a select committee on youth violence. I think we must continue this effort. But I do think we are long overdue in expressing both our outrage and action on the question of guns in America.

The second amendment is clear. It was written around 1789, a fledgling Nation trying to survive. And what they suggested is that we should have a well-organized militia so that we could protect our sovereignty. I think we have got that in our respective National Guards. And so for all of those who wave the second amendment as a bar to reasonable, rational gun safety regulation, I believe they are mistaken.

To the National Rifle Association, who stuck its tentacles down in Houston, Texas, in 1990 when I passed the gun safety and responsibility ordinance as a city council member, I know there will be no mountain too high or river too low for them to come and tell you you are violating the second amendment. I disagree. And I would simply say to Mr. McCollum and Mr. Scott, I thank you for H.R. 1501 and I hope that we don't play smoke and mirrors with that legislation. It is a bill dealing with the rehabilitation and fair enforcement of laws dealing with juveniles. That bill should stand on its own two feet. I support your leadership. I am a cosponsor of it.

But the most important thing we have to do is to recognize that we have too many guns, as I offer my sympathy to the parents who have lost children. Yes, the entertainment industry is engaged in this. Yes, we need a full mental health counseling system, which I support. But we need to get rid of guns. The mothers are going to march on this Congress if we don't. The women of this Congress demanded that we pass gun legislation before Father's Day. If not, look for us to come in full numbers.

I chair the Congressional Children's Caucus. We heard from children. They want us to do something. And I am delighted to be joined here today by Carolyn McCarthy, the author of one of the most important pieces of legislation that we could ever have.

I think the time now, Mr. Chairman, is for us to do a lot of things, but most of all we should leave this room armed, if you will, with the commitment to tear down the walls of confusion and pass good gun safety regulation for our children, for American citizens, and for our own survival.

I yield back, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Ms. Jackson Lee.

Mr. Smith, you are recognized for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, we are here today because we all yearn for less violence. We are here today because America's children should not be killing and wounding other children. Our sensitivities are jarred when those who should be innocent engage in brutal and violent actions. But what to do? Thoughtful parents talk to their teenagers. Teachers keep an eye on unusual student behavior. And, in-

evitably, those in Government, particularly elected representatives, want to help.

We have already enacted thousands of lines of law to stop gun violence, and still more laws are proposed, more punishment is demanded. Perhaps both in moderation could be beneficial. But those who propose new laws should first be held accountable for enforcing the laws we already have.

In the last year of the Bush administration, for instance, twice as many defendants were charged with Federal weapons violations as in 1998. Also in 1998, there were only eight prosecutions for the possession of a handgun by a juvenile. Now, after a national tragedy, administration officials come forward to promote even more laws.

Our American cities are under siege. According to the 1997 FBI Uniform Crime Reports, the per capita murder rates per 100,000 people for several major cities were as follows: Baltimore 43, Detroit 45, Washington, DC 56, Miami 26, and Los Angeles 16. Well, residents of one city that had rates as high as these decided to take their city back. By simply working together and enforcing current laws, Boston's per capita murder rate dropped to 7 per 100,000 in 1997 compared to the 56 for Washington, DC.

David Kennedy, one of our witnesses in the second panel today, was on the front line of this battle. He is the director of the Boston Gun Project, a collaboration of local police, researchers, prosecutors, the probation and parole system, social services, and the Bureau of Alcohol, Tobacco, and Firearms. The Boston Gun Project was created to study the causes of the sharp increase in youth violence.

In Boston, the careful study of the root causes of the violence dispelled many assumptions and brought surprising and invaluable information to light. Mr. Kennedy said, "The youth violence problem in Boston was not a condition—bad kids, bad neighborhoods, bad drugs—but, rather, a dynamic that could be interrupted."

Once the participants of the Boston Gun Project identified this dynamic, they successfully interrupted the cycle of violence. But this came from studying the problem, determining the real causes, and acting on those. The Gun Project did not act on fear. It acted on fact.

In Congress, though, there is a philosophical divide which really comes down to a question of trust. It envelops not only gun control but other issues as well. The question is, Who do you trust more: parents, individual Americans, law-abiding citizens, or Government officials?

Let me give you some examples. Take schools. Most parents want their children to have the best education possible. Education is still the key that opens the door to success. Yet some people would deny parents the right to choose the school, public or private, that fits their child's needs. Opponents of school choice don't trust parents to decide what is best for their children.

Finally, take Government's control of guns. Most proposed new laws don't target the criminals. They aim to restrict the actions of law-abiding citizens, and most of these proposed laws would not even have prevented the recent tragedies. But they are another

way for the Government to say it doesn't trust citizens to know best how to protect themselves or participate in a legitimate sport.

We need to trust the American people and distrust the criminals. If we proceed on this basis and seek common-sense solutions, we will do what is right and reasonable. Playing to people's fears and fanning the flames of emotionalism sometimes may be effective politics, but it is never good policy.

As we go forward, let's hope we can respond to the shootings, but not overreact. Let's look for bipartisan answers that will actually prevent violence and reduce crime.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. I want to acknowledge the presence of our distinguished full committee chairman, Henry Hyde, today. Welcome. I understand you do not wish to make an opening statement.

Mr. HYDE. That is correct.

Mr. MCCOLLUM. Thank you.

Mr. Canady, you are recognized for 5 minutes.

Mr. CANADY. Thank you, Mr. Chairman. I want to thank you for calling this hearing. I think that it is important that this hearing be conducted.

I don't have a long statement to make. I want to echo some comments that have already been made. I think that whatever we do in this arena, we need to make certain that we are acting on the basis of the facts and that we are proceeding in a thoughtful, deliberative manner. I think we would do the American people a grave disservice if we did anything other than that on issues such as this, as well as any other issues that are within the jurisdiction of our committee.

So I thank you for giving us this opportunity to look at this issue and to hear from people who have thoughts for our consideration, and I look forward to hearing the witnesses.

Mr. MCCOLLUM. Thank you, Mr. Canady.

Mr. Hutchinson, you are recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I appreciate the testimony of the witnesses from whom we are about to hear.

One of the reasons I came to Congress, like others, was to address serious national problems. The problem of teen violence certainly fits within this category. It is right that this Congress take action reasonably calculated to reduce juvenile violence, increase school safety, and encourage restraint by those who expose our youth to a culture of death and destruction. The question is how do we do this.

First of all, I think it is important that we recognize that the ready answer is not usually the right answer. That the quick fix leads to quicksand rather than to a solid foundation.

Second, I think it is important to ask a simple question: What proposals on the table will legitimately reduce the potential for another Jonesboro, Arkansas, or another Littleton, Colorado? I believe that we should listen carefully, we should listen deliberatively, and we should listen with an open mind to the debate that we are about to hear. I think that we should be open. With the Senate adopting trigger locks, I think we have to look at that. I think we have to look at ways to keep criminals from buying firearms at gun

shows from unlicensed dealers. I think we have to examine that with an open mind.

I think we also have to look at the ineffective prosecution of our existing gun laws and why when we pass laws they do not lead to solutions. I think we have to look at more resources for our juvenile probation officers. When you are dealing with troubled youth, you have to have people with compassion, understanding, and ability to deal with them.

And so we should have an open mind, but we should also be cognizant of two propositions. First of all, what we do in Congress will not alone be the solution. It is an issue of the family, it is an issue of the American character, it is an issue of the heart. Secondly, I think we have to acknowledge that freedoms are at stake. And I have read part of the administration's proposals, and the favorite language is "as the Secretary may require by regulation." You will see that scores of times throughout the proposed legislation, and I think we have to ask how much regulatory authority are we giving an agency of this Government and to what extent will this solve the problem?

One paragraph says, "Thirty days prior to the date of a gun show, gun show promoters would be required to notify the Secretary of the date, time, duration, and location of the gun show and to supply any other information concerning the gun show as the Secretary may require by regulation. No later than 72 hours prior to the date of a gun show, the promoter would be required to provide the Secretary with a list of persons who will be selling firearms at the gun show and other information concerning the sellers as specified by regulation. In the case of flea markets and other types of recurring events at which firearms are sold, regulations implementing these provisions may provide for a single annual notice or notices at other specified intervals with additional notifications when changes in vendors occur." No last-minute changes are allowed.

"In addition, gun show promoters must verify the identity of all persons selling firearms at the gun show by examining photographic identification document, require that all sellers sign a ledger with identifying information concerning the sellers, and require the sellers to sign a notice acknowledging that they have been advised of their obligations under the law. The records created by these requirements must be delivered to the Secretary within 5 business days of the end of each gun show. The Secretary may also require gun show promoters to retain a copy of these records." And on and on and on, subject to regulations as dictated by the Secretary of the Treasury.

I think we have to look at these proposals carefully and not just simply pass a 76-page document that we believe is going to be a quick fix for a problem. You might as well simply outlaw certain exercises of freedom that we have traditionally engaged in in this country.

And so with that, Mr. Chairman, I look forward to the testimony and a very deliberate and cautious debate on this important subject.

Mr. McCOLLUM. Thank you very much, Mr. Hutchinson.

I want to thank our panel for being so indulgent of us today as each of the members made opening statements, which is not often the case in the subcommittee, but it is such a serious issue I think each one felt compelled. I appreciate your patience.

Our first panel today consists of Eric H. Holder, who was sworn in as the Deputy Attorney General at the Department of Justice on April 14, 1997. Prior to becoming Deputy Attorney General, Mr. Holder headed up the District of Columbia U.S. Attorney's Office, the largest in the Nation, for nearly 4 years. As U.S. Attorney, Mr. Holder created a new domestic violence unit, revitalized the victim/witness assistance program, and developed Operation Ceasefire, an initiative designed to reduce violent crime by getting guns out of the hands of criminals. Deputy Attorney General Holder is a graduate of Columbia Law School. We welcome you here today.

James E. Johnson is our other panelist on the first panel. He was sworn in as the Under Secretary of the Treasury for Enforcement on August 4, 1998. As Under Secretary, Mr. Johnson oversees the United States Customs Service, the United States Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the Federal Law Enforcement Training Center, and the Financial Crimes Enforcement Network, as well as the Office of Foreign Assets Control and the Executive Office of Asset Forfeiture.

Before joining the Clinton administration, Mr. Johnson was the Deputy Chief of the Criminal Division of the United States Attorney's Office in the Southern District of New York, where he also served as an assistant United States Attorney from 1990 to 1996. Mr. Johnson graduated cum laude from both Harvard College and Harvard Law School.

We welcome both of you here today. Your full statements, without objection, will be admitted into the record. I hear none, and it is so ordered. Mr. Holder, you are recognized.

**STATEMENT OF ERIC H. HOLDER, JR., DEPUTY ATTORNEY
GENERAL, U.S. DEPARTMENT OF JUSTICE**

Mr. HOLDER. Thank you, Mr. Chairman, Representative Scott, Chairman Hyde, and other members of the subcommittee. I very much appreciate this opportunity to appear before you today. It is my pleasure to be here with my colleague, the Under Secretary of Treasury-Enforcement, Jim Johnson.

This is, I believe, a critical time in our ongoing effort to fight crime and gun violence, especially as they affect our children. The Nation's violent crime rate, including violent crimes committed with guns, has dropped dramatically during the life of this administration. But tragedies like the murders in Littleton, Colorado, and the shooting in Conyers, Georgia, and the 13 young people who die in this country every day from gunshot wounds remind us that we must do more to reduce firearms violence even further.

We may never know all the reasons why incidents like the ones I have just described occur, yet if the young people who committed these crimes had a tougher time getting their hands on guns, these horrible crimes might have been prevented. We can—indeed, we must—build upon the successes of existing State and Federal laws to provide greater protections for our children and all of our citizens.

Changes in the laws by themselves will not eliminate the problem of gun violence, but they must be part of the comprehensive effort to end this kind of violence. Last week, the Senate took a strong, bipartisan stand against firearms violence by adopting several firearms measures that embrace common sense and good public policy and that are supported by the overwhelming majority of the American people. The juvenile justice bill passed by the Senate requires child safety locks to be sold with every new handgun. It bans violent juveniles from possessing a gun for the rest of their lives. It bans the importation of large-capacity ammunition-feeding devices. And, to its credit, the Senate passed legislation that will close the dangerous gun show loophole once and for all.

The Senate bill mandates background checks and crime gun tracing records for all guns that are sold at gun shows. Now you have an opportunity to act quickly on these proposals. In fact, you have an opportunity to build on the Senate's accomplishments and take even more steps to reduce gun violence. The administration's Youth Gun Crime Enforcement Act of 1999, which has been introduced by Representative Conyers as H.R. 1768, includes a number of other important public safety proposals. A mandatory 72-hour waiting period for all handgun purchases will help stop "heat of the moment" killings, and a proposed increase in the minimum age for handgun possession, from 18 to 21, will get handguns out of the hands of the most crime-prone age group.

I urge you to answer the call of the American people. Pass a comprehensive bill to reduce gun violence and send it to the President.

Now, why is new legislation necessary at all? The answer lies in our recent success. Our success over the past 6 years has taught us that reducing gun violence requires a coordinated approach. That includes prevention and enforcement. Our achievements have also highlighted opportunities for improvement.

On the prevention side, we must learn from the successes of the Brady bill which requires background checks on gun purchases. By imposing a minimal inconvenience on gun purchasers, the Brady law has kept guns out of the hands of more than 300,000 felons and other prohibited people, preventing untold crime and violence. And the Brady law has been used to catch fugitives who have tried to buy firearms.

Just 2 months ago, in Texas, a fugitive wanted in Michigan for the last 8 years for aggravated assault with a deadly weapon was caught after a pawnshop NICS check revealed his criminal history. We should capitalize on these accomplishments. You should join the Senate in extending the Brady law to gun shows and stop criminals from getting guns with no questions asked.

On the enforcement side, the administration's strategy of building strong partnerships among Federal, State, and local law enforcement has resulted in a significant increase in the overall number of firearm prosecutions in this country. Since 1992, the combined number of Federal and State firearms convictions, as is reflected in that chart, is up sharply, and about 22 percent more criminals were incarcerated for State and Federal weapons offenses in 1997 than in 1992.

If you look at the next chart, you will see that the number of Federal cases in which the offender gets 5 or more years in prison

is also up more than 25 percent—5 years or more being, I believe, the indication of the more serious crimes.

And, most importantly, let me just show you one more chart. As an indication of what the administration is trying to compare, if you compare 1993 to 1997, you see that the number of violent crimes with firearms has dropped 27 percent from a high in 1993 to its present level in 1997. We admit we are not perfect. I would ask the members of the committee to keep in mind those statistics. We are clearly doing something right in this administration.

In short, this administration supports a comprehensive approach that addresses the illegal acquisition, possession, transfer, and use of firearms as well as the underlying causes and consequences of violence.

Now you have, as I said, I believe, a historic opportunity to reduce gun violence further across the country by giving law enforcement the critical new tools that we need. I urge you to seize this opportunity.

Thank you.

Mr. McCOLLUM. Mr. Johnson, do you wish to make an opening statement?

Mr. JOHNSON. Yes. Thank you, Mr. Chairman.

Mr. McCOLLUM. Thank you.

STATEMENT OF JAMES E. JOHNSON, UNDER SECRETARY FOR ENFORCEMENT, U.S. DEPARTMENT OF THE TREASURY

Mr. JOHNSON. Mr. Chairman, Representative Scott, and members of the subcommittee, it is a privilege to join the Deputy Attorney General as we review the issue of firearms violence and the legislative proposals that will enhance our ability to reduce it. Today is a time to mark real progress, as the Deputy Attorney General just indicated, in reducing harm to our communities caused by gun violence. It is also a harrowing time, as speaker after speaker has also indicated, as we continue to witness violence in our streets and in our schools.

The violence that still takes place in many cities, all of our cities, and in many of our schools has shown that we still have a long way to go. We simply must redouble our efforts to stop the misuse of firearms.

Now, we have learned a lot about how to do this. Both enforcement and prevention strategies are vitally important to making our communities safer. Within this larger context, there are a series of other issues on which Americans have agreed. Firearms and explosives should not be available to certain people—not to felons, not to violent criminals, and not to unsupervised juveniles. Firearms and explosives must be bought and sold legally and responsibly. And, finally, firearms must be stored safely and securely by their owners in order to better prevent violent crime and access to guns by troubled youth and vulnerable children.

This consensus has greatly expanded in recent weeks. It is reflected by last week's bipartisan Senate votes. It is also reflected in the support expressed by congressional leaders in important segments of the firearms industry. The consensus provides ample room for agreement on sensible legislation, this legislation, and we

thank the chairman and ranking member for holding this hearing to advance our discussion of this critical issue.

Our joint statement covers many of the areas in the bill in great detail. I will briefly highlight a few.

As Treasury Under Secretary, my primary focus with regard to reducing violent crime is the development and implementation of the firearms enforcement mission of the Bureau of Alcohol, Tobacco, and Firearms, which is the principal Federal investigative agency enforcing the Nation's firearms laws. ATF has the jurisdiction, expertise, and experience necessary to successfully investigate armed criminals and gun-trafficking crimes. Under the leadership of Director Magaw, the dedicated men and women of the ATF are providing essential and innovative contributions to the fight against violent crime.

One of ATF's greatest achievements is its partnership with State and local authorities. As the Deputy Attorney General has noted, such a partnership, which includes U.S. attorneys and State prosecutors, has helped increase the overall number of prosecutions for gun violations over the last 6 years. Notable examples of this work, of course, include Richmond's Project Exile and Boston's Operation Ceasefire, both of which relied in part on the work of the ATF. We can greatly assist the men and women in law enforcement if we provide them with the tools they need to attack the illegal market in firearms that supplies criminals and juveniles who cannot legally buy guns from licensed dealers. To build on the success of the Brady law, we must do more to stop the criminal behind the criminal—the illegal gun trafficker.

Let me give you one example of the kind of trafficking I am talking about and what Federal authorities, ATF, and Justice Department prosecutors can do.

In Philadelphia, during 1994 and 1995, a straw purchaser, a person who really had no interest in the guns that he was purchasing, and a trafficker conspired to buy over 50 semiautomatic rifles, boxes of high-powered ammunition, and accessories such as 100-round-drum magazines, high-powered scopes, and laser sights. Seven rifles, some connected to drug activity, were subsequently recovered by law enforcement and one was linked to homicides. ATF traced the majority of the recovered firearms to the straw purchaser who had given them to a convicted felon. Together, the straw purchaser and the felon sold AK-47-type rifles to persons suspected of being involved in the local drug trade. They sold at least one of the guns to a juvenile. The U.S. Attorney's Office in Philadelphia secured a conviction of the defendants on all counts, including firearms trafficking and possession of a firearm in a school zone.

Mr. Chairman, the Youth Gun Crime Enforcement Act of 1999, H.R. 1768, contains critical new tools for attacking the illegal gun market. It will close the gun show loophole by requiring background checks and tracing records for all gun show sales. It would restrict handgun transfers to one a month. It will require licensed dealers to assist law enforcement to trace used as well as new crime guns. It will increase the penalties on illegal gun traffickers and make it easier to prosecute straw purchasers. It will also dou-

ble the size of ATF's Youth Crime Gun Interdiction Initiative launched by President Clinton in July 1996.

That program targets gun violations involving youth and juveniles. It assists local law enforcement in tracing all recovered crime guns, and it also helps identify and arrest illegal gun traffickers and criminal users of firearms. It allows us to get a picture of the gun-trafficking process to identify gun-trafficking patterns.

What you see to my left is a chart that is produced as a result of the work in the Youth Crime Gun Interdiction Initiative, and what this chart shows are the 10 fastest time to crime youth and juvenile crime guns. Those are guns used by youth and juveniles that have a fast time from the purchase at a licensed dealer to ultimate recovery in connection with a crime.

Mr. Chairman, we are grateful for the strong support that the Congress is providing to this program and to ATF's other firearms enforcement programs.

Now, adoption of the common-sense measures that are set forth in the bill will help law enforcement to keep guns out of the hands of criminals and unsupervised juveniles. We must do more. Eighteen- and 19- and 20-year-olds are a high-crime age group. Indeed, ATF traces more crime guns recovered from 18- and 19-year-olds than from any other age group. It makes sense, therefore, to set reasonable limits on gun possession by young people. We must raise the age of eligibility to possess a handgun from 18 to 21 and prohibit those under 21 from possession of assault rifles or large-capacity ammunition-feeding devices.

We must also take steps to protect younger children. We should require that safety locks or storage devices be sold with firearms and hold adults accountable for reckless storage resulting in a child's causing death or serious bodily injury with a firearm.

Mr. Chairman, over the years I have worked closely with an undercover officer shot by drug dealers, and I have spoken to parents whose children fell victim to inner-city gun violence. And I believe that there are victims here who can speak more eloquently to their plight.

Recently, I visited Columbine High School and saw how a vibrant school was stopped cold by two murderers who should never have had bombs and never have had guns.

All victims of violent crime and everyone threatened by it ask all of us to do all we can to prevent more loss. We are requesting more agents and continuing to develop strategies to enhance our enforcement efforts. We ask you to support law enforcement and help make our children safer. We urge you to pass H.R. 1768.

Thank you, Mr. Chairman.

Mr. McCOLLUM. Thank you very much, Mr. Johnson and Mr. Holder. I will recognize myself for 5 minutes, and then we will use the usual 5-minute rule and go down the line back and forth to each side.

Mr. Johnson, in your written testimony, you have indicated that the Brady law has prevented over 250,000 felons and others from buying a gun. And it is my understanding that it is a crime for somebody of this disqualified nature to buy a gun. At least most of them, if they are convicted felons, are committing a crime when they go to buy it.

How many of these 250,000 people have been arrested? How many of them have been prosecuted? I would like you to give me an idea. My sense is that it is not very many, but I may be wrong.

Mr. JOHNSON. Well, the figures that they have indicate that the numbers of arrests for those particular—the Brady violations—have not been high. What we tend to do in our investigative approach, particularly with laws like the Brady law, we think about it in a number of ways—

Mr. CANADY. Mr. Chairman, I am having trouble hearing. Could you speak a little louder?

Mr. MCCOLLUM. I think the mike was just a little further away. That is all. Thank you, Mr. Johnson.

Mr. JOHNSON. Sure. There are two aspects to our view of the Brady law. One is, as you indicated in your question, an important preventive aspect. The fact that we are able to prevent 250,000 convicted felons and other prohibited persons from purchasing a firearm is a significant, significant fact that should not be overlooked.

The second issue is what we do in terms of investigation. With the ATF, what you have is an organization that has developed actually an integrated violence reduction strategy that looks to conduct investigations using all of the available arrows in its quiver. The Brady law is just one of those.

There are many other crimes that may be charged in connection with investigations and decisions that are made along the way. The end result I think is what you have seen in these charts, that there has been a reduction in the level-g violent crime—

Mr. MCCOLLUM. But am I right that we are only talking about 1 percent or 2 percent or some really small percentage of the 250,000 people that have been intercepted trying to buy a gun who were felons have been arrested and prosecuted to date? It is very low, right? One or 2 percent, something like that?

Mr. JOHNSON. It would be fairly low, yes.

Mr. MCCOLLUM. Mr. Holder—

Mr. SCOTT OF VIRGINIA. Mr. Chairman?

Mr. MCCOLLUM. Excuse me. Yes, Mr. Scott?

Mr. SCOTT OF VIRGINIA. Mr. Chairman, could you follow up that question to determine whether attempt to buy the gun is a crime? Because if it is intercepted, they would not have purchased the gun.

Mr. MCCOLLUM. It is a crime to attempt to buy a gun, is it not, Mr. Johnson?

Mr. JOHNSON. Well, in connection with the attempted purchase, sometimes in the completion of the form, there are some criminal violations that can be implicated, that is correct.

Mr. MCCOLLUM. That is 922(g)(1), I believe.

Mr. Holder, I want to ask you a similar question in another area of the law. Since the instant background check system, the NICS system, went into operation November 30th, there have been over 1.2 million background checks made by the FBI through its call center and over 27,000 denials. These denials represent people trying to purchase firearms in violation of Federal law, clearly, and this is all since the instant check system went into place.

Why have there been almost no prosecutions of those 27,000 people?

Mr. HOLDER. Well, there have been a relatively small number of those kinds of prosecutions, but it seems to me that you can't measure the success of the Brady law or the instant check system by just the number of prosecutions. You have to also take into account the number of people who have not had access to guns as a result of those two—of that system. We have prevented people—stalkers, fugitives, felons, people who have domestic violence complaints lodged against them—from getting access to guns.

Mr. MCCOLLUM. And I want to tell you right up front that is exactly correct, and I think that is super, and I don't criticize that at all. The instant check system is working, but the prosecutions aren't occurring. That is why I am so concerned.

Tell me, how many Federal prosecutors around the country have it as their exclusive charge—that is, assistant U.S. attorneys—as their exclusive charge to prosecute gun offenses? Do you know?

Mr. HOLDER. I don't know what that is. I know in the U.S. Attorney's Office here in DC we had prosecutors who did have that sole responsibility. I don't know if that is replicated in other offices.

Mr. MCCOLLUM. Well, can't these felons go out and get a gun on the street instead of just buying it through the Brady system if they aren't arrested? In other words, that is the thing about the National Instant Check System. I know it prevents them from getting a gun when they go into a licensed gun dealer. But then if you are not prosecuting them when they come in there, isn't it true these same guys can go right out on the street and find a gun somewhere? We have thwarted them at the licensed dealer. But they are the bad guys. They are the felons. And that is what bothers me about the fact that almost no prosecutions are occurring. And that is the disturbing fact here.

I am just concerned, and I would hope you would submit to us in subsequent testimony some data on how many assistant U.S. attorneys have their exclusive function in actually prosecuting gun crimes because my impression, again, is that that is very few, very far between, though I am sure some districts have a special function in that regard. But I don't think many do from what I understand.

Mr. HOLDER. Mr. Chairman, you actually raise a good point. You say that people who are prevented from getting these guns then go on the street. I mean, one of the other places that they go, quite frankly, is to gun shows where they can go buy a gun because the background checks are not done. The fugitive who is turned away as a result of the Brady law then goes to a gun show, perhaps, and is able to purchase the weapon.

Mr. MCCOLLUM. Well, we are going to take care of that, I am quite confident, in this legislation. But you have got to prosecute them once we find them. I mean, this is a two-edged sword, and we can't do anything but enact the law. You have got to prosecute them. We can deter, but prosecution is equally important to get these guys off the streets. And I am really disturbed by that, and that is why you are hearing us talk about it. It isn't that we are critical of the functioning of the instant check system or the Brady law as it is now exists because it is a positive thing, in my judg-

ment. But we are very concerned, a lot of us, about the absence of prosecutions.

Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT OF VIRGINIA. Thank you, Mr. Chairman.

Mr. Holder, will it be your recommendation that the Department of Justice enhance the prosecution of these cases?

Mr. HOLDER. Yes. In fact, the Attorney General and the Secretary of the Treasury will be working on a directive that will be going out to the United States Attorney's Offices to ask them to develop ways in which more of these cases can be prosecuted. I think there is clearly a deterrent effect.

One thing we also have to keep in mind is that sentencing in these matters is driven by the Federal Sentencing Guidelines, and unless there is another offense, either a weapons offense or a narcotics offense, in the history of an offender, although the person can get up to 10 years by statute, the guidelines say that a person convicted of such an offense gets less than a year in jail. Given our limited resources, we have not spent as much time as I think we should have—

Mr. SCOTT OF VIRGINIA. This is just for the attempt to purchase?

Mr. HOLDER. Right.

Mr. SCOTT OF VIRGINIA. You can get jail time for the attempt. Okay.

Mr. Chairman, I yield the balance of my time to the gentle lady from New York, Mrs. McCarthy.

Mr. MCCOLLUM. Mrs. McCarthy, you are recognized for the balance of Mr. Scott's time.

Mrs. MCCARTHY. I thank you, and I thank you, Mr. Chairman, for having this hearing. I know I am only a guest on this committee right now, but I couldn't help thinking that in 1994 I did sit on that side of the table to testify when we were trying to get the assault weapons bill passed, especially with the large-capacity clips, because they were used on the Long Island Railroad.

I am here mainly because I have heard so many different things, and I think everybody here is rushing to judgment that nothing can be done, and I heard that back in 1994. There are many of us here that are victims, and they will testify later. But I have to say, when Mr. Smith was talking, and talking about the Boston project, which I happen to think is a terrific project—and I have that in my bill because I happen to think it is something that works between the Federal, the ATF, the community, and the local police. So that is something that can be done and certainly could be done here on this committee. It is a project that works, and we saw that it works.

There are a lot of things that can work, and I am hoping that this committee, and even further down the full House, will go on and stop the war of words. There are many things that we can do to save lives on a daily basis, but we all have to work together. And I also know that the ATF needs more money. I know our Treasury Department needs more money to enforce the laws. That is up to us here in Congress, and I think everybody, if they agree on more enforcement, then that is what we should be doing.

All I am asking is when all of you make your judgments and your fights not to have it so partisan, but remember the victims be-

cause it is 13 children a day. It is not just the schools. And it is the easy access to guns because on my committee, the Education Committee, we have had five hearings. We have had the experts in. We have had the psychologists in. And we can handle all the other issues that we have to work with, but the bottom line is every single witness, whether they are Republican witnesses or Democratic witnesses, came back down to saying it was the easy access to guns. That is the bottom line.

We are not trying to take away the right of anyone to own a gun. But if you want to talk about responsibility, then it should be the parents' responsibility if they own a gun. If you want to talk about responsibility, then it should be the gun manufacturers working with us to make safer guns. If you want to talk about responsibility, we can ask everybody to work together.

But I have to say if we do not handle this issue soon we will have another school shooting; we will lose 13 children a day, which is Littleton. We do that every single day. Every single day.

I thank you, Mr. Scott, for allowing me this time to say my piece. I will be here for the next few years to make sure that we do get something done.

Thank you.

Mr. MCCOLLUM. Thank you.

Mr. Chabot, you are recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

Mr. Holder, I understand that during the Bush administration Attorney General Thornburgh issued a memorandum ordering U.S. attorneys to pursue gun charges and not drop them as part of plea bargains. I also understand that Attorney General Reno rescinded or modified this memo to give U.S. attorneys more discretion on whether to prosecute gun offenses—in other words, more discretion to plea bargain.

Do you think that the change in the Thornburgh memo had the effect of reducing firearms prosecutions in the Clinton administration?

Mr. HOLDER. No, I don't think so. I mean, the change in the Thornburgh memo went wider than simply the prosecution of gun cases. I think what we have seen is we have decided to prosecute smarter. We have used the limited resources that we have to go after those who are committing the most serious crimes. And as that chart indicated before, the number of prosecutions involving people who serve 5 years or more in jail has actually risen during the course of the Clinton administration.

Mr. CHABOT. But overall you do have more resources now than you had then; is that correct?

Mr. HOLDER. We do. And the number of gun prosecutions overall, if you take State and Federal prosecutions, has increased since the beginning of this administration.

Mr. CHABOT. And you do have more discretion, and you can plea bargain more, if you choose to do so, than you could under the previous administration.

Mr. HOLDER. That is true. But as I indicated, if you look there, violent crime with firearms is down 27 percent since this administration began.

Mr. CHABOT. Thank you.

Each day the FBI sends a list to the ATF of name, date of birth, and place of residence of persons who attempted to buy a firearm but were denied because of Federal law prohibiting them from buying a firearm. Do you know what ATF does with this information?

Mr. HOLDER. I would defer to Mr. Johnson in that regard.

Mr. CHABOT. Do you know, Mr. Johnson?

Mr. JOHNSON. Yes, sir. What we do, what the ATF does, is take in the information, the referrals, the NICS check referrals. We have a team of agents that actually goes through those referrals, checks against records, conducts investigations, makes a determination as to whether or not the case is something that actually merits further investigation and prosecution, at least further investigation, and then turns that over to the field for follow-up investigation.

These cases take some time. There is often a lot of leg work involved. But that is essentially the process. From there, then it is reviewed, and there may be State charges that may be referred or there may be Federal charges that may be referred.

Mr. CHABOT. It is my understanding that prosecution is less than 1 percent, but let me move on to something else here.

It is clearly important—I mean, we can pass laws until we are blue in the face here, but if the laws aren't enforced, if they are not prosecuted, it isn't going to reduce crime to any degree at all.

Do you believe that the following numbers would demonstrate leadership and commitment by this administration to getting and keeping guns out of schools? And the number I would like to give you is that in 1997 there were over 6,000—6,093, to be exact—juveniles who were expelled from school for possession of a firearm on school grounds, in violation of Federal law, and yet there were only five Federal prosecutions nationwide. Similarly, in 1998, there were only eight Federal prosecutions.

So if we have laws on the books and kids are bringing guns—and some are, you know, 6,000 bringing guns on school grounds in violation of Federal law. If they are not prosecuted under Federal law, which by implication they are probably going to be in jail longer or be off the streets longer if they are actually prosecuted, is this administration partly at fault because you are not enforcing the law?

Mr. HOLDER. I don't think so. I mean, the administration supported the passage of that bill that required the expulsion of students. And if you look at the statistics, from 1987 to 1996, the number of weapons cases prosecuted in juvenile courts, State juvenile courts, has increased by 188 percent. And that is the largest increase among all delinquency offenses; 90 percent of all of those kids who are adjudicated actually get some formal sanction.

The majority of those cases would be handled by the State system. We could not handle 6,093 cases in the Federal system. We would swamp the ability—

Mr. CHABOT. My time is over, but, again, there were only eight prosecutions under Federal law, and I think that speaks very highly, and I think we ought to listen to it.

Thank you.

Mr. HOLDER. Although there are corresponding State prosecutions for those same offenses, and I think we should never lose sight of that.

Mr. MCCOLLUM. Thank you, Mr. Chabot.

Mr. Weiner, you are recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman.

I would like to ask you a question about the chart that has now been uncovered. My good friend, Mr. Chabot, raised many inferences and questions about why it is that there is that precipitous drop in violent crimes and why there has been a dramatic increase in prosecutions. One that he neglected to ask about that I would like you to comment on briefly: Didn't this House pass in 1994 a crime bill which included some common-sense provisions to give you additional resources, put more police on the street, and also restrict the sale and possession of certain types of weapons? Was that at all—is there any credit to that legislation? Should any credit for these drops go to that legislation? Has it made your job easier? Has it made enforcement easier?

Mr. HOLDER. Well, I think there is no question that the passage of the crime bill back in 1994 has had a significant impact on the violent crime rate with firearms. It was a bill that was balanced. It had prevention money in there as well as good enforcement measures and tough enforcement measures with regard to firearms. So I think it was pivotal in getting the numbers to where you see them.

Mr. WEINER. Well, Mr. Holder, I think we continue to hear today the echoes of that debate when people say, well, new laws are not what we need, new laws won't have any positive effect. It is clear that those common-sense provisions that many on this panel fought so feverishly against were in large measure responsible for making it easier for you to do your job.

With that, I would like to yield to my colleague from Florida, Mr. Wexler.

Mr. MCCOLLUM. Mr. Wexler, you are recognized for the balance of Mr. Weiner's time.

Mr. WEXLER. Thank you very much, Mr. Weiner.

I would like to follow up Chairman McCollum's comments if I could. It seems to me the chairman pointed out a very valid point in that he began to highlight those people that under the Brady law were ineligible to buy or purchase a handgun appropriately. The chairman, of course, focused on the prosecution or lack of prosecution with respect to those people. What I would like to focus on is what do those people do after they can't get it through the Brady process. How do they get guns? And it seems to me what they do is they go to the black market. And unlike drugs, where the black market may exist in alleyways and streets and whatever, the black market in this country for guns exists in retail stores that many of us go to once a week or twice a week.

But that is not, it seems, what the Senate addressed itself to. There was nothing or little in what they passed that would prevent a criminal from having less access to the black market. Within the President's proposal is the one-handgun-a-month proposal which was briefly talked about.

Would it be fair to say that that is the best and almost exclusive way of eliminating a criminal who wants to get a gun, whether it be in violation of the Brady law or any other way? Is that the only way we are going to be able to eliminate or reduce a criminal's ability legally or illegally to get a gun?

Mr. JOHNSON. As I have indicated earlier in the testimony, in law enforcement we try to use as many arrows in our quiver to attack particular problems. The black market, the secondary market in guns, the illegal secondary market in guns, is fueled by a number of things, one of which is the gun shows and the gun show loophole, another of which is the effect of traffickers who use straw purchasers. Straw purchasers are people who would go into a gun store and purchase, instead of one or two guns at a time, 15 or 20.

Mr. WEXLER. Right. Is there anything that the Senate passed that will get to that straw purchase transaction?

Mr. JOHNSON. Some of the aspects of the Senate's bill help us deal with traffickers, but one gun—

Mr. WEXLER. What? I am just curious.

Mr. JOHNSON. One gun a month would clearly be helpful in dealing—in limiting the supply of guns to the traffickers.

Mr. WEXLER. If a guy came up to me after this hearing and gave me 4,000 bucks to go buy, whatever it is, 20 guns, and I am able to buy a gun, what in the Senate package would prevent me from buying those 40 guns and handing them over to him?

Mr. JOHNSON. Right now, there is not specifically targeting that, but there are aspects of some of the provisions in the Senate bill that would help us get to the trafficker. But one gun a month clearly would be a powerful blow to deal with the problem of the person who hands you a tremendous sum of money and says go buy me as many guns as you can lay your hands on.

Mr. WEXLER. Thank you very much.

Thank you, Mr. Weiner.

Mr. MCCOLLUM. Mr. Weiner, Mr. Wexler, thank you.

Mr. BARR, you are recognized for 5 minutes.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Holder and Mr. Johnson, both of you love to use this word "loophole," and you may want to repeat it several more times. You know, there are laws that don't cover everything that we would like them to cover. That doesn't mean every law is a loophole. It may sound good to keep saying "the gun show loophole." I think it would help us a little more up here to stick to facts and not use these words. But if we are going to talk about loopholes, I will tell you about a loophole, and that is a 50 percent drop in Federal prosecutions of criminal use of guns during the Clinton administration.

This came out in sworn testimony in a hearing on the Senate side chaired by Senator Jeff Sessions, one of our joint colleagues, Mr. Holder, a former United States attorney. And I would presume that you would join me in commending Mr. Sessions as an outstanding U.S. attorney with some background in the importance of consistent and firm prosecution of existing law as perhaps one of the best deterrents to future violations of law.

Is that a proposition that both you gentlemen would agree with?

Mr. HOLDER. Yes, but I think this is—you know—

Mr. BARR. I am not asking about the chart yet. I mean just that general proposition that firm and consistent enforcement of existing laws is perhaps one of the best deterrents that there is to future violations of law.

Mr. HOLDER. Sure, although we are always looking for ways to improve our enforcement efforts.

Mr. BARR. Well, there are a lot of ways we can do that, but would you agree, Mr. Johnson, that that is one of the best ways, one of the most effective tools that we have to deter future crime, and that is firm and consistent enforcement of existing laws?

Mr. JOHNSON. One of the things we want—

Mr. BARR. It really is not a complex question, Mr. Johnson, and—is that an important tool for prosecutors and investigators?

Mr. JOHNSON. There are lots of tools. That is one important one.

Mr. BARR. Thank you.

Mr. JOHNSON. That is definitely one of them.

Mr. BARR. Thank you very much.

Mr. McCollum was very kind in pointing out what I consider the Clinton loophole, and that is failure to enforce some of those existing laws. And he talked, for example, about a small number of prosecutions under Brady. In fact, that small number was zero in 1996, it was zero in 1997, and it made a quantum leap to one in 1998.

The problem that Mr. McCollum was getting to that I would like to focus on is the fact that the form that is used in the purchase of a firearm, which forms the basis for a Brady check, contains language at the bottom, with which I am sure both of you gentlemen are very familiar, that certifies that the signer of this document, which is the gun buyer, the person purporting to buy the gun on whom the Brady check will be done, acknowledges that his or her false answers to any of the questions, such as whether or not they have been convicted of an offense, whether or not they are a fugitive from justice, a drug user and so forth, is in and of itself a felony. Therefore, those thousands and thousands of people that the administration pounds its chest and touts we have kept guns out of the hands of, that means that there are tens of thousands of felons out there, people that have filled out this form falsely, and have thereby committed a Federal offense.

Mr. BARR. Yet, there have been no prosecutions of that. That is one of the examples that is before us and that are disturbing to us, such as Mr. Chabot from Ohio said, eight prosecutions in 1998 out of 6,000 violations of the possession of guns at schools that lead us to the question it is not so much what new laws can we pass, including those such as the gentleman from Arkansas mentioned, which simply give more and more regulatory power to ATF, but why are we not enforcing the existing laws better? And that is, I think, a very legitimate question for this Congress.

So, rather than talk about the gun show loophole, let us talk about the loophole that has provided current criminals by the failure to enforce existing laws. So, I look forward to further discussion on that point, as well, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Barr.

Ms. Jackson Lee, you are recognized for 5 minutes.

Ms. JACKSON LEE. Thank you, again, Mr. Chairman, very much.

Let me thank both Mr. Holder, Mr. Johnson, for their presentations, their testimony. We have been together before on some very important issues and some very tragic episodes.

Let me just set, if I can, the parameters of my discussion and while I am doing that, I would appreciate it if graph number three in your testimony and graph number two—I do not know if you brought graphs with you—could be put up or nearby so that I could refer to them. Graph number two and three, are they on boards or in your documents?

Let me just refresh our memory. The two young men in Littleton, Colorado, were not convicted felons, to your knowledge. The young man in Conyers, Georgia, was not a convicted felon. And the youngsters in Jonesboro, Arkansas, were not convicted felons. So, this is a broader issue. I take very seriously my colleague from New York, Carolyn McCarthy's admonition to not let this be a partisan issue; that we have to confront this in a manner that gets to the heart of the matter.

I want to acknowledge that we have a problem with young people getting guns. For example, in 1996, male high school seniors were almost three times more likely to carry a weapon to school; in 1997, 2,100 of the murder victims were younger than 18, and 900 of these victims were younger than 13, 68 percent of these victims were killed with a firearm.

Interestingly enough, tragic evidence shows us that if we had closed the loophole on gun shows the two young men in Littleton, Colorado, might have been stymied or stopped with some of the arms that they had. So, I think there is much evidence that we can do better.

Just for a moment, Mr. Chairman, I do, before I proceed with my question, would like to submit into the record 12 pages of petitions from my community that indicate a plea and demand to President Clinton, it is addressed, and Governor Bush, to pass legislation on gun safety. I would like to submit these documents in a petition with the additional pages pleading for us to pass gun safety legislation.

Mr. McCOLLUM. Without objection they are so admitted.

Ms. JACKSON LEE. Thank you very much. I appreciate that.

[The information referred to follows:]

Petition

To the Congress of the United States:

We, the undersigned, implore our representatives in Congress to act swiftly to protect our children from gun violence and to prevent future school shootings like the tragedy at Littleton, Colorado.

Enough is enough. With 13 children a day dying from gun violence in America, there is no time to waste. Before this school year ends, Congress should pass vital life-saving measures designed to ensure that children do not have access to guns.

Rep. Carolyn McCarthy and Sen. Ted Kennedy have introduced the **Children's Gun Violence Prevention Act** (H.R. 1342/S.735), a bill that would: 1) require parents to keep guns out of the hands of children; 2) impose stiff criminal penalties on those who illegally sell guns to our children; 3) make it illegal for children to buy or own assault rifles; 4) and require gun manufacturers to make guns that are safer and more childproof.

President Clinton has proposed additional measures that would: 1) raise the legal age for handgun possession from 18 to 21 years of age; 2) close the "gun show loophole" that allows unlicensed gun dealers to sell guns at gun shows without a background check; 3) reestablish the Brady waiting period on handgun purchases; and 4) limit handgun purchases to one handgun per month to prevent professional gun traffickers from walking into a gun store and buying 5, 10 or even 20 guns at one time.

Please let us know what you are doing, as our representatives in Congress, to stop the killing. No more Littletons. No more excuses. Act now.

<u>Name</u> (full name)	<u>Address</u> (street, city, state, zip code)	<u>E-mail</u> (optional)
<u>Malcolm [unclear]</u>	Houston TX	_____
<u>Sparkle Houston</u>	6344 Deugo 77055	sparkle@bayou.tx
<u>Jacqueline Garcia</u>	5401 Rampart apt 474 Houston tx 77081	#1
<u>Andrea Lienfeld</u>	9401 Tanager st #2903 Houston TX 77036	Juff
<u>Nico Noon</u>	5015 Westhams #280 Houston, TX 77056	_____
<u>Shane C. Wilkin</u>	2411 Wheeler Houston, TX 77004	chavich@ad.com
<u>Qadde [unclear]</u>	5731 Guilford HOUSTON, TX 77081	_____
<u>Chae J. Lim</u>	14925 Breakfast Houston TX 77042	20k04062@sof.com

Please let us know what you are doing, as our representatives in Congress, to stop the killing. No more Littletons. No more excuses. Act now.

<u>Name</u> (full name)	<u>Address</u> (street, city, state, zip code)	<u>E-mail</u> (optional)
<u>Jay Kellum</u>	<u>PVAMU</u>	<u>Jay.Kellum@pvamu.edu</u>
<u>Linda Durham</u>	<u>PVAMU</u>	<u>Linda.Durham@PVAMU.edu</u>
<u>Trister Edward</u>	<u>PVAMU</u>	<u>CLE25D1@hotmail.com</u>
<u>Rene L. Motlock</u>	<u>PVAMU</u>	<u>Rene.Motlock@pvamu.edu</u>
<u>Carolee Seals</u>	<u>PVAMU</u>	<u>Carolee.Seals@pvamu.edu</u>
<u>Devinet H. Perret</u>	<u>PVAMU</u>	<u>dgarrett@epdq.net</u>
<u>Alexander Thomas</u>	<u>PVAMU</u>	_____
<u>Carl Lynn T. _____</u>	<u>PVAMU</u>	<u>lynn_t_@hotmail.com</u>

<u>Name</u>	<u>Address</u> <small>(street, city, state, zip code)</small>	<u>E-mail</u> <small>(optional)</small>
Sarah Patel	4013 Braeswood	_____
Benny Mitchell	110 Clayview #1701 Friendswood, TX 77546	mitchellberry@hotmail.com
Rosie J. Lewis	8808 Fred Rd Apt. 514 Houston, TX 77054	_____
Lupica H. Mann	11203 Sageman Houston, TX 77089	_____
Linda P. _____	621 Turner Dr. Hx 77016	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

April 26, 1999

Dear President Clinton and Governor Bush,

As America's youth and future leaders, we implore you to join our efforts in ending firearm violence in our country. Every year in the United States, over 30,000 people are lost in our gun violence epidemic. More recently, young people have become the victims of school massacres by highly armed fellow students.

We understand that children, emotionally and mentally disturbed teenagers and adults, as well as criminals should not have access to firearms, yet the United States does little to stop the carnage. To date, our elected officials have made no great strides in the regulation of firearm availability, manufacturing, sales and distribution. We are the witnesses and victims of the horror of gun violence, while our government conducts investigations, forms task forces, offers trauma-counseling sessions and hosts memorials.

The United States government fights for peace and civil rights throughout the world. It is time we recognize the civil war that exists on our own soil. The United States polices countries with ethnic, religious, and political strife, somehow always denying our own struggles and downfalls.

Please cure this disease of denial. We now turn our voices to our government and ask for its assistance, just as other countries turn to America in times of need. Please save our lives and futures by acting now to end the War On Peace in America and Texas by imposing availability, manufacturing, sales and distribution regulations on firearms.

Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Gregory Cantore 14 3302 La Branch 77004
2. Christina Billiard 14 4135 W. Bellport #15 77025
3. Abigail Howard 15 8250 Glenvalley #1106
4. Marc Fuller 2612 2nd St. 77051 15
5. Michael Findley 15 5318 LaBranch 77004
6. Damian Walker 15 1515 2nd Ave 77004
7. Kevin Johnson 13 688 Richard 77057
8. James H. Johnson Jr. 15; 7908 Hammond Cir #201 77055
9. Lee Jones 14 105 Anandale #9 77006
10. Tommy Nymal 14 1919 BUNNIG #28 77003
11. Rush 14 312 Westline 77008
12. Orlando Nam 14 5305 POWLANIA DR 77042
13. DARIL DUCH 14 8301 CONSTELLATION LN. 77075
14. Tyisha Scott 14 5711 Lakeland 77053 77075

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Cecilia Ramos 18 1152 N. HST. LaPorte, Tx 77571
2. Elcicia Smith 19 576 Shell Rock LaPorte, Tx 77571
3. Brandy Smith 17 576 Shell Rock LaPorte, Tx 77571
4. Sarah Smith 16 576 Shell Rock LaPorte, Tx 77571
5. [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
6. Ashleigh Otwell 16 8100 Luella Deer Park, Tx 77536
7. Shay Shippe 16 892 Luella Deer Park, Tx 77536
8. BRENDA KLEIN 17 2017 DUSTIC GATE LP, TX 77571
9. Belinda Perkins 17 5520 Dallas Baytown, Tx 77095
10. Alan Trolley 18 2789 [unclear] LaPorte, Tx 77571
11. Christopher Combs 17 711 N. 12th St. LaPorte, Tx 77571
12. Mark Jacobs 19 6029 W. Virginia LaPorte, Tx 77571
13. Kathy Peppers 19 1709 Onfeine LaPorte, Tx 77571
14. Kyle Simpson 16 201 Poplar Dr. LaPorte, Tx 77571

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Glacia George 17 626 S Utah LaPorte TX 77571
2. Ignacio Hernandez 17 330 Bay Side Dr Apt 29B
3. Kelly Abel 17 10411 Winding Trail LaPorte
4. Laura Gomez 16 9902 Chermont LaPorte TX
5. Milton Perium 16 815 N 2nd St. La Port, TX
6. Jennifer Theedford 17 10939 Dogwood, LaPorte, TX
7. Brandi Updegraff 17 10827 Dogwood Dr. LaPorte TX 77571
8. Waldina Porens 16 0911 Sparrow, LaPorte TX 77571
9. Jennifer Palmer, 16 10821 Spruce Dr. North, LaPorte, TX 77571
10. Samantha Weaver, 17 1018 River Creek LaPorte TX 77571
11. Shelby 17 9607 Oakmont LaPorte TX 77571
12. Adam Aguirre 17 3834 Teakwood Dr. W
13. Karin Roth 17 3810 Roseway LaPorte TX 77571

April 26, 1990

Dear President Clinton and Governor Bush,

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We understand that children, emotionally and mentally disturbed teenagers and adults, as well as criminals should not have access to firearms, yet the United States does little to stop the carnage. To date, our elected officials have made no great strides in the regulation of firearm availability, manufacturing, sales and distribution. We are the witnesses and victims of the horror of gun violence, while our government conducts investigations, forms task forces, offers trauma-counseling sessions and hosts memorials.

The United States government fights for peace and civil rights throughout the world. It is time we recognize the civil war that exists on our own soil. The United States polices countries with ethnic, religious, and political strife, somehow always denying our own struggles and deaths.

Please cure this disease of denial. We now turn our voices in our government and ask for its assistance, just as other countries turn to America in times of need. Please save our lives and futures by acting now to end the War On Peace in America and Texas by imposing availability, manufacturing, sales and distribution regulations on firearms.

Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Justin Mitchell 17 5029 Parkcrest LaPorte TX 77571
2. Alvin Brewer 17 2104 Mustang Blvd " " "
3. Jeffrey Cummings 17 11806 North St LaPorte TX 77571
4. Colin Moore 19 1216 Mountain St. LaPorte TX 77571
5. Joseph Anthony 15 8497 Orange Creek LaPorte TX 77571
6. Dana LaRock 17 617 ShadyLawn LaPorte TX 77571
7. Shelia Kay 17 1007 Bourke LaPorte TX 77571
8. Julian Cortez 17 721 Columbia Ln / Deer Park / Tx / 77536
9. T. Clark 15 220 Forrest LaPorte TX 77571
10. Jessica Wright 18 5810 Valley View LaPorte TX 77571
11. Nestly Jones 18 604 ShadyLawn LaPorte TX 77571
12. Sam Leonard 17 10831 Willow LaPorte TX 77571
13. Jonathan Ochoa 17 8826 Prairie Brook Lane LaPorte TX 77571
14. Alvin Underhill 16 9902 Willmore LaPorte TX 77571

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Alicia Martinez 17 1271 E. Amherst Deer Park, TX 77551 6507
2. Crystal Lompona 17 1704 Gaucho La Porte, TX 77571
3. Fernando Pineda 17 2000 Hawk Dr. La Porte, TX 77571
4. Tina Bravetta 17 2335 W. Plantation De Lago, TX 77571
5. Jamara Yarrag 17 305 S. Blackwell La Porte, TX 77571
6. Robert Pickering 17 3030 Old Hwy 146 La Porte, TX 77571
7. Mattix 13 1001 LockyHollow La Porte, TX 77571
8. Milind Jain 17 23a W. Nile Creek Ln. La Porte, TX 77571
9. Kelly Herrick 16 3907 Marlin La Porte TX 77571
10. Jennifer Holway 18 not available
11. Heather Rodriguez 17 not available
12. Monica Buggitt 17 5222 Creekview La Porte TX 77571
13. Jill Skilleen 18 11715 Bayou Copart TX 77571
14. Jonathan 16 612 Union cat 106 La Porte, TX 77571

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Kelly Ogle 18 8117 Brook Park LaPorte, Tx 77571
2. Freddy Lucas 15 45720 Sabalwood Deer Park, Tx 77536
2. Bernanillo Salgado 16 5006 Alvarado LaPorte, Tx 77571
4. Crystal Carter 16 8903 Farrington LaPorte, Tx
2. Tanya Smith 18 6201 W. Main LaPorte, TX 77571
4. Brandon Baker 16 110 Walnut LP, Tx 77571
7. Jennifer Whitkies 16 7216 13th St. LaPorte, Tx 77571
8. Brian Skipp 19 809 Sallard LaPorte, Tx 77571
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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Robin Taylor 13 7804 Glass
2. Myra Diaz 13 4220 Wilmington Rd 167 77051
3. Alexis Ullman 13 6701 Ave. F 77011
4. Erin Johnson 12 2445 E. 24th 77008
5. Joseph Lyon 13 11017 Obweggs St. 77029
6. Angel Hernandez 14 1937 W. Dallas #2
7. Britt Miranda (14) 1522 Genesee 77019
8. Joseph Mendez (13) 1503 Isabella #1 77004
9. Monisha Cebrian 12 1139 W. Donovan
10. Mellicent Thompson 218 W. Rimberrn 77004
11. Ashlee Grant 12 2906 Lees St
12. Patrick Washington 13 5814 Washington Fl 033
13. _____
14. _____

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Nancy Castelan 14 ~~██████████~~ Townwood 77041
2. ARCELIA ROSAS 14 7706 Cook 1606
3. Emma Delacruz 12 444 E 24 St 77048
4. Gracely UCOSTA 13 2910 Palmetto
5. Themedios Ramirez 14 1706 Elgin
6. Karen De Anda 13 1306 Columbus
7. ROBERTO Gonzalez 13 1224 Welch #2
8. Andrew Jones 13 2016 Crockett St.
9. Elizabeth Thomas 13 7709 Goffe
10. Cesar Chavez 14 101 Avondale #12
11. _____
12. _____
13. _____
14. _____

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Sincerely,
America's Youth

Please sign your name, write your age and address:

1. Claudia Sanchez 13 410 Mayberry
2. Juanita Martinez 13 2723 Buckner Dr.
3. Prince Tachoo 14 5112 Austin 77004
4. Mariaelena age 14 220 7th St
5. Jan & Dennis 14 5108 Bennington
6. Marion Fuller 13 7500 Rosie St
7. Robyn D. Browning 14 1007 Schaepe 77035
8. Melania Martinez 14 705 Reid
9. Sonya Ballard 13 13722 Woodspire 77081
10. Francisco Suarez 13 613 Rouse
11. Donny Jenkins 14 7035 Triage 77489
12. Lamont Victor 13 ~~9999~~ 3908 Lyons Ave. 77010
13. _____
14. Mai Wach 14 12711 Greenshire Dr. 77048

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America's Youth

Please sign your name, write your age and address:

1. Erica Lewon 14 1603 Andrews
2. Cecilia Estrada 13 Louisiana 2810
3. Yuri Diaz 14 307 Hagerman
4. Daquince Caesar 14 809 Andrews
5. Savier Chavez 14 7116 Wayahachip
6. Perla Diaz 14 4280 Wilmington apt. 167
7. Jose Escobar 1010 Fillette
8. Adam Hightower 14 10505 Rosehaven
9. Jucia Adlawan 14 7714 Buena Vista
10. Bellanira Ramirez 14 2316 Brazos
11. Silvia Kaufman 14 19705 W. Dallas
12. JOSHUA MICHAEL DIAZ 14 8221 MUNN
13. Helen Flores 14 7118 Thrush
14. Jacqueline Rizo 14 818 Runnels # 153
15. ~~Christie Mendez~~ Ataci Dady 14 4914 Lavender
16. Christie Mendez 13 7511 Magnolia
17. Jelena Thompson 14 5406 B. Holden Forest
18. Luiz Inacio Cardoso 14 1110 Col. ...

~~19. Helena Smith 14 9026 Almond Lake Dr.~~

~~20. [unclear] and [unclear]~~

~~21.~~

~~22.~~

~~23.~~

~~24.~~

~~25.~~

Ms. JACKSON LEE. I wanted to refer to your two graphs because my eyes suggest improvement from, is that number two, up there, over 60? Yes. From 1992 versus 1997 it appears to me that we have had a sizable jump of Federal weapons and firearms offenders convicted and sentenced.

Is that my understanding of that graph? Well, what I am saying is that over 60 months incarcerated, I see that, but is it an improvement in terms of convicted and sentenced?

Mr. HOLDER. Right. With regard to those who commit the most serious offenses, those who have the biggest criminal histories, you are seeing the increase that is indicated on the right side of the chart.

Ms. JACKSON LEE. Thank you.

That is the green column showing evidence of improvement.

The other thing I would like to know, graph three, if you can make that available for me, and let me move very quickly, total State and Federal weapons offenders sentenced to imprisonment 1992, 1994, 1996, shows an improvement, is that my understanding?

Mr. HOLDER. That is also correct.

Ms. JACKSON LEE. All right.

Mr. HOLDER. I mean if I just might say that if you look at the statistics from 1992 to 1997 in terms of combined prosecutions you will see that there have been 25 percent more criminals sent to prison from 1992 to 1997, from 20,681 to 25,186, when you combine Federal and State prosecutions.

Ms. JACKSON LEE. Thank you very much.

Let me quickly go to my question because you can answer it even if the red light is on, I hope.

In any event, I hope to offer in committee a request for an additional 1,000 ATF officers based upon my analysis of where the problem is and my colleagues, I hope, will join me in this. Can you answer this question as to how many ATF officers we have, whether, in fact, the ATF officers work with the State to make cases and, whether or not, the lack of the numbers that we have had an impact—and I know you have got to worry about OMB but I am going to draw on my colleagues from the other side of the aisle—lack of numbers have brought about, possibly, the inability to do as much as we need to do with respect to guns in America, enforcement of gun laws in America?

Mr. JOHNSON. Right now, we have about 1,781 ATF officers.

Ms. JACKSON LEE. Compared to FBI agents, how many?

Mr. JOHNSON. Deputy Attorney General?

Mr. HOLDER. A lot more. I do not know. [Laughter.]

Ms. JACKSON LEE. Some doing undercover work, though, right?

Mr. JOHNSON. And out of that number, probably 1,200 to 1,300 are on the street. As you have indicated, we work closely with State and local authorities and one of the reasons I was out in Littleton is that we had a substantial contingent of ATF agents that are assisting in that investigation out there. And we have asked for in the fiscal year 2000 proposed budget 120 more which would, I guess, be maybe about a 6 percent increase in the number of agents.

But, clearly, there is a tremendous demand for our work. Clearly there is a tremendous benefit, I think, that many of these trafficking strategies to the work that is done in the street and should the Congress see fit to provide us with more resources, we could put them to good use.

Ms. JACKSON LEE. I thank the chairman for his indulgence. You are very modest. I will add, I believe, 880 more and see if I can get my colleagues to join me on that common sense proposal in helping to enforce our gun laws across America.

I yield back, Mr. Chairman.

Mr. MCCOLLUM. Yes, Ms. Jackson Lee.

You are recognized, Mr. Canady, for 5 minutes.

Mr. CANADY. Thank you, Mr. Chairman.

Mr. Johnson, Mr. Holder, I want to thank both of you for being here today and I also want to thank you for the work that you do to enforce the laws of the United States. I realize that both of you have difficult jobs. In many cases, you do not have the resources that you would like to have to do the work that needs to be done. And I think all of us understand and appreciate that here.

Having said that and at the risk of perhaps appearing to beat a dead horse, I want to go back to this issue about the failure to prosecute felons who attempt to buy guns under the Brady law.

Now, as I understand that, there have been either no or virtually no prosecutions for that offense and if I understand what you have said on that subject about why that is the case, the one thing that stood out is that the penalties are low. And you do not think that as a matter of the use of prosecutorial resources you are really going to get the payoff for the investment in those prosecutions in terms of the penalties that will be inflicted on those who are found guilty.

Is that correct?

Mr. HOLDER. I think that is at least part of the problem. I mean I think there needs to be an increased number of those prosecutions. I would not expect, however, that we would expect to see in the Federal system, you know, 250,000, 300,000 of those prosecutions but the numbers should be higher than they have been.

Mr. CANADY. Okay.

Well, is the main reason they have been as low as they are that the penalties we do not think justify the use of the prosecutorial resources?

Mr. HOLDER. That is at least one of the factors.

Mr. CANADY. Well, let me ask you this. Have you recommended an increase in the penalty that is applicable?

Mr. HOLDER. Well, the Federal Sentencing Guidelines are the things that are driving that and that is something that we could certainly consider and work with you all if that is something you want to do.

Mr. CANADY. But is that part of your bill, the President's bill on this subject?

Mr. HOLDER. That is not, although we are asking the United States—

Mr. CANADY. Well, let me ask you why? If the reason that you do not prosecute these cases is because the penalties are too low, why—are we incapable of statutorily changing that so that the penalties would increase?

Mr. HOLDER. No. We are not incapable of it.

Mr. CANADY. Why, as part of this package which has been presented as a comprehensive package to approach this problem, why have not you recommended an increase?

I do not understand that. That is something that mystifies me and I raise it because I find it a bit puzzling. Could you briefly illuminate that for me?

Mr. HOLDER. Well, what we have really chosen to focus on is asking U.S. Attorneys to come up with guidelines to look at these kinds of cases and to develop ways in which they can use the limited resources that they have to prosecute more of those cases, even given the fact that we have the penalty problem, as I indicated before.

Mr. CANADY. But did it just escape somebody's attention that one way of helping deal with this issue would be to increase the penalty?

Mr. HOLDER. I am not sure it escaped anybody's attention. That is one of the things we can certainly consider.

Mr. CANADY. But did anybody think about that when putting this package together? I just do not understand why that was not addressed. But I do not want to—I think the point has been made. I think that is something that bears attention. And I find the response puzzling.

Now, I would like to yield the balance of my time to the gentleman from Utah.

Mr. CANNON. Thank you.

I just have a couple of questions, Mr. Johnson.

How many minutes does it take to do a NICS check?

Mr. JOHNSON. I understand that in about 70 percent of the cases a NICS check, a National Insta-Check System, check can be done in a few minutes.

Mr. CANNON. Is it like 10 minutes or like three?

Mr. JOHNSON. I do not know whether or not—but it is just 3 minutes or 10 minutes, but it is a fairly substantial number that is a short period of time.

Mr. CANNON. Right, okay, great.

Thank you very much.

And secondly, I understand that the BATF is now keeping information for about 18 months on file. You may be considering lower-

ing that but is it true that right now the information on these background checks is being kept for 18 months?

Mr. JOHNSON. The information on background checks, I understand that for audit purposes is being kept for 6 months.

Mr. CANNON. Is it currently 6 months or is it currently 18 months?

Mr. JOHNSON. I believe it is currently 6 months.

Mr. CANNON. I will yield back, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Canady, Mr. Cannon.

Mr. HUTCHINSON, you are recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I want to ask Mr. Johnson a couple of questions. I would also ask that some charts be put up while I am starting to ask these questions.

I have worked with the ATF for many years, particularly when I was United States Attorney, and one constant complaint I heard from ATF agents in the field was that United States Attorneys do not want to prosecute gun cases. Is that a complaint that you hear regularly from your agents in the field?

Mr. JOHNSON. One of the things that we have done, I think in the past—

Mr. HUTCHINSON. Is that a complaint that you hear from agents in the field?

Mr. JOHNSON. If I might finish my answer, I believe I will be responsive. One, from time-to-time, there are issues with respect to all investigative agencies that involve some complaints that cases are not being taken and from time-to-time you may hear those sorts of complaints.

But I think we have made tremendous strides and, in fact, the Secretary and the Attorney General, together, are developing and issuing a directive to the field to not only build—

Mr. HUTCHINSON. Now, you are talking about a directive that is going to be issued. You want to beef up the prosecutions but it is still a problem. You are not divulging any State secret here—ATF agents have a problem in bringing gun cases to the United States Attorney because they are not a high priority.

Mr. Holder, I think, in essence has acknowledged that issue. Mr. Holder, what are the—

Mr. HOLDER. No. I did not acknowledge that. No, no.

Mr. HUTCHINSON. What are the priorities of the Department of Justice for U.S. Attorney prosecutions?

Mr. HOLDER. There a number of priorities. Among them, I would say in the top three or five, would certainly be gun—

Mr. HUTCHINSON. Give me the top three, please.

Mr. HOLDER [continuing]. Would be gun violence and violence, I mean violence generally. We have come up with, in 1994, the Attorney General came up with the Anti-Violent Crime Initiative which looked at violence in all its forms, chief among them, being violence related to drugs and related to guns. And that is why, I think, we have seen the statistics that we were able to share with you before that showed the number of firearm offenses has gone down since 1992.

Mr. HUTCHINSON. Well, you indicate that the top priority is violence with guns and, yet, we have seen the statistics. The Federal prosecution of criminals' use of guns has declined.

Then there is another statistic covering the prosecution of transfers to juveniles, I believe, there were five in 1997 and eight in 1998.

I really have trouble understanding how this can be a high priority with those type of statistics.

Mr. HOLDER. Well, I think you have to understand we have an Attorney General who was a State Prosecutor, a Deputy Attorney General who, in essence, was a State Prosecutor and we understand that in order for us to be effective we have to work effectively with our State and local partners. And it is not, I do not think, fair to just look at Federal statistics; you have to look at the overall effort that involves a partnership that we have formed with our State and local counterparts. And if you put my chart back up, you will see that, as I said before—

Mr. HUTCHINSON. Do State prosecutors prosecute State or Federal law?

Mr. HOLDER. They prosecute State law but some of these offenses can be tried in either Federal court or in the State courts the same as drug cases can be.

Mr. HUTCHINSON. State prosecutors do not take a case into a Federal court; Federal prosecutors do. State prosecutors prosecute State law and, so, if all the prosecutions are being handled at the State level, then why do we need scores of more Federal laws because State prosecutors are not going to be prosecuting those.

Whenever you talk about the combined effort of State and Federal officials it reminds me of a game with the Chicago Bulls when Stacy King scored one point and Michael Jordan scored 68 points. Stacy King was interviewed after the game and asked what was the key to the game? His answer was that Michael Jordan and I combined for 69 points. [Laughter.]

Mr. HOLDER. But the key is the Bulls won. [Laughter.]

Mr. HUTCHINSON. In this case, if our State prosecutors are doing such an outstanding job, then we ought to give them more resources. But I am not convinced that passing more Federal laws is going to be the key.

And, again, I am not totally opposed to this. I am open-minded on this. But let us deal with solutions. I think that the Chief Justice of the Supreme Court has a good point that we have to be careful about Federalizing all of our laws, particularly when we do not have the resources to prosecute them. I know that when you are talking about deadbeat dads you all have prosecutorial responsibility; that is not being handled appropriately.

And now we are talking about more gun cases which are not getting the attention from the United States Attorneys.

I thank you.

Mr. McCOLLUM. Thank you, Mr. Hutchinson.

I want to thank our panel. I know, Mr. Holder, you and Mr. Johnson stayed longer than you anticipated today. We are grateful for your time and your enlightening testimony today.

Thank you very much for being with us.

Mr. HOLDER. Thank you, Mr. Chairman.

[The prepared statement of Mr. Holder and Mr. Johnson follows:]

PREPARED STATEMENT OF ERIC H. HOLDER, JR., DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE AND JAMES E. JOHNSON, UNDER SECRETARY FOR ENFORCEMENT, U.S. DEPARTMENT OF THE TREASURY

We appreciate this opportunity to appear today before the Subcommittee to address vital issues relating to firearms. We recognize that a discussion of firearms legislation and enforcement addresses only a part of the issue. The building blocks of our communities and our lives, including our families, our neighborhoods, our schools, our faith communities, and our culture, all have an important role to play in our effort to reduce gun violence and must be constantly reinforced. However, as we work together to consider these issues, we must act now on the immediate issues of firearms legislation and enforcement. We come before you today at a critical moment in our ongoing effort to fight crime and gun violence, especially as they affect our children. Although the nation's violent crime rate, including violent crimes committed with guns, has dropped dramatically during this Administration, tragedies like the murders in Littleton, Colorado, and the shooting in Conyers, Georgia, remind us that we must do more to reduce firearms violence even further. And we should not only be concerned about suburban school shootings. The fact is that 13 young people in America die every day from gunshot wounds. While we may never fully understand all the reasons why incidents like these occur, it stands to reason that if the young people and adult criminals who committed these crimes had a tougher time getting their hands on guns, these horrible crimes might have been prevented. We can—indeed we must—build upon the successes of existing state and federal laws to provide greater protections for our children and all of our citizens.

Last week, the Senate took a strong, bipartisan stand against firearms violence by adopting several firearms measures that reflect common sense and constitute good public policy, and are supported by an overwhelming majority of Americans. The juvenile justice bill (S. 254) passed by the Senate closes the gun show loophole once and for all by mandating background checks and crime gun tracing records for all guns that are sold at gun shows; requiring child safety devices to be sold with every new handgun; banning adjudicated violent juveniles from possessing a gun for the rest of their lives; banning the importation of large capacity ammunition feeding devices; prohibiting juveniles from possessing assault weapons; increasing penalties for those who traffic guns to juveniles; and strengthening the law regarding those who transfer firearms having reasonable cause to know that the weapon will be used in crime. The House should act quickly in support of these proposals, which are included in the Administration's "Youth Gun Crime Enforcement Act of 1999"—introduced by Representative Conyers as H.R. 1768—so that they can be enacted as soon as possible.

H.R. 1768 contains a comprehensive array of proposals to bring about further reductions in gun violence. These proposals would both prevent guns from falling into the wrong hands and strengthen our ability to enforce the law when they do. We cannot emphasize too strongly that our success over the past six years has taught us that reducing gun violence requires a coordinated approach that includes prevention and enforcement.

On the prevention side, over the last six years, Congress and the Administration have worked together to increase dramatically the effectiveness of current federal laws that are designed to prevent guns from falling into the hands of dangerous individuals such as felons, fugitives, and those who are under a restraining order. Until 1993, federal law allowed gun sales to operate on the "honor" system. A licensed dealer would sell guns when buyers certified that they did not fall into any prohibited category, and no one checked to see if they were telling the truth. In 1993, Congress recognized that when it came to buying a gun, the honor system was not good enough, and enacted the Brady Law to require background checks on gun purchasers. Through a simple background check, the Brady Law has kept guns out of the hands of more than a quarter of a million felons and other prohibited people, preventing untold crimes and violence, and with minimal inconvenience to law-abiding gun purchasers and dealers.

On the enforcement side, we plan to build on the success that we have had over the past several years in bringing more violent gun criminals to justice. The Administration has developed and implemented a strategy of building strong partnerships among federal, state, and local law enforcement to catch and punish criminals and thereby reduce violent crime. These combined efforts are paying sizable dividends for public safety. Federal, state, and local law enforcement officials have worked together closely, and have significantly increased the overall number of firearms prosecutions in this country. Since 1992, the combined number of federal and state fire-

arms convictions is up sharply, and the number of criminals incarcerated for state and federal weapons offenses has risen approximately 22 percent. The number of *federal* cases in which the firearms offender is sentenced to five or more years in prison is also up by more than 25 percent. Our strategy of increased collaboration among federal, state, and local law enforcement has resulted in: (1) a more efficient distribution of prosecutorial responsibilities, (2) a steady increase in firearms prosecutions on a cumulative basis, and most important, (3) a sharp decline in the number of violent crimes committed with guns. Indeed, violent crimes committed with firearms are down 27 percent since 1993. See Graph 1.

In addition, with strong bipartisan support from Congress and from state and local law enforcement organizations, the Bureau of Alcohol, Tobacco and Firearms (ATF) has greatly strengthened its crime, gun tracing system, designed to assist federal, state, and local law enforcement officials in evaluating their local crime gun problem, and identifying, investigating, arresting, and prosecuting illegal gun traffickers. Crime gun traces have grown from 55,000 in 1993 to 197,000 in 1998. Since 1996, ATF has investigated approximately 650 illegal federal and state trafficking cases involving juveniles and youth. These investigations involved nearly 26,000 illegally trafficked firearms.

Of course, as the many victims of gun violence know all too well, the imposition of criminal sanctions after firearms have been used to injure or murder is no substitute for preventing such crimes from occurring in the first place. And just as we recognize that no single prosecution will undo the harm that has been caused by gun violence, we also recognize that no single law or initiative will prevent all acts of gun violence from occurring. That is why the Administration has supported a comprehensive approach that addresses the illegal transfer, acquisition, possession, and use of firearms, as well as the underlying causes and consequences of violence. Congress has an historic opportunity to reduce gun violence further across the country by giving law enforcement some additional necessary, practical, and effective tools.

I. THE CLINTON ADMINISTRATION'S LEGISLATIVE PROPOSALS IN THE 100H CONGRESS

During the past six years, the Administration and the Congress have worked to put in place common sense measures such as the Brady Law, the Assault Weapons Ban, and expanded crime gun tracing, which have contributed significantly to the reduction in violent crime. The success of these measures has in turn led to a broader recognition among law enforcement, the American public, gun manufacturers, and gun owners that sensible measures to regulate firearms can and will make a difference in reducing gun violence and saving lives.

In developing legislative proposals for the 106^h Congress, the Administration looked for ways to build on our successes. We also carefully examined our federal gun laws to see where critical gaps needed to be filled. The legislation contained in H.R. 1768, the Administration's Youth Gun Crime Enforcement Act, builds on this country's recent successes against gun violence without interfering with those sportsmen, hunters, and other law-abiding Americans who wish to buy and use firearms for legitimate activities.

The Youth Gun Crime Enforcement Act contains a number of practical and sensible measures designed to keep guns out of the hands of criminals and youth by preventing them from acquiring guns and imposing stiffer penalties when they do. The legislative package includes the following six parts.

First, H.R. 1768 extends and strengthens the Brady Law, which has successfully prevented more than 250,000, fugitives, and other prohibited persons from getting guns by, for example, closing the gun show loophole and prohibiting violent juveniles from getting guns when they become adults.

Second, the bill makes it more difficult for youth to gain inappropriate access to firearms by raising the minimum age for handgun possession to 21—which is the current minimum age to legally buy a handgun from a licensed dealer. The bill also will require child safety devices for every gun that is sold.

Third, the bill strengthens the assault weapons ban by prohibiting the importation of all large capacity ammunition feeding devices and prohibiting youth under 21 from possessing assault weapons.

Fourth, H.R. 1768 gives law enforcement additional tools to combat criminal misuse of firearms by increasing penalties on criminals who use guns in the commission of crimes.

Fifth, the bill combats illegal trafficking in guns to stem the illegal supply of guns to our streets through measures such as a restriction on handgun purchases to one a month, and increased penalties for illegal trafficking.

Sixth, H.R. 1768 would allow us to more effectively enforce our explosives laws by requiring background checks on explosives purchasers and restricting possession of explosives by juveniles.

A. Extending and Strengthening the Brady Law

The Brady Law has dramatically increased the effectiveness of our Nation's gun laws that prohibit certain people—for example, felons, stalkers, and fugitives—from possessing firearms by requiring background checks on people who want to buy guns, and by denying guns to those who are not allowed to possess them. During the first five years of the Brady Law, state and local law enforcement officials conducted Brady background checks on prospective gun purchasers and stopped more than a quarter of a million people who should not have guns from getting them. The cooperation of state and local law enforcement, in voluntarily conducting these checks in areas covering 99 percent of our population—and the willingness of gun buyers throughout the country to comply with this common sense provision—made the success of the Brady Law possible and undoubtedly saved lives and prevented crimes from occurring.

Since November 30, 1998, when the National Instant Criminal Background Check System (NICS), went into operation, the FBI has shared the responsibility for doing background checks with states that have agreed to serve as points of contact (POCs) for the system. In just under 6 months, the NICS has processed more than 4 million background checks. Of these, our state partners acting as points of contact handled just over 2 million checks. In the vast majority of checks, legal gun buyers have completed their gun purchases within minutes. At the same time, federal officials have stopped more than 42,000 felons and other prohibited persons from getting guns, and we estimate that our state partners have stopped about 42,000 more.

In addition, through the cooperation of federal, state, and local law enforcement officials, the NICS has been used to apprehend fugitives who have tried to acquire firearms. Two recent examples illustrate this success. On March 12, 1999, the Texas Highway Patrol was able to apprehend a fugitive who had been wanted in Oscoda, Michigan, for eight years—for aggravated assault with a deadly weapon—after a NICS check at a pawn shop in Texas revealed the fugitive's criminal history when the fugitive attempted to redeem a pawned gun. And, on March 27, 1999, a NICS check was run on an individual seeking to buy a gun in Salina, Kansas. The NICS located an arrest record for terrorist threats in 1992, and the transfer of the gun was therefore delayed. The disposition of the arrest was not available to the NICS in automated records, however, and the FBI was unable to track down the disposition of the arrest—to determine if a conviction had been obtained—during the 3-day period allowed by the Brady Law. As a consequence, a handgun was transferred to the individual after the 3-day period expired. But, a few days later, the FBI was able to learn that the individual had been convicted of felony attempted terrorist threats, and notified the Dodge City Kansas Police Department. Local authorities promptly arrested the individual, charged him with felony possession of a firearm, and recovered the gun.

1. Closing the Gun Show Loophole

The Administration is committed to building on the success of the Brady Law by expanding its protections in three key areas. First, we want to close the gun show loophole. Since last November, when President Clinton directed Treasury Secretary Rubin and Attorney General Reno to develop a plan to address the gun show problem, we have been working to achieve this goal. Today, licensed dealers are required to conduct background checks at gun shows, but unlicensed people who set up tables right alongside the licensees can sell guns at gun shows without doing background checks. And while licensees have recordkeeping requirements in connection with their gun sales, unlicensed sellers are not required to provide any documentation of gun show sales to assist law enforcement in tracing firearms if they subsequently are used in crimes. This is a significant public safety problem, because more than 4,000 gun shows are held in America each year, and an estimated 25–50 percent of the vendors at these shows are unlicensed, and therefore not required to do background checks or keep records for crime gun tracing on any of the hundreds of thousands of buyers and transactions. A single gun show may have as few as 50 or as many as 2,000 tables, each displaying numerous guns (sometimes hundreds) for sale. Those barred from buying or possessing a gun seek out the unlicensed sellers, because they know that they can get guns “no questions asked.” Also, because unlicensed sellers do not keep any records and because many of the guns sold at gun shows are used guns, there is often no way to trace a gun back to the person who sold or bought it if the gun later turns up at a crime scene. Because guns can be bought anonymously at gun shows, they are a significant source of guns for crimi-

nals. In fact, in an evaluation of 314 investigations related to gun shows, the firearms involved numbered more than 54,000.

In one case, an ATF inspector discovered that a convicted felon in Michigan used a false police identification to buy handguns at gun shows and resold the guns for profit. Among the firearms purchased were 16 new and inexpensive handguns. Local police recovered the guns in the course of investigating a domestic disturbance. The defendant pled guilty to numerous federal firearms violations and was sentenced to 27 months' imprisonment.

In their January 1999 report to the President, Treasury Secretary Rubin and Attorney General Reno presented recommendations for closing the gun show loophole by proposing legislation that will require a background check and gun tracing records in connection with all firearms transfers at gun shows, even if the seller is unlicensed. This way, gun shows can continue to be a place for law-abiding citizens to gather to trade, buy, and sell firearms but will no longer be a "safe haven" where felons, fugitives, those convicted of domestic violence, and juveniles can buy guns. Under the Lautenberg-Kerrey amendment to S. 254, licensed dealers will conduct background checks on behalf of unlicensed dealers at gun shows. In addition, licensed dealers will maintain and provide to the Secretary of the Treasury strictly limited information about the type of gun being transferred for the sole but critically important purpose of being able to trace the gun if it is later used in a crime. No identifying information about the buyer will be provided to ATF. Rather, only the make, model, and serial number of the gun sold will be provided, so that ATF can contact the seller to assist with a crime gun trace when requested to do so by a law enforcement agency that recovers the firearm.

Now that the Senate has passed legislation that actually closes the gun show loophole, the House has the opportunity to do the same. We strongly urge you to do so.

Our experience with the Brady Law and with the NICS has shown that background checks impose a minimal inconvenience on lawful gun sellers and buyers and offer a high return for our society as a whole. Under the NICS, more than 70 percent of the background checks are fully completed within minutes—often before the dealer requesting the check hangs up the phone—and waiting for a background check to be completed is a small price to pay for making our communities safer. We need to assure that the only people getting guns at gun shows are those who are permitted to have them.

2. Juvenile Brady

Second, we want to ensure that when juveniles commit violent acts that would be serious felonies if committed by an adult, they are permanently barred from ever getting a firearm. Today, juvenile adjudications—even for the most serious offenses, like murder—do not prevent juveniles from acquiring guns once they become adults. We have proposed an amendment to the Brady Law that would treat violent juveniles and violent adults in the same manner for purposes of determining whether they can possess a gun. If they have been convicted of an act that would have been a violent felony if committed by an adult, they will be barred for life from getting a gun regardless of their age when they committed the crime.

3. Mandatory Waiting Period

Third, our proposal imposes a mandatory 72-hour waiting period for all handgun purchases and gives law enforcement up to two additional business days to complete background checks. We believe that a mandatory waiting period of 72 hours for handgun transfers will save lives, because many gun crimes are committed within days of the time that the gun is purchased. This cooling-off period will prevent those murders and suicides that are committed in the heat or despair of the moment.

We also want to give law enforcement up to two additional days to complete a background check when further research is required to determine whether a person is prohibited by law from possessing a gun. Although more than 70 percent of the Brady background checks are completed within minutes, some records are not yet fully automated, and therefore some background checks require further research and analysis. Allowing a maximum of five days for conducting the check—which was the original amount of time allowed in the Brady Law—will prevent guns from being transferred to prohibited people about whom definitive information is unavailable at the end of three business days.

B. Restricting Youth Access to Firearms

Keeping guns out of the hands of juveniles has been one of the Clinton Administration's top priorities. The Clinton Administration worked with Congress to pass legislation prohibiting juvenile possession of handguns, and encouraging States to have "zero tolerance" for guns in schools. Also, in cooperation with local police de-

partments, the Administration established ATF's Youth Crime Gun Interdiction Initiative (YCGII). H.R. 1768 seeks authorization for an expansion of YCGII. Through comprehensive crime gun tracing, YCGII is helping to establish how the illegal market in firearms operates in specific jurisdictions and to identify and arrest individuals who illegally supply guns to juveniles and young people, as well as the young people who illegally possess guns.

However, our current laws are still inadequate to protect our young people from gun violence. The recent school shootings and the deaths of 13 children every day from gunshot wounds, confirm this sad reality. The Clinton Administration has proposed four targeted measures to reduce inappropriate youth access to firearms.

First, we propose to raise the minimum age that a young person can possess a handgun from 18 to 21. Today, although it is not legal for a licensed firearms dealer to sell a handgun to anyone under 21, it is legal for persons between the ages of 18 and 21 years to possess handguns and even to buy them from unlicensed sellers in their neighborhood or at a gun show. The ease with which 18- to 20-year-olds can get guns is especially troubling given that ATF crime gun tracing data shows that more crime guns are recovered from 18- and 19-year-olds than from any other age group.

We urge Congress to extend the provisions of the Youth Handgun Safety Act to young people between the ages of 18 and 21. The same exceptions that apply to juveniles will apply to persons between the ages of 18 and 21. Under certain conditions, they could temporarily possess a handgun if they need it to hunt or farm or in connection with a job.

Second, we have proposed legislation to ban the possession by youth of all assault weapons. Although current law prohibits juveniles from possessing assault pistols, it allows them to possess assault rifles and large capacity ammunition feeding devices that were manufactured before the effective date of the assault weapons ban in 1994. The Administration's proposal closes this dangerous loophole by prohibiting the possession of all assault weapons and large capacity magazines by persons under the age of 21.

Third, H.R. 1768 includes a proposal that would require the sale of a child safety lock or safe storage device with every firearm. The Senate's juvenile justice bill includes a similar provision, but it is limited to handguns. Unfortunately, many children need look no further than their own home to get their hands on loaded and unlocked guns, as an estimated one-third of privately-owned handguns are kept loaded and unlocked.

Fourth, some 16 states across the country have recognized that adults have a responsibility to prevent children from obtaining unsupervised access to guns. "Child access prevention" (CAP) laws promote gun safety and responsibility by holding adults responsible if they allow children to have easy access to loaded firearms. According to one study published by the American Medical Association in 1997, CAP laws have helped reduce fatal unintentional shootings by an average of 23 percent.

However, too few states have CAP laws, and the laws in those states that do have them vary widely. Because youth gun violence is a serious national problem, H.R. 1768 includes a provision that will hold adults criminally responsible if they recklessly disregard the risk that a child will gain access to a gun which is used to cause death or serious injury.

C. Strengthening the Assault Weapons Ban

In 1994, the Congress and the Administration worked together to enact the Assault Weapons Ban, banning the manufacture and importation of 19 of the deadliest assault weapons, copies of those weapons, and large capacity ammunition clips that hold more than 10 rounds of ammunition.

Despite these efforts, a significant loophole remains. Although the assault weapons ban prohibits the importation of large capacity ammunition feeding devices that were manufactured after 1994, the ban is virtually unenforceable, because it is tremendously difficult to determine whether the devices that are shipped into this country were manufactured before the ban went into effect. H.R. 1768 includes a proposal—that was also part of the Senate's juvenile justice bill—to close this loophole by banning the importation of large capacity ammunition feeding devices, regardless of when they were manufactured.

D. Giving Law Enforcement Additional Tools to Combat Criminal Misuse of Firearms

Recognizing the increased public safety risks associated with criminal activity carried out with firearms, H.R. 1768 gives law enforcement additional tools to crack down on criminals who misuse firearms. *First*, the bill will make certain gang-related firearms offenses predicates for RICO. Criminal street gangs and guns go to-

gether all too often, and gang members use guns in carrying out all aspects of their illegal activities. This proposal will add a number of firearms offenses to the RICO statute, which prohibits the illegal activities of criminal organizations such as street gangs.

Second, the legislation will increase penalties for firearms conspiracies by making conspiracies to violate the firearms laws punishable by the same maximum term as the underlying substantive offense that was the object of the conspiracy. In other words, if gang members agree to get guns illegally, and any one gang member takes steps to get guns illegally, *all* of the gang members who agreed to the plan can be punished as if they had actually gotten guns.

Third, H.R. 1768 makes gun convictions predicate crimes for purposes of the Armed Career Criminal Act (ACCA). Today, only violent felonies and serious drug offenses are predicate offenses under the ACCA, which imposes a 15-year mandatory minimum prison sentence and is aimed at recidivist violent offenders and narcotics traffickers. This proposal will add prior convictions for being a felon-in-possession to the ACCA when the violator has at least one prior conviction for a violent felony or serious drug offense, so that gun-carrying criminals will be subject to the ACCA's strict terms.

Fourth, the bill increases the limitations period for National Firearms Act prosecutions. Under current law, the statute of limitations for violations of the National Firearms Act, which prohibits the unlawful possession of bombs and machine guns, is only three years. H.R. 1768 will extend the statute of limitations to five years, bringing it in line with the general statute of limitations for gun crimes.

Fifth, H.R. 1768 will permit federal law enforcement to forfeit guns that are used in crimes of violence and felonies. In addition, ATF will be able to forfeit additional items (such as drugs and property) that are used in the crimes. Both civil and criminal forfeitures will be available.

E. Combating Illegal Trafficking in Guns

The Clinton Administration has made targeting illegal gun traffickers a law enforcement priority. In 1996, the Administration launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to trace all crime guns recovered in these cities, and to identify and arrest the traffickers who illegally supply firearms to young people. Since then, the Administration has added an additional 20 cities to the initiative and conducted more than 160,000 crime gun traces for federal, state, and local law enforcement in those cities.

These successes notwithstanding, illegal trafficking in guns remains a serious problem, and H.R. 1768 strikes at the heart of gun trafficking through tough, smart proposals to reduce the illegal supply of guns.

First, H.R. 1768 will restrict handgun purchases to one per month as an effective means to combat demonstrated gun trafficking patterns. Gun traffickers stockpile handguns—which are the criminal's gun of choice—and transport them to areas where guns are difficult to obtain and where their sale is most profitable.

A federal one-gun-a-month law will establish nationwide what has been accomplished in the three states that presently restrict handgun sales to one a month. When the citizens of South Carolina, Virginia, and Maryland recognized that traffickers purchased handguns in their state and shipped them elsewhere, the state legislatures moved to limit handgun purchases to one a month. All three states have reported success with their one-handgun-a-month laws.

A federal one-gun-a-month law will eliminate the need for a piecemeal approach to stopping gun trafficking by imposing a uniform rule that will make handguns equally difficult for criminals to obtain in *every* community. Allowing a person to obtain one handgun a month—for a total of 12 handguns in a single year—will not overburden legitimate gun buyers. In those cases in which a person might have a legitimate need to obtain more than one handgun a month, H.R. 1768 provides exceptions, such as when a person wishes to acquire an existing collection of firearms.

Second, H.R. 1768 will require licensed firearms dealers to store their firearms inventories securely. "Smash and grab" thefts and large-scale burglaries by gun traffickers provide a significant source of firearms to the illegal gun market. To cut down on thefts of firearms from licensed dealers, H.R. 1768 will give ATF the authority to issue regulations requiring licensed dealers to store their firearms inventories securely, just as ATF presently requires explosives dealers to store explosives securely.

Third, the bill will allow ATF to better assure responsibility of all licensed firearms dealers. Current law allows ATF to conduct only one inspection of a firearms dealer per year, in the absence of probable cause and a warrant. Limiting ATF in this way means that dealers, once they are inspected, have a "bye" from oversight for the remainder of the year. H.R. 1768 will allow ATF to conduct up to three in-

spections of firearms dealers annually to ensure that the dealers are complying with the federal background check and recordkeeping requirements.

Fourth, because traffickers also steal guns when they are in transit and divert the guns to the illegal market, the legislation will require firearms thefts from common carriers to be reported. Specifically, H.R. 1768 will require common carriers to report the theft or loss of a firearm within 48 hours to give law enforcement the chance to prevent the diversion from being completed.

Fifth, H.R. 1768 clarifies existing law by establishing liability when a firearm is transferred to commit a crime of violence. It is now illegal to transfer a gun to someone who uses it to commit a violent crime or a drug crime if the person transferring the gun "knows" that the gun will be used in a crime. This legislation clarifies that there is liability when the transferor "knows or has reasonable cause to believe" that the gun will be used to commit a violent crime or a drug crime. This will make it easier to hold straw purchasers accountable for the consequences of their actions.

Sixth, H.R. 1768 will improve ATF's tracing ability by requiring federal firearms licensees to report the acquisition of used guns. New guns that are used to commit crimes already can be traced effectively, because the serial number of the gun enables ATF to get information about the retailer who received a new gun from the manufacturer and distributor. ATF can find out from the retailer who bought the gun. In contrast, it is much more difficult to trace used guns, because they often have been through many private transfers before being resold by a licensed retailer or pawnbroker. Under the legislation, licensed dealers will submit reports to ATF about used firearms that they acquire, to enable the guns to be traced if they are later used in crime. The information submitted by the dealers to ATF will not include identifying information about private individuals who sell used guns to, or buy them from, licensed dealers; rather, it will be restricted to information identifying the firearm.

F. Restricting Unlawful Access to Explosives

Current law prohibits felons and others from possessing explosives, but does not require that purchasers of explosives undergo a background check. Just as the Brady Law replaced the "honor system" for firearms purchases, there is no need to rely on the "honor system" for explosives when the NICS is already in place for guns. The Administration's proposal will require a NICS check on every person who buys explosives from a licensed explosives dealer. It will also restrict possession of explosives by juveniles.

II. THE CLINTON ADMINISTRATION'S ACCOMPLISHMENTS IN FIGHTING GUN CRIME

Our overall approach to firearms enforcement is based on the following two elements, which work in tandem. First, we have committed federal resources to both prevent access to firearms by prohibited persons and incarcerate violent gun offenders. Second, we have developed partnerships with state and local authorities, and who make the vast majority of arrests and undertake the vast majority of prosecutions. Implementing this approach has brought us unprecedented success in combating violent crime.

A. The Historic Reduction in Crime

Since 1992, the nation's crime rate has been reduced by more than 20 percent. Nationally, homicide rates have fallen to levels last seen in the 1960s. There has also been a sharp decline in the number of violent crimes committed with firearms nationwide. Between 1992 and 1997, there was an overall decrease of 27 percent in the estimated total violent crimes committed with firearms reported by state and local law enforcement agencies to the Federal Bureau of Investigation (FBI). This decrease is depicted in Graph 1. During this same period, homicide with firearms dropped 24 percent; robbery with firearms, 27 percent; and aggravated assault with firearms, 26 percent.

Despite this very good news with respect to firearms violence, the Justice Department and the Treasury Department view the continued reduction of violent crime—including violent crime committed with firearms—as a top priority. The number of people killed with firearms remains extraordinarily high, as more than 34,000 people, including 4,643 people under the age of 20, died as a result of firearms injuries in 1996. In addition, youth gun violence remains at historically high levels, and we must continue to focus special attention on that problem.

B. Increased Collaboration Among Law Enforcement

In the past few years, federal, state and local law enforcement have collaborated in numerous violent crime task forces and specially-targeted initiatives. These collaborative efforts, as exemplified by the Justice Department's Anti-Violent Crime

Initiative (AVCI), provide for greater flexibility at the district level to develop firearms and violent crime prosecution strategies in coordination with state and local prosecutors, consistent with the enforcement and investigative programs that ATF has put in place to better support locally-designed initiatives.

The Justice Department introduced the AVCI in 1994, broadening the national violent crime focus from one emphasizing firearms violations alone to one that strategically targets violent crime as manifested in local communities. The AVCI has generated an increased focus on gangs and other violent crime enterprises that frequently involve firearms violations. This expanded focus has yielded cases that are more difficult to develop but which can have a greater impact on community safety. For example, successful prosecutions have been brought against major gangs such as the Latin Kings in the East and the Gangster Disciples in the Midwest.

To provide a solid investigative base for prosecution strategies, ATF has developed an overall enforcement strategy that has three dimensions. First, ATF attacks armed violent crime through direct intervention, arresting criminals who misuse firearms. Second, ATF attacks violent crime on the supply side, by identifying and arresting individuals who illegally supply firearms to criminals and juveniles. Third, ATF seeks to forestall criminal diversion from the legal to the illegal market through regulatory enforcement measures. Each of these three components is essential. Removing the most violent offenders from society is a primary responsibility. Eliminating the flow of firearms to violent criminals, gang offenders, and juveniles will reduce the overall violent crime rate as well as the armed violent crime rate. Effective regulatory enforcement will lessen the burden on the criminal justice system.

To carry out these strategies, ATF relies on close working relationships with state and local law enforcement departments throughout the country as well as with United States Attorneys and local prosecutors. Close cooperation takes a variety of forms. For instance, state and local law enforcement are currently tracing nearly 200,000 crime guns annually with ATF, which provides them with information on potential traffickers. The trafficking information is then analyzed and acted upon by joint task forces, in cooperation with United States Attorneys and local prosecutors. For example, in Philadelphia, Pennsylvania, a straw purchaser and gun trafficker conspired to purchase over 50 semiautomatic rifles, high-powered ammunition, and accessories. Through tracing, one of the rifles was linked to a homicide and the trafficker had given a number of the other guns to a convicted felon, drug dealers, and a juvenile. The defendants were convicted on several counts, including gun trafficking and possession of a firearm in a school zone. The felon-trafficker received a sentence of over 11 years, while the straw purchaser was sentenced to four years in prison.

C. The Increase in Overall Firearms Prosecutions

On a combined basis, federal, state, and local firearms prosecutions have steadily increased since 1992, as the number of violent crimes committed with firearms has sharply declined. Although the total number of federal firearms cases decreased between 1992 and 1998, that decrease does not mean that criminals are avoiding prosecution or receiving shorter sentences. The federal, state, and local law enforcement systems are coordinating more closely, and federal agents and prosecutors are focusing greater attention on higher-level firearms offenders. At the same time, many states have increased enforcement efforts and/or penalties for firearms offenders.

Data from the Administrative Office of the United States Courts suggests that much of the decline in federal firearms prosecutions between 1992 and 1997 occurred among lower-level offenders who received sentences of probation up to imprisonment for less than 3 years, while the number of higher-level federal firearms offenders—those who received prison sentences of 5 years or more—has increased more than 25 percent. See Graph 2.

Between 1992 and 1996—when most of the decline in federal firearms prosecutions occurred—state prosecutions of weapons offenders increased sharply, more than offsetting the federal decline, and the combined number of firearms offenders sentenced to prison has increased by approximately 22 percent. See Graph 3.

D. Successful Collaborative Efforts in Our Communities

In certain communities, the integrated efforts of federal, state, and local law enforcement and other community leaders have produced very dramatic drops in the violent crime rate. In Boston, Massachusetts, for example, collaboration among law enforcement and community leaders through Operation Ceasefire reduced violence by youth gangs and brought down the number of youth homicides 64 percent in three years. And in Richmond, Virginia, effective and coordinated law enforcement, including stepped-up enforcement of gun crimes through the program known as

"Project Exile," has reduced the homicide rate by more than 30 percent in the last year. The Boston and Richmond experiences are described in more detail in the statements by the United States Attorneys from these jurisdictions that were submitted to the Senate Subcommittee on Criminal Justice Oversight and Youth Violence on March 22, 1999, and which are attached hereto as Exhibits.

The Justice Department and the Treasury Department expect to build on these successful strategies by helping more communities develop strategies and solutions that take into account the specific elements of the gun violence problem as experienced by those communities and the unique tools available in each jurisdiction to combat that violence. We have already provided an unprecedented level of resources to state and local law enforcement through our COPS program and other programs that were funded through the 1994 Crime Bill. Because no single formula for combating gun violence works in all, or even most, settings, it would be a mistake for the Administration to mandate the use of any particular formula across the country, and such an attempt might significantly hamper the ability of the United States Attorneys and ATF to combat all the diverse aspects of violent crime.

Given the uniquely federal system of government in the United States, no crime reduction strategy can ignore the fact that the vast majority of the violent crime in our country falls within the jurisdiction of state and local agencies or that the vast majority of resources to fight crime are provided by state and local governments. Current federal enforcement strategies and programs are based on this understanding. Indeed, any effort that does not consider the appropriate roles of the respective levels of government runs the risk of shifting cases that can be handled effectively at the local and state level to the federal level, with significant opportunity and financial costs. Substantial opportunity costs are incurred when federal resources that could be used to combat uniquely federal crimes—like interstate gun trafficking—are used instead on cases that could be handled effectively by state and local authorities.

In some areas, of course, such as multi-district trafficking in drugs, weapons, or aliens, crime must be attacked primarily at the federal level. In most other areas, including where state and local governments have primary responsibility, the federal government is most helpful to the extent it provides leadership, support, statutory tools, and coordination. In the area of firearms enforcement, the federal government also has important responsibilities in the regulatory area, ensuring compliance with laws governing the manufacture, distribution, and sale of firearms.

E. Building on Success in Gun Violence Reduction

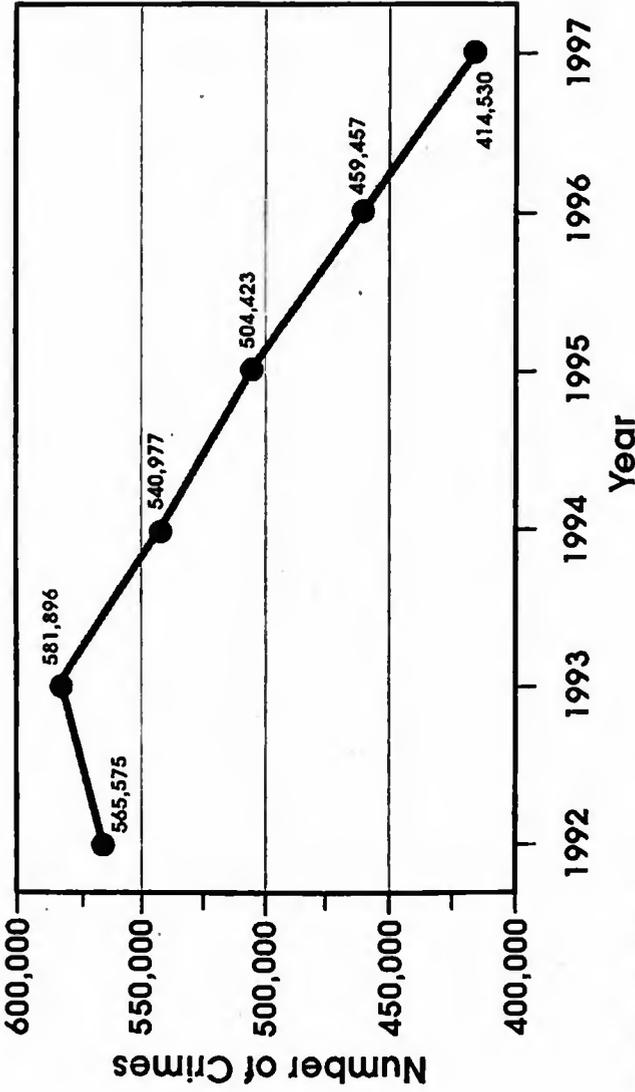
We will continue to work together, and with other federal, state, and local agencies to reduce gun violence. To replicate the best practices occurring throughout the country, we will be developing a coordinated firearms violence reduction strategy as outlined in the Directive issued by President Clinton in March of this year. Our strategy will draw on the proven measures and other innovative approaches being demonstrated by communities throughout the country. Through the continued leadership of the United States Attorneys and ATF, we will assure that federally licensed firearms dealers comply with all applicable laws; that crime gun information developed through comprehensive tracing, mapping and analysis is used strategically to identify illegal gun markets, gun hot spots, and illegal gun traffickers; and that illegal possessors, users and traffickers of guns receive appropriate sanctions. Many of the tough and effective crime-fighting strategies focusing on gun violence that have been put in place by local communities are highlighted in a new DOJ Report, entitled "Promising Strategies to Reduce Gun Violence," which was released by the President in March. The report summarizes and analyzes 60 such local strategies, including those to which we have referred in this statement. A one-page summary describing this report is attached hereto.

We believe that the most effective strategies will be coordinated efforts in which federal prosecutors and investigators team up with state and local prosecutors and investigators, as well as other community leaders, to determine what prevention and intervention methods will work best, and which available sanctions are most appropriate. Accordingly, we have asked for additional resources to enable us to implement our comprehensive gun violence reduction strategy.

CONCLUSION

We must heed the voices of the local beat cop, the corner grocer, and the parents who have felt the devastating impact of gun violence. We must take note of the children whose voices have been silenced by gun violence throughout the country. We must take further common sense steps to reduce the access to firearms by criminals and our children. We can not afford to wait any longer.

GRAPH 1
Violent Crimes With Firearms*

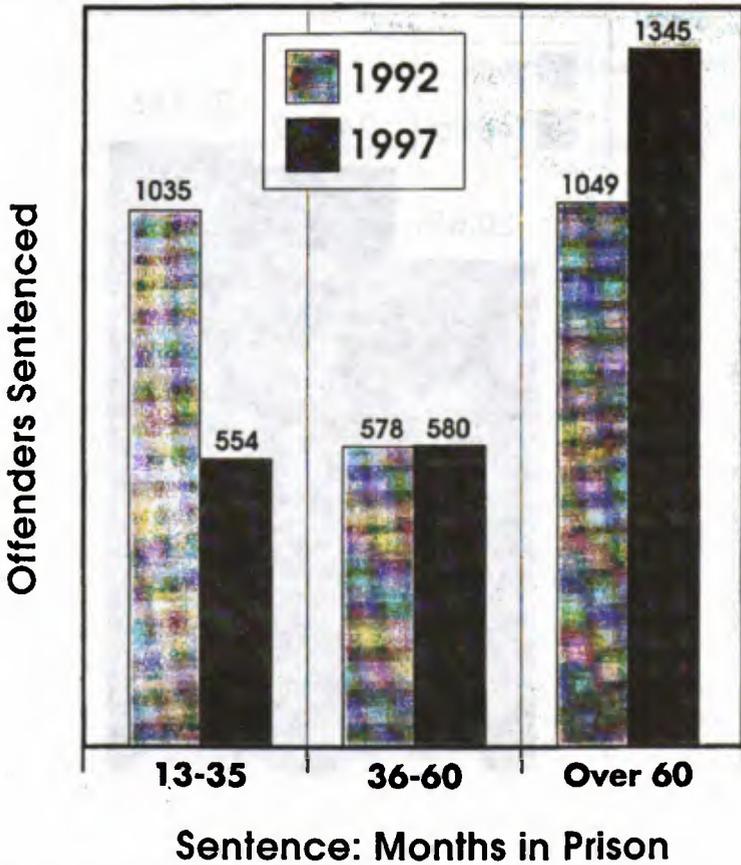


* Excluding Rape

Source: FBI/Uniform Crime Report Data

GRAPH 2

Federal Weapons and Firearms Offenders Convicted & Sentenced, 1992 vs. 1997*

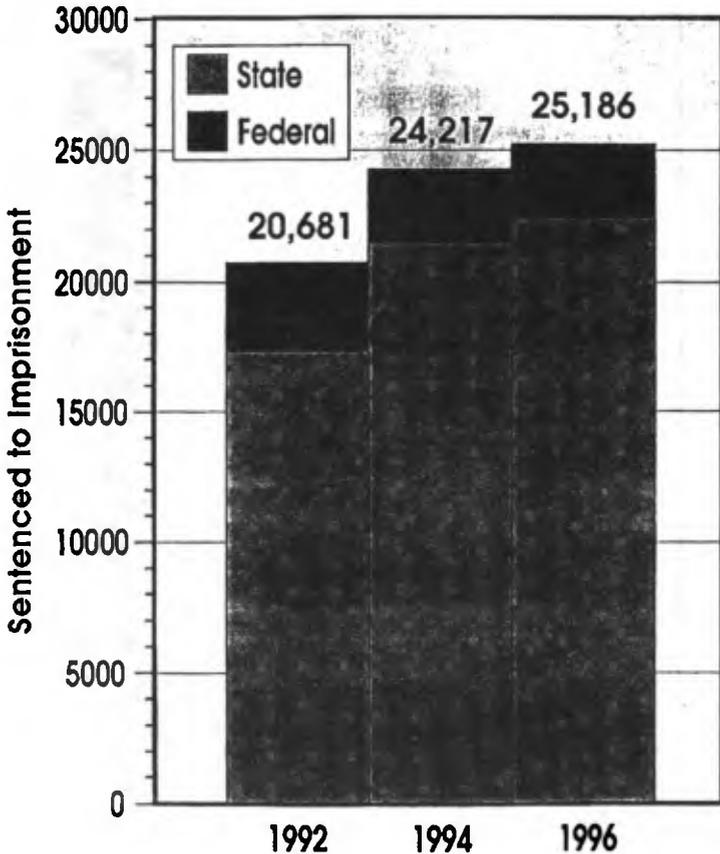


*Excluding Sentences One Year or Less

Source: AOUSC annual reports, Table D-5, 1992 and 1997.

GRAPH 3

Total State and Federal Weapons Offenders Sentenced to Imprisonment in 1992, 1994, 1996



Source: BJS, National Judicial Reporting Program (NJRP) state estimates and Federal Justice Statistics Program (FJSP) totals, 1992 (cy), 1994 (cy), 1996 (st=cy; fed=fy)

[Note: Additional attachments are on file with the House Judiciary Committee's Subcommittee on Crime.]

Mr. McCOLLUM. We are now ready for our second panel and I am going to introduce most of our witnesses but I am going to yield in a minute to Mr. Chabot to introduce a guest witness from his district.

Our first witness today on this second panel is Mr. Darrell Scott. Mr. Scott is from Littleton, Colorado. He is the father of two victims of the Columbine High School shooting, Rachel and Craig. His

son, Craig, was wounded in the shooting; his daughter, Rachel, was killed.

I want to thank Mr. Scott for his extraordinary courage in joining us today and being willing to come here under these circumstances to be with us. I really do appreciate that greatly.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. McCOLLUM. Our second witness today is Judge David Grossman and I am going to yield to Mr. Chabot to introduce Judge Grossman, since he is a constituent.

Mr. CHABOT. I thank the chairman for yielding and I will try to be brief.

It is truly an honor to have Judge Grossman here. Judge Grossman retired last year as the presiding Judge of the Hamilton County Juvenile Court in Cincinnati, Ohio, in my district. He served as a judge there for over 20 years, I think since 1976. He is also the past President of the National Council of Juvenile and Family Court Judges, an organization of more than 2,000 juvenile and family court judges across the Nation.

Judge Grossman has served on and chaired many national committees and helped draft policy on national issues of juvenile justice. He is also the past President of the Ohio Association of Juvenile and Family Court Judges, and Judge Grossman has been a regular source of wise counsel for this subcommittee and the Congress throughout the years.

And on a personal note, I had the opportunity to see Judge Grossman in action firsthand having practiced as an attorney in his courtroom for a number of years, and also as a county commissioner, who had some dealings with his budget. And we had various conferences about how they were spending their money and he always did it very wisely.

It is an honor, and I am sure that his testimony this afternoon will be very good.

Mr. McCOLLUM. I, too, want to thank Mr. Chabot and Judge Grossman for coming. He has come before our committee several times on juvenile justice matters and we are grateful.

All right, our third witness today is Mr. Wayne LaPierre. Mr. LaPierre is the Executive Vice President and Chief Executive Officer of the National Rifle Association. In this position Mr. LaPierre is the national spokesman for the NRA, where he oversees the operations of an association with over three million members and a staff of nearly 500 employees with an annual budget of approximately \$150 million.

Mr. LaPierre, under the direction of a 76-member Board of Directors is responsible for implementing NRA policy as well as serving as President of National Firearms Museum Fund and Trustee of the NRA Foundation.

Mr. LaPierre joined the NRA staff in 1978 as a State Liaison in the NRA Institute for Legislative Action, the legislative arm of the association. He received his Master's Degree in American Government and in Politics from Boston College and his Bachelor's Degree in Education and Political Science from Siena College in New York.

Our next witness is General James Chambers. General Chambers is the Executive Director of the Sporting Arms and Ammuni-

tion Manufacturer's Institute, known as SAAMI, if I am pronouncing that right, a position he has held since January 1999.

Prior to this, he spent 36 years of active service with the United States Air Force. He served as Director of Contingency Operations to the United States Air Forces in Europe, with duties as Joint Force Air Component Commander for Operations to Provide Promise involving air delivered humanitarian aid to Bosnia/Herzegovina.

He also served as Commander of the Combined Air Operations Center for Operation Deny Flight, the NATO air support for the UN Protection Force in the former Republic of Yugoslavia.

General Chambers also served 4 years as a Commander of the 17th Air Force and NATO Combined Air Operations Center in Sonneberg, Germany. General Chambers flew two Vietnam combat tours and combat missions over Iraq and the Balkans. He retired as a Lieutenant General. And we welcome you here today.

Our next witness is Mr. David Kennedy. Mr. Kennedy is a senior researcher at the Program in Criminal Justice Policy and Management at the Kennedy School of Government of Harvard University. His work focuses on community and problem-solving policing, police corruption and neighborhood revitalization.

Mr. Kennedy has performed field work in police departments and troubled communities in many American cities, as well as London, England; Sydney, Australia; and Puerto Rico. He is the co-author of the book, "Beyond 911: A New Era For Policing" and numerous articles on police management, illicit drug markets, and gun control.

Mr. Kennedy is currently directing a National Institute of Justice-funded project in Boston designed to give the first detailed account of the youth gun problem in any American city, and based on that account implement and evaluate a city-wide intervention to reduce violence.

We thank you for coming.

Our next witness is Mr. Gerald Flynn. Mr. Flynn is the National Vice President of the International Brotherhood of Police Officers, and serves as President of the International Brotherhood of Police Officers Local Number 382, in Lowell, Massachusetts.

He was the featured speaker at a White House event in 1998 regarding the Brady bill and has appeared on behalf of the IBPO on numerous talk shows. Mr. Flynn has served on the police force for 19 years and now teaches at Western New England College. Mr. Flynn holds a Bachelor and Master's Degree in Criminal Justice.

And I did not mean to skip you, Ms. Taylor. You are actually on my list later than where you are seated and I apologize for that.

Our next witness is Bryl Phillips-Taylor, who is a constituent of Mr. Scott's and I am going to let him introduce you.

Mr. Scott?

Mr. SCOTT OF VIRGINIA. Thank you, Mr. Chairman.

Ms. Phillips-Taylor's son, Scott, had just graduated from high school 10 years ago and was 3 weeks from starting Virginia Tech when he became a victim of firearm violence that Ms. Phillips-Taylor will be describing.

Bryl joined Handgun Control, Incorporated and helped found Virginians Against Handgun Violence. She has vowed to make her voice heard in the halls of Congress and in the Statehouse.

She has testified before legislative and congressional hearings and lobbied Capitol Hill and the Virginia State Capitol. She has become a victim's advocate in the State of Virginia. She is a realtor in Sandston, Virginia, and we are delighted to have her back again.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. We thank you very much for that introduction. I might add, Ms. Phillips-Taylor, we were very moved by your testimony just 2 weeks ago before the full Judiciary Committee regarding the tragic loss of your son and we look forward to hearing your additional testimony today.

Our next witness is Dr. Adam Deutchman. Dr. Deutchman is a Board Certified General Surgeon and Certified Advanced Trauma Life Support Instructor. He has been in private practice in Denver, Colorado, for the past 5 years and is a member of the trauma team that supplies trauma call coverage for Centura Littleton Hospital in Centura St. Anthony's Central Hospital in Denver.

Dr. Deutchman was the trauma surgeon at Centura Littleton Hospital where some of the shooting victims from Columbine High School were brought.

Dr. Deutchman did his general surgery internship and his residency at the University of Kansas Medical Center in Kansas City, Kansas. Dr. Deutchman serves as Vice Chairman of the Trauma Surgery Division at Centura St. Anthony's Central Hospital.

And our final witness on this panel is Dr. John R. Lott, Jr. Dr. Lott is the John M. Olin Law and Economics Fellow at the University of Chicago Law School, though he will be joining the Yale University Law School faculty in the Fall.

Dr. Lott has held positions at Stanford, UCLA, Wharton and Rice, and was the chief economist at the United States Sentencing Commission from 1988-1989.

Dr. Lott has published a large number of articles in academic journals and has won numerous academic awards. He is the author of "More Guns, Less Crime: Understanding Crime and Gun Control Laws" and is the author of a book coming out next month on anti-trust enforcement.

Opinion pieces by Dr. Lott have appeared in the Wall Street Journal, the New York Times, the L.A. Times, USA Today, and the Chicago Tribune.

Dr. Lott received his Ph.D. in economics from UCLA in 1984.

Before this panel begins, I want the members of this subcommittee and the public to know that in order to join us today Mr. Scott had to miss a memorial service for his daughter. Mr. Scott, I want to publicly acknowledge the sacrifice that you have made to come here today. I did it at the beginning but I did not make it quite so explicit.

And I want to thank you again for your extraordinary courage in being here and your willingness to share your thoughts with this committee.

I am going to begin with your testimony and before we do that I would like to make the record clear that all of the written testimony any of this panel has submitted will be admitted to the record without objection.

I hear none and it is so ordered and we would ask you all to generally summarize your statements so that we can move this along in a generally expeditious fashion.

Mr. Scott, you are recognized.

Please, let us hear what you have to say.

**STATEMENT OF DARRELL SCOTT, FATHER OF TWO VICTIMS
OF THE COLOMBINE HIGH SCHOOL SHOOTINGS, LITTLETON,
CO**

Mr. SCOTT. Thank you, Mr. Chairman.

And thank you, ladies and gentlemen, for hearing my heart. At this very moment, in a cemetery in Southern Denver, Chapel Hill Cemetery, they are erecting the 13 crosses that I think are well-known across the country as a permanent memorial at the head of my daughter's grave. And my heart really longs to be there with my children, Bethanee and her husband, Don, Dana, Craig and Mike, but it is with their blessing that I am here and I appreciate that.

I realize that I am a mere pawn in today's hearings, but I am a willing pawn because I dare to believe that I can make a difference. Every once in a while a pawn has been used to checkmate a king and I have no hidden agenda and, of course, I have no political aspirations. I simply speak to you as a broken-hearted father and I only ask that you allow your heart to hear me for the next few minutes.

Since the dawn of creation, there has been both good and evil in the hearts of men and women and we all contain those seeds. We contain the seeds of kindness and the seeds of violence. And the death of my wonderful daughter, Rachel Joyce Scott, and the deaths of that heroic teacher and the other 11 children who died must not be in vain. Their blood cries out for answers.

The first recorded act of violence was when Cain slew his brother Abel out in the field. The villain was not the club he used, neither was it the NCA, the National Club Association. The true killer was Cain and the reason for the murder could only be found in his heart.

In the days that followed the Columbine tragedy I was amazed at how quickly fingers began to be pointed at groups such as the NRA. I am not a member of the NRA. I am not a hunter. I do not even own a gun. I am not here to represent or to defend the NRA because I do not believe that they are responsible for my daughter's death. Therefore, I do not believe that they need to be defended by me. If I believed they had anything to do with Rachel's murder I would be their strongest opponent.

I am here today to declare that Columbine was not just a tragedy; it was a spiritual event that should be forcing us to look at where the real blame lies. Much of that blame lies here in this room. Much of that blame lies behind the pointing fingers of the accusers, themselves.

I wrote a poem just four nights ago that expressed my feelings best and it was written before I knew that I would be speaking here today and I would like to read that.

"Your laws ignore our deepest needs, your words are empty air, you have stripped away our heritage, you have outlawed simple prayer.

"Now, gunshots fill our classrooms, and precious children die. You seek for answers everywhere, and ask the question why?"

"You regulate restrictive laws through legislative creed, and, yet, you fail to understand that God is what we need."

Men and women are three-part beings. We have a body, we have a soul and we have a spirit. And I believe we fail to recognize that third element that really does need to be recognized by the legislative bodies of this country that has been ignored for so long. Spiritual influences were present within our educational systems for most of our Nation's history. Many of our major colleges began as theological seminaries and we know this as a historic fact.

What has happened to us as a Nation? We have refused to honor God and in doing so we open the doors to hatred and violence. And when something as terrible as Columbine's tragedy occurs, politicians immediately look for a scapegoat such as the NRA; they immediately seek to pass more restrictive laws that continue to erode away our personal and private liberties.

We do not need more restrictive laws. Eric and Dylan would not have been stopped by more gun laws or metal detectors. No amount of laws can stop someone who spends months of planning this type of massacre.

The real villain lies within our own hearts. Political posturing and restrictive legislation are not the answers. The young people of our Nation hold the key and there is a spiritual awakening that is taking place that will not be squelched.

We do not need more religion. We do not need more gaudy television evangelists spewing out verbal religious garbage. We do not need more million church buildings built while people's basic needs are being ignored.

We do need a change of heart and humble acknowledge that this Nation was founded on the principle of simple trust in God.

When my son, Craig, lay under that table in the school library and saw his two friends murdered before his very eyes, he did not hesitate to pray in school and I defy any law or politician to deny him that right. I challenge every young person in America and around the world to realize that on April 20, 1999, at Colombine High School prayer was brought back to our schools.

Do not let the many prayers offered by those students be in vain. Dare to move into the new millennium with a sacred disregard for legislation that violates your conscience and denies your God-given right to communicate with him. And to those of you who would point your finger at the NRA, I give to you a sincere challenge. That is dare to examine your own heart before you cast the first stone.

My daughter's death will not be in vain. The young people of this country will not allow that to happen. And remember that even a pawn and a master's hand can accomplish much.

Thank you very much.

[The prepared statement of Mr. Scott follows:]

PREPARED STATEMENT OF DARRELL SCOTT, FATHER OF TWO VICTIMS OF THE
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And ask the question "Why?"
You regulate restrictive laws
Through legislative creed
And yet you fail to understand
That God is what we need!

Men and women are 3 part beings. We all consist of body, soul, and spirit. When we refuse to acknowledge a third part of our makeup, we create a void that allows evil, prejudice, and hatred to rush in and wreck havoc.

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My daughter's death will not be in vain. The young people of this country will not allow that to happen.

Mr. McCOLLUM. Thank you, Mr. Scott, for that poignant and very critical statement.

Thank you for coming all this way to speak to us.

Judge Grossman, you are recognized.

**STATEMENT OF DAVID GROSSMAN, RETIRED JUDGE,
HAMILTON COUNTY JUVENILE COURT, CINCINNATI, OH**

Mr. GROSSMAN. Thank you, Mr. Chairman, Mr. Scott, and the committee. I am impressed with Mr. Scott's testimony. He makes a point which I think all of us would do well to acknowledge and that is that there is a problem. It relates more to the rents in the fabric of the moral culture of our society than many of us care to acknowledge.

And those rents in the moral fabric of our society will not be mended by simple legislation. They must be mended in the hearts and minds of our people.

And it is certainly high time that we paid attention to that as we, each of us, conduct our lives, whether we be public figures or private figures; how we act and how we display ourselves, not only to each other but to our children, vastly affects the behavior that we reflect when they misbehave.

Let me turn, however, to some issues that I can speak to with some authority as a juvenile judge. I had the privilege of chairing our court for some 24 years and then some 16 years before that I was a magistrate on that court. So, I have spent 40 years of my life in the juvenile system.

And I am proud to say that we have a fine court in Hamilton County, Cincinnati. Part of that is due to the support we have received from our citizens and, certainly, from our public officials such as Congressman Chabot, who never failed to give us the funding and the resources that we needed to carry out our mandates.

It is clear to me that when we consider some of the tragedies that we are currently looking at that there are some answers perhaps that lie in a direction that I think this committee is aware of. Many of the children that some of these statistics have been mentioning are children that come into our courts, into our juvenile courts and many of those courts across the country lack the resources, lack the ability to back up the mandate that the public expects of those courts. That is the protection of society, the protection of children, the accountability of children and their behaviors, and the early intervention to secure a turn to right behavior from wrong behavior.

I know many of these judges across the country. They are good people and they desire to do the right thing, but many of them lack the tools. But I would give you one small instance which I think bears much upon some of our considerations this afternoon. Our court is richly resourced, thanks to Congressman Chabot and many others like him. We have many facilities and services available to us in Hamilton County.

We probably have one of the finest systems that I can think of across the Nation. And some, I guess, maybe 15 or 20 years ago—my memory fades slightly—when we first experienced a gun in school case where a child, a youth brought a gun into school. We regarded it way back then as a very serious offense, as a very serious breach of the safety, not only of the children in the school, but the safety of the community in general.

And way back then my partner and I—we have only two judges on our court and 25 magistrates—my partner and I decided that we would set down a small policy. That we would not tolerate such behavior under any circumstances by any youth bringing a gun into school for any reason.

And we said, if you do that, you are going to spend time with us in Court. You are going to spend time in our institutions which we control, in our correctional facilities which we operate, or in State facilities or in other facilities over which we have some control and influence and that you are going to spend a significant amount of time. This is not going to be just a week or two or a month or two; you are going to spend a significant amount of time.

And having established that policy and having remained true to it over these many years, I can tell you we have very few gun cases in school.

And, of course, we have had no killings and God forbid that we should have any. But I would suggest to you that even with our good policies that tragedy does happen.

And that reminds me to suggest to the committee, because I constantly reminded myself of it as I sat on the bench, never promise more than you can deliver. Never expect what you do will solve problems. Ameliorate them, perhaps. Reduce them, we hope.

But at any rate, I would encourage you to make the linkage which this bill, I think, does to recognize that if you will give to the courts the resources and the ability to follow-up their orders with positive results that good things can happen.

That actually accountability occurs. Young people in our county know what happens if you bring a gun to school. They are very well aware of that. They know it is not going to be simply a matter of a dismissal from school and turn them out onto the street. No, no. It is going to be far more serious than that.

And, you know, it has a way of moving beyond that because what we did there, I think, was emphasize the danger of uncontrolled behavior with guns. That it is a very serious matter. That young people need to take their behaviors very seriously.

And I think the result has been, overall, a good one. That we have problems, that we have gun cases, even out on the streets of Cincinnati and Hamilton County? Of course, we do. But at least we, our court, has some resources and ability to respond. Many, many juvenile courts across the country do not.

And that, of course, is one of the heavy emphases that we would make in this bill and why I would encourage its passage.

I, thank you, again, Mr. Chairman, and the members of the committee for allowing me to speak.

Mr. McCOLLUM. Thank you very much, Judge Grossman.

We appreciate those comments.

Mr. LaPierre, you are recognized.

**STATEMENT OF WAYNE LaPIERRE, EXECUTIVE VICE
PRESIDENT, NATIONAL RIFLE ASSOCIATION**

Mr. LaPIERRE. Thank you very much, Mr. Chairman.

My adult life has been devoted almost entirely to the understanding and vindicating the second amendment to our U.S. Constitution. The individual personal freedom to choose to lawfully own a firearm without permission from or apology to anyone is as clear and intentional as the rest of the Bill of Rights.

Our freedoms are already endangered enough by those who oppose them. But I have learned that a freedom is most at risk when it is in the hands of honest people who think for some perceived common good they ought to give it up.

Today we are a country still in shock and still bewildered by what confluence of forces could possibly lead young people to hurt each other. In that tender state, good people are vulnerable. They want to do something, anything for the common good.

Indeed, some are so perplexed about what to do that legislators admit from the outset that their legislation could not have prevented the very crimes that provoked drafting it. That is the very definition of perceived but fictitious common good.

As this made-for-TV lawmaking gets played out, it needs a villain. So good Americans have been exposed daily to a well-coordinated, systematic bashing of the National Rifle Association and its members as somehow a reckless, societal pathogen, a mighty extremist empire opposed to safety, caution and reason. That is a cruel and dangerous lie. Because nobody nor any combination of entities you care to add up has invested even a measurable fraction of what we have invested toward keeping safety and sanity central to the lawful exercise of the second amendment.

And nobody is more committed to keeping guns out of criminals' hands. That is obviously in our best interests. It is just whether you believe you are more likely to keep guns and criminals apart with new laws you write and ignore or with existing laws you enforce.

Some think our insistence on enforcement is unreasonable. Others say we oppose reasonable restrictions on gun ownership. So, let us talk about what is reasonable and what is not.

We think it is reasonable to provide mandatory, instant criminal background checks for every sale at every gun show. No loopholes anywhere for anyone. That means closing the Hinckley loophole so the records of those adjudicated mentally ill are in the system.

This is not new or a change of position or a concession. I have been on the record on this point consistently, from our national meeting in Denver to paid national ads and position papers, to news interviews, and press appearances. But I have repeatedly emphasized that this administration must stop illegally keeping records of lawful gun buyers.

In fact, it is the media's well-kept secret that the NRA was an early architect and supporter of the National Instant Check System now in place. Chairman McCollum knows; we worked with him on Instant Checks, gosh, more than a decade ago now.

We think it is reasonable to provide for instant gun checks at shows just like at gun stores and pawn shops. But what is unreasonable is how the proposed Lautenberg legislation ignores the

250,000 prohibited people, like felons, who walked away from gun stores, instead of being prosecuted for a Federal felony for trying to buy a gun. We think it is reasonable to prevent all juveniles convicted of violent felonies from owning guns for life. What is unreasonable is how Lautenberg can prevent your law-abiding son from inheriting his grandpa's shotgun collection because Lautenberg classifies him as a gun-show dealer who must be Federally regulated.

We think it is reasonable to prosecute more than just two dozen thugs last year for putting illegal guns in criminals' hands. What is unreasonable is that Lautenberg considers legal guns in private hands subject to intrusive Federal regulation even in they privacy of your home.

For a century we have taught it is not reasonable but essential to use safety locks, trigger locks, gun safes, or any voluntary means to keep firearms out of the wrong hands. What is unreasonable is Lautenberg can put you in prison for just failing to keep records of how many guns you own.

We think it is reasonable to make gun show Instant Check just like gun store instant checks. What is unreasonable is how Lautenberg could define your Wal-Mart, your uncle's skeet shooting range, your next door neighbor's firearms collection or your local sporting clays competition or any person or place with 50 or more firearms as a gun show subject to intrusive government regulation. That is just crazy.

We think it is reasonable to demand strict prosecution of criminal activity whether it takes place in a big city alleyway or a small town gun show. What is unreasonable is that Lautenberg instead demands strict registration of law-abiding gun buyers giving the Federal Government the name, the address, the type of gun, the serial number, not of the criminals but of Americans deemed not to be criminals by the Instant Check.

We think it is reasonable to provide full funding in Congress of a National Instant Check System. It operates efficiently and effectively. What is unreasonable is how Lautenberg authorizes an unlimited gun tax on purchaser by law-abiding citizens.

And, finally, we think it is reasonable to expect our Government to prosecute more than 24 hoods last year for providing guns to criminals. What is unreasonable is how Lautenberg makes everyone prosecutable if you just talk about buying or selling a gun at a gun show even if you have no gun in your possession.

We think it is reasonable to support the Federal Gun Free School Zones Act. What is unreasonable is 6,000 students caught with illegal guns at school the last 2 years and only 13 prosecutions.

We think it is reasonable to demand that when a lawful gun buyer passes a criminal check, purchases a firearm, records of that transaction be destroyed. What is unreasonable is Lautenberg decrees that we trust Government bureaucrats to compile and keep names and addresses and firearm types of millions of honest legal gun owners with no legitimate law enforcement purpose.

We think it is reasonable to expect full enforcement of Federal firearms laws by the Federal Government. What is unreasonable is the Justice Department claims that Federal gun laws are for the States to enforce. Reasonable people know that a case made in

State court means plea bargains, judge shopping, and no mandatory minimum sentencing.

Even Mayor Rendell of Philadelphia knows this, if the Justice Department does not. He said just recently and I quote: "In State court we average for these types of gun violations a 4-month prison sentence. The Federal guidelines are 59 months in prison. That is a five-and-a-half year difference. Incarcerating convicted felons in possession of firearms for that length of time will save lives, it will save carnage, it will save people from being maimed."

That is why we support Project Exile, the fierce prosecution of Federal gun laws that has cut crime rates overnight in the few places it has been tried. Even though this administration resists it, we think it is reasonable because it works.

We only support what works and our list is proud.

Ms. JACKSON LEE. Mr. Chairman, I have an inquiry, please.

Mr. MCCOLLUM. Yes.

Ms. JACKSON LEE. And I would appreciate Mr. LaPierre's testimony and I would like him to finish, but I notice that the red light is long since out. I want to make sure that the witnesses that are not pro-gun will have the equal amount of time and their lights will not cause them to not be able to speak.

Mr. SCOTT OF VIRGINIA. Will the gentlelady yield?

Ms. JACKSON LEE. I will be happy to yield.

Mr. SCOTT OF VIRGINIA. I do not think any of the witnesses have been timed. The light is not off. It never went on.

Ms. JACKSON LEE. It was on. No, it was on.

Mr. MCCOLLUM. It did go on, Mr. Scott.

Ms. JACKSON LEE. And it went out. So, I just want to make sure that the other witnesses' time will not be diminished.

Mr. MCCOLLUM. But we did not have it on for the other witnesses. So, we turned it off on Mr. LaPierre because we had not been checking the other witnesses.

Ms. JACKSON LEE. So, the other witnesses will have the time.

Mr. MCCOLLUM. They will have the time they need, but we do not want to be here for hours and we would admonish Mr. LaPierre to, please, be a little briefer perhaps and summarize.

Ms. JACKSON LEE. I would appreciate that.

Mr. MCCOLLUM. But, nonetheless, we have not cut anybody else off.

Mr. LAPIERRE. Thank you, Mr. Chairman. I just wanted to make sure.

Thank you very much.

Mr. LAPIERRE. I will conclude very briefly, Mr. Chairman.

We support only what works and our list is long and proud. We support Project Exile, Three Strikes And You Are Out, Truth in Sentencing, 10-20 Life, Mandatory Minimums; what is reasonable is what works. What is unreasonable is what does not work.

What is unreasonable is further erosion of privacy, further intrusion into private transactions, and further Government penalizing the law-abiding many instead of the law-breaking few.

America will not tolerate further surrender of precious freedoms in return for nothing but perceived, but fictitious promises that make us none safer.

The Lautenberg legislation is not only unreasonable, it is unworkable, unacceptable and to our Founding Fathers who gave us the second amendment unthinkable.

And, finally, and I really believe someone has to say this out loud, it is reasonable for well-meaning people to convene hearings like this and find in-fashion solutions. What is unreasonable is when a new level of hate rhetoric becomes acceptable because it is aimed at honest gun owners.

As in the violent language of influential film maker, Spike Lee, who last week reportedly said about NRA President Charlton Heston, quote: "Shoot him with a 44 caliber bull-dog." By his defiant silence, instead of a quick apology, most American role models would offer he sanctions hate, and bares his share of culpability for the kind of violence this body seeks to stop.

On behalf of the millions of gun owners who are NRA members and tens of millions who are not yet, I am asking you to practice yourselves what is so readily preached to us: Be reasonable.

Thank you.

[The prepared statement of Mr. LaPierre follows:]

PREPARED STATEMENT OF WAYNE LAPIERRE, EXECUTIVE VICE PRESIDENT, NATIONAL RIFLE ASSOCIATION

My adult life has been almost entirely devoted to understanding and vindicating the Second Amendment to our Constitution. The individual, personal freedom to choose to lawfully own a firearm—without permission from, or apology to, anyone—is as clear and intentional as the rest of the Bill of Rights.

Our freedoms are already endangered enough by those who oppose them. But I've learned that a freedom is most at risk when it's in the hands of honest people who think, for some perceived common good, they ought to give it up.

Today we are a country in shock, still bewildered by what confluence of forces could possibly lead young people to hurt each other.

In that tender state, good people are vulnerable. They want to do something, anything, for the common good. Indeed, some are so perplexed about what to do that legislators admit from the outset that their legislation could not have prevented the very crimes that provoked drafting it.

That's the very definition of a perceived, but fictitious, common good.

As this made-for-TV lawmaking gets played out, it needs a villain. So good Americans have been exposed daily to a well-coordinated systematic bashing of the National Rifle Association's membership as somehow a reckless societal pathogen, a mighty extremist empire opposed to safety, caution, and reason.

That is a cruel and dangerous lie.

Because nobody—nor any combination of entities you care to add up—has invested even a measurable fraction of what we have invested toward keeping safety and sanity central to the lawful exercise of the Second Amendment.

And nobody is more committed than we are to keeping guns out of criminals' hands. That's obviously in our best interest. It's just whether you believe you're more likely to keep guns and criminals apart with new laws you write and ignore, or with existing laws you enforce.

Some think our insistence on enforcement is unreasonable. Others say we oppose reasonable restrictions on gun ownership. So let's talk about what's reasonable and what's not.

We think it's reasonable to provide mandatory instant criminal background checks for every sale at every gun show. No loopholes anywhere for anyone. That means closing the Hinckley loophole so the records of those adjudicated mental ill are in the system.

This isn't new, or a change of position, or a concession. I've been on record on this point consistently, from our national meeting in Denver, to paid national ads and position papers, to news interviews and press appearances. But I've repeatedly emphasized that this Administration must stop illegally keeping records of lawful gun buyers.

In fact, it's the media's well-kept secret that the NRA was an early architect and supporter of the National Instant Check System now in place. Congressman McCollum knows we worked with him on instant checks more than a decade ago.

We think it's reasonable to provide for instant checks at gun shows just like at gun stores and pawn shops. But what's unreasonable is how the proposed Lautenberg legislation ignores the 250,000 prohibited people like felons who've walked away from gun stores—instead of being prosecuted for a federal felony for trying to buy a gun.

We think it's reasonable to prevent all juveniles convicted of violent felonies from owning guns, for life. What's unreasonable is how Lautenberg can prevent your law-abiding son from inheriting his grandpa's shotgun collection because Lautenberg classifies him as a gun show dealer who must be federally regulated.

We think it's reasonable to prosecute more than just two dozen thugs last year for putting illegal guns in criminals' hands. What's unreasonable is that Lautenberg considers legal guns in private hands subject to intrusive federal regulation, even in the privacy of your home.

For a century we've taught it's not just reasonable but essential to use safety locks, trigger locks, gun safes or any voluntary means appropriate to keep firearms out of the wrong hands. What's unreasonable is that Lautenberg can put you in prison just for failing to keep records on how many guns you own.

We think it's reasonable to make gun show instant checks just like gun store instant checks. What's unreasonable is how Lautenberg could define your Walmart, or your uncle's skeetshooting range, or your next-door firearms collector, or your local sporting clays competition, or any person or place with 50 or more firearms as a "gun show" subject to intrusive government regulation. That's crazy!

We think it's reasonable to demand strict prosecution of criminal activity, whether it takes place in a big-city alleyway or small town gun show. What's unreasonable is that Lautenberg instead demands strict registration of law-abiding gun buyers, b)iving the federal government the name and address, type of gun and serial number—not of criminals but of Americans deemed NOT to be criminals by the instant check!

We think it's reasonable to provide full funding for the National Instant Check System so it operates efficiently and instantly. What's unreasonable is how Lautenberg authorizes an unlimited gun tax on purchases by law-abiding citizens.

We think it's reasonable to expect our government to prosecute more than 24 hoods last year for providing guns to criminals. What's unreasonable is how Lautenberg makes everyone prosecutable if you just talk about buying or selling a gun at a gun show—even if you have no gun in your possession!

We think it's reasonable to support the federal Gun-Free School Zones Act. What's unreasonable is letting 6,000 students caught with illegal guns at school go, prosecuting only 13 of them the past two years.

We think it's reasonable to demand that when a lawful gun buyer passes the criminal background check and purchases a firearm, records of that transaction be destroyed immediately. What's unreasonable is Lautenberg's decree that we trust government bureaucrats to compile and keep names and addresses and firearm types of millions of honest, legal gun owners for no legitimate law enforcement purpose.

We think it's reasonable is to expect full enforcement of federal firearms laws by the federal government. What's unreasonable is when the Justice Department claims that federal gun laws are for the states to enforce! Reasonable people know that a case made in state court means plea bargains, judge shopping and no mandatory minimum sentencing. Even Mayor Ed Rendell of Philadelphia knows this, even if the Justice Department does not. He said, quote: "In state court, we average for these types of gun violations a 4-month prison sentence. The federal guidelines are 59 months in prison. That's a 5½ year difference. Incarcerating convicted felons in possession of firearms for that length of time will save lives. It will save carnage. It will save people from being maimed."

That's why we support Project Exile—the fierce prosecution of federal gun laws that has cut crime rates overnight the few places it's been tried. Even though this Administration resists it, we think it's reasonable because it works.

We only support what works, and our proud list is long. From Project Exile to three-strikes-you're out, to truth in sentencing, to ten-twenty-life, to mandatory minimums—what's reasonable is what works; what's unreasonable is what doesn't work.

What's unreasonable is further erosion of privacy, further intrusion into private transactions, and further government penalizing of the law-abiding many instead of the lawbreaking few. America will not tolerate further surrender of precious free-

doms in return for nothing but perceived but fictitious promises that make none of us safer.

The Lautenberg legislation is not only unreasonable, it is unworkable . . . unacceptable . . . and to our Founders who gave us the Second Amendment, unthinkable.

And finally—somebody's got to say this out loud: It's reasonable for well-meaning people to convene hearings like this to find and fashion solutions. What's unreasonable is when a new level of hate rhetoric becomes acceptable because it's aimed at honest gun owners, as in the violent language of influential filmmaker Spike Lee who last week reportedly said about NRA President Charlton Heston, quote, "Shoot him—with a .44 caliber Bulldog." By his defiant silence, instead of the quick apology most American role models would offer, he sanctions hate and bears his share of culpability for the kind of violence this body seeks to stop.

On behalf of millions of gun owners who are NRA members, and tens of millions who are not yet, I am asking you to practice yourselves what is so readily preached to us: Be reasonable.

Mr. McCOLLUM. Thank you, Mr. LaPierre.

I think reasonableness is what we all want to see here in this chamber.

And speaking of chambers, General Chambers, you are next.

**STATEMENT OF JAMES E. CHAMBERS, EXECUTIVE DIRECTOR,
SPORTING ARMS AND AMMUNITION MANUFACTURERS IN-
STITUTE, INC., NEWTON, CT**

Mr. CHAMBERS. Thank you, Mr. Chairman.

Mr. Chairman, on behalf of the Sporting Arms and Ammunition Manufacturer's Institute, or as it is known by its acronym, SAAMI, I want to thank you and the members of this committee for inviting me here to provide input from the firearms industry as the House takes up its version of the juvenile justice bill.

SAAMI was founded in 1926 at the request of the Federal Government because Congress and the administration, then under President Coolidge, believed that the firearms industry, itself, was the best mechanism to promote safe and responsible firearms use.

SAAMI is the primary organization that represents the sporting arms and ammunition manufacturers before the U.S. Government. Our mandate is to work as a critical link between the firearms industry and Government to develop, test, and adopt technical standards for firearms and ammunition, while taking a leading role in educating people in the safe and responsible use of a firearm.

Much has been said during the past 2 weeks of the need to increase public safety through strict gun control laws and regulations. Comments made by trial lawyers, politicians, and anti-gun groups seek to conjure up images of the firearms manufacturing industry colluding with dark forces to put guns into the hands of criminals. These characterizations are outrageous.

There is a seamless paper trail that follows any gun our manufacturers produce from the time it is shipped to the time that it is sold. The normal path is from the manufacturer to the distributor, to a Federally-firearm-licensed dealer, to the consumer.

For example, at a minimum when a manufacturer ships a gun its serial number is recorded and the gun is logged out of the plant. The recipient, who must be a holder of a Federal firearms license, receives the gun and logs the firearm in. When that gun is sold it can only be purchased by a person who has passed the National Instant Check System review. Paperwork that includes the gun buyer's name and address is kept with the gun seller. An FFL dealer

can be audited each year by the BATF to ensure record keeping compliance.

Since its creation, SAAMI has spent millions of dollars on education programs to promote safety and the proper use and storage of firearms and ammunition on the shooting range, in the woods, and in the home. This March, SAAMI expanded this effort by forging a partnership with the National Shooting Sports Foundation, the National Rifle Association, and other industry trade and sports organizations. We are pooling our resources to expand safety and educational programs as well as advancing policy initiatives, we believe, are critical to cracking down on the illegal use of firearms.

Let me give you some specifics of what our members support. We support instant background checks for firearms purchased at gun shows. However, I want to stress that the FBI and/or Treasury be prohibited from keeping any record of a transaction in violation of current law.

We ask that the Federal Government step up to the plate and begin taking enforcement seriously. The Justice Department has walked away from investigating and prosecuting over 250,000 persons who may have illegally sought to purchase a firearm. It is a threat to our neighborhoods and communities to have these felons walking the streets searching for guns.

We applaud the efforts of Senators Orrin Hatch and Herb Kohl in following our lead in developing guidelines for providing locking devices for firearms purchasers. Eighty percent of all new firearms shipped from member's factories have some type of locking device, included. On our own, we expect to raise this figure to 90 percent very shortly.

We support zero tolerance for unauthorized firearms in schools. Any individual bringing a firearm to school for other than previously approved or licensed activity or anyone, even joking about bringing a gun to school, should be immediately suspended and prosecuted.

We encourage Government funding of Project Homesafe. Unfortunately this project did not make it into the final version of Hatch-Kohl. When implemented it has the potential to be enormously successful in bringing safety, educational materials and locking devices to targeted urban areas. I challenge you to help us by funding this program so it can be expanded.

We ask that the entertainment industry take a hard look at the programs they finance, direct and produce that subject our children to a never-ending stream of brutal violence on television, computer screens, and in movie theaters.

Mr. Chairman, the thousands of men and women who are associated with SAAMI are good, responsible people. Their work saves lives. They are men and women who have children of their own and I think it is safe to say that most are shocked at what is taking place in our culture today.

The thousands of people who make up SAAMI and its member organizations stand ready to work with you on taking reasonable, common sense steps that can have a dramatic effect in making our community safer.

Thank you.

[The proposed statement of General Chambers follows:]

PREPARED STATEMENT OF JAMES E. CHAMBERS, EXECUTIVE DIRECTOR, SPORTING ARMS AND AMMUNITION MANUFACTURERS INSTITUTE, INC., NEWTON, CT

Mr. Chairman, on behalf of the Sporting Arms and Ammunition Manufacturers' Institute, or as it is known by its acronym, SAAMI, I want to begin by thanking you and the members of this committee for inviting me here to solicit the input of the firearms industry as the House takes up its version of the Juvenile Justice Bill.

SAAMI was founded in 1926 at the request of the federal government because Congress and the administration, then under President Calvin Coolidge, believed that the firearms industry itself was the best mechanism to promote safe and responsible firearms use. SAAMI is the primary organization that represents the sporting arms and ammunition manufacturers before the U. S. government. Our mandate is to work as a critical link between the firearms industry and government to develop, test, and adopt technical standards for firearms and ammunition, while taking a leading role in educating people in the safe and responsible use of a firearm.

By anyone's measure, SAAMI has been a tremendous success. Our work in the research and development of data for pressure testing ammunition loads and proofing metallurgy for firearms has made a gun one of the safest products on the market to operate. With hundreds of millions of firearms owned by Americans throughout the country, it is virtually unheard of to have a firearm malfunction due to an error in our testing and verification process. As we deploy thousands of men and women around Kosovo to deal with that terrible tragedy, they go equipped with the safest, most effective firearms ever designed and produced. This was made possible by the work of SAAMI and our thousands of industry members.

Much has been said during the past two weeks on the need to increase public safety through strict gun-control laws and regulations. Comments made by trial lawyers, politicians, and anti-gun groups seek to conjure up images of the firearms manufacturing industry colluding with dark forces to put guns into the hands of criminals. These characterizations are outrageous. There is a seamless paper trail that follows any gun our manufacturers produce from the time it is shipped to the time it is sold. The normal path is from the manufacturer to the distributor to a federally licensed firearms dealer, then to the consumer. For example, at a minimum, when the manufacturer ships a gun, its serial number is recorded and the gun is logged out of the plant. The recipient, who MUST be a holder of a federal firearms license, receives the gun and logs the firearm in. When that gun is sold, it can only be purchased by a person who has passed a National Instant Check System (NICS) review. Paperwork that includes the gun buyer's name and address is kept with the gun seller. An FFL dealer can be audited each year by the BATF to ensure record-keeping compliance.

Let the facts speak for themselves.

Since its creation, SAAMI has spent millions of dollars on education programs to promote safety in the proper use and storage of firearms and ammunition on the shooting range, in the woods, and at home. This March, SAAMI expanded this effort by forging a partnership with the National Shooting Sports Foundation, National Rifle Association, and other industry, trade and sports organizations. We are pooling our resources to expand safety and educational programs as well as advancing policy initiatives we believe are critical to cracking down on the illegal use of a firearm.

Let me give you some specifics on what our members support:

- Instant background checks for firearms purchased at gun shows. However, I want to stress that the FBI and/or Treasury be prohibited from keeping any record of a transaction in violation of current law.
- The federal government stepping up to the plate and begin taking enforcement seriously. The Justice Department has walked away from investigating and prosecuting over 250,000 persons who have illegally sought to purchase a firearm. It is a threat to our neighborhoods and communities to have these felons walking the streets searching for guns.
- We applaud the efforts of Senators On-in Hatch and Herb Kohl to follow our lead in developing guidelines for providing safety devices/gun locks to firearms purchasers. Eighty percent of all new firearms shipped from members' factories have some type of a locking device. On our own, we expect to raise this figure to 90 percent very shortly.
- Zero tolerance for unauthorized firearms in schools. Any individual bringing a firearm to school for other than previously approved or licensed activity, or anyone even joking about bringing a gun to school, should be immediately suspended and prosecuted.

- Government funding of Project Homesafe. Unfortunately, this program did not make it into the final version of Hatch-Kohl. When implemented, it has the potential to be enormously successful in bringing safety educational materials and locking devices to targeted urban areas. I challenge you to help us by funding this program so it can be expanded.
- Lets force the entertainment industry to take a hard look at the programs they finance, direct, and produce that subject children to a never-ending stream of brutal violence on television, computer screens and in movie theaters.

Mr. Chairman, the thousands of men and women who are associated with SAAMI are good people whose work saves lives. They are men and women who have children of their own and I think it is safe to say most are shocked at what is taking place in our culture today. The thousands of people who make up SAAMI, and its member organizations, stand ready to work with you on taking reasonable, common-sense steps that can have a dramatic effect in making our communities safer.

Thank You.

Mr. McCOLLUM. Thank you very much, General Chambers.
Mr. Kennedy, you are recognized.

**STATEMENT OF DAVID M. KENNEDY, SENIOR RESEARCHER,
JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD
UNIVERSITY, CAMBRIDGE, MA**

Mr. KENNEDY. I just want to thank the chairman and the committee for this opportunity to talk. I want to particularly thank everybody who has been so flattering about the Boston Gun Project, which has apparently succeeded beyond the wildest expectations of anybody who is involved and along with some other things like it, I think, give us reason to hope that even in the midst of the world as it is right now, we can do things about the problems we are here to talk about.

I do what, I at least, hope is applied criminal justice research out of the Kennedy School at Harvard. Colleagues and I launched the gun project in Boston. We have been involved in the similar Minneapolis HEELS intervention in Minneapolis. We have worked with ATF on the Youth Crime Gun Interdiction Gun Initiative. We work with the Justice Department on a five-cities strategic approaches to community safety initiative which is trying to bring a kind of basic Boston-problem-solving model to some other cities and some other substantive problems. We are working now in Baltimore, which has also been mentioned, on that city's violent crime problem.

My interest in guns comes out of that, and in particular, my interest in gun trafficking which turned out really to everybody's surprise to play a major role in what was going on with youth violence in Boston and now increasingly looks to be the case elsewhere.

One of the basic questions we tried to answer in Boston was where are the guns coming from? And the answers really simply amazed us. We found a very large amount of firearms trafficking. We found a taste among street kids, who are most involved in violence for what they called new-in-the-box firearms, semi-automatic pistols still in the shrink wrap. We found stolen guns being trafficked. We found this idea that had been abroad for a long time that all the guns are stolen and they are stolen one at a time by the people who use them both to be wrong.

And we found that there was, contrary to what everybody thought, in addition to a problem with trafficking out of Southern

States, an equal problem with trafficking from firearm stores right there in Massachusetts.

And we found that trafficking caused tremendous damage. Operation Ceasefire, which is the gun project's main intervention in Boston, was modeled on something called Scrap Iron, which the Youth Violence Strike Force and other agencies in Boston put together to control an outbreak of violence in Dorchester which was entirely fueled by one kid running guns up from Mississippi. He bought them from straw purchasers while he was there at college, came back and sold them on his vacation and it took a year to get that situation under control.

We found guns being stolen, for instance, from Logan Airport. Sigsauers, a shipment of Sigsauers, which are very high-quality firearms, which were used to shoot-up a library in Codman Square were used to fire upon a Boston police officer.

None of this is to say that stolen guns and guns from homes and all the rest of it is not a problem. But the evidence is growing that something like half, maybe even a little bit more, of the kinds of guns being used in the kinds of incidents we are mostly talking about walk out of gun stores and into the hands of the perpetrators in really very short order indeed.

And there also turn out to be addressable hot spots in this. Glen Pierce's work at Northeastern has shown that a simply unbelievable number of crime gun traces come back to a very, very small proportion of FFLs. Either those FFLs or those shopping at those FFLs are doing something untoward. That is something that we can do something about.

ATF's Project Lead is showing a similar kind of concentration of crime gun traces back to clusters of first purchasers. Those people are marked for examination as straw purchasers. They may or may not be doing something wrong, but it is some place to start.

The case analysis, for the first time in a long time, scholars are actually looking at trafficking cases and it turns out that, as has been talked about today, that gun shows are another hot spot. Most of what goes on at most gun shows is probably perfectly legal. A lot of what goes wrong in gun commerce goes wrong at gun shows and that is also something that we can do something about.

ATF and local police departments are increasingly learning how to do something about this. LAPD, working with Los Angeles ATF, just brought down a guy who had put 1,200 guns on the street in South Central, using a forged FFL.

Police officers in Baltimore are systematically going after the straw purchasers of guns that have been used in violent crimes and are finding them and making those cases. I know this for a fact because officers knocking on the door of a first purchaser last week ran into my sister who lives next door.

The illicit market is real, it is something that can be identified, it is something that can be addressed, I think, without so much as inconveniencing the rest of firearms commerce. We can do things to make that better and to make it more productive. We should expand the tracing system, which for every gun that goes into the crime gun tracing system tells us more about how the market works and gives us more predicate for actual criminal investigations.

We should expand it to include used guns which it currently does not reach. FFLs sell used guns right alongside new guns, just like car dealers do. We know that traffickers deal in both used and new guns. Right now, we cannot find the used guns and we cannot find those who sell them.

We should, as has been discussed, increase sanctions. Right now, you get more jail time typically for selling a few vials of crack than for putting scores of guns on the street. That is wrong. We should fix it.

We should, as has been discussed, build up ATF. ATF is smaller than many municipal police departments, smaller than the Boston Police Department. They cannot do the job that they are being expected to do. As I am out in the field working with prosecutors and police departments the single plea I hear more often is for more ATF agents.

And we should, as has been talked about, match it with what we think of obscurely as the demand-side: who is getting the guns, why are they getting them? Boston matched the focus on trafficking with direct outreach to violent gangs making it very clear that when they did violence there would be consequences. That is what Boston did. It seems to have worked.

We can do this. And remarkably enough, one of the hard things to explain to people about all this is that on trafficking this is an area that has been until recently almost entirely un-policed. Five years ago, if you went into any police department and said what are you doing about illicit gun trafficking, they would reply by saying, huh, what are you talking about? That is changing.

And I think we can aspire to creating a world in which when the guy who illegally sold the TEC-9 that was used in the Colombine massacre, he knows that he has committed a crime, he knows that if he does that kind of thing people are going to come get him, and that this essentially open field should become much narrower and much harder to work in, and I think that is possible.

Thank you.

Mr. MCCOLLUM. Thank you, Mr. Kennedy.

Ms. Phillips-Taylor, you are recognized.

STATEMENT OF BRYL PHILLIPS-TAYLOR, VIRGINIANS AGAINST HANDGUN VIOLENCE, HANDGUN CONTROL, INC., SANDSTON, VA

Ms. PHILLIPS-TAYLOR. Mr. Chairman, distinguished members of the committee, I want to thank you for inviting me here again. I would like to say at the outset, however, that I am here both as a mother who has lost her own child to gun violence, and as a stand-in for the tens of thousands of other American mothers who are heart-sick at the loss of their own children.

What I most want to accomplish and what I am here today to ask for is a society in which mothers and fathers can send their children off to school in the morning with absolute knowledge that they will return unharmed in the afternoon.

I was one of the other mothers whose child did not come home. Ten years ago, my son, Scott, had just graduated from high school. He was about to start Virginia Tech College. He was the light of my life, he was my best friend. Scott was the son that every mother

wants: Popular, good at school, always good humored, never in trouble.

He was so proud of his body. He was proud of the way he looked. He was always working lifting weights. I treasured this picture. You have seen me here with it before. I also had to look at the pictures of his body riddled with bullet holes.

I saw the entrance wounds and the exit wounds. That was not a very picture to look at. Guns killed my son. The availability of guns killed my son. Scott Phillips did not have a chance. He tried to run but he did not have a chance.

It was not a criminal that killed Scott. It was a fellow student, an Eagle Scout, a church-going boy from a good family, who was in the ROTC, was on the school newspaper. He did not smoke. He did not do drugs. He did not drink. Tough laws would not have changed that for criminals. The easy availability of guns got my baby killed.

He just did not like him. During the summer he found out where Scott was working and he got a job there and he lured him into the woods. He shot him six times and the gun had a very large ammunition clip and it was taken from an unlocked storage shed. That first shot was in the back. It severed his spinal cord and then he shot him at his leisure. And the last, as he was still alive and able to beg for his life, was the execution-style-shot to the head. He did not have a chance.

In 1989, when this happened, it was legal for an 18-year old to walk into a gun store and purchase a brand-new AK-47. Because of what this Congress accomplished 5 years ago, no one is allowed to purchase a brand new AK-47. But thousands of existing assault weapons of the kind that killed my son were grandfathered along with the large ammunition clips that can hold 15 or 20 or even 30 rounds.

Additionally, because these grandfathered assault weapons are classified as long-guns, there are still many States in which it is legal for a total stranger to sell an assault rifle to a 12-year old child. And it is legal for that 12-year old to buy that assault rifle at a gun show.

Loopholes lead to bullet holes. Last week, in the United States Senate, they behaved bravely and honorably when it finally acted to close the loopholes that make the bullet holes in our children.

The Senate voted to close the gun-show loopholes so that every gun sold to every purchaser involves a background check. The Senate voted to prohibit the possession of assault weapons by minors. The Senate voted to prohibit the further import of large ammunition clips of the sort that are illegal for hunting animals but are too often used to hunt human beings.

And the Senate voted to provide child safety locks with every new handgun. I have to stop a minute. I am shaking. I am so upset because every time I come here there are certain people who get up and leave. And it is a shame that they cannot sit here and listen to what I have to say and face me.

These measures were called modest by some in the press but to me they are not modest at all. Every step that the United States House of Representatives now takes to keep guns out of the hands

of children and criminals will save lives, lives that are as important to their mothers and fathers as Scott's was to me.

And every step that the House of Representatives takes to expand upon and improve the Senate bill will save more lives, lives that are much more valuable to this Nation than the political games and behind-the-scenes lobbying that always seems to accompany gun control legislation.

Mr. MCCOLLUM. Please, take your time, Ms. Phillips.

We understand how difficult this is and we do appreciate your coming. This is not an easy matter for you. I understand that.

Ms. PHILLIPS-TAYLOR. You think I would be getting tough by now, would you not?

Ladies and gentlemen, I am more optimistic about the Nation's stake in its children's safety than I was 2 weeks ago. The steps taken by the Senate to protect children from guns are long overdue but even more so after a year of Littletons and Jonesboro and now, Conyers.

The Senate has demonstrated that it cares about keeping guns away from children. And that may be the turning point that every mother like me has been waiting for. With all my heart I ask you to make this the last time in which I must plead for this simple common sense laws that will protect our children, yours and mine. Remember, 50,000 children have lost their lives to guns in the 10 years since Scott's death.

Enough is enough.

Thank you.

[The prepared statement of Ms. Phillips-Taylor follows:]

PREPARED STATEMENT OF BRYL PHILLIPS-TAYLOR, VIRGINIANS AGAINST HANDGUN VIOLENCE, HANDGUN CONTROL, INC., SANDSTON, VA

Mr. Chairman, distinguished members of the Committee, I want to thank you for inviting me here again. I would like to say at the outset, however, that I am here both as a mother who has lost her own child to gun violence and as a stand-in for the tens of thousands of other American mothers who are heartsick at the loss of their own children. What I most want to accomplish, and what I am here today to ask for, is a society in which mothers and fathers can send their children off to school in the morning with the absolute knowledge that they will return unharmed in the afternoon.

I was one of the other mothers, whose child did not come home. Ten years ago, my son Scott had just graduated from high school. He was about to start Virginia Tech College, and to put it simply, he was the light of my life and my best friend. Scott was the son that every mother wants—popular, good at school, always good-humored, never in trouble.

But there was a boy at his school that didn't like him. During the summer this boy found where Scott was working and got a job there. He lured Scott into the woods and shot him six times with an AK-47 assault rifle that was taken from an unlocked gun storage shed. The first shot was in the back and the last was an execution-style shot to the head. Scott Phillips didn't have a chance.

In 1989, when this happened, it was legal for an 18-year-old to walk into a gun store and purchase a brand new AK-47. Because of what this Congress accomplished five years ago, no one is now allowed to purchase a brand new AK-47, but thousands of existing assault weapons of the kind that killed my son were "grandfathered," along with large ammunition clips that can hold fifteen or twenty or even thirty rounds. Additionally, because these grandfathered assault weapons are classified as long guns, there are still many states in which it is legal for a total stranger to sell an assault rifle to a 12-year-old child, and it is legal for that 12-year-old to buy that assault rifle at a gun show.

Loopholes lead to bullet holes. Last week the United States Senate behaved bravely and honorably when it finally acted to close the loopholes that make the bullet holes in our children. The Senate voted to close the gun-show loophole so that

every gun sold to every purchaser involves a background check. The Senate voted to prohibit the possession of assault weapons by minors. The Senate voted to prohibit the further import of large ammunition clips of the sort that are illegal for hunting animals but which all too often have been used to hunt human beings. And the Senate voted to provide child safety locks with every new handgun.

These measures were called "modest" by some in the press, but to me they are not modest at all. Every step the United States House of Representatives now takes to keep guns out of the hands of children and criminals will save lives—lives that are as important to their mothers and fathers as Scott's was to me. And every step that the House takes to expand upon and improve the Senate bill will save more lives—lives that are much more valuable to this nation than the political games and behind-the-scenes lobbying that always seems to accompany gun-control legislation.

Ladies and gentlemen, I am more optimistic about this nation's stake in its children's safety than I was two weeks ago. The steps taken by the Senate to protect children from guns are long overdue but even more so after a year of Littletons and Jonesboros and now Conyers, Georgia. The Senate has demonstrated that it cares about keeping guns away from children, and that may be the turning point that every mother like me has been waiting for. With all my heart, I ask you make this the last time in which I must plead for the simple, common-sense laws that will protect our children. Remember: 50,000 children have lost their lives to guns in the ten years since Scott's death. Enough is enough.

Mr. McCOLLUM. Thank you, Ms. Phillips-Taylor.

Mr. Flynn, you are recognized for 5 minutes.

**STATEMENT OF GERALD FLYNN, NATIONAL VICE PRESIDENT,
INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS, AL-
EXANDRIA, VA**

Mr. FLYNN. Good afternoon, Chairman McCollum, ranking member, Scott, and distinguished members of this subcommittee. My name is Gerry Flynn and as National Vice President of the International Brotherhood of Police Officers and President of the Lowell, Massachusetts, Police Patrolmen's Association it is truly an honor and a privilege to testify before you this afternoon.

As a police officer with almost 19 years of law enforcement experience, it gives me great pleasure to testify before you on behalf of those in law enforcement to stress the importance of closing existing loopholes in Federal gun laws.

Mr. Chairman, last August 6th, I had the distinct honor of speaking at the White House along side President Clinton, Vice President Gore, Attorney General Reno, former Secretary of the Treasury Rubin, and Jim and Sarah Brady regarding the importance of the Brady Handgun law.

On that day, I stated and I quote: "Today in every city in this country there are children in schools with handguns. Children who are exposed to violence on a daily basis, children who feel they need protection more than they need an education, children who should be enjoying life, rather than taking one."

However, less than a year later, those words are more chilling than they were clairvoyant. If nothing else, the recent shootings at Columbine High School must act as a wake-up call for every parent, every teacher, every police officer and every legislator in this country.

Together we must find a solution to the problem of gun violence but before we can solve the problem we must address the loopholes in the current Federal gun laws.

Existing loopholes in the current Federal gun laws allows criminals, children and the mentally ill far too easy access to firearms. Like most police officers throughout this country, I have seen first-

hand the destruction that firearms can cause when placed in the wrong hands.

I have also seen the look of heartbreak and despair on the faces of their loved ones. I know what it is like to give CPR in the middle of a street to a dying teenager who was shot in the head. I know what it is like to have to tell that child's hysterical mother that her son is dead. I also know that the worst part of this atrocity is that it could and should have been prevented.

In fact, as Members of Congress, you have a unique opportunity of assisting and protecting every police officer in this country by simply clamping down on illegal gun sales and their easy access. So that mass murderers, like Timothy McVeigh and Terry Nichols, will never again be able to sell their cache of stolen weapons at gun shows.

Congress can also ensure safeguarding the general public and the law enforcement community by supporting legislation that would prohibit cult leaders, like David Koresh, from purchasing over 225 guns and 100,000 rounds of ammunition at a Texas gun show, all within a 2-year period.

In fact, there are over 4,000 gun shows across the country which indicates that there are opportunities for criminals to buy guns without a background check and they all know it.

On January, 1999, a report by the Justice Department and the Department of the Treasury stated and I quote: "Gun shows provide a large market where criminals can shop for firearms anonymously."

"Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs."

Last year, a man named Hank Carr was able to purchase several firearms from a Florida gun show, even though he was a multiply convicted felon. Carr used those same firearms to kill his stepson, three dedicated Florida police officers before he finally turned the weapon on himself.

The International Brotherhood of Police Officers believe that Congress should reinstate a mandatory waiting period of at least three business days for all handgun purchases. We further believe that the 3-day waiting period provides for a more thorough background check and for the invaluable cooling-off period.

We are certain that losing the waiting period has resulted in more criminals obtaining guns, more crimes of passion and more suicides.

In addition, IBPO supports permanently banning all violent juveniles from buying guns when they turn 18 years old. Currently, although violent youths convicted in adult courts are barred from owning firearms as adults, the same is not true for the youthful offender who was convicted of serious violent crimes in juvenile courts.

Violent juveniles should and must be treated as adults for their adult crimes. And they should not be allowed to purchase firearms for themselves once they turn 18 as the current law allows.

As I stated earlier, there is no easy answer to handgun violence but together we must try. I would like to thank you for the opportunity to provide testimony today on behalf of the International

Brotherhood of Police Officers, and the Nation's rank and file police officers.

In closing, my Congressman, Congressman Marty Meehan eloquently stated the prolific words and wisdom of Robert F. Kennedy, himself the victim of handgun violence.

Yet, his words are as true today as they were over 30 years ago when he addressed the first session of the 89th Congress. However, as Members of this 106th Congress, you have the opportunity not only to make history but to change it, so, that people like Robert F. Kennedy, Martin Luther King and those innocent victims of school shootings and random gun violence did not have to die in vain.

Mr. Chairman, thank you and God bless the United States of America.

[The prepared statement of Mr. Flynn follows:]

PREPARED STATEMENT OF GERALD FLYNN, NATIONAL VICE PRESIDENT,
INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS, ALEXANDRIA, VA

INTRODUCTION

Good afternoon. Chairman McCollum, Ranking Member Scott, and members of the subcommittee. My name is Gerald Flynn. I am a police officer with the Lowell, Massachusetts Police Department, where I have worked for the past 19 years. I am here today representing the International Brotherhood of Police Officers (IBPO) as National Vice President. I am also President of the Lowell Police Patrolmen's Association. It is an honor to testify before you today on behalf of law enforcement to stress the importance of closing existing loopholes in federal gun laws.

Today, in every city in this country, there are children in schools with handguns. Children who are exposed to violence on a daily basis, children who feel they need protection more than they need an education. Children who should be enjoying life—rather than taking one. While there are many solutions to the problems of gun violence, an important part of the solution is closing the loopholes in current federal gun laws.

Existing loopholes allow children, teenagers, criminals and the mentally ill far too easy access to firearms. I've investigated gun cases—from suicide and homicide to armed robbery and assault. I can tell you from personal experience that Congress can greatly assist the cop on the street and the public we serve by clamping down on illegal gun sales and access.

GUN SHOW LOOPHOLE

Congress can help law enforcement move forward in reducing gun violence and children's access to guns by closing the gun show loophole. Since the Brady Law was implemented in 1994, federally licensed firearms dealers have conducted background checks on all handgun purchasers and well over 250,000 unauthorized purchasers have been stopped. In most states and under federal law, however, it is perfectly legal for individuals to sell guns from their "private collections" at gun shows without a waiting period or background check on the purchaser. Since every year there are about 4,000 gun shows across the country there are many opportunities for criminals to buy guns without a background check—and they know it.

A January 1999 report by the Department of Justice and the Department of Treasury stated, "Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs."

In Florida, for example, a man named Hank Can bought firearms from gun shows even though he was a multiple convicted felon. Can had killed his stepson and three police officers in 1998 before turning his gun on himself.

On September 6, 1997, Long Luangrath, a 19 year old parolee, who was prohibited by law from buying a handgun because he was under 21 and on parole, purchased a handgun at a Reno gun show without going through a background check. When he got home late Saturday night, the gun accidentally fired, fatally wounding his three year old niece as she ran to greet him at the door.

Branch Davidian cult leader David Koresh picked up a business card of two kitchen-table dealers at a Texas gun show, and then proceeded to buy about 225 guns and 100,000 rounds of ammunition from them between 1990 and 1992.

EXTENSION OF BRADY WAITING PERIOD AND JUVENILE BRADY

IBPO also believes that Congress should reinstate a mandatory waiting period of at least three business days for all handgun purchases. IBPO believes that a waiting period allows both for a thorough background check and for an invaluable "cooling off" period. We are certain that losing the waiting period has resulted in more criminals obtaining guns, more crimes of passion and more suicides.

In addition, IBPO supports permanently banning all violent juveniles from buying guns when they turn 18. Currently, although violent youth convicted in adult courts are barred from owning firearms as adults, the same is not true for youth convicted of serious violent crimes in juvenile court. Violent juveniles should be treated as adults for their adult crimes, and should not be able to buy guns for themselves once they turn 18 as current law allows.

There are a number of other gun related proposals under consideration by IBPO that the organization has not yet taken an official position. IBPO is reviewing these proposals and looks forward to working with members of the subcommittee on them in the future.

Thank you for this opportunity to provide testimony today on behalf of IBPO and the nation's rank and file police officers.

Mr. MCCOLLUM. Thank you, Officer Flynn for coming and giving your testimony today.

Dr. Deutchman, you are recognized for 5 minutes.

STATEMENT OF ADAM DEUTCHMAN, M.D., DENVER, CO

Mr. DEUTCHMAN. Thank you.

Esteemed members of the committee, Mr. Chairman, I want to thank you for the opportunity to speak with you today.

My name is Adam Deutchman and I am a general and trauma surgeon from Denver, Colorado. I would like to address you today regarding the severe public health problem of firearm-related injury and death.

Firearm injury is a national health problem. Like any illness, it requires research, assessment, and treatment. And like any illness, it affects the individual victim, the family members of that victim and the community at large.

From a medical perspective, injury and death from firearms are a final symptom, a final common pathway, if you will, of many possible underlying causes. As a doctor, I am bound by my oath to preserve life and find a way to reduce the number of dead and dying from gunshot wounds.

As an example, I would like to talk about the Colombine High School tragedy momentarily. On April 20, 1999, I was the trauma surgeon in attendance at Centura Littleton Hospital in Littleton, Colorado. I saw the illness of gunshot wounds in outbreak proportions that day, and over the next several days going to several of the hospitals that treated the patients, I saw over half the victims that survived.

That experience, like none before, illustrated to me the impact that this type of trauma has on a community.

Over the last decade I have seen, more often than most, the impact of this public health problem. Firearms injuries are the most fatal type of trauma that I see. When I see a patient who has an illness I must first treat those life-threatening signs or symptoms. I try to stop the bleeding, I try to save a life. Whatever the outcome, I have done nothing to cure or prevent the disease.

For me, as a surgeon, this is a medical problem with broad implications.

As a surgeon, I must recognize in any disease the prevalence of a disease, recognize those who are at risk for a disease, recognize the cost in terms of service and community resources dollars and to seek a prevention strategy early in hopes of recognizing, intervening and curing.

In 1996, 34,000 related-firearms deaths occurred in the United States of America, with an estimated 60,000 additional citizens injured. It is the eighth-leading cause of death in the United States of America and the second-leading cause of death among children and young adults aged 10-to-24.

The cost is both financial and emotional and it is burdensome to the community. In 1995, medical costs, alone, was estimated at \$4 billion for treatment. The emotional costs cuts through every layer of a community.

As an example with the Colombine shooting, in the first 10 days after the shooting 3,000 hours of counseling were conducted by one agency alone, with the expectation for problems to continue for years to come. There were at least five agencies who were burdened by the same or similar numbers. The ripple effect has been measured with every shooting, Colombine and others included.

A prevention strategy is essential for early recognition and cure. Many theories have been advanced from many layers of society about gun violence, gun death, criminal behavior, mental illness, anger and impulse control, violence as portrayed in the media and entertainment industry, lack of religion or spirituality, and easy access to a large supply of guns.

I would like to find a single magical cure but this is a disease with many possible causes. I must do the hard work to identify as many causes as possible. When taking this approach to motor vehicle injury and death, we are making significant gains; with good data collection and analysis, drawing upon the expertise and cooperation of medicine, local and Federal Government, industry, community leaders, and law enforcement we have seen a marked reduction of highway death and injury.

Using the same approach it is reasonable and proper to expect the same type of reduction in death and injury from gun violence.

A concerted and cooperative effort, with sound medical science and appropriately placed legislation is essential. Make no mistake, the treatment of firearm injury is a national health problem that affects each layer of our society. It is not enough to merely treat the symptom, it is not enough to merely patch the wound. We must get to the root of the disease.

Thank you.

Mr. MCCOLLUM. Thank you, Dr. Deutchman.

Dr. Lott, you are recognized for 5 minutes.

STATEMENT OF JOHN R. LOTT, JR., JOHN M. OLIN LAW AND ECONOMICS FELLOW, UNIVERSITY OF CHICAGO, CHICAGO, IL

Mr. LOTT. Mr. Chairman, thank you very much for the opportunity to address the committee today. Following the horrifying Colorado attack which left 13 victims dead, the President proposed a long list of new gun control laws. Clinton said that we must do

something and that he knows one thing for certain: If these rules had been law, there would have been fewer kids killed.

Yet, would more gun laws have stopped these attacks? Would they save other lives? There are already a large number of laws in effect. The Columbine murderers, Eric Harrison and Dylan Klebold violated at least 17 Federal and State weapons control laws. Nationwide there are more than 20,000 gun control laws that regulate everything from who can own a gun and how it can be purchased to where one can possess or use it.

We have heard lots about the costs of guns. What I would like to argue is that not only are there benefits from the types of regulations that have been talked about but that there are also costs.

The biggest problem with gun control laws is that those who are intent on harming others, especially those who plan to commit suicide, are the least likely to obey them. Mr. Clinton frames the issue in terms of whether hunters are willing to be inconvenienced but this misses, I think, the real question. Well-intended laws relatively disarm potential victims and, thus, make it easier for criminals to attack. Potential victims use guns defensively over two million times a year. That is five times more frequently than crimes are committed with guns.

My research finds that police are probably the single most important factor in reducing violent crime. The problem is that the police simply cannot be there all the time. They virtually always arrive on the crime scene after the crime has been committed and that raises important questions about what the would-be victim should do when they are having to confront a criminal by themselves.

I would like to briefly talk about a few of the laws that have been proposed. Waiting periods, for example. Despite using the Colorado tragedy to motivate reinstating a national waiting period, a 3-day waiting period could not possibly have stopped this attack which was planned over a year in advance.

For some crimes it is possible that a cooling-off period could be critical in stopping those crimes from occurring. But, again, it is also important to recognize that there is potential costs here. Some people who are being stalked or have had other threats made against them, the fact that a waiting period exists may make it difficult for them to quickly obtain a gun in order to get protection.

The data I think suggests that we should be very careful before we rush to reimpose a waiting period. My research is the only academic research that has looked at the impact of the national waiting period that we had with the Brady law and what you find is that for some crime categories, murder and robbery, the net effect of the waiting period was essentially zero in terms of changing the number of those crimes that occurred. But for rape and aggravated assaults it was unfortunately associated with a slight, few percent increase, but a quite statistically significant increase in the rate at which those other types of violent crimes occurred.

The risks appear greatest for crimes involving women generally.

With mandatory gun locks, I mean again, this is something that would have been irrelevant for the Colorado tragedy and in the Georgia tragedy. It did not stop it. Indeed, in some of the seven public school shootings we have had the guns were locked in safes or other devices.

In the United States in 1996, there were 30 accidental gun deaths involving children under the age of five; 200 involving children under the age of 15. This is a real cost of gun ownership. I do not think there is any two ways about it.

Yet, with around 80 million people owning guns, owning some place like 240 to 250 million guns, I would argue it is hard to think of any other item that is anywhere near as remotely common in homes as guns are, that is anywhere near as remotely as dangerous as guns are, that has as low of an accidental death rate that is associated with it.

You have more children under the age of five who drowned in water buckets in the home than die from accidental gunshots of all types. You have more children under the age of five who die from fires that they, themselves, start with cigarette lighters than you have from accidental gun deaths.

I am not saying it is consoling to go and say that other common household features around the home pose much greater risks in terms of child safety than guns do. But what I think they do is they help illustrate a point and that is we could go and say that five times more children under the age of 15 die from drowning in pools.

But I think we understand that if we ban pools tomorrow that would go and save some children that would drown, though presumably some of them might instead swim in lakes or something. But we understand that there would be a cost to that. We understand that people would not be getting exercise and that would affect health and life expectancy and there is a tradeoff that we make.

And I would argue that just as the costs have been pointed out here are important, the benefits for guns are also important, even if they are not often recognized.

You know, we have things like mechanical locks on triggers that have been talked about, but locked unloaded guns offer far less protection from intruders. And, so, you have to balance the fact that there may be fewer accidents against the fact that people may be not able to protect themselves and their families as much.

It maybe one thing to have a lock if you live in a safe, rural area, with low crime, if you have children. But to go and impose that on someone who lives in a high-crime urban area or to go and suggest that that is the proper action for them could actually increase the expected number of deaths that would occur there.

My fear is that by exaggerating the risks of having guns in the home that has real consequences because you are going to make people unnecessarily afraid of having a gun and that is going to prevent some people from owning a gun and take away what could turn out to be, in many cases, by far the safest course of action for parents to take when they are faced by some type of an attacker that threatens both themselves and their kids.

The issue of age limits is another example where I think only the benefits are being talked about, not the costs. Earlier Eric Holder mentioned the fact that 18-and-19-year olds are the ones that have the highest rate of crimes that are committed by guns.

What he fails to note is that 18-and-19-year olds also have the greatest rate at which crimes are committed against them, whether

it is murder or rape or aggravated assaults or robberies with injuries. And what I find in my research is that allowing people, between 18-and-21 to be able to carry concealed handguns, for instance, has the same type of drop in violent crime rates that you observe from allowing people over age 21 to be able to protect themselves.

And you just cannot go and look at only the costs there but you have to realize that people in that age group have legitimate concerns to be able to go and try to protect themselves and those that they love.

I could talk about issues like large clips. I will just mention one thing. If you look at the data for assault weapon deaths and multiple murders between 1990 and 1998, inclusive of those years, there was a total of three attacks where more than 10 shots were fired in any gun that was there at the time.

It is something that we hear lots about and truly frightening pictures are made, but what I think is left out is how relatively important it is.

I would like to briefly show some charts that I have over here. Bill Landis and myself at the University of Chicago have looked at multiple-victim shootings in the United States from the beginning of 1977 through the end of 1995, and what we found was dramatic. The normal types of things that stop the murder rates in general, like higher arrest rates or higher conviction rates or longer prison sentences or the death penalty, simply don't have any effect on these multiple-victim types of killings. I think there is a very simple reason for that. That is, we found that in about 75 percent of the cases in which these attacks occurred, the attackers themselves were killed at the scene, either by committing suicide or by the police or by others.

And so the normal way the legal system works in terms of imposing penalties after the fact simply wasn't a factor. If you want to try to explain how many people are going to be killed at the scene of one of these attacks, the simplest thing is just the amount of time it takes between when the attack starts and when someone is finally able to get there, whether it is the police or somebody else, to stop the attack. The longer the amount of time, the more carnage you are going to have happen.

I will just show you briefly over this period of time the number of shootings that took place for States that did not have what are called right-to-carry or "shall issue" concealed handgun laws because this was the only law out of all the laws, waiting until background checks were done, a whole range of other policies I am happy to talk about, that we were able to find any impact. If you look at States that don't have right-to-carry laws, it bounces up and down over this whole period of time here.

Now, if you look at multiple-victim shootings, for the States that changed their laws, that adopted right-to-carry laws over this period of time, the effect is dramatic. I have never seen in the 80-some academic papers I have done anything that comes remotely close to this. Year zero here is the year in which a right-to-carry law is passed in the State. They have been in effect for 3 months or some portion of the year. Year one is the first full year of the laws in effect, and so on until year eight, and these are the years

before the right-to-carry law goes into effect. These are just the simple means.

You can see in terms of the number of shootings how low it is here for all these 8 years after the law goes into effect compared to the average before. If you go to year minus nine, it was another high year over here. So you can see just the average levels, the change that occurs, the drop that occurs, and how consistently low it stays after that.

If you are asking about the issue of how many people die, again, let me just show you the number of deaths for multiple-victim public shootings in the United States for States without right-to-carry laws over this 19-year period of time. It goes up and down a lot. There is a general upward trend. If I had 1996 in here, it would be another relatively high year. But there is basically, if anything, maybe a slight upward pattern. Now, these are for the States without right-to-carry laws.

Now, let me just show you briefly over that same period of time for the States that allowed right-to-carry laws for people to defend themselves, and this is just the last chart I am going to show you. But, again, the same type of axis that I had before. This is the year when right-to-carry—

Ms. JACKSON LEE. Mr. Chairman, I am sorry. I can't see the chart, and I am trying to find out what the source of his material is. He has got something—

Mr. MCCOLLUM. Ms. Jackson Lee, we haven't interrupted other witnesses. I would—

Ms. JACKSON LEE. Well, I am asking. I can't read the chart from over there, Mr. Chairman, and I am—

Mr. MCCOLLUM. We will bring it over to you.

Mr. CANADY. There is room down here for the gentle lady to sit.

Ms. JACKSON LEE. Well, I don't think I have to get out of my seat. The witness can present—

Mr. LOTT. The axis here is the murder rate for multiple-victim public shootings in the United States defined as when two or more people are killed in a public place, and I am happy to go through the list that is there. And this is a year, again, when these laws are adopted, year zero, the first full year—I mean, you can generally see, even without being able to clearly see the numbers here, that this half over here is dramatically different than this half over here. It is not something that you have to look at too closely.

You can see in the years before these laws, for the 6 years prior to the laws going into effect, they are nowhere near as low as even the highest values for the 8 years after these laws go into effect. There is a sudden drop, and it stays low after people are allowed to defend themselves.

The bottom line is that when citizens are allowed to defend themselves, you see a huge drop in the rate at which these attacks occur, an even larger drop in the rate at which deaths occur. I think there is a simple reason why you see so much larger impacts here than you see for something like murder rates in general, and that is, if you have 5 percent of the adult population with permits and an attacker is going to attack somebody late at night in the parking lot, that is a 1 in 20 chance that somebody is going to be

able to defend themselves. That produces some deterrence, some drop in crime.

But if have 100 people at a restaurant, even if there is only a 5 percent chance that any individual there is going to be able to defend themselves, the probability that at least someone there, unknown to the attacker who it is going to be, is going to be able to defend themselves is essentially 100 percent. And because the probability is so much higher, I think that is the reason why you see these huge drops, 84 percent drops in the rate at which these attacks occur and 90 percent drops in the rate at which people are killed in these attacks.

Thank you very much.

[The prepared statement of Mr. Lott follows:]

PREPARED STATEMENT OF JOHN R. LOTT, JR., JOHN M. OLIN LAW AND ECONOMICS
FELLOW, UNIVERSITY OF CHICAGO, CHICAGO, IL

GUN REGULATIONS CAN COST LIVES

Mr. Chairman, thank you very much for the opportunity to address this committee. Following the horrifying Colorado attack which left 13 victims dead and the injuries suffered in the Georgia attack, a long list of new gun control laws has passed the Senate. Clinton says that we must "do something" and that he knows "one thing for certain": if these rules had been law "there would have been fewer kids killed."

Yet would more gun laws have stopped the attack in Colorado? Would they save other lives? There are already a large number of laws in place. The Columbine murderers, Eric Harris and Dylan Klebold, violated at least 17 state and federal weapons-control laws. Nationwide there are more than 20,000 gun-control laws that regulate everything from who can own a gun and how it can be purchased to where one can possess or use it.

Regulations have both costs and benefits, and rules that are passed to solve a problem can sometimes make it worse. The biggest problem with gun-control laws is that those who are intent on harming others, and especially those who plan to commit suicide, are the least likely to obey them. Mr. Clinton frames the issue in terms of whether hunters are willing to be "inconvenienced," but this misses the real question: Will well-intended laws disarm potential victims and thus make it easier for criminals? Potential victims use guns more than two million times a year to stop violent crimes; 98% of the time simply brandishing a gun is sufficient to stop an attack. Crimes are stopped with guns about five times as frequently as crimes are committed with guns.

Consider, then, the costs and benefits of Mr. Clinton's main proposals:

—Waiting periods. Despite using the Colorado tragedy to motivate reinstating a national waiting period, a three day waiting period could not possibly have stopped this attack which was planned over a year in advance. For other crimes it is possible that waiting periods can cause people to cool off before they do something that they regret, but people many times are being stalked or threatened and waiting periods can make it difficult for them to quickly obtain a gun for defense.

The data suggest that we should be careful before rushing to reinstating the waiting period that lapsed last year. I have found, in the only research done on this question, that the Brady Law's waiting periods had no impact on murder or robbery, but slightly increased rape and aggravated assault rates by a few percent. For two crime categories the major effect of the law was to make it more difficult for law-abiding citizens to get a gun for protection. The risks appear greatest for crimes involving women.

—Mandatory gun locks. This proposal is also unrelated to the attack in Colorado; Eric Harris and Dylan Klebold would have known how to remove any locks on the guns. Indeed, gun locks were circumvented in at least several of the six public school attacks that we have experienced since 1997. Clinton claims that gun locks will save lives, particularly those of young children, but this is unlikely to be the case. For children under 5, there were 30 accidental gun deaths in 1996, and this represents a real cost of gun ownership. For children under 15, there are 200 accidental deaths.

Yet, with around 80 million people owning around 240 million guns, the vast majority of gun owners must be extremely careful or such gun accidents would be much more frequent. It is hard to think of any other item around the home that is any-

where near as prevalent and anywhere near as dangerous that has such a low accidental death rate.

Indeed, five times as many children under 5 die from fires that they start with cigarette lighters (150 versus 30) and more die from drowning in water buckets around the home (40). For children Under 15, almost 3,000 died in motor-vehicle crashes, 950 drowned and more than 1,000 died from residential fires. Hundreds more children die in bicycle accidents each year than die from all types of firearm accidents.

It's hardly consoling that accidents involving such common home fixtures as swimming pools and space heaters are more lethal than guns. Yet people understand that there are trade-offs in life and that the very rules that seek to save lives can result in more deaths. Banning swimming pools would help prevent drowning, for example, but if fewer people exercised, life spans would be shortened. Heaters may start fires, but they also keep people from getting sick or from freezing to death. So whether we want to allow pools or space heaters depends not only on whether some people may be harmed by them, but also on whether more people are helped than hurt.

Unfortunately, the current debate over gun locks focuses only on the costs and not the tens of thousands of children who are protected each year by parents or other adults using guns to defend themselves and their families.

Mechanical locks that fit either into a gun's barrel or over its trigger require the gun to be unloaded, and may prevent a few children's deaths. But locked, unloaded guns offer far less protection from intruders, and so requiring locks would likely greatly increase deaths resulting from crime.

Gunlocks may make sense if one lives in a safe area and has children, but in high crime areas the risk of death from crime clearly outweighs these other benefits. My research also indicates that it is poor people who live in high crime urban areas who benefit the most from owning guns for self-protection. Many of the proposals for sophisticated so-called "smart" locks that can only be activated by a specific individual's finger print or by a special ring with a computer chip will add at least several hundred dollars to gun prices and prevent those who need them most from obtaining them.

—Prison sentences for adults whose guns are misused by someone under 18. Parents are already civilly liable for wrongful actions committed by their children, but Mr. Clinton proposes a three-year minimum prison term for anyone whose gun is used improperly by any minor, regardless of whether the gun owner consents to or knows of the use. The rules are being created for just one product when we would never think of applying them to other products. This is draconian, to say the least, the equivalent of sending Mom and Dad to prison because an auto thief kills someone while driving the family car. What about other household products like the propane tanks from barbecues or trailer homes used to make bombs? If the motivation is to prevent accidental deaths, why not apply this rule to items that pose a much greater risk to children in the home? Criminal penalties would surely motivate parents to store everything from medicines to knives to water buckets more carefully, but most would consider such an idea extreme.

—New rules for gun shows. The Clinton administration has provided no evidence that such shows are important in supplying criminals with guns. What's more, it is simply false to claim that the rules for purchasing guns, at a gun show are any different from those regarding gun purchases anywhere else. Dealers who sell guns at a show must perform the same background checks and obey all the other rules that they do when they make sales at their stores. Private sales are unregulated whether they occur at a gun show or not.

If, as Mr. Clinton proposes, the government enacts new laws regulating private sales at gun shows, all someone would have to do is walk outside the show and sell the gun there. To regulate private sales, the government would have to register all guns. This is where the discussion will soon be headed as it is certain that gun control advocates will quickly point to the unenforceability of these new laws. Those who advocate the new rules must know that they are doomed to failure and should be willing to acknowledge openly if their real goal is registration. The only people who will bear a cost from these laws are those who desire to obey them.

The Lautenberg amendment that was adopted by the Senate allows for open ended fees and massive paper work requirements which could be used to put gun shows out of business. Rather than trying to drive underground gun sellers, an alternative approach would be to lower the fees (possibly even subsidizing those that become licensed dealers) to encourage more sellers to become part of the current regulatory system. Taxes or fees which encourage people to go outside the system makes it difficult for those who would otherwise like to engage in criminal background checks to do so.

—Gun Purchases Over the Internet. The recent discussions about sales over the internet are also inaccurate. The misleading impression has been created that people can buy a gun directly over the internet when in fact it is necessary for the gun to be transferred to a licensed dealer where the buyer can then pick up the gun. All the background checks that must be performed for other sales by the licensed dealer must also be conducted for the internet sales.

—Ban on Large Capacity Magazines. One of the scarier images has been the large magazine clips that can be fitted to guns. The images provided during the debate in the Senate tied in these clips to so-called "assault weapons." The implication is clearly that these clips endanger people's lives and have been used to kill people. Despite the imagery provided, no mention is made of whether these "assault weapons" with large clips are actually used in killing people. In fact, attacks with so-called assault weapons where more than 10 shots have been fired by a gun are exceedingly rare. Tom Petee of Auburn University has found 3 multiple murder cases outside of residences from 1990 through 1998 where an "assault weapon" fired more than 10 rounds. He has not systematically investigated attacks within residences, but guesses that such a study would yield an even smaller number of cases.

—Age limits. Mr. Clinton proposes a federal ban on possession of handguns by anyone under 21. Under a 1968 federal law, 21 is already the minimum age to purchase a handgun, but setting the age to possess a handgun is a state matter. While some people between 18 and 21 use guns improperly, others face the risk of crime and would benefit from defending themselves. My own research indicates that laws allowing those between 18 and 21 years of age to carry a concealed handgun reduce violent crimes just as well as those limited to citizens over 21. Passage of this law will invalidate those state laws that allow 18 to 21 years olds to carry concealed handguns to protect themselves.

—Background checks for purchasers of bomb-making material. This will have little effect, simply because few items are likely to be covered. No one seriously discusses including fertilizer, used to make the bomb that killed 168 in Oklahoma City in 1995 or propane tanks like the ones found after the Littleton massacre. There are simply too many common household items that can be used to make bombs.

Much of the debate over gun control these days is conducted without regard for facts. For example, the press reproduces pictures of a Tech-9, the so-called assault pistol used in the Columbine attack. The pictures show a much larger ammunition clip than was actually used, making it look as frightening as possible. Few reports even mention that at most one of the 13 Littleton victims was killed with this gun. In spite of all the rhetoric and despite its appearance, this "assault weapon" functions no differently from other semiautomatic pistols sold in the U.S. It is no more powerful, it doesn't shoot any faster, and it doesn't shoot any more rounds. One pull of the trigger fires one bullet.

Good intentions don't necessarily make good laws. What counts is whether the laws will ultimately save lives. The real tragedy of Mr. Clinton's proposals is that they are likely to lead to the loss of more lives.

Other Proposals that Might Stop These Attacks on Our Children

It's worth noting that the attack occurred in one of the few places in Colorado where possessing a gun is illegal. Indeed, since 1995 federal law generally prohibits guns within 1000 feet of a school.

Gun prohibitionists concede that banning guns around schools has not quite worked as intended but their response has been to call for more regulations of guns. Yet what might appear to be the most obvious policy may actually cost lives. When gun control laws are passed, it is law-abiding citizens, not would-be criminals, who adhere to them. Obviously the police cannot be everywhere, so these laws risk creating situations in which the good guys cannot defend themselves from the bad ones.

Other countries have followed a different solution. Over 20 years ago in Israel, there were many instances of terrorists pulling out machine guns and firing away at civilians in public. However, with expanded concealed-handgun use by Israeli citizens, terrorists soon found ordinary people pulling pistols on them. Suffice it to say, terrorists in Israel no longer engage in such public shootings.

The one recent shooting of schoolchildren in Israel further illustrates these points. On March 13, 1997, seven Israeli girls were shot to death by a Jordanian soldier while they visited Jordan's so-called Island of Peace. The Los Angeles Times reported that the Israelis had complied with Jordanian requests to leave their weapons behind when they entered the border enclave. Otherwise, they might have been able to stop the shooting, several parents said.

Hardly mentioned in the massive news coverage of the school-related shootings during the 1997/1998 school year is how they ended. Two of the five shootings were stopped by a citizen displaying a gun. In the October 1997 shooting spree at a high

school in Pearl, Miss., which left two students dead, an assistant principal retrieved a gun from his car and? physically immobilized the shooter while waiting for the police.

The school-related shooting in Edinboro, Pa., which left one teacher dead, was stopped only after a bystander pointed a shotgun at the shooter when he started to reload his gun. The police did not arrive for another 11 minutes.

Who knows how many lives were saved by these prompt responses?

Anecdotal stories are not sufficient to resolve this debate. Together with my colleague William Landes, I have compiled data on all the multiple-victim public shootings occurring in the United States from 1977 to 1995 (the research paper is attached as an appendix). Included were incidents where at least two people were killed or injured in a public place; to focus on the type of shooting seen in the Colorado rampage, we excluded gang wars or shootings that were the byproduct of another crime, such as robbery. The United States averaged 21 such shootings annually, with an average of 1.8 people killed and 2.7 wounded in each one.

So what can stop these attacks? We have examined a range of different gunlaws, such as waiting periods, as well the frequency and level of punishment. However, while arrest and conviction rates, prison sentences, and the death penalty reduce murders generally, they have no significant effect on public shootings. There is a simple reason for this: Those who commit these crimes usually die in the attack. They are killed in the attack or, as in the Colorado shooting, they commit suicide. The normal penalties simply do not apply.

To be effective, we must deal with what motivates these criminals. In their deranged minds, their goal is to kill and injure as many people as possible. Most appear to do it for the publicity, which is itself related to the amount of harm they inflict. The best way to stop these attacks is to enact policies which can limit the carnage. We find only one policy that effectively does this: the passage of right-to-carry laws.

The impact of these laws, which give adults the right to carry concealed handguns if they do not have a criminal record or a history of significant mental illness, was dramatic. Thirty-one states now have them in place. When states passed them during the 19 years we studied, the number of multiple-victim public shootings declined by 84 percent. Deaths from these shootings plummeted on average by 90 percent, injuries by 82 percent. To the extent that attacks still occur in states after these laws are enacted they tend to occur in those areas in which concealed handguns are forbidden.

Concealed handgun laws also have an important advantage over uniformed police in that would be attackers can either aim their initial assault at the officer or wait until he leaves the area. With concealed handgun laws, it is also not necessary that many people even carry a Weapon.

Unfortunately, much of the public-policy debate is driven by lopsided coverage of gun use. Horrific events like the public-school shootings receive massive news coverage, as they should, but the 2.5 million times each year that people use guns defensively—including cases in which public shootings are stopped before they happen—are ignored.

The possibility of a law-abiding citizen carrying a concealed handgun is apparently enough to convince many would-be killers that they will not be successful. Without permitting law-abiding citizens the right to carry guns, we risk leaving victims as sifting ducks.

Misleading Claims on Crime

One of the biggest problems in discussing crime policies has become whether or not the Clinton administration's data claims can be trusted. Take something as simple as Mr. Clinton's claim of the 100,000 new police officers produced under the COPS program. The Department of Justice numbers indicate that total hired is actually 40,680. But even this is misleading because 38,000 are not "officers," they are civilian employees or computers. Amazingly enough, buying one lap top computer can count for as much as hiring one police officer. The reasoning is that computers or civilian employees free up real officers to go out on patrol, but the legislation hasn't worked that way in practice.

The entire program is riddled with bogus accounting. For example, Washington, D.C. was assumed to hire 781 new officers, or at least free up that many to be on the street. While the city is not quite sure of the precise number, it acknowledges that at most 46 officers have been redeployed. When told of the Clinton administration's claim, the D.C. official in charge of the grants is quoted by the Chicago Tribune as saying, "My goodness, how did the Justice Department calculate that?"

Grants to police departments across the country are being used to perform work previously done by nonpolice officers. "Officers" have been hired to teach children how to fish and cut down cornstalks at rural intersections.

The Brady Law numbers are just as problematic. Last year, for example, the Indianapolis Star reported that Clinton's Justice Department overstated the number of handgun sales blocked in Indiana by more than 1,300%. The numbers in other states showed large, though smaller, mistakes.

The Justice Department refers to selected state police agencies as its source. But some of these very same agencies denied providing these numbers. "If they're saying we had that many stops," said Bruce Bryant of the Indiana State Police Firearms Division, "there's no way in the world it could be that high."

Another blatant example of misstatements has been the administration's attempt to bolster the city lawsuits against gun makers and support the claim that guns sales are conducted recklessly. Earlier this year the Clinton administration released a report asserting that more often than not, the guns used in crimes are purchased, not stolen. Senior administration officials use these well timed results to argue that the suits are correct. President Clinton has also constantly asserts that gun shows serve as a source of guns to criminals, misleading people into believing that licensed firearms dealers can somehow sell guns at such shows without conducting criminal background checks.

Even before assessing whether guns are sold recklessly, a little perspective is needed. Americans own about 240 million guns. In comparison, about 450,000 gun crimes were committed in 1996. Even in the unlikely case that the average gun totting criminal uses a gun just twice, only .09 percent of all the guns out there get used for criminal purposes in any given year.

The administration claims that straw purchases may account for between a third and a half of the guns used in a crime, but the evidence is very indirect. In place of actually tracing a gun's history of ownership, guns that are less than three years old are simply assumed to be transferred by straw purchases. The percentages they derive though are based on a completely arbitrary ratio. They use this definition of straw purchases on all guns that were sold and used in a commission of a crime between the beginning of 1990 and the end of 1996. The problem is that using this method the administration could have gotten any estimate that it wanted. For example, suppose that it had just studied the guns which were sold and then used in a crime between the beginning of 1994 and the end of 1996. Since this period is only three years in length all those guns studied would be classified as straw purchases, and the administration could have claimed that 100 percent of guns used in crime were as a result of straw purchases. A period longer than 1990 to 1996 would have produced a lower estimate than the administration reported.

Obviously other problems exist with the administration's estimates. Even the report acknowledges that many of the guns which find their way into crime after three years might have been stolen, but let's say the administration's most extreme claims are true. If criminals on average use a gun to commit two crimes, comparing the number of guns sold during 1994 to 1996 with violent crime committed with guns in 1996 implies that only about a half-of-one-percent of recently sold guns have made it into illegal use in that year.

Beyond the assumptions of what is classified as a "straw purchase," the report never even traces more than 43 percent of the guns recovered in crimes and more importantly it acknowledges that these untraced guns are much more likely to be stolen. All the assumptions were consistently made to exaggerate the rate at which straw purchases are made.

Mr. Clinton has also continually claimed that the Brady Law as well as the assault weapons ban deserve credit for the drop in crime rates. Unfortunately, the administration has provided nothing more than pointing out that crime rates fell after the adoption of these laws. But crime has been falling in the United States since 1991 and the ultimate issue is whether these laws caused it to fall even faster than it was otherwise declining.

Conclusion

Given the large number of preexisting gun control laws, it seems incumbent that we examine their impact before even more laws are passed. What we learn when we do this is that past laws have been primarily obeyed by the law abiding and not the criminals that they were intended for. If my research convinces me of anything, it is that rules which relatively disarm the law-abiding increase crime. I believe that the proposed laws will either have no effect on crime or that they will actually increase the amount of harm suffered by good citizens.

Mr. McCOLLUM. Thank you very much, Dr. Lott.

Ms. Jackson Lee inquired about some statistics, before I start my questions, those are from studies you have done? Is this where these charts came from?

Mr. LOTT. That is exactly right. It is research that a colleague of mine at the University of Chicago, Bill Landis, and I have put together. These are data on all the multiple-victim public shootings that have occurred in the United States for all the States from the beginning of 1997 through the end of 1995.

Mr. MCCOLLUM. All right. Thank you.

Ms. JACKSON LEE. Thank you.

Mr. MCCOLLUM. Starting the question period, I will recognize myself for the first 5 minutes, and then we will go in normal order.

First of all, Judge Grossmann, I want to thank you for coming again, for the many times you have been here. Much of what we are dealing with today we have been expressing in terms of the gun issue itself, the question of the trauma, of one particular shooting or a series of incidents. You have come before us today to endorse the underlying bill which has gotten very little attention in all of this, either in the Senate or the House, a bill dealing with consequences for juveniles. And I would like to reiterate what I think your statement points out, which is that one of the most significant things that Democrats and Republicans alike agree on and I think clearly every member of this committee agrees on because we all endorsed this bill when it came out of our subcommittee in its early form before the Columbine shootings, is the idea that one thing we can do, that we have all agreed upon doing, is to try to put some consequences back in our juvenile justice system when young people commit misdemeanor crimes, the slashing of the tires, the throwing of the rock through the window, the spray painting and graffiti and so on. And I recall your telling us in the past that the absence of that in much of our justice system today is a leading reason why later on kids go on to commit violent crime.

Am I correct in that? And can you make that connection? Because that has not been made here today in this hearing, to my knowledge, and you have made it, I think, before.

Mr. GROSSMANN. It is absolutely correct. When you say consequences, put in parentheses resources. Give the courts in the juvenile systems the resources that consequences will flow. Without those resources we have very few choices of consequences. That I think is the underlying message and the thing I believe that your bill is attempting to deal with.

Mr. MCCOLLUM. And we are saying that if kids don't have punishment, some consequence, community service or whatever, at an early stage of their misbehavior, they are more likely to keep on the path, at least, and to ultimately perhaps commit violent crime.

Mr. GROSSMANN. We see that constantly. We know that if you have a chronic truant, a chronic runaway undealt with, a chronic petty thief undealt with, a chronic person who is committing any offenses undealt with, it will continue.

Mr. MCCOLLUM. And most of our juvenile justice systems, most of our juvenile courts, do not have probation officers, do not have the diversion programs, do not have the money to have the judges even to deal with this properly. Is that not the bottom line?

Mr. GROSSMANN. That is correct, and they don't have the kind of resources that we frankly enjoy in our county and where we have been able to demonstrate that you can make a change in behavior.

Mr. MCCOLLUM. General Chambers, I think you made a very important point that at least I think is in your testimony. My understanding is that with regard to safety locks on guns, 90 percent of the guns out there today have them and we are trying to assure that the other 10 percent that are sold have some form of a safety lock in place. Is that correct? Is that what you said?

Mr. CHAMBERS. Yes, sir. Of my institute members, 80 percent of my members now ship a locking device with each gun that they ship. We will be up to over 90 percent by the end of the year.

Mr. MCCOLLUM. So we are really talking about a 10 percent solution.

Mr. CHAMBERS. Yes, sir.

Mr. MCCOLLUM. Well, I just wanted to make that point. It is not that we won't have it, but we need to know it.

Mr. Scott, you have come a long way, and I want to again thank you, but I am troubled by an obvious and heartfelt apparent difference in your testimony with regard to your reaction to the death of your daughter and that which Ms. Phillips-Taylor expressed, very heartfelt, with regard to the death of her son. She indicated that she saw the gun as killing her son, and you were very stark in your description at the beginning of this panel that you viewed Klebold and Harris in a different way and the gun issue in a different way.

How do you see it? Can you put this in some perspective for us? Because both of you have just undergone enormous emotional trauma from this in your families, both children died from gun wounds. How do you see it differently, or am I misreading that you do?

Mr. SCOTT. I think we both would agree that anything that can be done constructively to prevent this type of thing from happening we would be unanimous in. I mean, everyone here, I believe, is on that same agenda. I don't think that guns kill people without people behind those guns. There are accidental deaths, and sometimes where safety devices aren't being used or there are not locks on guns, then it could be the gun's fault. But when there is a motive behind the killing, which seemed to be in both cases, her losing her child and me losing my child, there are people behind those guns. And until we address parenting issues, until we see that there are deeper issues than just the mechanics of a gun or a knife or a club or whatever vehicle is used, there are people behind those instruments of death. And I do believe Eric and Dylan are the primary responsibility for my daughter's death, not the guns themselves.

Mr. MCCOLLUM. Thank you, Mr. Scott.

Now I will recognize my ranking member, the gentleman from Virginia, for 5 minutes of questioning.

Mr. SCOTT OF VIRGINIA. Thank you, Mr. Chairman.

First, Judge Grossmann, I want to thank you for your testimony again regarding H.R. 1501. I think it is clear that we heard you. We have a consensus on that, and if we could get that through the legislative quagmire, I think you will be delighted with our progress. But it is hard to say exactly what is going to happen to that.

Mr. LaPierre, I indicated in my opening remarks that the second amendment says that a well-regulated militia, being necessary to secure a free State, the right of the people to keep and bear arms shall not be infringed, and quoted the Miller decision which stated that the obvious purpose of the second amendment was to assure the continuation and render possible the effectiveness of the State militia and that the amendment must be interpreted and applied with that end in view.

That does not suggest an individual right to bear arms but a collective right to bear arms in relationship to a militia, as cited by the Supreme Court case in Miller. Could you cite any Supreme Court case that differs in interpretation?

Mr. LAPIERRE. In fact, Congressman, I think the authoritative source on all this is the writings of our Founding Fathers—Patrick Henry, Thomas Jefferson, James Madison, people like that—and it is very clear in all their writings it is an individual right. Also, in all the recent law review articles from recent years, from Harvard Law Review, Yale Law Review, Duke Law Review, it is a individual right.

In fact, there was just recently within the last couple weeks a Federal case down in Texas that is making its way through the courts right now where the court very clearly declared it is an individual right to own firearms, the second amendment.

It would not be in the Bill of Rights if it wasn't an individual right. I can't imagine the Founding Fathers putting the right of the Government to own guns in the Bill of Rights.

Mr. SCOTT OF VIRGINIA. I didn't hear you mention a Supreme Court case that differed with Miller. So you are relying on—the only court decision that is different from the interpretation in Miller is one that has not yet reached the Supreme Court but is on the way? Is that my understanding?

Mr. LAPIERRE. Well, I don't think there has been a clear-cut Supreme Court decision either way on this. I am confident that when there is, it will come down on our side, given everything that is happening in the law review articles, all the research, and the writings of our Founding Fathers.

Mr. SCOTT OF VIRGINIA. You are familiar with the Miller case, obviously.

Mr. LAPIERRE. Yes, I am. But I am not a legal expert by a long shot.

Mr. SCOTT OF VIRGINIA. Okay. Well—

Mr. LAPIERRE. And I don't think that was a clear-cut case either way, to tell you the truth. It was a case, I believe, about whether a certain firearm was suitable for militia use, and I sure don't see how you can read into that as a clear-cut case the other way.

Mr. SCOTT OF VIRGINIA. Well, it says that the second amendment was to assure the continuation and render possible the effectiveness of the State militia and the amendment must be interpreted and applied with that end in view. But we will get to the next case when it comes—

Mr. LAPIERRE. I would just say at that time the militia was the individual citizens and their firearms.

Mr. SCOTT OF VIRGINIA. Dr. Lott, do I understand the gist of your testimony to be that we could reduce crime if more people had firearms?

Mr. LOTT. That is right. I think bad things happen with guns, but I think also allowing people to defend themselves can reduce crime.

Mr. SCOTT OF VIRGINIA. Thank you.

Mr. Kennedy, you indicated that—you mentioned something about the straw purchases. Other than one gun a month, what can—or if you want to discuss one gun a month, what can we do about straw purchases? And if you want to comment on any other research about firearms and crime, please feel free.

Mr. KENNEDY. We can do something—first of all, let's not just talk about straw purchase. As people have begun to realize that trafficking is a problem, it is becoming identified with straw purchasing. It is not that simple. We have what turns out to be a really varied landscape with lots of tributaries running through it. We have a handful of dirty FFLs. You have straw purchasing rings. You have people with forged FFLs. You have fencing rings that become gun traffickers once the gun comes in, and you have got lots and lots of different things going on out there. And I think the single most important thing we have found over the last 4 or 5 years is that you can find these folks. You can find them by tracing guns. It used to be we only traced a gun to solve an individual crime. Now departments are tracing guns to figure out the way the market works and who is moving guns in the illicit market.

Whoever is doing it, if they are moving new guns, tends to show up in that kind of analysis, and then you can go do your investigative work. If people are moving used guns or they are moving stolen guns, traditional investigative methods can be very useful.

We have never kind of alerted networks of confidential informants to look for gun traffickers the way we have for narcotics crimes, for instance. It has not been routine to ask people who are caught with guns illegally where their guns came from. It has not been routine to talk to people who are facing, say, major sentencing on narcotics crimes as a condition of their pleas to tell where the people in their neighborhoods and in their networks are getting their guns illicitly.

The more that we do, the better, and it is attainable.

Mr. SCOTT OF VIRGINIA. Thank you.

Mr. MCCOLLUM. Thank you, Mr. Scott.

Mr. Chabot, you are recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

I think this has been a particularly good panel. All the witnesses I think have done a tremendous job. I think that Ms. Phillips-Taylor, who lost a son, and Mr. Scott, who lost a daughter, were particularly moving. And I think Mr. Scott's poem which he wrote four nights ago I think was very poignant. And in that prayer, there was a theme that we have outlawed prayer in our schools and that oftentimes we ought to be turning to God. And I know that every day when we start this Nation's business right across the street in the Capitol building on the floor of the House of Representatives, we either have a minister or a rabbi or a priest who starts Con-

gress with a prayer. Yet because of court decisions and other things, we have taken that out of our public schools in this country.

And I just thought, Mr. Scott, if you might like to perhaps elaborate or say anything else about that. Do you think that is something that we have gone too far in this country by removing it?

Mr. SCOTT. I will probably sound repetitious, but, yes, I do. You know, I have done a little bit of study on American history, and for the first 100 years, there was much prayer, there was much what I would call spirituality in our halls of education. And so many of our major colleges, like I said earlier, were founded originally as theological seminaries. And where did that transformation take place to where it was totally secular?

So I believe by ignoring a part of our very being, which is spiritual, we are hindering our children and something is going to replace that. And we have seen the results of taking God out of schools.

Mr CHABOT. Thank you.

Mr. LaPierre, you mentioned in your testimony one of the statements that shouldn't have been made but was made by a gentleman in the entertainment industry, Spike Lee, about shooting Charlton Heston. And it brings to mind something that we heard a while ago that disturbed us about another person in the entertainment industry saying that—encouraging people to come down and stone the chairman of this committee, Henry Hyde, not too far in the distant past. I think those in the public eye and those in the entertainment industry in particular who people listen to, when they venture outside that industry, they certainly, I think, should be careful in what they say and be more measured and responsible when they speak out on national issues.

But in that industry—and let me ask you this question if I can, Judge Grossmann. In the entertainment industry, which I think is one of the problems that we have in this country right now, our kids are seeing movies that are very violent, TV programs where murders occur routinely, every night, video games which are unbelievably violent, where literally, you know, one character rips the heart out of one of the other characters in these video games, with blood spurting all over the place. And I personally don't think this can help but have some effect on youth out there that maybe—it probably doesn't affect most youth, but some are probably susceptible to that. And I know you have seen a lot of disturbed kids in your courtroom, Judge Grossmann, and I just thought if you could perhaps comment about what you see, the relationship between the entertainment industry and what the kids see and what they do carry out on the streets of our cities.

Mr. GROSSMANN. Mr. Chairman, Congressman Chabot, yes, there is a relationship, and, yes, we do see this in the courtrooms, and, yes, young people, in many instances their behaviors are coarsened by what they see on television, and they are deadened to some of the ideas that have prevented people from acting violently because of this repetitious flood of violent depiction.

You have all heard the analogy. Procter & Gamble wouldn't spend what it does on advertising on TV if it didn't think TV affected how you think and how you behave and what you do. Of course it does.

That it is the only cause? No. That it affects everybody the same way? No. That it is a good idea to do it? No. We ought to rein it in. And that is one of the things I think where individual responsibility comes into play, that the people that publish this, that make this material, should stop it.

Mr CHABOT. Thank you. I yield back the balance of my time.

Mr. MCCOLLUM. Thank you very much, Mr. Chabot.

Ms. Jackson Lee, you are recognized for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and for this excellent panel, I thank them for their presence.

Let me offer and acknowledge to both Mr. Scott and Ms. Phillips-Taylor for your presence here and your loss.

Just a few weeks ago, I thought it was extremely important to go to my district and just listen to children. We sometimes do a lot of speaking. And in the course of listening, with the Secretary of Education, they did rise up and tell us of their fears and apprehension. And one mentioned, of course, prayer.

I was very glad to see the Secretary of Education make it straight for all of us, that prayer is allowed in our schools. In fact, I teach my 7th grader and my college freshman—and I know the pain you experience because of the joys I see in my children—that they can pray anywhere they so desire to their own God. And I hope our children will understand that all over. But as they pray, I hope that we will act in what we can do.

And I listened to Dr. Lott talk about arming the whole Nation, packing a gun, riding the subways, going to the libraries, going to the grocery store and the movie theaters with guns. And I think, Mr. Flynn, I was with you at the White House, and I thank you for representing the thousands and thousands and thousands of good law enforcement officers who put their life on the line.

My time is short, but can you just give me your answer to what it would mean to you if everyone was armed. And as a man on the beat, can you tell me how many times you have come to a scene of crime at a residence, a home, and guns were used against family members based upon the fact that guns were in the homes? Have you had that kind of experience?

Mr. FLYNN. Madam Congresswoman, you have been to my city of Lowell, Massachusetts, with Congressman Meehan at Women's Forum. It is quite a different city you came to than when I came on that police department 15 years ago—5 years I served as a correction officer in the Corrections Department of Massachusetts.

A lot has been said today about what is wrong with some of the Federal agencies and the lack of manpower. Back in 1992, we had 127 sworn officers in our department, and they were going to lay off 32 additional officers. At that time, thanks to the Congress, the President, and the 100,000 new police officers throughout the—we now have over 260 police officers, which, thanks to Congressman Meehan's valiant efforts, we have put almost 100 new police officers on our streets.

There are now immeasurable signs of progress. Crime is down over 55 percent and dropping. To answer your question, I believe that if you go to countries like England where the police officers don't even wear guns, if you go to Japan where there are hardly any guns, I strongly disagree with Dr. Lott. I don't know where he

gets his funding or what have you, but I have gone to many, many, many households, hundreds, where there have been shooting incidents, trauma, and my thoughts and prayers are with Mr. Scott and Ms. Phillips-Taylor for the agony that they have been through. And I think that the United States Congress has an obligation to people like them and that we have to take the initiative.

Ms. JACKSON LEE. Thank you. I know your passion behind this.

Let me move quickly to Mr. LaPierre, whom I met some years ago, not personally but encountering his leadership opposing my gun safety responsible ordinance in the city of Houston, which has seen a 50 percent diminishing in accidental shootings.

In your testimony, Mr. LaPierre, you mentioned that you have been made out or the membership of the National Rifle Association has been made out to a group of reckless societal group of extremists, and you say this is a cruel and dangerous lie. Let me simply say to you that it is not the membership. It is, frankly, possibly the direction of the leadership. And my question to you, in looking at the Children's Gun Violence Prevention Act of 1999, because I know NRA members who agree with me and who have joined me in supporting the Children's Gun Violence Prevention Act of 1999, and Captain Spivey, why would any of those things be detrimental to your organization, the Consumer Product Safety Commission, the firearm limit, just a whole number of things? I know you know this legislation, and I say that because this teddy bear is regulated. These eyes are regulated so they don't hurt children.

What in this legislation would hurt you and your organization?

Mr. LAPIERRE. The gun industry, Congresswoman, is one of the heaviest regulated industries out there already. You can't buy a firearm right now in this country, a new firearm, without going through a background check.

I just think if we really want to stop crime in the streets—and I have been heavily involved with Project Exile in Richmond and also in Philadelphia, where every police officer carries one of these cards, and every time they catch someone violating the Federal law, which is on these cards, they call the U.S. Attorney's Office and 100 percent of the time in that city they prosecute.

Ms. JACKSON LEE. I am sorry, Mr. LaPierre. You can buy them at gun shows, and you can buy them on the street, because there are so many of them, and you can get them without regulation.

Mr. LAPIERRE. But the basic problem is this: In Philadelphia, I stood beside the U.S. attorney in Philadelphia where he said—and let me quote him—"There is no risk attached because of lack of Federal prosecution for a felon in this town putting a gun in his hand and going out in the street." Every police officer in Philadelphia told me that. I went to Senator Specter and lobbied the million six to put Project Exile in Philadelphia, but here is the problem: The—

Ms. JACKSON LEE. Why is this bill one that your organization, the leadership, opposes? You haven't answered my question.

Mr. LAPIERRE. You want to go through it piece by piece? I mean, I just think—

Ms. JACKSON LEE. I would be happy to.

Mr. LAPIERRE [continuing]. One gun a month is a sound bite. I mean, there is not a criminal out there going only one, only one.

What we ought to be doing is we ought to be—every time we catch a felon with a gun, a violent juvenile with a gun—

Ms. JACKSON LEE. There are individuals who go and buy 20 guns at a time at gun shows. We document that. ATF has those numbers.

Mr. LAPIERRE. And if they are doing it illegally, you know what the Federal penalty is? And we have been trying to get the Department of Justice to prosecute it. It is 5 years per gun. If somebody is taking those 20 guns in interstate sale and selling those guns illegally, let's put them away for 100 years.

Ms. JACKSON LEE. I will join you on prosecution if you will join me in supporting this legislation. I will be right with you on prosecution.

Mr. LAPIERRE. But prosecution is prevention, Congresswoman. It is so easy to talk about easy accessibility to firearms to people we all want not to have firearms. But when you don't prosecute any of the cases, it is like saying we aren't going to enforce the drunk driving laws. You get drunk drivers.

Ms. JACKSON LEE. I am disappointed. I really thought we could come here today and find common ground. I believe in the first amendment, but there are colleagues of mine that are passing a flag amendment because they believe in the need for such. The second amendment stands on its own. But it can be, if you will, added to in the reality of the tragedy which we face in this Nation. You still haven't answered me why we can't pass this legislation to protect our children. You still haven't given me an answer—

Mr. LAPIERRE. I want to protect our children—

Ms. JACKSON LEE [continuing]. With all the proliferation of guns.

Mr. LAPIERRE [continuing]. In the worst way, and so does the National Rifle Association. We—

Ms. JACKSON LEE. Well, then, join me in this effort.

Mr. LAPIERRE [continuing]. Have a core fundamental interest. But the basic way you make this country safe is put enough prosecutors out there on the street and earmark that they have to work specifically on these Federal cases, existing Federal law involving firearm—

Ms. JACKSON LEE. I will join you on prosecutors. I will join you on—

Mr. LAPIERRE. You will dramatically cut crime.

Ms. JACKSON LEE.—ATF officers. I will join you in the enforcement of present laws. You have yet to answer me whether you can join me in protecting our children with these gun laws.

Mr. LAPIERRE. Believe me, I—

Ms. JACKSON LEE. I am disappointed, Mr. LaPierre. You are not serious about what we are here today for.

Mr. LAPIERRE. We are very serious about protecting our children.

Mr. MCCOLLUM. The gentle lady's time—

Mr. LAPIERRE. They are 15- to 19-year-old violent juveniles. They are not children. Everything they are doing with guns is illegal already. If we enforce the law—and the Department of Justice, only 11 times in the last 2 years have they enforced the law against violent juveniles with guns or illegally transferring guns to juveniles.

Ms. JACKSON LEE. I don't think they would have caught Eric—

Mr. LAPIERRE. Only 11 times—

Ms. JACKSON LEE. I don't think they would have caught—

Mr. MCCOLLUM. Would the gentle lady—

Ms. JACKSON LEE.—Eric Harris or any of the others with those kinds of laws, and you realize that.

Mr. MCCOLLUM. The gentlewoman's time has—

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. MCCOLLUM [continuing]. Has long since expired. You are welcome.

Ms. JACKSON LEE. I thought we were going to get a solution here today.

Mr. MCCOLLUM. Mr. Barr, you are recognized for 5 minutes.

Mr. BARR. Thank goodness. Thank you, Mr. Chairman.

I think that there has been some very, very good testimony from all of our witnesses here today, and any of these witnesses who have talked about items that could provide more than sufficient importance for an entire day's hearings, and I do hope that we have more hearings, Mr. Chairman, on all aspects of this because there are indeed—despite the gentle lady's insistence that the only solution that will work is her solution, that is not the case.

There have been some solutions put forward by a number of these witnesses today that will work. The very first witness we had talked about something that has been with us for thousands of years, and that is adherence to the Ten Commandments. This hangs in our office, and I have had nobody complain in the 5 years that it has been hanging there that they feel intimidated. It was given to me by a Baptist. It has not caused me to renounce Methodism and take on the mantle of the Baptist religion. It is simply a way of living. It sets forth basic principles. They may not be included in the gentle lady from Texas' bill and, therefore, would not qualify as a solution to the problem. But I think that if people did adhere to these, if our school children were consciously reminded of this, it would help.

The gentle lady from Texas made an astounding statement that the Secretary of Education has stated that prayer in school is okay. He hasn't told his Department of Justice that. He has not told his Department of Education Civil Rights Division of that, which prosecutes people who try and foster prayer in schools.

There was a case recently in Georgia in which students, without any official imprimatur, simply wanted to have a prayer at a graduation ceremony, and they were taken to court and it was prevented. So prayer is not available in school. Perhaps it ought to be.

What is available and what does work also are some things that Mr. Kennedy has been working on in his document and some things that Dr. Lott has put forward and which Judge Grossmann has talked about and Mr. LaPierre and General Chambers. These are things that don't entail massive new bureaucracy, new laws. They simply entail adherence to the time-worn principle that if you don't enforce it, it isn't going to work; but if you do enforce it, it will work.

And just as in the war against mind-altering drugs, the four C's that I call them of effective drug control policy would work with regard to effectively helping to control youth violence, and the four C's of effective crime control are that there be a clear policy, a con-

sistent policy in enforcement, it be well coordinated, and it be comprehensive.

I was very intrigued and appreciated the work that you did, Mr. Kennedy, a small portion of which was reflected this weekend in an article—I don't have the name of the paper, but it talks about instances in cities where crime has dropped, and it has dropped because of what you identify as several things, including better coordination of law enforcement policies and activities by Federal, State, and local governments. And if we look at some of the other cities, Mr. LaPierre, you mentioned, I think, Philadelphia and Richmond, which have seen significant drops in crime, not because of new laws and not because of new regulations, but because of consistent enforcement of existing laws against the use of crime.

So I think that there really are some very important solutions that we have had here today, and I hope that we have more. I must say also, Mr. LaPierre, I appreciate your mentioning and drawing attention to some of the outrageous hate-filled comments by those in the media industry, such as Mr. Spike Lee. And I appreciated Mr. Chabot, who was perhaps overly kind in not mentioning Mr. Alec Baldwin as another hater when he publicly said on television that Chairman Hyde ought to be stoned to death during the impeachment proceedings.

And I think we need to keep in mind, as Judge Grossmann has indicated, that young people do hear these things when they are said. They do understand policies, perhaps a lot better than adults do, and when children, particularly students, see inconsistent enforcement of our existing laws, that determines to some extent their behavior. And when they hear role models such as Mr. Alec Baldwin, such as Mr. Spike Lee, make statements that we solve our problems by shooting people and we shoot or stone our enemies, then it doesn't lead one to make a tremendous leap of imagination to realize that those things do have an impact on our kids.

So I do commend this panel, and I hope that, Mr. Chairman, we will take what they have said to heart in terms of solutions and developing, as other cities have done—Richmond, Boston, New York, Philadelphia—as long as we implement clear, consistent, coordinated, and comprehensive policies, along with that moral component that Mr. Scott very eloquently stated, we can accomplish much.

And if I could, Mr. Chairman, just tell Mr. Scott that I do intend, unless he objects, to take the poem that he wrote and hang it on our wall next to the Ten Commandments in our office.

Ms. JACKSON LEE. Would the gentleman yield for an inquiry?

Mr. BARR. My time is up. I yield back.

Mr. MCCOLLUM. Mr. Barr, your time is up.

Mr. Canady, you are recognized for 5 minutes.

Mr. CANADY. Thank you, Mr. Chairman.

I want to join my colleagues in thanking all the members of this panel for your contribution today. This has been a very good panel, and I think all of you have made an important contribution to the work of the subcommittee in dealing with this issue.

Let me ask Mr. Kennedy—and if I am replowing some ground here in asking questions that may have been answered, forgive me. But I understand, Mr. Kennedy, that there has been a marked re-

duction in the use of guns by juveniles in Boston over the last several years. It has been described as "remarkable." In your view, what is the cause of that reduction in the use of guns by juveniles?

Mr. KENNEDY. It is a package.

Mr. CANADY. What are the major elements? If you could, as briefly as possible, list the major elements of that.

Mr. KENNEDY. Choke down on the gun supply and tell them to stop using what they have got left. That is honestly what happened. There were really two pieces. One was the trafficking efforts that we have been talking about. The other was very unusual and, at first glance—and maybe at second and third glance, too—a bizarre policy of sitting down directly with chronic offenders, most of them in very active street crews or street gangs, call them what you will, and telling them in no uncertain terms that if their group did violence, the group would get attention.

Mr. CANADY. Okay. So these are—there are no extraordinary legislative measures that had to be taken in order for these things to be accomplished. These things were accomplished within the framework of the existing law.

Mr. KENNEDY. That is absolutely correct. Let me also say, having been involved in it, that it was insanely difficult. And if we expect that level of effort routinely across cities, we are not going to get it. And the kinds of things that have been talked about today in my mind are primarily ways to take what Boston and other folks have done to scale.

Boston was a hothouse, 7/24 labor of love by a group of extraordinary people, and they pulled it off. You can't expect that as routine business from everybody all the time. I think even Boston couldn't have sustained it indefinitely.

So it has to be easier, and some of what we are talking about is just about making it easier.

Mr. CANADY. Okay. Well, thank you for your comments on that.

Mr. LaPierre, let me ask you a couple questions related to your testimony. Do you believe that it is unreasonable to make gun show instant checks just like gun store instant checks are required now?

Mr. LAPIERRE. No, I don't. We support that, in fact. What we don't support, though, for the honest folks is the phone-book volumes of red tape that the Lautenberg bill would put on the honest people and the unlimited authority of the Federal Government to issue new regulations under that bill on the honest people.

Mr. CANADY. But you do support the instant check?

Mr. LAPIERRE. We support the instant check, every sale, every gun show, no loopholes, period.

Mr. CANADY. Let me ask you also, in your testimony you indicated that the Lautenberg provision could preclude family members from leaving their weapons to their children unless they comply with Federal gun show dealer requirements. Could you elaborate on that? I found that to be pretty strange.

Mr. LAPIERRE. We have had a couple of law firms looking at this. I am not the legal expert. Jim Baker, who is our former State prosecutor, may want to comment on that, behind me who is with us. But basically the definition is so vague in the Lautenberg that any time there are 50 guns owned by somebody or in a situation where

someone transfers it, offers for sale one, talks about selling one, that comes under all the existing Federal requirements of this gun show bill. And to the point where what that bill, the way it is worded—and the law firms are just throwing their hands up in the air when they look at it and go, This is a red-tape nightmare.

Basically it would extend the reach of the Federal Government into homes throughout this country, into Camp Perry, which is the national matches, which we run, if somebody sells a gun there. Basically it is not really an “instant check at gun shows” bill with no loopholes, which was what we support. What it really is is a massive red-tape Federal Government bill that gets involved in everyone’s life if they even mention the word “firearm.”

Mr. CANADY. Thank you. I appreciate the chairman’s indulgence.

Mr. MCCOLLUM. Thank you very much, Mr. Canady.

I want to thank the entire panel today for being here. This has been an extraordinary hearing, and many of you have given a great deal of time to come here. Dr. Deutchman, I appreciate that you have come all the way from Colorado, just as Mr. Scott has, and the rest of the witnesses have come considerable distances, a number of you have, and so we want to thank you for that.

Mr. Scott, I think you have something you wish—

Ms. JACKSON LEE. And I do as well, to submit in the record, Mr. Chairman.

Mr. MCCOLLUM. All right. Mr. Scott?

Mr. SCOTT OF VIRGINIA. Mr. Chairman, I ask unanimous consent that two statements—one from Congressman Meehan and the other from the American Bar Association—be entered into the record.

Mr. MCCOLLUM. Without objection, so ordered.

[The prepared statement of Mr. Meehan follows:]

PREPARED STATEMENT OF HON. MARTY MEEHAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MASSACHUSETTS

I would like to thank the Chairman and the ranking member for their hard work on the juvenile justice legislation that passed this subcommittee with the cosponsorship of all of the subcommittee members.

It is unfortunate—to say the least—that we have not yet been able to mark up that very good piece of legislation at the full committee and debate and pass it on the House floor. That bill which contains common-sense gun amendments that are overwhelmingly supported throughout the country and have already been passed by the Senate and supported by the House Republican leadership would make a fitting memorial over this Memorial Day recess to the victims of these shootings.

Time is of the essence in protecting our children from gun violence. Thankfully, the school year will soon end and parents will not need to worry whether their kids’ school will be the host to the next tragedy. The end of the school year, however, will not change the fact that 13 children die every day as a result of gun violence—13 children every day.

Our attention is focused on those children who die in schools where parents express shock that it could happen in their neighborhood, but for far too long we’ve ignored those children who die in gun accidents and who die in the sort of gun violence that we’ve seen so much of that we simply have grown numb. The 13 children who die daily as a result of gun violence will not be saved by the end of the school term.

Children will continue dying every day this summer after school lets out until we do something to take guns away from the people—especially the kids—who should not have them in the first place. Accidents alone yield a terrible cost. In 1996, 1134 Americans died in firearm accidents—135 of the dead were children. Among industrialized nations, the United States ranks first in terms of firearm deaths among children. The Center for Disease Control reports that 86% of firearm deaths among children occur in the United States.

Change in the gun laws is long overdue. Our kids cannot be forced to wait another day.

In Massachusetts, we have had some success in reducing gunshot injuries and deaths across the entire population, not just juveniles, over the past four years. Massachusetts also has the nation's best record on regulating firearms. The state requires training, licensing, a 21-year old age limit, safe storage, child safety devices, we enforce the assault weapons ban and the state banned "Saturday Night Specials."

None of these measures are revolutionary. Nor do they interfere with the right of honest, law-abiding gun owners from using firearms in a legal manner. There is no reason that these same common-sense measures cannot be applied nation-wide especially in light of the overwhelming public support.

This debate is not new. Over thirty years ago, Robert Kennedy spoke about the dangers of kids and guns in words that have proven, unfortunately, timeless. "We have a responsibility to the victims of crime and violence. It is a responsibility to think not only of our own convenience but of the tragedy of sudden death. It is a responsibility to put away childish things, to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves—and demands."

Let's end kids' access to guns once and for all.

[The prepared statement of the American Bar Association follows:]

PREPARED STATEMENT OF ROBERT D. EVANS ON BEHALF OF THE AMERICAN BAR ASSOCIATION

Mr. Chairman and Members of the Subcommittee:

The American Bar Association appreciates the opportunity to share its views through this submitted statement on pending proposals to curb teen and child access to firearms and the related issue of enforcement of existing law. I am Robert D. Evans, Director of the ABA Washington Office, and I submit our statement at the request of Philip S. Anderson, the President of the Association. The American Bar Association is the largest voluntary professional association in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

The ABA strongly supports the provisions passed last week by the Senate to curb teen access to firearms and strengthen enforcement of existing laws to prevent such access. The recent tragic shootings in Littleton, Colorado, and Atlanta, Georgia, have focused the nation's attention on a number of troubling problems, among them how easily teens in the United States acquire weapons. Last year, numerous incidents of shootings at schools, often involving multiple homicides and injuries, demonstrated how vulnerable our society has become to the escalation of violence with firearms in practically any school in America. But a total of thirteen young persons and children—a number equivalent to the deaths in the Littleton tragedy—die every day in America in incidents with guns. The epidemic of youth homicide with guns in our inner cities that more than doubled from 1985–1993, the unparalleled gun suicide rate of young persons in this society, the number of children lost yearly in fatal accidents with guns, and the spread of weaponry to high schools in the suburbs reflect the lax laws that permit massive numbers of guns to easily reach young persons.

In response to the growing number of shootings by young persons in school settings and elsewhere, the ABA House of Delegates in August 1998 approved a policy recommendation supporting "a comprehensive approach to address gun violence by young persons at schools that includes preventative school-based peer mediation programs, firearms education programs, support for increased efforts to enforce laws to prevent unauthorized or illegal access to firearms by minors, and enactment of firearm laws that emphasize prevention, adult responsibility, and safety."

We believe that it is imperative that Congress enact reforms to require more appropriate responsibility at each stage in the sale, transfer and possession of guns to prevent child and teen access. In 1996, the most recent year for which statistics are available, 4,463 children and teenagers were killed by firearms in the United States, including 2,836 homicides, 1,309 suicides and 376 unintentional shootings, according to the Centers for Disease Control. Every day in America, an average of 13 children aged 19 and younger die from gunshot wounds. For every child killed by a gun, another four are injured.

Worldwide statistics show that the epidemic of fatal violence that has hit younger children in recent years is confined almost exclusively to the United States. According to a 1993 United Nations report, nine out of ten killings of young people in the industrialized world happen in the United States, and the overall firearm-related death rate among U.S. children aged less than 15 is nearly 12 times higher than among children in the other 25 industrialized countries combined. More American teenagers now die from gunshot wounds than from all forms of disease combined. Pervasive, easy access to firearms is the primary reason.

A study of guns used in crimes by youths in twenty-seven U.S. cities released in January 1999 by the Bureau of Alcohol, Tobacco and Firearms (ATF) found that over half of crime guns traced to youth had been diverted from the legal gun market, through "straw sales," sales at gun shows and other secondary transfers. The guns used in Littleton were obtained the way criminals get their guns: by purchases from gun dealers or at gun shows, often by using friends as intermediaries.

The ABA strongly supports steps to close loopholes in the federally-licensed firearms dealer/criminal background check system that permit kids to get guns so readily. We support the Senate-passed amendment sponsored by Senator Frank Lautenberg to require a criminal background check prior to the sale of any firearm, without exception. Exceptions now permit unchecked sales at gun shows, sales without checks over the Internet, and unlimited "straw purchases" that result in the transfer of guns to juveniles who could not buy them through a federally licensed gun dealer. These loopholes are delivering guns to criminals and young persons in massive numbers. This Congress should and must close these loopholes. We also support the provision in that amendment to require a permanent waiting period so that local law enforcement officials can conduct checks that are not part of the federal instant check system.

The federal law that prohibits sale of military assault weapons and prohibits youth possession of handguns currently has a loophole that permits youth possession of military assault rifles, such as were used in the Colorado shooting. A further loophole in the federal assault weapons ban that outlaws domestic sale of high-capacity ammunition feeding devices should be closed so that such devices cannot be imported legally. Amendments offered by Senators John Ashcroft and Dianne Feinstein, respectively, which were approved by the Senate as part of its juvenile crime bill, would close these loopholes that allowed the Columbine killers to acquire such weaponry. We hope there will be no opposition to these provisions in the House of Representatives.

We strongly support the Senate-passed child safety lock provision of Senators Orrin Hatch and Herb Kohl and a House counterpart bill, H.R. 515, introduced by Representative Julia Carson on February 3, 1999. We believe the number of young children killed every year in the U.S. in accidental shootings through access to loaded, unlocked guns in the home makes enactment of this measure imperative. It would also provide an obstacle to easy access by teens to guns in the home.

The ABA also supports proposals to require a criminal background check prior to sales of guns over the Internet. As noted in the Senate debate that resulted in tabling such a proposal during consideration of S.254, the sale of various manufactured goods over the Internet, including guns, has grown exponentially in recent years. We believe that Congress should act sooner rather than later to assure that criminals and underage buyers cannot use the loophole of the Internet to avoid background checks.

We also believe very strongly that a comprehensive approach to preventing minors from acquiring guns has been proposed in H.R. 1342, the Children's Gun Violence Prevention Act of 1999, introduced by Representative Carolyn McCarthy. The ABA supports the bill's key provisions to prevent access by children to firearms in the home by requiring secure storage or safety devices; to introduce educational programs in the schools aimed at reducing gun violence; to study safety standards for guns as consumer products; to provide requirements that specific, proven safety features be incorporated in the manufacture and sale of all firearms, such as gun locks and load indicators, to prevent accidents and unauthorized access to guns in the home by teenagers and children; and to expand the Youth Crime Gun Interdiction Initiative for tracing and prosecuting criminal trafficking of firearms to youth.

The ABA commends the Subcommittee for its attention to the efficacy of current enforcement efforts. We believe that the picture that will emerge from testimony about combined federal/state gun law enforcement demonstrates that considerable progress has been made in recent years. Violent crimes committed with guns, including homicides, robberies, and aggravated assaults, fell by an average of 27% between 1992 and 1997, and the nation's violent crime rate has dropped by nearly 20% since 1992. Gun prosecutions are going up in number, according to the Department of Justice. While both state and federal authorities prosecute gun cases, the

federally authorities focus on the most serious offenders. While federal prosecutions of lower-level offenders (persons subject to sentences of 3 years or less) are down, the number of higher-level offenders (sentences of 5 years or more) are up by nearly 30 percent over this period. Overall, the number of offenders sent to prison for state and federal weapons offenses has increased about 25 percent since 1992.

During the 1990's there has been a growing focus on collaborative law enforcement strategies to target gun trafficking to minors, in particular, and gun offenses committed by minors. The Youth Crime Gun Interdiction Initiative—which began in Boston, Massachusetts, as "Operation Ceasefire", a cooperative law enforcement strategy between local police, state and federal prosecutors and the ATF—has been expanded to twenty-seven major cities nationwide. It is premised on a cooperative agreement to trace every gun used in a crime involving youth and to prosecute every gun law violation attendant to it.

Increased coordinated law enforcement efforts to respond to illegal gun use are also exemplified by such programs as "Project Exile" in Richmond, VA; DISARM, in Baltimore, MD; and the Gun Court programs in Providence, RI, Seattle, WA, Minneapolis, MN, and Detroit, MI.

A range of cooperative law enforcement strategies to interrupt sources of illegal guns, specifically targeting activities of federally licensed firearms dealers, have been established in Baltimore, Boston, Chicago, Oakland, CA, Charlotte, NC and Charleston, WV.

Coordinated local/state/federal strategies to deter illegal gun possession and carrying by youth in high crime areas have been established during this decade in more than a dozen cities, including New York, NY, Bridgeport, CT, Atlanta, GA, Indianapolis, IN, Kansas City, MO, Phoenix, AZ and Atlanta, GA.

A report issued by U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in February, 1999, titled "Promising Strategies to Reduce Gun Violence," details progress on these law enforcement strategies aimed at gun law violations, as well as dozens of others ongoing in major cities that emphasize education and alternative research prevention strategies, and technical assistance programs.

We believe that there are promising efforts underway and bipartisan support for strengthening enforcement of current law. But we urge you to dismiss the argument of the gun lobby that "we don't need new laws because there are now thousands of laws and we just need to enforce the ones we have." We agree that tough enforcement is critical to reducing violent crime and gun violence. But the same lobby that makes this argument about prosecution of individual crimes has worked steadfastly to defeat the ability of ATF and other authorities to meaningfully police sales by gun dealers, as well as to maintain loopholes that permit sales to criminals and youth. Despite evidence that a handful of gun dealers is delivering thousands of guns to gangs in certain cities, ATF is currently permitted only one inspection of any dealer yearly. Enforcement of current laws and prosecution of gun trafficking offenses are effectively blocked by opposition to registration of sales, with the result that over half of traces requested of ATF nationwide involving guns used in crime reach a dead end. They can't be traced because as a nation we have refused to permit adequate records and require individual responsibility for secondary sales.

The argument against new laws regulating guns reminds us of the opposition to seat belts a generation ago. Thirty thousand "car laws" on the books, mainly dealing with parking offenses and local road safety requirements, had nothing to do with the merits of a proposed seat belt requirement. Neither do the number of laws nationwide that prohibit discharge of firearms in public places and the like have anything to do with whether we need a law requiring that gun show sales meet the Brady Act criminal background check requirements.

Opponents will also undoubtedly claim that these proposals somehow violate the Second Amendment to the Constitution. We believe that such measures do not in any meaningful way infringe on the ability of adult, non-criminal citizens to own firearms and do not give rise to any credible Second Amendment claim. Further, the power of the federal government to regulate firearms in the interest of public safety and welfare and as an aspect of interstate commerce is so well established that there is not a single decision of the U.S. Supreme Court or a federal appellate court striking down Congressional regulation of firearms on Second Amendment grounds. (The relevant decisions are available for review at www.abanet.org/gunviol/courts.)

The gun lobby is suggesting that the answer to armed school children is adults armed with concealed weapons. They rely heavily on a single study that purports to show that private citizens with permits to carry concealed weapons are responsible for bringing down crime rates. It should be sufficient to say that no study of a statistically reliable nature has been able to reach any similar conclusion. In fact, there is a consensus in the social science community that this study's conclusion is

not supportable. There is no factual or statistical evidence developed by any state, by the Department of Justice, or any other entity, which demonstrates that carrying concealed weapons has had or is likely to have any positive impact on crime. Every legitimate study has pointed to a range of primary factors affecting crime rates, including age group demographics, drug use, family structure and community resources; but none has identified concealed weapons as even a negligible factor in reducing crime. There are, however, numerous documented instances of persons with permits and concealed weapons committing crimes and causing unintended injuries and deaths. Under these circumstances, the notion that multiplying the number of private persons permitted to carry concealed weapons is an answer to reducing youth violence is reckless and without merit.

The ABA believes that ending unchecked sales, requiring safe storage, and requiring guns to meet modest safety standards will, at worst, cause minor inconveniences to legal gun buyers, while at the same time helping to make juvenile access to guns significantly more difficult, and thus will prevent the loss of many future lives.

It is evident there is widespread public support for Congressional action to keep guns from young persons. We urge you to heed this public outcry and support provisions to close up the pipeline of guns flowing to America's youth and to criminals by requiring responsibility for their safe stewardship by all who use or possess them.

Mr. MCCOLLUM. Ms. Jackson Lee?

Ms. JACKSON LEE. Mr. Chairman, one is a point of information as to—have we set a time for markup on any of the legislative matters?

Mr. MCCOLLUM. Yes, we have. The agenda is for the 9th and 10th of June for a bill which is in the process of being drafted and now will be presented for mark in the full Judiciary Committee.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I want to offer just a sentence for unanimous consent to be submitted into the record. I think it is important that we all lower our rhetoric and attempt to solve this problem.

This is an announcement: Pratt denounces Bureau of ATF Director for disarming cops, Gun Owners of America, Executive Director, Larry Pratt. The sentence I want to include in the record is that—have enough to worry about without the additional problem of BATF's jack-booted thugs interfering with their private lives. And I hope we can all lower our rhetoric on the basis.

I appreciate that being submitted into the record.

Mr. BARR. Mr. Chairman, I object.

Mr. MCCOLLUM. There is an objection, and with objection we can't enter that submission. So, unfortunately, there is an objection to that, Ms. Jackson Lee.

Ms. JACKSON LEE. I would have expected it. That is all right. Mr. Barr and I get along very well in our other lives, but we have a passionate disagreement. I just behave myself better.

Thank you.

Mr. MCCOLLUM. Well, I am not going to get into a dispute between family members here. [Laughter.]

And I think we all are family members on this committee.

Ms. JACKSON LEE. That is why I say Mr. Barr and I get along very well in other lives.

Thank you, Mr. Chairman.

Mr. MCCOLLUM. Well, I want to thank again the panel for coming. It has been an extraordinary hearing, and thank you very, very much.

We are now adjourned.

[Whereupon, at 5:51 p.m., the subcommittee was adjourned.]

APPENDIX

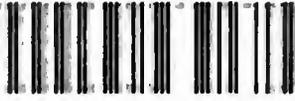
MATERIAL SUBMITTED FOR THE HEARING RECORD

[Note: The appendix material is on file with the House Judiciary Committee's Subcommittee on Crime.]



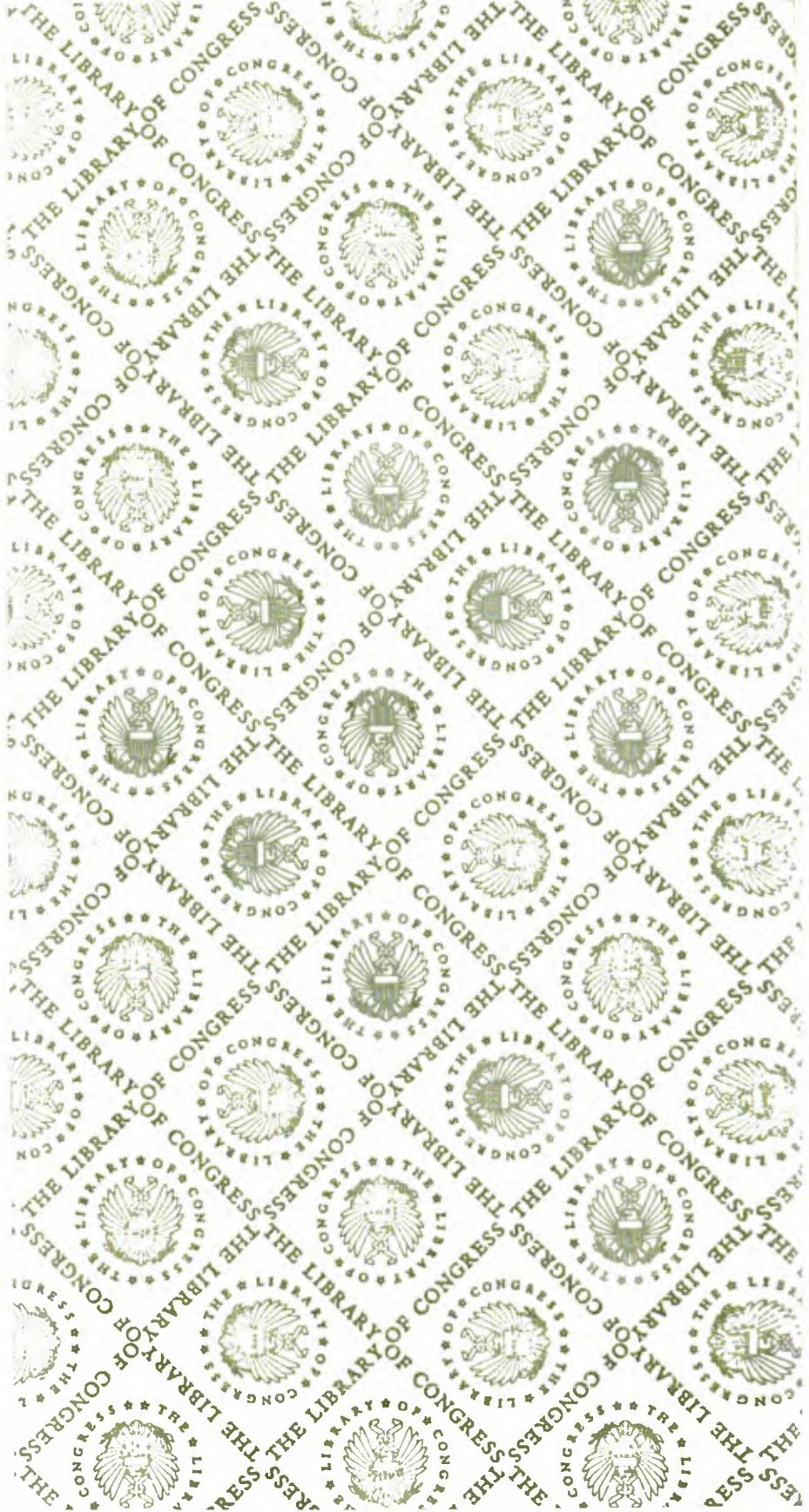


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