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Senate approves handgun locks in Maryland

Foes' fight falls short in 26-21 vote

By Margie Hyslop
THE WASHINGTON TIMES

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ANNAPOLIS — The Maryland Senate gave its final approval last night to legislation that would require built-in locks on all handguns sold in the state by 2003, a move that could make it the first state to create such a mandate.

But the 26-21 vote didn't come until opponents spoke for nearly four hours on the chamber floor, at times denouncing Senate leaders for not allowing them to make arguments last week.

"The last seven days have been a blight on the Senate — now we've inflicted it on law-abiding members of the Senate by passing this bill," said Sen. Nancy Jacobs, Harford County Republican and the only one among nine women in the Senate to vote against the gun-control measure.

Only three Republican senators — Senate Minority Leader Martin G. Madden, Jean Roesser and Patrick J. Hogan — voted for the measure. Mr. Hogan and Mrs. Roesser represent two Montgomery County districts that are Democratic-Republican battlegrounds. Mr. Madden is the only Republican who represents any part of Prince George's County; his district includes part of Howard County.

"I don't see it as an infringement on anybody's right to own a gun," said Mr. Hogan, adding that it was still a "very difficult" vote. "If you want to go to bed at night with a gun in your nightstand, you can turn that lock off."

Christopher J. McCabe, Mont-

gomery and Howard counties' Republican, was the only senator from Montgomery or Prince George's counties to oppose the bill.

Ten of 21 senators who voted against the measure were Democrats.

Senate President Thomas V. Mike Miller Jr. was somewhat blindsided by the opponents' demand to speak at length, but hoped letting them do so would mollify conservatives who continued to complain that Senate rules were being trampled.

Proponents argue that the compromise bill — which also would require external locks to be purchased with any handgun after Oct. 1 — is a modest measure that will increase the cost of buying a gun but is worthwhile "if it saves one life."

Opponents say it will ensure that criminals have the best guns while law-abiding Marylanders will have to settle for guns that may be less reliable or could delay their response. They say fewer Marylanders will be able to defend themselves adequately — especially poor ones.

The House Judiciary Committee, which has not acted on their chamber's version of the bill, is expected to take up the Senate version this week.

House Speaker Casper R. Taylor Jr., Allegany County Democrat, has urged committee members to send the Senate version to the House floor without changes to expedite action.

But opponents are planning to try to remove mandatory internal locks and many other provisions of the bill. If they don't rewrite the bill or kill it in committee, opponents will take up the fight on the House floor.

"We don't want to slow it down, we want to kill it," said Greg Costa, lobbyist for the National Rifle Association. "It's an empty shell of a bill with several very dangerous provisions designed for nothing more than political gain by the governor and his superiors in the Clinton-Gore White House and the Gore campaign."

Marylanders Against Handgun Abuse lobbyist Eric Gally said he expects the bill will move to the House floor because a scant majority of Judiciary Committee members will recognize they will have to forgo leaving their stamp on the bill if they want any measures enacted at all.

"We regret having to ask them to do it this way," Mr. Gally said.

To make yesterday's deadline for passing a bill for the opposite chamber to consider, Mr. Miller

used extraordinary measures last Thursday to pull the bill out of committee and to the floor for a vote.

Mr. Miller made a deal last Friday with Mr. Madden and Sen. Timothy Ferguson, Frederick and Carroll counties' Republican, to forestall debate and a likely filibuster. Already Gov. Parris N. Glendening, who initiated the legislation, had agreed to take out a mandate for personalized "smart

guns."

Provisions of the gun safety bill include:

- Requiring new handguns sold beginning Jan. 1, 2003, to be equipped with built-in locks.

- Requiring a mandatory minimum sentence of five years for illegal possession of a firearm by a felon previously convicted for a violent crime or drug offense.

- Prohibiting police agencies from selling confiscated guns.

Chinese bases near Taiwan sport defense missiles

By Bill Gertz
THE WASHINGTON TIMES

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China is fielding new advanced air-defense missiles opposite Taiwan that U.S. intelligence officials say will increase the danger of a military confrontation along the Taiwan Strait, The Washington Times has learned.

Construction of two new surface-to-air missile bases is being

monitored closely by Pentagon spy agencies. When completed, they will bolster a base at Longtian, near Fuzhou, where several batteries of Russian-made S-300 missiles already are deployed.

The defensive missiles are part of an ongoing military buildup by the People's Liberation Army op-

posite Taiwan that includes the deployment of several hundred short-range offensive missiles. The Defense Intelligence Agency recently stated in a report that the offensive CSS-6 and CSS-7 missiles could knock out most of Taiwan's military bases with little or no warning.

Along with the Longtian missiles, additional S-300s will be set up near the coastal cities of Xiamen and Shantou in the next several weeks, the officials told The Times.

U.S. officials discussed some aspects of the new Chinese air-defense missile site construction

on the condition of anonymity.

Disclosure of the latest Chinese missile activity came as the White House announced yesterday that National Security Adviser Samuel R. Berger will travel to Beijing today for talks with Chinese leaders. "Taiwan will come up," said one official familiar with plans for the visit.

The S-300 missiles, although used for air defense, enhance China's ability to attack Taiwan because the systems provide protection for Chinese offensive missile forces and aircraft, the officials said.

"The S-300s have a much greater range, are faster and carry bigger warheads" than the SA-2 missiles now deployed along the coast, said one defense official. "They are much harder to avoid for pilots."

The S-300s double the range of China's force of SA-2s near Taiwan, allowing the missiles to strike Taiwanese warplanes much farther from the coast and before they cross the demarcation line running through the Taiwan Strait, according to the officials.

The added range increases the danger of a confrontation, said the officials. Chinese and Taiwanese fighter planes have flown large numbers of missions close to the demarcation line since last summer in the most visible sign of increased tensions.

Relations between China and Taiwan worsened after statements by Taiwanese President Lee Teng-hui last year. Mr. Lee said ties should be based on state-to-state relations. Beijing interpreted the remarks as a step toward independence, which Chinese officials said would lead to war.

The current surface-to-air batteries are unable to hit aircraft until they are within a few miles of the coastline.

The S-300 missiles also give Chinese forces greater capability to attack U.S. sea-launched cruise missiles and aircraft, should the United States be called upon to defend Taiwan against a mainland attack.

The S-300s, also known as SA-10s by the Pentagon, are Russia's most modern high-speed anti-aircraft missiles. They are replacing China's less-capable SA-2 missiles throughout the region.

According to the intelligence officials, the Chinese have six SA-2 missile sites near Taiwan. Those SA-2s are deployed at several airfields stretching from Fuzhou in the north to Zhangzhou, near Xiamen, as well as the military airfield at Liancheng, farther west.

China made a series of military threats against Taiwan in recent weeks leading up to the Taiwanese presidential elections. An official Beijing government white paper said the mainland would attack the island if Taiwan refuses to negotiate reunification.

Disclosure of the People's Liberation Army construction comes as the Clinton administration is debating whether to supply Taiwan with advanced weapons, including high-speed anti-radiation missiles called HARMs, which could be used against the new S-300s.

According to defense sources, the administration has decided against allowing Taiwan to purchase HARMs, which this year are part of Taipei's annual request for arms.

A decision on Taiwan's request is expected to be announced in the next several weeks.

A U.S. spy satellite photographed one of the new S-300 sites near Xiamen and Zhangzhou in November and the base was expected to become operational around this time, defense officials said.

Zhangzhou is a major Chinese air force base, where large numbers of H-5 fighter bombers and F-7 jets are based.

Richard Fisher, a specialist on the Chinese military and an analyst with the Jamestown Foundation, said the Chinese air defense developments show the need for the United States to provide Taiwan with better U.S. weapons.

Mr. Fisher said China's Air Force recently purchased a number of advanced Su-30 warplanes from Russia that will be equipped with air-launched missiles, including anti-radar missiles similar to the HARM and other highly accurate U.S. air-launched missiles.

"The PLA is getting a long-range precision-attack missile, anti-radiation missiles and is deploying more long-range [surface-to-air] missiles at a time when the administration is refusing to sell Taiwan any systems that can counter these new weapons," Mr.

Fisher said.

The failure to provide Taiwan with HARMs would be a violation of the Taiwan Relations Act, which allows the United States to sell defensive arms to Taiwan, Mr. Fisher said.

Adm. Dennis Blair, commander of the U.S. forces in the Pacific, said recently that China's missile buildup near Taiwan has created a destabilizing imbalance.

The United States has supplied Taiwan with some air-defense weapons, including Patriot anti-aircraft systems, E-2 airborne

early warning planes, and older Nike, Hawk and Chaparral anti-aircraft missiles.

However, many officials in the administration are opposing sales of more advanced weapons, including HARMs and other missiles, early warning radar and four Aegis battle management-equipped warships that could provide a base for short-range missile-defense systems.

China's government has said it opposes the warship sales and any transfers of U.S. theater missile-defense systems.

Guns
~~FAX to Tom~~

March 13, 2000

Mr. Eliot Spitzer
Attorney General
State of the New York
The Capitol
Albany, NY 12224

Dear Eliot:

In your recent letter, you expressed your trust that we will be able to move forward together in a true partnership toward our common goal of seeking fundamental changes in the way firearms are manufactured and distributed. I share that trust. We both want to make the gun industry assume a responsible role in stopping the awful toll of gun violence by incorporating reasonable safety devices in the guns they manufacture and by implementing distribution and advertising practices that will keep guns out of the hands of criminals and children. I look forward to sitting down with you and the city litigants next week to take stock of where we are now and how we can move forward. My understanding is that on your behalf, Louise has suggested a pre-meeting on the 22nd, and I agree that such a meeting would be useful.

I also am pleased that you reiterated your suggestion that we explore whether the federal government has the authority through its purchasing power to help make sure that firearms are safely manufactured and distributed. I hope we can find a way to make progress on that front as well.

All of us share your frustration at the decision in January by a handful of intransigent manufacturers to use the federal government's involvement in these issues as an excuse to divide the litigants and block negotiations with the industry as a whole. Everyone on our side deeply appreciated your willingness to join with us in a united front against those manufacturers's efforts to divert attention from their own unwillingness to change the way the gun industry does business.

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Now, rather than become discouraged, we should consider how far we have come. It seems you may have a misimpression about our role and the history of our involvement. Before the federal government became involved, the negotiations you had launched had come to a virtual stalemate because of the industry's stalling tactics. For months, the industry had refused to provide a counter-offer, and the prospects for receiving one were diminishing rapidly. Cities and counties involved in the litigation were expressing deep frustration at the

lack of progress, which I am sure you shared, and asked the Administration to help break the stalemate -- recognizing, as you have acknowledged, that we bring unique resources to this effort. We agreed to participate because we felt that our presence could significantly increase the prospects for a global settlement, and because it was becoming increasingly clear that, given the role of the federal government in regulating firearms, any negotiated solution would require our involvement.

Despite the intransigence of some manufacturers, our involvement has led to some progress. We have convened the only comprehensive strategy meeting for all city and country litigants, and lent our expertise and resources to assisting in this effort, including convening a unique seminar by the Bureau of Alcohol, Tobacco, and Firearms to provide insights for litigants about firearms and firearm regulation. But most important, with your help and support, we have used the bully pulpit of the national government to keep up the pressure for a negotiated settlement.

We have said consistently and publicly that we would be happy to sit down with responsible manufacturers, even if the industry as a whole was unwilling to negotiate in good faith. That is what we have done and will continue to do. Not long ago, a manufacturer privately engaged the Administration about what kind of changes we would like to see in the way the gun industry does business. Administration representatives have had discussions with the manufacturer on that question -- discussions that have remained confidential at the manufacturer's request. The White House has not taken part in those discussions, and I am not certain whether they will bear fruit. But it would be a shame if anyone on our side chose to undermine this effort. I hope that at our meeting next week we will have an opportunity to assess the prospects together.

It is critical that as we move forward, we do so in a spirit of understanding. We can accomplish so much more if we put our goals of saving lives front and center. That has been our sole objective from the outset. I know that after all the hard work and leadership you have put into this effort, you feel the same way.

Sincerely,

Bruce N. Reed
Assistant to the President
for Domestic Policy

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 15, 2000

REMARKS BY THE PRESIDENT
AT RALLY FOR GUN LEGISLATION

The East Room

11:40 A.M. EST

THE PRESIDENT: Thank you very much. Please be seated. Good morning and welcome to the White House. I want to thank all the members of the House who are here. We have a large contingent, as you can see, and a bipartisan one, for which I am very grateful. In a moment we will hear from Representatives McCarthy, Morella, and Lofgren, speaking on behalf of all the Democrats and Republicans who are here with me today.

I want to thank Attorney General Reno and Secretary Summers for being here and for their support of our endeavors. I thank Deputy Attorney General Eric Holder. The Chief of Police of the District of Columbia, Charles Ramsey, is here, and other representatives of law enforcement.

I want to thank Michael Barnes from Handgun Control, and former member of the House, for his leadership. And I want to say a special word of welcome to my friend, Suzann Wilson, who lost her daughter in the Jonesboro, Arkansas, school shooting, who has bravely carried on the struggle for a safer future for the children of this country ever since. And I want to welcome all the young people who are here today.

Six years ago, at the White House, I signed the Brady law. I was especially pleased that day to be standing beside two very brave fighters against gun violence, Attorney General Reno and Sarah Brady. Today, as I stand with Congresswomen McCarthy, Morella, and Lofgren, I'm reminded again that women from both parties have been and remain at the forefront of this fight. And I know I speak for the other people who are here today to say I'm glad they allowed some of their male counterparts in the House -- (laughter) -- to join them.

When I signed the Brady Bill, I said that our efforts proved once again that democracy can work. The American people in their grass-roots demand for common-sense action against gun violence, prevailed over a very powerful Washington gun lobby. Today America is a safer place, thanks to the Brady Bill, and other measures that many here in this room championed -- from banning assault weapons to cop-killer bullets, to putting 100,000 police on the street.

The overall crime rate has fallen seven years in a row, homicide to the lowest rate in 30 years. But time and time again we see still, from Columbine to Buell Elementary School, it is still far too easy for guns to fall into the hands of criminals and children.

We have been trying for some time now, as all of you know, to further strengthen our gun laws, by passing a strong juvenile justice bill that closes the gun show loophole, requires child safety locks with all new handguns, and bans the importation of large-capacity ammunition clips -- which, unbelievably, is still legal and threatens to make a mockery of our assault weapons ban.

Once again, the gun lobby and their allies in the leadership of the Congress are standing in the way of real progress. And once again, we battle not just for the safety of our families, but for the soundness of our democracy. For over eight months, the majority leadership, under pressure from the gun lobby, has refused to allow the House and the Senate conferees to meet and have a substantive debate on the juvenile justice bill.

Representative Conyers has negotiated in good faith with Representative Hyde. I had the conference leaders here last week, and it was clear to me, from the discussion between them and with the rest of us, that they were much closer together, even though still considerably apart, than the position that the NRA has taken against our legislation. But we still haven't been able to get the committee to meet.

Now Representative Zoe Lofgren from California has offered a simple motion. It simply says, one version of this bill passed the Senate; one version of this bill passed the House eight months ago; the conferees should meet. That's all it says. It says Congress ought to do the job it was hired to do. (Applause.)

Again, I want to thank the Republican members who have shown up here, to stand here today. I don't even know, because we haven't talked about it, whether they would agree with me on every provision of this bill. But they want a bill and they want the conferees to meet. And I will say again, I know the conventional wisdom is in election years we're not supposed to do anything. I think that's wrong. We all still draw a check in election years, just like we do in nonelection years, and we're all here. And these kids, they keep dying every day. They don't know it's election year. So I thank Zoe Lofgren, and all these people who are here, for saying that we ought to get on with the business of the nation.

Now, unbelievably enough, the gun lobby -- who would do well in this conference, I think; I don't like it very much, but I think they'd do pretty well -- they don't want this conference to meet. And they're actually threatening retribution against lawmakers if they vote for Zoe Lofgren's resolution to meet. Why is that? Because they know the people aren't with them, that's why. Because they know that the people who have experience out there in the country, whether they're Republicans or Democrats or independents, once they understand what the issue is and that nobody's trying to take any hunter's gun away or burden anybody's legal rights, we're just trying to keep children alive -- once they understand that, they know that they cannot win the public debate. (Applause.)

I got a little tickled over the weekend when they got a little rough with me. I mean -- (laughter) -- you know, I have so much scar tissue now, I can't even feel it. (Laughter.) So it's totally immaterial to me what they say. And that should not be an issue for any of you.

You know, none of us -- any of us get these elected jobs, we ask for them; nobody makes us take these jobs. So that's completely irrelevant. The only thing that should matter, the only thing that should matter, is what is the best course in our country to make America the safest big country in the world, and to save the lives of these dozen kids that are getting killed every day from gun violence. That should be the only thing that matters.

And there are legitimate, practical issues that have to be worked through in these areas. But believe me, I've been there. I'm one of the few Presidents that's ever been to any of these gun shows. I've actually been to them. And I've been to them way out in the country, where all of the practical problems allegedly arise. And in all candor, I think that taking a little time and a little inconvenience to save a lot of lives is a good deal for America. (Applause.)

I also believe that we cannot make this the only area of our national life where our only response is punishment and no prevention. Suppose I gave a speech to you today, suppose I called you here to say, my fellow Americans, I am incredibly burdened by the fact that these airport metal detectors are a pain for a lot of people, and 99.9 percent of all the people who walk into airports are good, law-abiding citizens and would never do anything wrong, and a lot of them have money clips in their pockets and have to go through those metal detectors two or three times, and I just think it's terrible -- and so we're going to take the metal detectors out of the airport, and the next time somebody blows up an airplane we're going to put 10 years on their sentence. (Laughter.) Anybody want to support that policy? (Laughter.)

Suppose I said to you, my fellow Americans, I brought you here because I'm getting older and a little heavier and those seatbelts are really uncomfortable for me -- (laughter) -- and because the overwhelming majority of automobile drivers in America are good, law-abiding people and safe people, I want to abolish the speed limits and rip the seatbelts out of all our cars -- (laughter) -- and if somebody does something wrong, I want to add five years to their sentence. Now, that's the logic here.

Why should this be the only area of our national life where we say no prevention; only punishment? Attorney General Reno has increased gun crime prosecutions. Why do we fight for 100,000 police? Why are all these police groups here fighting for 100,000 police? Not primarily to catch criminals quicker, but because they knew if they were on the street in the neighborhoods, they would prevent crime in the first place. That's what this is about.

So, again -- there's an old proverb that says, he who throws the first blow admits he has run out of arguments. (Laughter.) In 1993, they said the Brady Bill would violate the 2nd Amendment. But the right to keep and bear arms in deer season is still alive and well in Arkansas -- but 500,000 felons, fugitives and stalkers weren't able to get handguns. It was the right thing to do. (Applause.)

Gun crimes have fallen by 35 percent-plus since 1993. Today, I'm honored to announce the results of the Justice Department's first annual review of the instant criminal background check system put in place in November of 1988 under the Brady law. In the first year, the Insta-check system, in one year, stopped 179,000 illegal gun sales -- over two-thirds to people who were indicted or convicted of felony crimes. Most of the rest were fugitives, or domestic or drug abusers.

All told now, as I said, half a million guns have been stopped from falling into the wrong hands since 1993 -- proof positive that those who opposed the Brady Bill in 1993 were wrong.

This is not an argument -- we're having the same old argument. We have evidence now. And when it comes to the gun show, I would just remind you that back in 1993, the same crowd that's fighting closing the gun show loophole said, you don't need the Brady Bill because no bad actors ever buy guns at gun stores; they get them all at gun shows and urban flea markets, and out of the backs of pickups and trunks of cars. So now we say, well, we did get a lot of them, but you're right, there still are a lot of those bad -- now they say, oh, well, we can't do that, it's too much of a burden.

Now, I don't believe that we can't reach agreement here. But the leadership of the Congress continues to resist, and to cling to arguments that won't stand up in honest debate. And I'll bet in their heart of hearts they're pretty embarrassed by some of the things that their allies have said in the last few days.

They say gun shows would be put out of business if unlicensed dealers who sell guns have to comply with the background checks, which can take up to three business days to complete. But licensed gun dealers at gun shows already have to do background checks, if they're licensed, and they're still doing a very brisk business. Nearly three-quarters -- now listen to this -- nearly three-quarters of all the Brady background checks are completed within a few seconds under the Insta-check system; 95 percent now completed in two hours or less.

Less than five -- here's the rub, and I want everybody to focus on this; this is the rub of this legislation -- less than five percent of the Brady checks take longer than 24 hours. So if we put this in, most of this will be over in two hours; 95 percent will be over in 24 hours. But of the 5 percent that take more than 24 hours, they are 20 times more likely to be rejected for a problem. So this whole big old fight here is, in large measure, about those 5 percent.

Now, why in the wide world any organized group would be in the business of worrying about the inconvenience of those 5 percent is beyond me. Ninety-five percent of the people are going to be out of here; 75 percent of them are going to be out of here in an hour or less. Representative Conyers here has offered an agreement that would have the whole thing done in 24 hours, except for those that can't be done.

So again I say, I've heard all this -- if you read the press on it, because so much of it is -- and this is not a criticism of the press, it's the rhetoric of the fight -- you would think this is about, will there be background checks or not. Why in the world would we not want to have

an adequate check of these 5 percent that are 20 times more likely to be problem people and hurt innocent children and other people? That is the issue here.

And I'm telling you, I don't care what anybody says about people traveling to one town to the next to another gun show and being out in the rural areas and how much trouble it is -- it's not that much trouble. They deposit the guns at the local police department or the sheriff's office. There's 50 different ways to solve this problem.

This is all just a smokescreen. Every last issue is turned into some major battle over the Constitution, when all we're trying to do is save lives. (Applause.)

So, again, I want to say again, I'm grateful to the people who are here. I'm grateful that we have bipartisan representation. I hope the Republicans who are here don't get too much grief when they go back to Congress.

But I would like it if this were not a political issue. I would like it if it were not a partisan issue. I would like it if not a single vote could be made on this in the November election. I would like it if no one ever had to vote for any candidate on this ever again. I would like it if we had a national consensus to protect our children.

And it would not in any way, shape or form, interfere with Americans to go about their business in the ways that Americans in my part of the country have from the beginning, in the hunting season, in the skeet shooting, in the sport shooting and all that. It doesn't have anything to do with this.

But we're making a grave mistake when we continue to put up excuses for that for which there is no excuse -- and to pretend that this is the only area of our national life when only punishment and not prevention is the answer.

So I thank the folks who are here. I wish Representative Lofgren well, and I particularly appreciate the leadership of the women members of the Congress in this issue that affects all of us.

I would like to now call on someone who, of all the people on this stage, has paid the highest price for our failure to do the right thing by our country -- Representative Carolyn McCarthy. (Applause.)

* * *

THE PRESIDENT: I want to leave you with two thoughts. First of all, not many people who pay the price Carolyn McCarthy did wind up having the personal strength to run for Congress. One of the biggest problems here is most of the people out there whose kids get killed in crimes or by accident, it's all they can do to put their own lives back together, take care of the rest of their kids and go on with their lives. I can't believe Suzann Wilson is still doing this after all these years.

There is only a -- it was just kind of a God's grace that Jim and Sarah Brady happened to be nationally prominent people and in a situation where they could go on. Mike Barnes is trying to organize people that don't have anything like the natural inclination or ability to come up with the kind of money and power and employ the kind of tactics that the typical lobby group does. But they're everywhere.

Yesterday I was contacted by a man that I've known for many years, to remind me of the incredible damage done to his family when his son and his son's friend were playing with a gun that killed the friend. His son doesn't have a mark on him, but it took him years to get over it, watching his best friend die there. There are people like this everywhere. And they shouldn't be denied and disenfranchised just because they're not organized. You have to speak for them.

The second thing I want to say is Congressman John Lewis is here -- the Sunday before last, I joined him in the 35th anniversary of marching over the Edmund Pettus Bridge in Selma, a march that led to the passage of the Voting Rights Act. People in our lifetime, those of us that are old enough, over 35, actually died so all Americans could vote. I don't think they marched and died so that their votes would vanish in a howl of special interest politics in Washington. That's not what the Constitution or the Bill of Rights or the civil rights revolution was all about.

This is about more than guns. This is about whether democracy works. So I ask you, don't just go out and talk about how well these women did today, and how moved you are. Do something. Mobilize your friends to do something. We can win this battle -- with your help.

Thank you very much. (Applause.)

END 12:18 P.M. EST

**PRESIDENT CLINTON:
URGING PASSAGE OF COMMON-SENSE GUN LAWS**
March 15, 2000

"I think that taking a little time and a little inconvenience to save a lot of lives is a good deal for America."

President Bill Clinton

March 15, 2000

Today, at the White House, President Clinton unveiled the FBI's first annual report on the National Instant Criminal Background Check System (NICS) created under the Brady Law. The new report shows that in its first year of operation, the NICS stopped 179,000 felons, fugitives, domestic abusers, and other prohibited purchasers from buying guns. The President also urged Congress to pass the motion by Representative Zoe Lofgren calling on juvenile justice conferees to meet in the next two weeks, and to move on gun safety legislation that has been stalled for over eight months.

REPORT SHOWS EFFECTIVENESS OF BACKGROUND CHECKS. Today's report confirms that the NICS is a powerful tool to help law enforcement and federally licensed gun dealers keep guns out of the wrong hands. Through NICS, the FBI and state and local law enforcement perform instant searches of over 35 million records to help prevent the sale of guns to prohibited buyers. In its first 13 months of operation, the NICS conducted over 10 million background checks and blocked an estimated 179,000 prohibited gun sales. To date, the Brady Law has stopped more than half a million felons, fugitives, and other prohibited persons from purchasing firearms. Among the key findings of today's report:

Most checks completed within seconds. During the first year of NICS, 72% of checks were completed within 30 seconds, and 95% were completed within two hours. In cases where completing a check takes longer, there is a strong rationale for additional time: an individual whose check takes more than 24 hours to complete is almost 20 times more likely than the average gun buyer to be a felon or other prohibited purchaser.

Most blocked sales were to felons and other criminals. Of sales denied by the FBI, 71% were to felons, 15% to persons with domestic violence misdemeanors or under restraining orders, and 4% to persons with histories of drug abuse.

NICS checks help law enforcement apprehend fugitives. NICS prevented more than 2,400 wanted persons from buying guns, and FBI employees identified those persons to law enforcement agencies, leading to the apprehension of dangerous fugitives from justice.

Reducing time for background checks means more criminals get guns. If the FBI were given only 24 hours to complete all background checks, instead of up to three business days as under current law, nearly 34,000 prohibited purchasers – over 38% of FBI denials – would have received guns since the NICS first took effect.

MAKING BRADY CHECKS FASTER AND MORE EFFECTIVE. The President's FY 2001 budget provides \$70 million to give law enforcement more tools to increase the speed and accuracy of Brady background checks, which will keep guns out of the hands of even more prohibited persons. The President's initiative doubles funding for the National Criminal History Records Improvement Program which helps states to update, computerize and complete their records on felons, fugitives, domestic abusers, and others restricted from purchasing firearms.

PUSHING FOR ACTION ON COMMON-SENSE GUN LEGISLATION. For over eight months, the Republican leadership has refused to allow the House and Senate conferees to meet and have a substantive debate on the gun measures in the pending juvenile crime bill. Joined by a bipartisan group of House members, the President urged Congress to pass a motion by Representative Lofgren calling on conferees to meet in the next two weeks. The President again urged Congress to send him strong gun-safety legislation that would require background checks at gun shows, mandate the sale of child safety locks with handguns, and bar the importation of high-capacity ammunition clips.

Spotting

more counselors
guides to parents

Guns

Prevention

Resources for parents
FIMLA
4000+ parents

Weapons

Enforcement

→ P

→ Peckham

Nat'l Action - Commission on Violence

Day of Remembrance

Crisis Response Team

Curriculum

Therapeutic schools

Packet of Information

Alcohol Lock

Q.

A. -

① Hate -

② Food -

③ equal pay - 3/ hour for p

Disrupt
psychologist

- adopt a
school
volunteer
psychologist
dism

- good
simulation

① resources for parents
② reckless parent
③ schools

④ crisis
or exposure
forums

⑤ how to
manage

⑥ conf. w/
thru, parents,

⑦ per. by
under
18

1. Part 1 course
2. Guides
3. Counselor resources
4. Counselor conf.
5. Guns & kids
6. Reckless parents
7. 800 number
parent hot line
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Bureau of Alcohol, Tobacco & Firearms
Office of Public Information

ATF News Summary

Monday, Jan. 12, 1998

Philadelphia Inquirer 1/11/98 p. 1 of 10

Front Page

Phila. and firearms: Why city remains under the gun

Gun-related deaths are down in other big cities. Not here. Here's why.

RELATED MATERIAL:

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► The scope of gun violence in Philadelphia



By Clea Benson and Craig R. McCoy
INQUIRER STAFF WRITERS

You want a gun, and you want it now? No problem.

In Pennsylvania, you don't have to put up with that annoying five-day federal waiting period.

Just ask Dana Mason, a janitor from West Philadelphia who used to have a clean record and a state license to carry concealed weapons. For him, that license was a magic pass. It let him leave the store with new guns immediately, without waiting for a background check.

Before he was caught in October 1996, Mason did that 17 times. He emerged with 52 revolvers, pistols and assault weapons. His favorite? A Bryco 9mm semiautomatic. He bought 37 of them.

Mason, 43, often sold the guns right away to a man named Michael White. White, 26, couldn't buy guns directly, not with his convictions for cocaine possession and brandishing a gun in a street argument.

Mason charged White a delivery fee of \$50 or so per gun. White sold the weapons for big markups on the streets of Southwest Philadelphia. It didn't take long for the guns to turn up in the grasp of a man arrested for assaulting police and in the hands of others busted on drug and firearm charges.

The much-heralded federal Brady Act of 1993 was designed to stop criminals

from buying handguns by mandating a five-day wait, but it remains easy for criminals in Philadelphia to get guns.

Firearm traffickers boldly sell from cars at curbside or even in the parking lots of elementary schools. One seller would drive from drug corner to drug corner in North Philadelphia, where he would pop his trunk open and sell firearms to anyone with cash. He wore a bulletproof vest, in case anyone tried to take his guns by force.

Increasingly, dealers are circumventing the Brady Act with the help of suppliers such as Mason, so-called straw purchasers who have state permits to carry concealed weapons.

People with permits are exempt from the Brady Act's presale criminal-record checks, under the theory that they were investigated before their state licenses were issued.

"Drug organizations have outsourced the task of getting guns," said Bob Wall, head of the Philadelphia office of the Bureau of Alcohol, Tobacco and Firearms. "They find individuals with no crime records, and they pay them money to get guns."

There is no shortage of possible hires. Pennsylvania leads the nation in granting ordinary people the right to carry concealed weapons. About 575,000 residents possess a handgun-carry permit — one license for every eight households in the state. That number far exceeds that of gun-friendly Florida and Texas. This is happening while the city is facing a growing problem with gun violence. More and more crimes in Philadelphia are being committed with guns, even as gun crime is decreasing elsewhere in the country.

New crime data show that in Philadelphia the proportion of murders committed with guns — 81 percent in 1996 — was the highest of the nation's 10 largest cities. In New York City, the rate was 66 percent.

City officials, police and the ATF are fighting back. For example:

- Mayor Rendell's lawyers have prepared a public-nuisance lawsuit against the firearm industry to recover the millions the city spends to cope with gun violence. Rendell said Wednesday he wanted, "with every ounce of feeling," to file the suit but was weighing the expense and legal risks.
- Task forces of police and federal agents have stepped up efforts to monitor suspicious gun purchasers and prosecute traffickers.
- Borrowing techniques credited with curing juvenile homicides in Boston to just one in the last 2½ years, police here are undertaking the ambitious task of tracking to its original sale every handgun seized in the city. That's 5,000 guns a year in Philadelphia.

"It's more than just saying. Too many people are dying," said City Recreation Commissioner Michael DiBerardinis, the leader of the city's Youth Violence Reduction Initiative. "We have some data now where we can say, 'Wait a minute.

Here are the things we can do.' "

■

About 1,000 Philadelphians a year, one-quarter of them children and teenagers, are hospitalized for gun injuries, according to the Delaware Valley Healthcare Council, a hospital association.

Despite advances in trauma care, about 250 die each year in hospitals. The "die rate" for gunshot cases has remained at that level largely because increased firepower and quicker-firing semiautomatic pistols have meant that more slugs are hitting home.

A hundred or so other victims per year do not make it to the hospital. They die on the street.

Last year, the gunshot-murder toll included 25 children and teenagers.

A bullet costs about 15 cents. The medical bill for the average gunshot victim: \$32,980.

It costs the federal and state government and hospitals \$29 million a year to treat the 80 percent of city gunshot victims who are on Medicaid or have no insurance, according to the Pennsylvania Trauma Systems Foundation and the Healthcare Council.

The city spends millions more on police overtime, cleanup, social workers who counsel the bereaved, and other services. The precise sum of all those costs is contained in Mayor Rendell's proposed lawsuit. The administration and David Kairys, the lawyer charged with drafting the suit, declined Friday to release the number.

In the suburbs, the problem is less intensive. In the four surrounding Pennsylvania counties, hospitals treat about 100 serious gunshot cases a year.

Figures on gun arrests for 1997 were not available, but Philadelphia police in 1996 charged about 4,500 people — 7.5 percent of all those arrested — with offenses involving firearms.

State police say that 11,505 handguns were sold legally in Philadelphia in 1996 and that the number is on the rise. City police put the number at 9,700. Neither state police nor city police could explain the discrepancy.

According to a survey by Philadelphia Health Management Corp., a nonprofit consulting firm, one of every eight city homes reported a firearm in the residence.

In the Pennsylvania suburbs, 25,000 handguns are sold each year. In all of Pennsylvania, 163,000 handguns were sold in 1996.

In New Jersey, the statewide number that year was 24,000. Police attribute the low count to laws that bar convicted drunk drivers from getting guns and that allow police to question mental-health therapists about permit applicants.

Legal sales are increasingly the starting point for investigations into gun trafficking. The new emphasis derives from this fact: While some guns are indeed stolen from shops, most firearms used in crimes begin their underworld travels with a legal sale by a gun shop to an ostensibly law-abiding citizen — who passes it on to a second buyer, often the criminal.

And that means there is a paper trail.

"What that suggests," DiBerardinis said, "is that policing could have an effect."

Dana Mason and Michael White were an odd pair, White tall and thin, Mason so large, at 320 pounds, that ATF agents dubbed him "The Nutty Professor," after the Eddie Murphy film character.

Federal agents say they grew wise to Mason after he bought more than a dozen handguns in a spate of visits to suburban gun shops. Gun dealers must file forms about shoppers who buy more than two guns a week. Mason was impatient. He kept returning for more guns, lengthening the paper trail.

"He wasn't one of the smarter ones," said Thomas Stankiewicz, supervisor of the ATF's firearm task forces here.

Agents called the stores Mason frequented and told the owners to call them when he came back. Then the agents waited.

"We never knew when he would show up," Stankiewicz said.

In September 1996, they got lucky. Mason and White were in Edelman's Sporting Goods in Montgomeryville, checking out the hardware. The agents hurried from their office 40 miles away in Philadelphia.

Mason and White bought four handguns and headed back to the city, with the agents in hidden pursuit. In West Philadelphia, the agents watched White carry a bag of guns into his house.

The clerks kept calling in, and the agents kept rushing to the shops. Some of the clerks, said Stankiewicz, did "a very good job, making him fill out the paperwork, slowing him down as best they could."

When following, the agents traded off vehicles as the lead car, so they wouldn't be "made."

In October 1996, the last time they tailed Mason, they ran the plate on his black Chrysler LeBaron and learned that it had been stolen the day before -- reason

enough to pull him over.

In the trunk were four Intratec AB-10 pistols, a compact, Uzi-like weapon with a 32-round magazine. It is a variant of the Tec-9, a federally banned weapon.

White was busted three hours later when Mason, now anxious to cooperate with authorities, turned the same four Intratecs over to White at a McDonald's parking lot in North Philadelphia.

So much for Mason's clean record. He pleaded guilty in November to a federal charge of buying guns under false pretenses and is awaiting sentencing.

Authorities say White would front the money to buy the guns. Even after paying Mason his \$50 fee, the profits were big. The Bryco handguns cost \$170 at shops and could be sold for up to \$300 on the street. The Intratecs, which cost up to \$300 new, would go for as much as \$1,000 on the black market.

White pleaded guilty to buying guns while a felon. He is serving 40 months, having obtained a reduced sentence in exchange for fingering a suspect in a drug killing.

Mason and White did not respond to requests for interviews.

As for the guns they sold, 11 have surfaced in the last year, some in the hands of teenagers.

One, a black Lorcin pistol, was dropped on the street in front of police in February last year by a man who had served time for home-invasion robberies. The next month, a Bryco was stripped from a West Philadelphia 18-year-old accused of robbery.

Then there was the Bryco pistol Mason bought at Lou's Loans, a pawnshop in Upper Darby, in June 1996. Nine months later, it was in the hands of Jeffrey Kareem Brown, 18, a fugitive wanted on a charge of showing off an Intratec pistol to girls at Strawberry Mansion High School.

In March, Brown was spotted on a North Philadelphia street by the same officers who had arrested him at the high school, authorities said. He drove his Oldsmobile at the officers, police said. They fired a barrage of bullets at him. He was hit in the neck.

Frantic, Brown jumped out of his car and tried to break into a nearby house, shooting at the locked door. The door wouldn't open. Then he burst into the house next door. Inside, the bleeding gunman startled Darlene Bivens, who was making breakfast.

"I called 911, so he ran out the back way," Bivens recalled recently.

Before Brown fled, he dropped the Bryco on Bivens' kitchen floor. Police found

it there, amid pools of Brown's blood. He was captured outside.

Brown could not be reached for comment. He is awaiting trial on charges of assault, fleeing police, possessing a gun without a license, and having a gun outside without a carry permit.

For Bivens, it was a strange episode that left her shaken.

"I was scared, to tell you the truth," she said. "I'm scared of guns."

Mason was granted his carry permit just as his buying spree began. He was among the thousands of Philadelphians to have obtained such permits in the last few years.

Before 1995, only a few Philadelphians -- those who could prove they faced a threat -- were eligible for carry permits. But three years ago, the legislature passed a law barring the city from enacting gun controls stricter than those of the state as a whole.

That meant that virtually anyone without a criminal record could get a permit to carry a concealed weapon. All that was required was a \$19 application fee.

The impact was immediate. The number of Philadelphians granted carry permits went up tenfold, to 12,000, in 1996.

While most buyers want guns for protection, investigators are convinced that a growing number serve as straw purchasers for criminals. In 1994, straw-purchasing cases made up 21 percent of the firearm investigations handled by the Philadelphia office of the ATF. By 1996, straw buys had grown to almost half of all ATF gun cases here.

"We are experiencing more straw purchasing in Philadelphia because they changed the requirement for the permit to carry," Stephen T. Haskins, a senior ATF special agent, said.

Nine states have loopholes exempting permit holders from the waiting period. In many other states, including New Jersey, the requirements for issuing a permit to carry a concealed weapon are so tough that few people get them. And a few states, including Ohio, Kansas and New Mexico, do not issue *any* permits.

In New Jersey, it's not enough to say you need a gun because you carry a large amount of money on the street. You have to prove you face a specific threat. And you must pass a gun-proficiency test.

Only 2,060 New Jersey residents have permits to carry concealed weapons, a fraction of the Pennsylvania figure. Plus, in New Jersey, permits are issued for two years, while in Pennsylvania, they last five years.

That's too long, police say.

"A person can have a permit issued to them, get arrested for robbery, serve years in prison, and walk in and buy guns with that permit," said Chief Inspector Vincent DeBlasis, head of the Philadelphia Police Detective Division.

"We still do [post-sale] checks and find out that the person who exhibited the permit had a record, but that doesn't change the fact that they've already walked out with the guns."

But Alan Krug, who lobbied on behalf of the NRA in favor of liberalizing Philadelphia's carry-permit law, said requiring any wait for permit holders would subject them to unfair delays and paperwork.

"I don't think it's a statistically significant problem," he said. "There may be a couple of people who [used permits to arm criminals] but not enough to justify draconian measures like that."

Krug also said the Pennsylvania State Police planned to implement late this year a computerized "insta-check" system to review criminal records at the moment of sale. That, he said, would eliminate waiting periods for everyone.

Paradoxically, one aspect of the Brady Act has fueled the rise in straw purchasing.

The law authorized a crackdown on dealers who sold out of homes. Just three years ago in Philadelphia, there were as many as 100 such licensed "kitchen-table" dealers. Today, virtually all kitchen-table operations are out of business.

"Now, [criminals] are getting guns through burglary or through sending people to gun stores," Stankiewicz, the ATF supervisor, said.

It is an irony that the state law that liberalized carry permits also dramatically toughened the state's gun laws in other ways.

That 1995 law made Pennsylvania the only state, once insta-check comes online, that will mandate background checks for handguns, rifles and shotguns — not just handguns.

It also made Pennsylvania the first state to ban gun sales to adults who were violent as juveniles.

But Rendell says the law still falls short. Even if the city decides not to go ahead with a lawsuit, he and others say politicians in Harrisburg should close the loopholes used by gun traffickers.

The mayor and other gun-control advocates urge adoption of a law akin to new ones in South Carolina, Maryland and Virginia that restrict buyers to one gun per

month. Of the 35,000 guns sold in Philadelphia and its suburbs yearly, about 8 percent are sold to people who buy more than one gun.

"Our biggest problem is in tracking cases of multiple-gun sales," Rendell said recently. "[Police and federal agents] track them from the store. They see them go into the community, and they've made a lot of arrests over the last two years. They've had some effect. But they can't cover it all."

Opponents -- and there are many in Harrisburg -- argue that such a change would unduly harm legitimate gun buyers, such as collectors.

Some in the city Police Department have suggested that there should be a mandatory five-day waiting period for everyone, even people with carry permits.

Besides helping stop people who run afoul of the law after obtaining permits, this would give ATF agents and detectives time to stake out and intercept straw purchasers without criminal records who have come under suspicion.

ATF agents and police also want penalties for gun owners who do not file police reports when weapons are stolen.

The man who bought the .380-caliber Lorcin pistol that was used to kill Philadelphia Officer Lauretha Vaird during a 1996 bank holdup initially claimed that the weapon was stolen from under his mattress. After flunking a polygraph test, he admitted to having given the pistol to Vaird's killers.

Police say that in many other cases, however, they have been unable to shake a suspected straw purchaser's story.

"There's no law that says if a gun is stolen, they have to report it, and that's what straw purchasers hide behind," DeBlasis said. "We say, 'You claim this gun was stolen six months ago. Did you report it?' They say, 'No,' and there's not a thing we can do about it."

The big buyers with criminal intent are the target of police and ATF agents who are increasingly pursuing the illegal gun trade.

A key advance in that fight came last summer when Philadelphia was added to a federal program with the unwieldy name of the Youth Crime-Gun Interdiction Initiative. It now is seeking to trace all guns seized by Philadelphia police.

This is modeled after the antiviolenace strategy that has drastically reduced juvenile firearm deaths in Boston (which once was losing 10 youngsters a year) and cut adult and juvenile homicides in Minneapolis by 42 percent.

In Philadelphia, as in the other 26 cities in the new federal program, the idea is to use computers to develop an usually sharp picture of gun trafficking -- even gun fads by age group.

Moreover, under a new policy, detectives are debriefing all prisoners arrested with firearms to find out where they obtained the weapons and how much they paid for them.

People caught lying about their criminal records on gun-permit applications are charged with felonies. Those who report guns stolen are charged with firearm offenses if it turns out they do not have permits for the guns.

Foundation and state grants are pouring in. There are, for instance, a \$4.7 million Robert Wood Johnson Foundation grant to reduce teen violence and a \$1.5 million grant for antigun efforts from the William Penn Foundation. Both programs will focus on North Philadelphia.

Some \$1 million in state cash is expected to help police, working with six University of Pennsylvania professors, to deploy computerized mapping to, among other things, analyze gun sales by neighborhood.

Since April, police and the ATF here have been aided by yet another computer tool, the Integrated Ballistics Identification System (IBIS). The \$290,000 device has dramatically improved their ability to link gun crimes by matching scratches on bullets as if they were fingerprints.

In the past, bullets would only be matched under a microscope if police first had a hunch that the bullets had been fired from the same gun. Now, the computer -- shuffling through thousands of bullet images with inhuman speed and patience -- can show that two seemingly unrelated crimes were committed with the same firearm.

The IBIS computer found that a gun taken from a man arrested in Center City for illegally carrying a weapon was the same as that used to kill two people in North Philadelphia, leading detectives to suspects.

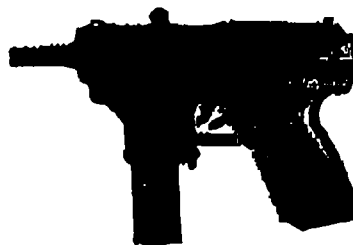
The new machine "allows us to do what we haven't been able to do since the 1930s, compare bullets from all unsolved cases," said Lt. Mark Stephan, a police firearm expert. The reference was to a time when the city's small number of shootings permitted the manual checking of most bullets.

"This is probably most effective at solving those drug shootings where neighbors are afraid to be involved," Stephan said. "We don't know a lot about [those shootings]. But IBIS has already changed that."

Inquirer staff writers Thomas J. Gibbons Jr. and Tom Torok contributed to this article.

The Scope of Gun Violence in Philadelphia

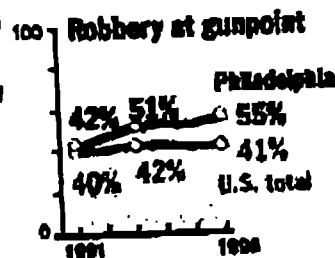
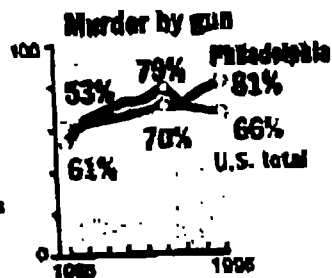
Philadelphia leads big cities in homicides by gun. With eight out of 10 homicides committed with a gun, firearms are by far the weapon of choice among Philadelphia murderers. The 9mm Intratec (shown at right) retails for about \$300 but sells for as much as \$1,000 on the black market. It can hold 32 rounds and is among the top 10 handguns seized from adult criminals in Philadelphia.



Percentage of murders committed by gun in 1996 Largest U.S. cities compared.

Philadelphia	81%
Los Angeles	79%
Phoenix	79%
Dallas	78%
Houston	78%
Detroit	77%
Chicago	76%
New York City	66%
San Antonio	61%
San Diego	49%

Flouting the national trend, an ever-growing share of Philadelphia homicides and robberies involves guns. The charts track gun robberies and murders as a percentage of all such crimes.



Top five handguns seized from adult criminals in Philadelphia in 1996

No. 1

\$350

Smith & Wesson .38-caliber revolver, various models

No. 2

\$75

Rem-um model .35-caliber semiautomatic pistol

No. 3

\$375

Rem-um 9 mm semiautomatic pistol



\$100

Larson 300 semiautomatic pistol

No. 4 (tie)

\$127

Remington and Rem-um .32-caliber revolver



SOURCES: National data from the Center to Prevent Handgun Violence, Washington; Philadelphia data from city police statistics. Data used are most recent available. Data on most common guns from the U.S. Bureau of Alcohol, Tobacco and Firearms (ATF); gun photographs from ATF and Philadelphia police firearm unit. Gun prices are retail at stores. Five guns at right are sized proportionally to each other.

The Philadelphia Inquirer / Cynthia Greer

6/25

BACKGROUND INFORMATION

6/25

Criminal Disarmament Project

Mission: Deter violent felons from carrying deadly weapons by making as certain as is humanly possible that should they carry a weapon, they will be detected, arrested, detained, prosecuted, convicted, and sentenced and serve a minimum of five full years of confinement.

- literature on certainty of punishment as a deterrent
- length of sentence as a deterrent
- number of parolees, probationers, violent felons in general population
- crime rate among this population
- study on carrying weapons by parolees
- number of guns in circulation
- literature on Drug Courts
- get studies of failure to enforce gun laws
- studies on failure to enforce conditions of probation or parole

Richmond Gun Project Praised

NRA, Brady Group Laud Automatic Sentence for Armed Felons

By R.H. MELTON
Washington Post Staff Writer

RICHMOND—A program that imposes automatic five-year sentences on felons caught carrying guns is being credited by Richmond police with helping to cut dramatically the city's homicide and armed robbery rates.

The program, under which authorities generally prosecute gun cases as federal crimes—ensuring stiffer bond rules and tougher sentences—is known as Project Exile and has received high marks from two unlikely allies: Handgun Control Inc. and the National Rifle Association.

The federal prosecutor's office here is one of only a handful in the nation—Boston and Philadelphia are two others—to launch an experimental attack on gun crimes. The idea behind the program, authorities say, is to get guns out of the hands of those who are carrying them illegally, people who are most likely to use the weapons in other crimes.

In Richmond, which in recent years has had one of the nation's highest homicide rates, authorities credit Project Exile with helping to reduce gun-related homicides dramatically. Police say there were 140 gun-related homicides last year; so far this year there have been 34. Gun-related armed robberies, meanwhile, are down by a third.

On a morning talk show Sunday, NRA President Charlton Heston told a national television audience that "in less than a year, they reduced deaths, murders, in the city of Richmond by half" through the Exile project.

Handgun Control Chairman Sarah Brady, in a letter to the U.S. attorney here, said: "Your work is succeeding in getting guns out of the hands of criminals. ... The results in Richmond are impressive."

Cynthia L. Price, a Richmond police spokeswoman, said Exile has had a profound effect on the number of violent crimes and the nature of those offenses, leading to far fewer instances in which guns are drawn in anger.

"It's a great program," Price said.

So how did Exile help cut homicides and armed robberies? A cadre of aggressive federal prosecu-

tors, including a lead attorney who earned his spurs hounding Mafia dons in New York City, determined that Richmond's number one crime problem was similar to that plaguing Washington: street-level violence fueled largely by an evidently insatiable appetite for weaponry.

They then brought to bear on city gun cases the full force of the federal government, using statutes dating from the late 1960s to seek mandatory minimum prison sentences of five years for gun-related crimes. That expedited many of the gun cases, ensuring stiffer penalties and, in many cases, eliminating parole.

In some instances, steering a local criminal into the federal system was as simple as a Richmond police officer paging the federal Bureau of Alcohol, Tobacco and Firearms to double-check for federal gun violations, such as the obliteration of serial numbers on weapons, use of a gun while possessing a controlled substance or possession of guns by fugitives.

Several federal judges here have complained that their caseloads now seem to resemble reruns of the "Night Court" television show, but city officials and community leaders delight in the lower homicide rate.

In the year that ended last week, 363 guns were seized, 191 of 251 of those arrested on gun violations were convicted, and 137 of those were sentenced to an average of 56 months in jail.

James B. Comey, the executive assistant U.S. attorney who helped craft the Exile program, said the numbers in part reflect the unusually large number of people who were carrying guns in Richmond.

"Richmond is a weird place," he said. "The world is flooded with guns here."

Comey, a tall, boyish prosecutor who spins hair-raising tales about his Mafia wiretapping days in New York, said the gun "carry" rate—the number of times police confiscate a gun when arresting suspects—has dropped from 135 a month to 67.

"It's an amazingly high carry rate," he said. "I've never seen a place like Richmond. Dealers in cities like Chicago, New York or Cleveland have access to guns, but they're not standing on a street corner with a gun!"

Of Project Exile, he added: "It's a cultural war. It's totally apolitical. It's about locking up criminals with guns."

Gun violence has long plagued Richmond, sending its homicide rate higher than the District's several years this decade. In the fall of 1994, for instance, Richmond passed its previous homicide record, outpacing every city in the country except New Orleans.

S. David Schiller, the senior litigation counsel in the U.S. attorney's office, said police have passed out 17,000 hand bills detailing the program. There are Exile billboards, television spots and even a giant black city bus that runs through the city with a message in stark, white paint: "An illegal gun gets you five years in federal prison."

A coalition of civic and merchant groups has raised \$40,000 and pledged an additional \$60,000 to fund the marketing efforts.

Though the Exile prosecutions have not been glamorous—"These cases are not sexy. These are mutts with guns," said Schiller—they are getting notice in other urban centers. Seventeen cities nationwide, including the District and Baltimore, are now participating in a federal pilot program to trace illegal guns, and there has been talk of extending Exile elsewhere.

"Richmond has one of the most involved programs in the country," said Joe Sudbay, a spokesman for Handgun Control in Washington. "It's a great combining of resources to combat violence."

NRA Executive Director Wayne R. LaPierre said that Exile "ought to be in every major city in the country where there's a major crime problem."

"The dirty little secret is that there is no enforcement of federal gun laws," LaPierre said. "What Exile's doing—which I think is great—is for the first time in a major American city, if a criminal picks up a gun, he'll do major time. It's a message the NRA cheers, a message police cheer."

"That's the magic of what they're doing in Richmond. The word is out on the streets of Richmond that the U.S. attorney is dead serious about stopping gun violence."

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POLITICS & POLICY

Prosecutor's Strategy Scrambles Gun-Control Alliances

By DAVID S. CLOUD

Staff Reporter of THE WALL STREET JOURNAL

RICHMOND, Va.—David Schiller says he can make a federal case out of just about anything involving guns. He's right.

For the past two years, Mr. Schiller has used his powers as an assistant U.S. attorney to transfer mundane arrests by local police here to the federal court system. His zealous pursuit of almost anyone caught violating even the most obscure federal gun law has sent 300 people to prison, which Mr. Schiller's supporters say helps explain a dramatic drop in the city's homicide rate.

Now this seemingly simple idea—federalizing firearms cases—is scrambling alliances in the national gun-control debate. Mr. Schiller's campaign, dubbed Project Exile, is backed by both the National Rifle Association and some ardent gun-control advocates, including a few big-city mayors. Congress wants to implement Project Exile in other cities, but the Clinton administration is loath to divert money and attention from its own antigun initiatives to one backed by its nemesis, the NRA.

The battle over Project Exile heats up when Congress returns from its summer recess to finish work on next year's budget. Supporters will lobby hard for more money, and some Republicans see a chance to embarrass the president if the administration opposes a get-tough solution on one of Mr. Clinton's pet issues.

A career prosecutor, the 43-year-old Mr. Schiller didn't mean to get in the middle of a political storm, but his relentless evangelizing has made him a muck celebrity here and a thorn in the side of Justice Department officials in Washington.

'Lone Ranger'

"Some people think Schiller's nuts," says Richmond defense attorney David Boone. "Is he overzealous? Absolutely, but he's like the Lone Ranger: He's on a mission."

For years, Congress has been expanding the reach of federal gun laws, making it relatively easy to bring these cases. But few prosecutors took the bait until Mr. Schiller started using the little-noticed laws to prosecute not only well-armed drug dealers, but middle-aged wife-beaters who happen to keep a gun in the closet. The mandatory federal sentences are stiffer than those generally given in state courts.

Has it made a difference? Throughout the 1990s, Richmond was one of the country's most violent cities, but now things are improving. There have been 39 gun-related homicides in Richmond so far this year, 49 fewer than last year at this time. Violent crime has been falling nationwide, but Mr. Schiller claims to be altering criminal behavior on the street. "What we're finding is that a lot of dopers are now being arrested without any guns on them," he says.

Mr. Schiller and his boss, U.S. Attorney Helen Fahey, have gone to Washington repeatedly to plead with senior Justice Department officials for more prosecutors and agents, but with little success. "We could do more cases if we had more help," says Ms. Fahey, a Clinton appointee.

Kent Markus, Attorney General Janet Reno's top aide on gun violence until leaving last month to teach law, dismisses Pro-

crime and high-level drug trafficking. "I don't think there's any empirical evidence" that Richmond's falling murder rate is related to Project Exile, says Mr. Markus.

Mixed Views in Richmond

Richmond officials applaud Mr. Schiller's efforts, but worry about the long-term social consequences of such draconian measures. "There's got to be solutions other than Exile," said Police Chief Jerry Oliver, a supporter of the program. "As an African-American male I'm dismayed at what we have to do to maintain safety."

The NRA embraced Project Exile as the embodiment of its antigun-control doctrine: Get tough on crime, not guns. "It says with deadly accuracy that guns are for the law-abiding," asserts NRA Executive Director Wayne LaPierre, who is lobbying lawmakers to expand the program to dozens of cities. "That hasn't been said anywhere else in the country, and it is changing criminal behavior in Richmond."

Mr. Schiller disagrees with the NRA on gun control and worries that its backing for his program could overshadow its accomplishment. But the group's support was key to getting the program off the ground. At first, Richmond's conservative business community was lukewarm about it, Mr. Schiller says, because of early NRA hostility. When he asked for an endorsement, he says the NRA denounced him as an antigun zealot from the "Clinton-Reno empire."

A subsequent appeal through a friend of a friend of Mr. Schiller's brought a closer look from Mr. LaPierre. Since then, the NRA has spent more than \$25,000 promoting the program, including a sizable gift to a nonprofit foundation that publicizes Project Exile's harsh consequences on radio, television and billboards. For balance, Mr. Schiller also sought out Handgun Control Inc., whose chairwoman, Sarah Brady, called Project Exile's results "impressive," though not a panacea.

Odd Partnerships

Other odd alliances are forming as well. In June, NRA President Charlton Heston joined forces with Philadelphia Mayor Ed

worries that trying Project Exile in a city with seven times more people than Richmond is impractical and might swamp the courts.

Nevertheless, last month the Senate approved an amendment by Pennsylvania Republican Arlen Specter requiring the Justice Department to spend \$1.5 million on five prosecutors and 10 investigators to prosecute gun cases in Philadelphia, which averages over 400 murders a year. New Jersey Sen. Frank Lautenberg, a pro-gun-control Democrat, secured \$800,000 for a similar effort in nearby Camden.

The NRA bought a full-page ad in USA Today earlier this month, prodding President Clinton to support the Philadelphia appropriation: "Instead of giving us another press conference about more gun-control laws," it said, "give us one city. Let

IMPORTANT:

Always ask if the suspect uses drugs, i.e., cocaine, heroin, marijuana.

Most suspects will deny dealing but readily admit using and that's all we need to make a federal gun case.

Federal Gun Possession Crimes:

Carrying during drug possession
Convicted felon (state or federal)
Fugitive who has fled another state
Under indictment for a felony
Subject to a restraining order
Drug user or addict
Mental defective
Illegal alien
Dishonorably discharged
Prior misd. domestic violence
Obiterated serial number
Sawed-off weapon
Stolen gun (if defendant knows)

Cue cards for cops

us try crime fighting our way—the Project Exile way."

The ad annoyed Mr. Rendell, whose White House lobbying efforts received polite but noncommittal response. Still, he says, "If it stops only six murders a year I've got to be for it. . . . The White House may distrust the NRA, but I've got to over-look that."

In Richmond, Mr. Schiller works on shoestring. He has merchants pass out black cards warning, "An illegal gun gets you 5 years in federal prison." He hands out laminated cards to the police explaining the basics of federal gun statutes. For example, it's a federal crime to carry a weapon while possessing illegal drugs. "Most suspects will deny dealing but readily admit using," the card reads. "That's all we need to make a federal gun case."

Just ask Shuler Cox, 49 years old. He was arrested with a small amount of crack cocaine and marijuana—and a .45-caliber semiautomatic in his car. A federal judge convicted him of drug and gun charge. Now, despite an otherwise clean record, he's facing seven years in a federal penitentiary. "When I turned 17, I got into the drug scene, and I just thought that having a weapon by my side wouldn't let nobody get to me," explains Mr. Cox, who nevertheless claims the gun wasn't his and is appealing.

On the other hand, some dangerous offenders are now off the streets. Melvin "Bug" Smith, a 22-year-old member of a gang called the "Bottom Group," was pulled over on a routine traffic stop and ended up getting 16 years for drug and firearm convictions. Once he was behind bars, witnesses came forward and implicated him in five murders. He was indicted on those charges by state prosecutors earlier this month.



NRA, Brady Group Laud Automatic Sentence for Armed Felons

By R.H. MELTON
Washington Post Staff Writer

RICHMOND—A program that imposes automatic five-year sentences on felons caught carrying guns is being credited by Richmond police with helping to cut dramatically the city's homicide and armed robbery rates.

The program, under which authorities generally prosecute gun cases as federal crimes—ensuring stiffer bond rules and tougher sentences—is known as Project Exile and has received high marks from two unlikely allies: Handgun Control Inc. and the National Rifle Association.

The federal prosecutor's office here is one of only a handful in the nation—Boston and Philadelphia are two others—to launch an experimental attack on gun crimes. The idea behind the program, authorities say, is to get guns out of the hands of those who are carrying them illegally, people who are most likely to use the weapons in other crimes.

In Richmond, which in recent years has had one of the nation's highest homicide rates, authorities credit Project Exile with helping to reduce gun-related homicides dramatically. Police say there were 140 gun-related homicides last year; so far this year there have been 34. Gun-related armed robberies, meanwhile, are down by a third.

On a morning talk show Sunday, NRA President Charlton Heston told a national television audience that "in less than a year, they reduced deaths, murders, in the city of Richmond by half" through the Exile project.

Handgun Control Chairman Sarah Brady, in a letter to the U.S. attorney here, said: "Your work is succeeding in getting guns out of the hands of criminals. ... The results in Richmond are impressive."

Cynthia L. Price, a Richmond police spokeswoman, said Exile has had a profound effect on the number of violent crimes and the nature of those offenses, leading to far fewer instances in which guns are drawn in anger.

"It's a great program," Price said.

So how did Exile help cut homicides and armed robberies? A cadre of aggressive federal prosecu-

tors, including a lead attorney who earned his spurs hounding Mafia dons in New York City, determined that Richmond's number one crime problem was similar to that plaguing Washington: street-level violence fueled largely by an evidently insatiable appetite for weaponry.

They then brought to bear on city gun cases the full force of the federal government, using statutes dating from the late 1960s to seek mandatory minimum prison sentences of five years for gun-related crimes. That expedited many of the gun cases, ensuring stiffer penalties and, in many cases, eliminating parole.

In some instances, steering a local criminal into the federal system was as simple as a Richmond police officer paging the federal Bureau of Alcohol, Tobacco and Firearms to double-check for federal gun violations, such as the obliteration of serial numbers on weapons, use of a gun while possessing a controlled substance or possession of guns by fugitives.

Several federal judges here have complained that their caseloads now seem to resemble reruns of the "Night Court" television show, but city officials and community leaders delight in the lower homicide rate.

In the year that ended last week, 363 guns were seized, 191 of 251 of those arrested on gun violations were convicted, and 137 of those were sentenced to an average of 56 months in jail.

James B. Comey, the executive assistant U.S. attorney who helped craft the Exile program, said the numbers in part reflect the unusually large number of people who were carrying guns in Richmond.

"Richmond is a weird place," he said. "The world is flooded with guns here."

Comey, a tall, boyish prosecutor who spins hair-raising tales about his Mafia wiretapping days in New York, said the gun "carry" rate—the number of times police confiscate a gun when arresting suspects—has dropped from 135 a month to 67.

"It's an amazingly high carry rate," he said. "I've never seen a place like Richmond. Dealers in cities like Chicago, New York or Cleveland have access to guns, but they're not standing on a street corner with a gun!"

Of Project Exile, he added, "It's a cultural war. It's totally apolitical. It's about locking up criminals with guns."

Gun violence has long plagued Richmond, sending its homicide rate higher than the District's several years this decade. In the fall of 1994, for instance, Richmond passed its previous homicide record, outpacing every city in the country except New Orleans.

S. David Schiller, the senior litigation counsel in the U.S. attorney's office, said police have passed out 17,000 hand bills detailing the program. There are Exile billboards, television spots and even a giant black city bus that runs through the city with a message in stark, white paint: "An illegal gun gets you five years in federal prison."

A coalition of civic and merchant groups has raised \$40,000 and pledged an additional \$60,000 to fund the marketing efforts.

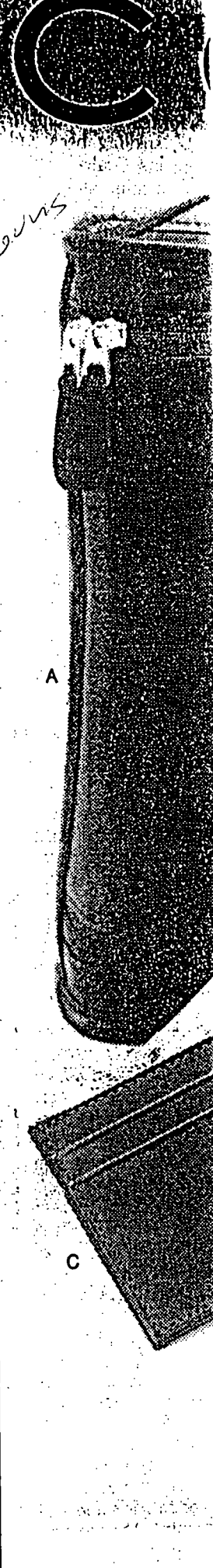
Though the Exile prosecutions have not been glamorous—"These cases are not sexy: These are mutts with guns," said Schiller—they are getting notice in other urban centers. Seventeen cities nationwide, including the District and Baltimore, are now participating in a federal pilot program to trace illegal guns, and there has been talk of extending Exile elsewhere.

"Richmond has one of the most involved programs in the country," said Joe Sudbay, a spokesman for Handgun Control in Washington. "It's a great combining of resources to combat violence."

NRA Executive Director Wayne R. LaPierre said that Exile "ought to be in every major city in the country where there's a major crime problem."

"The dirty little secret is that there is no enforcement of federal gun laws," LaPierre said. "What Exile's doing—which I think is great—is for the first time in a major American city, if a criminal picks up a gun, he'll do major time. It's a message the NRA cheers, a message police cheer."

"That's the magic of what they're doing in Richmond. The word is out on the streets of Richmond that the U.S. attorney is dead serious about stopping gun violence."



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Getting guns out of the hands of felons

- a. It is illegal for felons to have hand guns. The typical person on probation or parole is prohibited from carrying guns. Research shows that most gun-related felonies are committed by felons, probationers or parolees. Yet, prosecutors don't prosecute for felons in possession, probation and parole officers don't treat possession of a gun on the street as a serious probation or parole violation.
- b. What White House could do.
 - i. Direct Reno to have U.S. Attorneys start prosecuting for felon in possession violations.
 - ii. \$ for model prosecutorial initiatives at state level to prosecute for felon in possession violations.
 - iii. Condition prison \$ on new rules by probation and parole authorities that possession of a gun leads to automatic revocation.
 - iv. Create better data bases for police on who is a felon, on probation or parole -- lots of good technology is available but not being put in place.
 - v. Require state reporting of incidents where felons, probationers or parolees are caught with guns.
- c. Strategic implications
 - i. This is the one gun control initiative that gun advocates can't really oppose. So it shows the President championing an idea that doesn't give partisan advantage, but instead is a pragmatic response to a problem.
 - ii. It is something that addresses, in a substantive way, what Americans most fear -- an encounter with an armed, dangerous criminal.

