

Question 1:

Based on your experience as a law enforcement officer and member of Congress, what is your understanding of this report and the 1994 ban?

As stated in my written testimony, we know that firearms that would be banned by this legislation were used in only a small percentage of violent crime before the federal “assault weapon” ban of 1994 was imposed. When Congress approved the 1994 ban, it required that a study of the ban’s effectiveness be conducted. That study found that “the banned weapons and magazines were never involved in more than a modest fraction of all gun murders.” It also said that it was “unable to detect any reduction to date in two types of gun murders that are thought to be closely associated with assault weapons, those with multiple victims in a single incident and those producing multiple bullet wounds per victim.”

Several years later, a follow-up study found that “assault weapons and large capacity magazines were used in only a minority of gun crimes prior to the 1994 federal ban, and assault weapons were used in a particularly small percentage of gun crimes.” This finding was consistent with a variety of reports from state and local law enforcement agencies, showing that guns branded with the “assault weapon” label had been used in about 1-2 percent of violent crimes.

Violent crime had begun declining in the United States before the ban was imposed, for reasons that have nothing to do with gun control. Nevertheless, the study speculated that the ban might have been associated with a 6.7 percent decrease in gun murders between 1994 and 1995, but said that “with only one year of post-ban data, we cannot rule out the possibility that this decrease reflects chance year-to-year variation rather than a true effect of the ban. Nor can we rule out effects of other features of the 1994 Crime Act or a host of state and local initiatives that took place simultaneously.” It concluded that “the evidence is not strong enough for us to conclude that there was any meaningful effect (i.e., that the effect was different from zero).”

While supporters of the ban had also suggested that “assault weapons” had been common in multiple victim shooting incidents, the study said “we found no statistical evidence of post-ban decreases in either the number of victims per gun homicide incident, the number of gunshot wounds per victim, or the proportion of gunshot victims with multiple wounds. Nor did we find assault weapons to be overrepresented in a sample of mass murders involving guns.” It additionally said, “We were unable to detect any reduction to date in two types of gun murders that are thought to be closely associated with assault weapons, those with multiple victims in a single incident and those producing multiple bullet wounds per victim.”

There are many reasons why the ban could not have had much, if any, effect on crime rates. First, as noted, the banned firearms were involved in only a small percentage of crimes before the ban. Second, the ban mandated only that certain external attachments that do not determine how a firearm operates be omitted from various newly-manufactured firearms and, while allowing the continued importation of magazines that hold 11 or more rounds, allowed the importation of such magazines that

were foreign-made.

Third, while most firearms labeled as “assault weapons” are rifles, rifles are used in about three percent of murders, piling in comparison to the number committed with knives, bludgeons, and hands and feet.

Fourth, criminals rarely fire more than a few shots in a crime. A follow-up study concluded by one of the authors of the study noted above, concluded that “Specific data on shots fired in gun attacks . . . suggest that relatively few attacks involve more than 10 shots fired. The few available studies on shots fired show that assailants fire less than four shots on average, a number well within the 10-round magazine limit. . . .”

Fifth, whether a homicide occurs in a crime is largely determined by the intent of the perpetrator, rather than the availability of a particular weapon. Furthermore, given that most gun crimes are committed with handguns, and virtually all models of handguns were untouched by the 1994 ban, it is clear that any criminal for any reason not able to acquire a banned firearm and/or a magazine holding more than 10 rounds, would in all or most circumstances be able to complete the same crime with a handgun and one or more magazines holding 10 rounds.

This was demonstrated all too well in the multiple shooting at Virginia Tech. In that crime, the perpetrator used two handguns, one of which was designed to use 10-round magazines (for reasons unrelated to the 1994 ban). The official report on the crime concluded that a 10-round magazine limit would not have made much difference in the outcome. More important than the type of firearm or magazine that the perpetrator used, was the fact that he faced virtually no resistance.

As noted, violent crime decreased in the 1990s and has continued to decrease to the present. Reasons for the decrease are many. In the 1990s, many states adopted criminal justice reforms which decreased probation and parole, and instead increased incarceration and extended prison sentences for the most violent offenders, many of whom would otherwise have continued to commit crimes. The economy improved during the 1990s, the crack cocaine trade and its associated violence subsided, and law enforcement agencies adopted new programs that put their strength where it was most needed. Violent crime continued to decrease as the number of privately owned firearms in the United States soared, year after year, particularly among the very types of firearms that gun control supporters have argued the most strenuously for banning: handguns and semi-automatic rifles. Today, the number of such firearms is at an all-time and rapidly increasing high, and the nation’s murder rate is at a nearly all-time low.

Plainly stated, as a former law enforcement officer and member of Congress I believe what actually had an effect on the violent crime is and was the enactment and enforcement of laws such as Florida enacted 10-20-Life and Stop Turning Out Prisoners (STOP). Both laws require criminals to serve the majority of their crime and if a gun is used during the commission of a crime the criminal could face life in prison. Removing the criminal from the streets is the only way to ensure they won't commit another violent crime.

I encourage Congress to recognize its limited ability to affect crime rates at the local level. Crime is not the result of someone having a semi-automatic firearm instead of some other kind, or of having an 11 round magazine instead of one that holds 10 rounds. Crime is the result of an absence of morality and respect for the rights of other people—things that are entirely beyond Congress' purview. Pretending otherwise, so as to impose a broad gun control agenda that gun control supporters have held for many years, the components of which do not relate to the kind of crime that their advocates claim they are trying to prevent, but which instead would limit the ability of good Americans to keep and bear arms for defensive and other legitimate purposes, cannot be reconciled with elected representatives' oath of office.

Question 2:

During the gun control debate in Colorado, various state legislators made comments about the needs of women to use assault weapons. Are there ways in which that sort of thinking especially harms a woman's right to defend herself under the Second Amendment?

The assertion by gun control supporters, that women are unable to use firearms for self-defense was disproven by the landmark Kleck-Gertz study of defensive gun use, which determined that of over two million such uses annually in the early 1990s, 46.3 percent were by women. It is repeatedly disproven by the stream of news stories, giving accounts of women successfully using guns for self-defense across the country. And it is further disproven by the success that women have had as law enforcement professionals and as members of our Armed Forces. In its decision in *District of Columbia v. Heller* (2008), the Supreme Court of the United States declared that throughout our nation's history, "the inherent right of self-defense has been central to the Second Amendment right."

Over the last several decades, gun control supporters have gone to their greatest lengths to undermine the right and the ability of people to use guns for self-defense. This is evident in their unsuccessful attempts to convince the public, elected representatives, and the Supreme Court that the right to arms belonged only to persons serving in a government capacity, and their unsuccessful attempts to convince the public and elected officials to oppose Right-to-Carry laws, now in effect in 41 states.

It is also evident in their attempts to convince the public and legislators to go along with banning the types of firearms, ammunition, and magazines that are most useful for self-defense, at first including handguns and hollow-point ammunition, and now including semi-automatic rifles or semi-automatic firearms generally, and sometimes even pump-action firearms, along with magazines that hold 11 or more rounds, which are standard equipment in the vast majority of firearms that are designed for defensive use.

Semi-automatic shotguns and detachable-magazine semi-automatic rifles are exceptionally well-suited for home defense, generally offering reduced recoil, making it easier to accomplish repeat shots, which very often are necessary in a defensive situation.

While handguns are overwhelmingly the type of firearm preferred by the American people to be carried for self-defense away from home, many people prefer a shotgun or rifle for protection at home, finding them easier to hold in a stable manner, and easier to handle during the recoil associated with firing a shot.

Prohibiting all semi-automatic shotguns and detachable-magazine semi-automatic rifles, except for a handful exempted by name, as proposed in S. 150, would significantly impact the ability of many people to defend themselves at home and would undermine core purposes of the Second Amendment, which, as the Supreme Court noted in *Heller*, include suppressing insurrections and resisting tyranny.

As a law enforcement professional with 17 years experience, it is clear to me that a majority of police officers and sheriff's deputies who patrol our communities carry multiple magazines holding 11 or more rounds. Law enforcement officers also often carry other firearms in their patrol cars, they wear bullet-resistant vests, they often are aware that a person that they are approaching has a criminal record, they generally control how they approach a suspect, and they can request additional officers to assist them.

A private citizen walking in a parking lot with a legally carried firearm for protection, or sleeping with a firearm on the nightstand, would likely have to rely on the single magazine that is in his or her firearm, when dealing with the same criminals that law enforcement officers face. No law enforcement officer that I have ever known would limit himself or herself in the number of rounds to carry, and no private citizen should be arbitrarily limited in that way, just to appease people who are ideologically opposed to the ownership of firearms.

The importance of having more than 10 rounds available for self-defense is evident in the percentage of violent crimes that involve multiple attackers. In the Kleck-Gertz survey, 52.8 percent of encounters with criminals were in incidents involving multiple criminals, and 26.6 percent of encounters involved three or more criminals. Law enforcement officers often miss their shots when using a gun in self-defense, and it is common for criminals to continue their attacks even when struck by defenders' bullets.

As a woman who has faced an attacker in both my personal and professional life, I do not believe it is safe or productive to tell a woman what means she can use to defend herself. She should be encouraged to obtain training in whatever manner she believes would be the best for her to defend herself and/or her family.

Instead of focusing on the criminals who attack these women, some in the Colorado State Legislature focused on the rights of a woman to defend herself and her family. This discussion is very disturbing. Women have the right to defend themselves and/or their family and should have the right to choose any means to do so without the fear of persecution.

All of these factors argue for rejection of any proposal to deny to private citizens the kinds of

ammunition magazines that law enforcement officers depend on for their lives.