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ABSTRACT

The first of several hearings on the Gun Violence Prevention Act of 1994 introduced and discussed the Act as comprehensive legislation to address gun violence through six discrete initiatives: (1) handgun licensing; (2) prohibition of firearms possession by persons convicted of violent misdemeanors; (3) regulation of gun dealers; (4) limitation of the secondary gun market; (5) requirement of gun safety courses; and (6) banning certain types of guns. Support for the bill was presented by the presiding senators, Paul Simon (Illinois) and Howard Metzenbaum (Ohio). Reservations about the necessity for the legislation, but not about the need for reduction in violence, were expressed by Senators Hank Brown (Colorado) and Orrin Hatch (Utah). A number of speakers supported the bill, with the Surgeon General Joycelyn Elders speaking first. Panel discussions with educators and physicians followed. The testimony of each witness is followed by his or her prepared statement. (SLD)

S. HRG. 103-1070

THE GUN VIOLENCE PREVENTION ACT OF 1994: PUBLIC HEALTH AND CHILD SAFETY

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

S. 1882

A BILL TO AMEND TITLE 18, UNITED STATES CODE, TO PROMOTE THE SAFE USE OF GUNS AND TO REDUCE GUN VIOLENCE

MARCH 23, 1994

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II

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

CHRONOLOGICAL LIST OF WITNESSES

ALPHABETICAL LIST AND MATERIAL SUBMITTED

APPENDIX

QUESTIONS AND ANSWERS

ADDITIONAL SUBMISSIONS FOR THE RECORD

THE GUN VIOLENCE PREVENTION ACT OF 1994: PUBLIC HEALTH AND CHILD SAFETY

WEDNESDAY, MARCH 23, 1994

U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:37 a.m. in room SD–226, Dirksen Senate Office Building, Hon. Paul Simon and Hon. Howard Metzenbaum presiding.

Also present: Senators Brown and Hatch.

OPENING STATEMENT OF HON. HOWARD M. METZENBAUM, A U.S. SENATOR FROM THE STATE OF OHIO

Senator METZENBAUM. This morning, we are meeting for the first of several hearings on the Gun Violence Prevention Act of 1994, and I am very pleased to have the privilege and opportunity of sharing this hearing with my very good friend and colleague, Senator Paul Simon.

As we proceed forward, I would like to announce that there will be an additional witness this morning, Suzanna Gratia, whose name was not on the witness list. She will appear at the end of the hearing.

We are meeting for the first of several hearings on the Gun Violence Prevention Act of 1994, which is comprehensive legislation intended to attack the epidemic of gun violence in America. It is time that we do something in this area. It is an absurdity what is occurring in this Nation. We passed the Brady bill; it was significant legislation, but now we have got to take the second step.

We are fast becoming a Nation afraid of its own freedom, afraid to come and go because of the risk of getting caught in a crossfire between drug pushers or youth gangs, or being the victim of a drive-by shooting; afraid to run a shop or ride public transportation; afraid to stroll our neighborhoods at night; afraid to let our children play outside or go to school. We are all victims of gun violence. I think most Americans realize that and demand a stronger response from their elected representatives.

You do a TV interview and the person who is doing the interview at the conclusion of the interview says, I am with you, I think you are right on target. The American people want us to do something about this terrible tragedy. The Gun Violence Prevention Act, which is known as Brady 2, is a bill I introduced on March 1 of this year with Senators Kennedy, Bradley, Lautenberg, Boxer, Pell, and Chafee. It is designed to build upon the foundation laid by the

Brady bill, now the Brady law, which is the cornerstone of effective firearm regulation. It will prevent felons from buying guns from dealers and thereby save many lives.

The Brady law is a great start, but it is obvious that we need to do more in order to attack the appalling and pervasive epidemic of gun violence in this country. That is why the Gun Violence Prevention Act was introduced. It is intended to begin the debate on the next generation of protections from gun violence, a comprehensive approach giving law enforcement more tools to keep guns out of the hands of criminals.

This legislation includes six discreet initiatives. First, the bill contains strong measures against handgun violence. From 1987 to 1992, the rate of murders committed with handguns increased 52 percent, while the murder rate committed with all other weapons actually declined. Every 50 seconds, someone is raped, robbed, or assaulted with a handgun in America, and handgun homicides have now reached 13,000 a year.

The best way to keep handguns out of the wrong hands is through licensing. Licensing is a barrier to gun crime. It allows States to screen prospective handgun purchasers by a thorough background check to make sure that they are not criminals, mental defectives, or other prohibited purchasers, and to ensure that they know how to use and store guns safely.

Accordingly, the Gun Violence Prevention Act would require individuals to have a valid State handgun license, a simple identification card with a photograph, similar to a driver's license, and pass a handgun safety course before they can purchase a handgun.

I want to make it unequivocally clear, we are not talking about guns that are used by hunters and for marksmanship purposes other than the area of handguns. We are only talking about handguns.

Licensing was initially proposed by Senator Kennedy in a bill he introduced in 1971, and it is long overdue. In this country, we require a license and registration in order to operate a car. We should require at least as much to own a handgun as to drive a car. In addition, the bill would stop gun runners by limiting handgun purchases to one per month.

Second, in addition to licensing of handgun purchases, this legislation does more to keep all firearms out of the wrong hands. The bill would prohibit persons convicted of violent misdemeanors, such as spousal or child abuse, from possessing any firearm. That is a broad-based term. People prone to violence should not have guns. In addition, the bill includes measures designed to keep guns out of the hands of juveniles. Senator Kohl has been the leader of that effort in the Senate and his Subcommittee on Juvenile Justice has looked carefully into the issue.

Third, the bill aims to ensure that those who are granted Federal licenses to deal guns are legitimately dealers who are not selling to drug traffickers and gun runners. Senator Simon has led the effort in the Senate to strengthen the regulation and screening of federally licensed gun dealers and his work is reflected in this bill.

Fourth, although measures directed at the primary market in firearms, such as gun dealer regulation and the Brady law are important, we must also get at the secondary market in guns, those

who are not buying their guns from dealers, if we are to make serious progress in curbing gun violence.

The Gun Violence Prevention Act includes several protections aimed at the secondary market. Every handgun buyer in the secondary market would be required to have a license and every seller would be required to register the transfer with the State police. Registration of handgun transfers is absolutely essential for speedy and reliable tracing of guns used in crime.

Fifth, this legislation would take some necessary steps to improve gun safety. As I mentioned, licensing requires passage of a gun safety course. In addition, the bill would require manufacturers to add certain safety devices to guns to cut down on accidental shootings, especially by young children. Also, the bill would require adults to store guns safety away from juveniles.

Further, this bill would ban certain weapons that pose a special danger to society and that have absolutely no legitimate hunting or sporting purpose, such as semiautomatic assault weapons, Saturday night specials, explosive ammunition, and large-capacity ammunition magazines.

Let us be clear on the goals of this legislation. Contrary to the NRA's predictable, worn-out claims that every bill with the word "gun" in it is really a conspiracy to ban all guns, this legislation would not take a single gun away from anyone. It would not ban any hunting or sporting gun. It would not ban handguns. It would not put legitimate gun dealers out of business. It would not make gunowners register all the guns they own. All this legislation does is take some absolutely critical, prospective-only measures to keep guns out of the wrong hands and reduce gun violence.

I believe that this legislation is a necessity. I believe that the American people want us in Congress to put an end to the violence that is occurring on the streets of America, and we are going to make every effort to pass this bill during this session.

Senator Simon?

OPENING STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. Thank you, Senator Metzenbaum. I thank you for your leadership. I am pleased to cochair this hearing on something that is really important in our Nation.

There are many causes of violence in our society. Poverty is one of the causes, and it has become too easy for policymakers to ignore poverty. You show me an area with high poverty and I will show you an area with high crime. What we are doing in our schools is part of it. Of those who are in prison today, 82 percent are dropouts. If you want to have a real crime program, don't just build more prisons, do something about educational opportunity for disadvantaged Americans.

It is tied in with jobs. The majority of those in prison today were unemployed when they were arrested. Again, any area of high unemployment is going to be an area of high crime. What we see on TV too often has been a cause of crime. We have glamorized violence, and I appreciate Senator Metzenbaum's help in working on that particular problem.

But we should not fool ourselves. The cause of violence is a mosaic with many pieces, but one of the pieces is the proliferation of weapons in our society. When you compare Seattle, WA, and Vancouver, BC, very similar in ethnic composition, very similar in the rate of crime, with one exception, and that is the rate of murder because of guns. Canada has much stricter rules in terms of weapons, and their rules differ from ours in three aspects that are covered by Senator Metzenbaum's legislation.

First, who can get a gun. There is a 28-day waiting period in Canada. Second, the kind of weapons that are tolerated. I live in hunting territory in deep southern Illinois. We have 12 acres right next to the Shawnee National Forest. On those rare days when I get home to southern Illinois, I literally see more deer than people. I am around hunters all the time. I have never seen a hunter with an Uzi or an AK–47. We don't need those weapons in our society.

Third, Canada is much stricter on who becomes a dealer. Three-fourths of the dealers in our country aren't the people we think of as gun dealers who sell in stores. Three-fourths of the gun dealers sell out of the trunks of their cars or out of their kitchen and keep minimal, if any, kind of records. In the city of Chicago alone, 62 crimes were related to weapons sold by one dealer in Hammond, IN. We have to be more careful about who becomes a gun dealer.

I want to join my colleague in paying tribute to Senator Kohl for his work on juveniles and weapons, and Senator Feinstein on this committee, also, on her work on trying to outlaw certain weapons. We have moved to the point where young Americans are more likely to be killed by guns than automobile accidents. That is a frightening kind of a statistic.

We read about the violence in Northern Ireland and we are appalled by the violence there, as we should be, but a child in the United States is 15 times more likely to be killed by a gun than a child in Northern Ireland. We can do better in our country, and that is what this hearing is all about.

Let me call now on my colleague, Senator Brown, who shares the concern, if not all the views, of Senator Metzenbaum and myself.

OPENING STATEMENT OF HON. HANK BROWN, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator BROWN. Thank you, Mr. Chairman. I appreciate your calling this hearing and your very thoughtful consideration of this subject. It is not often that I appear at a hearing where both you and Senator Metzenbaum are to my right. [Laughter.]

Senator METZENBAUM. It is purely a matter of perspective.

Senator BROWN. It must be that I have moved so far left.

Violent crime strikes America every 22 seconds. We have a murder every 22 minutes. That is an incredible heritage that I don't think any of us are proud of. There is a rape every 5 minutes. There is no question we have a problem that is beyond the dimensions that anyone has thought about America would ever find.

The Department of Justice estimates that from 1973 to 1991, 36.3 million people were injured as a result of violent crime. If you think of that in some military context, that simply dwarfs what has ever happened in our wars. Of the roughly 2 million people a year that were injured as a result of violent crime, 51 percent required

some level of medical treatment and 23 percent went to emergency rooms. It is not just the cost that we are concerned about or just the human misery, but the decline of our society, as a result.

I believe, as Senator Simon does, that education can play and does play a big part of it. I personally believe the fact that we send our children to school far fewer days a year than our competitors either in Europe or in the Far East is a factor. Young, active, vigorous minds and bodies require activity, and if they are not turned to productive endeavors they will indeed find ones that are not.

While talking to a young man in a special program in Adams County a month or so ago, I found an interesting aspect to his life. He is in the eighth grade; normally, he should be in the ninth grade. He had dropped out. Through a special program he was encouraged to return to school, and he liked the new program. He is doing a little better, and I think part of the special attention is helpful. He is obviously a capable young man, even though he hadn't focused on academics.

I asked him what time he got out of school. It gets out at 1:15. His mother doesn't get home until 6. Now, here is a young man who is a little more mature than his contemporaries. He has got lots of energy, his body is filled with hormones, and he doesn't have anything to do from 1:15 until 6. He is going to have problems, and part of it is because our school year is not only much shorter than our competitors in number of days, but it is much shorter in the length of the day.

I don't mean that we have to lay all our problems on the schools, but it is important for us, as we think about crime, to think about filling the void so that there is productive time in our young men and women's lives. Part of that, I think, has to be utilizing the total capacity of schools far better than we do now. It also, I believe, will help make us much more competitive in education. Some will say, Hank, that involves more resources. I suspect it does, but the cost if we do not respond to this crisis is unimaginable.

I am one who thinks that our efforts at punishment with regard to guns ought to be focused on the people who misuse them, not on people who are law-abiding, and I think we probably will have better luck if we focus in that area. But the reality is, however you come down on that argument, we all have to join together to find some positive alternatives for our young people or this problem will get worse in spite of what we do with gun legislation.

Thank you, Mr. Chairman.

Senator METZENBAUM. Dr. Joycelyn Elders, Surgeon General of the U.S. Public Health Service, we are happy to have you with us this morning.

I owe my colleague an apology. This is the Constitution Subcommittee of the Judiciary Committee. Paul Simon is chairman of that subcommittee, and I just started going forward, so I apologize to him. Really, it is his subcommittee hearing.

Senator SIMON. You have slightly more seniority than I do, Senator Metzenbaum.

Senator METZENBAUM. Both based upon the number of years in the Senate and the dates when we were born. [Laughter.]

Senator SIMON. I will defer to Senator Metzenbaum any time in these kinds of things, so no apology is necessary.

Dr. Elders, we are very pleased to have you here.

STATEMENT OF M. JOYCELYN ELDERS, SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE

Dr. ELDERS. Thank you, Senators Metzenbaum, Simon, Senator Brown. It is a pleasure and an honor for me to be here this morning to discuss the problem of gun violence in our society.

We all know that violence is a crime, something usually dealt with in our criminal justice system. However, if we are to address the issue of violence in our society, we must start thinking of it as a public health problem. It is a public health problem because it can be prevented. It is a problem that can be cured. It does not have to be endured. Second, violence kills and injures more young people than AIDS or drunken driving, especially our bright young people.

Gun violence permeates our society. In 1991, there were approximately 26,000 homicides and 31,000 suicides in our country, or 57,000 deaths. The number of deaths caused by violence, as you have said, is 1 every 9 minutes, or 162 per day. This number is greater than the deaths caused by AIDS, over 30,000 per year, or 1 every 16 minutes, 90 per day, and it is greater than the deaths caused by drunken driving, nearly 18,000 persons per year, or 1 every 30 minutes.

Gun violence is an important contributing factor to the explosion of violence in general. Of the 57,000 deaths in 1991 related to violence, over 38,000 were firearm-related injuries—49 percent suicide, 46 percent homicide, and 4 percent unintentional.

Every day in America, 14 children aged 19 and under are killed in gun-related suicides and homicide. Among teenagers 15 to 19 years old, 1 in every 4 deaths is attributed to firearm injuries. Since 1985, the risk of dying from a firearm injury has increased by 77 percent for teenagers. They are the leading cause of death for African-American teenagers in this country and the second leading cause of death for white teenagers in this country. In fact, our white teenagers' deaths are 8 times that of other countries, and for our black teenagers it is 47 times that of any other industrialized country. In 1990, more U.S. teenagers died from firearm-related violence than all natural diseases combined. Fifty-seven percent of all African-American teenage males who died in 1990 were killed by guns.

The direct cost of treating firearm injuries alone to our health care system is $1.4 billion a year. In a society with 250 million people, we have 211 million guns; 72 million are handguns and over 1 million semiautomatic assault weapons.

What especially concerns me is the easy access our children have to firearms. CDC estimates that about 1.2 million elementary-age latchkey children have access to guns in their homes each day, and we have heard many times that these children are in their homes prior to their parents being there.

A nationwide survey of high school students found that 1 in 20 students had carried a gun, usually a handgun, during the past month. It is estimated that 135,000 children take guns to school every day. I have often said it is easier for some of our children

to obtain a gun than it is to find a good friend, a good teacher, a good school, or even a good minister.

Risks associated with guns in the home are high. If you have a gun at home, you or a household member are three times more likely to be killed or to kill someone in your home. You or a household member are five times more likely to commit suicide. When you add alcohol and a history of domestic violence to the mix, the risk of homicide is 20 times greater. Firearm assault on family members and other intimate acquaintances are 12 times more likely to result in death than assault using other weapons.

The average child sees 8,000 murders and 100,000 acts of violence on television before entering elementary school. When our children see violence without pain, what can we expect? Whether we look at the violence adolescents inflict on each other or the violence they inflict upon themselves, adolescents who have experienced violence at home are violent in the community. To put it another way, adolescents are often the vector that takes violence into our communities from their homes.

What can we do to solve this seemingly unsolvable problem? We have got to take a multidisciplinary approach to ending violence, the kind of approach that draws from criminal justice, education, social service, the religious community, and health. Our experiences over the past 20 years have taught us that the criminal justice cannot solve the problem alone.

We see this in prisons that are bursting at the seams, in our neighborhoods in decay, in the continuing decline of the family, in the ever-increasing number of children killing children, in 10- and 12-year old children in this Nation planning their funerals, in senior citizens afraid to leave their homes, and in 14-year-olds believing the only safe haven is death.

We must do several things. First, we must keep guns out of the hands of our children. This means legislation to prohibit their possession by minors. This means teaching parents and gunowners how to store guns safely in their homes, particularly homes with children. This means teaching parents to buy their children books, not guns.

Next, we must ban the sale of semiautomatic assault weapons that have no other purpose but to kill. Next, we can reframe the public debate on firearms from one of gun control to one of public health; that is, preventing firearm injuries. The public health emphasis is on prevention and on a scientific basis for defining and solving the problem. The public health model looks at causes; it takes a comprehensive view. Most importantly, it seeks to empower communities and it seeks to prevent violence before it occurs.

If we ever expect to put an end to violence and victimization in America, we have to start where the violence starts, in our homes and in our families. Violence is a learned behavior and not a fact of life. We must focus on primary prevention. Primary prevention strategies are nothing new to public health. Twenty years ago when the toll of traffic crashes captured public attention, the first thing we did was strengthen driver's education in our schools. We said we must have safer drivers.

Next, we went to the automobile industry and we demanded safer cars, seat belts, air bags, and other protective mechanisms.

Then we went to the highway builders and we said we must have safer highways. We have worked with the highway designers to make them safer, and then we cracked down on unsafe, usually drunken driving. Just as we reduced the number of deadly traffic crashes, I maintain we can engage in a similar procedure to reduce the deaths and injuries caused by violence.

Senators we must use all of the resources we have got to tackle the problem that is killing our children. As was said earlier, we must have a comprehensive health education program in our schools that has an integral part of it conflict resolution as an important part of the curriculum. We must educate ourselves and educate our parents so they can play a more active and constructive role in their children's lives.

We must have our teachers involved so that they can begin to prevent violence when they see it occurring in their schools. The business community must be involved by adopting schools, sending in mentors, sponsoring internships, jobs and career paths for young people. Doctors and nurses must be trained to recognize the signs of domestic violence and child abuse, and help the victims. The clergy must speak out forcefully on violence and not continue to preach to the choir by taking their messages into the street.

As I have said before and will say again, we must begin to have an integration of the things that are happening throughout our communities. Police must set an example and must enlist the help of all of our citizens. Young people themselves must be an example.

We have got lots to do, and I feel that the legislation that you are discussing sends a very clear message to all of our citizens that you care enough to change the concern that we all have about this problem, and you are committed by taking the time, using your talents as well as using your treasures, to try and make a difference in the lives of bright young people.

You are aware of the problem, you have become advocates for this problem, and we all must become advocates for this problem so that we can develop an action plan to make our communities safe again. We each have to reach out and use all of the resources in our communities, and we must take risks and assume responsibility. Finally, we must educate and empower all of our children and all members involved in our communities so that we can reclaim our neighborhoods. To do anything less is to sacrifice our children and our future. Our young people must have hope for their future. We must make this happen because they are our future.

As your Surgeon General, I believe it is time for America to get over its love affair with guns. It is time to send the Terminator and Dirty Harry packing, along with the Marlboro Man and Joe Camel. The time is right, the time is now, and I thank you for holding this hearing.

Senator SIMON. Thank you very much, Dr. Elders.

I note that we have been joined by our colleague from Utah. Before we ask questions, do you have any opening statement?

Senator HATCH. If I could, I would appreciate it.

Senator SIMON. Yes.

OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Thank you for extending me this honor.

Welcome, Madam Surgeon General. We are happy to have you with us today.

Mr. Chairman, violent crime is the scourge of the country. Thousands of bloody murders per year are brutally committed against innocent citizens in this country. Gang violence is epidemic. Indeed, our Nation's heartland is witnessing an unprecedented growth in gang violence, a plague all too well known to cities like New York, Chicago, and Los Angeles.

Cities like Salt Lake City, UT, have had to face gang problems as well. According to the Salt Lake Area Gang Project, a multijurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 215 organized gangs in the Salt Lake area, with over 1,700 members. Juvenile involvement in Utah's gangs is substantial, accounting for 34 percent of gang membership. Members of these gangs are usually 15 to 22 years of age.

However, the problem with S. 1882, the so-called Gun Violence Prevention Act, is that it will do little to ameliorate violent crime or even promote gun safety. Provisions such as the bureaucratic national handgun licensing system imposed on the States to administer, and the prohibition on semiautomatic assault weapons will do little to stem the tide against violent crime. Instead the administrative costs to Federal and State governments will divert funds away from the real problem, and that is fighting crime and disarming criminals.

Criminals generally obtain firearms in the black market or from other criminals, not from gunshops and licensed dealers, although some do there, too, by lying. All S. 1882 will do is make it far more costly for law-abiding citizens to purchase firearms for lawful purposes, such as hunting, target shooting and competition, collection and, most important, for home and self defense.

As reported in the Sunday New York Times Magazine on March 20, 1994, in an article by the noted scholar and author James Q. Wilson entitled "Just Take Away Their Guns: Forget Gun Control," legal restraints on the lawful purchase of firearms will have little effect on the illegal use of firearms.

> There are some 200 million guns in private ownership, about one-third of them handguns. Only 2 percent of the latter are employed to commit crimes * * * Moreover, only about one-sixth of the handguns used by serious criminals are purchased from a gunshop or a pawn shop. Most of these handguns are stolen, borrowed, or obtained through private purchases that wouldn't be affected by gun laws.

Wilson goes on to argue that successful attempts to restrict the sale or possession of guns and ammunition would diminish the ability of the law-abiding to defend themselves.

> Gun control advocates scoff at the importance of self-defense, but they are wrong to do so. Based on a household survey, Gary Kleck, a criminologist at Florida State University, has estimated that every year guns are used—that is, displayed or fired for defensive purposes—more than a million times, not counting their use by police. If his estimate is correct, this means that the number of people who defend themselves with a gun exceeds the number of arrests for violent crimes and burglaries.

The way to deal effectively with violent crime is to support measures that effectively remove weapons from the hands of criminals, not from the hands of law-abiding citizens who responsibly use their weapons. That is why I support the Biden-Hatch bill. That is why I sponsored the measures in the crime bill that would increase Federal penalties against gang members and disarm criminals by throwing them in jail. That works. The House is not putting these provisions in. These will decrease the fear created by the plague of violent crime. Senate bill 1882, on the other hand, does little to cure this plague. I believe it is time that we stopped touting this ineffectual approach to crime control and pass a tough, commonsense anticrime bill.

I said during the debate on the floor that if you pass Brady, what the American people are going to do is they are going to say, well, we are going to have 5 days, we had better go out and get our guns. Consequently, since that time guns sales have been, of course, skyrocketing.

Some have said, well, what we have got to do is allow people to buy only one gun per month. Well, you know what the American people are going to do. You tell them they can't do something and they are going to go out and buy one gun per month.

These are ridiculous approaches toward these problems and we are not attacking it in the way we should, and that is we have got to attack the criminals. We have got to take them away from them. We have got to get tough on crime. We have got to sentence these people to very, very stiff sentences and we have got to carry them out. We can't just let them out through a revolving door out on to the street. If they are going to use guns, they are going to pay a big price for it.

Having said that, I am interested in the hearing. I am interested in what is going on and I am interested in the comments of our Surgeon General and others because I think it is important that we review all ideas on this matter.

Thank you, Mr. Chairman, for your courtesy to me.

Senator SIMON. Thank you, Senator Hatch.

Senator Metzenbaum, I assume you agree with Senator Hatch's statements entirely here.

Senator METZENBAUM. As usual.

Senator SIMON. Yes. [Laughter.]

Senator METZENBAUM. Dr. Elders, the American people are used to seeing the Surgeon General out front on health issues such as smoking and alcohol, but some might think it is strange that the Surgeon General has taken an active role in the debate about guns.

I have been involved in the debate over guns for years, and during much of that time doctors and public health officials were noticeably absent. What has changed? Why has gun violence become a public health problem?

Dr. ELDERS. Senator, that is a very interesting question, but, you know, it is not only now the Surgeon General that is out talking about gun violence. The American Medical Association is really holding major conferences and is very concerned about gun violence, and one of the reasons is we really now are becoming aware of the problem, we are recognizing the problem, and we feel that we in the medical society need to become involved in addressing

this issue. It is in our communities. The average pediatrician sees five to six acts of violence that he has take care of each year. So we are seeing more of that and we realize that we have got to get involved and be responsive.

Senator METZENBAUM. Thank you. You have been outspoken on the need for a comprehensive approach to gun violence, especially as it affects children. As I understand your view, many of the things we must do as a society to curb violence involve nongovernmental efforts, such as efforts by parents and teachers.

In your view, what role does the Federal Government have in trying to reduce gun violence to protect children, and what needs to be done on a Federal level?

Dr. ELDERS. Senator, I think passing the Brady bill will in some ways help young people. You know, we need to keep the tools of violence out of the hands of our children. I feel that young people should not really be able to own or have a gun. I feel that that is something that they should not do.

I feel that you can be leaders and really offer in leadership in saying that we need a comprehensive health education program in our schools and have an important part of the curriculum dealing with conflict resolution because many of our young people do not come from homes where they see problems dealt with in any other means other than in a violent way. I feel that you have taken leadership in trying to reduce the violence that we see on our televisions or that our children are exposed to, and I think that that is an important role for the Federal Government to play.

Senator METZENBAUM. Attorney General Reno has said that "We have to make sure it is at least as difficult to have a gun as it is to get a driver's license, and we have got to get the guns out of the hands of our children." She also has suggested that it would be a good idea to require gun safety courses and testing before someone could buy a gun, saying "I think we should at least demonstrate before we own a gun that we know how to properly use it." Do you agree with the Attorney General's remarks?

Dr. ELDERS. Senator, I agree with most of the Attorney General's remarks, and I certainly agree with those.

Senator METZENBAUM. What are the public health implications of gun safety mechanisms? In the past, the Surgeon General has examined how manufacturers market products that pose a health risk for consumers, demanding that consumers be told the truth about the product, such as with cigarette warning labels.

Have you examined, or do you plan to examine how manufacturers market guns and whether something needs to be done in that area, and what effect do you think the marketing of guns has on our children?

Dr. ELDERS. Senator, I think obviously the Surgeon General will not have much to do with the marketing of guns. I feel that that is really under the control of the criminal justice department, but I would certainly be supportive of things that they would recommend that would increase gun safety in our homes and with our children.

Senator METZENBAUM. Thank you very much, Dr. Elders.

Senator Brown?

Senator BROWN. Thank you, Mr. Chairman. Dr. Elders, in your opening remarks you talked about television violence and the large numbers of incidents of violence that our young people see as they grow up even before they enter school. How do we address this issue? Do you think we ought to limit what is shown on television in some way?

Dr. ELDERS. Well, you know, I think every time you try to say that, somebody says that you are limiting people's first amendment rights, so obviously I guess that is very difficult to do. You have held hearings, and Senator Simon has certainly been working hard to try and limit what is shown on television, or at least get the industry to be responsible corporate citizens, and it is my understanding that they are beginning to work on that.

There was a bill to try and shut off TV's such that children could not view certain violent programs. You asked the TV industry to have those put on so the parents would know which ones to show. Of course, we found that there was only one television program out of all of the television programs that they thought contained violence, so we feel that they didn't really regulate themselves and I think that they are going to go back and try again, it is my understanding.

Senator BROWN. So at this point, the focus of your efforts is going to be warnings or voluntary efforts to urge advertisers to not advertise on violent programs?

Dr. ELDERS. Well, warnings to parents; we are going to try and educate parents so they can really make decisions. We are going to give warnings to the advertisers. We are going to continue to hold talks and work with the television industry, and I feel that the industry can do a great job of reducing the kind of violence that is shown during times that children are usually watching.

Senator BROWN. You spoke earlier about making sure children do not possess firearms. Colorado has passed a law that requires our schools to dismiss any child that is found to have a deadly weapon in their possession when they come to school. Would you share your thoughts with us as to whether you think that is a good idea or a bad idea?

Dr. ELDERS. Senator, it is very painful to me to feel that children are being dismissed for bringing a deadly weapon to school sometimes because the reason they bring—you know, our survey said that the reason children bring deadly weapons to school is because they are really very afraid, they are very frightened of what is going on in their schools.

We know that 160,000 children skip school or miss school every day because they are frightened of what goes on. We know that there are more than 2,000 children per hour attacked in our schools across the country, and 40 teachers attacked per hour. So we know that there is some reason for them to have some fear. I think we need to look at it, evaluate it carefully, try and work with the parents, work with the community, work with the school. I mean, I feel that there may be reasons——

Senator BROWN. You would not favor dismissing them if they bring deadly weapons to school?

Dr. ELDERS. You mean forever?

Senator BROWN. Well, no, just for that semester.

Dr. ELDERS. For that semester?

Senator BROWN. Yes.

Dr. ELDERS. Well, you know, I would really have some problems personally with that because we know that it is usually the children that have the greatest amount of difficulty, so we move them out of the school, and now we have put them out into the community and they are far more likely to do even more harm out there where they have zero supervision.

Senator BROWN. Earlier, we talked about weapons and children. Do you have a statistics on the number of people who purchase guns from licensed dealers that go out and commit crimes? Is that where they get their guns?

Dr. ELDERS. Senator, I do not have that data. We may have it at CDC. I do not know that. We will certainly try and get that for you, but it is my understanding, I think, like Senator Hatch has said, many of these guns are purchased on the black market. They are borrowed from friends or they are bought from someone who is not a licensed dealer.

Senator BROWN. You mentioned earlier comprehensive health education as being an important factor here. As I am sure you have seen, the remarks that were attributed to you in the Advocate Magazine obviously have raised some interest. Are those issues and beliefs the ones that you think should be included in a comprehensive health education program?

Dr. ELDERS. Senator, I feel that a comprehensive health education program must start very early. We are talking about self-esteem, teaching children how to make decisions, good diet, exercise, sexuality education, drug education, nutrition education. These are the things that our children need that are not being taught.

Senator BROWN. Are the comments you made in the Advocate ones that you think should be included in the sexuality education?

Dr. ELDERS. I am sorry, Senator. What were they?

Senator BROWN. Well, the reference was that America needs to know sex is wonderful and normal and a healthy part of being, whether it is homosexual or heterosexual.

Dr. ELDERS. Yes, I made—that is correct. They did get it correct.

Senator BROWN. Thank you. I have no other questions.

Senator METZENBAUM. I gather that was a significant point in connection with gun control?

Senator BROWN. It was a point in reference to comprehensive health education which the Surgeon General had brought up in response, I believe, to your question.

Senator METZENBAUM. I think the Chair thinks that the question was way off base, but I am sure the Surgeon General stands behind her comments.

Senator BROWN. I have never thought that about your questions, Mr. Chairman. [Laughter.]

Senator METZENBAUM. Thank you.

Senator Hatch?

Senator HATCH. Well, I have.

Senator METZENBAUM. Wait a minute. Senator Simon is here.

Senator SIMON. First, if I may differ slightly from Senator Hatch here when he says that getting hold of gun dealers—and I am probably misquoting you here—isn't that significant, ATF checked

with people in prison, prison inmates, and asked them where they purchased their guns, and 27 percent said they got them from retail outlets. Now, when you add the people who don't have the stores, I think it is probable that if not a majority, close to a majority of guns were purchased from legal dealers. If we get a hold of those dealers, I think it can be extremely important.

On your statistics, one of the things that I would just like to reemphasize is that people who bring guns into their homes are more likely to have those guns used on themselves than on strangers—three times more likely to be used that way, and it is five times more likely that a home that has a gun will have a suicide. Those are statistics that are just overpowering. Then you mentioned 4 percent unintentional, accidental deaths. Four percent doesn't sound like a lot. That is 1,520 deaths on this country.

When we talk about statistics, Dr. Elders, sometimes this thing becomes faceless. I don't mean to put you on the spot here now, but have you had any experience personally, talking with someone, knowing someone, where this thing is more than just these powerful statistics? The statistics don't have flesh and blood.

Dr. ELDERS. Senator, you may or may not know my brother, who was a veterinarian, my brother who I think I testified had his—you know, my dad took him on a mule for 13 miles to a doctor when he had appendicitis, and it was lanced and he returned home. Well, he subsequently became a veterinarian and he had been in practice for less than 3 years and he was killed in his home by handgun violence. You know, it was not someone in our family. It was a burglary, but he was killed at home.

Senator SIMON. And so this thing is not just an abstraction for you?

Dr. ELDERS. It is not just an abstraction for me, sir. It is a real problem. We see too many, especially too many young black men, being killed by violence. It is a real problem for me.

Senator SIMON. In the area of cigarettes, we have gradually changed public use through education. In addition to legislation in terms of who gets control, are there things that we ought to be doing in the area of education on weapons, whether or not you should have one in the home—you know, the kinds of statistics that you have been using? Are we doing what we should be doing in the way of education?

Dr. ELDERS. Well, I don't feel we are doing what we should be doing in the way of education. I feel that we really need to be not only educating our parents on how to be good parents and how to deal with guns and gun storage or whatever—you know, this would be a part of parent education. We need to be educating our children on how to deal with problems other than through violent means.

We need to really work with our teachers. We have not educated our teachers in many of our schools, or most of our schools, to be exact, on really how to deal with violence in other than violent means. So I feel that we need to educate not only the individual gunowners in how to use guns and how to deal with that, but we need to educate all of our children. We need to educate our parents. We need to educate our communities on how to deal with this issue.

Senator SIMON. Because of the fear of violence, gun sales have escalated, and part of that education ought to be the dangers that you acquire when you get that gun in the home.

Dr. ELDERS. And the responsibilities you assume.

Senator SIMON. Yes.

Senator Hatch?

Senator HATCH. Thank you, Mr. Chairman.

Dr. Elders, I know that you are a very sincere person, and I have great respect for that. A lot of the violence in our society today is coming from the drug culture, from the dissemination and widespread use of drugs. A lot of the money that goes for weapons really is coming from the sale of drugs, and so I have a few questions I would like to ask you about that relationship.

You first broached the subject of studying legalization of drugs in December of last year, saying that you believed that legalization could significantly reduce violent crime in our country. In January of this year, the Washington Post reported that you felt your initial favorable impression of legalization had been buttressed by your reading of a number of studies. That was in the Washington Post.

Now, could you please tell the subcommittee what studies you are talking about here because I don't know of any that say drug legalization could reduce crime? If there are, I would like to know.

Dr. ELDERS. Senator, you know, my office—and we have people that are still working on it and they have not really—I have kind of gone through some of them quickly and they have not truly briefed me, so I would not like—I have already made one statement saying that I felt that we needed to do a study, and I want you to know that I have not educated me well enough yet. When I do that, I might be 100 percent wrong, but so far what I have learned—I don't feel like that, but I might. You know, you shouldn't make decisions on incomplete data.

Senator HATCH. Well, I think it is important to point out that there is a difference between asking for a study and suggesting that it might be a good thing to do. As you and your staff do research on this, we would like to have whatever studies you uncover that indicate that that may be the case.

In your comments about drug legalization, you indicated that there were positive experiences in foreign countries with legalization, in that crime rates were reduced without increases in drug use. That was in the Washington Post on December 8.

Could you tell us which countries these were and what drugs were legalized and how the crime rates were reduced?

Dr. ELDERS. Again, Senator, I want to make sure that—you know, again, I may have gotten their initial studies. I think every country that has done something in this area not only sent me their bill, they sent me their data and all of that. But, sir, I have been so busy since I have been here I haven't had time to spend time with that, and I think the administration made a decision so I felt that I had time to teach myself.

Senator HATCH. I know of no studies in any countries that show legalization reduces crime rates without increases in drug use. But if you find some, I would like to see them. I think it is important.

Dr. ELDERS. Thank you.

Senator HATCH. Are you aware of reports that the Dutch are tightening up their relatively lenient drug policies because of sharp increases in drug-related crime and violence in recent years? That was reported in the Chicago Tribune on December 12. Are you aware of that?

Dr. ELDERS. No, but again I do have a lot of data from the Dutch; you know, their original studies from their scientists.

Senator HATCH. We would like you to submit that to us.

Are you aware of the British experience of attempting to register and supply heroin addicts through physician-controlled distribution in the 1960's?

Senator SIMON. I don't mean to cut off Senator Hatch in this line of questioning, but to the extent we can focus on the gun question——

Senator HATCH. Well, I am because I think these are preliminary to getting to some of the gun questions.

Dr. ELDERS. Senator, I have the data, you know, but I have not read it all and when I get educated, you know that I don't mind speaking out about what I believe in.

Senator HATCH. You will submit that to the committee?

Dr. ELDERS. Well, I haven't reviewed it yet.

Senator HATCH. That is OK.

Dr. ELDERS. When I finish.

Senator HATCH. I cited James Q. Wilson's article. He said that the British effort resulted in a 30-fold increase in the heroin addict population in Britain in 10 years. Now, if that is true, would that give you pause with regard to legalizing——

Dr. ELDERS. Sir, I would really need to see the scientific data and not the newspaper report.

Senator HATCH. I would, too.

Dr. ELDERS. Well, you know, that is what I would like to do.

Senator HATCH. Well, when you first raised the idea of legalization as a possible drug policy option—see, I think that an awful lot of violence in our society is centered in the use of drugs and the spreading and dissemination of drugs, and when you first raised the idea of consideration of legalization as a possible drug policy option last December your comments were reportedly not embraced by the White House. Since that time, you have reiterated your opinion that you believe drug legalization could reduce our crime rate and that the issue should be considered.

Now, I assume that you continue to advocate your position with the administration. Have you found any sympathetic listeners down there?

Dr. ELDERS. Senator, I am trying to educate me.

Senator METZENBAUM. Senator, excuse me. We are getting into an area that is totally outside——

Senator HATCH. I don't think it is.

Senator METZENBAUM. First, we had Senator Brown who wanted to get into the gay and lesbian question. Now, we have got Senator Hatch who wants to get into the whole question of drug legalization. Now, we have a very, very prestigious list of witnesses——

Senator HATCH. Howard, I didn't interrupt you, and this is very, very important.

Senator METZENBAUM. I know, but the fact is Senator Simon and I are cochairing this and I do think that we have normal rules, and that is we don't ask questions beyond the purview of the issue before us.

Senator HATCH. Well, this is the first hearing I have ever been in when anybody has raised that. Anybody can ask anything they want, but especially questions leading up to the use of guns that pertain to the primary reason why we have such a widespread proliferation of violent crime and gun use in our society. So I think these questions are not only pertinent, but you can't discuss the issue without them and I think it is important.

You and I may differ on what we think is right here, but I think it is important for us to know where you are as a leader in our society as Surgeon General. So I just think it is important because I believe your position is irony. You support studying the legalization of drugs, and it is well understood, indeed generally agreed upon, that the use of narcotics, not simply the black market trade in illegal drugs, is a contributing factor to the increase in crime, and especially violent crime with the use of guns. Drug dependence and addiction leads to violence and theft.

You support bills like S. 1882 which are confiscatory in nature and would convert many types of hunting rifles and sporting rifles into contraband. Now, you know, the question that comes up is how could one hypothetically support legalization of drugs on one hand—I am not saying you do, but you have called for studies of it——

Dr. ELDERS. Thank you, Senator.

Senator HATCH [continuing]. And the criminalization of firearms on the other? Now, if you can tell us, how does S. 1882 lead to reduced gun violence and gun injury? Won't S. 1882 lead to growth in the black market for guns, where a lot of them are being picked up, and isn't it the basis for the argument of those who wish to legalize drugs that such prohibition is ineffective?

We have proven that time after time in this country, and with that in mind, let me ask you this question: Isn't it true that virtually the only people affected by this bill would be lawful gun purchasers?

Dr. ELDERS. Well, Senator, that is certainly not my impression from reading the bill.

Senator HATCH. All right. Well, that is all I have. Thank you.

Senator SIMON. Any further questions of Dr. Elders?

Senator BROWN. I did have a followup.

Senator SIMON. Yes; Senator Brown?

Senator BROWN. I wanted to inquire with regard to the suggestion that we outlaw sales of guns, and I think the current bill deals with both sales and possession. If that restriction should be extended to other deadly weapons, knives and other weapons that could inflict death, do you think that would have a positive impact as well?

Dr. ELDERS. Senator, I don't know the answer to your question.

Senator BROWN. One of the things that I had been concerned with as I went through the bill was the restriction on possession at age 16—well really below age 21. Obviously, our young people go into the military well below that age, and while I know there

is an exemption for people who are supervised by someone 21 or older, at times squad commanders are not above the age of 21.

Do you think there should be an exemption from the ban of firearm possession in the bill for people who have experience, who are perhaps 18?

Dr. ELDERS. Senator, it never occurred to me that the bill included a concern of the military. You know, I felt that that was regulated by our military.

Senator BROWN. Thank you.

Senator SIMON. If I can quote, in partial response to Senator Brown, from your statement, "Firearm assaults on family members and other intimate acquaintances are 12 times more likely to result in death than are assaults using other weapons." If you give me a choice of somebody coming after me with a knife or a baseball bat or a gun, I don't have a hard time making the choice. There is just no question, guns are infinitely more deadly.

Dr. Elders, I just want to thank you for standing up. When you enter this arena of gun control, you are entering an arena of controversy and it would be easy to duck. You haven't ducked, and I appreciate your standing up.

Dr. ELDERS. Thank you, Senator.

Senator SIMON. Thank you very much.

Senator METZENBAUM. Thank you, Dr. Elders.

[The prepared statement of Dr. Elders follows:]

PREPARED STATEMENT OF M. JOYCELYN ELDERS, M.D.

Good morning, Mr. Chairman, Senator Metzenbaum and other members of the subcommittee.

I am honored to be with you this morning to discuss why the epidemic of gun violence has become a public health issue. We ordinarily think of violence as a crime, something to be dealt with under the criminal justice system. But if we are serious about addressing the issue of violence in our society, we must start thinking of it as a public health problem because it kills and injures so many people, especially our young people and our children.

THE PROBLEM

The following statistics, they bear repeating—gun violence permeates our lives:

- In 1991, the most recent year for which we have information, there were approximately 26,000 homicides and 31,000 suicides in this country.
- The number of deaths caused by violence, then, is 1 every 9 minutes and 162 per day.
  - This number is greater than deaths caused by AIDS, over 30,000 per year or 1 every 16 minutes (90 per day).
  - And it is greater than deaths caused by drunk driving, nearly 18,000 persons per year or 1 every 30 minutes (49 per day).
  - By the time I finish this statement, another person will have died from violence. By the time we head to our homes tonight, another 36 will have died.
- The average child sees 8,000 murders and 100,000 acts of violence on television before finishing elementary school.

Gun violence is an important contributing factor to this explosion of violence in general:

- During 1991, over 38,000 people died from firearm-related injuries—49 percent were suicides, 46 percent were homicides, and 4 percent were unintentional.
- Every day in America, 14 children ages 19 and under are killed in gun-related suicides, homicides, and unintentionally when a gun goes off.

- Among teenagers 15 to 19 years old, one of every four deaths is attributable to a firearm injury.
- Since 1985, the risk of dying from a firearm injury has increased by 77 percent for teenagers 15 to 19 years of age.
- Firearms are the leading cause of death for African American teenagers in this country and the 2nd leading cause (after motor vehicle crashes) among white teenagers. Look at the chart I brought that compares homicides among our young people with those in other industrialized countries. Almost the entire increase is attributable to firearms.
- Between 1980 and 1991, the suicide rate increased by 27 percent in the 10 to 19 year old age group; 77 percent of this increase is attributable to an increase in firearm suicide.
- The leading cause of death for both black and white teenage boys in America is gunshot wounds.
- Gunshot wounds to youngsters ages 16 and under nearly doubled in major urban areas between 1987 and 1990.
- For young people 10 to 34 years of age, firearms are the second leading cause of death, and one out of five deaths of U.S. teens is due to guns. In 1990, more U.S. teenagers died from firearm-related injuries than from all natural diseases combined.
- Over half (57 percent) of all African American teenage males who died in 1990 were killed with guns. This is up from 48 percent of in 1988.
- The direct cost of treating firearm injuries alone to our health care system is $1.4 billion a year.
- Handguns account for 72 million of the 211 million guns in the U.S.—about one in three, but they account for at least two-thirds of all firearm-related deaths.

What especially concerns me is the *easy access* our children have to firearms:

- CDC estimates that about 1.2 million elementary-aged, latch-key children have access to guns in their homes each day.
- A nation-wide survey of high school students found that 1 in 20 students had carried a gun, usually a handgun, during a one-month period in 1990.

As I have said before, it is often easier for some of our children to obtain a gun than it is to find a good friend, a good teacher, a good school or even a good minister.

We have also learned about that there are risks associated with guns in the home. If you have a gun at home:

- You or a household member are 3 times more likely to be killed or to kill someone in your home.
- You or a household member are 5 times more likely to commit suicide.

When you add alcohol and a history of domestic violence to the mix, the risk of homicide is twenty times greater!

- Firearm assaults on family members and other intimate acquaintances are 12 times more likely to result in death than are assaults using other weapons.

SOLUTIONS

What strategies does public health offer to combat this epidemic?

1) First, violence as a public health issue requires a public health approach. As a public health professional, I feel we must emphasize prevention and use a scientific basis for defining and solving the problem.
2) Second, using similar techniques as those applied to traffic fatalities, we must use an array of interventions to reduce violence. We can educate, we can enact laws and enforce regulations, we can change the environment, we can restore hope in the future for our children, we can take back our streets.
3) Third, violence in the family often results in violence in the community. Children who witness violence at home are often the ones who resort to violence to solve conflicts in the streets.

4) And finally, prevention begins with education in our schools, with violence prevention a part of comprehensive health education in grades K through 12.

The statistics I just cited are powerful proof that gun violence is a public health crisis of the first order. Let me now turn to the reasons why solving this public health crisis demands a public health approach.

THE PUBLIC HEALTH APPROACH

Public health's emphasis is on prevention and on a scientific basis for defining and solving the problem. The public health model looks at causes. It takes a comprehensive view. Most importantly, it seeks to empower communities. And, it works to prevent violence before it occurs.

Until recently, most of our nation's response to violence has been to apprehend, arrest, adjudicate, and incarcerate violent offenders through the criminal justice system. This response is important, but, by itself, it will not stop the problem.

Although we must learn much more about how to prevent violence, what we do know clearly shows that violent behaviors, and the injuries and deaths that result, can be prevented. The police, judges and others in the criminal justice system agree. We should not wait until violence happens to look for solutions. We must stop the violence before it starts. This means paying more attention to our children, to what they learn and to what kind of people they will become.

Public health also provides a scientific basis for defining the problem and finding solutions.

SOLUTIONS

Recently, I have had several opportunities to speak about family violence and I have learned something very simple, but very profound: if we ever expect to put an end to violence and victimization in America, we have to start where the violence starts—in our homes, in our families.

Because violence is so much a learned behavior and not a fact of life, we must focus on primary prevention. We actually need to begin at birth or before, and then provide education and training—and opportunity—throughout a young person's life.

Primary prevention strategies are nothing new for public health. Twenty-some years ago, when the toll of traffic crashes captured public attention, the first thing we did was strengthen drivers' education classes and make them a requirement. Then we worked with the automobile manufacturers to make cars safer, adding seat belts and child safety seats; we worked with the highway designers to make highways safer. And then we cracked down on unsafe, usually drunken, driving.

Just as we reduced the number of deadly traffic crashes, I maintain, we can engage in a similar process to reduce the deaths and injuries caused by violence. We can identify and evaluate a wide array of strategies and interventions to prevent firearm injuries, focusing on changing the ways we resolve conflict. We can also assure guns are used or stored safely.

Before anything else can happen, we must keep the tools of violence out of the hands of our children. The Brady law was a wonderful and courageous first step, but we must do more. Let me add my voice to that of the President's in calling for a ban on semiautomatic assault weapons that serve no other purpose but to kill.

After this, then, the first long-range step in preventing violence, the one I care most passionately about, is *education*. We must devote our tools of commitment to education for the *prevention* of violence.

1) We must educate our parents, beginning with prenatal classes.

Having nurses visit homes of expectant parents to talk about child rearing, the risks of child abuse and how to prevent it is a proven way to prevent violence and abuse in the home.

2) We must offer and support early childhood education classes like Head Start for all children.

This Administration is on record supporting full funding for Head Start.

3) We must provide comprehensive health education in our schools, from kindergarten through high school, and that health education must include violence prevention. I am convinced that schools offer us the best and easiest way to reach as many children as possible.

We need more classes in conflict resolution designed to help children develop empathy with others, learn ways to control impulses, develop problem-solving skills, and manage anger.

4) Because at the root of violence is poverty and hopelessness, the final measure of prevention is HOPE. Hope means developing programs to *train young peo-*

ple and make jobs available for them. I could not agree more with Attorney General Janet Reno that the best social worker is a good job.

I am concerned that children today are not learning the skills they need to be employable and productive in today's work force. I am worried that one study has found that one-fourth of all young African American males ages 20–29 are incarcerated, on probation or on parole, while only one-fifth are enrolled in higher education.

CONCLUSION

Just like traffic accidents and tobacco, the problem of firearm violence does not lend itself to a single solution. We must take a multi-disciplinary approach to ending violence—the kind of approach that draws from *criminal justice, education, social services,* and *health.* Our experiences over the past 20 years have taught us that the criminal justice system alone cannot solve the problem of violence. Adding more police and building more prisons to lock up violent offenders for the balance of their lives will help, but these policies alone cannot solve our problems. We must be tough and *smart.*

The only lasting solution to violence is a comprehensive solution—one that focuses on support for families and on building strong neighborhoods—while, at the same time, promoting an underlying bases of safety, self-worth, and economic security for all Americans.

Youth can be taught skills to help them deal with violence. They can be helped to develop strategies needed to solve differences without violence. Young people can be taught about the situations or actions that are likely to result in violence or violent injuries, such as associating with violent peers, using alcohol or drugs, and possessing a firearm or other weapon.

Young people can be provided with mentors, who can serve as role models. Teenage parents, abused children, or wayward teenagers can be provided with training, support, and recreation. Tougher gun laws—like a ban on assault weapons and reforms in how we license federal gun dealers—can help us reduce gun violence and deaths.

In commercials airing nationwide, President Clinton calls on all of us to work to restore hope for our young people in this country. Our young people must have hope for their future. We must make this happen because they *are* our future.

In the end, we all can CARE.

The "C" in CARE is for Concern and Commitment. We must care enough to change our Concern to Commitment, sharing our time, our talents, and our treasure.

The "A" is for Awareness and Advocacy. We must increase our own Awareness, and the awareness of every citizen, of the magnitude and cost of this epidemic—and we must Advocate for change, and develop Action plans at every level to attack this problem.

The "R" is for Reaching out and Resources. We must Reach out to those in our community who may be at risk; we must take Responsibility, and we must use our Resources.

And, finally, the "E" is for Education and Empowerment. We must Educate our children and each other about violence and how to prevent it—we must Empower ourselves and our communities to reclaim our neighborhoods. To do anything less is to sacrifice our children, our future. Our young people must have hope for their future. We must make this happen because they *are* our future.

As your Surgeon General, I believe it is time for America to get over its love affair with gun violence. It's time to send the Terminator and Dirty Harry packing, along with the Marlboro Man and Joe Camel. The time is right, the time is now.

Senator METZENBAUM. Our next witness has been a giant in this country in speaking up for children's rights. Her voice was heard and has been heard over a period of time when others were silent, and she has been truly the most significant spokesperson in the country for children's rights. I know I speak for all members of this subcommittee when I indicate how pleased we are to welcome Marian Wright Edelman, president of the Children's Defense Fund.

Dr. Joseph Wright—I am sorry, I didn't realize you were coming together.

Ms. EDELMAN. It is nice to have two Wrights here at once. That is wonderful.

Senator METZENBAUM. Dr. Wright is representing the American Academy of Pediatric. and is assistant medical director of the Children's National. Medical Center in Washington. We are happy to welcome you, Dr. Wright.

Senator SIMON. You are not related I assume?

Ms. EDELMAN. I don't know. We haven't talked; not that I am aware of.

PANEL CONSISTING OF MARIAN WRIGHT EDELMAN, PRESIDENT, CHILDREN'S DEFENSE FUND, WASHINGTON, DC; AND JOSEPH L. WRIGHT, ASSISTANT MEDICAL DIRECTOR, EMERGENCY MEDICAL TRAUMA CENTER, CHILDREN'S NATIONAL MEDICAL CENTER, WASHINGTON, DC, ON BEHALF OF THE AMERICAN ACADEMY OF PEDIATRICS

STATEMENT OF MARIAN WRIGHT EDELMAN

Ms. EDELMAN: Mr. Chairman, I am just delighted to be here to thank you for your leadership and Senator Metzenbaum's leadership in trying to do something about guns and violence in our culture. On the other hand, I am very sad to be here because in all of my 20 years of advocating for children, I have never anticipated a day when I would be here talking about guns and children, and I think it is shameful that we have permitted guns to become a factor in our children's lives.

Violence has become routine in so many of our children's lives because we adults have failed miserably in our most basic responsibility of protecting our young. Between 1979 and 1991, almost 50,000 American children were killed by guns. That is roughly equal to the number of American battle casualties in the Vietnam war.

This toll, sadly, of child deaths is rising. In 1991 alone, 5,356 children and youths died from gunshot injuries. An American child is now killed every 2 hours by violence, the equivalent of a classroom full or a Sunday school full every 2 days. I just think that is the most shameful thing I have ever heard and we have got to stop it.

Thousands more children are injured by guns. The Centers for Disease Control estimate that there are five nonfatal gunshot injuries for every fatal one. This adds up to over 26,000 children and youths injured by gunfire in 1991 alone. Hundreds of thousands more children are not killed or physically injured, but still are grievously harmed by the pervasive violence around them. They lose their parents; they lose their siblings, their classmates. They are having to sleep in fear in bathtubs for cover. They are losing so much of their innocence to this immoral and disgusting tidal wave of violence that has seeped into every nook and cranny of our society, but that absolutely disproportionately affects certain poor and minority and inner-city communities.

I am concerned because the ugly, malignant tumor of violence that has torn many of our communities apart has spread to younger and younger children. Just the 560 American 10- to 14-year-old children who died from guns in 1990 were twice the number of handgun deaths of citizens of all ages in Sweden, Switzerland,

Japan, Canada, Great Britain, and Australia combined in that year.

Gun violence is now the third leading cause of death among elementary and middle school children alike. Twice as many of our children under 10 were killed by firearms in 1991 as we lost in soldiers in the Persian Gulf and Somalia combined.

In this Nation's undeclared civil war, as you have already pointed out in previous questions, the majority of murders are committed not by strangers but by family members or acquaintances, and we must begin to educate the public about the fact that guns don't protect, they endanger.

An increasing number of our juveniles are not only becoming victims of violence, but perpetrators of violence. Despite a declining juvenile population, juvenile arrests for murder rose by almost 93 percent between 1982 and 1991, and approximately 80 percent of juvenile murders now involve firearms. I do hope that all reasonable people, whether they are gunowners or not or whether they are NRA members or not, could begin to reach some kind of consensus that we must take guns out of the hands of people who kill children and out of the hands of children. I would hope that this country can do that.

I think escalating violence against and by children and youths is no coincidence. It is the cumulative and convergent manifestation of a range of serious and too-long-neglected problems, and we must have a comprehensive approach to trying to deal with this plague of violence in our society. Epidemic child and family poverty, increasing economic inequality, racial intolerance, pervasive drug and alcohol abuse, violence in our homes and popular culture, and growing numbers of out-of-wedlock births and divorce reflect a breakdown in families.

If we add to these crises hordes of lonely and neglected children and youths left to fend for themselves by absentee parents in all races and income groups, gangs of inner-city minority youth who have been relegated to the cellar of American life without education, jobs or hope, and easy access to deadlier and deadlier firearms, I think you face the social and spiritual disintegration of American society that confronts us today.

We have not valued millions of our children's lives and so they don't value ours in a society in which they have no social or economic stake. As we talk about the absolutely crucial importance of gun control and the kinds of measures that your bill proposes, I think it is also crucial that we talk about positive alternatives to the streets for young people when we ask mothers and fathers and young people of all races and classes what will make a difference to prevent violence. In addition to gun control, they always say after-school programs, weekend programs, summer programs, a sense of hope, jobs, and so we need to have a holistic approach.

Passage of the Brady bill was an important step, though, toward a crucial and long-overdue gun control policy in our national life. In order to reduce the deadliness of violence, we must get guns off our streets and out of our schools and out of our homes. Firearms are virtually the only unregulated dangerous product in the United States. Although our Nation regulates the safety of countless products, including children's toy guns, teddy bears, blankets, toys and

pajamas, it does not regulate the safety of a product that kills and injures tens of thousands of children and other citizens each year.

We must not continue to elevate the interests of one industry that traffics in lethality above our children's survival. How can we speak to children about values, yet let millions of dollars be made selling guns to them? The September 1991 issue of the National Shooting Sports Foundation's official newsletter contains an advertisement with the following headline: "Scouting and 4–H Magazines Bring Shooting Message to 5,000,000 Potential Customers."

Another ad encouraging parents to buy guns for their children queries, "How old is old enough?" and concludes:

> Age is not the major yardstick. Some youngsters are ready to start at 10, others at 14. The only real measures are those of maturity and individual responsibility. Does your youngster follow directions well? Is he conscientious and reliable? Would you leave him alone in the house for two or three hours? Would you send him to the grocery store with a list and a $20 bill? If the answer to these questions or similar ones are yes, then the answer can also be yes when your child asks for his first gun.

I find it absolutely shameful that we are permitting the marketing of guns to young children, and I hope that we can begin to get people who say we will not tolerate this.

We know that rational gun regulations would begin to reduce the lethality of violence. Senate bill 1882 represents a significant step toward a comprehensive and sane national gun policy. In addition to a range of other measures in the bill, I strongly support the increased restrictions and requirements on Federal firearms licensing, as well as the ban on semiautomatic assault weapons and Saturday specials, weapons purposefully designed to take human life.

I also believe that licensing and registration represent a positive step in the battle against gun violence. While I question the lawful purpose of handguns, which constitute approximately one-third of our gun population and yet are used to commit about 80 percent of all firearm murders, I certainly believe that imposing accountability on handgun ownership is a step in the right direction.

Many of the bill's other provisions which I support are so basic that it is astounding that they require new legislation. For instance, no rational argument exists to oppose the requirement that guns be manufactured so as to be inoperable by children under the age of 7.

Firearms are manufactured, like all other consumer products, for public consumption, and even a cursory review of the full text of the second amendment and Supreme Court opinions demonstrate that firearms have no special constitutional status that should distinguish them from other consumer products. How is it, then, that we continue to allow a deadly product which injures so many to go unregulated?

When lawn darts were responsible for the death of three children in this Nation, they were instantly removed from the market. Why do we allow guns to stream onto the market and even to be marketed to adolescents and even younger children—according to that ad, as young as 10?

Finally, there is one part of the bill that I believe should be modified. I am concerned that the provision that makes it a Federal crime for a juvenile to possess a firearm would be unfortunate in its consequences. I firmly believe that no child in this country

should possess a firearm, and I support strong penalties for selling guns to children. However, I do question whether Federal prosecution and punishment of children are an effective or appropriate solution to this grave problem.

The Federal judiciary simply is not equipped to deal with status offenders, and to do so in large numbers. I realize that versions of this provision are also included in the House and Senate crime bills, and we are also urging the conferees to take a close look at those provisions for the same reasons.

I want to applaud what you are doing in introducing this bill. We support it strongly and we will be working with you to see if we can't bring some sanity and some safety to the children of America.

[The prepared statement of Ms. Edelman follows:]

PREPARED STATEMENT OF MARIAN WRIGHT EDELMAN

Good morning, Mr. Chairman. I appreciate the opportunity to testify this morning. And I thank both you, Mr. Chairman, and you, Senator Metzenbaum, for your leadership on these critical issues.

Violence has become a routine aspect of many of our children's lives because we adults have failed miserably in our most basic responsibility—protecting our children. Between 1979 and 1991, almost 50,000 American *children* were killed by guns. That is roughly equal to the number of American battle casualties in the Vietnam war. The toll is rising: in 1991 alone—the most recent year for which we have complete data—5,356 children and youths died from gunshot injuries. At least one American child now is killed with a gun every two hours—the equivalent of a classroomful of children every two days.

Thousands more children are injured by gunfire. Although we do not know the exact numbers, the Centers for Disease Control estimate that there are five nonfatal gunshot injuries for every fatal one. That works out to over 26,000 children and youths injured by gunfire in 1991 alone.

Hundreds of thousands more children are neither killed nor physically injured, thank God, but still are grievously harmed every day by the pervasive violence around them, by losing parents or siblings or classmates, by having to sleep in bathtubs for cover, by losing much of their childhood and all of their innocence to this immoral and disgusting tidal wave of violence that reaches all corners of our society but particularly afflicts certain poor and minority and inner-city communities.

An incident here in the District this past weekend underlines both the physical and emotional threat our children are facing. According to the *Washington Post* (March 21, 1994, pages D1, D3), this past Sunday afternoon, three men began shooting at a group of men playing cards on a street corner, wounding two. The *Post* reported that one of the assailants "appeared to open fire without regard for several young children scampering about or riding bicycles nearby. * * *" One of those children was nine year old Lashawnda Henson. She described seeing one of the gunmen pull out his gun and start shooting. "He didn't aim at me," she said.

Lashawnda's three year old sister, Keisha, also was at the scene, also on a bike. As the gunman began to back away, still firing off shots, he bumped into Keisha and knocked her down.

Sunday was a beautiful spring day here in the District, a day when children should be outdoors playing without worry. Lashawnda and Keisha and their playmates were not physically injured by this incident. But, they were emotionally hurt. Children are being forced to seize the pleasures of play—of being children—at great risk. Unfortunately, today, Lashawnda and Keisha are not alone. Millions of our children face the same frightening experiences and the same fears. Lashawnda and Keisha and every child in our nation, including in our nation's Capitol, must be able to play without fear of being shot and without witnessing bloodshed on every corner.

The ugly, malignant tumor of violence devouring American communities has spread to younger and younger children. Twice as many American children under the age of 10 were killed by firearms in 1991 as American soldiers were killed in the Persian Gulf and Somalia combined. Just the 560 American 10- to 14-year-old children who died from guns in 1990 were twice the number of handgun deaths of citizens of all ages in all of Sweden, Switzerland, Japan, Canada, Great Britain, and Australia combined that year.

In this nation's undeclared civil war, the majority of murders are committed not by strangers but by family members, neighbors, or acquaintances. Where the race

of murderers is known, about 83 percent of the murderers of Whites are White and about 94 percent of the murderers of Blacks are Black. The national plague of violence transcends racial boundaries and is far more likely to strike at home than on the streets.

And, most murders involve guns. In 1992, nearly 70 percent of the homicides reported by the F.B.I. involved firearms. Firearms account for virtually the entire increase over the last several years in the homicide rate for children and youths. For example, from 1985 to 1990, the *non-firearm* homicide rate remained essentially constant for 15- to 19-year-olds; during those same four years, the *firearm* homicide rate for that age group increased by almost 150 percent.[1]

An increasing share of juveniles also is acquiring and using firearms. Despite a declining juvenile population, juvenile arrests for murder rose by almost 93 percent between 1982 and 1991. By contrast, arrests for murder among individuals 18 years of age and older grew by less than 11 percent. Approximately 80 percent of juvenile murders now involve firearms.

Escalating violence against and by children and youths is no coincidence. It is the cumulative and convergent manifestation of a range of serious and too-long neglected problems: epidemic child and family poverty, increasing economic inequality, racial intolerance, pervasive drug and alcohol abuse, violence in our homes and popular culture, and growing numbers of out-of-wedlock births and divorces. Add to these crises hordes of lonely and neglected children and youths left to fend for themselves by absentee parents in all races and income groups, gangs of inner-city and minority youths relegated to the cellar of American life without education, jobs, or hope, and easy access to deadlier and deadlier firearms, and you face the social and spiritual disintegration of American society that confronts us today.

What are the family values in the richest nation on earth that let one in five, or 14.6 million, of our children live in poverty in 1992—five million more than in 1973? How much concern do we have for the future when young families with children of all races saw their median income plunge nearly one-third between 1973 and 1990? What does national security mean when an estimated three million children witness parental violence every year, and a child is reported abused and neglected every 13 seconds? How can we expect the 100,000 children who are homeless every night and have no place to call their own to respect the homes and property of others?

We have not valued millions of our children's lives and so they do not value ours in a society in which they have no social or economic stake. Countless youths are imprisoned by lack of skills in inner-city neighborhoods where "the future" means surviving the day and living to 18 is a triumph. Their neglect, abuse, and marginalization by parents, schools, communities, and our nation turned them first to and against each other in gangs and then against a society that would rather imprison than educate them.

While we have declined to invest in our children over the last two decades, we also have saturated their lives with images of glorified violence. I am not referring just to violent entertainment programming either. With the local news vying to cover the bloodiest crime in the most graphic manner, many adults, let alone children, have the sense that violent crime is *even* more routine than it actually is.

Having imbued millions of youths with a sense of hopelessness and surrounded them with a culture of violence, we then gave them easy access to guns. We adults let gun manufacturers flood the market with guns of growing lethality; we even let those guns be marketed to children. More than 200 million guns are in private circulation in America. Millions of new guns, many of them with mass-market availability, enter our communities each year. In fact, these days, you can get a Saturday night special for about the price of a text book. You often can get a license to *sell* guns with less hassle than it takes to get a driver's license and can buy, across the counters of some of our largest chain stores, a gun as readily as a toaster—actually, more readily, since the safety of toasters is regulated.

Passage of the Brady bill, for which I applaud you, was an important first step towards a rational gun policy. However, there still is a long way to go. While we work to effect critical long term changes to improve the lives of American children, we also must work to reduce the current easy access to more and more technologically advanced and increasingly cheaper non-sporting firearms. It is our only hope for reducing the number of children who will be killed tomorrow, and next week, and next year, our only means of ensuring that a black eye or a cut, rather than multiple bullet wounds, will be the consequence of a spat.

[1] From 1985 to 1990, the firearm homicide rate for 15- to 19-year-olds increased from 5.8/100,000 to 14.0/100,000. By contrast, the non-firearm homicide rate increased from 2.8/100,000 to 3.1/100,000.

In order to reduce the lethality, the deadliness, of violence we must get guns off our streets, add out of our schools, and out of our homes. Firearms are virtually the only unregulated dangerous consumer product in the United States. Indeed, although our nation regulates the safety of countless products including children's teddy bears, blankets, toys, and pajamas, it does not regulate the safety of a product that kills and injures tens of thousands of children and other citizens each year.

We must not continue to elevate the interests of one *industry* that traffics in lethality above our children's survival. How can we speak to children about values yet let millions of dollars be made selling guns to them? The September 1991 issue of the National Shooting Sports Foundation's official newsletter contains an advertisement with the following headline: "Scouting & 4–H Magazines Bring Shooting Message to 5,000,000 Potential Customers." Another ad encouraging parents to buy guns for their children queries, "How old is old enough?" and concludes:

> Age is not the major yardstick. Some youngsters are ready to start at 10, others at 14. The only real measures are those of maturity and individual responsibility. Does your youngster follow directions well? Is he conscientious and reliable? Would you leave him alone in the house for two or three hours? Would you send him to the grocery store with a list and a $20 bill? If the answer to these questions or similar ones are "yes" then the answer can also be "yes" when your child asks for his first gun.

We know that rational gun regulations would begin to reduce the *lethality* of violence. S. 1882 represents a significant step towards a comprehensive and sane national gun policy. In addition to a range of other measures in the bill, I strongly support the increased restrictions and requirements on federal firearms licenses, as well as the ban on semiautomatic assault weapons and Saturday night specials, weapons purposefully designed to take human life.

I also believe that licensing and registration represent a positive step in the battle against gun violence. While I question the lawful purpose of handguns, which constitute approximately one-third of America's gun population and yet are used to commit about 80 percent of all firearm murders, I certainly believe that imposing accountability on handgun ownership is a step in the right direction.

Many of the bill's other provisions, which I support, are so basic that it is astounding that they require new legislation. For instance, no rational argument exists to oppose the requirement that guns be manufactured so as to be inoperable by children under the age of *seven*.

Firearms are manufactured, like all other consumer products, for public consumption. As even a cursory review of the full text of the Second Amendment and Supreme Court opinions demonstrates, firearms have no special constitutional status that should distinguish them from other consumer products. How is it, then, that we allow a product responsible for the deaths and injuries of thousands of Americans each year to go unregulated? When lawn darts were responsible for the deaths of three children in this nation, they were instantly removed from the market. Yet we allow firearms to stream onto the market and even to be marketed to adolescents.

I urge you to consider a system of regulation that would hold guns at least to the safety standards of other dangerous consumer products. We cannot continue to ignore that tens of thousands of American children's lives are being destroyed by gun violence, that hundreds of thousands of our children are growing up—those who are lucky—hoping to survive until their 18th or 21st birthdays.

Finally, there is one part of the bill that should be modified. I am concerned about the provision that makes it a federal crime for a juvenile to possess a firearm. Make no mistake, I firmly believe that no child in this country should possess a firearm and I support penalties for selling guns to children. However, I question whether *federal* prosecution and punishment of children are an effective or appropriate solution to this grave problem. The federal judiciary simply is not equipped to deal with status offenders, and to do so in large numbers. I realize that versions of this provision also are included in the House and Senate crime bills and we also are urging the conferees to take a close look at those provisions for the same reason.

We personally and collectively must struggle to reclaim our nation's soul and to give back to our children a sense of hope and security, a belief in American fairness, and an ability to dream about, envision, and work towards a future that is attainable and real. We must fill our children with the joy and the promise of life, not the lack of opportunity and the crippling fear that so many encounter. The Ounce of Prevention pieces, included in both the House and Senate crime bills are critically important and I urge the conferees to include those provisions in the final bill. We also must stop the gun violence so that, while they are young, children can experi-

ence what has become the luxury of a childhood, and so that they may have the opportunity to grow up to be healthy, productive adults.

Senator SIMON. We thank you, Ms. Edelman.
Dr. Wright?

STATEMENT OF DR. JOSEPH L. WRIGHT

Dr. WRIGHT. Good morning, Mr. Chairman and subcommittee members. My name is Joseph Wright. I am assistant director of the Emergency Medical Trauma Center at Children's National Medical Center here in Washington. I am also an assistant professor of pediatrics at George Washington University School of Medicine and Health Sciences.

I am here today representing the American Academy of Pediatrics, an association of over 47,000 pediatricians who are dedicated to promoting the health, safety and well-being of infants, children, and adolescents. This testimony is also endorsed by over 1,500 members of the Ambulatory Pediatric Association representing pediatric academicians and child health professionals.

I would like to thank you and the committee members for this opportunity to appear before you today on behalf of the academy, as well as the countless other health professionals working on the front lines in our Nation's emergency departments and trauma centers.

Public health nomenclature defines an epidemic as any condition, biologic or social, the occurrence of which is clearly in excess of normal expectation. Make no mistake about it, Mr. Chairman, to reiterate what my fellow academy member, Dr. Elders, has already stated, violence in America is a public health problem, a problem of epidemic proportions raging out of control. The prime contributor to the carnage in our homes, on our streets and in our communities is firearm-related violence.

Mr. Chairman, over the past 10 years I have worked in emergency departments of Brooklyn, NY; Newark, NJ; and here in Washington, DC. I have witnessed firsthand the tremendous toll exacted on our young people by this epidemic of violence.

No matter how many times we hear the numbers, they are still staggering: over 200 million firearms in America, as you have already heard, including 1 million semiautomatic weapons which include Uzis, TEC–9's, MAC–10's, street sweepers, guns whose only purpose is to maim and kill; an estimated 70 million handguns in this country. That is almost one gun for every child in this country.

According to the Bureau of Alcohol, Tobacco and Firearms, a new handgun is produced in this country every 20 seconds. During the time that it will take to conduct this hearing, throughout America 14 people, including 2 children, will be shot dead.

While shocking, it is not totally surprising that 1 in 6 pediatricians has reported treating a child wounded by a firearm. At Children's National Medical Center, we have experienced an 800-percent increase in pediatric firearm injuries treated through our trauma center since 1985.

The National Center for Health Statistics has documented more deaths from firearms in the adolescent age group than from all natural causes combined. In a true epidemiologic turnaround indicative of an escalating nationwide epidemic, that same agency just

last month reported that gunshot wounds have surpassed motor vehicle accidents as the leading mechanism of fatal injury in 6 States.

However, mortality statistics don't merely tell the entire story; they merely represent the tip of the iceberg. For every childhood death as a result of violent injury, another 40 children are hospitalized and over 1,100 are treated in emergency departments. The yearly direct cost of acute and trauma care for victims of firearms injuries exceeds $1 billion, 80 percent of which is paid for by taxpayer dollars. The Centers for Disease Control and Prevention conservatively estimates that the lifetime costs of long-term care and lost productivity are in the neighborhood of $15 billion annually.

Moreover, these statistics don't reflect the human tragedy of young lost lives, unrealized potential, and family and community devastation. Witnesses of violence are also deeply affected, and children are particularly vulnerable. Children exposed to violence may suffer from the same post-traumatic stress disorder first identified among Vietnam soldiers. Such exposure can result in flashbacks, diminished ability to concentrate in school, sleep disturbances, and a fatalistic orientation to the future which can lead to high-risk-taking behavior.

While it has long been recognized that the unique developmental and maturational factors of adolescence often lead to high-risk behaviors amongst these children, the additional variable of possession of or access to a gun can turn a trivial situation into a lethal encounter. In fact, as we have heard, studies have found that a firearm in the home is associated with a fivefold increase in the likelihood of a suicide occurring in that household and a nearly threefold increase in the likelihood of a homicide occurring. These odds are tremendously increased in households with a history of domestic violence. Another study recently published by Dr. Arthur Kellerman and Associates in the New England Journal found that a firearm in the home is 43 times more likely to kill a family member than to kill an intruder.

When physicians encounter an epidemic, they look for a causal agent and try to eradicate it, control it, or at least protect people from it. In the case of violence in America, the causal agents are numerous and complex, but in the case of firearm violence the lethal agent is clear. It is the gun, particularly the handgun.

Handguns constitute about one-fourth of guns kept in U.S. homes, but account for about three-quarters of all firearms deaths and injuries. Looking just at firearm deaths amongst American teenagers, 73 percent of teenage homicides due to firearms involved handguns, and of teenage suicides due to firearms, 70 percent involved handguns.

To protect our country's children from this firearms epidemic, the American Academy of Pediatrics believes that handguns should be eliminated from the environment in which children live and play. We support a ban on handgun, deadly airguns and assault weapons. As an interim step, we also support other measures to reduce the availability of these firearms and to reduce the destructive power of handgun ammunition.

The academy advises its member to counsel patients and their parents about the dangers of having a gun in the home, especially a handgun, and to advise removal of guns from the household. If

families choose to keep a gun, we urge that it be stored securely. In addition, we support efforts to reduce the glamorization of gun use in the popular media, an issue on which the academy has worked closely with Senator Simon.

In general, the academy supports the Gun Violence Prevention Act of 1994, as introduced by Senator Metzenbaum and others. In particular, the bill's gun licensing and registration provisions, increased regulation of gun dealers, assault weapons ban, and other provisions intended to reduce the availability of firearms should help to protect our Nation's children from the epidemic of gun violence.

To illustrate, please allow me to relate a classic historical example used as a teaching case in schools of public health across the country. In the 18th century, Dr. John Snow, the father of modern epidemiology, mapped the homes of victims of a cholera epidemic in London. He observed that the stricken citizenry lived in areas served by a particular water pump. He was able to stop the epidemic by disabling the pump, giving health authorities the opportunity to track down and treat the underlying pollution problem before more people could get sick.

This proven public health research and intervention model must be applied in the same manner to the handgun violence epidemic. For those of us working in the trenches of our Nation's emergency medical system, we often find ourselves drowning in a sea of young victims. This act can help to stem the tide so that we can productively focus our skills and our training on the restoration and preservation of young lives rather than the salvage of devastated ones.

No one would argue that guns themselves cause violent behavior, but until the underlying social and economic problems can be addressed we can do something to limit the flow of guns and thereby reduce the death and injury they incur. The Gun Violence Prevention Act will help to stem the supply of weapons flowing into our communities by banning certain assault weapons, by making it more difficult for individuals to purchase guns on behalf of others, by enhancing the regulation of firearms dealers, by limiting purchases to one gun per month, and by requiring firearm thefts to be reported.

In addition, the legislation will help to keep guns out of the hands of criminals and make it illegal to transfer guns to juveniles. By requiring gun safety education as a condition of getting a license to own a gun, by making it illegal for adults to leave a loaded handgun where a juvenile could gain access to it, and by requiring manufacturers to include safety devices on firearms, the bill should also help to prevent unintentional firearms injuries and deaths.

Now is the time for Congress to take action against the epidemic of firearm death and injury amongst our Nation's youth. Not only will you have pediatricians behind you, but the public as well. A recent survey conducted for the Joyce Foundation by Louis Harris Research found that 77 percent of adults believe that young people's safety is endangered by the widespread presence of guns. One in five parents reported that they have known or know a child who has been wounded or killed by another child who had a gun. Not incidentally, the survey also showed that by a margin of 52 percent to 43 percent, Americans favor a Federal law banning the owner-

ship of all handguns, except by those given permission in a court of law.

In my remaining few moments, I would like to leave you with an anecdote that haunts me each and every day that I continue to encounter young victims of violence in my place of work. Just at the end of the last school year, I cared for two young boys who had been shot in a well-publicized incident at a public swimming pool here in the District of Columbia. Their injuries were not life-threatening and after initial trauma stabilization, I took some time to talk with the youngsters alone.

I was struck by the impassivity and mundane nature with which they described their ordeal. It was as if being shot was as ordinary as walking down the street. With great animation and bravado, they told me about routinely hearing gunshots and about witnessing acts of violence in their neighborhood. However, more quietly, they both admitted fearfulness about returning to the community center where the incident had occurred. It was then that I realized that for many of our youngsters the issue is not so much the fear of death, but more so the fear of how to continue living.

Once again, I would like to thank you for allowing me this opportunity to share the views and concerns of the American Academy of Pediatrics on this crucial issue. The academy applauds your efforts to curtail gun violence in our society through the Gun Violence Prevention Act and hopes that Congress will consider even bolder measures in the future. On behalf of the academy, let me say that we stand ready to assist you in whatever ways possible.

Thank you.

Senator SIMON. We thank you, Dr. Wright.

Senator Metzenbaum?

Senator METZENBAUM. Those are two of the most magnificent statements I have heard since I have been around here. We are grateful to both of you.

Ms. Edelman, the Children's Defense Fund has focused on issues such as education, day care, health care, and welfare. Yet, you recently closed the Annual Conference of the Children's Defense Fund by calling for an end to gun violence in America. Has the problem of gun violence for children become so bad that it is now an equal or greater priority for the Children's Defense Fund as education or health care?

Ms. EDELMAN. Yes, sir; in fact, you know, it is our number one occupation at the moment. Whenever in the last several years we have been trying to organize communities or have meetings in the black community or have meetings with parents to talk about immunizations or health care or teenage pregnancy and education, the issue that they were most concerned about was whether a child was going to get home from school safely and not be shot.

So the violence issue became such a threshold issue of survival that we stopped to understand that we had to address what was a growing emergency in our communities, and we have been shocked by what we have found. There is a war going on in America and children are primary victims of this war, and we have got to do something about it.

I mean, he has said it is an epidemic, but it is an emergency that our children are absolutely terrified and are not aware of how they

are going to be able to be protected in the middle of neighborhoods where gunfire is routine. He told an anecdote, but I had an anecdote a few weeks ago when I was at a downtown Connecticut Avenue law firm and there was this wonderful young man about the age of one of my sons, 19, who was a security guard in the lobby, handsome, well-dressed. I had a nice conversation with him and when I went up in the elevator with my companion, he said that young man who has finished high school, is working, had boasted to him how proud he was that he thought he was going to make it to 20. I wondered what we had done in America when young men's dreams turn to dust so early and his greatest goal in life was just to live to be 20. We have got to do something to stop the killing of children in America.

Senator METZENBAUM. I don't think that the average American appreciates the challenge and the problem and the fear of some in the neighborhoods who have to worry about whether their sons or daughters are coming home. It used to be you would think only of sons. Now, you think of daughters as well, and it is just unbelievable.

Ms. EDELMAN. It is unbelievable.

Senator METZENBAUM. Yet, I find, and I am saying this to you frankly, such a terrible, organized campaign to try to keep us from moving legislation to try to bring it to a halt.

What are the best ways to keep guns out of the hands of children, in your opinion?

Ms. EDELMAN. One is to stop guns from being accessible to them. I mean, many children can walk down to a street corner and get guns. You know, they are easier to get in many instances than textbooks or toasters, and so we have got to make these lethal weapons unavailable to children.

Second, we have got to talk to adults, many of whom, including parents, think that they are trying to protect their kids, and we have got to get guns not only out of the hands of children and where children can get them, but we have got to get them out of our homes.

I think parents realize that when they have a gun in the house they are much more likely to see that gun used against themselves with suicides, against acquaintances or family members—and one of the things we are going to start doing is to do a public education campaign to say guns don't protect, they endanger.

I know many parents I hear from now who are not only not gunowners and don't have them in their houses, but are very worried that their children are going to play in other houses where guns are present. You often used to ask whether the parent was in the home. Now, you are worrying about whether you are sending your kid off to a neighborhood or to other homes where there may well be a gun, so we have got an enormous public education job to do.

The third thing we have got to do is to see that children have something to do that is positive, that they are engaged in positive activities, that there are after-school and weekend activities. Whenever you ask young people, why did you do something, whether it was engaging in drugs or hurt somebody, the most common answer

you get back is, I didn't have anything better to do. I think that is a terrible indictment of American society.

Young people who are hopeful, who feel good about themselves, who feel that they are learning in school and the schools have high expectations for them, who feel they are contributing to the community, who think there is a job out there—you know, they are much less likely to engage in this because they have got something to lose. So we have got to control guns, but we have also got to give young people positive alternatives.

Finally, we have got in our culture to stop glorifying violence. We adults have taught young people and children that violence and guns are the way to feel powerful, the way to feel like you are somebody. You know, it is ubiquitous in our culture, as you have all made so clear in your leadership. So, in addition, we adults are going to have to begin to model different behavior. Children are doing what we do because we adults use violence as a way of solving disputes. We glorify deadly weapons in our culture and in our television programs and in our video games.

So we have got to say "enough," and if we are going to begin to get a hold of this plague that is killing so many children, we are going to have to look at how we resolve conflicts, how we related to each other, and we are going to have to look at adult conduct in our homes, abusing each other and our children in our culture. So this is a very complicated thing that is going to require a comprehensive approach, but the first thing, again, is to get rid of the virus, if you will, and that is the gun.

Senator METZENBAUM. Thank you, Ms. Edelman.

Dr. Wright, what percentage of firearm deaths are unintentional, if you know?

Dr. WRIGHT. Overall, 5 percent of firearm deaths are unintentional. However, in the pediatric age group from 0 to age 19, fully 10 percent of firearm injuries are unintentional and the fifth leading cause of unintentional injury, so this is not an insignificant number.

Senator METZENBAUM. As you know, the Gun Violence Prevention Act would require manufacturers to add certain safety devices to guns, such as child-proof safety devices, load indicators for handguns, and magazine safeties that prevent guns from firing after the magazine has been removed, where you leave one bullet in the gun.

Do you think these measures will be effective or helpful in preventing unintentional injuries?

Dr. WRIGHT. Yes, I do believe that they will be effective and helpful toward preventing unintentional injuries. Children, by nature, developmentally are curious and prone to high-risk-taking behavior, and these measures will help to negate some of those behaviors when guns are in the household and accessible to children.

Senator METZENBAUM. Now, you noted that firearm deaths and injuries cost over $14 billion per year in direct and indirect costs. Are you in a position to sort of explain how that comes about or how you calculated that number?

Dr. WRIGHT. That was a figure published by the Centers for Disease Control and Prevention relating to injuries in 1985. It relates to not only direct costs, but long-term costs of lost productivity and the costs of rehabilitation and long-term care.

I would say that since that time the costs have escalated, certainly, since 1985 and that figure is probably—I stated during the testimony it was a conservative estimate—is probably more on the order of $16 to $20 billion annually.

Senator METZENBAUM. You touch on this in your testimony, but I wonder if you could elaborate on what it is like being a pediatric surgeon dealing with gun injuries in emergency rooms across the country today. Have your experiences in recent years changed over time from what they were when you first became a practicing physician?

Dr. WRIGHT. Absolutely. If I can address the second part of your question first, when I first came to Washington to Children's Hospital in 1983, I managed perhaps a handful of gunshot wounds during the course of a year. I returned to Washington some 10 years later and, as I mentioned, the increase was some 800-fold. In 1991, we treated 132 children with firearm injuries through our trauma center, and the burden on our trauma system has been tremendous.

The leading mechanism of injury for children is still the blunt injury, motor vehicle accidents and the like, but the burden placed on our resources has truly taxed our ability to care for all types of injured children largely because of the increased burden of firearm injuries.

Senator METZENBAUM. Thank you very much. You both have been superb witnesses and very, very helpful and supportive. Thank you.

Senator SIMON. I want to join in thanking both of you. Marian Wright Edelman, I have always been impressed by, and back about 3 years ago, Senator Metzenbaum, when people talked about who should be a candidate for President of the United States, among other things I said we ought to be looking at people who aren't running, who aren't thinking about it. I mentioned three or four possibilities and one of them was Marian Wright Edelman. That is how highly I think of her.

Dr. Wright, your American Academy was interested in this whole question of television violence. I got into it accidentally. I found the group that was out there leading the fight was your academy, and I want to thank you and the others of your academy for that leadership.

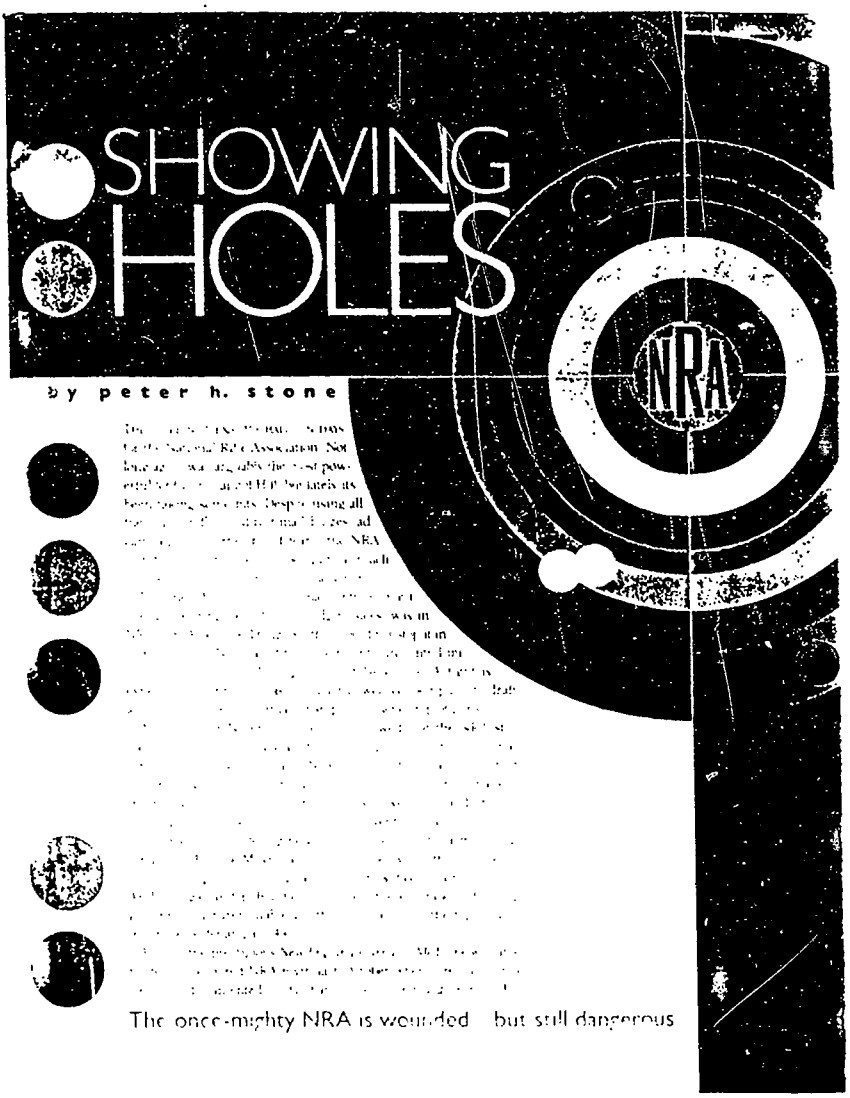
First, before I ask a question, I want to simply repeat one line from your testimony, Ms. Edelman. "Just the 560 American 10- to 14-year-old children who died from guns in 1990 were twice the number of handgun deaths of citizens of all ages in all of Sweden, Switzerland, Japan, Canada, Great Britain and Australia combined that year." That is astounding, it really is.

You mentioned how we regulate other things. Mother Jones Magazine had a 2-page spread on teddy bears and how we regulate teddy bears. Here is a TEC–9, which is now the favorite weapon of gangs and drug kingpins, and so forth, and this TEC–9 is just totally unregulated. You know, something is slightly wrong in our society. I am going to enter that in the record here.

[The information referred to follows:]

SHOWING HOLES

by peter h. stone



The once-mighty NRA is wounded but still dangerous

The Right to be

◀TEC-9 (unregulated)

1

2

3

4

5

Every 2

14

Solutions

$33,15

10

246,984 240

ars & arms

Guess which one has more manufacturing regulations!

▶Teddy (heavily regulated)

1 [illegible] federal safety standards [illegible]

2 [illegible] voluntary safety standard. The Toy Manufacturers Association has maintained a safety standards [illegible] since the early 1930s

3 [illegible] teddy bear models were [illegible] fiscal year 1992 alone

4 [illegible] teddy bear in your home [illegible] the chance that [illegible] there

[illegible] 83¢ [illegible]

[illegible] 11 [illegible]

[illegible] 52 [illegible]

a MOTHER JONES pullout

[illegible]

(Continued from page 39) holds with guns are not safer but much more dangerous than households without guns. In fact, according to the study, it's three times more likely (even when accounting for factors such as race and income) that someone will be killed in your home if handguns are present.

None of this is good news for the true believers at the NRA.

Worst of all, the public may be deserting the cause. A Harris Poll found that more than half of the American population now favors handgun controls, and a majority would favor changing the Second Amendment, if necessary, to bring gun violence under control. The surgeon general told *Mother Jones* that she considers gun violence the leading public-health problem in the nation (see page 55).

Why? The answers are on the nightly news: tourists are gunned down at highway rest stops, foreign exchange students are murdered when they knock on the wrong door; the Waco standoff turns into a hol[illegible], heavily armed madmen blow away victims in restaurants, schools, and office buildings, young kids kill each other and their teachers, or commit suicide. Between the drive-by shootings and the domestic disputes that escalate into firefights, it seems that anybody, anywhere, anytime is at risk.

Behind all the headlines looms a seldom-voiced question: how much longer will the tiny fraction—probably no more than .04 percent—of the American population that is actively involved in the NRA continue to dominate public policy on guns?

—*Editors*

The NRA relies on police-affiliate groups because its own image is so sullied in the law enforcement community.

ON A SUNDAY LATE LAST OCTOBER, the downtown Washington office building that houses the NRA was besieged by a small band of angry members of Congress. Led by Representative Nita Lowey (D-New York), the group of six female representatives demanded that the NRA stop running a series of glossy ads in such family magazines as *People* and *Redbook*. Ostensibly, the Refuse to Be a Victim ads were aimed at giving women information about self-defense, but Lowey charged that the ads were really a thinly veiled attempt to get women to buy guns and join the NRA. "They're preying on women's legitimate fears," Lowey protested. "This campaign has made it clear to me that they have a new target—American women."

In addition to the ad campaign, the NRA has launched a $2 million get-tough-on-crime initiative dubbed CrimeStrike, hired new pollsters to improve its image, relied heavily on police-affiliate groups to make up for its poor standing in the official law enforcement community, and expanded a controversial direct-mail drive to boost its membership.

The NRA's public relations crusade has been supplemented by increasingly heavy spending on lobbying and political activities. The NRA's lobbying arm spent a whopping $28.9 million in 1992.

But all the money the group is throwing around may not be able to mask what appears to be serious weakness inside the NRA army. The organization previously torn by internal disagreements is now suffering from new problems, including:

• Severe financial troubles. The NRA ended up a $6 million deficit in 1991, a near $30 million deficit in 1992, and was showing another $15.8 million in red ink by the end of August 1993—although NRA Treasurer Wilson Phillips claimed that the deficit would be only $7 million at the end of the year. Since 1990, the group's liquid assets have dropped from $90 million to $60 million—a startling 33 percent decline.

The NRA's executive vice president, Wayne LaPierre, Jr., has downplayed the seriousness of the deficits, in a late 1992 speech to the NRA board he argued, "The National Rifle Association isn't a business. It's a cause." He added that the group "wins not when we're skillful misers, but when we're skillful investors."

• Crackdowns on dissension. Leaders from the Florida, Oregon, and Iowa affiliate groups were hauled before a special NRA "ethics" committee last year because they questioned the party line on priorities and the organization's mounting deficits. Paul Daniels, a lifetime NRA member and president of the Florida Sport Shooting Association, was suspended for two years for printing a letter in his group's newsletter that raised questions about the deficits.

• New signs of rebellion. David Edmondson, who retired in April 1993 as executive director of the NRA's Texas affiliate, is an outspoken critic of the current leadership's financial management. He is actively organizing a union of state affiliates to gain more leverage over headquarters. Edmondson says that, so far, about eight state groups are interested in the idea. "It's obvious that they want the state affiliates to keep their mouths shut," he says. "They have a built-in means of disseminating information through their newspapers."

SOME OF THE INTERNAL STRIFE PLAGUING THE NRA MAY STEM from the controversial role played by board member Neal Knox, whose particular brand of zealotry was recently documented by the *Wall Street Journal*. Knox likes to say things like the way to solve the crisis in Somalia is to hand out AK-47s to the Somali masses or the modest 1968 Gun Control Act (aimed at banning the import of Saturday-night specials) was based on a law originating in Nazi Germany.

But Knox's hard-line style may be out of touch with much of the NRA's rank-and-file membership, which traditionally encompasses hunters, gamesmen, and gun collectors. Many of them would doubtless vote with the majority of Americans who, according to the recent Harris Poll, are now willing to contemplate some gun-control measures, whereas to Knox any gun control is tantamount to full surrender. He and other NRA true believers are adherents to an absolutist interpretation of the Second Amendment that even former Supreme Court Chief Justice Warren Burger, a gun owner and a conservative, has denounced as a "fraud." (In fact, legal scholars have repeatedly pointed out that the amendment contains no substantial barriers to federal, state, or local gun control laws. See sidebar, opposite page.)

For the NRA, the political terrain is changing all too radically. For decades, the organization successfully blocked even modest gun-control [illegible]. For now, the climate of fear and intimidation,

THE SECOND'S MISSING HALF

720 Americans will be injured with guns today.

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.
—Second Amendment, U.S. Constitution

Emblazoned across the front of the NRA headquarters in Washington, D.C., is *half* of this amendment—the second half. It's a testament to how well the NRA does its job that most Americans probably don't know about the first half, with its clunky and inconvenient dependent clause. But that's how the Founding Fathers wrote it. The NRA's reasons for focusing on its backside are fairly obvious, but what do the courts say about the Second Amendment?

According to Jon S. Vernick and Stephen P. Teret of Johns Hopkins University Injury Prevention Center, the Supreme Court has examined two broad issues involving the amendment's reach. The first is whether the amendment controls federal law only or whether it also can be extended to the state and local levels. The second is whether it protects individual rights to own firearms, or only collective, "militia" rights.

On the first question, the Court ruled definitively in *United States v. Cruikshank* that the amendment "means no more than (the right to keep and bear arms) shall not be infringed by Congress." This 1876 ruling established that states and localities are not prevented from enacting their own gun-control laws—and they remain free to do so to this day.

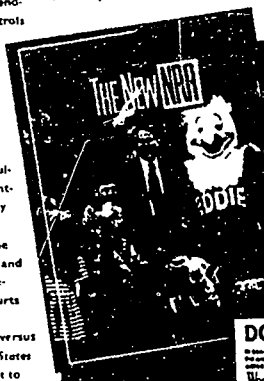
In 1886, in *Presser v. Illinois*, the Court reaffirmed the concept of a state's rights, as it were, to control guns, and this position has never been modified. Therefore, it remains the Court's last word on the subject. Lower courts have time and again held to this precedent.

Regarding the second broad question of individual versus state-militia rights, the Court held in its 1939 *United States v. Miller* decision that individuals have in effect no right to keep and bear arms under the amendment, but only a collective right having "some reasonable relationship to the preservation or efficiency of a well-regulated militia." Lower courts have consistently applied the *Miller* decision in upholding various gun control laws over the years.

The Supreme Court most recently revisited this question in 1980, when it reconfirmed that "these legislative restrictions on the use of firearms do not trench upon any constitutionally protected liberties." One significant part of that case is that then Chief Justice Burger and current Chief Justice Rehnquist both supported that interpretation. Burger has denounced the NRA's edited version of the amendment as a "fraud."

The legal precedents are clear. Almost any state or local gun-control action is fine; the Second Amendment does not apply. On the federal level, only laws interfering with state militias are prohibited.

There's really no legal problem with gun control at all. As a legendary sports figure once pointed out, in a different context, "You could look it up." On the other hand, most Americans (56 percent) don't want to, since they now agree with the statement, "Although the Constitution provides the right to bear arms, American society has changed to the point that it is too dangerous for this right to continue as originally written." At this point, the NRA might want to consider putting the front end of that amendment back up at headquarters. It could be worse.



FAMILY VALUES.

A 1992 brochure positioning the "new" NRA as fun for all the family features Executive Vice President Wayne LaPierre and mascot Eddie Eagle surrounded by playful children. Inside, free seminars are offered to women who own firearms "for self-protection," and readers are urged to vote for pro-gun legislators.

Women & Guns, "the only gun magazine edited by and for women," is published by the Second Amendment Foundation in Bellevue, Washington, and tells the distaff side how to pack the heat, all about new products, and the latest in legal self-defense issues.

Life without guns

LIABILITY

For over a dozen years, Stephen P. Teret has been researching and thinking about gun violence in America. In his position as director of the Johns Hopkins University Injury Prevention Center, Teret has become interested in the question of whether weapons manufacturers can be held liable for the damage their products cause people.

One promising area would be to hold gunmakers accountable for making their guns as safe as possible.

"There are things that could be done with existing technology to make handguns safer," says Teret, "and reduce dramatically certain types of tragic shootings—such as the child who plays with a parent's gun, a teenager who commits suicide, or an owner shot with his own gun by an intruder.

Five-year-old Anthony Bolin was the victim of a gang shooting while he was watching TV in Watts, L.A.

"The way to do this is to personalize the gun to the owner. The low-tech way is to provide a combination lock on the gun. The owner is the only person who knows the combination, so when it is 'locked' no one else can shoot it.

"The high tech way involves implanting an electrical component or receptor in the gun that is activated only by a transmitter that the owner keeps in a bracelet or ring.

"Guns can easily be child-proofed in these or other ways," adds Teret. "In fact, Smith & Wesson used to sell a 'child-proof' model. Now, however, they are pushing their LadySmith handgun on young women, but they are not child-proofed even though common sense says a lot of these young women are going to be around children. So the question is, will the company be liable when something terrible happens?

"Who has moral blame? The shooter or the manufacturer, or both? What about the board of directors of the company making the guns? They are discharging a pollutant into the stream of commerce. They make decisions that have life-and-death implications for other people, but they make them on the basis of profit and loss, because of the lack of regulation by the government."

SURGEON GENERAL'S ADVISORY
The NRA's position is irresponsible. NRA members think only of themselves.

that they created is a time bomb and many of the gun groups are talking optimistically about the chances for bans on semiautomatic assault weapons and on gun possession by minors—the latter a measure even the NRA now squirrels endorses.

In response to the changing environment, the NRA has been working overtime to craft a strategy for winning new support. LaPierre—the NRA's brash and bullish executive vice president—says the NRA is in a political dogfight. He has pushed the NRA to reshape its public image in an effort to recruit new adherents. LaPierre boasts that the NRA membership has increased by 500,000 since 1990 to 3.4 million, and claims that the Clinton administration's attacks are helping. "People respond when there's a threat," he explains. "There's a visceral thing with gun owners at record rates."

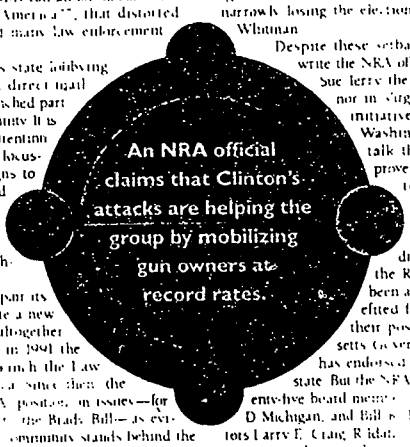
A fervent opponent of gun control, LaPierre blames the media for all that ails America and the NRA. At an NRA convention in Nashville last April, he warned that the United States is being "driven apart by a force that dwarfs any political power or social force that ever existed in the planet: the American media."

Under LaPierre and Knox's leadership, the NRA in recent months has paid pollsters lavishly to help the group repackage its image. Though this is not necessarily bad—new blood is a sign of ideological conversion, it could give the group a short-run boost to make cosmetic alterations.

The question is whether the pollsters' insights may be [illegible] with women and other consumers. One [illegible] is a victim ads which cost the NRA [illegible] were tested for about two months in Boise, Miami and Washington. They showed a woman—a mom—a mom [illegible] looking terrified as she and her young daughter walked through a dark underground garage.

Although the NRA insists that the ad's purpose was not [illegible] to encourage women to buy guns—it [illegible] membership pitch ads did include an 800 number women could call and sign up for gun clubs and receive [illegible] self-defense classes with the NRA logo. Even so, the ads [illegible] critics. The NRA's assertion [illegible] Miami, Boise [illegible] Washington [illegible] worked with focus groups in the area. Even [illegible] mothers were worried [illegible] as well as [illegible] Mexican [illegible] how the NRA [illegible] women [illegible] group.

Despite the NRA's carefully [illegible] the group's [illegible] unbroken battle [illegible] the [illegible] helped organize [illegible] and [illegible] defenses of the NRA [illegible]



nism." Fredam added that the real issue is not the prediction of violence against women. It's also against children and a whole generation of young Black...

...ose the ad campaign, the NRA's counterattack mirrors scores of its spurts in part by public relations executives. In recent years the NRA has been trying to shore up its fast-eroding support in the law enforcement community.

For much of its 122 years, the NRA worked in tandem with police groups on major issues relating to crime and guns. Starting in the mid 1980s, however, cliffs emerged as the NRA opposed legislation that would have banned so-called cop killer bullets.

The NRA also made the major blunder of taking on Joseph D. Samaras, the well-known former head of the San Jose, Calif., police department. The NRA ran an ad headlined "So You Want To Legalize Drugs in America", that distorted Mr. Samaras' beliefs and angered many law enforcement officials.

CrimeStrike, which combines state lobbying with national advertising and direct mail blitzes, appears to have been launched partly to woo back the police community. It is also aimed at diverting public attention from gun control measures and focusing it on NRA-backed campaigns to pass tougher sentencing laws and build more prisons in several states. The past election season...

...ime strike succeeded in pushing initiatives through in Washington and Texas.

The NRA also has tried to repair its law enforcement image by helping create a new law enforcement organization altogether. According to the New Republic, in 1991 the NRA gave $500,000 to help launch the Law Enforcement Alliance of America. Since then, the NRA has often touted the LEAA position, in issues—for instance, its strong opposition to the Brady Bill—as evidence that the law enforcement community stands behind the NRA.

The NRA's recent turn to Madison Avenue sales techniques is in part out of some significant setbacks in the 1992 elections. For instance, in his race for reelection, Representative Mike Synar (D-Oklahoma), faced one of the NRA's heaviest media barrages, costing an estimated $[illegible],000.

The NRA and Synar, who focused...

...group thought he might be vulnerable, such as his votes against constitutional amendments on flag burning and the balanced budget. But the congressman won his race anyway, largely by counterattacking against the NRA. "I think we set the stage for how to handle the NRA," he said. "It's hard to be successful as a lobbying group when your whole approach is based on fear and hate."

The Synar strategy of taking on the NRA has actually almost paid off in New Jersey. Governor James Florio's reelection campaign last fall hoped to ...voter anger over another license-plate-raising state taxes—which moved him to defeat. Florio had been high on the NRA's enemy list after he pushed through a statewide ban on semiautomatic assault weapons in 1990. Last fall, Florio came back from way behind in the polls by focusing on the links between guns, crime and violence between narrowly losing the election to Republican Christine T. Whitman.

Despite these setbacks, it would be premature to write the NRA off. It was able to help defeat Mary Sue Terry, the Democratic candidate for governor in Virginia last fall. And the antiterrorism initiative the NRA got on the ballot in Washington passed handily, spurring talk that its CrimeStrike effort may prove to be a powerful new organizing tool with a public edge about criminals.

Still, the once terrible fear of the NRA in Congress has been dissipating. Even some members of the Republican party, who have long been allied with the NRA and have benefited from its support, are rethinking their position. Senator William Cohen, for example, has endorsed curbs on assault weapons in his state. But the NRA can still boast that among its seventy-five board members are Reps. Jack Kingston, John Dingell, D-Michigan, and Bill Emerson, R-Missouri, and Senators Larry E. Craig, R-Idaho, and Ted Stevens, R-Alaska.

For now, there's only one way to view the NRA: it may be wounded, but it still has plenty of ammunition left. History shows that when the NRA's under siege, as it does now, it fights back even more aggressively. The NRA is still the best armed lobby in the country.

Peter H. Stone is a reporter in the National Journal's Washington, D.C., campaign bureau.

CYBERACTIVISM

Mother Jones invites all readers who have E-mail access to Internet to participate in an electronic discussion of gun violence and what can be done to stop it, beginning January 1, 1994. It will be the first of what we hope will be regularly scheduled events conducted by Mother Jones Interactive, the electronic complement to *Mother Jones* magazine.

To take part in the discussion, simply access alt.motherjones on Usenet, or subscribe to motherjones-list (linked to the news group) by sending E-mail with "help" in the message to listserv@mojones.com.

While you're on line, you can read (or reread) articles from back issues, talk back to editors and writers, and post your opinions in conversations with other readers. You can also find information on subscriptions, writers' guidelines, and editorial, art, and publishing internships.

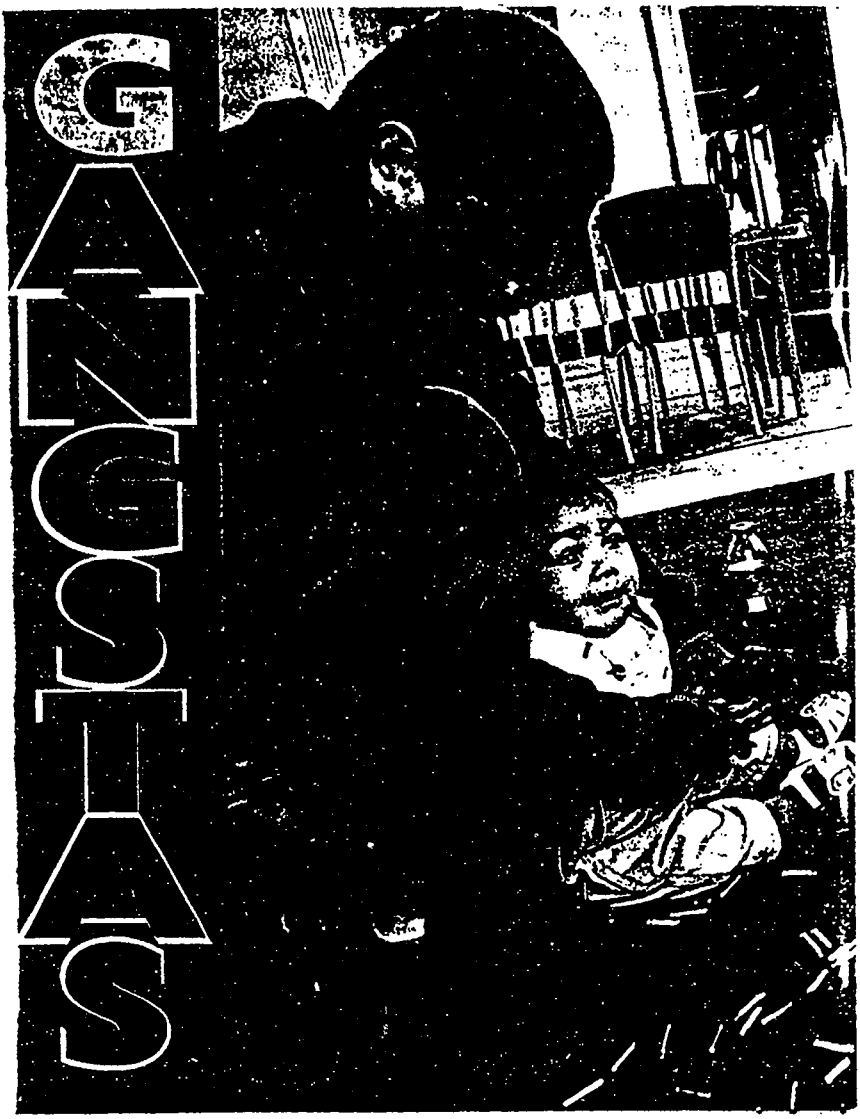
To learn more about Mother Jones Interactive, send E-mail to mojones-info@igc.org, or find us at one of the following locations:

• Internet services

FTP, ftp.mojones.com; Gopher, searchable gopher.mojones.com; WAIS, searchable: wais.mojones.com; WWW, www.mojones.com (also contains some images)

• Other services

IGC networks, motherjones conference. The WELL, mojones conference. CompuServe Magazine Database B.


GANGSTAS

Stare at these photos: the East L.A. chapter of youthful offenders. We deplore all of it. And when something hideous happens, which it does, in the morning paper or on the news, then we mutter something, an obscene loathing we dare not enunciate: Animals. Scum.

BY RICHARD RODRIGUEZ

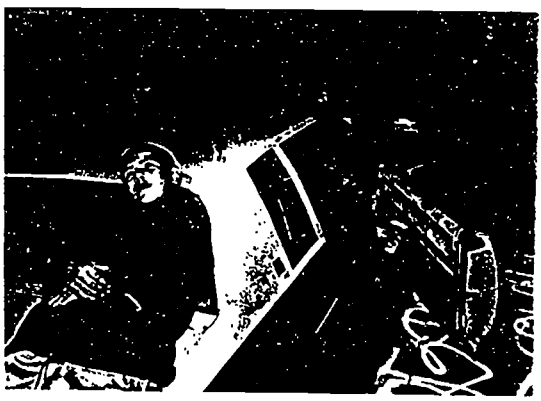
At left, gang member Chivo teaches his daughter to hold a gun her mother looks on. A rival gang has tried to kill Chivo several times once while he was carrying his baby

Photographs by Joseph Rodriguez

JOSEPH RODRIGUEZ has been recording the lives of Latino gang members and their families in East L.A. for the past eighteen months. His work won a 1991 Mother Jones International Fund for Documentary Photography award.
(See page 45)

A member of the Rock Mara gang shows his gang sign while being booked for drug possession in the East L.A. sheriff's station

The child's defiance is most interesting to the city. The stance the dress, the music of the outsider exercise erotic appeal.



Twelve year old Mara has grown out with the Evergreen Boys dreaming of so today owning his own car. Mark's family connections with the Ever greens go back to an generations

life without guns

[illegible]

Part of the turn-on of these photos is that we can stare without fear of being killed. None of us should stare at such faces in real life.

[illegible]

At right: the chaotic scene seconds after a gang member was hit in a drive-by shooting in May 1993. The boy lying on the sidewalk took five bullets, but lived. Photographer Joe Rodriguez narrowly avoided being hit as well.

[illegible]

[illegible] right [illegible] throws his [illegible] Maravilla, a gang that can be traced back [illegible] generations to Mexico in [illegible] early 1920s. [illegible] her older Maravilla gang [illegible] were more like West Side Story in the 1950s—no [illegible] just hand fighting.

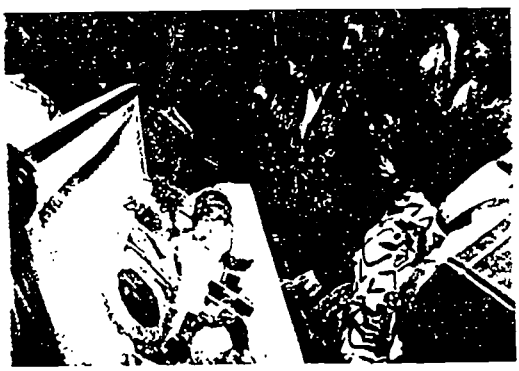
children. What his camera does not explain is why they look so dead to con[illegible] [illegible] had always told us that the age of reason beg[illegible] [illegible] seven, well before hormones sprout [illegible] [illegible] gangsta life reduces to an attitude, a pose. [illegible] [illegible] even when they are [illegible] [illegible] the Los Angeles night sky [illegible]

[illegible] the plaza [illegible]

[illegible] rebel [illegible]

life without guns

Consign the gangsta to subhumanity. But when this child falls, he leaks blood. They are not monsters, after all.



An Evergreen Boys gang member gets a haircut while children play. Another Evergreen brandishes a toy gun

South Central L.A. members [illegible] Juvenile Queens [illegible] after class. Made up of [illegible] year-old girls [illegible] parents and [illegible] [illegible]

the Beverly Hills matron [illegible]

[illegible]

Thus do we look at the faces of East L.A.: we consign the children to some remote kingdom of THEM.

Thirty years ago I grew up listening to the black Protestant [illegible] of the civil rights movement. In the 1960s black America was perceived by most Americans as the moral authority of this nation. Today we are to believe that the inner city is so [illegible] that children must be taken out of town. [illegible] Moral Evanston?

[illegible]

an interview with joycelyn elders

by ken kelley

Surgeon General Joycelyn Elders is out to promote health education and awareness encompasses the "epidemic" as she calls it, of gun violence. Frank and opinionated, she told us what Americans need to do—now.

Q: The National Centers for Disease Control and Prevention recently said that gun related deaths and injuries make gun violence one of the major public health hazards in the country. Do you agree?

A: Yes, I do. Homicide, often involving guns, is a disease that is the leading cause of death for young black men, and the second-leading cause of death for all people aged fifteen to twenty-four. That *makes* it the leading health issue, particularly when guns are used in combination with drugs and alcohol. And the statistics show that is most often the case. Guns kill more teenagers than the other big killers—heart disease, cancer, and AIDS—combined.

Q: What does that tell you about America?

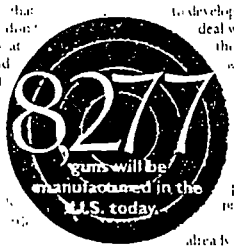
A: That tells me, first of all, that guns are far too accessible and too readily available. There are over 200 million guns in our society—and that's just the legal ones, the ones we know about. Every ten seconds, another gun is produced. And every fourteen minutes, some person in America dies from gun inflicted action.

Q: Your two predecessors, Doctors Koop and Novello, had good intentions as surgeons general. In Koop's case, he was shunned by Reagan, who didn't want to acknowledge AIDS. And one always felt that Novello's heart was in the right place but that she never had George Bush's ear. How do you intend to use your position?

A: I've pretty much always used my positions as a bully pulpit. What that means is strongly advocating for the things I feel are really important. Gun violence, to me, is the highest-priority public-health issue, and I have to make sure Congress is aware of it, the American people are aware of it, the president is aware of it, and that we all

SURGEON GENERAL'S WARNING
Guns are hazardous to your health.

PHOTO BY BRAD MARKEL/GAMMA LIAISON



WHAT YOU CAN DO

Every public issue reaches a critical point. For gun control, that moment is now

WHAT NOT TO DO

If we want to mount a viable campaign to regulate firearms in America and to ban handguns and assault rifles we cannot ignore the lessons of previous public health campaigns.

• Don't polarize the debate. We must distinguish between those guns that inflict the most damage on society handguns and assault weapons and those that do little harm, such as hunting rifles. We must convince responsible hunters and sport shooters of the need for strict regulation.

• Don't rely exclusively on statistics. The number of Americans killed by guns is about 37,000 a year. That number is tragic. But cigarettes for example kill about 400,000 people a year. Since many Americans aren't directly affected by gun violence, attempts to engage them by hyping statistics are likely fail. Politicians are leery of issues of morality, responsibility and quality of life. But these are the real issues underlying this debate. Our leaders won't raise these issues unless they're pressured to do so.

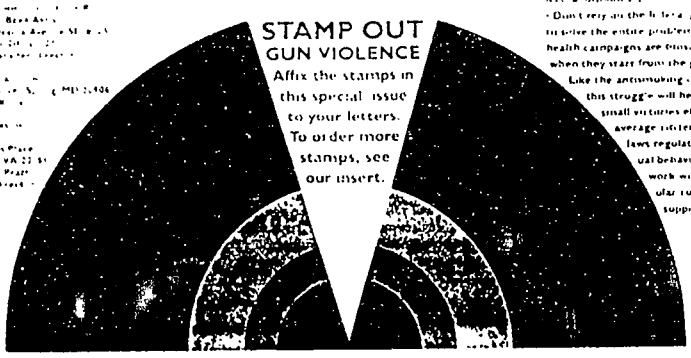
• Don't pay more than lip service to the sake of political correctness. Specifically, we must acknowledge differences, messages that reach white suburban soccer moms have little resonance for black teenage males. Nationally, it's an issue that affects all races. But to ignore these differences is to have public policies that reflect a distorted view.

• Don't rely on the federal government to solve the entire problem. Public health campaigns are most successful when they start from the grassroots level. Like the anti-smoking campaign, this struggle will be won with small victories effected on the average citizen. For example, laws regulating individual behavior won't work without a popular consensus supporting them.

-OES

FRIENDS

OFFICIALS



Senator SIMON. Ms. Edelman, you mentioned that one of the things we ought to do is to get those guns out of homes, but there is fear out there and as a result of fear a lot of people are buying those guns. What do you say to a parent who wants to protect that child?

Ms. EDELMAN. Well, it is a hard issue because, you know, there is a lot of fear and there is a lot of reason to fear, but I think that we have just got to get a community conversation going, which is why we want to begin to have parents think, because many parents who have bought guns, or are thinking about guns, are doing so because they think that that is the best thing for their children.

So we have got to give them the facts to say, as much as you are bringing this gun into your house in order to defend your children against outside intruders, the greater likelihood is that that gun is going to be used against someone that you know or in an accident or in a suicide by a family member. So we have got to start that conversation and have parents begin to think.

Second, I think that parents would agree that guns in the hands of children is not something that we want to see go on in this society. As we look at polls, I think more and more people are beginning to understand that guns endanger rather than protect. So I think we have got to get a real community conversation going and have us deal with this hard issue. Once they know the facts that you are 43 times more likely to have a gun in your home used against a family member or an acquaintance or be used for suicide or accident, I think they will begin to say that we have got to find another way and that guns are not the solution; they are part of the problem.

Senator SIMON. To simply say you are going to hide a gun—I can remember hiding Christmas gifts and our children discovering the Christmas gifts. Kids are very ingenious and they are going to be finding guns if they are hidden in a home or if you try to keep them out of the hands of children.

Ms. EDELMAN. Absolutely. Again, the data speaks for itself, but, you know, there are 7,257 accidental killings from guns in homes, and when I looked at suicides I was really quite amazed. Children are terribly creative and imaginative, and all of us know how they have ransacked every nook and cranny of our house. So, again, we have just got to sort of say guns should not be kept in houses and get parents to begin to think about other ways of protecting their kids.

Senator SIMON. Dr. Wright, in the next panel we are going to have a physician from California who is a member of a group called Doctors for Responsible Gun Ownership who is opposed to any gun control laws. Do you think you represent the majority of physicians or is his position representing the majority of physicians?

Dr. WRIGHT. Well, certainly those of us who are advocates for child health and are consciously in the forefront for children's health would stand behind the position that the academy has presented with regard to reducing the accessibility and availability of firearms to children. I would just echo what Ms. Edelman has already said that there is sound, well-done research particularly by Dr. Kellerman, whom you will hear from later, and his colleagues

to back up and support all the data and the facts that we have testified to before you this morning.

Senator SIMON. Did the American Academy of Pediatrics—was this a close vote? I don't know how you make your decisions. Was this a controversial matter or was this something you arrived at easily?

Dr. WRIGHT. No, I don't think it was a terribly controversial matter. I think that for those of us in the academy, again, we simply stand by "do what is best for the children." That is our bottom line motto, so that this legislation is, in our view, something that will reduce the accessibility and availability of firearms to kids and it is the right thing to do.

Senator SIMON. Let me ask one question, finally, of both of you and then I will yield to my colleague. My mail is probably typical of other Members of the Senate and Members of the House. Even though my position on gun issues is very clear, as the NRA reminds everyone every time I am up for election, the mail I get is still very strongly against any kind of gun control legislation.

It is fine for you, Dr. Wright, and you, Ms. Edelman, to be here and testify, but, real candidly, we are not getting letters from the pediatricians, from the supporters of the Children's Defense Fund, saying we ought to have some kind of control over this proliferation of weapons.

You mentioned, Dr. Wright, the polling numbers. The public as a whole clearly supports getting a hold of this thing, but the public as a whole is not letting their feelings be known, as our friends in the NRA are, to Members of the Senate and the House.

How do we generate some response that can make a difference? We are sometimes too responsive to that mail here in the U.S. Senate. Do either one of you want to tackle that?

Ms. EDELMAN. Well, I will be glad to tackle it. This is a new issue for us, but I will tell you that I think that if we are going to have the kind of stringent gun control measures that we need in this country, we are going to have to build a mass movement that demands it, and women and mothers and parents have to be a key part of that.

You know, we need the equivalent of Mothers Against Drunk Driving in the gun area, and we are out exploring now with a range of community groups—and there are many groups around the country of parents who have lost kids, who are struggling in an isolated way, and so the issue is whether we can pull them together into a movement that will give you the kind of support that you need. We are going to be doing everything we can to do that.

Second, I think if we get out there and begin to educate the public about the dangers of guns and about the specific ways in which we can tackle them, that will change, and we are doing two things that will begin to be implemented shortly. We have been testing a child watch program to really make people see and feel violence in the way in which the pediatrician does in seeing these children every day.

We have just field-tested in the District of Columbia and in St. Louis taking community leaders, civic leaders, business leaders, media leaders—and I would welcome to have the Congress go out on one here in Washington; take them out and let them be briefed

by the coroner about the number of children who are coming, and let them go over to the rehabilitation center and see the children sitting in wheel chairs who have been shot; let them hear the parents talk about what it means to lose a child. So we are trying to begin to personalize gun violence so that people can begin to understand that there is a war going on and that their children are the chief victims and that we must do something about it.

The third thing we are planning is a way of beginning to try to build a mass public education base and get a strong conversation going about the toll of violence. This October, we are trying to get the religious community to become the moral locomotive, rather than the moral caboose, on violence in American society, and begin to look at the extent of violence in their communities, in the families, in their congregations; to look at guns and children; to really say what does your faith demand when you have 1.3 million Americans who have died violently over the last 25 years.

So over the next months, Senator, I do hope that we can play a key role, along with many other groups, and we are trying to begin to work in coalition with other groups to get a community conversation going, to get us working very strongly and coherently to provide a countervoice to those who try to sell violence in the form of guns or in the guise of entertainment, so that you will begin to have the kind of support that you need. I think that the American people do want gun control, and we will try to begin to translate that into active support.

Senator SIMON. Great.

Dr. Wright?

Dr. WRIGHT. I would just like to add that as health professions and all professions, we also need to educate ourselves. There is a groundswell of support, but there is still a lot of education that needs to happen amongst the people who are in a position to speak passionately and be advocates.

I was impressed at the American Association of Public Health meetings in San Francisco last October at the proliferation of basic research activities going on in this area and just the sheer number of people that have become passionately interested and have begun to undertake projects in their workplaces and the places where they live. As Ms. Edelman has said, we need to interweave the expertise and the talent of all these people who are working in their communities and in their hospitals to bring together a massive campaign that will bring forth a powerful voice to Congress.

Senator SIMON. If I may be a little more specific, what we need—and we appreciate your presence here, but what we need is not a resolution by the American Academy of Pediatrics.

Ms. EDELMAN. You need mail and calls.

Senator SIMON. We need phone calls. We need letters from the pediatricians to the members.

Senator Brown?

Senator BROWN. Thank you, Mr. Chairman. You know, as we talk about the tragic deaths from use of firearms, and I suspect other means as well, it is sobering. One can contemplate all the lives that are lost that might still be alive if we had done something differently.

Ms. Edelman, let me take you back to something you talked about. If this law goes into effect, it would be illegal to purchase a gun, and to possess it would be a Federal crime, in effect. Should young people, under 21, who we think of as juveniles, be arrested and tried in Federal court as adults?

Ms. EDELMAN. Well, as I indicated in my testimony, while I certainly want to make sure that adults who are peddling and manufacturing and selling guns should be curbed and we should deal with them very stringently, I do have difficulty in trying to make it a Federal crime for young people who are status offenders. The Federal courts, as you know, will be overwhelmed, so we have asked that one look at that gain in terms of possession by juveniles.

I think that clearly there should remain discretion, as I gather the changed provisions of the crime bill would allow, for judges to deal with young people who are repeat offenders to turn children over to adult systems. But I think at this time we are opposed to having possession by young people be a Federal crime.

Senator BROWN. If possession is dropped, or at least not an issue, should young people who violate the law be tried in Federal courts as adults?

Ms. EDELMAN. We think that children should be rehabilitated wherever possible. We, on the other hand, understand that there may well be instances where young people have done something that is so egregious or may well be beyond rehabilitation, and that judges should have the discretion to determine when they are going to bind those children over to adult courts.

There is currently a study that the Federal Government has commissioned to look at the impact of waivers of juveniles to adult courts, though I am deeply disturbed about the tendency to use waivers for younger and younger children, particularly when we have not put into place adequate prevention methods. So, again, I think that we should wait and see what we have learned from the experience of waivers of young people over to adult courts before we decide that we are going to mandate this in a uniform way.

Senator BROWN. What about sentencing juveniles to Federal prison? Is that something you would feel that judges should have discretion about as well?

Ms. EDELMAN. You know, justice should be individual, particularly when it comes to children. We have imprisoned more and more people over the last years and are spending billions of dollars on that, and yet it does not seem to have had a major impact on youth crime. So I think that I always want to put my focus on prevention and want to look very carefully before one creates new Federal crimes for what have been status offenders in the past. I would again like to use that as a basis of discretion with the judge when there are particularly egregious problems with young people.

Senator BROWN. Thank you. Dr. Wright, if indeed it is made illegal for young people to buy or possess weapons, as this bill would do, would you anticipate that young people would no longer buy or possess firearms?

Dr. WRIGHT. No; in an absolute sense, I don't believe that it would, but certainly this is one means of a deterrent for access is what the academy supports and what I would hope to see in my

work environment. As I talk to youngsters, youngsters are often very introspective and reflective immediately following a traumatic incident, and many times in the course of treatment in our emergency department I have the opportunity to talk to kids and find out how they get their weapons or what the access is like. I do believe that any measure that would deter the access by any means would help from my perspective, and certainly that is the view that the academy supports as well.

Senator BROWN. Do you have a feel for how much this would reduce juvenile possession of firearms—I mean, would it cut the number of weapons in half? What do you expect out of this law if it goes on the books?

Dr. WRIGHT. Well, quantitatively we have no knowledge as to how many weapons are currently coming from what sources on the street as it occurs today, but one thing that I would like to advocate in trying to get that information is, again, talking to youngsters, finding out what the sources are. It has to be a comprehensive effort, this bill being just part of that comprehensive effort in trying to get at the sources of weapons.

I don't believe that this is certainly the be-all and end-all, but it is part of a comprehensive effort that includes grassroots research, just getting down and talking to the kids, finding out what the access is and where they are getting the guns from.

Senator BROWN. You see, we are dealing with young people who commit crimes with weapons. Presumably, that is already illegal. What we are now doing is saying it is also illegal for them to possess the weapon and to purchase the weapon.

The question really is if it is already illegal to do what they have done, will making it twice illegal have a big change in their behavior? I don't know the answer to that. My guess is it may relate to how well you enforce this law. As you say, maybe it is a tool, but I guess a question that comes to me is, is there something else we ought to be looking at, not simply making a second crime for these young people.

Senator Simon, I think, is interested in and has worked in an area where I have sponsored a bill. The idea is to change our tax laws so that there is some encouragement for teams and other businesses to swap for weapons; not purchase weapons from young people, but swap. We are thinking about basketball tickets and baseball tickets, and maybe there are other things that can be donated, but changing the tax laws so that we encourage juveniles to give up their firearms voluntarily. At least to me, there is a real question as to how much good making it twice illegal will do.

Dr. WRIGHT. If I can just take a step back to reiterate the importance of the public health model. That is a very critical piece to the whole success of this bill in combination with other efforts. We have to be able to document and employ control measures to see exactly what it is that we are doing.

I agree that at this point I don't know what the quantitative effect would be, but certainly as part of a comprehensive effort, one that we have to monitor and measure, it is really important that it be included in a large public health effort, not just viewed in terms of one bill that may have some measurable effect, but in

terms of a comprehensive effort involving many professionals from many disciplines.

Ms. EDELMAN. Senator Brown, we are in the middle of doing focus groups with young people, asking them a whole lot of questions about what might make a difference. In light of your questions—we have not already completed the ones in Minnesota—we will add this, or at least begin to try to get their reactions on what would make a difference. We just finished focus groups last week in the District of Columbia with young people, but I will try to see if it isn't too late to add this. We will be trying constantly to see what will make a difference and what might deter you or not deter you, and we will share whatever information that may be useful on this issue.

Senator BROWN. I would appreciate it. I particularly appreciated your comments with regard to looking for positive activities for our young people. I do share that view, and I can well see why Senator Simon has other jobs for you in mind. We both have a very positive view of your contribution here.

Ms. EDELMAN. Thank you.

Senator SIMON. We thank you both. Let me just comment because Ms. Edelman mentioned the question of mandatory minimums. I have discussed with Senator Biden holding a hearing on that subject. We tend to think we really are tough on crime with mandatory minimums. We now have 510 people per 100,000 in our prisons. South Africa is second with 311. Venezuela has 137; Canada, 109. As we have incarcerated more and more people, our crime rate has gone up and not down, and I think we really have to look at substantial answers, not answers that have great public appeal, necessarily.

Ms. EDELMAN. I agree.

Senator SIMON. We appreciate both of you for your testimony and you leadership.

Ms. EDELMAN. Thank you for your leadership.

Senator SIMON. Our final panel is Dr. Arthur Kellerman, director of the Center for Injury Control, Emory University School of Public Health and Medicine; Dr. Stephen Teret, head of the Division of Public Health, Department of Health Policy and Management, Johns Hopkins School of Hygiene and Public Health; Richard Aborn, president of the Center to Prevent Handgun Violence; Dr. Tim Wheeler from Fontana, CA, who is with a group called Doctors for Responsible Gun Ownership; Dr. Edgar Suter, also from California; and Suzanna Gratia, if we can get one more chair there. We will just add one additional chair to the panel.

We may have to take a 10-minute recess for a roll call over on the floor. Why don't we do it right now before we get the panel started? We apologize. We will be back with you in 10 minutes.

[Recess.]

Senator SIMON. The hearing will be resumed. We will observe the 5-minute rule, if we may, and we will enter your testimony in the record if it is longer than that. We will start with you, Dr. Kellerman.

PANEL CONSISTING OF ARTHUR L. KELLERMAN, DIRECTOR, CENTER FOR INJURY CONTROL, EMORY UNIVERSITY SCHOOL OF PUBLIC HEALTH, ATLANTA, GA; STEPHEN B. TERET, PROFESSOR OF HEALTH POLICY, JOHNS HOPKINS SCHOOL OF HYGIENE AND PUBLIC HEALTH, BALTIMORE, MD; RICHARD ABORN, PRESIDENT, CENTER TO PREVENT HANDGUN VIOLENCE AND HANDGUN CONTROL, INC., WASHINGTON, DC; TIMOTHY WHEELER, CHAIR, DOCTORS FOR RESPONSIBLE GUN OWNERSHIP, FONTANA, CA; EDGAR A. SUTER, NATIONAL CHAIR, DOCTORS FOR INTEGRITY IN RESEARCH AND PUBLIC POLICY, SAN RAMON, CA; AND SUZANNA GRATIA, COPPERAS COVE, TX

STATEMENT OF DR. ARTHUR L. KELLERMAN

Dr. KELLERMAN. Senator Simon, between 1991 and 1993 I represented the fields of emergency medicine and public health as a member of the National Research Council's Panel on the Understanding and Control of Violent Behavior. In the course of our work, the panel reviewed the complex array of social, behavioral, developmental, and environmental factors that contribute to violence.

Our view of the role of firearms in interpersonal violence was summarized in the following statement:

> Available research does not demonstrate that that greater gun availability is linked to greater numbers of violent events or injuries. However, what is clear is that gun-inflicted injuries have more lethal consequences than injuries inflicted by other weapons. This suggests that making guns less available in high-risk situations might reduce the number of homicides. Educational, technological and regulatory strategies can be advised with the objective of changing how handguns are used and stored, changing their allocation from higher-risk to lower-risk segments of the population, reducing their lethality, or reducing their numbers. For any of these policies to reduce homicides, two conditions must be met. The policy must reduce violent uses of at least some types of guns and they must not be replaced with more lethal weapons.

The Gun Violence Prevention Act of 1994 could go a long way toward addressing the panel's recommendations. However, I am certain that this legislation will be fiercely opposed by those who believe that unrestricted ownership of handguns is part of the solution to violent crime rather than part of the problem.

Gun manufacturers have an economic interest in selling all the weapons they can and they have made self-protection the cornerstone of their marketing strategy for handguns. It has been effective. Handgun owners are far more likely than owners of rifles or shotguns to cite self-protection as their single most important reason for keeping a gun in the home. However, interest in handguns for self-protection is not limited to law-abiding adults.

Sheley and Wright recently surveyed a selected sample of more than 800 violent juvenile offenders and a comparison group of 758 inner-city high school students. When they asked members of both groups who have carried a gun why they acquired their last firearm, protection was identified more often than any other reason. Unfortunately, the gun that is kept loaded and readily available for protection can also be reached by a curious child, an angry spouse, or a depressed teenager.

Consider the following facts: The chief medical examiner of King County, WA, and I studied all gunshot deaths that occurred in that

county over a 6-year period. More than half occurred in the home where the gun involved was kept. Nine cases involved the killing of an intruder or an assailant in self-defense. During this same time period, guns in the home were involved in 12 unintentional gunshot deaths, 41 criminal homicides, and 333 firearm suicides.

Bobbie Lee examined all gunshot injuries, nonfatal as well as fatal, that occurred in homes in Galveston, TX, over a 3-year period of time. Only two firearm injuries were related to residential robbery or burglary. In one case, the resident was shot and killed by the burglar. In the other, a burglar was wounded by a homeowner. During this same time period, guns were involved in the death or injury of more than 100 homeowners, family members, friends, or acquaintances.

An analysis of 12 years of FBI homicide statistics for the entire United States revealed that women were shot and killed by their husbands or an intimate acquaintance twice as often as women were killed by strangers using guns, knives, or any other weapon. When a woman killed with a gun, the victim was five times more likely to be her husband, an intimate acquaintance, or a member of her family than to be a stranger or a person of undetermined relationship.

A CDC study of family violence in Atlanta, GA, revealed that family and intimate assaults that involve guns are 12 times more likely to end in the death of the victim than assaults that do not involve guns. Finally, colleagues at three major universities and I recently teamed up with local law enforcement agencies to conduct two large-scale case control studies to determine whether keeping a gun in the home increases or decreases a family's risk of violence. All suicides and all homicides that took place in the home of the victim were studied, regardless of the method.

We found that several behavioral risk factors are linked to an increased risk of violent death in the home. However, even after taking the effect of these risk factors into consideration and matching case and control households by victim age, sex, race, and neighborhood, we found that homes with guns were 4.8 times more likely to be the scene of a suicide and 2.7 times more likely to be the scene of a homicide than comparable homes without guns.

Senator SIMON. If you could conclude?

Dr. KELLERMAN. Many people overestimate the benefits and underestimate the risks of having a gun in the home. All it takes is the occasional anecdote of an armed citizen resisting an intruder to send them out to get a gun to keep in their night stand. It is the same incentive that has encouraged people to buy tickets in the lottery, but the rules of this game are different and the voters and citizens in this country, people considering purchase of gun and Members of Congress should consider if a lottery in my home State of Georgia gave one winner a week the jackpot but picked out four families for execution, I don't think they would sell many tickets to that lottery. We need to ask ourselves the same question when we consider buying a gun for protection.

[The prepared statement of Dr. Kellerman follows:]

PREPARED STATEMENT OF ARTHUR L. KELLERMANN, M.D., M.P.H.

PUBLIC HEALTH PERSPECTIVES ON FIREARM VIOLENCE

I am an academic emergency physician and Director of the Emory Center for Injury Control. Between 1991 and 1993, I represented the fields of Emergency Medicine and Public Health as a member of the National Research Council's Panel on the Understanding and Control of Violent Behavior. In the course of our work, the panel reviewed the complex array of social, behavioral, developmental and environmental factors that contribute to violence.[1] Our view of the role of firearms in interpersonal violence was summarized in the following statement:

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>
> Educational, technological and regulatory strategies can be devised with the objectives of changing how handguns are used and stored, changing their allocation from higher-risk to lower-risk segments of the population, reducing their lethality, or reducing their numbers. For any of these policies to reduce homicides, two conditions must be met: the policy must reduce violent uses of at least some types of guns and they must not be replaced with more lethal weapons.

Understanding and Preventing Violence, page 18.

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Unfortunately, the gun that is kept loaded and readily available for protection can also be reached by a curious child, an angry spouse or a depressed teenager. Consider the following facts:

- The Chief Medical Examiner of King County WA and I identified all of the gunshot deaths that occurred in that county over a six year period. More than half occurred in the home where the gun involved was kept. Nine cases involved the killing of an intruder or an assailant in self defense. During this same time period, guns in the home were involved in 12 unintentional gunshot deaths 41 criminal homicides and 333 firearm suicides.[3]
- Bobbie Lee of the University of Texas examined all gunshot injuries (nonfatal as well as fatal) that occurred in homes in Galveston, Texas, over a three year period of time. During this time frame, only two firearm injuries were related to residential robbery or burglary. In one case, the resident was shot and killed by the burglar. In the other, a burglar was wounded by a homeowner. During this same time period, guns were involved in the death or injury of more than 100 homeowners, family members, friends and acquaintances.[4]
- An analysis of 12 years of FBI homicide statistics for the entire United States revealed that women were shot and killed by their husband or intimate ac-

[1] Panel on the Understanding and Control of Violent Behavior. Reiss A, Roth J eds. Understanding and Preventing Violence. Washington, D.C., National Academy Press, 1993.

[2] Sheley JF, Wright JD. Gun acquisition and possession in selected juvenile samples. Research in Brief. Office of Juvenile Justice and Delinquency Prevention, National Institute of Justice, U.S. Department of Justice. December, 1993. pp. 1–11.

[3] Kellermann AL, Reay DT. Protection or Peril? An analysis of firearm related deaths in the home. N Engl J Med 1986;314:1557–60.

[4] Lee RK, Waxweiler RJ, Dobbins JG, Paschetag T. Incidence rates of firearm injuries in Galveston, Texas, 1979–1981. Am J Epidemiol 1991,134:511–521.

quaintance twice as often as women were killed by strangers using guns, knives or any other means. When a woman killed with a gun, the victim was five times more likely to be her husband, an intimate acquaintance of a member of her family than to be a stranger or a person of undetermined relationship.[5]

- A CDC study of family violence in Atlanta, Georgia, revealed that family and intimate assaults that involve guns are 12 times more likely to end in the death of the victim than assaults that do not involve guns.[6]
- Colleagues at three major Universities and I teamed up with local law enforcement agencies to conduct two large scale, population based, case-control studies to determine whether keeping a gun in the home increases or decreases a family's risk of violent death. This is the same research technique that was used to explore the relationship between cigarette smoking and lung cancer. All suicides and all homicides that took place in the home of the victim were studied, regardless of the method used. We found that several behavioral risk factors are linked to an increased risk of violent death in the home. However, even *after* taking these factors into consideration *and* matching case and control households by victim age, sex, race, and neighborhood, we found that homes with guns were 4.8 times more likely to be the scene of a suicide, and 2.7 times more likely to be the scene of a homicide than comparable homes without guns.[7,8]

Unfortunately, many people overestimate the benefits and underestimate the risks associated with keeping a gun in the home. The fact that an armed citizen occasionally stops a crime is all the encouragement many people need to keep a loaded pistol in their night stand. It's the same logic that sells millions of lottery tickets each week. Unfortunately, the rules of this game are different. If my state lottery gave one winner a week the jackpot but randomly selected three people for execution, I don't think they'd sell many tickets.

Violence in America is a complex problem. There are no simple solutions. While we work to identify and incarcerate predatory criminals and address the conditions that promote violence, we must also take additional steps to limit the devastating impact of handguns and assault weapons. We *can* improve public safety without compromising the interests of legitimate sportsmen. We *can't* afford to do less.

BIOSKETCH

Arthur Kellermann, M.D., M.P.H., is Director of the Center for Injury Control, Emory University School of Public Health, and an Associate Professor of Emergency Medicine in the Department of Surgery at the Emory University School of Medicine. Dr. Kellermann was born and raised in South Pittsburg, a small town in East Tennessee. He attended his hometown schools, then obtained a B.S. degree from Rhodes College in Memphis. After obtaining his M.D. degree from Emory University, Dr. Kellermann moved to Seattle, where he completed residency training in Internal Medicine and earned an M.P.H. degree from the University of Washington School of Public Health. In 1983, Dr. Kellermann initiated his first study of the epidemiology of firearm related deaths with the support of the Robert Wood Johnson Clinical Scholars Program.

In 1985, Dr. Kellermann accepted an appointment as Chief of the Division of Emergency Medicine at the University of Tennessee, Memphis. He also served as Medical Director of the Emergency Department of the Regional Medical Center at Memphis and Co-Medical Director of the Memphis Fire Department Emergency Medical Services Bureau. Between 1991 and 1993 he represented the fields of Medicine and Public Health on the National Research Council Panel on the Understanding and Control of Violent Behavior. In September of 1993, he moved to Atlanta to establish the Emory Center for Injury Control.

Dr. Kellermann is a member of the Society for Academic Emergency Medicine, the American College of Emergency Physicians, the American Public Health Association and the American Trauma Society. He is board certified in the specialties of Emergency Medicine and Internal Medicine.

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[5] Kellermann AL, Mercy JA. Men, women, and murder: gender-specific differences in rates of fatal violence and victimization J Trauma. 1992;33:1–5.

[6] Saltzman LE, Mercy JA, O'Carroll P, Rosenberg M, Rhodes P. Weapon involvement and injury outcomes in family and intimate assaults JAMA 1992;267:3043–3047.

[7] Kellermann AL, Rivara FP, Somes G, Beay DT, et al Suicide in the home in relation to gun ownership. N Engl J Med. 1992;327:467–472.

[8] Kellermann AL, Rivara FP, Rushforth N, et al Gun ownership as a risk factor for homicide in the home N Engl J Med. 1993;329:1084–91.

Senator SIMON. Thank you.
Dr. Teret?

STATEMENT OF STEPHEN B. TERET

Mr. TERET. Senator Simon, much of what I had intended to say has already been said very eloquently by those who have testified before me, so with your permission, I would like to depart from my written testimony and be quite brief.

Senator SIMON. Your written testimony will be entered in the record and we will be happy to have your oral testimony.

Mr. TERET. Thank you very much, Senator Simon. You mentioned earlier that we deal with statistics, especially those of us who live in the world of public health, but you mentioned that the statistics really are based upon real stories, and I would like to underscore that in the area of statistics regarding firearm injuries, those statistics all tell a story. The building blocks of those statistics are bullet-torn bodies of dividuals.

Unfortunately, I am personally familiar with one of those stories that involved a 22-month-old baby named David, the baby of some friends of mine. Both the mother and father of this child worked during the day, so they sought day care for him in the home of an individual. That woman who kept David, as was her custom, took him up to her bedroom one day at noon time for his nap in a crib that she kept in the bedroom for that purpose.

When she left the bedroom, Senator, her 4-year-old son entered the bedroom, went to the night table, opening the drawer and took out the loaded handgun that was kept there under the mistaken premise that it would confer protection on the people in the household. The 4-year-old walked over to the crib where 22-month-old Davis was, raised the gun, pulled the trigger and put a bullet through David's head. That is a statistics that I can find in the U.S. statistics records, but the statistic doesn't tell us anything about the obscenity of that kind of tragedy, the tragedy that existed not only for David and his family, but for the boy who pulled the trigger and his family.

What we have to look at is why are those tragedies happening over and over again and, more importantly, how can they be prevented, and I would like to offer a suggestion to the subcommittee about prevention of those tragedies, which is that we could redirect our attention away from the person who is pulling the trigger and direct it toward the person who is making the trigger.

For decades, we paid little to no attention at gun manufacturers. The corporations that manufacture guns have been able to manufacture as many guns as they like, to design them in any way that they want, and to market them in any way that they want because we as a society have failed people like David. We have failed to regulate the manufacturers, and instead we have misrelied on our inability to regulate the person who is holding the gun once millions of guns come into the hands of individuals.

We could do a number of things by regulating the manufacturers. Number one is we could prevent certain types of guns from being made, such as the bill that is before this subcommittee, S. 1882, does with regard to Saturday specials and assault weapons.

Second, is we can regulate the design of the guns, as this bill also does. For many years, guns were made by a gun manufacturer that were child-proof and they were advertised as child-proof. The gun manufacturer made these guns from the late 1880's to the late 1930's and then stopped making those guns child-proof. The guns that that manufacturer makes now, which it sells particularly to women, don't have that child-proof quality to them. Why don't they? Because nobody makes the manufacturer do anything about the design of guns.

Last, what we could do is we could regulate the way manufacturers market guns. I have brought an ad that appeared in the Ladies Home Journal a couple of summers ago from Colt Firearms, and you will see, Senator, that it shows a mother tucking her child into bed at night and it says that self-protection is more than her right, it is her responsibility. The finer print of the ad that you might not be able to see from where you are, Senator, tells that mother that she could fulfill that responsibility for self-protection by the acquisition of a Colt semiautomatic weapon. That is deceptive advertising.

In my mind, if you take the data that Dr. Kellerman has already testified about that he and his colleagues and other scientific researchers have developed that shows that, on balance, a gun is more perilous than protective in a home, it makes that ad deceptive. If that ad were not for a gun, if it were for a medication, for instance, the ad would be withdrawn immediately and punitive measures would be taken against the manufacturer. But, again, for reasons that are difficult to understand, we have given a carte blanche to gun manufacturers and failed to regulate them.

We can stop our failure of responsibility to people like David, to hundreds and thousands of other people, to 38,000 people who are killed by guns each year now, by turning our policy attention away from that person who is pulling the trigger and directing it toward he who is making the trigger and be far more effective.

Thank you, Senator.

[The prepared statement of Mr. Teret follows:]

PREPARED STATEMENT OF STEPHEN P. TERET

My name is Stephen Teret and I am Professor of Health Policy at the Johns Hopkins School of Hygiene and Public Health. I hold joint faculty appointments in the Johns Hopkins School of Medicine, Departments of Pediatrics and Emergency Medicine, and I am Adjunct Professor of Health Law at the Georgetown University Law Center. For the past fifteen years, my work has been in the prevention of injuries, with particular emphasis on the prevention of firearm-related injuries. From 1988 until 1994 I served as the Director of the Johns Hopkins Injury Prevention Center. I have published numerous articles in scientific and health policy journals on the prevention of firearm injuries.

I am here today to testify regarding America's epidemic of gun violence, and to discuss the policy options that are available to our society for reducing the number of gun-related deaths. I applaud the Subcommittee for its innovative approach and willingness to look at guns as dangerous products that must be regulated, just as we regulate other products that are hazardous to our health.

Our country's policy on guns has, to date, focused largely on individuals and their use of guns. When a gun comes into the hands of an individual, we proscribe certain actions he or she may take with the gun. But our ability to govern those actions has proven ineffectual. Given our inability to control the use of guns, and given the escalating death toll that now exists due to that inability, we must now turn to regulating guns rather than the behaviors of those possessing guns. Controlling the vehicles and vectors that deliver injury and disease has a long tradition in the science

of public health. We controlled mosquitoes to reduce the incidence of malaria; we must control guns to reduce the incidence of gunshot wounds, which are the number one cause of death for some groups within our population.

A focus on the sale of handguns is warranted. Our present laws permit handguns to be sold legally to persons who ought not to be in the possession of instruments of such lethality. Individuals convicted of violent misdemeanors (many of whom may have been offered the plea bargain of a misdemeanor, after having been charged with a felony, only because of courtroom overcrowding or a prosecutor's high case load), can legally purchase a handgun in most states. Persons against whom an order of protection has been issued, because a court was convinced that the possibility of domestic violence was present, can legally purchase handguns. And handguns often are possessed by children because our laws do not specifically prohibit such possession. Some people, because of their age or their history of violence, should be barred from possessing any gun. Our present law treats this issue inadequately.

Possession of certain guns should be banned for everyone, because of their high propensity for use in mayhem. When bills banning the manufacture, sale, and possession of certain guns have been introduced in Congress or in state legislatures, a cry arises that the particular weapon has a sporting or recreational use. Arguments then ensue about the validity of that assertion, and the extent to which the gun is used for sport. The tacit assumption of those arguments is that one would not want to interfere with the interests of sportsmen. But if the gun is also used for murder, why should not our commitment and duty to preserve life override the interests of the sportsmen?

For decades, the debate over guns has focused on the users of guns, and has inadequately examined the manufacturers of guns. Regulating he who makes the trigger is as important as trying to regulate he who pulls the trigger. Regulating the manufacturer will be more effective than trying to regulate the millions of people into whose hands the manufacturer is now placing guns. But we have failed to exercise this regulatory opportunity and responsibility to protect the public's health. At present, gun manufacturers are given great freedom to decide how many guns to make, how to design those guns, and how to market the guns.

But decisions made by gun manufacturers, based largely on corporate profitability, are in essence health policy decisions for others. Death by gunfire accounts for more teenage deaths than all natural diseases combined, and gun manufacturers' decisions are therefore truly life and death decisions for our children. Why are these decisions basically ignored by the federal government?

In the field of environmental health, scientists speak of the need to regulate point source pollution—the smokestack belching filth into the atmosphere, or the sewerage pipe discharging raw sewage into a stream. Millions of handguns each year are discharged into the stream of commerce, and the point sources for this pollution are the loading platforms of gun factories. But little attention is focused on the corporations and individuals who operate these factories and create these lethal instruments. The production of handguns must be governed.

Handguns can be made so that they are childproof, but manufacturers have chosen not to do so. Unfortunately, this is true even for handguns that are now being marketed to women, where there is a likelihood that the handgun will be in the same home as a child. The manufacturers are not protecting children by the use of existing technology because they do not have to—handguns and their manufacturers are not regulated.

Handguns can be made so that they are "personalized," i.e., they can be operated only by the authorized possessor. This can be accomplished through the use of low technology (e.g., a combination lock on the handgun) or high technology, such as a ring worn by the owner that must be touched to the handgun in order for the handgun to shoot. If handguns were so equipped, they would be inoperable by the young child who finds the gun, the depressed teenager who is contemplating suicide, or the thief who has taken the handgun in a residential burglary. This lifesaving technology is not employed by handgun makers because they do not have to—handguns and their manufacturers are not regulated.

Presently, handgun manufacturers advertise their products with the promise that a handgun in the home will provide protection. The best scientific data contradict this assertion, but no charges of deceptive advertising have been brought against the manufacturers. Their marketing sometimes pictures children shooting handguns, and this too is unregulated.

Our failure to address the manufacture, design, and marketing of guns has led to a proliferation of handguns and an epidemic of gun deaths. Many of these deaths are preventable. Reasonable regulation of the manufacture, design, and marketing of handguns, such as that contained in legislation to be considered by this Subcommittee, will successfully address this public health crisis.

Senator SIMON. Thank you.
Mr. Aborn?

STATEMENT OF RICHARD ABORN

Mr. ABORN. Senator, I will try and stay within my allotted 5 minutes. As the president of the Center to Prevent Handgun Violence and the president of Handgun Control, I want to thank you for this opportunity to address one of our greatest and most tragic public health and safety problems, gun violence.

Imagine, if you will, a childhood disease that every day takes the lives of 13 American children between the ages of 10 and 19. I say imagine because there is no such single childhood disease that takes that kind of toll, but imagine that there were such a disease and imagine that the cure for such a disease did not involve any new medical technology, did not require extensive laboratory testing and, in fact, did not depend on any kind of medical breakthrough whatsoever. Would we take action against this deadly epidemic? Absolutely, of course, we would, and we would do it with dispatch because we are a society that cares about our children.

The disease that I have just described to you does, in fact, exist. Gun violence, as you have heard repeatedly this morning, is not a disease in a technical sense, but it is surely an epidemic. It kills a total of 15 children a day, and while there is no single cure, we can and we must take action against this deadly horror. One in four deaths in young people between the ages of 15 and 19 and 20 and 24 years of age occur because of gunfire, more than any other cause.

We at the Center to Prevent Handgun Violence are, in fact, taking action. In cooperation with the American Academy of Pediatrics, from whom you heard earlier this morning, and Dr. C. Everett Koop, we are working with health professionals to alert parents to the dangers posed to children by keeping a gun in the home.

In eight major cities, we are working with parents and teachers in a school-based curriculum that adopts traditional conflict resolution techniques and applies them to gun violence and incorporates them into a curriculum called Straight Talk About Risks. It warns children about the dangers of guns, while also teaching them these vital conflict avoidance skills.

But education alone is not enough. We must also keep guns out of the hands of children. That is why Handgun Control commends you for considering this comprehensive gun control legislation, the very kind that is before this committee.

Speak of gun violence today and most Americans think of the terrible toll wrought by firearm homicides, but as great as that toll is, it is surpassed by even the larger number of Americans who lose their lives every year due to suicides and accidents with firearms. In 1990, 16,507 Americans died from firearm homicides, while 20,301 Americans died as a result of suicides or accidents from firearms. It is not enough, therefore, in reducing gun violence to keep guns out of the hands of the criminals. We must also keep guns out of the hands of those whose youthfulness and immaturity make them more prone to gun accidents and suicides.

The Center to Prevent Handgun Violence has been a leader for many years now in the fight against gun accidents and suicides,

and that fight begins at home. Gun-owning parents who have young children in the home have a responsibility to make sure that their children do not gain access to the family gun.

Six years ago, a member of our board by the name of Judy Soto, who was a pediatric social worker, drove her 10-year-old son to school. That afternoon after school let out, her son went out with his best friend to another playmate's house. While there, they found three loaded guns. What happened happens very often across this country. One of the guns was accidentally fired, killing Judy Soto's 10-year-old child.

Judy did not throw her hands up in grief and say there was nothing that we can do. She, in fact, turned her grief into constructive action and passed a law, the first ever, that requires parents to keep guns away from their kids. That law was passed in Florida and, in fact, the incidence of kids being shot now accidentally in Florida is on the decline. Florida was just the beginning of that. Ten other States have now joined Florida in passing such child accident prevention laws and a number of other States are now actively considering such laws.

But adults too are at risk, and you have heard repeatedly about that. Rhode Island has passed a mandatory handgun safety law. California has just passed one, also, which takes effect on April 1st. We urge the Congress to mandate such a mandatory safety training course nationally.

You have heard from a previous witness that the Attorney General has said time and again, and she is correct, that it should be at least as hard to get a license to possess a gun as it is to drive an automobile. Two months ago, those words took on additional meaning when CDC reported that if recent trends in motor vehicle crash and firearm mortality were to continue, firearms would displace motor vehicle crashes as the leading cause of injury death in the United States by the mid-1990's.

Senator SIMON. If you could conclude your statement?

Mr. ABORN. We have advocated, as you know, the mandatory licensing and training of all gunowners. We also seek to send a message to dealers by asking that the Congress pass a law which would give citizens who are injured as a result of the negligence of gun dealers the right to sue those gun dealers in Federal court. Such a law would help send a very clear message to dealers that they must act in strict compliance with the Gun Control Act of 1968. We think doing so would be one of a number of very necessary measures to make sure that dealers comply with the myriad of laws they now must face.

Thank you.

[The prepared statement of Mr. Aborn follows:]

PREPARED STATEMENT OF RICHARD ABORN ON BEHALF OF HANDGUN CONTROL, INC.

Mr. Chairman, Members of the Subcommittees, as the President of the Center to Prevent Handgun Violence and the President of Handgun Control, Inc., I want to thank you for this opportunity to address one of our greatest and most tragic public health and safety problems: gun violence.

Imagine, if you will, a childhood disease that everyday takes the lives of 13 American children between the ages of 10 and 19. I say "imagine," because there is no single childhood disease that takes that kind of toll. But imagine that there was such a disease. And imagine that the cure for such a disease did not involve any new medical technology, did not require extensive laboratory testing and, in fact,

did not depend on any kind of a medical breakthrough whatsoever. Would we take action against this deadly epidemic?

Of course we would. We are a society that cares about our young people.

The disease that I have just described to you does not exist. Gun violence is not a disease, not in any technical sense. But it is an epidemic. It kills a total of 15 children a day. And while there is no single cure, we can, and we must, take action against the gun violence which causes one in every four deaths of young people between 15–19 and 20–24 years of age and which is responsible for more deaths than all natural causes in those age groups.

And we, at the Center to Prevent Handgun Violence, are taking action. In cooperation with the American Academy of Pediatrics and Dr. C. Everett Koop, we are working with health professionals to alert parents to the danger posed to children by keeping a gun in the home. In eight major cities, we are working with parents and teachers in a school-based curriculum, entitled "Straight Talk About Risks," that warns children about the dangers of guns, while also teaching them vital conflict avoidance skills.

But education alone is not enough. We must also keep guns out of the hands of children. That's why, as President of Handgun Control, Inc., I commend you for considering comprehensive gun control legislation of the kind that is presently before this Committee.

Speak of gun violence today and most Americans think of terrible toll wrought by firearm homicides. But as great as that toll is, it is surpassed by the even larger number of Americans who lose their lives every year due to firearm suicides and accidents. In 1990, 16,507 Americans died from firearm homicides while 20,301 Americans died as the result of firearm suicides or accidents.

It is not enough, therefore, in reducing gun violence to keep guns out of the hands of criminals. We must keep guns out of the hands of those whose youthfulness and immaturity make them more prone to gun accidents and suicides.

The Center to Prevent Handgun Violence has been a leader for many years now in the fight against gun accidents and suicides. And that fight begins at home. Gun-owning parents, who have young children in the home, have a responsibility to make sure that their children do not gain access to the family gun.

Six years ago, Judy Soto, a pediatric social worker in Hollywood, Florida, drove her 10-year old son, Omar, to school and kissed him goodbye. It was the last time you would ever see her son alive. That afternoon after school let out, her son went out with his best friend to another playmate's home, where there were three loaded guns in the house. What happened minutes later is all too common. One of the guns was accidentally fired, killing Judy Soto's ten year old child.

Fortunately for us, Judy channeled her grief into constructive action. The next year, she helped lead the fight in Florida for a law that requires parents with young children under the age of 16 to lock up their guns. Following the enactment of that first-ever child accident prevention law in 1989, thousands of parents in Florida have locked up their guns. And, as a result, the number of children dying from accidental shootings in Florida has dropped substantially in recent years. And Florida was just the beginning. Ten other states have now joined Florida in passing child accident prevention laws and a number of other states are actively considering such laws.

But it is not just children who are accidentally shot with firearms. Adults, too, are at risk. That's why we need to do a much better job of teaching all gun owners about the fundamentals of gun safety. For more than a decade, Rhode Island has had a law requiring handgun purchasers, as a condition of receiving a license to buy a handgun, to pass a six-hour firearms safety course. California passed a similar gun safety law that takes effect on April 1.

Attorney General Janet Reno has said time and time again that "It should be at least as hard to get a license to possess a gun as it is drive an automobile." Two months ago, those words took on added meaning, when the Centers for Disease Control and Prevention reported that, "If * * * recent trends in motor vehicle crash and firearm mortality were to continue, firearms would displace motor vehicle crashes as the leading cause of injury death in the United States by the mid-1990's."

The licensing and training of gun owners is a good beginning, but it is not a complete answer. Just as we have required automotive manufacturers to improve the safety of cars, so too should we require gun manufacturers to improve the safety of guns.

Many children and adults believe that the removal of a magazine from a pistol removes all bullets from a gun and that's a mistake. And all too deadly mistake. A bullet remains in the chamber, a bullet that can just as effectively kill an individual as a fully loaded pistol. Surely American gun manufacturers are capable of designing pistols that are incapable of firing a single bullet once the magazine has

been removed. And I have to believe that American gun manufacturers are capable of making sure that every gun produced in this country has a reliable load indicator.

I commend this Subcommittee for considering comprehensive legislation. Gun violence is a major public health and safety problem. And the fight against gun violence requires a national plan of action, one that addresses gun accidents and suicides, as well as, homicides.

I deeply appreciate the time and attention that this Subcommittee is giving to this issue and I welcome any questions you might have.

Senator SIMON. Dr. Wheeler?

STATEMENT OF DR. TIMOTHY WHEELER

Dr. WHEELER. Senator Simon, my name is Dr. Tim Wheeler, and I thank you for the opportunity present my views to the subcommittee today.

I specialize in the field of medicine known as otolaryngology and head and neck surgery in Fontana, CA, and I am also the president of Doctors for Responsible Gun Ownership, which is a physician-based grass-roots organization that we formed for the purpose of assuring balance and credible research in the debate on firearms ownership as a public health issue.

Our organization's mandate is not an easy one to accomplish because, frankly, there is a lot of bias and a lot of emotion surrounding the debate in the medical community about firearms violence. The view of firearm violence that we see mostly in the medical literature today is pretty simple, and that is that guns are by their very nature a fundamental part or cause of violence and that citizens' access to them should therefore be strictly limited, or even forbidden.

The proponents of that view have held out the complex issue of firearms as a public health problem, an infectious disease. This metaphor calls for eradicating guns to end gun violence much the same as one would eradicate the virus that causes smallpox. Now, this approach involves chopping off the legal issues surrounding gun ownership and chopping off the idea of a right of firearm ownership for self-defense and leaves only the remains of the issue, which fit into a medical model.

This has played well with doctors who abhor guns, to begin with, but advocates of guns for citizens' self-defense don't get very far with these medical researchers who often tend to lump them along with criminals. The hard data which support lawful gun ownership are ignored by these doctors, often with the stated justification that the data are not peer-reviewed by physicians.

An example: The U.S. Bureau of Justice Statistics has reported injury rates in several categories of robbery and assault victims. They categorize these victims according to the manner in which they resisted. These researchers from the U.S. Government found out that those victims who used a gun to resist these violent attacks suffered injuries only in 17 percent of the cases. Other methods of resisting resulted in injuries in as much as 51 percent of the cases.

In other research, Dr. Gary Kleck down at Florida State University has shown that as many as 800,000 to 2.4 million times a year Americans use firearms for defense. At the University of Massachusetts, two professors of sociology, Drs. Wright and Rossi, surveyed a group of imprisoned felons on their views on the armed po-

tential victim. Most of these prisoners demonstrated and indicated in their answers that they were very respectful of the armed potential victim. In fact, 57 percent of them agreed with this statement, that most criminals are more worried about meeting an armed citizen than they are about running into the police.

My question is this: Why have we not seen these studies acknowledged in the medical literature on guns and violence? Why have these researchers ignored vital data which show the life-preserving and injury-preventing benefits of guns?

Another example from the Centers for Disease Control and Prevention came from Dr. Mark Rosenberg, who actually suggested in an interview that the possibility of manufacturing a gun trigger with sensors that recognize and respond to only one hand, the hand of the user, would be a good idea for controlling gun violence. He suggested implanting the owner's hand with a chip. Now, it is hard for me to understand how a public health official could suggest that any American would submit to this kind of intrusion.

In the State of California, we have tried elements of Senate bill 1882. We have enacted into law an assault weapon ban, we have enacted into law a 15-day wait on firearm purchases, and we have an elaborate and arcane system of restrictions on the sale of guns. None of these laws have ever been shown to reduce firearm violence in California.

This year, we have a different approach in California. We are learning. We passed a law called three strikes and you are out. This is directed at felons and not at citizens. I would ask the Members of the Senate, Senator Simon, to learn from the mistakes of us in California and to pass legislation that would imprison criminals but would not disempower decent citizens, and let us give up the notion that somehow passing one more gun ban will stop violent crime.

Thank you.

Senator SIMON. Thank you, and we will enter your full statement in the record.

[The prepared statement of Dr. Wheeler follows:]

PREPARED STATEMENT OF TIMOTHY WHEELER, M.D., ON BEHALF OF DOCTORS FOR RESPONSIBLE GUN OWNERSHIP

Senator Metzenbaum, Senator Hatch and Members of the Committee, my name is Timothy Wheeler, MD. I want to thank this Subcommittee and its Members for allowing me the opportunity to express my views before you today.

I specialize in the field of medicine known as otolaryngology in Fontana, California. I am also the Chair of Doctors for Responsible Gun Ownership, a physician based grassroots organization that was formed for the purpose of assuring balance and credible research in the debate on firearms ownership as a public health issue.

Our organization's mandate is not an easy one to accomplish, because, frankly, there is a great deal of bias and politicization of the issues surrounding the debate within the medical community on private firearms ownership. This lack of objectivity that I speak of is reflected in much of the medical literature addressing issues of firearm violence.

The contemporary view of firearm violence in the medical literature is a simple one: guns are by their very nature a fundamental part of our nation's crime problem. Citizens' access to them should therefore be strictly limited, or even forbidden.

The proponents of that view have held out the complex issue of firearm crime as a public health problem, an infectious disease. The metaphor calls for eradicating guns to end gun violence, much the same as one would eradicate the virus that causes smallpox.

This procrustean approach, chopping off the legal constitutional issues of gun ownership and fitting the remains into a medical model, has played well with those doctors who abhor guns. Advocates of guns for citizen self-defense do not get far with these medical researchers, who tend to lump them together with criminals.

And the hard data supporting lawful gun ownership are ignored by these doctors, often with the stated justification that the data are not peer-reviewed by physicians.

The U.S. Bureau of Justice Statistics has reported injury rates in several categories of robbery and assault victims. Those victims who resisted their attackers by unarmed force suffered injuries in fifty-one percent (51 percent) of the cases. Forty percent (40 percent) of victims using a knife for defense were injured. Thirty-five percent (35 percent) of those who fled or resisted nonviolently were injured, and twenty-five percent (25 percent) of the victims who submitted passively to the assault were still injured.

But of those victims who used a gun to resist their attackers seventeen percent (17 percent) were injured. Of all the possible ways of dealing with a predatory attack, resistance with a gun was the best for preventing injury of the victim.

In other research Dr. Gary Kleck of Florida State University's School of Criminology and Criminal Justice has comprehensively studied armed citizen self-defense. In his peer-acclaimed book *Point Blank* Kleck has shown that Americans use firearms to defend themselves 606,000 to 960,000 times in the course of a year. The author's subsequent direct survey of a randomly selected, nationwide population sample has resulted in a upward revision of those figures to between 800,000 and 2.4 million defensive gun uses per year.

Two professors of sociology at the University of Massachusetts, James Wright and Peter Rossi, surveyed imprisoned felons on their views on the armed potential victim. Fifty-six percent (56 percent) of the criminals agreed with the statement "a criminal is not going to mess around with a victim he knows is armed with a gun." Another item read "a smart criminal always tries to find out if his potential victim is armed." Eighty-one percent (81 percent) agreed with that. Yet another item read "most criminals are more worried about meeting an armed victim than they are about running into the police." Fifty-seven percent (57 percent) of the criminals agreed with that statement. Thus, experienced predators recognized the risk to themselves from the armed citizen.

But why have we not seen these studies acknowledged in the medical literature on guns and violence? Why have these researchers and the editorial staffs who publish their work seemingly ignored vital data showing the life-preserving, injury preventing benefits of guns?

Perhaps the answer is illuminated by the editor of the *New England Journal of Medicine* in his response to being informed that fewer than 3 percent of gun crimes involved the use of "assault weapons." The author stated "I am unmoved by the argument that these weapons (automatic and semiautomatic weapons) account for only a small fraction of deaths." In supporting a ban on the sale of those firearms this leader of academic medicine rejected facts in favor of emotion, science in favor of sentiment.

This bias is certainly reflected, unjustifiably in both the Centers for Disease Control's (CDC) research and its policies. Leading the charge is Mark Rosenberg, M.D., M.P.P. of the National Center for Injury Prevention and Control, a division of the CDC.

Dr. Rosenberg and the National Center for Injury Prevention and Control are not shy about expressing their negative views on firearms. In a recent issue of *Rolling Stone*, Dr. Rosenberg suggested that to regulate the lethality of guns, technological advances may play a role. He cited the, "possibility of manufacturing a gun trigger with sensors that recognize and respond to only one hand. (The owners hand would probably have to be implanted with a chip)."

It's hard for us to conceive of how any public health official can realistically suggest that any American would permit their privacy interests to be violated to the point of having a government micro-chip implanted in their body.

Certainly, however, this thinking is merely the natural extension of the policy that was suggested in the CDC's May 1993 *Injury Control in the 1990's: A National Plan for Action* which states:

> New legislative and regulatory efforts to be considered are to prohibit the manufacture, importation, and sale of handguns except in special circumstances; establish a national waiting period for all purchases of firearms, coupled with a mandatory criminal record background check; establish nationwide restrictive licensing of handgun owners whereby a handgun license would be granted only when a clear, legitimate need for possessing a handgun is demonstrated (e.g. for professional use); and enact an excise

tax on firearms and ammunition at a rate sufficient to cover the public cost of firearms injuries.

The document shows that it was printed by the Association for the Advancement of Automotive Medicine (AAAM) as a part of the "conference materials for the Second World Conference on Injury Control." The endorsements page of the document at page vi of the report lists among its supporters Handgun Control, Inc.

When asked about this matter, Health and Human Services' Secretary Donna Shalala stated that the report's recommendations are subject to the report's disclaimer that the recommendations "are those of the contributors and do not necessarily represent the policy of the Centers for Disease Control and Prevention or any other federal agency." Perhaps that is true in a technical sense, but then why would the U.S. taxpayer pay $100,000 to develop the entire report's recommendations, and nearly $749,000 to have the U.S. participants present them at the Second World Conference on Injury Prevention and Control?

To me the answer is clear. Through whatever artifice it takes, anti-gun researchers are motivated more by their feelings about guns than by a real desire for the truth.

Any reasonable assessment of the risks of firearm ownership must include the known benefits. And those benefits are measured in terms of the deaths averted and injuries avoided by lawful defensive uses of firearms. Limiting responsible gun ownership will not control criminal gun violence. You can be sure that criminals will get guns.

No waiting period and no other laws that severely prohibit felons from ever touching a firearm will stop them. Even one of our more noted criminologists, Professor James Q. Wilson from UCLA, stated not too long ago that "the Brady bill, which I support, may affect the probability that one or two lunatics will get guns and go off on a killing spree, but the chances that the Brady bill or any feasible gun control measure will really take guns out of the hands of serious criminals, I think, is quite farfetched."

Last summer a felon serving time in a Maryland state prison wrote the *Washington Post*, and said among other things, that the first thing a released violent criminal will do "is get a gun," no matter what laws are on the books. If he is right—and he ought to know—then measures like Washington's "3 Strikes and You're Out," Arizona's law to end parole and early release programs, and doubling prison time for violent offenders in Texas make a good deal of sense. These approaches certainly make more sense than going down the same failed path of passing more laws that only affect the law abiding.

Do we really want to face the real problems causing violence in our society? America is asking that question, and so am I. America has had plenty of gun control, but very little violence control. It is a lot tougher to deal with the person behind the gun than the gun itself. Guns are not the root cause of violent behavior.

If this gun ban passes, or any variant of it, you can be sure that a victory will be declared by the bill's supporters in the fight against violent crime, even though the bill does not provide one cent to improve state and local law enforcement efforts, or really cut crime. The felons at the Maryland State Penitentiary will receive the news of the bill's passage from television. When they do, a knowing smile will appear on their faces. It will be business as usual. In fact, business will be better than usual, because the law abiding citizen will be disarmed.

I urge you instead to empower America's law abiding citizens, and reject the notion that gun bans will effectively deal with our nation's public health problems.

Senator SIMON. Dr. Suter?

STATEMENT OF DR. EDGAR A. SUTER

Dr. SUTER. Every year, as many as 2.5 million good Americans use guns to protect themselves and their families—as many as 75 lives protected by a gun for every life lost to a gun, as many as 5 lives protected per minute. The tangible human benefits of guns in the hands of good citizens are the lives saved, the injuries prevented, the medical costs saved, and the property protected. It should not be surprising that about 1 percent of America's guns are used annually to protect good people, or that guns are the safest and most effective means of protection, or that guns' benefits are 75 times their costs.

Decades of research published in the criminological, sociological, and legal literature and the work of Presidential and National Institute of Justice commissions have all exposed the false promises of gun control. Some professional societies and some of the medical literature unfortunately have uncritically embraced politically correct fallacies. At least one journal, the New England Journal of Medicine, has strayed into politics so far afield of good science that it has been disavowed by its own State medical society.

We have been deceived by catchy ratios, headline-grabbing factoids, and outright false statements from medical politicians. Today, we heard one witness claim that there were 7,000 unintentional gun deaths amongst innocent children. That is a 60-fold exaggeration of the 120 such accidental deaths that occur each year.

Former Surgeon Koop, the editor of the Journal of the American Medical Association, and others have claimed 1 million Americans die from guns every year, a 35-fold exaggeration. In another 35-fold exaggeration, 3 CDC employees, including Dr. Rosenberg, claim that "The odds that potentially suicidal adolescents will kill themselves is 75-fold when a gun is kept in the home." The truth: Since that study, no study has shown an increased risk of firearm suicide for normal teens.

The barely measurable increase in risk for mentally ill teens from the study quoted by Rosenberg was actually showing one-thirty-fifth the risk claimed by Rosenberg and bolstered only the noncontroversial policy of denying guns to the mentally ill, the gross exaggerations of Dr. Rosenberg notwithstanding.

The Journal of the American Medical Association published an AMA position paper on military look-alike guns, the buzz word named "assault weapons." That position paper was based on a single flawed study of gun traces. Since gun traces are not representative and not an accurate sample of crime guns, the Congressional Research Service, the Bureau of Alcohol, Tobacco and Firearms, and the FBI have all explained gun trace data cannot be used for statistical purposes and therefore cannot be used for developing sound public policy.

In fact, over two dozen studies ignored by the AMA showed that these assault weapons represent a barely measurable fraction of crime guns. In the worst areas of drugs and violent crime, so-called assault weapons represent from zero to 3 percent of crime guns. The best current evidence suggests that, overall, these false symbols of violence represent about one-eighth of 1 percent of American crime guns and nothing like the nightmare suggested by the imagery of gun prohibitionists.

We have heard it touted that owning a gun should be at least as tough as owning a car. The proponents of the automobile model of gun ownership, however, apply their analogy selectively and incompletely. Medicine's prohibitionists ignore that no license or registration is needed to own and operate any kind of auto on private property. No proof of need is required for automobile registration or driver licensure, and once licensed and registered, autos may be used anywhere in the United States and State drivers' licenses are given full faith and credit by other States.

Although the toll of auto tragedies is many times that of guns, no arsenal permit equivalent is asked of auto collectors or auto

sports enthusiasts, nor has anyone suggested that automobile manufacturers be sued when autos are, as they frequently are, misused by criminals in drive-by shootings, bank robberies, car bombs, and all manner of crime and terrorism.

Who needs a car capable of three times the national speed limit? But cars have good uses, is the usual response, and so too do guns have good uses—the protection of 2.5 million good Americans every year.

We have heard the deceptive claim that a gun in the home is 43 times as likely to kill the homeowner. This is a political effort from a researcher with an admitted bias, a disdain of guns, to falsely suggest that guns are dangerous when used for self-protection. Since only about 1,000 of the protective uses of guns results in the death of the predator, any study such as Dr. Kellerman's 43-times fallacy that counts the number of criminals killed as the only measures of guns' benefits will expectedly underestimate guns' benefits 1,000-fold.

No objective researcher would suggest——

Senator SIMON. If you could conclude your remarks?

Dr. SUTER. No objective researcher would suggest that the number of criminals killed by police is an honest measure, much less the only measure, of the effectiveness of law enforcement. Yet, this is exactly the method used by Dr. Kellerman to fabricate the 43-times fallacy. Victim disarmament is not a policy that saves lives. I also find it very interesting to note that not one member of the committee recognized that since 1968, it has already been illegal by Federal law to sell guns to children.

[The prepared statement of Dr. Suter follows:]

PREPARED STATEMENT OF EDGAR A. SUTER, M.D.

Mr. Chairman and Members of the Committee: My name is Edgar A. Suter, MD. I specialize in family practice and aviation medicine in San Ramon, California. I am also the National Chair of Doctors for Integrity in Research and Public Policy, a doctors' organization dedicated to bringing balance and integrity to private and public research on firearms ownership and use. I appreciate the opportunity to speak to you today, as a member of the medical community and as a concerned citizen, about a subject matter that has been blurred and distorted by emotionally charged rhetoric and questionable research.

That subject is, of course, private firearms ownership and use. The medical community has become increasingly involved in the firearms ownership debate, and many of the voices that have been heard within this community have encouraged legislators and the public to support strict regulations, and even bans, on firearms ownership. These factions of the medical community have proffered supposed evidence of outrageously high health care costs to society that are attributable to private firearms ownership, and have attempted to discount any of the benefits to lawful firearms ownership by citing biased and methodologically flawed research. They would have you believe that the answer to lower health care costs and a safer society is more restrictions and bans on gun ownership. Our national organization of medical school professors, researchers, and clinicians believes that exactly the opposite is true.

Every year as many as 2.4 million good Americans use guns to protect themselves and their families, as many as 75 lives protected by a gun for every life lost to a gun, as many as 5 lives protected per minute. The tangible human benefits of guns in the hands of good citizens are the lives saved, the injuries prevented, the medical costs saved, and the property protected.

Is it surprising that about 1 percent of America's guns are used annually to protect good people? * * * that guns are the safest and most effective means of protection? * * * or that guns' benefits are 75 times their costs?

If these facts are surprising it is because a monolithic wall of censorship around certain high-profile journals has kept such data from publication while encouraging

the publication of fundamentally flawed science. The peer review process should ensure the publication of competent scientific studies without interference from political censorship. The medical literature on guns and violence has failed on both counts—not only has peer review failed to identify biased and sometimes incompetent research from politicized "scientists" who benefit from millions of taxpayers' dollars, but medical peer review has censored all data and research unless it supports an imagery of the gun as the icon of violence.

It is medicine's dirty little secret, the real "public health emergency," that there is a shocking amount of bias that infects the Centers for Disease Control (CDC), the *Journal of the American Medical Association* (JAMA), the *New England Journal of Medicine* (NEJM), and certain other medical journals and professional societies. That bias obscures rather than clarifies the interaction between weapons and violence in our Nation today. In obscuring that interaction we are sidetracked from implementing effectual solutions—delayed in healing the wounds of violence.

Congress is being successfully beguiled by perhaps well-intentioned physicians who are, for personal rather than scientific reasons, simply opposed to private firearms ownership. Their stated objective is to create a culture of intolerance for lawful gun ownership in this country. Several have been receiving public funds for years. They spend millions of tax-payer dollars with no objective oversight whatsoever to ensure the accuracy and utility of their research. By toeing the line of CDC's stated political objective—making the private ownership of guns not only illegal, but "socially unacceptable"—these researchers have ingratiated themselves with their ostensible overseers at the CDC. At the same time, CDC officials spend public money attending gun prohibition conferences, such as Dr. Rosenberg's recent appearance at the Handgun Epidemic Lowering Plan (HELP) Conference in Chicago October 16–19, 1993. This conference was described by its organizer as a political meeting and *not* a scientific assembly.

These purveyors of this "science" ignore the overwhelming evidence of the protective benefits of guns while they promote the deadly policies of gun control. Though my remarks today address guns and violence—and the 75 lives saved by guns for every life lost to a gun—let us not imagine that breast cancer research, AIDS, and other controversial topics are untouched by politicized science.

The U.S. Bureau of Justice Statistics has shown that guns are the safest and most effective means of protection for oneself or ones family. Defense with a gun results in fewer injuries to the defender than resisting with less powerful means and in fewer injuries than not resisting at all. The fact that guns are the safest and most effective means of protection is particularly important to women, children, the elderly, and the physically challenged—those most vulnerable to vicious predators.

Decades of research published in the criminological, sociological, and legal literature and the work of Presidential and National Institute of Justice (NIJ) Commissions have all exposed the false promises of gun control. Some professional societies and some of the medical literature, unfortunately, have uncritically embraced these politically correct fallacies. At least one journal, the *New England Journal of Medicine*, has strayed into politics so far afield of good science that it has been disavowed by its own state medical society. These are also the same Journals that, because of their palpable visceral antipathy towards guns, blind themselves to the overwhelming predominance of data demonstrating the good uses of firearms and guns' net benefits to society.

We have been deceived by catchy ratios, headline grabbing "factoids," and outright false statements from medical politicians. Former Surgeon General Koop, the editor of JAMA, and others have claimed that 1 million Americans die annually from guns—a 35-fold exaggeration!

In another 35-fold exaggeration, three CDC employees, including Dr. Rosenberg, claimed that "the odds that potentially suicidal adolescents will kill themselves is 75-fold when a gun is kept in the home." The truth? Since that study, *no* study has shown an increased risk for firearms suicide for *normal* teens. The barely measurable increase in suicide risk for mentally ill teens, about 1/35th the risk claimed by Rosenberg, bolstered the non-controversial policy of denying guns to the mentally ill, the gross exaggerations of Dr. Rosenberg and his colleagues notwithstanding.

The JAMA published an American Medical Association (AMA) position paper on military "look alike" guns, the buzzword named "assault weapons." That position paper was based on a single flawed study of gun traces. Since gun TRACE data are *not* representative and are *not* an accurate sample of crime guns, the Congressional Research Service (CRS), the Bureau of Alcohol, Tobacco and Firearms (BATF), and the Federal Bureau of Investigation (FBI) have explained that gun TRACE data cannot be used for statistical purposes, and therefore cannot be used for developing sound public policy

In fact, over two dozen studies ignored by the AMA show that these "assault weapons" represent a barely measurable fraction of crime guns. In the *worst* areas of drug and violent crime, so-called "assault weapons" represent from zero to 3 percent of crime guns. Best current evidence suggests that, overall, these false symbols of violence represent about one-eighth of 1 percent of American crime guns; nothing like the nightmare suggested by the imagery of gun prohibitionists.

The editor of the NEJM has stated in print that he needs no data because he finds these guns abhorrent. He describes all guns' benefits as "intangible" though there the 2.5 million good Americans protected by guns annually would disagree with him, including the good citizens and shopkeepers who used these "black guns" to protect themselves, their families, and their livelihoods from gang and mob violence in the Los Angeles Riots, Hurricane Hugo, and Hurricane Andrew. As this committee has heard today, good citizens use these guns for protection of themselves and their children.

It is this kind of "science' that allows the AMA to cite a single flawed study in the face of over two dozen contradicting studies. We are pummeled incessantly by flawed studies and sensationalized imagery. Each rare "assault weapon" tragedy is newsworthy for months precisely because such incidents are rare.

As this Committee is well aware, the CDC is charged by Congress with identifying solutions to violent and accidental deaths and injuries, including those involving firearms. Regrettably, as I have stated, the CDC has consistently abused its mandate, using public monies to fund research intended from the outset to confirm a predetermined opinion, a political agenda, against decades of research demonstrating the net benefit of guns in our society and the failure of gun control. This evidenced not only in its research, but also in its communications strategy with the public. Let's take for example the anti-gun "spin" the CDC gives promoting a very *selective* application of comparing mostly *intentional* gun injuries with different types of *accidental* deaths.

Early this year, the CDC released a study asserting that the 21 percent decline in motor vehicle deaths between 1968–1991 was the result of government intervention in the form of "public information programs, promotion of behavioral change, changes in legislation and regulations, and advances in engineering and technology," and that firearms-related deaths, which increased 60 percent during the same period, could be curtailed with a similar approach.

The study failed to articulate, however, that virtually all motor vehicle-related deaths are accidental, while only a small number of firearms-related deaths are. The causes and, therefore, prevention strategies are necessarily different for accidental and intentional injuries. The CDC's method is comparable to lumping intraoperative deaths, stabbing deaths, and death by *hara kirir* to contrive some inference about knives. If one honestly compares "apples to apples," the CDC's approach to public health and safety is left wanting—between 1968–1991 the decline in motor vehicle-related deaths fell short, compared to all other major types of accidental death. While the motor vehicle-related accidental fatality per capita rate declined 37 percent between 1968–1991, non-motor vehicle public deaths declined 38 percent, home accidents declined 41 percent, work accidents 49 percent, *and firearm-related accidents* 50 percent.

In fact, in the absence of the kind of massive governmental intervention that the CDC proposes, annual fatal firearms-related accident rates have declined steadily throughout the 20th century. Since the all-time recorded high in 1904, the fatal firearms accident rate has steadily dropped 85 percent. Since 1930, while the population has doubled and the number of privately owned firearms has quadrupled, the annual number of fatal firearms accidents has declined 56 percent. In other words, the imagery of "a proliferation of guns on our streets" holds no scientific truth.

We have heard it touted that owning a gun should be at least as tough as owning a car. The proponents of the "automobile model of gun ownership," however, apply their analogy selectively and incompletely. Medicine's prohibitionists ignore that no license or registration is needed to "own and operate" *any* kind of auto on *private* property. No proof of "need" is required for automobile registration or drivers' licensure. Once licensed and registered, autos may be used anywhere in the U.S. and every state's licenses are given "full faith and credit" by other states.

Although the toll of auto tragedies is many times that of guns, no "arsenal permit" equivalent is asked of auto collectors or auto sports enthusiasts. Nor has anyone suggested that automobile manufacturers be sued when autos are, as they frequently are, misused by criminals in drive-by shootings, bank robberies, car bombs, and all manner of crime and terrorism. No one has suggested banning autos because they *might* be used illegally or are capable of exceeding the 55 mph speed limit, even though we know "speed kills." Who needs a car capable of three times the na-

tional speed limit? "But cars have good uses" is the usual response. So too do guns have good uses, the protection of 2.5 million good Americans every year.

We have heard the deceptive claim that a gun in the home is "43 times as likely to kill the homeowner." This is political effort from a researcher with an admitted bias, a disdain of guns, to suggest that guns are dangerous when used for self-protection. Since only about 1-in-a-thousand (0.1 percent) of the protective uses of guns results in the death of the predator, any study—such as Dr. Kellermann's "43 times" fallacy—that counts the number of criminals killed as the *only* measure of guns benefits will *expectedly* underestimate guns' benefits a thousand fold.

No objective researcher would suggest that the number of criminals killed by police is an honest measure, much less the only measure of the effectiveness of law enforcement, yet this is exactly the method used by Dr. Kellermann to fabricate the "43 times" fallacy. If one took note of the 1990 *Harvard Medical Practice Study* sample suggesting that medical negligence kills 150,000 Americans per year indicating that doctors' negligence kills five times as many people as guns. One might then conclude that doctors, despite extensive training, licensing, and scrutiny are a deadly public menace. Why don't we reach that conclusion? Because, in balance, doctors save many more lives than they take. Just as with guns, where 2.5 million lives are protected annually, and 75 lives are protected by a gun for every life lost to a gun.

Dr. Kellermann has recently, and expectedly, revised his estimate downwards. His "43 times" fallacy has been downgraded to the "2.7 times" fallacy. His method and data are still fallacious because they overlook the honest measure of guns' benefits—the lives saved, the injuries prevented, the medical costs saved, and the property protected. Simply stated, the benefits of guns are 75 times the costs of guns.

Dr. Kellermann used a method comparable to noting diabetics are more likely to have insulin and, from this, concluding that insulin causes diabetes. Dr. Kellermann is fond of noting that his method was used to associate lung cancer and smoking, but no has one suggested that lung cancer *caused* smoking. Medicine's prohibitionists ignore that, in the few exceptional circumstances where guns are associated with violence, one must consider that, as the preponderance of data shows, that rather than guns causing violence, violence causes justifiably frightened people to obtain guns. Consider the skyrocketing gun sales after the L.A. riots. The unparalleled rates of gun sales continue even as the mass media begins to admit that claims of an "epidemic of violence" are false.

Is it coincidence that medicine's politicians have exaggerated the human and economic costs of gun violence, looking to tap honest, tax-paying gun owners for a new source of revenue, just as inner-city hospitals have been hit with budgetary constraints? The real cost of medical care for gun violence is approximately $1.5 billion per year—less than 1 percent of America's $800 billion total health care costs. To exaggerate the costs of gun violence, gun prohibitionists are fond of including estimates of lost lifetime earnings—assuming that gang bangers and rapists would be as socially productive as teachers, factory workers, and other good Americans.

In fact, it has been estimated that active criminals *cost* society untold human suffering and an average of $400,000 per year. It has also been noted that about three-fourths of gun death victims are involved with drug trafficking or use. It is therefore more realistic to believe that the gun deaths of those predators actually represents a net *savings* to society in both human and economic terms. This is nowhere near the assorted and false claims of $20, $40, or $80 billion in costs.

As to the human costs of guns, mass media has made it fashionable to claim an "epidemic of violence." Crime is a very serious problem, but analysis of homicide data shows a stable to slightly declining trend for every segment of American society except for an outbreak of violence virtually limited to inner-city teens and young adults involved in drug trafficking. Federal law already makes teen gun purchases illegal and Washington, D.C.'s gun ban goes much further, yet Washington, D.C.'s African-American male teens have a homicide rate *twenty* times the U.S. average. If "guns cause violence," why does Virginia, the alleged "easy purchase" source of Washington, D.C.'s guns have a murder rate one-third less than the national average, and one-ninth of Washington, D.C.'s rate?

If "guns cause violence," why do groups with higher rates of gun ownership have the lower rates of murder? Why did Florida's homicide rate fall 40 percent when good citizens were allowed to carry concealed weapons?

Notwithstanding Handgun Control, Inc.'s (HCI) *imagery* about "blood running in the streets," the *observed reality* is that crime fell because vicious predators feared an encounter with an armed citizen, a fear far greater than the fear of apprehension by police or the fear of our timid criminal justice system. It is no mystery why Florida's tourists were targeted by predators—the predators knew that tourists, unlike Florida's good citizens, were unarmed. HCI makes many proposals "if it saves only

one life * * *" Since gun ownership and the carriage of concealed weapons by sane, law-abiding adults saves *many* lives, HCI and this committee should support such policies, if saving lives is really the interest.

If gun control works, why do areas with the most severe restrictions have the worst violence, and the areas with the most permissive gun policies have the least violence? Murder rates are as much as 80 times higher in areas with the most draconian gun bans.

Even in the bastions of liberalism the voices of politically incorrect, but scientifically justified, dissenters are being heard. In the current *Atlantic Monthly*, law professor Daniel Polsby poses a key question about the false promises of gun control: if gun control saves one life but costs many lives, what then? Criminals already overlook laws against murder and drug trafficking. Criminals already ignore 20,000 American gun laws, including national laws. What mystical incantation will cause criminals to respect the next gun law?

As repeated, National Institute of Justice (NIJ) studies have shown, criminals not only have ready access to cheap stolen guns—including guns stolen by Washington, D.C. police officers then peddled on the black market—without any waiting period, background check, licensing, or registration. With criminals' great motivation to obtain guns for their "line of work," the black market in guns will not wither under gun prohibition. it will prosper.

It is time that the deadly costs of gun control were examined. By making good Americans defenseless prey, gun prohibition will hardly create the civilized utopia claimed by some Members of Congress and others. If the "true believers" of gun prohibition wish to remain heedless of data; if they continue to promote gun taxation and bans hoping against hope to produce an unproducible gun scarcity in a nation with an estimated 200 to 240 million guns, only 0.1 percent of which are misused; if they wish to eschew the safest and most effective means of protection for themselves, they are welcome to do so. However, such unwise, unworkable, unconstitutional, and deadly proposals must not become public policy.

Every item of Senate Bills 1878 and 1882, even to the name "Gun Violence Protection Act of 1994," is a crime control sham. A more honest title would be "The Criminal Occupational Protection and Victims Persecution Act of 1994." Ban some guns because they are too small, some because they are too big, and, as for the ones that are "just right," make them too expensive to own by all but the wealthy. By increasing the monetary and bureaucratic costs of gun ownership, this travesty will disproportionately disarm good Americans. The Brady law has been in effect not even one month. Perhaps the prohibitionists are afraid that, if we give time for the effect of the law to be known, the crime control fraud of gun control will be revealed more clearly than it already is.

Every person has the inherent right to self-protection and, by inference, the right to the safest and most effective means to that protection. By confiscatory levels of taxation and regulation, a disproportionate number of good Americans will be left defenseless against predators and, as experience has shown in many jurisdictions, there will be many good Americans who will not comply. By the stroke of a pen they will be transformed into criminals simply because they needed to protect themselves and their children and could not afford the costs you impose upon them. Additionally, we should not forget that the basis of the Second Amendment is not some theoretical construct. *Schindler's List* reminded us of the Holocaust and, at the same time, reminded us how helpless good people can be when they are disarmed. It reminded us that should government decide to do away with civil liberties, a disarmed citizenry is then only one breath away from oppression.

We call upon Congress to review the competent and honest research and to institute oversight to ensure the competence and integrity of future research funded with public money. We call upon Congress to censure CDC employees who pursue a political agenda on public money. Taxpayers must no longer foot the bill for the politicized research conducted by the CDC or some of its extra mural investigators.

The facts are clear—as many as 75 lives are protected by guns for every life lost to a gun. Victim disarmament is *not* a policy that saves lives, because, in the hands of good citizens, guns save lives, prevent injuries, reduce medical costs, and protect property. Guns have benefits with which we can LIVE!!!

Senator SIMON. Thank you, Dr. Suter.

Dr. Gratia?

STATEMENT OF DR. SUZANNA GRATIA

Dr. GRATIA. Mr. Chairman, I know your heart and everybody else in this room, their hearts are in the right place on this. I know that

most people in here already have an opinion, but if you could for the next few minutes, I would just like you to open your mind and try to look at this from a new perspective and maybe even consider or put your wife or your daughter in my place.

I didn't grow up in a house with guns. I personally abhor hunting. I did grow up in a house where my father was an expert on the founding of our country, and knowing what I know it amazes me that this is even up for discussion. When I was 21, I was given a gun for self-protection by a friend and taken out and trained on how to use it, and I carried that gun with me.

A couple of years ago, my parents and I were in a restaurant in Texas, where I am from. We had just finished eating—the place was packed—when all of a sudden this guy drives his truck through the window. Of course, my first thought is, like everybody else, it is an accident. I started to get up to go help, and then we heard gunshots.

Immediately, my father and I got on the floor, my mother down behind us. We put the table up in front of us, and the shooting continues and you are thinking, robbery? What could it be? The shooting continues. It took a good 45 seconds, I would say, for me to figure out that this man was simply going to walk around and shoot as many people as he possibly could. Now, he was not spraying bullets. He had complete control over the circumstances. He walked from person to person, aimed and pulled the trigger; next person, aim, pull the trigger.

When I figured it out, I thought I got this guy. I reached for my purse and then realized that a couple of months earlier I had made the stupidest decision of my life. I had taken my gun out of my purse and left it in my car 100 yards away, totally useless, because I was concerned about losing my license to practice chiropractic. In the State of Texas, it is a felony offense to carry concealed anywhere where wine or beer or any alcohol is served, and I was worried about losing my license.

Making a long story short, my father saw what he thought was an opportunity to go at the man, which he did, and the man turned and shot my father in the chest and he fell. It made the killer go off to my left, and for whatever reason he continued around the room beyond me. Someone at the back of the restaurant broke out a window and I saw an opportunity to escape.

I turned around, I grabbed my mother by the shirt collar and I said, come on, come on, we got to run, we got to get out of here. My feet grew wings and I ran 40 yards as fast as I could out the window. When I got outside, I realized that my mother had not followed me out, and a short while later I learned from one of the police officers that she had stayed. She had crawled out into the open where my father was and cradled him until the gunman got back around to her. He pointed his gun at her. She looked up at him, put her head down, and he pulled the trigger.

Both my parents were lost that day. I am not mad at the guy that did it because everybody knows you can't legislate against a rabid dog. That is a sick animal. You can't be mad at that. What I am mad at is my legislators. I am mad at them legislating me out of the right and the ability for me to protect myself and my family. A gun is not a guarantee. Of course, my gun could have

jammed. Of course, I might have missed. I can tell you I have hit far smaller targets at much greater distances, but it is possible. But it would have changed the odds, wouldn't it?

In conclusion, I want to make it very clear that I would much rather be sitting in jail with a felony offense on my head and have my parents alive. It is not going to happen to me again.

That concludes my testimony, but with your permission and if there are no objections, I would like to submit for the hearing record a stack of articles of people who have successfully defended their children with firearms.

Thank you.

Senator SIMON. They will be entered in the record.

[The articles referred to follow:]

Leah Lavery was home with her daughter at their Richford, Vt., home when they heard the sounds of a forced entry. As her daughter phoned police, Lavery loaded a shotgun and went to investigate. Finding a man reaching through a broken backdoor window, Lavery fired a single blast. The man fled, but a wounded suspect was quickly apprehended. (*The Messenger*, St. Albans, Vt., 10/11/91)

A Salineno, Tex., woman was alone with her two young daughters when a man attempted to gain entry to the home during the early morning hours. Failing to enter the front door, the burglar began to crawl through a window when the woman fired a shotgun, mortally wounding him. (*The Valley Morning Star*, Harlingen, Tex. 4/7/90)

After their son received several death threats, an Everett, Wash., couple arranged for an armed neighbor to be at their home when the boy arrived home from school. When the man—a suspect in several sexual assaults of children—broke into the home, the neighbor struggled with and shot him. The intruder fled, but was later apprehended by police. (*The Herald*, Everett, Wash., 12/19/91)

Hearing the unmistakable sounds of a door being kicked in at his Hope Mills, N.C., home early one morning, Hal Edwards grabbed his gun and went to investigate. Edwards found the intruder in his sleeping daughter's bedroom, and after being fired upon, shot the criminal twice in the chest, killing him. (*The News & Observer*, Raleigh, N.C. 2/24/93)

Her family taken hostage by her daughter's ex-boyfriend, Barbara Holt of Kearns, Utah, and her husband were threatened with death, then forced into the bathroom of their home. When the man, armed with a rifle, went into the kitchen with her daughter, Holt slipped into the bedroom and got her .22 pistol. "I was hiding in the corner and when he came out of the kitchen, I just pulled the trigger," Holt said. Her single shot hit the man in the head and stopped the attack. (*The Tribune*, Salt Lake City, Utah, 10/21/91)

Napping in her rural Mission, Tex., home with her two children, Vanessa Cooper heard a car pull up, and, looking out the window, saw an unfamiliar car in the driveway. Fearing for the safety of her children, Cooper picked up a pistol and went to investigate. She found a man in the living room, and when he ignored her questions on why he was there and lunged at her, Cooper fired, killing the intruder. (*The Valley Morning Star*, Harlingen, Tex., 3/13/92)

Sweeping the walk in front of his Norristown, Pa., restaurant, Long Som heard his 10-year-old daughter screaming. Som pulled a pistol, for which he has a permit, and ran to where she had been loading boxes in the car, to find a man trying to carry her away. Deciding Som was serious after the businessman fired several shots in the air, the attacker dropped the girl and ran away. (*The Times Herald*, Norristown, Pa., 12/16/91)

Charlie Mikos of Bensalem, Pa., had just gone to bed when he was roused by his daughter's screams and the sounds of a struggle. Running downstairs, he found a man holding what later turned out to be a stun gun to her head. Grabbing his pistol, Mikos trained it on the man, convinced him to cease his assault and held him for police. (*The Bucks County Courier Times*, Levittown, Pa., 11/6/92)

Threatening robber shot by woman

LAVONIA, Ga. (AP) — A gunman ordered a woman to come out of a motel bathroom or see her child killed, so she opened the door and shot him in the head, authorities said Saturday.

The man, who was critically injured, was one of two armed robbers who broke into the room Friday night hours after robbing another family at an Interstate 85 motel, Franklin County Sheriff Joe Foster said.

Carol Patterson of Enterprise, Ala., was not injured during the shooting but her husband, James Howard Patterson, suffered a fractured skull during a scuffle when the men broke in.

The second gunman got away.

Patterson jumped one of the men when they broke in and, while he scuffled with them, Mrs. Patterson grabbed one of their guns and ran to the bathroom, Foster said.

One robber went to the door and told her to come out or he would kill her sleeping child. Mrs. Patterson "came out, but she came out shooting and she got one of them," Foster said.

The other robber escaped, but Foster said authorities "think we know who he is."

The Patterson's 7-year-old daughter, Briana Patterson, slept soundly even though half a dozen gunshots were fired, Foster said.

"They emptied their other gun back at her, but she didn't get hurt at all," Foster said of Mrs. Patterson. "One of them ran out the door and ran back in and snapped his gun at her husband, but it was already empty."

The man shot by Mrs. Patterson was taken to Talmadge Memorial Hospital in Augusta, where he was in critical condition after head surgery, the sheriff said. Authorities said they were unable to identify him and would fingerprint him.

The Pattersons were traveling to Washington and had stopped to spend the night at the Lavonia motel.

Foster said the robbers left a brief case in the Pattersons' room containing jewelry, watches and cash taken in a robbery of another family at a motel in Banks County. Several members of the family were treated at a hospital for bruises.

PISTOL PACKIN' AUNTIE FOILS GIRL'S KIDNAP

Post Wire Services

DENVER — A modern-day Annie Oakley single-handedly saved her niece from an alleged kidnaper by ambushing him on a mountain road and holding him for cops.

The dramatic and happy ending unfolded outside Denver on Monday when the 36-year-old woman, carrying a loaded pistol, stopped the suspect's van.

"I wasn't going to shoot him or anything. I was as scared as he was," said the aunt, who was identified by police only as "Marla."

Marla was so terrified that when cops finally came to arrest the suspect, she told them she didn't know how to uncock the pistol.

Police told her to gently place the gun on the ground.

The incident began when Marla's 6-year-old niece, Audrey, was playing with a cousin on a sidewalk. A man grabbed her, dragged her into a van and fled.

The victim's mother and another aunt dashed to Marla's house and told her about the kidnaping.

"I had just got out of the shower, and I went and got my gun and I got my bullets," Marla told The Denver Post.

She figured the thug who grabbed her niece would try to get out of town because of the commotion at the scene of the abduction. On a hunch, she headed to nearby Lookout Mountain.

It paid off.

While Audrey's mother was calling relatives, Marla and another sister spotted a van matching the kidnaper's. Marla jumped into her car and tailed the van.

Soon, the driver pulled over and waved her by.

"But I got out of the car with the gun in my pocket, and I walked up to the car," said Marla.

"When I saw Audrey, I didn't say anything. I just pulled the gun out and I cocked it and told him to get out and told him to get in front of the van and lie down."

"I just held him there until the police came," Marla said. "When the police came, I just walked over to the car and hugged (the girl)."

Cops grabbed Donald Dale Lewis, 27, on kidnaping and sexual-assault charges. Lewis, who was on parole for sexually abusing a 2-year-old, was held without bail.

The only thing between her children and the man breaking into her house was a shotgun, and a Flint, Mich., woman took full advantage of the fact that she was armed. As the intruder broke through the door, the woman hid her two children under a table, knelt in front it, and when he entered the room, fired several blasts from the pump gun. The wounded prison parolee fled, but police apprehended him by following a trail of blood. (*The Journal*, Flint, Mich., 7/10/92)

As his father fought for his life with a man accused of murdering two men earlier, 15-year-old Mickey Sanford poked a rifle through the window of the family's rural mobile home and killed the criminal with a single shot, authorities in Sumrall, Miss., said. Tammy Sanford, Mickey's mother, also armed herself and shot her husband's assailant. William Sanford suffered a wound from the slain man's handgun in the struggle. The dead man had been the object of a week-long manhunt after he allegedly kidnapped two school girls and then killed two men while stealing a truck near Seminary, Miss. (*The Clarion Ledger*, Jackson, Miss., 7/5/91)

Senator SIMON. We thank you for your testimony. Did the person who came in with—was it a pickup truck, into the restaurant, or drove into the restaurant—did he have a criminal record?

Dr. GRATIA. No, sir, he did not. He had a—well, he had a misdemeanor charge of marijuana possession from years earlier. There was really nothing that anybody could have held him on. It was simply somebody whose brains turned to worms. He ended up killing 22 people that day. It was truly a war zone. I have never been around violence in my life. I grew up in a very upper middle-class neighborhood, and it opened my eyes.

I would like to point this out because it is hard to bring this home to people unless you have seen it. To me, putting up metal detectors in places amazes me. If I were a gunman who decided I wanted to kill a lot of people, am I going to go to an NRA convention, or am I going to walk right through one of these metal detectors out here, blow away the two security guards in a second flat, and then start waltzing around in here killing people with relative immunity, knowing nobody in here has got a gun?

As far as the number of bullets, people say, well, what about that? You know, he had a semiautomatic gun. I have got news for you. It doesn't matter if you have 1 bullet or 100 bullets in there. It takes one second for him to drop the clip out and pop one in, and I have seen people do that with revolvers as well. That is not an issue. Trust me, I have been there, and thank you for your time.

Senator SIMON. Thank you.

Dr. Kellerman, Dr. Suter says as many as 75 lives are protected by a gun for every life lost to a gun. Does your study suggest that is an accurate figure? I gather the two of you are not in agreement here?

Dr. KELLERMAN. Well, that figure has been quoted quite a bit in the past few months. I am a little surprised, given Dr. Suter's self-declared commitment to integrity in research findings, that he hadn't played around with a pocket calculator for about 5 minutes and looked at whether those numbers make sense or not.

The 2.4 million figure is derived from a survey conducted by Professor Gary Kleck. I could be wrong, but I don't believe it has yet been published in a peer-reviewed journal or otherwise, but Professor Kleck has given a number of interviews, one in the Orange County Register that was reprinted in the American Rifleman and the American Hunter that at least provides one with an opportunity to look at what the figures say.

Out of that 2.4-million figure, however creatively arrived upon, he says in 8 percent of those uses individual injured or killed the attacker. If you multiply 2.4 million times 8 percent, you come up with about 192,000 injuries from gunshots a year in self-defense. That is basically equal to the sum total of individuals treated in our Nation's emergency departments with gunshot wounds per year, self-inflected, assault-related, or unintentional. I guess they were all really shot in self-defense, according to Professor Kleck's figures. Nonetheless, that is what you arrive at.

If you assume that five of those injuries resulted in one fatality, a ratio that is fairly consistent based on mortality and injury data and one that is backed up by local law enforcement statistics, it would suggest that some 38,000 bad guys a year are killed in self-

defense, again, using Professor Kleck's figure. That figure equals the total number of unintentional deaths, suicides, and homicides a year.

I can only reach one of three conclusions. First, everybody that dies from a bullet every year is actually killed in self-defense. Second, if that is not true, then there are some 35,000 dead bad guys under the bushes of law-abiding citizens every year that nobody has found and taken to a medical examiner yet. Or, third, the figures are off the wall. I think that Professor Suter, or Dr. Suter, as the case may be, could have arrived at the same assessment if he had bothered to run the numbers.

Senator SIMON. I will ask Dr. Wheeler and Dr. Suter kind of a basic question. Why do you own guns?

Dr. SUTER. We haven't said we do.

Senator SIMON. Pardon?

Dr. SUTER. I said we haven't said we do.

Senator SIMON. I am sorry. I have a little bit of——

Dr. SUTER. We haven't said we do own guns.

Senator SIMON. I am sorry. Dr. Wheeler, I guess you indicated you own guns?

Dr. WHEELER. Yes, sir. Senator, I grew up on a farm in southern Illinois, God's country.

Senator SIMON. You have great roots, Dr. Wheeler. [Laughter.]

Dr. WHEELER. It was on that farm that I first learned about guns. At about the age of 12 or 13, my father taught me how to shoot a .22 rifle, and I want to emphasize here that in southern Illinois at that time drugs, gangs, violence—these were not a part of it. In teaching me how to shoot a .22 rifle, my father taught me several vitally important things. He taught me, first of all, safety. Second, he taught me how to avoid hurting innocent human life. He taught me responsibility.

In getting this start in learning about guns in my life, I believe I was given the best safety mechanism on my guns that I could ever have. I believe that if we teach children how to properly use guns, make them understand the safety requirements and give them a respect for innocent human life, we will be able to give them the best safety mechanism they could ever have.

Senator SIMON. But what about Dr. Teret's suggestion for requiring child-proofing of guns that may be in a home?

Dr. WHEELER. I think that it is an excellent concept, and there is no doubt that any firearm owner has an affirmative responsibility to protect those under the umbrella of his protection, those in his family, those who are too young to understand the dangers and the risks. The teaching that I received in how to handle firearms included that.

The teaching of one of the organizations I now belong to, the National Rifle Association, is for young children encountering a gun that they should learn the basics even at that early age—stop, don't touch, leave the area and tell an adult. So I agree fundamentally with Dr. Teret's idea.

Senator SIMON. Dr. Teret, you suggested regulating manufacturers. What about the importation of weapons? Is this something that we should address? Maybe, Mr. Aborn, you want to comment on that, too.

Mr. TERET. We have done something odd in this country. In 1968 when the Gun Control Act was passed, we made it illegal to import certain weapons, Saturday night specials, and they were defined with detail so you would know what was a Saturday night special. We didn't make it illegal to produce them domestically. So, in essence, protectionist legislation was passed in 1968, and manufacturers flourished in the United States that could produce Saturday night specials without any competition from imported guns, from foreign manufacturers.

I believe that the rules that apply to foreign manufacturers should be the same rules that apply to domestic manufacturers. If a gun is dangerous, it is dangerous no matter whether it was made abroad or whether it was made here.

If I may, Senator Simon, just address the prior question where Dr. Wheeler says that we are in agreement, I would like to say that we are in sharp disagreement. When you asked Dr. Wheeler about making manufacturers make guns that are child-proof, his answer was that parents have a responsibility to protect their children. They do have that responsibility, but unfortunately they often fail at that responsibility, and the fate of a child who is born to an irresponsible parent ought not to be a death sentence.

We don't rely upon individuals in the field of public health and safety to always protect themselves. We fluoridate water supply on a community basis instead of telling each individual to put fluoride in his own water. We mandate regulations about motor vehicles instead of telling everybody to go out and buy an air bag and try to install it in your car. We have to do the same thing with guns, which are a consumer product which are currently unregulated.

Senator SIMON. I am not sure that you two are actually in disagreement. Dr. Wheeler, you are suggesting that you are in agreement, for example, that a weapon that is manufactured ought to be able to be child-proof. Is that correct?

Dr. WHEELER. I believe we may have a difference of definitions here, Senator. Firearms are by their very nature capable of being used for the infliction of injury, whether accidental or intentional. Already, firearms are subject to a great number of safety mechanisms which have been built in even before the days when ruinous product liability litigation was driving the process.

A great amount of research and development is these days put into creating safeties. An example would be the Glock pistol which has a three-tiered system of internal safeties. As a result of that, this firearm has been adopted by many police departments in this country as one of the very safest firearms to be used by them.

I do not believe, Senator Simon—in concordance with your earlier remarks about the ingenuity of young children, I do not believe that we can completely child-proof guns.

Senator SIMON. I agree with that.

Dr. WHEELER. But we can do the reverse. We can make children conversant with guns.

Senator SIMON. Dr. Suter, do you want to add something?

Dr. SUTER. I would. Safety is not a device. Safety is a mind set. There are so many different manufacturers whose different firearms design would require several different types of loading indicators and safety devices that it would be far more difficult to edu-

cate people to understanding the loading indicators than it is to utilize instruction in safe gun avoidance or safe gun handling.

As Dr. Wheeler said, for children, stop, don't touch, leave the area, get an adult, teaching children gun avoidance. For adults, to teach adults, you don't point a gun at a person unless you mean to defend yourself. It is very important that while much of the imagery has been focused on accidental children's deaths—and truly each one of those is tragic—we are talking about 120 innocent children per year killed by accidental gun deaths. Accidental gun deaths have been falling throughout the 20th century and are now hovering at their all-time low. We have to compare that cost to the cost of lives lost if good people are disarmed.

Dr. Kellerman took issue with the 2.4 million protective uses of guns. Interestingly enough, there are approximately a dozen studies on the protective uses of guns. Every one of those studies, including the low-ball estimate, which is the only one I have ever seen Dr. Kellerman quote in print, the National Crime Survey, finds that the protective uses of guns far exceed gun deaths.

With the exception of that one low-ball estimate, all of the other studies far exceed gun deaths and gun injuries by many, many more times. The benefits of gun far outweigh their cost to society, whether we are talking about the human toll or the economic toll.

Senator SIMON. The Surgeon General's testimony was 1,520 accidental deaths by firearms.

Mr. Aborn, Dr. Gratia has gone through a terrible experience, and people read and heard about these experiences and there is fear out there. What do you say to people who have fear who want to protect themselves?

Mr. ABORN. I think the issue, if I can continue with this medical theme that has been discussed this morning, is really one of informed consent. I think one of the most important things that is going to happen under this legislation is that this whole issue about the prudence of carrying guns for self-defense will be explored, and explored all across the country constantly. I suspect a lot more researchers will be getting into this, and that is very valuable because our opponents have been saying for a long time that people are, in fact, much safer by having a gun. The reality is, and I think the data is beginning to indicate, that they are not and we are beginning to get that message out.

But at the heart of this legislation is not an effort to keep law-abiding citizens from getting guns. The heart of this legislation is an effort to reduce the amount of guns flowing into the illegal market and to keep criminals from getting guns. Somehow, the other side likes to posit this issue as a choice between either having guns or not having guns. That is not the issue. The issue is can we cut down the number of illegal guns going to the market and thereby reduce the amount of violence associated with crime.

Senator SIMON. Two more comments and then I am going to have to adjourn the hearing. Dr. Gratia?

Dr. GRATIA. I thought you might find this of interest. Two weeks ago, I was at a political meeting that had two died-in-the-wool gang members as speakers, I mean with the tatoos and the trappings, the whole nine yards. One of the questions thrown at one of the gang members was, how do you feel about gun control laws, and

he laughed and he said, man, you can pass all the laws you want; that doesn't make them any tougher to get; all it does is drive the price up and that means I have got to go rob somebody to get the money to get one. I thought to myself, here is this street kid that has got this concept down, and for some reason we miss that.

Senator SIMON. I might add in that connection that there was a Roman Catholic chaplain at a State prison in California who had an op ed piece in the Los Angeles Times. He has a class of 40 criminals, experts on crime, if you will. He asked them what should be done to reduce crime. Their number one suggestion was get jobs for people. Their number two suggestion was get rid of many of the guns in our society.

Dr. Kellerman, you get the last word here and then we are going to have to adjourn.

Dr. KELLERMAN. Senator Simon, I think you have seen today an example of the complexities of this issue. The fact that physicians and public health professionals have contributed information to help the public and help Members of Congress frame what we can do about gun violence in this country is a fundamental change in our understanding. This has been a very politicized issue; it will continue to be one.

I grew up in a small town in east Tennessee. My daddy taught me to shoot. I taught riflery to kids in summer camp. Guns are not a foreign concept to me, but as an emergency physician I have seen the costs and the consequences of gun violence. As a public health professional, I am committed, as are my colleagues, to providing the public with the kind of information they need to make knowledgeable decisions.

It is having an impact on the terms of this debate and it is, in turn, engendering some fairly well-orchestrated and fairly passionate efforts to project disinformation and to deceive the public and to prevent them from making informed, responsible decisions about what is best for them and their family.

You and your colleagues are faced with an enormously complex issue. Violence has many factors and many causes. Firefighters will tell you, and I was a medical director for a fire department EMS service for 8 years, it takes three things for a fire—oxygen, fuel, and heat. If you can remove one, the fire will go out. In the case of violence, there are many factors that contribute to it and we have to target all of them for attention, but we as a society and as individuals would be remiss to ignore the role that guns play not in causing that violence but in dramatically amplifying its consequences.

Senator SIMON. I thank all of you very much. Our hearing stands adjourned.

[Whereupon, at 12:48 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS AND ANSWERS

ADDITIONAL QUESTIONS BY SENATOR HOWARD METZENBAUM FOR WITNESSES AT THE HEARING ON THE GUN VIOLENCE PREVENTION ACT ON 3/23/94

DR. ARTHUR KELLERMAN

1. IN THE OCTOBER 7, 1993, NEW ENGLAND JOURNAL OF MEDICINE, 10 PHYSICIANS AND MEDICAL RESEARCHERS, INCLUDING YOURSELF, STUDYING OVER 400 HOMICIDES IN THE HOMES OF VICTIMS REPORTED: "DESPITE THE WIDELY HELD BELIEF THAT GUNS ARE EFFECTIVE FOR PROTECTION, OUR RESULTS SUGGEST THAT THEY ACTUALLY POSE A SUBSTANTIAL THREAT TO MEMBERS OF THE HOUSEHOLD. . . . A GUN KEPT IN THE HOME IS FAR MORE LIKELY TO BE INVOLVED IN THE DEATH OF A MEMBER OF THE HOUSEHOLD THAN IT IS TO BE USED IN SELF-DEFENSE." CAN YOU TELL US MORE ABOUT THE CONCLUSIONS OF THIS STUDY AND THE RESULTS OF OTHER STUDIES ON GUNS IN THE HOME?

2. ASIDE FROM HOMICIDES, WHAT PERCENTAGE OF ACCIDENTS AND SUICIDES CAN BE ATTRIBUTED TO GUNS IN THE HOME?

3. ONE OF YOUR STUDIES CONCLUDES THAT HOMES WITH GUNS ARE 3 TIMES MORE LIKELY TO BE THE SCENE OF A HOMICIDE THAN COMPARABLE HOMES WITHOUT GUNS. YET THE NRA AND OTHERS CLAIM THAT A GUN IS 75 TIMES MORE LIKELY TO BE USED TO SAVE A LIFE THAN TO TAKE A LIFE AND THAT GUNS ARE USED FOR SELF-DEFENSE 2.4 MILLION TIMES A YEAR. HOW DO YOU EXPLAIN THOSE CLAIMS?

4. HOW CAN ADDRESSING THE CRISIS OF GUN VIOLENCE AS A PUBLIC HEALTH PROBLEM HELP IN SOLVING THE PROBLEM?

5. HOW EFFECTIVE DO YOU THINK THAT THIS LEGISLATION WOULD BE IN CURBING GUN VIOLENCE?

EMORY UNIVERSITY SCHOOL OF PUBLIC HEALTH
and
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Howard M Metzenbaum
United States Senator
c/o Committee on the Judiciary
Washington, D C . 20510-6275

April 7 1994

Dear Senator Metzenbaum

Thank you for your kind letter of March 28 I am sorry that you and your Republican collegues could not stay for the entire hearing I understand that you were not feeling well I appreciate the opportunity to contribute additional information to the record of this hearing My answers to your questions follow

1) *Can you tell us more about the conclusions of this (Oct 7 NEJM) study and the results of other studies of guns in the home?*

Many people who keep guns in their home do so at least in part for protection This is especially true for owners of handguns It's natural to want to do everything possible to insure the safety and security of your family In a thunderstorm, its also natural to want to seek cover under the nearest tree That doesn't mean it's a good idea

The home can be a dangerous place but the dangers come mostly from within Several years ago, Don Reay, the Chief Medical Examiner of King County, WA, and I identified all of the gunshot deaths that occurred in that county over a six year period More than half (398) occurred in the home where the gun involved was kept None of these involved the killing of an intruder or an attacker in self defense During this same time period guns in the home were involved in 12 unintentional gunshot deaths, 41 criminal homicides and 333 firearm suicides Even after the cases were matched we found

that a gun in the home was 18 times more likely to be involved in the death of a member of the household than to be used to kill an intruder

Bobbie Lee of the University of Texas School of Nursing in Houston examined all gunshot injuries (nonfatal as well as fatal) that occurred in residences in Galveston, Texas over a three year period of time. Only two firearm injuries were related to residential robbery or burglary. In one case, the resident was shot and killed by the burglar. In the other, a burglar was wounded by the homeowner. During this same time period, guns were involved in the death or injury of more 100 homeowners, family members, friends and acquaintances.

Women may find keeping a gun in the home a particularly bad idea. Dr. Jim Mercy of the Centers for Disease Control and Prevention and I analyzed 12 years of FBI homicide statistics for the entire United States and found that women are shot and killed by their husband or intimate acquaintance twice as often as women are killed by strangers using guns, knives or any other means. When a woman killed with a gun, the victim was five times more likely to be her husband, an intimate acquaintance of a member of her family than to be a stranger or a person of undetermined relationship.

The report that you quoted from the New England Journal of Medicine is based on the first large scale, "case-control" study of homicide in the home in relation to gun ownership. Researchers at three major Universities teamed up with local law enforcement agencies to conduct this research. For five consecutive years we identified all homicides that occurred in the home of victims in King County, WA and Shelby County TN. During the last two and one-half years of the project, we also identified every case of homicide that occurred in the home of victims living in Cuyahoga County Ohio (Cleveland). Twenty four percent of the homicides that occurred in these three counties during the study interval took place in the home of the victim.

From each of 388 households where a homicide occurred, we obtained detailed information about the victim, his (or her) family, and the home in which the homicide occurred. The characteristics of each of these "case" households was then compared to the characteristics of a randomly selected "control" household in the same neighborhood that was not the scene of a homicide. Each "control" household contained an individual of the same age range, sex, and race as the victim.

By comparing "case" households where a homicide occurred to "control" households where a homicide did not occur, we were able to identify factors that potentially increase (or decrease) a family's risk of homicide in the home. Some were no surprise. Households with a history of domestic violence, households where any family member used illicit drugs, and households with a member who had ever been arrested were more likely to be the scene of a homicide than comparable households without one or more of these characteristics. However, even after taking these and two other risk factors into consideration, we found that the odds of a homicide occurring in a home with guns were almost three times greater than the odds of homicide in a comparable home without guns. All of this increased risk was due to an almost eight fold greater risk of homicide at the hands of a family member or intimate acquaintance.

Guns in the home were linked to an increased risk of homicide among women as well as men, whites as well as blacks, and older as well as younger individuals. Guns were not found to afford substantial protection from homicide, even when we restricted our analysis to the small number of cases that followed forced entry into the home.

These results do not mean that guns are never used to protect a family. It is evident, however, that the uncommon instances when guns are used for self defense are substantially outweighed by the number of times guns are involved in tragedies in the home. The fact that an armed citizen occasionally uses a gun to stop a crime is all the encouragement many people need to keep a loaded pistol in their night stand. It's the same logic that sells millions of lottery tickets each year. Unfortunately, the rules of this game are different. If a state lottery gave one winner a week the jackpot but randomly selected three people for execution, I don't think they'd sell many tickets.

2. *Aside from homicides, what percentage of accidents and suicides can be attributed to guns in the home?*

Since our national sources of data are quite limited, I can only cite local statistics. One California study determined that approximately half of cases involving children shooting children occur when kids play with a loaded gun they have found in the home. My colleagues and I conducted a large scale case control study of suicide in the home in relation to gun ownership and observed that approximately 70 percent of suicides in two large metropolitan counties occurred in the home of the victim. After matching case and control households by victim age range, sex, race, and neighborhood,

and after taking the effects of six independent risk factors into consideration, we found that homes with guns were almost five times more likely to be the scene of a suicide than comparable homes without guns

3 One of your studies concludes that homes with guns are 3 times more likely to be the scene of a homicide than comparable homes without guns. Yet the NRA and others claim that a gun is 75 times more likely to be used to save a life than to take a life and that guns are used for self defense 2.4 million times each year. How do you explain those claims?

The NRA's figures are based on the work of Professor Gary Kleck, a criminologist at Florida State who is a devoted advocate of guns for self defense. His findings were released shortly after publication of our study of guns and homicide in the home. To my knowledge, they have not been published in a peer reviewed journal. However, Professor Kleck has spoken freely about his findings to reporters. I've looked at Kleck's numbers, and they simply don't add up.

If you believe Kleck and the NRA, then you must conclude that approximately 192,000 people are being shot in self-defense each year. That's roughly equal to the total number of gunshot cases treated in all of our nation's emergency departments. If one out of every five dies (a reasonable estimate, based on local police statistics) then 38,400 people die each year after being shot by a gun owner in self-defense. This figure is roughly equal to all of the gun suicides, homicides and accidental deaths that occur in the U.S. each year.

This leads to one of three conclusions: 1) every person who died of a gunshot wound in 1993 (whether due to suicide, homicide or accident) was really shot in self defense, or 2) Approximately 35,000 dead bad guys are left under the bushes of law-abiding gun owners each year, or 3) Kleck and the NRA are wrong.

The 75-to-one ratio is even harder to figure out I think it's based on the assumption that every one of Kleck's mythical self defense uses saved a life. Data from the much larger (and far more scientific) National Crime Victimization Survey suggests that guns are used in self defense about 78,000 times each year- a total that is 1/30 the size of Kleck's estimate This number pales in comparison to the costs of gun violence-

approximately 35,000 deaths, 100,000 injuries and more than 80,000 gun related crimes each year.

4. *How can addressing the crisis of gun violence as a public health problem help us in solving the problem?*

Firearm related injuries are a leading cause of premature death, disability, and health care costs in United States. A teenager in America today is more likely to die of a gunshot wound than all "natural" causes of death combined. There are several reasons why public health can compliment the traditional strategies of criminal justice to address this crisis: public health researchers have access to data and research techniques that are outside the domain of criminal justice. Public health emphasizes prevention rather than reacting to events after they occur. Public health looks at every possible angle to prevent illnesses and injuries, and frequently determines that a combination of strategies is far more effective than any single approach alone. Public health's focus on protecting and enhancing the quality of life for the victims of gun violence compliments criminal justice's efforts to deter, incapacitate or rehabilitate offenders. Finally, it is important to realize that a minority of episodes of gun violence involve "gun crime" in the traditional criminal justice sense. More people die from gun suicides than gun homicides. Gun accidents account for a small percentage of gun deaths, but a larger percentage of gun related injuries. A minority of gun homicides occur in the context of another felony, such as robbery or sexual assault. Most gun homicides occur in the context of an altercation among family members, friends or acquaintances. In the heat of a dispute, few individuals carefully weigh the legal consequences of their actions. They're too busy reaching for the most effective weapon readily at hand. If that weapon happens to be a gun, a death or serious injury is more likely to occur.

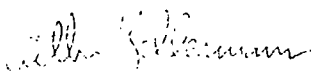
5. *How effective do you think this legislation would be in curbing gun violence?*

If this legislation is enacted, it will be extremely important to formally evaluate its impact. There are several reasons to believe, however, that it will be very effective at reducing gun violence: 1) It will expand the list of persons excluded from purchasing firearms to include violent criminals that plea bargain to misdemeanors. 2) It will make gun running from permissive jurisdictions to more restrictive ones far more difficult. 3) It will dramatically reduce the number of kitchen table gun dealers and improve oversight of those that remain. 4) It will regulate secondary transfers of

guns, currently the most common way guns get into the hands of juveniles and criminals; 5) It will ban production of weapons that threaten the lives of our police officers and citizens while serving little or no sporting purpose ; and 6) It will bring gun manufacturers into the loop of public accountability

Thank you again for inviting me to participate in this hearing I hope my information will be helpful to you and your fellow Senators as you proceed with this important and necessary legislation

sincerely,



Arthur L. Kellermann, M.D., M.P.H
Associate Professor and Director
Emory Center for Injury Control

ADDITIONAL QUESTIONS BY SENATOR METZENBAUM AT THE HEARING ON THE GUN VIOLENCE PREVENTION ACT, ON 3/23/94 FOR DR. EDGAR SUTER:

1. YOU HAVE ARGUED THAT PEOPLE HAVE THE RIGHT TO DEFEND THEMSELVES AGAINST CRIMINALS. DO ALL PEOPLE HAVE THIS RIGHT? DO YOU AGREE THAT FELONS, MENTALLY DEFECTIVES, AND THOSE PRONE TO VIOLENCE SHOULD NOT HAVE GUNS? IF SO, HOW DO YOU THINK SUCH PERSONS SHOULD BE PREVENTED FROM BUYING GUNS?

2. YOU DISAGREE WITH DR. KELLERMAN AND OTHERS ABOUT THE CONNECTION BETWEEN GUN ACCIDENTS AND GUNS IN THE HOME. OTHER THAN YOUR OWN OPINION, WHAT EMPIRICAL, PEER-REVIEWED STUDIES HAVE YOU PUBLISHED IN MEDICAL JOURNALS THAT SUPPORT YOUR OPINION?

3. PLEASE LIST ALL OF YOUR PUBLISHED ARTICLES.

4. HOW MANY MEMBERS ARE IN THE ORGANIZATION "DOCTORS FOR INTEGRITY IN RESEARCH & PUBLIC POLICY"? WHO CONSTITUTES THE ORGANIZATION'S LEADERSHIP? WHEN WAS THE ORGANIZATION FORMED? HOW WERE YOU CHOSEN NATIONAL CHAIR? HAVE YOU EVER HAD AN AGREEMENT OR UNDERSTANDING WITH ANY INDIVIDUAL OR ENTITY REGARDING PAYMENT OR REIMBURSEMENT OF YOUR EXPENSES IN CONNECTION WITH APPEARING BEFORE THIS SUBCOMMITTEE? IF SO, WITH WHOM?

5. EXPLAIN THE BASIS OF YOUR CLAIMS THAT 2.4 MILLION AMERICANS USE GUNS TO PROTECT THEMSELVES AND THEIR FAMILIES AND THAT 75 LIVES ARE PROTECTED BY A GUN FOR EVERY LIFE LOST TO A GUN.

6. DO YOU THINK THAT CHILDREN SHOULD CARRY GUNS FOR THEIR PROTECTION? SHOULD THEY BE ABLE TO TAKE GUNS TO SCHOOL?

7. SHOULD MANUFACTURERS BE REQUIRED TO ADD SAFETY DEVICES TO GUNS IN ORDER TO PREVENT ACCIDENTS? IF NOT, WHY NOT?

8. DO YOU THINK PEOPLE HAVE THE RIGHT TO HAVE ANY GUN FOR THEIR PROTECTION?

9. IS THERE ANY FIREARM THAT YOU THINK PEOPLE DO NOT HAVE THE RIGHT TO OWN?

10. IF WE HAVE THE RIGHT TO OWN AN UNLIMITED NUMBER OF FIREARMS?

11. ARE YOU A MEMBER OF THE NATIONAL RIFLE ASSOCIATION?

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April 13, 1994

Sen. Howard Metzenbaum
Subcommittee on the Constitution
Committee on the Judiciary
US Senate - Dirksen Office Bldg., Room 524
Washington DC 20510-6280

Re: Requested supplemental testimony on S. 1882

Dear Sen. Metzenbaum,

Below please find my responses to your interrogatories. In the interest of saving time, I am transmitting these responses by facsimile. Originals will follow by express mail. I would add that I find some of your, or perhaps some of your staff's, questions to be objectionable since there seems to be no nexus between certain inquiries and the substance of the Subcommittee's subject matter. Specifically I am referring to the question asked in item 12 regarding membership in a national civil rights advocacy organization and the questions asked in item 4. The Subcommittee is, of course, entitled to examine and weigh the credibility of its witnesses and to factor in its deliberations the bias, if any, that each witness brings with their testimony.

Nonetheless, I had imagined that some years ago this nation had dispensed with questioning by public officials of perceived or real associations with organizations that, standing alone, were irrelevant to the public policy issues and discourse at hand. I have answered your questions pertinent to the discourse. I have even answered your questions about my background, associations, and beliefs. There is nothing remarkable about my background, associations, or the beliefs that I share with millions of other Americans.

Herewith are the responses to your supplemental interrogatories:

1. You have argued that people have the right to defend themselves against criminals. Do all people have this right? Do you agree that felons, mental defectives, and those prone to violence should not have guns? If so, how do you think such persons should be prevented from buying guns?

> The right of self-defense is a separate issue albeit related issue to what means one may use to defend oneself. Starting first with that right, all citizens, of course, have the right to defend themselves from anyone who would attack or harm them without legal justification or with unlawful force. The question of whether the right is wrongfully or correctly asserted must be assessed on a case-by-case basis under the law of the prevailing jurisdiction. The right of self-defense, however, is a fundamental right, so, regardless of one's "status" in society, a person has the right to defend themselves if unlawful force is used against them. No one can properly dispute that point, even in such a situation as where a convicted and incarcerated felon defends himself or *herself* from a brutal and unjustified attack

Consistent with the intent of the Bill of Rights Framers and interpretation by the US Supreme Court, I believe that gun ownership in a free and democratic society is a fundamental, inherent, and irrevocable individual right that has been specifically enumerated for protection in the Second Amendment of the US Constitution. Denial of gun ownership for mental or criminal reasons may be appropriate and, as you know, present federal law makes that clear.

However, federal law also provides for relief from firearms disabilities. 18 U.S.C. §925(c) states in part:

> A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Secretary for relief of the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

I strongly believe that this is appropriate public policy. For example, a felon who has paid his (or *her*) debt to society, as in the case of a "white collar" felon whose conduct did not involve violence, would probably be a good candidate for relief from disability. Most such "white collar" felons have no proclivity to violence and may be safely entrusted with guns.

Analogously, "mental defectives" are often passive, rather than aggressive. In fact, on April 8, 1994 Northwestern University released a six year study that showed mentally ill inmates are no more likely to commit a violent crime after being released than those with *no* disorder. Unless mentally and emotionally challenged individuals have been adjudicated a violent threat to public safety or demonstrably so intellectually impaired that they cannot safely handle a gun, I do not believe that public policy should impede their ability to own a firearm or to seek relief from a firearms disability if they are in remission from a mental disease or defect that previously disqualified them from owning a firearm.

A "Prone to violence" test for disqualifying an individual from owning a gun is far too subjective a criterion. Some researchers have proposed investigating a genetic link to violence. A tremendous furor arose because some felt this might have racial implications that could be used against African American citizens. Since American jurisprudence operates, at least theoretically, on the "innocent until proven guilty" principle, whether or not one is "prone" to violence is irrelevant, whether or not one inappropriately and overtly *acts* violently is relevant. Denying a citizen their civil rights for being "prone to violence" without any overt action, or without an adjudication of a mental disease or defect showing that person to be a danger to themselves or the community, would be punishing someone for their mere status, and *not* for any misconduct.

As for those individuals who are disqualified under present law from owning guns or possessing guns, some interesting approaches to alerting dealers and those engaged in private sales might be tried. Marking drivers' licenses and other identification with a disqualifying notice, like some states have done for those under the legal drinking age, might be considered. As is the case now, transactions should be denied - and unlawful - if the transferee suffers a disqualifying impediment. Such a system places legal impediments only in the path of those properly denied gun ownership, rather than the current system ("Brady Bill," etc.) that places impediments in the path of good citizens.

No system of such checks is infallible; however, the estimated 2.5 million protective uses of guns each year represents a net benefit to society notwithstanding exaggerated claims of guns' detriment to our society. Any system of checks must ensure the continuing protective benefits of guns and, so, be weighted to protect the civil rights of good citizens. We must not approach intrusive restrictions, particularly when the overwhelming preponderance of competent research shows that gun control disproportionately disarms good citizens having little, if any, effect in decreasing criminal gun use and access. The only measures that consistently reduce violence are measures that inescapably punish violent crime, regardless of instrumentality. Of course, plea bargaining can cause those benefits to evaporate.

In summary, victim disarmament is not a policy that saves lives

2 You disagree with Dr Kellermann and others about the connection between gun accidents and guns in the home, Other than you own opinion, what empirical, peer-reviewed studies have you published in medical journals that support your opinion

Actually, Dr. Kellermann has said very little about gun accidents specifically. I take this question, therefore, as related to Kellermann's theories regarding homicide and suicide

Further, in view of question (3), I am uncertain whether you mean to ask me for a list of articles that I have published or whether you mean to ask me for a list of all materials published in medical journals that support my opinion All of my articles published in the medical literature are listed in my response to your question (3).

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> Neither a public entity nor a public employee is liable for failure to establish a police department or otherwise provide police protection service or, if police protection service is provided, for failure to provide sufficient police protection service."

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A copy of my articles are appended for inclusion with my testimony. "Guns in the Medical Literature - A Failure of Peer Review" (Journal of the Medical Association of Georgia. March 1994: 133-48) extensively discusses the deceptive "factoids," fraudulent claims, and biased and seriously flawed research on guns - most of which has been funded by tax dollars through the Centers for Disease Control. Included in the article are a discussion of the deceptive and fraudulent claims regarding gun accidents.

Additionally, even in testimony before your committee regarding S. 1882, incorrect claims have been made about gun accidents. Regrettably, other business took you away from the hearing before I delivered my testimony, but in that presentation I mentioned that Dr. Wright, the representative of the American Academy of Pediatrics, in a departure from his written remarks, testified that "There are 7,000 unintentional gun deaths of children every year." Dr. Wright's statement was a 35-fold exaggeration. When I noted this to Sen. Simon, he consulted a staffer and then noted, "Surgeon General Elders says the number is 1,200." Actually annual gun accidents average about 1,400 per year for <u>all</u> ages. The National Safety Council data shows that, for children ages 0-14, an average of about 200-250 child accidental gun deaths occur annually. Each of those deaths is tragic, but the magnitude is nowhere near the 35-fold exaggeration given by the American Academy of Pediatrics representative and others.

3 Please list all your published articles.

The following are articles published in the medical literature:

Suter E.. A Deceptive Contrivance. Archives of Neurology. 1993; 50/4: 345-6.

Suter E "Guns in the Medical Literature – A Failure of Peer Review" Journal of the Medical Association of Georgia, March 1994. 133-48

Suter E. "'Assault Weapons' Revisited – An Analysis of the AMA Report" Journal of the Medical Association of Georgia, May 1994

Suter E, Morgan R, Cottrol R, and Kates DB. "The Right to Keep and Bear Arms – A Primer for Physicians" Journal of the Medical Association of Georgia, June 1994.

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Debate with George Lundberg, MD, Editor in Chief of Journal of the American Medical Association, on Physicians' Journal Update, Lifetime Medical Television, August 23, 1992. Transcript available form the producer.

This list does not include numerous publications in the lay press.

4. How many members are in the organization "Doctors for Integrity in Research & Public Policy"? Who constitutes the organization's leadership? When was the organization formed? How were you chosen national chair? Have you ever had an agreement with any individual or entity regarding payment or reimbursement of your expenses in connection with appearing before this subcommittee? If so, with whom?

Doctors for Integrity in Research & Public Policy (DIRPP) was organized two years ago in California by a group of physicians. DIRPP was founded as a national "think tank" of medical school professors, researchers, and clinicians who wish to bring scientific accuracy and balance to public policy matters, including particularly questions concerning firearms control policies. The organization is also active in challenging the recent efforts by some in the public health community who wish to promote their "public health" gun ban and prohibition agenda (gun bans, licensing, registration, confiscatory taxation, etc.) by justifying their actions on the basis of biased research studies. DIRPP presently has several hundred members.

Among the founding principals of the organization's working group there was a consensus for me to serve as chair. The organization is still relatively new and, upon its formation, immediately began to focus on the public policy issues at hand. Since internal organization issues have been of limited concern, the organization will settle upon a permanent leadership and succession process in the future.

I personally paid for all my expenses connected with testifying before this subcommittee. Based on contact with subcommittee staff, I am told that I *might* be reimbursed by your subcommittee, just as Dr. Wheeler's expenses were reimbursed. Should I not be reimbursed by the subcommittee, the expenses will continue to be borne solely by myself or DIRPP.

5. Explain the basis of your claims that 2.4 million Americans use guns to protect themselves and their families and that 75 lives are protected by a gun for every life lost to a gun.

To suggest that science has proven that defending oneself or one's family with a gun is dangerous, gun prohibitionists often claim: "a gun owner is 43 times more likely to kill a family member than an intruder." This is Kellermann and Reay's flawed risk-benefit ratio for gun ownership,[1] heavily criticized for its deceptive approach and its non-sequitur logic.[2,3,4] Clouding the public debate, this fallacy is one of the most misused slogans of the anti-self-defense lobby.

The true measure of the protective benefits of guns are the lives saved, the injuries prevented, the medical costs saved, and the property protected – not the criminal count. Since only about 0.1% —1-in-a-thousand — of defensive gun usage involves the death of the criminal,[2] any study, such as this, that counts criminal deaths as the only measure of the protective benefits of guns will expectedly underestimate the benefits of firearms by a factor of 1,000.

Interestingly, Kellermann and his co-authors themselves *described, but did not use, the correct methodology.* They acknowledged that a true risk-benefit consideration of guns in the home *should* (but did *not* in their "calculations") include "cases in which burglars or intruders are wounded or frightened away by the use or display of a firearm [and] cases in which would-be intruders may have purposely avoided a house known to be armed.. ."[1]

Kellermann and Reay had repeated the harshly criticized folly of Rushforth[5] from a decade earlier. In 1976 Bruce-Biggs criticized Rushforth noting that the protective benefits of guns are the lives saved and the property protected, not the burglar body count.[6] Kellermann and Reay would have done well to heed that simple *caveat.* Objective analysis, even by their own standards, shows the "more likely to kill a family member than intruder" comparison to be deceptively appealing. However, Kellermann and Reay's contrivance is even more readily seen to be an illusory argument when compared to the real issues and concerns that law abiding Americans must weigh in their risk analysis when deciding how they should provide for the personal security of themselves and their families.

Caveats about earlier estimates of 1 million protective uses of guns each year[2] have led Kleck to perform the largest scale, national, and methodologically sound study of the protective uses of guns suggesting between 800,000 and 2.4 million protective uses of guns each year[7] – not quite as "intangible" as Kassirer, the editor of the *New England Journal of Medicine,* claimed.[8] As Kleck concluded, as ***many as 75 lives are protected by a gun for every life lost to a gun, as many as 5 lives protected per minute.*** Guns not only repel crime, guns deter crime as is shown hy repeated National Institute of Justice surveys of criminals.[9,10] These are the benefits of guns overlooked by scientists whose politics overshadow their objectivity.

Objective researchers agree, *perfect* data on the frequency of protective uses of guns is not available, however, the *best* available data from nearly a dozen *concordant* studies[2] suggests that every year as many as 2.5 million good Americans use guns to protect themselves and their families. In about 1/6th of these cases, the defenders

believe that they would almost certainly have lost their lives if they did not have a gun.

Of those dozen studies of the protective uses of guns, all but one agree on the approximate frequency (generally 1 to 2.5 million per year) of protective uses of guns by good Americans. This is not surprising since 99% of all American guns in circulation do not have to be used for anything other than sporting, collecting, or hunting each year. The *only* study to find otherwise is the *only* study upon which Kellermann relies, the National Crime Victimization Survey (NCVS). The NCVS has several methodological weaknesses. NCVS screening questions disallow counting one of the most common protective uses of guns, shopkeepers defending against armed robbery and similar attacks. It is also clear that the NCVS undercounts another of the most frequent protective uses of guns, the use of guns by women to defend against domestic attacks on themselves and their children. The NCVS also undercounts the less frequent, but important, use of guns to repel rapists.

There are additional important sources of NCVS sampling error. Even to anonymous inquiry, many are unwilling to be forthcoming about their gun ownership or their use of guns. Prudently, many survey respondents deny their gun ownership to avoid becoming a target of theft. In some urban jurisdictions, like Washington DC, the mere ownership of certain guns (like handguns) is a "crime." Importantly, since the NCVS is a survey conducted by law enforcement, it is unlikely that such urban respondents would incriminate themselves of the victimless "crime" of requiring or using self-protection.

Kleck's data is recent, so it has yet to be published in the peer-reviewed literature. Because sound public policy demands an honest measurement of the protective uses of guns, Kleck has generously and publicly shared his data set. Kleck himself has noted and explained the unexpectedly high percentage of defensive shootings discovered by the survey. Kleck's recent study is the largest scale *methodologically sound* study to date and the sample size of 5,000 (compared to the usual 1,000 for most national surveys) allows a high level of confidence in the total protective *uses* of guns. The infrequency of protective *shootings*, however, makes any survey susceptible to sample artefact - a difference of a few shootings in a sample of 5,000 can affect the estimated percentage of defensive shootings. It appears that the unexpected 8% shooting rate in Kleck's recent study is such a sample artefact. Generally about 2% of defensive uses involves shooting the assailant and about 0.1% of defensive uses involve *fatally* shooting the assailant.

Until "perfect" data is available and in view of the flaws in the NCVS data, most will trust the dozen studies that agree, rather than the aberrant NCVS study.

At his presentation to the October 17, 1993 Handgun Epidemic Lowering Program conference, Dr. Kellermann emotionally admitted his anti-gun bias, a bias evident in the pattern of his "research." Having admitted his lack of objectivity, Dr. Kellermann continues to accept tax dollars for research on this subject. This, of course, raises questions about the objectivity and reliability of his work.

Our organization calls upon this subcommittee to promote oversight of the competence and integrity of research funded by tax dollars.

It is also worth reviewing the inflated claims of the economic costs of guns. Medicine's politicians have exaggerated the human and economic costs of gun violence and underestimated, even totally denied, the protective benefits of guns. They look to tap honest, tax-paying gun owners for a new source of revenue, just as inner-city hospitals have been hit with budgetary constraints.

The real cost of medical care for gun violence is approximately $1.5 billion per year[11] - less than 0.2% of America's $800 billion annual health care costs. To exaggerate the costs of gun violence, medicine's gun prohibitionists are fond of including estimates of lost lifetime earnings[12] - assuming that "gang bangers" and rapists would be as socially productive as teachers, factory workers, and other good Americans - to generate the assorted, inconsistent, and inflated claims of $20, $40, or $80 billion in "costs."

In fact, it has been estimated that *active criminals cost society untold human suffering and an economic toll of as much as $400,000 per year while "on the street" and $25,000 per year while incarcerated.*[13] It has also been noted that about three-fourths of gun death victims are involved with drug trafficking or use.[14,15] Though DIRPP deems any death is tragic, *regardless of instrumentality,* some analysts have argued that the gun deaths of predators and misfits actually represent a net savings to society in both human and economic terms.

6 Do you think that children should carry guns for their protection? Should they be able to take guns to school?

No, but I do not think that children's safety should be threatened to the degree that compels many children to believe that they should "carry guns for their protection." I believe that there are certain extraordinary situations where a person normally not allowed access to firearms may use them to defend themselves. You are aware of Senator Kohl's amendment to the Senate crime bill which specifies when children can have access to firearms. One of these circumstances is the use of a firearm in the home for self-defense purposes.

I hope that Sen. Metzenbaum would not deny access to the safest and most effective means of protection if a child is threatened with serious violence or unlawful force. For instance, when a 14 year old girl who might be home alone when a rapist attacks, she, like every human being, should be able to protect herself. This, of course, assumes that she knows how to do so and, certainly, firearms safety training is readily available to children of this age group.

The U.S. Bureau of Justice Statistics has shown that **guns are the safest and most effective means of protection for oneself or ones family.**[2] Defense with a gun

results in fewer injuries to the defender than resisting with less powerful means and in fewer injuries than not resisting at all. The fact that guns are the safest and most effective means of protection is particularly important to women, children, the elderly, and the physically challenged – those most vulnerable to vicious predators. Th . fact that we have public policy reasons why we deny one of the mentioned groups, children, routine access to firearms does not mean that we must lose all common sense and have the law deny them access in specific situations where they are threatened.

7. Should manufacturers be required to add safety devices to guns in order to prevent accidents? If not, why not?

The question should really be phrased with the word "more" included - "more safety devices." In fact, for liability and other reasons, most modern firearms are manufactured with a variety of safety devices. It is likely that gun accidents would **INCREASE** if even more safety devices were required on newly manufactured guns.

A false sense of security would develop and a reliance upon a device rather than upon safe gun handling habits, would result. Those not properly trained in safe gun handling might assume that *every* gun would be "accident proof" when, in fact, no such gun could be designed or manufactured and remain functional for the purposes intended - whether self-protection or sport.

For example, S. 1882 proposes to make a gun inoperable by a child of less than 7 years of age. Such a policy would make such a gun also inoperable by some adults - the frail, the elderly, and some small women. Making a trigger difficult to operate also increases the chance that a gun will, in pulling a heavy trigger in self-defense or the defense of one's children, be thrown off target, increasing the chance of missing the assailant and injuring innocent bystanders.

Gun safety is not a device, it is a mind-set of safe handling practices that prevent accidental injuries:

1. Treat *every* gun as if it is loaded

2. *Never* point a gun at anyone or anything unless you intend to shoot that object or person.

3. Keep your finger *off* the trigger until you are on target

Additionally it is a much simpler proposition to teach those simple rules, than it would be to educate 120 million gun-owning Americans to the intricacies of the *different* safeties and chamber-loaded indicators required by the endless variety of manufactured firearms. Because guns are different, their safeties will be different.

It is much simpler to teach children:

1 Stop

2. Don't touch

3. Leave the area

4. Tell an adult

These safety instructions are fool-proof and simpler than attempting to teach children about an endless variety of confusing devices. These simple rules are the entire substance of the NRA's *Eddie Eagle* safety program. *The* model of gun safety training for children.

8. Do you think that people have the right to have <u>any</u> gun for their protection?

Yes, but a distinction needs to be drawn between ownership and the regulatory pathway to ownership. This discussion is also pertinent to question (9) following. True military arms like fully automatic weapons and destructive devices are already heavily regulated by the National Firearms Act of 1934 (NFA).

For all small arms, including weapons known by the misnomer "assault weapons," checks of the type discussed in my response to question (1) are appropriate. I need not repeat that discussion here.

DIRPP's general approach on this issue is extensively discussed in my articles:

> Suter E. "'Assault Weapons' Revisited – An Analysis of the AMA Report" Journal of the Medical Association of Georgia, May 1994.
>
> Suter E, Morgan R, Cottrol R, and Kates DB. "The Right to Keep and Bear Arms – A Primer for Physicians" Journal of the Medical Association of Georgia, June 1994.

A manuscript of those articles are enclosed for inclusion as part of this testimony.

The responsible ownership of <u>any</u> kind of firearm causes no social ill and leaves no victims. Guns' protective uses overwhelmingly outweigh criminal gun use and accidental gun injury. Whether one uses a human or economic measure, the protective benefits far outweigh the costs of guns to society. Guns offer a <u>net benefit</u> to society. Guns have benefits with which good Americans can LIVE!

9 Is there any firearm that you think people do not have the right to own?

No, but see also the comments I have made in response to question (8)

I have included a manuscript of my article "'Assault weapons' Revisited – An Analysis of the AMA Report" for inclusion as part of this testimony. That article discusses over two dozen studies that show "assault weapons" are a barely measurable fraction of crime guns. The article also exposes the false imagery being uses to fuel the hysteria against "assault weapons," the current bogeymen of violence.

The *Journal of the American Medical Association* published an American Medical Association (AMA) position paper on military "look alike" guns, the buzzword named "assault weapons." That position paper was based on a single flawed study of gun traces. Since gun trace data are not representative and are not an accurate sample of crime guns, the Congressional Research Service (CRS), the Bureau of Alcohol, Tobacco and Firearms (BATF), and the Federal Bureau of Investigation (FBI) have explained that gun TRACE data cannot be used for statistical purposes, and therefore cannot be used for developing sound public policy.

In fact, over two dozen studies ignored by the AMA show that these "assault weapons" represent a barely measurable fraction of crime guns. In the worst areas of drug and violent crime, so-called "assault weapons" represent from zero to 3% of crime guns. Best current evidence suggests that, overall, these false symbols of violence represent a minuscule fraction of American crime guns; nothing like the nightmare suggested by the imagery of gun prohibitionists.

The editor of the *New England Journal of Medicine* has stated in print that he needs no data because he finds these guns abhorrent. He describes all guns' benefits as "intangible" though there the 2.5 million good Americans protected by guns annually would disagree with him, including the good citizens and shopkeepers who used these "black guns" to protect themselves, their families, and their livelihoods from gang and mob violence in the Los Angeles Riots, Hurricane Hugo, and Hurricane Andrew. As this subcommittee has heard , good citizens use these guns for protection of themselves and their children.

It is this kind of "science" that allows the AMA and even members of Congress to cite a single flawed study in the face of over two dozen contradicting studies. We are pummeled incessantly by flawed studies and sensationalized imagery. Each rare "assault weapon" tragedy is newsworthy for months precisely because such incidents are rare.

10. Do people have the right to own an unlimited number of firearms?

Yes, and ammunition as well. There are already regulatory checks in place. For instance, gun dealers, under current law, must report multiple handgun sales to the BATF. This calls BATF attention to the possibility of interstate gun trafficking *without* interfering with the civil liberties of good citizens.

Contrast this approach with the S. 1882 provision limiting a law-abiding citizen to one handgun purchase per month when that citizen has already cleared a background check. The notion that such a one-gun-per-month limit will actually affect criminals, reduce gun-related crime, or reduce gun trafficking is completely unfounded. In fact, the S. 1882 provisions will only impede the ability of good citizens to exercise their own freedoms.

11. Are you a member of the National Rifle Association?

Yes, I am a member of the oldest (123 years) and largest (3.4 million dues-paying members) civil rights group in America. Mere membership in this or any other

group has no nexus with the objective public policy implications of S. 1882 - except perhaps in the eye of a questioner attempting to determine whether or not my views are "politically correct," rather than scientifically correct.

Respectfully submitted,

Edgar A. Suter MD, Chair, Doctors for Integrity in Research & Public Policy

1 Kellermann AL. and Reay DT. "Protection or Peril? An Analysis of Firearms-Related Deaths in the Home." N Engl J. Med 1986. 314: 1557-60.

2 Kleck G. *Point Blank: Guns and Violence in America.* New York: Aldine de Gruyter. 1991.

3 "Firearms Related Deaths." Correspondence. N Engl J. Med 1986; 315:1483-5.

4 Suter E. "A Deceptive Contrivance." Arch Neurol. 1993; 50:345-46.

5 Rushforth NB, Hirsch CS, Ford AB, and Adelson L. "Accidental Firearm Fatalities in a Metropolitan County (1958-74)." Am. J. Epidemiology. 1975; 100: 499-505.

6 Bruce-Biggs B. "The Great American Gun War." The Public Interest. 1976; 45: 37-62.

7 Kleck G. "Q&A: Guns, Crime, and Self-defense." Orange County Register. September 19, 1993. p. C-3.

8 Kassirer JP. "Firearms and the Killing Threshold." N. Engl. J. Med. 1991; 325: 1647-50.

9 Wright JD. and Rossi PH. Weapons, Crime, and Violence in America: Executive Summary Washington, DC: US Dept. of Justice, National Institute of Justice. 1981.

10 Wright JD and Rossi PH. Armed and Considered Dangerous: A Survey of Felons and Their Firearms. Hawthorne, NY: Aldine de Gruyter. 1986.

11 Martin MJ. "The Cost of Hospitalization for Firearm Injuries." JAMA. 260:3048-50.

12 Max W and Rice DP. "Shooting in the Dark: Estimating the Cost of Firearm Injuries." Health Affairs. 12(4): 171-85.

13 Zedlewski EW. *Making Confinement Decisions - Research in Brief.* Washington DC: National Institute of Justice, US Department of Justice. July 1987.

14 McGonigal MD, Cole J, Schwab W, Kauder DR, Rotondo MF, and Angood PB. "Urban Firearms Deaths: A Five-Year Perspective." J Trauma. 1993; 35(4): 532-36.

15 Hutson HR, Anglin D, and Pratss MJ. "Adolescents and Children Injured or Killed in Drive By Shootings in Los Angeles." N Engl J Med. 1994; 330: 324-27.

THE ANSWERS TO THE FOLLOWING QUESTIONS BY SENATOR METZENBAUM HAD NOT BEEN RECEIVED AT PRESS TIME.

ADDITIONAL QUESTIONS BY SENATOR METZENBAUM AT THE HEARING ON THE GUN VIOLENCE PREVENTION ACT, ON 3/23/94, FOR DR. STEPHEN TERET:

1. WHEN PEOPLE LIKE YOU ADVOCATE THAT MANUFACTURERS SHOULD BE REQUIRED TO ADD CERTAIN CHILD-PROOF AND OTHER SAFETY DEVICES TO GUNS, MANUFACTURERS DISMISS SUCH PROPOSALS AS IGNORING THE RESPONSIBILITY THAT EACH PURCHASER MUST BEAR FOR HIS OWN SAFETY. FOR EXAMPLE, THE COMMUNICATIONS DIRECTOR FOR SMITH & WESSON RECENTLY SAID: "IF PEOPLE ARE GOING TO BUY A WEAPON, THEY HAVE TO LEARN TO TAKE RESPONSIBILITY FOR IT." WHAT DO YOU THINK OF THE MANUFACTURERS' POSITION? WHY DO YOU THINK MANUFACTURERS HAVE CHOSEN NOT TO MAKE HANDGUNS SAFER?

2. GUN MANUFACTURERS ALSO CLAIM THAT GUNS DO NOT INCREASE THE THREAT OF INJURY AND ACTUALLY ARE AN ASSET TO POTENTIAL CRIME VICTIMS. HOW DO YOU RESPOND TO THOSE CLAIMS?

3. HOW CAN ADDRESSING THE CRISIS OF GUN VIOLENCE AS A PUBLIC HEALTH PROBLEM HELP IN SOLVING THE PROBLEM?

ADDITIONAL QUESTIONS BY SENATOR METZENBAUM AT THE HEARING ON THE GUN VIOLENCE PREVENTION ACT, ON 3/23/94 FOR RICHARD ABORN:

1. HOW EFFECTIVE WOULD THE GUN VIOLENCE PREVENTION ACT BE IN [illegible] GUN VIOLENCE?

2. HOW DO YOU RESPOND TO CLAIMS THAT MEASURES LIKE LICENSING AND BANS ON CERTAIN WEAPONS THAT POSE A SPECIAL DANGER TO SOCIETY WOULD SIMPLY PUSH THE GUN TRADE INTO THE BLACK MARKET?

3. SOME PEOPLE POINT OUT THAT WE CAN NEVER PREVENT CRAZY PEOPLE FROM GETTING GUNS AND GOING ON A SHOOTING SPREE. HOW DO YOU RESPOND TO THE CLAIMS BY SOME PEOPLE THAT THEY SHOULD BE ABLE TO CARRY A GUN WHEREVER THEY GO SO THAT THEY CAN PROTECT THEMSELVES AND OTHERS IN CASE THEY ARE CAUGHT IN SUCH A SITUATION?

4. MANY PEOPLE ARE CONCERNED ABOUT THE FACT THAT THE SAFETY OF GUNS IS COMPLETELY UNREGULATED. "60 MINUTES" DID A PIECE ON DEFECTIVE GUNS AND ACCIDENTAL SHOOTINGS THIS PAST SUNDAY. ONE OF THE PRIMARY GOALS OF THIS LEGISLATION IS TO IMPROVE GUN SAFETY, TO REQUIRE GUN MANUFACTURERS TO MAKE SAFER GUNS. WHY HAVEN'T MANUFACTURERS BEEN MORE DILIGENT ABOUT PRODUCING SAFER GUNS?

5. HOW IMPORTANT IS IT THAT COMPREHENSIVE FIREARM LEGISLATION BE CONSIDERED AT THE NATIONAL LEVEL?

6. THE CENTER TO PREVENT HANDGUN VIOLENCE HAS PARTICIPATED IN A NUMBER OF LEGAL SUITS INVOLVING THE ILLEGAL OR NEGLIGENT SALE OF GUNS TO FELONS AND OTHER PROHIBITED BUYERS BY LICENSED GUN DEALERS. DO YOU SEE ANY NEED FOR FEDERAL LEGISLATION WITH RESPECT TO THE LIABILITY OF GUN DEALERS FOR DAMAGES RESULTING FROM VIOLATIONS OF THE FEDERAL FIREARMS LAWS?

ADDITIONAL QUESTIONS BY SENATOR METZENBAUM AT THE HEARING ON THE GUN VIOLENCE PREVENTION ACT, ON 3/23/94 FOR DR. TIM WHEELER:

1. YOU HAVE ARGUED THAT PEOPLE HAVE THE RIGHT TO DEFEND THEMSELVES AGAINST CRIMINALS. DO ALL PEOPLE HAVE THIS RIGHT? DO YOU AGREE THAT FELONS, MENTALLY DEFECTIVES, AND THOSE PRONE TO VIOLENCE SHOULD NOT HAVE GUNS? IF SO, HOW DO YOU THINK SUCH PERSONS SHOULD BE PREVENTED FROM BUYING GUNS?

2. YOU APPEAR TO DISAGREE WITH DR. KELLERMAN AND OTHERS ABOUT THE CONNECTION BETWEEN GUN ACCIDENTS AND GUNS IN THE HOME. OTHER THAN YOUR OWN OPINION, WHAT EMPIRICAL, PEER-REVIEWED STUDIES HAVE YOU PUBLISHED IN INDEPENDENT MEDICAL JOURNALS THAT SUPPORT YOUR OPINION?

3. PLEASE LIST ALL OF YOUR PUBLISHED ARTICLES.

4. HOW MANY MEMBERS ARE IN THE ORGANIZATION "DOCTORS FOR RESPONSIBLE GUN OWNERSHIP"? WHO CONSTITUTES THE ORGANIZATION'S LEADERSHIP? WHEN WAS THE ORGANIZATION FORMED? HOW WERE YOU CHOSEN CHAIR? HAVE YOU EVER HAD AN AGREEMENT OR UNDERSTANDING WITH ANY INDIVIDUAL OR ENTITY REGARDING PAYMENT OR REIMBURSEMENT OF YOUR EXPENSES IN CONNECTION WITH APPEARING BEFORE THIS SUBCOMMITTEE? IF SO, WITH WHOM?

5. YOUR TESTIMONY REFERS TO DR. GARY KLECK'S FINDING THAT THERE ARE 2.4 MILLION DEFENSIVE GUN USES PER YEAR. HAVE YOU PERFORMED ANY INDEPENDENT RESEARCH THAT CONFIRMS THIS FIGURE? IF SO, PLEASE EXPLAIN SUCH RESEARCH.

6. DO YOU THINK THAT CHILDREN SHOULD CARRY GUNS FOR THEIR PROTECTION? SHOULD THEY BE ABLE TO TAKE GUNS TO SCHOOL?

7. SHOULD MANUFACTURERS BE REQUIRED TO ADD SAFETY DEVICES TO GUNS IN ORDER TO PREVENT ACCIDENTS? IF NOT, WHY NOT?

8. DO YOU THINK PEOPLE HAVE THE RIGHT TO HAVE ANY GUN FOR THEIR PROTECTION?

9. IS THERE ANY FIREARM THAT YOU THINK PEOPLE DO NOT HAVE THE RIGHT TO OWN?

10. DO PEOPLE HAVE THE RIGHT TO OWN AN UNLIMITED NUMBER OF FIREARMS?

ADDITIONAL SUBMISSIONS FOR THE RECORD

4TH STORY of Level 1 printed in FULL format.

April 10, 1994, Sunday - METRO Edition

SECTION: NEWS; Pg. 11B

LENGTH: 347 words

HEADLINE: DANCER KILLED WHEN HANDGUN ACCIDENTALLY DISCHARGES

BYLINE: CHRISTI POOLE

KEYWORDS: KENTUCKY; INDIANA; FATALITY; SHOOTING; ACCIDENT WEAPONS

BODY:
A 27-year-old Hardinsburg, Ind., woman died early yesterday after a gun she was carrying accidentally discharged Friday night at a Shepherdsville bar, police said.

Martha Ann Winkle Lee arrived for her job as a dancer at Shanes Lounge in Shepherdsville about 11 p.m. Friday. She threw her leather vest on a table in a dressing room. The .38-caliber derringer in a vest pocket discharged, hitting her in the chest, said Shepherdsville Police Chief Joe Rogers.

Lee was taken by ambulance to University of Louisville Hospital, where she died about 1:30 a.m. during surgery, said Jefferson County Deputy Coroner Sam Weakley.

No one else was in the dressing room when the gun discharged, said Rogers, and no foul play is suspected. The gun was still in the vest pocket after it discharged.

Lee was a member of the National Rifle Association and the Kentucky Bikers Association.

Survivors include her husband, Lowell Lee; her mother, Margaret A. Hamilton; her father, Charles P. Winkle; two sisters, Patricia G. Oshner of Sutton, Neb., and Amanda L. Winkle; and five brothers, Michael McDaniel of Sellersburg, Ind., and Charles T., Joseph A., James E. and Daniel P. Winkle.

The funeral will be at 1 p.m. Tuesday at Arch L. Heady Southern Funeral Home, 3601 Taylor Blvd., with burial in Pennsylvania Run Cemetery. Visitation will be from 6 to 9 p.m. today, 1 to 9 p.m. tomorrow and after 9 a.m. Tuesday.

LANGUAGE: English

TYPE: OBITS

LOAD-DATE-MEC: April 12, 1994

[illegible] STORY of Level 1 printed in FULL format

THE ORLANDO SENTINEL

December [illegible], 1993 Wednesday, [illegible] STAR

SECTION: A [illegible]

LENGTH: [illegible]

HEADLINE: MAN [illegible] WIFE IN HIS SLEEP, [illegible]

DATELINE: [illegible], PA.

BODY:

A man charged with [illegible] his wife claims he was awakened by a [illegible] and realized he was [illegible] the gun she kept in their waterbed for [illegible] slaying may well have been accidental," said Butler County Coroner William Young. Michael [illegible] Ricksgers, [illegible], of Buffalo Township, said he and his wife, Janet, had gone [illegible] after enjoying Christmas Day with relatives, Young said. Ricksgers said he woke up about an hour later and discovered that his [illegible]-year-old wife had been [illegible] in the back. The gun was in his hand, but the [illegible] said he [illegible] the gun was [illegible] on the bed when it was fired.

LANGUAGE: ENGLISH

COLUMN: OTHER NEWS [illegible]

NORTHEAST

LOAD-DATE: December [illegible], 1993

[illegible] STORY of Level 1 printed in FULL format

The Reuter Library Report

December [illegible], 1993, Saturday, BC cycle

LENGTH: [illegible] words

HEADLINE: [illegible] GUN KILLS BOY [illegible]

DATELINE: [illegible]

BODY:

A 12-year-old boy who may have been searching for Christmas presents [illegible] parents' [illegible] found a gun [illegible] and died after [illegible] accidentally [illegible] himself in the head, police said on Thursday.

The [illegible] occurred while the boy was left at home while his [illegible] from work.

Detective Kevin Navarr[illegible] the boy [illegible] parents [illegible] may have been looking for Christmas presents.

The [illegible] was [illegible] old and rusty it was [illegible] even fired, Navarr[illegible] said. [illegible]

LANGUAGE: ENGLISH

TYPE: [illegible] news, analysis, [illegible]

LOAD-DATE: December [illegible], 1993

134TH STORY of Level 1 printed in FULL format.

December 8, 1993, Wednesday, FINAL EDITION

SECTION: NEWS; Pg. A29

LENGTH: 218 words

HEADLINE: Sentence suspended in teen's fatal gun accident

BYLINE: BY WENDY DARROCH TORONTO STAR

DATE:

A young man who accidentally killed his best friend as a teenager was given a suspended sentence yesterday.

Jason Ball was 18 when he and Cedric Anthony King, 19, were playing with a new .22-calibre rifle in the basement of Ball's Orton Park Rd. home in Scarborough.

The gun accidentally went off, with the shot ripping through King's temple.

Ball ran screaming up the stairs for his father and out into the cold night in his shorts and a T-shirt waving frantically for the ambulance attendants, the Ontario Court, general division, jury was told.

"I've shot him in the head. I didn't mean to do it. Oh, my God, I've killed my friend," Ball was quoted as saying when police arrived after the shooting on Jan. 5, 1991.

He was frantic, officers testified.

King of Prudential Dr., Scarborough, died after 36 hours in Centenary Hospital.

Ball's father Thomas, 46, told court his son was excited about the rifle and wanted to buy it from a friend.

Ball, now 21, pleaded not guilty to manslaughter. At first, the jury of seven women and five men told Mr. Justice Peter Grossi that they could not reach a unanimous decision in the case.

After being urged to try a little harder so both families could put the tragedy behind them, they returned with a verdict of guilty as charged.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 9, 1993

196TH STORY of Level 1 printed in FULL format

The San Francisco Chronicle

OCTOBER 23, 1993, SATURDAY, FINAL EDITION

SECTION: NEWS; Pg. A21; BAY AREA REPORT

LENGTH: 101 words

HEADLINE: EAST BAY
Apparent Gun Accident Kills Woman on Couch

BODY:
Blackhawk -- A woman described as a ''caring grandmother'' was killed as she sat on her couch when her husband's gun accidentally discharged, authorities said.

Carol Lamantia, 51, died shortly before midnight Wednesday, said Contra Costa County sheriff's Sergeant Richard Weckel.

Homicide investigators determined that the shooting was accidental, he said.

Lorenzio Lamantia was sitting on the couch with his wife taking apart a 20-gauge shotgun when it went off, Weckel said.

He said that the case was submitted to the district attorney's office but that charges are unlikely.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: October 24, 1993

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