

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing of the Subcommittee on the Constitution, Civil Rights and Human Rights entitled
“Proposals to Reduce Gun Violence: Protecting Our Communities
While Respecting the Second Amendment”
February 12, 2013**

I want to thank Senator Durbin for chairing today’s hearing. Two weeks ago, the Committee began the new Congress with a hearing on what our Nation should do to address gun violence in the wake of the tragic shootings in Newtown. We have begun the collective effort to find solutions to help ensure that no family, no school, and no community ever has to endure such a grievous tragedy again. Today’s hearing will continue this important discussion and make clear that we are mindful of the constitutional limits of what can be done by Congress.

Today’s hearing focuses on ways to reduce gun violence while respecting Americans’ Second Amendment rights. As a responsible gun owner and strong supporter of Second Amendment rights, I know we can do both. I have always believed that the Second Amendment affords a fundamental individual right. The Supreme Court has now clearly recognized that right, and it is settled in our law. Following the decisions in *Heller* and *McDonald*, there is no question that Americans have a right to self-defense and to keep a firearm to protect their families.

Our conversations take place against a backdrop that recognizes and protects the Second Amendment and the basic rights it secures. But I also agree with Justice Scalia and the other Justices on the Supreme Court that “the right to bear arms is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” I think we all can agree that the individual right does not include weapons of war like machine guns, or rocket-propelled grenades. And as Justice Scalia has noted, the Second Amendment does not prevent laws restricting “the possession of firearms by felons or the mentally ill.”

In the wake of the recent mass killings that have shaken the country, we must consider what more can be done to keep guns out of the hands of criminals and the mentally infirm who threaten our communities. We need to close existing loopholes that allow criminals to avoid the common sense requirement that gun sales should be performed with a background check. Responsible gun store owners in Vermont and around the country carry out these checks every day. Requiring buyers at gun shows to take the same reasonable steps as buyers in stores is a sensible, straightforward solution to help keep firearms out of the wrong hands. In 1999, the NRA fully supported such background checks.

We also need to help our law enforcement officers by providing them with the tools they need to keep our communities safe. We should strengthen law enforcement’s ability to prosecute straw purchasers who buy firearms on behalf of criminals who otherwise would not pass a background check. The legislation I introduced with Senator Durbin and other Senators last month to combat this type of illegal trafficking would not affect licensed gun dealers, and in no way alters the rights of those who lawfully trade in guns. It is another commonsense solution that will help make us safer as a Nation.

As we discuss responses to address gun violence, some have proposed changes that would prohibit violence in movies and in video games. As a parent and a grandparent, I share concerns about the pervasiveness of violence in our popular culture. I am also mindful, however, that efforts to regulate content risk undermining our country's strong First Amendment tradition of protecting free speech no matter how objectionable it is. As we reflect on the lessons of recent months, the entertainment industry must renew its efforts to be a responsible leader in this area.

As parents, as lawmakers, as citizens, we must all play a role in addressing the problem of gun violence. We must work together to find reasonable, balanced solutions to improve our laws where they are lacking. I urge us to listen to each other and to work together to find areas of agreement. The American people are looking to us to act.

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