

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
February 28, 2013**

We meet this morning to begin our work considering legislation to address gun violence in America. This Committee has held three hearings on this topic, including hearings chaired by Senator Durbin and Senator Feinstein to look at the importance of the Second Amendment and consider measures to prevent future tragedies. Last month, at our first hearing, we were all moved by the powerful words of former Congresswoman Gabrielle Giffords when she called on us to act. I agree that we must act, and today is the next step in that process.

I also agree with the President that there is no one proposal that will prevent another tragedy. But the fact that we cannot do everything should not prevent us from doing anything.

I was disappointed to hear some blame law enforcement for not preventing these tragedies. Our law enforcement officials deserve our respect and support. They do not deserve blame. First responders in Connecticut responded in minutes and went headlong into a situation not knowing what they would encounter. They risked their lives to protect the public. That is what they do over and over again across the country. Last year we lost 129 public safety officers in the line of duty, the year before that the total was 165. Those are nearly 300 families called upon to make the ultimate sacrifice during the last two years. I believe that as a result of the bravery, selflessness, and speedy response of first responders in Connecticut, lives may have been saved on December 14, including many more precious children.

This Committee has jurisdiction over laws designed to ensure that criminals, domestic abusers subject to protective orders, and those judged mentally ill do not possess firearms. Despite the ban on these people having firearms, some exploit loopholes in our background check system. Two of the measures on today's agenda seek to close these loopholes in the requirement that gun purchasers pass a background check. We will also consider bills that would strengthen security in schools and reinstate an assault weapons ban.

The legislation that I introduced with Senator Durbin is designed to prevent criminals from using straw purchasers who can pass a background check and then hand those firearms to the criminals. Straw purchasers circumvent the purposes of the background check system. I continue to work with a bipartisan group of Senators, including Senator Gillibrand, Senator Kirk, and Senator Collins, who have shown strong leadership on these issues, to see if we can improve further on the legislative proposals that we have. We need a meaningful solution to this serious problem. Talk about prosecuting paperwork offenses is no answer.

The problems of gun trafficking and straw purchasers, particularly along the southwest border, are matters we have been talking about for years. Senator Durbin chaired a hearing on border violence back in early 2009. It was an ATF whistleblower who testified last Congress that the existing firearms laws are "toothless." Law enforcement officials have consistently called for a firearms trafficking statute that can be effective to go after straw purchasers. That is something agents did not have when they initiated Operation Wide Receiver during the Bush administration and later the disastrous Fast and Furious effort. Their frustration with the limits of the current

law contributed to their looking for another way to make a difference in their fight against gun trafficking. Their initiative was a failure that Attorney General Holder ended. What we need to do now is to create better law enforcement tools. I hope that those who have been concerned about Fast and Furious, whose investigation established that it was the local ATF agents in Arizona who initiated and so poorly implemented that effort, will join with us to close the loophole in the law that Mexican drug cartels are continuing to exploit.

My bill was drafted at the request of law enforcement. It will provide needed tools to fight against the drug cartels and other criminals who threaten our communities. It will not undermine the Second Amendment rights of lawful gun owners. It has the support of many law enforcement organizations – both leadership and rank and file. I will include in the record a list of the law enforcement organizations that have endorsed this bill, including the National Fraternal Order of Police, the National Law Enforcement Partnership to Prevent Gun Violence, the Federal Law Enforcement Officers Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National District Attorneys Association, and the Police Executive Research Forum. I urge everyone who cares about keeping firearms out of the hands of criminals to join in this effort.

Some have suggested that we should also consider the effect that violent images and media have in our culture when we are considering gun violence measures. The First Amendment places significant restrictions on what we can do by way of legislation. I have consistently called upon businesses to consider what *they* can do to empower parents to make informed choices about what they and their children watch. I welcome the National Association of Broadcasters' announcement that they are responding to that call. Parents and grandparents need to be actively engaged. I applaud the industry response. I hope that more businesses will consider the role they play in this debate on violence and what they can do to make it easier for responsible citizens to decide what content they want to receive for their families.

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**Law Enforcement Organizations Supporting
The Stop Illegal Trafficking in Firearms Act of 2013, S.54**

National Law Enforcement Partnership to Prevent Gun Violence

National Fraternal Order of Police

Federal Law Enforcement Officers Association

Major Cities Chiefs Association

International Association of Chiefs of Police

National District Attorneys Association

Police Executive Research Forum