

**TESTIMONY BEFORE  
HOUSE JUDICIARY COMMITTEE  
THURSDAY, DECEMBER 2, 1999**

**PHILADELPHIA-DECEMBER 2, 1999**

**BY**

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**TO: HOUSE JUDICIARY COMMITTEE  
MEMBERS & STAFF**

**FROM: WALLACE C. WORTH, JR.,  
ESQUIRE**

**RE: EXISTING FIREARMS LAWS**

**DATE: DECEMBER 2, 1999**

I wish to thank the House Judiciary Committee for giving me this opportunity to speak concerning my position in the enforcement of existing firearms laws and regulations within this Commonwealth.

The noted criminologist, Professor Gary Kleck, of Florida State University, very accurately stated that in the war on firearms the first casualty has been the truth. We appreciate that the news media generates its income from the sale of newspapers and the media on television has to have something to say to cover either their half hour or their full hour news broadcast. Needless to say, it is the media that creates public opinion and it's public opinion, in many instances, that causes the public office holders to shudder and tremble rather than do research themselves and ferret out the truth of a situation.

There is no gun problem in this country and certainly no gun problem in the Commonwealth of Pennsylvania. The warped conduct of two unsupervised children at Littleton, Colorado, created the latest furor over firearms. Your speaker is the solicitor for a large school district in Pennsylvania and my office is very active in the enforcement of school laws in several other districts where we are not solicitors. During the school year when the hideous acts took place at Columbine High School in Littleton, Colorado, with the exception of that incident, there were only two children killed in the entire United States by other children with firearms in a school environment. There were three children stomped to death. For approximately a week and a half the television showed the same scene of a bloody child being carried out of the High School on a stretcher and this is the picture that became solidly implanted in the minds of the populous. The youngsters who committed the heinous events at Columbine High School were not only using guns but also manufacturing pipe bombs therefore I suppose we should also think of requiring permits for people buying sections of pipe from the plumbing supply houses.

I would like to recount for you an incident about which I am willing to bet none of you have any knowledge because you never saw anything about it on television as you did Columbine. I am told that the only national media outlet to cover the incident was



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*The Christine Science Monitor* so I will tell you that on the night of December 17, which was a Tuesday that year, two men armed with stolen pistols herded 20 customers and employees of Shoney's Restaurant in Anniston, Alabama into a walk-in refrigerator and indicated that they were going to execute the people. They locked the folks in the refrigerator and continued to hold the manager at gunpoint and went about robbing the restaurant. A postal clerk by the name of Thomas Glen Terry was finishing his late night dinner with his wife when the robbers came in and took over the restaurant. He hid his .45 caliber colt government model under his sweater not seeing any immediate opportunity to use it. His wife was one of those scheduled to be executed and herded off to the cooler where one of the robbers proceeded to collect wallets and jewelry. Terry had separated himself from the other customers and got to a backdoor to see if it was open so he could escape and call the police. The door was chained shut. At that point one of the robbers discovered him and when the robber drew on him Terry pulled his own handgun out from under his sweater and returned fire incapacitating this robber, who ultimately survived. The second robber heard the exchange of gunfire and also drew on Terry and it was a gun fight between Terry and the second robber that resulted in the robber running out to the parking lot where he died from his wounds. It was at this point that Terry told the store manager to phone the police.

So you see this whole incident was ignored by the national media because there was no bloody picture to show on television and you could not continue writing about it for a week or a week and a half. By the way both of those armed robbers had extensive records and one of them had murdered a hotel clerk just a few days earlier.

It seems that on the gun issue news commentators on the television have to fill in the required time schedule and therefore talk about things when in fact there is nothing to talk about and it is the very type of thing that causes many politicians to take to the airwaves and to the printed press with false solutions to nonexistent or exaggerated problems. We hear people and the media talk about reasonable gun control. They suggest making it mandatory for citizens to buy objects for which they have no use and no desire to own, i.e., trigger locks. How a trigger lock is to save a life is totally beyond me. Surely the criminal who breaks into my home and is armed is not going to have a trigger lock on his gun and he is not going to stand by and give me time to remove a trigger lock.

I am proud to say that I do have handguns and I feel it is my responsibility to protect my family, my loved ones and yes, the community when called upon to do so. My guns are customized so that I may draw and fire accurately. By passing a trigger guard law you would be forcing me into the realm of being a criminal myself because I would not obey such a law. I will not jeopardize the safety of my family and property. I think further that it would be most arrogant of the legislature to force its way into my home and tell me I must use such an impediment to safety. Under the existing law in Pennsylvania we have a provision that calls for the mandatory five year sentence to be imposed upon a criminal in addition to the sentence imposed for the substantive crime he or she commits. The problem with the way that law is written is that it seems to be

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elective and can be enforced only if the District Attorney in a particular county wherein the crime was committed notifies the defense that he is going to ask that such a five year sentence be imposed. I would suggest to the legislature that one of the changes in the law that I could live with and that I believe would be beneficial as far as gun control is concerned is that it be made mandatory that the District Attorney does, in fact, in all cases where a firearm is used in the commission of a violent crime, notify the defendant that he/she is requesting that additional five year sentence be imposed. I am happy to say that James Martin, the District Attorney of Lehigh County, Pennsylvania, is following that practice. Back in 1986 the National Institute of Justice surveyed 2,000 felons in ten state prisons and it was revealed that 34% of the felons had been, "scared off, shot at, wounded or captured by an armed victim" and 57% stated that, "most of them were more worried about meeting an armed victim than they are about running in to the police".

It will be noted that the two children that caused all of the trouble at Columbine High School seem to set in motion a call for more gun laws despite the fact that they violated at least twenty laws. Do the legislatures want to make it 21 or 22 by passing more laws? That situation brings to my mind a recollection of the riots that went on for four nights in Los Angeles and where there are very, very strict gun laws and the city will not even issue permits to its citizens to protect themselves. Apparently, in California people are not to have the right to protect themselves, however, I hope that Pennsylvania never finds itself taking such a position. You cannot have a policeman on every doorstep and, believe it or not, under the law of Pennsylvania the police do not have a duty to protect the citizen but rather to solve crimes when they are committed. That would be too late as far as a defensive posture would be concerned. During the riots in Los Angeles more than 50 people were killed and several thousand injured. It took four nights of citywide curfews and 5,000 of Los Angeles police, 2,370 California Highway Patrolmen, 2,195 outside agency law enforcement personnel, 7,000 National Guardsmen and 1,000 federal law enforcement personnel and 4,500 United States Army and United States Marine Corp troops-an armed force of approximately 22,065 to pacify the city. When people went to the firearms dealer to purchase a firearm to protect themselves during that period they were told they that there is a waiting period and of course were denied taking possession of the firearm. Then the firearms dealers were broken into and the firearms taken by the criminal element. The criminal element had no waiting period. The only part of the business community that was spared were the Korean business men who were armed and took positions on the rooftops of their buildings.

I would respectfully ask our legislatures to not succumb to hysteria that may seem to exist on this issue but to check the facts.

I would recommend to everyone of them the reading of a publication called *Stopping Power* by J. Neal Schulman. I have heard all sorts of myths insofar as firearms are concerned. One of the most common was published in the New England Journal of Medicine claiming you are three times more likely to have one of your loved

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ones murder you with a handgun that you keep for protection than that the handgun would scare off or actually defend you from a burglar.

The doctor who made that claim obviously was unaware of the studies that showed the millions of times lives are saved by the use of firearms.

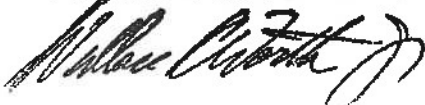
Again, I respectfully ask the legislature and this Committee to be rational and to take a look at the impact on society as a whole it would have by enacting additional legislature to hamper the honest law abiding citizen and again I have made a suggestion to an amendment that could be made to existing law which I believe would be helpful in the Commonwealth.

I was a prosecutor for nine years and now do defense work and I can assure you if people know that they are going to be given an additional five years maximum there are going to be very few guns floating around in the commission of crimes. They are going to want to ditch them and certainly not be apprehended with them.

Again, I thank you for the attention you have given me.

Respectfully submitted,

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Wallace C. Worth, Jr.  
WCW/haj