

Testimony on Firearms Issues to Full House Judiciary Committee – July 15, 1998
by
Andrew E. Barniskis, Legislative Chairman, Bucks County Sportsmen's Coalition
P.O. Box 331, Southampton, PA 18966

Good afternoon, ladies and gentlemen. My name is Andy Barniskis, and I chair the Legislative Committee of the Bucks County Sportsmen's Coalition. I also am speaking on behalf of the Keystone Firearms Coalition, of which we are a member. KFC is a coalition of county and local sportsmen's and gun rights groups across the state, that cooperate in the exchange and analysis of issues important to state gun owners.

Earlier this year, I sent a memorandum criticizing an item of proposed firearms legislation to every member of the Bucks County delegation to the General Assembly. I also sent a copy to the prime sponsor of the legislation. I was somewhat surprised to receive a personal reply from that legislator, criticizing some of the statements I had made in my memorandum, and offering some "facts" regarding crime in Pennsylvania, including the following, which I repeat verbatim:

- o There were 382,955 reports of violent crime in Pennsylvania in 1996. 45% (172,235) reports of violent crime from the Southeast Region of Pennsylvania (Bucks, Chester, Delaware, Montgomery, and Philadelphia counties.)
- o There were 455 murders in the Southeast Region of Pennsylvania in 1996. Over two-thirds of the murders committed in Pennsylvania happened right here, in our own backyard.

Being among some other not too surprising statistics -- e.g., that 60 percent of violent crimes and 52 percent of murders are committed by young adults under the age of 25 -- these two cited statistics piqued my interest, as I had not observed anything to suggest that "my own backyard" was quite so active. So, I obtained the 1996 Crime Report by the Pennsylvania State Police, to see for myself how bad things were.

At this point, if I were speaking to a less august audience, I would ask you to repeat after me; instead, I will make a statement of *fact* and merely ask that you hold the thought, though I will be repeating it later:

Philadelphia is governed by the identical state and federal firearms laws as the rest of Pennsylvania.

The reason I state that *fact* is that there are a number of people in the administration of the City of Philadelphia, in the media, and even in the General Assembly, who attempt to lead the public to think otherwise. But the fact is that gun dealers, gun buyers, or gun owners in Philadelphia, Bucks County, Forest County, Allentown, or Harrisburg, all are subject to precisely the same gun laws.

The reason I make that point is that I discovered from the crime statistics of our own State Police that:

- o **Philadelphia** has only 12.7 percent (about one-eighth) of Pennsylvania's population.

But,

- o Nearly half of Pennsylvania's violent crime (47.2 percent) occurs in **Philadelphia**.

And,

- o Nearly two-thirds (61.9 percent) of Pennsylvania's murders occur in **Philadelphia**.

With regard to my legislator-correspondent's "fact" that "over two-thirds of the murders committed in Pennsylvania happened right here, in our own backyard," I found that statistic to be somewhat disingenuous, since according to the State Police, "*my* own backyard," that is, Bucks County, had only four murders (about .6 percent) compared to Philadelphia's 414 murders; Chester County had seven murders (about 1 percent); and Delaware and Montgomery Counties each had 15 murders, or 2.2 percent. In other words, of the 68 percent of murders cited for "Southeast Pennsylvania," about 62 percent occurred in Philadelphia, and only 6 percent occurred in the contiguous suburban counties, which have a higher total population than the city.

More importantly, the murder *rate* for Philadelphia was 27.1 per hundred thousand population, compared to 0.7 for Bucks County -- in other words, Philadelphians are 38.4 times

more likely to kill each other than Bucks Countians. It is now time to remind you of something:

Philadelphia is governed by the identical state and federal firearms laws as the rest of Pennsylvania.

An important statistic though, it that 25 percent -- one in four -- of the counties in our state had murder rates of 0.0 - yes, *zero-point-zero, no murders at all!* And, they are governed by the same laws as Philadelphia.

Regarding the statistic offered by my correspondent regarding violent crime, I discovered a similar pattern of disingenuity. Of violent crimes reported by the State Police, 47.2 percent occurred in Philadelphia. My own backyard, Bucks County, had only 1.8 percent of the state's violent crime. Philadelphia's violent crime *rate* is 1527 per 100,000 population, almost 10 times higher than in "my own back yard," and 6.1 times the rate for the rest of the state, if Philadelphia's contribution is not included. And, to remind you again,

Philadelphia is governed by the identical state and federal firearms laws as the rest of Pennsylvania.

The reason I keep citing that *fact* is that, faced with its shameful and embarrassing crime statistics, many in Philadelphia's administration, and some in this legislature, have resorted to their timeless tactic of pleading innocence of responsibility, and helplessness in the face of forces imposed upon them by others. And as usual, they are seeking a scapegoat issue to use to forestall the day when their own failures become apparent, knowing that meanwhile, their whining will keep the state's money trains arriving in Philadelphia on schedule. And, what better scapegoat could they hope for than the media-constructed bogeyman of blaming the existence of guns for our crime problems? What better tactic than to tell people that *they* have a problem, while failing to tell them *their* problem exists only in *your* city?

For example, Ed Rendell would like to sue gun manufacturers for his city's crime problems. He ignores that in other areas of our state, governed by identical gun laws, having similar demographics, suffering from similar economic problems, and having identical legal and *illegal* access to guns, the people fail to respond with a crime or murder rate anything like Philadelphia's. Any correlation table a statistician would care to generate, be it crime and poverty, crime and race, or certainly, crime and gun laws, would be wildly skewed by the

inclusion of Philadelphia with the rest of the state. If the statistics of deaths among smokers were so badly skewed, not one single lawsuit against a tobacco company would have been successful, anywhere in this nation.

If “access to guns,” *whether legal or illegal*, is a factor in crime, then there should be a cross-border effect discernible in Southeast Pennsylvania -- which is what my legislator correspondent indirectly but dishonestly attempted to argue. But no such effect exists. The crime and murder rates in the counties outside Philadelphia are a fraction of what they are inside that city’s borders. If guns -- *legal or illegal* -- are more available in the city than in the suburbs, or vice-versa, the bad guys on both sides of the city line should be able to figure out where and how to get them, and having gotten them, respond with similar behaviors. But that doesn’t happen. Philadelphia’s murder and violence rates are many multiples of those of the surrounding counties. Kids -- or should I say, “people under 25,” as my correspondent wrote? -- in Bucks County can figure out how to get to Kensington to buy drugs, and they do. If Philadelphia is a giant street-market of guns, as has been implied by the Philadelphia Inquirer, for some reason Bucks County’s kids-under-25 have either not figured out where it is, or if they have, they have failed to respond to that availability by killing each other at a 40 times higher rate, as Philadelphia residents have.

All of this leads us -- and I hope it will lead other Pennsylvanians -- to arrive at the following conclusions:

- o Pennsylvania has a crime problem. It is called Philadelphia. Subtracting Philadelphia’s crime statistics from those for the state show Pennsylvania’s crime rates as something substantially less than the crisis that some are attempting to portray by inclusion of Philadelphia statistics.
- o The concentration of crime in Philadelphia has nothing to do with gun laws or gun availability. If it did, similar concentrations would be reflected in the contiguous counties and in demographically similar populations in other counties, all of which are subject to the same state and federal regulations that apply in Philadelphia.
- o Because there is no demonstrable correlation between the availability of either legal or illegal firearms and crime rates, and because criminals can easily cross county borders to obtain contraband, it would be fruitless to apply special

firearms regulations to Philadelphia; e.g., turning enforcement of firearms crimes in Philadelphia over to federal authorities would not solve the fundamental crime problem.

- o Any legislator who supports *any* additional restrictions on firearms ownership, use, or acquisition in Pennsylvania is pandering to a Philadelphia created charade intended to divert the blame for crime from where it is deserved, and is wilfully punishing their own constituents for bad behavior which they have not shared in, either individually or collectively. By doing so, they also are punishing Philadelphia residents, by allowing their city to postpone seeking a solution to the real sources of their crime problem, whatever they may be.

It is the latter message that we hope to communicate to gun owners and other Pennsylvanians across the state. Living next to Philadelphia, we in Bucks County are all too familiar with the city's perennial cries that nothing is their fault, and that Pennsylvania would be such a beautiful place if only *we* sacrificed a bit more to solve *our* "shared" problems, which after all, are really all *our* fault in the first place. If only we would give up just a little more. . .

Crime is perhaps one of the clearest examples of a problem within our state that is *not* shared, and the State Police have compiled the statistics to prove it. We hope our legislators have the courage to place the responsibility for it where it logically belongs, and where it is deserved, rather than punishing their constituents to perpetuate the illusions and delusions of a few self-serving politicians.

| <u>County</u> | <u>Population</u> | <u>Murd.</u> | <u>M-rate</u> | <u>Violence</u> | <u>V-rate</u> |
|----------------|-------------------|--------------|---------------|-----------------|---------------|
| Philadelphia | 1529848 | 414 | 27.0615 | 23368 | 1527.4720 |
| Forest | 4819 | 1 | 20.7512 | 7 | 145.2583 |
| Potter | 17088 | 2 | 11.7041 | 22 | 128.7453 |
| Bedford | 49065 | 4 | 8.1525 | 44 | 89.6770 |
| Union | 37358 | 3 | 8.0304 | 28 | 74.9505 |
| Susquehanna | 41597 | 3 | 7.2121 | 48 | 115.3929 |
| Fulton | 14284 | 1 | 7.0008 | 24 | 168.0202 |
| Dauphin | 245960 | 15 | 6.0986 | 1206 | 490.3236 |
| Clinton | 37494 | 2 | 5.3342 | 37 | 98.6825 |
| Greene | 40235 | 2 | 4.9708 | 57 | 141.6677 |
| Allegheny* | 1322846 | 64 | 4.8381 | 4773 | 360.8130 |
| Tioga | 41961 | 2 | 4.7663 | 26 | 61.9623 |
| Wayne | 43182 | 2 | 4.6316 | 87 | 201.4728 |
| Berks | 345231 | 15 | 4.3449 | 1334 | 386.4079 |
| Franklin | 126204 | 5 | 3.9618 | 478 | 378.7519 |
| Somerset | 79157 | 3 | 3.7899 | 82 | 103.5916 |
| Monroe | 112293 | 4 | 3.5621 | 296 | 263.5961 |
| Cumberland | 204946 | 7 | 3.4155 | 335 | 163.4577 |
| Crawford | 88126 | 3 | 3.4042 | 104 | 118.0128 |
| Wyoming | 29401 | 1 | 3.4012 | 49 | 166.6610 |
| Erie | 280779 | 9 | 3.2054 | 883 | 314.4822 |
| Elk | 35229 | 1 | 2.8386 | 75 | 212.8928 |
| Pike | 35546 | 1 | 2.8133 | 72 | 202.5544 |
| Delaware | 549259 | 15 | 2.7310 | 3219 | 586.0623 |
| Fayette | 146770 | 4 | 2.7254 | 462 | 314.7782 |
| Schuylkill | 153593 | 4 | 2.6043 | 200 | 130.2143 |
| Lycoming | 121137 | 3 | 2.4765 | 276 | 227.8412 |
| Centre | 130048 | 3 | 2.3068 | 166 | 127.6452 |
| Warren | 45134 | 1 | 2.2156 | 24 | 53.1750 |
| Montgomery | 701451 | 15 | 2.1384 | 1742 | 248.3424 |
| Lawrence | 96740 | 2 | 2.0674 | 248 | 256.3572 |
| Lehigh | 298369 | 6 | 2.0109 | 1047 | 350.9078 |
| Northampton | 255426 | 5 | 1.9575 | 657 | 257.2173 |
| Chester | 397957 | 7 | 1.7590 | 917 | 230.4269 |
| Lebanon | 116604 | 2 | 1.7152 | 194 | 166.3751 |
| Mercer | 122357 | 2 | 1.6346 | 277 | 226.3867 |
| Beaver | 188595 | 3 | 1.5907 | 313 | 165.9641 |
| York | 358394 | 5 | 1.3951 | 673 | 187.7822 |
| Lancaster | 443400 | 6 | 1.3532 | 862 | 194.4069 |
| Armstrong | 74720 | 1 | 1.3383 | 50 | 66.9165 |
| Westmoreland | 377057 | 5 | 1.3261 | 692 | 183.5266 |
| Cambria | 160977 | 2 | 1.2424 | 309 | 191.9529 |
| Butler | 162154 | 2 | 1.2334 | 127 | 78.3206 |
| Adams | 83593 | 1 | 1.1963 | 140 | 167.4781 |
| Northumberland | 95886 | 1 | 1.0429 | 236 | 246.1256 |
| Lackawana | 216356 | 2 | .9244 | 154 | 71.1790 |
| Blair | 132034 | 1 | .7574 | 265 | 200.7059 |

M-rate = Murders per 100,000 population

V-rate = Violent crimes per 100,000 population

Pennsylvania counties ranked by murder rate
1996 State Police data

| <u>County</u> | <u>Population</u> | <u>Murd.</u> | <u>M-rate</u> | <u>Violence</u> | <u>V-rate</u> |
|----------------------|-------------------|--------------|---------------|-----------------|---------------|
| Bucks | 568169 | 4 | .7040 | 900 | 158.4036 |
| Luzerne | 328247 | 2 | .6093 | 408 | 124.2966 |
| Washington | 208449 | 1 | .4797 | 342 | 164.0689 |
| Bradford | 62157 | 0 | .0000 | 72 | 115.8357 |
| Cameron | 5792 | 0 | .0000 | 3 | 51.7956 |
| Carbon | 58964 | 0 | .0000 | 118 | 200.1221 |
| Clarion | 42191 | 0 | .0000 | 30 | 71.1052 |
| Clearfield | 79522 | 0 | .0000 | 140 | 176.0519 |
| Columbia | 63995 | 0 | .0000 | 58 | 90.6321 |
| Huntington | 44602 | 0 | .0000 | 60 | 134.5231 |
| Indiana | 90784 | 0 | .0000 | 322 | 354.6880 |
| Jefferson | 46690 | 0 | .0000 | 49 | 104.9475 |
| Juniata | 21485 | 0 | .0000 | 4 | 18.6176 |
| McKean | 48605 | 0 | .0000 | 84 | 172.8217 |
| Mifflin | 47088 | 0 | .0000 | 36 | 76.4526 |
| Montour | 18246 | 0 | .0000 | 34 | 186.3422 |
| Perry | 43188 | 0 | .0000 | 55 | 127.3502 |
| Snyder | 37759 | 0 | .0000 | 58 | 153.6058 |
| Sullivan | 6098 | 0 | .0000 | 11 | 180.3870 |
| Venango | 59309 | 0 | .0000 | 80 | 134.8868 |
| State (overall) | 12072000 | 669 | 5.5417 | 49549 | 410.4457 |
| State** w/o Phila | 10542152 | 255 | 2.4189 | 26181 | 248.3459 |

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Pennsylvania counties ranked by murder rate
1996 State Police data
(contINUation)

* Note that Allegheny County, containing Pennsylvania's other major urban center, Pittsburgh, ranked 11th. in murder rate.

** Philadelphia murders more than doubled Pennsylvania's apparent murder rate.

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|---------------|-------------------|--------------|---------------|-----------------|---------------|
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| Clinton | 37494 | 2 | 5.3342 | 37 | 98.6825 |
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| Mifflin | 47088 | 0 | .0000 | 36 | 76.4526 |
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Pennsylvania counties ranked by violent crime rate
1996 State Police data
(continuation)

* Note that Allegheny County, containing Pennsylvania's other major urban center, Pittsburgh, ranked 6th. in violent crime rate. Philadelphia's rate was more than four times higher.

The following was written in response to an article advocating "safe-storage" laws for guns, that appeared in the newsletter of a county gun owners' group here in Pennsylvania. It has since been reprinted in several newspapers across the country. It is offered here as additional commentary on one of several gun control proposals being considered by the General Assembly.

Safe storage laws: A first step to surrendering our gun rights

by Andy Barniskis

In the last issue, noted gun-rights authority Alan Gottlieb argued that Second Amendment advocates should support so-called "safe storage" legislation, that would mandate that gun owners store their firearms in such a way as to keep them out of the hands of children, or others who would be likely to mishandle them. Mr. Gottlieb argues that such laws can be crafted in a reasonable way that would pose no threat to anyone who secures his guns in even the most elementary, common sense way, as the vast majority of us do already. He argues further that mandatory safe storage laws are an issue for which we must bend to public perceptions to preserve our image, because child safety is so emotionally evocative that it defines the "true court of public opinion" in the battle to preserve our gun rights.

With due respect to Mr. Gottlieb's experience in the field of gun rights, I think he is wrong. I disagree with him that supporting mandatory safe storage laws is a good idea either tactically or philosophically.

I will begin my arguments by pointing to an analogous issue that happens to be current here in Pennsylvania -- mandatory seat belt laws for motorists. Under current law, seat belt use in Pennsylvania is mandatory, but motorists cannot be stopped or cited for failure to use their seat belts unless they are stopped for, and subsequently convicted of, another traffic violation. This was introduced as "reasonable" legislation some years ago, with supporters making arguments almost identical to Mr. Gottlieb's arguments for "reasonable" safe storage laws, namely, that only in the case of conviction of some greater violation would citizens be subject to search or penalty. So, what was to fear? Only in the case of someone guilty of driving in an unsafe manner, could they be punished for compounding that hazard by not wearing their seat belts.

Over the years the mandatory seat belt law has been credited with increasing seat belt use in Pennsylvania to a peak of about 71 percent in 1995. While it may be questioned how much of that increase should be credited to the law, and how much to education, the increase in seat belt use was certainly a desirable outcome -- just as an increase in the safe storage of firearms would be.

However, in 1996, officially reported seat belt use inexplicably reversed its trend, and declined to about 65 percent. As might be expected, the immediate response to even this small reversal was a call to "put some teeth" into the mandatory seat belt law. Rep. Bob Godshall [R. 53rd District] has introduced legislation that would make failure to use your seat belt a violation for which you could be stopped and cited, in the absence of any other violation.

People in other states that already have such laws report police standing in the middle of multi-lane highways or at toll booths, slowing traffic while inspecting each car for seat belt use. It has been charged that suspicion of failing to use seat belts has been used as an excuse for police to stop "suspicious" motorists without reasonable cause, and to otherwise go on "fishing trips" among the motoring public.

Therein lies the danger of "reasonable" legislation. While Mr. Gottlieb dismisses the "slippery slope" argument when applied to mandatory firearms storage laws, the progress of mandatory seat belt laws demonstrates the slippery slope principle to perfection.

What precisely was the criterion for "success" of the "reasonable" seat belt law? While unspoken, it was that seat belt use should increase continuously until, ultimately, it reached 100 percent -- and that in the future it never, ever, should decline. Even though seat belt use is now much higher than in all but one former year, that alone is not regarded as good enough -- a decline for even one year has triggered calls for more stringent legislation, since obviously the current law is a "failure."

What would be the criteria for success of a mandatory safe firearms storage law? That too is unspoken, but it would be that accidental firearms deaths among children should decline -- from this year forward and forevermore, until there were no deaths among children at all. Failing in that for even one year, we can be sure that there would be an immediate call by someone of Rep. Godshall's spirit to "put some teeth" in our formerly "reasonable" law. As in the case of police stopping traffic to inspect for seat belt use, we should expect that police would be empowered to arrest anyone violating safe storage criteria, as long as the violation was detected by any means not violating reasonable search and seizure standards -- for example, police peering in an open window or door after coming to your house for some other, unrelated reason. And, it is not unreasonable to expect that violation of safe storage criteria for a single gun would provide justification for confiscation of every gun in the house.

There also is another reason to give serious thought to what the criteria for success of a safe storage law would be. Mr. Stephen L. Christopoulos, a public health researcher at Easton Hospital, reports that Lehigh and Northampton Counties -- two suburban Pennsylvania counties with a combined population greater than three states of the U.S. -- had no accidental firearms deaths among children in the five year period between 1990 and 1995, and no accidental firearms deaths at all for two of those five years. We are led to ask, how much could legislation improve that safety record? But, when the next death did occur, be it two, five, or twenty years in the future, we can be sure it would be portrayed by some as an abject failure of the existing law, which "failed to go far enough."

This raises another question that is somewhat politically incorrect to mention, which is, exactly where are accidental firearms deaths among children the greatest problem? And, if accidental firearms deaths are not uniformly distributed through all geographic and demographic areas of society, is it appropriate to pass blanket legislation that seeks to solve a problem that doesn't exist through most of our state?

countless other media-created myths, all pose a severe and immediate threat to society? It may be an uphill battle, but it always will be better to combat a Big Lie with a Big Truth, for there never will be an end of Big Lies calling for our surrender.

I recently encountered a column by Washington columnist Samuel Francis, addressing the tactic of proposing legislation "for the sake of the children." Francis observes, ". . .the tactic of starting out with piecemeal, incremental restrictions that 'just don't go far enough' is common. . .The point of starting small with regulatory restrictions that apply to only part of the population is to legitimize the problem and its solution by state action. Once that is granted it's like being a little bit pregnant, and state power can be easily expanded to include 'solutions' that really do go 'far enough.'"

Mr. Gottlieb concluded his article, "If you don't agree with me, then point your loaded gun at your foot and pull the trigger." I would counter that anyone who does agree with him is pointing a loaded gun at our very heart -- while believing our enemies won't pull the trigger for us.

(Andy Barniskis chairs the Legislative Committee of the Bucks County Sportsmen's Coalition.)