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Testimony

To

*Pennsylvania State House Judiciary Committee
Enforcement of Existing Firearm's Laws and Regulations*

Presented by

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On

December 2, 1999

Good morning to Representatives Kevin Blaum and Thomas Gannon, the Honorable Co-Chairs of this committee, other Honorable members of the House, house staff, fellow soldiers in the war against crime, other guests, and friends. My name is James J. Mills. I am Executive Director of the Philadelphia Anti-Drug/Anti-Violence Network, also known as PAAN. On behalf of PAAN, I would like to thank the Co-Chairs of this committee for giving me the opportunity to address the Judiciary Committee. PAAN is a private, non-profit organization that serves as a public safety venue for the citizens of Philadelphia. We are the "peace makers" and/or "peace negotiators".

PAAN believes that a major war has been declared on our City's neighborhoods, specifically on our youth. Like all major wars, many soldiers and branches are needed to combat the opposition and fulfill a designated role. PAAN's role in the neighborhood wars against drugs, crime, violence and guns is to be a catalyst for Peace. Our Field Operations Department is on the frontline daily developing relationships with the peacemakers and monitoring those who would disturb community harmony. Thus, our indigenous workers make contacts with the elected officials, community leaders and



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residents, police as well as drug dealers, "dope boys", users, prostitutes, stick-up artists, con men, gamblers, burglars and many other types of weapon-packing criminals in the various neighborhoods. To stem the tide of violence, it is essential to not "sleep with the enemy" but be familiar with his comings and goings. Additionally, it is also important to know the assets of the community that can resist the insurgence of illegal weapons that are a prime ingredient in criminal activity.

The Field Operations/Crisis Intervention Units' job is to prevent and/or resolve neighborhood conflicts. We prevent a situation from becoming a problem; prevent a problem from becoming a crisis; prevent a crisis from becoming a disaster; prevent a disaster from becoming a catastrophe; prevent violence from becoming a trauma; prevent trauma from becoming a fatality; prevent a fatal incident from becoming another fatal incident; and prevent two fatal incidents from becoming a war of retaliation.

The police investigates a crime to make an arrest. The district attorney prosecutes a case to get a conviction. Both are vitally important roles to maintain a safe community. PAAN's staff does not make arrests. PAAN's staff does not carry guns. However, we gather the necessary information to mediate and negotiate peaceful resolution of conflicting parties everyday. If we do our job successfully, we prevent potential crimes that eliminate the need for law enforcement to become involved. In 1998, PAAN's hotline number received approximately 10,000 telephone calls. Our Crisis Intervention Team handled 945 incidents and provided additional follow-up services for another 2,599 requests.

It shouldn't take a Columbine, a Jonesboro or an inner-city drive-by shooting to make us realize that American children are more at risk from firearms than the children of any other industrialized nation. In one year, firearms killed no children in Japan, 19 in Great Britain, 109 in France, 153 in Canada, but 5, 285 in the United States.

In the United States, children's firearm deaths are attributable to several things. Young children die or are badly injured because their parents or other gun owners don't store their firearms properly, and children find loaded guns and use them unintentionally on themselves or other children. Older children are more at risk from horseplay with available guns, use guns for impulse suicides, and commit crimes. Children are also vulnerable to getting caught in the crossfire from guns used in domestic violence and crime. As the rate of American gun violence dramatically increased over the last fifteen years, American children paid the price. From 1984 to 1994 the firearm death rate of 15-19 year-olds increased 222 percent while the non-firearm homicide death rate decreased almost 13%. Within five years, firearms are expected to overtake motor vehicle accidents as the leading cause of death among American children.

Despite this tragic record of children's gun deaths, the gun lobby opposes every common-sense measure to reduce the accessibility of firearms to kids, from Child Access Prevention laws to mandatory sale of trigger-locks or childproof, "personalized" guns. Although the NRA insists that the entertainment industry bears responsibility for

exposing children to violent images, it refuses to accept responsibility for providing children with both the means and the ideology to hurt themselves and other people.

Cars do kill children: so do poorly made toys and swimming pools and dozens of common household items. But of all the thousands of products with which children have contact, only one – firearms – are completely exempt from consumer protection regulations. Back in 1972, when the Consumer Product Safety Commission was created, the gun lobby's political power ensured that the one product that children live with, that is specifically designed to cause death and injury, remained exempt. Thus, most handguns have so little trigger resistance that they can be fired by a three-year old, while many guns fire when dropped on the floor. Many popular semi-automatic handgun slack magazine safety disconnects or load indicators, meaning that children have no way of knowing that a gun that appears unloaded actually has a bullet in the chamber.

Our government recalls or bans hundreds of products when even a few children are killed or injured by a flawed design. Recently, some schools have created "peanut-free-zones" in their cafeterias because of the tiny number of children who are highly allergic to peanut products, and in 1999 major car manufacturers installed inside-trunk latches on new car trunks. For years, the gun industry has made their products more and more lethal, instead of devoting any of their considerable profits to the development of a childproof gun. The gun maker industry seems absolutely immune to government intervention for their actions.

The gun industry and their mouthpieces at the NRA have fought every reasonable effort to protect children from guns by legislation. At the state and federal level, the gun lobby fights child access prevention (CAP) laws which hold gun owners responsible when children access their guns and hurt themselves or someone else. They fight laws that mandate the sale – not the use, just the sale – of trigger locks with new firearms. Although 18 and 19-year olds commit more crimes than any other age group, they oppose raising the age for handgun possession by 21 – the same age at which we permit young people to drink.

By coaxing hundreds of local governments, schools and youth groups to support their Eddie Eagle program, the NRA ensures that thousands of kids get the message that they shouldn't touch guns, which are for grownups. What Eddie Eagle really does is put responsibility on young children not to touch or play with guns – rather than on grownups for keeping the guns inaccessible. Eddie Eagle also ensures that children learn that using guns is an adult behavior to aspire to – creating new generations of gun owners and gun purchasers. Not for nothing has Eddie Eagle been called “Joe Camel with Feathers”, but the NRA insists that this public relations program alone will solve the problem of kids and guns.

- ◆ For every child killed with a gun, four are wounded. According to the Centers for Disease Control, the rate of firearm death of children 0-14 years old is nearly 12 higher in the U.S. than in 25 other industrialized nations combined.

- ◆ Over **6,000 students** were expelled in 1996-97 for bringing guns to school. The Journal of the American Medical Association reports that between 36% and 50% of male eleventh graders believe they could easily get a gun if they wanted one.
- ◆ Guns do kill people, especially when wielded by children. More than **800 Americans, young and old, die each year from guns** shot by children under the age of 19.
- ◆ In 1996, more than **1300 children aged 10-19 committed suicide with firearms**. Unlike suicide attempts using other methods, suicide attempts with guns are nearly always fatal, meaning a temporarily depressed teenager will never get a second chance at life. Two-thirds of all completed teenage suicides involve a firearm.
- ◆ The firearm injury epidemic, due largely to handgun injuries, is **ten times larger than the polio epidemic** of the first half of this century.

There are very few laws governing children's access to guns. The Brady Law made it illegal for children under age 21 to purchase handguns from licensed dealers, although a loophole still permits 18-21 year olds to purchase handguns from private or unlicensed individuals in Pennsylvania. It is also legal for individuals to sell guns from their "private collections" without a background check or waiting period, and many of these sales occur at gun shows.

In just the last decade, the Pennsylvania legislature has

- ⊕ Overturned Philadelphia's and Pittsburgh's bans on assault weapons.
- ⊕ Prohibited all local governments from making any gun regulations.
- ⊕ Prohibited local police throughout the state from questioning, as they once could, why applicants for concealed-carrying permits wish to carry a weapon.
- ⊕ Exempted concealed-carrying permit holders from the Brady Act record check and the state's 48-hour waiting period, so they could buy and walk out of the store with any number of guns.
- ⊕ Eliminate the 48-hour waiting period entirely once the instant Brady record check system began functioning in 1998.

As Attorney David Kairys stated in last Sunday's Philadelphia Inquirer's Editorial Section, "Advocates for such measures say more guns make us safer, as if each new gun will somehow be used only defensively. This despite the 30,000 who die each year – even after the reduction of recent years with the passing of the crack cocaine epidemic. We lose an average of 11 American children from gun injuries – roughly the equivalent of the slaughter at Littleton, Colorado every day.

In any event, a summary of our state law is quick and easy. Anyone who can pass the record check can buy and walk out of the store with whatever assortment and number of guns their cash or credit card will pay for – and can get a concealed-carrying permit without being questioned by the police.

Nothing in our state law or in federal law prevents this. And Pennsylvania cities are prohibited from adopting any gun regulations. So much for handgun industry complaints of being over-regulated. Now they want immunity from lawsuits.

Like other businesses and individuals, handgun manufactures are generally subject to civil liability for their conduct even when they act within the legal framework established by the legislature. A factory that pollutes can be liable for creating a public nuisance although its product is lawful. A driver going slower than the speed limit can be liable for the damage caused by the car skidding because the speed was negligent for icy roads.

The city lawsuit ban exempts handgun manufactures from the rules that apply to everybody else. I doubt that suburban and rural Pennsylvanians, any more than their urban counterparts, want their legislation to enact or governor to sign an unjustifiable exemption from the usual rules. The lawsuits brought by 28 cities and counties generally contend that the manufacturers knowingly facilitate the criminal handgun market and then use the fear created by crime to promote sales for self-protection.

The gun manufacturers' best ally is fear. Street crime, serial killer or rapist, Y2K anxiety – all are good for business. The fabric of American society is among the victims. The legal claims are traditional: public nuisance, negligence, deception of consumers. If the cities cannot prove the connection between manufacturer practices and criminal use of their products, the manufacturers will win. It's that simple.

Our legislatures tend to get captured by large business interests more than those in other Western countries. Courts have often stepped in, and even made fundamental changes in the law. But the courts are not being asked in the handgun cases to reform the law, only to apply the usual rules we're all supposed to abide by. This is the standard, ordinary judicial function."

Thank you for your attention.

