

NLWJC - Kagan

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Crime - Brady Law Background

Congressional Record

*File: Brady bill -
background*

Mr. KOHL. Mr. President, the hour is late and this speech will not be long. I just want to make three points for the Record and for any of my colleagues who have not yet decided how to vote.

First, we cannot have a national computerized instant check system in place in the time period provided by this amendment. The Attorney General has told us it will take years to create such a system; the Office of Technology Assessment says it could take a decade; no one can say with certainty we can have such a system in place in 2 years.

Second, an instant check system by itself is insufficient. I do not dispute the value of an instant check system—it is included in the bill language which Senators MITCHELL and GORE and I helped draft. If such a system were in operation, it would help us deal with the one out of five criminals who obtain their handguns through licensed dealers today. But it would not help us deal with people who have no criminal record but who do have an immediate intent to commit a criminal act.

The waiting period not only gives us time to check criminal records, it gives individuals an opportunity to cool off. We all know that murders are often committed in the heat of the moment.

We call that "a crime of passion." A waiting period prevents someone from getting a gun while consumed by passion. Even the NRA recognized the validity of the arguments. According to its 1976 publication, "On Firearms Control":

A waiting period could help in reducing crimes of passion and in preventing people with criminal records or dangerous mental illness from acquiring weapons.

Third, let's look at what is really happening in our society. From last August to this March, nearly 300 Americans died in the Persian Gulf. During that same time, more than 1,200 Americans were murdered in New York, more than 1,000 in Los Angeles, over 300 right here in Washington, DC—our Nation's Capital. We all know we have to deal with this problem in a variety of ways: more police, tougher laws, more certain punishment. But for goodness sake, one way to deal with it is also to impose a modest waiting period on the purchase of guns. We are not taking guns away from anyone. We are just saying that you have to wait for 7 days—1 week—before you get the gun. That does not seem like a very large sacrifice to make for a little safety.

I thank the Chair.

The truce official: but Slovenian official hours that the Yugoslav it by opening through barricade:

Mediators Fighting Struggling to prevent worsening, the European sent a high-level team Yugoslavia to try Government and Slovenia and Croatia gaining table. [Page]

Mr. Kucan announced meeting of the United Council to discuss to Zagreb, the Cro met with the three Community delegation first to Bel solution. The United plying pressure to "Stopping the violence for me," Mr. He said he was not cease-fire would be

Declarations of Independence

The conflict began declarations of independence of India and Croatia, chafed under Yugoslav dominated leaders looser form of communal multi-ethnic countries So far, the fighting forces has been all to Slovenia, whose tion of self-government than Croatia's.

Anxiety ran high as news of the Yugoslav warplane crash heard reports which had left about 100 or wounded. Slovenia repeatedly showed tanks and planes on Serbian targets, and by republic leader stand firm.

Yugoslav warplane crash to the newly tunnel on the border about 5 P.M. local time. Defense Minister Bombs also blasted and a television signal The republic's Ir Jelko Kacin, said t

Continued on Page 9, Column 1

Layoffs Bring the End of the Trail to a Park Patrol Team

Park Ranger Deborah Fetters saying goodbye to "Jack" in Central Park. New York City budget cuts, which eliminated her job and sent "Jack" to an adoptive home, cost 6,300 workers their jobs yesterday. Page 27.

Iraqi Shots Stop U.N.'s Inspectors; Bush and the U.N. Warn Baghdad

By PAUL LEWIS Special to The New York Times

UNITED NATIONS, June 28 — Iraqi soldiers defied United Nations inspectors today for the second time this week, firing warning shots over the inspectors' heads and again preventing them from investigating suspicious machinery the United States believes Iraq is using to make nuclear weapons, diplomats said.

The move caused concern in Washington, where President Bush said, "We can't allow this," and hinted at the use of force to make Iraq cooperate fully with the United Nations plan to destroy its weapons of mass destruction as part of the cease-fire agreement that ended the Persian Gulf War.

At about the same time, in Baghdad, the Iraqi Information Ministry said President Saddam Hussein had ordered all ministries to cooperate fully with the United Nations inspectors.

Tonight, the United Nations Security Council issued a unanimous statement ordering Iraq to hand over the equipment the United Nations inspectors want to examine "immediately." The Council sent a high-level team to Baghdad and warned that any further Iraqi resistance will have "serious consequences" for Baghdad.

The shooting incident occurred early this morning at the town of Fallujah, east of Baghdad, when United Nations inspectors, acting on a tip from American intelligence, tried to enter a military compound to examine a convoy of trucks parked there. They were refused admission and then chased off with gun shots as they sought to photograph the convoy's hurried departure.

United Nations officials and Western diplomats here say they believe the machinery on the trucks is the same that an earlier team sought to inspect when it unsuccessfully sought to enter an army barracks north of Baghdad on Sunday.

Bush 'Very Concerned'

"We're concerned about it, very concerned about it," Mr. Bush said in Washington, after he met with Secretary of State James A. Baker 3d, Defense Secretary Dick Cheney, Gen. Colin L. Powell, the Chairman of the Joint Chiefs of Staff, and Brent Scowcroft, the national security adviser.

"From the U.S. standpoint, we can't allow this brutal bully to go back on

Continued on Page 5, Column 4

SENATE APPROVES HANDGUN CONTROLS

67-to-32 Vote Puts Waiting Period in Anti-Crime Bill

By GWENIFILL Special to The New York Times

WASHINGTON, June 28 — In a victory for gun-control advocates, the Senate approved a compromise measure today that would create a five-day waiting period for handgun purchases and impose penalties on states that do not implement background checks within two and a half years to screen out felons.

The provision for a waiting period was approved after a week of floor debate and back-room jockeying in which the original proposal for a seven-day waiting period was reduced to a five days to pick up support for the bill. The action today clears the way for a vote on a complete anti-crime package after Congress returns from a Fourth of July recess.

The 67-to-32 vote virtually assures that a bill providing for a waiting period to buy handguns will be passed by Congress. The House has passed a similar measure. The Senate measure received one more vote than is needed to override a Presidential veto.

Nineteen Republicans joined 48 Democrats in approving the elaborate compromise crafted today by the Senate majority leader, George J. Mitchell, and the Senator minority leader, Bob Dole. Only eight Democrats voted against the measure, all of them from largely rural states.

Senator Dole said the White House should now seize the "opportunity to

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White House Memo

2 Personalities Poles At Center of Travel

By MAUREEN DOWD Special to The New York Times

WASHINGTON, June 28 — Picture a pair of wildly mismatched partners in a three-legged race at a picnic, and you will understand the awkward chemistry that now exists at the White House between John H. Sununu, the chief of staff, and Robert

times for poor financial arrangements, the chief of staff must year-old Mr. Gray political trips, as seen-ager begging

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List Is Short for Marshall Successor



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Senate, 67 to 32, Approves a 5-Day Wait for Handgun

Continued From Page 1

push for the Senate version" when negotiations with the House of Representatives begin.

In the past, President Bush has threatened to veto any waiting period measure that arrives on his desk, unless it is part of the anticrime package he sent to Congress.

A White House spokeswoman traveling with President Bush in Kennebunkport, Me., said the President had not seen the latest compromise language on the Brady bill and would have no comment. Judy Smith, the deputy press secretary, said the White House

has been "pleased with the major provisions" of the anticrime legislation with the exception of the Senate's rejection of an Administration proposal to relax the rule prohibiting items seized in searches conducted without a warrant to be admitted into evidence in state courts.

The Senate's version of the Brady bill, which is named for James S. Brady, the former press secretary who was critically wounded in the assassination attempt on President Ronald Reagan, is part of a crime package sponsored by the Democrats that would increase the number of felonies subject to the death penalty and limit prisoners' rights to win Federal review of state convictions.

Senate Vote on Delay in Handgun Sales

WASHINGTON, June 28 (AP) — Following is the 67-to-32 roll-call vote by which the Senate approved legislation today establishing a five-day waiting period for handgun purchases. A yes vote was a vote to approve the waiting period. Voting yes were 48 Democrats and 19 Republicans, voting no were 8 Democrats and 24 Republicans.

Alabama: Heflin (D) No; Shelby (D) No.
Alaska: Murkowski (R) No; Stevens (R) No.
Arizona: DeConcini (D) No; McCain (R) No.
Arkansas: Bumpers (D) Yes; Pryor (D) Not Voting.
California: Cranston (D) Yes; Seymour (R) Yes.
Colorado: Brown (R) No; Wirth (D) Yes.
Connecticut: Dodd (D) Yes; Lieberman (D) Yes.
Delaware: Biden (D) Yes; Roth (R) Yes.
Florida: Graham (D) Yes; Mack (R) No.
Georgia: Fowler (D) Yes; Nunn (D) Yes.
Hawaii: Akaka (D) Yes; Inouye (D) Yes.
Idaho: Craig (R) No; Symms (R) No.
Illinois: Dixon (D) Yes; Simon (D) Yes.
Indiana: Coats (R) Yes; Lugar (R) Yes.
Iowa: Grassley (R) No; Harkin (D) Yes.
Kansas: Dole (R) Yes; Kassebaum (R) Yes.
Kentucky: Ford (D) Yes; McConnell (R) No.
Louisiana: Breaux (D) No; Johnston (D) No.
Maine: Chien (R) Yes; Mitchell (D) Yes.
Maryland: Mikulski (D) Yes; Sarbanes (D) Yes.
Massachusetts: Kennedy (D) Yes; Kerry (D) Yes.
Michigan: Levin (D) Yes; Riegle (D) Yes.
Minnesota: Durenberger (R) Yes; Wellstone (D) Yes.
Mississippi: Cochran (R) No; Lott (R) No.

Missouri: Bond (R) No; Danforth (R) No.
Montana: Baucus (D) No; Burns (R) No.
Nebraska: Exon (D) Yes; Kerrey (D) Yes.
Nevada: Bryan (D) Yes; Reid (D) Yes.
New Hampshire: Rudman (R) Yes; Smith (R) No.
New Jersey: Bradley (D) Yes; Lautenberg (D) Yes.
New Mexico: Bingaman (D) Yes; Domenici (R) Yes.
New York: D'Amato (R) Yes; Moynihan (D) Yes.
North Carolina: Helms (R) No; Sanford (D) Yes.
North Dakota: Burdick (D) Yes; Conrad (D) Yes.
Ohio: Glenn (D) Yes; Metzenbaum (D) Yes.
Oklahoma: Boren (D) Yes; Nickles (R) No.
Oregon: Hatfield (R) Yes; Packwood (R) Yes.
Pennsylvania: Specter (R) No; Wofford (D) Yes.
Rhode Island: Chafee (R) Yes; Pell (D) Yes.
South Carolina: Hollings (D) No; Thurmond (R) Yes.
South Dakota: Daschle (D) Yes; Pressler (R) No.
Tennessee: Gore (D) Yes; Sasser (D) Yes.
Texas: Bentsen (D) Yes; Gramm (R) No.
Utah: Garn (R) No; Hatch (R) No.
Vermont: Jeffords (R) Yes; Leahy (D) No.
Virginia: Robb (D) Yes; Warner (R) Yes.
Washington: Adams (D) Yes; Gorton (R) Yes.
West Virginia: Byrd (D) Yes; Rockefeller (D) Yes.
Wisconsin: Kasten (R) Yes; Kohl (D) Yes.
Wyoming: Simpson (R) No; Wallop (R) No.

Mr. Brady and his wife, Sarah, who is chairwoman of the lobbying group Handgun Control Inc., joined Senate leaders after the vote to say they were gratified at the margin of victory.

'A Long Road'

"It's been a long road, and there were times when we never thought we'd get here," said Mrs. Brady. Mr. Brady has been forced to use a wheelchair since the 1981 assassination attempt.

If the Senate bill is passed, as is expected, after lawmakers return to Washington on July 8, it will then be sent to a joint House-Senate conference committee to resolve the differences in the two measures.

The House version of the Brady bill, which passed 239 to 186 on May 8, calls for a seven-day waiting period, does not require mandatory criminal background checks and lacks money for states to implement background check provisions on their own.

Senate leaders said today that their version, which would allot \$40 million to states to help them upgrade their systems, was a stronger measure that should satisfy any White House objections. If states do not have a system for checking criminal records within five years, they could lose half of their Federal law-enforcement funds. Once a state has an up-to-date record checking system in place, the waiting period requirement would be repealed for that state.

Today's vote was the latest in the series of serious setbacks for the onepowerful National Rifle Association, which had lobbied to weaken the waiting period provisions up until the last minutes before the vote. James J. Baker, the rifle association's legislative director, said he was unhappy with

the outcome but predicted the anticrime bill may yet have a tough time winning final passage.

"At this point, as far as were concerned, it's a gun bill and not a crime bill," Mr. Baker said.

Republican Opposition

Republican senators who opposed the waiting period provisions had threatened to delay final passage of the gun measures but were thwarted after the Senate rejected a Brady substitute early this morning. They also failed in a subsequent attempt to convince the Senate to write a proviso into the law that would allow the Federal waiting-period law to supersede state laws, many of which are stronger.

The other major gun control provision that remains in the overall crime bill would ban the manufacture of 14 types of semiautomatic weapons. That measure passed the Senate last year 50 to 49, but died in the House.

"It's a total victory for our side," said Senator Howard M. Metzenbaum, Democrat of Ohio and a sponsor of the Brady bill.

But others considered the loss a major new infringement of the public's right to bear arms. "It's the camel's nose under the tent, is what it is," said Senator Steve Symms, Republican of Idaho. Senator Phil Gramm, Republican of Texas, said the "gun control option is a phony option." Both voted against the compromise.

But the Republican opponents of the final compromise were outmaneuvered by those in their own camp. Senator Dole, whose right arm remains crippled from a World War II artillery wound, offered an emotional as well as political assessment of the outcome.

"When you've felt the sting of a gunshot wound, you can understand how



The Senate elaborate of Senator Steve Symms' criticism.

Jim Brady feels," Mr. Dole said after the vote.

Crime

Under the Senate's period, as 2 empty from allies for the Department of Justice in 1988 has been a national checks the

If the create a records within the

Blue Shield plans, do not pay benefits that lack F.D.A. approval. The national Blue Cross and Blue Shield Association currently is not paying for unapproved National Cancer Institute implants. "The bottom line for us is that the clinical trials for implants are covered by insurers," Chabner said.

is the source of vital pictures used to track hurricanes and other storms. Federal officials have said its failure would be a national emergency. The atmospheric agency's Geostationary Operational Environmental Satellites are the nation's main weather sentinals. Positioned in a 22,300-mile-high stationary orbit above the country, these craft provide the

These problems compounded troubles caused by previously known deficiencies in the other major instrument, a temperature-humidity sensor known as a sounder. "We knew there were continuing problems but we thought they were being solved," Dr. Knauss said in an interview. "These new problems were really quite unexpected.

low-altitude polar-orbiting satellites of the agency and the Defense Department, and possibly re-opening the production line of the old-generation of GOES satellites. Two subcommittees of the House Science, Space and Technology Committee announced today they would hold a hearing on the weather satellite problems on July 25.

have not recommended that they stop breastfeeding." Dr. James Benson, deputy director of the F.D.A., said in an interview today. Agency officials believe that the risk of having the implants removed is greater than the risk posed by the implants themselves. The implants will remain off the market pending the results of the new tests.

Approves a 5-Day Wait for Handgun Purchases

"pleased with the major exception of the Senate's re-Administration proposal the rule prohibiting items searches conducted without a be admitted into evidence in. date's version of the Brady is named for James S. former press secretary who ally wounded in the assassi-tempt on President Ronald is part of a crime package by the Democrats that ease the number of felonies the death penalty and limit rights to win Federal review convictions.

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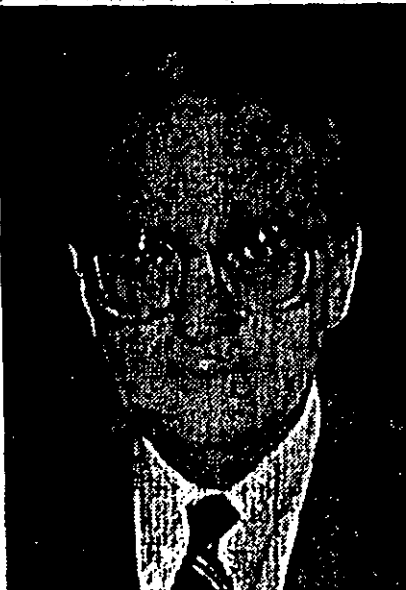
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"When you've felt the sting of a gunshot wound, you can understand how



George J. Mitchell, Senate majority leader.



Steve Symms, Senator from Idaho.

The Senate majority leader, George J. Mitchell, left, who helped craft an elaborate compromise crime bill which passed the Senate yesterday. Senator Steve Symms of Idaho, opposed the bill, considering it an infringement on the public's right to bear arms.

Handgun Sales

the 67-to-32 roll-call vote by publishing a five-day waiting vote to approve the waiting publicans. Voting no were 8

- nd (R) No; Danforth (R) No.
- ucus (D) No; Burns (R) No.
- on (D) Yes; Kerrey (D) Yes.
- an (D) Yes; Reid (D) Yes.
- ire; Rudman (R) Yes; Smith (R) No.
- Bradley (D) Yes; Lautenberg (D) Yes.
- ingaman (D) Yes; Domenici (R) Yes.
- Analao (R) Yes; Moynihan (D) Yes.
- na; Helms (R) No; Santford (D) Yes.
-); Burdick (D) Yes; Conrad (D) Yes.
- (D) Yes; Metzenbaum (D) Yes.
- aren (D) Yes; Nickles (R) No.
- ield (R) Yes; Packwood (R) Yes.
- re; Specter (R) No; Wofford (D) Yes.
- Chalco (R) Yes; Pell (D) Yes.
- na; Hollings (D) No; Thurmond (R) Yes.
- Daschle (D) Yes; Pressler (R) No.
- ure (D) Yes; Sasser (D) Yes.
- on (D) Yes; Gramm (R) No.
- on (R) No; Hatch (R) No.
- ords (R) Yes; Leahy (D) No.
- ib (D) Yes; Warner (R) Yes.
- ujams (D) Yes; Gorton (R) Yes.
- Byrd (D) Yes; Rockefeller (D) Yes.
- son (R) Yes; Kohl (D) Yes.
- mpson (R) No; Wallop (R) No.

Jim Brady feels, and how Sarah Brady feels," Mr. Dole said as he stood with the Bradys at a news conference held after the vote.

Criminal Background Checks

Under the provisions approved by the Senate, any state that has a waiting period, as 28 already have, would be exempt from the five-day delay. The penalties for noncompliance also apply to the Department of Justice, which since 1988 has been responsible for setting up a nationwide system of criminal checks that is not yet in place.

If the Attorney General failed to create a system including five years of records, that is 80 percent reliable within the two-and-a-half-year period

provided for in the Senate version. The Department would lose 5 percent of its general administrative funds every day until the system is in place.

Once Instituted, the Background Check Would Be Applied to the Sale of All Firearms, Not Just Handguns

"It is not a panacea for the violence in our cities and on our streets," said Senator Herbert Kohl, Democrat of Wisconsin, who was a sponsor of the compromise. "But it is nevertheless an effective way of keeping guns out of the hands of criminals and drug traffickers."

SUMMER IS FOR CHILDREN. GIVE TO THE FRESH AIR FUND.

BRADY BILL vs. "INSTANT" CHECK

It is expected that the Senate will be faced with a choice between two competing handgun purchase systems: the Brady Bill (S. 257/H.R. 7) which is endorsed by every major police organization in the country -- or a so-called "instant" telephone check system backed by the National Rifle Association.

NRA concedes background checks work.

The NRA touts the success of the Virginia system which stopped more than a thousand felons from getting guns last year. Of course, waiting periods catch even more felons in California, Illinois, Maryland and other states. So let's stop talking about whether background checks work -- both sides agree they do.

Accurate "instant" checks are currently impossible.

In order to perform instant checks, criminal history records can't be on paper -- they have to be entered into a central computer database. But, criminal records are not well-automated in 40 states, according to reports from the Office of Technology Assessment (OTA) and the Bureau of Justice Statistics (BJS).

As OTA reported: "Most states have only partially automated criminal history files. While ten states have fully automated files with computerized records for all offenders, eight states have fully-manual files. Most states fall somewhere between." OTA concluded: "Building the infrastructure necessary for automated POS [point-of-sale] firearms purchaser record checks will require a continued, strong federal and state resource commitment for the next 5 to 10 years." Similarly, the Attorney General admitted to the Senate Judiciary Committee on April 18, that: "The criminal justice records across the country are simply not in the kind of shape that would permit [the NRA proposal] to be instantly enacted."

In sum, it is just plain impossible to implement an accurate national instant check system quickly, as the NRA proposal requires. This kind of system is years away.

The Brady Bill can be implemented now.

The lack of computerized files does not prevent waiting periods from working. The Brady Bill gives police several days to check criminal records, enough time to consult either computerized or manual indexes and files.

In fact, waiting periods worked even before police began to computerize records. Maryland's 7-day waiting period has been stopping felons since 1966!

Local police will be able to implement the Brady Bill immediately.

(over)

N.R.A.
1976



**on
Firearms
Control**

NATIONAL RIFLE ASSOCIATION
4300 RHODE ISLAND AVE. N.W. WASHINGTON, D.C. 20016



There's no question about it. Anti-gun legislation can destroy target shooting, hunting, gun collecting and other forms of using and enjoying firearms. Congress, your state legislature, or your local law-making body can sharply restrict your ownership and use of firearms by registration, licensing, and other requirements.

This Fact Book explains the major factors involved in firearms legislation. Read it carefully! This information will help you consider proposed laws clearly and logically. It will enable you to arrive at an intelligent judgment.

You owe it to yourself and to future generations of Americans to understand what is involved in proposed gun controls. Your interest and your voice can make the difference between reasonable regulation and legislative strangulation.

1. Who proposes firearms legislation?

These proposals may come from Congressmen, state governors and legislators, the police, game departments, professional and civic organizations, persons who believe that guns cause crime, well-intentioned persons who feel danger from an armed citizenry, preservationists who would stop all hunting by regulating firearms, persons who "want to do something" about violence in the streets, and individuals who believe all firearms are designed only to kill and have no place in today's society, for any reason.

Generally, all these groups and individuals have good motives. But it often happens that those advocating the most stringent controls are least familiar with or have the least need for firearms.

2. Is there a constitutional safeguard for firearms owners?

The Second Amendment to the United States Constitution says: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." While NRA takes the firm stand that law-abiding Americans are constitutionally entitled to the legal ownership and use of firearms, the Second Amendment has not prevented firearms regulation on national and

state levels. Also, the few federal court decisions involving the Second Amendment have largely given the Amendment a collective, militia interpretation and have limited the application of the Amendment to the Federal Government.

The constitutions of 37 states also contain a guarantee of the right to keep and bear arms. Nevertheless, the courts have repeatedly held that firearms-control laws enacted under a state's "police power" are constitutional.

Because of judicial precedent, then, the constitutional argument is of limited practical utility.

3. How does NRA feel about permits to purchase or possess a firearm?

A system of permits for gun ownership often results in arbitrary decisions by the permit-issuing official. He actually determines who may buy or own a firearm. Even more basic, a permit to purchase or own a gun has never stopped firearms from reaching the hands of criminals, the mentally disturbed, or others who should not have guns. Such a permit does, by burdensome procedures and requirements, discourage firearms ownership by reputable, responsible citizens. The use of a firearm—not its ownership—is properly the subject of legislative control.

4. What about a license to carry a concealed firearm?

A target shooter, hunter, or collector should not have to take out a license to carry a concealed

firearm merely to transport his handgun for lawful sporting purposes. A person of good character and reputation wishing to carry a concealed firearm for legitimate self-protection should comply with reasonable conditions clearly set forth in the law. Upon fulfilling these conditions, the issuance of a license should be mandatory. This license should apply to the act of carrying the weapon, not to the firearm itself.

5. Where does NRA stand on firearms registration?

The strongest argument against registration is its utter futility in reducing armed crime. Registration advocates admit that criminals will not register their weapons and are not deterred from arming themselves. Isn't it obvious that a person willing to risk penalties for murder, burglary, assault, or robbery is hardly going to worry about the penalty for his unregistered gun?

A central registration list can hardly be considered a law-enforcement tool. After all, it only lists firearms owned by law-abiding citizens, not criminals. In addition, there is the danger the list could be stolen or published, thus alerting potential thieves to places from which firearms could be stolen.

The U.S. Congress and many state legislatures have gone on record as being opposed to the registration approach. Many law-enforcement groups have stated publicly their opposition to firearms registration. They state it is ineffective as a crime-fighting device and an unjustified burden on law-abiding citizens. The International Association of Chiefs of Police at its October

1971 meeting reported: "Police chiefs see no link between licensing and registration, and reduction in the crime rate. The main thrust needed is an end to leniency toward criminals in the courts."

Other arguments against registration include:

a. Since firearms used in crime are often stolen, registration could result in an innocent former owner of a gun being accused falsely.

b. Registration invites taxation, perhaps even prohibitive taxation, and increases the possibility of firearms prohibition or confiscation.

c. Compulsory registration means that a person's right to own a firearm would depend on the judgment or whim of the registering authority.

d. The high cost of administering a registration program can be justified only if it results in significant crime reduction. The record fails to show such a result.

e. Registration could create numerous "victimless" crimes by persons failing to comply with the requirements because of ignorance or unfamiliarity with the exact procedures.

6. What about a waiting period between purchase and delivery?

A waiting period could help in reducing crimes

of passion and in preventing people with criminal records or dangerous mental illness from acquiring guns. A waiting period should be clearly specified, fixed, and reasonable in time, after which the firearm should be delivered unless the purchaser is disqualified by the police. The burden of proof should be on the police. A waiting period should not be used as a means for requiring official permission to buy a gun.

7. What about existing federal firearms laws?

Several federal laws govern the manufacture, transportation, shipment, receipt, transfer, and possession of firearms in commerce. The principal federal statutes are:

a. The Gun Control Act of 1968 1—prohibits shipment, transfer, or receipt of firearms or ammunition in interstate or foreign commerce except between federal firearms licensees (in short, it stops mail-order sales of guns.); 2—stops import of firearms except by federal licensees and limits imports to sporting firearms; 3—licenses manufacturers, importers, dealers, and pawnbrokers handling firearms and ammunition; 4—prohibits receipt or possession of firearms by certain classes of people.

b. The National Firearms Act of 1934 (revised in 1968) taxes and registers fully automatic firearms, sawed-off rifles and shotguns, certain firearms oddities, and destructive devices.

c. Title VII of the Crime Control and Safe Streets Act of 1968 prohibits convicted felons, persons discharged from the Armed Forces under dishonorable conditions, mental incompetents, former citizens who have renounced their citizenship, and aliens illegally in the United

States from possessing or receiving firearms in commerce.

d. A statute enacted in 1927 prohibits mailing concealable firearms, with certain exceptions. (Postal regulations prohibit mailing ammunition.)

e. The Civil Disobedience Act of 1968 prohibits the use of, or instruction in firearms for civil disorders, or making or transporting of firearms for use in civil disturbances.

f. The Federal Aviation Act of 1958, as amended, prohibits the carrying of firearms aboard passenger aircraft, and the Mutual Security Act of 1954, as amended, authorizes the President, through the State Department, to regulate exportation of firearms.

8. What about state controls on firearms?

Under our system of government, states have "police power", i.e., the power to act for the health, safety, and general welfare of their inhabitants. This means states may control possession, use, sale, purchase, and carrying of firearms within their borders. All states have gun control statutes of some kind, and they range from lenient to prohibitive. There is no uniformity, and none is foreseen in the immediate future. Each state legislates to suit its own local needs.

9. What is the relationship of crime to firearms controls?

Firearms regulations are generally intended to help reduce or prevent armed crime and acci-

dents. However, studies by legislative committees; statements by law-enforcement groups; and research by criminologists, sociologists, and psychologists all indicate that violent crime is not significantly affected by accessibility of firearms.

Statistical studies show that crime rates do not differ greatly between states that have licensing requirements and states that do not. No conclusive evidence exists that restrictive controls hinder crime or that lack of controls increases crime.

Anti-firearms proponents frequently declare there is a causal relationship between firearms and crime. They cite partial or selected statistics to "prove" their point, and they deny the truthfulness of balanced evidence to the contrary as being "misleading," "self-serving," or "inaccurate."

The most complete public source of U.S. crime statistics is the F.B.I.'s annual Uniform Crime Reports. This publication states:

Since the factors which cause crime are many and vary from place to place, readers are cautioned against drawing conclusions from direct comparisons of crime figures between individual communities without considering the factors involved . . . Crime is a social problem and the concern of the entire community. The law-enforcement effort is limited to factors within its control.

There is mention of factors which affect crime . . . including size, composition, and stability of population; climate; education; recreation; religious characteristics; strength and standards of local police forces; policies of prosecuting offi-

cial and the courts; public attitude toward law-enforcement problems; and the efficiency of local enforcement agencies. There is no mention in this report of any impact firearms controls may have on crime.

An interesting and revealing foreign viewpoint on firearms controls and crime is that of Collin Greenwood, Superintendent, West Yorkshire Constabulary, England, in his book *Firearms Control*. He makes the point that in England and Wales "Half a century of strict controls on pistols has ended, perversely, with a far greater use of this class of weapon in crime than ever before . . . attempting to deal with the criminal use of firearms by placing more restrictions on legitimate users is not likely to achieve anything."

10. Where does NRA stand on handgun confiscation?

NRA believes that even if it were possible to confiscate the vast majority of handguns, this would not remove guns from the hands of criminals.

Confiscating handguns, in NRA opinion, would make law-abiding merchants, home owners, and others who obey the law easy victims of criminals who evade or disregard it.

Confiscation would create a lucrative black market for organized crime and a new source of income for criminals. Many persons possess firearms for self defense; confiscation would heighten, not lessen, their feelings of insecurity.

Confiscating an estimated 30 million handguns would be a huge financial burden to society and

risk a tremendous loss in individual freedom and privacy.

11. What is your best defense against undesirable legislation?

The best defense is always a good offense.

Positive action on behalf of firearms ownership includes informing the public and public officials on proper use and place of firearms in our society through education, safety training, and publishing factual information. This effort becomes more important as the media, legislators, and others demand more and more controls.

Some forms a good offense can take are letters to the editor, guest editorials, newspaper advertisements, and demands for equal time to answer editorials on TV and radio. You can participate in hearings before legislative committees, talk to local businessmen's clubs or church and school groups; contact your legislators; and make your viewpoint known to sponsors of anti-hunting and anti-firearms advertising.

Shooting clubs and other sportsmen's groups should publicize their activities—firearms safety courses, senior and junior marksmanship training, matches, conservation projects, and hunter safety programs. By publicizing these activities, inviting the public to participate in National Hunting and Fishing Day, and offering Sighting-In Days and other public services, sportsmen can prove their importance to the community.

The ultimate responsibility must rest on you and other individual sportsmen. If we are silent or indifferent to the threat of legislation proposed by persons with other interests, we cannot

blame those who make the laws. The thinking citizen must give his elected lawmakers active vocal support to help them understand the difference between responsible and repressive legislation.

12. What can you do?

Be on the alert for firearms controls proposals which may be introduced in Congress; in your state legislature; or in your county, city, or town. Then use this guide to work for sound, reasonable, firearms legislation. Here's what NRA suggests:

a. Obtain all available information on a proposal.

b. Give this information to other sportsmen; sportsmen's clubs; conservation groups; veterans, civic, and other organizations concerned with good legislation.

c. When you consider a proposed law, ask yourself:

★ Does it offer a sensible answer to a real problem?

★ What is its purpose, and is it reasonable and sound?

★ Is this law necessary or does it merely add to those technical restrictions which can trap an honest citizen into being an unintentional violator?

★ Will it safeguard your rights as an American

citizen to possess and use firearms for legitimate purposes?

★ Is it enforceable and workable?

★ Is it an attempt to accomplish by prohibition what could be better accomplished by education and training?

If the proposed legislation is good, support it. If a proposed law is useless, unneeded, or unenforceable, oppose it vigorously and intelligently. Your opinion—given briefly, unemotionally, and clearly—may be decisive in influencing your lawmaker's vote.

When you write to or speak with any lawmaker, don't worry about being a "polished" speaker or author. Here are the basic rules:

a. Be courteous and sincere.

b. Be specific: Identify the bill by number and sponsor and explain why you support it or oppose it.

c. Keep your letter or statement brief and pertinent.

d. Present valid facts and arguments.

e. Do not exaggerate.

f. Compliment your legislator when he takes a stand you approve.

NRA PLEDGE
 I hereby apply for membership in the National Rifle Association under the status indicated. I certify that I am a citizen of the United States, 18 years of age or older, that I am not a member of any organization which has as any part of its program the attempt to overthrow the government of the United States by force or violence, that I have never been convicted of a crime of violence and that I will fulfill the obligations of good citizenship and good government.

NATIONAL RIFLE ASSN. OF AMERICA ★ 1800 Rhode Island Ave., N.W., Wash., D.C. 20038

Your NRA Membership Invitation

Please enroll me as an NRA Member for the term I've indicated at right. Send me my membership credentials, including an NRA lapel emblem, so that I may enjoy all the benefits and services NRA offers.



9184F

 (Signature of Applicant)

Name _____

Address _____

City _____ State _____ Zip _____

 (Signature of Endorser)

Membership requires an endorsement as a good citizen. The endorser may be a present NRA member, a public official, or an officer of the U.S. Armed Forces.

- 1 Year at \$10.00
- 1 Year NRA-Affiliated Club at \$8.75
- 2 Years at \$19.00
- 3 Years at \$27.00
- 5 Years at \$42.50 (Save \$7.50)
- Payment Enclosed
- Bill Me

Enclose your payment now and save your Association billing costs and insure speedy processing of your credentials.

8881

Membership Invitation



Express enrollment as an NRA Member for the term I've indicated at right. Send me my membership credentials, including an NRA lapel emblem, so that I may enjoy all the benefits and services NRA offers.

9184F

(Signature of Applicant)

Name _____

Address _____

City _____

State _____

Zip _____

(Signature of Endorser)

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- Payment Enclosed
- Bill Me

Enclose your payment now and save your Association billing costs and insure speedy processing of your credentials.

8681



NRA SUPPORTS

Under its long established policy, the National Rifle Association supports laws that:

1. Prohibit firearms sales by dealers to persons under voting age.
2. Require adequate adult supervision for use of firearms by juveniles.
3. Require mandatory penalties for the possession of a firearm or facsimile in the commission of a crime.
4. Control the importation of all firearms and their component parts.
5. Prohibit possession of firearms by convicted felons, drug addicts, habitual drunkards, fugitives from justice, mental incompetents, and juvenile delinquents.
6. Control all machine guns and destructive devices.
7. Require licensing of manufacturers, importers, dealers and pawnbrokers, and their keeping of records.
8. Assure citizens of good repute the continuing right to own and use firearms for sport and self-defense.

Membership in the National Rifle Association under the status indicated. I certify that I am a citizen of the United States, 18 years of age or older; that I am not a member of any organization which has as any part of its program the attempt to overthrow the Government of the United States by force or violence; that I have never been convicted of a crime of violence; and that, if admitted to membership, I will fulfill the obligations of good sportsmanship and good citizenship.

Senate Rejects Instant Checks on Handgun Buyers

By Helen Dewar
Washington Post Staff Writer

The Senate early today signaled its intention to approve a seven-day waiting period for handgun purchases as it rejected an alternative backed by the gun lobby that called for instant, computerized checks to screen out felons.

The alternative was defeated, 54 to 44, as the Senate struggled to clear the way for passage of an omnibus anti-crime bill before it adjourns this weekend for the Fourth of July recess.

Although both sides characterized the vote as the key test for the waiting-period proposal in the Senate, the intense battle over it is not necessarily over. Senate leaders laid the groundwork for a cloture vote Saturday, if necessary, to break a filibuster if one is launched by foes of the seven-day wait. Compromise remains a possibility, especially if there is a filibuster and it is impossible to muster the 60 votes needed to break it.

But the vote margin was wider than expected, making any last-ditch attempt to overturn it more difficult.

The vote was largely but not entirely along party lines, with most Democrats voting for it and most Republicans opposed. Nine Democrats, mostly from southern and western states, voted for the alternative, while eight Republicans, mostly moderates, voted against it.

All Washington-area senators voted against the alternative.

The showdown came after several days of talks between groups led by Majority Leader George J. Mitchell (D-Maine) and Minority Leader Robert J. Dole (R-Kan.) aimed at reaching a compromise on the contentious gun-control issue.

The pending anti-crime bill included a weeklong waiting period similar to the House-passed "Brady bill," named for former White House press secretary James S. Brady, who was seriously wounded by gunfire in an assassination attempt on former President Ronald Reagan in 1981.

As revised by Mitchell, it also calls for background checks during the waiting period and authorizes \$40 million to help states computerize their criminal records and link them into a national checking system.

The alternative, introduced by Sen. Ted Stevens (R-Alaska), called for phasing in mandatory instant background checks over two years. States that failed to comply would have lost federal law enforcement assistance funds.

It would have provided \$100 million to help states create the computerized system.

The Stevens proposal was similar in some respects to an alternative, backed by the National Rifle Association, that the House rejected in favor of the "Brady bill" last month.

"We have a right to have guns," declared Stevens, who contended

that the Brady provisions would "set the next stage" for more severe control of guns.

Taking issue with Stevens, Sen. Howard M. Metzenbaum (D-Ohio) said the system for instant checks would not work as Stevens outlined and contended that his proposal was "nothing more than a sham to make the American people think we are doing something about guns in this country."

Sen. Herbert H. Kohl (D-Wis.), a cosponsor of the waiting period proposal, argued that the national computerized system cannot be achieved within two years. Moreover, a waiting period gives time not only to check criminal records but also a cooling-off period for people tempted to violence by passions of the moment.

But Sen. Phil Gramm (R-Tex.) argued that waiting periods have not worked in jurisdictions where they have been tried, such as the District of Columbia. Stevens contended that gun-related violence is more prevalent in states with waiting periods than in those without them.

Winding up the debate, Mitchell said everyone in the Senate knew "it's just not feasible" to create an instant-check system in 24 months and added: "This [Stevens] amendment is obviously just an effort to get around a waiting period."

Stevens's alternative also proposed a variety of stiffer sentences for gun-related crimes, although

foes contended they duplicated sentences already prescribed in the crime bill. Mitchell contended it went so far as to propose mandatory life sentences for criminals for whom the Senate had already prescribed the death penalty.

Before taking up the Stevens proposal, the Senate dropped four other minor gun-control provisions, including those that would ban 15-round ammunition-feeding devices and allow pretrial detention for violators of firearms and explosives laws.

Earlier in the day, the Senate attempted to get at gun violence in a different way by approving, 88 to 11, mandatory prison sentences for criminals who fire or carry guns during a crime of violence, in effect making gun-related crime a federal offense.

The mandatory sentences, as proposed by Sen. Alfonse M. D'Amato (R-N.Y.), included 10 years for using or possessing a firearm during a violent crime, 20 years for firing a gun with intent to injure someone and 30 years for illegal possession of a machine gun or gun equipped with a silencer.

The sentences would be increased substantially for a second offense.

"These amendments are intended to address the real problem with guns and crime: our criminal justice system has completely failed to bring gun violence under control because gun-crime sentences are absurdly low," D'Amato said.

appropriate." The practice "GSA people to help with codes and security services occurred since the beginning administration Members of the Cabinet do it. It is a common practice."

Fitzwater yesterday said Sununu's relationship with the Irish community "has not been an issue" but an administration official said Sununu had been "advancing" he needed to stamp this out personally.

The issue arose after Sununu had told associates "those who don't like my even-handedness [in Middle East policy], the Jewish group among those working against me or egging on those working against me." Sununu has singled out White House aides, Republicans and the liberal press as groups aligned against him.

In a column yesterday in the New York Times, William Safire accused Sununu of descending "into the mire of bigotry." The column

6/28/91

POLITICS

All Elections in 1988 Cost \$27 Billion, Author Reports

Alexander and Bauer conclude that in the 1988 general election for president more money was spent on behalf of the Democratic

Attorney General Dick Thornburgh, who hopes to run as the Republican candidate, and Sen. Harris Wofford, the Democratic opposi-

EXTRA

ADDITIONAL

SUMMER EDITION
ALL ALREADY

SPORTSWEAR
For Misses

Abroad at Home

ANTHONY LEWIS

E Pluribus Unum

Since the Supreme Court in the 1930's first tried to cripple and then affirm the Federal Government's far-reaching power over interstate commerce, constitutional scholars have mostly assumed that Federal primacy was a settled issue in our political system. Not so, as the Court's current term shows.

In terms of power, the most important case before the Justices now is not the claim of a constitutional right

An attack on the Brady law — and federalism.

to physician-assisted suicide, profound though that is in human terms. It is not Paula Jones's lawsuit against President Clinton, despite the prurient interest that it arouses (and that the Court will not satisfy). It is the challenge to the Brady handgun control law.

The immediate question is whether state and local officials — sheriffs, police chiefs — can be required by Federal law to carry out background checks on purchases of handguns. But there are larger implications for American federalism and where today's Supreme Court is taking it.

Two years ago the Court shattered assumptions when it held, in the Lopez case, that a Federal law making it a crime to have an unlicensed gun in a school zone was unconstitutional. Incompetent Congressional draftsmen had failed to specify that the gun must involve interstate commerce, and for the first time in half a century the Court found that Congress had gone beyond Federal commerce power.

Last year Congress moved to overcome the Lopez decision. It re-enacted the law against guns in school zones, this time tying it explicitly to interstate commerce and other national interests.

The new law begins with a lengthy recitation of Congressional findings — that guns and ammunition move in interstate commerce, that crime is a pervasive national problem, that interstate travel is inhibited by fear of crime and so on. The elaborate findings read like something New Deal lawyers might have produced to overcome the resistance of the conservative Justices known then as the Four Horsemen. That in itself is a sign of how an earlier day's legal concerns have re-emerged.

Suits challenging the Brady law, financed in good part by the National Rifle Association, have not attacked Congress's right to act under its commerce power. They assert, rather, that the Federal Government may not "commandeer" state and local processes to serve a Federal function. To do so, they argue, violates the 10th Amendment, which says that powers not delegated to the Federal Government by the Constitution remain with the states or people.

The word "commandeer," taken from another recent Supreme Court decision, sounds unfair and dictatorial. But in fact all kinds of Federal laws direct state and local officials to help in enforcement. State agencies are required to withhold Federal income and Social Security taxes from their employees, for example. Last year's immigration law requires states to confirm the lawful immigration status of any person given medical services if the state wants a Federal reimbursement.

The groups attacking the Brady law say the other examples of federally mandated actions by state and local officials are different because the laws involved were passed under Congress's broad power to tax and spend for national purposes. Congress can always condition spending — reimbursement of state health or welfare costs, for instance — on compliance with Federal rules.

But that argument seems to me to reflect an empty formalism. It is the kind of formalism that we thought the Supreme Court had abandoned after its failed effort to stop national emergency measures against the Great Depression in the 1930's.

After all, Article I of the Constitution says that Congress may make all laws "necessary and proper" to carry its powers into execution. If the end of regulating handguns under the Commerce Clause is legitimate, surely the means of enlisting local officers to help carry it out (at no expense to them, incidentally) is necessary and proper.

The real truth is that some people do not think the end of handgun control is legitimate. The N.R.A. and the sheriffs who have sued to block the Brady law calculated that they would not win a challenge under the Commerce Clause, so they used the 10th Amendment. It is just another way for them to try to win their policy argument. Politics is what this is all about, in other words. All the more reason for the Supreme Court to beware of writing the Brady act challenge into our fundamental law. □

FACT SHEET

IR LEGISLATIVE ACTION

RESEARCH & INFORMATION

September 24, 1996

The "Brady Handgun Violence Prevention Act" Does It Live Up To Its Name?

By what standard should the Brady Act be judged? President Clinton and the anti-firearm lobby judge the law a resounding success, claiming only that its 5-day waiting period disapproves tens of thousands of retail handgun purchase applications. The law's name suggests a different objective, however: the "prevention" of "handgun violence." For many reasons, neither the federal 5-day waiting period scheme, nor the denials that occur under the law, accomplish that objective.

Brady's "5-day wait" does not prevent criminals from obtaining handguns

- After studying the Brady Act for Congress, the General Accounting Office reported that "Brady may not directly result in measurable reductions of gun-related crimes." GAO also noted that during the first 17 months of the Brady Act, only seven individuals were convicted of illegal attempts to buy handguns under the law. Of the seven, three were sentenced to 12-24 months prison or custody, while the other four were placed on probation. Of 250 cases referred during Brady's first year, 217 were rejected for prosecution. (*Implementation of the Brady Handgun Violence Prevention Act, Report to the Committee on the Judiciary, U.S. Senate, and the Committee on the Judiciary, U.S. House of Representatives, GAO/GGD-96-22 Gun Control, January 1996, p. 8*) By comparison, the Virginia State Police report that between Nov. 1989 and June 1996 the state's Instant Check system -- which conducts records checks in minutes -- facilitated the arrest of 2,479 individuals, including 304 wanted persons.

- In their new study of the Brady Act, New York University professors James B. Jacobs and Kimberley A. Potter conclude that "It is hard to see the Brady law, heralded by many politicians, the media, and Handgun Control, Inc. as an important step toward keeping handguns out of the hands of dangerous and irresponsible persons, as anything more than a sop to the widespread fear of crime.... There is little reason to accept the claim that Brady is preventing 40,000 dangerous and irresponsible persons per year from obtaining handguns." (*Keeping Guns Out Of The 'Wrong' Hands: The Brady Law And The Limits Of Regulation, The Journal of Criminal Law and Criminology, Northwestern University School of Law, Vol. 86, No. 1, Fall 1995*)

- A study by the Bureau of Alcohol, Tobacco and Firearms found that only 7% of armed career criminals obtain firearms from licensed gun shops. (*Protecting America: The Effectiveness of the Federal Armed Career Criminal Statute, 1992, p. 28*) A study for the Department of Justice found that only 7% of "handgun predators" obtain firearms from licensed gun shops. (*Armed and Considered Dangerous: A Study of Felons and Their Firearms, James D. Wright and Peter H. Rossi, 1986, p. 187*)

- A National Association of Chiefs of Police poll released in May found that 85% of police chiefs believe that the Brady Act has not stopped criminals from obtaining handguns from illegal sources.

- Handgun Control, Inc., even admits that the 5-day wait "does not cut off to prohibited purchasers all avenues to handguns." (*Denying Handguns To Prohibited Purchasers: Quantifying The Impact Of The Brady Law, Douglas Weil, HCI's Center to Prevent Handgun Violence, August 26, 1996*)

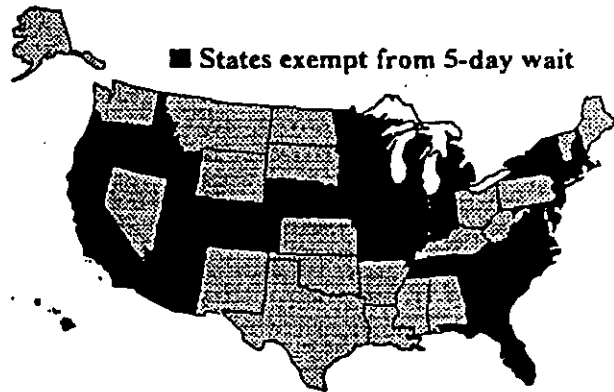
NA
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Jim
Saylor
9 pages

From the beginning, the Brady Act has made no attempt to prevent "handgun violence" in many high-crime states and cities

- Under the Brady Act, any state with a law requiring that, before a retail handgun sale, law enforcement officials conduct records checks to verify that the purchaser is eligible under the law to possess a handgun, is exempt from the 5-day wait.

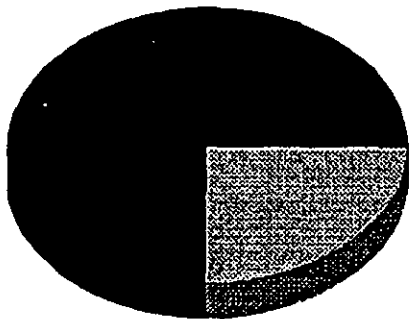
- When President Clinton signed the Brady Act into law, 18 states and D.C. were automatically exempt. (BATF) Since the law took effect Feb. 28, 1994, 10 other states have become exempt by adopting Instant Check systems or modifying existing purchase permit laws.

- Today, only 22 states are subject to Brady's 5-day wait -- states where less than 1/3 the U.S. population lives. Twenty-eight states and D.C., accounting for 2/3 of the U.S. population, are exempt.



The 28 states (& D.C.) that Brady makes no attempt to affect account for 75% of violent crimes

Violent Crimes, 1994



■ Crimes in Brady-exempt states
Crime data: FBI UCR

- California has more murders and other violent crimes than any state -- 16% of murders and 17% of violent crimes in the U.S. California has three times the wait (15 days, versus Brady's 5-day wait) but its murder and violent crime rates are 38% and 50% higher, respectively, than the rates for the rest of the country. (FBI)

- New York has the second greatest number of murders and other violent crimes. New York City has more murders and other violent crimes than any city -- more than the combined total of 15 of the 22 states subject to Brady's 5-day wait. (FBI)

- Illinois (exempt because of its firearm licensing and waiting period procedure) ranks 4th in

murders and 5th in total violent crimes, among the states. Chicago, which prohibited handgun sales in 1982, has the second greatest number of murders and other violent crimes among U.S. cities. (FBI)

- Together, California and New York account for more violent crimes than all 22 states that are subject to Brady's 5-day wait. California, N.Y. and Illinois account for more murders. (FBI)

- Washington, D.C., (exempt because of its 1977 handgun ban) has the greatest per capita number of murders and violent crimes of any major U.S. city. (FBI)

- Just 10 of the many cities that are exempt from the Brady Act's 5-day waiting period accounted for 23% of the nation's murders in 1994 -- N.Y.C. (1,561), Chicago (928), L.A. (845), Detroit (541), D.C. (399), Baltimore (321), St. Louis (248), Phoenix (231), Atlanta (191) and Richmond, Va. (160). Six of the 10 cities with the most murders in 1994 (N.Y.C., Chicago, L.A., Detroit, D.C., and Baltimore), and 18 of the 28 cities with 100 or more murders, are exempt from Brady's 5-day waiting period. (FBI)

- States affected by the Brady Act include historically low-crime states, such as North Dakota, South Dakota, Montana, Wyoming, Alaska, West Virginia, Rhode Island, Maine and Vermont. (FBI)

The Clinton Administration is not complying with the Brady Act

• President Clinton claims "credit" for the Brady Act, but refuses to comply with the law's requirements concerning the establishment of a nationwide Instant Check. The Administration has rejected Freedom of Information Act requests for information on any actions taken by the Administration in this regard.

During Brady's first year, states under the 5-day wait had worse violent crime trends

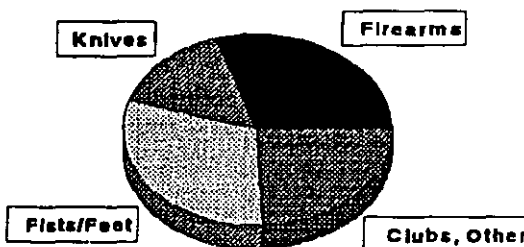
• Violent crime has declined nationwide during the 1990s, but in the Brady Act's first year it declined less overall in states subject to the law's 5-day waiting period. (Data: FBI)

7 of every 10 violent crimes are not committed with firearms of any sort

• Thirty percent of homicides, 90% of rapes, 59% of robberies, and 76% of aggravated assaults are committed with weapons that are not handguns or other firearms. Approximately 10,000 murders are committed each year with weapons other than handguns, most with weapons other than firearms. (FBI)

• Even if the Brady Act were in effect in the parts of the country where most crimes occur, and perfectly effective at preventing criminals in those states from obtaining handguns, and even if those criminals were not able to commit their crimes with weapons other than handguns, the Brady Act would be irrelevant to most violent crimes, including thousands of homicides.

Violent Crime Weapons



Most who apply to buy handguns under the Brady Act are law-abiding citizens

• The General Accounting Office studied handgun purchase applications processed during the Brady Act's first year and found that 95.2% of applicants were approved without a hitch. Of the applications that were denied, nearly half were due to administrative problems with the application forms or traffic tickets. ("Implementation of the Brady Handgun Violence Prevention Act," Report to the Committee on the Judiciary, U.S. Senate, and the Committee on the Judiciary, U.S. House of Representatives, GAO/GGI-96-22 Gun Control, January 1996, pp. 64-66)

• Law-abiding citizens are often denied as "criminals" because their names or other identifying information are similar to those of criminals, triggering "false hits" during records checks. GAO noted that denials reported by BATF in its one-year study of the Brady Act, "do not reflect the fact that some of the initially denied applications were subsequently approved, following administrative or other appeal procedures." (GAO, p. 30) Professors James Jacobs and Kimberley Potter have concluded "it is possible that the many people found to be ineligible to purchase handguns were misidentified because they had the same name as a person who is ineligible." (Jacobs, Potter, p. 103, emphasis in the original)

• GAO found that "Only 4 of the 15 jurisdictions (studied) had sufficiently detailed records to permit GAO to quantify denials based on violent crimes." GAO found that denials of applicants who had been convicted of or indicted for aggravated assault, murder, rape, or robbery totaled 371 and represented 0.2 percent of the applications and 4.9 percent of the denials in these jurisdictions." (GAO, p. 6)

More About The Brady Act

The Brady Act, originally named for anti-gun lobbyist Sarah Brady,¹ was approved by Congress in Nov. 1993, signed into law by President Clinton later that month, and took effect Feb. 28, 1994. The Act requires, in some states, with some exceptions, a waiting period of five state government business days from the time a person applies to purchase a handgun from a federal firearm licensee² (FFL) and the time the handgun is transferred to the purchaser. During the 5-day wait, the chief law enforcement officer (CLEO, a sheriff or police chief)³ in the buyer's area "shall make a reasonable effort" to determine if the buyer is prohibited from possessing a handgun.⁴ The CLEO may approve the sale before five days, if the records check has been completed or if he believes the purchaser needs a handgun to protect himself or a member of his household.⁵

Under the provisions of the Brady Act, states with laws requiring that, before an FFL sells a handgun, law enforcement authorities verify that the purchaser is not prohibited by law from possessing a handgun, are exempt from the federal waiting period.⁶ Eighteen states and the District of Columbia were exempt from the 5-day waiting period before the law took effect. Since the law took effect, 10 additional states established Instant Check systems or modified existing permit-type laws, exempting them from the federal waiting period.⁷ Today, only 22 states remain subject to the federal 5-day waiting period.⁸

¹ The media incorrectly report that the law is named for Jim Brady. However, in announcing that the bill would be introduced in Congress in 1987, HCI claimed that it "will be known as the 'Sarah Brady Bill' (HCI's "Washington Report," Spring 1987). In a promotional pamphlet, HCI noted that it was "known as the 'Brady Bill' for Sarah Brady." Later, HCI claimed it was named for both Sarah and Jim Brady, and later still for Jim Brady alone.

² Generally, a federally licensed firearm dealer, manufacturer or importer.

³ In some states, state law enforcement authorities serve as CLEO for Brady Act transaction purposes.

⁴ Under the federal Gun Control Act (1968), persons convicted of crimes punishable by more than a year in prison, fugitives, unlawful drug users and addicts, adjudicated mental incompetents and persons who have been committed to mental institutions, illegal aliens, persons dishonorably discharged from the Armed Forces, persons who have renounced U.S. citizenship and (since 1994) persons under certain restraining orders are prohibited from possessing firearms. Licensed firearm dealers are prohibited from transferring handguns to persons under age 21; rifles and shotguns to persons under age 18. Since 1994, non-licensees have been prohibited from transferring handguns to persons under age 18, and persons under age 18 have been prohibited from possessing handguns, with exceptions.

⁵ The federal waiting period does not apply to an individual with a valid license or permit to possess or acquire a handgun, if the license or permit was issued after a criminal records check, and issued not more than five years earlier by the state in which the handgun sale is to occur. In Alaska, Mississippi, Montana, North Dakota, Pennsylvania and South Dakota, an individual with a valid license or permit to carry a concealed firearm, issued not more than five years previous to the sale of the handgun, is exempt from the federal waiting period.

⁶ Title 18, §922(s)(1)(C)(ii), USC. States with waiting periods, but no law enforcement verification, are subject to the federal waiting period. (Alabama, Pennsylvania, Rhode Island, South Dakota and Washington.)

⁷ Of the 10 newcomer states, Arizona, Colorado, Georgia, Idaho, New Hampshire, Oregon, South Carolina and Utah have operational systems. Nebraska and Pennsylvania will have operational systems soon. Nevada does not use its Instant Check capability. Under Instant Check, immediately prior to selling a firearm an FFL contacts state law enforcement authorities via a "1-800" number, provides information identifying the prospective firearm purchaser, and the information is compared to criminal and other records available through statewide and national computerized databases. If the prospective purchaser is not found to have a record prohibiting him from possessing firearms, the sale is approved. Usually, the procedure takes only a few minutes, permitting a respectable citizen to exercise his right to arms without arbitrary delay, an especially important matter in any case where a firearm is acutely needed for protection.

⁸ The Bureau of Alcohol, Tobacco and Firearms does not consider Arizona and South Carolina exempt from the federal waiting period. Nevertheless, both states use Instant Check rather than the waiting period.

Table 1

States subject to and exempt from the Brady Act's 5-day waiting period

Always Subject		Once Subject, Now Exempt	Always Exempt	
Alabama	North Dakota	Arizona--IC	California--WP	Michigan--P
Alaska	Ohio	Colorado--IC	Connecticut--WP	Missouri--P
Arkansas	Oklahoma	Georgia--IC	Delaware--IC	Nebraska--P
Kansas	Pennsylvania	Idaho--IC	D.C.--Handgun ban	New Jersey--P, L
Kentucky	Rhode Island	Minnesota--WP, P	Florida--WP, IC	New York--L
Louisiana	South Dakota	New Hampshire--IC	Hawaii--WP, P	Oregon--IC
Maine	Texas	North Carolina--P	Illinois--WP, L, IC	Virginia--IC
Mississippi	Vermont	South Carolina--IC	Indiana--WP	Wisconsin--WP, IC
Montana	Washington	Tennessee--WP	Iowa--P	
Nevada	West Virginia	Utah--IC	Maryland--WP	
New Mexico	Wyoming		Massachusetts--P, L	

WP = Waiting period, P = Permit to purchase, L = License to own/purchase, IC = Instant Check

The failure of waiting periods was well established *before* the Brady Act was passed

Before Congress passed and President Clinton signed the Brady bill, laws delaying the purchase of handguns were known to have no effect on violent crime. During 1992, the most recent year for which crime data were available to Congress and the president in Nov. 1993, California's murder and total violent crime rates were 44% and 58% higher, respectively, than the rates for the rest of the country, despite a 15-day waiting period on sales of all firearms, (Brady is a 5-day wait on handguns purchased from licensed retail dealers). Anti-gun researcher David McDowell had concluded that "waiting periods have no influence on either gun homicides or gun suicides."⁹ Even HCI Chair Sarah Brady had said that a waiting period "is not a panacea. It is not going to stop crimes of passion or drug-related crime."¹⁰

During 1992, 24 states and the District of Columbia had laws delaying the purchase of handguns, some for much longer than the five days later imposed by the Brady Act.¹¹ As Table 2 shows, these states and D.C. had much higher overall violent crime rates in 1992, compared to states that did not delay the purchase of handguns.

⁹ "Preventative Effects of Firearm Regulations on Injury Mortality," prepared for presentation to the annual meeting of the American Society of Criminology, 1993

¹⁰ The Washingtonian, March 1991

¹¹ The licensing systems of New York, New Jersey, Massachusetts and Illinois typically postpone purchases more than a month. California and Tennessee have 15-day waiting periods; Oregon had a 15-day wait (replaced in 1995 with an Instant Check system). Washington, D.C., and Chicago prohibit handgun purchases. New York City has its own licensing system, on top of the state requirement. Connecticut (waiting period) and Hawaii (permit) delay handgun purchases for 14 days; Indiana, Maryland, Minnesota, Missouri and Rhode Island for seven days; Washington for five days, Florida for three days; Alabama, South Dakota and Wisconsin for two days.

Table 2
Violent crime rates (crimes per 100,000 residents), 1992
States delaying the purchase of handguns and those not delaying
Data: FBI Uniform Crime Reports

	Violent Crime	Homicide	Robbery	Aggy. Assault		Violent Crime	Homicide	Robbery	Aggy. Assault
U.S.	757.5	9.3	263.6	441.8					
States delaying the purchase of handguns					States not delaying the purchase of handguns				
Alabama	871.7	11.0	164.9	654.6	Alaska	660.5	7.5	109.0	445.3
California	1119.7	12.7	424.1	641.6	Arizona	670.8	8.1	153.1	466.6
Connecticut	495.3	5.1	210.9	252.5	Arkansas	576.5	10.8	125.5	399.0
D.C.	2832.8	75.2	1266.4	1454.7	Colorado	578.8	6.2	120.5	404.9
Florida	1207.2	9.0	366.9	777.2	Delaware	621.2	4.6	151.2	379.5
Hawaii	258.4	3.6	99.2	117.7	Georgia	733.2	11.0	249.8	427.1
Illinois	977.3	11.4	412.5	516.4	Idaho	281.4	3.5	21.5	224.7
Indiana	508.3	8.0	122.2	335.7	Kansas	510.8	6.0	129.9	333.7
Iowa	278.0	1.6	39.6	218.0	Kentucky	535.5	5.8	87.2	410.4
Maryland	1000.1	12.1	429.0	512.6	Louisiana	984.6	17.4	271.4	653.4
Massachusetts	779.0	3.6	184.4	555.0	Maine	130.9	1.7	23.3	82.0
Michigan	770.1	9.9	221.5	458.6	Mississippi	411.7	12.2	124.5	230.4
Minnesota	338.0	3.3	109.5	184.1	Montana	169.9	2.9	26.9	114.6
Missouri	740.4	10.5	226.9	466.5	Nevada	696.8	10.9	331.3	291.8
Nebraska	348.6	4.2	56.7	256.2	New Hamp.	125.7	1.6	33.0	52.9
New Jersey	625.8	5.1	285.2	304.8	New Mexico	934.9	8.9	139.3	724.1
New York	1122.1	13.2	596.9	483.5	North Dakota	83.3	1.9	7.9	50.3
North Carolina	681.0	10.6	186.8	447.7	Ohio	525.9	6.6	199.0	268.2
Oregon	510.2	4.7	151.4	301.1	Oklahoma	622.8	6.5	136.2	431.6
Pennsylvania	427.0	6.2	180.7	212.4	South Carolina	944.5	10.4	170.6	706.0
Rhode Island	394.5	3.6	94.5	265.5	Texas	806.3	12.7	252.5	487.7
South Dakota	194.5	0.6	16.9	125.3	Utah	290.5	3.0	55.9	186.2
Tennessee	746.2	10.4	218.2	470.3	Vermont	109.5	2.1	8.9	73.5
Washington	534.5	5.0	139.8	317.8	Virginia	374.9	8.8	137.8	196.8
Wisconsin	275.7	4.4	119.8	125.3	West Virginia	211.5	6.3	43.5	140.0
Wyoming					Wyoming	319.5	3.6	18.0	262.9
Group total	828.6	9.4	308.4	469.7	Group total	615.7	9.1	174.3	386.2
Percent higher than non-delay states	34.6%	3.7%	76.9%	21.6%					

In signing the Brady Act, President Clinton only pretended that he was tough on crime

When President Clinton signed the Brady bill into law, he knew it would have no effect on parts of the country where most violent crimes occur. The 18 states and Washington, D.C., which were automatically exempt from the Brady Act's 5-day waiting period, together accounted for 63% of all violent crimes, including 58% of murders, in the United States, as shown in Table 3.¹² The 32 states upon which the Brady Act imposed its 5-day waiting period -- predominantly states with less "gun control"¹³ -- accounted for only 37% of violent crimes, including 42% of murders.¹⁴ In essence President Clinton's signing of the Brady bill amounted to an arrogant exercise of federal power, forcing mostly low-crime states, that had previously chosen not to impose laws delaying handgun purchases, to live under a national "gun control" scheme common to high-crime states.

¹² Sixteen of the 18 states had restrictive waiting periods, purchase permits and/or licensing schemes, and D.C. had a handgun ban. Delaware and Virginia were exempt because of unrestrictive Instant Check systems.

¹³ Of the 32 states, 24 had no laws delaying handgun purchases; eight had waiting periods or permit procedures ranging from two days to two weeks.

¹⁴ Twenty-four of the 32 states did not have their own laws delaying handgun purchases; eight states did, but did not meet Brady's requirement: law enforcement approval and a records check.

**Table 3 -- Violent crimes and murders, numbers and percentages of U.S. totals (FBI UCR, 1992)
18 States and District of Columbia, exempt from the 5-day wait even before the law took effect**

State	Number of violent crimes	Percent of U.S. total	Violent crime rate	Number of homicides	Percent of U.S. total	Homicide rate
U.S.	1,932,274	100%	757.7	23,760	100%	9.3
California--WP	345,624	18%	1119.7	3,921	17%	12.7
New York--L	203,311	11%	1122.1	2,397	10%	13.2
Florida--WP, IC	162,827	8%	1207.2	1,208	5%	9.0
Illinois--WP, L	113,664	6%	977.3	1,322	6%	11.4
Michigan--P	72,672	4%	770.1	938	4%	9.9
Maryland--WP	49,085	3%	1000.1	596	3%	12.1
New Jersey--P, L	48,745	3%	625.8	397	2%	5.1
Massachusetts--P, L	46,727	2%	779.0	214	1%	3.6
Missouri--P	38,448	2%	740.4	547	2%	10.5
Indiana--WP	28,781	2%	508.5	454	2%	8.0
Virginia--IC	23,907	1%	374.9	564	2%	8.8
D.C.--Ban	16,685	1%	2832.8	443	2%	75.2
Connecticut--WP	16,252	1%	495.3	166	1%	5.1
Oregon--WP	15,189	1%	510.2	139	1%	4.7
Wisconsin--WP	13,806	1%	275.7	218	1%	4.4
Iowa--P	7,816	0%	278.0	44	0%	1.6
Nebraska--P	5,598	0%	348.6	68	0%	4.2
Delaware--IC	4,280	0%	621.2	32	0%	4.6
Hawaii--WP, P	2,998	0%	258.4	42	0%	3.6
Total	1,216,415	63%		13,710	58%	

Today, the Brady Act has no effect on 28 states and D.C., accounting for 75% of violent crimes (70% of homicides, 68% of rapes, 78% of robberies and 74% of aggravated assaults).

**Table 4 -- Violent crimes and murders, numbers and percentages of U.S. totals (FBI UCR, 1994)
28 States and District of Columbia, currently exempt from the Brady Act's 5-day waiting period**

State	Number of violent crimes	Percent of U.S. total	Violent crime rate	Number of homicides	Percent of U.S. total	Homicide rate
U.S.	1,864,168	100%	716.0	23,305	100%	9.0
California	318,395	17%	1013.0	3,703	16%	11.8
New York	175,433	9%	965.6	2,016	9%	11.1
Florida	160,016	9%	1146.8	1,165	5%	8.3
Illinois	112,928	6%	960.9	1,378	6%	11.7
Michigan	72,751	4%	766.1	927	4%	9.8
New Jersey	48,544	3%	614.2	396	2%	5.0
Maryland	47,457	3%	948.0	579	3%	11.6
Georgia	47,103	3%	667.7	703	3%	10.0
North Carolina	46,308	3%	655.0	772	3%	10.9
Massachusetts	42,749	2%	707.6	214	1%	3.5
Missouri	39,240	2%	743.5	554	2%	10.5
Tennessee	38,705	2%	747.9	482	2%	9.3
South Carolina	37,756	2%	1030.5	353	2%	9.6
Indiana	30,205	2%	525.1	453	2%	7.9
Arizona	28,653	2%	703.1	426	2%	10.5
Virginia	23,437	1%	357.7	571	3%	8.7
Colorado	18,632	1%	509.6	199	1%	5.4
Minnesota	16,397	1%	359.0	147	1%	3.2
Oregon	16,067	1%	520.6	150	1%	4.9
D.C.	15,177	1%	2662.6	399	2%	70.0
Connecticut	14,916	1%	455.5	215	1%	6.6
Wisconsin	13,748	1%	270.5	227	1%	4.5
Iowa	8,914	1%	315.1	47	0%	1.7
Nebraska	6,322	0%	389.5	51	0%	3.1
Utah	5,810	0%	304.5	56	0%	2.9
Delaware	3,961	0%	561.0	33	0%	4.7
Idaho	3,238	0%	285.8	40	0%	3.5
Hawaii	3,091	0%	262.2	50	0%	4.2
New Hampshire	1,328	0%	116.8	16	0%	1.4
Total	1,397,281	75%		16,322	70%	

Table 5 -- Cities of 500,000 or more population

Nine of the 10 cities with the highest total violent crime rates in 1994, and seven of the 10 cities with the highest homicide rates, are exempt (indicated with an asterisk). Chicago did not report rape data. Thus, its total violent crime figure is estimated.

Rank	City	Viol. Crime Rate	Rank	City	Homicide Rate
1	Baltimore *	2834.4	1	Washington, D.C.*	70.0
2	Chicago *	2700.0 (est)	2	Detroit*	52.9
3	Detroit *	2687.2	3	Baltimore*	43.4
4	Washington, D.C. *	2662.6	4	Chicago*	33.1
5	Los Angeles *	2059.0	5	Dallas	27.8
6	Boston *	1915.5	6	Cleveland	26.1
7	New York City *	1860.9	7	Philadelphia	25.9
8	Nashville *	1798.4	8	Memphis*	25.3
9	Charlotte-Meck'burg *	1726.7	9	Los Angeles*	23.8
10	Dallas	1589.0	10	Milwaukee*	22.1

Table 6 -- Cities of 250,000-499,999 population

Nine of the 10 cities with the highest total violent crime rates, and seven of the 10 cities with the highest homicide rates, are exempt.

Rank	City	Viol. Crime Rate	Rank	City	Homicide Rate
1	Newark *	3840.6	1	New Orleans	85.8
2	St. Louis *	3750.7	2	St. Louis*	63.5
3	Atlanta *	3571.0	3	Birmingham	49.8
4	Tampa *	3482.6	4	Atlanta*	46.4
5	Miami *	3413.6	5	Oakland*	36.9
6	Birmingham	2444.8	6	Newark*	35.4
7	Kansas City, Mo. *	2435.3	7	Kansas City, Mo.*	32.3
8	Oakland *	2193.9	8	Miami*	30.5
9	Buffalo *	2124.2	9	Fort Worth	27.9
10	Minneapolis *	1907.6	10	Buffalo*	27.7

Table 7 -- Cities 100,000-249,999 population

Eight of the 10 cities with the highest total violent crime rates, and seven of the 10 cities with the highest homicide rates, are now exempt.

Rank	City	Viol. Crime Rate	Rank	City	Homicide Rate
1	Little Rock, Ark.	2954.3	1	Richmond, Va.*	77.2
2	Flint, Mich. *	2851.8	2	Gary, Ind.*	67.4
3	Baton Rouge, La.	2449.7	3	Jackson, Miss.	45.4
4	Hartford, Conn. *	2398.5	4	Hartford, Conn.*	41.7
5	Gary, Ind.*	2357.6	5	Flint, Mich.*	41.4
6	San Bernardino, Calif.*	2325.0	6	Inglewood, Calif.*	40.6
7	Orlando, Fla. *	2279.1	7	San Bernardino, Calif.*	40.5
8	St. Petersburg, Fla. *	2254.5	8	Bridgeport, Conn. *	36.6
9	Peoria, Ill.*	2150.0 (est)	9	Shreveport, La.	31.8
10	New Haven, Conn. *	2137.9	10	Little Rock, Ark.	30.9

The General Accounting Office study

In its one-year study of the Brady Act, the GAO studied 20 jurisdictions, only 15 of which -- Arizona; Arkansas; Kentucky; Nevada; Ohio; South Carolina; Clayton and Fulton Counties (Georgia); Bossier and Caddo Parishes (Louisiana); and Abilene, Fort Worth, Harris County (Houston area), Houston, and Pasadena (Texas) -- had records identifying general reasons for purchase application denials. GAO reviewed 384,301 retail handgun purchase applications occurring between Feb. 28, 1994 and Feb. 28, 1995, and found that 95.2% of applicants were approved without question. Of the 4.8% who were disapproved, nearly half were due to administrative errors (applications sent to the wrong CLEO, prepared incorrectly, etc.) or erroneous denials for outstanding traffic tickets. Persons denied for violent and nonviolent crime-related reasons accounted for 2.4% of applicants; denials due to administrative errors

accounted for 2%, denials due to traffic tickets accounted for 0.4%. Only four jurisdictions -- Ohio; South Carolina; and Harris (Houston) and Tarrant (Fort Worth) Counties, Texas -- had records identifying denials for violent crime reasons. In those jurisdictions, 0.2% of handgun purchase applications were denied for violent crime reasons.

Instant Check protects law-abiding citizens' rights

The NRA supports laws prohibiting the possession of firearms by persons convicted of violent crimes, fugitives, and certain other individuals. NRA also supports "Instant Check" systems which require a computerized search of criminal and other records to verify that a prospective firearm purchaser is not prohibited from possessing firearms. Unlike waiting periods and other schemes delaying handgun purchases for days or weeks, an "Instant Check" usually lasts a matter of minutes. Thus, when a person prohibited from possessing firearms attempts to buy a firearm, he is identified by police while on the FFL's premises. A law-abiding citizen, however, can exercise the right to purchase firearms without undue delay, an issue always of principle and sometimes of life and death. NRA supported, but gun control supporters opposed, a nationwide Instant Check when it was proposed in the 101st Congress.¹⁵

The end of the Brady Act's 5-day waiting period

Before the Brady bill was approved by Congress, it was amended by a provision requiring that the 5-day waiting period "sunset" (expire) in Nov. 1998, at which time a nationwide Instant Check system will be implemented. Then-Sen. Minority Leader Robert Dole (R-Kansas) supported the amendment. The most obvious advantage of Instant Check, over a waiting period, is that it enables a law-abiding citizen to obtain a firearm without delay when one is needed for self-defense. The anti-firearm lobby opposes the use of firearms for self-defense, however. Sarah Brady has said that "the only reason for guns in civilian hands is for sporting purposes."¹⁶ Other anti-firearm lobby spokespeople have expressed similar views.¹⁷ Though claiming to support the "Brady Act," gun control advocates continue to oppose its national Instant Check requirement, preferring that handgun purchases be delayed, regardless of the speed with which purchasers can be verified as law-abiding citizens. NRA supports the Instant Check amendment.

The Clinton Administration is not complying with the Brady Act

The Brady Act requires that "not later than 60 months after the date of the enactment of this Act, the Attorney General shall establish a national instant criminal background check system that any (federal firearm) licensee may contact, by telephone or by other electronic means . . . for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee" would violate federal, state or local law. The law also requires the Administration to expedite the upgrading of criminal history records maintained by the FBI and, by May 1994, to determine the type of computer equipment to be used in the system, and the ability of the states to provide criminal records to the system. May 1994 has long since passed, and there is no indication that the Administration has complied with any of the requirements placed upon it by the law. The Clinton Administration has rejected Freedom of Information Act requests for information on this subject.

Brady Goes To Court

• U.S. Circuit Courts have split on whether the Brady Act violates the 10th Amendment to the Constitution by requiring local law enforcement agencies to conduct criminal records checks in association with handgun purchases. The Supreme Court has agreed to review the Mack and Printz cases in its next session.

¹⁵ H.R. 1412, the "Staggers bill," named after its sponsor, Rep. Harley O. Staggers, (D-W. Va.)

¹⁶ "Keeping the battle alive," Tom Jackson, Tampa Tribune, October 21, 1993

¹⁷ Asked "Aren't any handguns defensible?," Jim Brady responded, "For target shooting, that's okay. Get a license and go to the range. For defense of the home, that's why we have police departments." ("In Step With: James Brady," Parade Magazine, Washington Post, June 26, 1994, p. 18) Dennis Henigan (HCI's Center to Prevent Handgun Violence): Self-defense is "not a federally guaranteed constitutional right." (USA Today, 11/20/91) Former HCI Chair Pete Shields: "Put up no defense - give them (the criminals) what they want . . ." (Guns Don't Die - People Do, 1981)

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"WAITING PERIOD FOR HANDGUN PURCHASE"

BODY:

TESTIMONY OF

RICHARD GARDINER

LEGISLATIVE COUNSEL

INSTITUTE FOR LEGISLATIVE ACTION

NATIONAL RIFLE ASSOCIATION OF AMERICA

BEFORE THE

CRIME AND CRIMINAL JUSTICE SUBCOMMITTEE OF THE

HOUSE JUDICIARY COMMITTEE

TOPIC OF HEARING "WAITING PERIOD FOR HANDGUN PURCHASE"

Mr. Chairman;

I am the Legislative Counsel for the National Rifle Association of America's Institute for Legislative Action. I would like to thank the Subcommittee for giving me the opportunity to present the views of the 3.2 million members of the National Rifle Association and their families.

As the members of this Subcommittee are undoubtedly aware, the NRA remains adamantly opposed to a federally imposed waiting period prior to the sale of a handgun. There is no evidence that a waiting period of any length, including a "five business day" wait as contained in the interim provision of H.R. 1025, serves a legitimate or constitutionally justifiable purpose.

Let me state just as clearly, however, that the NRA does not oppose an instantaneous point-of-purchase background check on a potential purchaser of a handgun prior to sale by a licensed firearms dealer. Such a system is currently in use in five states and is conceptually embodied in the permanent provision of H.R. 1025. Indeed, we are pleased that proponents of a waiting period have, in supporting H.R. 1025, moved toward the system that NRA has been supporting

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since 1988.

Mr. Chairman, despite our preference for the concept embodied in the permanent provision of H.R. 1025, we remain opposed to H.R. 1025 for a multitude of reasons. While there are numerous drafting flaws throughout the bill, the following are the primary reasons we oppose H.R. 1025. Attached to my testimony is a copy of H.R. 1025 in which our concerns are implemented as amendments.

(1) The "five business day" waiting period as required by the interim provision of H.R. 1025 imposes a burden on those who obey the law, with no corresponding benefit in terms of crime control.

The interim provision of H.R. 1025 imposes on local law enforcement the duty to make "a reasonable effort to ascertain within five business days whether the transferee has a criminal record" As you, Mr. Chairman, have publicly stated, on March 3, 1993 on Crossfire, this language does not mandate a background check, making the interim provision primarily a mandated wait with an option to conduct a background check. Such an interpretation of the interim provision of H.R. 1025 is, of course, required by the Tenth Amendment since that amendment forbids the federal government from compelling states -- and thus local law enforcement -- to undertake any kind of action, including conducting background checks on handgun purchasers. As the Supreme Court concluded relatively recently, "even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts." *New York v. United States*, 112 S.Ct. 2408, 2423 (1992). I might note that Attorney General Reno, in her prior role as a state's attorney, asserted an interpretation of the Constitution consistent with that most recently expressed by the Supreme Court.

I would add that, because no federal funds are to be provided by H.R. 1025 to local law enforcement to pay the administrative costs to do the checks created by the interim provision of H.R. 1025, those costs will have to be borne by already overextended local police agencies. This, of course, will mean that other important law enforcement functions will suffer.

Mr. Chairman, the "five business days" required by H.R. 1025 is an arbitrarily selected time period. Since all background check systems utilize the same record data base, any criminal record that is available to local law enforcement within five days can be accessed immediately by automated means. Indeed, since local law enforcement would conduct a background check utilizing the same criminal history record systems that an instant check system would query, the only real effect of the interim provision of H.R. 1025 is to create an extra -- and unnecessary -- step in checking records. Why not simply cut out the middle man?

Mr. Chairman, waiting periods have not reduced violent crime. Indeed, two-thirds of Americans are already living under some type of waiting period. Twenty of 22 states, as well as the District of Columbia, with waiting periods and/or permit to purchase laws experienced increases in violent crime rates from 1987-1991. Most states that have imposed some type of waiting period on firearm purchases -- like those shown on the chart attached as Exhibit 1 -- have experienced increases in violent crime or homicide rates greater than the national trend.

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(2) H.R. 1025 grants absolute immunity from damages to federal, state, and local government officials, including law enforcement, even if the rights of a law-abiding citizen have been violated in an arbitrary or capricious manner.

It is particularly disturbing, from a civil liberties perspective, that H.R. 1025 so dramatically expands the potential for the government, including law enforcement, to abuse the rights of law-abiding citizens without any consequences for such abuse. The proponents of a waiting period have long suggested that the purpose of such a wait is to allow time to scrutinize handgun purchasers as a means of stopping only criminals from making purchases through retail outlets. Yet the language of H.R. 1025 is far more expansive, giving government at all levels, including local law enforcement, virtually unchecked veto power over handgun sales, with no threat of penalty for even bad faith abuse of that power. Regardless of the reason for the denial -- race, religion, sex, or political party or belief -- individuals unlawfully denied their rights would have to bring suit in federal court to, at best, win a judgment allowing them to purchase the firearm. This is not only wrong, but not even necessary to accomplish the bill's purported objective. Indeed, one has to wonder if the objective of H.R. 1025 is truly that urged by its proponents.

I should add that it is, of course, appropriate to shield government officials from the threat of damages in the event that they, in good faith, after a diligent effort to review records, prevent a lawful sale.

(3) H.R. 1025 fails to impose a time certain for the implementation of the national instant check system.

The proponents of H.R. 1025 have sought support for the bill by suggesting that it will eventually lead to the implementation of a national instant check when such a system is technologically feasible. As I have noted, the NRA applauds the admission that an instant point-of-sale screening system -which the NRA has been supporting since 1988 -- is the preferred alternative. We believe, however, that the time for dithering on this issue is long past. We believe that a date for the implementation of a federal point-of-sale screening system should be set, by law, and adhered to.

Mr. Chairman, H.R. 1025 does not do this. Rather, it grants to the Attorney General virtually unfettered discretion to implement the instant check system after a period of not less than 2 1/2 years. The bill grants the Attorney General such discretion because it only allows the Attorney General to certify that the national system is established if the States are in compliance with timetables established by the Attorney General. Those timetables relate to the times by which the States should be able to provide criminal records on "an on line capability basis" to the national system. But because H.R. 1025 leaves it solely up to the Attorney General to establish those timetables, the Attorney General could well establish timetables that were not achievable for many years, thereby delaying establishment of the national system for many years. Indeed, the Attorney General need only establish a timetable for a single state which it could not meet to prevent the national system from ever being certified.

Mr. Chairman, the evidence is clear that there is no good reason to delay indefinitely the implementation of a national instant check system. Currently, the states of Florida, Wisconsin, Virginia, Illinois, and Delaware successfully operate point-of-sale background check systems. All five states implemented

FDCH Congressional Testimony, September 30, 1993

these systems in less than a year's time, and at a relatively modest cost, averaging about one half million dollars in first year implementation and start-up costs.

Last year, the Department of Justice compared the status of state criminal history records nationwide to the status of such records in the first two states to adopt instant check systems. The Department noted that:

32 States claim disposition reporting rates as good or better than Florida's reported 47 percent rate for the past five years, while 29 States report a higher percentage of automated criminal histories than Virginia, which reported 56 percent of its files automated.

Moreover, Mr. Chairman, every state is currently in the process of upgrading their criminal history records; indeed, almost \$50 million in federal grant money has gone to the states for that specific purpose over the last three years. The 1988 Department of Justice initiatives aimed at improving the quality of, and access to, criminal records began automating the criminal records in which there has been a record of activity within the last five years. At this time, the majority of those persons between the ages of 18 and 27 who have committed a crime since 1988, or anyone who has a record of criminal activity in the same time period, could be identified by any national instant background check system.

It is important to emphasize, Mr. Chairman, that an effective background check system is not dependent on complete criminal histories. Rather, what is necessary is access to state master name indexes through the Interstate Identification Index (111) of the National Criminal Information Center (NCIC). This index lists those individuals who are, or have been, involved with the law. Again, referring to last year's Department of Justice report, the Department reported that:

the master name index in 44 States included 100 percent of record subjects and ... the indexes in 39 States (representing over 80 percent of the records) were fully automated. Nationally, therefore, immediate identification through a name index of an individual as the subject of a criminal record is possible in a majority of cases even where full records are not automated.

Since some 90% of firearms purchasers -- according to data from several of the states with functioning instant check systems -- have no criminal record of any kind, a check of the master name index enables 90% of checks to be completed in seconds. Of the remaining 10% of purchasers -- for whom some form of record exists -- the records of all, except for, at most, about 2% can be further checked in minutes. I might note, based on anecdotal evidence, that many of the 1 % who are ultimately determined not to be qualified probably believe, for good reason, that they were qualified, but for some reason had been misinformed and were subsequently able to remove their disqualification. Thus, there is simply no good reason to have a five business day waiting period when more than 98% of purchasers can be cleared in minutes.

(4) We object to the fact that, when a national instant check system does go on line, H.R. 1025 requires that purchasers of all firearms be subject to the check.

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This is, in a word, unnecessary. Given the relatively minuscule use of long guns in crime -- according to the Uniform Crime Report, well under 1 % of all serious crime -- there is no conceivable justification to impose this burden on individuals, firearms dealers, law enforcement, or the federal government. It is an unnecessary expense.

(5) We object to the fact that H.R. 1025 does not impose a uniform national standard for the purchase of handguns once the federal point-of purchase system is implemented.

A uniform federal waiting period is meant to address a perceived laxness in the treatment of handgun purchases by various states. But, for the 99% of people who purchase handguns from retail outlets who are not prohibited persons under federal or state law -- proven with a criminal records background check -- a wait is clearly an unnecessary and undue infringement. It is obvious, therefore, that, in the interest of uniformity and equal protection of the rights of all Americans, state laws requiring a wait following the verification of the eligibility of the purchaser should be preempted.

Mr. Chairman, a uniform national law will protect the rights of all law-abiding Americans as provided for in Section 1 of the Fourteenth Amendment to the Constitution:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law....

As you know, Section 5 of the Fourteenth Amendment grants Congress the power to enact legislation to enforce Section 1. Once Congress had enacted a uniform national point-of-purchase background check system, there is no reason for the states to violate the right of law-abiding citizens; Congress thus should exercise its Fourteenth Amendment power to protect the rights guaranteed by the Second Amendment.

I might point out, Mr. Chairman, that just last year, in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112 S.Ct. 2791, 2805 (1992), the Supreme Court, in analyzing the scope of the Fourteenth Amendment, quoted approvingly one of its earlier analyses, which concluded that: The full scope of the liberty guaranteed by the Due Process Clause cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution. This 'liberty' is not a series of isolated points pricked out in terms of the taking of property; the freedom of speech, press, and religion; the right to keep and bear arms; the freedom from unreasonable searches and seizures; and so on.

Thus, the issue is whether the right to keep and bear arms is one of the rights that the Congress has a duty to protect against state infringement has been unequivocally decided by the Supreme Court.

(6) H.R. 1025 conditions the granting of an exemption from the "five business day wait" on the existence of a "threat" to the person or a member of his household, not the individual's perceived need for acquiring the immediate means of self protection.

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Despite the statements of supporters of H.R. 1025 that people who need a handgun for self-defense would be able to obtain a handgun without waiting 5 business days, H.R. 1025 only exempts a purchaser who "requires" access to a handgun and then only because of a "threat to the life" of the purchaser or a member of his household. For several reasons, these are standards that few people could meet. First, the word "threat" connotes a specific communication by a particular person; thus, most law enforcement officials will undoubtedly require proof of the existence of such a specific communication. Second, since the bill requires a threat "to the life" of a person, a threat to do bodily harm would be insufficient. Finally, many law enforcement officials would not be willing to acknowledge -- as they would by issuing a waiver -- that anyone "required" a handgun for self-defense since law enforcement is present in the community.

(7) The exemption for firearms purchasers with certain state permits is unnecessarily limited.

The exception in H.R. 1025 to both the interim waiting period and the instant check system for firearms purchasers who have certain state or local permits is limited to purchasers who have a permit to possess issued within the last five years. There is no legitimate reason, however, not to include within the exception not only persons with permits to carry, but also persons with permits issued more than five years before the purchase since the exception would continue to require that the permit be issued by a government official after a background check.

I might note, Mr. Chairman, that the primary effect of limiting the exception to permits issued within the last five years would be on residents of your state since New York issues lifetime licenses to possess handguns. As of the end of 1992, there were approximately one million pistol licenses issued in New York State, of which some 90% were issued more than five years earlier. Why should some 900,000 law-abiding New Yorkers who have waited as much as six months for a permit and been subjected to a thorough background check be required to wait another five business days to allow another background check to be completed that they will certainly pass.

I would again like to thank the Subcommittee for this opportunity to present our views and reiterate, as we have many times before, that we remain willing to work with any member to craft, and pass, meaningful proposals to reduce violent crime.

LANGUAGE: ENGLISH

Bill Delaying Handgun Sales Gains in House

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL
 WASHINGTON—The House Judiciary Committee approved a Democratic anti-crime bill that would impose a seven-day waiting period for handgun purchases.

The legislation, passed on a 23-11 vote, could reach the House floor for a vote as soon as two weeks from now, Democrats said.

The Bush administration until recently had opposed the bill as ineffective and a burden on law-abiding gun owners. But Attorney General Dick Thornburgh last week said President Bush might sign the legislation if it were part of a broader package of anti-crime provisions, including an expanded federal death penalty and curbs on the appeal rights of death-row inmates. At least for now, Democrats want to pass the bill separately and force the president to make a decision about whether to sign it.

Supporters praised the so-called Brady Bill, named for former White House spokesman James Brady, as a milestone in the nation's fierce gun-control debate. "I believe Congress is on the verge of transforming public opinion into public policy," said Rep. Charles Schumer (D., N.Y.), chairman of the House crime subcommittee. Mr. Brady was severely wounded when he was shot in the 1981 attempt to assassinate President Reagan, who was also wounded in the attack.

Mr. Reagan's own recent endorsement of a waiting period, which he had previously opposed, has prompted proponents to predict that Congress will enact the leg-

islation this year. The bill was defeated in the House three years ago. Seventeen Democrats, joined by six Republicans, voted for the measure yesterday.

"Today's vote sends a strong, clear message to the NRA" (National Rifle Association), said Rep. Edward Felghan (D., Ohio), the Brady Bill's original sponsor. "The era of intimidation is over."

The influential NRA has lobbied hard against the Brady Bill. The association and the White House have supported an alternative measure that would require instantaneous computer checks of gun purchasers. Brady Bill supporters branded the alternative bill impractical and designed only to undermine the waiting-period measure.



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Senators' Effort On Gun Control Includes N.R.A.

Mitchell Seeks Votes for Waiting Period Plan

By GWEN IFILL

Special to The New York Times

WASHINGTON, June 11 — Supporters of a Senate anti-crime bill are negotiating with the National Rifle Association before taking to the floor a package that incorporates a seven-day waiting period for handgun purchases.

Senator George J. Mitchell of Maine, the majority leader, and supporters of his proposal for a waiting period are searching for the votes needed to re-tain the item as part of a crime law overhaul that would also ban the manufacture of certain semiautomatic weapons.

The results of the maneuvering are unlikely to become public until the Senate begins debate, probably next week, on the anti-crime package proposed by Senator Joseph R. Biden Jr., Democrat of Delaware.

The rifle association has adamantly opposed any waiting period for buying a handgun, but its lobbying efforts failed last month when the House passed a bill mandating a seven-day wait. Mr. Mitchell's compromise proposal combines a waiting period and a plan favored by the gun group, a requirement for background checks of prospective gun buyers.

The House bill, called the Brady bill after James S. Brady, who was wounded in the assassination attempt on President Ronald Reagan, did not mandate background checks.

— End to Waiting Period Sought

As part of the closed negotiations, the rifle association, the most formidable opponent of the crime package, is asking Senate Democrats for several concessions, including an amendment that would set a date — perhaps within 18 months — by which the provision for a seven-day waiting period would expire. It is also seeking an end to states' waiting periods — many of which are longer than seven days — after that expiration date.

Mr. Mitchell's proposal would allow the federally mandated waiting period to be discontinued once a state implemented its own on-site criminal records check system, which would be paid for in part with \$40 million in new Federal grants.

The rifle association has also enlisted the aid of Senator Ted Stevens, Republican of Alaska, to sponsor an alternative, still undetermined, that might mirror a measure it promoted heavily in the House. That measure would have required instant background checks on prospective gun buyers at the point of sale.

The anti-crime package could occupy the Senate until the July 4 holiday

recess. It was slipped onto the calendar in a procedural sleight-of-hand that allowed it to escape a lengthy and divisive committee debate and vote.

Seeking 'Minimum of Animosity'

"We're still talking" to the rifle association, said a Mitchell aide, who added that the majority leader had met as well with Sarah Brady, the chairwoman of Handgun Control Inc. and wife of James Brady.

Speaking of the rifle association, Senator Herb Kohl, Democrat of Wisconsin and a co-sponsor of Mr. Mitchell's proposal, said: "You want them on board. They obviously have a good deal of influence with many Senators for all the obvious reasons. We'd like to get the bill passed with the minimum of animosity."

But James J. Baker, the executive director of the association's Institute for Legislative Action, said the group did not believe that Mr. Mitchell's compromise had done much for its cause.

"We would really not be in a position to sign off on what he's got in there now," Mr. Baker said. "We see it as a Brady bill with money to the states."

Mr. Baker described Mr. Mitchell as a "conduit" for the gun group's concerns about the Brady bill and gun-control measures in the Biden package.

Change of Position

Mrs. Brady predicted that the rifle group would fail to derail a waiting

Seeking a way to get the gun lobby 'on board' for restrictions.

period measure, saying: "Obviously the N.R.A. is running scared. They're the ones out there looking for compromise. We absolutely will not get out there and weaken our bill."

One of the waverers last year on the Senate bill to ban semiautomatic weapons was Mr. Mitchell. Earlier this year he said he did not support the House version of the Brady bill, but he has since won the support of gun-control advocates for his compromise proposal.

But the majority leader's sponsorship of this year's waiting period measure appears to have accomplished little toward guaranteeing its passage. His toughest lobbying job still appears to lie among his own colleagues, especially Southern Democrats.

Senate supporters of a waiting period said this week that they were nervous that the narrow victory on regulating semiautomatic weapons last year would not translate into support for a bill this year that is seen by many

as a blanket incursion on the rights of anyone who buys a handgun.

Another wild card is White House insistence that Congress pass President Bush's version of an anti-crime package. Although the Administration has hinted that the President might drop his longstanding opposition to a waiting period in exchange for swift action on his package to toughen federal penalties on a variety of crimes, it is unclear what threshold of cooperation the White House is seeking.

Representative James F. Sensenbrenner Jr., the Wisconsin Republican who helped lead the fight for the Brady bill, warned that House Democrats better "get a move on" the President's anti-crime proposals.

12/1/91

Compromise Gun Control Plan Backed

Sen. Mitchell Alters Debate's Framework

By Helen Dewar
Washington Post Staff Writer

Key supporters of the "Brady bill" have decided to back compromise gun control legislation proposed by Senate Majority Leader George J. Mitchell (D-Maine) that combines a waiting period for handgun purchases with elements of an alternative bill favored by the National Rifle Association.

The alliance between gun control advocates and Mitchell significantly alters the framework of the debate as the Senate prepares to consider gun curbs as part of an anticrime bill this summer. Mitchell had opposed the bill named for former presidential press secretary James S. Brady and passed by the House this month that would impose a seven-day waiting period for handgun purchases. Brady was shot during an assassination attempt on President Ronald Reagan in 1981.

Mitchell's plan includes the Brady bill's seven-day waiting period, along with provisions contained in an unsuccessful House alternative proposed by Rep. Harley O. Staggers Jr. (D-W.Va.) and backed by the NRA that would require police to conduct criminal background checks before a handgun sale is made. The Brady bill does not require such checks.

Mitchell's plan, which is still being formulated, would require background checks during the waiting period and also would provide federal incentives to states to computerize criminal records, share them with other states and conduct background checks.

While these elements are seen as strengthening the bill from the

See GUNS, A4, Col. 1

Compromise Gun Curb Plan By Mitchell Draws Support

GUNS, From A1

standpoint of keeping guns out of the hands of criminals, it is also being argued that Mitchell's incentives for creation of a nationwide system for instant criminal checks would hasten the day when the waiting period would be phased out.

The tactical significance of Mitchell's proposal is that it provides political cover for senators from rural, hunting-oriented states like Maine by incorporating the criminal-check provisions that the NRA and other gun-control opponents had touted as a preferable way of controlling gun violence.

"Mitchell's additions are helpful and it's clearly going to help us with the majority leader leading the charge," said Gail Hoffman, chief lobbyist for Handgun Control Inc. "To the extent that it's seen as a compromise," she added, "it certainly makes it easier to pass in that it meets many of the objections that had been raised" to the House bill.

"We have no problem with it . . . It could pick up just enough support to make the difference," said Donald Cahill, national legislative chairman for the Fraternal Order of Police, one of several large law enforcement groups that lobbied for passage of the House measure.

For Mitchell, according to colleagues and senatorial aides, the compromise is a way of getting back in the Democratic mainstream on the gun-control issue without risking support at home. Mitchell has signaled his interest in the Democratic presidential nomination in 1996 or thereafter but also "can't stand to lose a single vote in Maine," according to a colleague.

The NRA remains opposed to waiting periods but is holding its fire on the Mitchell proposal, at

least until it is spelled out in legislative form. "As a concept, we're obviously in favor of the instant check and opposed to the waiting period," said James Jay Baker, chief lobbyist for the NRA.

Mitchell's proposal will be debated in connection with an omnibus anticrime bill the Senate is expected to consider as early as next month. Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.), a Brady bill backer who will

*The tactical
significance is that
Mitchell provides
political cover for
some senators.*

manage the crime bill on the Senate floor, supports the Mitchell alternative "in principle" but awaits details that are still being drafted, according to an aide.

Whether Mitchell's plan will pick up more than one vote—his own—is unclear. While Handgun Control's Hoffman said some senators' staffers have shown interest, another source said no senatorial opponents of the Brady bill have indicated they will support the Mitchell alternative.

But Mitchell, who has been on the losing side of two major votes this year (the Persian Gulf War authorization and a proposed rollback in Social Security taxes), will have a lot riding on his proposal and can be expected to push it aggressively. Besides, if the vote is as close as it appears now, "one or two votes could be everything," a Democratic aide said.

Rifle Lobby Torn by Dissidents and Capitol Defectors

By STEVEN A. HOLMES

Special to The New York Times

WASHINGTON, March 26 — With new gun control legislation pending in both the House and the Senate, the National Rifle Association is in the grip of internal turmoil and there are signs that it may be losing some of its effectiveness as one of the nation's most powerful lobbying organizations.

Long considered a muscular presence on Capitol Hill, the rifle association is an increasingly troubled organization these days.

It has lost more than 300,000 members in the last two years as membership has fallen to 2.6 million. It is torn by factional strife, with a group of dissidents deriding the current leadership as being too moderate. Facing complaints of mismanagement and sexual improprieties, the association's executive vice president, J. Warren Cassidy, resigned last month under pressure from the board of directors, former officials of the organization say.

When the association holds its annual convention next month in San Antonio, a major topic will be who should be named as permanent successor to Mr. Cassidy. The post, to be filled by the board, is the organization's top staff job. The group will also try to develop strategies to counter the growing perception that its ability to persuade or coerce lawmakers into supporting its positions is waning.

Organization Remains Powerful

To be sure, no one is suggesting that the association is toothless, and it is mainly its critics who promote the idea of a weakened organization. The group retains the ability to punish some of its political enemies and reward some of its friends. And, despite some early setbacks in Congress, like Senate approval last May of a ban on the manufacture and sale of nine types of semiautomatic weapons, no gun control measures were voted into law last year.

Still, with its antagonists better organized than ever before, with many law enforcement groups willing to actively lobby on behalf of gun control measures that the association opposes, and with the nation shaken by an epidemic of violence, lawmakers and others are questioning whether the group's influence has diminished on Capitol Hill.

The pending gun control legislation poses a major test for the association. Just last week, Representative Les AuCoin, a Democrat from Oregon who had been a staunch N.R.A. adherent, announced he would support a bill requiring anyone buying a pistol to wait seven days to conclude the sale. Mr. AuCoin said he was switching because of concerns over the rising level of violent crime in the country.

"I have told myself that gun control



Photographs by The New York Times

"I have told myself that gun control isn't crime control," said Representative Les AuCoin, Democrat of Oregon. "But more and more, the argument in my own ears sounded threadbare."

A major test on gun control is about to unfold.

isn't crime control," Mr. AuCoin said at a news conference. "But more and more, the argument in my own ears sounded threadbare."

The bill would allow, but would not require, background checks by local law-enforcement agencies to determine if a potential handgun buyer has a criminal record, is a fugitive from justice or has ever been committed to a mental institution.

The measure, which has drawn bitter criticism from the rifle association, is known as the Brady bill, after President Ronald Reagan's press secretary, James Brady, who was critically wounded in the head in an attempt to assassinate the President in 1981. The attack left Mr. Brady with brain damage and unable to walk.

'Out of Step' Leadership

Mr. AuCoin, who opposed the Brady bill last year before switching his view, said he believed that the rifle association no longer inspired the fear among legislators that it once did. "The N.R.A.'s leadership is so far out of step with thoughtful people that any choke hold it had is, in fact, broken," he said.

Mr. AuCoin is not alone in that view.



"They put a lot of legislators in very untenable positions," said Representative Susan Molinari, Republican of Staten Island, referring to the National Rifle Association, which now opposes her.

Last year's Senate bill to ban some semiautomatic weapons was sponsored by a lifetime N.R.A. member, Dennis DeConcini, Democrat of Arizona.

When she was on the New York City Council, Susan Molinari of Staten Island opposed a nonbinding resolution urging Congress to ban semiautomatic weapons. For that, the rifle association supported her election to the House of Representatives. But when she arrived there last March, she immediately became a sponsor of the Brady bill. For that, she has been denounced by the association as a turncoat. Denying the charge, she said of the N.R.A., "They put a lot of legislators in very untenable positions."

If some lawmakers view the association as too extreme in its general opposition to gun control, the organization is, paradoxically, facing another challenge from within its ranks from dissidents who assert that it is losing its punch because it has grown too moderate.

"We had the image of a winner," said Neal Knox, a former official of the association. "Now we have the image of someone you can roll over like AuCoin did the other day."

Mr. Knox and others maintain that in recent years, the organization's policies have become weak and contradictory. Mr. Knox points out that the association supported a 15-day waiting period in Oregon, while opposing a national 7-day waiting period.

Current officials of the group declined requests for interviews and would respond only in writing to written questions by a reporter.

Reasons for Resignation

Former officials say Mr. Cassidy was forced to resign because of anger over the drop in membership and problems with a new \$10 million computer system that was supposed to be in operation by December 1990, but is still not working. The association says delay is common in installing a new computer system.

Mr. Cassidy was also under fire as a result of the settlement, reported to be \$500,000, of a lawsuit charging the association with sex discrimination in dismissing a female employee. Among the charges leveled by the dismissed employee, Marsha A. Beasley, was that Mr. Cassidy favored female employees "who would deal with him on other than a professional basis."

Mr. Cassidy, who denied the charge in court papers, is now a consultant to the rifle association. He could not be reached for comment, and he did not respond to requests for interviews relayed through the association. He had previously cited "personal reasons" for his decision to resign.

Critics of Mr. Cassidy say he would have survived any embarrassment from the lawsuit were it not for the decline in membership, which fell to 2.6 million last fall from 2.9 million in 1989, internal N.R.A. documents show.

Decline in Membership

Gary Anderson, acting executive vice president, confirmed the decline, attributing it to "the economy and the recession." He said a \$5 rise in annual dues to \$25 in July 1989 had a major effect on membership.

"There is no indication that membership declines over all are due to N.R.A. positions deemed either too strident or too compromising," he said.

The dissidents, led by Mr. Knox, have complained that under Mr. Cassidy, the association has been too willing to agree to support laws like the ban voted by Congress on the manufacture and sale of armor-piercing ammunition and a law passed two years ago in Oregon that requires a 15-day waiting period and a background check for people who buy pistols.

The rifle association supported passage of the Oregon law as part of a compromise that established uniform statewide standards for permits to carry concealed weapons. The group's leaders insist that the Oregon statute is a true anti-crime law, since it requires background checks. In contrast, such checks are optional under the Brady bill, which the association says is just a nuisance that serves no purpose.



ey, sometimes usy 4.7 AM * SENATOR HERB KOHL
than humorous."

The total amount of the 11,255 checks to those who filed 1990 state income tax returns was not known, but Bugher said the state issued more than 1.7 million tax-re-fund checks.

Kohl offers amended Brady bill

By RICHARD BRADEE
Sentinel Washington Bureau

Washington, D.C. — Sen. Herbert H. Kohl (D-Wis.) Wednesday offered a compromise handgun control proposal that was endorsed by supporters and opponents of the House-passed Brady bill.

Kohl's amendment to the Brady bill includes:

- The same seven-day waiting period for the purchase of a handgun.
- Mandatory background checks.
- A computerized national criminal record system proposed by the National Rifle Association.

To pay for the record system, Kohl proposed a combination of \$40 million in federal aid and a user fee, which, Kohl said, the NRA had endorsed in Wisconsin.

"Without question, that goes a long way to strengthen the Brady bill," Sen. Joseph R. Biden Jr. (D-Del.), chairman of the Senate Judiciary Committee, said.

Kohl and his staff worked out the bill with Sen. George J. Mitchell (D-Maine) and Sen. Howard M. Metzenbaum (D-Ohio).

Mitchell, the Senate Democratic leader, opposed the Brady bill. Metzenbaum is the Senate sponsor of the bill that is named for

SEE PAGE 4 / Kohl

A recent aerial view looking northwest shows the scope of construction work in progress at the Silver Spring Dr. area of Interstate 43 li require 680,000 tons

Funds for Brewers link

By AMY RINARD
Sentinel Madison Bureau

Madison — State funding to help pay for a new Brewers' stadium will likely be dependent on a guarantee the team will stay in Milwaukee, state officials said Wednesday.

"If we're going to loan them the money, we should have some guarantee the team will stay," said Sen. Brian B. Burke (D-Milwaukee), whose district includes

County Stadium and the new stadium site.

James R. Klauser, secretary of the Department of Administration and a top adviser to Gov. Tommy G. Thompson, said the guarantee requirement "is on the table."

"The Brewers know that and they don't have a problem with it."

In a meeting with Klauser Tuesday, the Brewers asked for

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Satanism sign, car may

By PETER MALLER
Sentinel staff writer

Balsam Lake — A spray-painted sign alluding to Satan worship and a late model car found in Minnesota might be clues explaining the mysterious disappearance of five members of a Polk County family, investigators said Wednesday.

A sign saying "Devil Worship — Death By Fire" was found

Wednesday morning scrawled in black on the wall of the St. Croix Falls Masonic Lodge, Police Chief Paul Lindholm said.

Polk County Sheriff Craig Benware impounded the 1988 silver car belonging to Rick Brezizer, 35, of Cushing, who has been missing with his family since April 22, Minnesota authorities said.

The automobile was found on I-35 in Harris, Minn., five days

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Kohl offers amended Brady bill

Kohl

FROM PAGE 1

former White House press secretary James S. Brady, wounded in the attempt on then-President Ronald Reagan's life 10 years ago.

Brady's wife, Sarah, who heads Handgun Control Inc., said she thought Kohl's bill was a good "workable piece of legislation."

She said the Kohl bill would keep the seven-day waiting period in place until records were ready for a quicker background check and would provide an incentive for police to upgrade their records.

The Kohl bill took the NRA objections into account, but "they'll probably dream up new ones," she said.

Kohl's Judiciary Committee staff aides found that there were only about 30 votes in the Senate for the House-passed Brady bill.

Neither the staff nor Kohl could predict Wednesday whether the compromise would provide enough additional votes to send a handgun control bill to President Bush for his signature.

Bush has said he would sign a handgun control bill if it came to his desk along with the anti-crime package he proposed.

Bush has proposed changes in the exclusionary rule, which requires federal judges to exclude evidence obtained illegally.

"It allows for bad faith exceptions (to the exclusionary rule)," Biden told reporters. "If you find a gun, it's OK (to obtain evidence without a search warrant). It tells police, if you want to kick a door down, find a gun. That raises the temptation to plant a gun."

Kohl said he has received a positive response from both sides in the handgun debate in the Senate. "I'm not surprised. After all, everybody wants to prevent criminals from buying guns."

Metzenbaum asked witnesses at a Senate Judiciary Committee hearing about the Kohl bill and received cautious support from three critics of the Brady bill — Charles Meeks, executive director of the National Sheriffs' Association; Robert David, president of the Delaware State Troopers Association; and Pennsylvania Atty. Gen. Ernest Preate.

JUN 29 1991

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★ ★ EDITION

US Senate OKs 5-day gun wait

Full crime bill awaits vote

Wire services
and Sentinel Washington Bureau

Washington, D.C. — The Senate Friday approved a waiting period of five working days for handgun purchases as it inserted the controversial gun-control provision known as the Brady bill into comprehensive anti-crime legislation.

The landmark amendment was approved on a 67-32 vote, a margin that surprised even its most devout supporters.

Sens. Herbert H. Kohl (D-Wis.) and Robert W. Kasten Jr. (R-Wis.) voted for the measure after the Senate adopted by voice vote an amendment to exempt Wisconsin and 19 other states from the five-day waiting period. Those states already have laws requiring waiting periods or background checks.

After days of haggling, sides led by Minority Leader Bob Dole (R-Kan.) and Sen. Howard M. Metzenbaum (D-Ohio) reached an accord that led to swift approval of the hotly debated wait rule.

The Senate's variation of the measure stiffens the bill that cleared the House last month by making police checks mandatory during the waiting period for delivery of handguns to would-be purchasers.

Unlike the House version, the Senate's would lift the waiting period after 2½ years. Then the government would have to set up a nationwide computer system for gun dealers to make "instant" checks of prospective buyers to see whether they had criminal records.

The House bill required a seven-day waiting period but left the checks for criminal or mental records to the discretion of police. It would end the waiting period, one state at a time, as each state set up a system of instant checks. But it set no deadline for accomplishing that.

The waiting period for handgun purchases is called the Brady bill for James S. Brady, severely wounded in 1981 when a gunman tried to kill then-President Ronald Reagan, for whom Brady was press secretary.

"What they'd done this 11 years ago, but ... better late than never," said Brady, who remains physically impaired by the damage done to his brain. He and his wife, Sarah, have lobbied for years to win passage of the historic gun control measure.

Senate leaders agreed to delay final action on the overall bill until after Congress returns from its Fourth of July recess. The House has not approved an overall crime bill.

Dole proposed the five-day wait after a 58-41 vote against ending debate and moving toward final passage of the bill with the seven-day rule.

"This is a historic achievement in the US Senate," Majority Leader George J. Mitchell (D-Maine) said after the vote

"When you've felt the sting of a gunshot wound, you can understand how Jim Brady and Sarah Brady feel," said Dole, who was seriously disabled in World War II combat and lost the use of his right arm.

Kohl, who helped draft the measure, said in the debate that the measure combined the best aspects of the Brady bill and a plan by the powerful National Rifle Association for mandatory, fast checks of buyers.

The waiting-period provision is the most controversial element of the crime bill, which would expand the federal death penalty to include nearly 50 crimes and strictly limit the ability of state prisoners on death row to file federal court appeals to delay their executions.

President Bush has signaled that he would sign the gun control provision if Congress passed a crime bill to his liking. And administration officials have expressed general satisfaction with the contents of the bill under debate in the Senate, notably the death penalty and prisoner appeal provisions.

Wisconsin would share in the \$100 million included in the bill to upgrade state criminal records and integrate them into the federal system that will be used for background checks on prospective handgun purchasers.

Aides to Wisconsin Atty. Gen. James E. Doyle informed Kohl that, with the federal money, Wisconsin could easily comply with the bill's record-keeping requirements, said John Liebowitz, a Kohl aide on the Senate Judiciary Committee who was involved in drafting the final version of the gun control language.

Brady

Better Than the Brady Bill

By George J. Mitchell

WASHINGTON While America should do more to keep handguns away from criminals, the Brady and Staggers bills, which share that objective, are insufficient. An improvement of the Brady bill that I intend to offer as legislation would do more than both to keep handguns out of criminals' hands.

By requiring a seven-day waiting period for anyone wanting to buy a handgun, the Brady bill creates a period during which customers' backgrounds can be checked to see if they have criminal records. But it does not require a check, and does nothing to guarantee that a check will be made and that the records checked will be accurate and complete.

The 10th Amendment permits states to apply a waiting period, conduct a background check (or both) on any handgun customer. Twenty-two states that have already taken such steps would be exempt from the bill's requirements.

The Brady bill would do nothing about the fact that some states have no computerized criminal records and that several do not share criminal record data with the F.B.I.'s national registry. Many states covered by the bill have considered and rejected a waiting period. In these states, little or nothing is likely to happen under the bill. Even if they voluntarily agreed to make checks, those checks would be ineffective because state criminal records on average are less than 60 percent complete.

What's needed is a better system for checking and a complete and accurate national registry, not only because existing records are incomplete but also because people move

George J. Mitchell, Democrat of Maine, is Senate majority leader.

around a lot in our mobile society.

The bill proposed by Representative Harley O. Staggers, Democrat of West Virginia, and backed by the National Rifle Association, would require the establishment of a national computerized instant check system within six months. While that goal is valid, I oppose the Staggers bill (which the House defeated) because it imposes an impossible deadline: The Government and states cannot centralize and computerize all criminal history records in six months.

A compromise that gives the N.R.A. something.

In 1988, the Congress required the Justice Department to report on the best method of conducting a background check of handgun buyers and to put it into effect. The department has recommended a national computerized instant check system. Last March, the department finished the first survey of state criminal records, and it is taking the first steps to help states make criminal records complete and accessible.

The department says the establishment of a central registry will take time and that the states need Federal funds to upgrade their own records and share them with the F.B.I.'s Interstate Identification Index. Since 90 percent of all convictions occur in state, not Federal courts, state records are an essential element of a workable national system.

Despite the emotion, oratory and hostility surrounding the gun control issue, it is significant that both sides agree on fundamental objectives — that criminals should be denied the right to buy a handgun, that a method of checking the background of people

who want to buy one should be established to accomplish that aim and that people without criminal records who want to buy a handgun should experience minimum inconvenience.

My proposal combines the best features of constitutional law, the Brady and Staggers bills. It would require a waiting period and a background check, encourage states that have not completed and computerized their criminal records to do so, accelerate the development of a central national registry of criminal records and provide financial resources to the states to conduct background checks during the waiting period.

The Brady bill provides for the phasing out of a waiting period when a national instant check system is operational. The N.R.A. wants no waiting period but would require the national system to be operational in six months.

My compromise proposal would create the waiting period the Brady bill envisions but make it more effective than it would be under that bill. And by helping to complete and computerize all criminal records, it would hasten the day when the national instant check system advocated by the N.R.A. would be operational and the waiting period phased out. (I am awaiting a Congressional Budget Office estimate of the cost of updating all criminal records nationally.)

If we're going to require a wait, it ought to have a purpose. If we're going to check records, they ought to be in shape. If we're going to ask states to do the work, we should make sure they have the resources to do so. Without attention to these practicalities, the Brady bill promises a result it won't fully deliver. That's why it should be improved. Sarah Brady, who spearheads the bill named for her husband, James S. Brady, the White House press secretary disabled in the attempt on Ronald Reagan's life in 1981, approves my additions to the Brady bill. "We think it's a real good compromise and solution," she said. □

A Prince for Passaic?

By Jim Mullen

Given the country's fiscal woes and the flutter of attention being directed toward the visit of Queen Elizabeth II and Prince Philip,

Selling royal titles could save the U.S. economy.

magazines will get rich chronicling the life and times of the new American royals.

Moreover, before we legislate titles into existence, we will enact bills that heavily tax such activities as polo playing and castle building. These bills will pass without opposition now. And then, once we start selling titles,

of that money which should come on how it is spent with a dream stake in agricultural cr

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WHAT'S INSIDE



NRA, police back gun legislation

□ One legislator says the revision is "not a gun-control bill, it's a nut-control bill," and it represents the first time that the gun lobby has supported a waiting period

By JEFF MAPES
of The Oregonian staff

SALEM — With the unusual support of both law enforcement and the gun lobby, House Speaker Vera Katz on Friday introduced a sweeping revision of Oregon's gun laws to include a 15-day waiting period for the purchase of handguns and tougher background checks for purchasers of all firearms.

The legislation comes in the wake of the national outcry following the Stockton,

Calif., schoolyard slayings by a man carrying an AK-47 semiautomatic assault rifle he had purchased in Oregon, and it represents the first time that the National Rifle Association has agreed to support a bill with a waiting period in it.

The landmark bill also would significantly expand the number of persons who would be prohibited from purchasing any firearm. The current prohibition against felons owning guns would be extended to include, among other things, anyone judged to be mentally ill, persons convicted

of violent misdemeanors in the last four years, users of illegal drugs and "chronic abusers" of alcohol.

Katz, a Portland Democrat, said she had tried for 20 years to enact gun-control legislation but had always been stymied by the state's strong tradition of gun ownership and opposition to controls. But after drifter Patrick Purdy "horribly demonstrated the current need for revising our firearms statutes," Katz said she decided to take a different approach by holding marathon negotiations with gun lobbyists and police officials to find an acceptable compromise.

The resulting legislation is "not a gun-control bill, it's a nut-control bill," said Rep. Mike Burton, D-Portland, one of the

sponsors of House Bill 3470.

"This bill literally puts teeth into a very ineffective current law that we have," added Maj. Dean Renfrow of the Oregon State Police.

To reach agreement, Katz accepted a study of the purchasers of assault rifles and other long guns instead of requiring a waiting period for those weapons. Gun-owner groups said they support the bill because it sets up new standards for getting a permit for concealed weapons and because it includes tougher penalties for criminals using firearms.

Katz was flanked by police and gun owners as they announced agreement on

Please turn to
GUNS, Page A14

Guns: NRA supports Katz bill

Continued from Page One

the 36-page bill, which the speaker said she thought would be more effective than the ban on assault weapons being sought in the California Legislature.

Brian Judy, a Sacramento, Calif.-based official of the National Rifle Association, said his group continues to oppose waiting periods but decided the bill was "reasonable and effective."

"This is the first time in which we've agreed on a waiting period," said Judy.

"Obviously, we're just thrilled the National Rifle Association has come out for a 15-day waiting period," said Susan Whitmore, a spokeswoman for Handgun Control Inc., which lost a bitter battle with the NRA in Congress last year when it tried to win passage of a bill containing a national waiting period of seven days for handgun purchases.

"I certainly hope this is indicative of a change in their policy," Whitmore added.

GUN AGREEMENT

Main points of the agreement reached by law-enforcement and gun-owner groups on a bill to revise Oregon firearms laws:

- Extension of the waiting period for handguns from five days to 15.
- More comprehensive background checks by both state and local police on all gun purchasers.
- Prohibits licensed gun dealers from selling firearms to anyone the dealer believes is a convicted felon, under age 21 for a handgun or under age 18 for a rifle, or judged to be mentally ill. Other criteria apply as well.
- Establishes a new licensing process for concealed handguns that no longer gives county sheriffs complete discretion to decide who gets a permit. Sets a 45-day waiting period for a permit.
- Sets tougher penalties for illegally buying or possessing a gun, as well as for using a firearm in a crime.

John Hosford, executive director of the Citizens Committee for the Right to Keep and Bear Arms, lauded the bill's focus on keeping guns out of the hands of potentially dangerous persons.

"I don't want drunks running around with guns, just like I don't want mentally defective individuals running around with guns," Hosford said.

Katz said she thought Purdy would have been caught before he killed five schoolchildren if the background checks envisioned in the bill had been law in Oregon a year ago. Although Purdy would have been able to leave the Sandy

gun store with the AK-47, she said police officials would have been able to arrest him later for giving an alias and for having a recent conviction on a violent misdemeanor. Several months elapsed between his purchase of the assault rifle and the Jan. 17 shootings.

Katz acknowledged that the legislation would not prevent someone who purchases an assault rifle from using it in a crime before the state police could conduct a background check.

The proposal is tougher than federal standards, under which there is no waiting period.

Morning mail

Brady Bill ought to be law

I write to respond to an Oct. 19 letter to the editor, which contained a widely held misconception about the Brady Bill.

Mr. Tony Scurba mistakenly wrote that the Brady Bill "required no background check at all. It's just a waiting period — period."

While it is true that the original Brady Bill did not require background checks, mandatory checks are an integral part of the version of the Brady Bill that passed the Senate and which, I believe, will become law next year.

Some who opposed the original Brady Bill, including the National Rifle Association, argued that a bill that does not require background checks would not be effective enough in curbing the possession of firearms by criminals or people with a history of mental instability. I could not agree more.

So while I supported the original Brady measure, I believed that the bill could be made better. That is why I drafted an improved version of the legislation with Sen. George J. Mitchell (D-Maine), Sen. Bob Dole (R-Kan.) and Sen. Al Gore (D-Tenn).

Our amended version of the bill establishes a five business-day waiting period — for handgun purchases only — that would remain in effect for at least 2½ years. It provides \$100 million dollars to state and local governments to update their computerized criminal history records.

And, contrary to the claim of Mr. Scurba, it requires a mandatory background check for all firearms purchases, one that will become instantaneous once the nation's criminal data base becomes more accurate.

The measure passed the Senate as an amendment to a larger crime package, but was killed by a Republican filibuster in the last days of the 102nd Congress.

Mr. Scurba tries to excuse senators who opposed the Brady Bill by saying that the bill lacked an adequate background check provision. That argument no longer holds water. The Brady Bill has the support of every living former president, every major law enforcement organization and more than 90% of the American

people — a number that should actually increase when people realize that the measure requires a mandatory, instantaneous background check.

The Brady Bill ought to become law, but we need presidential leadership and congressional willpower to ensure its enactment.

If lawmakers in Washington are serious about keeping guns out of the hands of criminals and drug traffickers, they should join me, Bill Clinton and other supporters of the measure, and pledge to help turn the Brady Bill into law when Congress reconvenes next year.

SEN. HERBERT H. KOHL
(D-Wis.)

Keep the cross

So, the humanistic Supreme Court has done it again. It backed atheist Bob Sherman and agreed that he should be able to force the city of Wauwatosa to remove the cross from its city logo.

Again, a minority religion, atheism, is allowed to impose its will on the majority of theists. Even though humanism and atheism are religions in themselves, they are allowed to impose their will on all the theists under the false guise that our forefathers wrote this in our Constitution under the title "separation of church and state."

It doesn't take a great brain to realize the original intent of the separation was not intended to stop prayers in schools, crosses on emblems or Christmas cribs in city halls.

Our forefathers used the name of God all the time, openly and in writing, were deeply religious people and would have dismissed Mr. Bob Sherman on the spot.

They wanted to keep church government out of the Congress and not to have the deep influence it had in England. We do have this separation today. Wauwatosa is not doing anything to force theism or atheism on anyone. A city has a right to have a cross on an emblem.

Why not do it democratically and let the people vote? Of course, the humanistic justices would have no part of this, as it would not lead to the world social order they eventually want.

I urge the people of This can be done with T for Tosa or put the streets or intersection what your emblem m- under for the atheists

Things are bad now step by step, unless a humanistic effort to e morality and all the 1776.

Committed

On behalf of the Z Milwaukee County, editorial board for y commitment to assu animals at the Milw.

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The dedication o Memorial occurred Washington, D.C.

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Kransky, another juror,
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dy was convicted of killing
JS Circuit Judge Robert
at his home in Mountain
Ala., and Alderman Robert
on of Savannah, Ga., at his
December 1989.

encing was expected in
x weeks.



AP photo
FORMER REAGAN PRESS SECRETARY JAMES BRADY and his wife, Sarah, are joined by (from left) Sens. Herb Kohl (D-Wis.), Joseph Biden (D-Del.) and Robert Dole (R-Kan.) as they speak to the press Friday.

Milwaukee Journal-Sentinel 7/29/91

Gun-control law closer with Senate vote

From Journal wire services

Washington, D.C. — Congressional passage this year of a far-reaching gun-control law seems vir-

tually assured in the wake of the Senate's vote approving a mandatory national five-day waiting period for handgun purchases.

The measure was approved 67 to 32 Friday as part of a large anti-crime package. [Both Wisconsin senators, Republican Bob Kasten and Democrat Herb Kohl, voted for the measure.]

The Senate's action was one of the most decisive setbacks ever suffered by the powerful National Rifle Association and a major victory for gun-control proponents, including former presidential press secretary James Brady and his wife, Sarah, who led the lobbying fight for the proposal.

The "Brady bill" that passed the House on May 8 calls for a waiting period of seven calendar days, as

did the original Senate propos-

In a more fundamental difference, the Senate, unlike the House would require criminal background checks during the waiting period and would mandate the creation of a nationwide computerized system to instantly check on and screen out criminals who try to buy handguns.

The proposal would apply to the 24 states that lack a waiting period for gun purchases. The national waiting period would be dropped once the background-check system is phased in over five years.

But the 26 states that already have waiting periods — including Wisconsin — could keep them permanently, even after tying into the national checking system.

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HOW ABOUT
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Window
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