

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 46

Limiting Sale of Firearms to One Gun a Month

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House Judiciary Committee

Main Capitol Building
Room 60, East Wing
Harrisburg, Pennsylvania

Monday, March 1, 1999 - 9:00 a.m.

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BEFORE:

Honorable Thomas Gannon, Majority Chairperson
Honorable Lita Cohen
Honorable Albert Masland
Honorable Jane Orie
Honorable Peter Daley
Honorable Harold James
Honorable Joseph Petrarca
Honorable Donald Walko
Honorable Dwight Evans
Honorable W. Curtis Thomas

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5 Majority Administrative Assistant

6 Beryl Kuhr, Esquire
7 Minority Chief Counsel

8 Michael Rish,
9 Executive Director

10 Cathy Hudson,
11 Minority Administrative Assistant
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21
22
23
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25

C O N T E N T S

1	C O N T E N T S	
2	WITNESSES	PAGE
3	Honorable Lita Indzel Cohen	4
4	Honorable Dwight Evans	11
5	City of Philadelphia	
	Honorable Ed Rendell, Mayor	20
6	John Timoney, Commissioner	50
	Lynne Abraham, District Attorney	89
7		
8	Honorable Clifford Allen, Mayor Edinboro, Pennsylvania	41
9	Joseph Mahoney Philadelphia Chamber of Commerce	115
10		
11	James Reilly, M.D. St. Luke's Hospital	126
12		
13	Concerned Citizen Leroy Jackson	139
14	Daniel J. Siegle, President Pennsylvanians Against Handgun Violence	150
15		
16	(Written testimony submitted by the following: John M. Hohenwarter, Jr., State Liaison, N.R.A. Michael Gottlieb Edward Chacker, Chancellor, Philadelphia Bar Association)	
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1 THE CHAIRPERSON: The meeting will come
2 to order. This public hearing is in connection
3 with House Bill 46 introduced by Representative
4 Cohen and House Bill 402 introduced by
5 Representative Dwight Evans.

6 Opening remarks will be made by the
7 Honorable Lita Cohen from the 148th Legislative
8 District and the Honorable Dwight Evans of the
9 203rd District.

10 Representative Cohen and Representative
11 Evans, you may begin when you are ready.

12 REPRESENTATIVE COHEN: Thank you, Mr.
13 Chairman. I appreciate the opportunity to appear
14 before you and my fellow members of the House
15 Judiciary Committee.

16 I want to start out by saying -- and I
17 bring my big foot with me to these hearings
18 because House Bill 46 is not a foot in the door to
19 total gun control as some opponents of the Bill
20 have mentioned.

21 This is a big foot. It is mine. And
22 it's an entry into complete gun control in the
23 Commonwealth.

24 As I have stated on many occasions, I
25 will go to the map to protect the rights of

1 hunters, gun collectors, and sports enthusiastic
2 because they are responsible adults, are careful
3 of their guns, are well trained and are respective
4 of guns in general.

5 However, it is a fact that a large
6 percent of the violent deaths in the city of
7 Philadelphia and all throughout this Commonwealth
8 are the result of illegal handguns.

9 The streets of our city of brotherly love
10 and other inner city areas have become dangerous
11 war zones in which innocent children and
12 bystanders end up risking their lives often
13 becoming the tragic victims of senseless
14 shootings.

15 They get caught in the crossfire while
16 trying to get to and from school, doing their
17 shopping, traveling to and from doctor's offices,
18 or workplace.

19 The violence in Philadelphia and other
20 major urban areas around the state is being fed by
21 rampant gunrunning schemes. Gunrunners legally
22 are able to make high volume purchases in
23 Pennsylvania gun shops, only to travel to the
24 inner cities and elsewhere in the state and resell
25 these firearms on the streets to young people at a

1 400 to 500 percent profit.

2 In addition, some unscrupulous purchasers
3 who purchase a license to carry a concealed
4 firearm have become what is known as strawmen for
5 gangs and criminals.

6 They avoid criminal history background
7 checks, make high volume purchases, and, if
8 caught, claim that the gun in question must have
9 been stolen or lost and somehow found its way into
10 the hands of the wrong person.

11 My legislation, an amendment to the
12 Uniform Firearms Act of 1995, would put an end to
13 all of this. Sometimes it's called One Gun A
14 Month Law, but I prefer to call it the Straw
15 Purchaser's Anti-trafficking Prevention Act.

16 It would accomplish three goals.
17 Prohibit persons from purchasing more than one
18 traditional handgun in a 30 day period, enhance
19 the penalties for persons who sell more than one
20 traditional handgun in a month in violation of the
21 law and, number three, establish a duty for
22 persons to report lost or stolen firearms.

23 We are not out to punish those lawful,
24 upstanding citizens who abide by the laws,
25 purchasing and using guns for hunting, collecting,

1 and other perfectly legal and respectable
2 activities. And I really have to emphasize that.

3 That's why this legislation includes
4 exceptions to the one per month rule for law
5 enforcement officers, licensed dealers, and for
6 persons whose firearms have been destroyed or
7 stolen.

8 Also, exceptions are made for multiple
9 sales of firearms as part of a collector series,
10 bulk purchases as part of an estate sale, and
11 purchases of two firearms as part of the dealer's
12 discount for multiple purposes.

13 Finally, any law abiding citizen can
14 purchase multiple firearms under my legislation by
15 undergoing enhanced background checks through the
16 chief law enforcement officer of the court.

17 My proposal is not meant to infringe on a
18 person's ability to possess firearms. It was
19 crafted with the rights of upstanding law abiding
20 citizens in mind.

21 The idea is not new. In fact, South
22 Carolina, a traditional gun right state, became
23 the first state to limit handgun purchases way
24 back in 1975.

25 Virginia passed a similar law in 1993,

1 and Maryland adopted the limitation in 1996.

2 In neighboring states, gunrunning is now
3 virtually non-existent. Although certainly not
4 the full answer to the horrendous problems of gun
5 toting children killing other children, as we so
6 tragically watched events unfold last year in
7 Arkansas and all over even Pennsylvania, my
8 legislation is one step in the right direction.

9 More still needs to be done. We need to
10 teach gun safety, teach a respect for guns,
11 involve parents in the lives and activities of our
12 children, eliminate the violence on T.V. and in
13 the movies, and get it through our kids' heads
14 that guns really do kill.

15 We must also make sure that we enforce
16 the laws that are on the books now. But at least
17 with my proposal, we would be taking a strong
18 stand to eliminate one more way legal guns get
19 into the wrong hands.

20 Opponents of the legislation have raised
21 a number of reasons why they will not support this
22 landmark Bill. They believe there are enough laws
23 on the books related to illegal firearms sales.

24 They say these laws already prosecute
25 straw purchasers and gunrunning, that we don't

1 need more laws.

2 I am very familiar with both federal and
3 state law relating to illegal gun sales. In fact,
4 I was among the 166 members of the House who voted
5 in favor of Act 17 on final passage, a Bill
6 strongly supported by both the N.R.A. and Handgun
7 Control, Inc.

8 My problem with existing law is that the
9 majority of laws against illegal sales of firearms
10 and strawmen purchases are after-the-fact laws,
11 that is, a person must commit a criminal offense
12 before the illegal activity can stop.

13 As the laws relate to gun trafficking,
14 the guns are usually on the streets and in the
15 hands of the wrong person by the time the
16 trafficker has finally been apprehended.

17 To me, that is like diffusing a bomb
18 after it has already gone off. This legislation
19 attacks the problem of illegal gun trafficking at
20 its roots by limiting the number of guns a
21 trafficker can obtain through a strawman by still
22 proving 11 exceptions for multiple purchases of
23 handguns by law abiding citizens.

24 The penalties prescribed in my
25 legislation for multiple purchases in violation of

1 the statue would be the same for other violations
2 of Title 18, a felony of the third degree.

3 Opponents suggest that one gun a month
4 laws simply don't work, that there is no evidence
5 that this type of law has been successful in
6 reducing criminal activity.

7 That simply is not true. South
8 Carolina's laws, I referred to before, has been
9 very successful. For 23 years, South Carolina law
10 has kept gun traffickers and their strawmen
11 operations shut down in that state.

12 Opponents contend that this legislation
13 would cause a person to lose firearm rights
14 forever just because he fails to report a lost or
15 stolen firearm.

16 Some gun owners have so many guns, they
17 can't possibly keep track of every last one. This
18 Bill, they say, makes criminals out of law abiding
19 collectors. That simply is not true.

20 And, lastly, opponents say that this is a
21 Philadelphia problem. It isn't. It simply is not
22 a Philadelphia problem. These straw purchasers
23 purchase these guns and they gun run throughout
24 the Commonwealth into our cities, into our towns,
25 into our rural communities.

1 I have worked closely with Mayor Rendell
2 who will testify today and the U.S. Attorney's
3 Office in this legislation. We have worked for
4 more than two years.

5 Please understand that this legislation
6 -- and I must again reiterate -- this legislation
7 was crafted to avoid unreasonable burdens on law
8 abiding sportsmen and gun owners.

9 The Pennsylvania Firearm Traffickers
10 Prevention Act only effects handguns, provides
11 numerous exceptions for multiple purchases and
12 will ultimately save lives.

13 Thank you again for your courtesy in
14 providing a public hearing and allowing us to
15 present our views. Thank you, Mr. Chairman.

16 THE CHAIRPERSON: Thank you,
17 Representative Cohen. Representative Evans.

18 REPRESENTATIVE EVANS: I would like to
19 say good morning to you, Mr. Chairman and members
20 of the committee and also my colleague
21 Representative Cohen as we sit here this morning.

22 Chairman and members of the committee, I
23 would like to indicate that this is not a
24 Democratic or Republican problem. This is a
25 problem of the people of the Commonwealth of

1 Pennsylvania.

2 Representative Cohen and I, with others
3 today, join together to try to address what is
4 probably the number one problem, not just in this
5 state, but in the country.

6 And in my view, Mr. Chairman and members
7 of the committee, the reason I stress the
8 importance that this is not an issue of Democratic
9 or Republican is because I think too often too
10 many times in this particular process we have a
11 way of pinning each other to try to come up with a
12 solution that could benefit all of our
13 constituents.

14 I would like to indicate to you, Mr.
15 Chairman, that what Representative Cohen has
16 indicated that the only difference in my
17 particular legislation is in the area of
18 attempting to have Philadelphia have its authority
19 to regulate firearms.

20 For example, in the city of Los Angeles,
21 they just passed a One Gun A Month Bill in the
22 city of Los Angeles. I indicate that to you, Mr.
23 Chairman, because in my view, the city of
24 Philadelphia needs to have a different type of
25 situation available to itself first.

1 Secondly, Mr. Chairman, as you know, the
2 Mayor of the City of Philadelphia has been in the
3 forefront of raising the issue around lawsuits in
4 terms of gun manufacturers.

5 As a result of that, Mr. Chairman, cities
6 like Chicago, Miami, New Orleans, and other
7 locations have now moved in that particular area.
8 I indicate to you, Mr. Chairman, that I have also
9 called on the Attorney General to join the Mayor,
10 as he did in the tobacco industry, to also explore
11 the idea of the lawsuit.

12 I do not believe that this is an issue
13 that the Mayor, who happens to be a Democrat from
14 the City of Philadelphia, should be dealing with
15 by himself; obviously, this is an issue that the
16 Attorney General of the Commonwealth of
17 Pennsylvania should also be a part of.

18 Mr. Chairman, just this week there was
19 the report that came out from the federal
20 department that indicated and talked about all of
21 these weapons on the street.

22 You heard my colleague, Representative
23 Cohen, talk about the statistics and the
24 percentage of crime in guns in Pennsylvania was
25 51.7 percent. And in Virginia it is 6.6. South

1 Carolina is 2.8 with the use of guns.

2 So, as Representative Cohen has indicated
3 in the case of Virginia and South Carolina, you
4 can see there's a direct effect. I passed out to
5 each one of the members on the committee this
6 particular report, and this relates to the issue
7 that she has just expressed.

8 In addition to that, this is a public
9 health problem. When you begin to look at the
10 costs, Mr. Chairman, it is costing our medical
11 facilities across the Commonwealth of Pennsylvania
12 between 25 to \$32,000 per individual who has some
13 type of gunshot wound.

14 It is clear to me, we all, as taxpayers,
15 are paying for this. We need to understand that
16 somebody has to pay that bill. And we are all
17 paying for that.

18 In addition to that, of the 300 something
19 homicides in the case of Philadelphia in 1998, 80
20 percent of them were used with a gun.

21 It's clear from all public opinion polls
22 that basically people want some type of common
23 sense approach dealing with the question of guns.

24 No one wants to take away the right of
25 someone who rightfully has the opportunity to use

1 a gun. But I am finding -- and I can speak to
2 specifically in my district, Mr. Chairman -- is
3 that we have individuals who now come up because
4 the laws in the case of gun permits are too
5 liberal, and individuals -- and I hope when the
6 police commissioner comes up, he will speak to the
7 aspect about the whole aspect of gun permits and
8 individuals who are running around and whips out a
9 gun permit and shows to the police officer that
10 it's all right for me to pack this particular gun.

11 In addition, there was a survey in the
12 New England Journal of Medicine that the majority
13 of respondents wanted to prevent criminals from
14 obtaining guns.

15 Seventy percent of those polled and
16 fifty-two percent of gun owners wanted the
17 government to do something about getting the
18 handguns out of the hands of criminal.

19 When we specifically asked, 81 percent of
20 all respondents and 53 percent of gun owners
21 supported means to reduce illegal sale of guns.

22 According to the recent A.F.T. report on
23 gun crimes in our cities, as I indicated to you,
24 51 percent of the crimes in Philadelphia were
25 traced to Pennsylvania gun dealers.

1 In my view, by limiting handgun
2 purchasers to one gun a month, we will put gun
3 trafficking out of gun business in Pennsylvania.

4 I have also indicated to you, that if you
5 begin to look at it, that this is a public health
6 problem. We are paying more and more for this
7 particular public health problem.

8 We need to have a common sense approach
9 to resolving it. This, again, as I indicated to
10 you, is not a Democrat or Republican, Liberal,
11 Moderate or Conservative. This is about how do we
12 address this problem.

13 So I am going to compliment
14 Representative Cohen who, in my view, has taken a
15 strong leadership position coming from a suburban
16 district and standing in the forefront, joining
17 with the Mayor of the City of Philadelphia, the
18 District Attorney, as well as the police
19 commission, that this is a collective effort that
20 we all stand here.

21 I want to thank you, Mr. Chairman and
22 members of this committee for allowing us to have
23 this opportunity to speak before you. Thank you,
24 Mr. Chairman.

25 THE CHAIRPERSON: Thank you,

1 Representative Evans. Are there any questions of
2 the committee? Seeing none. Representative
3 Evans, you can join the committee if you wish.

4 Representative Cohen, since you are a
5 member of the committee, you have got to get up
6 here.

7 THE CHAIRPERSON: Before I call our next
8 witness, Representative James has asked to make a
9 brief statement. Representative James.

10 REPRESENTATIVE JAMES: Thank, Mr.
11 Chairman. Mr. Chairman, I first want to say that
12 I support the legislation that we have this
13 hearing on today.

14 I wanted to say major U.S. cities,
15 including Philadelphia, are searching for ways to
16 stop gun crimes and curb urban violence.

17 The proliferation of handguns and assault
18 weapons on our city streets has reached an
19 alarming rate, and the spread of these weapons is
20 usually a direct result of aggressive marketing
21 and manufacturing by those who actually make the
22 guns.

23 Holding the gun industry financially
24 accountable for the heavy social burden and
25 financial costs of illegal shootings is one way to

1 begin curbing the violence.

2 So I encourage Philadelphia Mayor Ed
3 Rendell and the Philadelphia NAACP that they
4 should file a lawsuit against gun manufacturers to
5 recover the costs of gun-related violence.

6 Filing a lawsuit is not an attack on an
7 individual's right to bear arms. It is a way to
8 encourage the gun industry to be more responsible
9 in its marketing and more accountable for its
10 distribution.

11 In 1996, the most recent year for which
12 federal government statistics were available, guns
13 were used in 13,263 homicides and 18,232 suicides.

14 Judges in Philadelphia handle about 7,000
15 criminal cases involving guns every year, from
16 illegal possession to homicides.

17 According to the Philadelphia police, of
18 the 340 homicides in the city in 1998, 273 were
19 with shooting deaths. That means 8 of every 10
20 homicides victims were shot -- the highest rate of
21 any major U.S. city in the country.

22 Whether Philadelphia joins a multi-city
23 lawsuit or takes on the court challenge alone, the
24 city must work to be reimbursed by the gun
25 industry for law enforcement and medical costs

1 resulting from illegal shootings.

2 Officials estimate gun violence costs
3 Philadelphia nearly 59 million per year. That is
4 a considerable amount of money taken from the
5 pockets of taxpayers.

6 Many big city mayors seem to be backing
7 off with filing a joint lawsuit against gun
8 manufacturers. But I am hopeful that the NAACP
9 and our Mayor will encourage and consider filing
10 that lawsuit and hope that the city of
11 Philadelphia continues to push for justice and set
12 an example for other cities devastated by violent
13 gun crimes.

14 In urban areas like Philadelphia, poverty
15 and depression grip our communities, most of which
16 are populated by African-Americans and other
17 minorities.

18 This is not simply a sad case where a
19 single individual somewhere is shot to death.
20 This is a situation that affects families and
21 entire communities, and when the problem becomes
22 as pervasive as it has in Philadelphia, then the
23 entire city begins to suffer from the violence.

24 Thank you, Mr. Chairman.

25 THE CHAIRPERSON: Thank you,

1 Representative James. Our next witnesses are the
2 Honorable Ed Rendell, Mayor of Philadelphia;
3 Commissioner John Timoney of the Police Department
4 of the City of Philadelphia; and the Honorable
5 Clifford Allen, Mayor of Edinboro, Pennsylvania.

6 Welcome, Mayor Rendell, Commissioner
7 Timoney, and Mayor Allen. You may proceed when
8 you are ready.

9 HONORABLE MAYOR RENDELL: Good morning,
10 Mr. Chairman and members of the committee. Let me
11 begin by thanking Representative Cohen and
12 Representative Evans for their bipartisan approach
13 to this problem for introducing the two sets of
14 legislation and for both making very strong and
15 forceful statements here this morning.

16 They covered and Representative James in
17 his statement covered a number of statistics that
18 I was going to quote. So I can eliminate some of
19 them. And they are all in my written testimony,
20 which is being passed out.

21 Let me say in response to what
22 Representative James has said in his statement,
23 that we in Philadelphia recognize that the
24 solution to gun violence is a many faceted answer.

25 No one piece of legislation, no one law

1 enforcement effort, no one lawsuit in and of
2 itself will take care of the problem of gun
3 violence.

4 We have to do many, many different
5 things. And you know the city of Philadelphia, as
6 Representative James and Representative Evans
7 said, has been in the forefront of contemplating
8 legal action or action where the gun manufacturers
9 enter into a voluntary agreement with Mayors
10 across this country to agree to do things to limit
11 the unwarranted distribution of guns that wind up
12 so often on the streets of Philadelphia, in the
13 hands of juveniles and criminals who have no legal
14 right to possess them.

15 We are also, as you know, strong
16 advocates of the program we are calling in
17 Philadelphia Operation Cease Fire where the N.R.A.
18 and the city of Philadelphia join to persuade the
19 Congress and the President to allow us to try to
20 replicate -- the first big city to try to
21 replicate what went on in Richland, which was
22 called Project Exile.

23 Someone who uses a gun during a drug
24 transaction, someone who is a prior felon, has a
25 record and has a gun and is caught with that gun

1 in a car stop or on the streets, those people are
2 prosecutable under state law and federal law.

3 As you will hear from our great District
4 Attorney a little bit later, in the state courts
5 of Philadelphia, they do not get the type of
6 sentences they deserve.

7 Many don't get convicted. And when they
8 get sentenced, they get three to four month prison
9 sentences, which usually is time in.

10 As a result of that frustration, the
11 city, the United States Attorney, the police, the
12 district attorney all have collaborated again with
13 the N.R.A.'s help.

14 We went down to Washington and got over a
15 million dollars of additional funding for the
16 United States Attorney's Office. We have
17 collaborated to put together a program that
18 transfers hundreds of those cases a year from the
19 state court where they average, if convicted, 3
20 month sentences to the federal court where under
21 federal sentencing guidelines, they will get a
22 minimum of 59 months in jail, 5 years in prison.

23 The City of Philadelphia is also raising
24 significant money to have a public relations
25 campaign modeled on the Richland model so that we

1 can let people know if they carry a gun illegally
2 and they get caught, we are going to make a
3 federal case out of it.

4 We are going to send you to federal court
5 where you stand an excellent chance of getting a
6 five year prison sentence. So in Philadelphia, we
7 have tried to attack this problem from many
8 different facets.

9 We are not just coming in and saying gun
10 control, gun control, gun control. We understand
11 and appreciate the role of effective law
12 enforcement.

13 Commissioner Timoney will tell you about
14 some of the terrific efforts that our police
15 department has undertaken with the A.T.F. that
16 have borne tremendous fruit already and that with
17 Operation Cease Fire, hold the hope of really
18 making significant progress.

19 But understand -- and Representative
20 Cohen made this point beautifully in her testimony
21 -- understand, efforts to curb gun violence that
22 are directed solely after the crime is committed,
23 are not enough.

24 They are insufficient, inadequate to save
25 lives, to help us take back the streets, not just

1 in Philadelphia, everywhere else. Representative
2 Evans and Representative Cohen quoted you some
3 startling statistics.

4 They are startling statistics. Homicides
5 by firearm in Philadelphia rose in the decade
6 between 1988 to 1997 by 103 percent.

7 For the years '96 and '97, they were --
8 over 480 percent of homicides were committed by
9 the use of firearms.

10 Last year, thanks in great part to our
11 new police commissioner, the homicide rate dropped
12 to 340. But still 81 percent of those were
13 committed at the point of a firearm.

14 It's not just homicides though. In
15 Philadelphia, we had in 1997, nearly 12,000
16 aggravated robberies, 53 percent -- more than half
17 -- were committed at the point of a gun.

18 In Philadelphia, for the same year, we
19 had 6100 aggravated assaults, 37 percent of them
20 were committed at the point of a gun.

21 What happens in a city where there's this
22 much gun violence is debilitating and often saps
23 the moral of neighborhoods. It creates an
24 atmosphere often dramatized by T.V. that creates a
25 perception that traps people in their houses.

1 Just consider in one bloody week in 1998
2 in Philadelphia, 14 people were shot to death.
3 Eight of these individuals were under the age of
4 24.

5 Earlier in 1998, our newspaper headlines
6 reported that shooting deaths of 8 people in
7 Philadelphia, 5 in one weekend alone.

8 In fact, when there is an absence of
9 homicide, it is noticeable. There was a 12 day
10 period from April 24 to May 5th, last year where
11 no homicides were committed in the city of
12 Philadelphia.

13 That was reported in the newspapers as
14 the longest stretch, killing-free stretch in the
15 city of Philadelphia in over a decade.

16 If you want to see something that is sad
17 and tragic and should make every one on this panel
18 pause, we have a calendar for 1997 that we call
19 Days of Death.

20 This is a calendar that shows
21 Philadelphians being killed. Over 8 out of 10 of
22 them by firearms. Almost every day of the year.

23 You can understand and well appreciate,
24 regardless of where you come from, whether it's
25 Philadelphia or Edinboro or Erie or Easton, it

1 doesn't matter. You can understand how
2 debilitating that is.

3 Now, I think Representative Cohen and
4 Representative Evans both said that this is not
5 just a Philadelphia problem. And it isn't. It
6 isn't.

7 I told you that in the years between 1988
8 and 1997, homicides by firearms were increased by
9 103 percent in Philadelphia. For the state of
10 Pennsylvania, that increase was 61 percent.

11 And we are currently handing out to you 3
12 charts just for the years '96 and '97 to show you
13 the increase in first homicides by firearms in
14 your legislative district. This is broken down by
15 legislative districts.

16 If it's dark blue or blue, you have had a
17 significant increase in the rate of homicides by
18 firearms. Gray is neutral, stays the same -- no
19 change -- I'm sorry -- is slashed. Gray is a
20 slight decline. This is for homicides.

21 This is for assaults by firearms in your
22 district, in your legislative district. You see
23 the majority of districts have experienced an
24 increase.

25 And robbery by firearm is the biggest

1 increase, not just in Philadelphia. Look at this
2 map. It is occurring all over the state of
3 Pennsylvania.

4 Firearms violence is going up. Not just
5 in Philadelphia, but all over the state of
6 Pennsylvania.

7 We believe that there are many ways, as I
8 said, to address this problem. And we have taken
9 those steps. In 1977, I was the newly-elected
10 district attorney of the county of Philadelphia.

11 I wrote and helped to get pass the death
12 penalty statute that is on the books today and has
13 withstood change. Unfortunately, that statute, in
14 my judgement, is not used nearly as appropriately
15 as it should be.

16 In 1982, in my second term as district
17 attorney, I wrote and helped get passed the five
18 year mandatory minimum sentence law for people who
19 use guns to commit violent crimes.

20 And at that time, I said the answer to
21 gun violence is -- as many of you have said -- to
22 get the criminals who are using guns and sentence
23 them to guaranteed prison sentences.

24 We have the same public information
25 campaign. I don't know if any of remember Jack

1 Palance who did the ads for us. Use a gun, get
2 five years in prison. Use a gun to commit a
3 crime, you will get five years in prison.

4 It didn't work to slow the level of gun
5 violence. And let me tell you the most shocking
6 Pennsylvania statistic of all. The most shocking
7 statistic is that all over this state,
8 Philadelphia included, we have gotten tougher on
9 violent crime.

10 The district attorney will tell you not
11 tough enough, and I agree. But we have gotten
12 tougher on violent crime. Since 1993, from the
13 years '93 to 1996, the state prison population of
14 Pennsylvania increased by 30 percent - from 26,000
15 inmates to 34,500 inmates.

16 So we are putting more violent criminals
17 away for longer periods of time, and we are not
18 stopping the gun violence. You have to understand
19 that.

20 We are doing a better job at law
21 enforcement. We are doing a better job in our
22 courts. We are building more prisons. We are
23 sentencing more people to prison for longer
24 periods of time. And we are not slowing down the
25 rate of gun violence in Philadelphia or in almost

1 any other jurisdiction in the state.

2 This legislature -- and Representative
3 Cohen referred to it in her testimony -- this
4 legislature tried to help us in 1995 when you
5 sought to make it a felony to knowingly and
6 intentionally sell or deliver a gun if a person
7 had the reasonable belief that the gun is intended
8 to be used in the commission of a crime.

9 That was an effort to get at straw
10 purchasing. The same thing that One Gun A Month
11 is designed for. Our own State Senator Vincent
12 Fumo always points to this legislation and says,
13 look, we have given you the tools to do it. We
14 have given the police the tools to do it. We have
15 given the D.A., we have give A.T.F. the tools to
16 do it.

17 It doesn't work. And Commissioner
18 Timoney can explain to you in more detail why it
19 doesn't work. But it doesn't work because it is
20 impossible to catch somebody -- not impossible --
21 A.T.F. does a better job.

22 But we catch very few people in the
23 actual act of selling guns on the street. We have
24 increased the number of A.T.F. agents. Operation
25 Cease Fire will increase them even more again.

1 But we don't catch nearly enough. And
2 when a gun is used -- and we trace now all guns in
3 the Philadelphia Police Department, all guns used
4 in crime.

5 We try to trace them. When a gun is used
6 in a crime, even if we can trace it back to the
7 original purchaser, John Jones citizen who has the
8 right to go into a gun store and purchase it, that
9 gun was used by Billy Smith on the streets of
10 Philadelphia to commit a felony murder.

11 We trace it back and John Jones says, oh,
12 gee, I lost that gun or it was stolen from me.
13 Did you make a report? No, I didn't. Reason for
14 Representative Cohen's legislation.

15 We can't prove that he is not telling the
16 truth. And even if we tried to turn the murderer
17 to testify against the person who sold him the gun
18 -- and the D.A. will tell you, we are not about to
19 make deals with murderers to testify against
20 someone who sold them the gun -- even if we turn
21 them, often they have no recollection. It was
22 dark. The person who sells the gun wears a hat
23 and sunglasses, all sorts of disguises. It was
24 sold at night out of the back of trunks of cars in
25 very dark streets.

1 It is impossible to get a conviction
2 under that statute. And you gave us a good faith
3 weapon. You intended to give us the weapon you
4 thought was necessary to do the job.

5 It has not done the job. A.T.F. is doing
6 better. They are doing, I think, to the best of
7 their ability. But it has not done the job. The
8 only way we are going to stop, make a real dent in
9 straw purchasing in Pennsylvania, is for One Gun A
10 Month.

11 No question about it. Operation Cease
12 Fire will help, but we have to stop the flow of
13 these guns onto the street before the crime is
14 committed.

15 Now, I would like to just take a moment
16 to give you some outlook at what straw purchasing
17 does in a city like Philadelphia. And
18 Representative Cohen, by the way, made a very good
19 point.

20 Many of the guns that are sold in straw
21 purchases in Philadelphia are used in other
22 counties, including Montgomery County. Many of
23 the guns that are sold in straw purchases in
24 Pennsylvania are exported.

25 One of the great ironies of it is

1 Virginia and Maryland used to be known as states
2 which exported guns to the northeast -
3 Pennsylvania, New Jersey, New York.

4 Now since they have enacted One Gun A
5 Month, Pennsylvania is exporting guns to Virginia
6 and Maryland. An incredible turn of events.

7 Let's take a look at what One Gun A Month
8 or Straw Purchasers Enforcement Act would do in
9 Philadelphia. Representative Evans has made
10 mention of the new A.T.F. study.

11 It is an interesting study. I recommend
12 it to all of you. The A.T.F. study makes it clear
13 that juveniles who commit a very high percentage
14 of our violent crimes -- juveniles and youth up to
15 the age of 24 -- that they are getting their guns,
16 not from stolen guns. But they are getting their
17 guns in recently purchased firearms, recently
18 purchased firearms from straw purchasers.

19 Somewhere between a quarter and 36
20 percent of the crime guns used by juveniles in
21 Philadelphia, according to A.T.F., came from straw
22 purchase sales.

23 You know, when I was a D.A. and I
24 sponsored the legislation in '82 for mandatory
25 sentences for those who use a gun in a robbery or

1 assault, in a murder, they asked me about sort of
2 things like gun control, and I said, it doesn't
3 matter. Even if we stop manufacturing guns right
4 now, there's so many guns out there that you
5 wouldn't notice a difference for 25 years.

6 Well, I was wrong. Statistics show that
7 it's recently purchased guns that are used in the
8 majority of crimes in Philadelphia and elsewhere,
9 recently purchased guns that can be tracked.

10 In Philadelphia in the year '96, there
11 were 38,000 plus guns sold in our region, in the 5
12 county region; 9 percent of the purchasers bought
13 30 percent of those guns.

14 In the 5 county region, we had 25,000
15 purchasers in 1996. And the One Gun A Month
16 legislation -- and this is an important statistic
17 -- would have effected 103 of them, 103 of them.

18 But those 103 averaged 22 guns a year.
19 And let's not kid each other about the right for
20 law abiding citizens to possess guns.

21 This in no way limits that. If you are
22 single, you can buy 12 guns a year. If you are
23 married, you can buy 24 guns a year. If you have
24 an adult child living in the house with you, you
25 can buy 36 guns a year.

1 Representative Schumer, who is now
2 Senator Schumer from New York, entitled his
3 federal legislation in the House, 12 Guns Is
4 Enough. 12 guns is enough for any law abiding
5 citizen. There is no question about that.

6 Point 4 percent of all the purchasers of
7 guns in Philadelphia, that is all we are
8 effecting, point 4 percent of the purchasers.

9 The Philadelphia firearms trafficking
10 task force, a police A.T.F. task force, completed
11 38 criminal investigations in the last 2 years,
12 charged 63 defendants with federal and state
13 firearms violations.

14 These 63 defendants involved the use of
15 650 guns -- 650 guns. About 200 of which were
16 recovered. But 450 -- even in cases where the
17 A.T.F. was successful -- 450 of those guns are
18 still at large in the streets of Philadelphia or
19 maybe Montgomery County or Bucks County or
20 Delaware County, Mr. Chairman, committing crimes.

21 And when we talk about tracing,
22 understand that 14 percent of the guns that the
23 task force recovers, the serial numbers are
24 obliterated, which makes tracing impossible.

25 Serial numbers are obliterated almost

1 always by straw purchasers. So truth be known,
2 right now we can trace 20 percent of the crime
3 guns in Philadelphia to multiple purchases.

4 But if you got those serial numbers back
5 where they are obliterated, probably as much as a
6 third of the crime guns in Philadelphia could be
7 traced to straw purchasers.

8 And the problem is that this is getting
9 worse rather than getting better. In the 43 month
10 period between January '94 and July 1997, 608
11 handguns were purchased as part of multi
12 transactions and later traced to crime related
13 straw purchasing schemes.

14 But in the last 19 months, that number
15 has doubled. In half the time, it has doubled to
16 1,217 crime guns traced to multiple purchases in
17 the Philadelphia area.

18 Now, you have heard about Virginia and
19 South Carolina and Maryland. And the results are
20 startling. They haven't eliminated gun
21 trafficking totally.

22 I think Representative Cohen, in probably
23 an abundance of passion for this issue, said they
24 have eliminated gun trafficking. They haven't.
25 But they have reduced it substantially.

1 It's made a difference. It is
2 statistically provable that straw purchaser
3 legislation has an effect.

4 I want to just give you an example of
5 what some of the people are saying. And we have a
6 complete analysis of the One Gun A Month laws in
7 Virginia and Maryland, which we are passing out to
8 you.

9 But I want to tell you what a few people
10 have said about One Gun A Month legislation. The
11 New York Times asked opponents -- and I quote,
12 They have the burden to explain to crime fearing
13 Americans why a 12 gun per year limit would impose
14 any offensive burden on law abiding users who may
15 want to use a weapon for target shooting, hunting,
16 or personal protection.

17 The Pittsburg Post Gazette said last
18 week, and I quote, As with most sensible gun
19 limits, there would be next to no impact on law
20 abiding gun owners. Sportsmen and hunters can
21 purchase the same weapons they always have, and in
22 fact, the law would still let them purchase more
23 than they desire. The cap of one gun a month
24 would be felt only by gunrunners who buy much, who
25 buy often. And after their legal transactions,

1 engage in illegal trade that cost American lives.

2 And Mary Lee Bleak, a mother of a
3 21-year-old who was shot to death in Los Angeles
4 said to opponents of One Gun A Month legislation
5 and I quote, I challenge any of them to dare to
6 complain that this might inconvenience any
7 legitimate gun owners. Just ask any parent who
8 has forever lost a child to gun violence how
9 inconvenient it is to bury a dead child.

10 And those voices speak loudly and clearly
11 to all of us.

12 Lastly, I want to introduce something
13 today which Representative Evans made reference
14 to. We commissioned, the city of Philadelphia and
15 handgun control, we jointly paid for a poll.

16 We commissioned a poll, but we wanted to
17 make sure that the source of the poll was not
18 suspect. So we hired American Viewpoint. And I
19 am sending up to the Chairman a description of
20 American Viewpoint's background.

21 They have done polling for George Bush,
22 Bob Dole, Senator Phil Graham, House Speaker Newt
23 Gingrich, Senator Fred Thompson. They have
24 represented -- they have done polling for
25 companies like Dow Corning, International Paper,

1 Mount Santo, the Sun Company, and the Business
2 Round Table.

3 This is not a left-wing liberal polling
4 organization. This is the heart of the Republican
5 party giving you this poll. What did the poll
6 show in Pennsylvania about how Pennsylvanians feel
7 about One Gun A Month?

8 The initial question was, Would you favor
9 or oppose legislation to reduce handgun
10 trafficking by limiting handgun purchases to one
11 gun a month?

12 Again, I hope these are being distributed
13 to you. But it shows that overall, statewide, 71
14 percent favor, 57 of the 71 strongly favor such
15 legislation, 24 percent oppose.

16 In suburban and rural counties because we
17 were worried that you would all construe this as
18 an urban issue, we did what is called -- and as
19 elected officials, you all know what I am talking
20 about -- we did over-sampling in suburban and
21 rural areas.

22 If you look at the green, if you look at
23 the purple, you will see informed rural suburban
24 and initial rural suburban, just look at the blue.
25 Initial rural suburban is the same 71 percent in

1 favor and actually only 25 percent oppose.

2 We asked subsequently a series of
3 questions. And when it was explained that the
4 legislation seeks to limit straw purchases
5 regularly used scheme whereby a person buys
6 multiple guns for someone who has not been allowed
7 to purchase a handgun such as a prohibited felon
8 or an underage purchaser, the number in favor
9 jumped to 80 percent - 61 percent strongly in
10 favor, 13 percent against. In rural and suburban
11 areas it was 79 to 15 with 57 percent strongly in
12 favor.

13 And, lastly, and I know that no one here
14 takes this into consideration. I know people try
15 to vote what they believe is the right thing for
16 people of Pennsylvania.

17 But opponents have always said that
18 voting for this legislation would be the death now
19 for any legislature. The question was asked,
20 would you be more likely or less likely to vote to
21 re-elect your state legislator if he or she
22 supported this legislation to reduce handgun
23 trafficking by limiting handgun purchases to one a
24 month?

25 71 to 16 said they would be more likely

1 to vote for their legislator. And in rural and
2 suburban areas, it was 71 to 17. So, it seemed to
3 me that the people of Pennsylvania have spoken
4 loudly and clearly.

5 In Virginia, 71 percent of Virginians
6 favored One Gun A Month legislation when it was
7 first proposed. In the end of the debate, when
8 the Virginia legislature stunned many people by
9 voting for One Gun A Month, 88 percent of
10 Virginians favored it on that day.

11 By the way, of the American Viewpoint
12 poll, 50 percent of those polled either owned a
13 gun or had someone in their family who owned a
14 gun.

15 So the legislation, I think is
16 reasonable. It does not effect law abiding
17 people. It does not effect gun owners. As the
18 Times, as the Pittsburg Post Gazette, as the
19 Philadelphia Inquirer, as Mrs. Bleak has said, how
20 can you explain to the victims of crime why we are
21 not for this? 12 guns is enough.

22 A Florida gun manufacturer said, he was
23 quoted as saying in this long running debate in
24 America about this, he said, I know that guns that
25 go out of our shop will be used to kill people and

1 main people, but it's not my responsibility.

2 Well, ladies and gentlemen, I couldn't
3 disagree more with that gun manufacturer. It's
4 his responsibility, and it's all of our
5 responsibility.

6 It's my responsibility as Mayor. It's
7 your responsibility as state legislators. This is
8 a fair, reasonable Bill that has no impact on law
9 abiding citizens that want to use guns for
10 hunting, for target shooting, or for their own
11 protection.

12 We ought to pass it. We ought to join
13 Virginia, South Carolina, and Maryland. We ought
14 to be proud that we passed it. We are a gun
15 state, but we are an anti-crime state.

16 Thank you.

17 THE CHAIRPERSON: Thank you, Mayor
18 Rendell. Mayor Allen, good morning.

19 HONORABLE MAYOR ALLEN: Good morning and
20 thank you for this opportunity. The route
21 traveled from my home in northwestern Pennsylvania
22 to the State Capital is starting to become a
23 familiar one to me.

24 The scope of commitment to serve is not
25 limited to the small community in which I reside.

1 I serve on several boards and meet in Harrisburg
2 regularly.

3 And the 300 mile ride gives me an
4 opportunity to the see a great deal of the
5 countryside of this great Commonwealth.

6 And when traveling the highways in
7 Pennsylvania, I like to think of it sometimes as
8 my backyard. Well, maybe we should all think of
9 it as our backyard.

10 This past year at home in my real
11 backyard, our community was in the news. We were
12 the focus of a tragedy that was reported around
13 the world when teacher John Gillette was fatally
14 wounded as he chaperoned a school dance.

15 My name is Clifford Allen, and I am the
16 Mayor of the Borough of Edinboro. We are a small
17 community located in Erie County, all the way on
18 the other end of the state.

19 I am not here to talk to you about my
20 friend John Gillette, nor the young student
21 accused of the shooting. But the shooting has,
22 however, brought handgun violence a little closer
23 to home.

24 As I watch the Mayor of Jonesboro,
25 Arkansas only 30 days earlier address the nation

1 and the world, I never thought I would have to do
2 the same thing.

3 It would never happen in my backyard.
4 But yet on April 24th of this past year, I found
5 the duties of my non-paying office to be expanded.
6 I became the spokesperson for my community and
7 tried to portray an image to the world that we
8 were not the kind of place where this normally
9 happens.

10 That's the reason it was news. It was
11 news because it was not supposed to happen in a
12 small community like Pennsylvania.

13 Governor Tom Ridge has given us the
14 slogan, Memories Last a Lifetime. Well, I for one
15 do not want those memories to be that Pennsylvania
16 is the place where handguns can be purchased and
17 then re-sold or traded for illegal purposes.
18 You see, it should not happen here.

19 Speaking about gun legislation is a
20 little difficult for me because personally I own
21 guns, and I use them. But as a municipal
22 official, I see the merit of this issue.

23 I understand the defense put forth by the
24 gun lobbyist; and in most cases, I agree with
25 them. If you were trying to take my guns away

1 from me or the right for me to purchase and use
2 those guns legally, I would be speaking against
3 the issue.

4 I view myself, friends, and family
5 members as being responsible, law abiding citizens
6 who use our guns for hunting and recreational
7 purposes.

8 It is the person who uses handguns for
9 illegal purposes that gives the rest of the gun
10 owners a negative image.

11 As we witness in the news, there is an
12 epidemic of firearm-related violence in America
13 today. This is certainly true in Pennsylvania as
14 evident by the fact that in the 10 year period
15 from 1985 to 1995, deaths by firearms increased by
16 some 66 percent.

17 In fact, if you were to compare the
18 violent crimes committed nationally with those
19 committed in Pennsylvania, you would see firearms
20 are the cause of higher proportion of violent
21 crimes in Pennsylvania than in the nation.

22 In 1995, nationally firearms were used in
23 68 percent of all murders, 42 percent of all
24 robberies, and 23 percent of all aggravated
25 assaults.

1 The overwhelming firearm of choice today
2 is the handgun. The firearm murders committed
3 nationally in 1995, handguns were used in 80
4 percent of those murders.

5 In Pennsylvania, handguns were used in 89
6 percent of the firearm murders. But a little
7 closer to home in 1997, Erie County had 7
8 homicides with a firearm.

9 Much different than the larger
10 metropolitan area, but we had a 75 percent
11 increase from the previous year 1996. We had 103
12 robberies with a firearm, representing a 21.2
13 percent increase.

14 At the same time, there were 80 assaults
15 with a firearm. That was a 23.1 percent increase
16 from the preceding year. Our figures may not be
17 as high as those in larger metropolitan areas.
18 But by percentage, you can see we have a reason to
19 be concerned.

20 As we know, Pennsylvania law places no
21 restrictions and limitations on the number of
22 handguns an individual may purchase. The absence
23 of any legislation has allowed a black market of
24 illegal handguns to flourish in Pennsylvania.

25 Across the state -- and we know the terms

1 straw purchasers, those individuals who go to
2 legally operated stores and purchase handguns for
3 illegal re-sale.

4 Well, they are making large purchases of
5 handguns for handgun traffickers. The
6 traffickers, in turn, are selling the handguns on
7 the street to criminals and juveniles for huge
8 profits.

9 One worthy fact is that Pennsylvania has
10 become a large source state for the illegal gun
11 market; therefore, it is happening in our
12 backyard.

13 We are not providing illegal handguns to
14 our children, but to children of other states
15 across the nation also. Legislation must be taken
16 to stem the flow of illegal handguns.

17 Four cases I'll cite for you in western
18 Pennsylvania. There's a Kevin Dias who used false
19 identification, bad checks, and alias names to
20 purchase 12 firearms at different locations.

21 Tiffany Dixon conspired with a known
22 felon, Stefan Cooper, her boyfriend, to obtain 11
23 firearms at 11 different locations. They wrote
24 bad checks on closed bank accounts.

25 Floyd A. Robinson admitted in a taped

1 statement that he purchased approximately 7
2 firearms for various individuals in exchange for
3 money and/or crack cocaine.

4 And then we had Leonard Ace who purchased
5 24 handguns, which he traded for crack cocaine in
6 what is known as the Hill District in the city of
7 Pittsburg.

8 In 1998, there were 778 crime guns
9 recovered out of state and traced back to a
10 Pennsylvania source. The Federal Bureau of
11 Alcohol Tobacco and Firearms released a
12 comprehensive analysis of the illegal firearms
13 market just this last week.

14 The report found that contrary to popular
15 belief as mentioned by Mayor Rendell, that
16 juvenile and youth offenders stole their crime
17 guns. Those individuals were obtaining a large
18 percentage of handguns from the illegal gun
19 market.

20 House Bill 46 seeks to the availability
21 of illegal handguns on the streets of Pennsylvania
22 by limiting an individual's ability to purchase
23 handguns to one a month.

24 By reducing the number of handguns
25 available, the profits gained from the illegal

1 sale of handguns will not be enough to keep the
2 illegal handgun traffickers in business.

3 At the same time, see, I also find it
4 just as important to share with you what the Bill
5 does not propose, as what it does.

6 This Bill does not affect the sale of
7 long guns or hunting rifles. I think that's
8 positive. This Bill does not affect any agency
9 performing official law enforcement duties,
10 including correctional facilities.

11 This Bill does not affect persons who are
12 purchasing for a private collector or from a
13 collector series.

14 This Bill does not affect persons
15 exchanging a firearm from the original dealer when
16 the gun was purchased within the last 30 days.

17 This Bill does not affect persons
18 replacing a stolen or irretrievably lost firearm
19 as long as they have a police report to prove it.

20 This Bill does not affect persons buying
21 in bulk from an estate sale. This Bill does not
22 affect persons taking advantage of a special offer
23 where they can purchase two, then have to wait
24 another 30 days before they can purchase again.

25 In the ten years I have been involved

1 with local government, I have found that acting
2 now upon a problem prevents me from looking back
3 and wishing I had done something about it.

4 Also, I found we should sometimes not be
5 so concerned with what the problem is as much as
6 we should be concerned with the solution needed to
7 solve the problem. That's why we are here today
8 asking for you to solve the problem.

9 I made two unsuccessful attempts to
10 represent my home area in the House of
11 Representatives. So, I can't say I know how
12 difficult the task is ahead of you. I can only
13 imagine how difficult it is.

14 Throughout these hearings, you will hear
15 testimony from both sides. Your job will be to
16 solve the problem while keeping everyone happy.
17 When I made my run for office, an old man told me
18 that I would not be able to make everyone happy,
19 so just do the right thing and stand behind it.

20 I hope you will do the right thing,
21 support House Bill 46 and in the end make sure
22 that the illicit trafficking of handguns does not
23 happen in your backyard.

24 The handout I gave you here today may
25 have a couple typos on it. You can see in small

1 municipalities sometimes we also act as our own
2 secretary on the weekend.

3 So please forgive the two that I found.
4 If you find anymore, just circle them. And I, at
5 this time, would like to thank you for your
6 consideration.

7 THE CHAIRPERSON: Thank you, Mayor Allen.
8 Commissioner Timoney.

9 COMMISSIONER TIMONEY: Good morning, Mr.
10 Chairman and ladies and gentlemen of the
11 Committee. Thank you for this invitation to come
12 speak before you.

13 Before I spend four or five minutes with
14 some thoughts, let me just point out I am in
15 receipt of a letter from a friend of mine, Chief
16 Steven White who is head of the Pennsylvania Chief
17 of Police Association who fully supports this
18 Bill, the one legislation.

19 I have over the last two or three months
20 spoke to numerous chiefs throughout the state,
21 that both verbally and in writing, have made
22 commitments to get this legislation passed.

23 In 1990, in New York there were 2300
24 people killed in that city, an all time record of
25 homicides.

1 In 1991, a year later, we did an analysis
2 of all guns seized by the New York City Police
3 Department, about 18,000 guns. Of the 2300
4 homicides, 75 percent in 1990 were committed by
5 guns.

6 And of the 18,000 guns recovered by the
7 New York Police Department upwards of 85 to 90
8 came from five southeastern states, source states
9 as they are called.

10 And so while we had an outrageous record
11 in homicide, we at least have the Yankee smug
12 satisfaction of saying, well, it wasn't homegrown,
13 they came from the south. And if they only got
14 their act together down there, that we would be
15 okay.

16 Over the last couple of years, New York
17 has done a good job in reducing the homicides.
18 But received some help from states such as
19 Virginia; whereas, before Virginia had been the
20 main source state for guns coming to New York.
21 That has now receded, and is quite helpful to the
22 efforts of New York.

23 About two years ago, the A.T.F. did an
24 analysis of the homicides and guns recovered by
25 the Philadelphia Police Department.

1 Over the last couple of years, the
2 homicide rate by guns in Philadelphia has
3 maintained its level in the low 80's - 82, 83, 81
4 percent.

5 This year, unfortunately, we are running
6 at an 87 percent rate of gun homicides. When
7 A.T.F. did an analysis of the guns recovered by
8 the Philadelphia Police Department two years ago,
9 upwards of 80 - 85 percent of all the guns came
10 from the state of Pennsylvania, and in some cases
11 the city of Philadelphia.

12 So we don't even have the smug
13 satisfaction of blaming it on the south. This is
14 a homegrown problem that we are hoping, through
15 passing this legislation, you will help give us
16 some relief.

17 I know there is a lot of rhetoric
18 surrounding this Bill, and that it is people and
19 not guns that cause the mayhem in Philadelphia and
20 in Pennsylvania.

21 Let me give you two cases in point that I
22 think highlight the importance of this legislation
23 and what, in fact, the whole idea of strawmen
24 purchasers are doing.

25 About two years ago in February of 1997,

1 Police Officer Jamal Delaney from the 18th
2 District in West Philadelphia was shot six times
3 with a .380 automatic weapon.

4 Fortunately, he, in turn, returned fire
5 and killed the assailant. But that gun, the .380,
6 was one of at least a dozen purchased by a
7 so-called legitimate citizen that somehow wound up
8 on the streets of Philadelphia and engaged in the
9 drug trade.

10 Just a few months ago in September of
11 this year a young woman, again in West
12 Philadelphia, a 19-year-old in a fit of depression
13 -- we will never understand the reason why -- but
14 in a fit of depression killed her three 2-year-old
15 son triplets, and then turned the gun on herself.
16 That was in September.

17 The Philadelphia Police Department and
18 A.T.F. two months prior to that had arrested two
19 so-called legitimate citizens up in the Germantown
20 area of Philadelphia for the straw purchase of 90
21 guns.

22 We recovered 23 of those 90 guns. But
23 one of those guns made its way to West
24 Philadelphia and into the hands of that woman
25 where she took her three kids' lives and her own.

1 There's been a lot of rhetoric and
2 accusations, especially against my boss to my left
3 here, that somehow he is attacking the
4 Constitution and the Second Amendment, the Right
5 to Bear Arms by calling for a piece of reasonable
6 legislation.

7 And nothing can be further from the
8 truth. The average citizen can still purchase one
9 gun a month, 12 a year, 144 after 12 years. Why
10 in God's name you need more than 144 guns after 12
11 years is beyond me.

12 But I think if we are ever to get the
13 violent crime and the homicides under control in
14 this state and in the city of Philadelphia, we
15 need your support on H.R. 46.

16 So I implore you to think hard and
17 impress upon your colleagues the importance of
18 this piece of legislation. Thank you very much.

19 THE CHAIRPERSON: Thank you Commissioner
20 TImoney. Are there any questions? Representative
21 James.

22 REPRESENTATIVE JAMES: Thank you, Mr.
23 Chairman. And thank you all for testifying.
24 Either the Mayor or the Police Commissioner, I
25 guess, can answer this.

1 Subsequently and not too long ago -- I
2 forget what year -- we passed legislation. Of
3 course most of the Philadelphia Representatives
4 were kicking and screaming that we didn't want
5 this to happen in Philadelphia.

6 As a result of that, people were able to
7 go and purchase and get gun permits. Do you have
8 those statistics in terms of what the gun permits
9 were before that legislation was passed and now
10 what it is?

11 HONORABLE MAYOR RENDELL: I am going to
12 let the Commissioner answer that. But let me just
13 make it clear what Representative James is talking
14 about.

15 As you may recall, Philadelphia passed a
16 very difficult permit to carry law. We did it
17 under our local ordinance power. Subsequent to
18 that, the legislature preempted that law and
19 removed it from the books.

20 COMMISSIONER TIMONEY: Since that law was
21 repealed and sent back, the number of permits
22 issued by the Philadelphia Police Department is
23 now five times what it was back then.

24 But I have put together, under an
25 attorney who works with me, Brad Richmond, a

1 committee that reviews these permits and tries to,
2 when possible, revoke some of them.

3 And Brad has been doing a great job. But
4 let me give you one case in point which kind of
5 highlights almost the futility of this.

6 A man showed up at one of the local
7 hospitals in Philadelphia. He was wrapped in
8 silver foil with an emmet coming out of his head.
9 And he maintained that Indian drug dealers were
10 beaming him with rays.

11 And when they took the silver foil off of
12 him, he had a gun. And the police were called.
13 And, of course, we took the gun. We confiscated
14 the gun.

15 He was a bonafide pistol permit carrier.
16 When we revoked his right to carry a permit, that
17 revocation was appealed. It was apparently under
18 the law, if we take you to a hospital to be
19 examined, we have the right to take it.

20 But if you voluntarily surrender as he
21 did to hospital authorities, it is in dispute. So
22 that case is one example of so-called legitimate
23 citizens of getting permits who may not be in the
24 right state of mind.

25 HONORABLE MAYOR RENDELL: If I can take

1 you back on that question, Representative Evans'
2 legislation again would ask for Philadelphia to
3 have the right to do some of these things.

4 And, although, that would be a step in
5 the right direction, it wouldn't cure our problem
6 either. Because that would set up the situation
7 that occurs in Chicago.

8 Chicago has very difficult laws to
9 purchase handguns in. And Mayor Daley just filed
10 against the gun manufacturers. Separate from any
11 of the other Mayors who filed suit, his complaint
12 was that gun manufactures flooded the suburban gun
13 stores because they full well know that this is a
14 way to circumvent Chicago's tough laws.

15 So, although One Gun A Month for
16 Philadelphia would be a step in the right
17 direction, it won't cure the problem. Montgomery
18 County will then be exporting guns into
19 Philadelphia.

20 And I don't think Representative Cohen
21 wants to see that. You don't want to see that.
22 You don't want to see Delaware County export guns
23 into Philadelphia either.

24 I think this should be done on a
25 state-wide basis. Just as you all felt that our

1 law was not right to set up a different standard,
2 I think it should be done on a state-wide basis.

3 THE CHAIRPERSON: Any other questions?

4 REPRESENTATIVE DALEY: Mayor, I heard
5 your testimony that 340 homicide victims in '98
6 and 272 committed with a firearm. How many of
7 those firearms have been traced back to straw
8 purchasers?

9 You may have stated that.

10 HONORABLE MAYOR RENDELL: It's roughly 20
11 percent. But understand that we can't trace all
12 guns for a lot of different reasons. And if you
13 factor in the obliteration of guns, I testified
14 that 14 percent of all the guns be examined and
15 try to trace the serial numbers is obliterated.

16 That is almost always done by straw
17 purchasers because it makes the item more valuable
18 to sell and protects them.

19 COMMISSIONER TIMONEY: There are two of
20 the populations, there is some kind of noble
21 there. But the homicide victims by gunshot is one
22 sometimes we recover the gun, sometimes you don't.

23 What the A.T.F. does as far as tracing
24 the guns that are recovered, whether it is at a
25 homicide or during a robbery or just on a gun

1 arrest itself, so there are two entirely different
2 populations. There is some overlapping.

3 REPRESENTATIVE DALEY: Is there any
4 statistics or information as to the re-use of
5 guns, handguns committing multiple, separate
6 homicides?

7 COMMISSIONER TIMONEY: Yes. We have a
8 system where we can check bullet casings. And we
9 have come up with quite a few hits of guns used in
10 multiple homicides. The most recent being last
11 week -- I don't fully understand myself.

12 I have the documents on my desk. But we
13 have traced a gun amongst a bunch of guns,
14 sometimes two guns are used in a homicide, three
15 used in different homicides.

16 What we linked up are nine homicides in
17 Philadelphia over the last two years with one or
18 two guns.

19 HONORABLE MAYOR RENDELL: As you may
20 recall, Representative, the University of
21 Pennsylvania had in September of 1997 an
22 extraordinarily high jump in armed robberies in
23 the Penn Campus area.

24 I know all of the Philadelphia area
25 Representatives recall that. They normally have

1 one or two a month. And they went to 27 in that
2 month. In one case a student was shot and almost
3 killed, fortunately survived.

4 Police finally made an arrest. And the
5 three juveniles that were arrested all had
6 firearms, all used in 22 of the 27 robberies - 22
7 of the 27 robberies.

8 All point to the same guns, all of which
9 came from straw purchasers.

10 THE CHAIRPERSON: Representative
11 Petrarca.

12 REPRESENTATIVE PETRARCA: Mayor,
13 gentlemen, I don't support this legislation with
14 all due respect to Representative Evans and Cohen
15 and quite frankly everyone in the room. I think
16 this is once again another infringement on the
17 Constitutional right of law abiding
18 Pennsylvanians.

19 You say that one gun a month legislation
20 is reasonable and it's necessary. Again, you
21 mentioned or eluded to the legislation passed a
22 few years ago that was going to solve this
23 problem.

24 Why not one gun every six months or one
25 gun every nine months? I feel we will be back

1 here in a couple years, once again, trying to pass
2 legislation to solve the problem in Philadelphia
3 that has not reached those levels around the state
4 as in Philadelphia.

5 I looked at your statistics. And in my
6 area certainly on two out of the three, there's
7 been a decline. And, in fact, in the Philadelphia
8 area on at least I believe one out of the three
9 there seems to be a decline in robberies or
10 homicides with firearms.

11 So, my question is, where does this stop?
12 And, again, why not even go further and try to
13 infringe upon the Constitutional rights, why not
14 try to ban all handguns?

15 HONORABLE MAYOR RENDELL: Let me respond.
16 First off all, I think as Mayor Allen said in his
17 testimony, the 66 percent increase in deaths by
18 firearms in the state of Pennsylvania, unless I am
19 wrong, should be a concern to everyone, not just
20 people in Philadelphia.

21 If you look at those charts carefully,
22 the majority of your legislative districts have
23 seen an increase, as Mayor Allen said for the
24 area, have seen an increase in robberies by
25 firearms, in assaults by firearms, and in homicide

1 by firearms.

2 If you look at those polls, and we gave
3 the actual hard copy of the poll to the Chairman,
4 each of you have a summary. It hardly matters
5 where you come from. People in this state want
6 controls over straw purchasing of guns.

7 And we have picked one gun a month
8 because it is, in our judgement, a reasonable
9 place to draw the line. And let me say to you,
10 Representative, and all people who raise
11 Constitutional argument -- let me say to begin
12 with, all legislation draws the line somewhere.

13 So to attack legislation for drawing a
14 line, you would have to attack almost everything
15 you do as legislator because you are always
16 drawing a line somewhere.

17 How much money should be granted to this
18 program? You draw a line. What percentage of tax
19 incentives we should get? You draw a line. How
20 much of a tax cut or how much of a reduction of
21 workers' comp. should we do? We draw a line.

22 Could we come back and ask for a further
23 reduction of workers' comp. or a further tax cut?
24 Sure, and you often do. But that is not a reason
25 for attacking any one piece of legislation.

1 Let me talk about the Constitutional
2 aspect of it. The people who are proponents of
3 the Second Amendment, and they are good people. I
4 was criticized by a number of people in the gun
5 control movement for starting Operation Cease Fire
6 with the N.R.A. for joining with Charleton Heston
7 at a number of different press conferences.

8 And I believe that is a bunch of bunk. I
9 believe my job is to stop gun violence in
10 Philadelphia. And anybody who wants to help us do
11 that is somebody who I consider to be an ally.
12 And I will take an ally on one cause who is
13 against me on another.

14 But what makes the proponents of not
15 banning, not putting any limits on guns, what
16 makes them think that the Second Amendment alone
17 in all of our amendments, in all of the Bill of
18 Rights, has no limitation?

19 We know the First Amendment has
20 limitations. The First Amendment has a
21 limitation. You cannot, with malice, tell an
22 untruth about a public official and claim freedom
23 of the press. You cannot.

24 You cannot go into a meeting -- if
25 someone were to come into this meeting, a gun

1 control advocate or a gun control opponent and
2 start screaming and yelling and making a speech
3 that drowned out the witnesses, we can have that
4 person removed because there are limits to the
5 First Amendment.

6 You can't cry fire in a crowded movie
7 theater. There are limits to the First Amendment.
8 There are limits to the Fifth Amendment. There
9 are limits to the Eighth Amendment.

10 There are limits to the Fourth Amendment.
11 And, yes, there are limits to the Second
12 Amendment. You are allowed to limit the Second
13 Amendment.

14 It is not sacrosanct above all
15 amendments. Those limits should be fair and
16 reasonable and responsible. You would not sit
17 here and contend that we should allow people to
18 buy surface-to-air missiles and keep them in their
19 homes. I assume you would not permit that.

20 So we are limiting the rights under the
21 Second Amendment. You would not sit here and
22 allow people to buy nuclear warheads and hold them
23 in their house, the richest millionaire who wanted
24 to equip himself with nuclear warheads. You would
25 support the state's right to prohibit that type of

1 conduct.

2 So it's not that the Second Amendment
3 can't be limited, of course it can. It's where we
4 draw the line. And please and I don't mean to be
5 a smart aleck.

6 But what would you say to that lady who
7 said, what's wrong with 12 guns a year? What's
8 wrong with one gun a month? How does that limit a
9 hunter? How does that limit a target shooter?
10 How does that limit someone who wants to have a
11 gun for their own protection?

12 Representative, this is a responsible and
13 reasonable attempt to draw a line that doesn't
14 infringe on people who want to have guns, to our
15 law abiding citizens who want to have guns.

16 Let's begin this road together. Just
17 like I was willing to go down the road with
18 Charleton Heston and the N.R.A. because I believed
19 it was good for Philadelphia.

20 And I took some criticism from that from
21 some of my natural allies, some of whom are in the
22 room today. Let's be bold. Take some criticism
23 from some of your natural allies because this is
24 reasonable and responsible.

25 And as Pennsylvanians, we have to look at

1 reasonable and responsible solutions to problems.
2 This doesn't take guns out of law abiding
3 citizens' hands. It simply doesn't.

4 THE CHAIRPERSON: Representative Evans.

5 REPRESENTATIVE EVANS: Mr. Mayor or the
6 Police Commissioner, this is a follow-up to
7 Representative James' question in terms of the
8 number of gun permits that are on the street,
9 which obviously in my district I hear police
10 officers who are concerned when they raid corners
11 and suddenly people pull out their gun permits.

12 Has anyone looked at Act 17 in terms of
13 the impact this has had since 1995 in terms of
14 putting more guns on the streets, in terms of
15 state law makers and what we exactly have done as
16 a result of change of policy?

17 HONORABLE MAYOR RENDELL: Act 17 is?

18 REPRESENTATIVE EVANS: Act 17 was 1995.
19 It was the Act that basically preempted the City
20 of Philadelphia's power, basically at the state
21 level.

22 COMMISSIONER TIMONEY: Again, I don't
23 have any statistics at hand. Let me just tell you
24 a comparison I can make.

25 On more than one occasion in the last

1 year since I have been here, there have come
2 across my desk a legitimate person, the average
3 man or woman in North Philly, West Philly, South
4 Philly where their home has been burglarized and
5 jewelry had been taken or a T.V., what have you,
6 and also two or three guns that were in the hands
7 of legitimate citizens that are now on the street.

8 I don't have any hard data.

9 REPRESENTATIVE EVANS: What I think would
10 be helpful in this process, I am talking to the
11 Chairman, trusted chief counsel, one of the things
12 I think we sometimes miss in this process is a
13 review of legislation.

14 We need to look at what has happened
15 since 1995 with that act in terms of impact upon
16 the city of Philadelphia and changes made so that
17 we don't add to your problem.

18 I don't think we in the legislation
19 should add to your problem in terms of dealing
20 with this issue. As you indicated, no, it is not
21 just lawsuits. It's not One Gun A Month. It's
22 just an N.R.A. issue.

23 It is the number of issues. So I see
24 this hearing, Mr. Chairman, as an opportunity in
25 addition to Representative Cohen's bill and my

1 Bill, it is for us to have a discussion to try to
2 come up with something, to see exactly what has
3 happened since 1995 when that legislation passed.

4 HONORABLE MAYOR RENDELL: The clearest
5 issue is what the Commissioner said in answer to
6 one of your earlier questions, that we are now
7 approving five times more permits to carry than
8 before.

9 And that means in terms of citizens who
10 can carry on the street. It's had a tremendous
11 impact. And generally every law enforcement
12 personnel in the country will tell you the more
13 people who carry, the more problems you are going
14 to have.

15 If it's not traditional criminal
16 problems, you are going to have road rage
17 problems. You are going to have argument
18 problems.

19 I know it strikes all of you and it
20 strikes me as particular poignant because it
21 happens a lot in Philadelphia and, obviously,
22 happens in Edinboro.

23 When kids take guns and settle problems
24 for a dispute over a girl. I don't know what the
25 underlying problem was in Edinboro. The problems

1 that when we were kids we used to settle with our
2 fists or maybe settle with a rock and now we are
3 settling them 9 millimeter automatic weapons that
4 can pump 45 bullets into the chest of another
5 teenager.

6 And so I think the prevalence of people
7 carrying is very disruptive, number one. But,
8 number two, on this legislation, remember what we
9 are targeting here is not who have the right to
10 carry, not lawful, not people who have the right
11 to purchase.

12 John Jones goes into a Philadelphia or
13 Montgomery County or Delaware County gun store and
14 buys 15 - 9 millimeter automatic pistols. Folks,
15 you don't have to be a rocket scientist to
16 understand he is not giving them out as presents.
17 He is not buying them because he feels strength in
18 numbers.

19 He is going to, at the appropriate time,
20 put them in car, take them to some neighborhood in
21 Philadelphia, open that trunk, stop the first guy
22 and say, I have guns for sale.

23 And within an hour, he will sell those 15
24 - 9 millimeter automatic pistols for 200 to 300
25 percent to felons who can't buy them legally and

1 who may have had a gun and lost it or to
2 juveniles, to young people.

3 And that's what we are trying to stop
4 here. That's what we are trying to stop here.

5 REPRESENTATIVE EVANS: My last question
6 is, the whole cost aspect, the whole health aspect
7 to the Mayor in terms of your budget, what do you
8 see in the terms of public health cost?

9 HONORABLE MAYOR RENDELL: Well,
10 Representative James in his statement used a
11 figure that I think he got from Donna Cooper. We
12 have been looking at what the cost is on a yearly
13 basis.

14 We estimate the cost -- and most of our
15 public house costs are social. Welfare structure
16 costs of 58 million dollars a year of gun violence
17 to the city of Philadelphia.

18 If you added the unreimbursed costs that
19 hospitals in Philadelphia give because of gun
20 violence, it's close to 100 million dollars on an
21 annualized basis.

22 REPRESENTATIVE EVANS: Does anybody else
23 have response to that?

24 HONORABLE MAYOR ALLEN: From a small
25 municipality, we are more worried about public

1 safety. Naturally, our budget is much, much
2 smaller.

3 It's not really an issue budget-wise for
4 us as much as it is a public safety issue.

5 THE CHAIRPERSON: Representative Cohen.

6 REPRESENTATIVE COHEN: Thank you, Mr.
7 Chairman. Commissioner Timoney, something just
8 hit me. Mayor Rendell had mentioned that we draw
9 the line on legislation.

10 One of the things that we also do is
11 weigh and measure certain factors when we do
12 legislate.

13 We know that for every victim, at least
14 10 people are affected. For every victim of a gun
15 shooting, at least 10 people -- family members,
16 community members, friends, teachers, the entire
17 community -- a minimum of 10 people are affected.

18 Do we know the number of people in the
19 last year or two, three, four years who have made
20 multiple handgun purchases? It seems to me those
21 numbers would be easy to glean. How many people
22 have gone into gun shops, legitimate people,
23 people who can pass the background check and made
24 multiple purchases of handguns in Pennsylvania?

25 COMMISSIONER TIMONEY: I do not have

1 those statistics on me right now. I am sure -- I
2 know the one that tracks that is the A.T.F. I am
3 sure that information is readily available.

4 REPRESENTATIVE COHEN: My point is to
5 address what Representative Petrarca took issue
6 with, not only to the Second Amendment, but people
7 who are affecting.

8 And it seems to me -- and I will be
9 willing to bet dollars to donuts that the number
10 of people who make these multiple purchases would
11 be insignificant compared to the number of people
12 that are affected.

13 HONORABLE MAYOR RENDELL: There's no
14 question. Remember my testimony of the 25,000
15 purchasers in the Philadelphia region for 1996,
16 only 103 would have been effected by this
17 legislation.

18 But yet, those 103 bought close to 2400
19 guns. Only 103, point 4 percent, point 4 percent.
20 And if we have to draw the line, that's a pretty
21 reasonable line to draw.

22 REPRESENTATIVE COHEN: So we are not
23 affecting that many people by this legislation,
24 not many purchasers, on the other hand, we are
25 effecting hundreds, thousands, maybe millions of

1 victims that's effected by the results of these
2 purchasers.

3 HONORABLE MAYOR ALLEN: If I could add
4 one comment for you. Speaking of just one
5 shooting, naturally I don't think it was a straw
6 purchase, it was just maybe an ill-placed handgun
7 in a home.

8 If you want to know how many people it
9 effected, I can tell you an entire community.
10 Last April 24th, the people that turned out for a
11 funeral were down the street.

12 They had to hold the service in the
13 gymnasium at the university. There were probably
14 close to 5,000 people showing up for a funeral
15 service.

16 That was one shooting. Even if it wasn't
17 a straw purchase, one shooting with a handgun
18 effected an entire community. And it's going to
19 continue to effect them.

20 REPRESENTATIVE COHEN: My family and I
21 are victims also. And I know the tremendous
22 bleeding effect, if you will, that it has on
23 family members and the community.

24 HONORABLE MAYOR ALLEN: My brother
25 committed suicide with a handgun last September.

1 And it's something our family will never get over.
2 I don't know where he got the gun.

3 That is at issue. But that will effect
4 us for the rest of our lives.

5 REPRESENTATIVE COHEN: Thank you.

6 REPRESENTATIVE PETRARCA: Operation Cease
7 Fire, has that been underway?

8 HONORABLE MAYOR RENDELL: In the sheet we
9 handed out, we started in late January and early
10 February. And within a week, we had 15
11 indictments.

12 It is our hope to indict somewhere
13 between 250 and 300 serious felons, many of whom
14 have multiple convictions. Serious felons who are
15 in possession of a gun.

16 Remember, these are not people who commit
17 robberies, murders, or assaults. Because those
18 are still tried in the state court. These are
19 people who just -- the crime is that they are a
20 felon and they are in possession of a handgun or
21 they used the handgun.

22 They didn't even have to fire it, but
23 brandished it during a drug transaction. There's
24 federal jurisdiction as well as state. We are
25 transferring almost all, not entirely all, but

1 almost all of these cases down to the federal
2 court system.

3 We hope to have an impact. And these are
4 criminals. These aren't anybody else. These are
5 criminals. They are drug traffickers or they are
6 people who have had violent felonies in their
7 background.

8 And if we take 250, even the low end, and
9 put them away for 5 years, that has a significant
10 effect in the number of gun crimes that are
11 committed the city of Philadelphia.

12 REPRESENTATIVE PETRARCA: The Instant
13 Check System just went into effect.

14 HONORABLE MAYOR RENDELL: Right.

15 REPRESENTATIVE PETRARCA: So they don't
16 make this legislation premature?

17 HONORABLE MAYOR RENDELL: No, I don't
18 think so. Again, remember -- and I think it's
19 important because we have tried to look at all
20 aspects of this.

21 And I think probably more than any big
22 city in America, we haven't put our eggs in one
23 basket. We have really got a police commissioner
24 who has got his people really cracking down on
25 guns.

1 The Philadelphia A.T.F. police task force
2 is one of the models for the entire country. They
3 are written up in their nationwide A.T.F. reports
4 who started Operation Cease Fire.

5 I have very little crawl with you.
6 Again, I wrote the mandatory sentencing
7 legislation for people who commit serious crimes
8 with guns.

9 District Attorney Abraham will tell you
10 how judges routinely find ways around that in
11 Philadelphia, not just in other parts of the
12 state, but in Philadelphia.

13 So I agree with you. Gun control
14 measures themselves are not the sole answer. We
15 have to have a multiple-tier front attack. But
16 you cannot do them solely, as Representative Cohen
17 said, by going after things after the crime is
18 committed.

19 We have got to stop the flow of guns
20 going from legitimate gun shops into the hands of
21 juveniles who have no right to possess gun, no
22 Constitutional right or any other right, or prior
23 felons who have forfeited their Constitutional
24 right to possess guns.

25 And that's what we are talking about

1 here.

2 MR. PRESKI: Mayor, the one question I
3 had for you is this, after the N.R.A. convention
4 in Philadelphia, after you came out with these
5 proposals, one thing that Mr. Behney said during
6 his research on the legislation was there's enough
7 laws on the books already. Why don't you enforce
8 them?

9 You have eluded to the fact that you have
10 helped write the Mandatory Sentencing Act. One
11 thing that we constantly hear from the opponents
12 is this -- I think this was detailed in the series
13 of Inquire Articles -- you would have 50 stories
14 where there was a gun point robbery and aggravated
15 assault where the victim was shot.

16 Ultimately, the court convicts of the
17 robbery or aggravated assault, but doesn't convict
18 of the underlying gun effect. Basically, they set
19 up the situation where, okay, you were shot, but
20 the person didn't use a gun to commit it.

21 Have you had any discussion with the
22 courts in these negotiations or has the district
23 attorney -- maybe she can answer this later -- to
24 kind of get around that problem.

25 I mean, we have consistently heard that

1 the laws are there, the law should just be
2 enforced.

3 One of the things I heard from the
4 committee today is it's better to dump new laws on
5 top of the old laws, when maybe they will find
6 specifics, the judges will find ways around it.

7 HONORABLE MAYOR RENDELL: Well, again, we
8 should do both. The judges should enforce the
9 mandatory sentencing law for people who commit
10 violent crimes with guns.

11 But doesn't it bother you when John
12 Jones, lawful citizen, no record, goes into a gun
13 store, buys those 12 automatic 9 millimeter
14 pistols and sells them knowing they are
15 instruments of death, knowing that they can maim
16 people?

17 He should be punished as well. You tried
18 to address that as a legislature. And I give you
19 credit for it back in 1995 with the statute that I
20 read.

21 It just doesn't work to stop the flow.
22 We catch them. And we have done a better job
23 catching them. You heard my statistics about the
24 increase in state penitentiary population from --
25 what was it? 25 to 24 to 30,000 or 32,000, a 30

1 percent increase.

2 We were doing a better job in law
3 enforcement. What you cite is a problem. But
4 overall, we are doing a better job in law
5 enforcement.

6 A.T.F. is doing better than it's ever
7 done. And remember, in 43 months there were 600
8 crime guns that were traced to multiple
9 purchasers. In the last 19 months, as we are
10 doing better job, as A.T.F. is cracking down, that
11 increased to 1200 -- 1200 in 19 months -- when in
12 the previous 43 months it was only 600.

13 So we are doing a better job in the area
14 that you want us to do a better job in. But we
15 still need this law. We don't need a whole packet
16 of new laws.

17 We are not here saying outlaw this, out
18 law that. This is a very reasonable law. It does
19 not effect any law abiding citizen.

20 There doesn't seem to me to be a rational
21 argument for it. The Constitutional argument, as
22 I said, which is always raised. Charleton Heston
23 said and I quote, One gun a month is not an
24 outrageous concept, but it is unconstitutional.

25 Charleton Heston is a good guy, I like

1 him. But he is not a constitutional scholar. He
2 is not. I mean, he has those 12 Commandments on a
3 tablet.

4 AUDIENCE MEMBERS: Ten.

5 HONORABLE MAYOR RENDELL: There are a
6 couple other that apply to me. He didn't have the
7 U.S. Constitution on that tablet. I am being
8 serious.

9 This is a law that addresses the problems
10 that you tried to address back in 1995. And the
11 law you passed and you gave us, we can't enforce
12 for the reasons I said.

13 MR. PRESKI: That's my question. Has the
14 court given you --

15 HONORABLE MAYOR RENDELL: That is not a
16 court problem. That is not a court problem. The
17 Mandatory Sentencing Law for crimes like robbery
18 at the point of a gun is a court problem in
19 Philadelphia.

20 But the law you gave us that makes it a
21 crime for someone to knowingly, intentionally sell
22 a gun to somebody else when they know that they
23 are going to use it for a crime, that is
24 absolutely impossible for us to enforce.

25 One, for the reason I said because it's

1 very difficult to prove that the original buyer
2 sold it to someone. He says he lost it. He said
3 it was stolen from his car, who knows.

4 But secondly, even if he sold it to
5 someone, we have to prove that when he sold it, he
6 knew that that person intended to commit a crime.
7 If the person said to him, man, I need a gun.
8 It's tough out here, I need a gun to protect
9 myself, he's in the clear.

10 So your attempt to help us in this area
11 didn't work. And the Maryland, Virginia, and
12 South Carolina experience absolutely makes it
13 clear, this law will have an effect.

14 It will have an effect on the gun
15 traffickers. It will have an effect on juveniles
16 and felons who need to buy guns from the gun
17 traffickers.

18 It will not have an effect on law abiding
19 citizens who want to possess a gun.

20 MR. PRESKI: Thank you.

21 THE CHAIRMAN: Representative Orie.

22 REPRESENTATIVE ORIE: I just have one
23 question in regards to this. I am curious to
24 know, you mentioned Maryland and South Carolina to
25 the states that have this --

1 HONORABLE MAYOR RENDELL: And Virginia.

2 REPRESENTATIVE ORIE: My question is, you
3 eluded to the straw purchasers, this was a small
4 percentage that you are dealing with that is
5 purchasing mass amount.

6 My concern would be, my background as a
7 prosecutor, what stops them from going to these
8 other states, outlying states, and bringing it in?

9 These are individuals that have small
10 percentage and will not, I guess --

11 HONORABLE MAYOR RENDELL: That's an
12 excellent question. And the honest answer to that
13 is nothing. And that is why contemporaneously
14 being here -- I was in Washington in September
15 testifying for federal One Gun A Month
16 legislation.

17 You are absolutely right. It does have
18 an impact. The U.S. Attorney for Northern
19 Virginia, Mary Fehey has said that it has had a
20 dramatic impact.

21 Commissioner Timoney gave me the
22 statistics in New York who stopped Virginia and
23 Maryland from being exporting states, from being
24 producers, from being sources.

25 We have got to chip away. If we can't

1 pass federal legislation, we have to chip away at
2 gun legislation one state at one time.

3 And we have done Virginia and Maryland
4 and South Carolina. Now I think we need to do
5 Pennsylvania, New Jersey, and New York; although,
6 as the Commissioner is about to tell you, I am
7 sure New York and New Jersey have much stricter
8 gun laws across the board than we do.

9 COMMISSIONER TIMONEY: The unfortunate
10 part in all of this -- I was speaking to a
11 colleague about two weeks ago up in New York.
12 And, again, those five southern states were always
13 on the radar screen.

14 They are starting to disappear. And what
15 has come on the radar screen now as a source state
16 New York is Pennsylvania. And it didn't exist
17 three and four years ago.

18 Now, it is up at six percent and
19 climbing. And so now you are going to have the
20 dubious distinction of Pennsylvania being the
21 source state for guns going into New Jersey,
22 Connecticut, New York and places like that.

23 HONORABLE MAYOR RENDELL: But that
24 actually buttresses your point. We have to start
25 somewhere. And you are right, if we close off

1 Pennsylvania, maybe some other state.

2 But again New Jersey and New York have
3 much tougher overall gun laws. Massachusetts has
4 tough guns laws. Right now the northeastern
5 quadrant of the county, we are the biggest
6 exporting state.

7 THE CHAIRMAN: What percentage of crimes
8 committed with a gun are committed by a person who
9 has been licensed to carry that handgun?

10 HONORABLE MAYOR RENDELL: I don't have
11 that statistic. But I can tell you just from my
12 experience of being a D.A. for eight years and an
13 Assistant D.A. for seven years and Mayor for eight
14 years, a tiny percentage of what are called the
15 non-crimes of passion.

16 If you eliminate the husband and wife
17 shootings, boyfriend/girlfriend shootings,
18 arguments in bars and tap rooms, arguments in
19 homes, if you take the guns that are where
20 shootings occur in the commission of crimes,
21 almost none. Almost none.

22 Now, husband and wife, those are all
23 licensed guns. And that opens up another issue
24 that we don't want to talk about today. Tap
25 rooms, often -- not always -- but often are

1 legitimate guns.

2 Arguments at home, legitimate guns.
3 Children taking a gun and playing with it and
4 shooting another child, almost always legitimate
5 guns.

6 But guns committed in crime almost never
7 by licensed gun owner, almost never.

8 THE CHAIRPERSON: Your focus here is with
9 respect to guns that are committed in the
10 commission of a crime?

11 HONORABLE MAYOR RENDELL: Sure.

12 THE CHAIRPERSON: So we are excluding
13 those weapons. For example, I don't think I need
14 to have a license to have a gun in my house.

15 HONORABLE MAYOR RENDELL: Correct. But
16 you can lawfully purchase it. I expanded beyond
17 license to include people who lawfully possess
18 guns.

19 THE CHAIRPERSON: That was getting into
20 another question.

21 HONORABLE MAYOR RENDELL: But remember,
22 and I'm sorry to interrupt. But remember,
23 juveniles cannot purchase guns. People with prior
24 records, people with prior felonies cannot
25 purchase guns.

1 And that's all we are trying to do is to
2 stop the flow of guns in their hand.

3 THE CHAIRPERSON: The other question, I
4 am assuming you don't have the answer, that would
5 be the number of crimes with handguns where the
6 firearms were illegally attained under current law
7 because you had indicated that current law lifted
8 some of the restrictions that Philadelphia had.

9 HONORABLE MAYOR RENDELL: No. I'm sorry
10 if I didn't state that clearly. The dialogue that
11 Representative Evans and Representative James and
12 I have been having is about a permit to carry.

13 That wasn't about the lawfulness of the
14 purchase. There are two things, you have to be a
15 lawful purchaser and then secondarily you have to
16 get a license to carry the gun.

17 So, you can carry it on the street, carry
18 it concealed. If you don't have a permit,
19 carrying a gun concealed is a crime. It is a
20 crime under the Firearm's Act.

21 THE CHAIRPERSON: You brought up
22 something else. How about where the weapon was
23 purchased lawfully, do you have a percentage of
24 those where they were involved by the purchaser in
25 the commission of a crime?

1 HONORABLE MAYOR RENDELL: Again, other
2 than the crimes of passion and in the heat of
3 argument --

4 THE CHAIRPERSON: I am excluding those.

5 HONORABLE MAYOR RENDELL: Almost none.

6 COMMISSIONER TIMONEY: Again, it is a
7 hard argument to prove. For example, I'll give
8 you two cases. Two police officers were arrested
9 for purchasing upwards of 300 guns for sale on the
10 street.

11 The two gentlemen, Germantown area of
12 Philadelphia, 90 guns. Those were legitimate
13 purchases of guns, legitimate purchases of guns
14 that wound up, if you will, the drug trade, the
15 hands of criminals, the hands of teenagers.

16 So the legitimately purchased guns, if
17 you think about it logically, every gun
18 manufactured is purchased somewhere along the line
19 legally except for burglary or robbery --

20 HONORABLE MAYOR RENDELL: From a gun --

21 COMMISSIONER TIMONEY: Everything else is
22 legally purchased. How do they get from the legal
23 purchase out to the streets? And the answer is,
24 in some of the cases, straw purchasers.

25 What we are talking about is removing the

1 profit from the sale of guns from a legitimate
2 purchaser, the average Joe that goes in, buys 90
3 or a hundred guns and then goes and can turn it
4 around in the course of a month and make \$10,000
5 with no problem.

6 HONORABLE MAYOR RENDELL: No taxes.

7 THE CHAIRPERSON: That's why, when I
8 phrased my question, I said where the crime was
9 committed by the purchaser. I am trying to narrow
10 this issue.

11 HONORABLE MAYOR RENDELL: Is violent
12 crimes, again, leaving out the crimes of passion,
13 mostly -- you heard the statistic in the A.T.F.
14 study, upwards of 36 percent of juveniles who
15 commit crimes of violence, their guns have been
16 able to trace those to straw purchases.

17 If you increase the number by the
18 obliterated figure, it's almost 50 percent. For
19 adults, it is 20 percent. And with the
20 obliterated purchase, it is almost a third.

21 So, a very large percentage are coming
22 from straw purchasers. And then you have the
23 percentage that come from guns that are stolen,
24 which is not quite as large, probably around 8 or
25 9 percent.

1 Very few of the guns, again, come from
2 legitimate purchase, legitimate lawful purchases.

3 THE CHAIRPERSON: I want to thank Mayor
4 Rendell and Mayor Allen and Commission Timoney for
5 appearing before the committee this morning and
6 providing us with their thoughts on these two
7 pieces of legislation.

8 HONORABLE MAYOR RENDELL: Thank you for
9 the time and the opportunity.

10 THE CHAIRPERSON: We are running behind
11 schedule. I wanted to give the prior panel as
12 much latitude as possible. I would like to try to
13 get us back on track.

14 So each witness in our schedule has been
15 allocated 20 minute. I don't want to seem unfair.
16 But I would like the witnesses to try to stay
17 within the allocated time.

18 And we will also limit questions from the
19 committee to approximately five minutes.

20 So, our next witness is Honorable Lynne
21 Abraham, District Attorney for the City of
22 Philadelphia.

23 MS. ABRAHAM: Thank you, Representative
24 Gannon. Good morning to the Chairman and members
25 of the panel. I think what I would prefer to do,

1 rather than to read my prepared remarks, I think
2 what I'll do is I'll ask the court reporter and
3 the committee if my prepared remarks may be marked
4 as an exhibit and entered into the record in their
5 entirety.

6 I think that will save some time also.
7 It will eliminate some repetition. And instead, I
8 want to concentrate, if that is acceptable to the
9 committee, on some of the issues that have been
10 raised.

11 THE CHAIRPERSON: The committee will
12 accept District Attorney Abraham's prepared
13 remarks as an exhibit as part of this hearing.

14 MS. ABRAHAM: Thank you very much.
15 Instead, I would like to concentrate on some of
16 the issues that have been raised previously and
17 may yet be raised in the future.

18 I think that it's fair to say that there
19 isn't probably anybody on this committee who
20 someplace within their personal lives or their
21 extended lives, as elected officials or otherwise,
22 hasn't been touched in some way by violence
23 committed by handguns, either personally or by
24 extensions to the family or extended family.

25 And I believe that the legislation that

1 we are addressing today, the Bills submitted by
2 Representatives Cohen and Evans speak to the issue
3 of violence all over the Commonwealth.

4 Indeed, some of my remarks in my prepared
5 statement indicate that just last month or so a
6 gentleman from Nanticoke, Pennsylvania in Luzerne
7 County was arrested for federal firearms
8 violations for a straw purchase of firearms which
9 later found their way into crime, as well as
10 Lycoming County where three 3 bought 50 firearms
11 as straw purchasers, which found their way into
12 allegations of crime including from juveniles.

13 I think that this legislation will
14 require some amount of courage and bravery on the
15 part of legislators. Because I believe that some
16 of the issues that were raised by the prior
17 speakers in some of the questions indicate that
18 there is going to be some stiff opposition to this
19 proposed package of legislative acts.

20 I am going to leave to you the job as I
21 think it's best done to work out the differences
22 between the competing Bills because you do that
23 best.

24 And I am not going to get between two
25 friends of mine, Dwight Evans and Lita Cohen as to

1 which Bill is better. I'll let you do that.

2 But each Bill has specific things that
3 ought to be commended to the body as a whole.
4 Parenthetically, I might add that the eleventh
5 Commandment is thou shalt not regulate gun
6 ownership in Pennsylvania and the twelfth is thou
7 shalt not pass One Gun A Month.

8 Those are the two Commandments that I
9 think Mayor must have been thinking of on that
10 extended tablet and a half of the formerly Twelve
11 Commandments.

12 I think that one of the things that we
13 don't necessarily talk about when we talk about
14 crimes of violence is the residual effect on
15 people who don't die. We always cite homicide
16 figures because they are the easiest perhaps to
17 count.

18 Obviously, you can't argue with a dead
19 body. But what is more compelling to me even than
20 the extraordinary blood bath that is daily
21 committed on streets all over Pennsylvania is the
22 residual effect of gunshot injuries.

23 I don't prefer to call them accidental
24 because you can't accidentally shoot somebody.
25 Somebody has to put his or her finger on the

1 trigger and squeeze a certain amount of pressure
2 to make the firearm work.

3 And as a gun owner myself, I can tell you
4 that accidental -- really accidental gunshot
5 injuries are very few and far between. So, I
6 prefer to call them intended consequences of
7 deliberate use of a firearm.

8 We call them accidents, but they are not
9 really accidents at all. The other part is
10 suicides. And I believe that we have to very,
11 very carefully look at the consequence of suicide
12 by firearm, which is dramatically escalating in
13 communities all over the Commonwealth as well as
14 elsewhere.

15 Plus, the accidental shootings of people
16 by other people that I previously spoken of, plus
17 on top of that all of the firearm injuries, the
18 quadriplegia, the hemiplegia, the paraplegia that
19 results from these gunshot injuries, plus the
20 people who have perhaps no outward physical
21 manifestation of their gun injury, but carry the
22 inward manifestation of the gun where maybe the
23 bullet is still lodged in a tissue or close to a
24 nerve.

25 Maybe the person has the searing memory

1 of having been confronted with the butt end of a
2 firearm.

3 I think it's not too far of a stretch of
4 the imagination to understand that while a great
5 many of the crimes committed with firearms are by
6 illegally possessed and obtained firearms, I don't
7 want to gloss over in response to Representative
8 Gannon's question the fact that lawful, quote,
9 lawfully obtained guns are used in the commission
10 of crimes.

11 For example, I don't want to -- and I
12 know the Mayor didn't mean to do this. But when a
13 person obtains a firearm to keep in their home or
14 their fixed place of business and that gun is used
15 in the commission of a suicide, homicide, or any
16 other kind of act that is criminal in nature, we
17 should very carefully count those acts too because
18 they exact a tremendous calculus.

19 And I can see many, many cases in
20 Philadelphia and elsewhere where spouses, lovers,
21 significant others use firearms to settle
22 differences.

23 And I don't know where Mayor Rendell grew
24 up in New York, but in Philadelphia, I ran. And
25 all the kids ran. We didn't use a rock. We ran.

1 But, unfortunately there isn't any human being who
2 can out run a bullet. And that is the sad fact.

3 I think also, Representative Gannon, the
4 fact that your question indicates an issue
5 shouldn't be gain safe in that the fact that
6 lawful gun owners are not involved with crime
7 proves that the laws regulating guns -- to me --
8 targets the illegal users, so that gun users who
9 use guns for hunting, target shooting, recreation,
10 personal protection are not the ones who our gun
11 laws concentrate on.

12 And also I believe that Operation Cease
13 Fire will help only in a certain amount of cases.
14 We have been involved in the district attorney's
15 office in Philadelphia with a program called FAST,
16 Federal Alternative to State Trials, since 1991
17 when I became the district attorney.

18 In that, what we would do is we would
19 transfer a certain number of cases to the federal
20 government on a small grant that lasted only a few
21 years to prosecute cases. Local prosecutors from
22 my office would be detailed to the U.S. Attorney's
23 Office.

24 Even when the small grant ran out, we
25 continued that program because we believed that

1 some of our Philadelphia judges were not -- and I
2 believe this is mirrored elsewhere in Pennsylvania
3 -- some of our judges were not abiding by the five
4 year mandatory minimum.

5 And Operation Cease Fire now provides
6 funding for district attorney assistants. We have
7 two full-time assistant D.A.s along with three
8 U.S. attorney assistants who are prosecuting
9 nothing but Philadelphia handgun cases.

10 And I will say here before this committee
11 what I said in Philadelphia. We would not need
12 federal intervention or the federalization of
13 state crime if local judges would do what they
14 were supposed to do.

15 While undoubtedly, many of our good
16 judges are complying with the law, there are a
17 number of our judges who do not. And the
18 demanderization of gun crimes is a plague on the
19 community.

20 And it has created the need for Operation
21 Cease Fire, Trigger Lock, FAST or whatever else
22 you want to call these federal firearms programs.
23 If we would take care of business, we wouldn't
24 have to do this.

25 Similarly, the firearms laws in

1 Pennsylvania could do a better job had the 1995
2 amendment not been passed.

3 I participated on the committee in 1995
4 to re-visit the gun laws of Pennsylvania. And I
5 regret to say that I voted against that package.
6 It passed the legislature anyway, which doesn't
7 mean anything. I just registered my dissent from
8 your committee.

9 You are the elected body of
10 representatives. This is no criticism of you.
11 But I want to make sure that you understand that
12 my position was and remains that the 1995 laws
13 that Representative Evans referred to weakened the
14 previous gun laws of Pennsylvania, not
15 strengthened them.

16 It was packaged -- and I emphasize the
17 word package -- of gun strengthening law, it
18 wasn't.

19 We believe that you will hear during the
20 course of this day from people who advocate either
21 one of these Bill's passage, words like reasonable
22 and measure.

23 And I think I want to make sure that you
24 understand from me that that is my position
25 entirely. These Bills are reasonable and they are

1 measured.

2 Remember our statutes and our
3 Constitution both of Pennsylvania and of the
4 United States -- in response to Representative
5 Petrarca's inquiry -- there have been very few
6 cases in Pennsylvania, the 1970's, and in the
7 United States Supreme Court.

8 I believe the last time the United States
9 Supreme Court addressed the issue of the second
10 amendment -- don't hold me to this -- but I seem
11 to think somewhere in the '40s, somewhere in the
12 1940's.

13 So the answer to your question,
14 Representative Petrarca, is that nobody really
15 knows what the Second Amendment really means. In
16 the United States Constitution it says roughly a
17 well-regulated militia being necessary for the
18 protection of the states, the right to keep and
19 bear arms shall not be infringed.

20 It is different in the Pennsylvania
21 Constitution. But I don't think anybody would
22 argue, not even the most avid gun enthusiastic,
23 that the state has absolutely no power under its
24 police powers or otherwise to regulate firearms.

25 So, I don't believe that we, as

1 Pennsylvanians, or you, as representatives, have
2 to fear that if you take a measured and
3 responsible step towards the regulation of
4 firearms, you are going to hear much of an outcry.

5 Yes, you will hear some. And, yes, you
6 will take some heat for it. But this is a case
7 which is measured, not enthusiasts, but in real
8 flesh and blood.

9 And I think I was terribly impressed by
10 Mayor Allen's poignant statement about the case in
11 his jurisdiction. And I know on a daily basis in
12 Philadelphia -- we just had one of those rare
13 weekends last weekend.

14 We had eight or nine murders the past few
15 days. And over this past weekend, my chief of
16 homicide came in and said, Guess what, Lynne?
17 Guess what happened this weekend?

18 I said, What happened this weekend? How
19 many people were murdered? He said, No, you don't
20 understand. It was just the opposite. No people
21 were murdered in Philadelphia over the weekend.
22 Isn't that great?

23 Now, for the chief of homicide, who has
24 been in that office 25 years to come to the
25 district attorney and say, guess what, we have

1 reason to be pleased, nobody was murdered this
2 weekend -- not again saying the previous six,
3 seven or eight days -- that is a sad commentary on
4 what is happening with gun violence.

5 So I think for all the reasons, including
6 by the way, in part of your package you will see
7 -- I don't know, by they way, the A.T.F. considers
8 a 24-year-old a youth.

9 But if Henry Hyde said at 24 he was a
10 youth, that was good enough for me. A little
11 humor makes the medicine go down.

12 The youth crime initiative on 27
13 communities, so this is all over the nation.
14 These guns in the back of your abbreviated packet
15 are the ones that are the 10 firearms listed most
16 frequently.

17 The Larsen 9 millimeter semi-automatic
18 pistol, the Smith & Wesson 40 caliber 40 automatic
19 pistol, the Brico 9 millimeter, and .380
20 semi-automatic pistol, the high point 9
21 millimeter, the glack 9 millimeter, the star 9
22 millimeter, a Larse .380. These are all
23 semi-automatic pistols.

24 This is the weapon of choice. This is
25 why our police officers all over Pennsylvania had

1 to now be issued glacks, a little six shot four
2 inch Smith & Wesson was fine from the history of
3 the police officers in Philadelphia until
4 recently.

5 Now our officers have to be armed with
6 glacks in order to meet the fire power on the
7 street. I dare say when Representative James was
8 shot, as I remember, he was shot because I was the
9 judge who presided over his case.

10 When he was shot trying to prevent a
11 robbery of a beer distributor at 19th and Moore in
12 South Philadelphia. Then Officer James had a six
13 shot revolver, probably a four inch on his hip and
14 the bad guy had a bigger gun and outgunned him.

15 And that guy did not get his gun through
16 lawful means. So I think that all of these things
17 commend our attention and lead to the question at
18 hand.

19 What can this legislation do? In
20 response to Brian Preski's question about judges,
21 the answer is this legislative body cannot do
22 anything about judges, each of whom is
23 independently elected.

24 However, I have met and will continue to
25 meet with judges to try to impress upon them that,

1 as a former judge, which I am of almost 16 years
2 duration, I believe it's their obligation in
3 appropriate cases not to give a waiver discount or
4 to lessen the impact of a case because a gun was
5 used or because of some other reason.

6 Many of our judges are good judges who
7 sentence honestly, but there are some who lower or
8 denigrate the seriousness of a crime. And they
9 are all too frequently on the front pages of our
10 headlines.

11 But the legislative body can't do
12 anything about judges except dialogue with them.
13 And I would suggest, and it wouldn't be a bad
14 thing for legislators as well as district
15 attorneys, as I have done, to sit down with judges
16 and say ,what is the problem here? Why is this
17 happening?

18 But from a legislative point of view,
19 these two bills are very strong indicia of the
20 fact that the legislature as a body recognizes the
21 horrendous calculus that suicides, accidents,
22 homicides, and other crimes committed with
23 firearms have upon our populous and are willing
24 and welcoming the idea to step up to the plate.

25 And I think those things cover my remarks

1 except for one last things about Insta-Check. One
2 of the representatives -- I forgotten which one
3 asked about Insta-Check.

4 I believe that Insta-Check is not all
5 that it's cracked up to be. First of all, it
6 doesn't cover the mentally ill. It does not
7 eliminate people with phoney or forged identities,
8 cloned identifications, false identifications,
9 aliases to be trapped by Insta-Check.

10 Not only that ,but Insta-Check goes
11 through our computer and the gun is already sold
12 long before A.T.F. has the power under Insta-Check
13 to fully check out the person who presents himself
14 or herself to a gun dealer.

15 So Insta-Check guns, Insta-Check system
16 is okay as far as it goes, but by compressing the
17 amount of time it allows too many people to have
18 guns on the street before A.T.F. checks them out.

19 I think the other complaint would be that
20 police chiefs will have an additional burden
21 placed on them. I accept that. I think that's
22 part of the process that we have to deal with.

23 And I am very sensitive to unfunded
24 mandates being placed upon me. So I absolutely
25 understand our chiefs having more resources to do

1 what we ask of them to do by this legislation.

2 I believe there is a realistic way that
3 we can do it and accomplish the ends without
4 taking away legitimate gun owners' rights to keep
5 arms and use them for recreational sport or other
6 legitimate purpose.

7 THE CHAIRPERSON: Thank you, District
8 Attorney Abraham. Any questions from members of
9 the committee? Representative Evans.

10 REPRESENTATIVE EVANS: Real quick,
11 Madam District Attorney, the same question I asked
12 the Mayor back to Act 17 when you indicated that
13 you voted against that piece of legislation.

14 How much of a problem has that
15 legislation been for the city of Philadelphia?
16 And have you been able to do some type of analysis
17 between 1985 and 1999 in terms of that state
18 policy?

19 MS. ABRAHAM: The answer to your question
20 is, I have not been able to do an analysis because
21 as you might know, Representative Evans, my
22 office's computer is not hooked up.

23 And the new millennium, the year 2000, we
24 will be dealing with tools that are almost 17th
25 century by comparison. I would like to be able to

1 do that.

2 My sense is that there is a body, perhaps
3 A.T.F. or others who may have been able to gather
4 those figures. We have not. But I believe the
5 committee was not -- the people on the committee
6 were not A bad committee. They are not bad people
7 or motivated by improper motivation.

8 But I think that the law has been
9 severely weakened and that really goes back to the
10 question about separating Philadelphia by the our
11 jurisdictions.

12 There was very strong opposition to
13 creating an exception to the place in Pennsylvania
14 which contributes 40 percent of the prison
15 population in the state.

16 And I regret that we were exempted or
17 excepted from that one exception. I believe that
18 if Philadelphia had maintained its separateness,
19 we would be able to track and trace firearms and
20 keep a better cheek on firearm violence than we
21 have.

22 It doesn't mean it is the only answer.
23 It means it is a better answer. I know when you
24 go to get a firearms license right now the lines
25 at least for the first year were down the street

1 and around the corner. Thousand of people were
2 trying to get gun licenses.

3 So I believe that thorough analysis is
4 necessary. I just don't have the capacity to do
5 it. I know that that one exemption alone in
6 Philadelphia is enough to cause me concern about
7 creating an island of Philadelphia within
8 Pennsylvania.

9 That is my only thought. I leave it up
10 to you to do whatever you wish, but I hope it
11 doesn't meet the same fate as our previous gun
12 legislation.

13 THE CHAIRPERSON: Representative Thomas.

14 REPRESENTATIVE THOMAS: Thank you, Mr.
15 Chairman. Madam District Attorney, the thing that
16 led to the 1995 law was this underlying notion
17 that individual counties were constitutionally
18 precluded from creating ordinances to regulate gun
19 activity within the jurisdiction.

20 And because we could not resolve that
21 question of whether or not the Commonwealth
22 counties should be allowed to do that, we came up
23 with the '95 law.

24 My first question is, have we resolved
25 that issue? Is there a dominant opinion out there

1 as to whether local municipalities or local
2 counties are preempted from implementing local gun
3 ordinances?

4 MS. ABRAHAM: My sense is, Representative
5 Thomas, that under the present statutory scheme,
6 counties are preempted by any state statute that
7 covers the same or similar issue.

8 It is not just related to guns. It is
9 any act which the legislature deems in its wisdom
10 to pass can preempt a municipality from acting.
11 And I think there also may be issues of double
12 jeopardy.

13 Remember, there are questions of whether
14 you have a local ordinance in a state law, you
15 prosecute two different crimes at two times, and
16 the answer is you can't because you would have a
17 double jeopardy issue or what we call in the law
18 companic issue. You have to join all the crimes
19 together.

20 So I believe that in the current
21 statutory scheme vis-a-vis guns, state law
22 preempts counties. And I think it is desirable
23 for the state, if possible, to speak with a single
24 voice on an important issue as guns.

25 Because in a diverse state of

1 Pennsylvania where, for example, Philadelphia is
2 presently the first class city, but I understand
3 Pittsburg is trying to get to be with city counsel
4 and different forms of government, another first
5 class city.

6 And you have small and mostly rural
7 counties and this vast agricultural state, I think
8 it is beneficial to try to do that, if possible.

9 But I don't speak for the legislature, so
10 I am not prepared to say under any circumstances
11 and all the time no municipality has the right to
12 have a voice in their own governments.

13 REPRESENTATIVE THOMAS: Just one comment
14 to a follow-up question. One of the things that
15 was troubling to many of us in a state like
16 Pennsylvania, you have municipalities like
17 Philadelphia, Chester, and other municipalities
18 that have a unique set of circumstances when it
19 comes to gun control.

20 And to that extent, any uniform
21 legislative prescriptions should allow for
22 counties like Philadelphia County to be able to
23 address something that is endemic to that
24 particular county.

25 MS. ABRAHAM: I think the statute that

1 was changed by the '95 statute was a state
2 statute. It was not a municipal ordinance that
3 provided for the gun licensure in Philadelphia.

4 But I think we have to be mindful of one
5 thing -- and you are the legislature, you, ladies
6 and gentlemen can do anything you want under the
7 Constitution -- and that is that Pennsylvania is
8 not a static state.

9 People are moving back and forth and all
10 over the place. The exitus from Philadelphia to
11 surrounding counties means that you have to be
12 prepared to quickly change laws to meet the
13 changing circumstances.

14 So there are additional problems of
15 deciding when a formerly rural county becomes all
16 of the sudden a part of the metropolitan area and
17 has its similar metropolitan issues.

18 I don't know that that is a subject for
19 today's discussion, but certainly it is something
20 that is within the legislative purview to discuss,
21 how you wish, if at all, to exempt certain
22 municipalities or jurisdictions from legislative
23 enactments.

24 REPRESENTATIVE THOMAS: And you leave it
25 to our discretion to determine when that should

1 happen?

2 MS. ABRAHAM: Sure.

3 REPRESENTATIVE THOMAS: And I am reminded
4 of Act 35, which deals with the public school code
5 in there and guns on school property. We provided
6 a particular prescription for Philadelphia
7 Counties.

8 MS. ABRAHAM: Yes, indeed.

9 REPRESENTATIVE THOMAS: And then exempted
10 other counties from that same prescription.

11 MS. ABRAHAM: Yes, indeed. And, as a
12 matter of fact, my office and John Delaney who is
13 the head of our juvenile -- deputy of our juvenile
14 division, is in charge of all of those cases.

15 And while we are always stunned by any
16 child or children bringing guns to stool, we are
17 mindful of the unique issues that are in
18 Philadelphia; however, if you have a case like you
19 have in Erie, then people start to worry about,
20 wait a minute, did we neglect to do something?

21 But, obviously, Representative Thomas, we
22 submit ourselves to the jurisdiction of the
23 legislature to do what is legislatively
24 appropriate under our Constitution.

25 REPRESENTATIVE THOMAS: And I am thankful

1 that we have district attorneys like yourself and
2 mayors like Mayor Rendell, because there is also
3 this underlying presumption that because we are
4 lawmakers, we have the answers.

5 And I submit to you that we don't have
6 the answers all the time. And we need to hear
7 from people like yourself to provide some
8 guidance.

9 And this is a very difficult issue. I
10 read Article 2. It has never been fully
11 interpreted until today. And so to that end, we
12 are really in somewhat of a right mind.

13 So, whatever guidance we can get is
14 definitely appreciated it.

15 MS. ABRAHAM: My desire is really in
16 saving lives. And I belong to, as you well know,
17 Representative Thomas, I go to a lot of -- first
18 of all, I go to the morgue an awful lot and see in
19 stark reality what is happening to our citizenry
20 including very young children and all the way up
21 to senior citizens in their 70's and 80's and
22 sometimes 90's.

23 And also I go to a lot of the survivors
24 functions, Lost Streams, Living Hopes. And you
25 see the portraits of these kids. And there are a

1 lot of children who are victims of gun violence.

2 And also in court, I think what happens
3 is the focus is on the Defendant and the deceased
4 is only a brief memory. And I think about Police
5 Officers Laretha Vaird who was ambushed in a bank
6 while on duty and in full uniform, first female
7 officer to be murdered in cold blood while on
8 duty.

9 She was ambushed in a bank when she
10 answered a call of a silent alarm. And the three
11 men who perpetrated that crime, two are doing life
12 and the other has been sentenced to the death
13 penalty.

14 And the gun that was used to murder
15 Officer Laretha Vaird -- although I believe the
16 gun was attempted to be made not traceable because
17 of an obliteration of some the numbers -- that gun
18 was purchased by a straw purchaser and obtained
19 illegally by the shooter.

20 So when you think of the survivors, the
21 moms, the dads, the sisters, the brothers, the
22 sons, and the daughters, when you go to rallies by
23 Suton Shehad, the scholarship fund, and the James
24 Mills of buying guns.

25 We buy guns every year and folks like

1 that you really -- Shon So Donlee and all of those
2 other great people who are here and people who are
3 in this room but who are not introduced perhaps,
4 but maybe known to you, Belok Wyum, who is here
5 today, fabulous advocate for anti-gun violence.

6 We stand shoulder to shoulder because we
7 are interested in one thing. We don't want to
8 limit the guns of decent, honest, honorable
9 citizens to have self-protection, myself included
10 as a gun owner.

11 But what we do want to do is we want to
12 make sure that the guns don't come into the wrong
13 hands and reap vengeance upon us that we know all
14 too well, stunning in its proportion.

15 REPRESENTATIVE JAMES: I thank you for
16 testifying. You basically answered what I was
17 going to ask you. In regard to Officer Vaird, it
18 is a fact that that was a straw purchase gun?

19 MS. ABRAHAMS: Correct.

20 REPRESENTATIVE JAMES: Were you able to
21 get to the purchaser or are there any laws that
22 can get to a straw purchaser and charge them when
23 that happens?

24 MS. ABRAHAMS: Right now, as I understand
25 it, Representative James, there are no laws on the

1 books that address straw purchasers.

2 And that's why I believe this whole issue
3 has to be explored. Representative Thomas said we
4 are not really in a quagmire, but we are in the
5 dark. We have a blindfold over our eyes.

6 And we are trying to sort of stumble
7 around and figure out what the law will be when
8 and if our Supreme Court or the United States
9 Supreme Court will address this issue.

10 But specifically on the issue of that
11 purchaser, I believe the A.T.F. has been looking
12 into that. I am not aware that that purchaser was
13 prosecuted by A.T.F, first, because of the reason
14 that there is no gun law talking about the straw
15 purchasers per se except as to the instances that
16 the Mayor has eluded to, but also because it's
17 very difficult to prove that the gun was bought as
18 opposed to it was stolen out of my car, it was
19 burglarized from my home.

20 One of the most recent straw purchases
21 was a -- and I mean this with no offense -- the
22 Christian Book Store. That's what it was called.
23 My store was broken into, and these guns were
24 stolen.

25 So it's difficult to prove that (A) sold

1 (B) a gun in violation of our federal firearms
2 laws.

3 REPRESENTATIVE JAMES: Thank you.

4 THE CHAIRPERSON: Thank you, Madam
5 District Attorney, for attending the hearing today
6 and taking time from your schedule to present us
7 with your views on these two important House
8 Bills.

9 MS. ABRAHAMS: Thank you, Chairman
10 Gannon.

11 THE CHAIRPERSON: Our next witness is
12 Joseph Mahoney with the Philadelphia Chamber of
13 Commerce. Welcome. You may begin when you are
14 ready.

15 MR. MAHONEY: Thank you, Mr. Chairman.
16 My name is Joe Mahoney. I am senior
17 vice-president of the Greater Philadelphia
18 Chambers Commerce.

19 I am here testifying on behalf of our
20 president Charlie Pizzi, who is down with that flu
21 that has been going around and regrets that he
22 couldn't be here this morning.

23 First, I would like to commend Mayor
24 Rendell and Commissioner Timoney and Assistant
25 District Attorney Lynne Abrahams for their

1 leadership and their efforts to make Greater
2 Philadelphia region a safer and more attractive
3 place to live, work, and to visit.

4 We share their vision and determination
5 that Philadelphia and Pennsylvania can and will be
6 a top-rate, first-class destination for business,
7 pleasure, and quality of life.

8 A few months ago, Mayor Rendell addressed
9 the Chamber's Board of Directors. Always candid
10 and never at a loss, he reflected upon a decision
11 he was privately weighing -- a potential lawsuit
12 against gun manufacturers to recover the costs of
13 gun violence in the city.

14 The business leaders around the room took
15 notice of his concern and agreed that the time has
16 come to address the serious issue of gun violence
17 and acknowledge that our society and our economy
18 suffer as a result of lenient access to guns and
19 poor enforcement of existing laws and penalties.

20 Since that time, the Chamber has joined
21 with Mayor Rendell and others to promote ideas and
22 programs that can be helpful in reducing crime and
23 violence in Philadelphia, our region and in
24 Pennsylvania.

25 On January 25, the Chambers facilitated a

1 program with the Mayor and Charlton Heston,
2 President of the National Rifle Association, to
3 implement Virginia's "Project Exile" in
4 Philadelphia.

5 The program involves transferring gun
6 offenders from State to Federal Court, where the
7 sentencing guidelines are tougher.

8 For example, a twice-convicted armed
9 robber is stopped for a traffic violation and the
10 police find him armed with an automatic pistol.
11 Currently, he is tried in State Court where the
12 conviction rate is approximately 60% and where the
13 average sentence is 4 months in prison.

14 If the same offender were tried in
15 Federal Court, which also has jurisdiction, the
16 average sentence, according to federal guidelines,
17 would be 5 years in prison with no parole.

18 In Richmond, Virginia, "Project Exile"
19 has had dramatic results in significantly lowering
20 the level of gunpoint homicides, robberies, and
21 assaults. We are hopeful that similar results
22 will be achieved in Philadelphia.

23 "Project Exile" works to discourage
24 criminals from using guns because of the severe
25 penalties and consequences. We also believe that

1 lenient access to guns is a serious handicap when
2 a city or state is working to reduce violent
3 crime.

4 Today, I would like to express our
5 appreciation to Representative Lita Cohen and
6 Representative Dwight Evans for their work in
7 preparing legislation to address this growing
8 problem in Pennsylvania.

9 I would like to thank the committee too
10 for recognizing that we must move forward in the
11 consideration of new, reasonable, and fair laws to
12 aid in local efforts to limit gun trafficking and
13 to remove guns from the hands of criminals.

14 One Gun A Month legislation, as detailed
15 in the proposals offered by Representatives Cohen
16 and Evans, would limit a person to not more than
17 one firearm with the 30-day period and would
18 require a background check for the purchasing of
19 more than one firearm a month.

20 Exceptions to this law would include
21 agencies performing official law enforcement
22 duties, firearms dealers, collectors, and other
23 specific purchases.

24 The measure also details penalties for
25 failure to report a lost or stolen firearm, and

1 fines and imprisonment for dealers who violate any
2 of the new gun control provisions.

3 In another lesson we can learn from
4 Virginia, an organization named "Virginians
5 Against Gun Trafficking" waged a campaign in 1993
6 to impose new, stricter gun control laws and
7 improved enforcement in their state.

8 A legislative proposal grew out of
9 substantial evidence that Virginia's weak gun
10 purchase laws were the source of substantial gun
11 running to other states.

12 Proof of residency requirements to obtain
13 a Virginia driver's license were lenient as well,
14 enabling "anyone" to travel to Virginia to buy a
15 gun.

16 Further evidence of a rise in crimes
17 committed with handguns and its impact on local
18 economic development provided the impetus there
19 for major support from the business community.

20 One Gun A Month and parallel legislation
21 to tighten driver's license residency requirements
22 are now in effect in Virginia. Proponents believe
23 their success in passing the legislation was a
24 direct result of the business community's
25 recognition of the impact of violent crime on

1 economic development.

2 The new laws have resulted in some
3 amazing statistics. Since implementation,
4 Virginia's share of guns recovered in the
5 northeastern United States fell by 54% to just
6 16%.

7 The percentage of guns traced back to
8 Virginia gun dealers fell by a similar amount.
9 According to law enforcement officials, illegal or
10 straw purchases of handguns, which had made that
11 state the "firearms supermarket" also dropped
12 sharply.

13 The Virginia State Crime Commission
14 concluded that the state's One Gun A Month statute
15 has had its intended effect of reducing Virginia's
16 status as a source state for gun trafficking and
17 that the law does not appear to create an onerous
18 burden for law abiding gun purchasers.

19 The Greater Philadelphia Chamber of
20 Commerce is not here today to advocate a ban on
21 the sale of handguns. There are legitimate
22 reasons to possess weapons.

23 We do not support the violation of
24 anyone's constitutional rights or ability to
25 defend themselves.

1 We believe that asking individuals to
2 limit their purchases of handguns to one gun per
3 month is not an unreasonable request for law
4 abiding and forthright citizens.

5 We believe this legislation promotes the
6 responsible use of firearms and will make it more
7 difficult for criminals to obtain handguns and
8 other weapons in Pennsylvania.

9 I have included in my testimony a copy of
10 an editorial from last week's Philadelphia
11 Inquire. In their commentary, they cite a new
12 study by the Bureau of Alcohol, Tobacco, and
13 Firearms, which reveals that one-third to one-half
14 of the nation's young criminals are armed with
15 guns illegally acquired on the street through the
16 straw purchase of firearms from legitimate gun
17 dealers.

18 The A.T.F. study found that more than
19 half of the guns used in crimes by juveniles and
20 young adults are acquired by others - proof that
21 current gun permitting, buyer checks, and
22 record-keeping efforts are not enough to protect
23 the public.

24 Locally, in 1997, a total of 2,904 crimes
25 were committed with handguns in and around

1 businesses and commercial enterprises in the City
2 of Philadelphia.

3 Even though that number is down from the
4 3,288 similar homicides, robberies, and assaults
5 committed in 1996, we, as leaders in the
6 community, are obligated to do more than protect
7 employers and their employees, customers,
8 neighborhood residents, and visitors.

9 We must take another step toward
10 controlling the illegal proliferation of guns in
11 our society. We urge your favorable consideration
12 of the Bills proposed by Representatives Cohen and
13 Evans.

14 These measures reflect the mood across
15 the country - that more must be done to remove
16 guns from the hands of criminals.

17 Our society and our economy suffer the
18 costs and consequences of gun violence every day.
19 Crime rates scare away existing and potential
20 employers costing us jobs and new businesses.

21 Health care costs rise because local
22 hospitals must bear the burden of stitching up
23 uninsured gun victims. Municipal budgets bulge to
24 pay extra police officers to guard dangerous
25 streets.

1 School district expenditures balloon
2 because funds must be diverted from classrooms to
3 install weapons scanners. Growing businesses find
4 that their investment plans must include enhanced
5 alarm and security systems, rather than expansion
6 possibilities and new jobs.

7 Company benefits now include armed
8 escorts and cab service for overtime workers,
9 rather than holiday bonuses or child care.

10 The estimated cost of firearm injuries in
11 pain, suffering and lost quality of life was 75
12 billion dollars in 1992.

13 The estimated cost of direct health care
14 expenditures for firearm-related injuries in the
15 United States in 1995 was 4 billion dollars.

16 The average per person cost of firearm
17 fatalities is the highest of any injury-related
18 death at \$373,000 per death.

19 In a recent federal court decision in New
20 York, a jury found the gun industry negligent in
21 the way it sells and distributes guns. Attorneys
22 for the families of seven shooting victims argued
23 that gun manufacturers knowingly allow their
24 products to flow into an underground market where
25 they are purchased by criminals.

1 As reported by a writer for the Ayn Rand
2 Institute, this lawsuit may have set a new
3 precedent giving our courts almost limitless power
4 to shut down the manufacturers of legal and
5 legitimate products.

6 This is not the direction of sound public
7 policy. For the court to act in this manner is
8 proof positive that legislation is necessary to
9 help control the proliferation of guns in the
10 underground market.

11 Again, we urge your favorable
12 consideration of laws to promote the responsible
13 use of firearms and make it more difficult for
14 criminals to obtain handguns and other weapons in
15 Pennsylvania.

16 And I thank you for your consideration.

17 REPRESENTATIVE JAMES: Thank you for your
18 testimony. Any questions?

19 MR. PRESKI: I have one, sir.
20 Representative Cohen eluded to the cost in health
21 care. Have you seen any other costs -- health
22 care is a big one we can all identify. Somebody
23 gets shot, they need to be fixed.

24 Are there other arrears where you see
25 those kind of same numbers or what is number two?

1 Is it businesses, where businesses start to put on
2 the boards and windows and everything else?

3 What comes next?

4 MR. MAHONEY: I can't tell you from a 1,
5 2, 3 standpoint and answer your question that
6 specifically. What I can tell you is when this
7 issue was discussed before our board of directors
8 a many or two ago -- and our board is comprised of
9 chief executive officers of a host of different
10 kind of companies from service firms to
11 manufacturers to suburban businesses, city
12 businesses, a whole host and covers the gamut of
13 firms in Philadelphia and the Philadelphia region
14 -- they voted unanimously to support this
15 legislation citing it as a real business issues.

16 And the fear of crime in our community,
17 they cited as being detrimental to them attracting
18 good employees, to insurance costs, to added costs
19 of business, alarm systems, the bars on windows,
20 everything that you mentioned.

21 And this is a change for us. I don't
22 think that we would have testified on an issue
23 like this a few years ago. But the issue has
24 become more and more a concern to businesses as an
25 added cost factors.

1 MR. PRESKI: Thank you very much.

2 REPRESENTATIVE JAMES: Any other
3 questions to my left? Thank you for your
4 testimony. We appreciate it. And the next person
5 we want to hear from is Dr. James Reilly.

6 DR. REILLY: Thank you very much. I want
7 to thank the members of the House Judiciary
8 Committee for inviting me or allowing me to come
9 today to speak on behalf of this very important
10 piece of legislation.

11 My name is James Reilly, and I am a
12 trauma surgeon. What I want to do this morning is
13 briefly give you my perspective on what handguns
14 are doing or how they are effecting our society.

15 What I would like to do first is give you
16 a couple of things to think about as I go through
17 my remarks because I think they are important to
18 highlight up front.

19 First of all, firearm injury and firearm
20 death is now at an epidemic level, not only in the
21 United States but unfortunately the state of
22 Pennsylvania as well.

23 The second thing I want you to consider
24 is that the handgun is the overwhelming weapon
25 that is used in the majority of firearm injuries

1 and firearm deaths not only within the United
2 States, but within our own state as well.

3 I would like you to think about, thirdly,
4 the fact that firearm injury and firearm death is
5 a preventable disease. And I say that because we
6 should be very optimistic in terms of our ability
7 to decrease the number of firearm injuries and
8 deaths that we see in our communities.

9 And the final thing that I would like you
10 to think about is that firearm injury, firearm
11 death and the handgun is no longer an endemic to
12 our major cities.

13 It is now spreading like a virus into our
14 small towns, our medium size cities, and into our
15 rural areas of the state.

16 Now, if you look at some of the
17 literature that is published about handguns in the
18 United States, this is a typical statement that
19 you will come across here on this screen.

20 This one in particular says that of all
21 the children that were shot in this study, about
22 50 percent of those children were shot within
23 their own homes and 38 percent occurred in the
24 homes of friends and relatives.

25 What I want to call to your attention is

1 the word "accident". Because if you look up the
2 word "accident" in the dictionary, it is very
3 clearly defined as occurring by chance, either
4 unexpectedly or unintentionally.

5 I would like you to think about the fact
6 that there is no such thing as an accidental
7 firearm injury or death. Every single time that
8 somebody is shot with a firearm, it is either due
9 to the specific intent of one person to injure or
10 kill another or it is due to somebody's lack of
11 attention to firearm safety.

12 There is no such thing as a firearm
13 injury or death that occurs by chance.

14 When we talk about firearm injuries, we
15 talk about death because death is something that
16 is eminently measured among our society.

17 Death, though, is really not the endpoint
18 that we are talking about here. As it was eluded
19 to earlier, the person who is shot or killed is
20 not necessarily the only person that is involved
21 with these firearm injuries. There's family,
22 there's friends, there's community, and there is
23 society.

24 There is physical, emotional,
25 psychological, and financial costs that are simply

1 incalculable due to firearm injuries. In the
2 United States alone, every year 36,000 human
3 beings are killed because of a firearm.

4 The majority of these are handguns that
5 commit these crimes, that are used in these
6 crimes. If you look at the data from 1994 and
7 1995 alone, staggering statistics.

8 Twenty-nine percent more Americans were
9 killed within our borders in those two years from
10 firearms than in the entire eleven years of the
11 Vietnam War. Again, the handgun was the weapon
12 used in the majority of these crimes.

13 In 1995 alone, firearms were responsible
14 for seven percent more American deaths than the
15 entire three years of the Korean War. Again, it
16 was a handgun that was used in the majority of
17 these murders.

18 In 1997, if you look at the statistics on
19 homicides alone in this country, seventy percent
20 of them were committed with a firearm. The
21 handgun was the predominant weapon used in these
22 homicides.

23 Here is some data that I took from the
24 University of Pennsylvania's trauma center, where
25 I work. And if you look at the years 1997-1998,

1 we were able to get pretty good statistics on what
2 type of weapon was used in the firearm injuries.

3 And you will see that we saw about 350
4 to 360 firearm injuries each of those 2 years and
5 90 to 95 percent of the time it was the handgun
6 that committed the injury, that was used to
7 inflict the injury.

8 Now, the spread of firearm use and
9 firearm injury and death is no longer contained
10 within our major cities. Right now I am working
11 at Saint Luke's Hospital Regional Trauma Center in
12 Bethlehem, Pennsylvania.

13 University of Pennsylvania helps to
14 manage this trauma center. We have only been
15 operating for a couple months since April '98. We
16 have already seen 12 total firearm injuries.

17 There are 2 trauma centers in this small
18 community. This number may not seem like it's a
19 lot, but for that community, that is a
20 significantly increased amount of firearm injury
21 based on what they were used to seeing.

22 Handguns clearly dominate our society in
23 terms of their use in violent crime. Just about
24 80 percent of all homicides are committed with a
25 handgun and 70 percent of all suicides are

1 committed with a handgun.

2 Since 1985, we have seen a dramatic
3 increase in the number of homicides that are
4 committed with the use of a handgun.

5 And coincidentally, we have also seen a
6 dramatic increase in the number of handguns in our
7 society. Over forty percent of American
8 households have at least one handgun.

9 Now, when you talk about the handgun, I
10 think it is very important to distinguish it from
11 sporting weapons, things like rifles and shotguns
12 which are clearly made for somebody to enjoy in
13 any of fashion.

14 The handgun, however, is specifically
15 designed to kill another human being. Whether you
16 purchase one of these for self-defense or to
17 commit a crime, the gun, when it is discharged, is
18 intended to kill another human being.

19 And it should be distinguished from other
20 types of weapons because of that. The handgun,
21 because of its small size, its light-weight and
22 its ability to be concealed has become the weapon
23 of choice for our criminals.

24 It's also the weapon of choice in people
25 who unfortunately commit suicide. And you will

1 see that 70 percent of all firearm suicides are
2 committed with a handgun.

3 If you commit suicide or attempt it with
4 drugs, on average, 23 percent of those people will
5 succeed. If they use a firearm, it is 90 percent
6 lethal.

7 If you make it to our trauma center with
8 a gunshot wound, you have about a 90 percent
9 chance across the board of leaving alive. If you
10 are injured in one of your major blood vessels,
11 such as the aorta or the vena cava, you have a 50
12 percent chance of leaving alive.

13 Survival is not the endpoint for these
14 people. They almost always carry significant
15 emotional and psychological scars with them the
16 rest of their lives.

17 Violent crime trends in the United States
18 are significantly changing. They are moving from
19 the big cities through the small cities and again
20 this is no longer something that is endemic to big
21 cities.

22 This is some data that comes from some of
23 the larger and smaller cities in the United
24 States. We all are aware of New York City's
25 ability and dramatic decrease in the number of

1 homicides.

2 But towns like Nashville and Youngstown,
3 Ohio are now experiencing dramatic rises in their
4 homicide rates. I think this is very alarming.
5 Firearm violence is a preventable disease.

6 It is now epidemic in our communities.
7 It is no longer endemic to our large cities. The
8 handgun is the specific weapon of choice used in
9 these violent acts and it needs to be thought of
10 differently from other types of weapons.

11 What I want to do now is show a couple of
12 slides that gives you an idea of what we are faced
13 with in our trauma centers every single day, every
14 single night.

15 And I don't think that you can really
16 talk about handguns and violent crime without
17 having a firsthand look at some of these types of
18 injuries that we see.

19 If you can take a minute to set up the
20 projector.

21 That is a gunshot wound to the abdomen
22 caused by a handgun. There's no blood. It's not
23 very impressive to look at.

24 That's a picture of two gunshot wounds to
25 the abdomen. Again, not much blood, not much to

1 look at. If you come into the trauma center with
2 a blood pressure that is reasonable, we will shoot
3 some x-rays to figure out which way the bullet
4 went because we like to know whether you are hit
5 in the chest, the abdomen, or both.

6 If you are hypotensive, you go straight
7 to the operating room. This is the type of wound
8 we need to make in order to fix the wound that the
9 bullet made.

10 You can see it is a fairly significant
11 wound. And that is a major operation. This is a
12 picture of the small intestine, which has been
13 shot with a handgun.

14 This is the type of injury that we often
15 need to repair. This is a picture of a liver
16 that's been hit by a handgun. There is a large
17 amount of blood over the liver.

18 This patient has a significant injury and
19 has a very high chance of dying. This is a
20 picture of a liver being repaired, again, shot by
21 handgun.

22 This is picture of an arm that's been
23 shot. This patient will probably go on to have
24 long term morbidity from this injury and probably
25 will not use that arm normal again.

1 This is a picture of a wound in the chest
2 that needed to be made to repair a handgun injury.
3 And in this picture, the surgeon is actually
4 manually compressing the heart trying to pump
5 blood to the rest of the body.

6 In this situation, the patient's outcome
7 is almost uniformly fatal. And this is what
8 happens every single night in trauma centers
9 throughout Philadelphia.

10 This is a picture of somebody who came in
11 with a gunshot wound to the chest, again a
12 handgun, had open cardiac massage performed. And
13 this patient died.

14 Currently, I would tell you that there is
15 no national registry. We have no idea how many
16 people are injured each year from handguns. We
17 know that it's a staggering amount.

18 But we can only estimate the cost in
19 terms of human suffering and death and injury in
20 our nation annually.

21 I am very proud of the fact that I have
22 lived in Pennsylvania my entire life. And I know
23 that Pennsylvania is called the Keystone State for
24 a very good reason.

25 In 1803, in the Philadelphia Newspaper

1 Arora, it published that Pennsylvania was the key
2 stone in our democratic arch. And it was said
3 that way because Pennsylvania had provided
4 leadership for the nation in terms of social,
5 political, and economic change.

6 And I would ask you to consider what you
7 are doing today as a leadership role for the
8 entire nation.

9 If you take a look at this brief excerpt
10 from the Declaration of Independence, I think that
11 is something that maybe later today you can look
12 at and go over the words very carefully.

13 I would ask you to ask yourself how much
14 suffering are we willing to endure as a society
15 and how much evil are we willing to tolerate as a
16 society before we decide that we are going to
17 establish new laws that protect for the future and
18 security of not only ourselves, but our children.

19 Thank you.

20 THE CHAIRPERSON: Thank you, Dr. Reilly.
21 Any questions? Representative James.

22 REPRESENTATIVE JAMES: Thank you for
23 testifying. I think the last slide, I think I
24 would like to have a copy of that for all the
25 people that say that we bridge the Second

1 Amendment or --

2 DR. REILLY: You have a copy, sir.

3 REPRESENTATIVE JAMES: I think that's
4 what we need to give the people saying we are
5 bridging the Second Amendment.

6 THE CHAIRPERSON: Representative Cohen.

7 REPRESENTATIVE COHEN: Thank you.

8 Doctor, would you have any idea of the cost? We
9 have heard today of the cost in terms of human
10 lives.

11 Would you have any idea -- just your
12 hospital perhaps would be a barometer -- of the
13 dollar cost to the citizens of the Commonwealth
14 for you, E.M.T. personnel, etc. to deal with these
15 gunshot wounds?

16 DR. REILLY: I have in front of me a copy
17 of an article. The source of this is Pennsylvania
18 HealthCare Cost Containment Council. There is a
19 fair amount of variability between hospitals in
20 terms of their efficiency and their ability to
21 take care of patients with devastating injuries
22 like this.

23 The University of Pennsylvania on
24 average, it costs them about \$45,000 a piece to
25 take care of one of these patients. And about 78

1 percent of that cost, if you take all corners, has
2 to either be absorbed by the hospital or absorbed
3 by the public funds that are available.

4 REPRESENTATIVE COHEN: I recently spent a
5 couple hours at the University of Pennsylvania
6 emergency ward, and I saw some cases come in.
7 \$45,000 per case?

8 DR. REILLY: That's on average, yes.

9 REPRESENTATIVE COHEN: About how many a
10 year?

11 DR. REILLY: Well, we get on average, 350
12 to 370 firearm injuries a year. Now, we also get
13 stabbings and other violent injuries.

14 REPRESENTATIVE COHEN: I understand.

15 DR. REILLY: But just gunshots alone,
16 about 350 to 370 a year. And it is very
17 consistent over the last decade.

18 REPRESENTATIVE COHEN: Thank you, Dr.
19 Reilly.

20 THE CHAIRPERSON: Thank you, Dr. Reilly,
21 for appearing before the committee today and
22 sharing your thoughts and inputs.

23 Mr. John Hohenwarter, State Liaison with
24 the National Rifle Association could not be here
25 today.

1 And in lieu of personal appearance, we
2 are going to accept his written testimony as part
3 of the record.

4 Our next witness is Mr. Leroy Jackson.
5 You may proceed when you are ready, Mr. Jackson.

6 MR. JACKSON: I am going to address my
7 written testimony. If you don't mind, I have
8 heard a few things here I would like to discuss.
9 One thing was, why do we have to take crimes from
10 state to federal government because Trans Dresher
11 gets four months in jail?

12 Why? We have to go to the feds for that?
13 Justice Renquist just cascaded federal Congress
14 about that very thing. Don't federalize state
15 crimes. Homicides, robberies these are state
16 issues, not federal issues. Not federal issues at
17 all.

18 Mayor Rendell of Philadelphia said there
19 is limitations on the Second Amendment. Well,
20 there are. We see them every day. They are
21 called laws against crimes of violence. That is
22 all the limitations we need. That is all. Now, I
23 am going to go into my speech.

24 My name is Roy Jackson. I live in
25 Felton, Pennsylvania. That is southern York

1 County. I am employed as a consultant of a major
2 manufacturer.

3 I am a private citizen. I am not a
4 politician. I am a 9-year veteran of the U.S.
5 Navy. I am also a Vietnam veteran.

6 I am here to testify against the Bill
7 H.R. 46 and the successor number, which is now
8 H.R. 46.

9 When I enlisted in the Navy, I swore an
10 oath to defend this country and the Constitution
11 of the United States. I believe in that
12 Constitution and all rights guaranteed by the Bill
13 of Rights.

14 I know that all actions of all the
15 citizens aren't to my liking or to your liking.
16 That's the way it is. That is the price of
17 freedom.

18 The price that I am willing to pay as a
19 private American citizen and a taxpayer. When
20 you, the legislators of this House were elected,
21 you also swore an oath to the Constitution of the
22 United States and the Constitution of
23 Pennsylvania.

24 Both of those Constitutions guarantee our
25 right to bear arms. I understand the limitation

1 specified by the Constitution. You swore on that
2 oath. You swore it.

3 If you don't like it, you can change it.
4 It's called amendments. Do that. Not by a Bill,
5 but an amendment.

6 Mayor Rendell or this gentleman -- this
7 black gentleman over here who I forgot --

8 REPRESENTATIVE COHEN: Representative
9 Evans.

10 MR. JACKSON: Evans. Anyway, thank you.
11 Bringing up about the handgun permits in
12 Philadelphia. Well, the question maybe Mayor
13 Rendell should ask himself is, why was there a
14 five fold increase in gun permits in Philadelphia?

15 And the real question is of that five
16 fold increase, how many of those of which I am one
17 in York County, not in Philadelphia, use their
18 guns to commit crimes?

19 I feel you will find the percentage is
20 very, very, very low be it a crime of passion or
21 domestic crime or a crime outside the house of --
22 a regular crime, I guess.

23 I am a little rough around the edges. I
24 am not used to public speaking. That's the
25 question maybe Rendell should ask.

1 Anyway, this Bill attempts to limit and
2 infringe upon the very rights you swore to uphold.
3 I am sure one of you will say the rights are not
4 unlimited. Well, Rendell did.

5 But it is not for the government to
6 determine that. There are mechanisms in place to
7 amend the Constitutions of both the United States
8 and Pennsylvania.

9 If you want to limit a right, you can
10 amend it. Not that this Bill exempts certain
11 government agencies from the limitations placed
12 upon the citizens. I see nothing in the Second
13 Amendment that gives government the right to bear
14 arms at all.

15 I believe Thomas Jefferson, the founder
16 of this country, was quite heinous. They did not
17 want a standing in Army. Now, remember, I was a
18 military lifer. So, I have been there.

19 But to limit a private citizen's right
20 yet grant the same right to a law enforcement
21 agency, no, that's not your business.

22 Again, amend the Constitution. In the
23 private sector there is a concept known as value
24 added. This means the concept, change of process
25 being discussed lends value to the customer.

1 This value may be tangible or intangible.
2 The inverse is non-value added. Remember that
3 term. Non-value added. Something like the music
4 out here.

5 And this citizen declares this Bill, this
6 One Gun A Month concept totally without value,
7 totally non-value.

8 There is exceptions to the One Gun A
9 Month Bill. I refer to the exemptions given law
10 enforcement and sellers of firearms. I also note
11 that my copy of H.B. 46 allows multiple purchases
12 -- it's on page 8 of HR 2484, section 2 -- if the
13 purchaser submits to an "Enhanced Background
14 Check".

15 What is that? I mean, if I get one gun,
16 blow somebody away because of limited enhancement,
17 there's no background check. Do the background
18 check. Don't make it because the guy wants to buy
19 two.

20 By the way, to correct Representative
21 Cohen there, as I mentioned, I carry a permit.
22 And when I bought my first gun, after the
23 Insta-Check came on board, I still had to go
24 through Insta-Check. So, we are not exempt.

25 This Bill requires multiple purchasers

1 fingerprinting and photographic records of buyers.
2 I was fingerprinted when I enlisted in the Navy.
3 This was for the purpose of identifying those
4 killed in action.

5 But this Bill expects citizens to submit
6 to fingerprinting in the exercise of their rights?
7 Come on. Do you really expect us to do that, for
8 a right that we already have? I don't think so.

9 For the information of these here today,
10 I used to vote Democrat. I voted for Bill Clinton
11 in 1993. Then the insanity of blaming firearms
12 for the crime began. The "demonizing" of the
13 Second Amendment began.

14 Clinton and his foolish interpretation
15 that the Amendment was solely for "sporting arms",
16 which it's not.

17 I mean, we all exercised the First
18 Amendment today, correct? Of course, we are. The
19 question is, how do we get that First Amendment?
20 It's by the government.

21 Otherwise, there wouldn't be a United
22 States flag on that pole. It would be a union
23 jacket. Is this correct? We would be singing to
24 King George. Hail to the King rather than the
25 Star Spangled Banner.

1 I would be hard pressed to vote for a
2 Democrat again. The Democrats are the party of
3 socialism, elitism, the party that destroyed the
4 value added concept of personal responsibility.

5 Personal responsibility, that's what it's
6 all about. We have personal rights. And it's got
7 to be personal responsibility.

8 So, Ms. Cohen, others, introduced a Bill
9 that results in limiting the rights of the
10 Pennsylvania citizens in some misguided sense that
11 it will reduce crime.

12 The F.B.I. statistics that we saw earlier
13 say violent crime rates are dropping. A.T.F.
14 said crimes went up. So, I am not really sure who
15 is right.

16 Perhaps the intent is to stop the
17 terrible tragedies such as those occurring in
18 several schools around the country. We have all
19 heard comments such as "We're doing it for the
20 children."

21 The school shootings are crimes of
22 aberration. They are not the norm. They are
23 aberrations from the norm.

24 I realize that that is a cold statement.
25 It really is. I mean, to someone who lost a loved

1 one or to a crime of any kind, it's tragic.

2 But for the school shootings, the
3 offenders were apprehended. They system worked.

4 So, do this for the children, protect
5 that Constitution because once it's gone, it's
6 gone.

7 Do not blame firearms for those who
8 misuse them. Do not destroy rights because it is
9 politically correct. I urge each and every one of
10 you to heed my words here today.

11 I urge each and every one of you to vote
12 against this and any other Bill of this nature. I
13 urge you to vote them down. I urge each and every
14 one of you to resist the temptation to use "feel
15 good" legislation to impress the voters back home.

16 I urge you to address this, and any,
17 issues in a way that is, in fact, value added for
18 the democracy and value added to this country.
19 That's all I got. Thank you.

20 THE CHAIRPERSON: Thank you, Mr. Jackson.
21 Representative James.

22 REPRESENTATIVE JAMES: How many guns do
23 you own?

24 MR. JACKSON: Currently, a .38 and a .22.
25 No, I don't have a .22. A .38 and a 9 millimeter.

1 REPRESENTATIVE JAMES: So, do you see a
2 need to buy more than one handgun?

3 MR. JACKSON: No. Actually, this Bill
4 means very little to most people. We all know
5 that. Most people can't afford to buy five or six
6 hundred dollar guns more than once a month.

7 So, it is really a non-value added Bill
8 because it is not going to effect anybody really.
9 But, see, I do believe that, like this gentleman
10 who was sitting next to me earlier said, why not
11 every six months? Why not one every one year?
12 Why not just ban them all? Why not?

13 REPRESENTATIVE JAMES: I would like to.

14 MR. JACKSON: Schumer would love to, we
15 know that. But this is Pennsylvania.

16 REPRESENTATIVE JAMES: Are you a member
17 of any malitia?

18 MR. JACKSON: No. Don't believe in them.
19 But I am a member of N.R.A. but I am not here in
20 an official capacity.

21 REPRESENTATIVE JAMES: Thank you.

22 THE CHAIRPERSON: Mr. Jackson, knowing
23 your opposition to this Bill. And I don't want to
24 speak for you, but I am going to assume that you
25 would not want to see -- looking at what this

1 legislation addressed, the issue of an individual
2 going out and purchasing several weapons with the
3 sole purchase of then re-selling them at probably
4 a very inflated price and not really caring or
5 maybe even knowing that those weapons were
6 subsequently used in the commission of a crime.

7 And my thought was, you talk about value
8 added. Just briefly, how would you make this
9 legislation value added or what would you propose
10 that would attack that particular problem that we
11 have heard discussed by previous testifiers?

12 MR. JACKSON: When I received this Bill
13 from Brian Preski it was still H.R. 2484. I
14 picked up one this morning. There maybe changes
15 that I am not familiar with.

16 THE CHAIRPERSON: They are substantially
17 the same.

18 MR. JACKSON: To limit anyone, to
19 eliminate the amount of handguns or any other
20 weapons or anything at all, for that matter, you
21 would put up a Bill that if I sold a handgun to a
22 person who was a juvenile, felon, something like
23 that, solely for those individuals, okay, go ahead
24 and do that.

25 But don't limit my right. Don't limit my

1 right if I want to buy five a month, that is my
2 business and my money. I can't afford it. But if
3 I could, I still wouldn't.

4 But either way, don't screw me to get
5 them. Sorry about the terminology.

6 THE CHAIRPERSON: And I am not trying
7 to --

8 MR. JACKSON: How would I correct it?
9 I'll tell you what, I would get rid of One Gun A
10 Month. We heard this morning that some
11 individuals have mentioned -- the district
12 attorney who was here earlier who was incorrect.
13 The F.B.I. does the Insta-Check, not the A.T.F.

14 They were discussing that they can turn
15 around situations for criminals in Pennsylvania,
16 which I don't know if that is actually the case.
17 But if it is, tighten them up.

18 We don't have to give it to the federal
19 government for that. You really don't want that
20 anyway, do you?

21 They go to jail, keep them there. Don't
22 let them out. Don't let them out in four months.
23 Earlier Representative James said that the NAACP
24 -- I am going to say something I am sure you are
25 not going to like -- but okay.

1 The NAACP said about suing the gun
2 manufacturers. The most heinous crimes I have
3 ever heard of took place in Texas last year. You
4 know exactly what I am talking about. You know,
5 Jasper, Texas?

6 Terrible. They drug that guy behind a
7 truck for a couple miles. Man, how sick can you
8 be? But are you going to sue Ford Manufacturing
9 for the pick-up truck? Nope.

10 Texas did the right thing. They caught
11 the felon, and they are going to hang him.
12 Yipper.

13 THE CHAIRPERSON: Thank you, Mr. Jackson,
14 for taking the time to come before the Committee
15 to express your views on the two pieces of
16 legislation. Thank you, sir.

17 MR. JACKSON: Thank you.

18 THE CHAIRPERSON: Our next witness is
19 Andrew Siegel, President of Pennsylvanians Against
20 Handgun Violence. Welcome, Mr. Siegle.

21 MR. SIEGEL: Thank you, Mr. Chairman. I
22 want to thank the committee for allowing me and
23 Pennsylvanians Against Handgun Violence to
24 participate.

25 I would not at this time repeat all of

1 the items in my written remarks because many of
2 those have been covered.

3 But what I want to do is address a couple
4 of issues and fill in some blanks in terms of
5 historical perspective in Pennsylvania's firearms
6 law, particularly some misconceptions that have
7 been stated here today concerning Act 17 and what
8 happened, when it passed and since passed.

9 I'll try to keep my voice up. I married
10 into a family of musicians ,so walking into my
11 in-laws' house is sort of what I feel like now
12 where there are drums everywhere.

13 Our organization is a grass roots
14 organization, which lobbies for reasonable
15 firearms law. We don't enforce candidates. We
16 are bipartisan. We do voter education. We vote.
17 We work on helping youth and those types of
18 issues.

19 In 1994, when the legislature formed a
20 committee, which was commonly called the Fumo
21 Committee, to investigate and to deal with issues
22 of assault weapons, I was appointed to that
23 committee to represent Handgun Control,
24 Incorporated.

25 PAHV did not have a representative on the

1 committee at all. The committee went around the
2 state, held public hearings in Pittsburg,
3 Philadelphia, State College and received volumes
4 of testimony and other materials.

5 When we convened, we discovered that
6 there was a significant middle ground among the
7 committee members. The committee was comprised of
8 people including the sportsmen, the N.R.A.,
9 District Attorney Abraham, a representative from
10 the Pennsylvania State Police, Representative
11 James was on the committee, and others.

12 When we reviewed all of the information
13 we found, we realized that the biggest problem in
14 Pennsylvania was dealing with illegal sales and
15 transfers of weapons and how we had to keep those
16 weapons out of the wrong hands.

17 The committee then proposed legislation,
18 as a whole. Of the members of the committee, only
19 one opposed the legislation. And the N.R.A. took
20 a neutral stance. They neither opposed or
21 supported the final version of the legislation.

22 And we, as a group, what I'll call the
23 Fumo Committee, supported that Bill in its
24 entirety. When the Bill came to the Senate floor
25 on a procedural issue, a number of amendments were

1 made.

2 And these were amendments, which we knew
3 were coming and which we were very concerned with.
4 One eliminated Philadelphia's heightened
5 requirement for people to obtain a carry permit.
6 Previously, persons in Philadelphia who wanted a
7 carry permit, needed to show a need for the permit.

8 That, coupled with the Bills -- the
9 decision that persons who had a carry permit
10 elsewhere did not have to wait the waiting period
11 to purchase a weapon, caused us significant
12 concern.

13 In fact, the provision that's been quoted
14 and that the Mayor of Philadelphia was asked about
15 where a seller sells a firearm and may either be
16 civilly or criminally liable if they do it
17 negligently or knowing, that was a provision -- I
18 am sure Representative James will remember -- that
19 I kept harping for, that we needed this.

20 That provision has never been enforced.
21 But what happened was the legislature, the Senate
22 by one vote by a Philadelphia Senator, in fact,
23 who changed his vote, decided to eliminate
24 Philadelphia's heightened requirements for a carry
25 permit.

1 That, coupled with the Bill's elimination
2 of a waiting period, led to the problem that we
3 are now facing in Philadelphia and throughout the
4 state.

5 And you can look. The times correlate
6 almost exactly. When the legislature eliminated
7 the waiting period, that took away the time for
8 the federal law enforcement authorities to be able
9 to get the information on multiple sales.

10 The waiting period was gone. And in
11 Philadelphia it became essentially opening the
12 flood gates. And it was from that point on that
13 we had the problem.

14 You never heard of Philadelphia as a
15 source of guns elsewhere for multiple purchases
16 until after the act in 1995. There were other
17 amendments that we also opposed on that
18 legislation.

19 So it's a misnomer for people to say that
20 all the members of the committee supported the
21 legislation in its entirety as it was signed by
22 the Governor. We didn't.

23 We supported what came out of committee,
24 and we opposed certain amendments. But we felt on
25 the whole on balance, the legislation should pass

1 because it had some significant changes, including
2 the fact that private sales of weapons, which
3 include the secondary sales, now, finally in 1998,
4 are now regulated Pennsylvania law for handguns.

5 The other misnomer in that legislation
6 and what we have heard here today is we have the
7 law, just enforce it. I wish we could have
8 enforced the original law.

9 The Bill was signed by Governor Ridge,
10 one of the first Bills he signed in 1995. That
11 legislation has never been fully enforced in this
12 state.

13 In fact, it's been amended three times
14 and some of the provisions of that legislation
15 don't go into effect until the end of this year.
16 So it is a misnomer when people say, just enforce
17 the Bill.

18 We would have loved to have seen the Bill
19 enforced. But this legislation, for whatever
20 reason, has made multiple amendments, including
21 one set of amendments that were passed at 11 at
22 night with no notice to anyone.

23 I found out about them watching P.C.N.
24 on T.V. because no one knew about them. And the
25 next day I called certain legislators who said, we

1 found out about it at the last minute.

2 So the problem that we had historically
3 is that Act 17, with all its good intentions,
4 changed the way people can purchases weapons in
5 this state.

6 If you had a valid carry permit, you no
7 longer had to wait the waiting period. In
8 Philadelphia, that meant that people were going
9 into licensed federal firearms dealers and making
10 multiple purchasers.

11 And representatives from the U.S.
12 Attorney's Office have spoken throughout the city
13 and elsewhere as recently as last week before the
14 Philadelphia Bar Association, whose board of
15 governors unanimously endorses this legislation.
16 And you have written testimony here concerning
17 that.

18 And they describe the fact that
19 Philadelphia, because of these, changes became a
20 source state.

21 So what you are dealing with here
22 essentially are the unintended consequences of the
23 1995 legislative amendments put through by the
24 Senate.

25 The House could only confer up or down on

1 these amendments. And it's those changes which
2 are particularly troublesome in terms of what is
3 happening here in Pennsylvania now.

4 And that's why we were concerned enough
5 to address this in the committee. But gunrunning
6 was never a problem in Pennsylvania.

7 We had a waiting period. We had
8 heightened requirements for carry permits. This
9 legislature eliminated Philadelphia's right to
10 legislate its weapons.

11 That was the first problem. The second
12 problem was that the legislature was addressing
13 assault weapons. Push that aside and I believe
14 that the Fumo Committee would do nothing.

15 Turned out, the committee was very
16 diligent and we worked very hard. And we
17 accomplished something.

18 Then came the amendments that I have
19 talked about. And then came where we are today.
20 Mayor Rendell, who has always been a supporter of
21 gun control, never was addressing these issues in
22 1994 and 1995 and before that. And there's a
23 reason.

24 There was no reason for any of us to feel
25 that that was a problem. That was happening in

1 South Carolina. It was happening in Virginia.
2 And we all knew it. Because their laws were more
3 lax.

4 Pennsylvania has now, through these
5 efforts or accidents -- because I don't believe
6 anyone here intended these consequences to occur
7 -- changed the landscape dramatically.

8 So what these bills are doing is trying
9 to, one, fill in the loopholes that were created
10 back in 1995 so that a problem that didn't exist
11 previously can be corrected.

12 The prior speaker told you that most
13 people don't need more than one gun a month.
14 And he gave a whole litany about the Second
15 Amendment.

16 But if you listened, everyone agrees that
17 the Second Amendment, like every other amendment,
18 has limitations. I don't believe that anyone who
19 believes that the Second Amendment should allow
20 persons convicted of a murder, who are paroled, to
21 have weapons.

22 But yet that is not in the Second
23 Amendment. The Second Amendment, which deals with
24 malitia, doesn't address that issue. Every
25 amendment is subject to reasonable limitations.

1 And that's what's here before this
2 committee. You have heard, well, what if, what
3 if? We could all play that game. That is not
4 what is in the legislature.

5 And I think it is important to look at
6 the fact that you have two pieces of legislation,
7 one coming from a Philadelphia legislator and one
8 from a suburban legislator from different parties.

9 And I can tell you, having gone around
10 this state and seeing people, that it is not a
11 Partisan, Republican or Democrat or Liberal or
12 Conservative issues. It's is an issue more of
13 common sense and public safety.

14 This Bill is going to address the four
15 percent of the purchasers who are abusing
16 Pennsylvania law. That does not mean that people
17 who are law abiding and have a need or desire for
18 a weapon are going to be impacted by this.

19 And I have heard people ask me, well, why
20 do you want one a month? One a month, from the
21 history now in three other states that we can look
22 at, has worked.

23 It's reasonable. To go, What if? What
24 about? We can all play that game. And we all
25 know what happens when you play that gun any which

1 way.

2 You could take any piece of legislation
3 and take it to its logical or illogical conclusion
4 and we would have that.

5 This legislation has to look at what
6 happened in 1995 and why the Fumo Committee Was so
7 intent on keeping guns out of the wrong hands. It
8 was the right approach.

9 And it was the approach that was
10 supported by gun owners. You heard today from
11 Mayor Rendell about the poll that was commissioned
12 through his office.

13 There was a poll taken in 1994 and 1995
14 by the committee because we were told by the
15 N.R.A. at that time that Pennsylvanians do not
16 support that type of legislation.

17 The results of that poll showed that
18 overwhelmingly gun owners and non-gun owners
19 supported that Bill. And, in fact, there's been
20 no repercussions to the legislature about that
21 Bill because people felt it was reasonable.

22 The repercussions are what we are here
23 for today. We were told, when we got the results
24 of the poll that we took back in '94 and '95, that
25 you asked the wrong question.

1 We went back and had the poll re-done
2 asking what we were told was the right question.
3 and I don't have the poll results with me, but we
4 can get them for the committee. And the results
5 were the same.

6 People understand the difference between
7 a sportsman or a citizen who wants a gun for
8 self-protection and someone who wants to go into a
9 gun store and turn around and sell multiple
10 weapons.

11 Down the block from my office in
12 Philadelphia there was a barber shop where U.P.S.
13 was delivering weapons through the front door to a
14 federal firearms licensee, and he was selling them
15 out the back door so fast that they couldn't do
16 anything for years.

17 They finally caught the man and sentenced
18 him. And that was fine that they sentenced the
19 man. But it didn't help with all of the multiple
20 homicides that were traced to weapons that came
21 from his establishment.

22 And that's what we are trying to do.
23 It's easy to say, punish the criminal. And no one
24 disputes that. You haven't heard anyone who
25 disputes that.

1 But it is better if we can cut the
2 supply. So that it's harder for criminals to get
3 weapons.

4 We know from experience that the Brady
5 Law background checks have eliminated a large
6 number of people who shouldn't get weapons from
7 buying them.

8 There's no solution that will eliminate
9 all illegal sales. And anyone who tells you that
10 there is, is telling you a story. What we are
11 look for are solutions directed towards the
12 problem.

13 The problem here is multiple purchasers.
14 This Bill is the perfect solution to that. And
15 it's not something that's not tried, not tested.

16 Our organization, PAHV, supports both
17 Bills or some compromise between the Bills. They
18 are both excellent pieces of legislation. We are
19 also proud of the fact that we have worked with
20 members of the aisle here on all sides on this and
21 other issues.

22 Last year, late last year there were
23 amendments proposed to Act 17. They passed the
24 House -- or they passed the Senate and they came
25 to the House.

1 It was there that our group discovered
2 that there were unintended consequences to that
3 legislation that were not only bad gun control,
4 but were bad for the sportsmen.

5 And we were the ones who told State House
6 members about that, and the House did pass
7 corrective legislation. The Senate, despite what
8 we saw being represented to the House, renegaded
9 on the deal and those amendments never got to the
10 Governor.

11 But the House did the right thing because
12 it was advised by our organization and the N.R.A.
13 -- Allen Crew commented to the Press that we were
14 right -- that the Bill had unintended
15 consequences.

16 We are not, as portrayed by some, a
17 zeolat gun-banning organization. We believe that
18 reasonable legislation can and will work when
19 given the opportunity.

20 In 1995, we thought we had that
21 opportunity and then the Senate made changes and
22 we are now here today. I don't think any of us
23 believes we would be here today if we had the
24 waiting period, if Philadelphia had its heightened
25 requirements, and if, in fact, there was the time

1 for the information about multiple sales to get to
2 the feds.

3 We no longer have that. The instant
4 background check has eliminated that issue in
5 Pennsylvania because anyone can go in, buy the
6 weapon. And by the time the information is
7 transferred, it's too late.

8 It's time to look at a solution that we
9 know has worked elsewhere. And for this
10 legislature to approve one or both of the Bills
11 out of committee, we know that citizens support
12 Bills like this because they are aimed not at the
13 average law abiding citizen, but at the people who
14 abuse the process.

15 And I would ask this committee to endorse
16 this legislation as quickly as possible so that we
17 can eliminate a problem that plagues not only
18 Pennsylvania, but for now a good portion of the
19 East Coast.

20 THE CHAIRPERSON: Thank you. Any
21 questions from the committee? Representative
22 James.

23 REPRESENTATIVE JAMES: Thank you for
24 testifying. And that was a good committee we
25 worked on. Unfortunately, we lost a little bit in

1 the end.

2 But is there something that you think
3 that maybe we, as policymakers, could do as it
4 relates to straw purchases, if there are so many
5 guns purchased that there could be recorded
6 information as given to the state police that
7 someone bought five guns?

8 MR. SIEGEL: Well, the problem is two
9 fold. One, all multiple purchases are reported to
10 the feds.

11 REPRESENTATIVE JAMES: They are?

12 MR. SIEGEL: They are. There's a form,
13 there is a federal form. But by the time the
14 dealer takes the form, fills it out and mails it
15 to the U.S. Attorney or the feds -- I don't know
16 exactly how the process is done -- it's too late.

17 We also have right now, because of the
18 way Act 17 is written, all that does is determine
19 whether, based on Social Security numbers and
20 other criteria, whether a person is approved for a
21 weapon.

22 The legislature could certainly change
23 that. In other states, I believe, it's South
24 Carolina, for example, as soon as someone requests
25 to purchase a weapon and then the next day could

1 go to dealer number two to request it, they know
2 and they can track it.

3 And I am sure since we know the state
4 police computer is up and running, probably their
5 data base is very similar to what South Carolina
6 uses or certainly similar to what the F.B.I.
7 uses for background checks that go to them.

8 So I don't think it is a problem. I
9 mean, I think it is a very easy thing to do in
10 terms of tracking names, Social Security numbers,
11 etc.

12 REPRESENTATIVE JAMES: That would be
13 something we would have to --

14 MR. SIEGEL: I think it's implicit in
15 this because anyone who is going to have to buy
16 multiple weapons, if you pass this legislation,
17 the state police are, obviously, going to have to
18 determine multiple sales.

19 And as soon as it hits their computer,
20 they should be able to know that.

21 REPRESENTATIVE JAMES: If they don't pass
22 this legislation, they would have to do something
23 else?

24 MR. SIEGEL: Well, I think waiting
25 periods deter people, in terms of that. I mean,

1 waiting periods are often talked about for heat of
2 passion.

3 But I think they go beyond that. And I
4 think this legislation shows that because one of
5 the advantages of instant purchases is that you
6 can go out on the street.

7 You know, the guy wants to make his
8 purchases and turn around and from what all law
9 enforcement say, make a hundred or two hundred
10 percent markup very quickly.

11 Waiting periods coupled with the
12 requirement that the feds are informed of the
13 purchases are a big discouraging factor. So they
14 serve the other consequence, but I don't sense any
15 desire from the overwhelming part of the
16 legislature here to reinstate waiting periods.

17 So I think we have to address the
18 multiple sales this way.

19 THE CHAIRPERSON: Thank you very much for
20 attending the hearing today and presenting the
21 position of Pennsylvanians Against Handguns
22 Violence in these two important pieces of
23 legislation.

24 Mr. Michael Gottlieb was scheduled to
25 appear before the committee. He will be

1 submitting written testimony, which will be made
2 part of the record.

3 And Mr. Edward Chacker, Chancellor of the
4 Philadelphia Bar Association, who was also
5 scheduled to appear before the committee, will be
6 submitting written testimony and that will be made
7 part of the record.

8 Because of scheduling, both could not be
9 here today.

10 With that, unless there is any other
11 business to be brought before the committee as
12 part of this public hearing, this public hearing
13 is closed.

14 (At or about 12:30 p.m., the hearing
15 adjourned.)

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CERTIFICATE

I, Michelle S. Parke, Reporter, Notary
for the County of Lancaster, Commonwealth of
Pennsylvania, hereby Certify that the foregoing is
a true and accurate transcript of my stenotype
notes taken by me and subsequently reduced to
computer printout under my supervision, and that
this copy is a correct record of the same.

This certification does not apply to any
reproduction of the same by any means unless under
my direct control and/or supervision.

Dated this 6th day of April, 1999.

Michelle S Parke

Michelle S. Parke - Reporter
Notary Public