



THE UNITED STATES CONFERENCE OF MAYORS

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Hearing on the Assault Weapons Ban of 2013

Statement by

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Before the

Committee on the Judiciary
United States Senate

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Senator Feinstein, members of Committee, I am Michael A. Nutter, Mayor of Philadelphia and President of The United States Conference of Mayors. I am honored to have the opportunity to appear before you today on behalf of the nation's mayors to discuss the importance of passing the Assault Weapons Ban of 2013. While we support several bills being considered by this Committee, we have made passage of the Assault Weapons Ban our top priority and that is the bill I am here to discuss this morning.

Senator Feinstein, we commend you for offering this bill and for your strong commitment to fighting for its passage. When you discussed this bill with the nation's mayors last month at the U.S. Conference of Mayors Winter Meeting, you described yourself as "a former mayor on a mission." Be assured that you have an army of current mayors on a mission standing with you, ready to do what it takes to see this legislation become law.

Senator Feinstein, just as gun violence has been personal for you, it has been personal for me. The first police officer my city lost after I became Mayor was killed with an assault weapon when he responded to a bank robbery in a supermarket on a Saturday morning. A 12-year veteran of the Philadelphia Police Department, Sergeant Stephen Liczbinski was 39 years old. He left a wife and three children. Neither our police officers nor our citizens, and especially our children, should be confronted with these weapons on the streets of our cities, in our schools, in our movie theaters, in our shopping malls, in our places of worship, or in other civilian settings.

Again and again and again, Americans have been stunned by senseless acts of violence involving assault weapons and large-capacity magazines: Columbine (April 1999, 13 murdered), Virginia Tech (April 2007, 32 murdered), Tucson (January 2011, 6 murdered, 12 wounded including one Congresswoman), Aurora (July 2012, 12 murdered), Oak Creek (August 2012, 6 murdered). The December 14 tragedy at Sandy Hook Elementary which killed 20 young children and six educators in Newtown remains incomprehensible to us all. Too many times during the last year, mayors have expressed shock at a mass shooting.

Even more frequently, many of us must cope with the gun violence that occurs on the streets of our cities. Citizens have been killed on Philadelphia's streets by handguns with high capacity magazines as well as by assault rifles. To me and to America's mayors these are weapons of mass destruction and they are destroying our communities, our streets and our families.

The U.S. Conference of Mayors has been calling for sensible gun laws to protect the public for more than 40 years. Our call for a ban on assault weapons dates back to 1991. Mayors and police chiefs from cities of all sizes have worked together in this effort over the years.

Gun Violence in Cities

We have done that because of the tremendous toll gun violence takes on the American people day in and day out:

- Every year in America more than 100,000 people are shot, and 31,537 of them die, including 11,583 who are murdered.
- Every year, 18,000 children and teens are shot, and 2,829 of them die, including 1,888 who are murdered.

- Every day in America, 282 people are shot and 86 of them die, including 32 who are murdered.
- Every day 50 children and teens are shot and eight of them die, including five who are murdered.¹

Gun violence disproportionately affects urban areas. Our nation's 50 largest metro areas have 62 center cities, and these cities account for 15 percent of the population, but 39 percent of gun-related murders and 23 percent of total homicides.²

Philadelphia, like many major cities, has struggled to control gun violence for years. However, despite our recent success at employing more effective policing techniques, deaths due to gun violence have not fallen. Let me use one set of statistics to illustrate this point:

Last year, the number of shooting victims in Philadelphia was 1,282. This is down considerably from the year before – and was the lowest number since we began tracking shooting victims in the year 2000. However, the number of homicides was up slightly – 331, seven more than the previous year. How are these two statistics possible? The answer is that the homicide victims have more bullets killing them. Or, to put it another way, there are more rounds being fired and more intentional head shots. So despite better policing, when someone in Philadelphia is shot, they are now more likely to die.

I would note that Pennsylvania does not have stringent gun restrictions. When the City of Philadelphia adopted strict gun laws a few years ago, the state supreme court struck those laws down. This is why we need federal legislation. Cities alone cannot reduce gun violence. We are doing everything that we can, but we are still losing the battle thanks to the proliferation of guns in this nation.

Philadelphia's story is not unique. Mayors everywhere struggle with gun violence, using scarce city resources to fight it – resources which we should be using to educate our children, create jobs for our residents, and revitalize our cities.

I have with me this morning a letter originally sent just three days after the Newtown tragedy occurred and now signed by 212 mayors which calls on the President and Congress to take immediate action and make reasonable changes to our gun laws and regulations. Listed first among our recommended changes is enactment of legislation to ban assault weapons and high-capacity magazines, your legislation Senator Feinstein. I ask that you include this letter in the record of this hearing.

The Assault Weapons Ban Does Not Violate the Second Amendment

Since the shootings in Newtown, the question, "If not now, when?" has been raised often in news media columns, editorials, and other arguments for swift and meaningful action to combat gun violence. And well it should, because it's the right question. For too many in the gun rights

¹ http://bradycampaign.org/xshare/Facts/Gun_Death_and_Injury_Stat_Sheet_3-Year_Average_FINAL.pdf

² <http://www.theatlanticcities.com/neighborhoods/2013/01/growing-divide-urban-gun-violence/4328/>

community, however, the answer to the question is always “never,” and the reason is always the Second Amendment’s protection of the “right to bear arms.”

Harvard University’s Lawrence Tribe, one of the nation’s most respected experts on Constitutional law, told this Committee just a few weeks ago that, after examining the various proposals being considered – including the ban on assault weapons and high-capacity magazines – “I am convinced that nothing under discussion in the Senate Judiciary Committee represents a threat to the Constitution or even comes close to violating the Second Amendment or the Constitution’s structural limits either on congressional power or on executive authority.”

The 1994 Assault Weapons Ban Worked

In addition we’ve been told by the gun rights community that the assault weapons ban didn’t work before and it won’t work now. Research shows that the 1994 ban did work and that since it expired the use of assault weapons by criminals has increased:

- A Justice Department study of the 1994 assault weapons ban found that it was responsible for a 6.7 percent decrease in total gun murders, holding all other factors equal. That study also found that “assault weapons are disproportionately involved in murders with multiple victims, multiple wounds per victim, and police officers as victims.”³
- An updated assessment of the federal ban found that the use of assault weapons in crime declined by more than two-thirds about nine years after 1994 Assault Weapons Ban took effect.⁴
- A recent study by the Violence Policy Center found that, between 2005 and 2007, one in four law enforcement officers slain in the line of duty was killed with an assault weapon.⁵
- The Police Executive Research Forum reports that 37 percent of police departments reported seeing a noticeable increase in criminals’ use of assault weapons since the ban expired.⁶

It’s Time to Pass the Assault Weapons Ban

Mayors consider protecting the safety of their citizens and their cities their highest responsibility. We know that keeping our cities and our citizens safe requires more than passing sensible gun laws, including the assault weapons ban, but we also know that we cannot keep our cities safe unless we pass such laws. The Assault Weapons Ban of 2013 would:

³ Jeffrey A. Roth & Christopher S. Koper, “Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994,” The Urban Institute (March 1997), *available at* http://www.urban.org/UploadedPDF/aw_final.pdf (page 2).

⁴ Christopher S. Koper, “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003” (June 2004), *available at* http://www.sas.upenn.edu/jerrylee/research/aw_final2004.pdf (page 46).

⁵ Violence Policy Center, *Target: Law Enforcement—Assault Weapons in the News* (Feb. 2010), <http://www.vpc.org/studies/targetle.pdf> (page 6-7).

⁶ Police Executive Research Forum, *Guns and Crime: Breaking New Ground by Focusing on the Local Impact* (May 2010), <http://www.policeforum.org/library/critical-issues-in-policing-series/GunsandCrime.pdf> (page 2).

- Prohibit the sale, manufacture, transfer and importation of 157 of the most commonly-owned military-style assault weapons and ban an additional group of assault weapons that can accept a detachable ammunition magazine and have one or more military characteristics;
- Ban large-capacity magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition – devices which allow shooters to fire numerous rounds in rapid succession without having to stop and reload; and
- Protect the rights of law-abiding citizens who use guns for hunting, household defense or legitimate recreational purposes and exempt all assault weapons lawfully possessed at the date of enactment from the ban.
- Require background checks on all future transfers of assault weapons covered by the legislation, including sale, trade and gift;
- Require that grandfathered assault weapons be stored safely using a secure gun storage or safety device in order to keep them away from prohibited persons; and
- Prohibit the sale or transfer of high-capacity ammunition feeding devices currently in existence.

This is common sense legislation which will help us to reduce the number of people, including police officers, who are shot and killed in our cities and throughout our nation. This legislation deserves a vote. This legislation deserves to be passed, by this Committee, by the Senate, and by the House so that the President can sign it into law.

I know it will take an act of political courage for many Members of Congress to support the Assault Weapons Ban of 2013, but the time for such political courage is now. How many more children, how many more police officers do we have to lose for our elected representatives to do the right thing? The nation's mayors pledge to work with you to build a safer America for our children and all of our citizens.