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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bills 1484 and 1793

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House Judiciary Committee

Main Capitol Building
Room 140, Majority Caucus Room
Harrisburg, Pennsylvania

Wednesday, July 15, 1998 - 10:00 a.m.

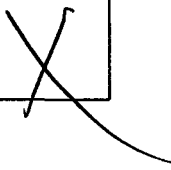
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BEFORE:

- Honorable Thomas Gannon, Majority Chairperson
- Honorable Jerry Birmelin
- Honorable J. Scot Chadwick
- Honorable Lita Cohen
- Honorable Brett Feese
- Honorable Al Masland
- Honorable Thomas Caltagirone, Minority Chairperson
- Honorable Peter Daley
- Honorable Harold James
- Honorable Kathy Manderino

ORIGINAL

1998-084



1 **ALSO PRESENT:**

2

3 **Brian Preski, Esquire**
4 **Majority Chief Counsel**

5 **Judy Sedesse**
6 **Majority Administrative Assistant**

7 **David L. Krantz**
8 **Minority Executive Director**

9 **John Ryan, Esquire**
10 **Minority Chief Counsel**

11 **Leonard Buchta, Staff Director**
12 **Veterans Affairs and Emergency Preparedness**
13 **Committee**

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1 CHAIRPERSON GANNON: The House Judiciary
2 Committee will come to order for public hearings
3 concerning the issue of guns and gun violence.
4 We have approximately 50 bills in our Committee
5 dealing with this issue.

6 So the purpose of today's hearing is
7 just in general overview of the issue is to try
8 to get a sense of which bills or bill we should
9 begin to focus on and work on.

10 I just want to make these preparatory
11 remarks so everyone understands the general
12 purpose of today's hearing. And with that, I'd
13 like to welcome our first witness, the Honorable
14 T.J. Rooney from the 133rd Legislative District.

15 REPRESENTATIVE ROONEY: Thank you,
16 Mr. Chairman, and good morning. First, I'd like
17 to thank Chairman Gannon for demonstrating the
18 courage to convene a frank and open discussion on
19 issues relating to firearms and for allowing the
20 Committee the opportunity to hear testimony on a
21 number of bills I had introduced that are
22 intended to help reduce the number of tragic,
23 oftentimes accidental and unintentional deaths
24 and injuries that occur as a result of misuse of
25 firearms.

1 I believe as do all of you that now more
2 than ever we must be about the business of
3 considering remedies to the very serious issues
4 surrounding the senseless and needless tragedies,
5 again, resulting from misuse of firearms. Your
6 presence here today indicates the time has come
7 in Pennsylvania to begin the process of change.

8 It was my intention to talk at length
9 about the content of the two bills that I have
10 advanced, one which requires gun manufacturers to
11 personalize handguns so only the owner or owners
12 can use and one which bans firearms from being
13 brought into municipal buildings.

14 However, yesterday I was contacted by
15 Mayor Rendell, who as you know is very interested
16 in these issues and other gun-related measures;
17 and he expressed an interest in participating in
18 future hearings.

19 Chairman Gannon, again, was kind enough
20 to grant the Mayor this opportunity at a future
21 date, so I will postpone my extended remarks to
22 a time in the near future when we reconvene to
23 talk about the specifics of legislation that we
24 otherwise were going to delve into today.

25 Additionally, I have been working for

1 the past few years very closely with a group
2 founded by Jim and Sarah Brady. I will provide
3 the Members of the Committee -- and I believe I
4 already have -- with a letter I received
5 yesterday from Mrs. Brady relating to legislation
6 I have sponsored.

7 It is my understanding that Mr. or Mrs.
8 Brady or a member of their organization would
9 also like the opportunity to appear before the
10 Committee when we reconvene.

11 Today I would like to point out that I,
12 like everyone else, recognize the escalating
13 problems associated with youth violence and the
14 misuse of firearms. And I fully realize that
15 this isn't a mess we got ourselves into
16 overnight, nor is it mess we will get ourselves
17 out of overnight.

18 Not any one piece of legislation or even
19 the implementation of a larger package of
20 legislation can completely solve and resolve this
21 dilemma; but we do know that violence is viewed
22 as a learned behavior, and it is assumed to be
23 preventable.

24 There are social and psychological
25 causes, identifiable risk factors, and patterns

1 of occurrence that we can narrow it down and
2 begin to attach to our legislative efforts.

3 So at a time when we are working on
4 enacting laws that are tough on crime and seek to
5 make offenders pay for their actions, I believe
6 we should also be focusing on the ideal goal,
7 which is to prevent people, especially children
8 and teenagers, from committing crimes in the
9 first place.

10 I recognize that prevention is a
11 difficult task and that there are no easy answers
12 about how to spot those individuals who are
13 likely to commit an act of violence or another
14 crime and how to stop it.

15 Factors leading to violence as you all
16 know include and are not limited to: Poverty;
17 disfunctional families; prejudice;
18 discrimination; a lack of good jobs; the assault
19 on self-esteem and self-confidence; and the easy
20 access to guns, drugs, and alcohol.

21 Whenever we can, though, we should be
22 considering and improving legislation in my
23 estimation that addresses these risk factors and
24 makes good common sense.

25 We should be charging forward with

1 legislation, for instance, that makes parent and
2 other gun owners more accountable for their
3 weapons by using trigger locks or storing their
4 guns in a place where children and teenagers
5 cannot get their hands on them.

6 And I have introduced over the course of
7 the past three sessions what in this session is
8 House Bill 523, which deals with the Child Access
9 Prevention Laws often referred to as a CAP Law in
10 other states.

11 And I just with the indulgence of the
12 Chair would just like to read an excerpt from the
13 letter that I presented to you from
14 Mrs. Brady regarding the Child Access Prevention
15 Law.

16 Child Access Prevention, or CAP Laws,
17 also referred to as Safe Storage Laws, generally
18 require adults to either store loaded guns in a
19 place that is reasonably inaccessible to children
20 or use a device to lock the gun.

21 If a child obtains an improperly stored
22 or loaded gun, the adult owner is held criminally
23 liable. This is a reasonable bill that 15 states
24 have already passed into a law and a 16th,
25 Massachusetts, is considering a CAP bill this

1 week.

2 It calls upon gun owners to be
3 responsible and keep guns from where children can
4 get access to them, in addition, preventing
5 unintentional shootings involving children.
6 These laws prevent unintentional shootings by
7 keeping guns out of the hands of children.

8 On October 1st, 1997, the Journal of
9 American -- the Journal of the American Medical
10 Association released a study that provides
11 compelling evidence that CAP Laws do work to save
12 lives.

13 The authors concluded that state CAP
14 laws, again, which make gun owners responsible
15 for storing firearms in a manner that makes them
16 inaccessible to children, reduce unintentional
17 deaths of children by firearms by an average of
18 23 percent.

19 The study also demonstrated that these
20 laws are particularly effective in protecting
21 children younger than 10 and those laws that make
22 unsafe storage a felony rather than a misdemeanor
23 are most effective.

24 And repositied in the Committee,
25 Mr. Chairman, is my bill, House Bill 523, that

1 would allow Pennsylvania to become the 17th state
2 to enact a Parental Accountability Measure as it
3 relates to firearms and children.

4 So of all of the tragedies that gained a
5 high profile early this spring and summer in
6 Edinboro, Pennsylvania; in Jonesboro, Arkansas;
7 in Springfield, Oregon; West Paducah, Kentucky;
8 Pearl, Mississippi, these youngsters' access to
9 firearms was simply too easy.

10 I believe we also need to move forward
11 on addressing the problems of at-risk children
12 and disruptive students. And I know the
13 Committee has taken a lot of time studying issues
14 surrounding those dilemmas.

15 I believe we need to improve the
16 services to underserved families and provide
17 better opportunities for their children. But,
18 again, I am not here to suggest that all the
19 blame and responsibility for these problems
20 should rest on the government's shoulders.

21 As we consider the bills before the
22 Committee today and in the future and look at the
23 myriad of other proposals, I think it's important
24 to remember that many problems can best be solved
25 or addressed by families.

1 We should, in my estimation as a
2 Legislator, do what we can to provide safer
3 schools, homes, and streets. And I commend the
4 Chairman and the Members of the Committee for
5 taking the time to come up and address and
6 understand and discuss solutions.

7 But we must also look to our
8 communities, to our parents, our neighbors and
9 friends to be more responsive and to be more
10 responsible to these serious dilemmas.

11 So I look forward to embarking with you
12 and the Members of the Committee on a discussion
13 that hopefully will lead us in a direction and in
14 considering the merits rather than disadvantages
15 of my legislation and the hundreds of other bills
16 or 50 other bills that the Committee has before
17 it.

18 I'd like to thank you again sincerely,
19 Mr. Chairman and Members of Committee, for your
20 time and accept any questions that the Committee
21 may like to pose.

22 CHAIRPERSON GANNON: Thank you,
23 Representative Rooney. Representative Masland.

24 REPRESENTATIVE MASLAND: Thank you,
25 Mr. Chairman. I actually really have a request,

1 not so much a question. The excerpt you read
2 from Sarah Brady's letter, specifically, the
3 sentence in the second paragraph you read about
4 the reduction of intentional deaths by an average
5 of 23 percent in those states that have CAP Laws,
6 I'd be interested in how they determine that.

7 As you mentioned yourself in your
8 testimony, there are a lot of factors that go
9 into intentional and unintentional misuse of
10 guns. And I would be interested to know how they
11 came up with that percentage. So maybe when a
12 future date they do come before us, they could be
13 prepared to do that.

14 REPRESENTATIVE ROONEY: I'd be happy to
15 ask them to do so.

16 REPRESENTATIVE MASLAND: Thank you.

17 CHAIRPERSON GANNON: Thank you,
18 Representative Rooney, for coming before the
19 Committee and sharing your testimony with us; and
20 you are invited to join the Committee if you
21 wish.

22 REPRESENTATIVE ROONEY: Thank you,
23 Mr. Chairman. I'd like to take you up on that
24 kind offer. I really have some other things I
25 need to attend to. So I appreciate your time and

1 the Committee's attention.

2 CHAIRPERSON GANNON: Thank you. Our
3 next witness is Representative Lita Cohen, who is
4 also an esteemed member of the House Judiciary
5 Committee.

6 REPRESENTATIVE COHEN: Thank you,
7 Mr. Chairman.

8 CHAIRPERSON GANNON: Welcome,
9 Representative Cohen, and you can proceed when
10 you're ready.

11 REPRESENTATIVE COHEN: Thank you. I do
12 not have prepared remarks. I want to thank you
13 for giving me this opportunity to speak before
14 the Committee today. I commend you,
15 Mr. Chairman, and certainly all of the Members of
16 the Committee for dealing with this very
17 sensitive, and in this day and age, hot topic.

18 I have introduced a House bill, House
19 Bill 2484. I don't want to deal specifically or
20 dwell too much on that bill, but again following
21 Representative Rooney, did want to talk to the
22 Committee about my views and the views of some of
23 my constituents as to the entire gun issue. And
24 then I will touch specifically on 2484.

25 Bill 2484 deals with -- we call it the

1 Straw Purchasers Restriction Act. It really
2 deals with the frenetic pace of gun running in
3 this Commonwealth.

4 We're dealing specifically with
5 children, and not only gun-toting children, but
6 children killing other children as we so
7 tragically watched throughout the state and the
8 nation just within the last several months.

9 And although this is not a panacea and a
10 cure-all, I believe that some of the legislation
11 that has been brought before us will certainly
12 aim in the right direction. Much more needs to
13 be done, as Representative Rooney said.

14 We have to teach gun safety to our
15 children, respect for guns, involve parents in
16 the lives and activities of children, et cetera,
17 and then get it through our children's heads that
18 guns indeed really do kill.

19 At least with one of the proposals we'd
20 be taking a strong stand to eliminate one more
21 way illegal guns get into the wrong hands. I
22 have to start by saying that I'll go to the mat
23 for -- to protect the rights of hunters,
24 collectors, sports enthusiasts.

25 I have many in all three of these

1 categories in my district. And I find that they
2 are very responsible adults, they are careful
3 with their guns, they're well trained, and
4 they're respectful of guns in general.

5 Many of the proposed bills that we have
6 before us, and particularly, 2484 is not intended
7 to disturb any of the rights that these
8 responsible, gun-respecting people have.

9 And I think that that's very important
10 to state at the very beginning of my testimony,
11 that we are not aiming any of these bills to
12 restrict any of the rights that these people who
13 respect guns have.

14 However, what I'm trying to do and what
15 I think we all should do is stop the illegal
16 sales of handguns on our streets by ending this
17 frenetic gun-running scheme that feeds upon urban
18 violence and indeed leads to violence
19 particularly in our suburban -- in our urban and
20 adjacent suburban areas and that statewide youth
21 access to firearms.

22 2484 specifically is to stop gun runners
23 from making high-volume gun purchases in
24 Pennsylvania gun shops and in turn selling these
25 firearms to our children. These gun runners make

1 a 400 to 500 percent profit on such sales. And
2 these unscrupulous acts are indeed a severe
3 threat to our society.

4 2484 in making many, many exceptions
5 does indeed preserve the rights and the
6 protection of our law enforcement officers,
7 licensed gun dealers, persons whose firearms have
8 been destroyed or stolen, and for multiple gun
9 sales as part of collector series, et cetera.

10 So legitimate people who own and use
11 guns are indeed protected by 2484. What we're
12 trying to do is stop straw purchasing of multiple
13 purchases by straw purchases of guns that then
14 find their way into the hands of the wrong
15 people.

16 The bill also would, as I keep
17 stressing, protect the rights of those who
18 legitimately have guns and use them properly. I
19 will close by reading a letter to the editor from
20 one of the active members of my local community,
21 a leader not in the gun area, which is
22 interesting, but a leader in general in my
23 community.

24 This is praising Mayor Rendell. And I
25 have to say that -- preface reading this letter

1 by saying that I've been working with Mayor
2 Rendell for a year since last July. This 2484,
3 this Straw Purchasers Restriction Act is the
4 result of the leadership taken by Mayor Rendell.

5 He asked me to be the prime sponsor of
6 this bill. We've worked with him for a year.
7 The bill was introduced in April, and I have
8 spoken as Representative Rooney with Mayor
9 Rendell.

10 He is interested in coming to Harrisburg
11 to tell the Philadelphia story. And being a
12 Representative of the area adjacent to
13 Philadelphia, we obviously have some very common
14 interests.

15 But this letter to the editor is titled,
16 Rendell Deserves Praise For Work On Gun Control.
17 It's a short article: Who were the gun
18 manufacturers in Washington D.C. who smirked at
19 Mayor Rendell's appeal for helping controlling
20 gun violence?

21 Who are the Legislators in Harrisburg
22 who believe that limiting the purchase of one gun
23 a month threatens Pennsylvania citizens? Aren't
24 they aware that Maryland, Virginia, and South
25 Carolina have these laws?

1 And by the way, these three states have
2 limited handgun purchases to one a month. And
3 they have statistically a remarkable lowering of
4 handgun crime in all three states. It is -- it
5 is noted statistically; it can be proven. And we
6 think that we would like to bring those same kind
7 of valid statistics to Pennsylvania.

8 Who are the 103 people who bought 13 or
9 more guns at one time in Philadelphia? And who
10 are the people that will bury them -- who will
11 buy them -- excuse me, illegally on the streets
12 of Philadelphia? Who are the citizens who
13 haven't noticed or do not care?

14 The 337 people in Philadelphia last year
15 died shot by a gun. Who in Philadelphia is not
16 aware that murders of kids by kids with guns have
17 wiped out youth too young to die? Who are the
18 11,900 successful robbers with guns who are
19 threatening the quality of our lives daily?

20 Who can speak out on behalf of the
21 countless dead victims of domestic violence who
22 lost their lives to a gun? Who are the dope
23 peddlers and users looking to find easy money to
24 satisfy their habit, daily stalking stores or
25 ATMs with the help of a gun?

1 Who are the car-jackers, the drunk
2 drivers, the mentally ill who will have access to
3 these guns? Who are the people with previous
4 arrests and prison records who will be easily
5 armed by the flow of guns? Who is the one who
6 called the limit of one gun a month gun
7 rationing?

8 And that's what we're trying to do, not
9 to ration guns, but to protect our innocent
10 citizens from gun runners, from straw purchases
11 who people -- people who are legally able to buy
12 guns then buy them in multiples -- handguns, buy
13 them in multiples, turn them over to criminals,
14 to people who have records so that they
15 themselves can't buy guns.

16 They do this at a 400 to 500 percent
17 profit. These people then go out on the streets
18 not only in our cities and suburbs, but in our
19 rural areas as well, they sell these
20 guns. When these guns are used in the commission
21 of a crime and traced to the purchaser, the
22 purchaser merely says, oh, gee. My gun was lost.
23 It was stolen.

24 There's no obligation now to report the
25 theft or the loss of these guns. 2484 will

1 indeed make it mandatory to report the loss or
2 theft of guns so that we can keep track of these
3 guns and know -- trace them and know which guns
4 are being used in the commission of a serious
5 crime and who's responsible for that.

6 Again, Mr. Chairman, I commend you and
7 the Committee, all the Legislators for having the
8 courage to deal with this issue. Thank you.

9 CHAIRPERSON GANNON: Thank you,
10 Representative Cohen. Representative Feese.

11 REPRESENTATIVE FEESE: Thank you,
12 Mr. Chairman, just a comment. I have all the
13 respect in the world for Representative Cohen,
14 but one-eighth of the population lives in
15 Philadelphia. Philadelphians commit almost 50
16 percent of violent crimes in Pennsylvania.
17 Philadelphians commit almost two-thirds of the
18 murders in Pennsylvania; one-eighth of the
19 population is there.

20 And what these bills attempt to do is
21 solve a Philadelphia problem by imposing
22 restrictions on my constituents. It seems to me
23 that Philadelphia's problem is the inability of
24 the Philadelphia criminal justice system to
25 address problems. We all know that they don't

1 impose the criminal penalties that are available
2 to them. We see that constantly.

3 It seems to me that Philadelphia should
4 deal with its own problem rather than restricting
5 the law-abiding citizens in my area as well as
6 other areas. Punish the gun runners; don't
7 punish the law-abiding citizens.

8 And I see I stirred some of my fellow
9 colleagues from Philadelphia. But it is true.
10 And you watch the sentencings, and it is true
11 that Philadelphia does not deal with its problem.
12 It's time that they do rather than impose
13 solutions on the law-abiding -- other citizens of
14 the Commonwealth of Pennsylvania, including my
15 residents. Thank you, Mr. Chairman.

16 REPRESENTATIVE COHEN: Mr. Chairman, may
17 I respond to that?

18 CHAIRPERSON GANNON: Yes.

19 REPRESENTATIVE COHEN: Thank you,
20 Mr. Chairman. Mr. Chairman, I happen to agree
21 with Representative Feese when he said that he
22 did not want to impose any restrictions upon the
23 law-abiding citizens in his district. I don't
24 think any of us wants to do that.

25 And indeed that's why I prefaced my

1 remarks by saying indeed I would go to the mat to
2 protect the rights of gun owners, of hunters, of
3 people who legally and responsibly operate their
4 guns. And I have full -- and indeed I will
5 repeat, I have full respect for these people.

6 We have statistics. And we do have
7 evidence that the straw purchasers, these gun
8 runners, the results of their actions are indeed
9 leaching out, not just in Philadelphia and its
10 adjacent suburbs, but to the rural areas as well.
11 And that's what we're trying to stop.

12 We find we have the same problem with
13 drugs that many of our Representatives in
14 rural areas are saying that the drugs that come
15 into their communities are coming from
16 Philadelphia.

17 We are all in this together. And
18 although Philadelphia's problems are much more
19 massive and probably Pittsburgh and the other
20 urban areas of our Commonwealth, we're in this
21 together and we have to protect each other and
22 help each other.

23 The way to do this -- and I have to
24 stress this constantly -- these bills are not
25 restricting the legitimate rights of legitimate,

1 honest, respectable people. And, in fact, they
2 are protecting them.

3 2484 limits one-handgun-a-month
4 purchase. I have spoken to gun owners; I have
5 spoken to people active in the gun community. I
6 have yet to speak to anyone who purchases more
7 than 12 handguns a year; husband and wife, 24; if
8 there's a child, an adult child living in the
9 house, 36. We can go on ad infinitum. I don't
10 know anyone who purchases more than 12 or 24
11 handguns in a year.

12 And the exceptions in the bill are there
13 for people who are collectors. They can indeed
14 purchase more than one a month. People whose
15 collections have been stolen, dealers, et cetera,
16 law enforcement people, all of those exceptions
17 for legitimate, honest, respectable people who
18 respect guns.

19 2484 does not limit their purchases; it
20 doesn't. And we were very careful in drafting
21 the bill. And this bill came, as I say, from
22 Mayor Rendell, because he too respects the rights
23 of legitimate people to purchase, to own, use,
24 operate their guns.

25 CHAIRPERSON GANNON: Representative

1 Manderino.

2 REPRESENTATIVE MANDERINO: Thank you,
3 Mr. Chairman. And Representative Feese was
4 right, it stirs totally from Philadelphia with
5 just a polite reminder to this Body that
6 Philadelphia does and has attempted to deal with
7 their own problems; that it was actually this
8 body that saw in their wisdom to repeal what I
9 think was a very beneficial control that
10 Philadelphia had with regard to handguns and
11 Philadelphia requirement for right to carry a
12 concealed weapon, which was working very well.

13 I don't know the statistics since that's
14 been repealed. I know in terms of what's
15 happened as a result. I do know that the number
16 of people now toting handguns with permits on the
17 streets of Philadelphia has multiplied somewhere
18 like eight- or ten-fold since we repealed that
19 law just a year and a half ago.

20 And I'm sure when the Mayor is here he
21 will be able to expound on what kind of impact
22 that has had in our city. We can't have our cake
23 and eat it too up here. We either want laws that
24 apply all over the state, or we want Philadelphia
25 to deal with the their own problem. But give us

1 one or the other; don't take away both. Thanks.

2 CHAIRPERSON GANNON: Thank you,
3 Representative Cohen, for appearing before the
4 Committee and sharing your testimony with us.

5 REPRESENTATIVE COHEN: Thank you,
6 Mr. Chairman.

7 CHAIRPERSON GANNON: Of course, you can
8 join the Committee. You happen to be a Member.
9 Just for the information of the Members, we're
10 running a little ahead of schedule; so I'm
11 delighted to see that.

12 Our next witness -- also we're going to
13 go out of order because of some other scheduling
14 issues. Our next witness is Mr. Andrew
15 Barniskis, Bucks County Sportsmen's Coalition.
16 Mr. Barniskis. Welcome, Mr. Barniskis. You may
17 proceed when you're ready.

18 MR. BARNISKIS: Thank you. First I want
19 to say I'm glad that Representative Feese didn't
20 go on too long. Because it sounds like he was
21 stealing most of my testimony because I'm going
22 to pursue a very similar theme here.

23 My name is Andrew Barniskis. I chair
24 the legislative committee of the Bucks County
25 Sportsmen's Coalition. I'm also speaking on

1 behalf of the Keystone Firearms Coalition of
2 which we are a member.

3 The Keystone Firearms Coalition is a
4 coalition of county and local sportsmen's and gun
5 rights groups across the state that cooperate
6 primarily in the exchange of and analysis of
7 issues and things of interest to sportsmen and
8 principally gun owners.

9 Earlier this year I sent a memorandum
10 criticizing an item of proposed firearms
11 legislation to every member of the Bucks County
12 delegation and to the General Assembly. I also
13 sent a copy to the prime sponsor of the
14 legislation.

15 I was somewhat surprised to receive a
16 personal reply from that Legislator criticizing
17 some of the statements I had made in my
18 memorandum and offering some facts regarding
19 crime in Pennsylvania including the following,
20 which I repeat verbatim: That there were 382,955
21 reports of violent crime in Pennsylvania in 1996;
22 that 45 percent of reports of violent crime from
23 the southeast region of Pennsylvania, Bucks,
24 Chester, Delaware, Montgomery, and Philadelphia
25 Counties.

1 There were 455 murders in southeast
2 region of Pennsylvania in 1996. And over
3 two-thirds of the murders committed in
4 Pennsylvania happened right here in our own
5 backyard.

6 Being among some other not too
7 surprising statistics, for example, that 60
8 percent of violent crimes and 52 percent of
9 murders are committed by young adults under the
10 age of 25, which is something I think all of us
11 know.

12 These two cited statistics piqued my
13 interest as I had not observed anything to
14 suggest that my own backyard was quite so active.
15 So I obtained the 1996 crime report by the
16 Pennsylvania State Police to see for myself just
17 how bad things were.

18 Now, at this point if I were speaking to
19 a less august audience, I would ask you to repeat
20 after me; but I will make a statement of fact and
21 merely ask that you hold the thought, though I
22 will be repeating it later and I also note that
23 several of you have alluded to already this
24 morning.

25 Philadelphia is governed by the

1 identical state and federal firearms laws as the
2 rest of Pennsylvania. The reason I state that
3 fact is that there are a number of people in the
4 administration of the City of Philadelphia, in
5 the media, and even in the General Assembly who
6 attempt to lead the public to think otherwise.

7 But the fact is that gun dealers, gun
8 buyers, or gun owners in Philadelphia, Bucks
9 County, Forest County, Allentown, Harrisburg, all
10 are subject to precisely the same gun laws.

11 The reason I make that point is that I
12 discovered from the crime statistics of our own
13 State Police that Philadelphia has only 12.7
14 percent or about one-eighth of Pennsylvania's
15 population, that those one-eighth of the people
16 commit 47.2 percent of violent crimes, and nearly
17 two-thirds of the murders that occur in
18 Pennsylvania all occur in Philadelphia.

19 With regard to my Legislator
20 correspondent's fact that over two-thirds of the
21 murders committed in Pennsylvania happen right
22 here in our own backyard, I found that statistic
23 to be somewhat disingenuous since according to
24 State Police my own backyard -- that is, Bucks
25 County -- had only four murders or about .6

1 percent of state's murders compared to
2 Philadelphia's 414 murders for that reporting
3 period.

4 Chester County had 7 murders or about 1
5 percent; Delaware and Montgomery Counties each
6 had 15 murders or about 2.2 percent each. In
7 other words, of the 68 percent of murders cited
8 for, quote, southeast Pennsylvania, unquote,
9 about 62 percent occurred in Philadelphia and
10 only 6 percent occurred in the contiguous
11 suburban counties which had a higher total
12 population than the city.

13 More importantly, the murder rate for
14 Philadelphia was 27.1 murders per 100,000
15 population compared to 0.7 for Bucks County. In
16 other words, Philadelphians are 38.4 times more
17 likely to kill each other than Bucks Countians.

18 I'd like to point out something that's
19 not included in those statistics or what
20 proportion of murders were committed with guns,
21 and I don't have that immediately available.

22 But Philadelphia is governed by the
23 identical state and federal firearms laws as the
24 rest of Pennsylvania. An important statistic,
25 though, is that 25 percent, 1 in 4 of the

1 counties in our state had murder rates of 0.0;
2 and they are governed by the same laws as
3 Philadelphia.

4 Regarding the statistics offered by my
5 correspondents regarding violent crimes, I
6 discovered a similar pattern of disingenuity.
7 Of violent crimes reported by the State Police,
8 47.2 percent occurred in Philadelphia.

9 But in my own backyard, Bucks County,
10 they had only 1.8 percent of the state's violent
11 crime. Philadelphia's violent crime rate is 1527
12 per 100,000 population, almost ten times higher
13 than in, quote, my own backyard and 6.1 times the
14 rate for the rest of state.

15 If Philadelphia's contribution is not
16 included -- and to remind you again, Philadelphia
17 is governed by the identical state and federal
18 firearms laws as the rest of Pennsylvania.

19 The reason I keep citing that fact is
20 that faced with shameful and embarrassing crime
21 statistics, many in Philadelphia's administration
22 and some of the Legislature have resorted to
23 their timeless tactic of pleading innocence of
24 responsibility and helplessness in the face of
25 forces imposed upon them by others.

1 And as usual, they are seeking a
2 scapegoat issue to use to forestall the day when
3 their own failures become apparent knowing that
4 meanwhile they're whining will keep the state's
5 money trains arriving in Philadelphia on
6 schedule.

7 And what better scapegoat could they
8 hope for than the media-constructed boogeyman of
9 blaming the existence of guns on our crime
10 problems. What better tactic than to tell people
11 that they have a problem while failing to tell
12 them that their problem exists only in our city.

13 For example, Ed Rendell would like to
14 sue gun manufacturers for his city's crime
15 problems. He ignores that in other areas of our
16 state governed by identical gun laws, having
17 similar demographics, suffering from similar
18 economic problems, and having identical legal and
19 illegal access to guns, the people fail to
20 respond with a crime or murder rate anything like
21 Philadelphia's.

22 Any correlation table a statistician
23 would care to generate, be it crime and poverty,
24 crime and race, or certainly crime and gun laws,
25 would be wildly skewed by inclusion of

1 Philadelphia with the rest of the state.

2 If the statistics of deaths among
3 smokers were so badly skewed, not one single
4 lawsuit against the tobacco company would have
5 been successful anywhere in this nation.

6 If access to guns, whether legal or
7 illegal, is a factor in crime, then there should
8 be a cross-border effect discernable in
9 southeastern Pennsylvania, which is what my
10 Legislator correspondent indirectly -- but I
11 believe dishonestly -- attempted to argue.

12 But no effect exists. The crime and
13 murder rates in the counties outside of
14 Philadelphia are a fraction of what they are
15 inside the city's borders.

16 If guns, once again, legal or illegal,
17 are more available in the city than the suburbs
18 or vice versa, the bad guys on both sides of the
19 city lines should be able to figure out where and
20 how to get them, and having gotten them, respond
21 with similar behaviors. But that doesn't happen.

22 Philadelphia's murder and violence rates
23 are many multiples of those of the surrounding
24 counties. Kids, or should I say people under 25
25 as my correspondent wrote, in Bucks County can

1 figure out how to get to Kensington in
2 Philadelphia to buy drugs; and they do.

3 If Philadelphia is a giant street market
4 of guns as has been implied by the Philadelphia
5 Inquirer, for some reason Bucks County's kids
6 under 25 have either not figured out where it is
7 or if they have, they have failed to respond to
8 that availability by killing each other at a 40
9 times higher rate as Philadelphia residents have.

10 All this leads us -- and I hope it will
11 lead other Pennsylvanians to arrive at the
12 following conclusions: Pennsylvania has a crime
13 problem. It is called Philadelphia. Subtracting
14 Philadelphia's crime statistics from those of the
15 state show Pennsylvania's crime rates are
16 something substantially less than the crisis that
17 some are attempting to portray by inclusion of
18 Philadelphia's statistics.

19 The concentration of crime in
20 Philadelphia has nothing to do with gun laws or
21 gun availability. If it did, similar
22 concentrations would be reflected in the
23 contiguous counties and in demographically
24 similar populations in other counties, all of
25 which are subject to the same state and federal

1 regulations that apply to Philadelphia.

2 Because there's no demonstrable
3 correlation between the availability of either
4 legal or illegal firearms and crime rates and
5 because criminals can easily cross county borders
6 to obtain contraband, it would be fruitless to
7 apply special firearms regulations to
8 Philadelphia; for example, turning enforcement of
9 firearms crimes over to federal authorities would
10 not solve the fundamental crime problem. And as
11 you know, that has been proposed.

12 Any Legislator who supports any
13 additional restrictions on firearms ownership,
14 use, or acquisition in Pennsylvania is pandering
15 to a Philadelphia-created charade intended to
16 divert the blame for crime from where it is
17 deserved and is willfully punishing their own
18 constituents for bad behaviors which they have
19 not shared in either individually or
20 collectively.

21 By doing so they also are punishing
22 Philadelphia residents by allowing the city to
23 postpone seeking a solution to the real sources
24 of their crime problems, whatever they may be. It
25 is the latter message that we hope and intend to

1 communicate to gun owners and other
2 Pennsylvanians across the state.

3 Living next to Philadelphia County, we
4 in Bucks County are all too familiar with the
5 city's perennial cries that nothing is their
6 fault and Pennsylvania would be such a beautiful
7 place if only we sacrificed a bit more to solve
8 our shared problems, which after all are really
9 all our fault in the first place, if only we
10 would give up just a little bit more.

11 Crime is perhaps one of the clearest
12 examples of the problem within our state that is
13 not shared, and the State Police have compiled
14 the statistics to prove it.

15 We hope our Legislators have the courage
16 to place the responsibility for it where it
17 logically belongs and where it is deserved rather
18 than punishing their constituents to perpetuate
19 the illusions and delusions of a few self-serving
20 politicians. Thank you.

21 CHAIRPERSON GANNON: Thank you,
22 Mr. Barniskis. Are there any questions from the
23 Committee Members? Representative James.

24 REPRESENTATIVE JAMES: Thank you,
25 Mr. Chairman. I'm just so shocked at all of

1 this -- thank you for testifying first of all.
2 I'm just so shocked at all of the things against
3 Philadelphia, and you live so close.

4 You know, I have to just take a moment
5 back to try to understand some of the things that
6 you're saying. I just want to first state that I
7 about 99 percent totally disagree with you and
8 that I think that in Philadelphia we do try to
9 solve our problems and our concerns.

10 But it's just, you know, and Legislative
11 Body -- we have to convince a number of others
12 that there are certain resources that we need in
13 order to deal with the concerns.

14 And I think I heard Representative
15 Manderino said earlier, you know, how, you know,
16 we got on the floor when they changed the gun
17 laws. And we said, don't do this to us in
18 Philadelphia, in terms of changing and where the
19 statistics in terms of people obtaining guns has
20 escalated to astronomical numbers, which I'm in
21 the process of getting -- I'll get it to you
22 later -- are being -- but in the -- and the
23 things, you know -- I didn't get the chance to go
24 over all of your testimony.

25 What are some of the suggestions that

1 you have as you live so close in terms of what
2 you think we ought to do in Philadelphia that
3 would help in dealing with the problem?

4 MR. BARNISKIS: Well, one immediate
5 suggestion I might have is -- I don't have the
6 statistics. But I know your murder rate or
7 violent crime rate I believe has gone down since
8 it became possible for people in the city of
9 Philadelphia to obtain handgun permits.

10 I just have to comment something that
11 I've heard that really kind of bothers me is the
12 statement of the mere fact that people have been
13 able to obtain the right to legally carry a
14 handgun as if that is a problem in and of itself.

15 And I'm aware, and you could debate the
16 problems about people where handgun carry
17 permits -- being able to buy guns without going
18 through the background check and some of those
19 things.

20 But I keep hearing it cited as a
21 problem. And I have not heard anyone -- and
22 perhaps someone on this Panel could quote such
23 statistics. I have not heard any statistics to
24 demonstrate that it is creating a problem in
25 terms of violence and crime.

1 REPRESENTATIVE JAMES: Well, I know that
2 the fact that the -- you're correct when you say
3 that the murder rate has went down. And that's a
4 combination of different things. But the
5 availability of guns is more.

6 And I think that -- and I don't know if
7 we're going to have the statistics; but I would
8 think that the statistics of gun shootings and
9 assaults have risen. But, I mean, that's
10 something that we have to examine and look at.

11 MR. BARNISKIS: I would agree. And I
12 would say a factor in that has to be what
13 percentage of those were committed by people who
14 are licensed to carry those guns?

15 Once again, whether the legal right to
16 carry a gun -- which I say it bothers me that I
17 hear the sense from a lot of people that the fact
18 that people can go through a legal process and
19 obtain a gun is not a good thing. That's the
20 sense, the accessibility of guns. They're
21 talking about legal accessability, that that is a
22 problem.

23 You know, from my side of the fence, you
24 know, viewpoint spectrum, that is a good thing.
25 And unless it manifests itself as a problem, you

1 know, a direct and immediate problem, I certainly
2 don't regard it as a problem. The thing in
3 itself is not a problem.

4 I just want to say that I certainly,
5 while my testimony is very negative to
6 Philadelphia, one of the things that I fail
7 at -- and I think I was too long-winded as it
8 is -- was to communicate the amount of sympathy
9 that I do have for the people of Philadelphia.

10 You asked for a suggestion. I shouldn't
11 bring it up because I could be easily
12 scapegoated. But, you know, frankly, I really
13 didn't come here with an intent to quote a lot of
14 cliches -- the cliches would be: Enforce the
15 laws you already have, et cetera, et
16 cetera -- because I'm not even sure of those
17 cliches.

18 I just want to point out that there is a
19 unique problem that exists in one situation.
20 Now, I cannot analyze it. I'm not as astute as
21 anyone on this Panel. But to me it appears to be
22 a political problem.

23 The things that I stated about
24 cross-border effects, they indeed are minimum.
25 We in lower Bucks County have a fairly large

1 public housing area. Things are not as bad there
2 as they are in Philadelphia.

3 All that points to me is there is
4 something of a political nature. And I'm not
5 going to make any statements about anyone, any
6 administration, any class of people doing their
7 job or not doing their job. I'm just saying when
8 I see that much disparity in statistics
9 from -- between across arbitrary, political
10 borders -- and admittedly they're arbitrary.

11 You probably know you can drive into
12 Montgomery County, Delaware County, Bucks County,
13 and unless you see a sign, you don't really see
14 in most places a transition of when you're
15 leaving Philadelphia and going into the suburbs.

16 When statistics obey a political border
17 that closely, what I see is a political problem.
18 But as a layman, I have to admit I cannot define
19 it.

20 REPRESENTATIVE JAMES: Okay. Thank you,
21 Mr. Chairman.

22 CHAIRMAN GANNON: Thank you,
23 Representative James. There is about two minutes
24 left of your time. Representative Feese has a
25 question followed by Representative Cohen. You

1 have about one minute, Representative Cohen.

2 REPRESENTATIVE COHEN: Thank you,
3 Mr. Chairman. I'll take 30 seconds. Thank you
4 for being here, sir. I certainly do appreciate
5 your views. I just have a couple questions, and
6 you may or may not agree to answer them. Do you
7 own a handgun?

8 MR. BARNISKIS: I will not agree to
9 answer that.

10 REPRESENTATIVE JAMES: Fifth Amendment.

11 REPRESENTATIVE COHEN: You don't have to
12 answer it. Do you know anyone in your
13 organization or just anyone that other than a
14 collector, et cetera, someone whose collection's
15 been stolen, the exceptions that I mentioned, do
16 you know anyone who purchases more than 12
17 handguns a year?

18 MR. BARNISKIS: I have known people who
19 have purchased more than 12 handguns a year.

20 REPRESENTATIVE COHEN: For other than a
21 collection?

22 MR. BARNISKIS: For other than a
23 collection. They were fanatical about the
24 enjoyment of having and using handguns. They
25 were horse traders. They would buy something, an

1 exciting new model this week and lose interest
2 next week and sell it to someone else, legally --

3 REPRESENTATIVE COHEN: Are they dealers?
4 They're dealers?

5 MR. BARNISKIS: No, they were not
6 dealers.

7 REPRESENTATIVE COHEN: I see.

8 MR. BARNISKIS: Because you reminded
9 me -- I hope you don't mind if I respond to
10 something you didn't ask; but you reminded me of
11 the issue. I know and talked to many sportsmen
12 gun owners in northern Virginia and the State of
13 Virginia where they do have the sort of law
14 you're seeking.

15 As far as, quote, the proliferation of
16 handguns -- which I don't think it is necessarily
17 a bad thing. But if you consider that you want
18 to stop the proliferation of handguns, people
19 there tell me that they now see more people
20 buying the one gun a month they're allowed if
21 they're great hobbyists.

22 This is probably not thousands of
23 people. But if they're hobbyists, they see
24 people buying a gun as often they're allowed to
25 where before they used to wait till they could

1 afford it.

2 And now they have a perception of the
3 law that you better do what the law allows you to
4 do while you can. And I think that's an
5 unintended consequence that perhaps doesn't show
6 up statistically but I'm told exists.

7 REPRESENTATIVE COHEN: Thank you.

8 CHAIRPERSON GANNON: Thank you,
9 Representative Cohen. Representative Feese,
10 about one minute.

11 REPRESENTATIVE FEESE: Thank you,
12 Mr. Chairman, for the minute. I appreciate the
13 gentleman's testimony. You were asked a question
14 of Representative James, what could be done or
15 what some solutions are.

16 And I was wondering if you can give me
17 some input on whether you thought the educational
18 system; that is, the public school system or the
19 criminal justice system -- and let me give you
20 anecdotal evidence of why I believe that might be
21 the case.

22 I was District Attorney of Lycoming
23 County from 1984 through 1991. And during that
24 time period, we started to experience an increase
25 in violent crime.

1 And eventually our Lycoming County jail
2 was filled with approximately 50 percent of the
3 people from the City of Philadelphia who were
4 referred there by the criminal justice system or
5 were ordered there by the judges to come to
6 Williamsport, Pennsylvania, because it was a nice
7 place to live and recover from your problems but,
8 (1), without transferring their supervisory case
9 files or, (2), without even notifying us that
10 they were coming, as a result of which, we had a
11 significant increase in violent crime.

12 What we've noticed from these
13 individuals is they had long criminal records for
14 which they were never really sentenced in
15 Philadelphia. It was probation for violent
16 crimes or charges dismissed because they didn't
17 show up. And we also noticed no educational
18 background, really, for the individuals.

19 So I'd like your comments on that. It
20 seems to me that is where the failing is in the
21 criminal justice system, in the educational
22 system, not in some law regulating handguns.

23 MR. BARNISKIS: I think if you did a
24 correlation analysis that you're suggesting, I
25 think you would find that that was certainly

1 true.

2 I think the quality of education not
3 only in terms of what it qualifies you to do and
4 gain economically, therefore, improve your
5 position, but also -- I really can't think of the
6 right word -- the spirit of education; in other
7 words, the training to become a member of
8 society. That certainly has to have a very high
9 correlation.

10 I think if you could take the areas that
11 I speak of across the state and do that sort of
12 statistical analysis you could find all the
13 places as I cited, the 20 -- the 17 counties for
14 the sample year that had murder rates of 0.0, you
15 would probably find that they may not have the
16 best -- the highest funded education systems in
17 the state, but they had adequate ones, but both
18 the schools and the cultures train -- I don't
19 really like the word train, but let's say
20 educated people to be members of society.

21 And somehow I sympathize deeply with the
22 Philadelphia school system. But it seems like
23 the school system operates within a society which
24 it has no effect and no control over.

25 CHAIRPERSON GANNON: Representative

1 Masland, 30 seconds.

2 REPRESENTATIVE MASLAND: I'm just going
3 to make a comment. I agree with much of what you
4 have to say, Mr. Barniskis. But I think when you
5 say that Philadelphia is the problem that you're
6 doing what we do frequently as politicians, is
7 resorting to overstatement or hyperbole.

8 So I won't really chide you too much for
9 that because that's something we'll probably hear
10 a lot of this year. And I say that because some
11 people will point to that and say, it's a
12 Philadelphia problem; why don't you just pack up
13 your bags and go home; we shouldn't even talk
14 about it today.

15 There are problems in other parts of the
16 state. In Carlisle we recently had a
17 fatal -- policemen had a fatal shooting. The
18 individuals came down from New York City to shoot
19 some people down there. But they're having other
20 problems in town where there were people from
21 within the town.

22 I don't think you need to have 414
23 murders in your county before you start trying to
24 discuss it now. Practically, the legislative
25 solution may escape us. But I think it is still

1 worthwhile for us to engage in this discussion
2 today. That's all I have to say. I appreciate
3 your comments.

4 MR. BARNISKIS: And the only thing I
5 would respond -- if I could expand on that
6 statement and make it less hyperbole. From my
7 viewpoint, speaking on behalf of gun owners and
8 sportsmen's interests, it is a problem because it
9 does bias statistics that are used in arguments
10 that are going to affect us who do not share the
11 problem, do not, in fact, share the problem, who in
12 no way are responsible for the problem.

13 And that's a very real way that
14 Philadelphia is the crime problem for
15 Pennsylvania is it's negative effects beyond
16 crime itself in terms of legislation and
17 regulation extending far beyond its borders.

18 CHAIRPERSON GANNON: Thank you very
19 much, Mr. Barniskis, for appearing before the
20 Committee --

21 MR. BARNISKIS: Thank you, ladies and
22 gentlemen.

23 CHAIRPERSON GANNON: -- and sharing your
24 testimony. Our next witnesses are Brother Gary
25 Hahn and Pastor James Grove and Mr. Dean Snyder.

1 Thank you, Pastor, you may proceed when you're
2 ready.

3 PASTOR GROVE: Thank you, Mr. Chairman.
4 My name is Jim Grove, Pastor of Soul's Haven
5 Baptist Temple and Founder and Director of the
6 Free the People Committee of York County.

7 I'll just preface my remarks by saying I
8 appreciate the comments from the two
9 Representatives on the back Panel there, back of
10 the Panel relative to what is transpiring here.
11 I appreciate that.

12 My approach here is going to be a little
13 bit more philosophical maybe than addled
14 with statistics, although there will be some
15 statistics involved.

16 The Bill of Rights was drafted in 1789
17 and ratified by the individual states two years
18 later. Its separate amendments were intended
19 exactly as they were written with no exceptions,
20 stipulations, conditions, or arguments.

21 The Second Amendment states the right of
22 people to keep and bear arms shall not be
23 infringed. It came as the result of previous
24 oppressive government behavior and couldn't have
25 been written any plainer.

1 In his most famous speech, Patrick Henry
2 stated, A well-regulated militia composed of
3 gentlemen and freemen is the natural strength and
4 only security of a free government. This
5 principle of freedom was true then, and it is
6 still true today.

7 We as Americans owe our liberty and
8 freedom to the brave and determined colonists and
9 minutemen who armed themselves with their own
10 guns and risked their lives to fight the tyranny
11 of King George the Third. The American Republic
12 would not exist today had it not been the
13 conviction among the early patriots that they had
14 a right to keep and bear arms.

15 In 1982, the United States Senate
16 Judiciary Committee released a report on the
17 Second Amendment stating: Together with the
18 freedom of the press and the right to keep and
19 bear arms became one of the individual rights
20 most prized by the colonists.

21 The United States Constitution and Bill
22 of Rights was established as a result of
23 tyrannical usurpations by Britain. The founding
24 fathers wanted to guarantee that future
25 governmental officials would not repeat the

1 despotic actions of past.

2 Founding father Richard Henry Lee said
3 to preserve liberty, it is essential that the
4 whole body of the people always possess arms and
5 be taught alike, especially when young, how to
6 use them.

7 Samuel Adams stated the said
8 constitution shall never be construed to
9 authorize Congress to prevent the people of the
10 United States who are peaceable citizens from
11 keeping their arms.

12 Also let there be absolutely no
13 confusion regarding the reference in the Second
14 Amendment to a well-regulated militia. Militia
15 was defined by the founding fathers as every
16 able-bodied male and had nothing whatsoever to do
17 with an army or a national guard.

18 The same 1982 United States Senate
19 Judiciary Committee report referred to
20 previously concluded the conclusion is thus
21 inescapable that the history concept and the
22 wording of the Second Amendment, as well as its
23 interpretation by every major commentator and
24 court in the first half century after its
25 ratification indicates that what is protected is

1 the individual right of a private citizen to own
2 and carry firearms in a peaceful manner.

3 In my opinion, House Bill 1484 will
4 further the restraints upon law-abiding citizens
5 to keep and bear arms. In fact, according to
6 section 6185 on enforcement, subsection (b),
7 seizure of noncompliant handguns, broad powers
8 are granted to police officers to confiscate
9 firearms beyond constitutional restraints.

10 In short, I believe that this bill is
11 nothing more than a gun confiscatory act in
12 violation of we the peoples' rights. Instead of
13 trigger lock, perhaps a better title for this
14 bill should be the lock down bill.

15 Whenever the authorities in prison
16 want to control their population, they institute
17 lock down. This bill is designed to further
18 control the masses by restricting the ready use
19 of their firearms even for the purpose of
20 self-defense, even within their own homes.

21 Being forced by government mandate to
22 use such devices reduces the right of
23 self-protection in an emergency to the equivalent
24 of having no gun at all.

25 Our founding fathers knew well a

1 government that does not trust its honest,
2 law-abiding citizens with the means of
3 self-defense is not itself to be trusted.

4 Some Legislators in their attempts to
5 convince Americans that they will be safer with
6 more gun control are virtually advocating the
7 disarming of a nation without a thought given to
8 who'll take responsibility for rampant crime and
9 carnage and especially government oppression when
10 private citizens no longer have the ability or
11 means to protect themselves.

12 And yet, the benefits afforded by guns
13 in saving lives, preventing injuries, and
14 protecting private property exceed the negative
15 statistics on firearms by at least 25 to one.
16 The attached graph illustrates that a gun is the
17 safest and most effective tool which can be used
18 in self-defense.

19 Here we find that using a gun against a
20 would-be attacker results in a safe resolution 83
21 percent of the time. Gun controls such as House
22 Bill 1484 helps the state grow stronger at the
23 expense of individual rights as the government
24 itself creeps toward authoritarian rule.

25 In addition, the knee jerk reaction of

1 protect the children by the media, anti-gun lobby
2 groups, and government officials bent on
3 promoting a socialistic agenda seriously ignore
4 the facts that children are far more likely to
5 suffer accidental death by traffic accident,
6 drowning, burning, or suffocating than by gun
7 shot.

8 The attached graph is illustrative of
9 the real facts. If guns are to be outlawed
10 because of 236 accidental deaths a year, so
11 should bicycles, 400 child death a years;
12 automobiles, 3260 children annually; swimming
13 pools and bath tubs, 350 deaths per year; 432
14 children die each year by accidental fires caused
15 by adults falling asleep while smoking.

16 Probably no other cause of childhood
17 death has fallen more sharply than death by
18 accidental shooting. See the attached chart from
19 the Second Amendment Project at the Independence
20 Institute in Golden, Colorado.

21 In light of such statistics, voting for
22 bills such as 1484 on the guise of protecting the
23 children certainly reveals a glaring hypocrisy on
24 the part of Legislators and in addition raises
25 suspicions about a possible sinister agenda of a

1 continued push for total disarmament and
2 subjection of the people.

3 Washington D.C. enacted stringent gun
4 control laws in 1976. The homicide rate then was
5 26.9. It then tripled to 80.6 by 1991 despite or
6 due to the law.

7 Some 130 million documented cold-blooded
8 murders have been committed by totalitarian
9 governments during the twentieth century. Most
10 of this butcher slaughter was carried out by
11 those nations' police or armies.

12 These millions of defenseless victims
13 had two things in common: Their governments had
14 unchecked and unrestricted power; and they had no
15 means of defense but garden tools, household
16 utensils, or rocks.

17 They were subject to indiscriminate
18 robberies and rapes, tortures and killings, and
19 involuntary servitude. Destruction and loss of
20 life due to crime and accidental shooting is
21 minuscule as compared to the enormity of
22 government-sponsored murders and genocide
23 throughout the world.

24 Millions of lives could have been saved
25 if their right to bear arms had been diligently

1 protected. Because of a well-armed citizenry, a
2 dictatorship has not happened in America.

3 Anti-gun fools are more threatening and
4 dangerous to our liberty than criminals and
5 foreign spies. Cowards and gun haters don't
6 deserve to live in America. The Soviet Union
7 would be a better place for them to take up
8 residence.

9 As the New World Order marches through
10 country after country implementing bureaucratic
11 regulatory controls, rapidly seizing private
12 property rights and granting government-doled
13 privileges and governmental socialists hope for a
14 smooth transition into a perceived Eutopia, there
15 is only one thing that will keep America free:
16 That is gun-toting, red-blooded, American
17 citizens.

18 Noah Webster wrote, Before a standing
19 army can rule, the people must be disarmed as
20 they are in almost every kingdom in Europe. The
21 supreme power in America cannot enforce unjust
22 laws by the sword because the whole body of the
23 people are armed.

24 This is why federal and state
25 Legislators are trying incrementally to do away

1 with gun ownership. I believe that is exactly
2 what House Bill 1484 is actually designed to do.

3 Why is it that our Legislators are
4 afraid to trust the people with arms? Could it
5 be that Representatives know that they have
6 betrayed their constituents and intend to further
7 do so?

8 Our founders did not preserve the right
9 to bear arms just for deer hunting, trap
10 shooting, beer drinking, and story telling.
11 Having the fire power capable of resisting
12 government tyranny and oppression was their
13 supreme intention.

14 If it had not been for the clarion call
15 resounding from colonial pulpits in the 1740s,
16 1750s, and 1760s to inform the masses, America
17 would never have become one nation under God.

18 Those preachers sounded the call to
19 resist the coming tyranny of a government gone
20 mad, intoxicated with its own self-imposed power.
21 I sense in my being today the same spirit that
22 resided in my predecessor preacher brethren of
23 days gone by. I too as a community leader and
24 one who has influence upon the people will do my
25 best to walk in the footsteps of those gone on

1 before me.

2 If bills such as House Bill 1484,
3 designed to leave only minuscule vestiges of
4 our God-given liberties, continue to flow to and
5 through the Legislature, a day of reckoning is
6 inevitable.

7 Hopefully, a modern-day Patrick Henry
8 would arise before the armed American people are
9 turned into a mass of helpless, pathetic,
10 disarmed "sheeple" with no means or will to resist.

11 I am vehemently opposed to House Bill
12 1484. At the least, bills which are brought into
13 Pennsylvania from an outside source as this one
14 should be suspect. And at the worst, it should
15 reveal an ulterior agenda of total subjection of
16 we the people.

17 Elected representatives of the people
18 should think twice before placing their names and
19 influence for support on such proposed
20 legislation. Those who have done so are Rooney,
21 Carn, Hennessey, Michlovic, Thomas, Itkin, Curry,
22 Youngblood, James, Josephs, Trello, Corpora,
23 Clymer, Ramos, and C. Williams. Thank you.

24 CHAIRPERSON GANNON: Thank you,
25 Pastor Grove. Brother Hahn, did you have any

1 testimony that you'd like to offer?

2 (No audible response.)

3 CHAIRPERSON GANNON: Mr. Snyder, you may
4 proceed.

5 MR. SNYDER: Thank you. I'm Dean
6 Snyder, and I'm a candidate to the U.S. Senate,
7 which happens to be occupied currently by Arlen
8 Spector. My testimony today is regarding House
9 Bill 1484, printers No. 1776, dated the 8th of
10 May, 1997, entitled Handgun Safety Standards.

11 I'm going to go line by line here
12 basically. And on page 2, lines 6 and 7, I would
13 like a clarification on personalized handguns on
14 that phrase. This term is not among the
15 definitions, and I think perhaps there ought to
16 be a definition for personalized handguns or
17 personalized guns.

18 On page 2 also, lines 25 and 26,
19 personalized guns which can only be fired by the
20 authorized user, now, that's a quote from the
21 bill. How is this possible? Gun locks? Gun
22 locks make handguns useless for emergency,
23 self-defense situations.

24 Please be fair also in your use of
25 statistics and state in this bill how many times

1 per year people are saved by handguns from death,
2 rape, and robbery.

3 There are several references in this
4 bill to reasons why handguns should be
5 controlled, so to speak. But let's be fair and
6 evenhanded here, and let's tell the people in
7 this bill how handguns are used for good purposes
8 as well.

9 On page 3 -- I have several references
10 there, and you can read them in the copies that
11 I've provided for you -- the term firearm is
12 used. However, guns other than handguns are
13 referred to as firearms, I believe.

14 This bill is about handguns. It's
15 entitled the Handgun Safety Standard. Therefore,
16 I would request that you delete the word firearm
17 and change it to handgun and make that a global
18 change.

19 Also on page 3, lines 20 and 21, the
20 bill refers to, and I quote, Any combination of
21 parts from which a firearm -- that should be
22 handgun in my estimation -- can be assembled.
23 And this is an admission that is forced to people
24 can make their own handguns.

25 Page -- I'm going to skip to page 3,

1 lines 28 and 29. The public will probably be
2 amazed to learn that, quote, a person is defined
3 as not only an individual but also as, quote, a
4 corporation, a company, an association, a firm,
5 partnership, society, or joint stock company.

6 Skipping to pages 4, line 13 through 20,
7 gun owners should have greater representation on
8 the Governor's Commission to establish safety
9 standards for the use of handguns. Emphasis
10 should be placed on safe usage of handguns.

11 This bill, for those who are watching,
12 may not have this bill in front of them, this
13 bill does outline a governor's commission. And
14 there are very few gun enthusiasts on this
15 commission in my estimation, and that should be
16 made more equitable.

17 Page 5, lines 16 through 18, quoting, A
18 handgun must be personalized so it can only be
19 fired when operated by that handgun's authorized
20 user or users, end quote. Now, is there any
21 other way to do this than by trigger lock?

22 Trigger locks, as I said before, render
23 handguns useless in emergency, self-defense
24 situations. I've got a TV show Friday evenings
25 called Other Voices Live on Community Access

1 Television in York, Pennsylvania.

2 And callers have called in to tell me
3 that when they're in their trailer and someone
4 breaks through the door they don't have time to
5 go for a key to unlock their handgun. They need
6 immediate access to that handgun. And folks, the
7 Bible tells us if someone breaks in your home in
8 the middle of the night in the dark, you are
9 authorized to use deadly force.

10 Page 5, lines 22 through 24, quoting:
11 Personalized handguns shall not be manufactured
12 to permit the personalized characteristics to be
13 readily deactivated, end quote. Again, a clear
14 statement that such handguns would be useless in
15 an emergency situation where the owner's life or
16 someone else's life is in immediate peril.

17 Page 5, line 29 and 30, quoting from the
18 bill: Independent laboratories for determining
19 whether handguns comply. Who's going to pick up
20 the tab for this? I think this is probably more
21 tax dollars being spent. I question, you know,
22 the usage of these tax dollars on a questionable
23 outcome.

24 Page 6, lines 6 and 7, quoting from the
25 bill: Submit a prototype of a handgun model for

1 testing. This is for manufacturers and at the
2 manufacturer's cost. Now -- end quote. These
3 costs are going to be passed along to the buyer,
4 no question about it.

5 Page 6, lines 23 through 26, quoted from
6 the bill: Certified, personalized handgun shall
7 be imprinted on the approved handgun at the
8 manufacturer's expense. Again, costs are going
9 to be passed on to the buyer.

10 But my point here is you're going to put
11 a phrase on a gun, certified, personal handgun as
12 if it makes that handgun better than some other
13 handgun.

14 That's like Protection From Abuse
15 Orders. You're giving someone a piece of paper
16 and you're giving them false hope that there's a
17 protection in a PFA. There's a woman in our
18 county that had a PFA, and she's dead now.

19 Page 7, lines 9 through 15, quoting from
20 the bill: On or after four years from the date
21 of the adoption of the commission's original
22 standard, handguns that do not meet the standard
23 described by the commission pursuant to this
24 subchapter shall not be manufactured, possessed,
25 sold, offered for sale, traded, transferred,

1 shipped, leased, distributed, or acquired in this
2 Commonwealth, end quote.

3 Page 8, lines 4 through 9 also allows
4 owners to keep their handguns which do not comply
5 with the commission's standards -- that's a right
6 they already have -- but does not allow owners to
7 pass their handguns down to their heirs. An
8 entire industry based on resale and trading will
9 be upended and tax revenues will be lost.

10 Page 7, line 18, constitutional
11 restraints -- those are words that are in the
12 bill. Now, the United States Bill of Rights, the
13 Second Amendment states: A well regulated
14 militia being necessary to the security of a free
15 state, the right of people to keep and bear arms
16 shall not be infringed.

17 The Constitution of the Commonwealth of
18 Pennsylvania states in the Declaration of Rights,
19 Article 1, Section 21, The rights of the citizens
20 to bear arms in defense of themselves and state
21 shall not be questioned.

22 In reference to the bill language,
23 constitutional constraints is acknowledged to
24 refer to constraints on police searches and
25 seizures but begs the question, Should there be

1 any constraint on the right to bear arms?

2 Page 8, line 10 through 18, handguns
3 purchased by police is a phrase that's in this
4 bill, et cetera, are exempted from the
5 commission's standards. This implies that
6 handguns in responsible hands are okay. And that
7 means the emphasis should be on responsible
8 handling of handguns instead of costly,
9 restrictive personalization of handguns.

10 Page 8, line 21, quoting from the bill:
11 Possessing -- anyone who's possessing commits a
12 felony of the third degree if they are possessing
13 a handgun that is not under the standards. Now,
14 possession of a nonstandard handgun is made a
15 third-degree felony in this paragraph. This
16 contradicts section 6185(a)(2) above.

17 Page 8, lines 27 and 28, altering,
18 possessed, felony of the third-degree -- again,
19 it's mentioned here -- the word altering implies
20 acknowledgment that standard handguns can be
21 altered. Again, I must emphasize responsible
22 handling rather than personalization. And,
23 again, the word possess contradicts section
24 6185(a)(2).

25 Page 9, line 4 and 5, possesses,

1 trades, transfers -- again, it's a reference to
2 those kind of things. This states an owner
3 cannot pass his handgun to an heir. That
4 concludes my testimony. Thank you very much.

5 CHAIRPERSON GANNON: Thank you,
6 Mr. Snyder. Representative James. I'm sorry.
7 Brother Hahn, were you going to offer some
8 testimony?

9 MR. HAHN: Yes, I was.

10 CHAIRPERSON GANNON: I'm sorry. You may
11 proceed.

12 MR. HAHN: Thank you. For those who
13 don't know me on your Panel, my name is Gary
14 Hahn. I'm the founder of One Nation Under God in
15 America, an organization that is dedicated to
16 bringing this country back to God and back to its
17 patriotic base of constitution, unlike you've
18 been told by other organizations who have
19 testified against us here, people who put
20 together these potty bills like we have here
21 today.

22 When I looked at 1484, the bill, I had
23 to wonder what the foundation was for this bill
24 in the first place. It's been pointed out here
25 today this foundation cannot be found in the

1 United States nor the Pennsylvania Constitution.
2 So, obviously, it's not an attempt on or an effort
3 to use constitutional standards to live by in
4 this country by law.

5 I've heard this Committee refer to our
6 system of government as a democracy.
7 That -- there's nothing can be further from the
8 truth. And I have literature that I can give to
9 you from the federal government that'll tell you
10 clearly the federal government considers a
11 democracy a form of tyranny.

12 We are not a democracy. We are
13 a republic based on law. And it's time that the
14 Representatives that we hire understand that we
15 expect them to follow those laws and principles.

16 We have to look at bills like 1484
17 though, and understand where they come from and
18 why they exist. What is really being attempted
19 here? What type of situation are we setting up
20 for the future if we pass these type of bills?

21 If we asked someone in Washington, D.C.
22 and that system of government, which, of course,
23 we know to be the murder capital of the world, a
24 capitol that has the most restrictive laws
25 concerning guns of any place that I know in the

1 country, they might tell you that this is crime
2 prevention or accident-safety oriented.

3 But what do they know about crime
4 prevention? They've already outlawed guns in
5 D.C., and it's the murder capital statistically
6 of the world. These are the same people that
7 told us we have to develop safer bullets. I
8 never heard any anything more ludicrous in my
9 life than to come up with the thought of
10 developing a safer bullet.

11 And I wonder what type of dollars are
12 spent for some speechwriter to sit down and come
13 up with a catch phrase like that so that it could
14 be spoken by Jocelyn Elders to tell us how to run
15 our lives by developing safer bullets.

16 1484 is telling us how to develop safer
17 guns. Guns are not safe if put in the hands of
18 unsafe people any more than bully clubs, knives,
19 a water tank, or anything else that can be used
20 to injure or kill people.

21 But it's not the gun that is the
22 problem. And it's high time that our Legislators
23 understand that we have not a gun problem, we
24 have criminal problems. And the criminal
25 problems are not addressed by talking about the

1 tools of their trade.

2 You don't -- you don't address an
3 alcoholic's problem by trying to outlaw booze.
4 Prohibition proved that. And you don't outlaw
5 criminal problems by trying to hide all the tools
6 they have to work with.

7 Well, if actually trying to make this a
8 safer place free of crime isn't the answer, then
9 what is the answer? What are you trying to
10 accomplish in even considering 1484?

11 Well, if you went to Vermont where they
12 have very, very few gun restrictions, where
13 actually gun control means taking better aim,
14 they would probably tell you they believe this is
15 one more step to confiscate the weapons that we
16 have in the hands of people.

17 You've carefully worded it into your
18 bill -- whoever put this bill together -- the
19 forfeiture procedure so that over a generation you
20 can legally, not lawfully, but legally steal the
21 private property, the personal property that is
22 currently in the hands of the people. That's
23 theft.

24 What you're attempting to do is
25 legislate lawful theft, and it won't work.

1 Someone asked another person who testified here
2 today if they had a firearm, or I think they
3 said handgun.

4 I have a handgun. I also have
5 semiautomatic rifles. Many of the people in our
6 group have weapons. There's no Legislative Body
7 that's going to lawfully walk into the homes of
8 America and begin to take their firearms under
9 the name of trying to stop crime.

10 You can't stop crime by committing
11 crime. It's been stated here that one of the
12 reasons for people to have handguns is for their
13 own protection. I'd like to ask this Body to
14 consider if the people are not going to be
15 allowed to protect themselves, who's going to
16 protect them?

17 I'd like to share with you what the
18 Supreme Court has said about your police
19 forces protecting the people. Now this goes back
20 a piece, it goes back to 1856; but it's never
21 been overruled. The Supreme Court declared that
22 local law enforcement officers have no duty to
23 protect a particular person from crime.

24 The local police are private police
25 forces; they have been since 1856. They are a

1 private army of incorporated seats of
2 governments. They are there to keep order and to
3 protect the government seat that hires them.
4 They are not elected like a sheriff. They do not
5 work for the people. And the Supreme Court says
6 they're not obligated to protect the people.

7 In 1979, the court again ruled that a
8 government and its agents are under no general
9 duty to provide police protection of the people.
10 Now, if the government is not going to protect us
11 from crime -- and obviously the government has
12 not done a very good job of doing that -- then
13 who's going to protect us when you take the guns
14 out of the hands of the people?

15 It gets worse. In 1982, it was ruled
16 that there is no constitutional right, no
17 constitutional right to be protected against
18 being murdered by criminals and madmen. The
19 police are private armies of corporated (sic)
20 government seats. They are not obligated to
21 protect the people.

22 In fact, policemen have gotten in
23 trouble in your major cities, for those of you in
24 the Philadelphia area, for taking extraordinary
25 steps to protect citizens. They are not

1 obligated to; they are not lawfully allowed to.

2 You want to take guns away from the
3 people to protect the criminals, then let's say
4 that and do it. If you want to take guns away
5 from the people to stop the criminals, let's not
6 even talk such foolishness.

7 The people have a right under federal
8 constitution, state constitution, and moral
9 obligation to have a right to be protected
10 against the criminal element. You don't want to
11 provide that protection; your courts don't want
12 to provide that protection. So why are you
13 stopping the people?

14 I'd just like to close by giving
15 what I consider the most humble warning that I
16 can give this august body: The people in this
17 country, in this Commonwealth have been very
18 patient. You have changed our courts from being
19 courts based on laws of moral right and wrong to
20 simply regulation and revenue enhancement.

21 You have told our parents that they no
22 longer have rights to raise their children in a
23 Biblical way, to correct them and to make sure
24 that they stay within the bounds of right and
25 wrong.

1 You have tried to change our system of
2 life in such a way that now you no longer know
3 inside of you inherently whether you're breaking
4 the law because you're doing right or wrong.
5 You've got to go to a million books and
6 read a million laws to find out.

7 If you continue on the pathway you're
8 going and if you begin now to take guns away from
9 the people, I fear that you are opening a door
10 that within the next 18 months you will see a
11 bloody revolution on the streets of this
12 Commonwealth.

13 That is not a threat. I don't want to
14 see that any more than you do. But history shows
15 us that's the direction we're headed. If you do
16 not turn around, become a repentant leadership,
17 come under the authority of God, the
18 Constitution, and the people, you are leading the
19 way to the destruction of this great Commonwealth.

20 And you won't sit back and ho-hum it
21 when it happens. We'll all be hiding because
22 none of us are going to be winners. We'll see
23 the destruction of this state. We may see the
24 destruction of this nation.

25 People tried to warn the king many, many

1 years ago; but the king laughed. The king didn't
2 think it was ever going to happen. Listen to the
3 people. Please, listen to the people. You are
4 leading us down the path -- you know, look at
5 our own history.

6 How many of the leaders of the black
7 community spoke out in peace during the 60s
8 trying to tell government, We don't want to
9 overthrow you. We want our piece of the pie. We
10 want what's right, what's ours.

11 And eventually the peaceful voices
12 weren't listened to because the government didn't
13 listen to them. So leaders came forth that said
14 the only way we're going to get it is burn, baby,
15 burn.

16 You are not bringing the patriot
17 community, the Christian community to a point
18 where leadership that speaks in
19 peace -- Mr. Grove, Mr. Snyder and others are
20 getting a very difficult time being heard because
21 voices are rising to the top that's telling the
22 people it's too late, government doesn't care,
23 it's time to burn, baby, burn.

24 Please, for God's sake, for the sake of
25 the people of this Commonwealth, for the sake of

1 your own children and grandchildren, don't do
2 this. Don't bring us to that point with
3 restrictive, unconstitutional, immoral laws like
4 1484. Thank you for the opportunity to testify.

5 CHAIRPERSON GANNON: Thank you,
6 Brother Hahn. Any questions? Representative
7 Daley. We're falling a little behind time, so
8 you have about one minute.

9 REPRESENTATIVE DALEY: Mr. Chairman, I
10 was kind of hesitant to raising questions to the
11 august Panel here, and I know with one minute to
12 do that it's rather limiting my ability to
13 identify some of the key issues in your
14 commentary, gentlemen, that I find rather
15 offensive.

16 I've been in this Legislature now 16
17 years, and I represent Washington and Fayette
18 Counties. And I voted pretty much about 99
19 percent in NRA issues. I oppose this legislation
20 as well as many of the Members of this Panel.

21 But I find some of the commentary made
22 today very offensive towards the process. And I
23 wish I had more than one minute to go item by
24 item that offends me.

25 But I'm also a student of American

1 history. I taught American history. And one
2 quote that you missed, Reverend, was Voltair
3 says, I may disagree with what you say, but I
4 fight for your right to say it.

5 And that's truly what has made America
6 free. That is truly what has made America the
7 way it is, a collective group of a number of
8 people, be it of color, be it of race, be it of
9 national origin working together for a common
10 purpose, collectively together in a free society.

11 I would like to make some comments,
12 Mr. Speaker; but unfortunately, I know you're
13 limiting me. And I am offended by some of the
14 comments here because I believe some of these
15 people who have signed on this bill are not
16 anti-gun fools.

17 And I'm offended by that comment. And
18 I'm also offended by the comment that the only
19 thing that keeps America free is gun-toting,
20 red-blooded Americans, because I don't know what
21 the hell a gun-toting, red-blooded American is.

22 My dad was in 17,000 in World War II and
23 got the Silver Star. And I don't think he was a
24 gun-toting, red-blooded American. I think he was
25 an American. Thank you, Mr. Speaker.

1 CHAIRPERSON GANNON: Thank you,
2 Representative Daley.

3 REPRESENTATIVE DALEY: If any Members
4 have any comments concerning any of the testimony
5 presented today, they can send me written
6 comments; and they'll be incorporated into the
7 record.

8 CHAIRPERSON GANNON: I would rather we
9 would limit ourselves to questions as opposed to
10 debate on the issues that are raised by the
11 speakers. That will help speed the process
12 along. Representative James.

13 REPRESENTATIVE JAMES: Thank you,
14 Mr. Chairman. And since you put it that way, I
15 will reduce some things to writing. And I think
16 that is true in terms of keeping the process.

17 And what Representative Daley said, yes,
18 I think that's what makes democracy work is that
19 we have a right to say what needs to be said
20 whether other people believe it or not. And I
21 totally disagree and are offended by some of your
22 remarks.

23 And I'm not sure in one of the
24 statements that someone may have said something
25 in reference to black leadership, talked about

1 burn, baby, burn. I don't think -- that was not
2 the case.

3 I think what happened is that you had
4 some people in the black community that
5 was -- whatever the reason was, might have made
6 the statement. But that was not the recognized
7 black leadership as it relates to King and those
8 that talked about civil disobedience to try to
9 get some of the laws that they foreclosed on.

10 But in terms of questions, I just -- and
11 I know that we're limited. But somebody made a
12 statement about the Bible said to use deadly
13 force -- I would just like it if somebody could
14 either just give us that section or part of the
15 Bible that says that.

16 And the other thing I want to ask
17 anybody on the Panel that can answer is if the
18 Constitution says that we have a right to bear
19 arms, which you know I don't disagree with -- but
20 my problem is I'm concerned about handguns. Why
21 don't we deal with handguns and let everybody,
22 you know, just continue to have rifles or
23 whatever other kind of guns?

24 Because handguns seems to be what's
25 causing most of the problems and that

1 handguns -- what's wrong with having handguns
2 personalized where they can only be used by the
3 person who, you know, who bought it or has it and
4 then if they sell it, whatever, then they make
5 that change?

6 I think that's a good thing if the
7 government can get behind it and make that work,
8 you know, going on modern technology.

9 PASTOR GROVE: First of all, the exact
10 quotation of the reference I cannot give you
11 without my Bible here. But Mr. Snyder, I
12 believe, was referring to the book of Exodus
13 where Moses certainly in the law gives the right
14 of self-defense when someone is attacked or
15 someone enters a home at night, cannot be
16 identified. It is in the book of Exodus.

17 And as to the reference to handguns,
18 Representative James, and why you want to apply
19 it to handguns, Mr. Hahn mentioned the statistics
20 there related to the State of Vermont and the
21 lack of firearms laws in the State of Vermont.

22 And it just so happens that Vermont has
23 the lowest crime rate in the nation. And that
24 doesn't differentiate between rifles, shotguns,
25 handguns. And handguns happens to be the choice

1 of those who would want to personally protect
2 themselves as a gun for that reason.

3 It is not a shotgun necessarily or not a
4 rifle, which is cumbersome in a home or in a
5 private residence. It certainly is a handgun.
6 And certainly with the trigger lock device on
7 1484 it renders that type of a weapon practically
8 useless.

9 MR. SNYDER: I would like to add I
10 didn't give a reference, a Biblical reference,
11 hoping that folks would go to the Bible and look
12 it up themselves.

13 Also the question posed what's wrong
14 with personalizing, I thought I made it very
15 clear that personalizing probably means trigger
16 locks, which means not being able to use the
17 handgun in an emergency situation. If
18 there's some other way to do that --

19 REPRESENTATIVE JAMES: I'm not just
20 talking about using trigger locks. I'm
21 saying personalizing that the gun can be only be
22 used by a person that --

23 MR. SNYDER: Yes, sir. That's what I'm
24 asking. Can you tell me what are the ways
25 specifically that that can be done? I cannot

1 think of ways that that can be done other than
2 currently with trigger lock. If you can give me
3 other examples, I'm open to listening to your
4 suggestions.

5 But I would like to emphasize once again
6 that I think it's a personal responsibility. I
7 think that's the key, that's what should be
8 stressed in any kind of handgun control
9 legislation, making sure that these guns are used
10 responsibly.

11 MR. HAHN: Mr. Chairman, can I answer
12 two points for Mr. James which he addressed?

13 CHAIRPERSON GANNON: Sure.

14 MR. HAHN: I believe he questioned why
15 handguns as opposed to other types of guns, why
16 we should be concerned about handguns. According
17 to the FBI -- which I don't think is a group
18 that's in the practice of trying to support
19 patriot positions -- according to the FBI, there
20 were approximately last year 2,000 felons who
21 were killed by handguns by citizens.

22 There were an additional 8,000 felons,
23 criminals who were nonfatally wounded while
24 trying to attempt crimes that were going to be
25 harmful crimes physically to their victims.

1 Why handguns? Well, honestly, I can't
2 imagine myself walking down the streets of
3 Harrisburg with an SKS with a 20-round clip in
4 it. I don't think they'd appreciate that.
5 However, I can imagine having a concealed handgun
6 which would allow me to protect myself.

7 The other point which you raised and I
8 had addressed and you brought back to me was that
9 you don't feel that burn, baby, burn was
10 representative of the black leadership in the
11 60s.

12 That's my point exactly that there was a
13 peaceful leadership like Dr. King who spoke about
14 the need to use nonviolence; that, yes, there was
15 a time to go militant. But it was a
16 nonviolent form of militant.

17 But that because the government leaders
18 ignored those peaceful voices that the people who
19 were trying to use nonviolence, many of them
20 became frustrated not because they were bad
21 people, but because they saw no other avenue but
22 to get more militant.

23 That's where the burn, baby, burns came
24 from because somebody tapped into that anger,
25 that frustration. Right now we're not the ones

1 tapping into this in the community, but there are
2 people who are doing it.

3 Listen to some of the radio programs.
4 There are people who are building careers,
5 lucrative careers tapping into the frustration.
6 Now, the frustration comes from the lack of
7 leadership on the behalf of government bodies.

8 Again, this isn't meant as a put-down.
9 I'm trying to share with you what we see on our
10 side of the table. You know, nobody in this
11 House wrote this bill. The people whose names
12 are on it did not write the bill. It came as a
13 model bill from the John Hopkins study on gun
14 crimes.

15 Most of the bills that come into this
16 House, they could come in that way from
17 model -- as model bills from groups that are
18 trying to push a private agenda. It's no secret
19 that the Legislative Reference Bureau hands you
20 bills.

21 You know, it's no secret that you may
22 have an idea but they put the legalese into it.
23 It's no secret that the ADL and different groups,
24 even the NRA, I'm sure, brings model bills across
25 the country.

1 What we're saying is, for once step
2 back, be objective and say, okay, let's give them
3 the benefit of the doubt. Let's believe that
4 their motives are pure. But does this bill
5 constitutionally meet the need?

6 Be objective, and if it doesn't; cast it
7 aside. Don't destroy the state trying to correct
8 a problem with something that has no way of
9 working and only frustrates and angers people
10 more. Thank you.

11 REPRESENTATIVE JAMES: Thank you,
12 Mr. Chairman, just thank you. And you thank you
13 for responding to the question. I know we're low
14 on time. I just want to say, Mr. Chairman, in
15 terms of what you said as us responding, would
16 that be just our comments on their testimony to
17 you or to questions or both?

18 CHAIRPERSON GANNON: You mean comments
19 or questions?

20 REPRESENTATIVE JAMES: Yeah.

21 CHAIRPERSON GANNON: Since the Panel
22 wouldn't be able to field any questions, just
23 comments that you may have on the testimony.

24 REPRESENTATIVE JAMES: One other
25 statement they made, Mr. Chairman; and I'm glad

1 that you're having these hearings. I think we
2 need more like this because one of them indicated
3 that we're leading down the road of bloody
4 revolution. And I see that coming also.

5 I don't know whether legislation will
6 help it or what. But I see that's what we're
7 coming to. And I think as leaders that we need
8 these kinds of hearings to try to address these
9 kinds of concerns before it gets to that.

10 CHAIRPERSON GANNON: Thank you,
11 Representative James.

12 MR. HAHN: Mr. Chairman, may I make one
13 small comment?

14 CHAIRPERSON GANNON: We're behind
15 schedule, and I see that Representative Masland
16 has some questions.

17 REPRESENTATIVE MASLAND: Thank you,
18 Mr. Chairman. I know that we're low on time, so
19 I'm just going to throw out some things real
20 quickly and maybe you can get back to our staff
21 later on.

22 Mr. Hahn, if you could get us the
23 citations to those cases that you mentioned,
24 specifically, the 1856 and 1979, I suppose U.S.
25 Supreme Court -- could possibly be

1 Pennsylvania -- but if you have the names and
2 citations of those two and the others, I'd
3 appreciate that.

4 Mr. Snyder, you note that on the second
5 page of your testimony that a couple sections
6 contradict section 6185(a) (2). There is no
7 6185(a) (2). Maybe you can check -- I think you
8 might mean 6186 -- and let our staff know about
9 that also.

10 And, finally, Pastor Grove, as I did
11 with the earlier witness, asked for some type
12 or -- actually, it was a Representative in the
13 room -- he asked for some backup on the
14 statistics that were given to us through him on
15 handgun control.

16 If you could give us some of the
17 background for the statistics, for the graphs
18 that you have, if you could get that, I'd
19 appreciate that. And specifically, I'm
20 interested in how you came up with the 25-to-1
21 figure on page 2 of your testimony.

22 I don't need that right now. But if you
23 have some statistical backup for that -- I think
24 it's important because I want those statistics.
25 Of course, as we all know there's lies, damn

1 lies, and statistics. I don't know what's worse.
2 So if you could get us the material on that, I'd
3 appreciate it.

4 PASTOR GROVE: Okay. On the graphs if
5 you notice the reference where they're taken
6 from and the organizations that have done the
7 research are listed with each graph.

8 REPRESENTATIVE MASLAND: Okay. You
9 don't have that, but they would have that; is
10 that what you're saying?

11 PASTOR GROVE: Yes. That's where the
12 graphs came from. That's where the information
13 came from. They're all listed on all the graphs
14 of the sources.

15 MR. SNYDER: Just briefly, the reference
16 that was referred to 6185 had to do with persons
17 being able to maintain their handguns even after
18 the standards. So it's that section I'm
19 referring to. And, Mr. Chairman, I would
20 respectfully request that any written comments
21 that come to you be forwarded to me as well.

22 CHAIRPERSON GANNON: We can do that,
23 sure.

24 MR. HAHN: Mr. Chairman, I'd like to
25 answer Mr. Masland's question.

1 CHAIRPERSON GANNON: If you would give
2 it to us through staff, we'd appreciate it.

3 MR. HAHN: Okay.

4 CHAIRPERSON GANNON: Thank you very
5 much. Just a word. Brother Hahn, you have been
6 before the Committee before; but the protocol is
7 to provide the Members of the Committee with your
8 written testimony so we have a chance to read
9 through it as you're presenting your remarks.

10 We realize sometimes people want to
11 deviate from the written comments; that's
12 permissible. But we would prefer if you are
13 going to appear before the Committee,
14 particularly the Judiciary Committee, you provide
15 the Members with copies of your written comments
16 beforehand.

17 Thank you for attending the hearing and
18 presenting us with your testimony,
19 Pastor Grove -- I'm sorry -- Pastor Grove,
20 Brother Hahn, and Mr. Snyder. Thank you. We're
21 going to take a 5-minute break for our
22 stenographer.

23 (At which time, a brief break was taken.)

24 CHAIRPERSON GANNON: Okay. We'll start
25 the hearing again. And we have the Major John

1 Capriotti, Director of the Office of Forensic
2 Services; Pennsylvania State Police's Trooper
3 Kurt Tempinski, Pennsylvania Bureau State Police.
4 And if you would like to start your testimony
5 now.

6 MAJOR CAPRIOTTI: Good morning. I'm
7 Major John Capriotti of the Pennsylvania State
8 Police. I'm the Director of the Office of
9 Forensic Services. I'd like to thank the
10 Chairman and Members of this Committee for the
11 opportunity to testify this morning.

12 I represent Colonel Paul J. Manko, the
13 Commissioner of the Pennsylvania State Police.
14 Accompanying me this morning is Trooper Kurt
15 Tempinski who is a ballistics examiner assigned
16 to our Bethlehem Regional Laboratory.

17 As a public safety agency, the
18 Pennsylvania State Police generally support any
19 and all efforts which have as their objective the
20 protection of the Commonwealth's citizens.

21 The three House bills under
22 consideration by this Committee concern firearms,
23 which our troopers during the course of
24 investigations encounter on a regular basis.

25 In 1997, the Pennsylvania State Police

1 Laboratory Ballistics Unit, which provides
2 ballistics services to all police agencies in the
3 Commonwealth with the exception of those in
4 Allegheny and Philadelphia Counties, received
5 1475 firearm case submissions.

6 Of that number, 603 cases or 41 percent
7 were related to homicides, suicides, or
8 aggravated assaults. In a majority of these
9 cases, 63 percent, handguns were used. While we
10 do not compile statistics relating exclusively to
11 accidental shootings, we know that they represent
12 a relatively small number of all submissions to
13 our laboratories.

14 We are concerned about the improper,
15 illegal use of firearms and their accessibility
16 to those persons intent on such activity. With
17 regard to the House bills under consideration by
18 this Committee, Trooper Tempinski is prepared to
19 present specific information he has obtained.

20 Generally, though, I would like to offer
21 an overview. There are many types of security
22 devices available for the safe storage of
23 firearms. They range in price from the
24 inexpensive to the very expensive. They all have
25 one common fault; and that is much like other

1 safety devices, they are of no value if not used.

2 Any law which is passed necessitates a
3 vigorous education program designed to inform the
4 public of the law's requirements and to encourage
5 enthusiastic, voluntary compliance.

6 The proposal to establish a state
7 handgun standard commission may be one way to
8 encourage this compliance. We are, however,
9 concerned about the safety standard which
10 requires that a handgun must be personalized in
11 order to be sold, possessed, transferred and so
12 forth within the Commonwealth.

13 To our knowledge, this technology is not
14 yet fully developed; and it certainly is not yet
15 commercially available. Trooper Tempinski will
16 provide with you specific details concerning this
17 issue.

18 The proposal to prohibit a firearm or
19 other dangerous weapon in a municipal building is
20 largely covered by an existing Section 908,
21 Prohibited Offensive Weapons, Title 18,
22 Pennsylvania Consolidated Statutes. This crime
23 prohibits possession of firearms or dangerous
24 weapons at any time, in any place, by any person
25 other than those specifically exempt.

1 The difference between Section 908 and
2 the proposed new law is that persons now lawfully
3 licensed to carry concealed firearms under the
4 laws of the Commonwealth would no longer be
5 permitted to carry a firearm in a municipal
6 building.

7 Thank you for the opportunity to present
8 this brief statement. Before Trooper Tempinski
9 begins -- presents his information, I will be
10 pleased to answer any questions you may have.

11 CHAIRPERSON GANNON:. Thank you. Did
12 you want to have the Trooper present his
13 demonstration and other testimony and we'll open
14 it up for questions?

15 TROOPER TEMPINSKI: Good afternoon. My
16 name is Trooper Kurt Tempinski. I'm with the
17 Bureau of Forensic Services. I function as a
18 firearms toolmark examiner. My purpose here
19 today is to demonstrate some safety devices to
20 you that are currently available on the open
21 market.

22 The first device I'd like to demonstrate
23 is the Gun Vault, Incorporated. It's a Mini
24 Vault, Model GV 1000. The operation is that the
25 firearm is placed within the vault, the door is

1 closed and secured, and then one needs to know
2 the correct keypad sequence to gain access to the
3 firearm. One has access. It has a manual
4 override in that if the electronics fail -- it is
5 electrical -- that one can still open it by means
6 of a barrel key.

7 I've rated all the safety devices as
8 either being medium, minimum, or maximum
9 security. And I've also given some positive and
10 negative aspects to each.

11 The construction of this device is 16
12 gauge steel with a foam lining. The locking
13 mechanism is an electronic keypad, and also it
14 has the manual key lock override.

15 The security level I designated this as
16 was maximum. The positive aspects are that it's
17 designed to be mounted on an immovable object.
18 There are screw holes to mount this to whatever
19 object one would desire to mount it to.

20 It's not easily compromised in that it's
21 fairly secure; it's well constructed; it's easy
22 to operate and gain access to a firearm if one
23 would need to gain access to the firearm.

24 And the firearm is hidden from view, so
25 someone wouldn't have an idea of what was in

1 here. The negative aspect of it is that it is
2 quite expensive, retailing for somewhere in the
3 neighborhood of \$190.

4 The second device that I'd like to bring
5 to your attention is a Remington Safety Gun Lock.
6 Essentially, it's a bicycle-type lock with a
7 vinyl covered metal cable that one would just
8 simply insert into either the barrel or the
9 cylinder of a semi-automatic firearm. One would
10 run it through the magazine area and in through
11 the chamber or the barrel also. One simply then
12 secures the lock, rendering the firearm
13 inoperative.

14 I designated this as a medium security
15 level device. It has a key-type lock. It can be
16 secured to an object. One could use the device
17 also to secure this to some immovable object.
18 It's not easily compromised. It's inexpensive,
19 retailing for only about \$8.

20 The negative aspect is the firearm isn't
21 hidden from view -- someone seeing the firearm
22 with this device. Apparently, it wouldn't
23 protect from you theft or anything of that nature
24 unless you did secure this to an immovable
25 object.

1 The next device I'd like to demonstrate
2 is the Master Lock Gun Company, what they call
3 their Gun Lock. It's a trigger lock. To utilize
4 this particular device, one would simply take the
5 device -- it's two halves -- place it over the
6 trigger of the firearm that one desires to lock,
7 and push the two halves together.

8 One does not have access to the trigger
9 at that point rendering the firearm inoperative.
10 The construction is cast aluminum alloy with
11 plastic and rubber inserts on the inside so you
12 don't scratch your firearm. The security level I
13 assigned this is medium.

14 The positive aspects are it's not easily
15 compromised, it's inexpensive, it's easy to
16 operate, and it is well constructed. The
17 negative aspects are the firearm isn't hidden
18 from view and it doesn't deter a theft.

19 REPRESENTATIVE MANDERINO: How do you
20 take it off? Do you need a key?

21 TROOPER TEMPINSKI: Yes, ma'am. Key's
22 inserted, turned, and the two halves separate.

23 CHAIRPERSON GANNON: If I may ask a
24 follow-up?

25 TROOPER TEMPINSKI: Yes.

1 CHAIRPERSON GANNON: Kathy's question,
2 there's been some concern raised about access and
3 quickness to access a firearm if need be with a
4 break and enter, let's say, in a private
5 residence. How much time, how many seconds to
6 take that off if need be and -- it's either
7 loaded -- if it is already loaded?

8 TROOPER TEMPINSKI: Yes, if the firearm
9 would be loaded -- however, the manufacturer
10 doesn't recommend one keep a firearm loaded with
11 a trigger lock on it. Again, that's what the
12 manufacturer recommends. It doesn't preclude you
13 from loading it and keeping it in that manner,
14 but they don't recommend it as a safety.

15 CHAIRPERSON GANNON: Right, as a safety
16 feature. How many seconds do you think it would
17 take to actually take it --

18 TROOPER TEMPINSKI: Not too long, a few
19 seconds. However, one has to obtain a key
20 from wherever one has the key, obviously close at
21 hand, not very much time. If one is waking up
22 from a dead sleep, fumbling around trying to find
23 a key, it could take quite a while. And the
24 price of this particular item is around \$12.

25 The next device I'd like to bring to

1 your attention is also a trigger lock device very
2 similar to the Master Lock; however, it's a
3 little less expensive. It essentially is two
4 pieces of plastic with a screw-type device for
5 security.

6 One would insert that into the trigger
7 area of a firearm, screw the screw in. One can
8 manually do that to a certain point. Then
9 there's a key that one inserts that is a little
10 different than a regular head screwdriver in that
11 it has two prongs and two corresponding holes on
12 the screw-type device.

13 It renders the gun inoperative,
14 again in the same manner. One can't get to the
15 trigger; one can't fire the firearm. The
16 security level I designated this is minimum. The
17 positive aspects of this particular device is
18 that it is inexpensive, retailing for only about
19 \$6.

20 The negative aspects are one key fits
21 all. Every one of these devices is the same.
22 It's poorly constructed, the plastic
23 construction -- if one had a screwdriver, one
24 could break this right off. It's -- the
25 firearm's not hidden from view; it doesn't deter

1 theft; and it's very easily compromised.

2 It would probably keep a child, a small
3 child from getting at the firearm safely;
4 however, an older child would probably be able to
5 defeat this device.

6 And one removes it in a much similar
7 fashion that one put it on. You unscrew the
8 screw device, which in the dark might take a
9 little bit of time and coordination.

10 The next device I'd like to present is
11 the Saf T Lok. And their device, which they call
12 it the Saf T Lok, it essentially replaces the
13 grips on a firearm. A mounting place and a
14 locking mechanism is placed within that area that
15 was occupied by the original grips.

16 The lock interrupts the actuation of
17 trigger mechanism on this particular firearm so
18 that one can't pull the trigger and one cannot
19 cock the hammer. If one wants to deactivate this
20 device, one has to know the combination, which
21 deactivates the device and now allows the firearm
22 to function.

23 The construction of this device is a
24 metal lock with rubber grips. The locking
25 mechanism is a manual, push-button combination

1 system that I just showed you.

2 The security level, however, is minimum;
3 that being due to the fact that the durability
4 and reliability of this product is questionable.
5 One installs it with a screwdriver. One can
6 remove it with a screwdriver, and it's easily
7 compromised.

8 The positive aspects of it are that it
9 attaches directly to the firearm, it's not easily
10 lost or misplaced, and one doesn't have to fumble
11 with a key to get it to open.

12 Also they make a similar device for a
13 semiautomatic pistol in this case, a Model 1911
14 Colt. And it works in a similar fashion. One
15 needs to know the combination, then it
16 deactivates, allows you to manually depress the
17 safety now allowing the firearm to operate.

18 I have some comments on personalized
19 firearms also and we can get more in depth with
20 that if you like. The existing technology is not
21 in place presently to manufacturer personalized
22 firearms that can only be discharged by the
23 authorized user.

24 Colt's Manufacturing, Incorporated, in
25 cooperation with Sandia National Laboratories and

1 funding from the National Institute of Justice is
2 the current leader in development of personalized
3 firearms technology.

4 According to Ms. Beth Lavach, a Colt's
5 representative, a second generation personalized
6 firearms or what they consider -- they call a
7 smart gun, does exist. Ms. Lavach further stated
8 that it will be more than a year before a
9 personalized firearm or smart gun will be
10 available to the law enforcement community.

11 And you can refer to the enclosures from
12 Colt's Manufacturing for the technical
13 information, which again, if we'd like to go more
14 in depth we can. If you have any questions, I'd
15 be more than happy to answer them.

16 CHAIRPERSON GANNON: Thank you.
17 Questions from the Members? Representative James
18 and then Representative Masland and
19 Representative Manderino.

20 REPRESENTATIVE JAMES: Thank you. I
21 know that time is short, and I just want to thank
22 you for testifying and providing the information.
23 I like that first one that you showed. I think
24 that's truly maximum and be readily available if
25 needed.

1 But I just want to ask you, I noticed
2 that you said something about personalized
3 handguns. And I'm talking about where the gun
4 is only used by a person who would -- and I know
5 that technology is being developed.

6 But how do you feel about it if the
7 technology is developed, as the professional
8 enforcement in terms, would you support that?

9 TROOPER TEMPINSKI: Well, I just have to
10 say from the firearms view and that I'm very
11 familiar with the mechanical operation of
12 firearms. Their intention, Colt's Manufacturing
13 intention with the National Institute of Justice
14 is to produce a firearm for law enforcement
15 officers.

16 I believe it's somewhere between 14 and
17 16 percent of officers that are killed
18 in the line of duty are killed with their own
19 sidearms. However, I have misgivings about
20 electronic and mechanical components being
21 assembled into a firearm for law enforcement.

22 Mechanical devices fail on their own.
23 When you add electronic components to them, you
24 can see there's more prone-ness to failure in
25 that aspect. If something could be made

1 completely reliable, that's one issue. If it
2 can't, that is another issue, sir.

3 REPRESENTATIVE JAMES: We won't know
4 that until it is developed so that we can test
5 it. But I'm saying that if, in fact, that showed
6 in everything we do there's some
7 unreliable -- some aspect, some small
8 percentage -- nothing works 100 percent.

9 But I'm saying -- so I understand you
10 say from a law enforcement perspective they
11 support it if, in fact, that can be developed
12 that that can only be used by the person that
13 bought the gun, that is afforded the support by
14 law enforcement; is that correct?

15 TROOPER TEMPINSKI: I'm sorry, I missed
16 the last statements. You're talking
17 about either civilian or law enforcement?

18 REPRESENTATIVE JAMES: Law enforcement.
19 If, in fact, that can be developed where the
20 handgun can only be used by the person that
21 bought the gun?

22 TROOPER TEMPINSKI: I would have to say
23 that we as the State Police don't have a policy
24 position at this point in time, sir.

25 REPRESENTATIVE JAMES: Okay. All right.

1 Thank you.

2 REPRESENTATIVE MANDERINO: Thank you.
3 Actually, my question I think was very similar to
4 what Representative James just asked. And maybe
5 if I can just ask it again to make sure I
6 understood what he said.

7 My feeling is that these kinds of
8 personalized guns for law enforcement will be
9 as -- there's obviously enough of a demand or at
10 least an interest from law enforcement now to try
11 such a thing or the manufacturer wouldn't be
12 moving in that direction to try to manufacture
13 one.

14 And I assume that until it gets kind of
15 tested out there in the field to see whether or
16 not law enforcement would be comfortable with it
17 and whether it would work to suit their needs
18 that what happens in those field tests will
19 determine how interested law enforcement in
20 general is in this kind of product.

21 I guess my question to you is based on
22 where we are now with prototypes and things like
23 that. What from your perspective are the
24 potential pluses or benefits of this kind of
25 handgun to law enforcement? And what are the

1 potential concerns or pitfalls that you see or at
2 least have at this stage of the game, if you can
3 respond to that?

4 TROOPER TEMPINSKI: I believe that
5 anything that promotes officer safety is a good
6 thing. However, the detractors as I said is
7 reliability and functioning. Officers need their
8 firearms to function flawlessly in the line of
9 duty. We're not even able to achieve that with
10 mechanical firearms let alone firearms with
11 electronics and mechanics in it.

12 MAJOR CAPRIOTTI: Also, I think it's
13 very important that the -- that it's realized
14 that the police officers do not routinely draw
15 their weapons and engage in gun battles. It's
16 something that occurs fairly infrequently. We
17 rely very heavily on training and very heavily on
18 reaction to train our people.

19 I'd be somewhat concerned about an
20 officer getting in a situation and having to use
21 another officer's weapon and being unable to use
22 it. That's just one example of some of the
23 concerns that I have personally.

24 I think it's just all of the
25 scenarios, the possible scenarios are so many out

1 there we haven't had a chance to think about
2 them. We have not seen one of these
3 weapons. We have not seen any of the research.
4 We have no data at all to base any conclusions
5 on.

6 So I think we have to wait and see what
7 it is and what it looks like. Maybe there are
8 ways that things can be developed that will at
9 least allay our fears to the point we would
10 endorse it. But at this point, we simply can't
11 do that.

12 REPRESENTATIVE MANDERINO: Thank you,
13 Mr. Chairman.

14 CHAIRPERSON GANNON: Thank you. Chief
15 Counsel Preski.

16 MR. PRESKI: Major, this is one
17 general question. The Chairman opened up these
18 hearings. And he recognized the fact that in
19 this Committee we have 50 to 60 different bills
20 that would deal with firearms, their regulation,
21 who can get them, how they can get them.

22 We've heard about the
23 bills -- Representative Rooney, Representative
24 Cohen came and talked about one handgun a month.
25 I guess the purpose for this hearing was to

1 identify issues and to see where we take this
2 debate or where we take this further.

3 Given your experiences, what -- and not
4 on behalf of the State Police, but just
5 personally, where do you think we should go with
6 this issue? Where do you think we should go with
7 this debate? What kind of stuff do you think we
8 should look at?

9 MAJOR CAPRIOTTI: I'm not sure I
10 understand the question.

11 MR. PRESKI: We have a variety of bills.
12 We've heard tons of things. We had the
13 presentation from the Trooper about the trigger
14 locks and the various things. Representative
15 Cohen said maybe instead of putting locks on
16 guns, we limit the ability of people to purchase
17 them, one handgun a month.

18 There are bills before the Committee
19 that deal with liabilities for parents should the
20 kids take the guns and use them. I guess what my
21 question is, based on upon your law enforcement
22 experience, you've raised concerns about the
23 number of guns that are used in the homicides and
24 the assaults and the things that you see on
25 patrol and what your troopers encounter on a

1 daily basis.

2 Are there any thoughts that you have,
3 again, I say this -- I assume it would have to be
4 personally rather than on behalf of the State
5 Police, what do you think we should look at as a
6 Committee?

7 MAJOR CAPRIOTTI: Obviously, I'm not
8 here representing myself today. If I were, I
9 would have testimony that might or might not
10 differ from that that I'm offering on behalf of
11 Pennsylvania State Police. I represent the
12 Pennsylvania State Police.

13 And, historically, we have not taken
14 positions on these issues, issues of this type.
15 But we vigorously enforce any laws that the
16 Legislature deems appropriate to enact. And
17 that's our position on these also.

18 MR. PRESKI: Thank you.

19 CHAIRPERSON GANNON: I have just a
20 couple of quick questions. Your policy, your
21 training that you utilize at the Academy for all
22 the officers, are the cars with the guns,
23 shotguns and anything else left in the cars when
24 shifts are changed? They do not take the
25 shotguns home with them; is that correct? It's

1 not assigned to a particular trooper?

2 TROOPER TEMPINSKI: No, the shotguns are
3 not assigned to particular troopers. They're
4 maintained within the building until which time
5 they're signed out and taken and placed in the
6 patrol vehicles. They are not left in the patrol
7 vehicles in that manner.

8 CHAIRPERSON GANNON: Your personal guns,
9 though, you do take them home with you? Is there
10 training, is there policy as to how those
11 guns are to be handled and stored and kept in
12 safekeeping? Everybody has families they go home
13 to; everybody takes a gun home with them. What's
14 your official policy and training concerning that
15 situation?

16 MAJOR CAPRIOTTI: Well, obviously we
17 have regulations governing not only the safe
18 handling of firearms, but the care and storage of
19 those weapons. There are several.

20 Our Field Regulations Manual, which each
21 trooper has personally, contains a section in
22 there which prescribes what an officer is to do.
23 We have administrative regulations which also
24 cover that.

25 If you are asking me, do we require that

1 a trooper put a gun lock on his --

2 CHAIRPERSON GANNON: No no.

3 MR. CAPRIOTTI: -- issued revolver. No,
4 we do not do that. But we do have guidelines
5 that that trooper must adhere to as far as the
6 handling and storage of those weapons. And they
7 receive that training at the Academy.

8 And they're very tough on them at the
9 Academy because that's where they learn -- that
10 is the first exposure many people have to
11 firearms and the habits they learn that they're
12 going to carry throughout their career.

13 CHAIRPERSON GANNON: And there are other
14 law enforcement agencies that you deal with and
15 are put through training at the Academy given the
16 same exposure to the regulations?

17 MAJOR CAPRIOTTI: Yes. All the police
18 officers as you well know receive the training at
19 one of the training sources in gun handling. And
20 marksmanship also is taught at all of those
21 facilities.

22 They all use the same curriculum, so
23 there's a certain standard that all police
24 officers who have received 120 Training will at
25 least achieve.

1 CHAIRPERSON GANNON: I was just for the
2 record wanting to put that on there about the
3 policy and regulations that are followed by the
4 Pennsylvania State Police in their handling and
5 storage of their weapons. Are there any other
6 questions?

7 (No audible response.)

8 CHAIRPERSON GANNON: Thank you. Thank
9 you both for testifying. We'll next hear from
10 Susan DeFrancesco, Coordinator, Johns Hopkins
11 Center for Gun Policy and Research, School of
12 Public Health.

13 MS. DeFRANCESCO: Thank you very much
14 for the opportunity to speak on behalf of the
15 Center for Gun Policy and Research of the Johns
16 Hopkins School of Public Health in support of
17 House Bill 1484 that creates handgun safety
18 standards.

19 Firearms killed close to 36,000
20 individuals in 1995 in the United States through
21 homicide, suicide, and unintentional shootings.
22 We're losing about 100 people a day to gunfire,
23 and many of those are young people. In
24 Pennsylvania in 1995, we lost 1400 people to
25 gunfire.

1 Young children find guns in their home
2 and are able to fire them, shooting themselves
3 and others. Children and teenagers also use guns
4 found in the home to commit suicide.

5 For certain segments of population, gun
6 death is the leading cause of death. Gun deaths
7 are just the tip of the iceberg. For every
8 fatality, almost 3 nonfatal injuries require
9 hospitalization.

10 We have a public health problem on our
11 hands. And our Center supports House Bill 1484
12 as a public health response to that problem.
13 House Bill 1484 will save lives.

14 House Bill 1484 requires personalized
15 guns; it requires that guns be designed in such a
16 way that they can only be fired by the authorized
17 user. This is very much a public health
18 approach, an approach aimed at the prevention of
19 gun death and injury by changing the design of a
20 product.

21 Modification of products to make them
22 safer have been mandated successfully before by
23 other public health legislation. Safer motor
24 vehicle design has been legislated. Now we have
25 laminated windshields, collapsible steering

1 wheels, improved blocks. We have air bags.

2 And the last several decades there has
3 been the steady decline in motor vehicle injury
4 and death. For decades we focused just on the
5 driver of the car, passing laws that required
6 people to drive safely to the exclusion of other
7 strategies.

8 But once we also turned our attention to
9 the product itself, the car, death and injuries
10 started to decline. We need to take the same
11 approach with guns.

12 We have traditionally focused on the
13 user of the gun and inadequately examined the
14 manufacturer of the gun. Regulating who makes
15 the trigger is just as important as trying to
16 regulate who pulls the trigger.

17 Requiring a personalization
18 techniques technologies be designed into the gun
19 will not prevent all gun death and injury, but it
20 will reduce the likelihood of certain gun-related
21 deaths and injuries.

22 Personalized guns would be inoperable by
23 the young child that finds the gun in the home,
24 the despondent teenager that reaches for the
25 family gun to commit suicide, and the criminal

1 who steals the gun.

2 For at least some of the recent school
3 shootings, most notably the ambush in Jonesboro,
4 Arkansas, if the guns used had been made
5 inoperable by personalization, lives would have
6 been saved.

7 The technology exists to personalize
8 guns. Many patents to personalize guns have been
9 awarded in the last few decades. As the
10 Trooper said, Colt's Manufacturing Company has
11 developed prototypes of personalized guns that
12 employ radio frequency technology.

13 The user wears a tiny transponder
14 embedded in a ring, a watch or a lapel pin. The
15 firearm transmits low power radio signals to the
16 transponder, which in turn notifies the firearm
17 of its presence.

18 If the transponder code is one that's
19 been entered into the firearm, the firearm
20 recognizes it; and you can fire the gun. Colt's
21 manufacturing plans are to offer the firearm for
22 use by police officers in the next couple of
23 years.

24 We're also aware that companies have
25 made strides in the development of fingerprint

1 knowledge. A fingerprint sensor can be placed in
2 the handle of the gun to identify the user's
3 fingerprint. Fingerprint data about authorized
4 users are stored in memory within the gun.

5 Before the gun will fire, the user's
6 fingerprint must be matched with stored,
7 authorized fingerprints. It's also important to
8 make the point that House Bill 1484 is not about
9 taking people's guns away. It's about regulating
10 guns as consumer products to protect people at
11 risk.

12 Public health has a tradition of
13 helping those at risk, especially children. We
14 have done it before with medicine bottles, for
15 example. Federal regulations require that
16 medicine caps be child resistant, and we have
17 prevented many childhood poisonings.

18 We did not try to educate every child to
19 stay away from medicine bottles, nor did we try
20 to educate every care giver to keep medicines away
21 from children to the exclusion of changing the
22 design of the product. Another example of
23 mandating the safe design of a product to save
24 lives.

25 We also have evidence that the public

1 overwhelmingly supports the regulation of guns as
2 consumer products. In the 1996 nationwide poll
3 conducted by our Center in collaboration with the
4 National Research Center of the University of
5 Chicago, the respondents, 55 percent of those
6 respondents said they support government safety
7 regulation for guns, 86 percent supported
8 legislation that would childproof guns, and 68
9 percent favored legislation requiring that all
10 new handguns be personalized.

11 It's also important to note that the
12 technology has been developed to the point where
13 it is no longer a question of whether we will
14 have personalized guns. We will have
15 personalized guns.

16 It's just a question of whether we will
17 still have guns that are not personalized,
18 whether we will still allow guns to be
19 manufactured that are operable by children and to
20 offer a despondent teenager an extremely
21 effective means of suicide. Thank you.

22 CHAIRPERSON GANNON: Questions from the
23 Committee? Counsel Preski.

24 MR. PRESKI: One question. In your one
25 fact sheet that you handed out, it states in some

1 localities laws requiring that in several years
2 the only handguns that can be legally
3 manufactured or sold in those jurisdictions would
4 be personalized handguns.

5 The Johns Hopkins Center for Gun Policy
6 and Research has prepared a monologue -- that
7 would be this? Is that House Bill 1448?

8 MS. DeFRANCESCO: House Bill 1448 is
9 patterned after that model, yes.

10 MR. PRESKI: Okay. Thank you.

11 CHAIRPERSON GANNON: Representative
12 James.

13 REPRESENTATIVE JAMES: Yeah. Thank you,
14 Mr. Chairman. In reference to the Colt Smart, is
15 that information as given by them? Or is that
16 just --

17 MR. PRESKI: State Police.

18 REPRESENTATIVE JAMES: Oh, State Police.
19 Okay. I'm sorry. I just want to thank you for
20 testifying and for providing the information
21 because I was going to ask in reference to
22 whether the Chief Counsel just asked -- I wanted
23 to know if that was part of it.

24 I was going to ask for a copy of model
25 legislation, but that's House Bill 1484. Is

1 there any other states that it has been moved
2 forward?

3 MS. DeFRANCESCO: Yes. It's been
4 introduced in New York. I believe it died in the
5 Committee at the end of last session. It's very
6 much alive though in New Jersey and has
7 bipartisan support. It's been introduced in both
8 Houses, and they should be holding hearings this
9 fall.

10 REPRESENTATIVE JAMES: Yeah. Okay.
11 Thank you. Thank you very much.

12 CHAIRPERSON GANNON: Representative
13 Manderino.

14 REPRESENTATIVE MANDERINO: I'm not sure
15 if this is within your knowledge; so if it's not,
16 just let me know. You did testify that
17 personalizing guns is a available technology, and
18 you talked about the Colt Smart Gun that uses the
19 transmitter versus other manufacturers that are
20 looking at a fingerprinting mechanism.

21 But how -- how -- how far into actual
22 testing and use in the field have any of these
23 gone? For example, the folks who testified
24 before you from our State Police said, well, you
25 know, I don't know whether we would want to use

1 it because we have real concerns -- I'm
2 paraphrasing. This wasn't exactly their
3 words.

4 But we have real concerns about how
5 functional they would be, about percentages of
6 mishap, about whether or not they would be less
7 reliable than the regular mechanical -- I mean,
8 those at least in their minds are still
9 unanswered questions.

10 My question to you is, Are they still
11 unanswered questions? Do these things -- are
12 they too new to have been field-tested or
13 actually tested by any law enforcement group out
14 there in any police force in the country on a
15 municipal or state level using this technology
16 today? Where are we along that line?

17 MS. DeFRANCESCO: That is beyond my
18 knowledge. I think you'd have to ask Colt. We
19 know from Colt's own statements that they do
20 expect to market this to police officers within a
21 year or so. So I imagine some testing still has
22 to be done. You'd have to ask them.

23 I would like to make a point, though,
24 that safety standards that protect the public's
25 health are often technology-forcing. And the

1 courts have said that that's legitimate, and to
2 protect the public's health that is required. So
3 (pause.)

4 REPRESENTATIVE MANDERINO: You're
5 talking about just in general with regards to
6 product liability laws and the introduction of
7 new technology in --

8 MS. DeFRANCESCO: I'm talking about the
9 different federal laws we have like the pollution
10 standards, the standards that were developed to
11 change the design of motor vehicles, some
12 of the product safety standards that the Consumer
13 Product Safety Commission has promulgated.

14 They have often been technology-forcing
15 and tested in the courts. And the courts have
16 said when it protects the public health, it's
17 legitimate to do that, especially when a law
18 would give time for manufacturers to develop the
19 technology to a point where it can be used,
20 especially when it's a performance standard which
21 the House Bill is, performance standards rather
22 than a design standard.

23 REPRESENTATIVE MANDERINO: Thank you.
24 Thank you, Mr. Chairman.

25 CHAIRPERSON GANNON: Representative

1 James and Counsel Preski.

2 REPRESENTATIVE JAMES: Thank you again,
3 Mr. Chairman. Mr. Chairman, this is to the
4 Committee. Maybe we the Committee or
5 Subcommittee of the Committee can maybe because
6 of the gun violence problem that we have in
7 Philadelphia, maybe in terms of trying to address
8 the needs that we can go to Colt as a
9 Subcommittee to see how this process is working
10 and maybe examine it to see what we do to either
11 help or to implement other policies it addresses.

12 CHAIRPERSON GANNON: Excellent
13 suggestion.

14 REPRESENTATIVE JAMES: Thank you.

15 MR. PRESKI: Just in response to the
16 Representative's question, I know that
17 Chairman Gannon is planning additional hearings
18 on this issue. We're kind of taking a very broad
19 approach to see where we are. I certainly will
20 raise that with him.

21 Ma'am, I have one question. Given that
22 you take a products liability approach, it seems,
23 to this whole gun violence question. Out of
24 Philadelphia I know Mayor Rendell has discussed a
25 lawsuit much like the tobacco litigation against

1 the gun manufacturers. Are you aware of that?

2 MS. DeFRANCESCO: Yes.

3 MR. PRESKI: Do you have any
4 brief thoughts concerning that litigation?

5 MS. DeFRANCESCO: We see -- our
6 Center actually is often consulted. Several
7 of us are lawyers, and we're consulted on some of
8 the kinds of liabilities suits that would hold
9 manufacturers responsible for not manufacturing
10 guns that are personalized and not manufacturing
11 guns that have other different kinds of safety
12 devices that could be put into guns and are not.

13 So we see that also a public health
14 strategy to try to create the incentive to have
15 guns designed in such a way that they can be
16 protected.

17 MR. PRESKI: But you see that on a local
18 level or a state level, not a federal level?

19 MS. DeFRANCESCO: Um, yeah. A lot of
20 the court cases that we're aware of are local and
21 state.

22 MR. PRESKI: Isn't there a federal
23 prohibition against product liability for gun
24 manufacturers?

25 MS. DeFRANCESCO: I don't think so.

1 MR. PRESKI: Okay. Thank you.

2 MR. BUCHTA: To the best of my
3 knowledge -- I'm Democratic staff. To the best
4 of my knowledge, there is a federal prohibition
5 against product liability laws against firearms.

6 And I believe the case law on it was
7 established by Remington. There was a lawsuit
8 against Remington relative to a product they
9 make, the Remington Rifle 700 BDL. And I believe
10 the courts held that the firearms essentially are
11 exempt from the product liability laws. You'd
12 have to go back and look at the federal case law.

13 CHAIRPERSON GANNON: Sheriff Green will
14 be submitting testimony for the record. We'd
15 like to thank you for testifying and your
16 knowledge in this hearing.

17 MR. JAMES: Mr. Chairman I just spoke so
18 the Sheriff and he just said that he wanted to
19 thank the Committee for inviting him and that he
20 will be submitting testimony for the record.
21 Thank you.

22 CHAIRPERSON GANNON: Thank you.

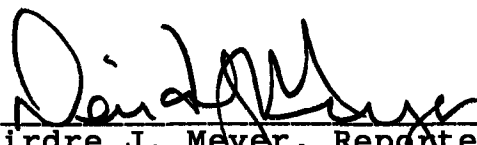
23 (At or about 12:59 p.m., the hearing was
24 concluded.)

25

C E R T I F I C A T E

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