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To: Subcommittee Chairman Durbin, Ranking Member Cruz,
Members of the Subcommittee on the Constitution, Civil Rights and
Human Rights

Date: February 12, 2013

For the last 50 years, the Academic Pediatric Association (APA) has represented the approximately 2000 generalist pediatric physicians who teach, conduct health services research and care for children at the country's teaching hospitals and related institutions. Members of the APA work in hospitals, in emergency rooms, in child protection and behavioral health programs and in primary care settings, caring daily for children like those who died in the horrible tragedy in Newtown, Connecticut. We know that the mass killing in Newtown is but the tip of the iceberg for the problem of gun violence, a problem that frequently devastates the children, youth and families in our care. On behalf of the Association, we thank you for the opportunity to provide testimony to this hearing of the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights on "Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment". As you consider the Congressional response to gun violence, we ask that you remember the impact of your deliberations on the lives of children. Please ensure that we have resources to care for children and families affected by firearm-related violence, that you take common sense actions to reduce the risk of gun violence for children, that you lift

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the restrictions on the scientific study of firearm-related violence that have been incorporated into your appropriations to the Department of Health and Human Services for the past 16 years and institute and that you evaluate a variety of interventions to prevent children from being the victims of gun violence.

As pediatric physicians, we are entrusted with the improving the health of American children. On any given day, we may provide antibiotics for an ear infection or give a wheezing child a breathing treatment. These physical ailments are relatively easy to heal. Much more challenging and devastating, however, is our daily work with children who are traumatized by gun violence. The impact of gun violence is not limited to damage from the bullet, and children's wounds are not limited to unnecessary physical disability and death. Childhood exposure to gun violence also leads to significant emotional health problems that can adversely affect children's development, school readiness and lifelong potential.

For example, during a recent clinic session, a resident physician learned that one of her adolescent patients had been shot and killed. The adolescent and several of her friends had found a loaded gun in the house, and had been joking around when the gun accidentally went off. The fired shot was fatal, instantly killing this bright young woman who hoped to one day become a physician and to commit her life to helping others. Media coverage revealed that the gun was legally owned by the father of one of the teenagers. The father was a police officer. Not only did this terrible accident end the life of an intelligent, compassionate child. It also changed forever the lives of her friends and family.

Unfortunately, this event is not rare. Another colleague working in an urban health setting has faced a the same question twice in the month of January, working with his housestaff to answer the question, "How do you yell your child that a loved one was murdered with a gun?". Adolescents are more likely than any other age group to be victims of violent crimes or of accidental injury from firearms. Pediatric physicians regularly witness the impact of gun violence on our patients. We learn that, to provide optimal care to their patients, we must learn not only how to prevent, diagnose and treat medical illness but also

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to identify and respond to potent traumatic stressors, like gun violence. We must teach our students to do the same.

The National Survey of Children's Exposure to Violence reported that >60% of children in the US were exposed to violence within the past year. The effects of gun violence exposure, in particular, are potent and long-lasting. Exposed children have higher rates than non-exposed peers of depression, anxiety, post traumatic stress disorder, and poor peer relations and school performance. For example, studies of school age children demonstrate that children exposed to gun violence may have difficulty forming lasting friendships—the quality of their friendships are hindered because exposed children often demonstrate anger, aggression, and withdrawal. Performance in school is similarly impaired—exposed children may experience sleep disturbances, and often have difficulty focusing in the classroom. Together, the adverse impact of gun violence exposure can derail children's development into healthy, productive adults.

In addition, empirical research is increasingly confirming that violence exposure harms children's physical health. Children exposed to gun violence are at-risk for health problems in part because they mount the "fight or flight" response repeatedly. This response is adaptive in urgent, stressful situations. However, activating the stress response repeatedly leads to pathologic changes in physiology and anatomy that compromise physical health from infancy through adolescence. Gun violence not only wounds and kills those hit by the bullets; it harms the emotional and physical health of the family and the community. We need to care for those afflicted and, with your support, we will do so. We need to teach our residents and students to provide that care, and, with your support, we will do so.

The fact that we need to do those two things, however, speaks to a larger question: Why do we have to do so? Over the past two decades, we have lost track of a larger truth. Death and injury from gun violence in America is a public health problem. Until we are able to look at the problem from that perspective and implement policies and programs focused

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on reducing deaths from gun violence, we will not be able to protect our children and youth from harm.

In 2012, the Committee on Injury, Violence and Poison Prevention of the American Academy of Pediatrics released a detailed statement on firearm-related injuries. We support that statement. The literature is clear that the best way to prevent injury in any circumstance is to separate the victim from the immediate cause of the injury. In the case of gun violence, that presents challenges because of the perceived need of many to bear arms, as is their constitutional right under the Second and Fourteenth Amendments of the Constitution. With all individual rights, however, there are concomitant responsibilities to the community, which enable us to “secure the blessings of liberty to ourselves and our posterity”. Most gun owners acknowledge their responsibilities and understand that reasonable regulation is not a threat to their rights. There is an evidence base for the use of universal background checks, limits on ammunition magazine capacity, tougher gun trafficking laws, and restrictions on military-style assault weapons in this work. We should move quickly to implement as many of those policies as possible, and to use the implementation process to move us further along to a safer world for our children and youth.

The key to making all of this work has two parts. The first is the implementation of new, common sense regulations to prevent gun violence. Proposals by President Obama and Senator Feinstein are a good start on this. The second and, from our perspective, equally important element is to carefully study the effects of these regulations. **The debate about policies to reduce firearm-related violence is severely hampered by a lack of good data. When policies are developed in the absence of good data, they are likely to be unsuccessful.** Yet, in the United States, we have, as a matter of policy, restricted funding for studies that could generate the data that would help develop better policies to reduce firearm-related violence. The restrictive language used in the HHS authorization bills for

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the last 16 years reflects a desire by some in Congress to prevent the collection and analysis of data. It must be changed.

With that in mind, we suggest four research priorities that would inform policies to reduce firearm-related violence.

- 1. Access to data:** Qualified, independent researchers should have access to data that would help them to better understand the ways in which guns are bought, sold and used. In particular, data to trace gun sales and to better understand how guns end up in the hands of people involved in criminal violence, in mass shootings, in unintended injuries, and in suicide would allow better understanding of ways to prevent these tragedies. Qualified, independent researchers should have access to better data on firearm-related injuries and deaths. Access to such data could be accomplished in ways that protect personal and private health information. The use of Medicare claims data is a model for this.
- 2. Firearms and suicide:** Adolescents are impulsive, and often the time between contemplating suicide and attempting it can be measures in mere hours. When adolescents survive a suicide attempt, few go on to die at their own hand. However, suicide attempts with firearms result in death more than 90% of the time. There is a strong association between firearm availability and lethal suicide attempts. We need studies that help us understand how best to prevent teen suicides with firearms help us to construct evidence-based interventions within systems of adolescent health care delivery, studies which must look at the presence or absence of guns in the home.
- 3. Deterrence and defense:** Perhaps the most volatile question in debates about the risks and benefits of gun ownership is whether guns in homes are effective deterrents against crime. Both sides in the debate are absolutely convinced about the answer to this question. Researchers should ask about gun use for deterrence and defense within the context of a broader array of strategies designed to defend

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against or deter crime, such as positive youth development programs, and community policing. This is a big country. It is unlikely that one policy will fit in all places. Still, the central policy question is: What is the most effective way for our citizens to secure the safety of their homes and families while minimizing harm to rest of the community?

- 4. Interventions to reduce access to firearms or to reduce the number of firearms in circulation:** These programs include better background checks, tougher licensing laws, gun buy-back programs, etc. Many mayors and municipalities are eager to implement voluntary and constitutional programs to restrict access to firearms. The federal government should fund—and evaluate—demonstration projects to test the effectiveness of different approaches to reduce access to firearms.
- 5. Counseling by pediatricians:** The American Academy of Pediatrics recommends that pediatricians inquire about guns in homes and counsel parents about the risks to children. Studies are urgently needed on practical ways to implement such counseling. Can much can we change parental behavior and either reduce the presence of guns in homes or change the way guns and ammunition are stored? Are some counseling strategies more effective than others?

Findings from studies of these questions would improve our ability to care for families, lower the number of deaths, injuries, and reduce the psychological toll of violence on our children.

Again, we thank you for the opportunity give written testimony, and respectfully ask that you consider four things in your deliberations.

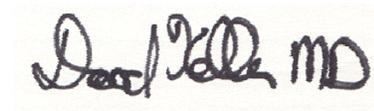
1. Ensure that all children and families have easy and comprehensive access to mental health services, both to help prevent gun violence and to help mitigate the psychological effects of gun violence.

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2. Take initial common-sense actions to prevent guns and ammunition from falling into the hands of children and those who would seek to harm children.
3. Lift the restrictions on the study of gun violence so that we can study and address the public health problem of gun violence.
4. Institute and study interventions to keep children from being the victims of gun violence.

Respectfully Submitted on behalf of the Academic Pediatric Association



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February 21, 2013

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

By mail and by email: Stephanie Trifone at Stephanie_Trifone@judiciary-dem.senate.gov

Re: "Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment" Tuesday, February 12, 2013 Hearing

Dear Senator Durbin and the Senate Committee on the Judiciary:

The shooting at Sandy Hook Elementary School in Newtown, Connecticut left us all shaken and wondering what to do about gun violence in our communities, and we commend you for continuing your advocacy on making schools safe and supportive places for all of our students. You have shown incredible leadership in bringing federal attention to the school-to-prison pipeline, and have taken testimony from hundreds of parents, students, researchers, and advocacy groups around the country about the negative impact of police presence in school. Yet, despite this overwhelming evidence that police in schools don't work, in the wake of Newtown, some groups began calling for more guns, and more police officers, in schools across the country. Our experience has taught us that putting more police in schools will have a devastating effect on our young people- particularly students of color, students with disabilities, and gay, lesbian, bisexual, transgender, and gender nonconforming students. We urge the Committee to reject proposals that funnel more money to placing armed guards, school resource officers, or other law enforcement in our elementary, middle, and high schools.

Advancement Project is a next-generation civil rights organization that exists to fulfill America's promise of a caring, inclusive, and just democracy, rooted in the great human rights struggles for equality and justice. With our partners and community organizations across the country, we are working to stop the school-to-prison pipeline, the disturbing trend of youth being pushed out of school and into the juvenile and criminal justice system through the use of extreme disciplinary practices.

Across the country, young people are routinely suspended, expelled, and arrested for minor misbehaviors that used to result in a trip to the principal's office. Law enforcement presence in school contributes to the criminalization of youth in significant ways. Law enforcement officers are often called on to be disciplinarians, and arrest or ticket students for things like talking back to a teacher, being in the hallways during class time, or being late to school. Our schools today look and

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feel more like prisons: metal detectors, pat-downs, and surveillance techniques all contribute to a hostile environment. As a result, the relationships between young people, law enforcement, and school officials become strained, which creates a less safe environment for the entire community.

We direct your attention to an issue brief entitled *Why Police in School Are Not the Answer to the Newtown Shooting*, co-authored by the NAACP Legal Defense Fund, Inc., Alliance for Educational Justice, and the Dignity in Schools Campaign, and endorsed by over fifty civil rights and education organizations and individuals, available at <http://safequalityschools.org/resources/entry/police-in-schools-are-not-the-answer-to-the-newtown-shooting>. The brief explains, in greater detail, how increasing law enforcement is not the most effective way to make our schools safer. In considering safety in response to Newtown we hope that the Senate Judiciary Committee will reject proposals to put more police in schools, and prioritize evidence-based solutions for resolving conflict, identifying and responding to mental health issues, and creating safe and effective schools.

Sincerely,

A handwritten signature in black ink that reads "Judith A. Browne-Dianis". The signature is written in a cursive, flowing style.

Judith Browne Dianis
Co-Director

American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

Tuesday, February 12, 2013

Testimony for the record

On behalf of the
American Academy of Pediatrics

**Senate Judiciary Subcommittee on the Constitution, Civil Rights and
Human Rights hearing:**

“Proposals to Reduce Gun Violence: Protecting Our Communities While
Respecting the Second Amendment”

The American Academy of Pediatrics (AAP), a non-profit professional organization of more than 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults.

The AAP is committed to protecting children from the horrific consequences of gun violence and traumatic events, and ensuring children's safety within their homes, schools and communities. The tragedy at Sandy Hook Elementary School in Newtown, CT serves as a stark reminder that gun violence affects communities nationwide. Unfortunately, while outbursts of mass violence like that at Sandy Hook are at least relatively rare, the scourge of gun violence is a phenomenon that our nation's children experience every single day. In 2008 and 2009, 5,740 children were killed by guns, meaning that 55 died each week during that period¹. The causes of gun violence are varied and complex but we must act to develop a comprehensive response centered on the rights children and families to be safe and free from its harmful effect in their lives and within their communities.

A Public Health Approach to Reducing Gun Violence

Gun violence is a public health issue with particularly pernicious effects on children. Firearm related deaths continue to be one of the top three causes of death among American youth², causing twice as many deaths as cancer, five times as many as heart disease, and 15 times as many as infections³. In 2009, 84.5 percent of all homicides of people 15 to 19 years of age were firearm-related. The United States has the highest rates of firearm-related death (including homicide, suicide and unintentional deaths) among high income countries. For youth ages 15 to 24 years of age, fire arm homicide rates were 35.7 times higher than in other high income countries⁴. For over 20 years, the AAP has supported stronger gun violence prevention policies because of the public health implications of this problem. Reducing its impact must be consistent with other initiatives that have reduced injury and mortality through evidence-based prevention efforts.

Policy of the AAP, based on extensive research, is that absence of guns from children's homes and communities is the most reliable and effective measure to prevent firearm-related injuries in children and adolescents⁵. Access to a firearm increases the risk of unintended injury or death among all children. A gun stored in the home is associated with a threefold increase in the risk of homicide and a fivefold increase in the risk of suicide. Individuals possessing a firearm are more than four times more likely to be shot during an assault than those who do not own one⁶. The association of a gun in the home and increased risk of suicide among adolescents is well-documented, even among teens with no underlying psychiatric diagnosis. These health risks associated with gun violence point toward the need for long term research investments on effective strategies to protect children and adolescents, particularly those within at-risk communities.

As part of its engagement with the White House Taskforce on Gun Violence Prevention, the AAP recommended federal support for gun violence research, and is pleased the President's plan recommended \$10 million to support Centers for Disease Control and

Prevention (CDC) research into the causes and prevention of gun violence; \$10 million for CDC to conduct further research regarding the relationship between video games, media images and violence; and \$20 million to expand the National Violent Death Reporting System from 18 to 50 states. The AAP urges Congress to support these efforts within the annual appropriations process and to eliminate any restrictive language that may discourage gun violence research.

The AAP supports policies aimed at protecting children and adolescents from the destructive effect of guns through strong gun safety legislation that bans assault weapons and high-capacity magazines, requires universal background checks, and mandates safe firearm storage. Consistent with this policy, the AAP has endorsed the *Assault Weapons Regulatory Act of 2013* (S. 150/H.R. 437). According to a recent analysis by the Violence Policy Center (VPC), the five states (Alabama, Alaska, Louisiana, Montana, and Wyoming) with the least restrictive gun laws and high gun ownership rates also had the highest per capita gun death rates. States with strong gun laws and low rates of gun ownership had far lower rates of firearm-related death⁷. The AAP is encouraged that bipartisan efforts are underway to strengthen gun laws, and looks forward to the opportunity to review those plans as they materialize.

Responsible Gun Ownership

Policies to support safe and responsible ownership can go a long way toward keeping firearms out of the hands of children and adolescents who may harm themselves or others. An estimated 57 million Americans own 283 million firearms in 2004. Among gun owners with a child 18 years old or younger, 31 percent store their guns unlocked, 21 percent store them loaded, and 8.3 percent store them unlocked and loaded. Safe gun storage can reduce the risk of youth injury and suicide by more than 70 percent; therefore, efforts to educate families and require responsible practices through child access prevention (CAP) laws should be supported as important, but common sense, interventions.

CAP laws impose criminal liability on adults who negligently leave firearms accessible to children or otherwise allow children access to firearms. One study found that in twelve states where such laws had been in effect for at least one year, unintentional firearm deaths fell by 23% from 1990-94 among children under 15 years of age⁸. Laws reducing child access also are associated with lower overall adolescent suicide.

The AAP commends the Obama Administration’s safe gun storage campaign proposal and urges Congress to support this initiative. Medical professionals and law enforcement officials should play an important role in implementing this campaign. The AAP’s *Bright Futures* clinical guidance recommends that pediatricians ask about guns in the home and that they provide age-appropriate safety counseling, similar to the guidance they provide on other injury risks, like drowning and parental tobacco use⁹. Physician counseling of parents about firearm safety, particularly when combined with the distribution of gun locks, has been demonstrated to be an effective prevention measure and shown to increase compliance with safe storage principles¹⁰.

At the federal level, the Affordable Care Act includes language barring the Secretary of the Department of Health and Human Services and health plans participating in the exchanges from collecting and housing information regarding the presence of firearms in the home. The AAP welcomes the president’s guidance that the Affordable Care Act does not prohibit physicians from counseling patients regarding firearms.

The AAP remains concerned about state efforts to infringe upon physicians’ rights to provide this crucial counsel such as the *Firearm Owners’ Privacy Act*, enacted in Florida, which prevented physicians from providing such counsel under threat of financial penalty and potential loss of licensure. The law has been blocked from implementation by a U.S. District court but similar policies have been introduced in seven other states: Alabama, Minnesota, North Carolina, Oklahoma, South Carolina, Tennessee and West Virginia. This right must be protected to mitigate risk of injury to children in the environments in which they live and play.

Exposure to Violence and Toxic Stress

Addressing the needs of children exposed to violence should be a vital consideration when addressing both the immediate and long term impacts of gun violence. Over 60 percent of children and adolescents are exposed to violence each year. Children exposed to violence are at increased risk for future victimization, perpetration of violence, and other negative health and social outcomes¹¹. Children and adolescents can be exposed to numerous types of violence and the effects can be devastating. An increasing body of evidence documents the robust relationship between adverse experiences in early childhood and a host of other medical complications that manifest throughout an individual’s life. It was not until the 1980s and 1990s that researchers recognized that risk factors for diseases, such as smoking, alcohol abuse, and risky sexual behaviors, were not randomly distributed in the population. The landmark Adverse Childhood Experiences (ACE) study¹² sponsored by the CDC and Kaiser Permanente and conducted by co-principal investigators Vincent J. Felitti, MD and Robert F. Anda, MD MS, was one of the first long-term studies to examine the direct connection between risk factors for disease and poor health status in adulthood and their antecedents in adverse experiences during childhood.

Many of these negative impacts are results of maladapted neural connections in the brain. Further, research has shown that neural connections, which are particularly vulnerable in the early stages of life (even infancy), can be disrupted and damaged during periods of extreme and repetitive stress¹³. Some degree of childhood adversity is inevitable, and dealing with manageable levels of stress is an important part of healthy development; however, children in unsafe environments are at risk for exposure to what is called “toxic stress,” which defined as the excessive or prolonged activation of the physiologic stress response systems in the absence of the buffering protection afforded by stable, responsive relationships.¹⁴.

The effects of exposure to violence may be traumatic for any child. Long after the violence has ended, it is clear that the physiological effects on the child can carry significant ramifications for his life-long health unless they are addressed comprehensively through both traditional medicine as well as evidence-based psychosocial interventions¹⁵. There are effective treatments available, but early intervention is critical¹⁶. Primary prevention of the adverse consequences of toxic stress includes those interventions that strengthen a family’s social supports and encourage a parent’s adoption of positive parenting techniques that can be encouraged within the medical home. The AAP urges Congress to support resiliency-based violence prevention strategies in preschool children and high quality home visiting programs that provide essential family support and can be coordinated with the medical home. The AAP also urges Congress to pursue policies designed to prevent gun violence through evidence-based work with youth, families, and communities consistent with the recommendations within the House Democrats’ Gun Violence Prevention Task Force proposal.

When considering violence prevention strategies, it is important to note that decades of extensive research has drawn a direct, causal link between violent media exposure and aggressive behavior and desensitization to violence. By the age of 18, the average young person will have witnessed 200,000 acts of violence on television alone¹⁷. Beyond passive media violence exposure such as television, children are increasingly exposed to active virtual perpetration of violence through video games, which rewards violent behavior. These exposures negatively affect children’s cognitive development, as children are influenced by media and learn through observing, imitating, and adopting behaviors¹⁸. In addition to research, the AAP supports efforts to reduce exposure to violence in the media.

Increasing Access to Mental Health Care

Individuals with severe mental illness are more likely to be victims of violence than perpetrators. A 2005 study in the *Archives of General Psychiatry* found that in the past year a quarter of individuals with SMIs were victims of violence, a rate 12 times that of the general population¹⁹. According to the National Institute of Mental Health, the majority of individuals with mental illnesses are not violent, and most acts of violence are committed by individuals who do not have mental illnesses. However, there is a risk of violence for those who are untreated and entering their first episode of psychosis²⁰. The greatest risk of violence among individuals with SMIs is self-inflicted. There are over 38,000 suicides annually in the U.S., and 90 percent of them are tied to mental illness²¹.

Although 1 in 5 children in the U.S. suffer from a diagnosable mental health disorder, only 20 to 25 percent of affected children actually receive needed treatment. Inadequate insurance coverage and high out-of-pocket costs create barriers that prevent children from accessing needed mental health services²². A recent GAO report found that from 2007 to 2009, most children with a potential mental health need did not receive any mental health services. The report determined that 80 percent of such children, whether on public or private health insurance, did not receive psychosocial therapy and 70 percent did not have mental health office visits²³.

To address the shortage of mental health professionals, the Administration is proposing \$50 million to train social workers, counselors, psychologists, and other mental health professionals. The Administration also plans to take action by ensuring newly covered Americans, under the Affordable Health Care Act, and those with health insurance get quality mental health coverage by: (1) finalizing the Mental Health Parity regulations to require insurance plans to cover mental health and (2) ensuring Medicaid is meeting its obligation to cover mental health equally. The AAP has urged HHS to use its current authority to improve access to critical mental health services and hopes policy makers will provide the support necessary to implement these recommendations.

Improving access to mental health prevention and treatment is necessary to any comprehensive approach to gun violence. The AAP supports efforts to address the administrative and financial barriers that prevent children from receiving necessary care and to address workforce shortage issues. Pediatricians serve as the main point of contact with the health care system for most children and youth, and any proposal to improve mental health access should embrace this key role pediatricians play in caring for children and assessing their health.

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⁴ *Pediatrics*, 2012; 130(5):e1416-e1423

⁵ *Ibid*

⁶ *Ibid*.

⁷ Violence Policy Center, States with Higher Gun ownership and Weak Laws Lead nation in gun deaths, February 7, 2013, (<http://www.vpc.org/press/1302gundeath.htm>)

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¹³ The Medical Home for Children Exposed to Violence, <http://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/Medical-Home-for-Children-and-Adolescents-Exposed-to-Violence/Pages/The-Problem-and-Impact.aspx>

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¹⁶ *Ibid*

¹⁷ American Academy of Pediatrics Council on Communications and Media. *Media Violence*. *Pediatrics* 2009. 124: 1495-1503. DOI: 10.1542/peds.2009-2146.

¹⁸ *Ibid*

¹⁹ Teplin, Linda et al. Crime Victimization in Adults with Severe Mental Illness: Comparison with the National Crime Victimization Survey. *Archives of General Psychiatry*. 2005; 62 (8): 911-921. doi: 10.1001/archpsyc.62.8.911.

²⁰ Insel, Thomas. The Science of Mental Illness: Prevention is Key. Briefing before the House Gun Violence Prevention Task Force on Mental Health. January 22, 2013

²¹ Ibid.

²² American Academy of Child and Adolescent Psychiatry Committee on Health Care Access and Economics Task Force on Mental Health. *Improving Mental Health Services in Primary Care: Reducing Administrative and Financial Barriers to Access and Collaboration*. *Pediatrics* 2009; 123; 1248. DOI: 10.1542/peds.2009-0048.

²³ U.S. Government Accountability Office. Children’s Mental Health: Concerns Remain About Appropriate Services for Children in Medicaid and Foster Care. December 2012.

**American Baptist Home Mission Societies Public Witness Statement on Gun Violence
January 23, 2013**

The December 14, 2012 shootings at Sandy Hook Elementary School in Newtown, Connecticut, as with other incidents such as those in Aurora, Oak Creek, Tucson, Ft. Hood, Virginia Tech, and Columbine give us pause as disciples of Jesus Christ and citizens of the United States of America. We recoil in horror at these mass shootings, as we also lament the daily toll of gun violence in the United States. Our hearts go out to the victims of these horrendous acts and to their families whom we continue to hold in prayer and for whom we will continue to work for justice and peace.

Firearms are a part of the history and fabric of our nation. Changes in the laws governing the ownership and use of firearms must take into account this uniquely American experience and the ways in which our understanding of the right to keep and bear arms has developed over time. The Supreme Court has held that the Second Amendment to the Constitution guarantees an individual right to “keep and bear arms,” while also making it clear that this right is “not unlimited.”¹ Nor should it be. The liberties we enjoy are often in tension with one another and no right should be so broadly construed as to undermine the ability of the broader community to maintain order and the peace necessary for human life and flourishing.

Today, approximately 300 people, including 65 children and teens, will be injured or killed with guns in murders, assaults, suicides, and accidents. Today, an estimated 40 percent of gun sales will occur without a criminal background check. Today, background checks for private gun sales have reduced illegal gun trafficking within states that employ them by 48 percent while strong, enforced gun dealer licensing laws have reduced illegal gun trafficking within states that employ them by 64 percent. Today, licensing and registration will make it more difficult to obtain crime guns locally.²

While we cannot put an end to gun violence, we can reduce its impact on individuals, families, communities, and our nation. Therefore, we, the board of the American Baptist Home Mission Societies, support the following measures:

- Decreasing the firepower available to civilians by banning assault weapons and prohibiting the sale of large capacity ammunition magazines;
- Closing gaps in the background check system including requiring criminal background checks for all sales at gun shows;
- Implementing a common sense, comprehensive approach to help law enforcement prevent gun trafficking that will decrease the availability of illegal guns, including licensing handgun purchasers and strengthening the regulation of gun dealers;
- Strengthening record keeping of gun transfers, and requiring the reporting of lost or stolen guns to law enforcement to ensure better accountability of guns for persons involved in the supply of guns to the illegal market;

- Increasing resources and capacity for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and repealing existing statutory restrictions that hamper the agency’s ability to combat illegal gun trafficking;
- Developing new technologies to help law enforcement more effectively trace crime guns and developing safety features to childproof guns;
- Encouraging local efforts to prevent and reduce gun violence;
- Urging firearms retailers to implement protocols aimed at preventing the sale of firearms to prohibited purchasers and preventing “straw purchases”; and
- Improving the National Violent Death Reporting System and restoring firearms research funding for the Centers for Disease Control and Prevention.
- Encouraging greater societal attention to issues of mental health and illness as well as cultural issues including the pervasiveness of violence in entertainment and the media.

Pursued together, we believe these measures will reduce gun violence while maintaining access to firearms for individuals for the purposes of self-defense, sport, and hunting, and we reject the rhetoric that misleadingly portrays these goals (reduced violence and legitimate access) as incompatible. In the name of the Prince of Peace, we encourage our constituent congregations and the membership thereof to join us in support of these measures as we commit ourselves and the American Baptist Home Mission Societies to the patient work of reform, of taking the sensible steps necessary to reduce gun violence in our land.

¹ District of Columbia v. Heller

² Faiths United to Prevent Gun Violence (www.faithsagainstgunviolence.org) and Mayors Against Illegal Guns (www.mayorsagainstillegalsguns.org)



February 12, 2013

The Honorable Richard J. Durbin
Chairman
United States Senate
Committee on the Judiciary
Subcommittee on the Constitution,
Civil Rights and Human Rights
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
United States Senate
Committee on the Judiciary
Subcommittee on the Constitution,
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EXECUTIVE DIRECTOR

ROBERT REMAR
TREASURER

RE: Senate Judiciary Subcommittee Hearing Entitled “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.”

Dear Chairman Durbin, Ranking Member Cruz, and Members of the Committee:

On behalf of the American Civil Liberties Union (ACLU), its over half a million members, countless additional supporters and activists, and fifty-three affiliates nationwide, we offer this statement for the record of the hearing entitled “*Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.*” We commend you for holding a hearing to address this issue of national importance, and we write to offer our recommendations for ensuring that a federal solution focused on reducing gun violence not only protects the physical security of Americans, but also protects their civil rights and liberties.

We urge you to carefully evaluate any potential legislative solutions to ensure that they will not lead to unintended consequences that improperly restrict civil rights and liberties. We are concerned about the increased policing and over-criminalization of young people, including any disproportionate negative impact on students of color and students with disabilities, the infringement of First Amendment rights, and possible rollbacks of privacy rights. We look forward to working with you to craft smart legislation that avoids these pitfalls, while effectively addressing the serious issues at hand.

Over-policing and Criminalization of Students

The recent tragedy at Sandy Hook Elementary School has sparked a national conversation about gun safety generally and school safety in particular.

However, it is important to note that gun violence occurs everywhere, and what happened at Sandy Hook was not the result of a school-specific problem. On January 16, following weeks of deliberation by the gun violence task force headed by Vice President Biden, which met with a wide variety of stakeholders, President Obama released a plan for reducing

gun violence.¹ Included in the plan are a number of proposals aimed at making schools safer through a combination of executive action and legislation.

While we agree with the Administration's statement that "one of the best things schools can do to reduce violence and bullying is to improve a school's climate and increase trust and communication between students and staff,"² we disagree with the portions of their proposal that would lead to increasing police presence in schools. In particular, we disagree with the recommendation that Congress appropriate \$150 million to school districts and law enforcement agencies to hire more police, including school resource officers.

While well-meaning policymakers might assume that adding police, metal detectors and surveillance necessarily makes students safer, experience demonstrates otherwise. In practice, most school police spend a significant portion of their time responding to minor, nonviolent infractions—children who have drawn on desks or talked back to teachers, for example—rather than behaviors that seriously threaten school safety. In New York City, which employs a school security force of over 5,000, schools with permanent metal detectors reported that 77% of incidents in which police personnel were involved during the 2004-2005 school year were classified as "non-criminal."³ Only 4% were classified as "major crimes against persons," and only 2% were classified as "major property crimes."⁴

Criminalizing minor misbehavior that should be handled by teachers or school administrators has serious consequences for kids and contributes to the school-to-prison pipeline – policies that push kids out of classrooms and into jail cells. When students are arrested just once, their chances of graduating drop dramatically and they face lifelong repercussions as a result.⁵ We must ensure that a legislative solution does not result in children being punished more severely in the name of school safety. We strongly caution against accepting any such proposals aimed at increasing law enforcement in schools because such action can harm educational opportunities by unnecessarily pushing students out of school and into the criminal justice system.

This is not the first time this nation has reacted to a violent act with proposals for increasing law enforcement in schools, and we should not ignore the lessons of the past. Immediately following the 1999 Columbine High School massacre, President Clinton dramatically increased federal funding for school-based police officers, and the Department of Justice created the COPS in

¹ White House, *Now is the Time: The President's plan to protect our children and our communities by reducing gun violence*, Jan. 16, 2013, available at http://www.whitehouse.gov/issues/preventing-gun-violence?utm_source=email193a&utm_medium=text1&utm_campaign=nowisthetime.

² *Id.* at 12.

³ New York Civil Liberties Union and American Civil Liberties Union, *Criminalizing the Classroom: the Over-Policing of New York City Schools*, 20 (2007), available at http://www.nyclu.org/pdfs/criminalizing_the_classroom_report.pdf

⁴ *Id.*

⁵ Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473 (2006).

Schools (CIS) grant program the same year to help local communities pay for increasing police presence in schools.⁶ This was true despite the fact that there were already police at Columbine.

Three school districts in the Hartford, Connecticut area, just an hour from Newtown, were among the many that took advantage of this funding, and the ACLU of Connecticut examined the results.⁷ In all three districts, the study found, very young students were being arrested at school, including numerous children in grade three and below.⁸ Among them, students of color were arrested at rates clearly disproportionate to their representation in the student population, and in some cases were even arrested for infractions when their white peers were not.⁹ Though statistics do not capture the full story, the numbers in Connecticut included the arrest of two Hispanic fourth graders for “insubordination,” the arrest of an African American first grader for “leaving school grounds,” and the arrest of a Hispanic kindergartner for battery.¹⁰ It is difficult to imagine any circumstances under which these arrests, rather than discipline meted out by an educator, were appropriate.

The disproportionate impact of over-policing and punitive school discipline policies on students of color, as well as students with disabilities, is a nationwide problem. According to national data released by the Department of Education, students of color are likely to be punished more harshly and more frequently in schools for the same infractions as white students.¹¹ Of all students arrested or referred to law enforcement nationally, 70% were Latino or African American.¹² African American students were also 3.5 times more likely than their white peers to be suspended—and while they represented just 18% of the students in the sample, they accounted for 39% of expulsions.¹³ Students with disabilities, similarly, are more than twice as likely as their peers to receive one or more out-of-school suspensions.¹⁴

Recently, during the Subcommittee’s landmark hearing about the school to prison pipeline and the dangers of overly punitive school discipline policies, this panel heard testimony from Edward Ward, who attended a public high school on the west side of Chicago with a completely African American and Latino student body, where he saw these trends first hand.¹⁵ Though Ward graduated—one of just 27.7% of his classmates to do so—he described seeing many of his peers

⁶ American Civil Liberties Union and ACLU of Connecticut. *Hard Lessons: School Resource Officers and School Based Arrests in Three Connecticut Towns*, 14 (2008), available at http://www.aclu.org/files/pdfs/racialjustice/hardlessons_november2008.pdf.

⁷ *See id.*

⁸ *Id.* at 26.

⁹ *Id.* at 36.

¹⁰ *Id.* at 44.

¹¹ Tamar Lewin, *Black Students Face More Harsh Discipline, Data Shows*, N.Y. TIMES, March 6, 2012, available at http://www.nytimes.com/2012/03/06/education/black-students-face-more-harsh-discipline-datashows.html?_r=1&hp.

¹² DEP’T OF EDUC., OFFICE FOR CIVIL RIGHTS, THE TRANSFORMED CIVIL RIGHTS DATA COLLECTION 2 (2012), available at <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

¹³ *Id.* at 2.

¹⁴ *Id.* at 3.

¹⁵ *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary*, 112th Cong. (2012) (statement of Edward Ward), available at <http://www.judiciary.senate.gov/pdf/12-12-12WardTestimony.pdf>.

pushed out of school by the harsh policing practices. Specifically, he noted that each morning he was faced with metal detectors, x-ray machines, and uniformed security officers, making school feel like a hostile, prison-like environment.¹⁶

He testified saying:

[w]hen my classmates were suspended from Orr, they would disappear for days and when they were kicked out they would disappear sometimes for weeks. What was most shocking to me was discovering that they were being suspended for minor infractions, the kind of infractions that shouldn't merit more than a stern warning or reminder.¹⁷

A New York Civil Liberties Union complaint details another outrageous incident in which a school officer handcuffed and arrested a girl who tried to enter the school early to catch up on schoolwork, and then arrested the principal for attempting to intervene.¹⁸

Unfortunately, these stories are all too common. Past experience demonstrates that increasing police presence in schools after a tragedy, while well-intentioned, is misguided. Any proposals that would bring more police, school resource officers (SROs), or even the National Guard, as some current legislative proposals suggest, must be rejected.¹⁹ Militarizing our schools is not the answer to improving school climate. The cost to the health and well-being of our children is just too great.

And in schools that already have a law enforcement presence, lawmakers and school administrators must put appropriate safeguards in place to ensure that officers do what they are intended to do—prevent serious crimes—not usurp the role of educators by engaging in routine school discipline. Some safeguards should include, but are not limited to:

- Specific, written memorandum of understanding (MOU) between the police department and the school on the appropriate role of police involvement, limiting that involvement to serious criminal law matters to ensure that law enforcement intervention is only used as a last resort. Community, advocacy and youth organizations should be given the opportunity to comment on the MOU before it is finalized;
- High-quality specialized training for educators and all police who work in schools in such areas as youth development, non-violent conflict resolution, cultural competency, implicit bias, and interacting with students with disabilities. This should include training on how to distinguish between situations to be handled by educators and those to be handled by police, as specified in the MOU;

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ Amended Complaint, *B.H., et al. v. City of New York, et al.* (E.D.N.Y. June 11, 2010) (No. 10-cv-0210).

¹⁹ For example, Senator Barbara Boxer (D-CA) has introduced three troubling bills this Congress, including the Save Our Student Act (S.145), which would facilitate the installation of National Guard troops in U.S. schools, the School Safety Enhancements Act of 2013 (S. 146), which would create a national tip line to report students and increase surveillance at schools, and S. 148, which would increase funding for school resource officers. All three proposals would militarize schools to the detriment of students. See S. 145, 113th Cong. (2013); S. 146, 113th Cong. (2013); S. 148, 113th Cong. (2013).

- Regular data collection on school-based arrests and other law enforcement interactions with students, broken down by key identity indicators (such as race, gender, disability status, English-language learner status, etc.) as well as type of offense, to ensure that police are intervening only in appropriate situations;
- Regular reporting of data to federal, state and local governments and public access to data (in a format that protects individual students' privacy and confidentiality);
- Regular monitoring of data by federal, state, and local governments for indications that police are inappropriately involved in school discipline matters and/or that racial disparities exist;
- Development of plans for reducing reliance on police, as well as any racial disparities in arrests, citations, or tickets;
- Corrective action, including the reduction or elimination of federal funds where there is overuse and/or racially disproportionate use of law enforcement to respond to student misbehavior; and
- Denial of renewal grants where the federal government identifies persistent police overreliance or racial disparities.

Improving Outcomes for Students

Instead of focusing on proposals that would direct even more funds towards increased school policing, we encourage you to pursue federal funding for efforts that proactively improve learning opportunities and school climate for all students, such as training for teachers, additional counselors and health professionals, and additional positive programs to support students.²⁰ Some specific examples of steps to take at the federal level include:

- The Positive Behavior for Safe and Effective Schools Act, which would provide schools with the tools they need to improve learning environments by allowing them to dedicate Title I federal funds to the development of school wide positive behavior supports.²¹ Positive behavior supports are evidence-based practices demonstrated to reduce disciplinary referrals, suspensions and expulsions, increase academic achievement, and improve school safety.²² The bill would help to reduce reliance on suspensions, expulsions, and referrals to law enforcement, all of which push students out of schools and put graduation out of reach.²³ It would also enable the Department of Education to

²⁰ For a more detailed discussion of ACLU's federal recommendations for ending the school-to-prison pipeline and improving school climate, please see *Ending the School to Prison Pipeline: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Human Rights of the S. Comm. on the Judiciary*, 112th Cong. (2012) (statement of the Laura W. Murphy and Deborah J. Vagins, American Civil Liberties Union), available at http://www.aclu.org/files/assets/aclu_statement_for_sjc_subcomm_hearing_on_the_school_to_prison_pipeline_12_2012.pdf.

²¹ Positive Behavior for Safe and Effective Schools Act, H.R. 3165, 112th Cong. (1st Sess. 2011), available at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3165ih/pdf/BILLS-112hr3165ih.pdf>

²² Deborah J. Vagins, *Teach (and Treat) Our Children Well*, Huffington Post, Dec. 3, 2009, http://www.huffingtonpost.com/deborah-jvagins/teach-and-treat-our-child_b_378794.html.

²³ Letter from the Dignity in Schools Campaign to Members of Congress (Dec. 18, 2009), available at http://www.aclu.org/files/assets/PBSESA_-_Dignity_in_Schools_Campaign_HR_2597_Support_Letter_FINAL.pdf

provide more training and technical assistance on effective school discipline practices and support the development of alternatives to over policing.²⁴

- The Ending Corporal Punishment in Schools Act, which would prohibit the use of physical punishment at school²⁵—a practice still legal in 19 states.²⁶ The most recent national data available indicates that over 200,000 students are the victims of this practice every year.²⁷ The use of corporal punishment is not only ineffective when it comes to improving behavior and disciplining students, but it can also cause children to withdraw academically and socially, leading to fear, depression, and anger and impacting long term well-being.²⁸

Moreover, data shows that corporal punishment is applied at shockingly disproportionate rates against African American students and students with disabilities.²⁹ For example, while African Americans made up 21.7% of public school students in states that allowed corporal punishment during the 2006-2007 school year, they accounted for 35.6% of those who were paddled.³⁰ The discriminatory use of corporal punishment against these student subgroups seriously undermines their ability to learn and further contributes to school push-out.

Additional school officers with the power to administer school discipline in states where students can already be hit by school personnel and where such disparities exists, raises significant concerns about school climate and student safety.

- The Youth PROMISE Act, which would curb youth violence and gang involvement by providing federal funding and support to local stakeholders to identify underlying causes of violence and implement evidence-based prevention programs intended to keep youth from ever entering the criminal justice system. The legislation would provide support for

²⁴ Positive Behavior for Safe and Effective Schools Act, H.R. 3165, 112th Cong. (1st Sess. 2011), available at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3165ih/pdf/BILLS-112hr3165ih.pdf>.

²⁵ <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3027ih/pdf/BILLS-112hr3027ih.pdf>

²⁶ Yunji DeNies, *Should Your Child Be Spanked at School? In 19 States, It's Legal*, ABC News, March 16, 2012, available at <http://abcnews.go.com/US/spanking-school-19-states-corporal-punishment-legal/story?id=15932135#.UL6PkFFAUTA>.

²⁷ See DEP'T OF EDUC., OFFICE FOR CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION 2006, available at http://ocrdata.ed.gov/Projections_2006.aspx (The 2006 CRDC data is the most recent available, as national data on corporal punishment from the most recent CRDC has not yet been released).

²⁸ *Corporal Punishment in Schools and Its Effect on Academic Success: Hearing Before the Subcomm. on Healthy Families and Communities of the H. Comm. on Education and Labor*, 112th Cong. 1 (2010) (statement of the American Civil Liberties Union and Human Rights Watch), available at http://www.hrw.org/sites/default/files/related_material/CorpPunishStatement_041510.pdf; ACLU blog: http://www.huffingtonpost.com/deborah-j-vagins/corporal-punishment-in-schools_b_983041.html; ACLU blog: http://www.huffingtonpost.com/deborah-j-vagins/an-arcane-destructive_b_631417.html

²⁹ *Corporal Punishment in Schools and Its Effect on Academic Success: Hearing Before the Subcomm. on Healthy Families and Communities of the H. Comm. on Education and Labor*, 112th Cong. 1 (2010) (statement of the American Civil Liberties Union and Human Rights Watch), available at http://www.hrw.org/sites/default/files/related_material/CorpPunishStatement_041510.pdf

³⁰ See DEP'T OF EDUC., OFFICE FOR CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION 2006, available at http://ocrdata.ed.gov/Projections_2006.aspx (The 2006 CRDC data is the most recent available, as national data on corporal punishment from the most recent CRDC has not yet been released).

local youth organizations to create a PROMISE advisory panel. The panel would work with parents, teachers, law enforcement officers and other community members to evaluate needs of the community and identify and implement programs designed to address the drivers of crime in that community. This legislation is an important model for stopping more young people – overwhelmingly African American and Latino – from being funneled into the juvenile and adult criminal justice systems.

- Strengthening the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJDDP), which over the past decade has suffered depletion of funding and support. Funding levels for OJDDP have declined more than 90% since 2002. The Juvenile Justice and Delinquency Prevention Act (JJDP) is more than five years overdue for reauthorization. In addition, the long absence of a permanent OJDDP Administrator has halted progress in advancing reforms, slowed the reauthorization of the JJDP, and sent a message that federal leadership in juvenile justice is not a priority. The JJDP must be reauthorized and adequately funded to assist states in advancing juvenile justice reforms such as reducing racial and ethnic disparities, ending the placement of youth in adult court and adult jails and prisons, and halting the inappropriate use of detention and incarceration.

Upholding the First Amendment

In addition to the collateral impact legislation could have on the school-to-prison pipeline, there are other civil liberties issues we hope would not be implicated by any gun control legislation. We urge Congress to resist calls for new studies on the purported link between depictions of violence in the media and gun violence. Years of study and many courts, including the Supreme Court, have found no evidence to link interactive media with real-world violence, and the First Amendment applies full-force to such media.³¹ We oppose any proposed content regulation, including laws that would place the government in the shoes of parents in terms of deciding what children can see, read, play or hear. We also urge you to bear in mind that mere congressional scrutiny will result in self-censorship by media companies. Historically, calls for government regulation of disfavored media content have resulted in industry pressure on content producers to censor themselves. In and of itself, this also poses significant First Amendment consideration.

Protecting the Right to Privacy and Preserving Mental Health Protections

Federal legislation to address gun violence must protect the civil rights and liberties of all people, including those with psychiatric disabilities. Data shows that people with mental disabilities are no more likely to be violent than the general population, but are instead much more likely to be

³¹ See, e.g., *Brown v. Entm't Merch. Ass'n*, 131 S. Ct. 2729, 2733 (2011) (“[V]ideo games qualify for First Amendment protection The Free Speech Clause exists principally to protect discourse on public matters, but we have long recognized that it is difficult to distinguish politics from entertainment, and dangerous to try.”); *Am. Amusement Mach. Ass'n v. Kendrick*, 244 F.3d 572, 577, 579-80 (7th Cir. 2001) (“All literature (here broadly defined to include movies, television, and the other photographic media, and popular as well as highbrow literature) is interactive; the better it is, the more interactive.”); *Wilson v. Midway Games, Inc.*, 198 F. Supp. 2d 167, 169 (D. Conn. 2002).

victims of violence.³² Yet, state legislation in New York, and much of the national dialogue assumes a link between gun violence and psychiatric illness. This creates a risk of further stigmatizing people who have mental health needs, and deterring them from seeking treatment.

President Obama's proposal to de-stigmatize mental health treatment through a national dialogue is a welcome policy decision. Further, since mental health services are chronically underfunded in many communities,³³ federal legislation should increase appropriations for mental health services and the training of additional mental health professionals. As an important step towards ensuring that all Americans can afford to access mental health care services, we are pleased to see President Obama's recent proposals to make sure that mental health services are funded at parity with medical and surgical benefits. As this Subcommittee considers the issue of gun violence and future legislation, we encourage a national dialogue between and among the Administration, Congress, and the public on the prevalence of psychiatric disabilities and the benefits of treatment.

We also oppose the creation of a national database to "track" people who receive mental health care, as it will only further stigmatize and deter people from seeking treatment when necessary. Further, any legislation impacting the right to purchase or sell a firearm or ammunition, the right to be employed in a gun store, or the right to engage in any other related activity must include due process protections to ensure accuracy and a fair adjudication. Whether such determinations are based on criminal background checks, with a record of a psychiatric disability diagnosis, or other factors, the information used to reach these decisions must be kept private. The use of any database should be securely maintained, not linked with other information databases, and kept for a limited period of time. Moreover, individuals must have the opportunity to seek a change in their legal status, when any factor impacting that status changes.

While increasing access to mental health resources is beneficial, any federal proposal under consideration should not include provisions to expand involuntary treatment. Not only would it be a significant infringement upon an individual's civil liberties, it is also a poor therapeutic approach, since forced treatment can create an understandable fear and suspicion of the mental health care community. Every state already has laws to detain and commit those who are viewed as a danger to themselves or others. No federal complement is appropriate or necessary.

Creating a Fair Criminal Justice System

While the justice system has been tasked with the responsibility of keeping us safe, which requires many serious offenders to be held in our prisons and jails, it also has a responsibility to deliver fair and proportional sentences. Mandatory minimum sentences are unfair because they eliminate a judge's ability to evaluate the facts of each case and consider the character and history of a defendant in determining the most appropriate sentence. Senate Judiciary Committee Chairman Patrick Leahy directly addressed this issue, stating in a recent address to Georgetown Law students:

³² Grohol, J. M. "Dispelling the violence myth." Psych Central. (June, 1998); Monahan, J. "Mental Disorder and Violent Behavior: Perceptions and Evidence." *American Psychologist* vol. 47 iss.4 (1992): 511-521.

³³ Charles M. Blow, *Guns, Smoke and Mirrors*, THE NEW YORK TIMES, Dec. 21, 2012, at A25.

Our reliance at the state and federal level on mandatory minimums has been a great mistake. I'm not convinced it has lowered crime. I [know] that we have imprisoned people who should not be there, and we have wasted money better spent on other things.³⁴

We are encouraged by Chairman Leahy's recognition of the problem with mandatory minimums and hope that legislative proposals considered by the Subcommittee will avoid new mandatory minimum sentences, and that Congress will work to eliminate those already in place.

Conclusion

Thank you for your leadership in seeking real reform on this crucial national dialogue about safety in our nation. We look forward to engaging in this process and working with you to implement smart reforms that will make us safer without sacrificing our civil rights and liberties.

If you have any questions or comments, please contact Legislative Counsel Jennifer Bellamy at 202-715-0828 or jbellamy@dcaclu.org.

Sincerely,



Laura W. Murphy
Director



Jennifer Bellamy
Legislative Counsel

³⁴ *The Agenda for the Senate Judiciary Committee for the 113th Congress* (statement of Sen. Patrick Leahy), available at <http://www.cq.com/doc/newsmakertranscripts-4206024?wr=bzR2QWhQbmtjMG1yVVFhOHU1MDhRQQ>



A Union of Professionals

**Statement of Randi Weingarten,
President of the American Federation of Teachers**

Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights Hearing
on “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second
Amendment”
February 12, 2013

On behalf of the 1.5 million members of the American Federation of Teachers, I would like to offer the AFT’s perspective on gun safety issues. The AFT represents educators, some who lost their lives in Newtown, Conn.; nurses, one who lost her life in a shooting in Oregon this past December; and school counselors and other school employees who work every day to assist students who are traumatized by gun violence, too often in their own neighborhoods, as tragically evidenced by the recent shooting of 15-year-old Hadiya Pendleton, an honor student in Chicago who was killed just one week after performing at President Obama’s inauguration.

Before specifically addressing the issue of gun violence, I would like to stress that the AFT believes we also must address other issues that affect the safety of communities, including comprehensive school safety programs and procedures, welcoming and supportive school environments, and access to mental health supports. Only a comprehensive approach will make our schools and communities safer. Our children deserve nothing less.

The brutal massacre of innocent children and educators in Newtown, Conn., shook us to our core. But sadly, gun violence is not an isolated occurrence—as evidenced by the shootings in Aurora, Colo., Phoenix, and at Virginia Tech. According to a recent report from the Children’s Defense Fund, a child or teen dies or is injured from guns every 30 minutes. In 2010 alone, 18,270 children and teens died or were injured from guns; the total number of children under 5 killed by guns was more than the number of law enforcement officers killed in the line of duty that same year.¹

These tragic events serve as a clarion call for immediate action to keep our communities safe from gun violence and ensure schools are the safe sanctuaries our children need to learn and grow. We applaud those who are heeding this call for action with a series of commonsense, balanced proposals that will make our nation safer.

We believe a good first step is reinstating the 1994 assault weapons ban and enacting a new ban on high-capacity ammunition magazines. The gun used to murder 26 innocent children and educators at Sandy Hook Elementary School in Newtown fired six bullets every second. That weapon, its high-capacity magazine, and weapons like it are designed for maximum carnage, not for hunting and sport.

To this end, the commonsense legislation introduced by Sen. Dianne Feinstein, the Assault Weapons Ban of 2013 (S. 150), will help keep our communities safe from gun violence. We urge its immediate passage. The bill bans the sale, transfer, importation, or manufacturing of 157 specifically named firearms, and it creates a safe storage requirement for grandfathered firearms. In addition to the assault weapons ban, the Large Capacity Ammunition Feeding Device Act of 2013 (S.33) introduced by Sen. Frank Lautenberg would ban the production and sale of the high-capacity ammunition clips such as those used by the Sandy Hook assailant. Large-capacity ammunition magazines are not designed for hunting or for self-defense. They are

¹ <http://www.childrensdefense.org/child-research-data-publications/data/state-data-repository/protect-children-not-guns-key-facts-2013.pdf>

designed to shoot mass numbers of people quickly without reloading. These devices should be banned.

Other important steps the Congress can take include: implementing universal background checks and closing the gun show loophole. The Gun Show Background Check Act of 2013 (S. 22), introduced by Sen. Lautenberg would close the “gun show loophole,” that allows people to buy guns at gun shows in most states without passing a criminal background check. Allowing convicted felons and domestic abusers to buy guns without criminal background checks threatens the safety of our families and communities. According to a recent Quinnipiac University poll, 92 percent of voters, including 91 percent of gun-owning households, support background checks on all gun buyers. This bill should be enacted into law immediately.

The AFT also supports cracking down on gun traffickers. Too many criminals can buy guns from unlicensed dealers. According to the Brady Campaign, almost 60 percent of the guns used to commit crimes in our nation come from only 1 percent of gun dealers; weak gun laws make it all too easy for corrupt gun dealers to supply gun traffickers with an unlimited numbers of handguns and military-style assault weapons for the criminal market. The AFT supports swift passage of the Gillibrand-Kirk Gun Trafficking Prevention Act of 2013 (S. 179), which would give federal law enforcement officials the critical tools they need to crack down on illegal guns and illegal gun trafficking.

Just as guns have no place on the streets, they do not belong in schools, which must be safe sanctuaries, not armed fortresses. Anyone who would suggest otherwise doesn't understand that our public schools must first and foremost be places where teachers can safely educate and nurture students. Whether to bring school resource officers into schools should be decided on a school-by-school basis; it should be the decision of the school community and must be part of a comprehensive safety plan. Those officers must be appropriately trained both in maintaining security and in identifying and supporting at-risk students; they should be part of the fabric of the school community, not simply stationed armed guards.

In times of great tragedy, Americans have always come together to grieve, to support one another, and to act—to put aside what divides us and take collective action to heal and move our nation forward. Too many of our children have had their lives cut short and their futures denied by gun violence—in their schools and in their communities. We have a set of effective proposals, and now we must find the political will to get it done.

A Call to Action from the Nation's Nurses in the Wake of Newtown

Like the rest of the nation, America's nurses are heartbroken as we grieve the unthinkable loss and profound tragedy that unfolded last week in Newtown, Connecticut. This horrific event is a tipping point and serves as a call to action. The nation's nurses demand that political and community leaders across this country address longstanding societal needs to help curb this endless cycle of senseless violence.

Our country has witnessed unspeakable acts of mass shootings. The common thread in each of these tragedies has been the lethal combination of easy access to guns and inadequate access to mental health services.

As the largest single group of clinical health care professionals, registered nurses witness firsthand the devastation from the injuries sustained from gun violence. We also witness the trauma of individuals, families, and communities impacted by violence.

The care and nurturing of children in their earliest years provides a strong foundation for healthy growth and development as they mature into adulthood. Children, parents, and society face growing challenges with respect to widespread bullying and mental illness, and nurses understand the value of early intervention. Over the past decade, ill-advised and shortsighted cutbacks within schools and community health care systems have seriously impeded critical and needed access to school nurses and mental health professionals trained to recognize and intervene early with those who are at risk for violent behavior.

The public mental health system has sustained a period of devastating cuts over time. These cuts have been exacerbated during the Great Recession despite an increase in the demand for services for all populations, including our nation's veterans. States have cut vital services, such as community and hospital-based psychiatric care, housing, and access to medications. Looming budget cuts could lead to further cuts in services.

It is time to take action. The nation's nurses call on President Obama, Congress, and policymakers at the state and local level to take swift action to address factors that together will help prevent more senseless acts of violence. We call on policymakers to:

- Restore access to mental health services for individuals and families
- Increase students' access to nurses and mental health professionals from the elementary school level through college
- Ban assault weapons and enact other meaningful gun control reforms to protect society

The nation's nurses raise our collective voice to advocate on behalf of all of those who need our care. As a nation, we must commit to ending this cycle of preventable violence, death, and trauma. We must turn our grief into action.

Alabama State Nurses Association

American Academy of Nursing

American Nurses Association

American Psychiatric Nurses Association

ANA-Illinois

ANA-New York

ANA-Michigan/RN-AIM

Arizona Nurses Association

Arkansas Nurses Association

Association of Nurses in AIDS Care

**Association of Women's Health, Obstetric
and Neonatal Nurses**

Colorado Nurses Association

Connecticut Nurses' Association

Delaware Nurses Association

Infusion Nurses Society

Louisiana State Nurses Association

**Massachusetts Association of Registered
Nurses**

**Minnesota Organization of Registered
Nurses**

Missouri Nurses Association

Montana Nurses Association

**National Association of Clinical Nurse
Specialists**

**National Association of Orthopaedic
Nurses**

National Association of School Nurses

National League for Nursing

New Hampshire Nurses' Association

New Jersey State Nurses Association

New Mexico Nurses Association

Nurses Organization of Veterans Affairs

Ohio Nurses Association

Oklahoma Nurses Association

Pennsylvania State Nurses Association

**Preventive Cardiovascular Nurses
Association**

Rhode Island State Nurses Association

Virginia Nurses Association

Washington State Nurses Association

**Wound, Ostomy and Continence Nurses
Society**

December 20, 2012

STATEMENT

of the

AMERICAN NURSES ASSOCIATION

to the

United States Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights

regarding

*Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting
the Second Amendment*

February 12, 2013

American Nurses Association
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Phone: 301.628.5000 Fax: 301.628.5001
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**Statement
of the
American Nurses Association
to the
United States Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights**

*Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting the
Second Amendment*

February 12, 2013

The American Nurses Association (ANA) is deeply concerned over the continued gun violence perpetrated in this country every day. The recent tragic events that took the lives of 26 innocent men, women and children at Sandy Hook elementary school in Connecticut serve as a reminder of the continuing problem of dealing with both mental illness and access to weapons in our country. There are no easy answers or quick-fixes to these problems but we applaud the Subcommittee for addressing them here today.

ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses, and advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, and sharing a constructive and realistic view of nursing's contribution to the health of our nation.

As the largest providers of health care in this country nurses are uniquely positioned to witness first-hand the devastating impact of gun violence. Gunshot victims make up a sizeable number of patients in many of country's urban emergency rooms. While ANA fully respects the Second Amendment and a citizen's right to bear arms, we also know that some sensible steps can be taken to both protect the rights provided to us in the Constitution and tightening laws to help curb the ready access to assault weapons in this country.

ANA believes taking steps like closing the "gun show" loophole, strengthening penalties for gun trafficking and instituting a mandatory background check for anyone looking to purchase a gun will help to cut down the easy access to guns on our streets. That is not to say that guns purchased legally haven't been, and will continue to be, used in many of these crimes but we believe that adding additional steps will make it harder for those who commit these crimes to access them.

Any serious attempt to take on the issue of gun violence must also address the state of mental health in our country. For too long we have turned a blind eye to those suffering from mental illness. From its sheer stigma to a lack of education and funding many of those suffering from mental illnesses slip through the cracks and don't receive the proper care they need and deserve. ANA urges Congress to look at new ways to address these issues and renew a commitment to bettering the mental health of the American people.

When it comes to tackling the issues of gun violence and mental health, there are no easy answers. ANA strongly believes that the implementation of universal background checks and stiffer penalties for gun trafficking while addressing the growing problem of Americans suffering from untreated or undiagnosed mental health problems is a good first step. ANA applauds the Committee for addressing this critical problem facing our country and looks forward to working with Chairman Durbin, Ranking Member Cruz, the Senate Constitution, Civil Rights, and Human Rights Subcommittee, and other members of the full Committee in order to ensure that we continue to invest time and resources into tackling these tough issues facing the nation.

ANA would be happy to provide additional resources or assistance as the committee moves forward on this and other issues related to health care and nursing.



American
Public Health
Association

PROTECT, PREVENT, LIVE WELL

800 | STREET, N.W. | WASHINGTON, DC | 20001-3710 | WWW.APHA.ORG
202-777-APHA (2742) FAX: 202-777-2534 comments@APHA.org

Statement of the American Public Health Association
Submitted for the record to the Senate Judiciary Subcommittee on the Constitution,
Civil Rights, and Human Rights
Proposals for Reducing Gun Violence:
Protecting Our Communities While Respecting the Second Amendment
February 12, 2013

The American Public Health Association is the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities. We believe all Americans have the right to live in communities that are free from violence and are very pleased with President Obama's proposal to protect our communities from the deadly impact of gun violence. We welcome the opportunity to submit a statement for the record regarding congressional efforts to prevent gun violence. APHA believes that Congress must take a comprehensive public health approach to preventing gun violence in our nation. This includes additional unrestricted funding for more research and data collection, stronger and more protective common-sense gun laws, ensuring access to adequate mental health services and ensuring our state and local public health and mental health systems have adequate funding to put into place interventions to reduce gun violence and to provide mental health services to those in need. We stand ready to work with Congress and the administration to pass legislation to protect our nation's children and their families from the growing epidemic of gun violence.

Gun violence is one of the leading causes of preventable death in our country and we must take a comprehensive public health approach to addressing this growing crisis. For too long we as a nation have failed to take on this devastating problem in our communities and we can wait no longer. The heartbreaking and senseless tragedy that took the lives of the innocent children and adults in Newtown, Conn. is a tragic example of how gun violence is devastating our communities. This tragedy follows other horrific acts of gun violence that have plagued our nation for too long.

APHA believes that there are a number of areas where Congress must enact legislation to address gun violence. The following are some of the top priorities for APHA and we urge you to include these recommendations as you move forward in developing legislation to prevent gun violence in the United States.

Increase funding for data collection and research

We must expand the collection of data and research related to gun violence and other violent deaths in order to better understand the causes and develop appropriate interventions. We oppose any restrictions on federal funding for research into gun violence and we strongly support

President Obama's call for increased funding for research into the causes of gun violence at the Centers for Disease Control and Prevention.

We support an increase of \$10 million in Fiscal Year 2014 for the National Violent Death Reporting System (NVDRS), a state-based violent death prevention tool administered by CDC's National Center for Injury Prevention and Control. This important public health surveillance system is the underpinning of a multi-faceted, multi-agency approach. NVDRS requires cross-agency collaboration at the state level, and the surveillance data collected would prove invaluable for the design of targeted gun violence prevention strategies. But to do that, it must expand from its current 18 states and move toward nationwide implementation. CDC has developed a strategic plan for this expansion and is committed to full implementation of the program. Currently funded at \$3.5 million, an increase of \$10 million in FY14 would move the country half-way towards national implementation and represent a long-term, lasting contribution to the nation in state-based gun violence prevention efforts. We urge a multi-year approach following FY14 to secure the \$25 million needed for nationwide expansion of NVDRS to all 50 states and U.S. territories.

Remove deadly weapons from our communities

APHA supports requiring and strengthening criminal background checks for all firearms purchases, including all firearms sold by all sellers at gun shows. The so-called "gun show loophole," currently exempts unlicensed private sellers of firearms from conducting criminal background checks on buyers at gun shows. This significant gap in federal law provides access to weapons for felons, the mentally ill and others prohibited from owning firearms.

We support Senator Dianne Feinstein's Assault Weapons Ban of 2013 to reinstate the federal ban on assault weapons and high-capacity ammunition magazines, which expired in 2004. These firearms are not suitable for hunting, collecting or self-defense, but are meant for military combat and have no place on our streets or in our homes. APHA has long supported strengthening and reinstating the federal ban on assault weapons and high-capacity ammunition magazines that can hold more than ten rounds. We have witnessed too many times the deadly impact of these weapons and high-capacity magazines and we urge Congress to pass Senator Feinstein's legislation.

Strengthen our nation's mental health system

In addition to common-sense gun control measures, we urge you to work with the administration to ensure adequate funding for critical mental health services. Like most public health funding at the state and local level, funding for mental health services has been on the decline in recent years. At the same time, funding for the Substance Abuse and Mental Health Services Administration has been proposed for cuts in the president's budget and in various spending bills in the House of Representatives. We urge you to ensure that state, local and community-based behavioral health systems have the resources they need to provide much-needed care. While the expansion of Medicaid coverage will provide mental health benefits to millions of currently uninsured Americans, gaps will likely still exist since several states have signaled they do not plan to expand this coverage.

We also urge the Department of Health and Human Services to ensure that the Affordable Care Act provides comprehensive coverage for mental health and substance use disorder services as part of the Essential Health Benefits. The design of EHB will have a direct impact on the health and wellbeing of over 70 million Americans. EHB design will also have a tremendous impact across our health system and is a central component of the ACA. We believe that EHB is a critically important opportunity to address the health needs of the 25 million Americans with untreated mental illness and/or substance use disorders, prevent these diseases in millions more, and provide necessary services to those seeking care for or in recovery from MH/SUD to improve their health and wellness and allow them to reach their full potential.

Support resources for school and community-based prevention

APHA supports comprehensive measures in community and school-based prevention, early intervention strategies and preparedness initiatives to prevent gun violence and prepare our communities and schools in the event of an emergency. We must make our schools safer, where teachers, faculty and students can dedicate their efforts to teaching and learning without the concern of violence. To improve the physical safety of students and others, we believe it is essential that schools collaborate with local community groups to develop and implement a comprehensive and effective emergency management plan. Teachers, other personnel and students should all be appropriately trained and prepared to implement the safety plan.

Beyond securing the physical safety of students, faculty and other personnel, school policies must promote a positive school climate to support the emotional and learning needs of all students to maintain a safe environment. We support school policies and programs that reduce bullying and at-risk behavior, and increase access to mental health supports, and urge you to ensure that schools have adequate funding to expand mental health services and resources. Increasing awareness, prevention, early detection and treatment are critical to ensuring appropriate care and can contribute to strengthening our nation's mental health system. To achieve this, we support providing on-site mental health services, through centers such as school-based health centers, in schools K-12, a common-sense approach to ensure that children and youth are able to access appropriate treatment and services. In addition to providing individualized services, SBHCs support all students' mental health by creating school-wide programs that address bullying, violence, anger, depression and other social and emotional issues that impede academic achievement.

We also urge you to ensure that schools and communities have the funding necessary to provide proper training for parents, teachers and other community leaders to identify mental health conditions early-on. These training programs will allow for an improved understanding of mental health warning signs, minimized stigma and a more robust referral system for students to access critical mental health resources.

Conclusion

Gun violence continues to take a tremendous toll on our communities and there is no excuse for inaction. APHA urges the Senate Judiciary Committee and both the House and the Senate to move forward with comprehensive legislation to address the public health crisis of gun violence in our nation.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 18, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I am a mother of two young children and have been a Virginian for over a decade. Originally from North Carolina, I obtained a BS from Duke University and a JD from Washington University in St. Louis. Upon graduation, I moved to Virginia for work and it is where I have decided to raise my family. I write today to express my concern for the lack of adequate gun regulation in the United States of America.

The proliferation of gun violence, most recently in Newtown, CT, is known all too well by Virginians. From the tragic massacre at Virginia Tech, the DC Sniper that terrorized an entire population for a month, and the stain of being the iron pipeline to the North-East corridor -- Virginia is, unfortunately, a poster-child for poor gun regulation in a nation that is reeling from poor gun regulation and the resulting, ever-increasing frequency of gun fatalities.

I ask that you support the President's Proposals to reduce gun violence, most notably – closing background check loopholes to keep guns out of dangerous hands and banning military-style assault weapons and high capacity magazines.

UNIVERSAL BACKGROUND CHECKS AND GUN TRAFFICKING LAWS

I attended the Senate Judiciary Committee Hearing on January 30th that asked the question: “What Should We Do about Gun Violence?” Testimony from that hearing made it apparent to me that one answer to this question is that we need universal background checks, a robust database and reporting system, and gun trafficking legislation, including requiring responsible gun owners to report lost or stolen weapons.

Testimony from Baltimore Chief of Police Jim Johnson was unequivocal on this point: “Background checks work.” And, according to his testimony, most background checks are completed within a minute-and-a-half.

An overwhelming majority of Americans support universal background checks. A recent poll conducted by Quinnipiac University shows that **by a vast majority** men, women, Republicans, Democrats, whites, and blacks all favor background checks at gun shows. (See releases: <http://www.quinnipiac.edu/institutes-centers/polling-institute/virginia/release-detail/?ReleaseID=1846> and <http://www.quinnipiac.edu/institutes-centers/polling-institute/national/release-detail/?ReleaseID=1847>). According to a poll conducted by Republican strategist Frank Luntz, 74 percent of NRA members also support background checks for anyone purchasing a gun.

BAN THE SALE OF MILITARY-STYLE ASSAULT WEAPONS AND HIGH CAPACITY MAGAZINES

The proposal to ban the sale of assault weapons and the sale of high capacity magazines would have made great headway in protecting innocents, such as those so recently slaughtered in their Sandy Hook classroom. Not one single person has articulated a good reason as to why assault weapons and high capacity magazines should be in the hands of ordinary civilians. I understand business and the incentive to maximize profits, but when the products by which those profits are gained are meant for nothing more than shooting as many people as quickly, as many times, and as efficiently as possible -- then the onus is on our elected officials to stop the sale of those products.

At the Senate Judiciary Committee hearing on January 30, 2013, I was disappointed to hear tortured logic arguing for the need for the general populace to own assault rifles and/or high capacity magazines. First, there was confusion as to what is popular to own with what is reasonable to own. Many consumer products are popular because they are heavily promoted and marketed by their manufacturers, and sometimes even by their distributors and trade associations, but that does not make their ownership reasonable. Examples include: cigarettes ("*You've come a long way, baby*" said a Virginia Slims ad) and drinking then driving ("*One for the road*" was once a popular ad). Popular for the moment – yes. Reasonable – no. In addition, simply because something may be popular among some, small sub-segment of Americans does not make these types of weapons in fact popular relative to the general American population. Moreover, if this line of argument were to somehow implicate the language from Heller (for the proposition of not prohibiting weapons in common use at the time), I point out that a "dangerous and unusual weapon" would be one designed for military combat in the hands of civilian (i.e., assault rifles and high capacity magazines).

As for high capacity magazines, I heard the argument that the only way a woman in her home can defend herself in the hypothetical scenario where she is confronted with more than one assailant is by having a high capacity magazine in her firearm – with enough bullets to hit multiple assailants several times each. An easy response would be for said woman to have two separate firearms, each holding 6 bullets. Or a dog. Or an alarm, even a \$15 personal alarm. That is what I own. As a mother, I would not consider holding an assault rifle or a firearm with high capacity magazines with my young children around. I can barely hold a cup of hot coffee in their presence.

A quick review of Ms. Trotter's Appendix to her written testimony is good evidence to the point that assault rifles and high capacity magazines are not necessary to defend oneself. First, none of the instances she cites to identify the type of weapon used and in fact, as pointed out during her live testimony, her Sarah McKinley example included a weapon that would not be subjected to Feinstein's ban. (Ms. McKinley subsequently went on Anderson Cooper 360 and stated that she has no problem with universal background checks and her only hesitation with the assault rifle ban would be slippery slope reasoning). In another one of Ms. Trotter's examples, an Oklahoma City woman was able to defend herself from five burglars by only shooting at one. A Detroit woman was able to fend off two carjackers by only firing her weapon, not shooting anyone. In fact, three of Ms. Trotter's examples involve self defense by simply brandishing a weapon, not shooting it. And the argument of needing a gun for self defense oversimplifies that complex mental processes a person is subjected to during the

heat of the moment that could render the use of a weapon impossible or even make a woman vulnerable to having her own weapon turned against her.

On the other hand, Chief Jim Johnson pointed out that a ban on the size of ammunition would make an active shooter need to reload more often and that "Reloading can provide a window of time in which to take down a shooter." We are talking about American lives and all we are asking for with this measure is enough time to make a gunman reload during his shooting spree. Respectfully, that is not asking for too much.

The Sandy Hook massacre has pushed the excessive latitude allowed for gun ownership as a front-running issue for many Americans, myself included. We have reached a tipping point in our society where ordinary citizens, like me, who are normally too busy with work and children to notice much about politics – the "hardworking, law abiding, taxpaying American" as Mr. LaPierre puts it -- to say *enough is enough*. I did not bring children into this world and dedicate my life to love, nurture, raise, educate, clothe and feed them, so that their precious life could be casually and callously ended with nine, ten, or eleven bullets hitting them within a matter of seconds – nor did any other American parent.

Most respectfully,

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**Hearing Before the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights**

February 12, 2013

10:00 a.m.

Dirksen Senate Office Building Room 226

TESTIMONY BY PATRICK M. MAGOON

PRESIDENT & CEO

ANN & ROBERT H. LURIE CHILDREN'S HOSPITAL OF CHICAGO

On behalf of Ann & Robert H. Lurie Children's Hospital of Chicago, I appreciate this opportunity to provide testimony regarding reducing gun violence to the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. Our patients include children from every Congressional District in Illinois, and we provide more care to children insured by Medicaid than any other hospital in Illinois. We provide seven times more Medicaid pediatric care than Stroger (Cook County) Hospital. With 1,100 pediatric specialists focusing on more than 70 specialties in 11 locations, Lurie Children's annually provides quality care to over 149,000 children battling life's most complex health issues including cancer, heart conditions, organ failure, neonatal problems and a range of other rare medical concerns.

In many ways, the problem of violence is more complex than any of these health conditions. As a leading pediatric medical institution, Lurie Children's recognizes an inherent responsibility to apply our multidisciplinary expertise and resources to advance the well-being of children within and beyond the walls of the medical center by working to solve exactly this type of problem. Our approach is to combine clinical expertise with a public health model in our community-based work that emphasizes prevention, health promotion and risk reduction. Our experienced researchers identify issues affecting child health and well-being—clinical, behavioral, and social—where our medical center expertise can make a difference in improving children's lives, and we work with a variety of community partners to pursue social and health care policies and implement programs that promote children's health and safety.

In 2009, Lurie Children's established an internal task force of clinicians, researchers, child advocacy experts, and social workers to examine the role that Lurie Children's was playing in addressing youth violence in Chicago. The task force concluded that many experts at the hospital were working to prevent and treat the effects of violence. Those that shared common difficulties working in youth violence prevention in Chicago focused especially on lack of coordination both within and outside the hospital. Our team surmised that Lurie Children's could play an important role in supporting violence prevention activities across Chicago.

Following the work of the internal task force and consultation with various community stakeholders, the hospital convened the Strengthening Chicago's Youth (SCY) violence prevention collaborative, which began operations in 2012. SCY works to build capacity among numerous public and private stakeholders to connect, collaborate and mobilize so that they can more effectively work together to promote policy, systems and environmental change to prevent violence. SCY takes the public health approach recommended by the Centers for Disease Control and Prevention—adopting consistent messaging about the preventability of violence, promoting use of evidence-based violence prevention strategies and fostering multi-sector collaboration. This encourages partnerships that strengthen existing efforts and benefit the children of Chicago

Hundreds of organizations are now involved in SCY, and the collaborative's work is critically important in addressing the tragedy of youth violence in Chicago and rectifying the fact that Chicago now lags behind peer cities in reducing rates of violent crime. This work is complicated and addressing the many factors involved in the violence epidemic will take time. But Lurie Children's and organizations around Chicago agree that a crucial step can be taken today—adopting sensible, evidence-informed gun violence prevention policies. Firearm violence prevention policies will benefit not only the children and families of Chicago and other cities who are plagued by urban community violence, but also the youth and families of downstate Illinois and other rural areas where rates of suicide are elevated and suburban schoolchildren and parents who fear shootings like those in Winnetka in 1988 and in Newtown, Connecticut only two months ago.

HOW FIREARMS AFFECT CHILDREN AND YOUTH

Firearms in Chicago

The story of homicide in Chicago has become all too well known in the last year. In 2012, there were 506 murders in Chicago, 16% more than in 2011. The vast majority of these murders were committed with guns, and there were 2,460 police-reported shootings.

Analysis of 2012 homicide data is not yet complete, but the Chicago Police Department's 2011 Murder Analysis Report notes that 361 of the 433 (83.4%) homicides were committed with guns, nearly all handguns. The proportion of homicides committed with guns has climbed over the last two decades—in 1991, 69.0% of homicide victims were shot. Murder victims are disproportionately young—the average age of victims was 28 years, and 53% of victims were 25 or younger. 33 victims were 16 or younger. In every year from 1991 to 2011, there were more murder victims in the 17- to 25-year-old age group than in any other age group. Murder offenders are also disproportionately young—in 2011, the average offender age (among cleared cases) was 27 years, and 57% of offenders were 25 or younger. In every year from 1991 to 2011, the majority of murders in cleared cases were committed by offenders aged 25 or younger.¹

Firearm homicide takes a particularly high toll on minority youth. From 2005 to 2008, 284 school-aged children (aged 5- to 18-years-old) were murdered in Chicago, 243 with firearms. When firearm type could be identified (over 80% of the time), handguns were used as the weapon in 97.1% of all school-age homicides. African American children were ten times more likely to be killed than white children and Hispanic children were six times more likely to be killed.²

Firearms in Illinois

Although the high number of homicides in Chicago has captured the nation's attention, examining the toll firearms take on urban communities tells only part of the story. With its mix of urban, suburban and rural areas, Illinois provides a telling example of the epidemiology of firearms-related injuries and deaths.

In 2010, there were 1,064 firearm-related deaths in Illinois; 577 were homicides and 442 were suicides. (The remainder were unintentional, due to legal intervention, or of undetermined intent.) Of the homicide victims, 251 were aged 24 or younger; the firearm homicide death rate was highest in the 20- to 24-year-old age group. Of the suicide victims, 42 were aged 24 or younger.³ Combining data from 2000 to 2006, the highest firearm suicide rates were in the downstate counties of Franklin, Marion, and Williamson; the highest firearm homicide rates were in Cook and St. Clair Counties.⁴

School Shootings

The 1988 shooting of six children, one fatally, at an elementary school in Winnetka, Illinois was not the nation's first school shooting, but it raised the public's concern and consciousness in a new way in Illinois. Among high profile mass shootings since then, massacres at Columbine High School, Virginia Tech, Northern Illinois University, and Sandy Hook Elementary School have received particular attention and sharply raised students' and parents' fears. Although school shootings are actually quite rare and school is the safest place children spend time, fear of attending school can negatively affect school attendance and academic performance. In 2007, 5.5% of high school students reported that they did not go to school because they did not feel safe at school or on their way to or from school at least once in the last 30 days⁵; in Chicago, this figure was 12.3% of students.⁶

While we caution against focusing too much on rare, catastrophic mass shootings, the measures proposed below can make such events even less likely and will help alleviate parents' and children's fear and will serve as solid first steps in addressing firearm violence.

SENSIBLE GUN VIOLENCE PREVENTION POLICIES

Universal Background Checks

Federal law currently restricts firearm purchase or possession by certain categories of individuals, including juveniles. These categories stem from the likelihood of increased risk for violence among, for example, people with substance abuse problems or a history of domestic violence. Juveniles are certainly at heightened risk for involvement in violence. Adolescents' brains are not yet fully developed; it is developmentally appropriate, and indeed expected, that teenagers will exhibit poor judgment, lack impulse control, and engage in risk-taking behavior. As adults, it is our job to provide as safe an environment as possible to all youth to progress through this developmental stage and establish their independence. Similar to the minimum drinking age, keeping adolescents from having access to guns (outside of sporting/hunting use under adult supervision) is imperative to providing this safe environment. We cannot eliminate all risk from our children's lives, but we can mitigate sources of risk that research indicates pose too high a burden.

Because of legal restrictions on juveniles' ability to purchase or possess firearms, illicit markets are the primary source of guns for youth. An essential step to eliminating illegal guns is to close loopholes in the background check system. Lurie Children's and our partners in SCY support policies that will:

- Require background checks for all gun sales, not just those conducted through federally licensed firearms dealers
- Improve states' reporting of information about criminal backgrounds and prohibition of gun possession for mental health reasons to the federal background check system
- Investigate improved approaches to identify dangerous individuals and keep them from obtaining firearms without further stigmatizing mental illness or deterring people from seeking needed mental health care

Anti-trafficking Policies

A recent report by the Johns Hopkins Center for Gun Policy and Research notes that universal background checks are "a necessary foundation for federal gun control laws, but that [they are] insufficient for achieving the goal of preventing prohibited persons from accessing firearms."⁷ We are particularly concerned with illegal gun trafficking in Chicago, which some have hypothesized is a factor behind Chicago's high homicide rate. Accordingly, Lurie Children's and our partners in SCY support anti-trafficking policies including:

- Increasing enforcement and penalties to hold gun dealers accountable for illegal practices
- Eliminating straw purchasing by limiting the number of guns that can be sold to an individual and requiring registration at the point of sale
- Enhancing gun tracing data
- Requiring reporting of lost and stolen guns and analysis of these data

Ban on Assault Weapons and High-Capacity Magazines

Weapons are not often recovered after a firearm homicide or assault. When weapons are recovered, the weapons are most likely to be handguns in Illinois and, thus, we strongly support measures to reduce the availability of handguns. Assault-style weapons and high-capacity ammunition magazines are used in many mass shootings. These military style weapons were designed for use in warfare to quickly kill as many people as possible and there is no need for their use by civilians in peacetime.

Thank you for your leadership in convening this important hearing on reducing gun violence. Every day children are affected—as victims, perpetrators, witnesses, family members and friends—by tragic shootings that are entirely preventable. We urge you and your colleagues in the Senate to take strong, immediate action to keep the children and families of Chicago, Illinois, and the nation safe.

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Association of
Prosecuting Attorneys

*1615 L Street NW Suite 1100
Washington DC 20036
202-861-2480*

February 11, 2014

Senator Richard J. Durbin
Chairman, Subcommittee on the Constitution,
Civil Rights and Human Rights
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Durbin,

We are writing to share our thoughts with you and the Subcommittee in anticipation of the Subcommittee's hearing "Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment," scheduled for Tuesday, February 13, 2013. Our board is reviewing the numerous gun violence prevention proposals that the committee will be considering, and we will be writing at a later time to more fully express our views and the interests of prosecutors on these critical public safety issues. We write today to present your Subcommittee with a few views in advance.

The Association of Prosecuting Attorneys (APA) is a private, non-profit organization whose mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. We are the only national organization to include and support all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, city prosecutors, district attorneys, state's attorneys, attorneys general or U.S. attorneys.

On behalf of APA, I am pleased to have the opportunity to offer our assistance in efforts underway in Congress to address the serious problem of firearms-related violence including trafficking of these weapons both interstate and internationally. The number of citizens and communities affected annually by gun violence must be reduced and requires immediate attention from federal, state, local, and tribal prosecutors, legislative bodies, law enforcement agencies, the courts, and the community.

As prosecutors we have a strong interest in working with legislative bodies to ensure that laws designed to keep guns out of the hands of minors, felons, the mentally ill, persons convicted of domestic violence crimes, and terrorists are effective and enforceable; and that the regulatory system supporting those restrictions actually works.

Due to the lack of a dedicated federal statute prohibiting illegal gun trafficking, large numbers of guns are diverted from legitimate commerce into the criminal marketplace every year. As



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prosecutors, we are well aware of how specific legislation can help or hinder our ability to do our jobs.

As prosecutors, we are dedicated to reducing gun violence, and enforcing the laws we have. Federal, state and local prosecutors coordinate their efforts frequently, seeking the optimal allocation of resources and finding the best charging statute, be it federal, state or local.

Good law enforcement and crime prevention slowly but steadily close off avenues for criminality. We should always make it harder for a determined criminal to pursue his or her goals and should not just throw our hands up because of the criminal's persistence. A criminal's commitment must be countered with greater determination and fortitude from the law enforcement community.

Requirements like the mandatory background check for the purchase of a gun will keep guns out of the hands of criminals and other prohibited persons. Since the implementation of the National Instant Check System (NICS), almost 2 million prohibited transactions have been stopped. Many of those have been by individuals with domestic violence restraining orders, felony records or other prohibitions.

Every time we make it harder for a criminal to acquire a gun, we decrease the chance that he or she will succeed. And we succeed at effective law enforcement. We are available to answer any questions the Subcommittee may have, and we thank you for your attention to this real and pressing law enforcement concern.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven A. Jansen', is written over a horizontal line.

Steven A. Jansen
Vice President and COO

The Senate Judiciary Committee

Subcommittee on the Constitution, Civil Rights and Human Rights

Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin and Senate Judiciary Subcommittee Members:

Thank you for the privilege of submitting testimony in advance of your hearing on Gun Violence Prevention. I am a retired Presbyterian Minister, a gun owner since 1958, an avid hunter and a member of the NRA. I have worked to prevent gun violence since 1975 when one of my church members was gunned down by a kid who went to the local bowling alley and complained to his friend that he had no money. His friend reached in his jacket and pulled out a Saturday Night Special saying, "Here, go get yourself some money and when you do, give me twenty bucks and you can keep the gun."

At long last there is a discussion of gun rights which for way too long was "the elephant in the living room" that too many clergy and legislators did not choose to acknowledge. The tragedy in Newtown, CT. has made it impossible to ignore it any longer. I am writing to express my support for all the provisions that President Obama and Vice-President Biden have been advocates for since the horrors that took place in that first grade classroom in Sandy Hook Elementary School.

The measures for which the President and Vice-President have been advocates are simply good common sense solutions to our national disgrace that the United States leads the entire developed world in gun deaths by such wide margins. 80 percent of adults killed by guns in these countries and 87 percent of children killed are Americans.

I write because I yearn for the day when two Constitutional rights will become a recognized part of our social contract: 1. The right to keep and bear arms. And 2. The right to live in safety and enjoy Domestic Tranquility as is so beautifully expressed in the Preamble to our Constitution. Furthermore, the Declaration of Independence speaks of our human right to pursue "life, liberty, and happiness." As far as the Second Amendment is concerned: It is a friend to both of the rights mentioned above as it refers not only to keeping and bearing arms, but having good regulations on those arms.

While doing research for my book, *America and Its Guns: A Theological Expose*, which was published in June of 2012, I discovered some little known facts about many absurd laws that Congress has written which, in fact, make it easier for criminals, terrorists and violent individuals to get guns of choice, while simultaneously making it exceedingly difficult for the FBI and the ATF to inhibit or stop them.

*** When the Congress through the NRA lobbyists prohibit The National Tracing Center on crime guns in Martinsburg, WV from using computers to do their work and insist that

it be done with pen or pencil, something is really out of whack. (See David Fallis, "The Hidden Life of Guns" Washington Post, Oct. 26, 2010)

*** The limits Congress imposes on the ATF and FBI are inexcusable in a democratic society. For the FBI there are 19 lines of Congressional direction. For the DEA there are ten. For the ATF there are 87 lines, including the requirement to keep the gun-tracing database hidden from the public. (See the 2010 Appropriations Bill and David Fallis, Ibid.)

*** The Congress has agreed with the NRA that free and unencumbered scientific research on gun violence in America must not take place. The gun lobby claimed political posturing for the facts because they often contradict the slogans of the gun lobby. e.g. "guns save lives." (See "NRA Stymies Firearms Research, Scientists Say," New York Time. Jan. 25, 2011)

*** "The Fire Sale Loophole" needs to be repealed if we want credible legislation. The Bill itself allows prohibited purchasers to obtain firearms without undergoing background checks and permits a gun dealer who loses his license for misconduct to dispose of his inventory privately without being charged for illegal dealing in firearms." (See Natalie Pompilio, "States With Weak Firearms Laws Lead in Crime Gun Exports," Philadelphia Daily News. Sept. 28, 2010.)

*** The Tiahrt Amendment must be repealed and ATF must be given the tools it needs to track criminals and make Gun Trafficking a Federal Crime. This would include the provision that all gun dealers conduct regular inventories of their stock to prevent the theft or loss of firearms through reckless supervision.

PUBLIC SAFETY IS A CONSTITUTIONAL RIGHT.

Thank you again for the privilege of submitting these comments. May God bless each of you as I pray you will forsake any political reasoning or manipulation of the facts that would in the long run endanger the life of even one American.

Respectfully,

James E. Atwood, Dr.

7510 June St.

Springfield, VA 22150



Dear Chairman Durbin & Senate Judiciary Subcommittee Members,

I am a resident of Newtown. My children, ages 8 and 5 who are pictured above, attend Middle Gate Elementary School in Newtown. We, along with so many others from our little town, have been directly impacted by the events of December 14, 2012. Rachel Davino, or as our son calls her 'Miss Davino', had been a one-on-one aide for a child in his classroom up until three weeks before the shootings. Although my husband and I didn't know her well, our son did. We had heard lots of stories about Miss Davino from our son. She was always smiling and we would see her in the halls and in our son's classroom on a daily basis. It is so hard to believe she is gone.

Although we have all had our share of struggles, loss, and hardship, this grief we are experiencing, both as a family and as a community has been unlike anything we have ever experienced before. It permeates everything we do, think, and feel and it is unending and relentless. I can only imagine what the families of those that were lost that day must be experiencing.

On that clear, cold Friday morning, I walked into Middle Gate to attend a parent volunteer meeting at almost the exact same time as everything was unfolding in Sandy Hook. While at the meeting, we could hear sirens going by and wondered what could possibly be happening. Even in my wildest dreams I could not have imagined what unfolded that day. Although the shootings did not occur at our elementary school, we have so many friends whose children attend Sandy Hook and we were terrified for them. As of right now, we have no idea why the shooter went to that school that day. For me, that has been a very difficult thing to grasp because we were so close and it could have just as easily have been us.

Ever since that December day, the 'what-ifs' have been haunting me. What if things had been just a little bit different? What if the shooter had turned a different direction on Route 34 and come to our school, Middle Gate Elementary, instead? When I arrived there that morning there was an assembly going on in the gym which is located directly across the hall from the front doors. I'd estimate that at least half of the school's teachers and students were in attendance in that one room. What if he had come to Middle Gate? That thought keeps me up at night and haunts me to this day. What if his mother or his family had been more proactive in getting him the help he so obviously needed? What if she had made the decision to keep her gun collection out of her home and away from her son? What if he had used a different type of gun, different ammunition, fewer bullets? What if there had been a security officer there that day? Would any of this have saved lives? Maybe. We'll never know. What's done is done. Our community will be struggling with this for years to come.

What gives me hope throughout all of this is the possibility for change. The 'what-could-be' is in your hands. Changes in our gun laws, ie. bans on military-style assault weapons, bans on high capacity ammunition magazines, universal background checks, registration for all guns, and limits on purchases of hand guns to one a month could make a difference. If it could prevent another community or another family from going through what we've been going through, it is worth doing. Even if there is the chance that it could save just one life it is worth doing. For the 26 lives lost at Sandy Hook, for the community of Newtown, and for the countless other lives that could be saved, I urge you to make these changes. We are counting on you.

Thank you,

Jill Baimel
7 Arlyn Ridge Road
Newtown, CT 06470

The Senate Judiciary Committee

Subcommittee on the Constitution, Civil Rights and Human Rights

Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin and Members of the Senate Judiciary Subcommittee:

Thank you for the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. As a member of the Church of the Holy Cross in Dunn Loring, Virginia, I speak to you from a faith community perspective and also as a gun-owner. The Episcopal Diocese of Virginia recently issued two resolutions in support of sensible gun control laws and encouraged all members to pledge as an Episcopalian committed to baptism to seeking justice and peace and promoting the dignity of every human being; commit to being part of the solution to the violence in our culture that claimed the lives of 28 people at Sandy Hook Elementary School and that claims the lives of 2,000 innocent children through gun crimes each year. I make this pledge and am committed to the pursuit of laws that keep guns out of the hands of criminals, prioritize the needs of at-risk children, provide care for mental illness, and address the many ways to which our culture both celebrates and trivializes violence. I believe that what I outline below does not infringe upon the Second Amendment rights and therefore ask that the Senate Judiciary Committee adopt the following and work to pass laws that will:

1. Require Universal Background Checks on both Guns and Ammunition: Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of gun sales are made by private individuals who have no legal duty to subject purchasers to background checks or maintain records of sale. With today's technology advances, NICS checks can be completed in minutes. As such, it should be a regulatory (lawful) requirement that any and all members of the more than 50,000 federally licensed firearm dealers are required to perform. From an economic stand-point, I don't understand the whys or hows such a requirement would or could impede profit making. This same background check should also be required on all ammunition purchases (or better yet, impose a tax on ammunition purchases – certainly could help with the deficit).

2. Institute an Assault Weapons & High Capacity Magazine Ban: Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. As I understand the numbers, the frequency of mass shootings and shootings in general have increased since the ban expired in 2004. I don't understand a need for a weapon designed for war to be in the hands of individual citizens. I recently show an interview of retired General Stanley McCrystal who also expressed the same sentiment (e.g., high-capacity ammunition magazines do not belong in the hands of individual citizens). I respect General McCrystal and wholeheartedly agree with his assessment. Let's save our Children's Lives (not guns).

3. Repeal Tiahrt and Make Gun Trafficking a Federal Crime: The Tiahrt Amendment should be repealed. It restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4. Improve Mental Health Reporting: While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been *involuntarily* committed to a psychiatric institution or formally adjudicated as "mental defectives" (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

I recognize that there are many other issues that need to be addressed before we can completely change our culture of violence and the glorification of guns. I realize that we need to study and address the impacts of violent video games, movies and TV shows that glorify guns. However, I also recognize that we must begin a process; and I believe that process is what I have documented above.

Now is not the time for political partisanship or fear mongering or to appease an industry. Now is the time for action. I expect members of Congress (from both parties) to start enacting laws that will protect our children and bring to an end our culture of gun glorification and violence. Public Safety is paramount.

Most respectfully,

/s/

Karen D. Baker

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

During a career as a naval officer and aviator, I have fired thousands of rounds from 30 and 50 caliber and 20 mm weapons.

These weapons, in hand held form, have no place in our civil society. To make them available in an open market defies common sense. The consequences of such policies are self evident.

I join with many others in urging that these weapons be restricted to military and police usage.

-- Larry Baldwin

Rachel Basch
27 Gelding Hill Road
Sandy Hook CT 06482
mail@rachelbasch.com
203-426-8801

February 10, 2013

Dear Chairman Durbin and
Senate Judiciary Subcommittee Members:

My name is Rachel Basch. I've lived in Sandy Hook for 24 years. For 9 years, when my children were very young, we lived in a house directly behind the Sandy Hook School. We treated the school yard as an extension of our backyard. Until Friday, Dec. 14, 2012, the hallways and the classrooms of that school were the matrix of all that was sweet and generative in my experience of life on this planet.

There is no recompense, no balm, no salve for what 27 families lost that day. Their loss is unthinkable, immeasurable, unbearable. The bullets that ripped through those tiny, precious bodies were bullets that were designed for maximum tissue damage. And those bullets entered the collective body, too. I wonder how many people in our country now have children who in casual conversation describe where they will hide if it happens in art or gym or music. I wonder how many people here have children who are afraid to go to the movies, are afraid of being shot in their college classrooms. I wonder how many people now find themselves suddenly afraid at the mall, in the post office, in church. The presence of these assault style weapons with their large capacity ammunition magazines has robbed those of us fortunate enough to be alive of our most basic sense of life ---freedom.

I ask you to please pass legislation that contains the following stipulations:

1. Strengthen the assault weapons ban by requiring that all weapons having military features be banned and that existing weapons defined as assault weapons be destroyed, turned in to law enforcement or be removed.
2. Ban large capacity ammunition magazines of more than 7 rounds. Destroy, turn in to law enforcement or remove, existing magazines of more than 7 rounds.
3. Require permits and universal background checks on ALL sales and transfers of guns, including long guns.
4. Require registration of handguns with annual renewal. Require: annual fee and annual background check for all handguns owned; require that the owner stipulate that the guns are still in their possession or explain how the gun was transferred to another person; require safety inspection every 3 years.

5. Make gun owners liable for negligent storage if any person gains access to firearms and injures himself or another or causes damage to property. The violation would be a Class D felony.
6. Ban the right of way for transportation of firearms and ammunition bought over the Internet.
7. Tax ammunition sales and require a license/permit to purchase any gun or ammunition.
8. Restrict handgun sales to one gun per month.

Sincerely,

Rachel Basch

My name is Katharine Bensinger. I am Director of Parenting Fundamentals at Community Counseling Centers of Chicago. C4 provides Mental Health Services and Substance Abuse Treatment to over 10,000 low income ethnically diverse Chicago area residents per year. Since 1996, we have provided Parenting Education and Support Services that promote social emotional development, prevent child abuse, strengthen families and help parents become more involved in their children's education for more than 4000 parents, raising over 10,000 children.

By almost any statistical measure, children in North America today are losing ground compared to the recent past. Their educational performance is lower and does not compare well with that of children in many other developed nations. Health status, as shown in the incidence and prevalence of such things as obesity, juvenile diabetes, and other disorders and diseases are on the rise. More children, due to economic and social context, have less hope of upward social mobility than in the last 30 years. Public support and investment in programs that will provide support and assistance to children in need are at risk as states slash budgets.

Ideally, we want all parents to be involved in their children's education; parents would have good communication with their children and give them unconditional love. If this were true, we would not have so many children involved in gangs and dropping out of high school. Home would be a safe nurturing place. If this problem continues, children like Dejae Colman (age 14), an Evanston High School freshman, will continue to be victims of violent crime. He was fatally shot September 12 after coming out of a party. He was not the target, but he was at the wrong place and the wrong time. In his Humanities class, Colman wrote "I don't know what I would do without the family I have now. If I did not have them, I probably would be very bitter and have low self esteem. I probably would not care about my grades either, or anything." He was an exemplary student and an athlete who had a lot to contribute to society.

The link between childhood trauma and adult outcomes is striking. Childhood stress can have long lasting neural effects, making it harder to exercise self-control, focus attention, delay gratification and do many of the things that contribute to a happy life.

Over the past few years, an array of psychological researchers have taught us that motivation, self control and resilience are together as important as raw IQ, and are probably more malleable. In addition, health care systems are tracing obesity and self-destructive habits to social break down and stress.

The evidence for the benefit of investment in children is clear. We are learning more than ever before about the development of children's brains, bodies, and emotional resilience, and how important it is that even from the earliest ages, children have appropriate social, emotional, and physical care.

We know that relational development and health through the child life cycle, into and beyond adolescence, plays a pivotal role in long term health and functioning. There are strategies for prevention and intervention in the early years that work. They produce positive, beneficial long term effects in physical and relational health and increase the possibility of becoming productive, healthy, and generative contributors in society.

The 2009 Institute of Medicine report calculated a savings of \$17 for every \$1 in promotion and prevention. Parenting Education instruction and support equips parents with the tools they need to be good role models and effective parents. Children do not come with an instruction manual, and nurturing parenting skills are not inherited. Strong social emotional competence is the basis for all learning. Nurturing parenting is the first and most important gift we can give our children.

To reduce gun violence we need a ban on assault weapons, universal background checks, and mandatory reporting if a gun is lost or stolen. In Chicago, we are adding 200 more police on the streets, but what we desperately need more than a larger police force is a parenting education force helping equip parents with the parenting skills needed to raise socially and emotionally healthy children that do not want to kill other children.

Lisa Berger
13 Monitor Hill Road
Newtown, CT 06470

Dear Chairman Durbin and Senate Judiciary Subcommittee Members,

I Begin by Asking Which Right Is More Important? Right to Life? Or the Right to Bear Arms? I think if positioned this way everyone would agree that the Right to Life is our ultimate Right.

As a parent and a member of the Newtown community, I urge you to support smart gun legislation that will protect our children, not the NRA, NSSF and gun manufacturers. Please stand up to the extremists; do not allow them to define this debate. This should not be a political argument about which side will win or lose. This is about everyone's Right to Life, Liberty, and Pursuit of Happiness which is what our country was built on. Many argue common sense solutions impinge on some of our other individual rights but nothing is more important or sacred than ones right to live.

Different rights will inevitably conflict. Sometimes one person exercising his rights conflicts with others exercising their rights. The right to practice one's religion in the U.S., does not include the right to kill someone for human sacrifice. The right to life is more important. The right to bear arms does not trump the right to life. Yet people bearing arms take 30,000 lives a year in the US. This must stop.

We must pass laws that keep the weapons and ammunition off our streets that were used in the tragic massacre on December 14. Many of the pro gun advocates say that we would be punishing law abiding citizens by taking away their right to own a gun. One thing to keep in mind is that on December 13th Adam Lanza was a law abiding citizen and his mother was a gun activist that believed in her right to own these types of weapons and look where it got her and 26 other innocent victims. I know that it will not be an easy fight but I ask that you think of these innocent young lives that are lost every day and of those brave teachers that died trying to save their students. Vote with your heart.

I recommend the following agenda items:

Gun Laws

- Mandatory gun users education that includes a safety class and shooting license test (similar to driver's license)
- A ban on high capacity ammunition magazines (no grandfathering)
- A strengthening of the assault weapons ban (no grandfathering) and a ban on all semi-automatic weapons
- Get military-style assault weapons and high-capacity magazines off the streets
- Requirement of permits and universal background checks on ALL sales and transfers of guns
- Requirement of registration of handguns with annual renewal
- Requirement of annual fee and annual background check for all handguns owned
- Requirement that the owner stipulate that the guns are still in their possession or explain how the gun was transferred to another person; require safety inspection every three years
- Make gun owners liable for negligent storage if any person gains access to firearms and injures himself or another person or causes damage to property - the violation would be a Class D felony
- A ban on the right of way for transportation of firearms and ammunition bought over the Internet
- Taxing ammunition sales and requirement of a license/permit to purchase/and or use any gun or ammunition; restriction of quantity of handgun sales and ammunition sales on monthly basis.
- Limits to gun ownership in families with mental health or depression history.
- End the freeze on gun-violence research
- Preserve the rights of healthcare providers to protect their patients and communities from gun violence.
- Encourage gun owners to live up to their responsibility to store guns safely.
- Make gun manufacturers and gun associations liable for accidents, suicides and murders.

In addition to gun laws we must look at other areas that lead to these horrific mass killings. I support the following initiatives to address mental and social health as well as school safety.

Mental and Social Health

- Guidance classes that deal with violence, dealing with anger, emotional well-being. (similar to DARE). Teach children how to resolve problems without anger and violence.
- Support for parents of children and young adults that are showing signs of unhealthy behavior.
- Better mental health identification in our schools.
- More support for citizens dealing with mental health issues.
- Stricter laws on violent movies and video games.
- Improve the mental health process and system.
- Make sure students and young adults get treatment for mental-health issues.
- Ensure coverage of mental-health treatments.

School Safety

- Create environments in schools where students and faculty are comfortable reporting behavior that is suspicious or indications of plans for violence.
- All schools should have security systems including cameras.
- All schools should have lock down plans in place.
- One police officer in each school that also teaches kids about violence prevention.
- Teachers should have emergency panic button lanyard linked to the police station.
- Put up to 1,000 more school resource officers and counselors in schools and help schools invest in safety.
- Ensure every school has a comprehensive emergency-management plan.
- Create a safer climate at schools across the country.

I believe that the initiatives of this sub-committee should be the first step in making changes in our society and in this great nation. We need to continue to

talk about why our culture is so enamored by violence and guns. I know that people's background and experiences form their opinions on this emotional issue. But for those who believe they can only be happy with automatic weapons, I would hope they can find an alternative. There are so many amazing things in the world; surely there must be something else that can fulfill them. If not, I would point out that we are only guaranteed the pursuit of happiness, not necessarily its achievement. But life and liberty are guaranteed. Taking someone's life in pursuit of your happiness is not acceptable.

Thank you for your time and consideration,

Lisa Berger
13 Monitor Hill Road
Newtown, CT 06470
203-426-9625

To: Chairman Durbin and Members of the Judiciary Subcommittee Members

From: Paul Berger
13 Monitor Hill Rd.
Newtown, CT 06470

I'm a resident of Newtown, CT and I'm writing to express my belief that we all have a responsibility to take any and all actions to help reduce the likelihood of another tragedy like the mass shooting at Sandy Hook Elementary School. I urge you, as elected representatives and the people who could actually make a difference on this very important issue to find the wisdom and courage to take some long overdue steps:

Require that all gun purchases go through a thorough and credible background check and waiting period. No loopholes period!!

Create and enforce stringent laws against gun trafficking and submitting false information in the process of purchasing a gun.

Limit the availability of assault weapons that are designed solely to kill as many people as possible

Eliminate large capacity magazines that so effectively facilitate mass murder.

Put reasonable limits on the overall amounts of ammunition anyone can buy.

While no set of laws and regulation can absolutely guarantee that we don't have more episodes of mass shootings, these are steps that surely will help keep at least a few guns out of the hands of individuals who have no business with such weapons, without putting an unreasonable burden on the legitimate gun owners. And that is certainly a worthy objective all reasonable people can agree on.

These are all very appropriate steps that I believe could help reduce the opportunity for people to inflict such terrible carnage like the shooter did in my town on Dec. 14, 2012.

I believe that many of us have become tired of hearing the old argument that *guns don't kill people, people kill people*. That somehow guns aren't really part of the gun violence problem. In Newtown, it is clear that in fact bullets, very, very many bullets (all of those 6 and 7 year olds were hit by multiple rounds) fired from an assault rifle killed 26 innocent people at the Sandy Hook Elementary School. The shooter did not kill all those people with a knife, a baseball bat, or an ice pick. He didn't strangle them with his hands. No. He had a military style weapon with unlimited rounds of ammunition and he used it precisely as it was designed to be used - to fire as many bullets, kill as many people (in this case first graders and their brave teachers and administrators) as quickly and easily as possible. In fact the only reason he gained access to the school is because he had a weapon that he could use to blast his way in.

On Thursday Dec. 13, this individual and his mother could have been the poster family representing the extremists' belief that that there should be absolutely no limits whatsoever on how many guns you can

buy, how often you buy them, how powerful those guns can be, how many rounds they can fire without reloading, and how much ammunition you can buy. On that Thursday it was their “right”, the argument goes, to have those guns so they could protect themselves. Unfortunately, the data shows that households with firearms are much more likely to suffer injury and death from those very firearms. And the tragedy in this case is that along with the family that owned the guns, 26 other innocents lost their lives as well, just because someone felt they had a “right” to have that kind of fire power in their house. These *were* the law abiding gun owners that we are told must always have an untouchable “right” to acquire and keep unlimited arsenals in their houses. And that are so threatened by reasonable regulation of lethal weaponry they charge tyranny and whip up fears of an attack on the 2nd amendment. I feel very strongly there is no justification in a civilized and humane society for these types of military weapons and high capacity magazines except on the battle field for war.

This is NOT a constitutional question. Nowhere in the constitution does it say anyone has a right to own the most lethal weapons available. The founding fathers couldn't even have conceived of weapons that could be so deadly, let alone that they should be easily obtained and allowed in the hands of anyone who wanted one, without even the most fundamental review of their fitness to handle such a lethal capability.

I think it's time that we as a society decide to put some reasonable regulation in place with certain guns. Just like we've decided that you can't get really drunk and get behind the wheel of a car and drive through town at 125 MPH. We are not talking prohibition, but we are going to insist on some reasonable limits. Even one of the most fundamental of our rights, the right to vote, is not unlimited. We have to be a certain age to vote. We must register to vote, and in most states we have to show ID to cast our ballots. And we can only vote once in an election. Simple regulations that don't infringe our constitutional right to vote. Please don't tell me, and the other residents of Newtown, that we can't but any limits on the “right” to purchase and own guns.

I hope you can muster just a fraction of the courage that the principal, the teachers and undoubtedly some of the children displayed on that terrible day. They had the courage to risk their very lives trying to do the right thing and protect the children. The least you can do is find some political and moral courage to do the right thing when it comes to trying to reduce gun violence.

Thank you for your consideration.

Paul Berger

Newtown, CT

To Chairman Durbin & Senate Judiciary Subcommittee Members,

Thank you for giving this community the opportunity to share our thoughts on gun control.

My name is Maura Shannon Bergman. I am the mother of two children who attend school in Newtown, CT. On December 14 our seven-year-old son, spent three hours in hard lockdown: on the floor, against a wall, no talking, lights out. The weeks following he and his sister were often found in a closet, door shut, lights off, holding a light saber or pirate sword preparing in case a bad guy came. We took many hikes around the holidays, he always carried a club for the same reason. Is this what we want for our children: A culture that is ruled by fear?

The Center for Disease Control reports an average of 83 gun deaths a day. For those legislators who see no reason to ban guns created for the battlefield and limit the ammunitions for them, I ask: How many gun deaths a day will be enough? I want a number. How many? My brother-in-law lives in Bogota Columbia where schools are fortresses: high walls, barbed wire, armed gunmen. Is this what we aspire to be? An increase in guns is the easy answer to the gun question. Roll up your sleeves and do the hard work necessary to make an impact on the violence in our country. Ban assault weapons, limit ammunition rounds, require permits and universal background checks on all sales and transfers of guns. Require registration of handguns with annual renewal.

Better gun laws are good for responsible gun owners and non-gun owners alike. To legislators who say they need assault weapons in case the government comes after them I respond by saying you are more government than me or any of us in this country. You shouldn't fear the government; you should fear me. Me and the hundreds of thousands of voters who became single issue voters on December 14. If you are not capable of doing the hard work necessary to address gun violence, then those who can, will take your place. We are prepared to do the work necessary to make sure lawmakers represent our stand on the gun control issue and not the NRA.

Now let's get to work.

Kind regards,

Maura S. Bergman

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. A few says ago I attended a social gathering of mostly parents of preschoolers and primary school students. In this circle, many parents openly shared that since Newtown they have severely cut down on the outside activities of their kids - less cinema visits, less eating out, less socializing in public places. At least in my circle, it seems that the mall has become a “No-No” for responsible parents with children. Not only are we afraid of shooters, but we are also skeptical of each other, asking each other whether the hosting family has guns in the house and accepting or rejecting a birthday party invitation based on the answer (the preferred one is “No”). I believe that with every next shooting we will limit our children’s’ and our public interactions and engagement more and more. This, of course has, and will in the future have, significant economic and social implications. When businesses feel the economic effect of our scaled down ‘going out’, and we self-censure our engagement in the public space, there is no real freedom for anybody.

Please consider and adopt legislative action that will make us and our kids free and safe in the public space, and also take into consideration the pleas of non-gun owners who are also Americans, but seemed to be totally left out of the debate.

Respectfully,

Klara Bilgin,
Oakton, VA



February 12, 2013

Testimony of Jonathan E. Lowy, Director of the Legal Action Project
The Brady Center to Prevent Gun Violence

Mr. Chairman, Ranking Member, and Members of the Subcommittee, I want to thank you for the opportunity to provide this testimony.

My name is Jonathan Lowy and it is my privilege to serve as the Director of the Legal Action Project of the Brady Center to Prevent Gun Violence. The Brady Center is a non-profit, non-partisan organization whose mission is to create an America free from gun violence, where all Americans are safe at home, at school, at work, and in our communities. For 24 years the Brady Center's Legal Action Project has been the nation's only public interest law program devoted to representing victims and survivors of gun violence (pro bono) and defending reasonable gun laws, with the goal of reducing gun violence. LAP has filed amicus briefs on Second Amendment and other firearms-related issues in federal and state courts throughout the nation, and they have been relied on by numerous courts, including by the Supreme Court.¹ Our briefs are often joined by other prominent organizations that share our views in those cases, including the International Brotherhood of Police Organizations, the Major Cities Chiefs Association, the Federal Law Enforcement Officers Association, the Hispanic American Police Command Officers Association, the International Association of Chiefs of Police, the National Association of Police Organization, the National Black Police Association, the National Association of Black Law Enforcement Executives, the Police Executive Research Forum, the Police Foundation, as well as national associations dedicated to medicine, education, and public health. In firearms-related litigation our clients have included the NAACP, the cities of Boston, Massachusetts; Camden, New Jersey; Cincinnati, Ohio; Detroit, Michigan; the District of Columbia; Los Angeles, Oakland, Sacramento, San Francisco, and other California cities; Miami-Dade County, Florida; New York, New York; Pittsburgh, Pennsylvania; St. Louis, Missouri; victims of the D.C. sniper shootings; police officers who have been wounded or killed in the line of duty; mothers and fathers who have lost children to gun violence. To be clear, however, this testimony is only made on behalf of and represents the views of the Brady Center.

I personally have been involved in the litigation of most of the significant firearms cases, including Second Amendment cases, of the past 15 years, appearing in state and federal courts, at the trial and appellate levels, throughout the country, arguing and/or filing briefs in more than half the states.

¹ See *United States v. Hayes*, 555 U.S. 415, 427 (2009).

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My testimony today will not focus on the need for or merits of solutions to reduce gun violence in America, as that was not requested of me. Rather, I will focus my testimony on the constitutionality of gun violence prevention measures that may be under consideration by this Congress. Those measures are constitutional, and are fully respectful of the Second Amendment rights of law-abiding citizens.

Firearms Regulations Permitted Under the Second Amendment

The government's broad authority to enact and enforce effective public safety measures that regulate firearms has been recognized and respected throughout American history -- and well before, from the English antecedent to the Second Amendment. Throughout our history, it has been largely left to the American people, through their elected representatives, to determine the extent to which firearms should be regulated to protect public safety.

The Supreme Court stated over a century ago that the Second Amendment was among those rights "inherited from our English ancestors . . . subject to certain well-recognized exceptions . . . which continue to be recognized as if they had been formally expressed."² As the United States Court of Appeals for the Fifth Circuit recently noted: "Since even before the Revolution, gun use and gun control have been inextricably intertwined. The historical record shows that gun safety regulation was commonplace in the colonies, and around the time of the founding, a variety of gun safety regulations were on the books; these included safety laws regulating the storage of gun powder, laws keeping track of who in the community had guns, laws administering gun use in the context of militia service (including laws requiring militia members to attend "musters," public gatherings where officials would inspect and account for guns), laws prohibiting the use of firearms on certain occasions and in certain places, and laws disarming certain groups and restricting sales to certain groups. See Adam Winkler, *Gunfight: The Battle over the Right to Bear Arms in America* 113–18 (2011); Saul Cornell & Nathan DeDino, *A Well Regulated Right: The Early American Origins of Gun Control*, 73 *Fordham L. Rev.* 487, 502–13 (2004). It appears that when the fledgling republic adopted the Second Amendment, an expectation of sensible gun safety regulation was woven into the tapestry of the guarantee."³

Firearms regulations have generally struck a balance respectful of the choices of some law-abiding citizens to own firearms, while cognizant of the desire of families and communities to be safe from gun violence. The Second Amendment co-exists with the

² *Robertson v. Baldwin*, 165 U.S. 275, 281 (1897).

³ *National Rifle Association v. ATF*, 700 F.3d 185, 200 (5th Cir. 2012).

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fundamental rights of all Americans to life, liberty, and the pursuit of happiness, which support broad police power authority to protect public safety.

District of Columbia v. Heller was a landmark case that changed the face of Second Amendment jurisprudence, but *Heller* embraced the American tradition of firearms regulation, and it did not prevent stronger regulations from being enacted or enforced in the future.⁴ *Heller* did nothing to undermine the constitutionality of the gun regulations and policies under consideration by Congress today. To the contrary, the Court’s opinion supports the legality of those regulations. Both *Heller* itself and post-*Heller* case law confirm that the Second Amendment does not prohibit enactment of the sensible gun regulations under consideration here.

The Supreme Court held in *Heller* that the Second Amendment protects a right of law-abiding, responsible citizens to possess a gun in the home for self-defense.⁵ In Justice Scalia’s majority opinion, the Court took pains to identify regulations to prevent gun violence that are presumptively lawful – and made clear that list was not “exhaustive.”⁶ Specifically, the Supreme Court stated that “nothing in [the] opinion should be taken to cast doubt on longstanding prohibitions” on “the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”⁷ *Heller* also approved of “prohibitions on carrying concealed weapons,” as well as “the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’”⁸

Two years later, in *McDonald v. City of Chicago*, the Supreme Court held that the Second Amendment applies to the states as well, but “repeat[ed]” *Heller*’s “assurances” regarding the Second Amendment’s limited scope, and agreed that “state and local experimentation with reasonable firearms regulations will continue under the Second Amendment.”⁹

In the wake of *Heller* and *McDonald*, states and localities have been forced to fend off an array of legal challenges to sensible gun-violence prevention measures, with over 500 challenges brought by civil lawsuits or in defenses to gun crime prosecutions that have sought to expand these Supreme Court holdings. With remarkable uniformity, the vast

⁴ 554 U.S. 570 (2008).

⁵ *Id.* at 635.

⁶ *Id.* at 626-27 and n. 26.

⁷ *Id.* at 626-27.

⁸ *Id.*

⁹ 130 S. Ct. 3020, 3046-47 (2010) (internal citation omitted).

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majority of courts have rejected those challenges, upholding laws that restrict firearms but – unlike the laws struck down in *Heller* and *McDonald* -- do not completely ban the use of firearms in the home. In addition to decisions discussed below that support background checks, assault weapon and high-capacity magazine laws, courts have generally upheld restrictions on the carrying of concealed weapons in public,¹⁰ laws

¹⁰ See, e.g., *Kachalsky v. County of Westchester*, 701 F.3d 81 (2d Cir. 2012) (upholding New York restrictions on public carrying); *Hightower v. City of Boston*, 693 F.3d 61 (1st Cir. 2012) (upholding Massachusetts’ licensing and restrictions on public carrying); *United States v. Barton*, 633 F.3d 168 (3d Cir. 2011); *United States v. Masciandaro*, 638 F.3d 458 (4th Cir. 2011); *Piszczatoski v. Filko*, 840 F. Supp. 2d 813 (D.N.J. Jan. 12, 2012) (upholding New Jersey’s restrictions on public carrying); *Riddick v. United States*, 995 A.2d 212, 222 (D.C. 2010); *People v. Williams*, 962 N.E.2d 1148, 1152 (Ill. App. Ct. 2011) (“[T]he rulings in both *Heller* and *McDonald* made clear that the only type of firearms possession they were declaring to be protected under the second amendment was the right to possess handguns in the home for self-defense purposes.”); *State v. Knight*, 218 P.3d 1177, 1189 (Kan. Ct. App. 2009) (“It is clear that the [*Heller*] Court was drawing a narrow line regarding the violations related solely to use of a handgun in the home for self-defense purposes.”); *Richard v. County of Yolo*, 821 F. Supp. 2d 1169, 1174 & n.4 (E.D. Cal. 2011) (“the Court, both in *Heller*, and subsequently in *McDonald*, took pain-staking effort to clearly enumerate that the scope of *Heller* extends only to the right to keep a firearm *in the home* for self-defense purposes.”); *Dorr v. Weber*, 749 F. Supp. 2d 993, 1005 (N.D. Iowa 2010) (“[A] right to carry a concealed weapon under the Second Amendment has not been recognized to date.”); *United States v. Hart*, 726 F. Supp. 2d 56, 60 (D. Mass. 2010) (“[Defendant] suggests this right extends to the possession of concealed handguns outside one’s home. *Heller* does not hold, nor even suggest, that concealed weapons laws are unconstitutional.”); *United States v. Tooley*, 717 F. Supp. 2d 580, 596 (S.D.W. Va. 2010) (“Additionally, possession of a firearm outside of the home or for purposes other than self-defense in the home are not within the ‘core’ of the Second Amendment right as defined by *Heller*.”). A divided Seventh Circuit panel became the only federal appellate court to invalidate a public carry law in *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012), *en banc petition pending*, for which an *en banc* petition is pending. A federal district court held that Maryland’s restrictions on carrying firearms in public violate the Second Amendment in *Woollard v. Sheridan*, 863 F. Supp. 2d 462 (D. Md. 2012), *appeal pending*, which has been appealed and argued before the United States Court of Appeals for the Fourth Circuit, with a decision pending. One federal district court held that a state restriction on public carrying during emergencies was unconstitutional. *Bateman v. Perdue*, 881 F.Supp.3d 709 (E.D.N.C. 2011).

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requiring that firearms be safely stored in the home,¹¹ laws requiring that firearms be registered,¹² and laws barring handgun sales to persons under 21,¹³ among other firearms laws.

Many of these rejected arguments for an overly expansive reading of the Second Amendment rely on the same flawed logic: they claim that because *Heller* references “self-defense,” and because self-defense can be needed anywhere, therefore, they contend, *Heller* must protect gun possession, of all types, in all places, at all times. But courts have overwhelmingly, and properly, rejected that reasoning. Indeed, Justice Scalia’s majority opinion in *Heller* stated clearly that “From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

While courts have rejected the notion that the Second Amendment mandates an “any gun, anywhere” agenda, courts have agreed that the government has a strong, compelling interest in preventing the gun violence which leads to 100,000 shootings each year in America, about 30,000 of them fatalities. A few salient facts provide a window into the scope of America’s gun violence problem.

Because firearms are so easily available in the United States, while the United States’ crime rate is comparable to other western democracies, America’s homicide rate is several times larger.¹⁴ As one pair of researchers has explained, “an increase in gun prevalence causes an *intensification* of criminal violence—a shift toward greater lethality, and hence greater harm to the community.”¹⁵

Firearms are frequently used to kill, injure, threaten, or intimidate women. In 2006, 1,905 women were murdered with a firearm; in 2007, 4,808 women were treated in emergency rooms for gunshot wounds that stemmed from some type of assault.¹⁶

¹¹ *Commonwealth v. Runyan*, 922 N.E.2d 794, 796 (Mass. 2010); *Commonwealth v. Patterson*, 946 N.E.2d 130, 132 (Mass. App. Ct. 2011).

¹² *Justice v. Town of Cicero*, 577 F.3d 768 (7th Cir. 2009).

¹³ *National Rifle Association v. ATF*, 700 F.3d at 200.

¹⁴ Franklin E. Zimring & Gordon Hawkins, *Crime is Not the Problem: Lethal Violence in America* (1997).

¹⁵ Philip J. Cook & Jens Ludwig, *Social Cost of Gun Ownership*, 90 J. of Pub. Econ. 379, 387 (2006).

¹⁶ National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System, most recent years available), www.cdc.gov/ncipc/wisqars/ (Calculations by Brady Center to Prevent Gun Violence, 2009).

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The governmental interest in regulating firearms is strong for, among other reasons, a large share of harm that falls on groups that are particularly in need of protection. For example, firearms are the third leading cause of death for children aged five to fourteen.¹⁷ Every day an average of 9 young people, 19 years old and under, are killed by a firearm, and every year about 130,000 are shot and injured.¹⁸

Courts have properly relied on the government’s compelling interest in preventing gun violence in refusing to inhibit the ability of Americans to enact and enforce sensible public safety policies that protect their communities. As noted conservative jurist Judge J. Harvie Wilkinson III wrote for the United States Court of Appeals for the Fourth Circuit in refusing to extend the *Heller* right into a broad right to carry firearms in public places: “This is serious business. We do not wish to be even minutely responsible for some unspeakably tragic act of mayhem because in the peace of our judicial chambers we miscalculated as to Second Amendment rights.”¹⁹

Another federal judge pointedly noted that the Second Amendment right “is unique among all other constitutional rights to the individual because it permits the user of a firearm to cause serious personal injury – including the ultimate injury, death – to other individuals, rightly or wrongly. In the protection of oneself and one’s family in the home, it is a right use. In the deliberate or inadvertent use under other circumstances, it may well be a wrong use. A person wrongly killed cannot be compensated by resurrection.”²⁰

The Second Amendment poses no constitutional obstacle to assault weapons bans, bans on high-capacity magazines, or background checks. Put simply, there is no Constitutional right to buy or possess an AK-47, AR-15, or 30 round ammunition magazine, just as there is no Constitutional right to buy or possess a machine gun.

The Constitution does not bar the government from requiring that before a gun is sold, a background check must be conducted to determine if the purchaser is legally permitted to buy and possess that gun. Indeed, a reading of the Second Amendment as not permitting background checks would constitutionalize a “lie and buy” system, in which the only means to prevent criminals and other prohibited persons from buying guns would be to

¹⁷ See Matthew Miller et al., *Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide Among 5-14 Year Olds*, 52 J. TRAUMA Injury, Infection, & Critical Care 267, 267 (2000).

¹⁸ National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (2006 (deaths) and 2007 (injuries)), www.cdc.gov/ncipc/wisqars/ (Calculations by Brady Center to Prevent Gun Violence, 2009).

¹⁹ *Masciandaro*, 638 F.3d at 465.

²⁰ *Piszczatoski v. Filko*, 840 F. Supp. 2d 813 (D.N.J. 2012).



rely on them to honestly declare that they were prohibited. Such a reading of the Second Amendment is utterly contrary to the *Heller* Court’s limitation of the right to “law-abiding, responsible citizens,” as well as the Court’s acceptance of bans on possession by felons and the mentally ill (which would be next to meaningless if felons could buy guns on the honor system), and the Framers’ understanding that firearms should not be possessed by those who would pose a public danger.²¹

Assault Weapons

A ban on assault weapons would not violate the Second Amendment. As the Supreme Court noted in *Heller*, limitations on the “sorts of weapons protected” by the Second Amendment is fairly supported by the historical tradition of prohibiting the carrying of “dangerous and unusual weapons.” The Court rejected any contentions that bans on M-16s and other military weaponry, for example, might be unconstitutional because those weapons might be needed to respond to forces armed with high-powered weaponry. Whatever differences there are between fully automatic M-16s and semi-automatic AK-47s or AR-15s, as a matter of Constitutional law there is no principled distinction between them. Just as nothing in the Second Amendment entitles civilians to possess machine guns, the Second Amendment does not entitle civilians to possess Bushmaster XM-15s.

In 2011, the United States Court of Appeals for the District of Columbia Circuit upheld the District of Columbia’s assault weapons ban as constitutional.²² The trial court had held that assault weapons are not protected “arms” within the meaning of the Second Amendment.²³ On appeal, the D.C. Circuit rejected the notion that assault weapons are among the “sorts of weapons” “‘in common use at the time’ for lawful purposes like self-defense.”²⁴ And even if the District’s assault weapons ban implicated the Second Amendment, the D.C. Circuit concluded that it still would be constitutional, because (i) “the prohibition . . . does not . . . substantially affect [individuals’] ability to defend

²¹ *Id.* (“Noteworthy among these revolutionary and founding-era gun regulations are those that targeted particular groups for public safety reasons. For example, several jurisdictions passed laws that confiscated weapons owned by persons who refused to swear an oath of allegiance to the state or to the nation. See Cornell & DeDino, 73 Fordham L. Rev. at 507–08. Although these Loyalists were neither criminals nor traitors, American legislators had determined that Case: 11-10959 Document: 00512032188 Page: 22 Date Filed: 10/25/2012 permitting these persons to keep and bear arms posed a potential danger. *Id.*”)

²² *Heller v. District of Columbia* (“*Heller II*”), 670 F.3d 1244, 1260-64 (D.C. Cir. 2011).

²³ *Heller v. District of Columbia*, 698 F. Supp. 2d 179, 195 (D.D.C. 2010).

²⁴ *Id.* (quoting *Heller*, 554 U.S. at 624, 627).

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themselves,” and (ii) “the evidence demonstrates a ban on assault weapons is likely to promote the Government’s interest in crime control.”²⁵ Several state courts have also upheld similar bans after *Heller*.²⁶

The D.C. Circuit’s reasoning is well-founded. That court noted that there is no meaningful distinction between semi-automatic assault weapons and the military-grade weapons that the Supreme Court deemed unprotected.²⁷ Indeed, many parts found on the military’s M-16 are interchangeable with the civilian AR-15 assault weapon.²⁸ With a few modifications, readily available on the Internet,²⁹ an AR-15 can be converted into a fully automatic weapon—a machine gun.

Such weapons, of course, are exceptionally dangerous. Assault weapons are designed to fire at extremely high speeds, particularly when coupled with easily available after-market modifications, such as bump or slide fire stocks.³⁰ Pistol grips allow the shooter to spray fire from the hip position.³¹ According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, assault weapons create “mass produced mayhem.”³²

²⁵ *Heller II*, 670 F.3d at 1260-64.

²⁶ *People v. Arizmendi*, 2011 Cal. App. Unpub. LEXIS 7284 (Cal. Ct. App. 2011); *People v. James*, 174 Cal.App.4th 662, 676 (Cal. Ct. App. 2009) (holding that assault weapons are not protected “arms” under the Second Amendment).

²⁷ *Heller II*, 670 F.3d at 1263 (citing *Heller*, 554 U.S. at 627).

²⁸ *See id.* at 1263.

²⁹ *See Drop In Auto Sear* (Feb. 5, 2013), <http://www.quarterbore.com/nfa/dias.html>; Answerbag, *Which Cold AR-15 rifle takes an automatic sear?* (Feb. 5, 2013), http://www.answerbag.com/q_view/2160125&adt=0; Amazon.com, *Full Auto Volume 1: AR-15 Modification Manual* (Feb. 5, 2013), <http://www.amazon.com/Ar-15-Modification-Manuel-Combat-bookshelf/dp/0879470615>; *see also* Youtube.com, *How to make your AK-47 fully automatic* (Feb. 5, 2013), <http://www.youtube.com/watch?v=k6MCtYXuuJO>.

³⁰ *See* Bureau of Alcohol, Tobacco, and Firearms, ASSAULT WEAPONS PROFILE 19 (1994); Dianne Feinstein, *Assault Weapons Ban of 2013* (Feb. 5, 2013), <http://www.feinstein.senate.gov/public/index.cfm/assault-weapons-ban-summary>.

³¹ Brady Center to Prevent Gun Violence, ASSAULT WEAPONS: “MASS PRODUCED MAYHEM” 1 (2008).

³² Bureau of Alcohol, Tobacco, and Firearms, ASSAULT WEAPONS PROFILE 19 (1994).

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Assault weapons place law enforcement officers at particularly heightened risk: such weapons account for a higher share of guns used in murders of police.³³ And, more generally, any use of these weapons is exceedingly dangerous to public safety. The high firepower of assault weapons means bullets can penetrate multiple walls, exposing bystanders to substantial risk, especially given their capability for high-speed, indiscriminate fire.³⁴

The extreme danger to public safety posed by assault weapons, and the government's unquestionable interest in protecting law enforcement and the public, are more than enough to satisfy the requisite constitutional tests.

Some opponents of assault weapons legislation rely on language in *Heller* that weapons in "common use" at the time are protected to argue that assault weapons may not be regulated if they are sufficiently used or in circulation. This argument was rejected by the D.C. Circuit in *Heller II*, and grossly misreads the Supreme Court in *Heller*. While the *Heller* Court found that the Second Amendment was not frozen in time to protect only muskets, the Court did not state that every weapon in "common use" was necessarily exempt from government regulation or prohibition. If that were the case, then .50 caliber sniper rifles (military surplus weapons that can pierce the fuselage of an airplane, and hit targets a mile away) would be constitutionally protected if enough of them were manufactured or sold before a court ruled of the constitutionality of a law regulating or banning them. In such a scenario, gun manufacturers and the market (including the criminal market) would determine the scope of the Second Amendment. There is no legal basis for such a view. And the *Heller* Court never stated such a rule.

Assault weapons legislation does not infringe on the Second Amendment. Such laws allow for numerous makes and models of handguns, rifles and shotguns by which enable law-abiding citizens to exercise their Second Amendment rights. An AR-15 is not necessary to exercise those rights, or to protect one's hearth and home, or to engage in other lawful uses of firearms.

High-Capacity Magazines

Likewise, a ban on high-capacity magazines is constitutional. In addition to upholding the District of Columbia's assault weapons ban, the D.C. Circuit also upheld the District's ban on magazines containing more than 10 rounds. In doing so, the court found

³³ Christopher S. Koper, AN UPDATED ASSESSMENT OF THE FEDERAL ASSAULT WEAPONS BAN: IMPACTS ON GUN MARKETS AND GUN VIOLENCE, 1994-2003 2 (2004).

³⁴ Brady Center to Prevent Gun Violence, ASSAULT WEAPONS: "MASS PRODUCED MAYHEM" 16 (2008).

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that the District’s goal of protecting its police officers and controlling crime justified the ban.³⁵ Other courts are likely to follow the D.C. Circuit’s sound reasoning.

The D.C. Circuit specifically observed that “large-capacity magazines tend to pose a danger to innocent people and particularly to police officers....”³⁶ The court cited evidence that “high-capacity magazines are dangerous in self-defense situations” due to the tendency of “ ‘defenders to keep firing until all bullets have been expended, which poses grave risks to others in the household, passersby, and bystanders.’ ”³⁷ And when being used offensively, including in a crime or a mass shooting, large magazines allow shooters to exponentially increase their firepower. In such situations, the few seconds that a shooter needs to reload provide law enforcement with a crucial opportunity to intercede.³⁸

In short, high-capacity magazines present a substantial danger to the public and law enforcement, and their prohibition undoubtedly passes constitutional muster. The use of high-capacity magazines in numerous, horrific mass shootings (including the Sandy Hook Elementary School, the Aurora movie theater, Virginia Tech) demonstrate their utility to mass killers. However, law-abiding citizens do not need a 30 round magazine or a 100 round drum to exercise their Second Amendment rights. Limiting ammunition magazines to 10 rounds does not infringe on the Second Amendment rights of law-abiding citizens.

Background Checks

Finally, there is no serious question as to the constitutionality of background checks as a public safety measure to prevent firearms from falling into the hands of those prohibited from buying or possessing firearms. The *Heller* Court specifically cautioned that its decision should not be read to cast doubt on “laws imposing conditions and qualifications on the commercial sale of arms,”³⁹ implicitly placing background checks among *Heller*’s list of “presumptively lawful” regulations.⁴⁰

In an effort to avoid misinterpretation of its holding, the Court in *Heller* expressly stated that its decision should not “cast doubt on longstanding prohibitions on the possession of

³⁵ *Heller II*, 670 F.3d at 1264.

³⁶ *Id.* at 1264.

³⁷ *Id.* at 1263-64.

³⁸ *Id.* at 1264.

³⁹ *Heller*, 554 U.S. at 626-27.

⁴⁰ Dennis A. Henigan, *The Heller Paradox*, 56 UCLA L. Rev. 1171, 1195 (2009).

Brady Center



To Prevent Gun Violence

LEGAL ACTION PROJECT

firearms by felons and the mentally ill,”⁴¹ and characterized Second Amendment rights as belonging specifically to “law-abiding, responsible citizens to use arms in defense of hearth and home.”⁴² Lower courts have followed suit, routinely upholding laws prohibiting certain classes of people, such as criminals and the mentally ill, from owning firearms.⁴³

Background checks are a simple and efficient manner of ensuring that those categories of people not entitled to firearms under *Heller* do not receive them, while imposing a minimal burden on legitimate firearms purchasers.

Studies confirm that firearms laws, including background checks, can be tremendously effective at reducing gun violence. For example, when the Brady Handgun Violence Prevention Act, Pub. L. 103-159, 107 Stat. 1536, which mandated background checks on handgun purchases by licensed firearms dealers, went into force in February 1994, the number of violent crimes committed with a firearm had risen in nine of the ten preceding years.⁴⁴ In 1994, after enactment, that trend reversed sharply, and the number of violent crimes involving the use of a handgun declined for each of the six years that followed.⁴⁵ This decline was accompanied by a similar downward trend in the percentage of violent crimes committed with a firearm, demonstrating that this decline was not simply attributable to a drop in the overall crime rate.⁴⁶ By 2007, the number of violent crimes committed with a firearm had fallen by more than a third from 1993 levels—firearms were used to perpetrate 5,500 fewer murders, 89,000 fewer robberies, and 100,000 fewer

⁴¹ *Heller*, 554 U.S. at 626.

⁴² *Id.* at 635.

⁴³ *See, e.g., United States v. Dugan*, 657 F.3d 998, 999-1000 (9th Cir. 2011) (“Because Congress may constitutionally deprive felons and mentally ill people of the right to possess and carry weapons, we conclude that Congress may also prohibit illegal drug users from possessing firearms.”); *United States v. Skoien*, 614 F.3d 638 (7th Cir. 2010) (en banc) (upholding prohibition on firearm ownership by persons convicted of a domestic violence misdemeanor); *United States v. Rozier*, 598 F.3d 768, 771 (11th Cir. 2010) (“[S]tatutory restrictions of firearm possession, such as § 922(g)(1), are a constitutional avenue to restrict the Second Amendment right of certain classes of people.”).

⁴⁴ *See* U.S. Dep’t of Justice, *Percent of Murders, Robberies, and Aggravated Assaults in which Firearms Were Used, 1973 to 2007*, available at, <http://www.ojp.usdoj.gov/bjs/glance/tables/guncrimetab.htm> (“DOJ Chart 1”).

⁴⁵ *Id.*

⁴⁶ *See* U.S. Dep’t of Justice, *Percent of Murders, Robberies, and Aggravated Assaults in which Firearms Were Used, 1973 to 2007*, available at, <http://www.ojp.usdoj.gov/bjs/glance/tables/gucrimetab.htm>.



LEGAL ACTION PROJECT

aggravated assaults.⁴⁷ These data more than support the government's reasonable – indeed, compelling – interest in requiring background checks for all gun sales.

There is no Constitutional right to buy a firearm without a background check, especially where that is an effective way (perhaps the only effective way) to determine whether that buyer is prohibited from buying or possessing firearms. As with the other measures being considered by Congress, they are plainly constitutional under the Second Amendment.

The Implications of *Heller* On Gun Policy In General

The sensible measures under consideration by this Subcommittee will not infringe on Second Amendment rights, but are reasonable public safety measures to reduce gun violence in our streets and neighborhoods. The Supreme Court's recent Second Amendment decisions not only support the legality of these measures, but should make consideration of these and other gun violence prevention measures less controversial than in the past, especially among those who have expressed fear that their Second Amendment rights might be infringed by firearms regulations.

Under *Heller* and *McDonald*, federal, state and local governments cannot enforce broad bans that prohibit law-abiding, responsible citizens from possessing any firearms in the home for self-defense. To those who feared total bans or confiscations of all firearms, those fears should be dispelled, for under *Heller* that cannot happen in America today. If there ever was a "slippery slope" to gun policy, there is no more.

At the same time, *Heller* made clear that reasonable gun violence prevention measures are Constitutional, and can fully co-exist with an individual Second Amendment right. To the extent that it was contended in the past that the Second Amendment does not allow for reasonable firearms policies, that contention can no longer be credibly made.

In sum, the Supreme Court has taken the extremes of gun policy off the table: the Constitution, the Court has said, does not allow for complete bans, and it does not mandate "any gun, anywhere, anytime" policies, without common sense gun laws. Sensible gun violence prevention measures are fully consistent with the Constitution, as well as the America tradition of broad police powers to protect public safety, and our long history of firearms regulation.

Mr. Chairman and Members of the Subcommittee, I thank you for your time and consideration.

⁴⁷ See DOJ Chart 1.

CATHERINE E. BRAINARD

16 Putnam Park Road.
Bethel, CT 06801

203-300-6961
catebrain18@yahoo.com

February 5, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members,

I am a teacher at Newtown High School. My world view changed at approximately 10:00 AM on December 14th when, in lockdown with approximately fifteen students, I slowly learned what was happening less than two miles down the road to my colleagues, friends and the special needs students with whom I work in the summer. What I once believed to be an anomaly, I now know isn't. I believe, with every fiber of my being, that this can and will happen again. In the nearly two months since December 14th, I have had to provide a sense of safety and security for my students, provide comfort to my friends and provide reassurance to those who need it. Yet, I myself do not feel safe and reassured. The shooting remains compartmentalized in my brain with the door shut tight. Whenever I dare to open it, I can not handle the flood of emotion that I feel and so I close the door again.

We can not have a repeat of December 14th. You, as our representatives, hold the power and influence to prevent such a tragedy from ever occurring again. I implore you to work to ban possession and sales of all semi-automatic weapons, ban large capacity magazines of more than seven rounds, and to prohibit sales of guns or ammunition via internet to Connecticut residents. Furthermore gun owners should be liable for negligent storage if any person gains access to firearms and injures himself or another person or causes damage to property.

I attended the legislative hearing at Newtown High School on January 30th and much of the testimony was very compelling especially that of David Wheeler when he stated that his son Benny's right to life, liberty and the pursuit of happiness should outweigh any one's right to possess a semi-automatic weapon. The testimony that I did **not** feel was compelling was that of a gentleman who stated that individuals who live in economically challenged neighborhoods need semi-automatic weapons to fend off intruders. That testimony was preposterous. I can attest, having grown up in New York City, that no one I knew, short of criminals, had guns much less semi automatic weapons. As a matter of fact, I never knew anyone who owned a gun until moving to this part of Connecticut. I contend that anyone, with the exception of law enforcement or military personnel, who feels the need or desire to own such a weapon, probably shouldn't.

Sincerely,

Cate Brainard, MA Special Ed.

Gregory H. Brandon
1644 Maddux Lane
McLean, Virginia 22101-3231
(703)848-4796
gbrandon55@yahoo.com

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

- 1) Require Universal Background Checks on both Guns and Ammunition
- 2) Institute an Assault Weapons & High Capacity Magazine Ban
- 3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime
- 4) Improve Mental Health Reporting

There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above are all simple and immediate steps that would help bring an end to gun violence.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. Let's get this done; for our country and for our children; and let's get this done now.

Most respectfully,



Gregory H. Brandon

To Chairman Levin and members of the Senate Judiciary Committee and Subcommittee on the Constitution, Civil Rights and Human Rights

RE: "Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment"

Dear Mr. Chairman and Members of the Committee:

My name is Nikolai Burlakoff. I am a US Army veteran with an Honorable Discharge. During the period of my service I qualified as a sharp shooter, and I have successfully passed US Army courses in small arms and demolitions. I mention this to assure you that I am familiar with weaponry and write to you from a position of experience.

I write in strong support of the proposals made by the current Administration so as to reduce the epidemic of gun violence that has engulfed our nation. While I support all the proposals made by the Administration the following are particularly critical in my view: 1) Requiring criminal background checks for all gun sales, including those by private sellers that currently are exempt; 2) Reinstating and strengthening the ban on assault weapons that was in place from 1994 to 2004; 3) Limiting ammunition magazines to 10 rounds; 4)

Increasing criminal penalties for "straw purchasers," people who pass the required background check to buy a gun on behalf of someone else, 5) Banning the possession of armor-piercing bullets by anyone other than members of the military and law enforcement.

In addition to these five priority items enumerated, and the remaining seven, I would also like to see consideration of the following by the Committee: An imposition of an **excise tax** on all guns sold in the U.S. **of sufficient size to offset the costs of medical care** incurred as a result of gun violence.

In a JAMA article, in 1999, the medical cost of a mean gun incident was pegged at \$17,000 for a total cost of some \$2.3 billion. Since medical costs have more than doubled from 2000 to today we can confidently assume that today's costs would be at least a mean of \$34,000 per incident and nearly \$5 billion overall. Of the total costs incurred, according to the JAMA article 49% are

taxpayer supported. Currently, while there is an excise tax imposed, it is not sufficient to cover all medical expenses due to gun injuries and it needs adjustment.

There is no earthly reason why non-owners of guns need to subsidize, through taxes and increased medical insurance costs, totally preventable expenses incurred by a relatively small number of people in pursuit of their private ends. It is my firm opinion that “those who wish to play need to pay.” It is also my belief that once law-abiding gun owners see how irresponsible owners impact their pocketbook that they will cooperate more enthusiastically to find solutions to our national problem. In any case, having gun owners pay for the medical cost of our current gun anarchy would save us more money than firing Big Bird as was recently suggested as a tax-saving measure.

Whatever the Committee does as it proceeds with its hearings, and resulting recommendations, I would caution you to heed the warnings of Joseph Story in his 1833 *Commentaries on the U.S. Constitution*: “... it cannot be disguised, that among the American people there is a growing indifference to any system of militia discipline, and a strong disposition, from a sense of its burthens, to be rid of all regulations. How it is practicable to keep the people duly armed without some organization, it is difficult to see. There is certainly no small danger, that indifference may lead to disgust, and disgust to contempt; and thus gradually undermine all the protection intended by this clause of our national bill of rights.” I believe that it is the duty of this Committee to ensure that a "disgust and contempt" with the current wholesale slaughter of civilians does not rise to the level that the Bill of Rights, or any of its clauses, becomes endangered.

Very Truly Yours,

--

Nikolai Burlakoff

AElitaPress.org

Available @ amazon.com *A Kalmyk Sampler: Mongol Poetry and Mythic Tale* (ISBN 978-1479111633) Illustrated by Eduardo Barrios & *Erol Beet and the Borsch Angel: How the Borsch Angel Got Her Name* (ISBN 978-0615655260) Illustrated by Roland Hale.

Coming in 2013 *The World of Borsch*.

I've served as Commissioner of Youth Services in Massachusetts, was appointed by President Carter to serve as the Commissioner of the Administration for Children, Youth and Families, was CEO and President of the National Crime Prevention Council and, for the last several years have been directing the 13 California City Gang Prevention Network and am serving as a consultant to the U.S. Department of Justice for its National Forum on Preventing Youth Violence.

Our crime rates compared to most western is either roughly the same, or better - that is, until you throw in guns. Please, please, as a start we must:

- Ensure universal background checks and close gun show loopholes
- Ban assault weapons
- Ban multi-clip magazine clips
- Give ATF and others the authority to trace guns

Too many kids have been killed, families ruined, communities collapsed.

Please, please move forward.

Now is the time.

My thanks to you and the committee.

John A. "Jack" Calhoun

President and CEO, Hope Matters

Senior Consultant, National League of Cities, Institute for Youth, Education and Families

Chairman Durbin and Senate Judiciary Subcommittee Members,

My name is Jennifer Callery and I am a 20 year old lifelong resident of Sandy Hook. My parents built our home when they were 27, and we have lived in it for the past twenty years. I have always loved my town. Even in the toughest of times, Sandy Hook as served as a bright and comforting spot for me. I was blessed to attend SHS, and the years that I have there are some of my fondest memories. My heart has always been in this town and always will be. Even when I attended college in Ohio, my heart was always with Newtown. I used to drive people crazy talking endlessly about my perfect little New England world. I even had a post card with a painting of Newtown's main street above my bed, so that I was always close to where I came from. I now attend UCONN, and even at a school in state, I would have to explain where I lived, it was so small that no one had ever really heard of it. After the events that transpired on 12/14, I no longer have to explain where I am from. My words are no longer met with a question of "where is that?" but with a resounding and sorrowful "I'm so sorry". No person should ever have to hear an apology when they explain where they are from. No person should have to cry every time they sit down to their computer or sit down to watch the evening news. No family should have to look at an empty seat at the dinner table or a vacant space in their car. There needs to be intelligent and reasonable restrictions on guns in this state, it is as simple as that. We can no longer sit back and allow those who are mentally ill or previously convicted of crimes to possess weapons that lead to empty chairs and apologies. Apologies are not enough. We need action. I would do anything to be able to have to explain where I live to people again, I would do anything to refill those empty spots for those families, but unfortunately we cannot change what has already transpired. With that being said, we have the opportunity to change the future. We have a chance to take control of our society in 2013 and not hold true to laws that were established three hundred years ago. If we do not take action now, when will the next mass murder occur? How many more people will be missing from family dinners? How much farther will it go? I am a firm believer that guns breed violence. Yes, violent movies and video games contribute to a culture of violence in which many are numb to murders and death, but the fact of the matter is, a gun enabled a sick person to quickly and brutally slaughter 26 beautiful people, not a video game disc. If we allow gun purchasing to continue at the rate at which it currently is, we are doing nothing to ensure a future with less apologies. I am asking you on behalf of my incredible town to do anything and everything you can to make sure that gun control laws pass in this state and country. I ask you to think about your dinner tables, and your family cars. Would you ever be okay with an empty space being there? Would you ever be able to forgive yourself if another town like Sandy Hook was ripped apart by an unnecessary weapon?



SSM Cardinal Glennon Children's Medical Center

Missouri Quality Award Winner

1465 S. Grand Boulevard ▪ St. Louis, MO 63104-1095 ▪ (314) 577 5600 phone ▪ www.cardinalglennon.com

February 7, 2013

The Honorable Richard J. Durbin
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Gun violence affects the lives of far too many children. At SSM Cardinal Glennon Children's Medical Center, we see the effects of this violence in our hospital. Our mission is a call to "do what is right for children," and our values tell us that we must advocate for policies that help safeguard the lives and health of these innocents. We feel a moral imperative to speak out about this issue.

As health care providers, we are focused on the costs of this epidemic on our children, not the broader debate about the second amendment. We encourage you, as the debate about guns and gun violence unfolds, to consider steps that will lead to fewer children suffering from gun violence. We believe improvements to the federal background check system, government sponsored research into gun violence and more mental health funding can reduce the incidence of children becoming victims of gun deaths and injuries.

The statistics are stark. In 2009, the Children's Defense Fund found that 2,793 children and teens died from guns and 13,791 were injured. Of these children, 590 that died and 1,247 that were injured were under the age of 15. In 2012, Missouri hospitals treated 138 children that were victims of gunshots. Seventy-six of these were assaults and 62 were accidents. Of these children, 34 were under the age of 15.

Current federal law reads: "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control." Recently, President Obama signed an executive order directing the CDC to start studying the causes of gun violence once again. We believe that additional data is needed to develop strategies to prevent and reduce gun violence involving children.

SSM Health Care
Malcolm Baldrige National Quality Award
First Health Care Recipient

THROUGH OUR EXCEPTIONAL HEALTH CARE SERVICES, WE REVEAL THE HEALING PRESENCE OF GOD.

The Honorable Richard J. Durbin

February 7, 2013

Page 2

Finally, Missouri, Illinois and other states have cut spending on mental health services for children and adults living with serious mental illness. These cuts have led to significant reductions in both hospital and community services for vulnerable individuals with serious mental illness. A report from the National Alliance on Mental Illness finds that Missouri has reduced its mental health budgets by 6.8 percent between 2009 and 2012 and Illinois reduced its mental health budgets by 31.7% over the same time period. Missouri spent \$86.15 per capita on mental health in 2009 and Illinois spent \$85.30 per capita, ranking us in the lower tier of states.

Gun violence has no place in a child's life. Please thoughtfully consider proposals before congress, and support those that will help protect children.

Sincerely,



Sherlyn A. Hailstone

President

SSM Cardinal Glennon Children's Medical Center

*Thank you
for your leadership!*

SH/jad

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for providing American citizens with the opportunity to voice our concerns about the frightening increase in mass shootings we have seen recently in this country. As someone with a dear friend who was huddled with her second grade class at Sandy Hook only fifty feet from the shooting on that horrible day in December, I urge you to take action against the kind of horror which occurred in a place which should be the safest of all: our children's schools.

So much can be done legislatively to make our country a safer place that will not infringe upon anyone's Second Amendment rights. We can: 1) Require Universal Background Checks on both Guns and Ammunition: 2) Institute an Assault Weapons & High Capacity Magazine Ban: and 3) Make Gun Trafficking a Federal Crime

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting gunmakers and radical gun owners who have allowed their fear of the government to overrule their common sense. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

It is time for our leaders in Congress to have some courage. It is time for you to act.

Respectfully,

Cindy L. Casper
142 Gilman Street
Bridgeport, Connecticut 06605



Church of the Brethren

February 11, 2013

The Honorable Richard Durbin,
Chairman
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Ted Cruz, Ranking
Member
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Al Franken
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable John Cornyn
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Christopher Coons
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Orrin G. Hatch
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Richard Blumenthal
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Lindsey Graham
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Mazie Hirono
Subcommittee on the Constitution,
Civil Rights and Human Rights
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Continuing the work of Jesus. Peacefully. Simply. Together.



Church of the Brethren

Dear Senators,

The Church of the Brethren has a long history of peacemaking and advocating for non-violent solutions to the problems that plague our world. We have consistently encouraged our congregations, communities, and neighbors to find ways to non-violently address their conflicts and be a powerful witness against the use of violence to settle disputes. As a denomination, we have always lamented the violence that soaks our culture, and today we write to you to express our support for your efforts to reduce gun violence in our country.

We support many of the initiatives that are being considered in the subcommittee, such as the institution of a universal background check, limits on ammunition magazine capacity and assault-style weapons, and stricter gun trafficking laws. As a denomination, we have historically called for laws such as these and believe that they will go a long way to helping curb the gun violence epidemic that has affected this country for decades.

These types of laws, however, will not magically solve our epidemic of violence. They will certainly help limit which types of deadly weapons are legally available for purchase, but if we are to take our culture of violence seriously, we must take a much broader approach. How can we honestly say that we are making dramatic efforts to reduce violence in our communities when our media is still saturated with violent images and messages, and our government is still constantly relying on violence to solve its own problems? We may wish to separate the violence at home from violence in the media and violence perpetrated overseas, but they are all connected. We must have a consistent ethic regarding the destructive effects of violence in communities abroad and our communities right here at home.

Additionally, it is imperative that we support efforts to remove the stigma from mental illness and create a society where mental health care is readily available for anybody who needs it. We cannot continue to mourn these victims of violence and regret what could have been done to prevent perpetrators from committing such atrocities. We must be proactive and implement comprehensive prevention methods that address all of the underlying causes of violence.

We recommend that the subcommittee seriously consider measures that address not only the loopholes and abuses in the current system, but also measures that lessen the need for such a system altogether. We support the implementation of a universal background check, federally criminalizing gun trafficking, limiting access to assault-style weapons and high-capacity magazines, but we also support increasing funding and access to mental health services, and emphasizing non-violent conflict resolution, both at home and abroad. We cannot continue to patch up the symptoms of violence without beginning to talk about and address the root causes.

Sincerely,

Peace Witness Ministries,
Church of the Brethren
110 Maryland Ave. Suite 108
Washington, DC 20002

Continuing the work of Jesus. Peacefully. Simply. Together.

Statement from Rebecca Cicarelli, Sandy Hook CT
Submitted 2.11.2013

To Chairman Durbin & Senate Judiciary Subcommittee Members:

For too long, I have distanced myself from the issue of gun violence. This was someone else's problem, in someone else's town. Now I can say that it is everybody's problem.

We all own this, and we have the responsibility to address it.

We as a nation need to examine our national character, and make a collective decision to make this a turning point. From a governmental point of view, however, there is an opportunity to create real change with gun control. I fully respect the rights of gun owners throughout our nation. I'm okay with the fact that rifles are used for hunting, and regrettably, pistols are sometimes held in a home for the purposes of self-defense. But assault weapons? I think we can all agree that when our founding fathers drafted the 2nd amendment, they were speaking to muskets, not the madness we have today. I am asking you as a committee to give full consideration to the following measures:

1. Require universal background checks on ALL gun sales and transfers.
2. Ban large capacity ammunition magazines of more than 7 rounds. **No** grandfathering.
3. Require registration of handguns with annual renewal.
Require annual fees and background checks for all guns owned.
4. Restrict hand gun sales to one per month.
5. Require a permit to purchase and/or carry guns or ammunition.
6. Make gun owners liable for negligent storage if any person gains access to firearms and injures himself or another person or causes damage to property.
Ensure that a violation is classified as a Class D felony
7. Create limitations on the sale of guns or ammunition via the internet.

And lastly, importantly, I ask you to please work to strengthen the restrictions on assault weapons. What we have right now is not working. Eliminate the loopholes and ensure no grandfathering,

It is the very least we can do as tribute to those who were so brutally taken from us on 12.14. Thank you.

CITY OF CHARLOTTESVILLE

"A World Class City"

Police Department

606 E. Market St. • Charlottesville, Virginia 22902

Telephone: 434-970-3280

Fax: 434-970-3502

www.charlottesville.org/police



February 8, 2013

The Honorable Patrick Leahy
Chairman
Committee of the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman,

Many thanks for your long and dedicated service to our great Nation.

I am pleased to write regarding the partnership that the Charlottesville Police Department enjoys with the United States Attorney's Office for the Western District of Virginia, and to outline our coordinated approach to the investigation and prosecution of gun crime in our district. We believe that this partnership has provided tremendous value and contributed to the safety and well-being of the community that I have been privileged to serve for the past 12 years.

Having served with the Baltimore City Police Department in various command positions for the first half of my professional law enforcement career, I have a great understanding of the impact violent crime has on a community and the difficulties that arise when criminal justice partnerships become fractured. When I assumed the position as Charlottesville's Chief of Police in February of 2001, it was immediately apparent to me that local law enforcement was complimented with competent, aggressive, and just prosecuting authorities at the local and federal levels.

Like many cities across America, Charlottesville has seen the impact of violent crime arising from illegal narcotic and gang related activity. More often than not, such crime brings with it senseless gun violence. I learned quickly that by partnering with our United States Attorney and leveraging the expertise and commitment of his prosecutors, we could systematically dismantle violent criminal enterprises and begin to see an impact on violent crime in our community.

Over the years, the United States Attorney's Office for the Western District of Virginia has partnered with our agency to systematically dismantle groups responsible for the commission of violent criminal acts that threatened the quality of life in our community. We have worked closely with the United States Attorney's Office in investigating and prosecuting several violent drug gangs in Charlottesville. These successful cases have resulted in the removal of dangerous offenders from our streets. They show that leveraging federal resources in a collaborative way in an effort to make our community safe helps us maintain our city's quality of life.

Those of us who serve in local government cannot aggressively attack violent crime without aligning with partners like our United States Attorney. We are fortunate in Charlottesville to have this alignment. When it comes to gun crime, we use that partnership to make thoughtful decisions about the appropriate venue for particular cases. The decision about whether to prosecute violent criminal offenders who use a firearm to carry out their crimes is the product of careful consideration between our state and federal prosecutors. These decisions are made easier when there is both a relationship and track record of cooperation and historic level of success forged by the state/local collaboration

There is no question that we are being asked to do our jobs better and more efficiently, oftentimes with less money and fewer human assets. In order to accomplish our mission in a way that does not sacrifice our commitment to providing a safe community for our constituents, successful collaborations are a necessity.

I thank you for the opportunity to share my thoughts.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Timothy J. Longo, Sr.', followed by a long horizontal line extending to the right.

Timothy J. Longo, Sr.
Chief of Police
City of Charlottesville, Virginia

To: Senate Judiciary Committee Subcommittee on Gun Violence Prevention

Dear honorable members of the committee;

I am writing to you as a US Citizen and a resident of CT, where I live in a town very close to Newtown CT, a place recently devastated by gun violence. I realize that this is not an issue with a quick fix, and there are US citizens with vastly differing opinions on the subject. However, some of the actions that gun control advocates are calling for are just plain common sense, and do not take away people's right to have guns. It's a dangerous thing to be afraid to look at an issue with clear eyes because of false rhetoric and leaps of logic. Here in CT there is not a day that goes by when we are not reminded of the devastation of gun violence in the people we talk to who lost sons, daughters, friends, neighbors, grandchildren, & cousins at Sandy Hook Elementary School.

I urge you to support the common sense recommendations of the Obama Administration, including strengthening the assault weapons ban, banning large capacity ammunition magazines, requiring permits and universal background checks for purchase of all guns, requiring a permit to buy ammunition, and restricting handgun sales to one per month. For goodness sakes, it took me four trips to the DMV and a lot of paperwork to get my car registered; when I lived in PA, I had to go to a special state run store to buy a bottle of wine- why should it be easier to buy a gun? Let's get some common sense into this conversation so that we are not facing the same levels of gun violence in our country in 50 years.

Sincerely,

Laura Cleary
27 Bogus Hill Rd
New Fairfield CT 06812

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members,

My name is Abbey Clements. I am a second grade teacher at Sandy Hook School.

On December 14th, instead of teaching my six, seven, and eight year olds how to make paper snowflakes, I huddled them into coats and tried to shield them from the sounds of endless gunshots coming through the loudspeaker by reading to them and singing songs with them. The sheer number of endless shots was immutable. Hundreds. Loud. Steady. Deafening. I was terrified even to open the door for the police.

Later I would learn that what I thought must have been a gang of gunmen was only one. The damage that this one gunman inflicted would never have happened without access to semi-automatic weapons and high-capacity magazines. If his mother hadn't legally purchased these weapons, he couldn't have murdered twenty children and six adults from my Sandy Hook School family. If those weapons were not in that house, none of this would have happened, regardless of the shooter's mental state.

Now we mourn for all we lost that day. We can't get out of our minds the unopened Christmas presents, the empty bedrooms, the violence that was unleashed on Sandy Hook. We can't get out of our minds the sounds of the shots, the police banging on the door, the terrifying run. Now some of my students can't sleep alone at night, many are in therapy, and one can't go into a bathroom alone.

I am a teacher. I have been for twenty years. How can I keep my students safe if these weapons are available to almost anyone and everyone? How can I keep my students safe if you don't change the rules? I can't. We can't.

The second amendment does not permit every citizen to have any weapon they want. We can permit ownership of reasonable weapons for hunting and self-protection without conceding our safety to paranoids who demand these weapons out of nothing more than fear. We must track every sale of every weapon, we must register every weapon. We must ban the sale and the possession of magazines of more than 7 rounds. Require universal background checks for all purchases and transfers. Do this for the sake of everyone's safety.

Respectfully,

Abbey Clements

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members,

I live in Newtown, my children both went to Sandy Hook School, and my wife has taught second grade there for 9 years. She was in the school on Dec. 14, about 50 feet from the shootings. I couldn't be more proud of the job she and her colleagues did to prevent more deaths than occurred on that horrible day.

But I write to you today not just about Sandy Hook, nor just about the other mass shootings that have seemed to increase exponentially in recent years in our county. I write to you today about the massive epidemic of gun violence that has infected our nation, of which Sandy Hook, unfortunately, is but a tiny portion.

I am sure you are aware that 30,000 people per year in the US die in incidents involving guns. How can this be true, and how can we allow it to continue? Since 1998, over 420,000 Americans have died in gun incidents. Let me just reiterate that point—in just the last 14 years, gun incidents have caused deaths roughly equal to the current population of Cleveland, Omaha, or Sacramento. How on earth can this be true, and how can we allow it to continue?

Are we really going to allow gun industry money and radical interpretations of the Second Amendment to chain us to these massive numbers of deaths every year? Whose life is worth keeping the status quo on gun laws? Were the 26 lives in Sandy Hook worth sacrificing to this misguided idea? Was Trayvon Martin's life worth sacrificing? Was Hadiya Pendleton's? Who is next? Someone you know? One thing you can rest assured, there will be about 29,000 more this year. How can that be true, and how can we allow it to continue?

Mr. Chairman, you and all of the members of the Subcommittee know that no one is demanding confiscation of weapons from hunters. Please don't give credence to these bogus red-herring arguments. We demand sensible laws to end the epidemic of gun violence. Increased vigilance on background checks is important, but not sufficient. It seems to me that the most reasonable course of action now would be to institute Federal laws to curb gun trafficking. This action alone would be a huge step towards curbing gun violence.

No matter how proactive states like CT and NY continue to be, their efforts will go for naught due to lax legislation and enforcement in other states, which essentially supply surrounding and nearby states with illegal guns. We can stop this state of affairs by:

- Requiring licensure of gun owners (to be presented and documented at purchase of weapons or ammunition)
- Requiring registration of all gun sales (not just first sales) with titles to accompany ownership (not unlike automobile ownership)
- Holding gun owners responsible for any crimes committed with their weapons (with a limited number of waivers available to a gun owner whose weapon is stolen).

We must also close all loopholes that allow any undocumented sale of firearms or ammunition. While these measures will not cure all of our gun violence problems, they will be important steps that in concert with other actions will gradually restore control and sanity to our gun violence problem in the US.

Mr. Chairman, we must not allow this violence to continue. Please do everything you can to help the American people through this epidemic, and please do everything you can to convince Senator Reid to bring legislation for gun violence prevention to the Senate floor.

Sincerely,

Brian Clements, PhD

Chairman Durbin and Senate Judiciary Subcommittee Members,

My name is Sarah Clements, and as your constituent; as a Sandy Hook Elementary graduate of 2006; as a daughter, a sister, and a friend; as a Newtowner; and as the daughter of a Sandy Hook School teacher, I am writing to you today to ask for your support on an issue about which I feel very strongly. On December 14, twenty of my young, beautiful neighbors had their lives abruptly and unfairly ended, as did 6 honorable women. This is the first time I have uttered that sentence because it is still hard for me to come to grips with. As I write this, my hands still shake. I not only can't believe it, it just doesn't make sense, and I have recently become overwhelmed with a constant, lingering fear because I know it still happens every day. Nine other children are taken every day from gun violence in the U.S. (along with anywhere between 30-90 adults) and I physically, emotionally, and mentally cannot handle it any longer. That is why when I say Newtown (including me) won't back down until something is done, I say the absolute truth.

Even before what happened in my beautiful town, I was for gun control. That does not mean "taking away all the guns" or dispensing of our Second Amendment rights, as extremists would like other Americans to believe. It means we want safe towns, so that parents do not have to fear sending their kids to school, so that couples can go on a date night to a theater fear-free, so that eager families can go Christmas shopping in peace and excitement, so that devoted community members may worship their religion without violence, so that there is no more emotional scarring like what I and all of my fellow Newtown citizens are trying to recuperate from. No town should ever have to go through what mine is going through, yet every day the number of towns that is subject to the torment increases.

One way I am healing myself is by advocating for common sense safety. There is so much change that must go into this, including a change in American culture. But one step that is included in this change is a change in gun culture. There is no way anyone can say that amid this plague of gun violence, it has nothing to do with guns. In fact, everything that plays into the crimes must be addressed.

Common sense. Are we going to wait until we all know someone who lost a loved one? That is unacceptable. 30,000+ dead a year is unacceptable. Nine children taken per day is unacceptable. The unfathomable act that happened in my town—that my beautiful, strong, caring, loving, tight-knit, peaceful, quiet town—will now be known for, is unacceptable. It is a national disgrace and embarrassment when compared to other first-world, industrialized, "civilized" countries. So I ask that you please help to pass common sense gun laws, as it is the *least* we can do.

On the 26th of January, I marched on Washington. I was joined by my community members, my dad, over 6,000 Americans, and 26 of the friends I lost who walked with us in spirit and love. I marched because of my mother, because of my town, because of the numbers killed by senseless gun violence. Because these are not just numbers; they are brothers, sisters, mothers, fathers; these are thousands of good deeds, volunteer hours, smiles, Valentine's cards, weddings, jobs, futures, families lost. Because I will be forever changed by that day. Marching gave me hope that my country can do better. I marched because I was surrounded (literally and figuratively) by members of the government that I know and trust. (I trust you to do the right thing.) I also marched with thousands of friends I will never formally meet. There were people of every age (newborn to 80s+), gender, religion, ethnicity, and state. I was surrounded by a small sampling of America. We are diverse—there were mothers, daughters, sons, fathers, grandparents, neighbors, godparents, cousins, teachers, pastors, rabbis, voters, people from Newtown and people from Texas and people from Alaska—and we have coalesced around a common goal. *This* is what America looks like. *This* is what citizenship looks like. *This* is what democracy looks like.

I marched, but it was just my first step, and it should just be yours, too. Please... do not let my friends pass in vain. If what happened in my town is not the turning point, I do not know what is. This cannot continue to be the disgusting and embarrassing status quo of the U.S. Please consider reinstating the assault weapon ban, banning high capacity ammunition magazines, requiring background checks for all guns, enforcing a 28 day waiting period (at least), requiring mandatory gun safety training

before the purchase of a gun, outlawing bullets that literally shatter in the body, and increasing productivity of the ATF, Dept. of Education, and gun research.

No one needs a magazine that fires 60 bullets in a few minutes. That is for the battlefield only; that is not self-defense. The man who shot up my elementary school shot each of my friends multiple times, literally tearing them apart. They were 6 and 7. The school nurse's car in the second row in the parking lot was hit by a bullet that went through the door, into a seat, and ricocheted back out. That was a car meters away... imagine what that did to Ben, James, Joey (Josephine), Vicki, Anne Marie, Dylan, Emilie, Olivia, Charlotte, Ethan, Dawn, Mary, Lauren, and the others. This is what we are left to picture and think about. My beloved third grade teacher and role model was shot three times. It was her daughter's birthday that day. She is still recovering, and she is one of the most positive and inspirational people in the entire world. But she was shot three times and needs countless surgeries and payments. All the teachers I know at the school (I know all of them) are emotionally scarred. Some can't sleep, some can't eat, some (like many of us) cry randomly on and off, and many are not fit to teach yet. I am telling you the worst of the worst in my town, not because it symbolizes us at all right now, but because it proves it's not "just a gun" or "just a bullet" or "just a hobby" or "just one time". It's all of this... aftermath. Please stop letting the gun lobby and the NRA bully you around. They simply want to make a profit, even if that means 30,000+ deaths a year and teachers being trained to shoot a weapon (I know MY mom trained to teach, not to shoot). Just remember, as American people, we did not elect the NRA for anything. We elected you to keep us safe and to do the right thing.

There is an old Native American proverb that says, "We did not inherit the Earth from our ancestors. We are borrowing it from our children." Keep this in mind, because as a junior in high school, I am between childhood and adulthood. I have heard countless stories of children in my town and all over who are scared every day because their friends died from a "bad man with a gun". Their best friends passed before they were even out of elementary school. How do you tell a child his best friend

Dylan, or her best friend Olivia won't be coming back next week? Hundreds of parents had to do that last month, and thousands around the country had to explain to their kids why they were crying. Then, I look to the other side, the adults, who are foolishly going back and forth with the same dialogue, going nowhere. It is upsetting. This is a glimpse into my town and my friends and our future generation. But if I told you the incredible strength, resilience, and love that was radiating from my town, it would not be the full truth because you have to *feel* it. Only when you experience pain that you can literally feel, that makes you double over and scream, that makes your hands shake, that makes you have anxiety attacks, can you truly experience, truly *feel* love. It can't be described. As Martin Luther King Jr. said, "Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that." Please lead with love.

Newtown can, must, and is becoming a symbol of hope and change, and I hope that continues. As the Sandy Hook Promise says, we want to be remembered, "not as the town filled with grief and victims, but as the place where real change began." Please let this come true. I co-created a video called "Make Your Own Sandy Hook Promise" that is now on YouTube, and I urge you to watch and share it with your fellow officials, as it sets the tone for common sense laws and humane conversations. My principal, who is one of the strongest individuals I have ever met, who lost his best friend Mrs. Dawn Hocksprung that day, gave us a mantra on the first day back that we have *all* memorized at school: Our collective strength and resilience will serve as an example for the rest of the world. I have total faith that it will. So help to make that reality.

As my town continues to heal, you must help us. We are all Newtown, and each person's son or daughter is *everyone's* son or daughter. When we stand together, we stand a chance. Thank you.

Sincerely,

Sarah Clements

TESTIMONY OF JOSHUA HORWITZ
EXECUTIVE DIRECTOR, COALITION TO STOP GUN VIOLENCE
HEARING OF THE SENATE JUDICIARY SUBCOMMITTEE ON THE
CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS
“PROPOSALS FOR REDUCING GUN VIOLENCE: PROTECTING OUR
COMMUNITIES WHILE RESPECTING THE SECOND AMENDMENT”
FEBRUARY 12, 2013

Mr. Chairman and Members of the Committee,

My name is Josh Horwitz and I am the Executive Director of the Coalition to Stop Gun Violence. I appreciate this opportunity to provide written testimony on behalf of my organization, a coalition of more than 48 national organizations dedicated to reducing gun death and injury in the United States. We seek to secure freedom from gun violence through research, strategic engagement, and effective policy advocacy.

On January 30th, at a hearing of the full Senate Judiciary Committee the following exchange took place between Senator Durbin and witness Wayne LaPierre, the Executive Vice-President of the National Rifle Association.

DURBIN: Mr. LaPierre, I run into some of your members in Illinois and here's what they tell me, "Senator, you don't get the Second Amendment." Your NRA members say, "You just don't get it. It's not just about hunting. It's not just about sports. It's not just about shooting targets. It's not just about defending ourselves from criminals," as Ms. Trotter testified. "We need the firepower and the ability to protect ourselves from our government--from our government, from the police--if they knock on our doors and we need to fight back." Do you agree with that point of view?

LAPIERRE: Senator, I think without any doubt, if you look at why our Founding Fathers put it there, they had lived under the tyranny of King George and they wanted to make sure that these free people in this new country would never be subjugated again and have to live under tyranny.¹

As this subcommittee considers the various pieces of gun violence prevention legislation that have been proposed in this body Senators should understand that – contrary to Mr. LaPierre’s assertion – taking up arms against the government has always been considered treason, and that the Second Amendment does not offer a constitutional safe harbor for traitors.

From the founding of the republic, we have rejected the notion that individual citizens may violently rise up against their government. Consider Shay’s Rebellion of 1786, in which citizens from central and western Massachusetts shut down county courts to

¹ Senate Judiciary Committee hearing on gun violence on Jan. 30, 2013 (Transcript), *available at* http://www.washingtonpost.com/politics/senate-judiciary-committee-hearing-on-gun-violence-on-jan-30-2013-transcript/2013/01/30/1f172222-6af5-11e2-af53-7b2b2a7510a8_story.html

prevent hearings for tax and debt collection, and attempted to seize a federal armory. In response, the governor of Massachusetts raised an army to quell the rebellion. Our Founding Fathers – James Madison, Samuel Adams, John Jay, George Washington, Benjamin Franklin, and John Marshall – endorsed the governor’s action.² Furthermore, in a letter to Thomas Jefferson, James Madison defined the rebellion as treason.³

With Shay’s Rebellion fresh in their minds, delegates to the Philadelphia Convention set to drafting a new constitution. In fact, Governor Edmund Randolph, when he introduced the Virginia Plan he noted, the “rebellion [that] had appeared . . . in [Massachusetts] underscored the need for a stronger government.”⁴ As such, the Framers included in the Constitution a series of clauses to address domestic insurrection. Specifically, Article I, Section 8, Clause 15, which states that one of the primary purposes of the [state] militia is “to . . . suppress Insurrections;”⁵ and Article IV, Section 4, which provides, “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.”⁶

The Founders’ dismissal of the legitimacy of insurrectionism was affirmed during the Whiskey Rebellion of 1794, in which Pennsylvania farmers rebelled against a new tax on Whiskey. In response, George Washington said allowing such conduct would bring an “end to our Constitution & laws,” and he personally led 12,000 troops to put an end to the rebellion.⁷

In the same manner, as a response to the nullification crisis in the early 1830’s Andrew Jackson wrote, “Can any one of common sense believe the absurdity, that a faction of any state, or a state has the right to secede and destroy this union, and the liberty of our country with it, or nullify the laws of the union; then indeed is our constitution a rope of sand; under which I would not live.”⁸

Most notably during the Civil War, this country reaffirmed its rejection of insurrectionist ideology. By accepting original jurisdiction, the Supreme Court in *White v. Texas* held that the Constitution does not permit States to unilaterally secede from the United States and that the ordinance of secession and all acts of the legislatures “intended to give effect to that ordinance were absolutely null.”⁹

² Carl T. Bogus, *Heller and Insurrectionism*, 59 Syracuse L. Rev. 253, 255 (2008).

³ *Id.* at 254-255.

⁴ Paul Finkelman, *A Well Regulated Militia: The Second Amendment in Historical Perspective*, 76 Chi.-Kent L. Rev. 195, note 293, at 211. (2000).

⁵ U.S. Const. art. I, § 8, cl. 15.

⁶ U.S. Const. art. IV, § 4.

⁷ Bogus, *supra*, at 255.

⁸ Currie, David P. *The Constitution in Congress: Democrats and Whigs, 1829-1861*. Chicago: University of Chicago, 2005. Pg. 193-194.

⁹ *Texas v. White*, 74 U.S. 700 (1869)

Arguments for the constitutionality of insurrectionist ideology, in part, stem from the 2008 Supreme Court case *District of Columbia v. Heller*. However, the Court held only that the Second Amendment conferred an individual right to keep a handgun in the home. It failed to articulate the scope of this right other than to say that it definitely included the right to own a handgun for the purpose of self-defense. Importantly, the Court recognized a non-exhaustive list of “presumptively lawful regulatory measures,” and limited the right to weapons “in common use at the time.”¹⁰

Lower courts have relied on *Heller* to uphold prohibitions on possession of firearms by felons,¹¹ and those convicted of misdemeanor crimes of domestic violence.¹² Lower courts have also held that the Second Amendment, as construed by *Heller*, allows for the prohibition of assault weapons and high-capacity ammunition.¹³

Though Justice Scalia, in the *Heller* decision, mused about why the right was not limited to participation in an organized militia, stating, “If ... the Second Amendment right is no more than the right to keep and use weapons as a member of an organized militia – if, that is, the *organized* militia is the sole institutional beneficiary of the Second Amendment’s guarantee – it does not assure the existence of a ‘citizens’ militia’ as a safeguard against tyranny,”¹⁴ the Court stressed in its findings that the individual right to keep and bear arms protects only *lawful* conduct that properly falls within the confines of the rule of law.¹⁵ The NRA and other proponents of insurrectionism have stretched Justice Scalia’s words well beyond their intended meaning if they take them to mean that there is an individual right to use political violence to avoid following democratically enacted laws.

I make no judgment today about the rights of organized state militias to violently oppose tyranny. However, to endorse an individual right to armed rebellion against the United States Government is antithetical to a democratic society. Such a right makes each man a law unto himself; allowing him to make an individualized assessment of when democratically elected lawmakers become despots and allowing him to fashion an individualized, violent remedy.

Political scientists have long recognized that an integral feature of a State is to have a monopoly of the legitimate use of force.¹⁶ Our strong yet democratic state--which maintains a monopoly on force--has allowed us to walk the fine line between anarchy and totalitarianism.”¹⁷ Legal scholar Roscoe Pound put it best when he wrote that a “legal right of the citizen to wage war on the government is something that cannot be admitted .

¹⁰ *Id* at 626-627.

¹¹ *See United States v. Barton*, 633 F.3d 168 (2011).

¹² *See United States v. Skoien*, 614 F.3d 638, 643 (7th Cir. 2010).

¹³ *See Heller v. District of Columbia*, 670 F.3d 1244 (D.C.Cir.2011).

¹⁴ *District of Columbia v. Heller*, 554 U.S. 570, 600, 128 S.Ct. 2783, 171 L.Ed.2d 637 (2008).

¹⁵ *Id* at 620.

¹⁶ Josh Horwitz, *The Game of Monopoly*, Huffington Post (2008) available at http://www.huffingtonpost.com/josh-horwitz/the-game-of-monopoly_b_99793.html

¹⁷ *Id.*

. . a general right to bear efficient arms so as to be enabled to resist oppression by the government would mean that gangs could exercise an extra-legal rule which would defeat the whole Bill of Rights.”¹⁸

When the Patient Protection and Affordable Care Act was being debated in the U.S. Congress, we experienced a small taste of why insurrectionism is such a dangerous ideology. Representatives received threats of physical violence and pictures of nooses. Windows were broken at Rep. Gabrielle Gifford's (D-AZ) Tucson office, Rep. Louise Slaughter's (D-NY) district office, and Democratic Party offices in Ohio, western New York and Kansas.¹⁹ As you know, Jared Loughner, a man with serious mental illness, also targeted Gabrielle Giffords for “assassination” in the horrific mass shooting in Tucson on January 8, 2011.

The Founding Fathers never endorsed an individual right to armed political violence as such an idea could lead to the downfall of the newly created Republic. Senators should similarly reject this principle as they consider how best to improve our nation’s gun policy.

¹⁸ Robert J. Spitzer, *Law and Politics Book Review*, Vol. 19 No. 6 (June, 2009) pp.390-393 (reviewing Josh Horwitz and Casey Anderson, *Guns, Democracy, and the Insurrectionist Idea* (2009)).

¹⁹ <http://tpmdc.talkingpointsmemo.com/2010/03/a-week-of-threats-and-vandalism.php>



February 11, 2013

Dear Chairman Durbin:

As an academic trauma surgeon, I would like to add my testimony to the public record with respect to firearm-related violence. In 2010, nearly 40,000 people lost their lives due to firearm related injuries, and hundreds of thousands suffered nonfatal injuries. It remains easier to obtain a firearm than it is to buy cigarettes, liquor, or drive a car. In the past 15 years alone, more Americans have died of firearm-related injuries than all the American casualties of both World Wars. It is time to take sensible steps to limit access to firearms.

Sandy Hook was a deeply disturbing tragedy, a window into the world of gun violence, gun rights activists, and the increasingly polarized dialogue in-between. Watching the truly catastrophic suffering of victims' families and community members reignited the debate about guns in America. Trauma surgeons know that mass shootings comprise only a small fraction of the endemic violence that saturates urban America, but they are often able to galvanize the public for change.

I trained at Martin Luther King Medical Center in South Central Los Angeles, and then did a residency at Cook County Hospital. I now work as a trauma surgeon in Chicago, and sometimes it seems that I've spent the better part of the past 20 years picking up the pieces of children trying to kill themselves and each other, which is absolutely heartbreaking. I pursued a Master's in Public Health after my residency because, though saving lives was rewarding like nothing else, I felt like sending kids back out on the streets without effecting change in some of the aspects of their lives that contribute to recidivism and poor outcomes was simply wrong, similar to sending someone home without beta-

blockers after a heart attack. Since then, I have been an active health services researcher, as well as a community advocate, working to find answers to the sometimes-unanswerable questions of risk factors and solutions.

In my research, I was fortunate to have been awarded grants from the American College of Surgeons, the Robert Wood Johnson Foundation, the American Medical Women's Association, and other organizations specifically to look at injury and violence epidemiology. I also teach a Master's-level course in my institution's Program in Public Health titled, "Injury and Public Health." Through some of my research on childhood injuries, racial and socioeconomic injury outcome disparities, and gunshot wound outcomes, I feel like I am contributing to knowledge in the field. On a community level, our hospital has partnered with many local organizations with a breadth of experience to help create safety nets and pathways to better serve our patients affected by violence.

However, as the media swirled around recent events at Sandy Hook, on a campus in Texas, in New Mexico, I became increasingly aware that we seem to be unable, as a country, to have a sensible discussion about regulation and licensing of guns. People have become so polarized that more reasoned voices are required. I believe that a trauma surgeon with an interest in advocacy and a public health background could have just the unique combination of knowledge and experience to be an effective influence on health policy in this area. Like many surgeons, I am also concerned about issues like the Affordable Care Act, trauma systems funding, and critical funding for research; but this particular area exemplifies the gap between legislators and those in the trenches. I believe that it is mandatory that I use my voice as a surgeon, community advocate, and public health practitioner, for advocacy and change, and to help better understand the issues surrounding the gun violence debate; such as permit-to-purchase licensing, background checks, trafficking, assault weapons and high-capacity magazines, overturning the ban on gun violence research, and the relative effectiveness of gun laws in other countries. Restrictions on firearm access must necessarily be part of a public health approach to

violence prevention that includes an understanding of the social determinants of health such as poverty and disparities in our most distressed communities.

Please do not hesitate to contact me with any questions or for further information.

Thank you,

Marie Crandall

A handwritten signature in black ink, appearing to read 'Marie Crandall', with a long, sweeping flourish extending to the right.

To Chairman Durbin & Senate Judiciary Subcommittee Members"

Feb 11th, 2013

Thank you for your difficult task of developing policies and legislation that will reduce senseless shootings, gun violence, and the agonies of grief we have suffered in the wake of the tragedy in Newtown and every day, being known by everyone thanks to the media or not...

I'm against violence of all kinds. I understand the peculiarities of the American society and I realize that there are no easy answers. But I do believe that it is far too easy for people to kill each other because of the easy availability of firearms everywhere and for everybody in the US.

In a civilized society, the human freedom we so earnestly cherish must be tempered by the common good. In our twenty-first century society, guns fail again and again to provide personal protection. Survey after survey has concluded that the more guns there are in our homes and businesses and places we gather, the higher the homicide rate.

It's necessary you pass gun safety legislation in Connecticut and the whole country.

I wish for an assault weapons ban and more extended to include any firearm with a military style and any of those with a high capacity of shooting bullets per minute (being a handgun or any kind of firearm). I wish for strict requirements as to who cannot purchase and carry handguns (universal background check in any and all kind of firearms transactions).

In the wake of the Newtown shootings it's clear that additional legislation is required: to limit magazine capacity, to update the assault weapons ban, and to create a permitting process for long guns and ammunition. I wish we all legislators and citizens pledge to foster a culture of peace and safety for all our children and all the population.

In addition to strengthening our gun safety laws, a sound policy solution must also include measures to make our schools safer for those who learn and those who teach there.

Also, that solution must assure access to mental health care services for all citizens.

I wish for a society where we give treatment to those afflicted with mental illness, and to take our weapons and lay them aside.

Thank you,

Beatriz Delgado

106 Chestnut Hill Road

Norwalk CT

www.facebook.com/SandyChildrenHelp

Sylvie Dessau

"Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment"
Senate Judiciary Committee

We live in a wonderful country, BUT more than 30,000 people die every year in the USA because of firearms, 11,000 of them in homicides. The USA has the highest rate of firearm ownership, the loosest gun control laws, and the highest rate of firearm deaths in all developed countries. We can try to reduce the number of these deaths, or we can do nothing.

Some people say "guns don't kill people, idiots (video game addicts, mentally ill persons, young men, children from broken families, ... fill the blanks) kill people". My take is that an idiot (video game addict, mentally ill etc.) with a knife, baseball bat, or anything else will do less harm than an idiot with a gun. Firearms kill more people faster and more efficiently, even in the hands of unskilled people, than any other object than can be used as a weapon. That what they are designed for. Firearms are used disproportionately in homicides (in 68% of homicides according to FBI Uniform Crime Report, for 13% by knives or cutting instruments, 13% by all other weapons, 6% by hands and fists).

The right to bear arms is a constitutional right. But I do not think it includes the right to own assault weapons, or large capacity magazines, or ammunition that explodes in the body. The rights in the Constitution are not absolute, especially

when weighed against the public safety and the rights of others. The right to stay alive has to be considered as well.

Inside the country, states with stricter gun control laws tend to have a lower rate of gun deaths than others. In many states (including South Carolina where I live), background checks are limited to sales of firearms by licenced dealers. In these states, felons and people with a history of domestic violence can legally buy firearms from an individual. Universal background checks will make it illegal. Of course, some will still buy firearms illegally. No law or regulation will eliminate all violence and all crime, but it can reduce it. Let's do what ever is possible, if one life is spared it will be worth it.

Although most gun users are law abiding, abuse happens. A system that makes abuse more difficult would be an improvement. Buying Sudafed does not indicate criminal intent. Nevertheless because a few people use it for wrong ends, we all submit to checks and are inconvenienced by it. Buying ammunition may not indicate criminal intent. Nevertheless,... see above. We also put up with a lot of paperwork when buying a car, for our safety and that of others, even when we buy it from an individual and not a dealer. It would be logical to do the same for guns.

For many, Newtown was the last straw. We are the people who are concerned about gun violence in this country. We are the mothers and fathers of 6 year old kids, who are now afraid when we drop them at their school in the morning. We are the classmates of Zephania Griego, killed by her brother with her

father's guns. We are the widows of the Webster firefighters. We are the families of all the firefighters, who are always afraid when their father, husband, son is called, but do not expect them to be killed by a firearm. We are the people who are sick and tired of burying the dead, sick and tired of gun owners hiding before their understanding of the Second Amendment, sick and tired of the NRA's, a mouthpiece for gun manufacturers, power in congress. We are the people living in the same country you do, and we demand action.

Proposals:

- universal background checks for firearm purchases
- ban on the manufacturing and sales of magazines with more than 10 rounds
- training required for all purchases of firearms
- license to use a firearm (similar to license to drive a car)
- insurance required for firearms (similar to car insurance)
- push for improvement of "smart gun" technology, particularly biometrics
- any firearm seized by law enforcement to be destroyed, not resold
- support the UN Small Arms Treaty

February 11, 2013

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

Statement from:
Donnette Dolzall
13 Ridge Rd.
Newtown, CT

Dear Chairman Durbin and Senate Judiciary Subcommittee Members,

The tragic events at Sandy Hook Elementary School on December 14 mandate that the nation once and for all confront the issue of gun control. It is paramount that the untimely deaths of the children killed that day be given meaning, and that the bravery of the educators of Sandy Hook Elementary be recognized, with the enactment of vigorous laws that begin to address gun violence. These educators were able to stand up to a crazed gunman hell-bent on mass destruction. Now our legislators must stand up to opponents of any change in gun laws and say, "Enough."

As a long-time Newtown resident who writes this with a broken heart, I urge Congress to ban the sale of high-powered, semiautomatic weapons and high-capacity magazines/clips nationwide. I further ask that all loopholes in previous legislation blocking the sale of assault weapons be closed, and that the Tiahrt Amendment be repealed in order to enable law enforcement to investigate gun-trafficking patterns. And finally, I plead that in formulating any legislation, priority be given to the voices of those most affected by tragedies such as occurred in Newtown – law enforcement, first responders, doctors and nurses, mayors and other town officials, and, first and foremost, teachers and members of families that have been affected by gun violence. The voices against any meaningful change have dominated U.S. policy for too long at the exclusion of others, and their policies have failed in the most grotesque way.

A violent media culture, etc., certainly must all be addressed as well. But citizens of all the civilized nations of the world watch American-made movies and TV shows and play video games, and have mentally ill citizens. What alone separates us from them is the widespread availability of firearms, including semiautomatic weapons.

Once we begin to address the gun violence there will still be more to do. But the time to enact stringent gun control measures with teeth has come, and they must be implemented quickly. I refuse to accept that America is powerless to stop a lone madman from murdering a classroom full of small children. If we are, to paraphrase our president, not much else matters. I urge lawmakers to enact vigorous gun control measures that begin to turn the tide on gun violence and help prevent a horror like Sandy Hook from happening again.

Sincerely,

Donnette Dolzall



FAITHS UNITED TO PREVENT GUN VIOLENCE

100 Maryland Avenue NE • Washington DC 20002

January 15, 2013

Dear Member of Congress:

On Martin Luther King Day, January 17, 2011, 24 national faith groups announced the formation of “Faiths United to Prevent Gun Violence,” a diverse coalition of denominations and faith-based organizations united by the call of our faiths to confront America’s gun violence epidemic and to rally support for policies that reduce death and injury from gunfire. Two years later, we have grown to more than 40 groups representing tens of millions of Americans in faith communities across the nation – and our call to confront this epidemic has grown ever more urgent and imperative.

The recent loss in Connecticut of 20 innocent young children, of the teachers and administrators that cared for them, and of a desperately troubled young man and his mother, tears our hearts and minds to the core. Faith leaders in Newtown have been on the front line of responding to the grief and pain of the families whose loss is unimaginable, and of the entire community there. Across the country, we grieve with our own congregants and communities, and we share their determination to do all within our power to ensure that this never happens again.

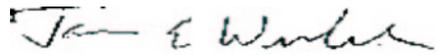
In light of the tragedy in Newtown – and in Aurora, Tucson, Fort Hood, Virginia Tech, Columbine, Oak Creek, and so many more – we know that no more time can be wasted. Gun violence is taking an unacceptable toll on our society, in mass killings and in the constant day-to-day of senseless death. While we continue to pray for the families and friends of those who died, we must also support our prayers with action. We should do everything possible to keep guns out of the hands of people who may harm themselves or others. We should not allow firepower to kill large numbers of people in seconds anywhere in our civil society. And we should ensure that law enforcement has the tools it needs to stop the virtually unrestrained trafficking of guns.

Faiths United to Prevent Gun Violence member organizations, representing millions of people across the country, urge you to respond to this crisis in our nation. With each day that goes by, dozens more of our children, parents, brothers, and sisters are lost to gun violence. We support immediate legislative action to accomplish the following:

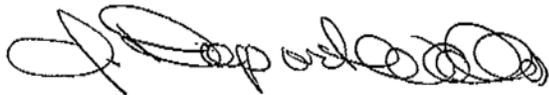
- **Every person who buys a gun should pass a criminal background check.** Preventing dangerous people from getting firearms has to be a top priority. Universal background checks via the National Instant Criminal Background Check System (NICS) should be utilized in every gun sale, including guns sold online, at gun shows, and through private sales.
- **High-capacity weapons and ammunition magazines should not be available to civilians.** There is no legitimate self-defense or sporting purpose for these military-style, high-capacity weapons and magazines. They are, however, the weapons of choice for those who want to shoot and kill a large amount of people quickly. It’s time to build off of the federal assault weapons ban that expired in 2004 and draft an updated law that will take these weapons off our streets.
- **Gun trafficking should be made a federal crime.** Currently, prosecutions only happen through a law that prohibits selling guns without a federal license, which carries the same punishment as trafficking chicken or livestock. We must empower law enforcement to investigate and prosecute straw purchasers, gun traffickers, and their entire criminal networks.

In recent weeks, the American people have come together in a national outpouring of grief and sympathy for the families of victims slain in the mass shooting in Newtown. We share in that grief, but will not let it substitute for action. We look forward to working with you to enact these common-sense measures to reduce gun violence. Should you or your staff have questions or need additional information, please visit our website at www.faithsagainstgunviolence.org or contact our National Coordinator, Vincent DeMarco, by email at demarco@mdinitiative.org or by phone at 410-591-9162.

Sincerely,



James Winkler
Chair, Faiths United To Prevent Gun Violence
General Secretary, General Board of Church and Society
United Methodist Church



Jacquelyn Dupont-Walker, Director, Social Action Commission
African Methodist Episcopal Church



Carol Blythe, President
Alliance of Baptists



Dr. Walter L. Parrish, II, Executive Minister
American Baptist Churches of the South



Dr. Aidsand F. Wright-Riggins III, Executive Director
American Baptist Home Mission Societies



Shan Cretin, General Secretary
American Friends Service Committee



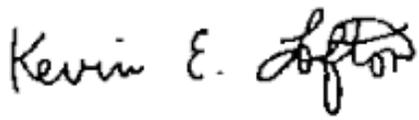
Rev. LeDayne McLeese Polaski, Program Coordinator
Baptist Peace Fellowship of North America



Father Larry Snyder, CEO
Catholic Charities USA



Sister Carol Keehan, D.C., President and CEO
Catholic Health Association



Kevin E. Lofton, President and CEO
Catholic Health Initiatives



Fred Rotondaro, Chairman of the Board
Catholics in Alliance for the Common Good



James Salt, Executive Director
Catholics United



Stanley J. Noffsinger, General Secretary
Church of the Brethren



Djamillah Samad, National Executive
Church Women United, Inc.



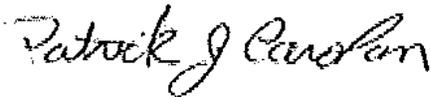
Very Rev. John Edmunds ST, President
Conference of Major Superiors of Men



Rev. Ronald J. Degges
Disciples Home Missions, Christian Church (Disciples of Christ)



Sr. Margaret Ormond, O.P. and the Leadership Team
Dominican Sisters of Peace



Patrick Carolan, Executive Director
Franciscan Action Network



Diane Randall, Executive Secretary
Friends Committee on National Legislation



Marlene Feagan, President
Health Ministries Association

Bryan Miller, Executive Director
Heeding God's Call

Suhag Shukla
Executive Director and Legal Counsel
Hindu American Foundation

Dr. Sayyid M. Syeed, National Director for Interfaith and Community Alliances
Islamic Society of North America

Rabbi Steve Gutow, President,
Jewish Council for Public Affairs

Rabbi Mordecai Leibling,
Jewish Reconstructionist Movement

Janet Mock, CSJ, Executive Director
Leadership Conference of Women Religious

Rachelle Lyndaker Schlabach, Director
Mennonite Central Committee, Washington Office



Sister Gayle Lwanga,
National Advocacy Center of the Sisters of the Good Shepherd



Peg Birk, Transitional General Secretary
National Council of Churches



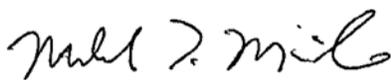
Matthew Ellis, Executive Director
National Episcopal Health Ministries



Simone Campbell, SSS, Executive Director
NETWORK, A National Catholic Social Justice Lobby



Patricia Chappell, SNDdeN, Executive Director
Pax Christi USA



Pastor Michael McBride, M.Div.,
PICO Network Lifelines to Healing



Reverend J. Herbert Nelson, II, Director for Public Witness
Presbyterian Church (U.S.A.) Office of Public Witness



Dr. Carroll Baltimore, President
Progressive National Baptist Convention



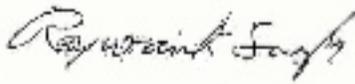
Rabbi Gerald Skolnik,
Rabbinical Assembly



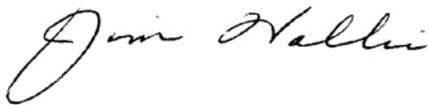
Rabbi David Saperstein, Director and Counsel
Religious Action Center of Reform Judaism



Sister Patricia McDermott, RSM, President
Sisters of Mercy of the Americas



Dr. Rajwant Singh, Chairman
Sikh Council on Religion and Education, USA



Rev. Jim Wallis, President and CEO
Sojourners



Rev. Craig C. Roshaven, Witness Ministries Director
Unitarian Universalist Association of Congregations



Rev. Geoffrey A. Black, General Minister and President
United Church of Christ



Harriett Jane Olson, CEO and General Secretary
United Methodist Women



Most Reverend Stephen E. Blaire
Bishop of Stockton, Chairman
United States Conference of Catholic Bishops Committee on Domestic Justice and Human Development



Rabbi Steven Wernick, Executive Vice President and CEO
United Synagogue of Conservative Judaism



The Very Rev. Gary Hall,
Washington National Cathedral



Rabbi Marla Feldman, Executive Director
Women of Reform Judaism



**Statement of Julie Stewart, President
Families Against Mandatory Minimums
Submitted to the Senate Judiciary's Subcommittee on the
Constitution, Civil Rights, and Human Rights for a hearing titled
"Proposals to Reduce Gun Violence: Protecting Our Communities
While Respecting the Second Amendment"
February 12, 2013**

Chairman Durbin, Ranking Member Cruz, and members of the subcommittee, on behalf of the staff, board, and over 25,000 members of Families Against Mandatory Minimums (FAMM), I appreciate the opportunity to submit our views on the topic of new federal gun proposals. We also appreciate the fact that the chairman of the full committee, Senator Leahy, is committed to approaching the issue of gun violence in a deliberate and thoughtful way. While we do not seek to slow down legislation aimed at addressing tragedies like Newtown, we know from experience that hasty legislative responses to such tragedies often result in harmful public policy.

FAMM is a national sentencing reform organization whose membership includes lawyers, judges, criminal justice advocates, and, above all, state and federal prisoners and their families. We concentrate our advocacy on reforming laws so that courts have discretion to fashion sentences that are individualized, proportionate, and no greater than necessary to achieve the purposes of sentencing.

We understand that there is no easy solution to reducing gun violence in our country. We expect that Congress is likely to consider a variety of reforms, including the new measure to address straw gun purchases that was introduced by you, Chairman Durbin and Chairman Leahy. FAMM does not have a position on what gun law reforms Congress should pass, but we have very strong feelings about what Congress should not pass: new mandatory minimum sentencing laws for gun-related offenses.

Proposals to create new mandatory minimums or to make existing minimum prison terms even longer might initially sound like attractive options to some. Yet, even a cursory review of existing federal gun laws should make clear that such proposals are unwise and unnecessary. The main gun statute (18 U.S.C. sec. 924(c)) currently forces judges to impose a mandatory five-year sentence on anyone who possesses a gun when committing a violent (or drug) crime. This five-year bump - which turns to seven years if the gun is brandished, 10 years if discharged - is added on top of the sentence the individual receives for the underlying violent or drug crime. If the individual even carries a gun during a second offense, he faces a mandatory 25 years on top of the penalty he earns for the underlying crime.

This law is applied so broadly that many low-level, non-violent offenders have been sent to prison for decades or life. The case of Weldon Angelos best demonstrates how excessive and

disproportionate existing gun penalties are. By the age of 23, Angelos had launched a successful music career that was quickly bringing him nationwide recognition. He had established his own record label and was working with some of the biggest and best-known artists in rap music.

Between May and June 2002, Salt Lake City police set up a series of controlled buys from Angelos, whom they suspected was a member of a street gang. Police arranged for an acquaintance of Weldon's to act as a confidential informant, hoping to prove Weldon's involvement in trafficking large amounts of marijuana. The informant purchased a half-pound of marijuana from Angelos on two separate occasions. According to the informant, a firearm was visible in Angelos's car during the first buy. During the second controlled buy, the informant alleged that Angelos was wearing an ankle holster holding a firearm. Police searched Angelos's home in November 2003 and found additional guns, drug paraphernalia, and other evidence that officers claimed indicated his involvement in drug trafficking and money laundering.

Angelos was indicted and eventually convicted of 13 drug, firearm, and money laundering charges, as well as three counts of possession of a firearm in furtherance of a drug trafficking crime. Two of the three counts of possession of a firearm resulted from the gun he allegedly carried during the buys with the informant. The third count stemmed from a handgun found in a bag in Weldon's home. Although one charge was dismissed and he was acquitted of three others - and though he never fired or even brandished a gun at any time - Weldon was sentenced to 55 years in federal prison. This unconscionable sentence was reached by applying the mandatory minimum law that required stacking the five-year mandatory sentence for the first charge of possession of a firearm in furtherance of a drug trafficking crime on top of a consecutive 25-year sentence for the second charge, and another consecutive 25-year sentence for the third charge.

Angelos's sentencing provoked unprecedented public outcry. Twenty-nine former judges and prosecutors filed a "friend of the court" brief beseeching Weldon's sentencing judge to declare the sentence unconstitutional. At sentencing, Judge Paul G. Cassell called Weldon's punishment "unjust, cruel, and even irrational," comparing it to the much shorter federal sentences given to repeat child rapists and airplane hijackers. Judge Cassell wrote a 67-page opinion urging then-President George W. Bush, who appointed Cassell to the bench, to commute Angelos's sentence to 18 years or less. None of these efforts worked.

Federal gun mandatory minimums nearly produced an even more outrageous result last month in the case of Montana medical marijuana seller Chris Williams. Williams operated a marijuana dispensary in Montana after voters in that state legalized the medical use of marijuana in 2004. Because federal law still prohibits marijuana distribution, Williams and his partners were indicted in 2011. Williams wanted to exercise his constitutional right to a trial because he thought Montana's law protected his activity. But on September 27, 2012, a federal jury convicted Williams not only of drug crimes, but also of four counts of possessing firearms "in furtherance of" those crimes. Williams carried a gun in a holster while he worked, and his co-workers kept legally registered pistols and shotguns. As with Weldon Angelos, Williams did not use or even wield his gun.

Those facts did not matter. When he was convicted, Williams faced, in addition to any penalty for drug trafficking, a five-year mandatory prison sentence for the first gun charge and 25 years

in prison for each of the three subsequent offenses, for a total mandatory minimum sentence of 80 years. Fortunately for Williams, the public outrage grew so great that the prosecutor took the unprecedented step of offering Williams a deal of five years after the jury had already voted to convict him. Williams took the deal and was sentenced on February 1, 2013, to five years in prison. The federal judge said at sentencing that mandatory minimums produce “unfair” and “absurd” results. That Williams was spared from spending the rest of his life in jail only because the federal prosecutor offered a post-trial deal to effectively negate the jury’s conviction is frightening and raises serious questions that this subcommittee should explore about excessive federal sentencing laws and guidelines and the burden they impose on an individual’s constitutional right to trial.

In its 2011 report to Congress on mandatory minimums, the U.S. Sentencing Commission recommended a few specific reforms to 18 USC sec. 924(c) and the Armed Career Criminal Act at 18 USC sec. 924(e), to eliminate the egregious results produced by these laws. FAMM supports the Commission’s recommendations and has other, bolder ideas and proposals for reform. We look forward to working with Congress to enact these common-sense reforms.

For now, we respectfully urge the members of the subcommittee to leave mandatory minimum sentencing provisions out of any new gun laws. The gun-related mandatory minimums already on the books are quite severe and, as the examples above and many others demonstrate, frequently result in excessive and irrational punishments. Further, we are aware of no evidence that federal judges are not sentencing violent, gun-carrying criminals to appropriate sentences. In the future, we hope to work with this subcommittee and others to reform our mandatory minimum sentences for gun crimes and for all crimes.

Thank you again for the opportunity to share our views with the subcommittee.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I support the 2nd Amendment, however I do not believe it is limitless and that with every right comes responsibility. It is important that individual rights are balanced with the rights of all, not just those that choose to bear arms. In my home state of Virginia, existing legislation is so riddled with loopholes that it might as well not exist. For those reasons I ask you to enact the following laws on the federal level:

1) Re-institute the Assault Weapons Ban as proposed by Senator Feinstein in its revised & improved form. About 1 in 5 law enforcement officials are killed with Assault Weapons. This is simply unacceptable. Christopher Bryan Speight was able to bring down a VA state police helicopter with an AR-15 in 2010. An independent study of the previous AWB showed that it resulted in a 6.7% reduction of total gun murders. Given an average of 11,000 annual gun homicides in the United States this is certainly not an insignificant number.

Semi-Automatic Weapons have proven the “tool” of choice for mass killers. With mass killings on the rise it is important that we act to at least make it harder for perpetrators to kill so easily. 40% of mass shootings since 1982 have occurred after the Assault Weapons Ban expired in 2004.

A few more notes regarding the proposed Assault Weapons Ban. The AWB does not ban firearms solely based on cosmetic features. These features do clearly affect performance. Here is a description of a Partisan Avenger .45 Assault Pistol: “The swiveling front grip makes for easy and comfortable control of the recoil. The forward pistol grip extension not only helps point it instinctively at the target but also goes a long way to controlling the effects of recoil.” When evaluating the effectiveness of the AWB it is important to also consider the arsenals of weapons and ammunition already owned by citizens prior to the ban.

2. Ban High Capacity Magazines. Throughout the late 1990s when the AWB was still in effect we experienced a rise in the use of other guns equipped with large capacity magazines in large urban cities, like Baltimore, Milwaukee, etc. This was likely due to the immense stock that was already owned in the general population. We will experience this again should the new Assault Weapons Ban pass, however it is important that we stop producing and adding to that immense stock. Semiautomatic weapons equipped with high/large capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim

than do attacks with other firearms. Overall violent crime could decrease faster if High Capacity Magazines were outlawed and would result in fewer lives lost.

3. Implement Universal Background Checks. It is simply unacceptable that 40% of all firearms sale take place without a background check. In no other area will the government skip verification and operate on the honor system, not at the airport and not at the IRS. We must allow background check records to be kept, instead of being destroyed within 24h per the Tiahrt amendments. It is imperative for law enforcement to have information about someone's intent to acquire firearms should they receive information that the person is behaving suspiciously.

4) Make gun trafficking a Federal Crime and institute the one gun a month law. Gun trafficking is a major contributor to our nation's staggering rate of gun violence. A misdemeanor is very unlikely to be prosecuted in federal court. How can the ATF enforce the laws if there are no real fines imposed on the perpetrators?

Federal law does not require a person to register as a firearms dealer for occasional private gun sales. The word "Occasional" needs to be defined more clearly and one gun a month laws need to be implemented to prevent individuals from purchasing an unlimited number of firearms only to resell them later in other areas of the country that may not allow them. This is how illegal guns get into cities like Chicago.

5) Improve Mental Health Reporting. While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. It is important to also address members of the household that live with a person that has a mental illness.

These are my suggestions to strengthen the current gun legislation and avoid so many unnecessary deaths. There is much more that we can do, however the above measures would have an immediate impact on the rate of gun violence in this country. We have a right that Congress puts the safety of The People ahead of the interests of the gun lobby. It is your obligation.

Most respectfully,

Andrea Filkins
Alexandria, VA

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I am a member of One Million Moms for Gun Control. We are united in our belief that there is much that can be done legislatively to make our country a safer place that will not infringe upon Second Amendment rights. We are powerful

1) Require Universal Background Checks on both Guns and Ammunition

Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation's more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

2) Institute an Assault Weapons & High Capacity Magazine Ban

Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4) Improve Mental Health Reporting

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been involuntarily committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above are all simple and immediate steps that would help bring an end to gun violence.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer’s bullet-proof vest. Everyone from city cops who agreed with us when we 'marched' in Denver on 26 Jan to John Elway agree - no one needs these weapons. They didn't have them 10 years ago and they don't need them to be so readily available now. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let’s get this done; for our country and for our children; and let’s get this done now.

Most respectfully,

Laura Fronckiewicz
One Million Moms for Gun Control
Denver, CO

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin and Members of the Senate Judiciary Subcommittee:

Thank you for the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. We are members of the Unitarian Universalist Congregation of Fairfax. Ron is a Vietnam Army veteran, a former high school teacher, and a retired consultant to the Army Headquarters. Marsha is a former elementary school teacher and currently teaches piano.

We are committed to the pursuit of laws that will help reduce the level of gun-related violence in our country. In addition to those who are killed or wounded, the effects of gun violence ripple throughout the victims' families, friends, and communities.

While we support registration of guns owned by private citizens, we realize that at this time such a proposal would not be supported by Senate or the House of Representatives or by a majority of Americans.

We believe that the proposals to curb gun-related violence that are listed below are doable now and do not infringe on the rights of the Second Amendment, which we believe is not an absolute right. We ask that the Senate Judiciary Committee adopt the following and work to pass laws that will:

1. Require universal background checks on both guns and ammunition.
2. Institute an assault weapons & high capacity magazine ban: rather than banning specific makes and models of assault weapons though, we would prefer banning weapons based on functionality.
3. Repeal the Tiahrt amendment and make gun trafficking and straw purchases federal crimes.
4. Improve mental health reporting and mental health treatment.

We are under no illusions that even if all of the above proposals are adopted that gun-related violence in America would be eradicated. However we strongly believe that they would be a significant start toward a solution to the problem and would significantly reduce the level of gun violence.

We urge the Senate Judiciary Committee to support and work for passage of these proposals.

Most respectfully,

/s/
Ron and Marsha Giusti
5306 Weymouth Dr.
Springfield, VA 22151

**Written Testimony Submitted for the Record
By Virginia Tech Injured Survivor Elilta Habtu, M.S.**

**For the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights
“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the
Second Amendment” hearing on February 12, 2013**

Thank you Chairman Durbin, Ranking Member Cruz, and Members of the Subcommittee for the opportunity to submit written testimony for its “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment” hearing.

My name is Elilta Habtu and I was severely injured in the German classroom in the Virginia Tech shootings. As a gun violence survivor, I’m a witness to the devastation that gun violence causes and the impact it has on one’s family, loved ones and community. I should not have been injured that day in my classroom; I was where I needed to be as well as my fellow classmates and professors. My parents left their war-torn homeland so that I may have more opportunities in America, but they never envisioned that I would end up in a warzone of my own, in the sanctity of a school classroom. This is not the American Dream.

The Real Impact of Gun Violence

I was shot in the wrist, where all 8 wrist bones were shattered because of the hollow-point bullets that the shooter used for maximum destruction. I was shot in my jaw, where the bullet still remains lodged 1 mm from my brainstem because removing it is too dangerous. The doctors told me if the bullet had moved 1 mm more I would be paralyzed or dead. A bullet ricocheted and deeply wounded the top of my head, where I now have a well-hidden scar. Because of my severe and extremely painful injuries I was in the hospital for one month, where merely walking was exhausting. Please find attached hospital photos dated 4/19/2007- 4/25/2007. The first photo attached is on 4/19/2007 where my head was so swollen people were surprised that I could see them through my squinted eyes. I suffered excruciating pain despite being heavily dosed under morphine. I required embarrassing assistance from a nurse to help me use the bathroom and to help me take showers. I have had several reconstruction surgeries to my jaw and wrist and I will have future reconstruction surgeries. I am still healing from this trauma physically and psychologically 5 years later. I still see a therapist because I suffer from PTSD. I automatically note where all the exits are whenever I enter a room, I never sit with my back to the door -- I sit where I can see the exit so I know how to escape in case of an emergency.

I share this extremely personal private experience in my testimony because the truth must be known about the real damage and destruction caused by gun violence.

Policy Proposal to Reduce Gun Violence

We can reduce gun violence in our communities by taking early preventative measures, by focusing on school safety and mental health care that’s accessible and affordable to all Americans, not only to the dangerously ill. I support proposed legislation such as Mental Health

First Aid Act and Mental Health Parity and Addiction Equity Act. (For more information on my policy proposal to reduce gun violence please view [here](#)).

But we also need to reduce gun violence by having reasonable national, uniform laws on gun safety – which will not remove gun rights. I support the President’s plan to reduce gun violence including banning assault weapons, requiring universal background checks and limiting high-capacity magazines. I support these measures because I’ve witnessed a private sale without ID and just cash at a gun show. I’ve obtained my concealed carry permit by taking an online course and online firearms safety training -- without ever touching a gun. I did this to test the current system’s efficacy and ease of access to firearms. The permit I obtained was valid for 5 years in Virginia, and in any other states that allow out of state permit holders such as Pennsylvania or Texas. As someone who has been “under fire”, I think limiting magazine capacity to 10 rounds is sensible legislation.

We should not dismiss one proposed legislation over another, we should support all sensible proposed legislation. Sometimes we overlook simple solutions, such as having an automatic door lock. My classmates were able to stop the shooter from returning to our classroom. Kate Carney bodily barricaded herself against a door whilst shots were still fired through the door. She was joined by Trey Perkins, Derek O’ Dell and Erin Sheehan and they prevented the shooter from re-entering our classroom. Their bravery and quick-thinking actions helped save my life and kept the death count low in our German class. A few classrooms were able to successfully barricade doors and the shooter did not enter their rooms. Imagine if we then had a school safety training program to be prepared in cases of emergency. Since then, a few K-12 schools in VA have installed automatic door locks for their classrooms, as well as updating emergency communication systems in case of security lockdown. These are all solutions that should be holistically implemented and that address how to reduce gun violence, but should not be in substitution in place of other gun safety laws that are just as important.

Could having a gun or using high-capacity magazines helped protect us that day? We could discuss and debate this, but I do know that high-capacity magazines allowed the Virginia Tech shooter to shoot over 100 bullets within 9 minutes: killing 33 individuals including himself, and physically and psychologically injuring many survivors. Let’s not forget the friends and families of the survivors or their communities that relive the pain with every new tragedy. High-capacity magazines have the sole purpose to cause more destruction in a short amount of time – limiting the number of bullets is a reasonable solution to reducing gun violence. High-capacity magazines in the hands of dangerous individuals makes it a weapon of mass destruction, and makes carnage possible like in our classrooms at Virginia Tech, as well as Columbine and Sandy Hook elementary school.

We do not need high-capacity magazines of up to 100 bullets to defend ourselves and our families. If a person needs a magazine with up to 100 bullets to disarm a potential attacker, they may need to spend more time at the gun range to improve their shooting high-capacity accuracy.

The argument that an individual needs a magazine with up to 100 bullets to disarm a potential attacker does not hold. I am not aware of any evidence where a civilian required up to hundreds of bullets to repel a potential attacker. I am, however, aware of civilians who have used hundreds of bullets to murder dozens of innocent individuals in single incidents. Yes, we have the constitutional right to defend ourselves and our families – and it is a right that is never going to be taken away. **There will never be abolition of guns; the American people do not want it.** With this right comes the responsibility and accountability for safely owning and storing a gun – just like our 1st amendment for free speech.

Is there research that shows limiting magazines to 10 bullets hinder our ability for self-defense with guns? How would passing sensible legislation take away gun rights? I understand there is contestation in limiting bullets – whether there is significant statistical difference in reducing gun violence by 10 bullets versus 15 bullets? This is an example of where we may need to compromise on good proposed legislation such as the Assault Weapons Ban 2013, and should be closely evaluated and monitored over time. But hitting these challenges shouldn't stop us from passing good legislation because it's not completely perfect.

Time for Action

Yes, we must be careful to not pass “feel good” legislation when they do not adequately address the problem as a whole, but we should not be too cautious. We should be careful to not dismiss nor hinder good legislation that sufficiently addresses most of the problem. We should be part of the solution, and we should bring forth proposed solutions and proposed legislation and together discuss how to overcome these challenges or propose alternatives.

We must not simply philosophize or talk rhetoric; we've had talking and debating for years. **We need action from our congressional leaders, and after Sandy Hook we must not remain inert. We all must dare to do the right thing, which may mean differently to different folks, but it still requires action.** We don't have a crystal ball to tell the future, whether passing legislation today will cause “real change” to occur. We do know with certainty that no action from our Congress will result in no change. We can pass sensible legislation and then evaluate its impact and change over time – and re-address its efficacy appropriately at a later time. **Inaction is unacceptable.**

This is a very complex problem; there will be no perfect single bill or perfect series of legislations to address these issues. But we do know how to alleviate some of these problems and proposed actions to reduce gun violence. We know this from data and empirical evidence collected from past shootings and tragedies, from law enforcement officials and the prosecutors, from the victims and survivors, from the felons convicted of shootings, from the doctors and public health experts and the many multi-disciplinary experts and Americans.

Our Congressional leaders' laudable attempts to strive for “best practices” and their good intentions cannot result in rhetoric and inaction from Congress. We cannot hinder

legislation from being passed because of fear for extreme, hypothetical situations that are statistically rare or nonexistent. We must pass sensible legislation based on empirical evidence from real incidents and living eyewitnesses. It's sensible to base policy on reality rather than imaginary fears, likewise to support the statistics that are in the general ball park rather than the outliers. To do otherwise is neither logical, nor pragmatic. It's not good policymaking, and it's not safe for us Americans. I did not act to improve gun violence in our country until I was a victim -- we must not wait to be victims of gun violence in order to support or pass sensible gun legislation!

Thank you Senators for your study of this national problem of gun violence that will never completely be eradicated but must be, and can be, reduced. Some action that addresses the problem is better than no action at all, and we know that there is no such thing as the perfect bill so let's not stall waiting for it to magically appear. Thank you Senators for your leadership and I trust our Congress will pass sensible public safety and public health legislation to protect Americans. Thank you for your time and for your consideration of my testimony and proposal to reduce gun violence in our communities.

Most Sincerely,
Elilta "Lily" Habtu

Virginia Tech Injured Survivor
M.S. in Conflict Analysis and Resolution, George Mason University
B.S. in Psychology, Virginia Tech

Appendix - Hospital Photos (Dated 04/19/2007-04/25/2007)



The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for providing us the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. In our opinion, there can be no circumstances where it is more important for a person to own an assault weapon than to try to save the life of a child...NONE.

We respectfully ask that you consider the following:

- 1) Require Universal Background Checks on both Guns and Ammunition

- 2) Institute an Assault Weapons & High Capacity Magazine Ban

- 3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

- 4) Improve Mental Health Screening and Reporting

We hope and pray that these changes will help prevent further gun deaths.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

In the words of David Wheeler (father to Benjamin Wheeler who was killed in Newtown) who invoked Thomas Jefferson's inalienable rights of "life, liberty, and the pursuit of happiness" from the Declaration of Independence:

"I do not think the composition of that foundational phrase was an accident," he said. "I do not think the order of those important words was haphazard or casual. The liberty of any person to own a military-style assault weapon and a high-capacity magazine and keep them in their home is second to the right of my son to his life."

SECOND.

Sincerely,
Suzanne & Daniel Hagmann
Wilton, CT

To Chairman Durbin & Senate Judiciary Subcommittee Members,
I wanted to reach out to you, as a mom of two children in the Newtown School System.

December 14th was a day that changed my family, my friends and my town forever. On that day, I was shopping at the local mall and received an automated voice message from the Newtown School District telling me that all Newtown schools were in lockdown due to reports of an "unconfirmed shooting". My heart sank. My fingers trembled as I tried to find the phone numbers to call my children's schools. One of the schools did not pick up. I thought that was a bad sign. I quickly dialed the other school and someone in the front office answered. She told me the school was OK, but her voice told me something was terribly wrong. My voice shook as I screamed "I have another son in a different school!" and in a hushed voice she told me "it's Sandy Hook." Although my kids did not go to Sandy Hook, I have lots of friends who have kids that do. I know people who teach there.

The next few minutes were frantic phone calls, voicemails, Facebook postings as I tried to reach everyone I knew. I did all of this while driving in my car to head back to Newtown towards the schools. At that point there was information that has been circulated that there was more than one shooter. My kids were safe in their schools, in lockdown and parents had to wait. It was a long terrifying wait and process in which we could finally retrieve our scared kids from their schools.

Later, Connor, my 5th grader told me he watched his teacher crawl across the classroom and tape a piece of white posterboard to the classroom window.

Liam, my 3rd grader told me his teacher "quietly read books while in lockdown but was crying even though the book she was reading wasn't sad."

Hours later I learned the fate of several friend's children who did not make it out of the classroom. They were shot between 4 and 11 times each. Other friends had kids that did but no have long lasting after effects. My friend's son managed to escape and was one of the 6 who was found at the bottom of a driveway at a house located next to Sandy Hook Elementary. Another friend's son was in an adjoining classroom. His mom reports he still has nightmares, and can't get the killer's voice out of his head. He still smells the gun powder. Even last night his father told me they made microwave popcorn, and by mistake it burnt. Their son was terrified as the smell reminded him of the gun powder from that horrible day.

There are a hundred more stories I could share. Stories that would shatter your heart and bring tears to your eyes. What happened in Newtown should never have happened. What happened in Newtown happened because of one sick person with access to guns he had no business having access to. He had access to military style weapons and high capacity magazines which sole purpose is mass, quick killing. These guns have no business being in open circulation in our towns and in our cities despite the warped misinterpretation of our 2nd Amendment. I urge you to ban these weapons in an effort to help prevent a future tragedy like Newtown. I urge you to help pass new laws that make mandatory registration of all guns, with no loopholes for gun shows.

I ask for this, as a mom, and as a citizen of Newtown, CT. Please, do everything you can to show Newtown and the world that these 26 angels did not die in vain.

Respectfully,
Kim Haywood
6 Daniels Hill Road
Newtown, CT 06470

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

My name is Heather Borden Herve and I am from Wilton, CT. We live about 20 minutes from Newtown, CT. Thank you for allowing me to submit testimony.

This is a picture of my daughter, Poppy. She was born on May 10, 2006. Just yesterday she went to a friend's birthday party and then attended her Girl Scout Daisies meeting, where she earned her first petal badge.



This next image is a picture of Jessica Rekos. She was also born on May 10, 2006, the same exact day as my daughter Poppy. I think they look quite similar. But the major difference is that Jessica Rekos was killed on Dec. 14, just about two months ago, in Newtown.



Like so many other parents, we all have been trying to make sense of the senseless, to understand the unfathomable. We send our children off to school now with a different kind of reality, like the axis of the earth has shifted and our planet will forever turn in a different way.

Like all parents, our priority is to keep our children safe—in school of course, but all the time. So as a parent, and as a citizen of the United States, I beseech you: please do not be swayed by the loud voices of those who ask you to put their right to collect, own, amass, carry and use firearms above the rights of ALL of our children to run, play, learn and **LIVE** safely. I want to emphasize ALL our children—not just those from leafy, safe suburban, predominantly white towns, like Wilton or Newtown. But also those less safe, more urban, more diverse, less wealthy cities and towns.

For this isn't just a question of how to prevent deaths from mass gun killings. It's a matter of preventing gun violence from claiming lives like 14 year old Justin Thompson of Bridgeport, CT who was shot and killed while walking home from attending a sweet 16 party, or 17-year-old Gary Gullap, who was shot down in the middle of an August afternoon six months ago.

Doesn't LIFE trump LIBERTY just a little bit?

There are legislative changes that are sensible as well as possible to institute without infringing on Second Amendment rights. I ask you to consider the following:

- 1) Enact tougher laws requiring more stringent background checks for ALL sales and transfers of guns, including long guns—even at gun shows and for private gun sales.

Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation's more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

- 2) Renew the federal ban on assault weapons and high-capacity ammunition magazines (with NO grandfathering) and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100

rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives. Even law-enforcement officers agree that such ammunition and weaponry in the hands of laypeople is counter to every sensible effort to maintain public safety, let alone the safety of our public safety officers.

3) 3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

- 4) Require yearly registration and renewals for all gun owners.
- 5) Raise the gun purchasing age.
- 6) Tighten liability laws to make gun owners more responsible for negligent storage, self-injury or injury to another person or damage to property.
- 7) Help states finance state-sponsored gun buy-back program.
- 8) Improve Mental Health Reporting: While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been involuntarily committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

I beseech you to remember who it is exactly who you represent. Not the lobbyists, not the corporations and gun manufacturers, but the families, the mothers and fathers and children and people of this country, who are asking you to make sensible changes to make it a safer place to live.

I ask you that on behalf of two little girls who share a birthday of May 10, 2006—one whose life is in my hands and the other whose life I can no longer defend but whose memory I will always honor, and hope you will too.

Sincerely and respectfully yours,

Heather Borden Herve
Wilton, CT

To whom it may concern

I am writing to express my support for the position that Connecticut Against Gun violence has proposed.

My children attend school in Newtown and I am simply done with the violence that semi-automatic weapons have wrought on our country.

Please act today in favor of limiting people's access to the weapons and ammunition that caused Newtown.

Dee Hodson
True Benefit
cell: 203 673 9760

Dear Chairman Durbin, Ranking Member Cruz, and Members of the Subcommittee on the Constitution, Civil Rights, and Human Rights:

I am 15 years old and I went to a Newtown school for seven years. This must not happen again.

-Sophia

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights, and human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin and Senate Judiciary Subcommittee Members.

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. As a private citizen, licensed clinical psychologist, and gun owner I am convinced that there is much that can and should be done to make our country a safer place within which to live. Additionally, the things that *can* and *should* be done would fall within the limits of the Second Amendment of the United States Constitution -- at least as itemized in the majority decision written by Antonin Scalia in the District of Columbia v. Heller. Or as my father would have said, "Your rights end where my nose begins."

Not even the grisly images of the Twin Towers massacre brought me the grief triggered by the photographs of those beautiful children at Newtown. The slaughter at Newtown has gotten into my soul, and I know I'll never get over it. I can't imagine the blackness of the world in which their parents must be living. I even felt grief for Adam Lanza. The demons that drove him to shoot his own mother, those children and then himself must have been ghastly. I don't even want to try to imagine what must have been going on in his mind.

But Senators, not even Adam's mother, who knew him better than anyone did, could have predicted that on that day at that time he was going to grab her gun (*Why* was that weapon of mass destruction available to him?) and commit mayhem? As a Clinical Psychologist who worked for seven years on an admitting ward at St. Elizabeths Hospital in Washington, D.C., I can tell you that that kind of violence is unpredictable. Again, even Adam's mother didn't know. You know, guns are more usually used for suicide than homicide. And sometimes the murder is just accidental. For the general public there is no screening tool for violence and nobody expects there will be -- especially because not everyone who kills is mentally ill.

If it had not be for the availability of that nightmarish weapon of mass destruction, maybe Adam would have used a knife or a scissors or a bat or a rolling pin. Maybe he'd have just beaten his mother. Awful! Frightening! But the number of deaths could have been zero. Forgive me, but *It's the guns, Stupid!* It's the guns!

We don't need to get rid of them, though. As Adam Gopnik said when summarizing Franklin Zimring's findings¹[1]

*...the central insight of the modern study of criminal violence is that all crime...is at some level opportunistic. Building a low annoying wall against it is almost as effective as building a high impenetrable one. Those who hold themselves together enough to be capable of killing anyone are subject to the same rules of opportunity as sane people. Even madmen need opportunities to display their madness and behave in different ways depending on the possibilities at hand.*²[2]

So, here's my list: 1) Require universal background checks on both guns and ammunition. 2) There should be a ban on assault weapons and high capacity magazines. 3) Please repeal Tiahrt and make gun trafficking a federal crime. 4) And another thing I'd like is to make everyone responsible civilly and/or criminally responsible for anything done with his gun. Every gun should

¹[1] Zimring, Franklin. The City That Became Safe. New York's Lessons for Urban Crime and Its Control. Oxford Press., 2012. ISBN 978-0-19-984442-5.

²[2] <http://www.newyorker.com/online/blogs/comment/2012/12/the-simple-truth-about-gun-control.html#ixzz2FsxeHPvN>

have an owner. And even if the owner didn't commit the murder, if it was his gun that committed the crime, then the owner must be held liable as well.

That's all for now. I don't need to remind you that it is the job of the federal government to protect its citizens...

Sally Singer Horwatt, Ph.D.
Licensed Clinical Psychologist

February 10, 2013

Chairman Durbin & Senate Judiciary Subcommittee Members,

After the Sandy Hook shootings, a senator from Missouri said in a radio sound bite that he would vote against any bill that infringed on our constitutional right to bear arms. This type of blanket statement concerns me.

I live in Newtown, Connecticut, just up the hill from Sandy Hook School. The Sandy Hook first graders were scheduled to spend the afternoon of their deaths making gingerbread houses with their dads. Newtown's main street was clogged by a never-ending series of gut-wrenching wakes and funeral processions. The families of those who died are certain to suffer from pain and sorrow forever. My four children attended Newtown schools from kindergarteh through high school graduation. My children did not miss being at their dad's side in their classroom for holiday gatherings. We did not see our six year old's body laid out in a coffin.

While mental illness was clearly a proximate cause of this tragedy, the massacre could not have occurred without the ready availability of advanced weaponry. Is the federal government powerless when it comes to preventing the mother of a mentally deranged young man from amassing an arsenal?

When the Second Amendment was enacted, muskets and flintlock pistols were the state of the art. Our Founding Fathers never envisioned a firearm capable of killing twenty-six innocents in less than five minutes.

When the Senate takes up the issue of gun control, I urge you to set aside the persuasion of the gun lobby and let your conscience guide you.

Respectfully,

Margaret Hull

6 Old Castle Drive

Newtown, Connecticut

Written Testimony from Members of the Injury and Violence Prevention Network to the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights for Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment

On behalf of the members Injury and Violence Prevention Network (IVPN), a group of national organizations that support injury and violence prevention policies at the national level, we thank you for the opportunity to provide our recommendations for public health approaches to reducing gun violence.

Given the December tragedy at Sandy Hook Elementary School in Newtown, Connecticut – as well as the many tragic events that have occurred across the nation in places like Blacksburg, Virginia, Aurora, Colorado and Taft, California – Americans are struggling to understand what caused these incredibly violent events to happen and how they could have been prevented. Yet these acts of mass violence are only the tip of the iceberg. More than 31,000 people die each year from gun violence at a cost of more than \$40 billion per year. The undersigned organizations support the following public health strategies to address this issue.

First, sufficient resources must be provided for the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) to conduct research on guns and gun-related violent deaths and injuries, including closed traumatic brain injuries (TBI). Inadequate resources at both CDC and NIH have had the effect of curbing significant federally funded research on firearm violence. There are many policies and practices that need to be researched, including the effectiveness of consumer product regulations and other legislative safety measures. It is imperative for CDC and NIH to have the opportunity to conduct research that will help inform common sense violence prevention efforts.

Second, strengthen surveillance of violence-related deaths by increasing funding for CDC's National Violent Death Reporting System (NVDRS) for all states. There are 18 states currently funded by the Centers for Disease Control and Prevention to conduct surveillance of violent deaths through NVDRS. This data system links information from public health agencies, law enforcement, medical examiners and social service agencies to create a more complete picture of the circumstances surrounding violent deaths. This detailed data provides critical information to the state and local violence prevention practitioners to guide their prevention programs, policies and practices, including: identifying common circumstances associated with violent deaths of a specific type (e.g., gang violence) or specific area (e.g., a cluster of suicides); assisting government agencies, task forces and community coalitions with identifying appropriate violence prevention efforts; supporting evaluations of violence prevention activities; and improving the public's access to in-depth information on violent deaths.

Third, expand the public health role in violence prevention efforts and increase understanding of violence as a "public health issue." Because of the multiple and complex factors that contribute to the development of violent attitudes and behaviors, there is not one approach or one group that can effectively prevent violence. The "public health approach" involves using data to identify populations at greatest risk and implementing evidence-based programs that address violence at the individual, family, community and societal levels.

To effectively and sustainably prevent violence in our communities, we need a coordinated effort that involves public health, education, justice, public safety, social services, community leaders, businesses and faith-based organizations. Scaling up the implementation of effective interventions as well as developing new prevention efforts and partnerships are critical for creating a culture of gun safety and violence prevention. Effective violence prevention programs and strategies include, but are not limited to: universal school-based programs for the prevention of violent behavior, intensive family and community-based approaches for high-risk

youth, parenting programs for the promotion of parenting skills and health family relationships, home visitation and street outreach and interruption strategies. As an example, the Community Preventive Services Task Force recommends universal, school-based programs as effective in preventing violent behavior through a systematic review of research studies. The Task Force describes universal school-based violence prevention programs as those that are “designed to teach all students in a given school or grade about the problem of violence and its prevention or about one or more of the following topics or skills intended to reduce aggressive or violent behavior: emotional self-awareness, emotional control, self-esteem, positive social skills, social problem solving, conflict resolution, or team work.”

Fourth, ensure clinical providers, including pediatricians, have the ability to gather information on the availability of firearms in patient history forms and to counsel patients. Clinical providers have a role in counseling patients on gun storage and safe handling of firearms and have long captured other public health behavioral data, such as smoking, alcohol use and seat-belt use. Patient-provider discussions and information about firearms should be included as a critical area that may impact health. The members of the Injury and Violence Prevention Network appreciate your consideration of this testimony. Thank you.

American College of Preventive Medicine

Brain Injury Association of America

Council of State and Territorial Epidemiologists

National Association of State Head Injury Administrators

National Center on Domestic and Sexual Violence

National Violence Prevention Network

Prevent Child Abuse America

Prevention Institute

Safe States Alliance

Society for Prevention Research

Society for Public Health Education

Society for the Advancement of Violence and Injury Research

February 11, 2013

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

The NRA is right that “people kill people” but they do it so much more effectively with guns than with other instruments of violence. As a result, the US has 20 times higher gun death rates than other industrialized countries. It is less surprising that the general public was morally outraged at the mass shooting of 6 and 7 year olds in Sandy Hook Elementary School two months ago, than that the US public has been so tolerant of gun violence in our society.

Caught between gun rights advocates like the NRA which blames mentally ill persons and the culture of violence for the mass shootings at Sandy Hook Elementary School, and the gun control advocates like the Brady Campaign which blames assault weapons and loop holes in background checks, the Senate Judiciary Committee held an important hearing on gun violence on January 30, 2013 to explore options for reducing gun violence in the US.

Predictably, the NRA recommended armed guards in every school, while the gun control advocates urged a renewal of an assault weapons ban, recognizing the political constraints of the 2nd Amendment, even though assault weapons account for less than 1% of gun deaths in the US. President Obama split the difference by proposing an assault weapons ban and suggesting that schools be eligible for federal funding that could either be used for armed guards or guidance counselors in the schools. The debate will likely shift to whether background checks should be required for all gun purchases as the gun control advocates propose, or whether private sales should remain exempt from background checks which the NRA currently supports even though 80% of guns utilized in crimes are purchased through private sales. The NRA recognizes that background checks required for federally-licensed gun dealers only account for 60% of gun sales, but the NRA claims that criminals will avoid background checks whenever possible.

Recognizing that background checks are largely inadequate when many states do not report persons who are potentially dangerous to the data base for the National Instant Criminal Background Check System (NICS) which is run by the FBI, gun control advocates are also demanding that states are held accountable for reporting dangerous persons to the NICS data base. This raises important questions about how it's even possible to predict who is potentially dangerous when many persons responsible for gun deaths do not have a history of mental illness, and most mentally ill persons are not violent.

Absent from the gun violence debate is any recognition that tax policy could be very useful for making gun owners accountable for the costs of gun violence in our society. If guns were subject to a property tax based on the cost of gun violence in our society, then gun owners would be obligated to identify their gun ownership on an annual basis as a fulfillment of their responsible citizenship. The property tax would also create an incentive for gun owners to reduce the size of their arsenals to one or a few firearms they think they need for hunting, target practice, and self-defense. The revenue from the property tax could then be used to pay for the cost of gun violence by compensating victims of gun violence and first responders, funding the state collection and reporting of data to the NICS, and even paying for an effective gun “buy-

back” program to reduce the supply of firearms. Because this tax would be purely based on the cost of gun violence, rather than to punish gun owners, it would surely pass any 2nd Amendment challenge easily.

The property tax on guns could also be complemented by a requirement that gun owners take out gun liability insurance for each gun they own to compensate victims of gun violence attributable to a specific gun. The cost of the liability insurance could depend on the characteristics of the gun (e.g. level of lethality, presence of trigger safety locks which could prevent it from being fired accidentally or by anyone other than the licensed owner), and certified gun safety training of the gun owner. The size of the property tax on guns could be based on gun violence after payment by liability insurance.

A sales tax on guns and ammunition could also be used to generate funds for protecting the public from bearing the cost of gun violence while creating a system for tracking gun use. The NRA has backed federal legislation including the Tiahrt Amendment to restrict access of law enforcement to gun trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It has also denied the Alcohol Tobacco and Firearms (ATF) the authority to require gun dealers to inventory lost and stolen guns, and requires that NICS background check records be destroyed within 24 hours. When coupled with federal prohibitions on research by the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) on the causes of gun violence, it is clearer to understand why the US has 20 times higher gun death rates than other countries. It is important that taxation policies are designed in a way that is compatible with the 2nd Amendment and yet emphasizes the responsibility of the gun owner to contribute to the cost of gun violence in our society.

A taxation proposal is being developed by the Institute of Social Medicine and Community Health for sharing with consumer groups and public interest advocates which promises to be an effective way to reduce gun violence in our society. Given the resistance from the NRA to gun bans based on the current interpretation of the 2nd Amendment, a taxation approach changes the rationale from the individual’s right to own a gun unconnected to participation in a well-regulated (state) militia, to the responsibility of gun owners to contribute to the costs of gun violence in our society by reducing the number of guns, incentivizing their safe use, and generating an information system that can be used for researching and regulating the causes of gun violence.

I hope the Senate Judiciary Committee will use its public platform to broaden the policy options for addressing the unacceptable causes of gun violence in our country and recognize the potential role of taxation policy to reduce gun violence.

Sincerely,

Bob Griss, Director of Health Care Policy
Institute of Social Medicine and Community Health
7035 Green Oak Drive
McLean, VA 22101
Telephone: (703) 639-0437

**Written Testimony of Rev. Dr. C. Welton Gaddy, President of Interfaith Alliance
Submitted to
The Senate Committee on the Judiciary,
Subcommittee on the Constitution, Civil Rights and Human Rights
for the Hearing Record on “Proposals for Reducing Gun Violence: Protecting our
Communities While Respecting the Second Amendment”
February 12, 2013**

As a Baptist minister, a patriotic American and the President of Interfaith Alliance, I submit this testimony to the Senate Judiciary Committee hearing on “Proposals for Reducing Gun Violence: Protecting our Communities While Respecting the Second Amendment.” A national, non-partisan organization, Interfaith Alliance celebrates religious freedom and is dedicated to protecting faith and freedom with members nationwide who belong to 75 faith traditions as well as those without a faith tradition.

Interfaith Alliance, an organization that focuses not only on religious freedom but also on uniting diverse voices to challenge extremism, is engaging in the fight to prevent gun violence because our deeply divided nation could experience a modicum of healing by finding common ground on which legislation could be structured to make our nation a safer and healthier place. The support for immediate action to end gun violence coming from religious leaders from diverse religious traditions is thrilling to me. It’s also indicative to the moral value that all religions place on protecting all people, especially children.

While cognizant of the rights afforded by our Second Amendment, we as a nation must also be done forever with the thought that guns, that killing, settles anything—whatever our disagreements, be they substantive policy arguments, misguided bigotry, or petty misunderstandings. Rather than disrespecting people because they hold ideas with which we disagree and turning on them with violence, we must find our way back to civility. And guns should not be readily available to those who cannot embrace civility. Otherwise, as a nation, we will lose both our democracy and our moral compass. What then?

As members of this distinguished committee well know, the reforms necessary to prevent gun violence cut across numerous issues that must be addressed—from the impact of concealed-carry laws on houses of worship to anti-bullying measures—all of which affect all our nation’s citizens, including worshipers in churches, synagogues, mosques, and gurdwaras, as well as children in schools.

For years now, I have been an outspoken opponent of legislation that would permit concealed firearms to be carried in houses of worship in states such as my home state of Louisiana, also the home of the congregation in which I serve. This is a congregation that I have led to support a policy of no guns in our worship center despite a civil law passed to the contrary. Our houses of worship should be places where people find comfort and solace, not where they fear for their lives. Amidst consideration of policies such as prohibiting concealed-carry of firearms, as well as a renewed assault weapons ban and universal background checks, I hope this Subcommittee and Congress as a whole will not lose sight of policies which can prevent individuals from seeking dangerous weapons in the first place—namely, improved mental health services and anti-

bullying initiatives. However, these policies cannot be a substitute for policies related to the ownership of weapons. We need both stricter gun laws and government-based initiatives to deal with mental health issues and bullying. Let me assure you that many of us who lead houses of worship are already hard at work on mental health matters and anti-bullying tactics.

The year 2012 will forever stand out as a particularly tragic year for gun violence in America: a movie theater in Aurora, Colorado; a Sikh gurdwara in Oak Creek, Wisconsin; an elementary school in Newtown, Connecticut. And then there are the countless other victims whose deaths did not draw national media attention. I offered commentary on the memorial ceremonies from two of these tragedies on the set of a national television broadcast. I felt the pain I saw on the faces of the people. I hurt with those who could not stop weeping or those who were too emotionally frozen to cry. These tragedies do not just come and go as life moves on; for many, life is never the same after one of these events. As a nation, surely it is time for us to act in a manner that prohibits us from arriving at the end of 2013 only to see the trail of violence extended.

More often than not, when we find ourselves faced with unimaginable tragedy, we struggle against the feeling of helplessness—but presently we are in a situation in which to grieve for those whose lives have been lost to gun violence is to imagine what we can do to stop needless grieving, needless deaths in the future. With the ancient Hebrew prophet, I find myself repeatedly asking, “How long, O God, how long?” What will it take to stop these needless deaths?

SUSAN J. KASSIRER
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February 11, 2013

Dear Chairman Durbin and Senate Judiciary Subcommittee
Members:

Thank you for affording us, the residents of Newtown, CT, the opportunity to add our voices to tomorrow's Senate Judiciary Committee Meeting on Gun Violence. For me, there is no issue of more importance right now in this country.

My husband and I live in Sandy Hook, 3.2 miles from where the December 14, 2012 massacre occurred. We are parents. Sandy Hook School is our local elementary school. This tragedy should never have happened, and it could have been prevented if military-style assault weapons such as that used by the gunman were not permitted in the United States. Twenty 6-7 year old children were brutally massacred. You cannot even begin to imagine what it is like here, in our beautiful little community . . . the devastating sadness . . . the tears . . . the disbelief. Is this the kind of society we want to live in? Is this the kind of society *you* want to live in?

As our legislators, you are in a unique position to make change. They eyes of the country—of the world, in fact—are on you right now. How can you not do the right thing, the moral thing?

There is no question that reforms in the gun industry will make all of us safer. This includes universal background checks on all gun purchases and ammunition, the elimination of high capacity

magazines and armor piercing ammunition, and removing military grade weapons from civilian life.

The NRA and some gun owners and sellers are shamelessly trying to use the wording of the Second Amendment to defend their right to not only own high capacity assault weapons but to profit from the sale of them. As you know, this amendment reads: “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.” This amendment was written in 1791, more than 200 years ago, in an era when surely one could not even imagine the existence of high capacity assault weapons that can kill 20 children and six adults within minutes. Furthermore, we are not talking about a well-regulated militia here. I have more respect for and faith in the intelligence and moral fiber of our founding fathers than to even imagine that for one moment they intended Adam Lanza to be allowed to have such access to the high capacity assault weapon with which he brutally murdered my neighbors’ children.

After a mass shooting in Australia in 1996 the Prime Minister passed legislation prohibiting the ownership, possession and sale of all automatic and semiautomatic weapons and banning the importation of such weapons. Australia also put in place a federally financed gun buyback scheme. Almost 700,000 guns were bought back and destroyed — the equivalent of 40 million guns in the United States. In the 18 years *before* the 1996 reforms, Australia suffered 13 gun massacres — each with more than four victims — causing a total of 102 deaths. But since the gun control legislation was passed in 1996, *there has not been a single massacre in that category.*

Can we not learn something from the Australian example? Just think. If we had passed the same legislation after Columbine or after Virginia Tech or after Aurora, CO, these twenty 6-7 year old children would still be alive today, as would the six heroic women who died with them. (And depending on when we passed it, many of the earlier victims would still be alive today as well.)

We all know why such sensible, ethical laws have not been passed in this country. We all know the only reason is pure and shameless greed and selfishness on the part of the gun industry and their ability, through monetary means, to influence our legislators.

My husband and I have become involved with Newtown Action Alliance, a Newtown-based grassroots organization working tirelessly to take and accelerate ethical actions, legislatively or otherwise, which reduce gun violence and death, both short and long term.

What happened here in Newtown has got to be remembered as the tipping point, and we fully expect that you will join us in acting to ensure that our 26 did not die in vain. We will continue to act, and will not rest until the epidemic of gun violence in America is reversed.

We know many special interests exert pressure on you. But please know that I am now a single-issue voter, as are all my friends and acquaintances not only in Newtown, but throughout the country. The movement is growing. We have had enough. And you know what our single issue is.

The recent tragedy at Sandy Hook Elementary must never be allowed to happen again. I am writing to demand that you vote to change our current gun laws. I fully support the 2nd amendment right to bear arms and I am not asking you to do anything that is

inconsistent with that. What I am asking is that you put the safety of our children and communities first and not vote to protect the self-serving interests of the NRA, NSSF, gun manufacturers and the rest of the gun lobby. Up until now, that may have been relatively easy to do, but I will be watching and holding you accountable along with many thousands of my fellow citizens. We are watching what you do and trust that you will put us, the American people, first and do the right thing.

Other industries have resisted rules to improve public safety—the auto industry, the tobacco industry, the drug industry, and even the food industry. Thankfully, they are all now regulated to a certain degree: We now have seatbelts, airbags, and child seats and limits on tobacco and drug marketing tactics, including restricting marketing to children, or providing samples to children. And many of these industries whose products place a financial burden on society are taxed to help offset those costs. Why doesn't any of this apply to the gun industry?

The answer comes down to money, as it did with all these other industries. If laws can be passed to regulate them, then laws can—*and must*—be passed to regulate this, the deadliest industry of all. The formerly silent majority—many of whom are now single-issue voters, are watching. You need to be bold. You need to make a statement and set an example for any of the lawmakers—and there are many—whose careers have been funded by the gun lobby. The people of Newtown will not rest until, together with the silent majority in our country, we neutralize the special interests to bring about reasonable regulations that require manufacturers of lethal products to act responsibly.

We are at a turning point in this country when it comes to gun control. Please stand up to the self-serving gun lobby. At this point, your jobs depend on it. More importantly, our lives and the lives of our children depend on it.

I am counting on you. Thank you for examining your consciences and for doing the right thing.

Sincerely,

Susan Kassirer

February 11, 2013

Thank you for considering this testimony.

I have grown up with a heritage of guns. Though I have never shot a gun in my home state of CT, from the age of 10, my father taught my brothers, sister and me the use of his pistols and rifles on our family property in rural Vermont. We shot tin cans and paper target bulls eyes, and always relished this exciting and fun activity.

I now understand that part of this ritual had to do with the second amendment, and our right to bear arms. This was my conservative dad's way of responsibly indoctrinating us as well as educating us in the proper use of firearms.

In the wake of Columbine, the nation got a glimpse of the dark side of this freedom. Those who irresponsibly wield this right can cause horrible damage to innocents. Certainly, the use of these automatic weapons was nothing like what we did with my dad in the back yard. At that point, I had hoped that things would change with gun laws, and that we could protect our citizens from such atrocities.

Fourteen years later, it is clear that we have failed. I don't care what our well funded and loud opponents including the NRA think. The Newtown Disaster has patently illustrated that stricter gun laws need to be enforced. If a citizen wants a gun, he/she should be force to reload after 1-6 shots. If he/she wants a semi-automatic or automatic weapon, he/she should join the military. This is where the weapons belong. I am fully aware of the spirit of the second amendment and founders intent for the populace to be able to defend against tyranny, but the populace has not proven worthy of being trusted with anything near military grade weapons. We as citizens should be content with non-automatic weapons and trust that Providence will give us the defense we need if the circumstances arise.

The Founders also made it clear that in order for a self government to work, the citizens need to be guided by virtue. They also have to give up certain rights to receive the benefits of living in an organized community. These ideas are all part of our Constitution as well.

Please support the Newtown Action Alliance and other measures to prevent gun violence in our state and nation.

Thank you,
Anne Kelly
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Goshen, CT 0676
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The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Just an ordinary citizen. That's all I am. I have spent all my life believing that, even if I don't agree with our elected officials 100% of the time, they have our best interests at heart, that they want to do right by their constituents. Therefore, I have voted as is my privilege and obligation, but I have rarely gotten involved in any other political process.

Sandy Hook and other similar events have changed all that for me and, I believe, for many ordinary citizens. We are the silent majority who no longer have the luxury of being silent. Now I see that it's possible that our political and legislative process is being unduly influenced by special interest groups, that our legislators truly may be more concerned about reelection and money than voting their conscience and representing their constituents. Because I can see no way that anyone can argue that reforming gun laws is NOT in the best interest of the majority of the American public. There is no compelling or logical argument in support of an individual's right to own assault style weapons or high capacity magazines that are only used to rip human flesh from bone.

Let me be clear: I understand that there are people who are gun enthusiasts and who enjoy shooting. I understand there are people who feel more safe and secure with guns in their homes for self protection. I don't agree with them, but I understand them and I believe the second amendment allows for them to exercise those rights *within reason*. The nation has a history of recognizing the need to change and amend the constitution to better fit the modern world (women's right to vote is a pretty decent example). The second amendment was written during a time when the type of weapons that are openly available today were not even considered. Now is the time to change our laws to protect the majority of citizens from a few who would hurt them by removing the possibility of those few from obtaining the power to inflict pain and destruction so quickly and easily.

The fact that we have gun laws beyond the second amendment is proof enough that there was a problem, and recent tragic events prove that the problem is worsening. It is time to reform our current gun laws. I urge you to support the agenda of Connecticut against Gun Violence which outlines common sense legislation, including: elimination of assault style weapons and high capacity magazines; requirements for people to register weapons and renew those registrations just as we do our motor vehicles; thorough background checks and the closing of dangerous loopholes; and limitations that will prevent traffickers from getting weapons out on the streets.

Ordinary citizens like me should be able to send our children to school, go to the movies, shop at the mall, attend a political speech, walk down the street without the fear of being shot. I am not naive. I know that these laws will not eliminate all gun violence, and that those people who are determined to kill or inflict pain may still obtain weapons to do so. But we should not make it easy for them. And we should not provide unfettered access to overly powerful weapons for disturbed

or angry persons to do so in a moment of passion. Common sense reform. *Meaningful reform.*
The time is now. Ordinary citizens demand it.

Most respectfully,

Veronica Kenausis
Bethel, CT

To Chairman Durbin and Senate Judiciary Subcommittee Members:

I write to you today not only as a Newtown resident, Newtown Volunteer EMT, and Treadwell Lifeguard, but as a college student, a sorority girl, a student leader, sister, cousin, friend, and daughter. I have grown up fearing guns, violence, and hate. I have always believed that guns are unnecessary tools and that no person should have the ability to take the life of another. However, I never really cared about gun control laws. They didn't affect me; my family doesn't own guns nor do we want them. But now it does and now I care.

I am a junior at Miami University in Oxford, OH. Returning to school this spring semester I realized that, while I am not alone, I represent a very small margin of Miami students against guns. Rather than argue or debate with my peers, I chose to learn, to ask questions, and to maybe even adapt. After a very long, very interesting, and quite amazing discussion with one of my closest friends, born and raised in Dallas, Texas, I came to a conclusion, a conclusion that I'd like to propose to you, to our lawmakers.

In Texas, people are raised around guns. My friend took her first gun safety class at age 9. Over the next 7 years, she continued to learn how to properly handle firearms, how to clean, load, unload, and disassemble them. By the time she was old enough to apply for a conceal-to-carry license, she could shoot 249/250 shots directly on target. Needless to say, she knew her stuff.

Kids know guns. They see them in videogames, in the news, in movies, and in TV shows. I propose we take this moment as an opportunity to reverse the desensitization and properly educate and inform our children. The media has glorified mankind's most dangerous weapons and substances. I propose that we make gun safety education a requirement just as we have made alcohol, drug, and sex education mandatory in our schools. I propose that in order to purchase a gun, you must first have a license, regardless of the location in which you make your purchase (gun shows, etc) and that all gun licenses cannot be obtained without the successful completion of a safety and proper use course, as is now required for a conceal to carry license. I propose that we hold our gun owners to the same standards as our car owners. In order to get your driver's license, you must be of a certain physical capacity, age, and ability. I propose logical measures to be implemented to guarantee my safety, my brother's safety, my family's safety.

Most importantly I propose the absolute and total ban of all assault weapons, including the semiautomatic kind used to kill my students, my campers, and my swimmers. By definition, assault is a crime, so why should anyone be entitled, be allowed, a weapon that allows them to commit such an act?

Sincerely, Passionately, and with Strength,
Samantha Kent, age 20
3 Westwood Terrace
Newtown, CT 06470

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. As a parent of first-grade children in Newtown, CT this issue has taken on increased importance for me. I believe that there is much that can be done legislatively to make our country a safer place while not infringing upon Second Amendment rights.

1) Require Universal Background Checks on both Guns and Ammunition

Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation's more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

2) Institute an Assault Weapons & High Capacity Magazine Ban

Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4) Improve Mental Health Reporting

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been involuntarily committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above are all simple and immediate steps that would help bring an end to gun violence.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

5) Support the Adoption of “Smart Gun” Technology, and Remove Product Liability Immunity for Gun Manufacturers

It seems ridiculous that the technology that most American’s already carry in their pockets to protect their phones cannot be reasonably adapted to the far more dangerous product of firearms. Password protection, fingerprint identification, GPS tracking for hijacked items, and other ways to engage security “lock outs” are all readily available, proven technologies that could have a massive impact on gun violence in this country. And they can all be done without impact on Second Amendment rights or raising privacy concerns any different from those faced by drivers and cell phone users. Industry should pursue, and Congress should reward, all such innovation and adaptation. No doubt there will be intransigence on the part of individuals and industry, but the same was true of seatbelt usage and speed limit policy. Combined with the removal of product liability immunity, this will incentivize the creation of better, safer guns and subject the gun industry to the same standards of negligence we apply to every other product, even dangerous ones.

In closing, we need new laws and restrictions to curb gun violence in this country. Every right has limits and the Second Amendment is no exception. To have perpetrated, in 1783, the kind of massacre witnessed in Sandy Hook Elementary on December 14, 2012 would have required the firepower of hundreds of men. And yet now it takes only one. Our current suite of half-measure laws means that today’s gun owners have 21st century firepower but only 18th century responsibilities. It is your job to redress that imbalance.

Most respectfully,

Hugh E. (Tripp) Killin III
Newtown, CT

Dear Chairman Durbin and Senate Judiciary Subcommittee Members,

I am writing to voice my concerns over the epidemic of gun violence in our country, to support President Obama's initiatives, and to make further suggestions as to how we may successfully reduce gun violence nationwide.

First I would like to introduce myself. I am a mom of two first graders who attend public school in Newtown, CT. I grew up in CT, but for 12 years I lived in Albuquerque, NM, where another mass shooting recently occurred. I share an alma mater with Hilary Clinton and Madeleine Albright. I have traveled to six continents, and I have a graduate degree. I am also one of the founding members of Newtown Action Alliance (www.NewtownAction.org). I tell you these things not to attempt to impress you, but to impress upon you that I am *not* a "knee-jerk reactionary" who knows nothing outside of my white-bread world. I am someone who has spent many, many hours considering all the facets of gun violence. James Mattioli, one of the little boys murdered here on December 14, was on my son's baseball team when they were 5. This is an extremely personal issue for me, and has consumed me for two months. I attended the March on Washington last month, one of the hearings in Hartford, and the hearing here at Newtown High. I have read everything I could get my hands on about gun violence and guns. I feel that I am fairly well educated on the issues.

Here in Newtown we are inclined, understandably, to focus our thoughts on how to prevent future mass shootings in America. However, constructing new legislation with only that type of gun violence in mind would be a mistake. I am keenly aware that the vast majority of the 83 Americans that are killed by guns daily are not victims of mass shootings, nor are they victims of "modern sporting rifles" (as the NSSF has recently rebranded assault rifles). Most Americans killed by guns are murdered by someone they know, killed in accidental shootings, or commit suicide. It is critical that new legislation address all of these in order to be effective.

My suggestions are as follows:

- 1) Universal background checks for all gun AND ammunition purchases. It is critical to include ammunition purchases because it will prevent criminals already in possession of guns from legally acquiring ammunition. Contrary to what the gun lobby likes to say, background checks that went into effect in the wake of the Brady Bill successfully prevented hundreds of thousands of firearm purchases and led to the apprehension of tens of thousands of felons. Criminals are largely a lazy group, and studies have found that increasing the difficulty of committing a crime, even marginally, reduces the incidences of such crimes substantially. Background checks work. Expanding them will work better. The gun lobby doesn't want this, even though their members overwhelmingly support background checks, because it means less money in their pockets from manufacturers.

- 2) Mandatory waiting period of at least 24 hours for all gun purchases, with exceptions for those classified as antiques. Guns should not be impulse buys! Any responsible gun owner should be able to plan at least 24 hours in advance for the purchase of a gun for sport or defense. Hopefully this will prevent John Doe from offing his cheating wife in a jealous rage, or from taking revenge on his employer for sacking him.
- 3) An aggressive buyback program. No use banning a weapon when there are thousands or more already in civilian hands. Groceries for Guns has been very successful in L.A., New York, Lansing, and San Diego, to name a few. The firearms that are turned in should be re-issued to law enforcement or, if appropriate, to the military. They can also be recycled.
- 4) I support the Second Amendment, and believe Americans are entitled to defend themselves. However, why does self-defense automatically translate to lethal force? I am confident that there are methods of effective self-defense (tasers and rubber bullets come to mind) that are non-lethal in nature. I have a friend who has been threatened by gun-wielding muggers 7 times, but due to his quick-thinking, there was never a shot fired, no one was ever hurt, and he never gave up his wallet. I have no doubt that, had he been armed any of those times, either he or the mugger would be dead. I read an account of someone repelling a home invader with rubber buckshot, and it was instantly effective. These technologies need to be developed further and marketed. Gun manufacturers need not lose money because Americans are purchasing fewer firearms. They simply must adapt to demand. That demand can and should come in the form of legislation. Countless lives would be saved, particularly those shot due to misunderstanding (Trayvon Martin, the teenager shot and killed late last year when his father mistook him for a burglar...) or accident (most of the 8 American children killed daily by guns).
- 5) It is time that guns are subject to at least as many safety standards as teddy bears are! (That would be four.) How can it be that strollers, cribs, car seats, toys, washing machines, automobiles, and every other American consumer product can be recalled (at the manufacturers' expense) due to defects or design flaws that endanger the public, but guns, which are inherently dangerous, cannot? We must hold manufacturers accountable and force them to produce firearms that are as safe as they possibly can be. Defective guns will not be tolerated. Guns lacking safety mechanisms are not acceptable. Smith & Wesson was researching "smart" gun technology whereby guns would only operate via fingerprint or password recognition, **but the gun lobby forced them to stop!** This is another area into which manufacturers must branch out in order to expand business.
- 6) Gun owners must also be held accountable. Owning a gun is a 24/7 responsibility, and should be treated more as a privilege than a right. That privilege should be revoked, permanently, by any gun owner demonstrating

irresponsibility with a firearm *one time*. The woman who brandished a handgun at a Chuck E. Cheese in CT recently comes to mind. Someone who would bring a handgun into a gun-free zone filled with children, who would threaten another patron, in my mind has waived her right to ever own another gun. That type of behavior cannot be tolerated. We cannot risk giving people second chances. If you are a responsible gun owner, you must be responsible 100% of the time.

- 7) Mandatory licensing and annual registration for all firearms. Not just for firearms purchased after the law goes into effect: all firearms owned by Americans. No exceptions. Failing to comply should lead to confiscation (if a background check is subsequently failed) or heavy fines. This information should not be subject to FOIA, however. We are required to register our cars and be licensed to drive them, and cars are not designed for the sole purpose of killing. Every new gun purchase must include registration for gun safety and training classes, unless the purchaser can provide proof of a course taken.
- 8) Ban on armor-piercing bullets, as well as those designed to inflict significant tissue damage. These types of rounds are never necessary for hunting, target- and sport-shooting, or self-defense.
- 9) Ban on large-capacity magazines AND clips. There is a difference. If the magazine ban is not retroactive, and large-capacity clips are still sold, then those already in possession of large-capacity magazines will still be able to fit them with large-capacity clips.

I believe that all of these suggestions are reasonable, many are proven, and none will punish law-abiding, responsible gun owners. They may be inconvenienced by these new laws, but they will not be made “instant criminals” and neither will their guns be confiscated.

The United States has the highest rate of gun ownership in the world, and the highest rate of gun violence. States with higher rates of gun ownership also have higher rates of gun violence. Gun owners are more likely to be shot than those who do not own guns. Australia has not had one mass shooting since implementing new, much stricter gun laws in 1996. Britain, while suffering high rates of violent crime, has a very low rate of gun-related crime, and British children are almost NEVER shot. These are indisputable facts. We have a gun violence epidemic in this country. If 83 Americans were killed daily by foreign terrorists, we would declare war before the second day ended. If 83 Americans were killed daily by curling irons... actually that would never happen, because curling irons would be recalled after the 5th death. We can no longer tolerate this massive loss of life we are experiencing! We cannot wait another moment to make every possible effort to stop it! **We have lost more Americans to gun violence by other Americans than have been killed in**

every war in which America has ever participated! Does this not blow your mind?! Billions of dollars are spent every year due to gun violence! This. Must. Stop.

I am a Newtown Mom. I vote. And I am going to hold you accountable. Be bold.

Thank you for your attention.

Sincerely,

Jennifer Killin
Newtown, CT
Newtown Action Alliance
www.NewtownAction.org

Statement for the Record

La Rabida Children's Hospital is a specialty hospital located on the south side of Chicago. La Rabida serves approximately 9,000 children annually who require primary and specialty care, as well as rehabilitation, to address complex and challenging medical conditions. In addition, La Rabida specializes in the treatment of children who have been abused, neglected or experienced trauma.

At the hospital, we are witness to the *psychological* impact that gun violence has on our children and their families. We provide counseling to children and their families who experience or witness violence in their communities. This violence is often gun-related and creates serious long-term psychological effects in children—ongoing nightmares, school behavioral problems and post traumatic stress disorder—to name a few. These experiences create lasting emotional scars and can impact normal development.

There is also the obvious *medical* and *financial* impact that gun violence has on children and their families. A recent patient admission and the child's ongoing rehabilitation needs illustrate this fact:

On Christmas morning of 2011, a seven year old boy was shot in the head when his house was sprayed with gunfire in a mistaken identity drive-by shooting. The boy was airlifted to Chicago from the family's home in Gary, IN, where he remained in critical condition at Comer Children's Hospital for weeks. The bullet was lodged in an inoperable area of his brain. Later diagnosis showed paralysis on his right side and he had no speech or motor skills and had to use a feeding tube.

Once he was stable, he was transferred to La Rabida Children's Hospital for intensive inpatient rehabilitation. A medical team provided more than three hours of therapies each day:

- Physical therapy to regain strength, balance and range of motion
- Occupational therapy to relearn important routine tasks
- Speech language pathology therapy to regain language and feeding skills
- Psychological/behavioral therapy to guide him from a disoriented, amnesic state to helping him deal with the trauma of remembering Christmas Day.

Happily, this boy walked out of La Rabida alert, smiling and eager to start living like a 7 year old again. Tragically, most cases do not have such a positive outcome. At our hospital, we see the immense psychic, physical and financial toll of gun violence and urge support for proposals to reduce it.



Written Testimony of the Law Center to Prevent Gun Violence

Senate Committee on the Judiciary

Subcommittee on the Constitution, Civil Rights and Human Rights

“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment”

February 12, 2013

The Law Center to Prevent Gun Violence (“the Law Center”) is pleased to provide this written testimony to the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights for its February 12, 2013 hearing, “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.”

The Law Center was formed by lawyers, originally as Legal Community Against Violence, in response to a horrific assault weapons massacre at a law firm at 101 California Street in San Francisco in 1993. After mobilizing the Bay Area legal community to support enactment of the 1994 federal assault weapons ban, the Law Center concentrated its efforts on state and local gun laws. The Law Center currently provides free assistance to state and local governments seeking to adopt or defend laws to reduce the more than 100,000 gun-related deaths and injuries that devastate American communities each year. We track Second Amendment challenges to such laws and regularly file amicus (“friend of the court”) briefs in support of state and local governments nationwide.

The Law Center strongly supports the types of laws proposed by President Obama in the wake of the Newtown tragedy, including those requiring universal background checks on all gun buyers, banning military-style assault weapons and large capacity ammunition magazines, and punishing gun traffickers. As discussed below, those common sense laws are entirely consistent with the Second Amendment.

The Supreme Court Has Held That the Second Amendment is Consistent with a Variety of Common Sense Gun Laws, Including Those Proposed by President Obama

In 2008, in *District of Columbia v. Heller*, the U.S. Supreme Court held for the first time that the Second Amendment protects the right of a law-abiding, responsible citizen to possess a handgun in the home for self-defense. The Court made very clear, however, that the right is

not absolute, and does not protect the right to “keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” 554 U.S. 570, 626-27 (2008).

In addition, the Supreme Court identified several examples of gun laws it considered “presumptively lawful,” including those prohibiting firearm possession by felons and the mentally ill, and laws regulating the commercial sale of guns. The Court also noted that the Second Amendment is consistent with laws banning “dangerous and unusual weapons,” such as those most useful in military service.

Nothing in the *Heller* decision suggests that President Obama’s proposals to reduce gun violence would violate the Second Amendment. On the contrary, the decision supports the constitutionality of those proposals because they fall within the scope of the “presumptively lawful” regulations identified by the Supreme Court. Assault weapons and large capacity ammunition magazines, for example, are “dangerous and unusual weapons” that are most useful in military service. Universal background checks, which typically require all firearm sales to be conducted by a licensed firearms dealer, are: 1) regulations on the commercial sale of firearms; and 2) necessary to enforce existing laws prohibiting firearm possession by felons and the mentally ill. Laws punishing gun traffickers (including “straw purchasers” who buy guns on behalf of prohibited persons) also qualify as regulations on the commercial sale of firearms.

Even more fundamentally, the laws proposed by President Obama do not violate the Second Amendment because they in no way interfere with the narrow right established in *Heller*, i.e., the right of a law-abiding, responsible citizen to possess a handgun in the home for self-defense.

Lower Courts Interpreting *Heller* Have Overwhelmingly Rejected Challenges to Our Nation’s Gun Laws and Upheld Bans on Assault Weapons and Large Capacity Ammunition Magazines

Although the *Heller* opinion opened the floodgates to lawsuits challenging federal, state and local gun laws in America, decisions of lower courts across the country have overwhelmingly rejected those challenges. The Law Center is aware of more than 650 such decisions.

Moreover, lower courts that have specifically considered Second Amendment challenges to laws banning assault weapons and large capacity ammunition magazines have upheld those laws. In *Heller v. District of Columbia (Heller II)*, 670 F.3d 1244, 1262 the court rejected a Second Amendment challenge to Washington D.C.’s assault weapons and large capacity ammunition ban, finding that the prohibition “does not effectively disarm individuals or substantially affect their ability to defend themselves.”

In *People v. James*, 94 Cal. Rptr. 3d 576, 586 (Cal. Ct. App. 2009), the court upheld California's assault weapons ban, finding that it did not violate the Second Amendment because assault weapons are not in common use by law-abiding citizens for lawful purposes and therefore fall within the category of "dangerous and unusual" weapons that the government may prohibit for individual use under *Heller*.

The Second Amendment is Also Not an Obstacle to Laws Requiring Universal Background Checks or Punishing Gun Traffickers

Significantly, the Law Center is unaware of *any* challenges to federal, state or local laws requiring background checks. As noted previously, however, any such challenges would inevitably fail under *Heller* because: 1) background checks qualify as regulations on the commercial sale of firearms; 2) they are necessary to enforce laws prohibiting the possession of firearms by felons and the mentally ill; and 3) they in no way hamper the ability of a law-abiding, responsible citizen to possess a handgun in the home for self-defense.

We are also unaware of any challenges to laws criminalizing gun trafficking. Courts would certainly reject any such challenges because those laws, too, fail to interfere with the ability of a law-abiding, responsible person to possess a handgun in the home for self-defense.

In sum, those who would argue that the Second Amendment guarantees the right to possess assault weapons and large capacity magazines – like those used to slaughter first graders at Newtown, moviegoers at Aurora, teenagers at Columbine and lawyers at 101 California Street – cannot point to any precedent in the Supreme Court or lower courts to support their claims, and ignore precedents that clearly contradict their claims. Any assertions that laws requiring universal background checks and penalizing gun traffickers violate the Second Amendment are equally without legal support.

Members of Congress should rest assured that the common sense laws proposed by President Obama are – in addition to being vitally important to public safety and widely supported by the American public – constitutionally sound.



LEAGUE OF WOMEN VOTERS®
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Statement by Elisabeth MacNamara, President
League of Women Voters of the United States
Hearing on “Proposals to Reduce Gun Violence: Protecting Our
Communities While Respecting the Second Amendment”
Subcommittee on the Constitution, Civil Rights and Human Rights
Senate Judiciary Committee
February 12, 2013

The League of Women Voters of the United States has a long-standing position, reached by consensus of our members, in support of gun control.

On behalf of our 140,000 members and supporters, we urge you to pass common sense solutions to the gun violence that is plaguing our nation. It is time for Congress to adopt legislation that will close the gun show loophole, ban assault weapons, place limits on high capacity ammunition magazine size, increase penalties for straw purchases of guns, and fund research and reporting on gun violence in America. Curbing gun violence is a matter of public safety and public health.

Along with the majority of American citizens, the League supports closing the gun show loophole and providing for universal background checks. Currently, background checks are required only for sales by the nation's 55,000 federally licensed gun dealers. These checks are not required for the 40 percent of gun sales that take place at gun shows, person-to-person

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sales or other private transactions. A recent Quinnipiac poll found that 92 percent of voters, including 91 percent of gun owners, support background checks on all gun purchasers.

We believe that universal background checks throughout the country could have a significant impact on public safety. In addition, Congress should pass legislation to increase the penalties for straw purchases in which individuals who do not have criminal records buy guns and pass them on to individuals who are not eligible to purchase a firearm, including felons and domestic abusers.

The League believes that the 113th Congress should pass legislation to ban all military-style semi-automatic assault weapons along with high capacity ammunition magazines. The Quinnipiac poll also found that 56 percent of registered voters nationwide support a ban on the sale of assault weapons. Placing limits on magazine size is a common sense solution to shootings that kill many people at once. This limit should include large-capacity magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition. These devices allow shooters to fire numerous rounds in rapid succession without having to stop and reload.

In order to confront the public health impact of gun violence, we support efforts, including the recent Executive Order by President Obama, to have federal agencies research the impact of guns on public health. Federal agencies are well positioned to study and share statistical information on gun violence. We agree with the scholars and researchers who wrote to Vice-President Biden's Task Force on January 10, 2013 that, "The tragedy of gun violence is compounded by the fact that the usual methods for addressing a public health and safety threat of

this magnitude—collection of basic data, scientific inquiry, policy formation, policy analysis and rigorous evaluation—are, because of politically-motivated constraints, extremely difficult in the area of firearm research.”

Throughout the country, local and state Leagues have been holding meetings with their fellow citizens to discuss the crisis of gun violence. They have testified before state legislatures and met with their neighbors in community meetings to come together, air their differences and work together to find common ground and solve some of the difficult problems presented in the gun debate, including mental health issues and the problem of domestic violence. This issue is too important to be ignored any longer. Congress should start to act on common sense solutions to curb gun violence.

Dear Chairman Durbin and Senate Judiciary Subcommittee Members,

Thank you for taking on the difficult task of considering the issue of gun violence in our country. I would like to briefly share my thoughts with you on this topic.

I am concerned that there is more importance given to the 2nd Amendment than to the basic right to life in the United States. It would appear that people's right to buy whatever kind of gun they want, and as many of them as they wish, is thought by some to be more sacred than my right to be at a public gathering, a mall, a movie theater or my child's school without having to worry about someone shooting me or those I love. After the mass killing that occurred in my beautiful town, I now understand that this can happen anywhere.

The idea that at any given time, anywhere my children or I go, someone could pull out a semi-automatic weapon and start randomly killing people is a reality. It is a reality and it is a form of terrorism that should not be allowed to continue.

I am terrified that the people who are fighting so fervently against any and all gun safety regulations, are people who appear to believe that someday they may need to take up arms against the US government. These same people are against a law stating that a person can only buy one gun a month. Who needs to purchase more than one gun a month?

Are there actually people who need to buy weapons monthly? Do their rights matter more than mine? It is frightening to me that these people, many of whom have stockpiles of guns and ammunition, may be delusional, paranoid or otherwise mentally ill.

While I believe in the right to hunt or to protect our homes, I honestly do not understand why everyday citizens should be allowed to carry weapons outside their homes, unless hunting or visiting a shooting range. We are simply more likely to experience gun violence when guns are present. We have seen how even well-trained police and military personnel experience the tragedy of accidentally killing an innocent by-stander.

Lastly, I will never understand why anyone other than military personnel need weapons designed for killing as many people as possible, as quickly as possible. We do not need weapons capable of tearing apart human bodies in order to protect our homes.

You cannot begin to understand the profound sadness that remains in Newtown. Tears are still shed daily. People are experiencing anxiety and depression. Twenty-seven families are forever changed, and so is Newtown. It would be one thing if this were a fluke, but sadly, it is not. Gun violence is a part of our daily life in the United States of America. I am begging you to be courageous and do everything in your power to make this country a safer one. Stand up to the radical elements and stand up for our children. You have an opportunity to be a profile in courage.

Wendy Leon-Gambetta
Newtown, CT

Dear Chairman Durbin and Senate Judiciary Sub-committee Members,

My name is Michelle Levinson. I am a Connecticut resident with 2 young children who lives only minutes from Newtown.

I, like every other mother would do anything to protect my babies. Sadly, there is only so much I can do with respect to protecting my children against gun violence. My testimony is on behalf of many parents, friends and family members who strongly share the same beliefs as I and DEMAND common sense gun laws to protect ALL of our CHILDREN as well as to honor the 26 beautiful lives of those innocent children and courageous adults who became victims of a "matrix of breakdowns" in our society with regards to gun regulations as well as the mental health care system.

In response to those who vehemently oppose gun regulations claiming their second amendment rights are being violated I say this:

Yes, you have the right to own guns for sport and hunting and ,yes, you do have the right to protect yourself but RIGHTS demand RESPONSIBILITIES and REGULATIONS. PERIOD.

These Regulations MUST be as follows to protect the citizens of the United States- COMPREHENSIVE background checks. These MUST include closing the gun show loopholes where some 40% of gun sales are made without background checks. The INSANITY of this loophole truly defies logic and shame on us for allowing this to occur for so long.

There must be a Ban on all Assault Weapons. They have NO place in a civilized society. These are meant for combat like situations NOT homes, schools, movie theaters outside of grocery stores etc. These weapons are ONLY meant for the battlefield and a public safety environment ONLY to be used by law enforcement. These killing machines are an ASSAULT on our right to be safe in public places.

There MUST be a Ban on high capacity magazines- in Mark Kelly's testimony in front of the Senate Judiciary Committee he stated that if the Tucson shooter had a smaller clip the 9 year old little girl who was shot with the 11th bullet would be alive today. The Aurora shooter had a 100 round clip with the EXPLICIT INTENTION of killing as many people possible. There is NO LOGICAL REASONING that these high capacity magazines should be in the hands of any gun owner Period.

With the sheer amount of guns that exist in this country without these proposed regulations there is a gross public safety threat to everyone including our innocent children who RELY on us to PROTECT them. Their psyche following the Newtown tragedy as well as every adults psyche cannot absorb the cost of another senseless act of mass murder.

As parents we teach our children to learn from their mistakes- as a society we paid the pricesadly, some paid the ultimate price of previous flawed gun laws. So, with that said we MUST reexamine, rewrite and redo what we failed to before. Just like these gun issues are complicated life is complicated as well. We will never be able to completely rid the world of horrific acts of violence- BUT we sure as hell can do everything in our power to minimize/limit the opportunity for yet another horrific tragedy that occurred only miles away from my home. It's just one step closer in the right direction facing this issue as well as mental health -all these issues we've neglected far too long. This will be a long road but trust me we MOTHERS will never back down on this issue.

A few nights following the Sandy Hook tragedy I had to reassure my 8 year old daughter that all the adults in her life will do everything humanly possible to make sure what happened in Newtown won't happen again. Will you please do EVERYTHING in your legislative power to PROTECT her and ALL of our children.

We talk a lot about how to honor the victims of Newtown and other victims of senseless acts of gun violence. We wear ribbons. We wear T-shirts. We pray and we say we will never forget. But what do we call honor absent of ACTION? We call it illusion. And the illusion of honor is nothing short a of betrayal. A betrayal to the victims. A betrayal to all the future victims. And a betrayal to those late night reassurances between a mother and daughter, when we say we'll do everything we can to protect them. At what point does this not become a question of political will, but a moral imperative?

Sincerely,
Michelle Levinson

Dear Honorable Members of Senate Judiciary Committee,

Thank you for giving me this opportunity to submit written testimony for the hearing: “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.” As a person whose life was changed irrevocably by gun violence, your time, care, and attention to this important issue means more to me than you can possibly imagine.

My name is Uma Loganathan. I am the daughter of Dr. G.V. Loganathan. He was killed in the Virginia Tech Massacre on April 16, 2007.

The day my father went to teach the last class he would ever teach, he was sick. He was running a fever, and even though it was April, he felt cold. My mother didn't want him to go in, but he went anyway. That was the type of man he was—he believed in his duty, and he always did it. He was right where he was supposed to be—the right place at the right time. And yet, he never came home.

Somehow, the impact of gun violence and what it means to lose someone is something that we don't talk about in this country. It's as if the subject is taboo, or a dirty secret to be shoved under the carpet. We don't talk about how my mother, who was devastated, had to tell her two daughters that their father wasn't coming home ever again. We don't talk about the frantic race back home, or how our lives were turned upside down that day. We don't talk about the insomnia that strikes for the first few months, or the nightmares we have later. We don't talk about our dreams, where our loved ones are still alive—or the crippling heartbreak of waking up, and realizing they are still dead. We don't talk about the sadness, the horror of reliving that nightmare again. We don't talk about how food turns to chalk in my mouth. We don't talk about how a family of four is now, irrevocably, a family of three. We don't talk about how my sister, who was 13 at the time, essentially raised herself because her father was dead, her mother had to work all the time, and her sister was away at school to finish her degree. We don't talk about our counseling sessions and how our counselors dread talking to us because they don't know how to relate to such a god-awful hell.

We don't talk about the gaping hole of what it means when a father can't see his child, or a child can't see her father. We don't talk about the three brothers who can no longer see their older brother, or the older brother who can no longer be there for his younger siblings. We don't talk about how a wife who, following Hindu tradition, promised herself to her husband for seven lifetimes. We don't talk about her utter devastation, or how she now has to wait until she dies to see him in the next lifetime. We don't talk about how he now has to wait to see her.

We don't talk about these things.

Here's what we *do* talk about: we talk about the right of the second amendment. We talk about the right to bear arms and the right to protect ourselves. We talk about the right to carry our weapons in the street, our right to have them on our person at all times. We talk about the right to arm our children, our parents, our country.

It's ironic to me that we talk about these things because I remember my father encouraging me to learn how to shoot a gun. I remember going to my high school and seeing all the empty classrooms because it was the first day of hunting season. I remember my friends talking about their parents taking them to the shooting range, teaching them how to shoot guns and how store them. I remember these things.

And I remember that my father was killed with a gun.

People like to tell me that if my father had a gun, he could have defended himself. I'd like to tell you a secret: he couldn't have. When my father was shot he was facing the blackboard, writing up the steps to a hydraulics problem. That's why he was shot in the back of the head at least twice. He didn't even have time to turn around and figure out what was going on, much less turn around and defend a classroom. Even if he had, I'm pretty sure he wouldn't have hit his target. If a trained policeman can only hit his target 1/10 times, what chance did my dad have? He was a man who played cricket, soccer, and chess, who occasionally practiced archery and never shot a gun. I'm sure, if he'd known what was going on, he would have tried to defend his students-- he was never one to go down without a fight. But in this case, even with training, I suspect he would have accidentally shot a student, rather than the shooter. In fight-or-flight situations, the body never responds the way you want it to. Of course, people don't like to hear it when I tell them this. They prefer to think that we can all be heroes, that a person can have the time and concentration to fire the bullets that will save the day. I wish that were reality. I wish that were true. Unfortunately, my experience has taught me that this is not the case. I live with that every minute of every day.

I'd now like to tell you something about the shooter. His name was Seung-Hui Cho. He was somebody's child and somebody's brother. He was a student at Virginia Tech. He was mentally ill. He was adjudicated—directed to outpatient treatment, but still adjudicated. He slipped through the cracks because no one followed up. He then bought a few semi-automatics, some high capacity magazines, waltzed into Norris Hall, killed 32 people he didn't know and injured several more, before finally killing himself.

If he'd been entered into the NICS system, he never would have passed a background check. But of course, being mentally ill is no reflection of intelligence or ability to plan, and evidence shows that Cho planned this meticulously. He likely would have gone to private sellers or a gun show if the background check failed, because private sales don't need background checks at all. His

use of high-capacity magazines—a “mere” 15 rounds per magazine—was devastating. In the space of ten minutes, he fired more than 158 bullets, murdering 32 individuals and injuring many more. If Cho did not have access to high-capacity magazines, he never would have been able to fire off so many shots so quickly. He never would have killed so many people. There would have been more opportunities to stop him, to tackle him, something. Some kind of action. *Any* kind of action.

There would be less grief.

They say that you can always play the “what-if” game and second-guess your actions after the fact. I would like for us as Americans to not second-guess ourselves. I would like us to move forward with confidence and conviction. I believe that we as Americans are better than this and that we care about ourselves and each other. So with this belief in my heart, I hope that Congress will:

1. Support universal background checks so that guns stay out of the hands of criminals or adjudicated mentally ill.
2. Ban high capacity magazines.
3. Ban assault rifles and guns that belong on battlefields in general.
4. Make gun trafficking a federal crime.

These are the measures that our law enforcement officials, men and women who put their lives on the line defending us every day, propose. These are the measures that our doctors, who see first-hand the trauma and devastation of such violence in their ER rooms, propose. These are the measures that we as gun violence victims propose.

Of course, there are always two sides to an argument, and this is no exception. I’ve heard arguments that these measures are inconvenient. I’ve heard arguments that this won’t stop all incidents of gun violence, that people will still be injured or killed. I’ve heard arguments that if a shooter is really determined, he will circumvent these measures.

All these arguments are true. These measures are “inconvenient.” A shooter who is really determined will find a way to circumvent the system. This won’t stop all incidents of gun violence. And yet, I endorse these measures. I endorse these measures because inconvenience isn’t waiting ten minutes, or a week, or even a month to get your firearm. Inconvenience is when you wait for hours to find out whether or not your father is alive because the authorities don’t even know where he is. Inconvenience is calling to find out who is alive, heart crashing in your chest, and hearing that hellish busy signal—not because the phone is actually busy, but because the signal and telephone networks are so crowded that no one can get through. Inconvenience is when your mother calls you to say: *I don’t know how to tell you this, but your father... he’s never*

coming home again. Inconvenience is you and the rest of your family trying to make do without the person you love most for the rest of your lives, knowing that you must wait until you die before you can see him again. *That* is inconvenience. And if we can prevent even *one* instance of inconvenience, we will have done something worthwhile. Just because we cannot prevent every instance of gun violence doesn't mean that we as a people don't have a responsibility. On the contrary, that means we have every responsibility. We have a responsibility to do the best we can to make it hard for criminals and adjudicated mentally ill to get their hands on guns. For us to be inactive, to remain stubborn about enacting further safety measures, to be unwilling to change—that smacks of selfishness and a lack of caring. It implies that we are too wrapped up in our own lives, our own concerns to do anything to protect those around us. It implies that we care more about the ten minutes in our day than we do about the life of our child, our spouse, our brother, our sister, our parent, our neighbor.

I am hopeful for us as a country because I know that this is not the case—that we do care and that we are not selfish. I am hopeful that we can come together to implement better safeguards for our firearms and our people. I believe that we can take action to prevent more unnecessary heartache and save more lives.

This is an issue that deserves our vote. This is an issue that deserves *your* vote. For this issue, whether we realize it or not, is deeply personal—it affects us all, and each of us has a massive stake in it. We the American people deserve to know where our Congressmen stand on this issue. We deserve to know what you think of us, your constituents, and the children of your constituents. We deserve to know what you think of our dead. We deserve to know what you think of our injured. We deserve to know your stance. Our injured, our dead deserve to know your stance. I am not asking that you vote for the measures proposed above (although I would very much like you to). If there are better measures to be had, I would love to see them. It would thrill me beyond belief to see them—and see you vote on them. But make no mistake—there can be no action without a vote. Please act. Please vote.

Thank you so much for your time, your attention, and your consideration.

Most Sincerely,

Uma M. Loganathan
Daughter of Professor G.V. Loganathan
Survivor of Virginia Tech

Joan Hubbard Lucia
36 Hunitingtown Rd
Newtown, CT 06470
February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members-

I am writing to add my voice (and vote) to those calling for a sane gun policy in the United States.

Please consider universal background checks for all gun purchases, mandatory safe keeping for guns in the home, mandatory minimum training requirements for gun owners and annual registration, COMPLETE responsibility for stolen guns by the owner (reporting mandates), banning assault weapons , high capacity magazines and armor piercing bullets, funding gun/violence studies and funding mental health care.

Are you bringing the gun industry into the conversation? If I heard correctly 500,000 guns a year are stolen. (which does not speak of responsible gun ownership to me). We put microchips in a lot of possessions so we can track them if they get stolen – why not require them in guns. Can the industry develop technology so that a stolen gun is a disabled gun?. Can guns contain a metal (or some type of substance) that sets alarms off in gun free zones? Are you pressing the manufactirers to develop “safer” guns?

If the second amendment rules, can we regulate the citizen militia? Can we require gun owners to turn out at local armories once a month for gun inspection and training? I am serious -you don't get ALL the rights and none of the inconvenient responsibilities.

I am trying very hard to understand the gun advocates. My Dad was a Marine in World War II and was awarded a silver and bronze star for service in Guadacanal – he did not allow guns in our house.

Both sides are fearful and the more time I spend with gun advocates who feel they have a God given right to stockpile the more fearful I become (mostly because they are men, they are loud and aggressive AND they have guns).

I know this is a very complex issue but to me sane gun control is the easy part.

One last thing, please become knowledgeable on how many women die from gun violence in the home. The current pitch to women to keep guns is more of a death warrant than any type of security.

Thank you,.

Joan H. Lucia



February 11, 2013

The Honorable John Boehner
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

Rep. Nancy Pelosi
Democratic Leader
United States House of Representatives
Washington, DC 20515

Sen. Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

RE: U.S. Mayors Call on Congress to Support Assault Weapons Ban

Dear Speaker Boehner, Majority Leader Reid, Leader Pelosi, and Leader McConnell:

Military-style assault weapons and high-capacity ammunition magazines have been at the center of some of our country's deadliest mass shootings. Just since July, we have watched in horror as they have been used to gun down moviegoers in an Aurora theater, Sikh worshippers in an Oak Creek temple, and even young children in a Newtown elementary school. In order to prevent the next rampage and help save American lives, our nation needs clear and enforceable legislation that will take these weapons and magazines off our streets.

As the men and women who are responsible for protecting those streets, we write to urge your support for the **Assault Weapons Ban of 2013 (S. 150 / H.R. 437)**, introduced by Senator Dianne Feinstein and Congresswoman Carolyn McCarthy. Our bipartisan coalition of more than 850 U.S. mayors stands firmly behind this bill, which would ban the importation, sale, manufacture, transfer, and possession of assault weapons and high-capacity magazines – with some exceptions, including for law enforcement and military use, as well as for those weapons lawfully owned at the time of enactment.

In an effort to strengthen the now-expired 1994 version of the ban, this legislation would broaden the definition of “assault weapon” to prevent manufacturers from remodeling their weapons to circumvent the law. The new ban would be permanent and would require background checks for grandfathered weapons that are sold or transferred after the enactment date, including those sold or transferred by private sellers. It would also prohibit the sale and transfer of grandfathered high-capacity ammunition magazines.

These measures would go a long way toward ensuring the safety of our communities, and they enjoy the backing of a majority of Americans – including gun owners.

While military-style assault weapons and high-capacity magazines often play a prominent role in mass shootings, they are also a common threat in everyday incidents of gun violence that don't always make national headlines. According to the Department of Justice, high-capacity magazines are used in 14 to 26 percent of all gun crimes and in 31 to 41 percent of fatal police shootings. As Oklahoma City Police Chief Bill Citty said in January 2011 after one of his officers was fatally ambushed by a teenager with a semiautomatic AR-15: "There are just more and more assault rifles out there, and it is becoming a bigger threat to law enforcement each day. They are outgunned."

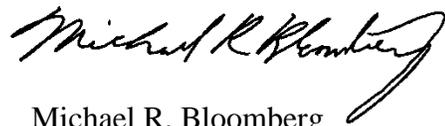
It's no wonder law enforcement groups across the country support a ban on these military-style weapons and high-capacity magazines, including the International Association of Chiefs of Police (IACP), the Major Cities Chiefs Association (MCC), and the Police Executive Research Forum (PERF).

We hope you will stand up for our communities, our law enforcement officials, and our children by supporting this common-sense proposal to curb gun violence. Far too many Americans are being killed with deadly assault weapons – it's up to you to act.

Sincerely,



Thomas M. Menino
Coalition Co-Chair
Mayor of Boston



Michael R. Bloomberg
Coalition Co-Chair
Mayor of New York City

Signed by Members of Mayors Against Illegal Guns:

Mayor Samuel L. Jones, Mobile, Alabama
Mayor Satish I. Hiremath, Oro Valley, Arizona
Mayor Scott LeMarr, Paradise Valley, Arizona
Mayor Greg Stanton, Phoenix, Arizona
Mayor Jennifer Eckstrom, South Tucson, Arizona
Mayor Bill Rappaport, Star Valley, Arizona
Mayor Mark W. Mitchell, Tempe, Arizona
Mayor Jonathan Rothschild, Tucson, Arizona
Mayor Larry S. Bryant, Forrest City, Arkansas
Mayor Arnell Willis, Helena, Arkansas
Mayor Lawrence Owens, Hughes, Arkansas
Mayor McKinzie Riley, Wrightsville, Arkansas
Mayor Marie L. Gilmore, Alameda, California
Mayor Wade Harper, Antioch, California
Mayor Elizabeth Patterson, Benicia, California
Mayor Tom Bates, Berkeley, California
Mayor Cheryl Cox, Chula Vista, California
Mayor Eugene Montanez, Corona, California

Mayor Diane Furst, Corte Madera, California
Mayor Joseph Krosova, Davis, California
Mayor Jennifer West, Emeryville, California
Mayor Teresa Arballo Barth, Encinitas, California
Mayor John Reed, Fairfax, California
Mayor Bill Harrison, Fremont, California
Mayor Maria Orozco, Gonzales, California
Mayor Connie Boardman, Huntington Beach, California
Mayor James T. Butts, Jr., Inglewood, California
Mayor Dan Hillmer, Larkspur, California
Mayor Bob Foster, Long Beach, California
Mayor Antonio Villaraigosa, Los Angeles, California
Mayor Lou La Monte, Malibu, California
Mayor Rob Schroder, Martinez, California
Mayor Mary Ann Lutz, Monrovia, California
Mayor Paul Eaton, Montclair, California
Mayor R. Michael Kasperzak, Jr., Mountain View, California

Mayor Alan L. Nagy, Newark, California
Mayor Pat Eklund, Novato, California
Mayor Jean Quan, Oakland, California
Mayor Amy R. Worth, Orinda, California
Mayor Stephen P. Pougnet, Palm Springs, California
Mayor Bill Bogaard, Pasadena, California
Mayor Luis I. Molina, Patterson, California
Mayor David Glass, Petaluma, California
Mayor L. Dennis Michael, Rancho Cucamonga, California
Mayor Pete Aguilar, Redlands, California
Mayor Gayle McLaughlin, Richmond, California
Mayor Kevin Johnson, Sacramento, California
Mayor Kay Coleman, San Anselmo, California
Mayor Patrick J. Morris, San Bernardino, California
Mayor Edwin M. Lee, San Francisco, California
Mayor Chuck Reed, San Jose, California
Mayor Stephen H. Cassidy, San Leandro, California
Mayor Jan Marx, San Luis Obispo, California
Mayor Gary O. Phillips, San Rafael, California
Mayor Miguel Pulido, Santa Ana, California
Mayor Helene Schneider, Santa Barbara, California
Mayor Don Lane, Santa Cruz, California
Mayor Jill Hunter, Saratoga, California
Mayor Larry Forester, Signal Hill, California
Mayor Emmet O'Donnel, Tiburon, California
Mayor Osby Davis, Vallejo, California
Mayor Jeffrey Prang, West Hollywood, California
Mayor Christopher Cabaldon, West Sacramento, California
Mayor Matthew Appelbaum, Boulder, Colorado
Mayor Michael B. Hancock, Denver, Colorado
Mayor Randy P. Penn, Englewood, Colorado
Mayor Marjorie Sloan, Golden, Colorado
Mayor Carolyn Cutler, Lafayette, Colorado
Mayor Bob Murphy, Lakewood, Colorado
Mayor Robert Muckle, Louisville, Colorado
Mayor Marc A. Snyder, Manitou Springs, Colorado
Mayor Joe Gierlach, Nederland, Colorado
Mayor Joyce Downing, Northglenn, Colorado
Mayor Don Stephens, Salida, Colorado
Mayor Andrew Muckle, Superior, Colorado
Mayor Stuart Fraser, Telluride, Colorado
Mayor Adam Salina, Berlin, Connecticut
Mayor Bill Finch, Bridgeport, Connecticut
Mayor Mark Boughton, Danbury, Connecticut
Mayor Scott D. Jackson, Hamden, Connecticut
Mayor Pedro E. Segarra, Hartford, Connecticut
Mayor Daniel Drew, Middletown, Connecticut
Mayor John DeStefano, New Haven, Connecticut
Mayor Daryl Justin Finizio, New London, Connecticut
Mayor Patricia A. Murphy, New Milford, Connecticut
Mayor Richard A. Moccia, Norwalk, Connecticut
Mayor Michael A. Pavia, Stamford, Connecticut
Mayor Ryan Bingham, Torrington, Connecticut
Mayor Neil M. O'Leary, Waterbury, Connecticut
Mayor Scott Slifka, West Hartford, Connecticut
Mayor John M. Picard, West Haven, Connecticut

Mayor Michael J. Smith, Blades, Delaware
Mayor John P. Buchheit, III, Delaware City, Delaware
Mayor Diane C. Hanson, Dewey Beach, Delaware
Mayor James L. Ford, III, Lewes, Delaware
Mayor Kenneth Branner, Middletown, Delaware
Mayor Dennis P. Williams, Wilmington, Delaware
Mayor Susan Gottlieb, Aventura, Florida
Mayor Jean Rosenfield, Bal Harbour, Florida
Mayor Noah S. Jacobs, Biscayne Park, Florida
Mayor Woodrow L. Hay, Boynton Beach, Florida
Mayor Kristin Jacobs, Broward County, Florida
Mayor Marilyn Gerber, Coconut Creek, Florida
Mayor James C. Cason, Coral Gables, Florida
Mayor Judy Paul, Davie, Florida
Mayor Peggy Noland, Deerfield Beach, Florida
Mayor Bruce B. Mount, Eatonville, Florida
Mayor Craig Lowe, Gainesville, Florida
Mayor Glenn Singer, Golden Beach, Florida
Mayor Charles Sanders, Greenwood, Florida
Mayor Joy Cooper, Hallandale Beach, Florida
Mayor Peter J. M. Bober, Hollywood, Florida
Mayor Kenneth M. Schultz, Hypoluxo, Florida
Mayor Gow B. Fields, Lakeland, Florida
Mayor Patricia Gerard, Largo, Florida
Mayor Barrington Russell, Lauderdale Lakes, Florida
Mayor Richard J. Kaplan, Lauderhill, Florida
Mayor Howard A. Schieferdecker, Maitland, Florida
Mayor Tomas Regalado, Miami, Florida
Mayor Matti H. Bower, Miami Beach, Florida
Mayor Lori C. Moseley, Miramar, Florida
Mayor Connie Leon Kreps, North Bay Village, Florida
Mayor John Brady, North Lauderdale, Florida
Mayor Andre Pierre, North Miami, Florida
Mayor Myra L. Taylor, Opa-Locka, Florida
Mayor Buddy Dyer, Orlando, Florida
Mayor Dominic Persampiere, Oviedo, Florida
Mayor James P. Sasser, Pahokee, Florida
Mayor Frank C. Ortis, Pembroke Pines, Florida
Mayor Cindy Lerner, Pincrest, Florida
Mayor Diane Veltri Bendekovic, Plantation, Florida
Mayor Thomas A. Masters, Riviera Beach, Florida
Mayor Norman S. Edelcup, Sunny Isles Beach, Florida
Mayor Michael J. Ryan, Sunrise, Florida
Mayor Daniel Dietch, Surfside, Florida
Mayor John Marks, III, Tallahassee, Florida
Mayor Beth Talabisco, Tamarac, Florida
Mayor Jeri Muoio, West Palm Beach, Florida
Mayor Eric Jones, West Park, Florida
Mayor Daniel J. Stermer, Weston, Florida
Mayor Gary Resnick, Wilton Manors, Florida
Mayor Kasim Reed, Atlanta, Georgia
Mayor Deke Copehauer, Augusta, Georgia
Mayor Donna Pittman, Doraville, Georgia
Mayor Earnestine D. Pittman, East Point, Georgia
Mayor James Thomas, Jr., Hinesville, Georgia
Mayor Robert A. B. Reichert, Macon, Georgia

Mayor June D. Bradfield, McRae, Georgia
Mayor Jim Still, Jr., Mountain Park, Georgia
Mayor Kathie deNobriga, Pine Lake, Georgia
Mayor Jere Wood, Roswell, Georgia
Mayor Patricia Wheeler, Stone Mountain, Georgia
Mayor Ralph Moore, Union City, Georgia
Mayor William P. Kenoi, Hilo, Hawaii
Mayor Bernard P. Carvalho, Jr., Kauai, Hawaii
Mayor Larry Hartwig, Addison, Illinois
Mayor Arlene J. Mulder, Arlington Heights, Illinois
Mayor Joel Fritzler, Carbondale, Illinois
Mayor Rahm Emanuel, Chicago, Illinois
Mayor Harriet Rosenthal, Deerfield, Illinois
Mayor Kris Povlsen, DeKalb, Illinois
Mayor Teresa Kernc, Diamond, Illinois
Mayor Thomas A. Brown, East Hazel Crest, Illinois
Mayor Alvin L. Parks, Jr., East St. Louis, Illinois
Mayor David L. Anderson, Elburn, Illinois
Mayor David J. Kaptain, Elgin, Illinois
Mayor Elizabeth Tisdahl, Evanston, Illinois
Mayor James J. Sexton, Evergreen Park, Illinois
Mayor Michael Howley, Hickory Hills, Illinois
Mayor Joseph T. Tamburino, Hillside, Illinois
Mayor Gerald C. Turry, Lincolnwood, Illinois
Mayor Joseph J. Broda, Lisle, Illinois
Mayor Eugene Williams, Lynwood, Illinois
Mayor Henderson Yarbrough, Sr., Maywood, Illinois
Mayor Christopher Koos, Normal, Illinois
Mayor Leon Rockingham, Jr., North Chicago, Illinois
Mayor Kyle R. Hastings, Orland Hills, Illinois
Mayor Robert S. Straz, Palos Heights, Illinois
Mayor Gerald R. Bennett, Palos Hills, Illinois
Mayor Greg Marston, Pingree Grove, Illinois
Mayor Lawrence J. Morrissey, Rockford, Illinois
Mayor George Van Dusen, Skokie, Illinois
Mayor Don A. DeGraff, South Holland, Illinois
Mayor Beniamino Mazzulla, Stone Park, Illinois
Mayor Laurel Prussing, Urbana, Illinois
Mayor Robert Sabonjian, Waukegan, Illinois
Mayor Sam D. Pulia, Westchester, Illinois
Mayor Richard Hickman, Angola, Indiana
Mayor Mark Kruzan, Bloomington, Indiana
Mayor Tom C. Henry, Fort Wayne, Indiana
Mayor Karen Freeman-Wilson, Gary, Indiana
Mayor Dennis Tyler, Muncie, Indiana
Mayor Peter Buttigieg, South Bend, Indiana
Mayor William E. Gluba, Davenport, Iowa
Mayor T. M. Franklin Cownie, Des Moines, Iowa
Mayor Ray D. Buol, Dubuque, Iowa
Mayor Matt Hayek, Iowa City, Iowa
Mayor Robert E. Scott, Sioux City, Iowa
Mayor Buck Clark, Waterloo, Iowa
Mayor Crosby Gernon, Hiawatha, Kansas
Mayor Carl Brewer, Wichita, Kansas
Mayor Gene McMurry, Carrollton, Kentucky
Mayor Greg Fischer, Louisville, Kentucky

Mayor Kip "Kip" Holden, Baton Rouge, Louisiana
Mayor Mitchell J. Landrieu, New Orleans, Louisiana
Mayor Rodney A. Grogan, Patterson, Louisiana
Mayor Cedric B. Glover, Shreveport, Louisiana
Mayor William R. Stokes, Augusta, Maine
Mayor Charlotte M. Warren, Hallowell, Maine
Mayor Michael Brennan, Portland, Maine
Mayor Joshua J. Cohen, Annapolis, Maryland
Mayor Stephanie Rawlings-Blake, Baltimore, Maryland
Mayor Victoria Jackson-Stanley, Cambridge, Maryland
Mayor Margo G. Bailey, Chestertown, Maryland
Mayor Michael H. Callahan, Cheverly, Maryland
Mayor Andrew M. Fellows, College Park, Maryland
Mayor Brian K. Grim, Cumberland, Maryland
Mayor Robert C. Willey, Easton, Maryland
Mayor Sidney A. Katz, Gaithersburg, Maryland
Mayor Peter Benjamin, Garrett Park, Maryland
Mayor Dennis J. Scheessele, Indian Head, Maryland
Mayor Craig A. Moe, Laurel, Maryland
Mayor Phyllis Marcuccio, Rockville, Maryland
Mayor James Ireton, Jr., Salisbury, Maryland
Mayor Jeffrey Slavin, Somerset, Maryland
Mayor Bruce R. Williams, Takoma Park, Maryland
Mayor Thatcher W. Kezer, III, Amesbury, Massachusetts
Mayor Kevin J. Dumas, Attleboro, Massachusetts
Mayor William F. Scanlon, Jr., Beverly, Massachusetts
Mayor Thomas Menino, Boston, Massachusetts
Mayor Joseph C. Sullivan, Braintree, Massachusetts
Mayor Linda M. Balzotti, Brockton, Massachusetts
Mayor Henrietta Davis, Cambridge, Massachusetts
Mayor Carlo DeMaria, Jr., Everett, Massachusetts
Mayor Lisa A. Wong, Fitchburg, Massachusetts
Mayor Alex Morse, Holyoke, Massachusetts
Mayor Patrick O. Murphy, Lowell, Massachusetts
Mayor Gary Christenson, Malden, Massachusetts
Mayor Michael J. McGlynn, Medford, Massachusetts
Mayor Robert J. J. Dolan, Melrose, Massachusetts
Mayor Jonathan F. Mitchell, New Bedford, Massachusetts
Mayor Donna D. Holaday, Newburyport, Massachusetts
Mayor Setti D. Warren, Newton, Massachusetts
Mayor David J. Narkewicz, Northampton, Massachusetts
Mayor Edward A. Bettencourt, Jr., Peabody, Massachusetts
Mayor Thomas Koch, Quincy, Massachusetts
Mayor Daniel Rizzo, Revere, Massachusetts
Mayor Kimberley Driscoll, Salem, Massachusetts
Mayor Joseph A. Curtatone, Somerville, Massachusetts
Mayor Domenic Sarno, Springfield, Massachusetts
Mayor Thomas Hoye, Taunton, Massachusetts
Mayor Susan M. Kay, Weymouth, Massachusetts
Mayor Scott Galvin, Woburn, Massachusetts
Mayor John Hieftje, Ann Arbor, Michigan
Mayor Phil O'Dwyer, Berkley, Michigan
Mayor John B. O'Reilly, Jr., Dearborn, Michigan
Mayor Dave Bing, Detroit, Michigan
Mayor Diane Goddeeris, East Lansing, Michigan
Mayor Dayne Walling, Flint, Michigan

Mayor George Heartwell, Grand Rapids, Michigan
Mayor Karen Majewski, Hamtramck, Michigan
Mayor Bobby J. Hopewell, Kalamazoo, Michigan
Mayor Virg Bernero, Lansing, Michigan
Mayor Brenda L. Lawrence, Southfield, Michigan
Mayor Paul T. Schreiber, Ypsilanti, Michigan
Mayor Don Ness, Duluth, Minnesota
Mayor Peter Lindstrom, Falcon Heights, Minnesota
Mayor R.T. Rybak, Minneapolis, Minnesota
Mayor Chris Coleman, St. Paul, Minnesota
Mayor Wardell Walton, Belzoni, Mississippi
Mayor Johnny DuPree, Hattiesburg, Mississippi
Mayor Harvey Johnson, Jackson, Mississippi
Mayor McArthur Straughter, Yazoo City, Mississippi
Mayor Linda Goldstein, Clayton, Missouri
Mayor Sylvester "Sly" James, Kansas City, Missouri
Mayor Randall L. Rhoads, Lee's Summit, Missouri
Mayor Francis Slay, St. Louis, Missouri
Mayor Shelley Welsch, University City, Missouri
Mayor Jim Suttle, Omaha, Nebraska
Mayor Donald A. Groesser, Ralston, Nebraska
Mayor Dean Trefethen, Dover, New Hampshire
Mayor Fred Tagliarini, Aberdeen, New Jersey
Mayor Ed Johnson, Asbury Park, New Jersey
Mayor Lorenzo T. Langford, Atlantic City, New Jersey
Mayor Mark Smith, Bayonne, New Jersey
Mayor Timothy J. Driscoll, Bergenfield, New Jersey
Mayor Patrick H. McHale, Bogota, New Jersey
Mayor Albert B. Kelly, Bridgeton, New Jersey
Mayor Dana L. Redd, Camden, New Jersey
Mayor Chuck Cahn, Cherry Hill, New Jersey
Mayor Janice Kovach, Clinton, New Jersey
Mayor Sophie Heymann, Closter, New Jersey
Mayor M. James Maley, Jr., Collingswood, New Jersey
Mayor Thomas Hannen, Jr., Cranford, New Jersey
Mayor Joseph R. Smith, East Newark, New Jersey
Mayor Robert L. Bowser, East Orange, New Jersey
Mayor Antonia Ricigliano, Edison, New Jersey
Mayor J. Christian Bollwage, Elizabeth, New Jersey
Mayor Carlos Colina, Emerson, New Jersey
Mayor Colleen Mahr, Fanwood, New Jersey
Mayor Warren Cooper, Frenchtown, New Jersey
Mayor Joseph Delaney, Garfield, New Jersey
Mayor Gerald R. Drasheff, Guttenberg, New Jersey
Mayor Maria DiGiovanni, Hackettstown, New Jersey
Mayor Domenick Stampone, Haledon, New Jersey
Mayor Raymond J. McDonough, Harrison, New Jersey
Mayor Richard S. Goldberg, Hawthorne, New Jersey
Mayor Gary Minkoff, Highland Park, New Jersey
Mayor Dawn Zimmer, Hoboken, New Jersey
Mayor Paul Anzano, Hopewell, New Jersey
Mayor Wayne Smith, Irvington, New Jersey
Mayor Jerramiah Healy, Jersey City, New Jersey
Mayor Michael B. Ryan, Lake Como, New Jersey
Mayor David M. DelVecchio, Lambertville, New Jersey
Mayor Richard J. Gerbounka, Linden, New Jersey

Mayor Mauro D. Raguseo, Little Ferry, New Jersey
Mayor Frank W. Minor, Logan Township, New Jersey
Mayor Nicholas Russo, Longport, New Jersey
Mayor Michael E. Beck, Lower Township, New Jersey
Mayor William Laforet, Mahwah, New Jersey
Mayor Michael Fressola, Manchester Township, New Jersey
Mayor Victor DeLuca, Maplewood, New Jersey
Mayor Frank M. North, Merchantville, New Jersey
Mayor Patrick O'Hagan, Midland Park, New Jersey
Mayor James A. Gallos, Milford, New Jersey
Mayor Sandra Haimoff, Millburn, New Jersey
Mayor Robert D. Jackson, Montclair, New Jersey
Mayor Dennis Vaccaro, Moonachie, New Jersey
Mayor Timothy Dougherty, Morristown, New Jersey
Mayor J. Brooke Hern, New Providence, New Jersey
Mayor Cory Booker, Newark, New Jersey
Mayor Peter C. Massa, North Arlington, New Jersey
Mayor Francis M. Womack, III, North Brunswick, New Jersey
Mayor Randy George, North Haledon, New Jersey
Mayor Owen Henry, Old Bridge, New Jersey
Mayor James R. Barberio, Parsippany-Troy Hills, New Jersey
Mayor Alex D. Blanco, Passaic, New Jersey
Mayor Jeffrey Jones, Paterson, New Jersey
Mayor Wilda Diaz, Perth Amboy, New Jersey
Mayor Harry L. Wyant, Phillipsburg, New Jersey
Mayor Sharon M. Robinson-Briggs, Plainfield, New Jersey
Mayor Jesse L. Tweedle, Sr., Pleasantville, New Jersey
Mayor Liz Lempert, Princeton, New Jersey
Mayor Pasquale Menna, Red Bank, New Jersey
Mayor Paul Aronsohn, Ridgewood, New Jersey
Mayor Sandy Moscaritolo, River Edge, New Jersey
Mayor Jamel C. Holley, Roselle, New Jersey
Mayor Joe Accardi, Roselle Park, New Jersey
Mayor Kevin Glover, Scotch Plains, New Jersey
Mayor Michael J. Gonnelli, Secaucus, New Jersey
Mayor Alex Torpey, South Orange, New Jersey
Mayor Nicholas Poliseno, Spotswood, New Jersey
Mayor Peter S. Rustin, Tenafly, New Jersey
Mayor Clifton People, Jr., Union, New Jersey
Mayor Brian P. Stack, Union City, New Jersey
Mayor Robert Romano, Vineland, New Jersey
Mayor Robert D. Parisi, West Orange, New Jersey
Mayor Shing-Fu Hsueh, West Windsor, New Jersey
Mayor John Birkner, Jr., Westwood, New Jersey
Mayor Julia C. Andrews, Whitehouse Station, New Jersey
Mayor John E. McCormac, Woodbridge, New Jersey
Mayor Jeffrey R. Goldsmith, Woodcliff Lake, New Jersey
Mayor Keith Kazmark, Woodland Park, New Jersey
Mayor Joe Murrieta, Grants, New Mexico
Mayor Kenneth D. Miyagishima, Las Cruces, New Mexico
Mayor Ray Alborn, Ruidoso, New Mexico
Mayor David Coss, Santa Fe, New Mexico
Mayor Albert Campos, Jr., Santa Rosa, New Mexico

Mayor Gloria J. Chavez, Tijeras, New Mexico
Mayor Gerald Jennings, Albany, New York
Mayor James Gaughan, Altamont, New York
Mayor Ann Thane, Amsterdam, New York
Mayor Peter R. Porcino, Ardsley, New York
Mayor Andrea Smallwood, Athens, New York
Mayor Randy Casale, Beacon, New York
Mayor Matthew T. Ryan, Binghamton, New York
Mayor James J. Schoenig, Brewster, New York
Mayor Eugene Christopher, Broadalbin, New York
Mayor Byron Brown, Buffalo, New York
Mayor G. Wayne McIlroy, Carthage, New York
Mayor Joseph Keegan, Castleton, New York
Mayor Jerome Kobre, Chestnut Ridge, New York
Mayor John A. Lane, Clinton, New York
Mayor John McDonald, Cohoes, New York
Mayor Jeff Katz, Cooperstown, New York
Mayor Mark Evans, Coxsackie, New York
Mayor Robert J. Foster, Deferiet, New York
Mayor Sally E. Burns, Delanson, New York
Mayor Steven P. Hoffman, Depew, New York
Mayor Randy Sterling, Dryden, New York
Mayor Allan A. Kasprzak, East Aurora, New York
Mayor Paul Rickenbach, East Hampton, New York
Mayor Mitchell Levinn, East Nassau, New York
Mayor Henry Doerr, Elbridge, New York
Mayor Jeffrey Kaplan, Ellenville, New York
Mayor James Matthews, Ellisburg, New York
Mayor Stephen G. Sommers, Fabius, New York
Mayor Mark Olson, Fayetteville, New York
Mayor James J. Miccio, Fishkill, New York
Mayor Andrew Hardwick, Freeport, New York
Mayor John Diamond, Glens Falls, New York
Mayor Dayton J. King, Gloversville, New York
Mayor Jean A. Celender, Great Neck Plaza, New York
Mayor Ralph J. Kreitzman, Great Neck Village, New York
Mayor Barbara Moore, Greenwood Lake, New York
Mayor Martin Natoli, Hagaman, New York
Mayor Emery Cummings, Jr., Hammondsport, New York
Mayor Ronald Belmont, Harrison, New York
Mayor Peter Swiderski, Hastings-on-Hudson, New York
Mayor Michael Kohut, Haverstraw, New York
Mayor Natale J. Tartamella, Head of the Harbor, New York
Mayor Wayne J. Hall, Sr., Hempstead, New York
Mayor Richard Beirman, Sr., Herrings, New York
Mayor Bernard Jackson, Hillburn, New York
Mayor Joseph M. Lee, Hilton, New York
Mayor Shawn Hogan, Hornell, New York
Mayor Brian C. Smith, Irvington, New York
Mayor Svante L. Myrick, Ithaca, New York
Mayor Samuel Teresi, Jamestown, New York
Mayor Susan Lopatkin, Kensington, New York
Mayor Shayne R. Gallo, Kingston, New York
Mayor Robert Blais, Lake George, New York
Mayor Ronald S. Cooper, Lake Success, New York
Mayor Anne H. McAndrews, Larchmont, New York

Mayor Martin Oliner, Lawrence, New York
Mayor Carl Luft, Lima, New York
Mayor Norman L. Marsh, Little Valley, New York
Mayor Corrine Kleisle, Lyons, New York
Mayor Barbara Clark, Madison, New York
Mayor Patricia McDonald, Malverne, New York
Mayor Mark-Paul Serafin, Manlius Village, New York
Mayor James F. Hidy, Massena, New York
Mayor Dennis Leahy, Maybrook, New York
Mayor Anthony Sylvester, Mechanicville, New York
Mayor Terry Grimshaw, Mexico, New York
Mayor Richard J. Donovan, Minoa, New York
Mayor James C. Purcell, Monroe, New York
Mayor Jeffrey Oppenheim, Montebello, New York
Mayor Gordon Jenkins, Monticello, New York
Mayor Ernest D. Davis, Mount Vernon, New York
Mayor Noam Bramson, New Rochelle, New York
Mayor Mike Bloomberg, New York, New York
Mayor Peter M. Blandino, Newark, New York
Mayor Judith L. Kennedy, Newburgh, New York
Mayor Paul A. Dyster, Niagara Falls, New York
Mayor Laura Nolan, North Haven, New York
Mayor Marvin Natiss, North Hills, New York
Mayor Joseph Maiurano, Norwich, New York
Mayor Linda L. Witte, Olean, New York
Mayor Richard P. Miller, Jr., Oneonta, New York
Mayor William R. Hanauer, Ossining, New York
Mayor Brian Wona, Otisville, New York
Mayor Paul Pontieri, Patchogue, New York
Mayor Mary Foster, Peekskill, New York
Mayor Anthony Fratto, Phoenix, New York
Mayor Christopher Sanders, Piermont, New York
Mayor Donald M. Kasprzak, Plattsburgh, New York
Mayor Peter Scherer, Pleasantville, New York
Mayor Robert Weitzner, Port Washington, New York
Mayor John Bruno, Ravena, New York
Mayor Daniel J. Dwyer, Rensselaer, New York
Mayor Kevin Neary, Richmondville, New York
Mayor Thomas Richards, Rochester, New York
Mayor John Durkin, Roslyn, New York
Mayor Matthew Bloomfield, Russell Gardens, New York
Mayor Grant Rohmoser, Sandy Creek, New York
Mayor Clyde Rabideau, Saranac Lake, New York
Mayor Scott Johnson, Saratoga Springs, New York
Mayor Gregge Harrian, Savona, New York
Mayor Gary R. McCarthy, Schenectady, New York
Mayor Paul F. Gee, Scottsville, New York
Mayor Omer Cousineau, Sharon Springs, New York
Mayor John Patterson, Sherman, New York
Mayor Ken Wray, Sleepy Hollow, New York
Mayor Leonard Szymanski, Sloan, New York
Mayor Karen Strickland, South Dayton, New York
Mayor Geoffrey N. Prime, South Floral Park, New York
Mayor Patricia DuBow, South Nyack, New York
Mayor Mark Epley, Southampton, New York
Mayor Letty J. Rudes, Speculator, New York

Mayor Joyce Lobene, Spencerport, New York
Mayor Noramie F. Jasmin, Spring Valley, New York
Mayor Dagan LaCorte, Suffern, New York
Mayor Edward Stewart, III, Sylvan Beach, New York
Mayor Stephanie A. Miner, Syracuse, New York
Mayor Drew Fixell, Tarrytown, New York
Mayor Ronald Pilozzi, Tonawanda, New York
Mayor Louis A. Rosamilia, Troy, New York
Mayor A. Martin Petrovic, Trumansburg, New York
Mayor Beth Greenwood, Tully, New York
Mayor Michael Esmay, Upper Nyack, New York
Mayor Theodore H. Young, Waterloo, New York
Mayor Michael P. Manning, Watervliet, New York
Mayor Brian D. McCoy, Wayland, New York
Mayor David Goldsmith, Wesley Hills, New York
Mayor Scott M. Burto, West Carthage, New York
Mayor John Ramundo, Jr., West Haverstraw, New York
Mayor David Carr, Westfield, New York
Mayor Thomas M. Roach, White Plains, New York
Mayor Mike Spano, Yonkers, New York
Mayor Anthony C. Leone, Jr., Yorkville, New York
Mayor Walter B. Goodenough, Carolina Shores, North Carolina
Mayor Mark Chilton, Carrboro, North Carolina
Mayor Mark Kleinschmidt, Chapel Hill, North Carolina
Mayor Darryl D. Moss, Creedmoor, North Carolina
Mayor Bill Bell, Durham, North Carolina
Mayor Jackie Holcombe, Morrisville, North Carolina
Mayor Jaqueline vdH Sergent, Oxford, North Carolina
Mayor Nancy McFarlane, Raleigh, North Carolina
Mayor Victor Varela, Ronda, North Carolina
Mayor J. Allen Joines, Winston-Salem, North Carolina
Mayor Dennis Walaker, Fargo, North Dakota
Mayor Dan Pillow, Addyston, Ohio
Mayor Donald Plusquellic, Akron, Ohio
Mayor Bernard Baronowski, Andover, Ohio
Mayor Ronald A. Bischof, Barnesville, Ohio
Mayor Deborah L. Sutherland, Bay Village, Ohio
Mayor Merle S. Gorden, Beachwood, Ohio
Mayor Daniel S. Pocek, Bedford, Ohio
Mayor Fletcher Berger, Bedford Heights, Ohio
Mayor Cyril Kleem, Berea, Ohio
Mayor John M. Licastro, Bratenahl, Ohio
Mayor Samuel J. Alai, Broadview Heights, Ohio
Mayor David Seagraves, Brookville, Ohio
Mayor Lowell E. Anderson, Caldwell, Ohio
Mayor William J. Healy, II, Canton, Ohio
Mayor Tammy D. Drobina, Carroll, Ohio
Mayor Diana Stockmaster, Centerburg, Ohio
Mayor Mark Mallory, Cincinnati, Ohio
Mayor Frank Jackson, Cleveland, Ohio
Mayor Edward J. Kelley, Cleveland Heights, Ohio
Mayor Danny Stacy, Cleves, Ohio
Mayor Michael Coleman, Columbus, Ohio
Mayor William Armentrout, Creston, Ohio
Mayor Gary D. Leitzell, Dayton, Ohio

Mayor Gary L. Comer, De Graff, Ohio
Mayor Terry L. Lindeman, Doylestown, Ohio
Mayor Gary Norton, East Cleveland, Ohio
Mayor Ted Andrzejewski, East Lake, Ohio
Mayor James P. Swoger, East Liverpool, Ohio
Mayor Patricia Burnside, Englewood, Ohio
Mayor Bill Cervenick, Euclid, Ohio
Mayor Thomas H. Nagel, Fairborn, Ohio
Mayor Charles H. Johnson, Forest Park, Ohio
Mayor Gary Middlemus, Frazeytsburg, Ohio
Mayor Kirk Emmert, Gambier, Ohio
Mayor Dave Nelson, Geneva-on-the-Lake, Ohio
Mayor Mark Williams, Genoa, Ohio
Mayor Alan Zaffiro, Golf Manor, Ohio
Mayor Ray E. DeGraw, Grandview Heights, Ohio
Mayor Gary Lee Young, Greenville, Ohio
Mayor Lance Westcamp, Groveport, Ohio
Mayor Richard L. Verga, Harveysburg, Ohio
Mayor Clifford Mason, Hebron, Ohio
Mayor Lou Bertrand, Hiram, Ohio
Mayor Susan J. Pelkowski, Holloway, Ohio
Mayor William A. Currin, Hudson, Ohio
Mayor Rich Blankenship, Ironton, Ohio
Mayor Jerry Fiala, Kent, Ohio
Mayor Deborah L. Neale, Lakeline, Ohio
Mayor David J. Berger, Lima, Ohio
Mayor Jo Ann Toczec, Linndale, Ohio
Mayor Patricia A. Fallot, Louisville, Ohio
Mayor Joseph M. Cicero, Jr., Lyndhurst, Ohio
Mayor Donald Kuchta, Macedonia, Ohio
Mayor Steve Adams, Malvern, Ohio
Mayor Jeffrey A. Lansky, Maple Heights, Ohio
Mayor Joe A. Matthews, Marietta, Ohio
Mayor Bruce G. Rinker, Mayfield Village, Ohio
Mayor Robert Schwab, McComb, Ohio
Mayor Glenn W. Holmes, McDonald, Ohio
Mayor Richard Cain, Mineral City, Ohio
Mayor James B. Waller, Minerva, Ohio
Mayor Susan C. Renda, Moreland Hills, Ohio
Mayor Mike Porter, Mount Gilead, Ohio
Mayor Charles Neff, Mount Sterling, Ohio
Mayor Jeffrey C. Wherley, Nellie, Ohio
Mayor James A. Friel, Newcomerstown, Ohio
Mayor Daniel R. Brooks, North College Hill, Ohio
Mayor Terrance J. McConnell, North Kingsville, Ohio
Mayor Ed Klco, North Perry, Ohio
Mayor Kathy Mulcahy, Orange Village, Ohio
Mayor Richard M. Bain, Pepper Pike, Ohio
Mayor Billy R. Spencer, Picketon, Ohio
Mayor Timothy Redden, Plymouth, Ohio
Mayor Timothy Sicafuse, Poland, Ohio
Mayor David A. Malone, Portsmouth, Ohio
Mayor Daniel J. Ursu, Richmond Heights, Ohio
Mayor William Nibert, Richwood, Ohio
Mayor William R. Flaute, Riverside, Ohio
Mayor Earl M. Leiken, Shaker Heights, Ohio

Mayor Patrick C. Monahan, Shawnee Hills, Ohio
Mayor John Smith, Silverton, Ohio
Mayor Georgine Welo, South Euclid, Ohio
Mayor Matthew Brett, South Russell, Ohio
Mayor Warren R. Copeland, Springfield, Ohio
Mayor William C. Burkhardt, St. Bernard, Ohio
Mayor Domenick Mucci, Jr., Steubenville, Ohio
Mayor Clayton Weller, Sugarcreek, Ohio
Mayor Michael P. Bell, Toledo, Ohio
Mayor Mary Myers, Verona, Ohio
Mayor Daniel V. Wilczynski, Walbridge, Ohio
Mayor Doug Franklin, Warren, Ohio
Mayor Allen Patchin, West Farmington, Ohio
Mayor Ann Schreiner, West Millgrove, Ohio
Mayor Kim Maggard, Whitehall, Ohio
Mayor William A. Margalis, Wickliffe, Ohio
Mayor Richard J. Bonde, Willowick, Ohio
Mayor Susan Upton Farley, Woodlawn, Ohio
Mayor Charles Sammarone, Youngstown, Ohio
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Mayor Charlie Hales, Portland, Oregon
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Mayor Loyce Harpster, Burnham, Pennsylvania
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Mayor Daniel Rutland, Colwyn, Pennsylvania
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Mayor Gail E. Knauf, Cressona, Pennsylvania
Mayor Timothy J. Carroll, Dallas, Pennsylvania
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Mayor Thomas R. Lloyd, Dormont, Pennsylvania
Mayor Richard A. Pope, Dover, Pennsylvania
Mayor Josh Maxwell, Downingtown, Pennsylvania
Mayor Libby White, Doylestown, Pennsylvania
Mayor Philip Krivacek, Duquesne, Pennsylvania
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Mayor Wayne T. Murphy, Edgeworth, Pennsylvania
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Mayor Anthony J. Court, Ellwood City, Pennsylvania
Mayor Winfield Iobst, Emmaus, Pennsylvania
Mayor Dorothy H. Quinn, Emsworth, Pennsylvania
Mayor Joseph Sinnott, Erie, Pennsylvania
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Mayor D. Gary Evans, Factoryville, Pennsylvania
Mayor Charles Moore, Falls Creek, Pennsylvania
Mayor Olive McKeithan, Farrell, Pennsylvania
Mayor Gary McBrien, Felton, Pennsylvania
Mayor Robert P. Frey, Folcroft, Pennsylvania
Mayor Jose Rosado, Fountain Hill, Pennsylvania
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Mayor Linda Thompson, Harrisburg, Pennsylvania
Mayor Norm Hawkes, Hatboro, Pennsylvania
Mayor Ronald Cyphert, Hawthorn, Pennsylvania
Mayor John Hoerner, Highspire, Pennsylvania
Mayor Joseph R. Dodson, Hollidaysburg, Pennsylvania
Mayor Betty Esper, Homestead, Pennsylvania
Mayor Tim McGuire, Homewood Borough, Pennsylvania
Mayor Dee Dee Brown, Huntingdon Borough, Pennsylvania
Mayor John J. Zano, Hyde Park, Pennsylvania

Mayor George E. Hood, Indiana, Pennsylvania
Mayor Nicholas Yanosich, Industry, Pennsylvania
Mayor Gerald C. Croushore, Ingram, Pennsylvania
Mayor James C. Sanders, Jefferson, Pennsylvania
Mayor Ed Foley, Jenkintown, Pennsylvania
Mayor Donald Bosh, Knoxville, Pennsylvania
Mayor Sandra Green, Kutztown, Pennsylvania
Mayor Dorothy Shea Yazurlo, Laflin, Pennsylvania
Mayor Joseph Legnasky, Lake City, Pennsylvania
Mayor Rick Gray, Lancaster, Pennsylvania
Mayor Christopher Blaydon, Langhorne, Pennsylvania
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Mayor Fred Feltenberger, Laureldale, Pennsylvania
Mayor Peter Poninsky, Leetsdale, Pennsylvania
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Mayor Deborah A. Bargo, Lewistown, Pennsylvania
Mayor Nick Vay, Lincoln, Pennsylvania
Mayor John L. Mark, Liverpool, Pennsylvania
Mayor William D. Hart, Lykens, Pennsylvania
Mayor Randy Schlegel, Lyons, Pennsylvania
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Mayor Eric B. Phillips, Manheim, Pennsylvania
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Mayor Mary Jo Smith, Monessen, Pennsylvania
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Mayor Maureen A. Piselli, Morton, Pennsylvania
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Mayor Thomas Reenock, Northhampton, Pennsylvania
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Mayor Michele Petrini Avvisato, Old Forge, Pennsylvania
Mayor Austin Scandiber, Orwigsburg, Pennsylvania
Mayor Lewis Paul Cowher, Osceola Mills, Pennsylvania
Mayor Geoffrey L. Henry, Oxford, Pennsylvania
Mayor Fred Carpenter, Palmyra, Pennsylvania
Mayor William McCall, Parker, Pennsylvania
Mayor Ardele R. Gordon, Parkside, Pennsylvania
Mayor Robert Winkler, Pennedel, Pennsylvania
Mayor Michael Nutter, Philadelphia, Pennsylvania

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Mayor Luke Ravenstahl, Pittsburgh, Pennsylvania
Mayor Bonnie Heath, Pottstown, Pennsylvania
Mayor John D.W. Reiley, Pottsville, Pennsylvania
Mayor Vaughn D. Spencer, Reading, Pennsylvania
Mayor Dr. Guillermo Udarbe, Ridgway, Pennsylvania
Mayor Desiree D. DeNicola, Roseto, Pennsylvania
Mayor Edwin W. Rosenberry, Saxton, Pennsylvania
Mayor Thomas C. Hufnagle, Sellersville, Pennsylvania
Mayor Anthony Hajjar, Seward, Pennsylvania
Mayor Joseph A. McGranaghan, Shamokin Dam, Pennsylvania
Mayor Robert O'Neill, Sharon Hill, Pennsylvania
Mayor Richard Panza, Sharpsburg, Pennsylvania
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Mayor Boyd E. Paul, Snow Shoe, Pennsylvania
Mayor William Meyer, Somerset, Pennsylvania
Mayor John Reynolds, Souderton, Pennsylvania
Mayor James C. Kennedy, South Coatesville, Pennsylvania
Mayor Clyde R. Wadsworth, South Fork, Pennsylvania
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Mayor Thomas F. Acri, Steelton, Pennsylvania
Mayor Sherman Metzgar, Stockertown, Pennsylvania
Mayor William A. Boyd, Stoystown, Pennsylvania
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Mayor William A. Davis, Sugar Notch, Pennsylvania
Mayor Paul R. McArdle, Summit Hill, Pennsylvania
Mayor David L. Persing, Sunbury, Pennsylvania
Mayor Richard H. Lowe, Swarthmore, Pennsylvania
Mayor Luke Duignam, Tatamy, Pennsylvania
Mayor Jay R. Stover, Telford, Pennsylvania
Mayor Charles Harper, Three Springs, Pennsylvania
Mayor Kenneth Danser, Timblin, Pennsylvania
Mayor Francis B. Zalewski, Trainer, Pennsylvania
Mayor William Allar, Tremont, Pennsylvania
Mayor J. David Cutchineal, Tullytown, Pennsylvania
Mayor LeAnn Hritz, Tunnelhill, Pennsylvania
Mayor Adam R. Forgie, Turtle Creek, Pennsylvania
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Mayor Esther Cotner, Washingtonville, Pennsylvania
Mayor Richard A. Starliper, Waynesboro, Pennsylvania
Mayor Carolyn T. Comitta, West Chester, Pennsylvania
Mayor Gerald W. Gross, West Easton, Pennsylvania
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Mayor Mary E. Popovich, West Newton, Pennsylvania
Mayor John Henry, West View, Pennsylvania
Mayor Dick Vargeson, Westfield, Pennsylvania
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Mayor Edward D. Hozza, Jr., Whitehall Township, Pennsylvania
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Mayor Angel Taveras, Providence, Rhode Island
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Mayor Joseph T. McElveen, Jr., Sumter, South Carolina
Mayor Darrick Jackson, Timmonsville, South Carolina
Mayor Ron Littlefield, Chattanooga, Tennessee
Mayor Jerry Gist, Jackson, Tennessee
Mayor Thomas W. Taylor, Maryville, Tennessee
Mayor A C Wharton, Memphis, Tennessee
Mayor Tom Beehan, Oak Ridge, Tennessee
Mayor Bill Lusk, Signal Mountain, Tennessee
Mayor Lee Leffingwell, Austin, Texas
Mayor Tony Martinez, Brownsville, Texas
Mayor Carl D. Sherman, DeSoto, Texas
Mayor Annise D. Parker, Houston, Texas
Mayor Richard Ward, Hurst, Texas
Mayor Dave Claunch, West Lake Hills, Texas
Mayor Dana Williams, Park City, Utah
Mayor John Hollar, Montpelier, Vermont
Mayor Christopher C. Louras, Rutland City, Vermont
Mayor William B. Euille, Alexandria, Virginia
Mayor Faye Prichard, Ashland, Virginia
Mayor Satyendra Singh Huja, Charlottesville, Virginia
Mayor McKinley Price, Newport News, Virginia
Mayor Paul D. Fraim, Norfolk, Virginia
Mayor Brian A. Moore, Petersburg, Virginia
Mayor Robert W. Lazaro, Jr., Purcellville, Virginia
Mayor Dwight C. Jones, Richmond, Virginia

Mayor David A. Bowers, Roanoke, Virginia
Mayor William D. Sessoms, Jr., Virginia Beach, Virginia
Mayor Kelli Linville, Bellingham, Washington
Mayor H. Clarence Bauman, Chewelah, Washington
Mayor Garland D. Walton, Connell, Washington
Mayor Will Ibershof, Duvall, Washington
Mayor Liz Reynolds, Enumclaw, Washington
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Mayor Ava Frisinger, Issaquah, Washington
Mayor Ron Poulson, Kalama, Washington
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Mayor Daniel N. Mork, Millwood, Washington
Mayor James F. Gerwig, Morton, Washington
Mayor Dennis Palmer, Oakesdale, Washington
Mayor Spencer Nichols, Pe Ell, Washington
Mayor Paul Warden, Prosser, Washington
Mayor John Marchione, Redmond, Washington
Mayor Terry Anderson, SeaTac, Washington
Mayor Mike McGinn, Seattle, Washington
Mayor Matthew Larson, Snoqualmie, Washington
Mayor Dianne W. White, Stanwood, Washington
Mayor Marilyn Strickland, Tacoma, Washington
Mayor Soo Ing-Moody, Twisp, Washington
Mayor Richard F. Turner, Mayor, Weehawken
Mayor Harrold H. Howell, Jr., Madison, West Virginia
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Mayor Larry MacDonald, Bayfield, Wisconsin
Mayor Keith G. Bosman, Kenosha, Wisconsin
Mayor Paul R. Soglin, Madison, Wisconsin
Mayor Justin M. Nickels, Manitowoc, Wisconsin
Mayor Chris L. Meyer, Marshfield, Wisconsin
Mayor Kurt Sonnentag, Middleton, Wisconsin
Mayor Tom Barrett, Milwaukee, Wisconsin
Mayor Steve Scaffidi, Oak Creek, Wisconsin
Mayor John T. Dickert, Racine, Wisconsin
Mayor James E. Tipple, Wausau, Wisconsin
Mayor Vincent C. Gray, Washington, D.C.



February 11, 2013

Rep. John Boehner
Speaker of the House
U.S. House of Representatives
1011 Longworth House Office Building
Washington, DC 20515

Sen. Harry Reid
Majority Leader
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

Rep. Nancy Pelosi
Minority Leader
U.S. House of Representatives
235 Cannon House Office Building
Washington, DC 20515

Sen. Mitch McConnell
Minority Leader
U.S. Senate
361A Russell Senate Office Building
Washington, DC 20510

Re: America's Mayors Urge Congress to Support Making Gun Trafficking a Crime as Part of a Larger Legislative Package to Reduce Gun Violence

Dear Majority Leader Reid, Minority Leader McConnell, Speaker Boehner and Minority Leader Pelosi:

We write on behalf of more than 850 members of the bipartisan coalition of Mayors Against Illegal Guns to urge Congress to help law enforcement fight firearms trafficking by passing legislation that would criminalize gun trafficking. We believe that this policy recommendation, along with legislation requiring background checks for all gun sales, would go a long way toward reducing gun violence. The coalition supports bi-partisan legislation introduced by Senators Gillibrand and Kirk (S.179), Senators Leahy and Durbin (S.54) and Representatives Maloney, Cummings, Meehan and Rigell (H.R.452). Each bill would give law enforcement a badly needed tool to interdict and prosecute the criminals who are flooding our streets with illegal guns.

Today, there is no clear and effective statute making gun trafficking a crime. Prosecutors have instead been forced to rely on weak laws that prohibit engaging in the business of selling guns without a federal license. Legislation passed in 1986 defines “engaged in the business” as repeatedly selling guns for profit, but includes several exceptions for “occasional sales” and selling from a “personal collection.”¹

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has called this definition and its exceptions “needlessly complex” and has said the legal standard “often frustrates the prosecution of people who supply guns to felons and other prohibited

¹ 18 U.S.C. § 922(a)(1)(A); 18 U.S.C. § 921(a)(21)(C)

persons.”² As a result, according to the Justice Department’s Inspector General, U.S. Attorneys decline 25 percent of all ATF cases based on “engaging in a firearms business without a license” while declining only 9 percent of drug conspiracy cases.

Moreover, penalties for the crime are not commensurate with the severity of the offense. Dealing guns without a license carries a prison sentence of only 0 to 5 years, the same as trafficking chicken or livestock. By comparison, sanctions for trafficking stolen goods or drugs are substantially higher; the penalty for trafficking a kilogram of heroin is ten years to life. According to ATF, lenient penalties make it harder to obtain cooperation from defendants when they are arrested, denying law enforcement a critical tool in investigating firearms trafficking.

In addition, Congress needs to strengthen the laws against “straw purchasing” guns. A straw purchaser buys a gun from a licensed dealer and falsely states on the required paperwork that he or she is the actual buyer of the gun, when in fact the purchase is made on behalf of a prohibited purchaser or a gun trafficker who does not want his name on the background check form. Federal law currently regulates straw purchases by prohibiting “lying and buying” on the required paperwork.³ The penalty for committing a straw purchase is up to 10 years in prison,⁴ but, according to ATF officials, the “typical” straw purchase prosecution results only in probation.⁵ Forty percent of defendants charged and convicted of “lying and buying” received probation.⁶

Because illegal guns are trafficked across state and international lines, gun trafficking is a federal problem that requires a federal solution. According to the data provided by ATF, 30 percent of traced guns cross state lines after their initial purchase and before they are recovered in crimes. The gun trafficking bills introduced in this Congress, including S.179, S.54 and H.R.452 would provide that federal solution.

S.179 makes it a crime punishable by up to 20 years to transfer or receive guns when the transfer would reasonably result in any serious crime, and H.R.452 makes it a crime punishable by up to 20 years to transfer or purchase a gun for the purpose of giving it to a prohibited person. In both bills, kingpins who supervise at least five other people in a gun-trafficking ring could be punished by up to 25 years in prison. S. 54 would raise the penalties on straw purchasing, making it a crime punishable by up to 20 years for a person to purchase a gun with the intent to transfer it to another person. If the straw purchaser has reason to believe the person will use the gun in a violent crime, the penalty goes up to 30 years.

² Department of Justice, National Integrated Firearms Violence Reduction Strategy (2001) (available at <http://www.usdoj.gov/archive/opd/gunviolence.htm>); U.S. Departments of Justice and Treasury, Gun Shows: Brady Checks and Crime Gun Traces, at 24 (January 1999).

³ 18 U.S.C. § 922(a)(6).

⁴ 18 U.S.C. § 922(a)(6); 18 U.S.C. § 924(a)(2).

⁵ Committee on Oversight and Government Reform, Minority Staff Report, “Outgunned: Law Enforcement Agents Warn Congress They Lack Adequate Tools to Counter Illegal Firearms Trafficking,” June 2011, at 8.

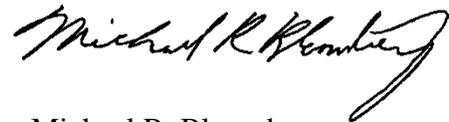
⁶ U.S. Department of Justice, Office of Inspector General, “Review of ATF’s Project Gunrunner,” November 2010, available at <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

Congress's failure to address the flood of illegal guns into our communities continues to fuel violence. Together with proposals to require universal background checks, we believe these federal gun trafficking bills will reduce gun violence. Our Mayors urge you to pass this legislation to give our federal law enforcement the tools they need to punish the gunrunners who endanger our communities.

Sincerely,



Thomas M. Menino
Coalition Co-Chair
Mayor of Boston



Michael R. Bloomberg
Coalition Co-Chair
Mayor of New York City

SIGNED BY MEMBERS OF MAYORS AGAINST ILLEGAL GUNS:

Mayor Samuel L. Jones, Mobile, Alabama
Mayor Satish I. Hiremath, Oro Valley, Arizona
Mayor Scott LeMarr, Paradise Valley, Arizona
Mayor Greg Stanton, Phoenix, Arizona
Mayor Jennifer Eckstrom, South Tucson, Arizona
Mayor Bill Rappaport, Star Valley, Arizona
Mayor Mark W. Mitchell, Tempe, Arizona
Mayor Jonathan Rothschild, Tucson, Arizona
Mayor Larry S. Bryant, Forrest City, Arkansas
Mayor Arnell Willis, Helena, Arkansas
Mayor Lawrence Owens, Hughes, Arkansas
Mayor McKinzie Riley, Wrightsville, Arkansas
Mayor Marie L. Gilmore, Alameda, California
Mayor Wade Harper, Antioch, California
Mayor Elizabeth Patterson, Benicia, California
Mayor Tom Bates, Berkeley, California
Mayor Cheryl Cox, Chula Vista, California
Mayor Eugene Montanez, Corona, California
Mayor Diane Furst, Corte Madera, California
Mayor Joseph Krosova, Davis, California
Mayor Jennifer West, Emeryville, California
Mayor Teresa Arballo Barth, Encinitas, California
Mayor John Reed, Fairfax, California
Mayor Bill Harrison, Fremont, California
Mayor Maria Orozco, Gonzales, California
Mayor Connie Boardman, Huntington Beach, California
Mayor James T. Butts, Jr., Inglewood, California

Mayor Dan Hillmer, Larkspur, California
Mayor Bob Foster, Long Beach, California
Mayor Antonio Villaraigosa, Los Angeles, California
Mayor Lou La Monte, Malibu, California
Mayor Rob Schroder, Martinez, California
Mayor Mary Ann Lutz, Monrovia, California
Mayor Paul Eaton, Montclair, California
Mayor R. Michael Kasperzak, Jr., Mountain View, California
Mayor Alan L. Nagy, Newark, California
Mayor Pat Eklund, Novato, California
Mayor Jean Quan, Oakland, California
Mayor Amy R. Worth, Orinda, California
Mayor Stephen P. Pougnet, Palm Springs, California
Mayor Bill Bogaard, Pasadena, California
Mayor Luis I. Molina, Patterson, California
Mayor David Glass, Petaluma, California
Mayor L. Dennis Michael, Rancho Cucamonga, California
Mayor Pete Aguilar, Redlands, California
Mayor Gayle McLaughlin, Richmond, California
Mayor Kevin Johnson, Sacramento, California
Mayor Kay Coleman, San Anselmo, California
Mayor Patrick J. Morris, San Bernardino, California
Mayor Edwin M. Lee, San Francisco, California
Mayor Chuck Reed, San Jose, California
Mayor Stephen H. Cassidy, San Leandro, California

Mayor Jan Marx, San Luis Obispo, California
Mayor Gary O. Phillips, San Rafael, California
Mayor Miguel Pulido, Santa Ana, California
Mayor Helene Schneider, Santa Barbara, California
Mayor Don Lane, Santa Cruz, California
Mayor Jill Hunter, Saratoga, California
Mayor Larry Forester, Signal Hill, California
Mayor Emmet O'Donnel, Tiburon, California
Mayor Osby Davis, Vallejo, California
Mayor Jeffrey Prang, West Hollywood, California
Mayor Christopher Cabaldon, West Sacramento, California
Mayor Matthew Appelbaum, Boulder, Colorado
Mayor Michael B. Hancock, Denver, Colorado
Mayor Randy P. Penn, Englewood, Colorado
Mayor Marjorie Sloan, Golden, Colorado
Mayor Carolyn Cutler, Lafayette, Colorado
Mayor Bob Murphy, Lakewood, Colorado
Mayor Robert Muckle, Louisville, Colorado
Mayor Marc A. Snyder, Manitou Springs, Colorado
Mayor Joe Gierlach, Nederland, Colorado
Mayor Joyce Downing, Northglenn, Colorado
Mayor Don Stephens, Salida, Colorado
Mayor Andrew Muckle, Superior, Colorado
Mayor Stuart Fraser, Telluride, Colorado
Mayor Adam Salina, Berlin, Connecticut
Mayor Bill Finch, Bridgeport, Connecticut
Mayor Mark Boughton, Danbury, Connecticut
Mayor Scott D. Jackson, Hamden, Connecticut
Mayor Pedro E. Segarra, Hartford, Connecticut
Mayor Daniel Drew, Middletown, Connecticut
Mayor John DeStefano, New Haven, Connecticut
Mayor Daryl Justin Finizio, New London, Connecticut
Mayor Patricia A. Murphy, New Milford, Connecticut
Mayor Richard A. Moccia, Norwalk, Connecticut
Mayor Michael A. Pavia, Stamford, Connecticut
Mayor Ryan Bingham, Torrington, Connecticut
Mayor Neil M. O'Leary, Waterbury, Connecticut
Mayor Scott Slifka, West Hartford, Connecticut
Mayor John M. Picard, West Haven, Connecticut
Mayor Michael J. Smith, Blades, Delaware
Mayor John P. Buchheit, III, Delaware City, Delaware
Mayor Diane C. Hanson, Dewey Beach, Delaware
Mayor James L. Ford, III, Lewes, Delaware
Mayor Kenneth Branner, Middletown, Delaware
Mayor Dennis P. Williams, Wilmington, Delaware
Mayor Susan Gottlieb, Aventura, Florida
Mayor Jean Rosenfield, Bal Harbour, Florida
Mayor Noah S. Jacobs, Biscayne Park, Florida

Mayor Woodrow L. Hay, Boynton Beach, Florida
Mayor Kristin Jacobs, Broward County, Florida
Mayor Marilyn Gerber, Coconut Creek, Florida
Mayor James C. Cason, Coral Gables, Florida
Mayor Judy Paul, Davie, Florida
Mayor Peggy Noland, Deerfield Beach, Florida
Mayor Bruce B. Mount, Eatonville, Florida
Mayor Craig Lowe, Gainesville, Florida
Mayor Glenn Singer, Golden Beach, Florida
Mayor Charles Sanders, Greenwood, Florida
Mayor Joy Cooper, Hallandale Beach, Florida
Mayor Peter J. M. Bober, Hollywood, Florida
Mayor Kenneth M. Schultz, Hypoluxo, Florida
Mayor Gow B. Fields, Lakeland, Florida
Mayor Patricia Gerard, Largo, Florida
Mayor Barrington Russell, Lauderdale Lakes, Florida
Mayor Richard J. Kaplan, Lauderhill, Florida
Mayor Howard A. Schieferdecker, Maitland, Florida
Mayor Tomas Regalado, Miami, Florida
Mayor Matti H. Bower, Miami Beach, Florida
Mayor Lori C. Moseley, Miramar, Florida
Mayor Connie Leon Kreps, North Bay Village, Florida
Mayor John Brady, North Lauderdale, Florida
Mayor Andre Pierre, North Miami, Florida
Mayor Myra L. Taylor, Opa-Locka, Florida
Mayor Buddy Dyer, Orlando, Florida
Mayor Dominic Persampiere, Oviedo, Florida
Mayor James P. Sasser, Pahokee, Florida
Mayor Frank C. Ortis, Pembroke Pines, Florida
Mayor Cindy Lerner, Pinecrest, Florida
Mayor Diane Veltri Bendekovic, Plantation, Florida
Mayor Thomas A. Masters, Riviera Beach, Florida
Mayor Norman S. Edelcup, Sunny Isles Beach, Florida
Mayor Michael J. Ryan, Sunrise, Florida
Mayor Daniel Dietch, Surfside, Florida
Mayor John Marks, III, Tallahassee, Florida
Mayor Beth Talabisco, Tamarac, Florida
Mayor Jeri Muoio, West Palm Beach, Florida
Mayor Eric Jones, West Park, Florida
Mayor Daniel J. Stermer, Weston, Florida
Mayor Gary Resnick, Wilton Manors, Florida
Mayor Kasim Reed, Atlanta, Georgia
Mayor Deke Copenhauer, Augusta, Georgia
Mayor Donna Pittman, Doraville, Georgia
Mayor Earnestine D. Pittman, East Point, Georgia
Mayor James Thomas, Jr., Hinesville, Georgia
Mayor Robert A. B. Reichert, Macon, Georgia
Mayor June D. Bradfield, McRae, Georgia
Mayor Jim Still, Jr., Mountain Park, Georgia

Mayor Kathie deNobriga, Pine Lake, Georgia
Mayor Jere Wood, Roswell, Georgia
Mayor Patricia Wheeler, Stone Mountain, Georgia
Mayor Ralph Moore, Union City, Georgia
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Mayor Teresa Kernc, Diamond, Illinois
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Mayor David J. Kaptain, Elgin, Illinois
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Mayor Gerald C. Turry, Lincolnwood, Illinois
Mayor Joseph J. Broda, Lisle, Illinois
Mayor Eugene Williams, Lynwood, Illinois
Mayor Henderson Yarbrough, Sr., Maywood, Illinois
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Mayor Robert S. Straz, Palos Heights, Illinois
Mayor Gerald R. Bennett, Palos Hills, Illinois
Mayor Greg Marston, Pingree Grove, Illinois
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Mayor Don A. DeGraff, South Holland, Illinois
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Mayor Laurel Prussing, Urbana, Illinois
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Mayor Sam D. Pulia, Westchester, Illinois
Mayor Richard Hickman, Angola, Indiana
Mayor Mark Kruzan, Bloomington, Indiana
Mayor Tom C. Henry, Fort Wayne, Indiana
Mayor Karen Freeman-Wilson, Gary, Indiana
Mayor Dennis Tyler, Muncie, Indiana
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Mayor William E. Gluba, Davenport, Iowa
Mayor T. M. Franklin Cownie, Des Moines, Iowa
Mayor Ray D. Buol, Dubuque, Iowa
Mayor Matt Hayek, Iowa City, Iowa
Mayor Robert E. Scott, Sioux City, Iowa

Mayor Buck Clark, Waterloo, Iowa
Mayor Crosby Gernon, Hiawatha, Kansas
Mayor Carl Brewer, Wichita, Kansas
Mayor Gene McMurry, Carrollton, Kentucky
Mayor Greg Fischer, Louisville, Kentucky
Mayor Kip "Kip" Holden, Baton Rouge, Louisiana
Mayor Mitchell J. Landrieu, New Orleans, Louisiana
Mayor Rodney A. Grogan, Patterson, Louisiana
Mayor Cedric B. Glover, Shreveport, Louisiana
Mayor William R. Stokes, Augusta, Maine
Mayor Charlotte M. Warren, Hallowell, Maine
Mayor Michael Brennan, Portland, Maine
Mayor Joshua J. Cohen, Annapolis, Maryland
Mayor Stephanie Rawlings-Blake, Baltimore, Maryland
Mayor Victoria Jackson-Stanley, Cambridge, Maryland
Mayor Margo G. Bailey, Chestertown, Maryland
Mayor Michael H. Callahan, Cheverly, Maryland
Mayor Andrew M. Fellows, College Park, Maryland
Mayor Brian K. Grim, Cumberland, Maryland
Mayor Robert C. Willey, Easton, Maryland
Mayor Sidney A. Katz, Gaithersburg, Maryland
Mayor Peter Benjamin, Garrett Park, Maryland
Mayor Dennis J. Scheessele, Indian Head, Maryland
Mayor Craig A. Moe, Laurel, Maryland
Mayor Phyllis Marcuccio, Rockville, Maryland
Mayor James Ireton, Jr., Salisbury, Maryland
Mayor Jeffrey Slavin, Somerset, Maryland
Mayor Bruce R. Williams, Takoma Park, Maryland
Mayor Thatcher W. Kezer, III, Amesbury, Massachusetts
Mayor Kevin J. Dumas, Attleboro, Massachusetts
Mayor William F. Scanlon, Jr., Beverly, Massachusetts
Mayor Thomas Menino, Boston, Massachusetts
Mayor Joseph C. Sullivan, Braintree, Massachusetts
Mayor Linda M. Balzotti, Brockton, Massachusetts
Mayor Henrietta Davis, Cambridge, Massachusetts
Mayor Carlo DeMaria, Jr., Everett, Massachusetts
Mayor Lisa A. Wong, Fitchburg, Massachusetts
Mayor Alex Morse, Holyoke, Massachusetts
Mayor Patrick O. Murphy, Lowell, Massachusetts
Mayor Gary Christenson, Malden, Massachusetts
Mayor Michael J. McGlynn, Medford, Massachusetts
Mayor Robert J. J. Dolan, Melrose, Massachusetts
Mayor Jonathan F. Mitchell, New Bedford, Massachusetts
Mayor Donna D. Holaday, Newburyport, Massachusetts
Mayor Setti D. Warren, Newton, Massachusetts
Mayor David J. Narkewicz, Northampton, Massachusetts
Mayor Edward A. Bettencourt, Jr., Peabody, Massachusetts
Mayor Thomas Koch, Quincy, Massachusetts

Mayor Daniel Rizzo, Revere, Massachusetts
Mayor Kimberley Driscoll, Salem, Massachusetts
Mayor Joseph A. Curtatone, Somerville, Massachusetts
Mayor Domenic Sarno, Springfield, Massachusetts
Mayor Thomas Hoye, Taunton, Massachusetts
Mayor Susan M. Kay, Weymouth, Massachusetts
Mayor Scott Galvin, Woburn, Massachusetts
Mayor John Hieftje, Ann Arbor, Michigan
Mayor Phil O'Dwyer, Berkley, Michigan
Mayor John B. O'Reilly, Jr., Dearborn, Michigan
Mayor Dave Bing, Detroit, Michigan
Mayor Diane Goddeeris, East Lansing, Michigan
Mayor Dayne Walling, Flint, Michigan
Mayor George Heartwell, Grand Rapids, Michigan
Mayor Karen Majewski, Hamtramck, Michigan
Mayor Bobby J. Hopewell, Kalamazoo, Michigan
Mayor Virg Bernero, Lansing, Michigan
Mayor Brenda L. Lawrence, Southfield, Michigan
Mayor Paul T. Schreiber, Ypsilanti, Michigan
Mayor Don Ness, Duluth, Minnesota
Mayor Peter Lindstrom, Falcon Heights, Minnesota
Mayor R.T. Rybak, Minneapolis, Minnesota
Mayor Chris Coleman, St. Paul, Minnesota
Mayor Wardell Walton, Belzoni, Mississippi
Mayor Johnny DuPree, Hattiesburg, Mississippi
Mayor Harvey Johnson, Jackson, Mississippi
Mayor McArthur Straughter, Yazoo City, Mississippi
Mayor Linda Goldstein, Clayton, Missouri
Mayor Sylvester "Sly" James, Kansas City, Missouri
Mayor Randall L. Rhoads, Lee's Summit, Missouri
Mayor Francis Slay, St. Louis, Missouri
Mayor Shelley Welsch, University City, Missouri
Mayor Jim Suttle, Omaha, Nebraska
Mayor Donald A. Groesser, Ralston, Nebraska
Mayor Dean Trefethen, Dover, New Hampshire
Mayor Fred Tagliarini, Aberdeen, New Jersey
Mayor Ed Johnson, Asbury Park, New Jersey
Mayor Lorenzo T. Langford, Atlantic City, New Jersey
Mayor Mark Smith, Bayonne, New Jersey
Mayor Timothy J. Driscoll, Bergenfield, New Jersey
Mayor Patrick H. McHale, Bogota, New Jersey
Mayor Albert B. Kelly, Bridgeton, New Jersey
Mayor Dana L. Redd, Camden, New Jersey
Mayor Chuck Cahn, Cherry Hill, New Jersey
Mayor Janice Kovach, Clinton, New Jersey
Mayor Sophie Heymann, Closter, New Jersey
Mayor M. James Maley, Jr., Collingswood, New Jersey
Mayor Thomas Hannen, Jr., Cranford, New Jersey
Mayor Joseph R. Smith, East Newark, New Jersey

Mayor Robert L. Bowser, East Orange, New Jersey
Mayor Antonia Ricigliano, Edison, New Jersey
Mayor J. Christian Bollwage, Elizabeth, New Jersey
Mayor Carlos Colina, Emerson, New Jersey
Mayor Colleen Mahr, Fanwood, New Jersey
Mayor Warren Cooper, Frenchtown, New Jersey
Mayor Joseph Delaney, Garfield, New Jersey
Mayor Gerald R. Drasheff, Guttenberg, New Jersey
Mayor Maria DiGiovanni, Hackettstown, New Jersey
Mayor Domenick Stampone, Haledon, New Jersey
Mayor Raymond J. McDonough, Harrison, New Jersey
Mayor Richard S. Goldberg, Hawthorne, New Jersey
Mayor Gary Minkoff, Highland Park, New Jersey
Mayor Dawn Zimmer, Hoboken, New Jersey
Mayor Paul Anzano, Hopewell, New Jersey
Mayor Wayne Smith, Irvington, New Jersey
Mayor Jerramiah Healy, Jersey City, New Jersey
Mayor Michael B. Ryan, Lake Como, New Jersey
Mayor David M. DelVecchio, Lambertville, New Jersey
Mayor Richard J. Gerbounka, Linden, New Jersey
Mayor Mauro D. Raguseo, Little Ferry, New Jersey
Mayor Frank W. Minor, Logan Township, New Jersey
Mayor Nicholas Russo, Longport, New Jersey
Mayor Michael E. Beck, Lower Township, New Jersey
Mayor William Laforet, Mahwah, New Jersey
Mayor Michael Fressola, Manchester Township, New Jersey
Mayor Victor DeLuca, Maplewood, New Jersey
Mayor Frank M. North, Merchantville, New Jersey
Mayor Patrick O'Hagan, Midland Park, New Jersey
Mayor James A. Gallos, Milford, New Jersey
Mayor Sandra Haimoff, Millburn, New Jersey
Mayor Robert D. Jackson, Montclair, New Jersey
Mayor Dennis Vaccaro, Moonachie, New Jersey
Mayor Timothy Dougherty, Morristown, New Jersey
Mayor J. Brooke Hern, New Providence, New Jersey
Mayor Cory Booker, Newark, New Jersey
Mayor Peter C. Massa, North Arlington, New Jersey
Mayor Francis M. Womack, III, North Brunswick, New Jersey
Mayor Randy George, North Haledon, New Jersey
Mayor Owen Henry, Old Bridge, New Jersey
Mayor James R. Barberio, Parsippany-Troy Hills, New Jersey
Mayor Alex D. Blanco, Passaic, New Jersey
Mayor Jeffrey Jones, Paterson, New Jersey
Mayor Wilda Diaz, Perth Amboy, New Jersey
Mayor Harry L. Wyant, Phillipsburg, New Jersey

Mayor Sharon M. Robinson-Briggs, Plainfield, New Jersey
Mayor Jesse L. Tweedle, Sr., Pleasantville, New Jersey
Mayor Liz Lempert, Princeton, New Jersey
Mayor Pasquale Menna, Red Bank, New Jersey
Mayor Paul Aronsohn, Ridgewood, New Jersey
Mayor Sandy Moscaritolo, River Edge, New Jersey
Mayor Jamel C. Holley, Roselle, New Jersey
Mayor Joe Accardi, Roselle Park, New Jersey
Mayor Kevin Glover, Scotch Plains, New Jersey
Mayor Michael J. Gonnelli, Secaucus, New Jersey
Mayor Alex Torpey, South Orange, New Jersey
Mayor Nicholas Polisenio, Spotswood, New Jersey
Mayor Peter S. Rustin, Tenafly, New Jersey
Mayor Clifton People, Jr., Union, New Jersey
Mayor Brian P. Stack, Union City, New Jersey
Mayor Robert Romano, Vineland, New Jersey
Mayor Robert D. Parisi, West Orange, New Jersey
Mayor Shing-Fu Hsueh, West Windsor, New Jersey
Mayor John Birkner, Jr., Westwood, New Jersey
Mayor Julia C. Andrews, Whitehouse Station, New Jersey
Mayor John E. McCormac, Woodbridge, New Jersey
Mayor Jeffrey R. Goldsmith, Woodcliff Lake, New Jersey
Mayor Keith Kazmark, Woodland Park, New Jersey
Mayor Joe Murrieta, Grants, New Mexico
Mayor Kenneth D. Miyagishima, Las Cruces, New Mexico
Mayor Ray Alborn, Ruidoso, New Mexico
Mayor David Coss, Santa Fe, New Mexico
Mayor Albert Campos, Jr., Santa Rosa, New Mexico
Mayor Gloria J. Chavez, Tijeras, New Mexico
Mayor Gerald Jennings, Albany, New York
Mayor James Gaughan, Altamont, New York
Mayor Ann Thane, Amsterdam, New York
Mayor Peter R. Porcino, Ardsley, New York
Mayor Andrea Smallwood, Athens, New York
Mayor Randy Casale, Beacon, New York
Mayor Matthew T. Ryan, Binghamton, New York
Mayor James J. Schoenig, Brewster, New York
Mayor Eugene Christopher, Broadalbin, New York
Mayor Byron Brown, Buffalo, New York
Mayor G. Wayne McIlroy, Carthage, New York
Mayor Joseph Keegan, Castleton, New York
Mayor Jerome Kobre, Chestnut Ridge, New York
Mayor John A. Lane, Clinton, New York
Mayor John McDonald, Cohoes, New York
Mayor Jeff Katz, Cooperstown, New York
Mayor Mark Evans, Coxsackie, New York
Mayor Robert J. Foster, Deferiet, New York

Mayor Sally E. Burns, Delanson, New York
Mayor Steven P. Hoffman, Depew, New York
Mayor Randy Sterling, Dryden, New York
Mayor Allan A. Kasprzak, East Aurora, New York
Mayor Paul Rickenbach, East Hampton, New York
Mayor Mitchell Levinn, East Nassau, New York
Mayor Henry Doerr, Elbridge, New York
Mayor Jeffrey Kaplan, Ellenville, New York
Mayor James Matthews, Ellisburg, New York
Mayor Stephen G. Sommers, Fabius, New York
Mayor Mark Olson, Fayetteville, New York
Mayor James J. Miccio, Fishkill, New York
Mayor Andrew Hardwick, Freeport, New York
Mayor John Diamond, Glens Falls, New York
Mayor Dayton J. King, Gloversville, New York
Mayor Jean A. Celender, Great Neck Plaza, New York
Mayor Ralph J. Kreitzman, Great Neck Village, New York
Mayor Barbara Moore, Greenwood Lake, New York
Mayor Martin Natoli, Hageman, New York
Mayor Emery Cummings, Jr., Hammondsport, New York
Mayor Ronald Belmont, Harrison, New York
Mayor Peter Swiderski, Hastings-on-Hudson, New York
Mayor Michael Kohut, Haverstraw, New York
Mayor Natale J. Tartamella, Head of the Harbor, New York
Mayor Wayne J. Hall, Sr., Hempstead, New York
Mayor Richard Beirman, Sr., Herrings, New York
Mayor Bernard Jackson, Hillburn, New York
Mayor Joseph M. Lee, Hilton, New York
Mayor Richard B. Milne, Honeoye Falls, New York
Mayor Shawn Hogan, Hornell, New York
Mayor Brian C. Smith, Irvington, New York
Mayor Svante L. Myrick, Ithaca, New York
Mayor Samuel Teresi, Jamestown, New York
Mayor Susan Lopatkin, Kensington, New York
Mayor Shayne R. Gallo, Kingston, New York
Mayor Robert Blais, Lake George, New York
Mayor Ronald S. Cooper, Lake Success, New York
Mayor Anne H. McAndrews, Larchmont, New York
Mayor Martin Oliner, Lawrence, New York
Mayor Carl Luft, Lima, New York
Mayor Norman L. Marsh, Little Valley, New York
Mayor Corrine Kleisle, Lyons, New York
Mayor Barbara Clark, Madison, New York
Mayor Patricia McDonald, Malverne, New York
Mayor Mark-Paul Serafin, Manlius Village, New York
Mayor James F. Hidy, Massena, New York
Mayor Dennis Leahy, Maybrook, New York

Mayor Anthony Sylvester, Mechanicville, New York
Mayor Terry Grimshaw, Mexico, New York
Mayor Richard J. Donovan, Minoa, New York
Mayor James C. Purcell, Monroe, New York
Mayor Jeffrey Oppenheim, Montebello, New York
Mayor Gordon Jenkins, Monticello, New York
Mayor Ernest D. Davis, Mount Vernon, New York
Mayor Noam Bramson, New Rochelle, New York
Mayor Mike Bloomberg, New York, New York
Mayor Peter M. Blandino, Newark, New York
Mayor Judith L. Kennedy, Newburgh, New York
Mayor Paul A. Dyster, Niagara Falls, New York
Mayor Laura Nolan, North Haven, New York
Mayor Marvin Natiss, North Hills, New York
Mayor Joseph Maiurano, Norwich, New York
Mayor Linda L. Witte, Olean, New York
Mayor Richard P. Miller, Jr., Oneonta, New York
Mayor William R. Hanauer, Ossining, New York
Mayor Brian Wona, Otisville, New York
Mayor Paul Pontieri, Patchogue, New York
Mayor Mary Foster, Peekskill, New York
Mayor Anthony Fratto, Phoenix, New York
Mayor Christopher Sanders, Piermont, New York
Mayor Donald M. Kasprzak, Plattsburgh, New York
Mayor Peter Scherer, Pleasantville, New York
Mayor Robert Weitzner, Port Washington, New York
Mayor John Bruno, Ravena, New York
Mayor Daniel J. Dwyer, Rensselaer, New York
Mayor Kevin Neary, Richmondville, New York
Mayor Thomas Richards, Rochester, New York
Mayor John Durkin, Roslyn, New York
Mayor Matthew Bloomfield, Russell Gardens, New York
Mayor Grant Rohrmoser, Sandy Creek, New York
Mayor Clyde Rabideau, Saranac Lake, New York
Mayor Scott Johnson, Saratoga Springs, New York
Mayor Gregge Harrian, Savona, New York
Mayor Gary R. McCarthy, Schenectady, New York
Mayor Paul F. Gee, Scottsville, New York
Mayor Omer Cousineau, Sharon Springs, New York
Mayor John Patterson, Sherman, New York
Mayor Ken Wray, Sleepy Hollow, New York
Mayor Leonard Szymanski, Sloan, New York
Mayor Karen Strickland, South Dayton, New York
Mayor Geoffrey N. Prime, South Floral Park, New York
Mayor Patricia DuBow, South Nyack, New York
Mayor Mark Epley, Southampton, New York
Mayor Letty J. Rudes, Speculator, New York
Mayor Joyce Lobene, Spencerport, New York
Mayor Noramie F. Jasmin, Spring Valley, New York

Mayor Dagan LaCorte, Suffern, New York
Mayor Edward Stewart, III, Sylvan Beach, New York
Mayor Stephanie A. Miner, Syracuse, New York
Mayor Drew Fixell, Tarrytown, New York
Mayor Ronald Pillozzi, Tonawanda, New York
Mayor Louis A. Rosamilia, Troy, New York
Mayor A. Martin Petrovic, Trumansburg, New York
Mayor Beth Greenwood, Tully, New York
Mayor Michael Esmay, Upper Nyack, New York
Mayor Theodore H. Young, Waterloo, New York
Mayor Michael P. Manning, Watervliet, New York
Mayor Brian D. McCoy, Wayland, New York
Mayor David Goldsmith, Wesley Hills, New York
Mayor Scott M. Burto, West Carthage, New York
Mayor John Ramundo, Jr., West Haverstraw, New York
Mayor David Carr, Westfield, New York
Mayor Thomas M. Roach, White Plains, New York
Mayor Mike Spano, Yonkers, New York
Mayor Anthony C. Leone, Jr., Yorkville, New York
Mayor Walter B. Goodenough, Carolina Shores, North Carolina
Mayor Mark Chilton, Carrboro, North Carolina
Mayor Mark Kleinschmidt, Chapel Hill, North Carolina
Mayor Darryl D. Moss, Creedmoor, North Carolina
Mayor Bill Bell, Durham, North Carolina
Mayor Jackie Holcombe, Morrisville, North Carolina
Mayor Jaqueline vdH Sergent, Oxford, North Carolina
Mayor Nancy McFarlane, Raleigh, North Carolina
Mayor Victor Varela, Ronda, North Carolina
Mayor J. Allen Joines, Winston-Salem, North Carolina
Mayor Dennis Walaker, Fargo, North Dakota
Mayor Dan Pillow, Addyston, Ohio
Mayor Donald Plusquellic, Akron, Ohio
Mayor Bernard Baronowski, Andover, Ohio
Mayor Ronald A. Bischof, Barnesville, Ohio
Mayor Deborah L. Sutherland, Bay Village, Ohio
Mayor Merle S. Gorden, Beachwood, Ohio
Mayor Daniel S. Pocek, Bedford, Ohio
Mayor Fletcher Berger, Bedford Heights, Ohio
Mayor Cyril Kleem, Berea, Ohio
Mayor John M. Licastro, Bratenahl, Ohio
Mayor Samuel J. Alai, Broadview Heights, Ohio
Mayor David Seagraves, Brookville, Ohio
Mayor Lowell E. Anderson, Caldwell, Ohio
Mayor William J. Healy, II, Canton, Ohio
Mayor Tammy D. Drobina, Carroll, Ohio
Mayor Diana Stockmaster, Centerburg, Ohio
Mayor Mark Mallory, Cincinnati, Ohio
Mayor Frank Jackson, Cleveland, Ohio

Mayor Edward J. Kelley, Cleveland Heights, Ohio
Mayor Danny Stacy, Cleves, Ohio
Mayor Michael Coleman, Columbus, Ohio
Mayor William Armentrout, Creston, Ohio
Mayor Gary D. Leitzell, Dayton, Ohio
Mayor Gary L. Comer, De Graff, Ohio
Mayor Terry L. Lindeman, Doylestown, Ohio
Mayor Gary Norton, East Cleveland, Ohio
Mayor Ted Andrzejewski, East Lake, Ohio
Mayor James P. Swoger, East Liverpool, Ohio
Mayor Patricia Burnside, Englewood, Ohio
Mayor Bill Cervenick, Euclid, Ohio
Mayor Thomas H. Nagel, Fairborn, Ohio
Mayor Charles H. Johnson, Forest Park, Ohio
Mayor Gary Middlemus, Frazzysburg, Ohio
Mayor Kirk Emmert, Gambier, Ohio
Mayor Dave Nelson, Geneva-on-the-Lake, Ohio
Mayor Mark Williams, Genoa, Ohio
Mayor Alan Zaffiro, Golf Manor, Ohio
Mayor Ray E. DeGraw, Grandview Heights, Ohio
Mayor Gary Lee Young, Greenville, Ohio
Mayor Lance Westcamp, Groveport, Ohio
Mayor Richard L. Verga, Harveysburg, Ohio
Mayor Clifford Mason, Hebron, Ohio
Mayor Lou Bertrand, Hiram, Ohio
Mayor Susan J. Pelkowski, Holloway, Ohio
Mayor William A. Currin, Hudson, Ohio
Mayor Rich Blankenship, Ironton, Ohio
Mayor Jerry Fiala, Kent, Ohio
Mayor Deborah L. Neale, Lakeline, Ohio
Mayor David J. Berger, Lima, Ohio
Mayor Jo Ann Toczek, Linndale, Ohio
Mayor Patricia A. Fallot, Louisville, Ohio
Mayor Joseph M. Cicero, Jr., Lyndhurst, Ohio
Mayor Donald Kuchta, Macedonia, Ohio
Mayor Steve Adams, Malvern, Ohio
Mayor Jeffrey A. Lansky, Maple Heights, Ohio
Mayor Joe A. Matthews, Marietta, Ohio
Mayor Bruce G. Rinker, Mayfield Village, Ohio
Mayor Robert Schwab, McComb, Ohio
Mayor Glenn W. Holmes, McDonald, Ohio
Mayor Richard Cain, Mineral City, Ohio
Mayor James B. Waller, Minerva, Ohio
Mayor Susan C. Renda, Moreland Hills, Ohio
Mayor Mike Porter, Mount Gilead, Ohio
Mayor Charles Neff, Mount Sterling, Ohio
Mayor Jeffrey C. Wherley, Nellie, Ohio
Mayor James A. Friel, Newcomerstown, Ohio
Mayor Daniel R. Brooks, North College Hill, Ohio

Mayor Terrance J. McConnell, North Kingsville, Ohio
Mayor Ed Klco, North Perry, Ohio
Mayor Kathy Mulcahy, Orange Village, Ohio
Mayor Richard M. Bain, Pepper Pike, Ohio
Mayor Billy R. Spencer, Piketon, Ohio
Mayor Timothy Redden, Plymouth, Ohio
Mayor Timothy Sicafuse, Poland, Ohio
Mayor David A. Malone, Portsmouth, Ohio
Mayor Daniel J. Ursu, Richmond Heights, Ohio
Mayor William Nibert, Richwood, Ohio
Mayor William R. Flaute, Riverside, Ohio
Mayor Earl M. Leiken, Shaker Heights, Ohio
Mayor Patrick C. Monahan, Shawnee Hills, Ohio
Mayor John Smith, Silverton, Ohio
Mayor Georgine Welo, South Euclid, Ohio
Mayor Matthew Brett, South Russell, Ohio
Mayor Warren R. Copeland, Springfield, Ohio
Mayor William C. Burkhardt, St. Bernard, Ohio
Mayor Domenick Mucci, Jr., Steubenville, Ohio
Mayor Clayton Weller, Sugarcreek, Ohio
Mayor Michael P. Bell, Toledo, Ohio
Mayor Mary Myers, Verona, Ohio
Mayor Daniel V. Wilczynski, Walbridge, Ohio
Mayor Doug Franklin, Warren, Ohio
Mayor Allen Patchin, West Farmington, Ohio
Mayor Ann Schreiner, West Millgrove, Ohio
Mayor Kim Maggard, Whitehall, Ohio
Mayor William A. Margalis, Wickliffe, Ohio
Mayor Richard J. Bonde, Willowick, Ohio
Mayor Susan Upton Farley, Woodlawn, Ohio
Mayor Charles Sammarone, Youngstown, Ohio
Mayor Jeff Tilton, Zanesville, Ohio
Mayor Kitty Piercy, Eugene, Oregon
Mayor Charlie Hales, Portland, Oregon
Mayor James Hopely, Aldan, Pennsylvania
Mayor Ed Pawlowski, Allentown, Pennsylvania
Mayor Charles T. Wahl, Ambler, Pennsylvania
Mayor Gretchen Dosch, Applewold, Pennsylvania
Mayor Bernard Killian, Aspinwall, Pennsylvania
Mayor Doris E. Howell, Avondale, Pennsylvania
Mayor Alexander Bennett, Jr., Baldwin, Pennsylvania
Mayor Phillip Ferrizzi, Bally, Pennsylvania
Mayor John Arthur Brown, Bangor, Pennsylvania
Mayor Donald L. Wunderler, Bath, Pennsylvania
Mayor Cloyd W. Wagner, Beavertown, Pennsylvania
Mayor Stanley Goldman, Bellefonte, Pennsylvania
Mayor Robin J. Gochenauer, Bendersville, Pennsylvania
Mayor Gail Stoudt, Bernville, Pennsylvania
Mayor John B. Callahan, Bethlehem, Pennsylvania

Mayor Robert M. Myers, Birdsboro, Pennsylvania
Mayor Everett W. Saxton, Bolivar, Pennsylvania
Mayor Vincent H. Liebel, Boswell, Pennsylvania
Mayor Marianne Deery, Boyertown, Pennsylvania
Mayor Kenneth Lockhart, Brentwood, Pennsylvania
Mayor Verncel L. Creveling, Briar Creek, Pennsylvania
Mayor David Wonderling, Brookville, Pennsylvania
Mayor Lester J. Ward, Brownsville, Pennsylvania
Mayor Anna Marie Quader, Burgettstown, Pennsylvania
Mayor Loyce Harpster, Burnham, Pennsylvania
Mayor Margaret Stock, Butler, Pennsylvania
Mayor David H. Rhome, Canonsburg, Pennsylvania
Mayor Justin M. Taylor, Carbondale, Pennsylvania
Mayor Donald Baumgarten, Castle Shannon,
Pennsylvania
Mayor Barbara A. Schlegel, Catasauqua, Pennsylvania
Mayor James S. Perry, Chalfant, Pennsylvania
Mayor Marilyn J. Becker, Chalfont, Pennsylvania
Mayor Peter Lagiovane, Chambersburg, Pennsylvania
Mayor Ronald W. Lockwood, Cherry Valley,
Pennsylvania
Mayor John A. Linder, Chester, Pennsylvania
Mayor Paul H. McKenna, Churchill, Pennsylvania
Mayor Richard L. Lattanzi, Clairton, Pennsylvania
Mayor Andrea J. Estadt, Clarion, Pennsylvania
Mayor Harry Kelly, Clarks Summit, Pennsylvania
Mayor James P. Schell, Clearfield, Pennsylvania
Mayor John Hartman, Cleona, Pennsylvania
Mayor Frank C. Kelly, Collingdale, Pennsylvania
Mayor Daniel Rutland, Colwyn, Pennsylvania
Mayor Allen Gyorko, Confluence, Pennsylvania
Mayor Joseph Carrelli, Conyngham, Pennsylvania
Mayor Anthony G. Celeste, Coraopolis, Pennsylvania
Mayor Mark J. Thomas, Cornwall, Pennsylvania
Mayor Gail E. Knauf, Cressona, Pennsylvania
Mayor Timothy J. Carroll, Dallas, Pennsylvania
Mayor Helen R. Thomas, Darby, Pennsylvania
Mayor John Lignelli, Donora, Pennsylvania
Mayor Thomas R. Lloyd, Dormont, Pennsylvania
Mayor Richard A. Pope, Dover, Pennsylvania
Mayor Josh Maxwell, Downingtown, Pennsylvania
Mayor Libby White, Doylestown, Pennsylvania
Mayor Philip Krivacek, Duquesne, Pennsylvania
Mayor Betty M. Hays, Eagles Mere, Pennsylvania
Mayor Louis J. Payne, East Pittsburgh, Pennsylvania
Mayor Mark A. Pacilla, East Washington, Pennsylvania
Mayor Salvatore J. Panto, Jr., Easton, Pennsylvania
Mayor J. Edward Cook, Edgewood, Pennsylvania
Mayor Wayne T. Murphy, Edgeworth, Pennsylvania

Mayor Ray Plummer, Ehrenfeld, Pennsylvania
Mayor Joseph J. Cisco, Ellport, Pennsylvania
Mayor Anthony J. Court, Ellwood City, Pennsylvania
Mayor Winfield Iobst, Emmaus, Pennsylvania
Mayor Dorothy H. Quinn, Emsworth, Pennsylvania
Mayor Joseph Sinnott, Erie, Pennsylvania
Mayor Gary Foster, Evans City, Pennsylvania
Mayor D. Gary Evans, Factoryville, Pennsylvania
Mayor Charles Moore, Falls Creek, Pennsylvania
Mayor Olive McKeithan, Farrell, Pennsylvania
Mayor Gary McBrien, Felton, Pennsylvania
Mayor Robert P. Frey, Folcroft, Pennsylvania
Mayor Jose Rosado, Fountain Hill, Pennsylvania
Mayor Kim Phillips, Frackville, Pennsylvania
Mayor Fred C. Moyer, Jr., Freeburg, Pennsylvania
Mayor Gerald C. Yob, Freemansburg, Pennsylvania
Mayor James E. Swartz, Jr., Freeport, Pennsylvania
Mayor Edward F. Burns, Girardville, Pennsylvania
Mayor Arnie Bowser, Greensboro, Pennsylvania
Mayor Roy Del Rosario, Hamburg, Pennsylvania
Mayor Linda Thompson, Harrisburg, Pennsylvania
Mayor Norm Hawkes, Hatboro, Pennsylvania
Mayor Ronald Cyphert, Hawthorn, Pennsylvania
Mayor John Hoerner, Highspire, Pennsylvania
Mayor Joseph R. Dodson, Hollidaysburg, Pennsylvania
Mayor Betty Esper, Homestead, Pennsylvania
Mayor Tim McGuire, Homewood Borough, Pennsylvania
Mayor Dee Dee Brown, Huntingdon Borough,
Pennsylvania
Mayor John J. Zano, Hyde Park, Pennsylvania
Mayor George E. Hood, Indiana, Pennsylvania
Mayor Nicholas Yanosich, Industry, Pennsylvania
Mayor Gerald C. Croushore, Ingram, Pennsylvania
Mayor James C. Sanders, Jefferson, Pennsylvania
Mayor Ed Foley, Jenkintown, Pennsylvania
Mayor Donald Bosh, Knoxville, Pennsylvania
Mayor Sandra Green, Kutztown, Pennsylvania
Mayor Dorothy Shea Yazurlo, Laflin, Pennsylvania
Mayor Joseph Legnasky, Lake City, Pennsylvania
Mayor Rick Gray, Lancaster, Pennsylvania
Mayor Christopher Blaydon, Langhorne, Pennsylvania
Mayor Jayne C. Young, Lansdowne, Pennsylvania
Mayor Fred Feltenberger, Laureldale, Pennsylvania
Mayor Peter Poninsky, Leetsdale, Pennsylvania
Mayor Donald L. Rehrig, Lehighton, Pennsylvania
Mayor Deborah A. Bargo, Lewistown, Pennsylvania
Mayor Nick Vay, Lincoln, Pennsylvania
Mayor John L. Mark, Liverpool, Pennsylvania
Mayor William D. Hart, Lykens, Pennsylvania

Mayor Randy Schlegel, Lyons, Pennsylvania
 Mayor Thomas A. Bell, Mahaffey, Pennsylvania
 Mayor Gerard J. McGlone, Jr., Malvern, Pennsylvania
 Mayor Eric B. Phillips, Manheim, Pennsylvania
 Mayor David Sturgess, Manor, Pennsylvania
 Mayor Jeremy A. Berardinelli, Marianna, Pennsylvania
 Mayor Alexander J. Chelik, Mayfield, Pennsylvania
 Mayor Terry S. Bennett, McDonald, Pennsylvania
 Mayor Weslee A. Clapper-Krepps, McKean, Pennsylvania
 Mayor John Christopher Soff, Meadville, Pennsylvania
 Mayor Bob McMahan, Media, Pennsylvania
 Mayor Ethel I. Kellerman, Milesburg, Pennsylvania
 Mayor Thomas S. Kramer, Millbourne, Pennsylvania
 Mayor Richard Trostle, Mohnton, Pennsylvania
 Mayor John P. Antoline, Monaca, Pennsylvania
 Mayor Mary Jo Smith, Monessen, Pennsylvania
 Mayor John Dorin, Montoursville, Pennsylvania
 Mayor Maureen A. Piselli, Morton, Pennsylvania
 Mayor Timothy M. Allison, Mount Union, Pennsylvania
 Mayor Raymond Bodnar, Munhall, Pennsylvania
 Mayor Stephen Szymusiak, Nanty-Glo, Pennsylvania
 Mayor Joseph Taylor, New Milford, Pennsylvania
 Mayor Frances Tkach, New Philadelphia, Pennsylvania
 Mayor Nicholas W. DeSantis, New Stanton, Pennsylvania
 Mayor Mary M. Hetrick, Newport, Pennsylvania
 Mayor Lee I. Hall, North Charleroi, Pennsylvania
 Mayor Thomas Reenock, Northhampton, Pennsylvania
 Mayor George F. McCloskey, Norwood, Pennsylvania
 Mayor Michele Petrini Avvisato, Old Forge, Pennsylvania
 Mayor Austin Scandiber, Orwigsburg, Pennsylvania
 Mayor Lewis Paul Cowher, Osceola Mills, Pennsylvania
 Mayor Geoffrey L. Henry, Oxford, Pennsylvania
 Mayor Fred Carpenter, Palmyra, Pennsylvania
 Mayor William McCall, Parker, Pennsylvania
 Mayor Ardele R. Gordon, Parkside, Pennsylvania
 Mayor Robert Winkler, Pennadel, Pennsylvania
 Mayor Michael Nutter, Philadelphia, Pennsylvania
 Mayor Kimberly D. Brown-Zerbe, Pine Grove, Pennsylvania
 Mayor Luke Ravenstahl, Pittsburgh, Pennsylvania
 Mayor Bonnie Heath, Pottstown, Pennsylvania
 Mayor John D.W. Reiley, Pottsville, Pennsylvania
 Mayor Vaughn D. Spencer, Reading, Pennsylvania
 Mayor Dr. Guillermo Udarbe, Ridgway, Pennsylvania
 Mayor Desiree D. DeNicola, Roseto, Pennsylvania
 Mayor Edwin W. Rosenberry, Saxton, Pennsylvania
 Mayor Thomas C. Hufnagle, Sellersville, Pennsylvania
 Mayor Anthony Hajar, Seward, Pennsylvania
 Mayor Joseph A. McGranaghan, Shamokin Dam, Pennsylvania
 Mayor Robert O'Neill, Sharon Hill, Pennsylvania
 Mayor Richard Panza, Sharpsburg, Pennsylvania
 Mayor Bruce Hockersmith, Shippensburg, Pennsylvania
 Mayor Boyd E. Paul, Snow Shoe, Pennsylvania
 Mayor William Meyer, Somerset, Pennsylvania
 Mayor John Reynolds, Souderton, Pennsylvania
 Mayor James C. Kennedy, South Coatesville, Pennsylvania
 Mayor Clyde R. Wadsworth, South Fork, Pennsylvania
 Mayor Elizabeth A. Goreham, State College, Pennsylvania
 Mayor Thomas F. Acri, Steelton, Pennsylvania
 Mayor Sherman Metzgar, Stockertown, Pennsylvania
 Mayor William A. Boyd, Stoystown, Pennsylvania
 Mayor Harold Randy Davis, Strattenville, Pennsylvania
 Mayor Charles Baughman, Stroudsburg, Pennsylvania
 Mayor William A. Davis, Sugar Notch, Pennsylvania
 Mayor Paul R. McArdle, Summit Hill, Pennsylvania
 Mayor David L. Persing, Sunbury, Pennsylvania
 Mayor Richard H. Lowe, Swarthmore, Pennsylvania
 Mayor Luke Duignam, Tatamy, Pennsylvania
 Mayor Jay R. Stover, Telford, Pennsylvania
 Mayor Charles Harper, Three Springs, Pennsylvania
 Mayor Kenneth Danser, Timblin, Pennsylvania
 Mayor Francis B. Zalewski, Trainer, Pennsylvania
 Mayor William Allar, Tremont, Pennsylvania
 Mayor J. David Cutchineal, Tullytown, Pennsylvania
 Mayor LeAnn Hritz, Tunnelhill, Pennsylvania
 Mayor Adam R. Forgie, Turtle Creek, Pennsylvania
 Mayor Thomas Micozzie, Upper Darby, Pennsylvania
 Mayor Jeffrey Steffler, Wampum, Pennsylvania
 Mayor Esther Cotner, Washingtonville, Pennsylvania
 Mayor Richard A. Starliper, Waynesboro, Pennsylvania
 Mayor Carolyn T. Comitta, West Chester, Pennsylvania
 Mayor Gerald W. Gross, West Easton, Pennsylvania
 Mayor Ralph Harrington, West Elizabeth, Pennsylvania
 Mayor Frank Schmidt, West Hazleton, Pennsylvania
 Mayor John W. Dindak, West Homestead, Pennsylvania
 Mayor Mary E. Popovich, West Newton, Pennsylvania
 Mayor John Henry, West View, Pennsylvania
 Mayor Dick Vargeson, Westfield, Pennsylvania
 Mayor James F. Nowalk, Whitehall Borough, Pennsylvania
 Mayor Edward D. Hozza, Jr., Whitehall Township, Pennsylvania
 Mayor Thomas M. Leighton, Wilkes-Barre, Pennsylvania
 Mayor John A. Thompson, Wilkinsburg, Pennsylvania

Mayor David Perruso, Wilson, Pennsylvania
Mayor Larry Markel, Windsor, Pennsylvania
Mayor Dolores Jones-Butler, Yeadon, Pennsylvania
Mayor John Sanford, Yoe, Pennsylvania
Mayor C. Kim Bracey, York, Pennsylvania
Mayor Alford Shull, York Springs, Pennsylvania
Mayor Joan Derco, Youngwood, Pennsylvania
Mayor Charles Lombardi, North Providence, Rhode Island
Mayor Donald Grebien, Pawtucket, Rhode Island
Mayor Angel Taveras, Providence, Rhode Island
Mayor Scott Aredisian, Warwick, Rhode Island
Mayor Joseph Riley, Charleston, South Carolina
Mayor Joseph T. McElveen, Jr., Sumter, South Carolina
Mayor Darrick Jackson, Timmons ville, South Carolina
Mayor Ron Littlefield, Chattanooga, Tennessee
Mayor Jerry Gist, Jackson, Tennessee
Mayor Thomas W. Taylor, Maryville, Tennessee
Mayor A C Wharton, Memphis, Tennessee
Mayor Tom Beehan, Oak Ridge, Tennessee
Mayor Bill Lusk, Signal Mountain, Tennessee
Mayor Lee Leffingwell, Austin, Texas
Mayor Tony Martinez, Brownsville, Texas
Mayor Carl D. Sherman, DeSoto, Texas
Mayor Annise D. Parker, Houston, Texas
Mayor Richard Ward, Hurst, Texas
Mayor Dave Claunch, West Lake Hills, Texas
Mayor Dana Williams, Park City, Utah
Mayor Thom Lauzon, Barre, Vermont
Mayor Miro Weinberger, Burlington, Vermont
Mayor John Hollar, Montpelier, Vermont
Mayor Christopher C. Louras, Rutland City, Vermont
Mayor William B. Euille, Alexandria, Virginia
Mayor Faye Prichard, Ashland, Virginia
Mayor Ron Rordam, Blacksburg, Virginia
Mayor Satyendra Singh Huja, Charlottesville, Virginia
Mayor McKinley Price, DDS, Newport News, Virginia
Mayor Paul D. Fraim, Norfolk, Virginia
Mayor Brian A. Moore, Petersburg, Virginia
Mayor Robert W. Lazaro, Jr., Purcellville, Virginia
Mayor Dwight C. Jones, Richmond, Virginia
Mayor David A. Bowers, Roanoke, Virginia
Mayor William D. Sessoms, Jr., Virginia Beach, Virginia
Mayor Kelli Linville, Bellingham, Washington
Mayor H. Clarence Bauman, Chewelah, Washington
Mayor Garland D. Walton, Connell, Washington
Mayor Will Ibershof, Duvall, Washington
Mayor Liz Reynolds, Enumclaw, Washington
Mayor Gary S. Jensen, Ferndale, Washington
Mayor Ava Frisinger, Issaquah, Washington
Mayor Ron Poulson, Kalama, Washington
Mayor David M. Ferguson, Mesa, Washington
Mayor Daniel N. Mork, Millwood, Washington
Mayor James F. Gerwig, Morton, Washington
Mayor Dennis Palmer, Oakesdale, Washington
Mayor Spencer Nichols, Pe Ell, Washington
Mayor Paul Warden, Prosser, Washington
Mayor John Marchione, Redmond, Washington
Mayor Terry Anderson, SeaTac, Washington
Mayor Mike McGinn, Seattle, Washington
Mayor Matthew Larson, Snoqualmie, Washington
Mayor Dianne W. White, Stanwood, Washington
Mayor Marilyn Strickland, Tacoma, Washington
Mayor Soo Ing-Moody, Twisp, Washington
Mayor Richard F. Turner, Mayor, Weehawken
Mayor Harrold H. Howell, Jr., Madison, West Virginia
Mayor William C. Whalen, Ashland, Wisconsin
Mayor Larry MacDonald, Bayfield, Wisconsin
Mayor Keith G. Bosman, Kenosha, Wisconsin
Mayor Paul R. Soglin, Madison, Wisconsin
Mayor Justin M. Nickels, Manitowoc, Wisconsin
Mayor Chris L. Meyer, Marshfield, Wisconsin
Mayor Kurt Sonnentag, Middleton, Wisconsin
Mayor Tom Barrett, Milwaukee, Wisconsin
Mayor Steve Scaffidi, Oak Creek, Wisconsin
Mayor John T. Dickert, Racine, Wisconsin
Mayor James E. Tipple, Wausau, Wisconsin
Mayor Vincent C. Gray, Washington, D.C.

I'm a single Mom from Wilton, CT and I have two children, ages 7 & 3.

This isn't just about Sandy Hook. This is about a culture that has snowballed in the wrong direction while we all weren't paying attention. This is about the many many victims of gun violence every single day, especially those who can no longer speak for themselves.

I come from a long line of responsible gun owners. They agree that they don't need a high capacity magazine in order to shoot a quail or a deer or to practice clay shooting. I fully support Connecticut Against Gun Violence (CAGV) and their excellent work to get common-sense solutions enacted to reduce the number of senseless tragedies. I also support Mayors Against Illegal Guns and President Obama's proposal.

I was personally touched by this terrible tragedy and I am still haunted daily. My son's little camp friend for the last 3 years was a victim of the Sandy Hook Massacre. He always reminded me of my son with his adorable round head of brown hair and his slender build. In fact, one day I accidentally grabbed him and hugged him from the back when I arrived to pick my son up from camp. To this day, every day I get my kids undressed for a bath, I hug their little bodies and kiss them and wonder how someone could put so many bullets into this and pray to God that they stay safe always. I will do what I can to make sure that happens until that happens.

This Thursday, February 14th, Valentine's Day, I will be marching at the rally in Hartford called March for Change. Thousands of us are giving up a day to show our support for common-sense, rational gun laws. As David Wheeler's Dad said, "**The liberty of any person to own a military-style assault weapon and a high-capacity magazine and keep them in their home is second to the right of my son to his life.**"

We aren't just a bunch of Moms who feel the pain of the parents and loved ones of the 26 victims of SES. We are a grass roots uprising of people who will not rest until big changes are made.

Thank you.

Giselle Mazier

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin and Members of the Senate Judiciary Subcommittee:

Thank you for allowing citizens to present testimony prior to your Subcommittee meeting tomorrow on gun violence.

On April 16, 2007, my family lost a close and dear friend, Reema Samaha. Reema was only 18 when she was gunned down in her French classroom at Virginia Tech. Also gunned down in that classroom was another graduate of our high school, Erin Peterson. Erin was an only child. Indeed, four of the 32 who died that day were only children.

I cannot begin to tell this committee the devastating impact Reema's death had on her family, our family, relatives, neighbors and our community. Erin's death had the same rippling effect. Even more difficult for this community was that the killer, Seung Hui Cho, was a 2005 graduate of our high school. The year prior to the Virginia Tech tragedy, another fellow graduate, Michael Kennedy, struggling with schizophrenia, gunned down two police officers, Vicki Armel and Michael Garbarino, at Sully District Police Station.

The common theme for Columbine, Aurora, Tucson, Chardon High School, Virginia Tech and now Newtown is a young man, struggling with a mental illness, gains access to weapons and guns down innocent children, teens, and adults. Gun violence is a complex issue: it is not just about the guns, nor is it just about mental illness. It is an interweaving of both and both must be studied carefully and addressed. Neither should be ignored.

For too long, Congress has listened to and bowed to the will of the NRA. It has allowed guns to be treated differently than other consumer products, disallowing regulations and lawsuits by victims. It has blocked funding for basic scientific research and gathering factual data about deaths and accidents by guns. It has blocked any type of commonsense law that would stem gun violence. All of this in the name of the Second Amendment

The Supreme Court has clearly stated that the Second Amendment is not inviolate and that governments may enact regulations to govern the purchase and transfer of guns, what type of weapons may be allowed for sale, where and when guns may be prohibited and more importantly, who may or may not be allowed to purchase them.

Universal background checks, except possibly familial transfer, seems to be one of the most reasonable, least intrusive and inexpensive means to determining whether a purchaser is a law-abiding citizen and not a terrorist, felon, subject to a court or protective order, has a history of violence or is deemed mentally incapacitated. As for familial transfer, given that both Michael Kennedy and Adam Lanza obtained their weapons from their parents' homes, this body should seriously study the accountability

and responsibility of family members should they allow easy access to weapons to an individual who is exhibiting troubling behavior.

The argument that background checks inhibits the purchase of a weapon, is time-consuming, expensive and is an inconvenience should be balanced by the deafening silence in the homes of those who have lost someone to gun violence, the inability of fathers to walk daughters down the aisle, the empty chair at the holiday table.

Given how effective background checks have been, since the enactment of the 1994 Brady law – 1.9 million denied a purchase – it seems sensible. Congress should also ensure that all states submit names to the database to make sure the system is effective.

I recognize the difficulty of determining which weapons constitute assault weapons and how many rounds should be deemed acceptable but your Committee can certainly conduct the research necessary to determine how best to prevent the mass carnage that we have seen at Columbine, Virginia Tech and Newtown and all the other deaths by guns each and every day. Again, the Supreme Court was clear that governments have the right to determine what type of weapons fall within the protection of the 2nd Amendment and which do not. Surely, our founding fathers did not envision the complex weaponry and multiple rounds that exist today.

I urge this Committee to review the President's plan carefully. There are many excellent suggestions, particularly on school safety and mental health. We have long ignored mental health needs in this country and have woefully failed to fund research into mental illness and provide adequate resources to assist patients and families. I understand the budgetary constraints with which this Congress is facing, but the cost of gun violence to this country has been huge, including survivors facing life-long debilitating physical and psychological injuries, lost lives, and family members left in their wake.

My question has been, and continues to be, Why have our leaders not had the courage to represent the dead and survivors of gun violence, to understand that the Second Amendment, like the rights spelled out in the First Amendment, is not inviolate and can have limitations and stand up to the NRA and other gun rights organizations and say enough is enough. Because ladies and gentlemen, it is enough and has been for a very long time. On behalf of all the families and friends and communities who have lost loved ones to gun violence, I respectfully ask that this committee support the President and implement his recommendations. I never want to have to look my family in the eye again and tell them that someone we loved was gunned down. Our sadness is great enough.

Sincerely,

Lu Ann Maciulla McNabb
15022 Starry Night Lane
Centreville, Virginia 20120
l.mcnabb@cox.net
703-631-2238

Our entire family, including members in Ohio, Florida and California fully support the urgency of getting gun violence under control in the USA. We are all gun owners and my brother and cousins in Ohio are hunters. THEY, TOO, support regulations. My husband attended a gun show at Dulles Building where the various specialty shows are often held, including craft shows, antique displays, etc. He was horrified and astounded to see the men OUTSIDE the gun show, NO RESTRICTIONS OR QUESTIONS, selling all types of gun weaponry to WHOMEVER came along and wanted to purchase the items. The inclusion of background checks must be part of the legislation. None of us in our family want to sound as if we are shaking our fingers at legislators or proselytizing but we sense and understand that this country cannot continue in this same vein of guns everywhere and the culture of ho-hum toward gun violence. Thank you. Sally and Paul Misencik at 11514 Catalpa Court, Reston, VA 20191 and Nora Neuber 27345 Golden Meadow Drive, Wesley Chapel, Florida and John Mottl, 6055 Waldo-Norton Road, Waldo, Ohio, 43356.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

I have been in favor of stricter regulation of guns in our country for a long time but I was never politically active. I am not anti-gun. My father had guns and enjoyed hunting and target practice. My brother owns guns. However, the tragedy at Newtown, CT has made me a newly minted activist. I cannot tell you how many people have been motivated by Newtown to take action but there are a lot of us. Sandy Hook is our Salem. I am in the process of mobilizing my church congregation. And I have met many others these past few weeks mobilizing in their churches, neighborhoods, and schools. The NRA leadership does not represent the vast majority of Americans on this issue and I pray that Congress starts listening to us. I would like to see Congress:

1) Require Universal Background Checks on both Guns and Ammunition

It is simply common sense that purchasing something as lethal as a gun and ammunition should require, at minimum, proving you are not a danger to the community, for whatever reason.

2) Institute an Assault Weapons & High Capacity Magazine Ban

I simply feel that weapons of war have no place in the community. If someone wants to shoot these weapons for the fun of it, let them go to a special target range to do so. If the Tucson shooter had not had to stop to reload, he would have killed more people. My brother, a gun owner, says limiting high capacity magazines would help curb gun violence.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed. Since when did we start tying the hands of our law enforcement agencies as they combat the use of guns in crimes and gun trafficking? I am incredulous at some of the laws Congress has passed in deference to the NRA. We, meaning Congress, used to listen to our law enforcement agencies on matters such as this. Why aren't we listening now? Congress needs to confirm a leader for the ATF and give the agency the resources it needs to combat gun trafficking. Penalties for gun trafficking need to be very severe.

4) Improve Mental Health Reporting

This is a complicated issue but one that must be addressed. As a society we have to decrease the stigma associated with mental illness and provide the help those with mental illness need, before they reach for a gun. We also have to keep guns out of the hands of the mentally ill.

This is a time for reflection. There needs to be a cultural shift in our country. Violence is popularized in video games and in movies. This change will take time but I believe we are taking our first steps.

There are others who will write to you with more details about specific legislation so I left a lot of that stuff out of my letter. I think the bottom line is, there are reasonable, common sense, things we can do to help prevent gun violence in our country. It is time to take a stand.

Respectfully yours,

Linda J Miwa
9416 Goldfield Ln
Burke, VA 22015

I live in Sandy Hook, CT and have one son who attends Newtown High School and one son who attends Newtown Middle School. I am also a teacher.

I grew up in Australia and lived there in 1996 when strict guns laws including the banning of all semiautomatic weapons were introduced after 13 mass shootings in 18 years. Since 1996 there have been no mass incidents in Australia and gun deaths have been reduced by around half. So I know that gun control laws work in reducing gun related deaths.

When it came time for us to settle in the US my first concern was gun violence in US schools. Yes, that was the first thing that entered my mind. I was well aware of Columbine and that the US had one of the highest incidence of gun related deaths in the world. So I spent six months researching and looking for a town with the lowest crime rate possible and the best schools. I found that town in Newtown, CT. I believed that here my children would be safe in school, and in the community, and for five years that proved to be true. I had found a quintessential New England town with a Norman Rockwell quality, a strong sense of community and a rich culture. It felt like home immediately and we felt safe in this corner of America.

That is, until that fateful day when we received an alert that all Newtown schools were in lockdown due to a shooter in one of our schools. At that moment we did not know which school was in danger. You can only imagine how we felt. After what seemed like an eternity we received news that the high school and middle school were currently safe. A rush of relief for our sons was mixed with the awful realization that a whole school of parents was not so lucky. Then we received frantic text and email messages from my son at the high school who was watching the whole thing unfold on his tablet telling us he was scared that a second shooter could be coming to Newtown High, since it was less than a mile away. To read a text message from your son telling you he is lockdown due to a school shooter and he is scared for his life is one of the most horrifying experiences you can imagine.

Senate legislators, lead the nation! If this could happen in the safest town in America it could happen anywhere. This is an epidemic of violence that is increasing in frequency. The worst mass incidents in US history have occurred in the last six years. Time is of the essence. Ban all semiautomatic weapons, including existing ones, institute a buy back program and destroy all the guns that come in, ban all ammunition magazines with over 6 rounds, introduce stricter background checks, and 28 day waiting periods. The US is at a crossroads and the nation's eyes are on you. Show America the way!

**Georgia Monaghan
[67 High Rock Rd](#)
[Sandy Hook CT](#)
[203 304 1239](#)**

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

I am a Newtown resident and the father of two daughters, one in the first grade and the other in fourth. I am also the Public Works Director in Bethel, Connecticut. My first grade daughter knew four of the children (Ben, Charlotte, Catherine and Caroline) who were slain on December 14 at Sandy Hook Elementary School either through dance class, soccer or church. My neighbor directly across the street lost his niece, Jessica. My first grader has asked me countless questions since December 14 about guns and the children who died. She has had nightmares about a gunman in her school. There is so much sorrow here in Newtown among all the families who were affected by this senseless and, to a degree, preventable tragedy.

We are united in our belief that there is much that can be done legislatively to make our country a safer place that will not infringe upon Second Amendment rights.

1) Require Universal Background Checks on both Guns and Ammunition

Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation's more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

2) Institute an Assault Weapons & High Capacity Magazine Ban

Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4) Improve Mental Health Reporting

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been involuntarily committed to a psychiatric institution or formally adjudicated as "mental defectives" (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence

in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above are all simple and immediate steps that would help bring an end to gun violence.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

I applaud the members of the NRA who have come forward to denounce the NRA itself with respect to their stance on assault weapons, large capacity magazines and super-lethal ammunition. I applaud the members of our military and veterans who testified in Hartford and Newtown that these weapons have no place in civil society. I remind you that Ronald Reagan stated that semi-automatic weapons are not needed to defend a home, to hunt or to shoot targets. The tragedy and trauma we are experiencing in Newtown makes it so clear to me that we need to ban access to assault rifles, large capacity magazines, and armor piercing bullets that rip bodies apart. If Adam Lanza did not have access to the guns his mother purchased, or if he had a weapon that he needed to reload more often, more of our precious children would be alive.

Please, look into your heart and find the courage to enact common sense legislation. Please give children, educators and families in Connecticut and across our country a brighter future than the dark legacy my child and the children of Newtown now have to bear.

Andrew M. Morosky
11 The Boulevard
Newtown, CT 06470

I am a Newtown, CT resident and the mother of six and nine-year-old daughters. I am also a teacher at Wilton High School in Connecticut.

I am writing to urge members of the Senate Judiciary Committee to lead the United States Congress in enacting common sense violence reduction measures.

I consider myself a political moderate. I care about families, education and the safety of my own daughters and my students. The tragedy and trauma we are experiencing in Newtown makes it so clear to me that our nation needs to limit access to high powered guns, high capacity magazines, and bullets that rip bodies apart. If Adam Lanza had not had the guns his mother purchased, if he had a weapon that he needed to reload, more of our precious children would be alive. My daughter played on a soccer team with two victims, Caroline Previdi and Catherine Hubbard. If assault weapons were not legal, maybe my daughter would have been able to play another game with her friends. Maybe she would not wake up during the night, screaming from nightmares about her own class being killed. Maybe I would also sleep more peacefully, unburdened by nightmares about myself trying to protect my high school students from a shooter.

Please Senators, look into your hearts and find the courage to enact common sense legislation. Please give children, teachers, and families across our country a brighter future than the dark legacy my child and the children of Newtown now have to bear.

Please respond to this message,

Katherine Morosky
Newtown, Connecticut

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

I am a mother of four children who have graduated from Sandy Hook Elementary School. I have lived in Sandy Hook for 13 years in a wonderful neighborhood. Regrettably, the shooter's home is in my neighborhood. We lost our neighbors, our friends of friends, our teachers, and our principal on that dreadful day.

My heart is broken! I made a promise to take action. I am one of the 17 co-founders of Sandy Hook Promise and I fully support its long-term mission to change the culture of violence but I have made a decision to work with a grassroots group which was formed out of necessity to take action after the tragic event in our precious town on December 14, 2012. A group of one hundred heartbroken residents took immediate action out of the realization that action speaks louder than words. They got on a bus on January 26th to lead the march to prevent gun violence in the nation's capital. This was the first major organized demonstration after the shooting. It quickly became evident there were many people with a strong desire to take more action, people who believed that Newtown must lead with a strong voice to fight for sensible gun legislation in honor of the 26 lives lost on that tragic day.

The Newtown Action Alliance was formed two weeks ago. This grassroots organization is Newtown-based and we are working tirelessly to take and accelerate ethical actions, legislatively or otherwise, which reduce gun violence and death, both near and long term.

The Newtown Action Alliance is a 100% local, grassroots, ACTION-based organization. In fact, our initial funding came from the activists who organized, funded, and attended the march in Washington DC, and we are committed to using these resources to grow our movement. Newtown Action Alliance is collaboratively and actively working with partners such as Connecticut Against Gun Violence, March for Change, One Million Moms For Gun Control, and Greater Danbury Chapter of Brady Campaign. I have been charged with leading the efforts to form alliances with other groups and communities around the nation, lending our voice to help organize and amplify the gun violence prevention movement.

Locally, we are organizing and funding buses so our community can attend important events and demonstrations such as March for Change on Valentine's Day. We have initiated a significant ongoing legislator outreach program by facilitating communication between residents and the lawmakers. As an organization, we hope to open direct lines of communication with the lawmakers. We are also working tirelessly to organize and disseminate educational resources and information to the community. We are planning town hall meetings to bring our lawmakers and experts to our community and we are encouraging and helping our residents attend hearings, key meetings, and events nationally.

Since December 14th, I have not been able to stop thinking about the 26 lives lost and their families. My Facebook friends could tell you that I spend my days and nights reading everything I can about gun violence/gun control/gun legislation. I have learned a few things:

1. The issue of gun violence is complex and it will require comprehensive solutions to reduce the escalation of gun violence.
2. Over 11,000 people have been shot so far this year. This is unacceptable!
3. According to the recent John Hopkins' national survey, "A sizable 89 percent of all respondents, and 75 percent of those identified as NRA members, support universal background checks for gun sales"
4. "About 70 percent of respondents supported bans on military-style semiautomatic weapons and high capacity ammunition magazines"

The polls demonstrate that gun owners and non-gun owners are very much aligned in their support for strengthening the gun laws.

I believe the great divide exists between the politicians who are influenced by the gun lobby and the people of this nation (including sensible gun owners) who do not have an amendment that specifically protects them from gun violence.

The gun lobby and the politicians are not the only ones culpable for the epidemic of gun violence in this country. I am just as culpable. I have failed to take any type of action after witnessing Columbine, Virginia Tech, Tucson, Aurora and other mass shootings. I have never sent a letter, an e-mail or made a phone call to our representatives in the past. My inaction has allowed the gun lobby to continue with gun proliferation. I have not paid any attention to which politicians cater to them. I vow to change that because I am heartbroken. Inaction is unacceptable. Many of us are paying close attention to the response of our elected State and Federal officials. Many of us are becoming single issue voters.

We are working tirelessly to demand sensible legislations to prevent gun violence in the State of Connecticut. We are hoping that Connecticut will pass the most substantial sensible laws to lead this nation in an effort to change the culture of violence. We recognize that state legislations alone will not solve the problem of escalating gun violence in our nation. I strongly urge the Congress to act by supporting the common sense solutions being proposed by President Obama to strengthen the legislation to ensure that 12-14-12 never happens again.

- Require background checks for all gun sales

The single most important thing we can do to prevent gun violence and mass shootings is to make sure those who would commit acts of violence cannot get access to guns. Right now, federally licensed firearms dealers are required to run background checks on those buying guns, but studies estimate that nearly 40 percent of all gun sales are made by private sellers who are exempt from this requirement. A national survey of inmates found that only 12 percent of those who used a handgun in a crime acquired it from a retail store or pawn shop, where a background

check should have been run.

Congress should pass legislation that goes beyond closing the “gun show loophole” to require background checks for all firearm sales, with limited, common-sense exceptions for cases like certain transfers between family members and temporary transfers for hunting and sporting purposes.

- Strengthen the background check system for gun sales

The background check system is highly efficient and effective; during its 14 years in existence, the system has helped keep more than 1.5 million guns out of the wrong hands. But we must do a better job ensuring the background check system has access to complete data about potentially dangerous individuals.

For example, although the number of mental health records available to the system has increased by 800 percent since 2004, a recent report by the Government Accountability Office found that there are still 17 states that have made fewer than 10 mental health records available to the background check system. We need to make sure states and federal agencies are making available reliable information on those prohibited from having guns to the background check system.

- Pass a new, stronger ban on assault weapons

The shooters in Aurora and Newtown used the type of semiautomatic rifles that were the target of the assault weapons ban that was in place from 1994 to 2004. That ban was an important step, but manufacturers were able to circumvent the prohibition with cosmetic modifications to their weapons. Congress must reinstate and strengthen the prohibition on assault weapons.

- Limit ammunition magazines to 10 rounds

The case for prohibiting high-capacity magazines has been proven over and over; the shooters at Virginia Tech, Tucson, Aurora, Oak Creek, and Newtown all used magazines holding more than 10 rounds, which would have been prohibited under the 1994 law. These magazines enable any semiautomatic weapon to be used as an instrument of mass violence, yet they are once again legal and now come standard with many handguns and rifles. Congress needs to reinstate the prohibition on magazines holding more than 10 rounds.

- Finish the job of getting armor-piercing bullets off the streets

It is already illegal to manufacture and import armor-piercing ammunition except for military or law enforcement use. But it is generally still not illegal to possess or transfer this dangerous ammunition. Congress should finish the job of protecting law enforcement and the public by banning the possession of armor-piercing ammunition by, and its transfer to, anyone other than the military and law enforcement.

- Give law enforcement additional tools to prevent and prosecute gun crime

In order to prevent and respond to gun violence, we must give law enforcement every tool they need to keep us safe. That includes passing stronger laws to stop those who would put guns into

the hands of criminals, keeping 15,000 cops on the street, and eliminating restrictions that keep federal law enforcement from doing its job.

- End the freeze on gun violence research

There are approximately 30,000 firearm-related homicides and suicides a year, a number large enough to make clear this is a public health crisis. But for years, the Centers for Disease Control and other scientific agencies have been barred by Congress from using funds to “advocate or promote gun control,” and some members of Congress have claimed this prohibition also bans the CDC from conducting any research on the causes of gun violence. However, research on gun violence is not advocacy. The President is directing the CDC and other research agencies to conduct research into the causes and prevention of gun violence, and the CDC is announcing that they will begin this research.

- Make our schools safer with new resource officers and counselors, better emergency response plans, and more nurturing school climates

The Administration is calling on Congress to help schools hire up to 1,000 more school resource officers, school psychologists, social workers, and counselors, as well as make other investments in school safety. We also need to make sure every school has a comprehensive emergency management plan so they are prepared to respond to situations like mass shootings. In addition, the Administration is proposing to help 8,000 schools put in place proven strategies to prevent violence and improve school climate by reducing bullying, drug abuse, violence, and other problem behaviors.

- Ensure quality coverage of mental health treatment, particularly for young people

Thank you for your consideration and please contact me if you have any questions regarding our efforts to build alliances. Please do not let Sandy Hook be remembered for the tragedy. We want to be remembered for the change that resulted in decline of gun violence in our towns, our cities, our states in our nation.

Sincerely,

Po Murray

Newtown Action Alliance

Alliance Outreach Team Leader

38 Charter Ridge Drive

Sandy Hook, CT 06482

203-270-8774

Facebook: <https://www.facebook.com/NewtownActionAlliance>

Sign up for e-mail action alerts: <https://tinyletter.com/NewtownAction>

Twitter: @newtownaction

Website: <http://newtownaction.org/>

Dear Chairman Durbin & Senate Judiciary Subcommittee Members,

Thank you for giving me the opportunity to submit testimony for your consideration in advance of your hearing on gun violence prevention. My name is Tom Murray and I live in Sandy Hook, Connecticut with my wife and four children (all of my children are graduates of Sandy Hook Elementary). I am writing to you to express my concern about the unacceptable gun violence in our Nation. The recent tragedy at Sandy Hook Elementary was a tipping point. If the events of that tragic day do not open the eyes of our Nation to the consequences of insufficient gun laws then I am doubtful that anything ever will. I am writing to demand that you do the right thing and vote to change our current gun laws. I applaud President Obama for taking a bold stance in the wake of this tragedy and proposing common-sense steps to reduce gun violence in order to protect our children and our communities. As a Nation we cannot let these mass shootings continue - ENOUGH IS ENOUGH!

To be clear, I am in full support of the 2nd amendment right to bear arms and I am not asking you to do anything that is inconsistent with it. What I am asking is that you put the safety of our children and communities first and not vote to protect the self-serving interests of the NRA, NSSF, gun manufacturers and the rest of the gun proliferation lobby.

I strongly urge you to support the legislative changes being recommended by President Obama which are set forth in "The President's plan to protect our children and our communities by reducing gun violence" dated January 16, 2013, specifically legislation that:

1. Requires background checks for all gun sales;
2. Strengthens the background check system for gun sales;
3. Reinstates and strengthens the ban on assault weapons;
4. Limits ammunition magazines to 10 rounds;
5. Finishes the job of getting armor-piercing bullets off the streets;
6. Gives law enforcement additional tools to prevent and prosecute gun crime;
7. Ends the freeze on gun violence research;
8. Preserves the rights of health care providers to protect their patients and communities from gun violence;
9. Encourages gun owners to live up to their responsibility to store guns safely;
10. Makes our schools safer with new resource officers and counselors, better emergency response plans, and more nurturing school climates; and
11. Ensures quality coverage of mental health treatment, particularly for young people.

For obvious reasons, I am extremely passionate about this issue and I will be closely watching your actions throughout this process. I realize that the task before you is a difficult one, but I ask that you have the boldness and moral courage to do the right thing and protect our children and our communities. This is a rare moment in the history of our Nation. Everyone is watching to see what our legislatures will do. I

trust that you will rise to the occasion and help make our Nation and our World a safer place.

Thank you for your consideration.

Sincerely,

Tom Murray
38 Charter Ridge Drive
Sandy Hook, CT 06482

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I am a retired social worker with experience in the areas of domestic violence and working with emotionally and behaviorally challenged teens. I have seen the tragic results when violent, controlling and substance abusing individuals (primarily men) who have guns use them against their intimate partners, whether or not the abusers are under a restraining order or have been convicted of domestic violence. I have seen the tragic results when impulsive, emotionally upset teens have access to guns they use against themselves.

We are a gun-glorifying society as evidenced by the wanton, excessive gun violence perpetrated by both "good guys" and "bad guys" on our TV shows, movies and video games for entertainment. Certainly a cultural change is needed to reduce violence, but that will take time. However, I believe that appropriate legislation now can make our country safer without infringing on Second Amendment rights. Such legislation would:

- 1) Require universal background checks on both guns and ammunition
- 2) Institute a ban on assault weapons and high capacity magazines
- 3) Repeal Tiahrt and making gun trafficking a federal crime
- 4) Improve mental health reporting

Please stand up for the safety of members of the public. This shouldn't be a partisan issue. The Second Amendment doesn't guarantee that people can own any type of weapon, including "killing machines" designed for military use. Second Amendment rights should have reasonable limits to protect the safety of the general public.

I join with the many voices of people calling for measures to prevent gun violence. I urge you to start reducing the shameful number of gun-related deaths and injuries in our country as soon as possible.

Most respectfully,

Sandra Myles
11001 Kilkeel Ct.
Oakton, VA 22124

February 10, 2013

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

Dear Chairman Durbin and Members of the Senate Judiciary Subcommittee:

Thank you for the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. Let me start off by saying that I respect the second amendment and believe that Americans should have the ability to own weapons to defend their property. However, those weapons cannot include handguns or weapons designed for the battlefield. Handguns cause the vast majority of gun related injuries in this country and have infringed on my right and privacy as a citizen. I must submit to searches before entering public buildings like libraries, court houses, and museums as well as undergo personal searches when I attend athletic events and other large gatherings of people. That is what America has become primarily because of hidden handguns.

Now I realize that banning handguns is perhaps too big of a step in a culture steeped in glorifying the wild west and gunfights at the OK Corral, so I urge you and the members of the Senate Judiciary Subcommittee to do something smaller to start the ball rolling in the direction of reducing the availability of guns by:

1. Requiring Universal Background Checks on both Guns and Ammunition
2. Instituting an Assault Weapons & High Capacity Magazine Ban
3. Repealing the Tiahrt Amendment and Make Gun Trafficking a Federal Crime
4. Improving Mental Health Reporting
5. Removing all legislation that restricts the reporting of gun incidents, the funding for studying of the causes of gun violence, and the questioning of gun availability by the medical profession as currently in place in the Affordable Care Act.

Now is not the time for political partisanship, fear mongering, or to appease an industry that hides behind a ridiculously loose interpretation of the Second Amendment. Now is the time for action. I expect members of Congress (from both parties) to start enacting laws that will protect our children and bring to an end our culture of gun glorification and violence. Public Safety must be the first priority.

Most respectfully,

/s/

Steven J. Myles

Citizen

11001 Kilkeel Court

Oakton, Va 22124



Statement of the

NAACP Legal Defense and Educational Fund, Inc.

**United States Senate
Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights**

**Hearing on “Proposals to Reduce Gun Violence: Protecting Our Communities
While Respecting the Second Amendment”**

**Hart Senate Office Building
Room 216**

February 12, 2013

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) is pleased to submit this statement to the Senate Judiciary Committee’s Subcommittee on the Constitution, Civil Rights and Human Rights with respect to the hearing on “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.” We wish to thank Chairman Richard Durbin, Ranking Member Lindsey Graham, and members of the Subcommittee for continuing this essential dialog.

As Americans still mourn the senseless killings at Sandy Hook Elementary School in Newtown, Connecticut, even more recent gun-related incidents remind us of the scope of the problem. These ongoing tragedies have brought the issue of gun violence to the fore of the nation’s conscience. It is our hope that these conversations lead to meaningful Congressional action that reduces and prevents gun violence by addressing its root causes and also by implementing common sense measures to limit the lethality of these incidents when they do occur.

While gun violence affects all corners of our nation, it has a particularly acute impact on the African-American community.¹ For example, last year, Chicago suffered 500 homicides; nearly 90% of them were gun-related. Although African Americans comprise only 33% of the city’s population, they are 70% of the murder victims.² The senseless death of one of the most recent victims, fifteen year-old Hadiyah Pendleton, serves as one of the most heartbreaking individual examples.³

For these reasons, LDF supports Congressional action to ban assault weapons and reduce the availability of high-capacity ammunition magazines. While we believe these measures will help ensure the removal of military-style weapons and high-capacity magazines from our streets, we are also keenly aware that young men of color, African Americans in particular, are typically the victims of racially disproportionate enforcement of criminal laws. African Americans are arrested for weapons offenses at nearly four times the rate as white Americans. And the U.S. Sentencing Commission found “notable differences in prosecutorial decisions to seek sentence enhancements for certain federal offenses involving a firearm depending on the race of the defendant.”⁴ These patterns, and other racial disparities in the criminal justice system, demonstrate the importance of having some mechanism to ensure that people of color are not disproportionately prosecuted under new laws crafted to implement a ban on assault weapons. Developing and implementing ways to address and prevent racial disparities must be an integral part of any new law related to banning or restricting the use of dangerous weapons. Federal prosecutors should be required to complete a racial impact statement, through which they would examine any disparate impact of their prosecutions under new laws.

¹ David Cole, *Who Pays for the Right to Bear Arms?*, N.Y. Times, Jan. 1, 2013, at A19 (noting that “young black men die of gun homicide at a rate eight times that of young white men”).

² *Id.*

³ Monica Davey and Steven Yaccino, *Washington Officials Join in Mourning a Young Shooting Victim in Chicago*, N.Y. Times, Feb. 9, 2013, at A18.

⁴ Brennan Center for Justice, *Racial Disparities in Federal Prosecutions* 10 (2010). One study has found “black and Hispanic offenders convicted of weapons charges” to be “especially unlikely to receive charge reductions from U.S. Attorneys.” Lauren O’Neill Shermer & Brian D. Johnson, *Criminal Prosecution: Examining Prosecutorial Discretion and Charge Reductions in U.S. Federal District Courts*, 27 Just. Q. 394, 424 (2010).

“Policing” Schools is Not the Answer

While this hearing is focused on the constitutionality of common sense gun control measures, we are mindful of the potential consequences of the measures under consideration for students and schools. Immediately prior to the Sandy Hook tragedy, this Subcommittee held an extraordinary hearing, entitled “*Ending the School-to-Prison Pipeline*,” that examined the alarming increase in the number of young people sent into the juvenile delinquency system as result of minor, non-violent school discipline issues. The hearing marked the first time Congress has looked into this longstanding issue; hundreds of people from around the nation attended the hearing and submitted statements for the record. The hearing explored the large racial disparities that have been caused by such policies and practices. The hearing included a discussion of the role which police officers on school campuses play in furthering the criminalization of our students. Officials from the Department of Education and Justice offered testimony that illustrated the cost and resource burdens placed on courts and school systems as a result of these harmful patterns.

Last month, the Senate Judiciary Committee conducted a hearing in the wake of the Sandy Hook tragedy, “*What Should America Do about Gun Violence?*” At the hearing, Wayne LaPierre of the National Rifle Association (NRA) called for police presence in every school. Others have recently offered similar proposals, under the misguided assumption that police presence will necessarily keep schools safe. For example, Sheriff Joe Arpaio in Arizona’s Maricopa County has stationed 500 armed, uniformed volunteers outside county schools.⁵ Only a year after defunding its school counseling program, the Fontana Unified School District Police in California purchased 14 semiautomatic assault rifles to arm its school police.⁶ And just outside the nation’s capital, school leaders in Prince George’s County, Maryland, proposed the creation of a new school police force while leaders in Montgomery County, Maryland, aim to double the number of School Resource Officers in the district.⁷

While we all seek meaningful ways to ensure the safety of all schoolchildren, proposals like those from the NRA distract us from the meaningful conversation this Subcommittee is having today. And they threaten to exacerbate the harms the Subcommittee examined so diligently in its hearing on *Ending the School-to-Prison Pipeline*.

Unfortunately, this is not the first time we have heard calls for police presence after a tragic incident at a school. In the search for policy solutions after well-publicized shootings at schools in West Paducah, Kentucky; Littleton, Colorado; and Blacksburg, Virginia, many states and school districts adopted “zero tolerance” disciplinary policies and drastically expanded the use of security equipment and deployment of police in schools.⁸ But experience has shown that these

⁵ Nirvi Shah, *Nations, Districts Step Up Safety*, Education Week, Jan. 23, 2013, at 1.

⁶ Gillian Flaccus, *Fontana, Calif., Schools Get High Powered Rifles*, Assoc. Press, Jan. 24, 2013.

⁷ Donna St. George & Ovetta Wiggins, *Schools Taking Serious Look at Putting Armed Police in Schools after Massacre*, Wash. Post, Feb. 7, 2013, at A1.

⁸ Russell Skiba et al., *Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force 23-25* (2006), available at <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.

approaches, while well-intended, failed to address the root causes of gun violence and negatively impacted our students and schools.⁹

While those who called for more law enforcement officers stationed at schools assumed the officers would focus on matters of school safety, school-based police are often used to discipline students for age-appropriate behavior and missteps that should be handled by educators and parents.¹⁰ As a result, students in communities nationwide are confronted with citations, summonses, and even arrest for non-criminal behavior.¹¹ In Florida, for example, 45 students per day, almost 17,000 in the 2010-2011 school year, were referred to juvenile courts by law enforcement officers based at schools.¹² The overwhelming majority of these students were referred for misdemeanors, such as minor schoolyard fights, disrupting a school function, or disorderly conduct.¹³

Reliance on criminal sanctions to address traditional student misbehavior has devastating consequences. A first-time arrest doubles the odds that a student will drop out of school, and a first court appearance quadruples those odds.¹⁴ Similarly, the “zero tolerance” discipline policies that often accompany police deployment in schools come with their own consequences. Out-of-school suspension predicts grade retention, school dropout, and involvement in the juvenile and criminal justice systems.¹⁵

The harms of this “get tough” approach impact not only the students being arrested or suspended, but the school as a whole. Schools with higher discipline rates score lower on standardized tests than other schools, even when accounting for demographic differences.¹⁶ According to the American Psychological Association, zero tolerance policies and reliance on out-of-school punishments like suspension and expulsion do not lead to improvements in school safety.¹⁷ Worse still, when schools involve police in disciplinary measures, schools can create an environment of alienation and distrust that actually undermines order and safety.¹⁸ As Colorado

⁹ See Amanda Petteruti, Justice Policy Institute, *Education Under Arrest: the Case against Police in Schools* (2011).

¹⁰ *Id.* at 13-16.

¹¹ *Id.*

¹² Florida Department of Juvenile Justice, *Delinquency in Florida’s Schools: A Seven Year Study 3* (2011), available at <http://www.djj.state.fl.us/docs/research2/2010-11-delinquency-in-schools-analysis.pdf?sfvrsn=0>.

¹³ *Id.* at 8-9; ACLU of Florida, Advancement Project, & Florida State Conference of the NAACP, *Still Haven’t Shut Down the School-to-Prison Pipeline* 6-8 (2011).

¹⁴ Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Just. Q.* 462, 473-477 (2006).

¹⁵ Skiba et al, *supra* note 8 at 44-48; Tony Fabelo et al., *Breaking Schools’ rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* x, 40-46, (2011).

¹⁶ Skiba et al, *supra* note 8 at 44-48.

¹⁷ *Id.* at 71-79.

¹⁸ Matthew J. Meyer & Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 352 (1999) (finding highly-restrictive efforts to control students by involving police in school disciplinary matters cause higher levels of school disorder by diminishing students’ belief in the legitimacy of school staff authority); Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003) (finding that aggressive security measures produce alienation and

State Senator Linda Newell of Littleton, Colorado noted, “As a result of our zero tolerance policies, nearly 100,000 students have been referred to law enforcement over the past decade, and who benefits from that?”¹⁹

The unintended consequences of police deployment in schools are troubling from a racial equity perspective, as students of color often bear the brunt of these harmful approaches. According to the Department of Education, African-American students are suspended and expelled at a rate three and a half times greater than white students.²⁰ State-level data suggests similarly stark racial disparities in students' contact with police. For example, African-American students were three and half times more likely to be arrested in school than White students in Delaware in 2010-2011.²¹ That same year, African Americans comprised only 21% of Florida school enrollment, but accounted for 46% of all school-related referrals to law enforcement.²²

Thankfully, there are safe, proven approaches to preventing violence targeted at schools. In the aftermath of the Columbine shootings, the Department of Education and the Secret Service cited trust between students and educators as an essential aspect of school safety.²³ It is clear that schools need students to feel comfortable sharing their concerns, particularly about school safety, so that educators can act responsibly in addressing them.²⁴ There are a host of best practices for improving trust between students and educators, and a number of states and districts that have revised their disciplinary policies and practices in favor of such proven, preventative ways to maintain school order and safety. Within the last two years alone, states like California and Colorado, and cities like New York and Los Angeles, have revised policies related to school policing, while a number of other states and districts eschewed zero tolerance approaches for more holistic, preventative approaches to discipline.²⁵ The Departments of Education and Justice have created the “Supportive School Discipline Initiative” – an inter-agency collaboration tasked

mistrust among students which, in turn, can disrupt the learning environment and create an adversarial relationship between school officials and students).

¹⁹ Senate Committee Passes Bipartisan Bill by Senators Newell and Hudak to Ensure Student Safety and Success Today, March 1, 2012, <http://coloradosenate.org/home/features/senate-committee-passes-bipartisan-bill-by-senators-newell-and-hudak-to-ensure-student-safety-and-success-today>.

²⁰ Office for Civil Rights, U.S. Department of Education, *Civil Rights Data Collection Summary 2* (2012).

²¹ Chief Judge Chandlee Johnson Kuhn, Family Court of the State of Delaware & Kerrin C. Wolf, *Fightin' and Fussin': An Examination of School Arrests, Adjudications, and Dispositions in Delaware* (presentation on file with the authors).

²² Florida Department of Juvenile Justice, *supra* note 12 at 3.

²³ U.S. Secret Service and U.S. Department of Education, *The Final Report and Findings of the Safe Schools Initiative: Implications for the Prevention of School Attacks in the United States* (May 2002), available at http://www.secretservice.gov/ntac/ssi_final_report.pdf.

²⁴ *Id.*; Dewey G. Cornell et al. *A Call for More Effective Prevention of Violence* (Dec. 19 2012), available at <http://curry.virginia.edu/articles/sandyhookshooting>.

²⁵ See A.B. 2616 (Cal. 2012) (prioritizing the adoption of student attendance plans over school referral to police for truancy-related matters); H.B. 1345, 68th Gen. Assem. (Colo. 2012) (requiring school districts to develop and enforce discipline codes in a manner designed to reduce referrals to law enforcement and minimize students' exposure to the juvenile and criminal justice system); Los Angeles Mun. Code 45.04 (2012) (significantly revising the city's truancy ticketing policy); Local Law No. 6, N.Y.C. (2011) (codified as amended at N.Y.C. Admin. Code §§ 8-1101–1103) (requiring quarterly, racially disaggregated reporting of school-based arrests and court summonses).

to “address the ‘School-to-Prison Pipeline’ and the disciplinary policies and practices that can push students out of school and into the justice system.”²⁶ Finally, this Subcommittee’s *Ending the School-to-Prison Pipeline* hearing stands as a pivotal moment in the national school discipline reform effort and has truly helped to turn national attention to the great need to improve the way discipline is addressed in our schools.

Conclusion

We commend the Subcommittee for examining the constitutionality of gun control. As it considers the spectrum of issues in formulating a strong legislative response to the Sandy Hook tragedy, we urge the Subcommittee to maintain its focus on the root causes of gun violence and to promote only those methods which have proven to be effective in ensuring school safety. Specifically, we ask the Subcommittee to be mindful of the painful lessons we have learned from responses to previous shootings in schools. The recommendations from the NRA and others to place more police in schools – whether armed or unarmed – are bound to be harmful and ineffective. We urge that any Congressional proposals addressing school safety draw from, and not jeopardize the momentum of, the recent local, state, and federal reforms mentioned above. Thank you for the opportunity to submit this statement.

²⁶ Press Release, Department of Justice Office of Public Affairs, Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices (Jul. 21, 2011), available at <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>.

Dear Stephanie,

I am writing as a concerned citizen who wants the gun laws to change in our country. It is too easy for anyone to purchase and use a military style weapon that has no reason to be in a civilian's home. I respect a person's right to be a responsible gun owner but I do not believe anyone has the right to a military style assault weapon unless they are engaged in military warfare on the front lines.

I would like to see a ban on Military-style assault weapons
A ban on high capacity ammunition magazines
Registration for all guns
Mandatory Background checks on all gun and ammunition purchases

A ban on bullets designed to explode in the body to all civilians
We can make a difference. This is not about the second amendment but it is about insuring a more peaceful environment for our communities and especially for our children.

Sincerely,
Sarah Naphen
14 Taunton Lake Road
Newtown, CT 06470



National
Association
of Public
Hospitals
and Health
Systems

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**Written Statement of the National Association of Hospitals and Health Systems
Before the United States Senate Judiciary Subcommittee on the Constitution,
Civil Rights and Human Rights**

Hearing on

**Proposals to Reduce Gun Violence: Protecting Our Communities While
Respecting the Second Amendment**

*Tuesday, February 12, 2013
at 10:00 a.m.*

The National Association of Public Hospitals and Health Systems (NAPH) welcomes this opportunity to submit testimony to the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights for its hearing on *“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment,”* and urges the Subcommittee to secure adequate funding for mental health resources as it works towards preventing and reducing gun violence in America.

NAPH represents over 200 major safety net hospitals across-the-country. NAPH member hospitals are dedicated to serving all patients in their communities, regardless of their socioeconomic background or ability to pay. Because of their unique role in the health care delivery system, safety net hospitals have significant experience dealing with issues directly and indirectly linked to the prevalence of gun violence. In particular, safety net hospitals function as a key link in the mental health safety net, providing emergency outpatient and inpatient mental health services to all who need them. When gun violence does unfortunately occur, our hospitals are often the source of care for victims. Trauma care is among the most important services safety net hospitals offer, as they are the only source of level I trauma care (or trauma care at all) in many communities across the country.

I. Federal Violence Prevention Efforts

NAPH recognizes the importance of legislative and regulatory efforts to limit access to highly dangerous weapons among those who would use them to harm others. We also recognize the need to bolster access to mental health services for all patients. In particular, we support efforts to ensure state Medicaid plans comply with statutory mental health parity requirements. By boosting the quality of mental health coverage at the state level, these efforts will go far in increasing access to care for our nation’s most vulnerable.

On Jan. 16, President Barack Obama announced a comprehensive set of legislative proposals and executive orders, which includes enhanced federal support for mental health services – \$155 million annually, by our count. While we welcome any additional federal support in this area, this amount will not come close to meeting our mental health system’s needs. We strongly encourage the president and Congress to consider substantially greater investment in future legislative proposals given the severe lack of funding we see today.

II. NAPH Member Mental Health Services

Recently, NAPH reached out to our membership with a series of questions and are pleased to share with you their successes and challenges.

Patients in communities across the country are struggling to gain access to mental health services. Factors including budget cuts and mental health practitioner shortages have forced many people to wait weeks for – or even go without – the crucial mental health care they need. Both adults and children are suffering for lack of these services, and minorities in particular are not receiving needed care.

However, even under these circumstances, NAPH members are continuing to provide mental health services for all patients, filling the void left by providers that have reduced or eliminated this care. Many of our members report successfully maintaining their psychiatric capacity despite strained resources, and some are even increasing capacity to make up for other closures or consolidations in their area.

While our members' ability to shoulder much of the mental health care in their communities is remarkable, they too face significant challenges. Budget constraints have forced some bed reductions in emergency department (ED) extension programs that provide a quiet, more controlled environment for ED patients with mental health needs. Other members have had to curb community-based clinic and day treatment services.

What's more, the pressure put on safety net hospitals by state and local funding cuts is causing capacity and service level issues. One NAPH member offers the following example:

There were cuts made to both the local mental health clinic and mental health hospital. The cuts have adversely affected the patients in our region with decreased availability of much needed resources. These patients have no other choice but to come to EDs to try and get assistance. Frequently, patients are kept in ED beds while on transfer to an appropriate facility. We have seen an increase in the number of patients presenting to our ED needing mental health services and [have had] increased difficulty placing these patients in both inpatient and outpatient services. This increase has caused a burden on the existing resources in our ED as well as delaying mental health treatment for patients in need. This issue is recurring through our EDs in our area.

III. NAPH Member Violence Prevention Efforts

NAPH members are always looking for solutions. Being on the front lines of trauma care for so many victims of violent crime has prompted many members to reach far into their communities and work toward reducing violence and improving the lives of those at risk for violent behavior.

The following are just a few examples of the violence prevention activities at NAPH member hospitals:

- Several members lead CeaseFire programs in their hospitals. Modeled on CeaseFire Chicago, these programs use violence interrupters, who are outreach workers from the same, hotspot communities as many of the victims, which enable them to have credibility with high-risk youth. The programs link victims and their families to supportive services to reduce the likelihood of future violence.
- A Florida member has created a Crisis Intervention Training Program to help "law enforcement and first responders to identify early signs of mental illness and develop a

jail diversion program for individuals with mental illness within the criminal justice system.”

- A California member takes part in a robust variety of violence prevention programs. One unique example is a program to remove gang-related tattoos from ex-gang members as part of an effort to assist them in gaining meaningful employment.
- A member in the Northeast created the Violence Intervention Advocacy Program. This program aims to prevent future violence stemming from prior assaults and to improve the quality of life for victims of violence.

IV. Recommendations

NAPH hospitals are preventing violence in their communities and remain committed to serving patients with mental and behavioral health challenges, despite inadequate funding. However, sufficient federal funding – beyond what the president has already proposed – will be instrumental in keeping the mental health safety net intact. We urge the committee to keep this in mind while crafting policies aimed to prevent and reduce gun violence.

We commend Chairman Durbin and the Subcommittee for convening this important hearing. NAPH and its members look forward to working with the committee to tackle these issues together in the coming months.

For additional information, please contact Shawn Gremminger, Assistant Vice President for Legislative Affairs, at sgremminger@naph.org or 202.585.0112.

**Written Statement for the Record
National Association of School Nurses**

**Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights**

**Hearing on “Proposals to Reduce Gun Violence: Protecting Our
Communities While Respecting the Second Amendment”**

**Tuesday, February 12, 2013
216 Hart Senate Office Building**

Chairman Durbin, Ranking Member Cruz and Members of the Committee:

On behalf of the National Association of School Nurses, we would like to thank you for holding this hearing today to explore and consider proposals that will help to better protect our children and our communities from gun violence.

As your Committee examines proposals to reduce gun violence, we urge you to consider taking a comprehensive approach, including policies that make schools safer, expand access to mental health services and implement common-sense gun safety measures. **Any proposal to reduce gun violence must include a sustainable, embedded, coordinated system that starts with focusing on prevention.** Prevention efforts must include basic components such as teaching skills and tools for handling anger, stress and coping with other related issues as part of a regular curriculum in school. This type of model should also incorporate the use of reliable and valid large-scale screening tools that identify children at risk for more targeted interventions.

A strategic, integrated system will also require investing in individualized supports. We encourage you to invest in our nation's school nurses who serve a critical role in advancing safe school environments by promoting the prevention and reduction of school violence.

- School nurses are members of school-based mental health teams, along with school counselors, psychologists and social workers.
- School nurses spend 32 percent of their time providing mental health services (Foster et al., 2005).
- School nurses provide a continuum of services ranging from mental health promotion through universal and targeted interventions; screenings to identify early warning signs and referral; and crisis planning and interventions.
- School nurses collaborate with healthcare providers, parents and community members to identify and implement evidence-based intervention, prevention and educational programs.
- School nurses possess the expertise to assist students in developing problem-solving and conflict resolution techniques, coping and anger management skills and positive self-images.
- School nurses are equipped with the knowledge to be active members of crisis intervention teams to address violent situations in the school setting.
- School nurses are often the front line of health and well-being in the school. This is critical because many times mental health issues mask themselves with physical symptoms. In addition, some children with chronic conditions are more at risk for suffering from mental health conditions.

We appreciate the Senate Judiciary Committee's renewed commitment to protecting our nation's children from gun violence. We look forward to engaging in a dialogue with you to promote and invest in evidence-based strategies that ensure our children have a safe, healthy and secure future.



NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS

NASP Recommendations for Comprehensive School Safety Policies January 2013

The United States of America has no greater responsibility than safeguarding the well-being of our children. Ensuring safe schools and communities is paramount to this responsibility.

The National Association of School Psychologists (NASP) has long been a leader in promoting safe, supportive learning environments that protect both the physical and psychological safety of students and staff. We applaud President Obama on committing to identifying concrete and comprehensive strategies to ensure that we meet this responsibility for every school, child, family, and community in the country. His charge to members of his cabinet and members of Congress to work with national safety experts to craft solutions will improve this process. We strongly agree that such strategies must include addressing mental health and believe they should reinforce collaborative efforts between schools, families, and communities. We also appreciate the President's acknowledgement that effective policies should be built upon known evidence-based strategies and practices.

With the President's announcement comes the urgency to not allow the light shed on this issue by the tragedy in Newtown, CT to dim without our leaders taking real, meaningful action. NASP is committed to helping guide policies that lead to increased physical and psychological safety in schools by providing the recommendations outlined below and endorsing the efforts of other allied organizations and experts, such as [the December 2012 Connecticut School Shooting Position Statement](#) released last month by the Interdisciplinary Group on Preventing School and Community Violence.

Our goal is to highlight common ground, of which there is a great deal among school safety experts. Further, we strive to ensure that our focus moves beyond the historical practice of primarily increasing school building safety measures (e.g., metal detectors, armed security guards, surveillance cameras) and instead focus on addressing the continuum of needs and services that lead to improved safety, well-being, and learning for children and youth. Effective school safety is a day-in, day-out commitment that infuses every aspect of school life. Our challenge is to not let increased anxiety over this horrible tragedy obscure the proven fundamentals of violence

prevention. Instead we must become more unified, vocal advocates for policies that support what schools *can* do effectively, which in turn supports our schools' primary mission of learning.

A Call to Action

NASP proposes the following policy and practice recommendations to most effectively address school safety:

- 1. Increase access to mental health services and supports in schools.** Only a fraction of students in need actually receive mental health services, and among those that do, the majority access those services in school. Nevertheless, the availability of school-based mental health professionals remains inadequate to meet the mental health needs of our children and youth. Schools should be enabled to hire more school-based mental health professionals (e.g. school counselors, school psychologists and school social workers) and funds should be allocated specifically for hiring these professionals. The recommended ratio of students to school counselor is 250:1; the recommended ratio for school psychologists is 500-700:1([NASP Model for Comprehensive and Integrated School Psychological Services](#)), and the recommended ratio for school social workers is 400:1. Schools and districts should be held accountable for making an effort to meet or at least work toward these ratios each year. Increased access to mental health services and supports in schools, including the infusion of social–emotional learning in our classrooms, is vital to improving the physical and psychological safety of our students and schools, as well as academic performance and problem-solving skills. Additionally, close collaboration between school-employed (e.g., school counselors, school psychologists, and school social workers) and community-employed mental health services providers (e.g., professional counselors, clinical psychologists, and clinical social workers) is critical to meeting the range of mental health needs. School psychologists play an integral role in providing direct services to students and teachers, while coordinating with community resources to ensure that all students receive the support they need to be successful.
- 2. Develop safe and supportive schools.** Despite the horror that we all feel after the shooting in Newtown, CT, schools remain one of the safest places for children in the United States. We need to continue to focus on how we build and maintain safe school environments that promote learning, psychological health, and student success. We need to ensure that adequate learning supports and policies are present to provide a continuum of services that respond to the needs of *all* students. This requires treating learning and mental health supports as equally important as, and fully integrated with, school management and instruction. Schools should be required to include measures of school climate and availability of learning supports on par with student academic performance in accountability plans. It is critical to enhance school connectedness and trust between students and adults as well as reinforce open communication and the importance of reporting concerns about someone hurting themselves or others. School psychologists play an integral role

in working with administrators and teachers to ensure that building systems and policy are conducive to safe and supportive conditions for learning.

3. **Implement school safety initiatives that consider both psychological and physical safety.** Effective school safety efforts should utilize evidence-based practices to ensure the well-being of all students and well as their physical safety. Reasonable building security measures, such as secure doors, lighted and monitored hallways, and check in-check out systems for visitors, are important. Although there have been calls to increase the presence of armed guards at schools, the research regarding schools that utilize armed security generally demonstrate non-significant impacts on reducing violence while at the same time result in students feeling less safe. Students' perception of safety is not a trivial consideration given that simply feeling unsafe impedes learning and the ability to develop a nurturing, supportive, and welcoming school environment. An over-emphasis on extreme physical security measures alone, such as increasing armed security and/or arming school staff, will not improve school safety, and in fact may undermine the primary mission of schools to ensure learning while safeguarding our children. (See *NASP Cautions Against Increased Armed Security to Address School Safety*, www.nasponline.org/safety_armedsecurity.)
4. **Improve screening and threat assessment procedures to identify and meet the needs of individuals at risk for causing harm to themselves and others.** Schools must provide the infrastructure to develop and maintain active school safety and crisis teams that focus on efforts year-round to promote a safe, positive school culture while minimizing the impact of school crises when they occur. This entails a multitiered approach consistent with other school systems of support—which includes universal mental health screenings and interventions as well as more intensive approaches for students deemed at risk. In collaboration with school employed mental health professionals, each school should be required to develop a plan to identify those students at risk for violence to themselves others. In addition, schools should provide on-going professional development opportunities for educators about how to identify students who may be experiencing mental health difficulties, or who may be at risk for harming themselves or others. Critical to this process, is collaboration and communication with other education, health, mental health, and law enforcement agencies, and schools should have a clearly defined communication and information sharing plan.
5. **Establish trained school safety and crisis teams.** Schools and districts need trained school safety and crisis teams and plans that are consistently reviewed and practiced. Training should encompass ongoing prevention and early intervention as well as response and recovery in the event the unpreventable occurs. Plans and training should facilitate collaboration with first responders and community providers. Teams

should include key administrators, security personnel, school mental health professionals, and other relevant staff. A primary goal should be to reinforce learning as well as safety. (See NASP's PREPaRE School Crisis Prevention and Intervention Training Curriculum, www.nasponline.org/prepare.)

6. **Conduct a national campaign to reduce stigma around mental illness and to promote mental health on par with physical health.** Too much stigma about mental health exists in our country. This stigma reduces the likelihood that families and students will seek out and receive the mental health supports and services needed to learn and thrive in school and throughout life. With appropriate treatment, especially early intervention, people with mental illness can lead full and productive lives. Given the natural interaction between physical and mental health, the importance of caring for an individual's mental health needs must be on par with the importance of physical health. Schools should be encouraged to incorporate mental health education into existing health standards.

7. **Improve policies that limit exposure to media violence among children, youth, and vulnerable populations.** The negative effects of exposure to violence on children and youth are well documented and include increased risk of trauma and academic and behavior problems. While families, communities, educators, and law enforcement must continue to work together to reduce children's exposure to violence in their homes and neighborhoods, our society and the entertainment industry must also recognize and respond to the negative effects that media violence is having on individuals. To ensure the psychological safety of our children and youth, policies must regulate and limit exposure to media violence among children, youth, and other vulnerable populations.

8. **Review and revise as needed current policies and legislation addressing access to firearms by those who have the potential to cause harm to themselves or others.** We must prevent the misuse of weapons by people who are intent on causing harm to themselves or others. Experts on the research related to the prevention of violence, and specifically school violence, should be charged with offering substantive recommendations to our elected officials on how our current laws might be improved so that tragic events like the Sandy Hook Elementary School shooting do not ever occur again.

Responding effectively to these priorities will also require policies that promote education, training, and research. Effective approaches will take into account the mission and purpose of schools, and how schools and communities can work together to fulfill them. We must create and pass legislation and funding to reduce and prevent violence while also promoting the learning and well-being our children and youth.

About NASP: NASP represents more than 25,000 school psychologists in the United States and abroad. School psychologists work with families, educators, and community providers to create safe, supportive schools; promote students' academic success; and support students' healthy behavior and development. They also serve on school safety, crisis, and mental health teams and are often leaders in helping to develop comprehensive school safety plans. NASP's longstanding leadership in school safety and crisis prevention and response includes helping to build capacity at the local level through our PREPaRE School Crisis Prevention and Intervention Training Curriculum (www.nasponline.org/prepare) and providing direct support and resources for families and schools in the event of major crises through our website and our National Emergency Assistance Team (www.nasponline.org/safety_crisis). NASP allows provides guidance to school leaders through various resources such *[A Framework for School-Wide Bullying Prevention and Safety](#)*.

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**NATIONAL
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Youth Gun Violence Fact Sheet

Gun violence poses a serious threat to America's children and youth. Existing data clearly point to the need for improved strategies for keeping guns out of the hands of children and youth and those who would harm them. Gun violence in schools is extremely rare, as are violent crimes committed by people with mental illness. However, the majority of youth murdered are killed with a firearm and nearly half of youth suicide deaths involve the use of a gun. Efforts to end youth gun violence must focus on accessibility and prevention. Additionally, federal safety and health agencies must be empowered to conduct comprehensive research into the causes of and solutions to this unacceptable source of harm to our children, families, and communities.

Firearm Deaths in the United States (CDC, 2012)

- In 2010, there were 2,711 infant, child, and teen firearm deaths. On average there were seven such fatalities daily and 52 weekly.
- Between 1981 and 2010, 112,375 infants, children, and teens were killed by firearms. This is 25,000 more deaths than the number of soldiers killed in Korea, Vietnam, Iraq, and Afghanistan, combined (Children's Defense Fund, 2013a).
- Of the 1,982 youth (age 10-19) murdered in 2010, 84% were killed by a firearm.
- Of the 1,659 teens (age 15-19) who committed suicide in 2010, 40% were by firearm.
- Of the 1,323 males (age 15-19) who committed suicide in 2010, 45% were by firearm.
- Of the 336 females (age 15-19) who committed suicide in 2010, 20% were by firearm.
- In 2010, across all age groups (and including adults), there were 31,672 individuals killed by firearms (with 61% of these deaths being suicide and 26% homicide).

Homicide and Suicide at School

- Less than 1% of student homicides and suicides take place at school, on the way to or from school, or at a school sponsored event (Robers, Zhang, & Truman, 2012).
- During the 2009/2010 school year the odds of a student (age 5-18) being the victim of a school-associated homicide was one in 2.5 million. In comparison, the odds of a 5 to 19 year old being killed in a motor vehicle accident in 2010 were 1 in 16,000. (CDC, 2012).
- Most school-associated student homicides involve a firearm and a single victim and offender (Modzeleski et al., 2008).
- In 80% of school-associated firearm-related homicides and suicides, the weapons used were obtained from the home or from a friend or relative (Reza et al., 2003).

Guns and Other Weapons at Home and in School (CDC, 2012; Eaton et al., 2011; Okoro et al., 2005)

- In 2011, 5% of high school students carried a gun on school property, and 7% were threatened or injured by a weapon (e.g., gun, knife, or club) on school property.
- Of the 50 states and the District of Columbia, Wyoming has the highest percentage of homes with guns (63%), the highest suicide rate (23 per 100,000), and the highest percentage of students carrying a gun to school (11%). Conversely, Massachusetts ranks 48th (out of 51) in terms of percentage of homes with firearms (13%), has one the lowest suicide rates (9 per 100,000), and the lowest reported percentage of students who acknowledged bringing a gun to school (2.5%).
- Among selected larger urban school districts Washington, DC, had the highest percentage of students carrying a gun to school (7.5%), and New York City had the lowest (2.3%).
- Overall, the prevalence of having carried a weapon on school property decreased during 1991–1999 (26%–17%) and did not change significantly during 1999–2011.

Factors Related to School Shootings

- Studies of school shootings in the 1990s suggested that: a) shooters often had multiple, non-automatic guns; b) killers shot deliberately at individual victims and took their time doing so; c) theft was the dominant method by which shooters obtained weapons; d) all shootings were planned in advance; e) most youth had told peers before committing the acts; f) most reported having a history of feeling bullied or threatened; g) shooters often had a history of mental health problems; and h) many had made suicidal gestures before the incidents (Fein et al., 2002; Kleck, 2009; Redding & Shelf, 2001).
- According to the U.S. Secret Service, there is no profile for a school shooter. However, since shootings tend to be planned in advance and oftentimes youth tell others of the plan, a threat assessment approach is recommended (Fein et al., 2002).

Youth Suicide and Firearms

The *Youth Suicide by Firearms Task Force* (1998), a group that included representatives from the American Medical Association; American Firearms Association; National Shooting Sports Foundation; National Center for Injury Control and Prevention Centers for Disease Control; and Children's Defense Fund reported the following:

- Firearms are the most common method of suicide by youth. This is true for males and females, younger and older adolescents, and for all races.
- The increase in the rate of youth suicide (and the number of deaths by suicide) over the past four decades is largely related to the use of firearms as a method.
- The most common location for the occurrence of firearm suicides by youth is the home.
- There is a positive association between the accessibility and availability of firearms in the home and the risk for youth suicide.
- The risk conferred by guns in the home is proportional to the number and accessibility (e.g., loaded and unsecured) of guns in the home.
- Guns in the home, particularly loaded guns, are associated with increased risk for suicide by youth, both with and without identifiable mental health problems or suicidal risk.
- If a gun is used to attempt suicide, a fatal outcome will result 78-90% of the time.
- Public policy initiatives that restrict access to guns (especially handguns) are associated with a reduction of firearm suicide and suicide overall, especially among youth.

Availability and Storage of Firearms in the United States and Association With Violence

- A significant percentage of adults who have minor children living in their homes report that their firearms are not safely stored (Figure 1; Johnson, Miller, Vriniotis, Azrael, & Hemenway, 2006).
- Keeping firearms locked and unloaded and storing ammunition in a separate locked location are feasible and protective strategies to reduce injuries (Grossman et al., 2005; Reza et al., 2003).
- Parents should discuss safe storage and handling of firearms with their children (Reza et al., 2003). However, children's reports often contradict parental reports about their children's access to firearms, with children reporting knowing the location of firearms and handling firearms when parents said they did not. This is true whether or not parents lock firearms and discuss firearm safety with their children (Baxley & Miller, 2006; Grossman et al., 2005).
- The number of suicide, homicide, and unintentional firearm deaths among youth (ages 5-14) is higher in states and regions where guns are more prevalent (Miller, Azrael, & Hemenway, 2002b).
- States with a higher percentage of homes with firearms (as estimated by Okoro et al., 2005), tend to have higher rates of suicide by firearm (CDC, 2012; $r = .78$).
- In the U.S., youth are disproportionately represented as victims and perpetrators of firearm homicide. Victimization is especially high among males, and African-American and Hispanic youth (Child Trends Data Bank, 2012; Dahlberg, 1998; Hepburn & Hemenway, 2004).
- One-quarter of adolescents in the U.S. reported having easy access to a gun in the home (Swahn, Hamming, & Ikeda, 2002).
- Increases in the overall homicide rate appear to be primarily attributable to an increase in firearm homicide by youth (Hepburn & Hemenway, 2004).
- There is a strong, significant relationship between gun availability and homicide; of all developed nations, the U.S. has the highest rate of civilian gun ownership, highest homicide rates, and weakest gun control laws (Hemenway & Miller, 2000; Hepburn & Hemenway, 2004).
- Cross-sectional studies have shown that areas with higher rates of possession of household firearms have disproportionately higher numbers of death by homicide (Miller, Azrael, & Hemenway, 2002a; Miller, Hemenway, & Azrael, 2007).

- The risks associated with a gun in the home (e.g., increased gun accidents, homicide, intimidation, completed suicide) are greater than their benefits, with no credible evidence showing that having a gun in the home assists in self-defense and reduced injury (Hemenway, 2011). Each time a home firearm is used in self-defense there are on average, eleven completed and attempted firearm suicides, seven assaults and homicides with a firearm, and four accidental firearm deaths or injuries (Kellermann et al., 1998).

Policy Issues Related to Curbing Gun Violence

- According to the Children's Defense Fund (2013b), loopholes in firearm safety laws have reduced their effectiveness. For example, the Brady Law, which required federal background checks for guns purchased from licensed retailers, did not require such checks for guns bought through private sales (and it is currently estimated that 40% of guns are bought from private sellers).
- States that conducted background checks for restraining orders and fugitive status had fewer homicide and suicide deaths. Firearm suicide deaths were lower for states with background checks for mental illness, fugitive status, and misdemeanors (Sen & Panjamapirom, 2012).
- Although development and evaluation is necessary, some have proposed that altering the design of firearms themselves will reduce accidental and intentional injury and/or death by firearm (Teret & Cluross, 2002).
- Most people with serious mental illness do not commit violent crimes, and the very few who do are unlikely to use a gun (Applebaum & Swanson, 2010).
- Among the general public, there is fear and stigma of people with mental illness when, in fact, people with mental illness are far more likely to be the victims than perpetrators of violent crime (Substance Abuse and Mental Health Services Administration, n.d).

Effectiveness of Initiatives to Curb Gun Violence

- Problem-oriented police initiatives (e.g., a focus on problem identification, analysis, response, and intervention) to reduce gun violence vs. "zero tolerance" policing initiatives (e.g., indiscriminant cracking down on all crimes) are associated with a statistically significant decrease in gun homicide, gun related assault, and youth homicide. These initiatives address the culture and community of gun violence in addition to providing sanctions (Braga et al., 2008; Braga & Weisburd, 2012; Kennedy et al., 1996).
- "Pulling levers" is an approach with growing research support that deters continued offending by providing varied responses to violent offenders including direct and repeated communication that stresses crime deterrence and coordination with social services and community resources (Braga et al., 2008; Braga & Weisburd, 2012).
- Among those with a felony arrest, denial of gun purchase requests is associated with lower rates of gun offenses and violent crimes, compared to those who are allowed to buy a gun (White, Wintente, & Rivera, 1999).

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For additional information youth violence prevention and school safety, please visit www.nasponline.org/safety_crisis. © 2013, National Association of School Psychologists, 4340 East West Highway, Suite 402, Bethesda, MD 20814, (301) 657-0270 www.nasponline.org



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Honorable Dick Durbin
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Honorable Lindsey Graham
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Re: Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting the Second Amendment

Dear Senators Durbin and Graham:

On behalf of the members of the National Association of School Psychologists (NASP), thank you for the opportunity to submit written testimony regarding ways to effectively reduce gun violence in our country. NASP represents over 25,000 school psychologists who work with students, families, educators, and administrators to support the academic achievement, positive behavior, and mental wellness of all students.

NASP does not currently have an official position on gun control. However, we did release in January 2013 a list of recommendations for comprehensive school safety policies. NASP's primary responsibility is to focus on issues that promote the safety, mental wellness and, successful learning of our children and youth. Our recommendations address issues related to gun violence in that they address the essential prevention policies and best practices that both minimize risk for dangerous behavior and promote the opportunity for early identification and early intervention for struggling students. With the right supports and services, schools can play a critical role in the collective effort to safeguard our children against violence. Access to guns by children and youth, and those who intend to cause harm to them, is clearly a problem the society needs to address. We believe that public policy decisions related to reducing such access should be made only after careful consideration of expert opinion and research that examines effective ways to reduce violence in our schools and communities. Consequently, we are also providing a Youth Violence Fact Sheet that includes research citations related to gun violence.

Thank you for your service to our country, and for your attention to this important matter. If you would like further information, please contact Kelly Vaillancourt, PhD, Director, Government Relations (kvaillancourt@naspweb.org).

With appreciation,

Susan Gorin, CAE
Executive Director

Enclosed:
NASP Recommendations for Comprehensive School Safety Policies
Youth Gun Violence Fact Sheet



National Association of Social Workers

**Written Testimony of
Elizabeth J. Clark, PhD, ACSW, MPH
Chief Executive Officer, National Association of Social Workers
Hearing before the Senate Judiciary
Subcommittee on the Constitution, Civil Rights, and Human Rights
United States Senate
February 12, 2013 at 10:00am
Hart Senate Office Building 216
113th Congress**

**Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting the
Second Amendment**

Chairman Durbin, Ranking Member Grassley, and the honorable members of the Subcommittee on the Constitution, Civil Rights, and Human Rights, we thank you for considering our statement during this hearing on reducing gun violence. The National Association of Social Workers (NASW) supports comprehensive efforts to reduce incidents of gun violence and commends the Subcommittee's focus on this important issue.

NASW is the largest membership organization of professional social workers in the country with 145,000 members. NASW works to enhance the professional growth and development of its members, to create and maintain standards for the profession, and to advance sound social policies. Social workers help individuals, families, and communities across the nation to improve their well-being and promote social change to enhance unfavorable living conditions.

The primary mission of the profession of social work is to enhance societal well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, or living in poverty. A historic and defining feature of social work is the profession's focus on individual wellbeing within the social context and the wellbeing of society¹. Easy access to firearms, a dearth of mental health services, and our collective inaction threaten the ability of our clients, our communities, and our country to have an opportunity to live healthy, productive lives.

Acts of gun violence vary in their form and degree of devastation. Recently, attention has been paid to mass shootings such as those at Sandy Hook Elementary School in Newtown, Connecticut, a movie theater in Aurora, Colorado, a Sikh Temple in Oak Creek, Wisconsin, and a Congressional event in Tucson, Arizona. These shootings were indiscriminate and devastating for the communities involved, as well as our nation as a whole. As a result, well-designed plans for interventions for such events are essential.

Professional social workers are among the first responders to provide trauma care and counseling on the scene of mass shootings. Social workers know the tremendous emotional toll of such an event. NASW, and the 650,000 social workers across our nation, stand ready to work with the Obama Administration, Congress, and state governments to assist with this significant undertaking. Social workers across the nation continually volunteer mental health and first responder services in the wake of such tragedies.

According to the Law Center to Prevent Gun Violence and the U.S. Centers for Disease Control and Prevention, gun violence claims approximately 30,000 lives annually in the U.S and for every person who dies from a gunshot wound, two persons are injured.ⁱⁱ The alarmingly high numbers of gun-involved deaths and injuries are a public health crisis, particularly for persons of color and the most vulnerable populations. For example, African Americans comprise almost 13 percent of the U.S. population but they represented almost 24 percent of all firearm deaths in 2009.ⁱⁱⁱ Death by gun is substantially more likely to occur in poorer, less advantaged places^{iv}.

Furthermore, the economic impact of gun violence on the nation is significant. As reported by the John Hopkins Center for Gun Policy and Research in 2005, U.S. firearm related deaths and injuries resulted in medical and lost productivity expenses of about \$32 billion.^v The economic impact combined with the emotional and societal consequences of gun violence cannot be tolerated and this issue must rise to the top of the domestic legislative and policy agenda.

Recommendations

Increase Access to Mental Health Services

NASW has been a longtime advocate for greater access to mental health services for all individuals. This is the most important component of the broader conversation regarding safety and gun violence. While mental illness is not a predictor of violence, these increasing incidents of deadly force indicate that mental health prevention and treatment for those that need it most is a critical investment possible. Despite this era of fiscal responsibility, such services are critical and could be lifesaving. According to the National Alliance on Mental Illness, approximately one in four adults experience mental illness in a given year and one in 17 lives with a serious mental illness such as schizophrenia, major depression or bipolar disorder, and one in 10 children live with a serious mental or emotional disorder^{vi}. The President's New Freedom Commission on Mental Health notes that treatment is available to allow children and adults to be vital contributors to their communities, yet too many people remain unserved^{vii}. We can improve our nation's productivity, reduce stigma attached to mental illness, and enhance overall health and wellbeing by investing in mental health.

This era of health and fiscal reform presents an opportunity to address these serious challenges and develop real solutions. President Obama notes that the Affordable Care Act will provide one of the largest expansions of mental health coverage in a generation by extending care to 30 million Americans, including an estimated 6 to 10 million people with mental illness^{viii}. NASW supports the President's recommendations to identify mental illness early and refer individuals to treatment, finalize requirements for private health insurance plans to cover mental health services and ensure that Medicaid recipients receive quality mental health coverage.

Efforts to address mental illness must also include increased funding for public school and community-based mental and behavioral health services. Today, less than half of children and adults with diagnosable mental health problems receive the treatment they need^{ix}. As such, NASW supports the *Excellence in Mental Health Act*, which was introduced by a bipartisan group of Senators including social worker Senator Debbie Stabenow. Senator Stabenow notes that the bill would put mental health centers on more equal footing with other health centers by improving quality standards and expanding access to ensure more people can get the mental health care they need^x. The *Student Support Act*, which was introduced by social worker and Congresswoman Barbara Lee (CA-9), aims to improve student access to mental health services and would provide grants to states to hire school social workers and other mental health professionals in order to provide optimal care for this vulnerable population. Additionally, Senator Franken's bill, the *Mental Health in Schools Act*, would provide assistance to schools to train staff, volunteers, families, and other members of the community to recognize the signs of behavioral health problems in students and refer them for appropriate services^{xi}. Further, we must treat mental health in the same manner that we treat physical health and develop a workforce capable of responding to increased need. NASW supports President Obama's proposal to train additional mental health professionals, including social workers, to serve students and young adults.

NASW also has growing concerns regarding the privacy of records for persons diagnosed with a mental illness. In the formulation of solutions and legislation, developing registries of those diagnosed with mental illness has been discussed as a possible strategy to reduce access to weapons, and as a result, reduce violence. This measure could have serious unintended consequences including those with treatable mental illness delaying or avoiding obtaining treatment because of privacy concerns or because they are unwilling to forfeit their right to use a firearm for legitimate purposes. This strategy is contradictory to an overall goal of reducing the stigma of mental illness and treatment.

Address Responsible Gun Ownership and Use

NASW is concerned about the proliferation of firearms in our nation. Studies show that regions and states with higher rates of gun ownership have significantly higher rates of homicide than states with lower rates of gun ownership and people are significantly more likely to die from unintentional firearm injuries when they live in states with guns^{xii}. The United States has the highest rate of gun ownership of any country in the world and the highest per capita rate of firearm-related murders of all developed countries^{xiii}.

There are numerous ways to curb gun violence including a common sense approach to assault rifles, and magazines and clips capable of holding numerous rounds of ammunition. These were created to be lethal, and not created for the average citizen and should not be available for their purchase. As such, NASW recommends the banning of military-style assault weapons and high-capacity ammunition feeding devices. NASW supports the *Assault Weapons Regulatory Act of 2013*, which was introduced by Senator Dianne Feinstein (CA).

Further, although federal law requires criminal background checks for guns sold through licensed firearm dealers, the “gun show loophole” allows those not engaged in the business of selling firearms to do so without a license and without paperwork. These practices are not acceptable. We must change our overall approach to firearms and gun violence, and determine how we can work together with stakeholders in all sectors to limit access to these weapons and advocate for common sense policies.

Conclusion

Discussions regarding gun violence prevention and access to mental health care cannot occur only after tragedy. There must be a national conversation that ends with meaningful strategies and outcomes. President Obama vowed to launch such a conversation to increase understanding about mental health. This includes focusing on the sense of shame and secrecy associated with mental illness and the toll that takes on those that would otherwise seek care^{xiv}.

ⁱ National Association of Social Workers. (2008). *Code of ethics*. <http://www.socialworkers.org/pubs/code/code.asp>.

ⁱⁱ National Center for Injury Prevention & Control, U.S. Center for Disease Control and Prevention. (2010). *Deaths: Final Data for 2010*. Retrieved from <http://www.cdc.gov/nchs/fastats/injury.htm>.

ⁱⁱⁱ U.S. Center for Disease Control and Prevention. (2013). *Injury prevention and control*. Retrieved from http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_lcd.html

^{iv} The Atlantic. (2012). *The geography of U.S. gun violence*. Retrieved from <http://www.theatlanticcities.com/neighborhoods/2012/12/geography-us-gun-violence/4171/>.

^v Webster, D, Vernick, J and et. Al. (2012). *The Case for Gun Policy Reforms in America*. Retrieved from http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/WhitePaper102512_CGPR.pdf

^{vi} National Alliance on Mental Illness. (2007). *Mental illness: Facts and numbers*. Retrieved from http://www.nami.org/Template.cfm?Section=About_Mental_Illness&Template=/ContentManagement/ContentDisplay.cfm&ContentID=53155.

^{vii} President’s New Freedom Commission on Mental Health. (2002). Retrieved from <http://govinfo.library.unt.edu/mentalhealthcommission/reports/FinalReport/FullReport-02.htm>.

^{viii} http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf

^{ix} The White House. (2013). *Now is the time*. Retrieved from http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf.

^x Senator Debbie Stabenow. (2012). *Bipartisan group of Senators introduce legislation to strengthen mental health service*. Retrieved from http://www.stabenow.senate.gov/?p=press_release&id=948.

^{xi} Senator Al Franken. (2013). *Mental health in schools act of 2013*. Retrieved from http://www.franken.senate.gov/files/docs/Mental_Health_in_Schools_Act.pdf.

^{xii} Law Center to Prevent Gun Violence. (2013). *Statistics on gun deaths and injuries*. Retrieved from <http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/>.

^{xiii} Washington Post. (2012). *Gun homicides and gun ownership by country*. Retrieved from <http://www.washingtonpost.com/wp-srv/special/nation/gun-homicides-ownership/table/>.

^{xiv} http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf

**Statement for the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights**

Cassandra Carmichael
Director, Washington Office
National Council of Churches USA
February 11, 2013

In an average year, 100,000 people in the United States are shot or killed with a gun. The Centers for Disease Control reported that in 2009 more than 31,000 people died in the United States as a result of firearm injury, accounting for 18 percent of all deaths that year.¹ And, more than 73,505 people were treated in hospital emergency departments for non-fatal gunshot wounds in 2010.² The United States has become a national at war with ourselves and we have become numb to the sacredness of human life.

Responsible gun ownership can be consistent with our constitutional rights; however, it must be stressed that there are relatively few shootings by average citizens defending themselves. Rather, most fatal and non-fatal shootings result from abuse or misuse of guns.³ Annually, there are 1.5 million crimes committed where firearms were used. Sixty-eight percent of murders are gun related and 55 percent of suicides are by using guns.⁴ Even the non-fatal shootings still leave in their wake a trail of pain, suffering, disability and/or disfigurement, and anguish and grief for family and community.

It is also important to recognize that African Americans and Latinos are being murdered or harmed by gun use at significantly higher rates than the rest of our society. While African Americans compose roughly 12 percent of the U.S. population, they account for 27 percent of all gun-related deaths in this country. After African Americans, Latinos, who comprise approximately 15 percent of the population have the second highest rate of gun homicide rates and gun assaults.⁵ The burden that gun violence imposes on women is also striking. Guns account for more murders of women by their intimate partners than all other methods of killing combined.⁶

¹ *National Vital Statistics Reports*, Volume 60, Number 3, December 29, 2011, Center for Disease Control.

² Nat'l Ctr. for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Leading Causes of Death Reports, 1999-2010, for National, Regional, and States (RESTRICTED)*, at http://www.cdc.gov/injury/wisqars/leading_causes_death.html (last visited Nov. 30, 2012).

³ Brady Center to Prevent Gun Violence, with data from the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System

⁴ Office of Statistics and Programming, National Center for Injury Prevention and Control, CDC Data Source: NEISS All Injury Program operated by the Consumer Product Safety Commission for numbers of injuries. Web-based Injury Statistics Query and Reporting System (2007). <http://www.cdc.gov/injury/wisqars/index.html>.

⁵ Brady Center to Prevent Gun Violence, with data from the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (2006), www.cdc.gov/ncipc/wisqars.

⁶ Rothman E. F., Hemenway D, Miller M, and Azael D. Batterers' Use of Guns to Threaten Intimate Partners. *Journal of the American Medical Women's Association*, 2005. 60 (1): p. 62- 68, <http://www.wagv.org/gun-violence.php>.

African In the decade following the Federal Assault Weapons Act of 1994 there was a 64 percent decline in assault weapon use.

The National Council of Churches of Christ in the USA (NCC) and many of its 37 member communions have taken action to not only curb gun violence through education and training, but have also developed social policies calling for action from policy makers to prevent gun violence. These policies and resolutions, combined with many examples of congregant and congregational action, provide ample evidence of the overwhelming concern for gun violence within the Christian community.

The Christian Call to Non-Violence

The Christian tradition counsels non-violence. A seminal text is the Sermon on the Mount, found in Matthew's gospel, where Jesus instructs his followers to bear violence rather than inflict it. The text states, "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also. . . . You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you . . . (Matthew 5:38-39, 43-44).

Jesus modeled the redemptive power of non-violence and it is hard to image that Christ would look favorably on the violence in contemporary U.S. society.

Christians know, from both experience and scripture, that all humans are sinful, capable of acting with hostile aggression toward others. On those grounds, we argue for restricting access to guns which, in the wrong hands or without adequate supervision, can make violence ever more deadly. Christians can certainly contend that it is necessary for public authorities to take up arms in order to protect citizens from violence; but to allow assault weapons in the hands of the general public can scarcely be justified on Christian grounds. The stark reality is that such weapons end up taking more lives than they defend, and the reckless sale or use of these weapons refutes the gospel's prohibition against violence.

We therefor call for federal legislators to enact reforms that limit access to assault weapons and handguns, including closing the so-called federal "gun show loophole," which allows for the purchase of firearms from private sellers without submitting to a background check, or providing documentation of purchase.

Statement of the National Education Association
Submitted for the Record
Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights and Human Rights
Proposals to Reduce Gun Violence:
Protecting Our Communities While Respecting the Second Amendment
February 12, 2013

Thank you for the opportunity to submit comments in conjunction with the Subcommittee hearing on “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.” We commend the Subcommittee for holding this very important hearing and hope you will use this opportunity to identify immediate steps to address the epidemic of gun violence in our nation.

From Paducah, Kentucky in 1997 to Newtown last year, to Midland, Alabama just this month, every member of the National Education Association grieves when students and educators are victims of horrific violence. We are a family, so we grieve for the parents who have lost children, and we grieve for the families of the educators who time and time again put themselves between bullets and their students.

Gun violence affects every community in this nation. Every day, promising young lives are cut short, leaving behind others who are permanently impacted by the violence around them. Now, more than ever, we stand ready to speak out and mobilize to protect our students and communities from further pain and needless violence.

Consider this story from an NEA member in Oregon:

“I remember a student who survived a shooting in his early teens. By the end of his high school career, he was still moving through the world like a ghost, quiet, withdrawn. He refused to write with a pen. He made the lines with a pencil only, as if he didn’t believe he could make a permanent mark on the world. More than once, school has come to a halt after a teenager was killed. The “lesson” of the day became mortality, hope, sadness, and loss. It is part of the job, but it is not what is supposed to happen.”

NEA devotes considerable resources to addressing school safety, including professional development for our members in school safety, bullying, bias/harassment, and cultural competence. We are running a “[Bullyfree: It Starts with Me](#)” campaign to ensure educators have the tools they need to identify and prevent bullying, which is frequently a source of isolation and depression for students and which can be a precursor to violent behavior. We have a world-class school crisis guide (<http://crisisguide.neahin.org/crisisguide/>) and several state affiliates have crisis response teams that are frequently deployed to help in tragic circumstances. But, preventing future tragedies requires more than this. It requires a comprehensive approach and a real commitment from our federal, state, and local elected officials to stand up and do what is necessary to protect our children.

NEA supports a multi-pronged approach to gun violence prevention. As President Obama said, there is “no single piece of legislation that will solve this problem.” If Congress were to pass legislation requiring background checks for every gun purchase, the nation would still need enough mental health services and professionals making diagnoses about individuals (and states submitting those records to NICS) to make the background check system reliable and effective. Furthermore, since schools are often the places in which some of the first signs of mental health issues can be spotted and diagnosed, it is all the more important to ensure adequate numbers of qualified school personnel to make these diagnoses and/or spot warning signs of potentially problematic or violent behavior. Complicating matters, there is a huge shortage of these professionals in our public education system (from pre-k through higher education), which impedes the ability of school personnel to ensure a safe, secure, respectful, and nurturing learning environment.

We were very pleased by the recommendations of the House Gun Violence Prevention Task Force released last week. In our [letter to Chair Mike Thompson](#), we commended the Task Force for recommending “an evidence-based approach to supporting a safe learning environment that is tailored to the unique needs of the students and local community.” We also strongly support the Task Force recommendation that all school personnel must have resources and training to implement safety plans. Finally, we were very pleased that the Task Force recommended that safety policies “promote a positive school climate that meets both the learning and emotional needs of all students.” Safer, more nurturing school climates that include positive student supports and anti-bullying initiatives will help students find non-violent alternatives to resolve conflicts and will allow staff to identify and address potential problems before they escalate.

NEA’s specific recommendations for immediate federal action include:

- **Common-sense gun violence prevention.** We strongly support closing loopholes and requiring background checks for every gun purchase in America – be it retail, online, or at a gun show. In most states, convicted felons, domestic violence abusers, and those who are dangerously mentally ill can walk into any gun show, flea market, or even log on to the internet and buy weapons from unlicensed sellers, no questions asked. It is estimated that over forty percent of gun acquisitions occur in the secondary market. That means that they happen without a background check at a federally licensed dealer. Gun shows are a major trafficking channel according to the Bureau of Alcohol, Tobacco, and Firearms, with an average of 130 guns trafficked per investigation, and over 25,000 firearms trafficked in total over one 17-month period alone. Studies show that 67 percent of gun owners favor background checks for every sale, regardless of location. 84 percent of people who live in a house with a gun (but are not the owner of the gun) favor a background check for every sale, and 80 percent of non-gun owners support this policy.

In addition, we support legislation introduced by Senator Feinstein (S.150) to reinstate the ban on assault weapons and high-capacity clips. We believe assault weapons and high-capacity magazines should be used by soldiers and police officers. These commonsense measures are very much in line with the views of NEA members. A [new NEA member poll](#) indicates overwhelming support for stronger gun violence prevention laws, including background checks and bans on assault weapons and high-capacity magazine clips. These

measures will rally broad community support, especially when coupled with a greater focus on mental health and safe, secure, and supportive school environments.

These measures are critical to stop the violence. Consider these reports from NEA activists:

Connecticut – “Our wonderful son was a student at the Catholic University of America in Washington, DC when he was robbed of \$62 and murdered on his way home from work two and 1/2 years ago. The gun that killed him was unregistered and illegal. The teenager who murdered him will spend 42 years in a federal prison for this heinous crime. Our family is heartbroken and nothing can bring back the sunshine of our lives. We are very angry about the easy way in which anyone can acquire a gun. We would like to see this changed. How many more tragedies will it take to bring about needed legislation?”

Alabama -- “As a professor, it is devastating to experience the deaths of students as a result of gun violence. And there have been far too many. [One student] was gunned down outside a restaurant in Huntsville. [Two others] were also shot. A speech student in my class was shot outside a McDonalds for no apparent reason. On campus a student died after a gun accidentally discharged. It seems after a shooting, when we discuss the situation in class, that almost every student has been touched by gun violence, losing a family member or friend...And most recently, we lost a member who saved the lives of children on the bus in Midland, Alabama”

- **Greater emphasis on mental health.** We need a national focus on mental health, including development of better screening tools to identify, evaluate, and treat mental illness. In addition, we should provide more funding for School-Based Health Centers and providers to staff the centers. We also must address the current lack of parity in insurance for mental health services.
- **School safety and student support.** We must make our schools safer, not only by enhancing their physical security and making sure they are prepared to respond to emergencies like a shooting, but also by creating safer and more nurturing school climates that help prevent school violence.

To do this, however, we must let communities decide for themselves what kind of personnel and assistance they need to ensure safety. To help schools, we should provide more resources for school counselors and school psychologists, as well as training for school personnel in not just school safety, but in diagnostic training to spot warning signs for mental health issues and/or potential for students to engage in high-risk or anti-social behavior. Funding for school security personnel, like school resource officers, could also be an option conditioned on local community support and appropriate training for officers and school personnel together, including on bullying, cultural competence, positive behavioral supports, and appropriate classroom management.

The need for more counselors is great. An NEA member from Illinois reports,

“I’ve had four students or former students shot and killed in gun violence. All related to drugs and gangs in Springfield, Illinois. Although school instructors recognized these students were facing trouble, there was little in the way of counseling and/or social work assistance available to intervene in the students’ lives. There are too few resources.”

We can also support students, giving them access to programs that teach conflict management, an appreciation of diversity, and strategies for being a part of a school community. And, we can increase our focus on bullying prevention. We can make available resources and technical assistance from emergency preparedness experts to retro-fit or make school entrances and facilities safer.

Emergency plans and communications strategies are critical to ensuring schools and communities react effectively to potential and actual gun violence. Gun violence prevention is broader than what schools alone can do. Partnerships within the community are essential to ensure a comprehensive response. Consider these stories from an NEA member in Idaho –

“Here are two examples of gun violence that I experienced with very different outcomes. Monday, March 5, 2001, Santana High School, Santee, California. A freshman brought a weapon to school to retaliate against bullying. He talked about what he was going to do on Sunday night. But his friends didn’t tell. The outcome: 2 dead, 13 wounded. Spring 2010, Coeur D’Alene High School, Idaho. A senior who had stolen weapons from a family member was missing. Schools in the area were notified. Law enforcement responded. The student was apprehended as he entered a school parking lot. The outcome: zero dead, zero wounded. The difference in the two stories was the ability to communicate the potential threat. We need communications systems that allow individuals to report potential acts of violence before they happen.”

We must note that America’s educators resoundingly reject the notion of arming school employees as a means of ensuring school safety. Only 22 percent of [NEA members polled](#) favor a proposal to allow teachers and other school employees to receive firearms training and allow them to carry firearms in schools, while 68 percent oppose this proposal (including 61 percent who strongly oppose it.)

We thank you for the opportunity to submit these comments. We look forward to working with the Subcommittee to ensure that we never again will have to grieve the loss of children and educators to senseless gun violence.

“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment”

U.S. Senate Judiciary Committee

Subcommittee on the Constitution, Civil Rights and Human Rights

Baltimore County, MD, Chief Jim Johnson, Chair

National Law Enforcement Partnership To Prevent Gun Violence

February 12, 2013

Chairman Durbin, Ranking Member Cruz, and members of the Subcommittee, on behalf of the National Law Enforcement Partnership to Prevent Gun Violence, I want to thank you for the opportunity to provide testimony for your hearing, “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment.”

The Partnership, founded in 2010, is an alliance of the nation’s law enforcement leadership organizations concerned about the unacceptable level of gun violence in the United States. It includes the Commission on Accreditation of Law Enforcement Agencies; Hispanic American Police Command Officers Association; International Association of Campus Law Enforcement Administrators; International Association of Chiefs of Police; Major Cities Chiefs Association; National Association of Women Law Enforcement Executives; National Organization of Black Law Enforcement Executives; Police Executive Research Forum, and the Police Foundation.

The gun violence epidemic in our country is devastating. More than 30 homicides occur in America each day. Two thousand children, ages 18 and under, die of firearm-related deaths in the U.S. every year. Law enforcement officers, charged with protecting the public safety, are increasingly targets of gun violence. In 2011, for the first time in 14 years, firearms were the leading cause of death for police officers killed in the line of duty, according to the National Law Enforcement Officers Memorial Fund. This disturbing trend persists today. In just the two-week period after the Newtown massacre, six police officers were killed and 10 injured in 12 separate shootings.

The organizations in the Partnership are united in calling on Congress to:

- Require background checks for *all* firearm purchasers;
- Ensure that prohibited purchaser records in the National Instant Criminal Background Check System (NICS), are up-to-date and accurate; and
- Limit high-capacity ammunition feeding devices to ten rounds.

Seven of our nine groups, including the largest organizations among us, also support a ban on assault weapons and Senator Dianne Feinstein’s assault

weapons legislation.

We strongly support these measures because we know they will save lives by preventing dangerous people from acquiring guns and keeping excessive firepower out of our communities.

These vital measures are constitutional.

These measures are crucial for public safety and do not infringe on an individual's constitutional right to possess firearms. In the 2008 case of District of Columbia v. Heller, 554 U.S. 570 (2008), the United States Supreme Court ruled that the Second Amendment protects an individual's right to possess a firearm. The ruling also recognized that "like most rights, the right secured by the Second Amendment is not unlimited," and listed several categories of restrictions that are presumptively constitutional, such as: laws prohibiting convicted felons or mentally ill from possessing firearms; laws prohibiting the carrying of firearms in government buildings or schools; and laws prohibiting possession of "dangerous and unusual" weapons that are not "in common use at the time."

Congress must enact legislation to require background checks for all firearms purchasers and ensure that prohibited purchaser records in NICS are up-to-date and accurate.

Background checks will prevent prohibited purchasers, such as convicted felons and those with mental health disqualifications, from purchasing firearms. They will not impede law-abiding citizens from purchasing guns.

While background checks are required for firearm purchases through federally licensed gun dealers, no check is required for private sales, such as those occurring through Internet postings, print ads or gun shows. Private transactions are estimated to account for up to 40 percent of firearm transactions. Allowing these transactions to occur without background checks is tantamount to permitting 40 percent of passengers to board an airplane without going through airline security.

Background checks work. They stopped nearly 2 million prohibited purchases between 1994, when the Brady Law went into effect, and 2009. We can only imagine how many lives have been saved and other tragedies averted because we require background checks through licensed gun dealers. We do not have to imagine, however, the real life impact of not having checks in place for private purchases. One example of a tragedy that could have been averted, if universal background checks were in place, occurred last October in Brookfield, Wisconsin. A prohibited purchaser who was under a domestic violence restraining order shot seven women in a salon, killing three. The shooter had answered an online advertisement and all too easily bought a gun without a

background check. Applying background checks to all sales will clearly save lives and prevent needless suffering.

Since we already have a national background check system in place, extending background checks to *all* firearm sales would be simple – and would not have an impact on anyone’s ability to purchase a gun except prohibited purchasers.

A federal law requiring background checks is necessary as Interstate gun trafficking is a serious problem that states cannot combat alone. In 2009, the Bureau of Alcohol, Tobacco, Firearms and Explosives reported that 30 percent of crime guns crossed state borders. We know that in places like New York, Chicago, and even my jurisdiction of Baltimore County, a high percentage of crime guns are coming from states with weaker laws.

Congress must enact legislation to ban assault weapons and limit high-capacity ammunition magazines.

Assault weapons were originally designed for the battlefield, and have no place in our communities. These weapons were developed to enable a shooter to rapidly spray-fire multiple rounds at an enemy in combat, not for gunning down small children, moviegoers, firefighters or the law enforcement officers protecting them.

Law abiding citizens do not need semiautomatic assault weapons and have no need for high-capacity magazines holding more than ten rounds. This kind of firepower, however, has particular utility and has proven especially destructive in the hands of those intent on doing harm, as we have seen from Aurora to Newtown.

The carnage caused by these unusually dangerous weapons is devastating, including to our law enforcement officers, as criminals up the ante with firepower in excess of what even our police officers typically use. We do not typically supply law enforcement with 120-round drums, for example, yet in my own jurisdiction’s evidence room we have several such drums that have been seized.

Banning high-capacity magazines would reduce the number of bullets a shooter can use before having to stop to reload, and reloading can provide a critical window of time in which to take down a shooter, as we saw in Tucson.

Studies show that the 1994 assault weapons ban was effective. In 1998, four years after the assault weapons and high-capacity ammunition magazine ban was enacted, the percentage of firearms with large-capacity magazines recovered by Virginia police decreased and continued to drop until it hit a low of 9 percent in 2004, the year the ban expired. It hit a high of 20 percent in 2010, according to a Washington Post analysis. After the 1994 law expired, 37 percent of police agencies saw increases in criminals’ use of assault weapons, according

to a 2010 Police Executive Research Forum survey.

The actions we support are important for the safety and protection of both our citizens and our law enforcement officers. These common-sense measures would not infringe on Americans' Second Amendment rights, nor would they place an undue burden on law-abiding citizens' ability to buy firearms. The assault weapons ban would affect only a particularly dangerous class of weapons, and law-abiding citizens will continue to be able to acquire and choose from the vast array of firearm models on the market.

Congress must enact legislation to combat straw purchasing.

There is currently no federal law prohibiting an individual from purchasing a firearm for a prohibited purchaser. As a result, these straw purchasers can only be prosecuted for minor paperwork violations. We must do more to tackle the problem of straw purchasing and gun trafficking, which is why seven of the nine organizations in the Partnership are already on record in support of the Stop Illegal Trafficking in Firearms Act, sponsored by Senator Leahy, and the Gun Trafficking Prevention Act, sponsored by Senator Gillibrand.

As law enforcement professionals responsible for protecting the safety of our citizens and communities as well as our own officers, we urge you to support these sensible measures that will keep guns out of dangerous hands, and stem the excessive firepower that has caused massive destruction and needless suffering across our great nation.

Thank you.

Chief Jim Johnson
Chief of Police, Baltimore County, MD
Chair, National Law Enforcement Partnership to Prevent Gun Violence



NATIONAL NETWORK
TO END DOMESTIC
VIOLENCE

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Testimony Submitted to the Committee on the Judiciary,
Subcommittee on the Constitution, Civil Rights and Human Rights

United States Senate

for the February 12, 2013 Hearing on Proposals to Reduce Gun Violence

by

Kim Gandy, President

National Network to End Domestic Violence

**Firearms and domestic violence perpetrators are a lethal combination:
Targeted firearms restrictions and enforcement of existing legislation will save lives.**

Chairman Durbin, Ranking Member Cruz and members of the Subcommittee, thank you for the opportunity to submit written testimony for this hearing on proposals to reduce gun violence. We are grateful for your leadership and your ongoing work to improve the safety and well-being of our nation.

The National Network to End Domestic Violence (NNEDV) is the national advocacy voice for the 56 state and territorial domestic violence and dual domestic violence/sexual assault coalitions, their more than 2,000 local domestic violence programs and the millions of victims they serve and on behalf of whom they advocate.

Domestic violence is a pervasive and insidious crime which undermines the very fabric of our society. More than one in three women will have experienced physical violence, rape and/or stalking by an intimate partner during her lifetime. Tragically, more than three women a day, on average, are killed by an intimate partner, and guns play a large role in the level of lethality. Access to firearms increases the risk of intimate

partner homicide more than five times, compared to instances where there are no weapons, according to a recent study. In addition, abusers who possess guns tend to inflict the most severe abuse on their partners.¹ NNEDV urges Congress to support targeted, effective policies that respond to the crisis of domestic violence homicide.

Nearly one-third of all women murdered in the United States in recent years were murdered by a current or former intimate partner. In 2010, 1,017 women, more than three a day, were killed by their intimate partners.² Of females killed with a firearm, almost two-thirds of were killed by an intimate partner.³ Access to firearms increases the risk of intimate partner homicide more than five times, compared to instances where there are no weapons, according to a recent study. In addition, abusers who possess guns tend to inflict the most severe abuse on their partners.⁴ In 2010, 52 percent of female homicide victims were shot and killed with a gun.⁵ Handguns are more likely than rifles or shotguns to be used in homicides in which men kill women. In 2010, handguns were used in 70 percent of cases where men used firearms to kill women.⁶

Data collected at the state level also bears out these national statistics. For example, in the period of July 2010 through June 2011, 43 domestic violence homicide incidents took the lives of 49 victims in Illinois alone. Of these, 22 homicides involved a firearm.⁷ In Texas, 64% of women killed by an intimate partner in 2011 (the last year for which we have a complete analysis) were killed with a firearm.⁸

Appropriately, the lifesaving *Domestic Violence Offender Gun Ban* prohibits gun possession by those convicted of domestic abuse or those who are subject to a domestic violence restraining order. One study showed this restriction as the second most common reason for denial of handgun purchase applications. Unfortunately current law allows otherwise prohibited individuals to purchase guns through private sale or donation, on the internet, or at a gun show, where background checks are not required. NNEDV urges you

to pass legislation that closes the private gun sale or transfer loophole, including both internet and gun show sales of firearms, and implement required universal background checks for all those seeking to acquire guns. This action will dramatically reduce batterers' access to firearms without infringing upon the rights of law abiding citizens.

There must also be increased federal support for consistent implementation of the *Domestic Violence Offender Gun Ban*. Limited resources at the state and local level have hampered the positive impact of this legislation, and federal resources and priority are needed to ensure that it is applied fully, consistently and effectively. Congress should support and fully fund the Violence Against Women Act (VAWA), which promotes domestic violence homicide reduction initiatives and lethality assessments and prioritizes best practices in the development of model policies and protocol for law enforcement agencies in responding to domestic violence homicides. These funding investments must be matched by investment in services, as victim service providers receive increased referrals as these positive initiatives are implemented.

Finally, Congress must also act promptly to lift restrictions that have been interpreted to prevent research on gun violence prevention by the Centers for Disease Control and the National Institutes of Health, and their grantees, as well as other agencies and partners.

Representing thousands of domestic violence advocates and service providers, we know the devastating, and too often deadly, impact that abuser access to guns can have on victims of domestic violence.

Therefore, we urge Congress to consider the incidence of domestic violence homicide and strategies to address this when developing policies to reduce gun violence generally.

¹ J. C. Campbell, D; Webster, J; Koziol-McLain, C. R; et al. 2003. Risk Factors for Femicide in Abusive Relationships: Results From A Multi-Site Case Control Study. *American Journal of Public Health*. 93(7).

² Rennison, Callie Marie and Sarah Welchans. 2003. *Intimate Partner Violence 1993-2001*. U.S. Department of Justice Bureau of Justice Statistics. Washington, DC; *When Men Murder Women: An Analysis of 2010 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents*. 2012. Violence Policy Center. Washington, DC. <http://www.vpc.org/studies/wmmw2012.pdf>.

³ *When Men Murder Women: An Analysis of 2010 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents*. 2012. Violence Policy Center. Washington, DC. <http://www.vpc.org/studies/wmmw2012.pdf>.

⁴ J. C. Campbell, D; Webster, J; Koziol-McLain, C. R; et al. 2003. Risk Factors for Femicide in Abusive Relationships: Results From A Multi-Site Case Control Study. *American Journal of Public Health*. 93(7).

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- ⁵ *When Men Murder Women: An Analysis of 2010 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents*. 2012. Violence Policy Center. Washington, DC. <http://www.vpc.org/studies/wmmw2012.pdf>.
- ⁶ *When Men Murder Women: An Analysis of 2010 Homicide Data: Females Murdered by Males in Single Victim/Single Offender Incidents*. 2012. Violence Policy Center. Washington, DC. <http://www.vpc.org/studies/wmmw2012.pdf>.
- ⁷ Illinois Domestic Violence Homicide Report, 2011. <http://www.ilcadv.org/2011-HomicideReport-final.pdf>
- ⁸ Honoring Texas Victims: Family Violence Fatalities in 2011. <http://www.tcfv.org/our-work/honoring-texas-victims>



Statement for the Record

On behalf of the

**National Parent Teacher
Association (PTA)**

Before the
Senate Committee on Judiciary
Subcommittee on the Constitution, Civil Rights, and Human Rights

February 12, 2013

By

Betsy Landers
President
National PTA

Chairman Durbin, Ranking Member Cruz, and subcommittee members, I am honored to have the opportunity to submit this statement, on behalf of the more than five million members of the National Parent Teacher Association (PTA) to discuss the importance and urgency of efforts to prevent gun violence. With more than 24,000 local units, PTA flourishes in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Department of Defense schools in Europe and the Pacific.

Founded in 1897, PTA has been working to improve the education, health, and overall well-being of our nation's children for more than 115 years. As the oldest and largest volunteer child advocacy association in the United States, PTA's legacy of influencing local, state, and federal policy has made an indelible impact in the lives of millions of children and families. This legacy includes the creation of kindergarten classes, a juvenile justice system, child labor laws, mandatory immunizations for school children, and continues today as PTA fights to ensure safe home, school, and community environments.

National PTA supports the Second Amendment and recognizes the right to bear arms. Other rights guaranteed by the Constitution, such as free speech and private property, are accompanied by reasonable restrictions to protect the freedom and safety of our fellow citizens. National PTA believes the same principle should apply to the Second Amendment. National PTA encourages Congress to enact gun violence prevention legislation while preserving the lawful use of firearms for sport and personal protection. As a nation, we must take actionable steps to prevent future tragedies like the massacre of innocent children and adults at Sandy Hook Elementary School. PTA believes the time to act is now, and the majority of Americans agree.ⁱ

While many complex factors contribute to tragedies like Sandy Hook, we believe Congress must take reasonable actions to address the fundamental issues of gun violence. National PTA, as outlined in national positions dating back more than two decades, supports comprehensive violence prevention and school safety measures. National PTA recommends the following immediate actions by Congress:

- 1) Strengthen the requirement on background checks for all gun purchases – 87 percent of Americans support background checks on private sales of guns, including sales at gun showsⁱⁱ
- 2) Enact a federal ban on high-capacity ammunition magazines outside of military use.
- 3) Reinstate and strengthen the federal assault weapons ban – 82 percent of Americans support limiting the sales of military-style assault weaponsⁱⁱⁱ

I would like to again thank Chairman Durbin, Ranking Member Cruz, and members of the subcommittee for the opportunity to provide the PTA perspective on this timely issue. We urge swift action to keep children, families, schools, and communities safe from unnecessary, tragic, and preventable acts of gun violence.

ⁱ Education Fund To Stop Gun Violence, *New Poll Finds American Voters Overwhelmingly Support Handgun Licensing and Registration, Criminal Background Checks*, June 12, 2001, at <http://www.commondreams.org/news2001/0612-05.htm>

ⁱⁱ Greenberg Quinlan Rosner Research & The Tarrance Group, *Americans Support Common Sense Measures to Cut Down on Illegal Guns*, Washington, DC, April 10, 2008

ⁱⁱⁱ Smith, Tom W., *Public Attitudes Towards the Regulation of Firearms*, Chicago, IL: National Opinion Research Center, University of Chicago, March 2007



National
Urban League

*Empowering Communities.
Changing Lives.*

STATEMENT FOR THE HEARING RECORD OF

**MARC H. MORIAL
PRESIDENT AND CEO
NATIONAL URBAN LEAGUE, INC.**

**Before the
SENATE JUDICIARY SUBCOMMITTEE ON THE
CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS**

On

**Proposals to Reduce Gun Violence:
Protecting Our Communities While Respecting the Second Amendment**

February 12, 2013

Mr. Chairman, as President and CEO of the National Urban League (NUL), and on behalf of our 97 Urban League affiliates in 36 states and the District of Columbia, we call upon this Congress to work with President Obama to act quickly to make commonsense gun reform a top priority. We strongly urge Congress to resist inaction and half-measures, as we have no time to waste when 33 Americans are murdered with guns each and every day.ⁱ

The National Urban League is a 102-year-old institution that works to provide economic empowerment, educational opportunities and the guarantee of civil rights for the underserved in America. In one year, we served over 2.6 million Americans in 300 communities throughout the country. We know first-hand that the impact of gun violence is counter-productive to the direct services work that we do every day in our local communities. In addition to the tragic loss of life, gun violence must also be viewed from the perspective of its societal costs. According to data compiled by the Pacific Institute for Research and Evaluation in Calverton, Maryland,ⁱⁱ the societal cost of just one gun homicide averages \$5 million. This includes:

- \$1.6 million in lost work;
- \$29,000 in medical care;
- \$11,000 on surviving families' mental health treatment;
- \$397,000 in criminal-justice, incarceration and police expenses;
- \$9,000 in employer losses; and
- \$3 million in pain, suffering and lost quality of life.

According to data compiled by the CDC, in 2010, 30,470 people died from homicides or suicides using firearms.ⁱⁱⁱ Taken together, they made up 57 percent of violent deaths.^{iv} The CDC has found that when you combine the direct medical costs of treating fatal gun injuries with the economic damage of lost lives, firearms-related deaths cost the United States \$37 billion in 2005, the most recent year for which an estimate is available. Moreover, the CDC found that non-fatal gun injuries cost an additional \$3.7 billion that year.^v

As a long-time advocate of sensible gun control measures, the National Urban League stands ready to work with the President, the Congress and others to end the epidemic of gun violence in America - now is the time. As a nation, we have been horrified by the tragedies in Columbine, Aurora, Oak Creek and Newtown. We must be equally horrified, heartbroken and outraged by the daily gun violence occurring in cities throughout the country. Americans have had enough. Recent national polls show that the American people believe sensible gun control measures are more important than protecting gun rights. And even the most ardent defenders of the Second Amendment want to find a way to keep military-style assault rifles out of the hands of violent criminals and the mentally unstable.

The National Urban League is calling for a comprehensive new approach to community safety and crime reduction. Such an approach must begin with:

1. A ban on military style assault weapons and ammunition
2. Closure of the gun show loophole
3. Universal background checks
4. Stronger enforcement of existing gun laws
5. A focus on violence prevention that includes investments in programs that create safe spaces for kids during out of school time
6. Investment in improving mental illness services and treatment

Finally, we believe that creating the safest environment for our children does not require placing armed guards in our schools. **On this issue, the National Urban League is adamantly opposed to arming teachers and armed guards as we strongly believe that guns do not belong in schools – period.** Of particular concern to us is their interaction with children of color, whose discipline issues are often dealt with as criminal matters – effectively fast-tracking them into the juvenile justice system.

Thank you for the opportunity to present our views and I ask that our statement be included in the hearing record.

ⁱ Mayors Against Illegal Guns, see <http://www.mayorsagainstillegalguns.org/html/home/demandaplan.html>

ⁱⁱ Bloomberg, “Shootings Costing U.S. \$174 Billion Show Burden of Gun Violence,” by Henry Goldman, December 21, 2012, <http://www.bloomberg.com/news/2012-12-21/shootings-costing-u-s-174-billion-show-burden-of-gun-violence.html>

ⁱⁱⁱ “Gun Deaths Cost U.S. Billions Each Year While Firearms Makers Thrive,” Huffington Post, by Jeffrey Young, December 19, 2012, see http://www.huffingtonpost.com/2012/12/19/guns-deaths-sandy-hook-shooting_n_2325706.html

^{iv}Ibid.

^vIbid.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

I would like to encourage you to support the president's efforts to curb the kind of horrific gun violence that we have been witnessing in the past year. I am embarrassed that we are the only civilized nation that currently allows such weapons to be accessible to the general public that can kill 20 children in less than a minute. The second amendment was written when it took several minutes to reload a gun. It needs to be revisited and, at the least, reinterpreted for the 21st century. Australia is an excellent example of how sensible gun legislation can save lives. Their former president had an article on the editorial page of the NY Times recently. He shared that their stricter gun laws that were passed in 1996 have virtually eliminated the mass killings in that country. England is another good example of how restricting public access to pistols and assault weapons can save lives. Since passing such laws in 1996, England has virtually eliminated mass gun murders. Stricter gun laws are not the total answer. But let's get started!

Contrary to the feelings of some, the answer is not more guns in the hands of "good" people. Please do the right thing for our country and do not be swayed by the influence of gun manufacturers and others that advocate the escalation of gun use.

Sincerely,

Richard H. Neff, Ed.D
9920 Barnsbury Court
Fairfax, VA 22031
February 11, 2013

THIS IS A CALL TO ACTION!! CHANGE IN OUR CURRENT GUN LAWS IS ABSOLUTELY NECESSARY!

I have been a Newtown resident for the past year. Prior to this I lived in Sandy Hook for 9 ½ years (and again Newtown for 2 years prior to this!). The tragedy that occurred on December 14, 2012 must NEVER be allowed to happen again! There are far too many injuries and deaths due to gun violence in this country – the statistics speak for themselves. I realize that many of them are related to hand guns but we must start somewhere. Almost everyday, if not everyday, you can turn on the morning news and hear about another shooting locally and nationally!! We don't have to, and should NEVER, accept this as the new norm! We have the ability and the power to change this – YOU, our ELECTED officials, have the ability and the power to change this. It can no longer be acceptable for these acts of violence to be carried out by innocent people, be it children or adults! People talk about their second amendment rights....what about my, our, rights under Thomas Jefferson's quote of "LIFE, Liberty and the Pursuit of Happiness" in the Declaration of Independence. We are not asking for people to give up all of their guns but just military style assault weapons and guns with high capacity magazines. These weapons belong with law officials and military personnel only.

I am in FULL support of the following changes in our gun laws and support legislation proposed by CT Against Gun Violence:

- 1) A COMPLETE ban on all military style assault weapons and weapons of high ammunition capacity.
- 2) A COMPLETE ban on high capacity magazines. There should be an absolute limit of no more than 7 rounds of ammunition per magazine.
- 3) There should be a MANDATORY recall on all military style assault weapons and high capacity magazines. These assault weapons and magazines must be destroyed, turned in to law enforcement or removed from the state.
- 4) Permits and UNIVERSAL background checks on ALL sales AND transfers of all guns, including long guns.
- 5) All hand guns should be required to be registered YEARLY with yearly renewal. We are required to register and reregister vehicles on a yearly basis – why should not weapons capable of killing someone hold the same requirements!
- 6) Increase the penalties for storage and/or safety violations for gun owners. Make gun owners liable if their weapons are stolen/lost and are the cause of injury to another person or property.
- 7) Require a license to purchase any gun or ammunition. Tax the sale of ammunition.
- 8) Restrict the sale of hand guns to one gun per month.

These changes to the current gun laws are just common sense. The mass shootings and murders of innocent people trying to live their lives in a CIVILIZED society are SENSELESS. Take a stand and vote for, push for, legislation that is in the best interest of EVERYONE!!

Thank you very much for your time, consideration and humanity

Sincerely,
Robert T. Neff, Jr.

TESTIMONY FOR THE US SENATE SUBCOMMITTEE from

John Neuhoff
63 Lakeview Terrace
Sandy Hook, CT 06482

Dear Chairman Durbin & Senate Judiciary Members,

Thank you for reading this testimony. My name is John Neuhoff and I live in Sandy Hook, CT with my wife and 13 year old daughter. My daughter goes to school in town and was under lockdown on 12/14/12. We knew one of the victims and have a family four doors down that lost a child. The shooter lived around the corner from us. We are still deeply hurt by the Sandy Hook Elementary School shooting. Every day it is in our minds.

I would like to see semi automatic rifles and pistols that can accommodate large capacity magazines (the assault weapons) banned. I think the argument that because the "Bushmaster" is only a 22 caliber as the reason it should not be banned is not valid. If a 22 caliber can do the damage that was done in Sandy Hook Elementary then it is obviously a very dangerous weapon. It seems that every 22 caliber that can accommodate a high capacity magazine should be a candidate for banishment. I think that all of the grandfathered weapons should be put under strict and reasonable control.

I also believe that this banning would be contrary to the second amendment. To make a "well regulated militia" I think that all private citizens should have access to all weapons that this militia might need. To protect itself from hostile governments it should have access to the weapons that those governments would have. That would be weapons more powerful than the "Bushmaster". This would obviously create more danger to individuals and a chaos that would result in more unwarranted killing. It is something that will never happen in America. To prevent more bee stings I do not think it is wise to add more bees. At this moment in time individuals in America do not have access to all of the weapons that the Second Amendment entitles them to. It seems that we have already lost some of our Second Amendment rights. But the question is whether more should be taken away?

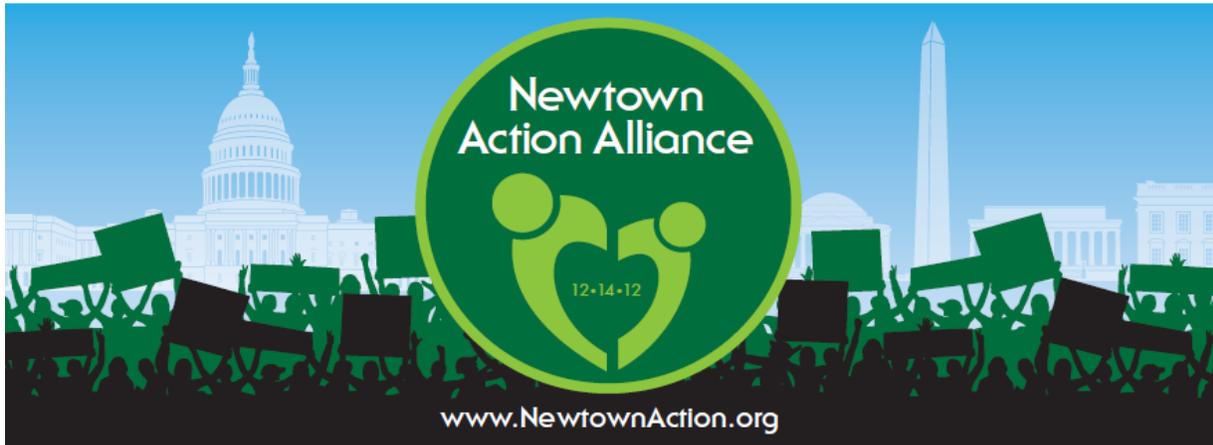
Because I live in Sandy Hook I would obviously prefer banishment but I think that Second Amendment freedom is also important. I think reasonable "gun" control is the way to go. Control is needed to fix this situation and it should be fair, firm and without burdens that might essentially force a ban on the weapons in question. The Senate should not force banishment in an underhanded way such as extensive taxing and fees or burdensome renewals and requirements. If you want to ban them then ban them. Otherwise control them in a fair and reasonable way. Here are my ten ideas.

1. I believe background checks are necessary. They should include a doctor's evaluation and should be housed by a neutral entity in an encrypted form. There should be no charge for this check.

2. I believe EVERY rifle and hand gun should be registered in our country. This info should also be kept encrypted by the neutral entity. There should be no charge for this registration.
3. EVERY transaction must have a background check and registration.
4. I believe ammunition and weapons should have permanent markings to track them if they are used in an illegal manner.
5. Any lost or stolen weapon must be reported.
6. All owners must be held accountable for what they own. "With great power comes great responsibility".
7. All semi automatic weapons that can accommodate high capacity magazines (the assault weapons), the high capacity magazine and armor piercing ammunition must be properly secured in a manner that only the owner can access them. When unlocked the owner must be with these items at all times. If these weapons, magazines and ammunition are kept in a communal gun safe they must have further security measures to prevent anyone but the owner having access to them.
8. Gun safes, locked gun boxes, trigger guards and all other options that would help secure weapons, magazines and ammunition should be offered at rock bottom prices to encourage their use. I would accept the government offering tax deductions and subsidies to help accomplish this.
9. It should be a crime with mandatory enforcement when people are caught with unregistered weapons or have been found to have lied on background checks. It should be a crime with mandatory enforcement when owners break the rules that are put into effect to keep the public safe while insuring that legal and responsible gun owners have every freedom.
10. Inexpensive Gun classes at all levels should be offered and encouraged across our country to train people how to shoot, maintain and secure the guns that they own or hope to own. Each time they pass a new level they should be issued an ID card showing this accomplishment (if they want it). This info should be added to their encrypted background check because it is positive. I believe that the better trained a gun owner is the better it is for everyone. I think that non gun owners should also be encouraged to take these classes. Maybe the government would offer some free training sessions with ex military vets.

These are my ten ideas that I believe would make us safer while protecting all of the rights of legal gun owners. I hope they will be helpful to your US Senate Subcommittee. Everyday I realize that I have no way to protect my family from a repeat of what happened here at Sandy Hook Elementary School. In reality we are no safer today than we were then. I believe that lightening never strikes the same place twice and that going forward we will be ok. I trust your group in the Senate to fix this dilemma in a more practical way. I would prefer to not depend on the whim of lightening.

John



February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for the opportunity to be heard. My name is Dave Ackert. I live in Sandy Hook, Connecticut and I am the founder of The Newtown Action Alliance, a Newtown-based grassroots organization working tirelessly to take and accelerate ethical actions, legislatively or otherwise, which reduce gun violence and death, both near and long term.

The Newtown Action Alliance was born out of necessity after the massacre of 20 precious children and their teachers in our town on December 14, 2012. Our action-based organization formed out of the realization that action often speaks just as loudly, if not more so, than words. Our first action was to organize 100 area residents to go to Washington DC on a moment's notice, to help lead The Gun Control March there on Jan. 26th. What happened in Newtown has got to be remembered as the tipping point, and we fully expect that you will join us in acting to ensure that our 26 did not die in vain. We will continue to act, and will not rest until the epidemic of gun violence in America is reversed.

On behalf of the people of Newtown, I say "**Enough!**" Especially to the fringe gun lobby who refuses to act responsibly and who has convinced our elected representatives that they shouldn't be held accountable for their actions, their products, or their rhetoric. Their summary dismissal of any new regulations is shameful, irresponsible and selfish. For example, they insist that limiting the size of magazines will not save lives. This is simply not true. At Sandy Hook Elementary School, six of our kids were able to escape without physical injury when the shooter ran out of bullets and had to change magazines! What other evidence do you need?

We believe that reforms in the gun industry will make all of us safer. This includes universal background checks on all gun purchases and ammo, the elimination of high capacity magazines and armor piercing ammunition, and removing military grade weapons from civilian life.

Some of us are gun owners. We all totally oppose interfering with responsible gun ownership for sport, for hunting or to protect life & property. However, we recognize that other industries are well-regulated to protect the public. But not the gun industry.

The Second Amendment reads: "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."

Reasonable licensing and regulation for public safety is not infringement, it is responsibility. Your responsibility.

Other industries have resisted rules to improve public safety.....the auto industry, the tobacco industry, the drug industry and even the food industry. Thankfully, they all have been regulated to a certain degree. We now have seatbelts, airbags and child seats. Liability insurance requirements. Limits on tobacco & drug marketing tactics, including restricting marketing to children, or providing samples to children. And many of these industries whose products place a financial burden on society are taxed to help offset those costs. Why doesn't any of this apply to the gun industry?

The answer comes down to money. The gun industry only cares about their profits. As you may know, the NRA earns a commission on gun sales....literally! So it is in their self interest that they fund the political campaigns of so many lawmakers. The eyes of the nation, of the world, are watching what happens in Washington on this issue. The formerly silent majority.....many of whom are now single issue voters, are watching. You need to be bold. You need to make a statement and set an example for any of the lawmakers whose careers have been funded by the gun lobby.

The people of Newtown will not rest, until together with the silent majority in our country, we neutralize the special interests to bring about reasonable regulations that require manufactures of lethal products to act responsibly.

Please stand up to the self-serving gun lobby. Your jobs depend on it. More importantly, our lives and the lives of our children depend on it.

Thank you in advance.

Dave Ackert

Founder, The Newtown Action Alliance
P.O Box 3325
Newtown, CT 06470

Date: February 12, 2013

To: Chairman Durbin & Senate Judiciary Subcommittee Members

My son, a third-grader at Sandy Hook Elementary went to school on Friday, December 14, like any normal day. At school that day, he was the classroom helper with another child and had the job of walking the attendance sheet to the principal's office.

Moments later, bullets almost ended his life.

He was in the hallway with his friend when the shooter entered the building and the terror began.

He describes his experience as hearing gunshots, seeing bullets come by them, when he turned toward the source of gunshots to see what's going on — thankfully — smoke clouded his view.

Our kids were so lucky. A heroic teacher, Abbey Clements, whom we can never sufficiently thank, saw them in the hallway and pulled him into her classroom... I have no way to describe how I feel about the wonderful kids, teachers and families that were not as lucky.

How hard I (and we all) wish we could “run the tape” back and prevent this tragedy.

Here's what I want to say to each and every one of you:

I used to be part of the silent majority of people around this beautiful country that saw how weaponized and unsafe our society became, but kept our silence.

I thought guns are a part of American history. That many people know how to handle them and keep them safe. That our politicians know what they are doing, care about us, and the situation will be corrected.

Columbine, Virginia Tech, Aurora, chipped at those beliefs, but I averted my eyes. On Friday, this belief has been shattered for me, my wife, my relatives and friends, and — most important — my kids.

It's been long overdue, but it's clear to me -- I have to speak up and make my voice heard in Hartford and in Washington.

So, now I ask every Legislator, because regardless of your district or party affiliation, you are my voice as an American and I need you to act:

- Why would we think that assault weapons and high-capacity magazines (more than 7 rounds) should ever be in hands of civilians? There is no sensible reason for that. I want legislators to ban and remove them.
- Why are modified M-16s and Kalashnikovs sold to civilians in this country? There is no sensible reason for that. I want legislators to implement a law that bans US-based companies from design, manufacture, and importation of any military or military-derived weapons intended for sale to civilians.

- What exactly is an appropriate civilian use for the hollow-point bullets that explode in your body on entry used in Sandy Hook Elementary shooting? They are barbaric weapons designed to incur the most possible damage on human body. I want legislators to ban and remove them from circulation.
- Why do we have age limits, written and practical tests to acquire a driver's license, but have nothing that would be at least as rigorous for acquiring a weapon that can take out countless lives? I want legislators to implement permits and universal background checks on ALL sales and transfer of firearms, an age limit on operation of firearms, and a firearm operation test modeled after the tests for operating a motor vehicle.
- Why do we have to periodically renew registration for cars, but do not have to do it for weapons? I want legislators to implement firearm registration for all firearms with annual renewal (also modeled after the registration for motor vehicles) with safety inspections every three years.
- Why there's no legal accountability for negligence in storage of something as dangerous as guns? It makes absolutely no sense. I want legislators to make negligent gun owners liable, if any person gains access to firearms and injures himself, other people, or causes damage to property.
- Why does the entire society has to pay such a high price in precious human lives and huge economic cost, while firearm manufacturers and dealers collect profits off of our grief. The Pacific Institute for Research and Evaluation* estimated the economic impact from gun violence cost our nation \$175 BILLION just in 2010 or \$564 per each of us... or about \$35,000 per each gun sold in this country each year! Why does the society have to pay such a high price in grief and economic impact for someone to make profits? I ask legislators to implement taxes on firearm manufacturers and dealers to recoup those costs to our society fully.

Someone can say that you need a human to shoot a gun. What they are not saying is guns allow human feelings of malice and hate to be amplified. They amplify them in a way that's God-like, final and irreversible. It takes away someone's life with just a slight pull of an index finger while standing at a distance. Only the most responsible, trust-worthy, law-abiding, and well-trained individuals should ever have that power.

You see that people across the country are now demanding action. And you, as legislators, have to take action. You have to protect our children and our society. We don't want a repeat of 2011, when banning high-capacity magazines used in this shooting was not even brought to a vote!

Think of what you want this society to be for our children (assuming we can protect them to see adulthood). Please.

My son is going to be okay. But my heart goes out to all the families... and my hope is that we can pull together to help pass some laws to prevent a terrible tragedy like this from ever happening again.

It's enough talk. As responsible legislators, act now to keep all our children safe.

Sincerely,
 Andrei Nikitchyuk
 Sandy Hook, CT

Testimony of Shannon Watts
United States Senate Committee on the Judiciary
“What Should America Do About Gun Violence?”
January 30, 2013

Chairman Leahy, Ranking Member Grassley, and Members of the Committee, thank you for the opportunity to submit written testimony on the subject of What Should America Do About Gun Violence.

My name is Shannon Watts. I am the founder of One Million Moms for Gun Control. I founded this grass-roots organization on Facebook on December 15, 2012, one day after the mass shooting at Sandy Hook Elementary School in Newtown, Connecticut. I am the mother of five children. I live in Indiana. Hearing the news that twenty six- and seven-year-old children had been gunned down at their school forced me to do something about the increasing gun violence in America. I acted out of heartbreak and compassion and a compelling need to create change.

Within four weeks—less than one month—more than 50,000 people have signed up with One Million Moms for Gun Control to support new gun safety laws. Eighty chapters of One Million Moms for Gun Control are now spread across the United States. On January 26, 2013, One Million Moms for Gun Control co-sponsored the March on Washington for Gun Control. More than six thousand people marched on a bitterly cold January morning, in Washington, DC, while thousands more marched and rallied in cities across the United States from Boston, to Chicago, to Denver, to Indianapolis, to Seattle, and more.

The velocity with which the movement has grown in such a short time shows a very real desire for Americans favoring stricter gun safety measures to be heard as the true signal above the noise. The signal is this: we need stricter gun laws in this country. What we have now is not

working. The December 2012 shooting at Sandy Hook Elementary was the 16th mass shooting in the United States in 2012 alone. This one statistic alone should suffice to galvanize change.

Change is difficult. The Second Amendment admittedly grants broad rights to citizens to bear arms. No one within One Million Moms for Gun Control is looking to abridge the Second Amendment. What we seek instead are common-sense, practical limitations to the currently, seemingly unfettered right to bear arms that results in more and more deaths every year of innocent children. We believe that this issue is ripe for compromise.

Real change is needed. Real change, in the form of an assault weapons ban such as that proposed by Senator Dianne Feinstein; real change, in the form of tighter restrictions on the size of magazine clips limiting them to no more than 10 rounds; real change, in the form of extended background checks for all gun purchasers, whether they make their purchase at true brick and mortar stores, over the internet, or at gun shows.

I am not a politician. I am not a lawyer. I am simply a mother, and a citizen, and I am deeply concerned. I speak from the heart in language that every parent, every grandparent, every teacher and every American can understand. Enough is enough. The time has come for a common-sense, bipartisan effort to change the national debate about guns. Too many Americans are dying in their schools, in their movie theaters, at their political gatherings, at their colleges, at their supermarkets, and in their homes to justify maintaining the status quo.

After the shooting in Newtown, I had to do something. I could no longer sit idly by, quietly wringing my hands and wondering what could be done about the gun violence in America. I respectfully submit that now, you, Senators, must do something. Not one of us, as Americans, can afford to sit quietly any longer.

Subject: Disarming the US

February 4, 2013

Fortunately, there's beginning to be some gun control activity by our elected officials, nationally and in some states. Perhaps someday we will be able to reach the "Nirvana" described below, but any progress would hopefully help lessen the carnage.

Just a reminder that in 2010 there were about 31,000 gun deaths (11,000 murders, 19,000 suicides, and 600 unintentional fatalities) in the US, immensely more than in most other countries worldwide. For example, the US death rate from guns is 20 times that of the Netherlands. We average 85 gun deaths daily, or the equivalent of 3 Connecticut disasters each day! Per year, the Netherlands has only 78, the United Kingdom 140, and Japan 89! Although the odds of a single gun killing a person in a year are just 1 in 10,000, the average gun is associated with a annual cost of \$580 in medical expenses, work lost, and criminal-justice expenditures.

The National Rifle Association has only 4 million members (less than 1.5% of the population) and an annual budget of only \$300 million (half of what gun-opponent Mayor Michael Bloomberg of NYC himself donated to keep tobacco companies from cultivating children). Many point out that the NRA is actually not supported by the second amendment of our Constitution. In fact, the preamble of our Constitution states that the government must safeguard the well-being of the people ("insure domestic Tranquility" and "provide for the general Welfare"). It follows that allowing 31,000 gun deaths a year is clearly unconstitutional.

It would cost "only" about \$240 billion (about 6% of the annual federal budget of \$3.7 trillion) to buy back and destroy -- at an average cost of \$800 each -- all of our country's 300 million guns and their ammunition, except for those belonging to active military personnel, police officers or licensed hunters. What a bargain as a one-time expense to eliminate most guns from our imperfect society!

Mental-health issues should also be addressed, but only if it can be done without distracting our lawmakers from the need to eliminate almost all of our country's guns. Perhaps it would be helpful if a national publication like the New York Times contained a page everyday for about 10 days of photographs and vignettes of the the 85 or so people killed by guns in a recent 24-hour period, similarly to what the NYT did with the approximately

3,000 victims of 9/11. Confronting over a 10-day period about 850 gun victims face-to-face and learning about all the lives shattered might have considerable impact on many people, including even members of the NRA.

John S. O'Shea, MD, FAAP: Vice-chair, Committee on Injury and Poison Prevention, GA Chapter AAP jsoshea1@gmail.com

My name is Miranda Pacchiana and I live in Sandy Hook. My husband and I have been residents of Newtown for twenty years and our three children all attended Sandy Hook School. I am here today because I feel that it is my obligation as a mother and a citizen of Newtown, and Connecticut, to urge you to pass the legislation proposed by Connecticut Against Gun Violence. It is especially important that you restrict gun sales to one a month in order to stop the sale of "straw purchases." I also want to see the sale and possession of all military style weapons banned, with no grandfathering of existing weapons. As sales of high capacity weapons and ammunition have steadily increased, so have the mass shootings around the country. Life has become vastly more violent since I went to school. It never occurred to me to be afraid of being murdered, but this is the world that my children are growing up in. The constitutional rights of all citizens to life, liberty and the pursuit of happiness is being seriously infringed upon when we cannot send our children to school without fearing that they might be shot.

I also believe that the mental health piece is equally important. I earned my Master's in Social Work about the same time that Fairfield Hills Hospital in Newtown was one of many mental health housing institutions that was shut down around the country. We have not sufficiently replaced the services that once addressed the needs of the mentally ill, whether or not they need to be separated from society. We absolutely have to stop looking the other way while desperate and angry people grow more and more dangerous. We need to see changes that make mental health care easily available to every citizen and every concerned parent whose child exhibits signs of dangerous behavior. This includes in-patient facilities, and not just prescription medications and brief counseling as oversight. A more comprehensive system must be put in place.

Please act on behalf of the best interest of all citizens and help us be an example to the rest of the country by passing this desperately needed legislation. Thank you for your attention to this important issue.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin and Members of the Senate Judiciary Subcommittee:

Thank you for the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I am a public health professional currently serving on Fairfax County's Human Services Council. I also am a member of the Unitarian Universalist Congregation of Fairfax. I formerly directed International Programs and Public Health for the National Institute of Environmental Health Sciences.

I am committed to the pursuit of laws that will help reduce the level of gun-related violence in America, a developed nation with a shameful record of gun violence. In addition to those who are killed or wounded, the effects of gun violence ripple throughout the victims' families, friends, and communities.

While I support universal registration of guns owned by private citizens, I also realize that at this time such a proposal would not be supported by Senate or the House of Representatives.

The proposals to curb gun-related violence that are listed below are doable now and do not infringe on the rights of the Second Amendment, which I believe is not an absolute right.

I ask that the Senate Judiciary Committee adopt the following and work to pass laws that will:

1. Require universal background checks on both guns and ammunition. No loopholes. Ever. That means everyone, everytime.
2. Institute an assault weapons & high capacity magazine ban: rather than banning specific makes and models of assault weapons though, we would prefer banning weapons based on functionality. Weapons designed for warfare have no place on our streets.
3. Repeal the Tiahrt amendment and make gun trafficking and straw purchases federal crimes.
4. Improve mental health reporting and mental health treatment.

I harbor no illusions that even if all of the above proposals are adopted that gun-related violence in America would be eradicated. However they would be a significant start toward a solution to the problem and would significantly reduce the level of gun violence.

I urge the Senate Judiciary Committee to support and work for passage of these proposals.

Most respectfully,

/s/

Gerald V. Poje, Ph.D.
2530 Rambling Court
Vienna, VA 22181

“Proposal to Reduce Gun Violence: Protecting Our Communities
While Respecting the Second Amendment”
US Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Police Foundation, Jim Bueermann, President
February 12, 2013

I write to you in my capacity as both President of the Police Foundation and the former Chief of Police of the Redlands, CA Police Department. The Police Foundation, established in 1970 by the Ford Foundation, is a non-partisan, non-constituency research organization. Our mission is to advance policing through innovation and scientific research. The Foundation is committed to disseminating science and evidence-based practices to the field. My written testimony reflects these principles and my personal experience after 33 years as a police officer during which time I witnessed countless acts of violence. I urge the passage of the Assault Weapons Ban Act of 2013 and ask Congress to consider funding additional scientific research to help this country implement evidence-based approaches to reducing gun violence in our communities and schools.

The most recent available data reveal this alarming picture of America’s experience with gun-related violence: in 2011, of the 32,163 deaths from firearms, 19,766 were suicides and 11,101 were homicides.¹ Additionally, there were 467,321 non-fatal violent crimes committed with a firearm.² These numbers all reflect the unique position of the United States in relation to other high-income nations: our homicide rate is 6.9 times higher than the combined homicide rate of 22 other high-income countries.³ We all know that gun violence must be stemmed. The Police Foundation supports a comprehensive and holistic approach to preventing and reducing gun violence that includes:

- Legislation that bans assault weapons, requires universal background checks for all firearm purchases and limits high capacity ammunition feeding devices to ten rounds;
- Enhanced funding for research on the availability of firearms, the causes and prevention of gun violence and the connection between mental health and gun violence;
- Specific funding to replicate the 1996 US DOJ, National Institute of Justice study *Guns in America* that provided a comprehensive view of guns in our society;
- Increased funding to states for community-based mental health treatment; and,
- Sustained funding and support of the Justice and Mental Health Collaboration Program Act, which allows for collaborative efforts between law enforcement, criminal justice and mental health professionals.

Gun violence, especially violence that is mental health-related, is a complex social, cultural, health and safety issue. It is one that we do not know enough about. As the leader of a research organization that focuses on policing crime and disorder, I stress the need for scientific research

¹ Ibid.

² Bureau of Justice Statistics. Number of violent victimizations by weapons category. Generated using the NCVS Victimization Analysis Tool at www.bjs.gov. 29-Jan-13.

³ Richardson EG, Hemenway D. Homicide, suicide, and unintentional firearm mortality: comparing the United States with other high-income countries, 2003. *Journal of Trauma* 2011; 70:238-243.

and an evidence-based approach to understanding important societal issues. As a country, we need a robust and rigorous agenda on the causes of gun violence, effective, community-based prevention and intervention strategies and the link between mental illness and gun violence. Lifting the freeze on gun violence research at the Centers for Disease Control is heartening, and I hope Congress will support additional funding for interdisciplinary, scientific research and collaboration across government agencies, including the Department of Justice and the Department of Health and Human Services.

Mental health-related gun violence has been brought to the fore with the shootings in Newtown, CT, Aurora, CO and Tucson, AZ. While these tragic incidents are statistically rare, when combined with the number of gun-related suicides each year, the necessity of addressing the mental health needs of individuals, and the availability of firearms in our communities, is paramount.

We do not want to stigmatize individuals with mental illness nor solely focus the current dialogue on gun violence on the role of mental illness. The best available data on violence attributable to mental illness shows that 3-5% of violent acts are committed by individuals with mental illness⁴ and most of these acts do not involve guns.⁵ Yet, we cannot ignore the number of gun-involved suicides each year and the connection between mass shootings and mental illness. Increased scientific research across the fields of medicine, public health, criminal justice and law will help us understand how to prevent mental health-related gun violence. This requires both robust funding and time.

As a former chief of police, I recognize that local law enforcement agencies require immediate strategies to prevent another incident of mass violence. Earlier this month, the Police Foundation convened a roundtable meeting of expert researchers and practitioners from the fields of law enforcement, mental health, public health, criminal justice and policy. The group discussed how available interdisciplinary research might be used to develop practical strategies for law enforcement that prevent mental health-related gun violence. Existing research establishes the difficulty in predicting a violent act,⁶ but the group committed to three strategies that law enforcement can adopt now. Based on innovative practices defined in the literature, the group proposed that law enforcement executives:

- Create local partnerships with mental health service providers, school officials and appropriate community groups to develop a mental health crisis response capacity;
- Advocate for increased mental health services in their communities. Law enforcement executives should convene local service providers and community members to assess

⁴ Swanson JW: Mental disorder, substance abuse, and community violence: an epidemiological approach; in *Violence and Mental Disorder*. Edited by Monahan J, Steadman H. Chicago, University of Chicago Press, 1994. Cited in Appelbaum, PS and JW Swanson. Gun laws and mental illness: How sensible are current restrictions? *Psychiatric Services* 2010, 61: 652-654.

⁵ Monahan J, Steadman H, Silver E, et al: *Rethinking Risk Assessment: The MacArthur Study of Mental Disorder and Violence*. New York, Oxford University Press, 2001. Cited in Appelbaum, PS and JW Swanson. Gun laws and mental illness: How sensible are current restrictions? *Psychiatric Services* 2010, 61: 652-654.

local mental health services and community needs and increase community members' knowledge of the existing science on mental health and gun violence;

- Adopt specific policies and practices that reduce the availability of guns to people in mental health crisis, institutionalize mental health training for their officers and facilitate community-wide “mental health first aid” training for all community members.

Clearly, more work needs to be done in this area so police departments can effectively operationalize these ideas. With additional Congressional support, strategies like these can be supported by legislation such as the Justice and Mental Health Collaboration Act or through an enhancement of programs at the Department of Justice and the Departments of Health and Human Services and Education. The JMHC Act has bipartisan support across the House of Representatives and Senate, and I ask that Congress sustain funding for these important ideas as part of a targeted approach to specifically reducing gun violence.

Charting a path to respond to gun violence will not be easy, but I encourage Congress to rely on the police, community leaders and science to guide that path. The Police Foundation, along with law enforcement leaders across the country, support reducing the availability of assault weapons and high capacity ammunition feeding device as a first step to reducing gun violence. However, to effectively reduce gun violence, there must be more comprehensive action. Congress should prioritize funding to better understand guns in America, research on the causes and prevention of gun violence and the connection between mental illness and gun violence. It should also enhance the funding and availability of mental health services in communities, and support programs that increase local collaboration between law enforcement, criminal justice and mental health professionals.

Thank you for your consideration of this written testimony.

Testimony to Chairman Durbin & Senate Judiciary Subcommittee Members

Relevant to the Senate Judiciary Committee meeting on gun violence prevention (February 12, 2013)

by Eric Poupon, 23 Split Rock Rd, Newtown CT

My name is Eric Poupon and I have lived in Newtown, CT for 11 years. I have three children in the schools here in Newtown.

I would like to voice my support to the current proposals for tighter gun control in Connecticut including:

- A Ban on assault rifles
- A Ban on large capacity magazines which hold more than 7 rounds
- Universal background checks or a holding period before a gun can be purchased.
- Mental health checks for all gun owners and their families
- Funding of programs to provide more options for families who are affected by mental health issues.
- I also support legislation that will better regulate the use of guns by lawful gun owners on private property, preferably through defining gun range requirements and mandating inspections.

Today I wanted to talk about a dire situation in Newtown for myself, my neighborhood and all of our neighborhoods in Newtown. Practically every week, my family and I have to experience long periods of uncontrolled shooting by various gun owners who surround us on other properties. Sometimes this shooting can last up to 8 to 9 hours in a single day of non-stop shooting with semi-automatic weapons of various size and caliber. After filing complaints with the local police, what I have found is shocking. As a citizen I have absolutely no ability or no rights to affect the situation at the local, state or federal level.

On January 6th of this year our neighborhood experienced the inevitable. A person working on a neighbor's roof was actually hit with a bullet coming from "recreational" shooting occurring on the property near us.

This situation is a shocking reality that not only is the shooting creating continued mental health issues for our children in the wake of the events of December 14th, 2012, but I quickly realized this is a life or death situation on any given day. My children and the children of others in this town are in tremendous danger due to the lack of safety regulations in the use of firearms on private land. These are the same firearms which are now being questioned at a federal level whether they should even be owned by civilians. This situation must change.

I had thought that I had a right, as a tax-paying citizen, to complain about this potential hazard and that it would be taken seriously. Much to my dismay and astonishment, I have been told by members of the police force, including our chief, as well as high ranking members of our legislative council, that the current laws and regulations give me NO rights to prevent this situation from happening.

So I have to ask, are we really at the point where the rights of gun owners and the fear of losing ground on the second amendment allows for gun owners to do as they want, when and where they want, putting our children in danger at any time? I am certain about the fact that in Connecticut, I have more rights to call upon law enforcement to prevent someone from shooting fireworks near my home than I do to prevent someone from blasting away with a semi-automatic weapon 500 feet from my house. That is how the current legislation in Newtown is currently written.

Those that I have talked to on the police force and in our legislative councils are clear. They do not feel they have the capacity to change things on their own at a local level. Our leaders, our citizens and myself are looking to **all of you** to help with enacting a set of changes which will, in turn, give them the ability to enact the types of changes which can make our town safer. These changes can provide our police officers the ability to act in these situations and protect

every citizen in our town. Currently, our police officers seem to be only allowed to protect gun owners and that is simply not right. I know Newtown is not alone in this struggle.

I strongly believe these tighter gun controls will prevent future tragedies like the one in Newtown on December 14th, 2012. As like any other foundation of change it will take time for these laws to take hold and have long term effects as it did with other long term campaigns for change such as drunk driving, or health awareness. I do not consider any of these proposals to be knee jerk reactions. I consider them be a start to changing the mentality of this country and this community about how we perceive the need for guns, and these changes will absolutely prevent more violence over time.

I urge you to move forward with the proposed legislation proposed by CAGV. Doing so will give life to the many discussions and compromises that need to be made in Newtown and in communities across this state to make our own changes. Give our elected officials and law enforcement groups the chance to protect ALL of its citizens and the same time, prevent a tragedy like the one on December 14th, 2012 where we lost 20 beautiful children and 6 wonderful teachers.

Thank you.

Eric Poupon

The Senate Judiciary Committee
Chairman Patrick Leahy
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Leahy, Chairman Durbin, Senate Judiciary Committee & Senate Judiciary Subcommittee Members:

I appreciate deeply that the Judiciary Committee is convening and considering the true impact of the virtual unfettered access to weaponry in OUR United States. Thank you for allowing me to submit testimony in advance of your hearing on “Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment”. While I, like many, support the Second Amendment and its intent, the meaning of it has been grossly distorted by those who would further mass proliferation of weaponry in OUR United States. Supreme Court Justice Scalia, an originalist for our Constitution, has clearly defined that regulation of guns does not equal infringement on the ‘right to bear arms’. Clearly, reasonable gun control is consistent with the Second Amendment, and is in keeping with the rights of the People for ‘Life, Liberty and the Pursuit of Happiness’. With each right comes responsibility, and a balance with the rights of all.

We simply must have Universal Background Checks, and improve the National Instant Criminal Background Check system so that it is a reliable tool to keep guns out of the hands of those whose intent is other than law abiding. I live in Florida, a state that is second in the nation for illegal guns trafficking – where guns are then migrated to states with more comprehensive gun control laws. The Bureau of Alcohol, Tobacco and Firearms has identified the two contributing factors to this trafficking are the lack of background checks from private sales, combined with ‘straw man’ purchases. Universal Background Checks simply MUST be nation wide and I urge you to also support recent bipartisan proposals to increase the penalty to 20 years, for ‘straw man’ purchases.

A 10 round limit on magazines is a reasonable measure that supports lawful use of guns, while also providing a window of opportunity to subdue a shooter, and limiting the amount of carnage that could be inflicted. With rights comes responsibilities and we are well aware the majority of mass shootings involved the use of ‘high capacity’ magazines. We are also aware that in the case of the Aurora theater shooting, the brief interruption, from a 100 round drum jamming resulted in the opportunity to subdue the shooter and limit the carnage. An experienced shooter can change magazine quickly, but not as quickly as that next round is fired. This is critical and I strongly urge you to support this magazine capacity limit.

There is much discussion on the banning of ‘assault weapons’, military style weapons. In my many discussions with gun owners, I have learned of the extreme adaptability of the AR-15, where it may be easily modified to reach the capability of a fully automatic rifle. I have personally viewed video of this, where the shooter was able to fire 25 rounds in 5 seconds... 25 round in 5 seconds...! Shocking! Amazing! I can see no reason where other than military or law

enforcement personnel ought to have this level of capability. As we know, law enforcement personnel are now concerned about being 'out gunned' in our streets. Also, there exists a core group of gun zealots who are literally calling for a 'Civil War', and are amassing weaponry to carry that out, a refusal to consider the rightful balance of rights and responsibilities, a refusal to acknowledge legitimate authority of the Supreme Court of the United States and OUR legislators. I urge you to support a ban on assault style weapons.

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the Bureau of Alcohol Tobacco and Firearms the authority to require gun dealers to inventory lost and stolen guns and requires that National Instant Criminal Background Check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime, which can substantially increase the sanctions, and enforcement of those sanctions, for offenders.

As a Licensed Therapist, specialized in Child Trauma, I see first hand the devastating and long term impact of trauma in all areas of a child's life. Exposure to gun violence deeply impacts a child's sense of safety in the world, with ensuing development of a 'survival' rather than 'thrive' skill set. This 'survival' skill set limits their ability to fully function in the areas of family and social relationships, academic and later career pursuits, and increases their risk of substance abuse, involvement in juvenile justice systems and puts them very much at risk for perpetuating a 'cycle of violence' and trauma as adults.

I urge you to support President Obama's comprehensive plan for reducing gun violence. President Obama's plan is comprehensive, incorporates the recommendations from the National Alliance for the Mentally Ill, the American Psychiatric Association, calls for research funding to the Center for Disease Control, removing barriers to improve the National Instant Criminal Background Check system, increased public education and more. Far too many mothers, fathers, sister and brothers have lost a child. Far too many gun accidents happen in our homes. Far too many are maimed, for life, through gun violence.

I urge you, to lead the way in truly being part of reducing the social epidemic of gun violence in OUR country. WE, The People, are counting on you.

Respectfully submitted,
Pamela S. Powers
M.Ed., MSW, LCSW, CAP
HMC, USN (RET)

"Nothing is so Strong as Gentleness and Nothing is so Gentle as Real Strength"
Ralph W. Sockman

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for giving all of us the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. There is a lot that can and must be done to prevent tragedies like Sandy Hook, Aurora, and Virginia Tech from happening again, but steps must be taken immediately to protect us and our children. The following short list is a starting point:

1. Universal Background Checks for both Guns and Ammunition

Every purchaser of a firearm should be subject to a full and comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). The fact that anyone can buy a gun in a private sale, without any check of any kind, is simply absurd. We must keep track of— regulate— the guns in our country. This is way overdue.

2. Institute an Assault Weapons & High Capacity Magazine Ban

All of the mass shootings we Americans have endured have had 1 thing in common: high capacity magazines that were used to kill as many people as possible in a short amount of time. These weapons and ammunition designed for massive slaughter have no place in civilian society, they are designed for a war zone. Have the courage to renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban.

3. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime

The Tiahrt Amendment must be repealed. You should be doing everything you can to move forward and pass legislation that will assist law enforcement and public safety organizations in tracking all firearms and any type of harm that comes from them-- be it suicide, accidents, murder or crime of any kind. This means the registration of every firearm purchase, and at the very least, annual physical verification of ownership. The data gathered from this tracking must be made available so it can be used to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively. Opponents of stringent registration claim that it's too cumbersome a process, yet all car owners must register and continually reregister their vehicles; local governments see that it happens and vehicle owners comply.

4. Reform Mental Health Reporting

5. Limit Gun Purchases to One Per Month.

Antique weapons could be exempt, out of consideration of collectors. Regular, non-collector citizens should have no reason to buy more than one firearm per month. If collectors agree to a set of stringent regulations regarding full and continual accountability of the weapons they purchase, collectors could receive an exception to this law.

I, and most other advocates of gun control, am not advocating for the abolition of the 2nd Amendment. There has to be some sort of common sense regulation for weapons that can kill so many in mere seconds. Think of all those precious children in Sandy Hook that had their tiny bodies torn apart, their parents cautioned not to look at them while identifying them so that wouldn't be the last image of their son/daughter. Many of have previously been silent on this issue, letting the NRA have all the power and influence over leaders in Congress who ultimately decide our gun laws. Please do not be intimidated by the NRA. The tide has shifted and the majority of Americans favor common sense gun control. The Second Amendment belongs to all of the American people and we demand change.

Sincerely

Melissa Prevey
Redding, CT

Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation

January 30, 2013

Several proposed reforms to the nation's gun laws, including universal background checks and restrictions on high-capacity ammunition magazines and assault weapons, are now pending before Congress. Concerns have been raised that these measures might violate the Second Amendment. We, the undersigned professors with expertise in constitutional law, write to address those concerns.

In 2008, the U.S. Supreme Court held that the Second Amendment, which provides, "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," guarantees an individual's right to have a functional firearm in the home for self-defense. The Court's decision in that case, *District of Columbia v. Heller*, struck down a D.C. law that effectively barred the use of any firearm for self-defense. The law is now clear that the government may not completely disarm law-abiding, responsible citizens. The Court also made clear, however, that many gun regulations remain constitutionally permissible. "Like most rights," the Court explained, "the right secured by the Second Amendment is not unlimited." Writing for the Court, Justice Antonin Scalia explained that restrictions on "dangerous and unusual" weapons are constitutional and that "nothing in our opinion should be taken to cast doubt" on laws that prohibit "the possession of firearms by felons or the mentally ill" or laws that impose "conditions and qualifications on the commercial sale of arms."

In this sense, Justice Scalia recognized in *Heller* that, like other constitutional rights, the Second Amendment is not an absolute. The First Amendment, for example, provides that "Congress shall make no law . . . abridging the freedom of speech," but the Supreme Court has long and consistently held that some types of speech – for example, defamation, obscenity and threats – can be regulated; that some people – for example, public employees, members of the military, students and prisoners – are subject to greater restrictions on their speech than others; and that the government can reasonably regulate the time, place and manner of speech. As Justice Scalia explained in *Heller*, the rights guaranteed by the Second Amendment are likewise subject to appropriate regulation in order to enhance public safety.

In acknowledging the presumptive constitutionality of laws designed to prevent gun violence, including restrictions on who has access to firearms and what types of

firearms they may have, *Heller* is consistent with the history of the right to keep and bear arms. The founding fathers who wrote and ratified the Second Amendment also had laws to keep guns out of the hands of people thought to be untrustworthy. Such laws were necessary to ensure that the citizen militia referenced in the Second Amendment was “well regulated.” In the 1800s, many states restricted the sale or public possession of concealable firearms. In the early twentieth century, the federal government restricted access to unusually dangerous weapons, such as machine guns, and states barred people convicted of certain felonies from possessing firearms. Laws such as these were routinely upheld by the courts, which recognized the legitimacy of legislative efforts to keep the most dangerous weapons out of the hands of the most dangerous people.

While the permissibility of any particular reform depends on its details, the reforms currently being considered by Congress are clearly consistent with the Second Amendment. We express no view on the effectiveness or desirability of the policies reflected in the various proposals, but we all agree that none infringes the core right identified by the Court in *Heller*.

Universal background checks, especially those conducted instantaneously through the National Instant Background Check System, do not impose a significant burden on law-abiding citizens. Yet background checks may provide an important safeguard against easy access to guns by members of criminal street gangs, other felons, and the mentally ill. As with other rights that have eligibility criteria, such as the right to vote, the right to keep and bear arms is not offended by neutral measures designed to ensure that only eligible, law-abiding citizens exercise the right. Moreover, background checks imposed at the point of sale are typical of the “conditions and qualifications on the commercial sale of arms” recognized by the Supreme Court in *Heller*.

Restrictions on the manufacture and sale of high-capacity ammunition magazines and assault weapons are also consistent with the Second Amendment. In a recent opinion authored by Judge Douglas Ginsburg and joined by Judge Karen Henderson, the U.S. Court of Appeals for the District of Columbia Circuit held that such regulations are consistent with the Second Amendment and with the Supreme Court’s decision in *Heller*. The court of appeals recognized such weapons and magazines are not necessary for individual self-defense – what *Heller* called the “core lawful purpose” of the Second Amendment. Restrictions on high-capacity magazines and assault weapons, the court of appeals held, do “not effectively disarm individuals or substantially affect their ability to defend themselves.” The Second Amendment, like the First Amendment, does not prevent lawmakers from enacting reasonable regulations that do not seriously interfere with the core right guaranteed by the Constitution.

The Supreme Court has clearly held that the Second Amendment preserves the right of law-abiding citizens to have a firearm in the home for self-defense. As both the historical tradition of the right to bear arms and the Court’s decision suggest,

reasonable and limited measures to enhance public safety that do not unduly burden that right are consistent with the Second Amendment.

Signed,

Bruce Ackerman
Sterling Professor of Law and Political Science, Yale Law School

Albert W. Alschuler
Julius Kreeger Professor Emeritus, The University of Chicago Law School

Mitchell N. Berman
Richard Dale Endowed Chair in Law, The University of Texas School of Law

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Joseph Blocher
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Lee C. Bollinger
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Rebecca L. Brown
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John C. Jeffries, Jr.
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University affiliation provided for identification purposes only.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

I am a businesswoman. I believe that the “system” we have in place for gun manufacture, sales, use and ownership seriously broken and needs reform. I am not a rabid liberal who wants to see all guns banned, or someone who believes that such a ban would even solve the deadly effects we see of the problem we have before of us. Mandated *responsibility and accountability* by everyone who participates in gun manufacture, sales, use and ownership is crucial to stopping this useless fingerpointing that has been going on for years now.

I suggest the following steps be put into place to create a new system of accountability for weapons, and to reduce the deadly impact of the inevitable (but less frequent) failure of the new system.

1) Require Universal Background Checks on both Guns and Ammunition

Every purchaser of a firearm should be subject to a background check through the FBI’s National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation’s more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

2) Institute an Assault Weapons & High Capacity Magazine Ban

Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4) Improve Mental Health Reporting

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been *involuntarily* committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun. There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above are all simple and immediate steps that would help bring an end to gun violence.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer’s bullet-proof vest. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let’s get this done; for our country and for our children; and let’s get this done now.

Most respectfully,

Maria C Pumilia
2000 Meadow View Drive NW
Albuquerque, NM 87104



Rehabilitation Institute of Chicago

345 East Superior Street
Chicago, Illinois 60611-2654
312-238-1000 telephone
www.ric.org

February 11, 2013

The Honorable Dick Durbin
Chairman
Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights,
and Human Rights
815 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Ted Cruz
Ranking Member
Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights,
and Human Rights
815 Hart Senate Office Building
Washington D.C. 20510

Dear Chairman Durbin and Ranking Member Cruz:

On behalf of the Rehabilitation Institute of Chicago ("RIC"), we wanted to thank you for convening the hearing scheduled for Tuesday, February 12, 2013, in order to begin the dialogue regarding how to reduce gun-related injuries and fatalities. As you may be aware, according to some estimates, more than 73,000 people each year are treated in hospital emergency rooms for non-fatal gunshot wounds. According to the Centers for Disease Control and Prevention ("CDC"), in 2010 there were 11,078 firearm homicides. In 2012, Chicago experienced more than 500 homicides, including gun slayings. RIC treats many individuals who have suffered severe and often life-changing injuries as a result of firearms.

As you know, RIC is one of the largest freestanding rehabilitation hospitals in the country and has been ranked the #1 Rehabilitation Hospital in America by *U.S. News and World Report* for the past twenty-two (22) years and running. RIC operates 52 sites of inpatient, outpatient, and day rehabilitation care throughout the Midwest, including its 182 bed flagship hospital located in downtown Chicago. Through its system of care, RIC serves more than 50,000 patients annually. RIC also runs the nation's largest rehabilitation research enterprise.

We are supportive of the open dialogue and highly commend you and your colleagues for your commitment to discuss this public health issue. We thank you for exploring new ideas and ways to help prevent gun-related injuries, disabilities, and fatalities. As always, RIC stands ready to be a resource to you and your staff regarding this and other health care matters. If you have any questions or if we can be of any assistance to you, please do not hesitate to contact me at 312.238.6208 or nparidy@ric.org.

Very truly yours,

Nancy E. Paridy.
Senior Vice President, General Counsel &
Government Affairs

Chairman Durbin and Senate Judiciary Subcommittee Members,

My name is Barbara Richardson. I live in Sandy Hook Connecticut.

I am the parent of a son who attended our much-loved Sandy Hook Elementary School. In our neighborhood are families who lost children and also the Lanzas. I am a sister to someone with mental illness and depression who was narrowly averted from purchasing a gun. I am a registered nurse with long experience in the trauma caused by guns in suicides, accidents and crime, as well as the decades long effects on families and loved ones. One of my patients was a 19 year old accidentally shot by his 13 year old brother using a gun owned by their "gun enthusiast" father. He died after a year in the hospital.

The causes of gun violence are complex, and solutions require rational, well-enforced laws as well as better care for mental illness and security. It will require of gun owners and sellers individual responsibility and limitation of some freedoms in the interest of public safety. The government does this with other potentially dangerous consumer products such as cars, ladders etc. I remember when the law was passed making seat belt wearing mandatory - how annoyed I was to be told what to do by the government. How silly that seems now with so many lives saved.

The popularization in recent years of military style rapid-fire semi-automatic rifles with large capacity magazines is a major factor in the Sandy Hook School massacre. We need to ban or restrict these types of weapons and high capacity ammunition magazines as well as establish universal background checks to better ensure that wrong people don't have guns. We need research and data as to the causes and effects of gun violence to implement the best policies. We need to empower law enforcement and the department of ATF to prevent and stop illegal guns and straw purchases. Unfortunately, the gun industry including the NRA and NSSF have for years used their money and political influence to undermine research into gun violence, weaken gun laws and undermine the ability of law enforcement to stem gun violence on the national, state and local level.

Wayne LaPierre said in a speech "The guys with the guns make the rules". I hope that with the wellbeing and safety of the public in mind, you prove him wrong.

Thank you

Barbara B Richardson

31 Osborne Hill Rd

Sandy Hook, CT 06482

Please add my comments to the ongoing testimony regarding gun control. I support the President's gun control policy. There is NO reason citizens should possess assault weapons. Period. NO reason.

In particular: Ban ALL assault weapons from the general public
Background checks for ALL gun purchases. No loop-holes. ALL guns: any time, anyplace.
Strengthen and enforce federal laws stopping gun trafficking.
Fund and demand the CDC and NIH resume research regarding violence and its motivators.

In addition, I support all 15 principles of the House Gun Violence Prevention Force's Comprehensive Common Sense Plan..

Thank you, Ethel-Anne Roome
599 Patriot Rd.
Southbury, CT 06488

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for giving all of us, We The People, the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. There is so much that can be done by Congress to make everyone safer and that is what we urge you and expect you to do.

Here is a short list of what you can do now to save American lives:

1. Universal Background Checks for both Guns and Ammunition

Every purchaser of a firearm should be subject to a full and comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). The fact that anyone can buy a gun in a private sale, without any check of any kind, is simply nonsensical. Since there are about 50,000 federally licensed firearm dealers in this country, let them adopt the role of administering all checks for all sales. As we all know, the Second Amendment clearly states, "well regulated" in regard to firearms and the militia. So, we have our Constitutional marching orders and they are clear: Keep track of—regulate— the guns in our country. This is way overdue.

2. Institute an Assault Weapons & High Capacity Magazine Ban

Have the courage to renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Weapons designed for war do not belong in the public realm for any reason at any time. Six children's lives were saved because Adam Lanza had to change his high capacity

magazine and it gave those precious children a chance to run out of Sandy Hook Elementary to safety. Maybe more children could have lived had Lanza only had ten round clips. Imagine, if you and your fellow Congressmen had instituted such a ban years ago, you would have already saved many lives, and maybe those of some Sandy Hook Elementary School. Maybe Ben Wheeler would still be alive, or maybe Allison, or Caroline, or Noah. Maybe...

3. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime

The Tiahrt Amendment must be repealed. You should be doing everything you can to move forward and pass legislation that will assist law enforcement and public safety organizations in tracking all firearms and any type of harm that comes from them-- be it suicide, accidents, murder or crime of any kind. This means the registration of every firearm purchase, and at the very least, annual physical verification of ownership. The data gathered from this tracking must be made available so it can be used to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4. Reform Mental Health Reporting

We all know now that gun violence is almost never committed by those suffering from mental illness (and in fact they are much more often the *victims* of crime). The current background check system is seriously flawed--the latest example of such flaws is the mentally ill woman from SC who, just several days ago, legally obtained a gun even though she had documented mental illness and had been arrested for threatening to kill the president. This must be fixed. As you may know, the only reason nobody died at the school where this woman brought her new gun was the fact that she could not get the gun to fire. She pointed it at the school administrators and pulled the trigger-- several time. Had she known how to unlock the gun, there most surely would have been even more schoolchildren for your committee to consider.

5. Limit Gun Purchases to One Per Month

Antique weapons could be exempt, out of consideration of collectors. Regular, non-collector citizens should have no reason to buy more than one firearm per month. If collectors agree to a set of stringent regulations regarding full and continual accountability of the weapons they purchase, collectors could receive an exception to this law.

When it comes to how Americans feel about the gun culture in this country, the ground has noticeably shifted in favor of gun law reform. Can't you feel it? We, the previously silent majority, are fed up. We vote, we will not forget Sandy Hook, and we are not going anywhere. I realize there is much more work to be done and the above five points are simply the beginning. I don't advocate for the abolition of the 2nd Amendment, just reasonable and common sense gun law reform that is both fair to gun owners and those of us who choose not to be gun owners. The Second Amendment does not belong to the NRA or gun enthusiasts or hunters or target shooters. It belongs to all of us, and it's time for change.

Nothing I have asked for here is hard or complicated. All it will take is your resolve not to be intimidated by the NRA. The Congress of the United States does not answer to the NRA, you answer to us, The People, and we demand change.

Sincerely

Diane Samples
New Fairfield, CT

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. I know that a lot can be done legislatively to make our country a safer place that will not infringe upon Second Amendment rights.

First and foremost, please require universal background checks on both guns and ammunition. Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. Background checks should also be required on all ammunition purchases.

Second, institute a ban on assault weapons and high capacity magazines.

There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives. Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban.

Third, repeal Tiahrt and make gun trafficking a federal crime.

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

Finally, improve mental health reporting.

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been *involuntarily* committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

The American people are speaking loudly and clearly. We expect Congress to start protecting

our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer's bullet-proof vest. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let's get this done; for our country and for our children; and let's get this done now.

Thank you for your time.

Jennifer Schuetz

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

For weeks, I have been trying to educate myself about guns because I think it's important to approach this subject objectively. Yet, as a longtime Newtown resident, I find it difficult to be dispassionate. Our town has been forever changed and there is no explanation to account for this tragedy.

After countless hours of research on gun rights, I am left with one nagging question that no one has yet answered: *why are weapons which were conceived and developed for warfare available to civilians?* This seems to be the crux of the gun control issue; does a civil society need submachine guns in the hands of average citizens? I understand that the vast majority of gun owners are responsible and highly trained, but is it necessary to own a weapon whose only purpose is to slaughter other living things? I have read every argument out there, most notably the 2nd amendment as the supreme law of entitlement, but nothing justifies the availability of these weapons. We are not living in a war zone; we are not running in the jungles of Somalia, firing at insurgents and assassins. We are a civilized society that has acknowledged the individual right to own guns for sport, hunting, collecting and self-defense. Assault weapons have no place in this collection of rights. The unchecked availability of these guns poses a risk to my safety, and is there an infringement on my right to life.

If you are unable to make sense of these arguments, please consider existing gun laws and the intent of the current limitations on firearms. The initial law banning machine guns has been on the books for nearly 80 years (National Firearms Act of 1934); the 1968 Gun Control Act, signed by President Regan, tightens restrictions on entitlement (barring the mentally ill, convicted felons, and those with known drug abuse problems); and the 1994 Violent Crime Control and Law Enforcement Act of 1994 bans semi-automatic weapons. Surely these legislative actions met with opposition, yet lawmakers believed such measures were necessary for the safety of society. I began to ask myself this simple question: Why is this restriction of fully

automatic guns acceptable, yet a ban on semi-automatic guns is not acceptable? I began to search for the difference. Here's what I found: The difference between a fully automatic rifle and an M-14 Bushmaster is negligible; the spray of bullets is equally deadly, the impact similarly devastating. That the shooter must pull the trigger multiple times versus just once scarcely qualifies as a distinction.

For the sake of clarity, I will repeat myself: A fully automatic rifle requires one pull of the trigger whereupon the rifle will repeatedly fire and continue to fire until all rounds are expended. The semi-automatic rifle requires that a shooter repeat the action of pulling the trigger in order to effect a continual spray of bullets. The difference is the simple requirement of repeated pulling of the trigger. How do we justify this as a substantive difference?

The arguments supporting the need for such guns typically involve self-defense. But if we are to believe the claims of responsible gun owners, such arguments seem counterintuitive. Everything I have heard about "responsible ownership of firearms" is based on a commitment to safety. Owners are assiduous in keeping guns under lock and key. How, then, will such guns serve as self-defense if, at the unpredictable moment they are needed, an owner must unlock a storage space and load the weapon? Is it likely that an intruder will await these tasks? The idea of using a semi-automatic gun for self-defense seems logical only if the user is going to keep the gun slung across his shoulder, always loaded and ready for action. This notion is as preposterous as it is perilous.

I ask you to please think carefully about the choices you make regarding gun restrictions. Despite what the gun lobby says, there IS common ground and reasonable measures will in no way infringe on the rights of gun owners.

Please do the right thing. Thank you.

Lisa Schwartz
7 Merlins Lane
Newtown, CT 06470

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights, and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin and Senate Judiciary Subcommittee Members:

I am a Virginia mother of four children and will be returning to the classroom next year as a teacher. I am writing to ask Congress to pass laws that will make the United States a safer place for our children and grandchildren.

The NRA leadership's position on gun violence, as stated by Wayne LaPierre, is that "the only way to stop a bad guy with a gun is with a good guy with a gun." My husband and I do not believe that the answer to the crescendo of mass shootings and gun violence in our country over the past several years is to arm every law-abiding citizen. Gun violence is a complex problem, but the answer to this problem is not more guns. And the answer is not to just do nothing. It's time to make it harder for the "bad guys" to acquire guns in the first place.

This is a public health and safety issue, when more than 10,000 people a year are murdered with firearms in our country, of whom 3,000 were children (Source: Brady Campaign to Prevent Gun Violence). We owe it to all the families who have lost loved ones to stand up against the gun lobby. Our nation has had too much violence and too many deaths. The time to act is now. I strongly support President Obama's recent gun legislation reform proposals.

Please write and enact legislation that will do the following:

- 1) Require universal background checks on both guns and ammunition. Close the loopholes for all gun sales.
- 2) Institute an assault weapons and high capacity magazine ban. These dangerous weapons and high-capacity clips were designed for military use and have no place on our streets.
- 3) Repeal the Tiahrt Amendment and make gun trafficking a federal crime. People who sell guns illegally should know that they will face severe penalties.
- 4) Improve mental health reporting, in order to prevent those who may be a danger to themselves or others from purchasing guns.

I support Second Amendment rights, but no Constitutional right is unlimited. As gun owners and non-gun owners alike, the majority of Americans support universal background checks and keeping guns out of the hands of criminals. The above measures would be a good start, and they would unquestionably save lives.

Thank you for considering and implementing measures to reduce gun violence.

Sincerely,

Rebecca Scoville

Statement of Senator Orrin G. Hatch
Before the Subcommittee on the Constitution, Civil Rights and Human Rights
“Proposals to Reduce Gun Violence”
February 12, 2013

Thank you, Mr. Chairman. Two weeks ago, I participated in the full Judiciary Committee’s hearing on what American should do about gun violence. In the statement I submitted for the record at that hearing, I said that legislation in this area must meet three criteria. First, legislation must be consistent with the Constitution in general, and with the Second Amendment in particular. Second, we must draw on the experience of past legislative efforts. Third, we must examine the causes of this problem, not simply its symptoms. Legislation that fails to meet all three criteria will be ineffective and a disservice to victims and their family members.

These criteria bear repeating because this hearing narrows the focus to actual legislative proposals. When I look at the list of proposals offered by the Johns Hopkins Gun Policy Summit, I see item after item that fail one or more of these criteria. And one of the most significant things about this list is what is not there – anything other than guns.

I question whether there actually is a specific, separate, unique category called *gun violence*. Rather than focusing exclusively on the particular tool used to commit violence, we should be exploring violence in our society more generally.

Like President Obama’s list of executive actions, this Johns Hopkins list urges the federal government to approach gun violence as a public health problem. The obvious intent is to encourage the American people to think one day about guns the way they think today about cigarettes. That is a seriously flawed strategy. There is no constitutional right to smoke, there is a constitutional right to keep and bear arms. There is no safe way to smoke, there are many safe ways to use firearms. Cigarettes can take lives, firearms can save lives.

Other items on the list are also troubling. It defines anyone under 21 as a “high risk individual” who should be prohibited from purchasing or even possession a handgun. Tell that to the thousands of young people in the armed forces who are using firearms every day to defend freedom around the world.

With freedom comes the potential for tragedy. In a free society, we simply cannot ensure that danger will disappear, that violence will never occur, that lives will never be lost. But freedom itself is not the problem. I urge my fellow citizens to help make our country a better and safer place and to preserve the fundamental rights that keep us free.

Senators on the Senate Judiciary Committee:

I endorse the words of Martina Leinz, below. I live in the state of Virginia, which is the source of many of the guns used in crimes all over America. I have no hope that the Virginia Legislature will pass legislation to change that, so I am depending on federal legislation to do what is necessary to make America a civilized place where human life is valued more highly than the profits of the armaments industry.

“The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer’s bullet-proof vest. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let’s get this done; for our country and for our children; and let’s get this done now.”

**Martina Leinz
Virginia State President
Million Mom March**

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for giving all of us, We The People, the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. There is so much that can be done by Congress to make everyone safer and that is what we urge you and expect you to do. Here is a short list of what you can do now to save American lives:

1. Universal Background Checks for both Guns and Ammunition

Every purchaser of a firearm should be subject to a full and comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). The fact that anyone can buy a gun in a private sale, without any check of any kind, is simply nonsensical. Since there are about 50,000 federally licensed firearm dealers in this country, let them adopt the role of administering all checks for all sales. As we all know, the Second Amendment clearly states, "well regulated" in regard to firearms and the militia. So, we have our Constitutional marching orders and they are clear: Keep track of— regulate— the guns in our country. This is way overdue.

2. Institute an Assault Weapons & High Capacity Magazine Ban

Have the courage to renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Weapons designed for war do not belong in the public realm for any reason at any time. Six children's lives were saved because Adam Lanza had to change his high capacity magazine and it gave those precious children a chance to run out of Sandy Hook Elementary to safety. Maybe more children could have lived had Lanza only had ten round clips. Imagine, if you and your fellow Congressmen had instituted such a ban years ago, you would have already saved many lives, and maybe those of some Sandy Hook Elementary School. Maybe Ben Wheeler would still be alive, or maybe Allison, or Caroline, or Noah. Maybe...

3. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime

The Tiahrt Amendment must be repealed. You should be doing everything you can to move forward and pass legislation that will assist law enforcement and public safety organizations in tracking all firearms and any type of harm that comes from them-- be it suicide, accidents, murder or crime of any kind. This means the registration of every firearm purchase, and at the very least, annual physical verification of ownership. The data gathered from this tracking must be made available so it can be used to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4. Reform Mental Health Reporting

We all know now that gun violence is almost never committed by those suffering from mental illness (and in fact they are much more often the *victims* of crime). The current background check system is seriously flawed--the latest example of such flaws is the mentally ill woman from SC who, just several days ago, legally obtained a gun even though she had documented mental illness and had been arrested for threatening to kill the president. This must be fixed. As you may know, the only reason nobody died at the school where this woman brought her new gun was the fact that she could not get the gun to fire. She pointed it at the school administrators and pulled the trigger— several times. Had she known how to unlock the gun, there most surely would have been even more schoolchildren for your committee to consider.

5. Limit Gun Purchases to One Per Month

Antique weapons could be exempt, out of consideration of collectors. Regular, non-collector citizens should have no reason to buy more than one firearm per month. If collectors agree to a set of stringent regulations regarding full and continual accountability of the weapons they purchase, collectors could receive an exception to this law.

When it comes to how Americans feel about the gun culture in this country, the ground has noticeably shifted in favor of gun law reform. Can't you feel it? We, the previously silent majority, are fed up. We vote, we will not forget Sandy Hook, and we are not going anywhere. I realize there is much more work to be done and the above five points are simply the beginning. I don't advocate for the abolition of the 2nd Amendment, just reasonable and common sense gun law reform that is both fair to gun owners and those of us who choose not to be gun owners. The Second Amendment does not belong to the NRA or gun enthusiasts or hunters or target shooters. It belongs to all of us, and it's time for change.

Nothing I have asked for here is hard or complicated. All it will take is your resolve not to be intimidated by the NRA. The Congress of the United States does not answer to the NRA, you answer to us, The People, and we demand change.

Sincerely,
Mark Snyder
New Fairfield, CT

“An Assault Gun Ban, Mr. Congress Man?”

by Sanjeev K. Sriram, MD, MPH

National Physicians Alliance

posted online by the Huffington Post on

February 8, 2013

http://www.huffingtonpost.com/sanjeev-k-sriram/an-assault-gun-ban-mr-con_b_2632370.html

This kinda sorta remix of Dr. Seuss’ *Green Eggs and Ham* is dedicated to Trayvon Martin, with whom I share a birthday, and the children who lost their lives in Newton, CT.

Mr. Congress Man,
Mr. Congress Man,
Listen to me,
Mr. Congress Man!

Guns kill our kids
twice more than cancer⁷.
Guns end young lives,
but there’s an answer.

Will you pass
an assault gun ban?

Mr. Congress Man,
Mr. Congress Man,
Please support
this assault gun ban:

No more assault guns
in stores¹ or schools².
No more assault guns
without rules.

Weapons meant for
the military
can’t be owned by each
Tom, Dick, and Harry.

Mr. Congress Man,
Mr. Congress Man,
Will you pass
an assault gun ban?

More background checks⁸
for one and all,
Less rounds in clips⁹.
Please here this call.

Will you hear the
cops on the beat?
They say records
are incomplete³.

For many patients
with sad or troubled minds:
less stigma, more care¹⁰
should be easy to find.

Some states don’t tell
the cops nor the D.O.J.
about bad guys
so guns can be kept away⁴.

Mr. Congress Man!
Mr. Congress Man!
Please support
this assault gun ban!

Mr. Congress Man,
Mr. Congress Man,
Will you pass
an assault gun ban?

Our cops¹¹ and docs¹²
are in agreement.
And One Million
Moms¹³ are vehement.

Will you hear the
docs for our kids⁵?
We see what these
assault guns did.

Will you hear us¹⁴?
Or the N.R.A.¹⁵?
How many kids
must lose their lives this way?

Doctors from the A.A.P.
(a child health group)
wrote that guns kill five times more
than hearts gone kaput⁶.

Mr. Congress Man!
Mr. Congress Man!
You must pass
this assault gun ban!

-
- ¹ “Man brings loaded rifle into Kroger,” posted 1/29/13 on CBS-6 WTVR website: <http://wtvr.com/2013/01/29/kroger-gun/>
- ² “Sandy Hook superintendent shares the chilling details,” posted 1/16/13 on MSNBC website: <http://tv.msnbc.com/2013/01/16/sandy-hook-superintendent-shares-the-chilling-details/>
- ³ “[Sherriff Richard Stanek] said the bigger issue is that the Justice Department’s system for background checks is incomplete since many states don’t report mental health data or felony convictions.” Pickler, N. “Police push for background checks on gun purchases,” posted 1/28/13 on Yahoo! News website: <http://news.yahoo.com/police-push-background-checks-gun-purchases-023655912--politics.html>
- ⁴ “Studies have shown that millions of criminal and drug cases are still missing, in large part because of difficulties in making state court data mesh with the federal system.” Tanfani, J. “Background check system for guns deeply flawed” posted 1/16/13 on *LA Times* website: <http://www.latimes.com/news/nationworld/nation/la-na-guns-background-20130117,0,238139.story>
- ⁵ “Firearm-Related Injuries Affecting the Pediatric Population,” Council on Injury, Violence, and Poison Prevention Executive Committee, *Pediatrics*, published online 10/18/12: <http://pediatrics.aappublications.org/content/early/2012/10/15/peds.2012-2481.full.pdf>
- ⁶ “Gun injuries cause twice as many deaths as cancer, 5 times as many as heart disease, and 15 times as many as infections.” Palfrey, JS and Palfrey, S. “Preventing Gun Deaths in Children,” *New England Journal of Medicine*, 368: p401-403, 1/31/13: <http://www.nejm.org/doi/full/10.1056/NEJMp1215606?query=TOC&&>
- ⁷ *Ibid.*
- ⁸ “Background Checks Overwhelmingly Supported by Gun Owners in 4 States,” Edwards-Levy, A. posted 1/31/13 on *Huffington Post*: http://www.huffingtonpost.com/2013/01/31/background-checks_n_2590495.html
- ⁹ “Frank Lautenberg High-Capacity Magazine Ban Introduced On First Day of Senate Session,” Wing, N. posted 1/22/13 on *Huffington Post*: http://www.huffingtonpost.com/2013/01/22/frank-lautenberg-high-capacity-magazine_n_2526924.html
- ¹⁰ “Obama gun plan calls for long-awaited rules on mental health,” Baker, S. posted 1/16/13 on *The Hill: Healthwatch* blog: <http://thehill.com/blogs/healthwatch/mental-health/277529-obama-gun-plan-calls-for-long-awaited-rules-on-mental-health>
- ¹¹ “Statement of Principles,” National Law Enforcement Partnership to Prevent Gun Violence: www.joycefdn.org/assets/1/7/Statement_of_Principles.pdf
- ¹² “The American Medical Association, American Academy of Pediatrics, Congress of Neurological Surgeons, National Spinal Cord Injury Association and many more groups . . . all support gun control legislation.” Hsieh, S. “The NRA’s Top 10 Enemies,” posted 2/3/13 on *Truth-Out* website: <http://truth-out.org/news/item/14310-the-nras-top-10-enemies>
- ¹³ One Million Moms for Gun Control: <http://onemillionmomsforguncontrol.org/>
- ¹⁴ “Effectiveness of the Brady Act and Background Checks,” posted 3/18/12 on website of the Law Center to Prevent Gun Violence: <http://smartgunlaws.org/category/effectiveness-of-gun-laws/>
- ¹⁵ “Many argue that the reason for this inaction is simple: politicians have been afraid to take on the National Rifle Association, the large and influential pro-gun lobby that spent at least \$18.6 million this past election cycle - \$11.1 million through its Political Victory Fund, plus \$7.5 million through its affiliated Institute for Legislative Action.” Drutman, L. “Explaining the power of the National Rifle Association, in one graph,” posted 12/17/12 on the Sunlight Foundation’s blog: <http://sunlightfoundation.com/blog/2012/12/17/gun-spending/>



One Children's Place
St. Louis, Missouri 63110-1077
StLouisChildrens.org

Lee F. Fetter
President and Senior Executive Officer

February 11, 2013

The Honorable Richard J. Durbin
Assistant Majority Leader and
Chairman, Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Gun violence affects the lives of far too many children. At St. Louis Children's Hospital (SLCH), we see the effects of this violence in our hospital. Our mission is to "*do what is right for kids,*" and our values tell us that we must advocate for policies that help safeguard the lives and health of these innocents. We feel a moral imperative to speak out about this issue.

As a children's hospital, we are focused on the costs of this epidemic on our children, not the broader debate about the second amendment. We encourage you, as the debate about guns and gun violence unfolds, to consider steps that will lead to fewer Missouri children suffering from gun violence. We believe improvements to the federal background check system, government sponsored research into gun violence and more mental health funding can reduce the incidence of children becoming victims of gun deaths and injuries.

The statistics are stark. In 2009, the Children's Defense Fund found that 2,793 children and teens died from guns and 13,791 were injured. Of these children, 590 that died and 1,247 that were injured were under the age of 15. In 2012, SLCH treated 51 children that were victims of gunshots.

The Brady Handgun Violence Prevention Act requires gun dealers to conduct background checks on every sale. But a loophole allows guns sold at gun shows to avoid background checks. We believe that a system of universal background checks is needed.

Current federal law reads: "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control." Recently, President Obama signed an executive order directing the CDC to start studying the causes of gun violence once again. We believe that additional data is needed to develop strategies to prevent and reduce gun violence involving children.

Finally, Missouri and other states have cut spending on mental health services for children and adults living with serious mental illness. These cuts have led to significant reductions in both hospital and community services for vulnerable individuals with serious mental illness. A report from the National Alliance on Mental Illness finds that Missouri has reduced its mental health budgets by 6.8 percent between 2009 and 2012. Missouri spent \$86.15 per capita on mental health in 2009, ranking us in the lower tier of states.

Gun violence has no place in a child's life. Please thoughtfully consider proposals before congress, and support those that will help protect children.

Sincerely,



Lee F. Fetter
President
St. Louis Children's Hospital

I live in Newtown, Connecticut. On December 14, 2012, a deranged adolescent with access to several semi-automatic rifles and unlimited ammunition, killed twenty small children and six brave women who died trying to protect them. *It took him two and a half minutes.*

The tragedy went beyond the devastation of twenty-six families. More than that, it was the sense of a beautiful place being shattered- a community where doors are left unlocked, where volunteers drive the ambulance, where people tend a Victory Garden to raise fresh vegetables for the Food Bank, and where *everyone* turns out to either watch, or march in, the annual Labor Day Parade.

We will probably never again be that simple, quiet backwater we were, but we are anxious for our town to heal. It is important to us that *something* positive come out of all that waste and sorrow.

I know the NRA is pressuring legislators to resist the call for any restrictions on firearms. Using specious interpretations of the Constitution, and spreading false rumors about secret plans to encroach on individual freedom, they hope to intimidate Congress into doing nothing.

But Sandy Hook Elementary School was too high a price to pay for the sake of a fantasy in which civilians possessing such weaponry makes our society safer. Only if the shock and outrage are enough to raise the national consciousness to the point where meaningful laws can be passed, regulating the sale and possession of firearms and ammunition, then perhaps those deaths will not have been in vain.

In my lifetime there were points where the Federal Government met the challenge to do the right thing, despite raging mobs and rhetoric that equated bigotry with the American way of life. In 1948 Harry Truman issued the executive order integrating the armed forces. In 1964, after the murders of three young men in Mississippi, Lyndon Johnson persuaded Congress to pass the landmark Civil Rights Act, outlawing segregation in schools and workplaces and public accommodations.

Looking back, Mississippi was a watershed moment, which captured the public imagination to the point where people finally realized that racism and discrimination were not just a "negro problem," but rather an American problem that had to be dealt with. This realization gave Congress the impetus to take effective action.

I hope my town's tragedy can be another such watershed, one that can instill in you the will and courage to do the right thing once more. I hope you will pass legislation to close the loopholes, ensure universal and meaningful background checks on purchasers of guns *and* ammunition, limit the capacity of ammunition clips, make sure all guns are registered and licensed (just as cars and dogs are) and insist that they be kept safely locked away from anyone who should not have access to them.

Let Newtown stand not just for the enormity of our loss, but for the eventual good that came out of it.

Respectfully,
Julia Stern
19 Park Lane
Newtown, CT 06470

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

My name is Colleen Swain. I live in Sandy Hook, Connecticut. My children were born here, and grew up here. They attended Sandy Hook Elementary School. Though it's been 20 years, the school still binds a strong generation of friends.

However, now, the school binds our hearts in grief. There are four families in my quiet neighborhood who have lost their children in the Sandy Hook School Massacre. Gun violence has shaken our town, our state, and our nation. If such unimaginable violence can happen here, in Newtown, it can happen anywhere. Our children will never be safe until we have universal gun laws. And that's why I urge you to support President Obama's anti-gun violence proposals. It is very simply the right thing to do.

It is time to stand up to the gun lobby and bring about positive change to end the gun violence culture in our country. As with any product that has potential to inflict lethal harm, gun regulations are necessary to ensure safe use. President Obama's common-sense legislation respects the Second Amendment and the rights of safety-conscious, responsible gun owners.

In fact, this is not about the Second Amendment. Frankly, our Founding Fathers would have been appalled if they knew how the words they wrote in their time has caused so much pain and insanity within our 21st century society. I have to believe that there are far more safety-conscious gun owners than NRA members who also believe that enough is enough.

As with any dangerous product, guns need to be regulated to ensure a safe, and peaceful modern society.

I support an assault weapons ban, a ban on high-capacity magazines of no more than 10 rounds, and universal background checks.

We must ensure that criminals, people with mental health issues, or even those with no mental health history who unpredictably snap out of control, have no easy access to assault weapons. They are military killing machines that do not belong in civilian hands.

I do not want my community to be remembered as the place where the second worst shooting in our nation happened. I want Sandy Hook and Newtown to be remembered as the tipping point that brought about positive change to end gun violence in this country. Can you make that happen?

Please protect the citizens you have been elected to represent. Not the gun lobby. Not the gun industry. Americans. We have the right to life, liberty and the pursuit of happiness. We should not have to live in fear of guns out of control. Think of the 20 children and six courageous educators whose bodies were devastated. They never had a chance. But you have. This is your chance to bring about positive change. As a single-issue voter, I am counting on you. Please pass President Obama's common-sense anti-gun violence legislation.

Thank you.

Colleen Swain
Sandy Hook, CT

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for giving us, We The People, the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. There is much to be done by Congress to make our modern society safer and that is what we urge you and now expect you to do. It is time now to stand up and legislatively save American lives:

1. Universal Background Checks for both Guns and Ammunition Purchases

Every purchaser of a firearm should be subject to a full and comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). The fact that anyone can buy a gun in a private sale, without any check of any kind, is simply nonsensical. As we all know, the Second Amendment clearly states, "well regulated" in regard to firearms and the militia. So, we have our Constitutional marching orders and they are clear: Keep track of— regulate— the guns in our country. This is way overdue.

2. Institute an Assault Weapons & High Capacity Magazine Ban

Have the courage to enact a serious federal ban on assault weapons and high-capacity ammunition magazines. Close all of the loopholes that existed in the earlier assault weapons ban. Weapons designed for war do not belong in the public realm for any reason at any time. Had you and your fellow Congressmen instituted such a ban years ago, you would have already saved many lives, and maybe those of some Sandy Hook Elementary School. Maybe Ben Wheeler would still be alive, or maybe Allison, or Caroline, or Noah. Maybe...

3. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime

The Tiahrt Amendment must be repealed. You should be doing everything you can to move forward and pass legislation that will assist law enforcement and public safety organizations in tracking all firearms and any type of harm that comes from them-- be it suicide, accidents, murder or crime of any kind. This means the registration of every firearm purchase, and at the very least, annual physical verification of ownership. The data gathered from this tracking must be made available so it can be used to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4. Reform Mental Health Reporting and Care

A very big issue that need serious attention. Better mental health care need to available without stigma for all Americans.

5. Time To Consider Strengthening The BATF

The NRA seemingly has an inordinate amount of influence and power over the American

gun culture. They run all the shooting ranges and all instructors are NRA-certified. They are politically involved in all things gun. Who is over seeing them? Time for US gun manufacturers to take the lead and stop relying on selling designed-for-military weaponry to Rambo-wannabes. State of the art target shooting does not involve AR15 platform weaponry! Ask the USA Olympic Shooting Team or the US Biathlon Association.

When it comes to how Americans feel about the gun culture in this country, the ground has noticeably shifted in favor of gun law reform. Can't you feel it? We, the previously silent majority, are fed up. We vote, we will not forget Sandy Hook, we will not stand for the status quo. We are determined to create a meaningful change because the time is WAY PAST DUE.

We The People need rational gun law reform that is both fair to responsible gun owners and those of us who choose not to be gun owners. The Second Amendment does not belong to the NRA or gun enthusiasts or hunters or target shooters. It belongs to all of us, and it's time for change.

The Congress of the United States does not answer to the NRA, you answer to us, The People, and we demand change.
Sincerely

Ken Swain
Sandy Hook, CT

My thoughts on the gun crisis in America:

I'm a physician that works at a Children's hospital in Philadelphia. I see more gun violence perpetrated against children than I could have ever imagined. It's wrong and it's time to do something about it. LISTEN TO THE PEOPLE OF AMERICA AND NOT THE NRA. The American people want better gun legislation. This is what we need.

1. Gun trafficking must be a federal crime.
2. Background checks must happen on EVERY gun sale. Yes, that includes father to son, or any other exception you may think is reasonable. This is considered reasonable for car ownership (i.e., title transfer.) Why not for guns?
3. Assault weapons and high ammo magazines must be banned.

Please.....we the American people are begging you. Make these changes happen.

Veronica C. Swanson, MD

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

I appreciate the opportunity to let you know **the opinion of the Catholic Dioceses of One Spirit regarding gun safety**. I speak for the 60 priests, deacons and bishops of our dioceses.

When I was young I hunted, and I can appreciate those who find this a sport. I can understand also why there would be certain limited places and people who would need guns to defend themselves outside of military or police situations.

But a culture of guns in which people might define themselves primarily by the caliber they carry or the ability to stand up to others is a culture outside the Gospels' message of peace and loving one another. In fact, it almost seems brazen to merge the two because they are so opposite. Sometimes people say that they are both, but they cannot be. To view one's self as a sort of moral vigilante with guns as the fabric of one's self projection clothing is to turn one's self into an only partial human – lacking the warmth, compassion, joy, and care for others that always define our best selves.

I know you are constrained by public forces – minimally gun owners (who are usually quite rational on this as a whole), but especially by the lobbyists such as NRA which loves its power, money and influence – but I hope you will be true to the needs of a wholesome society while you have this rare opportunity to make things better.

- 1) **Require Universal Background Checks on both Guns and Ammunition.** No loopholes. Ever. That means EVERYONE, EVERY TIME.
- 2) **Ban Assault Weapons and High Capacity Magazines.** It is totally irrational to even pretend these have a place in a civilized society.
- 3) **Repeal Tiahrt and Make Gun Trafficking a Federal Crime.** Why ever should law enforcement officials have their hands tied?
- 4) **Improve Mental Health Reporting.** This is for the safety of all, including the few mentally-ill who may find guns an outlet.

I wholeheartedly endorse the statement of the Virginia Chapter of the Million Mom March:

“Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the

Second Amendment as an excuse for inaction is not acceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer's bullet-proof vest. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let's get this done; for our country and for our children; and let's get this done now."

Let us define ourselves by the caliber of our character, and not by the caliber of our guns.

Sincerely,

James H. Burch
Principal Bishop
The Catholic Dioceses of One Spirit
www.OneSpiritCatholic.org
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703-818-8080
13419 Cavalier Woods Drive
Clifton, VA 20124

TESTIMONY OF

**THE MOST REVEREND KATHARINE JEFFERTS SCHORI
PRESIDING BISHOP AND PRIMATE,
THE EPISCOPAL CHURCH**

**SENATE JUDICIARY SUBCOMMITTEE
ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS**

HEARING:

**“PROPOSALS TO REDUCE GUN VIOLENCE: PROTECTING OUR COMMUNITIES WHILE
RESPECTING THE SECOND AMENDMENT”**

FEBRUARY 12, 2013

Mr. Chairman and members of the Subcommittee:

On behalf of The Episcopal Church, a multinational Christian religious denomination of two million persons headquartered in the United States, I am grateful for the opportunity to present this testimony on the urgent task of reducing gun violence in our communities.

The United States has witnessed far too many public shootings in recent months and years. Far too many lives have been cut short or maimed by both random and targeted acts of gun violence. The school shooting in Newtown, CT horrified Americans and people around the world, yet since that day several times as many young people have died by gunshot. Each year, gun violence claims the lives of more than 3,000 children in the United States. The victims of each of these shootings are members of our families, religious congregations, and communities, and we continue to grieve for the living as well as the dead.

I commend the resolve of lawmakers who believe that the moment has arrived when our nation must come together to ask the difficult questions, and to discern what may be equally challenging answers, about how we can begin to break the cycles of violence that lead to massacres in suburban schools and routine death on the streets of our cities. It is abundantly clear to me, as I travel to communities across this country and engage in conversation with people from many walks of life, that Americans have begun to find the resolve to grapple with the complexities of violence in our culture.

This is no easy task. Just as the root causes of cyclical violence in our culture, and the ways in which that violence is expressed, are varied and complicated, so too are the solutions. We must resist the temptation to use the present moment of national angst as a pretext for pre-formed political agendas or simplistic responses that are better suited for sound bites than for meaningful, long-term change. We all share a responsibility to examine the many facets of cycles of violence in our society, and to discern equally comprehensive responses that will address the causes, means, and effects of violence.

I would suggest that we might start by examining three different levels of response.

First, we should fearlessly examine our underlying cultural attitudes toward violence, as well as the ways those attitudes are expressed, consciously and unconsciously, in our communities. There is a dangerous paradox in how our culture treats violence, glorifying it on the one hand while also trivializing it. Violence – whether physical, verbal, or mental – finds routine expression in our entertainment, recreation, politics, and our view of world affairs. Violence and aggression, the polar opposites of civility and righteousness, come to be associated

with strength, heroism, and success. Once that connection is made, these attitudes insidiously reframe our views of family and community relationships. Violence almost always begets further violence.

Society at all levels must take responsibility for building a culture that refuses to tolerate any notion of violence devoid of consequence or moral clarity, or any sense that any human life is exploitable or expendable. Families, faith communities, schools, governments, the entertainment industry, and others all have responsibilities in this area. As Episcopalians, we are committed to examining our own cultural attitudes toward violence through efforts in our own congregations and communities, to repent of our own roles in the glorification and trivialization of violence, and commit ourselves to another way.

I urge our nation's leaders to encourage this same form of accountability in other aspects of our national life. Examine entertainment and recreation, yes. But also examine how civility is lived out in our national affairs, particularly the rhetoric that diminishes and demonizes those who hold competing opinions. Examine how tolerance and understanding are taught in our schools. Encourage each American to examine his or her own attitudes. Let us challenge ourselves, as our Church declared nearly two decades ago in response to this same conversation, to "create sanctuaries for our children, so that all may come to identify and value themselves and others as the precious children of God that they are, and that they may come to know peace in their lives and to create peace for future generations."

Second, let us think seriously together about psychological wellness in our culture. Many have noted that the Sandy Hook shooter, like so many others in recent similar tragedies, appears to have been mentally ill. We have become accustomed to hearing the acquaintances of a perpetrator express their lack of great surprise at his or her actions, given previous inappropriate behavior. In many such cases, documented failures to provide adequate mental healthcare to at-risk adolescents or adults have become a routine part of the story. In other settings, including many urban environments in which violence has become routine, access to mental healthcare is often essentially unavailable, or is so stigmatized or misunderstood as to be rendered meaningless for those at risk.

The Episcopal Church, like many other faith communities, has long called for a more serious approach to mental healthcare in America: wider availability; the elimination of stigma associated with its use; and better adaptation to a variety of cultural, economic, and educational settings. Social progress in this area has been slow. Where can we now identify points for change? How can we commit to welcoming the outcast and ensuring that all members of all communities have access to the full range of healthcare, including mental healthcare, needed for their full flourishing?

I challenge lawmakers to address this question as comprehensively and creatively as possible. One promising approach is reflected in a new bipartisan legislation introduced last week by Senators Debbie Stabenow (D-MI) and Roy Blunt (R-MO) known as the "Excellence in Mental Health Act." That legislation seeks to create new community mental health centers and to upgrade existing ones, and to allow those centers to bill Medicaid and private insurance for treatment just as they do when providing physical-healthcare services. I urge lawmakers to consider this and other such responses, and to treat mental healthcare as a budgetary priority as well.

Finally, I believe – as The Episcopal Church has said continually over more than 40 years – that the role of guns in our society's culture of violence cannot be ignored. The easy accessibility of guns to those prone to commit crimes, and the danger posed by the increasingly lethal character of both the weaponry and ammunition available, are constants running through much of the recent violence in our culture.

I want to be clear that The Episcopal Church supports the constitutional right of law-abiding citizens to keep and bear arms. We recognize that law-abiding gun owners are not responsible for the crimes we are discussing today and should not be the focus of our responses to those crimes. Nevertheless, our Church is clear that

federal, state, and local gun laws and enforcement activities should focus their efforts on keeping guns out of the hands of children and those who would use them to commit violent crimes. We also stand for tighter curbs on weaponry designed primarily to enable more effective killing of other human beings, such as what are commonly referred to as military-style assault rifles.

I urge lawmakers to press for comprehensive and universal background checks for firearm ownership, regardless of where and how a gun is purchased; for bans on the availability to civilians of assault rifles and high-capacity magazines; and for policies designed to better regulate the manufacture of guns. The Episcopal Church also supports the highest level of accountability for violation of all existing laws pertaining to violence in our midst.

As Christians, we believe that all God's people should be able to live in peace. As the prophet Zechariah dreams, "old men and women shall again sit in the streets...And the streets of the city shall be full of boys and girls playing." The prophet reminds his hearers that even if this seems impossible, with God it is not (Zech 8:4-6).

Today, I urge our nation's lawmakers, and indeed all Americans, to commit to the work of making peace possible in every street and each community of this nation.

Thank you for the opportunity to provide this testimony, and please be assured of my constant prayers for you and all who undertake the costly work of public service.



R E S E A R C H A N D A D V O C A C Y F O R R E F O R M



**Written Statement of
Marc Mauer, Executive Director,
The Sentencing Project**

**Prepared for the Senate Judiciary
Subcommittee on the Constitution,
Civil Rights, and Human Rights**

**Hearing on “Proposals for Reducing
Gun Violence: Protecting Our
Communities While Respecting the
Second Amendment”**

February 11, 2013

Mr. Chairman, Ranking Member, and Members of the Subcommittee:

The Sentencing Project, a national nonprofit organization engaged in research and advocacy on criminal justice policy, appreciates this opportunity to offer our views to the Subcommittee on the important issue of how to protect our communities, and particularly our youth, from gun violence, and how to promote safety in schools.

Research to date demonstrates that it is counterproductive for public safety goals to add more police to schools. In order to reduce violence and promote educational objectives, it is far more effective to provide the nation's children with the necessary resources to support their emotional, mental, and scholastic development through strong school environments. We strongly support comprehensive, evidence-based solutions in the jurisdictions where they are needed to build strong communities and keep our children and families safe.

An Opportunity to Reflect

Recent mass shootings in the United States invite us to reflect and take meaningful action to improve our national policies around gun control, access to mental health services for at-risk youth, and support for violence prevention and intervention programs in our nation's vulnerable schools and communities. As various proposals from a diverse array of stakeholders are considered, we urge caution against adopting policies that could worsen outcomes for youth, support an unhealthy presence of police in schools, and lead to unnecessary involvement in the justice system for youth.

A Counterproductive Violence Reduction Strategy

Research shows that placing armed police in schools actually increases physical dangers to youth. A 2011 longitudinal study of 470 schools nationwide examined school safety over a period of years (2003- 2004, 2005-2006, and 2007-2008) during which police officers were added to some schools but not others over time. The researchers found *"...no evidence suggesting that [School Resource Officers] or other sworn law-enforcement officers contribute to school safety. That is, for no crime type was an increase in the presence of police significantly related to decreased crime rates. The preponderance of evidence suggests that, to the contrary, more crimes involving weapons possession and drugs are recorded in schools that add police officers than in similar schools that do not."*¹

¹ Source: Na, C. and Gottfredson, D. (2011). Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors. *Justice Quarterly*, pp 1-32; Similar results found in this study: Jennings, W. G.; Khey, D. N.; Maskaly, J.; & Donner, C. (2011). *Evaluating the Relationship between Law Enforcement and School Security Measures and Violent Crime in Schools*. *Journal of Police Negotiations* 11(2): 109-124.

Most schools continue to be extraordinarily safe places for children. Violence in schools has been dropping steadily for the past 20 years since its peak in 1993, along with violent crime generally. More than 98% of youth homicides do not occur in schools. In the 2009-2010 school year there was approximately one homicide or suicide of school-age youth at school per 2.7 million.²

Expanding Juvenile Justice Referrals & Reducing Students' Opportunities to Succeed

Students who attend schools with on-site law enforcement are in greater danger of unnecessary involvement in the juvenile justice system through the criminalization of behaviors traditionally resolved through standard school discipline policies. In a study using data from 2,270 U.S. schools from the National Center for Education Statistics' national School Survey on Crime and Safety, researchers used various demographic factors to compare the rate at which schools report offenses to the police. They found that schools using law enforcement officers report offenses to the police at a significantly higher rate than those not using such officers.³

Law enforcement officers are ill-equipped to respond to students in need of mental health attention. Because police are not trained in fields such as education and developmental psychology, decisions such as whether to arrest a student rely on criteria that do not include the full range of options that would be provided if school officials responded.⁴ In many of today's schools, police officers are now making decisions that were previously made by educational administrators.

Disproportionate Effects on Youth of Color

Studies routinely find that the minority composition of the school and the percentage of students identified as low-income are significant drivers in elevated percentages of offenses reported to the police.⁵

Proposals that include increased police presence in schools disproportionately affect youth of color and are now known to drive the school-to-prison pipeline, a concern recently considered by this Subcommittee in a hearing that drew experts together to discuss the increasingly troubling relationship between school misbehavior and juvenile justice involvement. Among the research discussed was the recent finding by the U.S. Department of Education's Office of Civil

² Robers, S., Zhang, J., Truman, J., Snyder, T.D. (2011). *Indicators of School Crime and Safety, 2011*. U.S. Department of Education, National Center for Education Statistics: Washington, D.C.

³ Torres, M. & Stefkovich, J. A. (2009). *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*. *Education Administration Quarterly* 45(3): 450-473.

⁴ Brown, B. (2006). Understanding and Assessing School Police Officers: A Conceptual and Methodological Comment. *Journal of Criminal Justice*. Vol. 34: 591- 604.

⁵ Torres, M. & Stefkovich, J. A. (2009). *Demographics and Police Involvement: Implications for Student Civil Liberties and Just Leadership*. *Education Administration Quarterly* 45(3): 450-473.

Rights that more than 70% of students arrested or handed over to law enforcement officials from school are youth of color.⁶

Poor Use of Resources

To the extent that security measures are ineffective, they create a false sense of security and a threatening environment directly as well as indirectly by diverting resources and money from more effective preventative measures.⁷

At the same time that more police have been added to schools, mental health services and funding for guidance counselors and school psychologists has been reduced to historic lows. Yet, a common thread in recent mass shootings is the undetected or untreated signs of mental health disorders despite signs of trouble displayed by the shooters. In the 2008-2009 school year, 5,246 law enforcement officers were placed in New York City's public schools, while only 3,152 guidance counselors were employed.⁸ As noted by the International Association of Chiefs of Police (IACP), placing law enforcement officers in all of our nation's schools would consume one-seventh of the nation's police force.⁹

Conclusion

Among our most solemn responsibilities as a nation is to protect and nurture our children. Unfortunately, when crises strike, there is often a temptation to tighten sanctions and add new punishments, but we know that these actions have a disparate effect on at-risk youth—especially youth of color—long after the crisis has passed.

Real, sustainable public safety is most effectively achieved by involving an array of stakeholders, including law enforcement, courts, schools, health and social service providers, and other community organizations to work collaboratively on evidence-based youth safety interventions. It is counterproductive to merely ramp up law enforcement. In order to reduce violence, it is far more effective to provide the nation's children with the necessary resources to support their emotional, mental, and scholastic development.

⁶ U.S. Department of Education, Office of Civil Rights (2012). The Transformed Civil Rights Data Collection: Revealing New Truths about our Nation's Schools. Washington, DC: OCR. Available online: <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>.

⁷ Addington, L. (2009). Cops and Cameras: Public School Security as a Policy Response to Columbine. *American Behavioral Scientist*. Vol. 52 (10): 1426-1446.

⁸ New York City ACLU (n.d.) School to Prison Pipeline Fact Sheet. Available online: http://www.nyclu.org/files/stpp_numbers.pdf.

⁹ International Association of Chiefs of Police (December 21, 2012). Statement of IACP President Craig Steckler on Proposal to Place Armed Police Officers in All Schools. (available upon request.)



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Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting the Second Amendment

Statement by

Michael A. Nutter
Mayor of Philadelphia
President, The United States Conference of Mayors

Submitted to

Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights

February 12, 2013

Chairman Durbin, Ranking Member Cruz, Members of the Subcommittee, I am Michael A. Nutter, Mayor of Philadelphia and President of The United States Conference of Mayors. I am submitting this statement for the record on behalf of the Conference of Mayors to provide you with the views of the nation's mayors on what we must do to reduce gun violence in this nation and to make our cities and towns, our streets, our schools, our theaters, our places of worship safer places for our people.

Again and again and again, Americans have been stunned by senseless acts of violence involving guns. The December 14 tragedy targeting young children in Newtown remains incomprehensible. 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.

The U.S. Conference of Mayors has been calling for sensible gun laws to protect the public for more than 40 years. 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 which 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 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

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/>

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 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.

Actions Needed

In an open letter to the President and the Congress sent just three days after the Newtown tragedy occurred we urged immediate action. We called on the President to exercise his powers through Executive Order and the Congress to introduce and pass legislation to make reasonable changes in our gun laws and regulations. More than 200 mayors – 212 as of today – have now joined us on that letter. Specifically we call on Congress to:

- Enact legislation to ban assault weapons and high-capacity magazines;
- Strengthen the national background check system and eliminate loopholes in it;
- Strengthen the penalties for straw purchases of guns.

Here's a little more information on each of these proposals:

- **Enact legislation to ban assault weapons and other high-capacity magazines.** On January 24 Senator Dianne Feinstein introduced S. 150, the Assault Weapons Ban of 2013. Representative Carolyn McCarthy has introduced similar legislation in the House. Senator Feinstein's bill would:
 - 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.

- **Strengthen the national background check system and eliminate loopholes in it.** Senator Lautenberg has introduced legislation to accomplish this in the Senate and I believe Senator Schumer will be introducing the Fix Background Checks Act soon in the Senate; Representative McCarthy already has introduced similar legislation in the House. This bill would fix the background check system by requiring a criminal background check for every gun sale and make sure that states and federal agencies are submitting relevant records to the NICS databases. Specifically:

 - Every gun buyer—with reasonable exceptions— would have to pass a background check.
 - Private sellers would have a licensed firearms dealer run a background check before the sale is completed. Individuals with certain gun permits would be able to display them in lieu of a background check.
 - Certain gun transfers would be exempt from background checks: temporary loans during hunting and sporting events, gifts to immediate family members, inheritances and temporary transfers for self-defense.
 - Penalties for noncompliance would be the same as those that now apply to licensed dealers who violate the Brady Law – up to one year in prison for knowing violations.
 - Ensure that all of the names of felons, domestic abusers, the seriously mentally ill and other dangerous people into the background check system by enforcing the law on federal agency reporting and increasing incentives and penalties related to states' record sharing.

- **Strengthen the penalties for straw purchases of guns.** Senators Gillibrand and Kirk have introduced the Gun Trafficking Prevention Act of 2013; Representatives Cummings, Rigell, Maloney, and Meehan have introduced similar legislation in the House. Their bill would provide a dedicated federal statute prohibiting illegal gun trafficking, make gun trafficking a federal crime, and create stronger penalties for straw purchasers who buy firearms for criminals and felons who are prohibited from purchasing them on their own.

On January 16 the President and the Vice President released the Administration's plan to reduce gun violence – both through new legislation and executive action. I was honored to be at the White House for that release and I can tell you that the Administration listened closely to recommendations which we have offered. The Conference of Mayors has officially endorsed the Administration's plan and the nation's mayors urge the Congress to give it full consideration and to move forward on the legislative action which it requires.

We know that preventing gun violence – whether it is a mass shooting in a school or a murder on a street corner – will take much more than strengthening our gun laws. We need to reverse the culture of violence in our nation so that a violent act isn't the first response to settling a difference or compensating for a wrong. We need to strengthen and more adequately fund our mental health system so that we can identify troubled individuals earlier and get them the help they need.

The Conference of Mayors has also endorsed two proposals which I have offered to further strengthen our efforts relating to gun violence:

- We are calling for the creation of a National Commission on Domestic Terrorism, Violence and Crime in America, which would examine the issues of violent crime and its prevention, and put forward recommendations on what government can do on a local, state, and national level to reduce domestic terrorism, violence and crime, and prevent attacks such as those we witnessed in Newtown, Aurora, and Tucson, and at Virginia Tech. I believe very strongly that we need to undertake a comprehensive, longer-term examination of violence in America and what can be done to reduce it.
- We have adopted what we are calling the Sandy Hook Principles. These principles are a call to action for corporations to heed the basic core values of American citizens in promoting the health, safety and well-being of our communities. Their objective is to influence the behavior of gun and ammunition manufacturers, distributors, and retailers by establishing a baseline standard for responsible conduct.

Let me be very clear, however. Strengthening our gun laws should not have to wait for any of these other actions to occur. The time for action is now!

I was honored to be with Senator Feinstein on January 24 when she announced the Assault Weapons Ban of 2013. We urge your Committee to move quickly on that vitally important bill and on others being offered which will help to keep guns out of the hands of criminals. The nation's mayors pledge to work with you to build a safer America for our children and all of our citizens.

10 February 2013

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

I write as a citizen, a retired high school teacher, a parent and a grandparent, strongly urging you to move toward enacting legislation doing the following:

- 1-require universal background checks on guns and ammunition
- 2-ban the sale of assault weapons and high capacity magazines
- 3-improve mental health reporting
- 4-repeal the Tiahrt amendment and make gun trafficking a federal crime

Thank you for the opportunity to send this letter prior to Tuesday's hearing.

Sincerely,

Robert L. Tripp
Reston, Virginia

Testimony Submitted for the Record

On behalf of the

United States Conference of Catholic Bishops

before the

*United States Senate
Committee on the Judiciary*

*“Proposals to Reduce Gun Violence: Protecting Our Communities While
Respecting the Second Amendment”*

February 12, 2013

Introduction

The United States Conference of Catholic Bishops (USCCB) is grateful for the opportunity to provide this testimony for the hearing on *Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment*.

The tragic shooting at Sandy Hook Elementary in Newtown, Connecticut, as well as the many other tragedies that have happened in our communities, homes and throughout the world, shatters the peace of us all. There are countless examples: Columbine, Virginia Tech, mall and cinema shootings in Oregon and Colorado, and the assassination attempt on Congresswoman Gabrielle Giffords. Sadly, gun violence, the global illicit trade of weapons and ammunition, and other acts that strike at the life and dignity of persons, are an all too common reality.

More than ever, the Church and all people of good will must work together to confront the pervasive culture of violence and instead build a culture that values life, peace and the inherent dignity of all. We join Pope Benedict XVI who stated in his *2013 Message for the World Day of Peace*, "Life in its fullness is the height of peace. Anyone who loves peace cannot tolerate attacks and crimes against life." Today, we particularly call on Congress to pursue policies that will contribute to reducing gun violence in our society and help save lives.

The Work of the Church

The Church has been a consistent voice for the promotion of peace at home and around the world and a strong advocate for the reasonable regulation of firearms. Simply put, guns are too easily accessible.

The Vatican's Pontifical Council for Justice and Peace, in their document, "The International Arms Trade (2006)," emphasized the importance of enacting concrete controls on the production, possession, and trade in weapons, including handguns, calling for them to be regulated "by paying due attention to specific principles of the moral and legal order."

The USCCB has also been a consistent advocate for peace and the prevention of gun and other forms of violence that strike at the life and dignity of persons. In 1994, recalling the words of Pope Paul VI, "if you want peace, work for justice," the U.S. bishops issued their pastoral message, *Confronting a Culture of Violence: A Catholic Framework for Action*. In their message the bishops stated, "We have an obligation to respond. Violence -- in our homes, our schools and streets, our nation and world -- is destroying the lives, dignity and hopes of millions of our sisters and brothers." The USCCB was also a supporter of the Assault Weapons Ban initially passed in 1994 but which expired in 2004.

In 2000, the U.S. bishops issued their pastoral statement, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*. In the statement the bishops called for all people to work for a culture of life and to do more to end violence in our homes and to help victims break out of patterns of abuse. In regard to gun violence prevention, the bishops wrote, "We support measures that control the sale and use of firearms and make them safer (especially efforts that prevent their unsupervised use by children or anyone other than the owner), and we reiterate our call for sensible regulation of handguns."

In the aftermath of the tragedy in Newtown, Connecticut, the chairmen of three committees of the USCCB issued a joint statement to decry violence in society. They said the tragedy had given rise to

discussions about national policies and steps that can be taken to foster a culture that protects the innocent and those most vulnerable among us. In their statement the bishops called on all Americans, but especially legislators, “to address national policies that will strengthen regulations of firearms and improve access to health care for those with mental health needs.”

On January 15, Bishop Stephen E. Blaire, Chair of the USCCB Committee on Domestic Justice and Human Development joined 46 other national religious leaders in signing the letter of *Faiths United to Prevent Gun Violence*. The letter urges Congress to support policies that:

- Require universal background checks for all gun purchases;
- Limit civilian access to high-capacity weapons and ammunition magazines;
- Make gun trafficking a federal crime, and;
- Improve access to mental health care for those who may be prone to violence.

In addition to policies intended to curb gun violence, we must also look to our entertainers, especially film producers and video game creators, and encourage them to reflect on how their profit motives have allowed the proliferation of movies, television programs, video games and other entertainment that glorify violence and prey on the insecurities and vulnerabilities of our young people. Such portrayals of violence have desensitized all of us. We must improve our resources for parents, guardians and young people, so that they can evaluate entertainment products intelligently. The viewing and use of these products have negative emotional, psychological and spiritual effects on people, especially the young.

Our society must recognize the urgency for providing health services and support to those who have mental illnesses and to their families and caregivers. As a community we need to support one another so no one feels unable to get help for a mentally ill family member or neighbor in need. Burdensome healthcare policies must be adjusted so people can get help for themselves or others in need. Just as we properly reach out to those with physical challenges we need to approach mental health concerns with equal sensitivity. There is no shame in seeking help for oneself or others; the only shame is in refusing to provide care and support.

Tragic events such as what occurred in Newton, Connecticut, and the violence that occurs in our homes and communities and around the world, should lead us to live out what Pope Benedict calls “our innate vocation to peace.” Together we must confront the culture of violence with love and work together to promote a culture of life and peace.

Statement to the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights

Monday, February 11, 2013

United States Senate
Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights

Dear Senators:

On behalf of the congregations of the Unitarian Universalist Association, I am writing to express our shock and dismay at the tragic level of preventable gun violence in our country.

We commend you for calling and holding this hearing. Though some in our society argue that the only way to stop tragic mass shootings is by putting guns in the hands of even more people, the undeniable positive correlation between the number of guns in a society and the number of incidents of gun violence in that society show clearly that this is not the way to reduce gun violence.

As people of faith we are called to love one another, not protect ourselves from one another.

On Sunday, July 27, 2008 a man motivated by hate opened fire with a 12-gauge shotgun inside the Tennessee Valley Unitarian Universalist Church in West Knoxville during a children's play. Two adults were killed and seven others were wounded. A letter the shooter left in his car before the attack expressed hatred against gay people and the "liberal movement."

In response, the Unitarian Universalist Association took out a full page ad in the New York Times on Sunday, August 10, 2008 reaffirming our commitment to the liberal positions the shooter claimed to be attacking. The ad begins with this statement:

Our Doors And Our Hearts Will Remain Open

It ends with the following statement by the Rev. William Sinkford, Unitarian Universalist Association President at the time of the attack.

We will not give in to fear. We will meet hatred with love. We will continue to work for justice. Our hearts, and the doors of our more than 1,000 Unitarian Universalist congregations nationwide, remain open. Unitarian Universalists stand on the side of love. We invite you to stand with us.

I have included the full ad as a separate document in our written submission to the Committee.

The Unitarian Universalist Association responded to the hate crime in Knoxville by beginning a national **Standing on the Side of Love Campaign**. Through the campaign we stand on the side of love with people, who, all too often, others say it's ok to hate. Here's a partial list:

- Gay, lesbian, bisexual, transgender and queer people.
- Muslims
- Sikhs
- Undocumented immigrants
- Prisoners held indefinitely at Guantanamo Bay, Cuba
- Indigenous people of North America

Statement to the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights

We ask our elected and appointed representatives at federal, state, and local levels to enact reasonable regulations to reduce gun violence. Specifically, we ask you to adopt these common sense measures:

1. Universal Background checks for all Gun Purchases, regardless of Venue.
2. Ban High-Capacity Weapons and Ammo Clips
3. Make Gun Trafficking a Federal Crime

We ask everyone, particularly our political, religious, and community leaders, to stand on the side of love, to fulfill the word of the Prophet Micah when he wrote that what God requires of us is “To do justice, to love mercy, and to walk humbly with your God.”

If we are to stop the scourge of gun violence we must deny the calls of those who say the only way to stop gun violence is by the threat of even more gun violence. Instead of equipping ourselves with weapons designed to kill, let us equip ourselves with the power of love. We are called to love one another, not protect ourselves from one another.

We must love, i.e. treat with respect and care, our neighbors, as difficult as that might be. We are called, by all that is holy, to love. In closing, we would ask you to consider again these words of the Rev. William Sinkford, President of the Unitarian Universalist Association (2001-2009).

We will not give in to fear. We will meet hatred with love. We will continue to work for justice. Our hearts, and the doors of our more than 1,000 Unitarian Universalist congregations nationwide, remain open. Unitarian Universalists stand on the side of love. We invite you to stand with us.

Please stand with us by enacting common sense restrictions on guns.

Standing on the Side of Love,

Reverend Craig C. Roshaven, Witness Ministries Director
Unitarian Universalist Association of Congregations
202-393-2255 x14
1100 G Street, NW
Washington, DC 20005

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil
Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary
Subcommittee Members:

Thank you for giving me the chance to offer my testimony regarding this very important issue facing your committee today. I am a resident of Sandy Hook, and although I have always been concerned about the overwhelming presence of guns and violence in our society, I did little to address it until the shocking events of December 14th at Sandy Hook Elementary School. My beautiful six year old friend and neighbor, Avielle Richman was killed, along with her friends and teachers in her first grade classroom. Each day as I look out the window at Avielle's rope swing and climbing ladder hanging from the huge maple tree between our houses I am reminded that that I owe it to Avielle and her devastated parents to do something to create change in our nation.

I am now dedicated, as is my family, to attending to this issue from here on out. We will not lose interest or fade away, we are here to stay and we will be paying very close attention to what our state and national representatives are doing to solve

the problems that have led us all to this point of unspeakable proliferation of gun violence of all kinds. I am appalled by the level of gun violence in our nation from murder, suicide and accidents which takes place in homes, schools, workplaces, and city streets in both urban and suburban settings. My views represent the beginning of a movement that will only grow in size and power. To be on the right side of history, please have the courage to stand with those of us who want to see an end to this unthinkable violence.

As an American citizen, and resident of Sandy Hook, CT, I expect Congress to support the following:

1. Institute an Assault Weapons & High Capacity Magazine Ban

You must fully support a federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Don't listen to those who would say that so few crimes are committed with these weapons that it won't make a difference. It would have made a difference at Sandy Hook Elementary. Six children were able to escape that horrific scene because the shooter paused to exchange an empty magazine for a new one. Any measure, even if it would save just one life, is worth it. There is no reason that a single person should die because a small portion of the population

wishes to have access to firearms that were designed for war.

2. Implement a Buy-Back and Destruction Program for All Previously Purchased Guns and Ammunition

Use Australia as the example to follow and do not "grandfather" all existing assault weapons into the ban. These weapons have no place in civilian life. If most Americans had been paying attention to this issue, these weapons would have never been allowed into the consumer market in the first place. Now let's correct our mistake. Australia's post-buy back statistics are solid and incontrovertible. Our country's tolerance of gun violence is making us the embarrassment of the developed world.

3. Implement Universal Background Checks for Guns and Ammunition

Anyone who wants to purchase any kind of gun should be subjected to a comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). Once purchased, the gun should be registered on a yearly basis and the owner should be responsible for proving he/she has the gun in their possession. The current check system is inadequate, to say the least, and must be reformed immediately. This is easy, get it done.

4. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime. You should do everything you can to pass legislation that will assist law enforcement and public safety organizations in tracking all firearms and

any type of harm that comes about as a result of them. The data gathered from this tracking must be made available so it can be used to trace illegal guns and allow the ATF and law enforcement to do their jobs effectively. You do not work for the NRA or their members who represent only a small minority of the people of our nation. You work for all citizens and we are now watching every move you make concerning gun legislation.

5. Limit Gun Purchases to One Per Month. Take this common sense approach to gun purchases and make it law. Reasonable exemptions can be built into the law, to apply to collectors for example. This alone will go a very long way in reducing the number of guns that find their way into the hands of criminals and thus reduce gun violence.

4. Mental Health Reporting Reform
The current background check system does not adequately address situations of documented mental illness. This action should be handled very carefully so as to be fair to those who are already suffering and are victims of crimes much more often than they are ever the perpetrators. A comprehensive and cross-referenced system must be instituted. In this technologically advanced nation, surely we can solve this problem swiftly.

Respectfully,

Joan Velush & Craig Rogers
Sandy Hook, CT

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil
Rights and Human Rights
Chairman Dick Durbin

February 12, 2013

Dear Chairman Durbin & Senate Judiciary
Subcommittee Members:

Thank you for giving me the chance to offer my testimony regarding this very important issue facing your committee today. I am a Sandy Hook resident, and although I have always had strong feelings about the presence of guns and violence in our society, I admit that I did little to address it until my neighbor, Avielle Richman along with 26 other innocent people was murdered on December 14th

I am now dedicated to attending to this issue from here on out. We will not lose interest or fade away, we are here to stay and we will be paying very close attention to what our state and national representatives are doing to solve the problems that have led us all to this point of unspeakable proliferation of gun violence of all kinds. I want to be clear that I am appalled by the level of gun violence regardless of what type and where it takes place. This is the beginning of a movement that will only grow in size and power. I beg you to be on the right side of history and

stand with us.

As an American citizen, and resident of Sandy Hook, CT, I expect Congress to support the following:

1. Institute an Assault Weapons & High Capacity Magazine Ban

You must fully support a federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Don't listen to those who would say that so few crimes are committed with these weapons that it won't make a difference. It would have made a difference at Sandy Hook Elementary. Six children were able to escape that horrific scene because the shooter paused to exchange an empty magazine for a new one. Any measure, even if it would save just one life, is worth it. There is no reason that a single person should die because a small portion of the population wishes to have access to firearms that were designed for war.

2. Implement a Buy-Back and Destruction Program for All Previously Purchased Guns and Ammunition.

Use Australia as the example to follow and do not "grandfather" all existing assault weapons into the ban. These weapons have no place in civilian life. If most Americans had been paying attention to this issue, these weapons would have never been allowed into the consumer market in the first place.

Australia's post-buy back statistics are solid and incontrovertible. Our country's tolerance of gun violence is making us the embarrassment of the developed world.

3. Implement Universal Background Checks for Guns and Ammunition

Anyone who wants to purchase any kind of gun should be subjected to a comprehensive background check through the FBI's National Instant Criminal Background Check System (NICS). Once purchased, the gun should be registered on a yearly basis and the owner should be responsible for proving he/she has the gun in their possession. The current check system is inadequate, to say the least, and must be reformed immediately. This is easy, get it done.

4. Repeal Tiahrt and Upgrade Gun Trafficking to a Federal Crime

The government agencies in charge of finding and prosecuting gun traffickers need their hands untied so they can do their job effectively. You do not work for the NRA or their members who represent only a small minority of the people. You work for the people of this country and we are now watching every move you make. Those of you who show you are not worthy of your jobs, by putting the dirty money of the NRA and NSSA before the lives of children, will lose your jobs at The People's earliest opportunity.

5. Limit Gun Purchases to One Per Month.

Take this common sense approach to gun purchases and make it law. Reasonable exemptions can be built into the law, to

apply to collectors for example, but this alone will go a very long way in reducing the number of guns that find their way into the hands of criminals and thus reduce gun violence.

4. Mental Health Reporting Reform

The current background check system does not adequately address situations of documented mental illness. A comprehensive and cross-referenced system must be instituted. In this technologically advanced nation, surely we can solve this problem swiftly.

Two years ago Avielle couldn't decide if she wanted to be a cat, a princess or a fairy for Halloween, because of a gun she will never trick or treat again. Please help us bring some goodness out of this horror.

Respectfully,
Zoe Velush-Rogers
We are Sandy Hook



Violence Policy Center

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Testimony of Kristen Rand, Legislative Director, Violence Policy Center

Before the Senate Judiciary Committee,

Subcommittee on the Constitution, Civil Rights and Human Rights

**“Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the
Second Amendment”**

February 12, 2013

The Violence Policy Center (VPC) is a national non-profit organization that conducts research, policy analysis, and advocacy to reduce gun violence in America. The VPC has particular expertise on matters involving the gun industry. We appreciate the opportunity to submit written testimony on this critically important topic.

Strong Gun Laws Save Lives

As Congress considers legislation to strengthen federal gun laws, including extending background checks to all gun transfers, banning assault weapons and high-capacity ammunition magazines, and implementing anti-trafficking measures, the experience of states with different guns laws is instructive. The evidence is overwhelming that strong gun laws work to save lives and that such laws serve an important government interest in improving public safety. Looking at comparative firearm death rates across the United States, the conclusion is inescapable that states with strong gun laws and low rates of gun ownership have the lowest overall gun death rates while states with weak gun laws and high rates of gun ownership have the highest rates of overall gun death (including homicide, suicide, and unintentional fatal injuries). Moreover, the disparity in rates between the states with the lowest rates and those with the highest rates is striking. For 2010, the most recent year for which complete data is available, Alaska ranked

first with an overall gun death rate of 20.28 per 100,000, while Hawaii ranked 50th with an overall gun death rate of 3.31 per 100,000.

Hawaii requires the licensing of gun owners as well as the registration of most firearms. The state has banned assault weapons and high-capacity ammunition magazines and prohibits the sale of handguns that do not meet minimum quality standards. Alaska, on the other hand, has no significant state laws regulating firearms. The following chart shows the top five and bottom five states ranked by their overall gun death rates for 2010 using data from the Centers for Disease Control and Prevention WISQARS database.

States with the Five <i>Highest</i> Gun Death Rates				States with the Five <i>Lowest</i> Gun Death Rates			
Rank	State	Household Gun Ownership ¹	Gun Death Rate per 100,000	Rank	State	Household Gun Ownership	Gun Death Rate per 100,000
1	Alaska	60.6 percent	20.28	50	Hawaii	9.7 percent	3.31
2	Louisiana	45.6 percent	19.06	49	Massachusetts	12.8 percent	4.12
3	Montana	61.4 percent	16.58	48	Rhode Island	13.3 percent	4.66
4	Alabama	57.2 percent	16.36	47	New Jersey	11.3 percent	5.19
5	Wyoming	62.8 percent	16.32	46	New York	18.1 percent	5.22

More Law Enforcement Officers are Killed with Firearms in States With Weak Gun Laws

The importance of strong gun laws in preventing gun-related death is starkly demonstrated by examining how and where law enforcement officers are feloniously killed. According to FBI data, law enforcement officers were killed by guns in much higher numbers in states with weak

¹ State gun ownership rates were obtained from the September 2005 Pediatrics article *Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings From the Behavioral Risk Factor Surveillance System, 2002*, which is the most recent comprehensive data available on state gun ownership.

gun laws. From 2002 to 2011, 230 officers were killed by firearms in the South.² During that same time frame, 56 officers were killed with guns in the Northeast.³ Controlling for the population of law enforcement personnel, officers were killed with guns at a rate three times higher in the South (where, except for Delaware, Maryland and the District of Columbia,⁴ weak gun laws prevail) than in the Northeast (the region with the highest concentration of states with strong gun laws).⁵

States with Weak Guns Laws Export Death and Injury

Illegal gun traffickers often buy firearms in states with weak laws and those guns are subsequently recovered in jurisdictions with strong gun laws. A report from the Mayors Against Illegal Guns (MAIG) found that, “Although the rates at which states export crime guns vary significantly, states that have enacted strong gun laws have significantly lower export rates than states with weak gun laws.”⁶ One of the most stark examples of this phenomenon is the District of Columbia which has some of the strongest gun laws in the country. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) traced the source state of 871 guns recovered in the District in 2011. Only 20 of those firearms originated in the District. Virginia and Maryland supplied the most crime guns, with 232 each. North Carolina was the source for 77 guns and Georgia supplied 55. Although the District’s firearm homicide rate has declined

² Designated by the FBI as consisting of Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma, and Texas. *Law Enforcement Officers Killed and Assaulted, 2011*, FBI, Criminal Justice Information Services Division.

³ Designated by the FBI as consisting of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, and Pennsylvania. *Law Enforcement Officers Killed and Assaulted, 2011*, FBI, Criminal Justice Information Services Division.

⁴ A total of 13 officers were feloniously killed in these three jurisdictions by any means during the time frame of 2002 to 2011. A breakout of those killed by firearms for the time frame is not available.

⁵ The rate of officers killed from 2002 to 2011 in the South was 15.96 per 100,000 officers, while the rate in the Northeast was 4.82 per 100,000 officers.

⁶ *Trace the Gun: The Link Between Gun Laws and Interstate Gun Trafficking*, A Report from Mayors Against Illegal Guns, September 2010, at 29.

significantly, falling from 24.12 per 100,000 in 2000 to 13.96 in 2010, the guns trafficked into the jurisdiction undoubtedly contribute to its still too-high homicide rate.

Conversely, research supports the fact that states with stronger gun laws that include assault weapons bans are less attractive as source states for gun traffickers. Analyses of ATF trace data by researchers at the Johns Hopkins Center for Gun Policy and Research indicate that the border states with the highest per capita rate of exportation of crime guns to Mexico (Arizona, New Mexico, and Texas) had export rates four times that of California. The researchers attribute this to California having much more stringent gun sales laws than the other border states. California is a relatively unattractive environment for traffickers to acquire their guns because the state has banned the assault weapons that they clearly wanted, gun purchasers can more readily be held accountable for illegally transferring their guns, and California's law prohibits bulk gun sales common in gun trafficking rings operating in Texas and Arizona. A separate study, "Cross-Border Spillover: U.S. Gun Laws and Violence in Mexico," published in December 2012 found that "the reach of U.S. gun laws extends beyond its borders. Our analysis shows that the expiration of the U.S. FAWB [federal assault weapons ban] led to immediate violence increases within areas of Mexico located close to American states where sales of assault weapons became legal. The estimated effects are sizable, and unrelated to the idiosyncratic influence of specific border states, trends in socioeconomic conditions, legal enforcement patterns and drug-trafficking along the border."

States with stronger gun laws are in essence held hostage to states with weaker laws. Individual states can only do so much to reduce gun violence within their borders when guns are so freely available in neighboring states. A critical function of government is protecting the lives of its citizens and in particular the lives of its first responders. It is clear that stronger federal laws are necessary to reduce the gun violence that claims the lives of more than 30,000 Americans every year. Moreover, the experience of states with strong laws clearly demonstrates that such laws are not burdensome to the exercise of individual rights.

The International Experience Shows Strong Gun Laws Save Lives

Pro-gun advocates often cite the United Kingdom and Australia as proof that gun laws don't work. In fact, statistics from these two countries, both of which acted swiftly and decisively in the wake of mass tragedies eerily similar to the massacre in Newtown, show that implementation of strong gun laws has been successful in both preventing mass shootings and reducing overall gun death.

The U.K. strengthened its laws in response to two shootings that were remarkably similar to the one at Sandy Hook Elementary School in Newtown, Connecticut. In 1987, Michael Robert Ryan, an unemployed laborer, gunned down 16 people in Hungerford, England. He was armed with assault weapons, including a Chinese variant AK-47 assault rifle. Less than a decade later, Thomas Hamilton killed 16 children and their teacher at the Dunblane Primary School in Scotland on March 13, 1996. He used Browning pistols and two Smith & Wesson .357 Magnum revolvers. Parliament responded to both shootings with strong new laws. After the Hungerford massacre semiautomatic weapons were outlawed and the availability of some types of shotguns was limited. In response to the national outcry after the Dunblane shooting, the 1997 Firearms Act prohibited private citizens from owning most types of handguns and restrictions were placed on sporting rifles. As a result, the most recent statistics available show that firearms were used to kill 39 people in England and Wales in the 2011/2012 reporting period. According to Andy Marsh, firearms director at Britain's Association of Chief Police Officers, "What we have in the U.K. now are significantly lower levels of gun crime, levels that continue to fall today. People say you can't unwind hundreds of years of gun history and culture [in America], but here in the U.K., we've learned from our tragedies and taken steps to reduce the likelihood of them ever happening again."⁷ Moreover, according to recent statistics from the British Home Office:

⁷ *After shooting tragedies, Britain goes after guns*, The Washington Post, February 01, 2013, http://articles.washingtonpost.com/2013-02-01/world/36670256_1_gun-crime-gun-violence-bans-on-assault-weapons.

- Overall, firearms were reported to have been used in 9,555 recorded crimes in 2011/12, the eighth consecutive annual fall and a 16% decrease on 2010/11. This compares with an overall decrease of 4% of all offences recorded by the police between 2010/11 and 2011/12.
- The fall in non-air weapon offences in the last year is largely driven by the fall in the use of handguns, down 15% between 2010/11 and 2011/12 (from 3,107 to 2,651). This continues the fall in the use of handguns since it peaked in 2001/02 at 5,874 offences.⁸

Britain has experienced one mass shooting since its last round of tough new gun laws that were implemented in 1997. Derrick Bird, killed 12 people and injured 11 others before killing himself in Cumbria, England in 2010, but criminologists argue that the rampage could have been worse had the shooter had access to greater firepower.

Australia has had similar success preventing mass shootings through implementation of strong gun laws. Australia's national tragedy occurred on April 28, 1996 when Martin Bryant, a 29-year-old diagnosed with delusional schizophrenia, stepped through the door of the Broad Arrow Café in Port Arthur, Tasmania and opened fire with a semi-automatic assault rifle on tourists eating lunch. He killed 35 people and wounded 21 in the worst gun massacre in Australia's modern history. Reacting to the ensuing public outrage, conservative Prime Minister John Howard quickly moved to transform Australia's gun laws. The new laws required registration and licensing requirements for all gun buyers, extensive background checks and a 28-day waiting period before purchase, a ban on semiautomatic rifles that included a government buy-back, and handgun licences were restricted to members of target shooting clubs who compete in a minimum number of matches each year.

The effect of these laws was recently reviewed in a paper presented by, Philip Alpers of the Sydney School of Public Health at the Summit on Reducing Gun Violence in America: Informing Policy with Evidence and Analysis held at Johns Hopkins Bloomberg School of Public Health, Baltimore on 15 January 2013. An excerpt from the paper recites the statistics:

⁸ Statistical Bulletin: Focus on: Violent Crime and Sexual Offences, 2011/2012, Office for National Statistics, www.ons.gov.uk/ons/rel/crime-stats.

A range of public health benefits have also been both observed and disputed. As policy changes took effect in the wake of the Port Arthur massacre, the risk of an Australian dying by gunshot fell more than 50 per cent, and stayed there (Alpers, Wilson and Rossetti, 2013). The number of gun homicides fell from 69 in 1996 to 30 in 2012 (Alpers, Wilson and Rossetti, 2013). **In the decade before the country's change of direction, 100 people died in eleven mass shootings (Chapman, Alpers et al, 2006). Following the 1996 announcement of legislation specifically designed to reduce gun massacres, Australia has seen no more mass shootings** [emphasis added]. Firearm-related deaths which attract smaller headlines still occur, yet the national rate of gun homicide – which before Port Arthur was already one fifteenth the US rate – has now plunged to 0.13 per 100,000, or 27 times lower than that of the United States (Alpers, Wilson and Rossetti, 2013). The evidence is clear that following gun law reform, Australians became many times less likely to be killed with a firearm (Alpers, Wilson and Rossetti, 2013). That said, causality and standards of proof are as contentious here as in any community polarised by the gun debate. Central to the differing interpretations is the fact that Australia's gun death rates were already declining prior to its major public health interventions. Taking this into account, one study concluded nevertheless that “the rates per 100,000 of total firearm deaths, firearm homicides and firearm suicides all at least doubled their existing rates of decline after the revised gun laws” (Chapman, Alpers et al, 2006). Next, a countervailing study interpreted essentially the same empirical findings to conclude the opposite, namely that “the gun buyback and restrictive legislative changes had no influence on firearm homicide in Australia” (Baker and McPhedran, 2007). In an article for the National Rifle Association of America, one of the co-authors of this study was quoted as saying “The findings were clear... the policy has made no difference. There was a trend of declining deaths which has continued” (Smith, 2007). A third paper relied on different tests to find that Australia's new gun laws “did not have any large effects on reducing firearm homicide or suicide rates” (Lee and Suardi, 2010). **These two “little or no effect” studies and their methodology have since been heavily criticised (Neill and Leigh 2007, Hemenway 2009, Hemenway 2011)** [emphasis added].

CONCLUSION

Robust evidence supports the case for stronger federal gun laws. Congress can and must act quickly to prevent another Newtown by implementing comprehensive laws including background checks on all gun transfers, bans on semiautomatic assault weapons, and measures

to prevent illegal gun trafficking. These laws can and will work to enhance public safety and save lives.



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The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Senate Judiciary Committee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention. As the Virginia State President of the Million Mom March, I am speaking on behalf of all of our chapters and members. We are united in our belief that there is much that can be done legislatively to make our country a safer place that will not infringe upon Second Amendment rights.

1) Require Universal Background Checks on both Guns and Ammunition

Every purchaser of a firearm should be subject to a background check through the FBI's National Instant Criminal Background Check System (NICS). Currently, an estimated 40 percent of guns sales are made by private individuals (at gun shows, over the Internet, through classified advertisements, etc.) who have no legal duty to subject purchasers to background checks or maintain records of sale. What is the purpose of having a NICS database with millions of disqualifying records if prohibited purchasers can simply circumvent the system? It would be the equivalent of having optional security screening at our airports, with a second line for folks who simply wish to bypass the scanners. In this Information Age, NICS checks are typically completed in a matter of minutes, and they can be administered by any one of the nation's more than 50,000 federally licensed firearm dealers. Background checks should also be required on all ammunition purchases.

2) Institute an Assault Weapons & High Capacity Magazine Ban

Renew the federal ban on assault weapons and high-capacity ammunition magazines and close all of the loopholes that existed in the earlier assault weapons ban. Mass shootings have increased in frequency since the ban expired in 2004. That is reason enough to reinstate the ban. There is no need for a weapon designed for battlefield use and easily outfitted with magazines holding up to 100 rounds of ammunition to be legally available to civilians but there is a very compelling reason to ban these weapons – it will save lives.

3) Repeal Tiahrt and Make Gun Trafficking a Federal Crime

The Tiahrt Amendment should be repealed as it restricts access of law enforcement to gun-trace data making it very difficult for the police to track down sellers of illegal guns, to investigate gun trafficking patterns, and to make connections between individual gun-related crimes. It also denies the ATF the authority to require gun dealers to inventory lost and stolen guns and requires that NICS background check records be destroyed within 24 hours. In addition to repealing Tiahrt, Congress should make gun trafficking a federal crime so there can be tougher enforcement. We should be doing everything we can to trace illegal guns and to empower the ATF and law enforcement to do their jobs effectively.

4) Improve Mental Health Reporting

While the vast majority of those who suffer from mental illness will never be dangerous, a more effective approach to preventing persons that are a danger to themselves or others from acquiring firearms is needed. Under current law, only individuals who have been *involuntarily* committed to a psychiatric institution or formally adjudicated as “mental defectives” (the law was written in 1968) are prohibited from buying firearms. This standard tells us little about who might be dangerous and allows people to acquire firearms who should never get close to a gun.

There are many other issues that need to be addressed, such as violent video games, the glorification of gun violence in the movies and TV and the effect this has on our youth. But these issues will take time to tackle and resolve and will require a cultural shift. The suggestions I have made above and legislation already put forth in this Congress that echo recommendations made the President’s task force would be simple and immediate steps that would help bring an end to gun violence.

The American people are speaking loudly and clearly. We expect Congress to start protecting our children rather than protecting guns. We expect Congress to put the interests of public safety ahead of the interests of the gun lobby.

Public safety should not be a politically charged issue. Legislators on both sides of the aisle have an obligation to protect and safeguard the welfare of Americans. Hiding behind the

Second Amendment as an excuse for inaction is unacceptable. There is absolutely nothing inconsistent with believing in both the Second Amendment and in sensible legislation to prevent the mass shootings that have plagued our country like an out-of-control virus. Every right has limits and the Second Amendment is no exception. No one outside of the military needs an assault weapon or a 50-caliber sniper rifle that can penetrate a police officer's bullet-proof vest. No one needs a high-capacity magazine capable of turning an ordinary handgun into a killing machine. No one should be able to purchase a gun of any sort without having to undergo a background check. Loopholes need to be closed. Bans need to be reinstated. Let's get this done; for our country and for our children; and let's get this done now.

Most respectfully,

Martina Leinz
Virginia State President
Million Mom March

To: Chairman Dick Durbin, The Senate Judiciary Committee

From: Jennifer Wall, resident of Virginia

Re: Subcommittee on the Constitution, Civil Rights, and Human Rights

Date: February 10, 2013

Dear Chairman Durbin and Senate Judiciary Committee Members,

I am writing to support the tightening of our nation's laws in relation to gun violence. I am a Virginia resident and mother of three school-aged children. I am very concerned that the prevalence of guns in our society means that another and yet another school or workplace shooting is inevitable. Yet I feel that this inevitability does not mean that we cannot, as a nation, take reasonable steps to reduce the likelihood of future tragedy.

I do not accept as fact the NRA leadership's position that "the only way to stop a bad guy with a gun is with a good guy with a gun." Our laws can be crafted to make it much more difficult for those with murderous intent to gain access to firearms. This is a public health issue that is clearly within the purview of good government. The families of those who have been slain by senseless violence deserve to see our nation's leaders enact gun legislation reform proposals.

I encourage the Judiciary Committee and Congress to write and enact legislation to address gun violence by doing the following:

- 1) Require universal background checks on all gun purchases and ammunition,
- 2) Eliminate the gun show loophole,
- 3) Reinststate the assault weapons and high capacity magazine ban,
- 4) Increase the penalties for gun trafficking, and make it a federal crime,
- 5) Make it nearly impossible for those who are mentally ill to purchase firearms.

While it is true that these measures would not have prevented the deaths of the children and teachers in Connecticut due to the particular facts in that case, these measures will make it that much more difficult for persons of criminal intent to carry out their plans.

Thank you for your consideration,

Jennifer Wall

The WASHINGTON ETHICAL SOCIETY believes in the intrinsic worth and goodness of every person. We strive towards a society where every person's needs are met and everyone experiences safety, security, and support to realize their unique potential. We envision a society that is imbued with peace, freedom, inclusion, and mutual respect. Using guns and other weapons to harm people denies our basic dignity and ultimately cannot solve the problems facing us. We affirm that safety is a human right, and that it is our responsibility to promote a culture of nonviolence.

To work towards this vision of a peaceful world, we are moved to make public our views.

× Every hour of every day in the United States people are injured or killed with guns. We are outraged at recent shootings of worshippers at a Sikh temple in Wisconsin and a UUA church in Tennessee, of Trayvon Martin in Florida, of moviegoers in Colorado, and of schoolchildren and adults in Connecticut. We view these as violent acts against all humanity.

× We live in a culture that often promotes the use of violence as a means to end conflict, which is legitimized by societal institutions, and that fails to teach a viable alternative to violent force. The direct violence we see in murders and assaults results from and reinforces the structural and cultural violence in our society.

× In 2007, there were approximately 290 million firearms owned by U.S. civilians, more per capita than any country on earth. In 2009, there were 11,493 homicides attributed to gun violence and 18,735 suicides. In 2003, of all the firearm deaths in the 23 highest income countries, 80% occurred in the United States.

× Violence is not caused by guns but is facilitated by guns. The safest society is one that minimizes the threat of gun violence both through limiting the availability of firearms and educating gun owners in safe use.

× Marginalizing and dehumanizing people perpetuates the cycles of violence.

× Our society can never end gun violence without transforming the structural and cultural roots of violence.

Our ethical principles guide our support of actions, which include but are not limited to:

× Enacting legislation prohibiting semi-automatic guns and high capacity ammunition magazines, and requiring background checks for all gun sales, whether private or not;

× Regulating the manufacture, sale, licensing, possession, and use of firearms - both domestically and for export;

× Instituting increased gun safety training for owners of firearms;

× Overturning the current interpretation of the Second Amendment of the U.S. Constitution as stated in *District of Columbia v. Heller*; and

× Prioritizing society-wide teaching and use of conflict resolution and transformation so that everyone will have access to effective nonviolent tools with which to address their struggles.

The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 11, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

There is a line to be drawn beyond which we cannot possess certain arms under the second amendment. We are not entitled to possess nuclear weapons, rocket launchers, and machine guns because the danger they pose to the public outweighs the right to own these arms.

Over 30,000 people die from gunshots each year with over 100,000 wounded. Over 900 a month are murdered. Of those killed each year, 5000 are children under the age of 18. Semi-automatic assault weapons have been used in some of the worst cases of mass murders, including the maiming and killing of twenty 6 year olds in Connecticut. These statistics deserve our attention and action. The country must decide where to draw the line on what arms we can own and how to make those arms as safe as possible.

Any actions taken to reduce deaths by guns should be common sense solutions that respect the right to bear arms. However those of us who are gun owners should recognize that any action taken will require some sacrifice and inconvenience on our part.

Even though gun manufacture and assault weapon manufacture in particular are very profitable, the gun industry must help to deal effectively with gun violence, even if it means earning somewhat less money.

No solution is perfect but if a solution can reduce the number of children maimed or killed, then that solution deserves our serious consideration and should be adopted if at all possible.

Although we can't completely prevent criminals and mentally disturbed people from accessing guns, we can substantially reduce access by screening out those who should not own guns, including felons, abusers and those declared a danger to themselves and others.

To prevent access to guns by dangerous people, an instant background check can be conducted using a Federal database.

Instant background checks can be required for all gun sales, including those at gun shows or private sales. If we allow loopholes, dangerous people seeking guns will choose sellers who are not required to do background checks.

Enforcement of existing firearms laws is essential. The NRA suggests this should be done before any new measures are taken. However, the Alcohol Tobacco and Firearms Administration, which is in charge of enforcement of gun laws, has been intentionally weakened by Congress. It has not had more than a part time director for 6 years due to the failure of the US Senate to confirm nominees. Senate confirmation has been required for this non-cabinet position only since Rep. James Sensenbrenner inserted this requirement as part of the Patriot Act in 2006, the same year he received a National Achievement Award from the NRA. Congressional legislation introduced as an amendment to a spending bill by Rep. Todd Tiahrt and approved by the NRA forbid the ATF from requiring gun dealers to keep an inventory to check for lost or stolen guns; allowed dealers to refuse to cooperate with police; required the destruction of background check information within 24 hours of purchase, and prevented oversight of used gun sales. Congress has not increased the number of ATF agents in 40 years in spite of rapidly increasing gun sales. While the ATF is authorized to inspect gun dealers books no more than once a year, in practice the average time between inspections is 17 years. We should support the request from Mayors across the US to repeal this law.

If Congress reinstates proper enforcement, those who conduct illegal gun sales and fail to do background checks should be prosecuted, suffer large fines and be prohibited from selling guns for an extended period of time.

We can require the use of some of the existing methods of providing easy access safety locks for guns or gun safes. Existing products include 'safety bullets' and small and large safes accessed by fingerprints of up to 32 persons or by simple 4

number codes punched into a key pad. These safety measures do not reduce immediate access to a gun more than a second or two, and virtually eliminate the chance of accidental discharge, use by children or access by unauthorized persons.

Since guns are inherently dangerous products, like dynamite, making gun owners strictly liable for deaths or injuries resulting from guns they own will increase their responsibility for gun safety and accountability.

Semi-automatic assault weapons are not useful for hunting, and are not the most useful weapon for self-protection. Since they fire high powered bullets designed to maim or kill people at long range they should not be allowed in homes and should be confined to gun ranges where they can be kept under lock and key. In this way those who fear the potential of government tyranny can have access to assault weapons should the need arise.

Ammunition magazines that hold more than 10 bullets are not useful for hunting and are not realistically needed for self-protection.

Large ammunition magazines make it possible for a criminal or mentally ill person to fire 50 and more rounds without reloading and to kill large numbers of people before anyone can attempt to disarm the shooter. Prohibiting the sale of magazines with over ten rounds would reduce casualties if mass shootings do occur. Law abiding citizens can always own multiple magazines and would not lose the opportunity to fire numerous rounds.

Studies following the Virginia Tech massacre show that it is very difficult for armed bystanders to pick out the 'bad guy,' and to properly aim and hit the right person in the chaos of a mass shooting. The armed bystander at the Gabby Giffords shooting acknowledged that due to his misperception he almost shot the person disarming the murderer. Therefore arming teachers or students does not appear to be a safe solution.

Having more resource police officers in schools may increase deterrence but we should not teach our children that violence is best prevented with more violence. Instead we should teach our children at home and in school that violence is not a solution for problems except as a last resort and that counseling and mediation are better alternatives that prevent violence. Congress should fully restore the funding for the 'Substance Abuse and Mental Health Service Administration' that they removed in the House budget of 2012.

Calls for careful study of all the factors involved in gun deaths very often is a way of saying we will take no action. Basic common sense solutions such as those proposed here do not require long studies and can be implemented quickly.

There are those who will say that the line to bear arms should be drawn to allow unrestricted access to semi-automatic assault weapons; that even a second or two of delay in accessing their guns is unacceptable; and that large magazines are necessary to have equal firepower with intruders who may somehow have acquired those magazines. We must decide if these arguments are sufficient to justify taking no action.

Basic common sense actions to help solve gun access and safety problems may make it more inconvenient to exercise the right to bear arms, but some inconvenience should be tolerated in order to save lives, especially those of little children.

Sincerely

Robert C. West, Jr, member Virginians for Responsible Gun Laws

Afton, VA 22920

As a parent of a son who attended Sandy Hook Elementary School, I am seeking your help to change the gun laws in our country.

I ask you to stand against the gun lobby. The proposals set forth by President Obama, should be enacted as soon as possible.

This can be a moment when history is made, by passing gun laws that help protect all citizens, eliminate semi-automatic weapons, high capacity magazines, and have universal background checks for all buyers of guns.

Nobody knows how Newtown will recover from this massacre, but if you can steer Gun Violence Prevention in the right and reasonable direction, we will all be grateful to you.

Thank you.

Donald Wilson
Sandy Hook, CT

Chairman Dick Durbin and Committee Members,

I am writing you as a 26 year resident of Newtown CT, as a small business owner, and as President of The Working Women's Forum which meets in Sandy Hook, CT.

I feel I must convey to you the sadness and gut-wrenching pain that we have suffered here in our town in the past two months. From the days after the shooting, where helicopters hovered in the skies, to the ongoing daily funerals that took place on our Main Street, to the sight of police cars parked in front of our schools, to the knowledge that our police force is understaffed due to the trauma they faced that day.

I also feel I must tell you that as a business person, I have seen the effects it has had on my fellow small business owners, some of who are near to closing. Our town has been torn upside down.

As the President of Working Women's Forum, a professional women's group that meets literally steps away from Sandy Hook Elementary School, I feel I must convey to you the feeling of loss of our members and those who have attended our meetings, those who lost their first graders, those whose children were present at that school and survived, and those of us who mourn every day what occurred there. Because we care.

You may find this hard to believe, but I am exposed to gun violence every week when I visit my fiance in New Haven, CT. In the last 3 weeks of January 2013, in his quiet neighborhood there were 3 shootings, 2 occurred in businesses that we walk to. And two of these shootings were fatal.

I must ask you this question: When will this madness end? I am not against guns but our society is out of control.

- 1. We can't keep making it easier for people to acquire more guns. There are too many guns.**
- 2. We can't allow rifles to be purchased differently than handguns. I have heard no one explain why they need to have a semi-automatic rifle with a large capacity magazine to hunt or use for self defense.**
- 3. We can't allow people to walk into a store and buy enough ammunition to fill a shopping cart.**

My request is brief and to the point: The Constitution protects our rights to Life, Liberty, and the Pursuit of Happiness. As David Wheeler, father of Ben Wheeler, 6 years old, who was brutally murdered on Dec 14, 2012, so eloquently reminded us: our right to Life should supersede all others.

Thank you for giving me the opportunity to express my views.

Maureen Wilson

Win The War Against Violence

Statement for the Record

February 11th 2013

Proposals for Reducing Gun Violence: Protecting Our Communities While Respecting the Second Amendment

Hearing Before the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights

Date: February 12, 2013 Time: 10:00 a.m.

Location: Dirksen Senate Office Building Room 226

Dear U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights:

We greatly appreciate your **Sub-Committee** allowing us to submit a **Statement for the Record** for your **February 12, 2013 Hearing**. This letter is the first of its kind from our organization or from myself.

My name is **Douglas A. Wain**. I am the Executive Director of a Kentucky 501 (c) (3) nonprofit organization and public charity headquartered in Lexington, Kentucky called **Win The War! Against Violence**. Our mission: **To help bring about a substantial reduction in violence through education**.

We would first like to say that during the last 12 months we have met with many State and National Representatives. We could not have been more impressed. Everyone was courteous, personable and respectful. The same can be said for their aids, assistants and counsel.

Our relatively new organization is a one-trick pony; our purpose is *violence prevention* only. And the largest amount of evidence we have found to prevent violence is through *education*. If kids know better, they do better, as *Maya Angelou* has helped us realize.

We believe the key to reducing all unjustified violence is focusing on **youth** ages **12** to **24**. Evidence shows that this age group is responsible for nearly **50 Percent** of all violent offences not only here in the **U.S.** but in the world.

Willie Sutton said in the 1920's on why he robbed banks, "*That's where the money is.*" If we want to significantly move-the-dial back on violence, then we must concentrate on youth; especially youth ages **12** to **17**, before they reach the most dangerous age among violent offenders which is **19** to **24**.

We adults can do what we can. We can allocate funds, create fair, common-sense laws, and give enforcement the tools they need to protect their communities, but we believe *at most* that is only half the solution. Youths must meet us halfway. They must bring something to the table to reduce violence in **America**; not marginally, but *significantly*.

We have initiated an *education only* **Youth Violence Prevention Challenge** in our home state, the great Commonwealth of Kentucky. It has united most every state governmental office, state nonprofit and state association in Kentucky to give our youth this *crystal clear message*: "Unjustified Violence **Against Other People Is NOT ACCEPTABLE In Our Commonwealth of Kentucky**".

Win The War Against Violence

We are sure that our all our State and Federal Representatives will do their part. But we slightly older adults are not the ones doing most of the violence. It's the younger adults and teens that are. I'm not sure if adults alone *can* stop violence. But we believe that when good-hearted people try, everything helps. Therefore we should try everything. It is not necessary to debate which piece of the puzzle is bigger when solving the problems of violence because the risk factors and situations can be so diverse that we may never know which piece works best and when. Sometimes the smallest things have the greatest impact. And we will never know whom the next youth will be who will give in to their ancient, antiquated instinct for violence. That is why we must talk to *all* youth about violence. We believe our **Youth Violence Prevention Challenge** does that.

Can youths stop their own violence? Yes. Each youth is already empowered with a personal, unique, individual, one-of-a-kind *identity*. Their *identity* is their soul, their spirit, their essence. There was never a person like them before and there will never be another person like them again. Their individual *identity* was not given to youth by adults; it was given to them by greater forces, God, Nature, or both depending on your beliefs. This personal *identity* we believe gives every youth *superpowers*, it can prevent them from not only doing violence but help them navigate thought-out their life. Youth can do this without adults, but of course we adults should to help and try to remove as many hazardous hurdles for them as possible.

We believe that whatever us adults create, we can make the rules and laws for. What we build, we can control. Nothing man makes could possibly be divine. But whatever we do create and govern, they should be surrounded by the good *principles* in life. Our good *principles* should create and the laws, our good *principles* should be used when applying them and our good *principles* should change the laws if they do not closely match our good *principles*.

These good *principles* in life are the same good *principles* that build this great country, **The United States of America**, and all the great institutions on earth. Believing in the good *principles* in life and applying them correctly we believe is morality. Morality added to all youth's unique *identity* we believe is the ultimate answer to violence. We owe it to youth to show them the way, hold up mirror to them and show them that all of them, without exception, are already gifted and empowered. It's possible that the greatest power we adults possess in not that over nature of science but our ability to influence our youth.

Most youth are already peaceful, unfortunately, as my middle school principal once said, "*It's a few that ruin it for everybody*". If I had to sum up all the world's problems into one sentence, that would be it. We believe people do violence to *feel good, better, best*. For selfish reasons. We need to show all youth that morally feels better then violence. That it lasts a lot long and is more often rewarded in society. We could, and should, help youth feel better about themselves now.

This **Youth Violence Prevention Challenge** has all the obstacles that might stop someone form supporting it removed from it. It does not conflict with any law or *U.S. Constitutional Provision or Amendment* and it aims to reduce *all forms* of unjustified violence not just a few.

Since our organization is not there in person, *although we are available*, we thought we would try to anticipate some of your questions and provide answers.

Why should youth not do violence? Because it is in their own-self interest *without* being selfish and that is a rare and beautiful combination.

What is justified violence? Justified violence is in self defense, a universal standard. We believe that defending yourself, which is protecting your identity, is not an option but is mandatory.

Pushback on peace? We been promoting our **Youth Violence Prevention Challenge** for over one year and we have not seen any pushback. In fact, whoever we talk to about this Youth Challenge usually has their own personal story that the wish to share.

Win The War Against Violence

Why peace? We believe peace is the lynch-pin to achieve faster advancement and progress as a civilization and to increase our odds of survival, both individually and collectively. No one is immune from violence.

What about deterrence? We believe in the “*Double-Sided Coin of Deterrence*”. Peace though Strength and Strength though Peace. Unless you push both equally hard you will not know who to fight, when to fight or how to fight.

Who is our team? Our team is the largest, oldest and greatest team of all time, peaceful people. We believe a much more peaceful world is right around the corner. We think the tipping point has already passed with the end of the Cold War and the arms race is going to turn into the peace race. Let **America** win this race too. We can observe one, and only one, problem in the **United States of America**, not enough teamwork. Hopefully we can continue to *unite* people behind this initiative.

We encourage all the distinguished members of this **Senate Judiciary Sub-Committee** and the full **Senate Committee on the Judiciary** to include this **America’s Youth Violence Prevention Challenge** to America’s youth to voluntarily reduce violence **Ten Percent** in the next 12 months. This Challenge is not political, religious, financial, *judgmental*, and does not require legislation, funding, cost or enforcement. But despite these flaws it might cut to the core of the problem of violence by focusing on youth and maybe with a little luck, might work.

We have additional information and documentation on our organization, its founders and this campaign. We would be honored to provide it to the *Sub-Committee* if so desired.

We wish to thank the Sub-Committee for this opportunity for your time and for your dedication.

All the best,



Douglas A. Wain, Executive Director

Win The War! Against Violence

The 2013 Ten Percent Challenge

A Nonprofit 501 (C) (3) Organization and Public Charity

Violence Prevention Education

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The Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Chairman Dick Durbin

February 10, 2013

Dear Chairman Durbin & Senate Judiciary Subcommittee Members:

Thank you for allowing me the opportunity to submit testimony in advance of your hearing on Gun Violence Prevention.

To me the words of the *Preamble to the Constitution of the United States* clearly state why we joined together. The unsettling news of gun violence destroys those very concepts of domestic tranquility, general welfare, and the blessing of liberty described in the preamble.

People without guns hardly ever kill. The gun is the weapon of choice in mass killings, gang killings, domestic violence, and suicides. It is, simply put, the gun that is the problem. We may not be able to prevent all killings, but rational thinking tells us we need to do more to stop the violence that has invaded our everyday life.

No citizen should be apprehensive about attending a movie or public event, visiting a mall, or sitting in a classroom.

Please honor the lives of all who have died from senseless gun violence, and most particularly those innocent children at Sandy Hook, by passing new legislation listed below.

- a. Background checks for anyone wanting to purchase a gun whether at a dealer, the internet or gun shows.
- b. Institute a ban on assault weapons and high capacity magazine clips.
- c. Repeal Tiahrt and Make Gun Trafficking a Federal Crime.
- d. Improve Mental Health Reporting.

Most respectfully,

Maryanne Yergovich