

# FOIA MARKER

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**Collection/Record Group:** Clinton Presidential Records

**Subgroup/Office of Origin:** Domestic Policy Council

**Series/Staff Member:** Christa Robinson

**Subseries:**

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**OA/ID Number:** 17161

**FolderID:**

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**Folder Title:**

Brady Bill [2]

**Stack:**

**S**

**Row:**

**96**

**Section:**

**4**

**Shelf:**

**8**

**Position:**

**1**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                   | DATE       | RESTRICTION |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. list                | re: Bureau of Alcohol, Tobacco, and Firearms (In Order of Preference); [Personally Identifiable Information] [Partial] (1 page) | 02/24/1995 | b(6)        |
| 002. list                | re: Treasury Department (Office of Enforcement); [Personally Identifiable Information] [Partial] (1 page)                       | 02/24/1995 | b(6)        |
| 003. resume              | re: Jerry W. Lovitt; [Personally Identifiable Information] [Partial] (1 page)                                                   | 00/00/0000 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Christa Robinson  
OA/Box Number: 17161

### FOLDER TITLE:

Brady Bill [2]

2009-1305-F  
jp3612

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

**P1** National Security Classified Information [(a)(1) of the PRA]  
**P2** Relating to the appointment to Federal office [(a)(2) of the PRA]  
**P3** Release would violate a Federal statute [(a)(3) of the PRA]  
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**P5** Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Order — (tell Andy)

- ~~HP~~ Ruben
- Reno
- Ruben
- Cito (Police from)  
out
- POTUS

THE WHITE HOUSE  
WASHINGTON

FEBRUARY 21, 1995

BRADY LAW ONE-YEAR ANNIVERSARY COMMEMORATION

DATE: FEBRUARY 28, 1995  
LOCATION: The White House  
TIME: TBD  
From: Rahm Emanuel

I. PURPOSE

- Tuesday, February 28, 1995 marks the one-year anniversary of the effective date of the Brady Law. You will host a gathering to commemorate the enactment of this watershed legislative initiative, highlighting evidence, both empirical and anecdotal, of Brady's efficacy.

II. BACKGROUND

- The proposed event will provide an opportunity for you to introduce heretofore unreleased evidence of the Brady Law's success. The event also will permit you to recount compelling stories, reported to ATF by state and local law enforcement authorities, of convicted and potential offenders who were denied access to handguns because of Brady. One of those local officials will be on hand to express his support for the Brady Law and to share his experience regarding Brady's utility as a law enforcement tool.
- The Brady Law is one-year old. You worked diligently to resurrect this once languishing bill and to secure its passage through Congress. Congress subsequently amended Brady during the conference on the Crime Bill to assure the Crime Bill's survival. Nonetheless, evidence compiled over the course of the last year shows that Brady is working.
- In a recent survey by the Treasury Department's Bureau of Alcohol, Tobacco and Firearms ("ATF") of 30 law enforcement authorities charged with administering the Brady Law, **more than 15,500, or approximately 3.5 percent**, of the persons who applied to purchase handguns during the relevant period had their applications denied because they were convicted felons, illegal drug users, fugitives or other prohibited persons.

- Significantly, ATF has confirmed through discussions with the firearms industry that the denial rates reported were realized with no appreciable affect on the overall volume of handgun sales. This suggests that the Brady Law is accomplishing its goal: keeping handguns out of the reach of the "bad guys" -- that small fraction of the population which uses handguns criminally -- while not unduly infringing on the rights of law-abiding handgun owners.
- ATF estimates that the number of persons precluded under the Brady Law from purchasing a handgun during Brady's first year **exceeded 40,000 nationwide** -- an estimate recently corroborated by the findings of a CBS News public polling unit survey.

### III. PARTICIPANTS

- Treasury Secretary Rubin
- Attorney General Reno
- Jerry Lovitt, Commissioner, Kentucky State Police
- An audience of other representatives from state and local law enforcement. (Jim and Sarah Brady will be invited to attend the event but will not speak).

### IV. PRESS PLAN

- We recommend a February 27 interview with USA Today for the President, to appear on Tuesday, February 28.
- Prior to the February 28 event, Administration officials, including Secretary of the Treasury Rubin and Attorney General Reno, will give interviews on the Brady Law and on gun control generally.
- On February 28, Treasury will release a brief report detailing the methodology and results of the recent ATF study, and of its national estimate of the number of persons prevented by Brady from accessing handguns.
- Relevant Cabinet and sub-Cabinet officials will give interviews to regional and local media in the days surrounding the event.

### V. SEQUENCE OF EVENTS

- You will open the event with five minutes of remarks, reviewing the struggle to secure the Brady Law's passage and lauding the dedication

of Jim and Sarah Brady. You also will introduce generally the results of the recent ATF study and the conclusions drawn therefrom. Finally, you will highlight one or more anecdotes reported from the field which illustrate that Brady is making a difference. At some point in your remarks, you will introduce Jerry Lovitt, Commissioner of the Kentucky State Police, thanking him and the entire state and local law enforcement community for their commitment to Brady.

- At the conclusion of your remarks, you will cede the floor to Commissioner Lovitt. Commissioner Lovitt will speak for three minutes, expressing his support for the Brady Law and relating how he has witnessed Brady's positive impact.
- At the conclusion of Commissioner Lovitt's remarks, you will introduce Treasury Secretary Rubin. The Secretary will speak for three minutes, discussing in more detail the ATF survey.
- At the conclusion of Secretary Rubin's remarks, you will introduce Attorney General Reno. The Attorney General will speak for three minutes, announcing that grant money has been earmarked for release to the states to provide for upgrading the nationwide criminal history data base or "instant check" system.
- At the conclusion of the Attorney General's remarks, you will open the floor for five minutes of questions and answers.

#### VI. REMARKS

- Remarks to be provided by Speechwriters

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WASHINGTON

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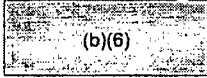
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**Bureau of Alcohol, Tobacco, and Firearms (in order of preference)**

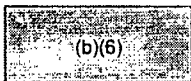
**John W. Magaw, Director**



**Charlie Thomson**



**Daniel R. Black**



**[COO]**

**CLINTON LIBRARY PHOTOCOPY**

**Bradley A. Buckles**



**William T. Earle**



**John C. Killorin**



**Robert J. Creighton**



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Treasury Department (Office of Enforcement)

Susan Ginsburg, Chief of Staff



[002]

Court Golumbic



CLINTON LIBRARY PHOTOCOPY

Brady Law Anniversary  
February 28, 1995

The Brady Law clearly is working. Evidence of Brady's success over the past year comes from two U.S. Government sources and two private sources:

1. A recently-completed Bureau of Alcohol, Tobacco and Firearms' ("ATF") survey of 30 law enforcement authorities, a precursor to a broader Department of Justice/Bureau of Justice Statistics' study, reveals that from March 1994 through January 1995, **more than 15,500 persons** in the surveyed jurisdictions who applied to purchase handguns had their applications denied. The officials polled constitute a cross section of the national law enforcement scene. Drawn from every region of the country, they represent communities large and small, rural and urban.
  - The "bad guys" blocked by Brady from obtaining handguns included:
    - 4,365 convicted felons;
    - 945 fugitives;
    - 97 persons under indictment;
    - 649 illegal drug users;
    - two juveniles; and
    - 63 persons under restraining order for alleged stalking, harassment or other forms of domestic threats or intimidation.
  - The more than 15,500 Brady applications denied represent **only 3.5 percent** of the total number of applications submitted in the surveyed jurisdictions (more than 440,000). Further, ATF has confirmed through discussions with the firearms industry that the overall volume of handgun sales remained relatively constant during that time. **This suggests that the Brady Law is doing what it was designed to do -- keeping handguns out of the reach of that small percentage of persons who use handguns criminally, while not unduly infringing on the rights of legitimate handgun owners.**
  - Anecdotal evidence gleaned during the recent ATF survey, and an earlier survey tracking the first 100 days of the Brady Law's activation, provide even more proof of Brady's impact. The Brady Law has prevented thousands of convicted and potential offenders -- including murderers, drug dealers and suspected stalkers -- from purchasing handguns.
    - During the first three months of the Brady Law, the Ohio Attorney General's office conducted 16,499 background checks. It reported that

129 convicted felons, among them convicted rapists, murderers and drug dealers -- were prohibited from purchasing handguns.

- In March 1994, the Brady Law prevented an accused stalker in Prairie Village, Kansas, from purchasing a handgun. The attempted handgun purchase was stopped by the Prairie Village Police Department when a Brady background check revealed that the prospective purchaser, who was the subject of a restraining order for allegedly stalking his wife and threatening to kill her, was a resident of Missouri, not Kansas, as he had represented in his Brady form.
- In April 1994, a handgun sale in Lexington, Kentucky was stopped by the Kentucky State Police when a Brady background check revealed that the intended purchaser was under indictment on felony cocaine charges. The Brady check also revealed that the purchaser had a previous felony conviction in Kansas for a "terroristic threat" offense.
- In April 1994, a suspected drug dealer was arrested in San Antonio, Texas after a Brady background check performed by the Uvalde County Sheriff's Office indicated that the alleged dealer was the subject of outstanding warrants for possession of cocaine with intent to distribute, possession of heroin with intent to distribute and failure to appear in court.
- In June 1994, a person convicted for reckless homicide was prohibited from purchasing a handgun in Lexington, Kentucky when the Kentucky State Police discovered the felony conviction during the Brady application process. Prior to the enactment of the Brady Law, that same convicted felon was able to make two handgun purchases and still escape detection by law enforcement officials.
- In the summer of 1994, the Brady Law prevented an accused wife beater in Beaver County, Pennsylvania from obtaining several handguns. The putative purchaser, who was the subject of spousal assault charges in both New York and Pennsylvania, was denied access to the guns when a Brady background check performed by the Beaver County Sheriff uncovered the outstanding charges.
- In November 1994, the Brady Law was instrumental in securing the apprehension of two gang members, both convicted felons, who traveled from California to Nevada to purchase handguns. An investigation conducted by ATF's Reno, Nevada field office, with the assistance of the Nevada Division of Investigation, revealed that the suspects sought to purchase arms using false identification.

- On four separate occasions, the Brady Law enabled the Oklahoma City Police Department to apprehend persons wanted on felony charges when the suspects attempted to purchase handguns and Brady background checks highlighted warrants outstanding for their arrest.

2. National estimates of the number of prohibited persons who were prevented by Brady from purchasing a handgun in Brady states -- based on information supplied by the FBI's criminal history database, the Interstate Identification Index ("Triple I") -- was **approximately 41,000** from March 1, 1994 through January 31, 1995.
  - Generally speaking, the first step a law enforcement officer takes in processing a Brady application is to check the information disclosed in the application against a prospective purchaser's criminal record maintained in the Triple I. When the initial check reveals that an intended purchaser may be prohibited from buying a gun, the officer usually will run a follow-up query to obtain the criminal record and confirm independently whether the individual is prohibited from purchasing a firearm. This makes Triple I checks a rough but useful measurement of the number of possible denials of handguns purchased under Brady. Indeed, estimates based on Triple I can be characterized as quite modest, since Triple I only identifies felony convictions, pending indictments or fugitive status. Triple I contains no information bearing on whether a putative purchaser falls within one of the remaining six categories of persons prohibited from buying handguns.
  - During the period from March 1, 1994 through January 31, 1995, approximately 1.6 million follow-up Triple I queries were made in Brady states. ATF estimated, conservatively, that no more than 2.5 percent of those follow-up queries actually uncovered facts leading law enforcement to nullify a pending handgun transaction. The 2.5 percent figure was based on historical rates of denials realized in certain states that had their own laws requiring pre-handgun purchase screening. Using this formula, the number of times that convicted felons, drug offenders, fugitives and other prohibited persons are estimated to have been prevented from obtaining handguns in Brady states during Brady's first year was approximately 41,000.
3. ATF has learned that CBS News' public polling unit has completed its own survey of law enforcement authorities charged with administering the Brady Law. The CBS study purportedly estimates that more than 44,000, or approximately two percent, of the applications to purchase handguns submitted during the one year period following the Brady Law's effective date were denied.
4. ATF reports that the combined effect of the Brady Law provision which increased the start-up costs to become a federally-licensed firearms dealer (from \$30 to \$200 for a new three-year license) and President Clinton's gun dealer reform initiatives, has



caused the number of licensed gun dealers to plummet by more than 50,000 in the last year and a half.

- Josh Sugarmann, the Executive Director of the Violence Policy Center, which recently released a study on the decline in gun dealers, was quoted in the Washington Post as saying that "[i]n the long term, [the decline in the number of gun dealers] will reduce gun violence and illegal gun trafficking."

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JERRY W. LOVITT

## CLINTON LIBRARY PHOTOCOPY

Jerry W. Lovitt

(b)(6)

[093]

(b)(6) He attended Whitley County High School. He attained his Associate of Arts, Bachelor of Science, and Masters Degree in Police Administration from Eastern Kentucky University. He also holds a Masters of Public Administration Degree from Kentucky State University.

He began his State Police career in 1969 as a Trooper at the Richmond Post. He served eleven (11) years as a Trooper and Detective working his way through the ranks, and has held every permanent and appointive rank in the State Police. He held numerous staff and command positions during his twenty-five year tenure, including Commander of the Organized Crime Section, Internal Affairs, Richmond Post Commander, Operations Branch Commander of Eastern Kentucky, Director of Operations, Deputy Commissioner and after retirement in November 1993, he was appointed Commissioner.

Lovitt also holds a military officer's commission in the Kentucky Army National Guard as a Chief Warrant Officer. He serves as a Commanding Officer of the 615th M.P. CID Detachment and is a fully accredited CID officer. Lovitt served three (3) years on active duty with the U.S. forces in Europe where he served in the Field Artillery.

Lovitt has received numerous awards and commendations during both his state police and military career. He received the Distinguished Alumni Award from Eastern Kentucky University in 1990. He was named Jessamine County outstanding citizen for 1989 by the Chamber of Commerce. He received the State Police medal for Meritorious Service (Valor) Commendation for Bravery, and the National Guard's second highest award for performing a life saving act.

He is active in state and community affairs and belongs to numerous civic clubs. He also serves as a volunteer in both Hospice and teaching adults to read. His hobbies include jogging, karate, and reading.

## BRADY REMARKS

Commissioner Jerry Lovitt  
Kentucky State Police

On November 30, 1993, the power of the U.S. Presidency and the essence of Jim Brady arrived in Kentucky with the signing of the Brady Handgun Violence Prevention Act, arguably one of the most important pieces of firearms legislation ever enacted. Until Brady, the only thing preventing a felon or other prohibited person from purchasing a firearm was the requirement that the purchaser certify his eligibility. Beginning on February 28, 1994, a 5 day waiting period was imposed on the sale of a handgun in states that did not already require a background check, with Kentucky being one of those states.

In the weeks leading up to the implementation of Brady, Kentucky, like other affected states, heard the hue and cry of many interested parties: gun dealers; sports shooting enthusiasts; the law enforcement community; and those who write editorials. Reaction ranged from confusion to outrage.

But a year has passed, and rather than recount the trials and tribulations of the initial weeks and months of Brady, I'd rather focus on the positive results that have flowed from this unique piece of legislation.

Having been designated CLEO, the Kentucky State Police has conducted over 68,000 criminal history background checks over the past year as a result of Brady. This simple application of the statute

denied 2,001 felons and other prohibited people from acquiring a weapon. Of those denials:

812 violent felons have literally had a gun snatched from their hands. 318 drug dealers are less well armed as they ply their deadly vocations. 108 spouses are less at risk because their abusers were denied access to guns.

As part of the process, we routinely refer "Brady Denials" to the Bureau of Alcohol, Tobacco, and Firearms for follow up investigations. There have been a number of indictments as a result of those efforts, and more are anticipated. A typical example is a subject whose record contained a 1983 felony conviction for four counts of First Degree Burglary:

In August, 1992 (PreBrady), he purchased a shotgun.

In June, 1993 (PreBrady), he purchased a handgun.

In July, 1993 (PreBrady), he purchased a handgun.

In April, 1994 (PostBrady), he attempted another firearms transaction and executed a Brady Form.

He was indicted on firearms possession and false statement charges, pled guilty in United States District Court, and is scheduled for sentencing next month.

Another example of cooperative effort is assistance provided to ATF in investigations of two

separate firearms trafficking rings. The rings were broken up. Arrests and seizures were made. Hundreds of guns destined for New York and Philadelphia were involved.

I am certain that Kentucky's statistics and cases pale in comparison to those from larger states. I also recognize that Brady, as we know it today, is an interim procedure, to be replaced in 5 years with a national instant check system that dealers will access directly.

For all of the successes of Brady, we need not lose sight of those who are actually responsible for getting the job done - over the past year, and for some years to come.

Thanks to Kentucky's "Brady Bunch" and their extended families all over our nation. Our lives are more secure and our children's futures are brighter.

I know it has not been easy. Few worthwhile things are. I would like to extend my thanks to that small group in Kentucky, and to their counterparts from across the country.

# Memorandum

F- Empire State Building  
Event (in oval -  
Bradley's came)

**DATE:** February 25, 1997  
**TO:** Rahm Emanuel  
**FROM:** Bob Walker, President of Handgun Control, Inc.  
**RE:** Firearm regulations

I asked our general counsel, Denny Henigan, to draft up a memo for your use outlining what kind of regulatory actions the administration might wish to consider in the wake of the Empire State Building shooting. Attached is a copy. Obviously, we would like the President to issue a new set of directives to ATF, along the lines suggested in our attached memo. If you have an interest, let's discuss it in more detail.

**CAUTION:** I should note that the President directed Treasury in August of 1993 (during his speech outlining his crime bill proposals) to promulgate regulations "requiring dealers to obtain more reliable identification from purchasers." At the time, we interpreted that to mean that some proof of residency would be required of the buyer. To our knowledge, nothing was ever done about that (either with respect to proof of residency or any other form of identification). I just raise it as issue, in case you are asked about it.

## MEMORANDUM

TO: Rahm Emanuel  
Senior Advisor to the President

FROM: Robert Walker  
President, Handgun Control, Inc.

Dennis Henigan  
General Counsel, Handgun Control Inc.

RE: Gun Control Initiatives Not Requiring Additional Legislation

DATE: February 25, 1997

This Memorandum briefly discusses several regulatory initiatives that could be undertaken by the Administration without the need for additional statutory authority.

I. To more effectively combat interstate gun trafficking, require gun purchasers to produce more substantial proof of identity and in-state residence.

In order to purchase a handgun, the buyer must be a resident of the state where the handgun is sold. Interstate gun runners frequently falsify their residence in order to purchase handguns in states with weak gun laws. ATF has indicated that a driver's license, or state identification card issued in lieu of a driver's license, is sufficient identification for the non-licensee purchaser. ATF Ruling 79-7. In some states, however, it is easy to obtain these forms of identification by showing a phony or transient in-state address. In these states, it is possible to satisfy ATF's current requirements without proving actual residence in the state of purchase.

This is apparently how the Empire State Building shooter obtained his handgun. He was able to obtain a Florida identification card, with a Florida address, even though he had traveled to Florida only to purchase a handgun and was staying at a Florida motel. This identification card was sufficient to establish his Florida residence under current ATF regulations. Colin Ferguson, the Long Island Railroad shooter, also exploited this weakness in ATF regulations. Ferguson, a New York resident, traveled to California, easily obtained a California driver's license, and stayed in a California motel just long enough to satisfy that State's 15-day waiting period.

ATF could require additional proof of in-state residence under existing law. ATF has broad authority to determine the form and content of required records. See 18 U.S.C. § 923(g)(1)(A). It clearly has the authority to modify the Firearms Transaction Record (ATF Form 4473) to require sufficient personal identification and proof of residence of the purchaser.



It should require two forms of personal identification, including a photo ID, proof of residence in the state (e.g. a recent utility bill), and a local telephone number.

## II. Enforce the Existing 90-day Residency Requirement for Legal Aliens

Under existing ATF regulation, a legal alien generally is considered a resident of a state only if he/she has resided in that state for at least ninety days prior to the purchase of the firearm. 27 C.F.R. § 178.11 (definition of "state of residence"). However, ATF has no regulatory mechanism in place to enforce the ninety-day requirement. For example, although Form 4473 requires a gun purchaser to answer the question "Are you an alien illegally in the United States?" (illegal aliens being a category of prohibited gun buyers), there is no question on the form which functions to determine whether the buyer is a legal alien and thus subject to the ninety-day residency requirement. Obviously, if such a question appeared on the form and the buyer answered in the affirmative, the dealer could be required to obtain proof from the buyer that he/she has been resident in the state for the required period.

ATF has the power under existing statutes to alter the Form 4473 to include a question about legal alienage, with instructions to the dealer that any affirmative answer to the question obligates the dealer to obtain specific proof of in-state residency for ninety days. ATF could, by regulation, define the proof that would be sufficient.

## III. Require Dealers to Implement Adequate Security Measures to Deter Gun Theft

Because gun dealers are in the business of selling lethal weapons, they should be required to implement anti-theft security measures that exceed those required of retailers of less dangerous products. Gun theft represents more than simply a property loss to the dealer. Since stolen guns are destined for black market sale to the criminal element, gun thefts are a direct and immediate threat to public safety.

The statutory authority of ATF to promulgate anti-theft regulations was established by the ruling of the U.S. District Court for the District of Columbia in National Council to Control Handguns v. Blumenthal, No. 77-1574 (D.D.C. Oct. 24, 1978), in which the Court relied upon the traditional deference of courts to the exercise of discretion by regulatory agencies. See also National Rifle Association v. Brady, 914 F.2d 475 (4th Cir. 1990) (holding that Firearms Owners Protection Act of 1986 preserved broad ATF regulatory authority). Licensed gun dealers should be required to implement sound security measures, including locking up their inventory in a secure vault after hours.

## IV. As a Condition for License Renewal, Require Gun Dealers to Demonstrate that They are Selling Firearms "As a Regular Course of Trade or Business"

President Clinton's August 1993 Directive on Gun Dealer Licensing ordered several substantial reforms of the dealer licensing process which have dramatically reduced the number of illegitimate licensees. More, however, can be done within ATF's existing authority to ensure that dealer licenses are given only to legitimate retail businesses and not to persons

seeking to evade gun control laws. Specifically, ATF can take stronger action to enforce the "business premise" requirement for a dealer license.

To be licensed, a dealer must have "premises from which he conducts business subject to license under this chapter." 18 U.S.C. § 923(d)(1)(E). The "business subject to license under this chapter" is described in the statutory definition of "dealer"; that is, a person "who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms..." 18 U.S.C. §§ 921(11) and (21)(D). In order to enforce fully the "business premise" requirement, renewal of licenses should be contingent upon a demonstration by the licensee that he/she has conducted business as defined in the statute.

When dealers apply for license renewal, they should be required to submit tax returns for their business, as well as aggregate sales information for the period of the license. Applicants who cannot demonstrate a "regular course of trade or business" would be denied renewal. ATF has the authority to require this additional reporting under its general statutory power to prescribe rules and regulations "as are necessary to carry out the provisions of this chapter." 18 U.S.C. § 926(a). Only through regular reporting of aggregate sales can the "business premise" requirement be adequately enforced.

V. Immediately Suspend the License of Any Dealer Convicted of a Felony and Maintain the Suspension During the Appeals Process

Under current ATF policy, licensed gun dealers who are convicted of felonies are permitted to maintain their licenses while they appeal their convictions. This could, and should, be changed.

Under 18 U.S.C. § 925(b), a licensee "who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license...during the term of such indictment and until any conviction pursuant to the indictment becomes final." ATF currently interprets this provision to mean that a licensee convicted of a felony can continue to sell guns under his/her license until all appeals of the conviction are exhausted. The appeals process, of course, may take several years. Permitting convicted felons to sell guns during protracted appeals is totally at odds with the Administration's goal, stated in its August 1993 Directive, to "keep guns out of the hands of criminals."

ATF's interpretation of "final conviction" does not conform to the concept of finality in other parts of the criminal code enacted subsequent to the Gun Control Act. For example, the 1984 Sentencing Reform Act states that a judgment of conviction is final notwithstanding that it can later be modified, corrected or appealed. 18 U.S.C. §§ 3562(b), 3572(c), 3582(b). This is consistent with the general presumption that a conviction is valid until reversed on appeal, placing the burden on the defendant to demonstrate that it was contrary to law. Glasser v. United States, 315 U.S. 60, 80 (1942). Given this presumption, it makes no sense to allow licensees convicted of serious crimes to sell firearms during protracted appeals.

Ando

Brady Bill - political

# HANDGUN CONTROL

ONE MILLION STRONG . . . working to  
keep handguns out of the wrong hands.

*F- Brady Bill*

## FAX COVER SHEET

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Christa Robinson

ORGANIZATION:

Handgun Control, Inc.  
Federal Legislation Department

⇒ Bob Walker  
Director of  
Legislation

⇒ Betsy Wheeler  
Legislative  
Representative

⇒ Marie Carbone  
Legislative  
Coordinator

FAX NUMBER: 202/371-9615

NOTES/COMMENTS:

*Here's what we have  
on the V.P.*

*Also. He was very involved in  
1991 Brady Bill fight in the  
Senate. — on our side!*

If you have any difficulty receiving this transmission, please call 202/898-0792.

Handgun Control, Inc., 1225 Eye Street, NW, Suite 1100, Washington, DC 20005 • (202) 898-0792 • FAX (202) 371-9615

114 Sansome Street, Room 802, San Francisco, CA 94104 • (415) 433-3635 • FAX (415) 433-3357

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# HANDGUN CONTROL

**MILLION STRONG . . . working to  
handguns out of the wrong hands.**

## MEMORANDUM ON SENATOR ALBERT GORE, JR. (D-TN)

Senator Albert Gore was a Member of the U.S. House of Representatives prior to his election to the Senate in 1984.

As a Member of Congress, Gore expressed concern about handgun crime but stated his belief that national legislation requiring registration of all handguns would be ineffective in keeping handguns out of the hands of criminals.

In 1985, on the McClure/Volkmer bill, Senator Gore voted against all three amendments which sought to (1) maintain the ban on interstate handgun sales, (2) maintain the law allowing surprise inspections by BATF agents of firearms dealers' records, and (3) establish a fourteen-day waiting period on handgun purchases. He then voted for final passage of the McClure/Volkmer bill.

On a positive note, in 1978 Gore wrote, "There may be merit to certain proposals to limit distribution of the cheap 'Saturday Night Specials' which often are used in violent crimes and have little value as sporting weapons." In 1986, Gore voted to ban armor-piercing bullets.

Gore has not yet taken a public position on S.466, legislation to establish a seven-day waiting period to allow background checks on handgun purchasers. He is most likely to respond to the argument that because Tennessee already has a fifteen-day waiting period, his home state would benefit from this legislation. Passage would ensure that handguns are not purchased over the counter in states without waiting periods or background checks and then transported to Tennessee for criminal sale or activity. Handgun purchasers in Tennessee would be unaffected by passage of the legislation because S.466 exempts states which already have a seven-day or greater waiting period or states which require background checks on handgun purchasers.

Handgun Control Inc., 1400 K Street N.W., Suite 500, Washington, D.C. 20005 • (202) 898-0792

☐ 703 Market Street, Suite 1511, San Francisco, CA 94103 • (415) 546-1884

☐ 310 Fourth Avenue South, Suite 724, Minneapolis, MN 55415 • (612) 333-2823

**AL  
GORE**



**'88**

**President**

**Al Gore on Gun Control**

I have voted repeatedly for tough mandatory sentences for those who use guns when committing crimes. I supported the ban on armor-piercing ("cop-killer") bullets. This past December, I announced my support for legislation that would ban undetectable weapons, those weapons that are all plastic or that too little metal in them to be detected by current metal detection technology. While those who wish to own guns for hobby or for their own protection should be able to do so, we need to make sure that dangerous weapons designed to harm or elude law enforcement officials are not available.

I also support restrictions on so called Saturday night specials -- small, easily concealable handguns that are most often used in crime. In addition, I believe there should be a waiting period on the purchase of all handguns; this would enable law enforcement officers to check to determine that the purchaser is legally able to purchase the weapon. As President, I will continue to support restrictions on guns that help criminals while respecting the rights of law-abiding gun owners.

P.O. BOX 15800 • ARLINGTON, VA 22215-0800 • (703) 979-1988

PAID FOR BY ALBERT GORE, JR. FOR PRESIDENT COMMITTEE, INC.



# Gore in His Own Words: Excerpts From an Interview on Campaign Issues

*Here are excerpts from an interview with Senator Albert Gore Jr. of Tennessee conducted by reporters and editors of The New York Times in advance of New York's April 19 Presidential primary:*

## **Gun Control**

*Q. One of the things that the police officials in New York City are very concerned about is guns. . . . Do you think people should be able to own unregistered guns?*

*A. I favor additional restrictions on handguns, with particular emphasis on the ones that are described as Saturday night specials.*

*Q. Should they have to be registered?*

*A. Yes.*

*Q. All handguns should have to be registered with the police?*

*A. I think the focus should be on those guns that are used in committing crimes, in killing people and have no other conceivable use.*

*Q. . . . Should there be some sort of national registration of handguns?*

*A. I believe that there should — I believe that there should be registration of guns in a particular category. I do not — I have not believed and do not believe that registration by itself is the answer to the underlying problem of violent crime, of the use of guns in America.*

*Q. Are there handguns that don't fit into the category, then. There are handguns that don't need to be registered, is that right?*

*A. Under current Federal law, there are guns that don't need to be registered. . . . I do not favor a sweeping provision of the kind that some have proposed to ban all handguns. . . . I do favor, in addition, a waiting period or cooling-off period prior to the purchase of a handgun.*

ALBERT GORE, JR (D-TN)

VOTING RECORD ON MCCLURE/VOLKMER (S.49)  
(July 9, 1985)

1. Kennedy Interstate Sales Amendment - Senator Gore voted (YES)

The vote was on the motion to table the amendment which sought to maintain existing ban on interstate handgun sales. A NO vote supported the position of Handgun Control to keep existing ban on interstate handgun sales.

2. Mathias Inspection Amendment - Senator Gore voted (YES)

The vote was on a motion to table the amendment which sought to maintain present law allowing the Bureau of Alcohol, Tobacco and Firearms to conduct surprise inspections of firearms dealers' records. A NO vote supported Handgun Control's position to allow surprise inspections.

3. Inouye Waiting Period Amendment - Senator Gore voted (YES)

The vote was on a motion to table the amendment which sought to establish a 14-day waiting period for handgun purchases. A NO vote supported Handgun Control's position to establish a 14-day waiting period to allow for criminal records checks of handgun buyers.

4. The Final Vote - Senator Gore voted (YES)

The vote was for or against passing the McClure-Volkmer bill (after the three previously-proposed amendments were voted down). A NO vote supported Handgun Control's position against final passage.



# United States Senate

WASHINGTON, D.C. 20510

June 4, 1987

Mrs. Faith W. Frase  
1015 Noelton Lane  
Nashville, Tennessee 37204

Dear Mrs. Frase:

Thank you for contacting my office recently regarding gun control. I appreciate hearing from you.

Since coming to the Congress, I have consistently opposed measures to place unreasonable controls on citizens who wish to own firearms. Almost every gun control law proposed in the past would only have penalized law-abiding Tennesseans who enjoy hunting and target shooting or who simply want to protect their homes and property.

Gun control is not crime control. We must develop workable programs for dealing with the crime problem, solutions that do not infringe upon the constitutional rights of law-abiding citizens to own firearms. I do not believe that rigid controls on firearm ownership suddenly will prevent criminals from obtaining weapons. A much better way to solve the crime problem is to impose severe penalties for using firearms for criminal purposes. For example, in the House of Representatives, I cosponsored legislation to impose a mandatory five-year minimum prison sentence for anyone using a gun to commit a federal crime.

I strongly agree that we must do everything in our power to support our law enforcement officers and agencies in the fight against crime. At the same time, we must be careful not to infringe upon the rights of law-abiding citizens.

In the 99th Congress, the McClure-Volkmer Firearm Owners Protection Act, without further restricting the rights of law-abiding gun owners, makes it more difficult for criminals to gain access to dangerous weapons. As amended, this legislation prohibits interstate sale of handguns. It also prohibits the sale of machine guns manufactured after the legislation was signed. Another amendment permits on-site inspections of license records without prior notice

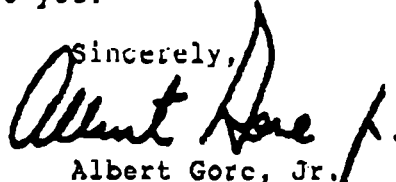
June 4, 1987  
Page 2

while allowing wider use of evidence gathered in this manner.

In addition, to address law enforcement officials concerns, Congress passed at the same time Public Law 99-360. This legislation specifies the degree to which firearms must be kept inaccessible and unloaded when transported across state lines. The law also maintains strict record-keeping requirements on firearms sold from a dealer's personal collection.

In the 100th Congress additional legislation has been introduced to control firearms. The Handgun ~~Violence Prevention Act, S. 466,~~ would establish a seven-day waiting period before a handgun sale could be completed. You might be interested to know that Tennessee already requires a 15-day waiting period.

Again, thank you for letting me hear from you. I hope you will continue to share your views with me on other matters of concern to you.

Sincerely,  
  
Albert Gore, Jr.  
United States Senator

AG/jal

Tim Doyle

496-5011

MAY-31-96 THU 13:01

P. 01

**Ohio Democratic Party**

87 West Broad Street • Suite 430 • Columbus, Ohio 43215

Phone (614) 221-6563 • Fax (614) 221-0721 • 76378.2256@compuserve.com

David J. Leland, Chair

## President Clinton's Crime Fighting Leadership Right For America, Bob Dole Wrong

Statement By Gene Kelly, Clark County SheriffFor Immediate Release  
May 31, 1996Contact: Josh Block  
614/221-6563

As a County Sheriff, I deal with the serious crime problem facing our communities every day. It's my profession. Without President Clinton's courage and leadership, the job of protecting our citizens would truly be more difficult and dangerous than it already is.

Due to the President's Crime bill the residents of Clark County have five new deputy sheriffs on the streets, to be there when they call, to respond when they are needed. And believe me, those officers make a big difference to the people in our community.

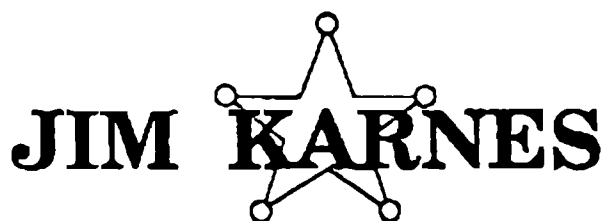
Cities and counties across Ohio have more police officers protecting their citizens than they would have if Senator Dole had his way. Columbus has 38 new police officers walking the beat, Cleveland 134 new officers and Cincinnati has 29 officers dedicated to community policing all because of the President's leadership in passing the 1994 anti-crime package.

If Senator Dole had his way, the people of Ohio would see fewer police on the streets and be less safe in their homes, schools and communities.

Police Chiefs from across the country went to Washington to ask for help in getting assault weapons off our streets. President Clinton said "YES." Bob Dole said "NO." Thanks to the President's courage we have taken the first steps toward eliminating 19 types of the most deadly cop-killing assault weapons. And 60,000 people with criminal records were turned away when they showed up in our communities to trying to buy hand guns, thanks to the Brady Bill signed by President Clinton.

If Bob Dole had his way, the assault weapons and hand guns would be easier for criminals to get their hands on.

Typically, Bob Dole is all talk. It's easy to point fingers at problems, but tough to deliver solutions. President Clinton's record of fighting crime with actions, not just words, is one that has made our police and our communities safer.



**FRANKLIN COUNTY  
SHERIFF**

**FRANKLIN COUNTY HALL OF JUSTICE**  
369 South High Street Columbus, Ohio 43215 (614) 462-3360

**NEWS RELEASE**

**STATEMENT OF SHERIFF JAMES KARNES**

I welcome Senator Dole to Franklin County and I commend his efforts to educate Americans about two issues that affect us all -- crime and drugs.

However, I am concerned about Senator Dole's vote against President Clinton's 1994 Crime Bill, his votes to cut drug prevention programs and several of his positions that jeopardize the safety of our nation's police officers.

I am a strong supporter of the Drug Abuse Resistance Education Program ("DARE"), which provides classroom instruction about drugs and alcohol by uniformed law enforcement officers. Senator Dole says he supports these efforts, but his record proves otherwise. In 1994, Senator Dole voted against the education bill which authorized funding for the Safe & Drug Free Schools program and, in 1995, he voted to cut funding for this program by 51 percent.

Senator Dole's efforts undermine the drug education program in our schools because "DARE" is funded by the Safe & Drug Free Schools program. His record contradicts his message.

Senator Dole has voted against President Clinton's Crime Bill, and he has voted to eliminate the President's COPS program, which will put 100,000 additional police officers on our nation's streets. I disagree. All of us, involved in law enforcement are safer because of the President's COPS program.

Senator Dole calls the assault weapons ban ineffective and he has pledged that repealing it is one of his legislative priorities. Again, I disagree. Our nation's police officers are safer now that 19 of the deadliest assault weapons have been outlawed. Senator Dole's opposition to the Brady Bill also troubles me. Sixty thousand people with criminal records have been denied handguns because of the Brady Bill, and our police officers are safer because of it.

I hope Senator Dole will discuss his vote against the Crime Bill and his opposition to the Brady Bill and Assault Weapons Ban with my fellow police officers here in Ohio.



## **INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO**

*THE ONLY UNION FOR LAW ENFORCEMENT OFFICERS*

**SAM A. CARRAL**  
*International President*

**ARTHUR J. REDDY**  
*International Secretary-Treasurer  
Legislative Liaison*

### **FOR IMMEDIATE RELEASE:**

Contact: Rich Roberts  
703-549-7473

Faced with recent campaign promises by Senator Dole claiming to support anti-crime measures, the International Union of Police Associations remains firm in its support of President Clinton's proven effective measures. Art Reddy, the I.U.P.A.'s Secretary - Treasurer and Legislative Liaison said, "The latest proposal by Dole to create an "instant check" system for prospective gun buyers falls far short of the mark and would do damage to programs created under the Administration's Brady Bill. While an instant check system is desirable, it cannot become a reality for most of the nation's police departments for years to come". Reddy is a retired Sergeant and thirty three year veteran of the Los Angeles Sheriff's Department.

In the meanwhile, the Brady Bill must be preserved in order to bring an orderly process to gun purchases while screening out criminals. "Considering the fact that more than 60,000 people and more than 43,000 criminals have been denied access to lethal weapons since the establishment of the Brady Bill, law enforcement agencies need the next several years to utilize the \$200 million made available by the Clinton Administration to improve the speed and effectiveness of the screening process", Reddy said.

According to the I.U.P.A. spokesman, the Clinton Administration has been the most responsive administration in support of rank and file law enforcement personnel and issues in recent history. "The diverse elements of the 1994 Crime Bill with its potential for 100,000 new officers, the ban on assault weapons whose only purpose is to kill human beings, its tough sentences for repeat criminals, and prevention programs to reduce the incentives for criminal activity all constitute the best hope of a more secure future for both the law enforcement community and public safety". The I.U.P.A. is calling on its more than 40,000 active duty law enforcement officers in the United States to continue their support for programs that truly support them.

**END**



# INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO

THE ONLY UNION FOR LAW ENFORCEMENT OFFICERS

SAM A. CABRAL  
*International President*

ARTHUR J. REDDY  
*International Secretary-Treasurer  
Legislative Liaison*

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Chris Strobe, a Virginia police officer and representative of VCOPS, the Virginia Coalition of Police and Sheriffs representing law enforcement personnel throughout Virginia reinforced the I.U.P.A. position. "The Brady Bill must be preserved in order to bring an orderly process to gun purchases while screening out criminals. Considering the fact that more than 60,000 people and more than 43,000 criminals have been denied access to lethal weapons since the establishment of the Brady Bill, law enforcement agencies need the next several years to utilize the \$200 million made available by the Clinton Administration to improve the speed and effectiveness of the screening process.

According to Reddy at the I.U.P.A. and Strobe of VCOPS, the Clinton Administration has been the most responsive administration in support of rank and file law enforcement personnel and issues in recent history. "The diverse elements of the 1994 Crime Bill with its potential for 100,000 new officers, the ban on assault weapons whose only purpose is to kill human beings, its tough sentences for repeat criminals, and prevention programs to reduce the incentives for criminal activity all constitute the best hope of a more secure future for both the law enforcement community and public safety". The I.U.P.A. is calling on its more than 40,000 active duty law enforcement officers in the United States to continue their support for programs that truly support them.

END

# HANDGUN CONTROL

ONE MILLION STRONG . . . working to  
keep handguns out of the wrong hands.

## FAX COVER SHEET

DATE: 7/9

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PLEASE DELIVER TO: Christa Robinson

ORGANIZATION: \_\_\_\_\_

### Handgun Control, Inc. Federal Legislation Department

⇒ Bob Walker  
Director of  
Legislation

⇒ Betsy Wheeler  
Legislative  
Representative

⇒ Marie Carbone  
Legislative  
Coordinator

FAX NUMBER: 202/371-9615

NOTES/COMMENTS:

*Hope this is helpful.*

If you have any difficulty receiving this transmission, please call 202/898-0792.



# The Law Enforcement Steering Committee

November 15, 1993

The Law Enforcement Steering Committee strongly supports the Brady Bill, S.414. The Law Enforcement Steering Committee consists of ten national organizations representing chiefs, sheriffs, rank-and-file officers and troopers. From federal, state and local law enforcement agencies, our organizations collectively represent more than 500,000 law enforcement officers nationwide. For the past six years, the Steering Committee has lobbied hard and long for the Brady Bill and now see an enacted Brady Bill in sight.

We are aware of an NRA substitute version of the "Brady Bill" which will be offered as an amendment to the crime bill currently being debated by the Senate. We want you to know that your nation's police are unconditionally and unequivocally opposed to incorporating this NRA substitute version of the Brady Bill into the crime bill.

Please stand with law enforcement by voting to table any NRA substitute version of the Brady Bill which is offered as an amendment to the crime bill. Then when the real Brady Bill, S.414, comes to the Senate floor as a separate bill, stand with law enforcement once again and vote to pass the Brady Bill, S.414, without any weakening amendments.

Thank you for your consideration of our concerns.

*Dewey R. Stokes*  
Dewey R. Stokes, President  
Fraternal Order of Police

*Robert T. Scully*  
Robert T. Scully, Executive Director  
Nat'l Association of Police Organizations

*James A. Rhinebarger*  
James A. Rhinebarger, Chairman  
Nat'l Troopers Coalition

*Kenneth T. Lyons*  
Kenneth T. Lyons, President  
Int'l Brotherhood of Police Officers

*Bud Meeks*  
Bud Meeks, Executive Director  
National Sheriffs Association

*Victor O. Boyski*  
Victor O. Boyski, President  
Federal Law Enforcement Officers Assn.

*Joseph Wright*  
Joseph Wright, Executive Director  
Nat'l Organization of Black Law  
Enforcement Executives

*William Bratton*  
William Bratton, President  
Police Executive Research Forum

*Patrick Fitzsimons*  
Patrick Fitzsimons, President  
Major Cities Chiefs

*Hubert Williams*  
Hubert Williams, President  
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National Association of  
Police Organizations  
National Organization of  
Black Law Enforcement  
Executives

National Sheriffs' Assn.  
National Troopers Coalition  
Police Executive Research  
Forum

# FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

November 2, 1993

## Representing Members of the:

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 US Forest Service — Special Agents  
 Dept. of Commerce — Office of Export Controls — S A  
 Office of Inspector General — Special Agents  
 National Marine & Fisheries Serv. Law Enf. — S A  
 Dept. of Defense  
 US Army — CID — Special Agents  
 Defense Investigative Service — Special Agents  
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 Dept. of Education — Investigation — S A  
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 Dept. of Health & Human Services — S A  
 Dept. of Housing & Urban Development — Law — S A  
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 US Fish & Wildlife Service — Law Enforcement — S A  
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 US Park Police — Park Police Officers  
 Bureau of Land Management — Special Agents & Rangers  
 Dept. of Justice — US Attorneys — C I & Attorneys  
 Drug Enforcement Administration — S A  
 Federal Bureau of Investigation — S A  
 INS — Special Agents & Border Patrol  
 US Marshall Service — Marshals & Deputies  
 Parole & Prob. Service — Parole & Prob. Officers  
 Dept. of Labor — OIG — Special Agents  
 Office of Labor-Management — S A  
 Dept. of State — Diplomatic Sec. Serv. — Special Agents  
 Investigation — Special Agents  
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 Dept. of Treasury  
 B A T F — Special Agents  
 US Customs Service — Office of Enforcement — Special Agents  
 Customs Investigators  
 Internal Affairs — Special Agents  
 Internal Revenue Service  
 Criminal Investigation Division — S A  
 Inspection Service — Inspectors  
 US Secret Service — S A & Police  
 Environmental Protection Agency  
 Office of Criminal Investigations — Special Agents  
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General Counsel  
 Kathleen P. Mahon

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 Newsletter & Public Affairs  
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 FAX (908) 321-1014  
 Recruitment  
 (919) 637-9430

Honorable W. G. Hefner  
 U. S. House of Representatives  
 2470 Rayburn House Building  
 Washington, DC 20515

Dear Representative Hefner:

The Federal Law Enforcement Officers Association (FLEOA) has a membership of over 8,000 members and is the largest professional association in the nation exclusively representing federal law enforcement officers and criminal investigators.

FLEOA has been on record in support of the Brady Bill for six years. Passing the Brady Bill and having the President sign it into law is long overdue. The Brady Bill will assist law enforcement officers in their duties and save lives. In states without a waiting period and background check, convicted felons are walking out of gun stores with the tools of their trade, no questions asked. This is unconscionable to the law enforcement officers who put their lives on the line daily to protect the public from the criminal element. The time to pass the Brady Bill is now and WITHOUT WEAKENING AMENDMENTS. The gun lobby has already proposed amendments to the Brady Bill. The following two amendments are the most egregious and must absolutely be defeated.

An gun lobby proposed amendment that should NOT be part of the Brady Bill is law enforcement liability. Law enforcement officers should NOT be liable for damages for mistakenly denying someone a handgun. This amendment is contrary to customary ideas of sovereign immunity for government employees. Background checks are conducted in approximately half of the states and arbitrary denial is not a problem.

Liability would force an officer to approve all questionable sales rather than take a chance of being sued, thus allowing prohibited persons to buy guns. The gun

Page 2

November 2, 1993

lobby wants to hold law enforcement officers liable for a wrongful denial but no one is liable if a gun is mistakenly approved and the buyer injures or kills another.

Another gun lobby proposed amendment to the Brady Bill is to sunset the waiting period provision after five years and immediately establish a national instant check even if the states' criminal records are not sufficiently up to date to run an effective check. The waiting period should not be superseded by an instant check until the states' criminal records are satisfactorily automated. A premature instant check is a worthless check.

Sincerely,



Vic Oboyski  
President  
FLEOA



## NATIONAL TROOPERS COALITION

113 STATE STREET, SUITE 1212, ALBANY, N.Y. 12207 518-462-7448

JAMES A. RHINEBARGER, CHAIRMAN

CHAIRMAN'S OFFICE  
1415 SOUTH SHELBY  
INDIANAPOLIS, IN 46203-1946  
FAX 317-431-8221  
317-436-0929

November 4, 1993

Honorable W. G. Hefner  
U. S. House of Representatives  
2470 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Hefner:

As you know, the Brady Bill is expected to come up for a floor vote very soon. The National Troopers Coalition has been lobbying for the Brady Bill for a long time. The National Troopers Coalition represents 44,000 State Police and Highway Patrol officers in 45 states.

With the large number of violent crimes that occur through the use of handguns, law enforcement and the nation need the Brady Bill. We realize that this bill alone will not stop all the crimes involving a handgun; but I believe it will have a deterrent effect on some people that may seek to purchase a handgun for unlawful acts. When you pass the bill make sure it does not have any weakening amendments that will adversely affect us.

Law enforcement liability SHOULD NOT be a part of the Brady Bill. By common law, public employees are not ordinarily liable for damages in the performance of a discretionary function, such as background checks. Our members, as public servants, should not be singled out for liability if an officer mistakenly denies a handgun transfer.

Again, the Brady Bill will allow us to update our nation's criminal records, provide a cooling off period to prevent crimes of passion and help stop felons from obtaining guns so easily. The National Troopers Coalition asks you to pass the Brady Bill and oppose all weakening amendments, especially liability.

Sincerely,

James A. Rhinebarger  
Chairman

JAR/sw



## GRAND LODGE FRATERNAL ORDER OF POLICE

520 SOUTH HIGH STREET, SUITE 205 • COLUMBUS, OHIO 43215-5685 • (614) 221-0180 • FAX (614) 221-0815

November 4, 1993

DEWEY R. STOKES  
NATIONAL PRESIDENT

Representative W. G. Hefner  
U.S. House of Representatives  
2470 Rayburn H.O.B.  
Washington, DC 20515

Attention: Irene Schecter

Dear Representative Hefner:

The Fraternal Order of Police, a national law enforcement organization representing over 248,000 rank and file police officers, urges your support for the immediate passage of the Brady Handgun Violence Prevention Act, H.R. 1025.

The FOP has long supported the Brady bill and it is now time for action on this common sense legislation. As law enforcement officers, we need the Brady Bill, a national five-working day waiting period and background check before the purchase of a handgun, to help us in our daily battle against crime. We cannot win the war on crime without reducing the ready availability of guns in this nation's streets.

The FOP strongly urges you to vote in favor of the Brady Bill. In addition, we also urge you to vote against any weakening amendments to the Brady Bill.

We are most concerned with an amendment that would make law enforcement liable for money damages if an honest mistake is made during a background check. Law enforcement officers are all too often held as scapegoats when all they are doing is enforcing laws and doing their jobs. Law enforcement is as anxious as anyone else to make this system work properly and is not about to purposely conspire to circumvent the law. This amendment would only set the stage for harassment lawsuits against the police which would in effect tie up an already overburdened judicial system and cost the taxpayers endless dollars in legal fees.

I would be happy to discuss any questions that you may have and thank you for your consideration of our concerns.

Sincerely,

*Dewey R. Stokes*  
Dewey R. Stokes  
President



# NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

750 First Street, N.E., Suite 935 • Washington, D.C. 20002-4241

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November 3, 1993

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**Legislative Counsel**  
JULES  
UNDA UPSETT

**Representative W. G. Hefner**  
**U.S. House of Representatives**  
2470 Rayburn House Building  
Washington, DC 20515

Attention: Irene Schecter

Dear Representative Hefner:

The National Association of Police Organizations (NAPO), representing over 140,000 rank and file police officers nationwide, urges immediate passage of the Brady Handgun Violence Prevention Act, H.R. 1025.

NAPO has lobbied to enact the Brady bill for six years now. The time for excuses is over. The police of this nation need the Brady Bill, a national five-working day waiting period and background check before the purchase of a handgun, to help us in our daily work -- work that has grown increasingly more dangerous because the vast proliferation of guns.

NAPO strongly urges you to support the police of this country by voting in favor of the Brady Bill. We also urge you to vote against any weakening amendments to the Brady Bill. We cannot accept anything less than the measures currently outlined in H.R. 1025.

In particular, one amendment that causes us the most concern would make us, the police, liable for money damages if an honest mistake is made while conducting a background check. This would subject our members to perpetual uncertainty over whether a background check was sufficiently "diligent." Damages under this amendment would only extend to cases in which a prospective buyer was denied a gun -- not those in which an official failed to stop an unlawful transfer. This would also serve to encourage police to always err on the side of approving a handgun transfer.

We appreciate your careful consideration of our concerns.

Sincerely,

Robert T. Scully  
Executive Director



# NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

**CHARLES "BUD" MEEKS**  
**EXECUTIVE DIRECTOR**

**November 4, 1993**

**Honorable W. G. Hefner**  
**U.S. House of Representatives**  
**2470 Rayburn House Office Building**  
**Washington, DC 20515**

**Attention: Irene Schecter**

**Dear Representative Hefner:**

**The National Sheriffs' Association, representing our nation's sheriffs with more than 22,000 members, has been on record in support of the Brady bill for several years.**

**As the full House prepares to vote on H.R. 1025, I urge you to stand with America's sheriffs and support the Brady bill. Too many law enforcement officials and too many Americans are dying from handgun violence. The Brady bill is a reasonable and common sense approach to reduce and prevent handgun violence in America.**

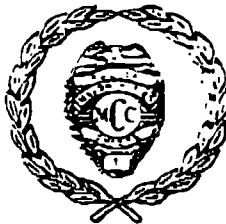
**Please support your sheriffs and all law enforcement and vote for the Brady bill. Also, please oppose an amendment that will hold sheriffs and police chiefs liable if we should mistakenly deny a person a handgun.**

**Your consideration of our support is greatly appreciated.**

**Sincerely,**

A handwritten signature in cursive script that reads "Bud Meeks".

**Charles "Bud" Meeks**  
**Executive Director**  
**National Sheriffs' Association**



# MAJOR CITIES CHIEFS November 3, 1993

Honorable W. G. Hefner  
U. S. House of Representatives  
2470 Rayburn House Building  
Washington, DC 20515  
Attention: Irene Schecter

Dear Representative Hefner:

Violent crime has risen nearly 19% since 1988, says the FBI, even though the overall crime rate dropped slightly in 1992. Many citizens are afraid to walk in their own neighborhoods and children are afraid to go to school. This is not the America we know and love.

The Major Cities Chiefs is an organization representing the chief administrators from the 47 largest cities in this country. The Major Cities Chiefs have supported the Brady Bill since its introduction in 1987. It is beyond reason that the Brady Bill is not law, yet.

It is known that opponents of the Brady Bill are proposing amendments to the Brady Bill to weaken or even kill the bill. The Major Cities Chiefs are asking you to pass the Brady Bill as a strong bill, not as a watered down, ineffective bill.

One of the NRA-backed amendments proposed in committee is liability for officers or agencies conducting the background checks. It is our understanding that if an officer refuses a handgun transfer because of the information the officer possessed and later it is determined the transfer was legal, that the agency, city or even the individual officer may be sued for damages. We believe police officers who are assigned to perform the background checks will conduct the check in a professional manner as ordered. *The idea of police liability for the Brady Bill is unnecessary, mean spirited, and not in the best interest of law enforcement.*

We encourage you to pass the Brady Bill without liability.

Sincerely,

Patrick Fitzsimons  
Chairman

Phoenix, Arizona  
Los Angeles, California  
Los Angeles County, California  
San Diego, California  
San Francisco, California  
San Jose, California  
Denver, Colorado  
Jacksonville, Florida  
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Minneapolis, Minnesota  
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St. Louis, Missouri  
Las Vegas, Nevada  
Newark, New Jersey  
Buffalo, New York  
Nassau Co., New York  
New York City, New York  
Suffolk Co., New York  
Cincinnati, Ohio  
Cleveland, Ohio  
Columbus, Ohio  
Oklahoma City, Oklahoma  
Tulsa, Oklahoma  
Philadelphia, Pennsylvania  
Pittsburgh, Pennsylvania  
Memphis, Tennessee  
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## NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

4 November 1993

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U.S. Secret Service, Washington, DC

Assistant to the President  
WILLIAM R. BRACEY  
Chief Patrol (Ret.)  
New York P.D., NY

The Honorable W. G. Hefner  
U. S. House of Representatives  
2470 Rayburn H.O.B.  
Washington, DC 20515

Dear Representative Hefner:

The National Organization of Black Law Enforcement Executives (NOBLE) is a national organization made up of over three thousand executive level law enforcement officials. As a voice of the African-American community, we strongly urge passage of the Brady Handgun Violence Prevention Act, H.R. 1025, known as the Brady bill. The Brady bill requires a national five working-day waiting period and background check on all prospective handgun buyers.

Gun violence in America is reaching epidemic proportions and our minority communities are the hardest hit. Some facts: the leading cause of death among black males between the ages of 15 and 34 is firearm homicide; 1 in every 28 black males born today is likely to be murdered; nearly half (48%) of all black teenage males who died in 1988 were killed with guns; firearm homicide among black males aged 15 to 19 has increased 125% since 1984.

For these reasons, NOBLE strongly urges you to vote in favor of the Brady bill, and just as importantly, to oppose all weakening amendments to the bill. Two amendments of special concern to us are police liability and a sunset of the waiting period. The police liability amendment will make law enforcement officials liable for damages in instances where a prospective buyer was mistakenly denied a gun. This amendment will encourage law enforcement to err on the side of approving firearms sales, thus resulting in more felons obtaining handguns. The sunset provision will abolish the waiting period after sixty months without regard to the readiness of a national instant check system. In effect, this amendment will repeal the Brady bill.

Thank you for your consideration of our concerns.

Sincerely,

*Joseph M. Wright, J.D.*  
Joseph M. Wright, J.D.  
Executive Director

2300 M STREET, N.W., SUITE 910  
WASHINGTON, DC 20037  
PHONE: (202) 466-7820  
FAX: (202) 466-7826



POLICE EXECUTIVE  
RESEARCH FORUM

CHUCK WEXLER  
EXECUTIVE DIRECTOR

November 4, 1993

Representative W. G. Hefner  
U.S. House of Representatives  
2470 Rayburn H.O.B.  
Washington, DC 20515

Dear Representative Hefner:

The Police Executive Research Forum, representing progressive police professionals from the nation's largest jurisdictions, has long been supportive of the Brady Bill, H.R. 1025. As law enforcement chief executives, PERF members are all too familiar with the widespread violence and carnage resulting from the illegal use of handguns.

In 1991, alone there were over 24,000 handgun-related deaths. Clearly, gun violence in this country has reached epidemic proportions. PERF members know we need new measures to keep our citizens and police officers safe. The Brady Bill is the first step in securing that safety and a better quality of life for all our communities.

The law enforcement executives who comprise PERF strongly urge you to vote for the Brady Bill, and oppose all weakening amendments to the bill. Specifically, PERF members strongly oppose any attempts to make law enforcement and other public officials liable for erroneously preventing the sale of a handgun. This amendment would encourage officials to allow questionable handgun purchases, which would seriously undermine the design of the Brady Bill. Moreover, in the states that currently have a waiting period on handgun purchases, there is no evidence to suggest that police do, or would, abuse their discretionary powers by capriciously denying the sale of a handgun. A vote for the liability amendment is a vote against police, and a vote against the Brady Bill.

If I can be of any assistance on this or any other matter, do not hesitate to contact me. Thank you for your consideration.

Sincerely,

Chuck Wexler  
Executive Director



November 3, 1993

Representative W. G. Hefner  
U.S. House of Representatives  
2470 Rayburn H.O.B.  
Washington, DC 20515

Dear Representative Hefner:

Since the Brady Bill was first introduced in 1987, 150,000 lives have been lost to gun violence in this country. That's 65 men, women and children every day.

As tragic as these figures are, they are not the whole story. Scratch the surface of these statistics and we find beneath a culture in which one in twenty high school students in a given month carries a gun to school. Whether these weapons are carried to intimidate or defend, the result is that our nation's youth are spending their teenage years in an environment that breeds violence. Gunshot wounds are the leading cause of death for both black and white teenage boys in America.

But they are not the only ones who suffer. There are other victims -- victims of random drive-by shootings, of vicious assaults, of stray bullets from turf battles. There are also the family and friends of the victims who must pick up the pieces after the shooting stops.

We, at the Police Foundation, know that getting guns off the streets and out of our schoolyards is not the only answer to this cultural nightmare, but it must be one of the first. The foundation is a nonprofit research and technical assistance group that has studied police and criminal behavior for nearly 25 years. We know that guns are a shortcut to power, wealth and manhood for many. We know that as a society we must make that shortcut harder and harder to take. We know if we take no action, we do so at our own peril.

The Brady Bill, a common sense, straightforward piece of legislation, has been held political hostage much too long. It does not in any way undercut the rights of those legitimately entitled to own a gun. The Police Foundation unequivocally supports H.R. 1025 and opposes any amendments to this bill. It should remain intact and make its way to President Clinton's desk in the speediest manner possible.

Sincerely,

Hubert Williams  
President

William H. Webster  
Chairman of the Board

Hubert Williams  
President

LEVEL 1 - 25 OF 27 STORIES

Copyright 1994 Newsday, Inc.  
Newsday

January 15, 1994, Saturday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 11

LENGTH: 362 words

HEADLINE: Lawmakers Sent Back To Albany

BYLINE: By Nicholas Goldberg. ALBANY BUREAU CHIEF. Eric Nagourney contributed to this story.

BODY:

Turning up the pressure on Senate Republicans, Gov. Mario Cuomo yesterday ordered the state Legislature back to Albany on Monday for an extraordinary session to consider gun-control legislation and other antiviolence measures.

Cuomo also sent his top criminal justice aide, Richard Girgenti, to hold a news conference in the Mineola courthouse - deep in the heart of Senate Republican territory - to rally support for his proposals to limit the use of assault weapons and tighten penalties for armed felons.

"We can respond to the deadly threat posed by gun violence in one of two ways," Cuomo said yesterday. "By enacting sensible legislation like that I have proposed to protect our citizens, or by playing cynical political games that won't prevent a single gun attack."

Although Cuomo had previously asked the Senate and Assembly to convene a session on Monday, Senate leaders had refused, calling it a "public relations exercise" and slamming Cuomo for vetoing the death penalty year after year. Yesterday, they reiterated their criticism.

"Governor Cuomo's call for an extraordinary session of the legislature on Monday is a cynical attempt to camouflage his opposition to the death penalty and his failure to stop the growth of criminal violence during his eleven years in office," said Senate Majority Leader Ralph Marino (R-Muttontown).

Even though Cuomo can order the Senate to go into session on Monday, he cannot force lawmakers to vote on his bills. Cuomo has ordered the Legislature into session only three times in his 12-year tenure as governor.

In Mineola yesterday, Girgenti was accompanied by gun-control advocates and a victims' rights group to urge passage of the assault weapons bill. Dennis Holland, co-chairman of the group Justice for All, accused Senate Republicans of trying to "play politics" and kill the assault weapons measure by tying it to pro-death penalty legislation. Holland, whose sister Kathleen was the victim of a murder, said the Republicans were trying to avoid a vote.

The Republican plan to introduce assault weapons legislation tied to a death-penalty bill virtually ensures that Cuomo will veto it.

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Newsday, January 15, 1994

GRAPHIC: Newsday photo by Cliff De Bear- Dennis Holland

LANGUAGE: ENGLISH

LOAD-DATE: January 16, 1994



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LEVEL 1 - 80 OF 89 STORIES

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August 18, 1994, Thursday, Late Edition - Final

SECTION: Section A; Page 1; Column 3; Metropolitan Desk

LENGTH: 1127 words

HEADLINE: From One Woman's Tragedy, The Making of an Advocate

BYLINE: By PETER MARKS, Special to The New York Times

DATELINE: MINEOLA, L.I., Aug. 17

BODY:

Sometimes, late at night, Carolyn McCarthy gets phone calls from strangers looking for arguments. The callers begin by offering their condolences, but soon the tone changes, and Mrs. McCarthy finds herself on the line with another person angry over her outspoken advocacy of gun control.

Mrs. McCarthy, whose husband was killed and whose son was seriously injured in the shooting last December aboard a Long Island Rail Road train that left six people dead, says she never hangs up on them. She stays on even when people become a little cruel, intimating that her motives for appearing before the television cameras are less than pure.

"They'll say, 'You're quite an actress,' " Mrs. McCarthy recounted. "I don't answer back. I'll say, 'I'm sorry you feel that way. But hopefully what I'm doing might save your wife or son someday. Because we don't want anyone else to go through this.' "

Lately, Mrs. McCarthy has been in front of the cameras a lot. Whether lobbying in Washington for President Clinton's crime bill, or urging lawmakers in Albany to ban assault weapons, she is an increasingly visible figure in the debate over gun control. But nothing in recent months has given her more exposure than her decision to appear in a commercial for Gov. Mario M. Cuomo, a campaign ad that has raised her profile in New York and thrust her advocacy into the political arena.

Mrs. McCarthy said she had no second thoughts about appearing in the ad, which has been broadcast on New York stations for about a month. In fact, she said, she was irritated when, during a recent appearance with Mr. Cuomo in her Mineola home, reporters suggested that the Cuomo campaign was using her.

"To be used, you have to feel like you're being used," Mrs. McCarthy said. "I looked at it as, 'Who's using who?' "

A campaign aide to Mr. Cuomo called Mrs. McCarthy and asked her to make the commercial after she had appeared with the Governor at several events organized to muster public support for the ban on assault weapons. Mrs. McCarthy said she did not recall which aide approached her about the ad, which was partly filmed



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The New York Times, August 18, 1994

in her backyard and was made without a script.

"I didn't even have to think twice about it," she said, of her decision to appear in the commercial, adding that though she is a Republican, she felt such a kinship with the Democratic Governor on the assault-weapons issue that she had no doubts about the ad.

The commercial has become a centerpiece of the Cuomo campaign's efforts to portray him as tough on crime, and to answer Republican attacks on the Governor's vetoes of bills to reinstate the death penalty in New York. In the 60-second commercial, which was produced by David Garth, Mr. Cuomo's media adviser, Mrs. McCarthy and Thomas F. McDermott, a lawyer from Garden City who was wounded in the Dec. 7 shooting, praise Mr. Cuomo for his opposition to capital punishment and his support for an assault-weapons ban.

"Obviously, the tragedy of the railroad shooting was so shocking that I think people are really affected by what she has to say," Joel R. Benenson, a campaign spokesman, said of Mrs. McCarthy. "She's a very compelling personality."

In the eight months since the shooting, relatives and close friends have watched Mrs. McCarthy's evolution as an advocate with a mixture of admiration and awe. It is not a role she was born to: a nurse by training, Mrs. McCarthy had no previous experience in politics or public speaking. And she has had to juggle the demands of her new calling with the more emotionally demanding job of overseeing the recovery of her only child, Kevin, 27, who was left partly paralyzed as a result of the head wounds he sustained in the shooting.

#### Won't Speak for Money

While the families of most of the other shooting victims have shied from publicity, Mrs. McCarthy said she feels compelled to agree to interviews and accept speaking engagements that she believes will advance her cause. She has rejected, however, all requests to speak for money, or to go on the Oprah-Montel-Sally Jessy circuit. "We got lots of flowers and chocolate chip cookie cakes from them," she said with a laugh.

Carol Neary, Mrs. McCarthy's closest friend, said that Mrs. McCarthy has always been the kind of person others turned to in an emergency. But even she was amazed at her friend's capacity to hold her emotions in check and speak extemporaneously to large groups.

"She was very shy when I met her years ago," she said. "She was more of a one-to-one person, not talking to a whole crowd. And all of sudden, there she was in front of the media, and it was just so natural to her. She seemed to be so natural, so comfortable."

Today, for the second time in a week, Mrs. McCarthy went to Washington, joining a large number of crime victims and their relatives who have been lobbying for the crime bill, which includes a provision to prohibit the sale of assault weapons. She and Mr. McDermott have visited the offices of several Representatives from Long Island, some of whom found it hard to look Mrs. McCarthy in the eye and explain why they were opposing the legislation.

"It was extremely hard to do it, but you absolutely had to do it," said



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The New York Times, August 18, 1994

Representative Peter T. King, a Republican from Seaford. The competition among lobbyists to get in to see Representatives is intense on an issue as hard fought as this one, but Mr. King said he felt a special obligation to hear Mrs. McCarthy and Mr. McDermott. "They're not professional advocates," he said. "They're coming from their hearts."

When Mrs. McCarthy speaks, she often mentions her opposition to the death penalty, a position that surprises some people. "I'm totally against it, and always have been," she said, sitting at the dining room table of her modest house, which is being renovated to accommodate her son's disabilities. "I think that's very hard for some people to understand. But I'm a nurse. I have been fighting all my life to save someone's life."

#### A Fast Recovery

Mr. McCarthy, released from a rehabilitation hospital in April in what his doctors described as a remarkably fast recovery, walks a bit stiffly and has limited use of his right hand, which was injured in the attack that killed his father, Dennis. But he is learning to drive again, his mother said, and is traveling by himself to Milwaukee soon.

Mrs. McCarthy says her son is the only person she consults before agreeing to speak. If he did not approve, her days in front of the cameras would probably come to an end. But that might not be an easy decision for her, because speaking out has helped her to feel she is doing something for her late husband.

"All the energy goes toward the gun control," she said. "That probably has been my release."

GRAPHIC: Photo: Carolyn McCarthy at her home. (Vic DeLucia/The New York Times)  
(pg. B7)

LANGUAGE: ENGLISH

LOAD-DATE: August 18, 1994



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LEVEL 1 - 84 OF 89 STORIES

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GANNETT NEWS SERVICE

July 26, 1994, Tuesday

LENGTH: 536 words

HEADLINE: CLINTON HOSTS CUOMO FUND-RAISER

BYLINE: BILLY HOUSE; Gannett News Service

DATELINE: ALBANY

BODY:

Gov. Mario Cuomo, in a private Washington D.C. fund-raiser hosted by President Bill Clinton, was expecting Tuesday night to raise another \$ 200,000 for his re-election campaign, aides said.

The \$ 1,000-a-person event - \$ 5,000 for political action committees - was sponsored by the Democratic Governor's Association, with U.S. Sen. Daniel Patrick Moynihan as a speaker.

Larger contributors were to have a more private gathering with Cuomo as part of the Tuesday event. The association has held similar events for other Democratic governors this year.

Monday night, Republican gubernatorial candidate Sen. George Pataki, R-Garrison, reportedly raised \$ 2.5 million at his own fund raiser in Manhattan. Earlier Monday, Cuomo had told a group of broadcasters in Saratoga Springs Monday that "I can lose," though he said he believed he will win.

The funds the Cuomo campaign was to collect Tuesday night at the Democratic Governor's Association fund-raiser is expected to be followed by more help from the Democratic National Committee.

National Committee Chairman David Wilhelm in June pledged to commit \$ 1 million to Cuomo's reelection effort.

U.S. Sen. Alfonse D'Amato has said he expected the Republican National Committee to contribute about \$ 1 million to Pataki's campaign.

The push for campaign dollars comes as Cuomo reported early this month to the state Board of Elections that his campaign had already raised \$ 5.1 million, and Pataki reported already raising \$ 2.2 million.

"Look, of course he can lose," reiterated Cuomo campaign spokesman Joel Benenson Tuesday. "You can always lose."

But Cuomo's edge in money has allowed him to begin airing TV commercials. Two new spots over the past week include one that features the wife and mother of two victims of the Long Island Rail Road shootings questioning the Republican resistance in Albany to gun control.



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GANNETT NEWS SERVICE, July 26, 1994

The ad doesn't mention Pataki specifically. But Pataki has been taken to task recently for claiming to support a ban against assault-style weapons, but voting against such a measure when it came to the Senate floor.

"I lost my husband during that incident and my son was very badly injured," said Carolyn McCarthy, of the railroad shooting, in the commercial.

The ad goes on to note that Cuomo has proposed a bill to ban assault weapons, but McCarthy says she doesn't "understand why the Republicans - and I'm a Republican, and this hurts - they're fighting this."

The second spot features a New York City firefighter and his wife talking about how Cuomo had worked to save funding for a special chamber used to treat smoke and burn victims. Cuomo campaign officials did not release a script for that ad, nor the costs of producing and airing both commercials.

Pataki campaign spokeswoman Caroline Quartararo quickly took issue Tuesday with the first commercial.

"Once again Mario Cuomo is trying to defend the fact that he opposed the death penalty," Quartararo said. "He's wrong. The people of New York want the death penalty and as governor George Pataki will sign it (into law)."

Pataki said Monday he does not know when his campaign will begin airing TV commercials, but denied reports it would be as early as this week.

LANGUAGE: ENGLISH

LOAD-DATE: July 28, 1994



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LEVEL 1 - 14 OF 27 STORIES

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New York Law Journal

June 29, 1994, Wednesday

SECTION: Pg. 1

LENGTH: 797 words

HEADLINE: Assembly Compromises On 'Ryan' Bill;  
But Measure Is Included In Omnibus Crime Package

BYLINE: GARY SPENCER

DATELINE: ALBANY

BODY:

With time running out on the legislative session, Senate and Assembly leaders highlighted their anti-crime bills in public events yesterday while frustration continued to grow in private negotiations.

Assembly Democrats passed an omnibus crime bill that appeared to make important concessions to Senate demands, including a provision that would override the recent Court of Appeals decision in *People v. Ryan* requiring prosecutors to prove a defendant knew the weight of drugs possessed for most felony convictions. It also offered a compromise on creation of a DNA data bank to help track killers and sex offenders.

But Senate Republicans, who had criticized the Assembly's opposition to its crime bills at a major morning press conference, spent the afternoon calling the Assembly concessions "another smokescreen."

The Ryan issue the top legislative priority of prosecutors and the Law Enforcement Council, and the Senate has passed a bill they drafted that would repeal the knowledge-of-weight requirement outright. Yesterday, the Assembly suddenly accepted that approach to repeal Ryan, and it accepted the Senate view on a major obstacle to the DNA data bank by agreeing to have offenders tested upon conviction rather than on release from prison.

However, Assembly Democrats included both measures in a single bill containing virtually their entire criminal justice reform package, including an array of alternatives to incarceration and other proposals to divert nonviolent offenders to treatment programs and reduce the prison population. The Senate has passed its crime package in more than 50 separate bills.

"If they really favor [the DNA data bank and repeal of Ryan], then why do they lump them in with all of their fight-crime-with-social-workers proposals?" said Chris Chichester, a spokesman for Senate Majority Leader Ralph J. Marino. "We believe in punishment for crime."

Pat Lynch, spokeswoman for Assembly Speaker Sheldon Silver, replied that until the Senate changes its position on the swelling population of non-violent



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offenders in prison, "you won't have a balanced approach to drug crime in this state."

#### Different Approaches

Yesterday's maneuvers underscored the basic philosophical difference between the two houses on crime issues. Assembly Speaker Silver believes New York has relied too heavily on incarceration to fight drug crime, calling it a "failed policy" when he unveiled the Assembly crime package in March. He said the annual cost of running the prison system had tripled over the past 12 years, rising to \$ 1.5 billion without reducing the crime rate.

Senate Majority Leader Ralph J. Marino, flanked by 20 Republican senators at yesterday's press conference, made clear that he has no interest in reducing the number of inmates. He said he is prepared to fund a new round of prison construction if tougher penalties require more space.

Richard H. Girgenti, the Governor's criminal justice director, was surprised by the Assembly shift on Ryan. But he said, "The fact that it all passed in an omnibus bill doesn't mean they are willing to do it as a separate [bill]. I wouldn't read too much into that."

He said there had been little recent negotiation on the Ryan issue, but said that "we're making some progress" on proposals to control assault weapons, the DNA data bank and life without parole for persistent violent felons.

Assembly officials indicated that some measures in their omnibus bill could be passed as separate bills if they reach a three-way agreement with the Senate and Governor. Mr. Silver and Mr. Marino met with the Governor yesterday, but spokesmen said no agreements were reached.

The December ruling by the Court of Appeals in Ryan has provoked an intense debate between prosecutors and the defense bar, with the Law Enforcement Council warning that "thousands of felony drug cases" risk being reduced to misdemeanors or dismissed outright. The New York State Defenders Association accused the council of "a campaign of distortion" in a recent memorandum, noting that six months have passed since the ruling "and the sky has not fallen." It listed 14 New York City cases in which courts refused to reduce charges under Ryan.

The Senate and Governor Cuomo have listened more closely to the prosecutor, backing a bill that would eliminate knowledge of weight as an element of proof in all drug crimes and hold defendants strictly liable for whatever amount of drugs they possess. Until yesterday, the Assembly had instead proposed creating a rebuttable presumption that a defendant knew the weight of drugs seized during an arrest, a measure that would have given more protection to drug couriers and others on the periphery of the drug trade.

LANGUAGE: ENGLISH

LOAD-DATE: July 05, 1994



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Newsday, June 23, 1994

LOAD-DATE: June 24, 1994



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## LEVEL 1 - 9 OF 27 STORIES

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The Times Union (Albany, NY)

September 18, 1994, Sunday, THREE STAR EDITION

SECTION: CAPITAL REGION, Pg. E1

LENGTH: 640 words

HEADLINE: A LIFE HERE, AND A LIFE THERE

BYLINE: Fred LeBrun

BODY:

In politics, there's more than one way to skin a cat, muzzle a gun or take a cynical view.

This past state legislative session, the governor made the passage of an assault weapons ban one of his top priorities. He pleaded, he wheedled, he embarrassed, he harangued, but in the end Senate Majority Leader Ralph Marino was unmovable and there was no state ban.

Although Marino, under pressure to make some sort of law-and-order show for his side, did write instead a celebrated endorsement of a federal ban, arguing quite rightly that New York attempting to stand alone in suppressing certain weaponry was nothing more than a cynical exercise in passing a law that sounds good politically but accomplishes little since the same guns would continue to pour in from other states.

Last Tuesday, the President signed his crime bill, which includes a national prohibition of 19 specific assault-type weapons, seemingly a skinned-cat victory for our governor. But no. This time, it's Cuomo crying a cynical fix.

During a visit to this newspaper's editorial board Friday, the governor emphasized that the weighty federal ban makes a good political read, but that without help it would mean little for this state. Federal marshals, he said, are charged with upholding the federal code and they generally seem disinclined to make these kinds of arrests. "Why don't they? They just don't. Why don't they? They just don't."

But at Cuomo's urging, assistance the feds will get from state and local law enforcement. Details are being worked out by director of criminal justice services, Richard Girgenti, but it appears that gradually, from the State Police on down, cops in this state will routinely make busts when it comes to federal assault weapons violations, a striking departure from current enforcement procedures.

"The problem is, where do we go after we've made the arrests?" says Girgenti, who is consulting with the four U.S. attorneys in the state this week on the subject. New York City Mayor Rudy Guiliani, a former U.S. attorney himself, already is on board with the idea of having his city police do the same.



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The Times Union, September 18, 1994

A plan seems to be shaping up where a federal police agency, like the FBI or ATF will "adopt" the arrest made by a local or state cop, then shepherd the miscreant through the federal legal system. Girgenti admits implementation still might prove awkward and inconvenient, and probably not terribly popular with the feds. How awkward depends on the scope of the assault weapons problem. The director admits law enforcement in this state doesn't really know what to anticipate, although a detailed study of a year's worth of homicides in New York City showed that 16 to 25 percent of the murders were committed by assault weapons. Assault weapons as defined by the governor's program bill that was never passed, however. The federal definition is somewhat different.

Girgenti says there's no timetable. Protocols need to be worked out with the feds, and police agencies statewide need to be trained. But there'll be no lingering on this, either. Unquestionably, one probable effect will be to jam up an already overloaded federal justice system. Which in turn is expected by the governor to put new pressures on the state legislature to enact its own assault weapons legislation, somewhat easier to do now that a federal ban is in place.

The sum of this is an awful lot of angling and angst to get out of circulation a very small part of the violence problem, it seems to me.

But what, governor, can be done about the millions of guns already in the hands of the wrong people in this state? What good is an assault weapons ban against these numbers?

"Nothing can be done; many of those guns are legal," the governor responded with a shrug. "What good? It might save a life here and there."

LOAD-DATE: December 1, 1994



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The Commercial Appeal, May 29, 1996

democracy forces Tuesday by urging Burma's military regime to honor the results of a 1990 election and return the country to civilian rule. Suu Kyi also announced opposition plans to draft an alternate constitution to one being drafted by a government-stacked panel.

-- China has rejected an offer by Taiwan's president to hold high-level talks, saying relations won't improve until Lee Teng-hui stops acting as though his island were an independent state.

-- Endeavour's six-man crew packed up Tuesday to return from 10 days of satellite work. The shuttle was set for a 6:09 a.m. CDT landing today at Cape Canaveral, Fla., but iffy weather could force a detour to Edwards Air Force Base, Calif.

-- Saudi Arabia's aging King Fahd chaired a cabinet meeting and appeared lucid on television, casting doubt on Western reports that he is suffering from confusion and disorientation.

GRAPHIC: Photo,

Carolyn McCarthy,

LOAD-DATE: May 30, 1996



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LEVEL 1 - 13 OF 89 STORIES

Copyright 1996 Daily News, L.P.  
Daily News (New York)

May 29, 1996, Wednesday

SECTION: News; Pg. 3

LENGTH: 371 words

HEADLINE: LIRR WIDOW TO RUN  
SHE HAS CONGRESS IN SIGHTS

BYLINE: By LARRY SUTTON

BODY:

The suburban wife and mother whose husband was slain and son wounded in the Long Island Rail Road massacre launched her "Mrs. Smith Goes to Washington" race for Congress yesterday.

Carolyn McCarthy, with her son, Kevin, at her side, said she was running for a Long Island congressional seat as "an average person" seeking tough gun laws and increased federal aid for the environment and education.

McCarthy pledged a personal campaign using the tragedy that struck her family in 1993 to explain the need for strict gun-control laws, the difficulties her sister faces paying the bills as a student nurse to explain the need for education reform and her experience as a practical nurse to explain the need for health care reform.

"I do not pretend to be an expert on policy," she said. "But I understand what the people of our district want and need, and I will fight for those things.

"I owe no one anything. I have no political ties . . . I go into Congress without any baggage. I can do it."

McCarthy seemed comfortable with the media attention but a little uncomfortable with traditional political trappings. "Oh, I skipped a whole page," she said as she began reading a prepared statement.

Though a life-long Republican, McCarthy, 52, will run as a Democrat against Rep. Dan Frisa, a Republican aligned with the Republican right.

"Whether you're a Republican or a Democrat, the majority of average citizens really don't care," McCarthy said. "They care about what are you going to do, and how are you going to vote."

Frisa's vote in March against a federal assault weapon ban sparked McCarthy's interest in politics.

"Since the Long Island Rail Road incident took place in this area, I truly felt Dan Frisa would vote to keep the assault weapons ban," she said. "But he



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Daily News (New York) May 29, 1996, Wednesday

didn't. . . . That's when I knew there was something wrong with our system. That is when I knew I had to run."

Yesterday, Frisa said he voted against the ban because it was not effective.

The old ban allowed the sale of many types of guns, he noted, including the Ruger semi-automatic pistol used in the massacre. Frisa introduced a bill to ban all assault weapons, but Congress has not taken action on it.

GRAPHIC: WILLIE ANDERSON DAILY NEWS A FAMILY ENDEAVOR: Candidate Carolyn McCarthy of Mineola, L.I., and son, Kevin, meet press.

LOAD-DATE: May 29, 1996



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LEVEL 1 - 44 OF 89 STORIES

Copyright 1996 Reuters, Limited  
Reuters World Service

April 22, 1996, Monday, BC cycle

LENGTH: 633 words

HEADLINE: Widow of shooting victim weighs run for U.S. Congress

BYLINE: By Ellen Wulforth

DATELINE: MINEOLA, N.Y., April 22

BODY:

Carolyn McCarthy never thought of going into politics but a gunman's deadly bullets changed the course of her life forever.

McCarthy, whose husband was murdered and son critically wounded in a shooting on a New York commuter train two years ago, is weighing a challenge to freshman Republican Representative Dan Frisa because she is outraged by his pro-gun stance.

McCarthy says she "got her Irish up" after the freshman Republican, who represents the suburban district where the shooting occurred, voted to repeal the assault weapons ban.

"It shouldn't matter what his feelings were, one way or the other," she said. "He represents us."

The conservative Frisa is one of the 73 Republicans who swept into office in 1994's dramatic realignment in Congress, and the coming election will test whether they have the staying power to keep their seats.

Friends of McCarthy are raising money for a survey to assess her chances of beating the incumbent, and she says she will decide by month's end.

McCarthy's life was torn apart on Dec. 7, 1993, when Colin Ferguson opened fire with a semi-automatic gun on board a Long Island Rail Road train, killing five people and wounding 18.

McCarthy, while caring for her wounded son in the small home where she has lived since childhood, has become a gun control lobbyist. She advocates education, safety locks and federal legislation limiting gun buyers to one weapon a month.

A former nurse, she travelled to Washington to tell members of Congress about her ordeal and fight for the ban on the manufacture of assault weapons.

In Congress, Frisa considered the weapons bill ineffective and is proposing his own legislation, an aide said. Frisa is a former state assemblyman who narrowly won the 1994 primary in a surprise upset and went on to win the general election in the predominantly Republican district.



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Reuters World Service, April 22, 1996

He has kept a low profile in Washington, where he has a 96 percent approval rating from the American Conservative Union, a reputation for adept fundraising and support from the National Rifle Association, which has donated about \$10,000.

McCarthy, 52, a lifelong Republican, said if she runs, she would challenge him in the Sept. 10 primary. But Frisa can count on the backing of the local Republican party, said Nassau County party chairman Joseph Mondello, who nonetheless describes McCarthy as "formidable."

"She's articulate, she's bright, she's media-savvy, she's what I would consider a natural and she's a tragic figure," he said. "But is this enough to get yourself elected? My answer is no, you need more than that."

McCarthy lacks experience in politics, has no platform beyond guns and has no campaign funding, he said. By many estimates, she would need at least \$500,000 to run.

McCarthy emerged as a victims' spokeswoman during Ferguson's trial and spoke in court at his 1995 sentencing. He was ordered to spend more than 300 years in prison.

"I will give you no hatred. I will give you none of my rage," McCarthy told Ferguson in a tear-choked voice. "You are not worthy of my time or thoughts."

She insists she has kept to her vow. "I never think of him," she said. "I said I would never allow this man to make me a victim again."

But there are always reminders. She had been married to Dennis McCarthy, a stockbroker, for 28 years. Their son Kevin, 28, was shot in the head and is still partially paralysed. He returned to his job at Prudential Securities last September.

Her son would like to see her run for office, she said. "He would love to get me out of the house."

Whether she runs or remains a lobbyist, McCarthy said she is simply pleased to be "causing quite a stir in the pot. I'm shaking them up one way or other, hopefully," she said. "I have no problem with that."

Reut16:48 04-22-96

LANGUAGE: ENGLISH

LOAD-DATE: April 23, 1996



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LEVEL 1 - 63 OF 89 STORIES

Copyright 1995 Newsday, Inc.  
Newsday

May 18, 1995, Thursday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. A23

LENGTH: 532 words

HEADLINE: McCarthy Sues Gun, Ammo Firms;  
Asking for \$ 1.5B in LIRR shootings

BYLINE: By Maureen Fan. STAFF WRITER

BODY:

About a year ago, Carolyn McCarthy wandered through the Washington offices of Long Island congressmen, urgently seeking their support for a federal ban on assault weapons.

The anticrime bill that legislators eventually passed in August outlawed 19 types of assault weapons and would have made Colin Ferguson's 15-round clips illegal had it been law when Ferguson shot McCarthy's husband to death and severely wounded her only son.

She never thought that she'd be back in Washington a year later, trying to make sure politicians didn't wipe out everything gun-control proponents had accomplished.

"I stood in the hallowed halls and cried. I was tired, and I said, 'I can't believe we have to do this all over again,' " McCarthy said yesterday, referring to her most recent visit to Washington last month.

And yesterday, she was at it again.

McCarthy held a news conference at North Shore University Hospital in Manhasset - where her son's doctor joined the call for gun control - to announce a \$ 1.5-billion lawsuit against the makers of the gun and ammunition used in the Long Island Rail Road shootings. She also used the opportunity to call for a state ban on assault weapons and to urge that the federal ban not be repealed.

"This teddy bear has more regulations to make sure it's a safe product," McCarthy said, holding up a gun-control poster of a stuffed animal and a pistol. "This gun has absolutely none. The way they advertise, they appeal to the criminal element, they appeal to people like Colin Ferguson."

The suit, which names Sturm Ruger and Co., Inc., Olin Corp., and Ram-Line Inc., seeks \$ 498 million in compensatory damages and \$ 996 million in punitive damages on behalf of McCarthy, her son, Kevin, another Long Island Rail Road shooting victim, Maryanne Phillips and Phillips' husband Robert.

Spokesmen for the companies and for the National Rifle Association could not be reached for comment.



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Newsday, May 18, 1995

Flanked by a slowly recovering Kevin McCarthy and an enlarged photograph of a spent Black Talon bullet, North Shore surgeon Dr. Nancy Epstein said, "About a year and a half ago, we all gathered in this very room and spoke about how a Black Talon bullet . . . had blown away a good portion of the right side of Kevin's brain. Carolyn was determined that he would live, and I was very concerned that he wouldn't. She was also determined that he was going to move the left side, and I was quite convinced that he would be paralyzed on that side . . . He was lucky and I was wrong."

The news conference was scheduled for yesterday, Carolyn McCarthy said, because the House of Representatives had at one time planned to reconsider the weapons ban today.

"The original vote on the repeal of the assault weapons ban was scheduled for tomorrow, the 18th, the day before the NRA convention starts in Phoenix," said Jeff Muchnick, legislative director of the Washington D.C.-based Coalition To Stop Gun Violence. "I think part of the plan was for the folks in Congress to give the NRA a big present for their convention. So gun-control activists all over the country have scheduled demonstrations, news conferences and vigils targetting certain members for today."

GRAPHIC: Newsday Photo by Don Jacobsen-Carolyn and Kevin McCarthy at news conference

LANGUAGE: ENGLISH

LOAD-DATE: May 19, 1995



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## LEVEL 1 - 65 OF 89 STORIES

The Associated Press

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April 1, 1995, Saturday, PM cycle

SECTION: Washington Dateline

LENGTH: 556 words

HEADLINE: Contrasting Tales of Self-Defense, Harm From Guns at House Hearing

BYLINE: By MARCY GORDON, Associated Press Writer

DATELINE: WASHINGTON

BODY:

Susan White-Bowden grew up in a family where guns were used for recreation. But her benign view of them was shattered after her husband and 17-year-old son both used a gun kept at home to commit suicide.

"There is no such thing as a safe home, for children, with guns in that home," she told lawmakers Friday. "When there are guns in a home, the people who live there are much more likely to be injured or killed by those guns than by an intruder."

White-Bowden, who lives in Finksburg, Md., testified at a hearing of the House Judiciary subcommittee on crime.

She was joined by Thomas McDermott, who was shot in the 1993 Long Island Rail Road massacre, and Michael and Mary Steber of Liverpool, N.Y., whose teen-age son was accidentally killed with a neighbor's handgun.

They embodied the other side of the debate as the Republican-controlled Congress opened its attack on gun-control laws.

The hearing began with testimony from eight people, including store clerks, business owners, a computer programmer and a couple of gun merchants, who recounted how they used firearms to defend themselves.

"The police couldn't protect us. ... The gun-control laws couldn't protect us either," said David Joo, a gun merchant, recalling his use of a 12-gauge shotgun and a Beretta 92F pistol during the 1992 Los Angeles riots.

"I know that without firearms, we would have lost our businesses, and possibly our lives, during those riots," he said.

Republicans have made repeal of the ban on assault-style firearms, which was part of last year's \$ 30 billion anti-crime law, a top priority. Democrats have



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The Associated Press, April 1, 1995

pledged to fight that move, and President Clinton has indicated he would veto any such repeal.

Rep. Charles Schumer, D-N.Y., who led the House fight for the Brady handgun control law and the ban on assault-style weapons, called the hearing "a smoke screen" for the National Rifle Association.

"This is an extremist pro-gun agenda in congressional disguise," said Schumer. "We're here today because the NRA and the gun industry spent a lot of money in the last election and now it's payback time."

The House plans to vote in May on legislation to lift the assault-style weapons ban. And Senate Majority Leader Bob Dole, R-Kan., a consistent gun-control opponent, told an NRA official in a recent letter that he hoped to have such a bill on Clinton's desk by summer.

The ban, which prohibits the manufacture, sale and possession of 19 specific types of assault-style firearms and scores of copycats, is popular among law enforcement officials and the public at large.

But freshman Rep. Bob Barr, R-Ga., chairman of the House Firearms Legislation Task Force, told the self-defense witnesses that the ban "would have prevented you from taking a defensive action to protect yourselves and your families" if it had been enacted earlier.

Carolyn McCarthy, whose husband, Dennis, was killed and whose son, Kevin, was partially paralyzed in the Long Island Rail Road massacre, said the ban is "not taking away people's guns or their right to own a gun to protect themselves."

"The American people want an assault-weapons ban," McCarthy said in an interview. Colin Ferguson used a 9mm semiautomatic pistol to kill six people and wound 19 others in the Dec. 7, 1993 attack. He recently was sentenced to a minimum of 200 years.

LANGUAGE: ENGLISH

LOAD-DATE: April 1, 1995

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