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P U B L I C H E A R I N G

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

SENATE, No. 3169

(Prohibits the sale, importation, possession and carrying of handguns.)

PROPERTY OF
NEW JERSEY STATE LIBRARY
186 W. STATE ST. PO BOX 520
TRENTON, NJ 08625-0520

Held:
March 31, 1981
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank X. Graves, Jr. (Chairman)
Senator Frank E. Rodgers
Senator John P. Caufield
Senator Walter E. Foran
Senator Barry T. Parker

Division of Criminal Justice
Library—2D Floor

ALSO:

Stephen S. Robbins, Research Associate
Office of Legislative Services
Aide, Senate Law, Public Safety and Defense Committee

* * * *

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SENATE, No. 3169

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senators MERLINO, FELDMAN, J. RUSSO, HERBERT, PERSKIE, CAUFIELD, LIPMAN, MUSTO, SHEIL and GALDIERI

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning handguns, amending parts of the statutory law, supplementing Title 2C of the New Jersey Statutes, and repealing N. J. S. 2C:58-4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. (New section) Principles of Construction.

This act shall be liberally construed to advance the goals of strictly limiting the availability of handguns by establishing an almost universal prohibition on the sale, possession, and importation of handguns, encouraging a reduction in the number of handguns possessed by persons exempt from the prohibition, and establishing a rigorous system of regulation over the transportation and transfer of handguns in New Jersey.

2. N. J. S. 2C:39-5 is amended to read as follows:

2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, **[**including any antique handgun without first having obtained a permit to carry the same as provided in section 2C:58-4**]** *or who knowingly brings into this State any handgun, except for antique handguns and handguns determined by the superintendent to be collectibles, commemoratives or curios,* is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

firearms purchaser identification card in accordance with the provisions of section 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid [permit to carry the firearm or a valid] firearms purchaser identification card.

3. N. J. S. 2C:39-6 is amended to read as follows:

2C:39-6. Exemptions.

a. Section 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other Federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police, a motor vehicle inspector;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State Investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, State park ranger or State conservation officer;

(5) A prison or jail warden or his deputies, a correction officer or keeper of any penal institution in this State or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess such a weapon by his superior officer.

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp,

station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties; or

(7) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey, or a special policeman or airport security officer appointed by the governing body of any county or municipality or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons.

b. Subsections a., b. and c. of section 2C:39–5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees *at his normal place of business and* during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that any such weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of section 2C:39–5 do not apply to:

(1) A railway policeman, while in the actual performance of his official duties and while going to or from his place of duty, a campus police officer appointed pursuant to P. L. 1970, c. 211 (C. 18A:6–4.2 et seq.) or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) A full-time member of the marine patrol force or a special marine patrolman authorized to carry such a weapon by the Commissioner of Environmental Protection, while in the actual performance of his official duties;

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge or magistrate of any court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties; or

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives*; or an employee of an armored car company in the business of transporting money or other valuables while in the actual performance of such duties; or an employee of a public utilities corporation while actually engaged as a security guard at a nuclear plant.*

d. Subsections c. and d. of section 2C:39–5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held.

e. Nothing in subsections [b.,] c. and d. of section 2C:39–5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm *other than a handgun,* or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business between his dwellings and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location. *Any person who qualifies for one or more of the exemptions in subsection (a) 2, 3, 4, 5, 6, 7, subsection (c) 1, 2, 3, 4, 5, 7 and 8 or subsection h. of this section may possess and carry a handgun.*

f. Nothing in subsections [b.,] c. and d. of section 2C:39–5 shall be construed to prevent:

(1) A member of any rifle [or pistol] club organized in accordance with the rules prescribed by the National Board for the

Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent, and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided such person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of such travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle [or pistol] club, or any firearms collectors club, for the purpose of displaying of the firearms to the public or to the members of such organization or club, provided, however, that not less than 30 days prior to such exhibition or display, notice of such exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section must be transported in the manner specified in subsection g. of this section.

g. All weapons being transported under subsections b. (2), e. or f. (1) or (3) of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

b. Subsection b. of 2C:39-5 shall not prevent the possession of a handgun for which a permit to purchase the same was obtained pursuant to 2C:58-3 prior to the effective date of this amendatory and supplementary act.

4. Section 6 of P. L. 1979, c. 179 (C. 2C:39-7) is amended to read as follows:

6. Certain Persons Not to Have Weapons.

a. Any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in section 2C:39-1r *other than a handgun*, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P. L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

If the person purchases, owns, possesses or controls a handgun, he shall be guilty of a crime of the second degree.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated above, then that person shall be subject to the provisions of this section.

b. Section 2C:1-8(a) shall not require any merger of any offense defined in this amendatory and supplementary act with any other offense defined in the code or in any other provision of law.

5. N. J. S. 2C:39-8 is amended to read as follows:

2C:39-8 [Blank]

a. Nothing contained in this chapter or in chapter 58 shall be deemed to prohibit:

(1) The lawful acquisition of a firearm by a bona fide museum or non-profit organization for purposes of public exhibition or preservation of the firearm as an historical curiosity.

(2) The interstate transportation of a handgun through this State by persons not within the exemptions, and circumstances, set forth in 2C:39-6, provided that:

(a) prior to such transportation through this State such persons shall give written notification to the superintendent of the time and route to be utilized in transporting such handguns through this State, and

(b) the handguns are carried in New Jersey, unloaded and contained in a closed or fastened case, gunbox, security tied package or locked in the trunk or other similar compartment of the vehicle in which they are being transported, and

(c) the course of travel through New Jersey includes only such deviations as are reasonably necessary under the circumstances, and

(d) the person transporting the handguns through this State is a resident of the United States and has not been denied a permit or license to carry or possess handguns under the laws of any state, district or territory thereof which has licensing requirements which prohibit the issuance of permits or licenses to persons who have been convicited of any offense in any jurisdiction which would be under New Jersey law a crime of the first, second or third degree or who have been convicted of the unlawful use, possession or sale of a controlled dangerous substance.

(3) The transportation of handguns in the course of commerce between the United States and another country or between two foreign countries through this State, provided that the handguns are transported in accordance with the provisions of a. (2)(a), (b) and (c) of this section. No person so transporting such handguns in foreign commerce who would otherwise be subject to prosecution for the possession of a handgun under the provisions of 2C:39–7 shall be immune from prosecution.

b. Any person traveling through this State and possessing a handgun other than in accordance with the exemptions set forth in this section or otherwise specifically set forth in any other provisions of this chapter or chapter 58 shall be subject to prosecution for violating any of the applicable provisions of this chapter and chapter 58.

6. N. J. S. 2C:39–9 is amended to read as follows:

2C:39–9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, or disposes of any weapon including gravity knives, switchblade knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings, [or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58,] is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or any other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm, is guilty of a crime of the fourth degree.

f. Firearms and Handguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm other than a handgun, without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the fourth degree. In the case of a handgun the person shall be guilty of a crime of the third degree.

7. N. J. S. 2C:39-10 is amended to read as follows:

2C:39-10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.

a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), [permits to carry certain firearms (section 2C:58-4),] licenses to procure machine guns (section 2C:58-5) or incendiary or tracer ammunition (section

2C:58–10), except acts which are punishable under section 2C:39–5 or section 2C:39–9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58–7), or of certain wounds (section 2C:58–8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase [or a permit to carry] a handgun, or a permit to possess a machine gun, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or any other firearm, is guilty of a crime of the third degree.

8. N. J. S. 2C:39–12 is amended to read as follows:

2C:39–12. Voluntary Surrender.

a. No person shall be convicted of an offense under this chapter for possessing any firearms, weapons, destructive devices, silencers or explosives, if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrendered the weapon, device, instrument or substance in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the weapon, device, instrument or substance in question and before any investigation has been commenced by any law enforcement agency concerning the unlawful possession. Nothing in this section shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of such weapons, devices, instruments or substances surrendered as herein provided.

b. (1) Any person in lawful possession of one or more handguns prior to the effective date of this amendatory and supplementary act, including but not limited to those in possession of handguns in the circumstances set forth in 2C:39–6e., and whose possession is unlawful after the effective date of this act, shall surrender that handgun pursuant to the provisions of subsection a. of this section prior to or on the effective date of this act. Any person surrendering a handgun in such a manner shall be compensated pursuant to the provisions of subsection c. of this section.

(2) Any person in unlawful possession of a handgun or handguns after the effective date of this amendatory and supplementary act shall surrender that handgun pursuant to the provisions of subsection a. of this section and shall not be compensated in accordance with the provisions of subsection c. of this section.

(3) Any person in lawful possession of a handgun or handguns prior to the effective date of this amendatory and supplementary act and whose possession is lawful after the effective date, may at any time surrender that handgun pursuant to the provisions of this section and shall be compensated in accordance with the provisions of subsection c. of this section. This subsection shall not apply to any manufacturer of handguns or any retail or wholesale dealer in handguns or the employees of any retail or wholesale dealer, or manufacturer of handguns.

c. Any person who surrenders any handgun or handguns pursuant to the provisions of subsection b. of this section shall be compensated in accordance with a schedule to be established by the superintendent. Regulations, consistent with this section, governing the surrender of handguns may be promulgated by the superintendent. Such regulations may include modification of the written notice provisions of subsection a. of this section.

d. Any person in lawful possession of a handgun after the effective date of this amendatory and supplementary act, pursuant to any of the exemptions set forth in 2C:39–6a. and c. and who no longer qualifies for any of those exemptions, shall within 10 days thereafter surrender any handgun or handguns in his possession pursuant to the provisions of subsection a. of this section. Any surrender made pursuant to this subsection may be subject to the compensation as established in subsection c.

9. N. J. S. 2C:58–1 is amended to read as follows:

2C:58–1. Registration of Manufacturers and Wholesale Dealers of Firearms.

a. Registration. Every manufacturer and wholesale dealer of firearms shall register with the superintendent as provided in this section. No person shall engage in the business of, or act as a manufacturer or wholesale dealer of firearms, or manufacture or sell at wholesale any firearm, until he has so registered.

Applications for registration shall be made on such forms as shall be prescribed by the superintendent, and the applicant shall furnish such information and other particulars as may be prescribed by law or by any rules or regulations promulgated by the superintendent. Each application for registration or renewal shall be accompanied by a fee of $150.00.

The superintendent shall prescribe standards and qualifications for the registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare. He shall refuse to register any applicant for registration unless he is satisfied that the applicant can be permitted to engage in business as a manufacturer or wholesale dealer of firearms without any danger to the public safety, health or welfare.

The superintendent shall issue a certificate of registration to every person registered under this section, and such certificate shall be valid for a period of 3 years from the date of issuance.

b. Wholesale dealer's agent. Every registered wholesale dealer of firearms shall cause each of his agents or employees actively engaged in the purchase or sale of firearms to be licensed with the superintendent as a wholesale dealer's agent. Applications for agents' licenses shall be submitted on such forms as shall be prescribed by the superintendent, and shall be signed by the registered wholesale dealer and by the agent. Each application shall be accompanied by a fee of $5.00, and each license shall be valid for so long as the agent or employee remains in the employ of the wholesale dealer and the wholesale dealer remains validly registered under this section. The superintendent shall prescribe standards and qualifications for licensed wholesale dealers' agents, for the protection of the public safety, health and welfare.

c. Revocation of certificate of registration or license. The superintendent may, after reasonable notice to all affected parties and a hearing if requested, revoke any certificate of registration or agent's license if he finds that the registered or licensed person is no longer engaged in the business of manufacturing or wholesaling firearms in this State or that he can no longer be permitted to carry on such business without endangering the public safety, health or welfare. A certificate or license may be canceled at any time at the request of the registered or licensed person.

d. Appeals. Any person aggrieved by the refusal of the superintendent to register him as a manufacturer or wholesale dealer or a wholesale dealer's agent, or by revocation of his certificate or license, may appeal to the Appellate Division of the Superior Court.

e. Records of Sales. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm sold by him. The record shall include the date of sale, the name and address of the purchaser, a description of each firearm and the serial number thereof. The records shall be available for inspection at all reasonable times by any law enforcement officer.

f. The superintendent may promulgate regulations setting forth reasonable limitations on the quantity of handguns possessed in this State by any manufacturer, wholesale dealer and wholesale dealer's agent and may prescribe the conditions under which those handguns are possessed.

10. N. J. S. 2C:58-2 is amended to read as follows:

2C:58-2. Retailing of Firearms.

a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50.00 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of $5.00 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the employ of said retail dealer.

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a [permit to purchase a handgun or a] firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read.

(3) No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

(4) No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

(5) No handgun shall be delivered to any person unless:

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least 7 days have elapsed since the date of application for the permit;

(b) The person is personally known to the seller or presents evidence of his identity; and

(c) The handgun is unloaded and securely wrapped.

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section.

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall rpepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures in register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

f. The superintendent may promulgate regulations setting forth reasonable limitations on the quantity of handguns possessed by any retail dealer and may prescribe the conditions under which those handguns are possessed.

11. N. J. S. 2C:58-3 is amended to read as follows:

2C:58-3. Purchase of Firearms.

a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identi-

fication card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58–2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied [a permit to purchase a handgun or] a firearms purchaser identification card, except as hereinafter set forth. No [handgun purchase permit or] firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21–2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application forms for a handgun purchase permit or firearms purchaser identification card[.]*;*

(4) To any person under the age of 18 years; or

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of [subsection] *sub-*

sections c. *and l.* of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

c. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21–2) whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the

purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. *(1)* The application for the permit to purchase a handgun together with a fee of $2.00, or the application for the firearms purchaser identification card together with a fee of $5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicant. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identication card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said 5 days shall be an offense under section 2C:39–10a. Any firearms purchaser identification card may be

revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of [a permit or] *an* identification card, other than those that are specifically set forth in this chapter.

(2) Renewal of Permit. A permit to purchase a handgun held by a person pursuant to subsection h. of 2C:39-6 shall initially, after the effective date of this amendatory and supplementary act, be valid for a period to be determined by the superintendent, not to exceed 3 years, and thereafter, a permit may be renewed every 3 years, if the person satisfies the requirements of subsection c. of this section. The application for a renewal of a permit, together with a fee of $5.00, shall be delivered or forwarded and processed in the same manner prescribed in subsection g. of this section.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the [county court] *Superior Court.*

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testimony bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter *and chapter 39 of Title 2C of the New Jersey Statutes.* If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Issuance of Permit. A handgun purchase permit shall be issued only to a person who qualifies for one or more of the exemptions set forth in 2C:39-6a. (2), (3), (4), (5), (6), (7), or 2C:39-6c. (1), (2), (3), (4), (5), (7) and (8) and who has also satisfied the criteria of subsection c. of this section.

12. N. J. S. 2C:58-5 is amended to read as follows:

2C:58-5. Licenses to Possess and Carry Machine Guns.

a. Any person who desires to purchase, possess and carry a machine gun in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. *Such applications shall be on forms, and requiring such information as may be prescribed by the superintendent. The superintendent may require the applicant to submit to fingerprinting in addition to any other reasonable form of identification and may require the applicant to provide any reasonable proofs of good character.*

The Superior Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant

intends to carry the machine gun, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a [permit to carry a handgun under section 2C:58-4] *firearms purchaser identification card under section 2C:58-3c.*, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire 1 year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the Superior Court, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

13. Section 14 of P. L. 1979, c. 179 (C. 2C:58-6.1) is amended to read as follows:

14. Possession of Firearms by Minors; Exceptions.

a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who *may lawfully* [holds a permit to] carry a handgun or *who holds* a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. Notwithstanding any other provision of law, any person under the age of 18 years who violates any provision of this section shall be adjudged delinquent.

14. (New section) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire ammunition for a handgun unless the purchaser, assignee, donee, receiver or holder is a holder of a valid permit to purchase a handgun and has obtained a permit to purchase ammunition from the chief of police of the municipality where the holder of the permit resides. Permission to purchase ammunition may be denied by the chief of police with justification. Any person who violates the provisions of this section is a disorderly person.

15. (New section) Every case of a theft of a handgun shall be reported within 48 hours to the police authorities of the municipality where the holder of the handgun resides or to the State Police. Any person who fails to report the theft of a handgun is a disorderly person.

16. (New section) The superintendent is directed to conduct and complete a Statewide public information campaign for the purpose of acquainting the general public with the provisions of this amendatory and supplementary act, especially highlighting N. J. S. 2C:39–12 and section 14 of this act.

17. (New section) If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

18. N. J. S. 2C:58–4 is repealed.

19. This act shall take effect 120 days following its enactment except that section 8 of the act and any provisions of the act authorizing the promulgation of regulations or the prescription of rules, practices or forms, necessary to effectuate the purposes and provisions of this act, shall take effect immediately.

STATEMENT

The purpose of this bill is to prohibit the sale, importation, possession and carrying of handguns except by certain authorized persons. Antique handguns and handguns determined by the superintendent to be collectibles, commemoratives or curios are exempted. Anyone legally owing a handgun prior to the enactment of this bill for which a permit to purchase the same was obtained may retain the gun, but subject to renewal every 3 years. Anyone legally owing a handgun prior to the effective date of this bill without a permit to purchase will have 120 days following enactment to obtain a permit, or the handgun must be surrendered. Any person legally possessing a handgun may surrender it anytime. In both cases, compensation will be provided, pursuant to a schedule to be determined by the superintendent.

Ammunition for handguns may only be sold to a holder of a valid handgun purchase permit who has received permission from the chief of police of the locality where he resides. Permission may be denied with justification.

Notification of the theft of a handgun must be reported by the holder within 48 hours. The superintendent will be required to publicize the act, especially the amnesty provision for surrendering handguns and the requirement to notify the proper authorities of the theft of the handgun.

Any person illegally possessing or carrying a handgun is guilty of a crime of the third degree, i.e., imprisonment of between 3 to 5 years or a fine up to $7,500.00, or both.

SENATOR FRANK X. GRAVES, JR. (Chairman): Good morning ladies and gentlemen. I would like to introduce the members of the Committee who will be hearing the testimony and making a decision on what this bill is all about. On my extreme right is Senator Barry Parker. Next to him is Senator Foran. Next to him is Senator Rodgers. My name is Senator Graves. I am Chairman of this Committee.

I am going to express to you some of the rules which somehow or another you are going to have to live by while I am chairing this meeting. Number one, the State Police have ordered that there will be no smoking in the balcony. Number two, those of you who wish to come downstairs or those of you who wish to go on either side of the Assembly Chamber are invited to so do. If you want to stay where you are, that's fine. If you do not agree with a speaker, I can assure you that I will not be the least impressed, nor will any other member of the Senate be impressed, by any calls that will be made by the audience.

I think all of us went through a very peculiar day yesterday and I imagine none received less than 200 telephone calls. All of them were polite. All of them were firm. All of them gave opinions on what most of you here evidentally feel about this particular piece of legislation. I ask you to conduct yourself as those who made all the calls did yesterday. We will take a break in about an hour and three-quarters. If necessary, we will continue the hearing into this afternoon, and in all probability we will continue the hearing beyond today.

Those of you who wish to testify, if it is not going to be repetitious of previous testimony, and not just rhetoric, I ask that you give your name and your sponsorship, or your specific cause, to this gentleman who is seated on my left. His name is Steve Robbins. He will see that you get on the list.

The Chairman will extend to the members of the Legislature who wish to speak the right to testify first. We will start the proceeding by hearing from the sponsor of the legislation, who will outline what his goals are, what the legislation is about, and why he feels this legislation should become a law in the State of New Jersey. Senator Joseph Merlino.

SENATOR PARKER: Mr. Chairman, before we proceed, I sent a telegram to you yesterday and I also tried to get hold of Senator Merlino. The purpose of the telegram was that I felt, out of respect to the President and all of those people who were seriously and critically injured, we should adjourn this hearing today to a later time. I realize that people have come from some distance and want to be heard, but I think out of respect to them and because of the circumstances that are surrounding this, we should have facts and it should be based solely on the facts and not on emotion. I am afraid today it may become emotional, and circumstances may arise which would not lend themselves to the clear determination of the issue surrounding this particular proposal.

I just want to comment that the Senate of the United States adjourned yesterday. The House of Representatives adjourned yesterday. They cancelled the Oscar Awards for only the third time in the history of that presentation. Congressman Florio, as a matter of fact, had a press conference and a fund raiser scheduled last night and he cancelled that. I feel that under these circumstances we should not deliberate on this matter today, and that we

should consider this at a later time, in all due deference to all the people present, the sportsmen and all the others who have come here today to testify. I think they would agree that rational consideration is the order of the day. I move that we postpone this for a period of two weeks.

SENATOR FORAN: Mr. Chairman, I would like to second the motion.

SENATOR GRAVES: Senators, on the motion. Is Senator Caufield in the building? (no response)

When you called me yesterday afternoon, I gave some absolute consideration to the feelings you have expressed here, Senator Parker.

SENATOR PARKER: I know you did.

SENATOR GRAVES: And, I left it that the sponsor was anxious for deliberation on what he considers an extremely important piece of legislation. I also told you, as I did at least eight members of the press, that I would reserve decision up until about ten o'clock last night. But, after hearing the complete report of all those who had been injuried, and more specifically the President, and since all signs are extremely hopeful - in fact, I heard on the radio coming down this morning that he even has signed an important piece of legislation this morning in the hospital and that he is continuing on with the functions of government - and in view of the fact that some of those here in the audience have traveled more than one hundred miles, and maybe at some sacrifice have given up $50 of $60 in a day's pay, less or more, I think it would be a total imposition upon our constituency at this time to postpone this hearing. Therefore, I would urge that this motion not be accepted and be defeated. (applause)

Pardon me. You are doing exactly what I had expressly asked you not to do when I outlined the rules and regulations. Two minutes later you are running contrary to it. Please help us by reserving your emotions.

Senator Rodgers?

SENATOR RODGERS: I think you should continue on with the hearing.

SENATOR GRAVES: All right. It is the decision of the Chair that the hearing will proceed because it would take three votes to postpone it. Since two of the Senators are negative on the issue, the hearing will proceed.

Senator Joseph Merlino, you are the President of the New Jersey State Senate, and you are the author of this legislation. The Chair, on behalf of this Committee, asks that you outline what the intentions of the legislation are, and what you feel would be the results of this legislation. Senator Merlino.

S E N A T O R J O S E P H P. M E R L I N O: Thank you, Senator Graves, and members of the Committee. I too was very much concerned with the incidents that happened yesterday, and I was in perfect agreement with the Chairman of the Committee. I was in contact with him several times. I am pleased that the hearing is going as scheduled today. I don't intend to permit the happenings of yesterday to influence me in any way. Obviously, I have been influenced a long time ago by a series of other incidents that happen every day in our society. Unfortunately, the President of the United States and three other people became statistics in the ever increasing number of victims of hand gun assaults and crimes.

I am here today to explain why Senate Bill 3169 is necessary, a bill that has become tragically timely, a bill which was authored by me,

and sponsored by me, but also co-sponsored by nine other members of the New Jersey State Senate. We are all grateful that the President of the United States is in excellent condition this morning and going about the affairs of state, and our heartfelt best wishes go out to President Regan and his family. We are all too often shocked by the violent times in which we live. People we look up to, our Nation's highest officials, have often been the targets of sick or ignorant or angry people who look for their answers from behind the barrel of a gun. The assassination attempt against President Regan was carried out with a small, concealable, 22 caliber handgun, an "R" "G" 14. An RG 14 is something of a staple in the criminal world, there are thousands of them produced every year. President Regan's assailant bought his RG 14 for forty seven dollars in Texas, and he bought it legally.

Under the legislation we are proposing today, he would not have been able to purchase or carry that handgun in New Jersey. I introduced this legislation last Monday because there is an epidemic of handguns in this State and in our country. And, no one here today, whether they favor this bill or oppose this bill can dispute that fact.

The handgun epidemic may not be self-evident to everyone but it is real, it is as real as a slow silent growth of cancer and just as deadly. There are over 50 million handguns in the United States today and another 2 million added to that arsenal each year. We have one of the highest handgun murder rates of any civilized country in the world. In any given year, we kill between four and ten times more of our citizens than Great Britain, Japan, West Germany, and France. Each of these nations has taken steps to reduce the availability of handguns in their societies. The handgun epidemic and its effects hit too close to home.

During the last three years more than 155,000 firearm applications were filed in New Jersey. Of that total only two and one-half percent were denied for the standard mental or criminal reasons.

That number of applications has been steadily rising for the last fifteen years, while the percentage of denials has fallen. If a John Hinkley were to apply for a permit in New Jersey under the present law, he would get one. During the same period, handgun violence has increased dramatically.

Today, one New Jerseyan is murdered with a handgun nearly every thirty-six hours. Handguns are fast becoming a way of life in our State and in our country. The fear of crime feeds a vicious circle that begins with the purchase of a handgun for protection and ends with that handgun being stolen, or being used against a family member or acquanitance.

Fifty percent of all handguns used in crime are stolen from legal owners. And, that in turn sparks another round of fear, fueling the addition of even more handguns into society. The simple fact is that the purchase of a handgun does not deter crime. It only increases the likelihood that more deadly crime will occur.

Collectively, the massive increase in the number of available handguns has promoted the incidence of violent crime and handgun sales are at record levels. During today's testimony you are going to hear many cliched statements that, "guns don't kill people; people kill people," or about "the right to bear arms," and some will argue that other laws in other states have not worked. None of these arguments are valid. They are all geared toward whipping up

hysteria among those of our people who feel some deep emotional need to have a handgun at their side. No law in any state has attacked the central problem, and that is the easy availability of handguns, and the massive numbers of easily affordable, easily found, and easily discarded handguns. Any law that does not attempt to reduce the overall availability of handguns will never reduce the incidence of handgun crime. This bill attacks that problem. This bill will prohibit the sale, transfer, importation, and possession of handguns.

It will tighten restrictions on those handguns presently owned and permitted by requiring renewal of those permits ever three years, and that renewal can be denied with justification. The bill provides that the purchase of ammunition will be subject to approval by local police departments so that a record is kept of who is using deadly ammunition.

Taken together, the provisions of this bill will weed a significant number of handguns out of our society forever. By preventing the sale of new handguns, this bill will greatly speed a reduction in the number of handguns through attrition. Old handguns don't last long in criminal hands. Reducing the number of new ones will speed that process.

Will this bill make it tougher for criminals to obtain handguns? It most certainly will. Will this bill take firearms away from sportsmen? No, it will not.

Handguns are designed for concealment. They are rarely used for sport, and although they comprise only a small minority of all firearms, they account for nearly all firearm abuses.

Many politicians talk about fighting crime. This bill gives us the opportunity to do more than just talk. This bill will be effective even though it is only on the state level. Criminals, as we said, may still try to scrounge up handguns from some other source. To say this is not only wrong, it is a cop-out. Automobile accidents will always occur. Does that mean we should abandon all our attempts to mandate highway safety standards? Should we allow toxic waste dumping all over our state simply because some of our people will always get cancer? Or should we throw away all our aviation safety standards just because at some point in time a plane crash will happen? I think we know the answers to all those questions.

The root question here is are we going to allow the number of handguns to increase every year until justice is decided by hangun carriers, by criminals, and fast draw artists? Or, are we going to act now to attack this epidemic at its cause? I think the answer is clear. Passage of this bill will reduce handgun crime in New Jersey. It will also send a message to our neighboring states and to the entire nation that we in New Jersey recognize the danger at hand as we have in so many other areas of national concern. Perhaps we can move the nation to action.

I can think of no greater advocate for handgun control than our own Congressman, Peter Rodino, and I am proud to say that he has sent a letter of support for this bill to the Chairman of this Committee. If we can prevent only a few of the hundreds of New Jerseyans who might die this year by handguns from being needlessly murdered and if we can forever reduce the number of handgun murders in our society, even if only a small number, then I say it is worth the try. Thank you, Mr. Chairman, that is my testimony.

SENATOR GRAVES: Senator Parker, do you have any questions?

SENATOR PARKER: Yes. Senator Merlino, you live on Parkside Avenue in the City of Trenton?

SENATOR MERLINO: That's close enough. Whittier Avenue.

SENATOR PARKER: How would you go about protecting your wife and family at home without a handgun, or without a gun?

SENATOR MERLINO: First off, I do not own a handgun. I wouldn't presume that I would be able to protect myself or anyone else in my home by merely having a handgun in my own home. I also have children. We have five children in our home. I would never be so callous or careless to think that I would ever leave my home knowing that my children are there and that there was a handgun in the house. We live in a society of laws, Senator Parker. We have a telephone. We have police protection. (laughter) We also have hyenas who laugh at public statements that are being made.

SENATOR PARKER: This is one of the reasons I thought the hearing ought to be postponed.

SENATOR MERLINO: I don't ever presume that I would need a handgun in my home. I would never have one there, Senator Parker.

SENATOR PARKER: Let me ask you this, Senator: My house has been broken into three times in Mount Holly, once when I was in the house. How many times has your house been entered or been broken into?

SENATOR MERLINO: I think once that I can recall, when no one was at home. And, if there was a handgun in my house, that handgun would now be in the possession of a criminal -- another reason why I would never permit a handgun in my house.

SENATOR PARKER: I just want to know, sir, how your wife would defend herself, or your son, 13 or 14 years old, would defend himself if an intruder came into the house at twelve o'clock at night and you weren't present?

SENATOR MERLINO: The defense would certainly not be with a handgun because I reply the handgun would not be in my house. I would be very thankful and grateful that they didn't think or know that someplace in my house - this is my family - there was a handgun and they would be foolish enough to try to get to that handgun while an intruder was in my house and possibly armed. My family would be dead before they would get to use any handgun I might have in my house, or your house, or anyone's house. Most handgun murders are committed by stolen guns or by people who have guns in their own homes for protection.

SENATOR PARKER: Do you have any security devices in your home?

SENATOR MERLINO: I have locks.

SENATOR PARKER: Do you have an alarm system?

SENATOR MERLINO: I have locks on my doors and on my windows, and I have the utmost confidence in the police department of the City of Trenton.

SENATOR PARKER: Well, I don't know what your wife or your children would use to defend themselves if somebody broke in and they heard them, or if an alarm was tripped in order to give them some time to respond. I can tell you my feelings about it.

SENATOR MERLINO: You're entitled to those feelings, Senator.

SENATOR PARKER: I know that. I just wondered how you personally intended to protect your family -- with a hammer, with a screw driver, or some other type of device?

SENATOR MERLINO: I don't understand the relevancy of your question, Senator Parker. I wouldn't presume to tell you how to defend your family, and I think it is rather presumptuous on your part to question my devotion or my concern for the protection of my family. I'll tell you once more. I do not have a handgun in my house. I would never permit a handgun in my house, and my family has always been adequately protected as far as I am concerned and as far as they are concerned. They do not live in fear that they have to have a handgun in the house to protect them. They recognize -- my wife and my children are rational and intelligent ehough to know that a handgun wuld be more of a detriment than a protection.

SENATOR PARKER: Do you think your constituents, the elderly especially and the women, who live in apartments or who live by themselves or live in areas where they, in fact, become prisoners in their own home bacuse of the fear of crime--

SENATOR MERLINO: That's why I have introduced this bill.

SENATOR PARKER: (continuing) --feel the same way as you do?

SENATOR MERLINO: Absolutely. That's why I introduced this bill, so they don't have to live in fear. Speak to the senior citizens, Senator Parker, like I have done, and like I did Saturday on four different occasions in Atlantic City. The senior citizens of this State are waiting for the opportunity to feel free to walk on the street, not just in their own home, and if they know that the incidence of possession of handguns is being reduced, they will feel that confident about walking on the streets.

SENATOR PARKER: Well, it appears to me that if your bill passes, the only ones that would have the guns would be the criminals who they fear, and they would be the ones that would use them.

SENATOR MERLINO: Touche, Senator, that is one of the cliches that I referred to in my statement -- absolute cop-out. If you reduce the number of handguns available, you reduce the number of handguns that criminals can get their hands on and we will eventually rid ourselves of this cancer.

SENATOR PARKER: Let me just ask two other questions. You indicated in your statement that Hinkley would be able to get a gun here in the State of New Jersey. I just want to point out two things to you. Number one, he had an arrest record in Tennessee, and under the existing law would an arrest record preclude him from getting a handgun -- under our law?

SENATOR MERLINO: A known arrest record that they were able to receive over the State Police teletype, if they made such an inquiry, yes.

SENATOR PARKER: I would hope that if you are so confident about the police in your home, you would be confident about the way they do their checks. (laughter)

SENATOR MERLINO: I see you brought your gallery with you. (applause)

SENATOR PARKER: Let me ask you another question.

SENATOR MERLINO: Let me answer the first question, Senator Parker.

SENATOR GRAVES: Mr. Merlino, Mr. Parker -- I am sure all of you would not have wanted to waste your trip (addressing audience). I am going to notify you that I, on two occasions, told you what the ground rules were. I don't want to prove to you that I can enforce those ground rules. If there is an outburst, those who are noticed by the State Police as being responsible for that outburst will be removed from the room. Now, don't let your trip be wasted. Sit here and listen. If you have something to say, I am going to

give you the chance to say it. Abide by those rules.

SENATOR MERLINO: Senator Parker, I think you are relying on media information about the record - the criminal record - in Tennessee. The media information that I listened to said that the criminal record in Tennessee occurred after he bought the gun legally in Texas. Therefore, had he applied to buy the gun at the same time in New Jersey, there would be no criminal record in Tennessee to be picked up.

SENATOR PARKER: You said further that he would be able to purchase a gun, and I ask you whether, under our law, someone who is under psychiatric care and who answers the questions truthfully in the State of New Jersey would be permitted to have the right to purchase a gun in New Jersey?

SENATOR MERLINO: Someone who answers the questions truthfully?

SENATOR PARKER: I assume truthfully. Assume that he answers the question truthfully and admits that he is under psychiatric care at the time, would he be permitted to buy a gun in the State of New Jersey?

SENATOR MERLINO: Visiting a psychiatrist doesn't mean you are mentally disturbed. I don't understand the question. I think it is irrelevent.

SENATOR PARKER: It is my understanding that under our existing gun law, the purchaser identification requires an answer to: "Are you under psychiatric care"? And, assuming that he answers the question properly, that he was at the time, would he be permitted to have a gun in New Jersey?

SENATOR MERLINO: I can make no such assumption.

SENATOR PARKER: Let me ask you one other question about the bill. You stated, and it states in the bill, that it affects the transport or import, I think the language is, of weapons. As a matter of interstate commerce, and the way the laws are now set up - as far as I understand the Federal laws - can New Jersey, in fact, do that?

SENATOR MERLINO: It is certainly worth the try, Senator.

SENATOR PARKER: Well, do you have any legal opinion from the Attorney General?

SENATOR MERLINO: I have no legal opinion that we can't do it either.

SENATOR PARKER: I have no further questions.

SENATOR GRAVES: Senator Foran.

SENATOR FORAN: Thank you, Mr. Chairman.

SENATOR MERLINO: Is that your gun permit you have in your hand?

SENATOR FORAN: Yes. Under the current law, Senator Merlino, you stated in your opening statement that it is very easy to obtain a permit to buy a handgun in the State of New Jersey. I have in my possession my firearm purchaser identification card that absolutely precludes the purchase of handguns. I can get a shotgun. I have to have this to buy a B-B gun. And, I happen to be a sportsman and I do have a shotgun in my possession at home, legally with a permit. Let me ask you a question. How can you say that it is a very easy thing to purchase and to have a permit for a handgun when I, as a Senator, have tried, on numerous occasions, to get permits for salesmen carrying very valuable articles in their automobile, and the State Police of New Jersey and the local judges absolutely turn it down. I find it very difficult to get a permit for a handgun in the State of New Jersey. Would you care to comment?

SENATOR MERLINO: Well, you are talking about two different things, one to permit the purchase and another a permit to carry.

SENATOR FORAN: A permit to carry, right.

SENATOR MERLINO: Okay. I commend those police departments for being as strong and as stringent as they are in not issuing permits to carry guns. And, as a Senator I have never, never signed or made a recommendation for anyone, out of all those who have asked me, to carry a gun.

SENATOR FORAN: Well, I have done it twice, Joe, and I have been turned down. So, it doesn't work too good even though you are a Senator.

SENATOR MERLINO: Right. I never tried.

SENATOR FORAN: May I continue?

SENATOR MERLINO: Sure.

SENATOR FORAN: In the statement of your bill, you state that anybody illegally owning a handgun prior to the effective date of this bill without a permit to purchase will have 120 days following the enactment to obtain a permit or the handgun must be surrendered, and if surrendered it will be compensated by apparently a fee schedule.

SENATOR MERLINO: Yes.

SENATOR FORAN: Where in your bill does it state the money is going to come from to allow for this compensation?

SENATOR MERLINO: Well, I guess you and I, as members of the Appropriations Committee, will find the money.

SENATOR FORAN: Do you have any idea what it might cost, Senator?

SENATOR MERLINO: I have no idea what it might cost, but after the first three year recycling of these permits there would be a five dollar fee for each reregistration. Hopefully, some of the money that the State pays out will be returned.

SENATOR FORAN: Let me ask you another question. I happen to be an owner of a handgun. I don't know whether I am legal or illegal at this point. I was very fortunate. One afternoon in 1944 a young German came out of the woods and handed me his P38 - that is a 38 caliber pistol. I took it and put it in my footlocker and brought it home as a souvenir, and I can't put a dollar value on it. Under your bill would I be illegal to maintain possession of that although it doesn't come out of my home; it stays in my dresser; it stays in my gun closet? Would I be illegal?

SENATOR MERLINO: If you already have it you can keep it. You merely have to let the authorities know that it is there and register it, or however you identify it.

SENATOR FORAN: Is there any reason that they could pick it up from my if I volunteered that the gun was in my possession and I have to register that weapon? Do you think that it is a violation of my constitutional rights?

SENATOR MERLINO: Why would they take it away from you?

SENATOR FORAN: I said registering it. Would that be a violation of my constitutional rights to maintain that weapon within my home?

SENATOR MERLINO: That's why the bill grandfathers in already possessed guns.

SENATOR FORAN: Okay, that's what I was getting at. There is some grandfather provision in this bill, is that correct?

SENATOR MERLINO: That's my--

SENATOR FORAN: Okay. I have been unable to find it as yet, Senator.

SENATOR MERLINO: You have a new printed copy. I don't have one.

They don't even give the sponsor a new copy of the bill.

SENATOR FORAN: Well, I am sure we will get to it later as the testimony proceeds. I have one other question that I think kind of boarders on what Senator Parker was trying to get at, Joe -- if I may presume to be personal.

SENATOR MERLINO: You better be.

SENATOR FORAN: The purpose of the bill is to prohibit the sale and importation, etc., etc., of handguns. How in the world if this bill passes, would the State Police and the local police, or any other arm of the law enforcement agencies in this State, be able to enforce it? One, we are corridor state between Pennsylvania and New York. Would there be a system if, say, I go to Maryland to visit my daughter? Am I subject to search when coming back into New Jersey because I might have a gun in my possession or even a carton of untaxed cigarettes? I don't understand how you can actually get the enforcement of it on the interstate part. I can understand how you can do it within a sporting goods store established in New Jersey, for example. I can see that. But, how in the world are you going to prevent a bent mind from going to Dallas, Teaxas, or North Carolina, or any place else, pick up a Saturday night special or a magnum 347, or whatever, and bring it in the back of his car into the state? How do you prevent that?

SENATOR MERLINO: I think we have to begin with the premise of the intent. The intent of this bill is to reduce the incident and the number of handguns in the State of New Jersey. Criminals will always be criminals. Criminals will always steal. Criminals will always try to circumvent the law by buying guns or whatever they do. But, by reducing the availability of guns already in the State, by preventing people from buying guns - law abiding citizens who buy guns and bring them into their homes for protection-- Fifty percent of crimes are committed by guns that were originally obtained legally by people like you and me and everyone sitting in this room for so-called protection. We begin by cutting the incident of the availability of those handguns.

As far as your carrying a gun into the State from somewhere else, you are subject to the same kind of arrest as anyone else driving across the boarders of this State. If the State Police or any other police have reason to believe that a crime is being committed, that you are carrying untaxed cigarettes, or carrying in some form of narcotic, or some illegal gun, under the law as it now stands they are reasons to believe and the laws of search and seizure are very stringent. So, I don't know that you expose yourself to any greater danger or that there would be any substantial violation of anyone's rights merely because they drive across the state line and we now have this law in effect.

SENATOR FORAN: I am not talking about the right to drive across the state line. I am talking about the importation of a gun, a hundred guns, ten cartons of cigarettes, or one hundred cartons of cigarettes -- untaxed. I cannot see the enforcability of this law as far as the importation end of what you are trying to do is concerned. I can't see, for the life of me, how this bill could work. If a criminal mind, a bent mind, went to Pennsylvania, Montana or Pango-Pango and bought a gun, and he had it in the trunk of his car and he brought it back to New Jersey, it is in here that he is in violation of the law, but he is only in violation of the law if he gets caught. Now,

how can we enforce that under your law?

SENATOR MERLINO: Well, no one is in violation of the law until he is caught. We say you are a first offender so many times only because it is the first time you were caught. There is no difference in enforcing this law than there is in enforcing the law against bringing any contraband into this state.

SENATOR FORAN: All right. One further question.

SENATOR MERLINO: And our aim is to reduce crime on the streets by guns that are already here.

SENATOR FORAN: One further question, Mr. Chairman, if I may. You made a statement in your opening remarks that you felt that crime would be reduced. To your knowledge, do states that have comparable laws or even more stringent laws -- has it been reduced, say, in Washington, D.C. or in New York City, where they probably have the most stringent law of this kind in the world? In your estimation, has crime been reduced in those areas? Do you have any facts on that, Senator?

SENATOR MERLINO: No.

SENATOR FORAN: Okay, thank you, Mr. Chairman.

SENATOR GRAVES: Senator Rodgers.

SENATOR RODGERS: Personally, I am looking at a list of people that are going to speak here, and I hope that we will get on with the people who are ready to testify. I am sure from the list that is before me, we will learn a lot as we listen. I hope that the Chairman will continue and we will get to the nut of the thing.

SENATOR GRAVES: Senator Caufield.

SENATOR CAUFIELD: No questions.

SENATOR GRAVES: Senator Merlino?

SENATOR MERLINO: You can call me Joe.

SENATOR GRAVES: The reason that the Chair has permitted such exhaustive questioning of you is to bring forth from the sponsor of this legislation every detail we could grasp. Now, no one knows better than me the help that you were to me in making the first mandatory sentencing law become a fact in the Graves Bill that became law on February 13th. And, I know that your interest in this problem isn't new because you worked with me for a year and brought it to a head. Without your help, we would have never passed it on February 13th. I plainly say that. So, I realize fully that your reasoning in this particular direction isn't newly-found, but is based upon work and direction that you have taken from some time.

But, our new law is only a month old and our new law is what is considered to be one of the strongest laws in the country, in which sentences are mandated for those who use guns in the commission of a crime. The law was watered down somewhat from its origin in the Senate to the Assembly, and I am going to introduce legislation within a very short time to bring those penalties up to where they should be: ten years on a first offense and life imprisonment on the second offense.

One of the things that concerns me about the legislation that you are introducing to us here today is can it be effective unless it is done on a national basis? Let me explain by saying that if New Jersey was isolated onto itself and Essex County decided, through their Board of Freeholders,

to ban the purchase, sale, and ownership of guns in Essex County because they had a right to do that, but the other 20 counties did not ban guns, I would belive that Essex County would be safer than maybe the other 20 counties. But, could we effectively enforce such legislation unless it is done on a national level?

Last night we saw on televison the excessive easiness of one -- I call "cuckoo clock" to be able to walk into a store in Texas and walk out with two or three pistols. I again concern myself with the fact that he could walk out with 3 pistols, put them into his car, and not worry about being detected on an airplane. He could drive, if he carefully guarded against violations so as not to cause any curiosity on the part of a patrol officer on his trip through the country. So, could we accomplish what we what to do, or is the floodgate still going to be wide open for those who want to use guns in the commission of a crime? That's two.

Three, there are some salient features to your bill that if the entire bill were not passed could almost stand by themselves and be worthy of consideration. One of them which gives me some trouble, however, is that if a person belonged to a sportsmens' club and he could not carry his gun from that location back to this home, he would have to leave it there. That would concern me to no end, because they are usually in an isolated place and unless they were built with the strength of an armory they would become a target for those who would prey upon society by getting hold of these firearms and using them.

I don't ask for answers on any of these things, Senator Merlino, but these are some of the questions that are involved that will, when the testimony is over and we are down to the sum total - as Senator Rodgers pointed out - require an answer from you on how you feel this can be effective if all the other things aren't in place.

The next witness will be--

SENATOR MERLINO: Can I give you a little response?

SENATOR GRAVES: No. The next witness-- Go ahead. I just saw my next 50 bills pulled down. (laughter)

SENATOR MERLINO: As Senator Parker suggested, unless he agreed with me I would make life miserable for him for the rest of the term, I hope you didn't feel the same way. But, you know, there is no question that we need a national law, Senator Graves. There is no question. We needed a national civil rights law, but that didn't stop New Jersey from passing their own. No one would disagree with you that no one piece of legislation, whether it be state or national, is going to eliminate and wipe out handgun crimes. I can only tell you that if by New Jersey taking the lead and if by New Jesey being responsible for the saving of one life, this legislation is worthwhile. Thank you.

SENATOR GRAVES: Okay. Mr. Pat Murphy, the former Police Commissioner of New York. Mr. Murphy.

P A T R I C K M U R P H Y: Thank you, Senator.

SENATOR GRAVES: Please be seated. For the purpose of the record, you are Mr. Patrick Murphy, former Police Commissioner of the City of New York and now of the Police Foundation of Washington, D.C., is that right, sir?

MR. MURPHY: That's correct, Senator.

SENATOR GRAVES: Thank you.

MR. MURPHY: Thank you very much, Senator, distinguished members. It is a pleasure for me to be able to accept the invitation to appear before you today and to express my opinion as a former police officer and police administrator concerning this legislation, and to have the opportunity to respond to any questions you may wish to put to me.

During my long career in police work, beginning in New York City as a police officer in 1945, and serving also in the ranks of Sargeant, Lieutenant, Captain, and other ranks, I have had the good fortune to serve not only as Police Commissioner in New York City, but also as Police Commissioner in Detroit, Public Safety Director in Washington, D.C., and as Chief of Police in Syracuse, New York. This unusual opportunity to serve in four cities as a police administrator has provided me the opportunity to observe differences in the experience of police departments and police officers in dealing with the crime problem, and the violent crime problem, and the problem of concealed weapons - the handgun.

During my career as a police officer, more times than I would like to remember I have responded to suicides, gun accidents, family quarrels where weapons were used and lives were lost or serious injuries were inflicted, and to the scenes of many violent crimes, including robberies, felonious assaults, and murders, during which handguns were often used. But, I consider myself fortunate that my career in police work on the street occurred some number of years ago because the police officers who serve on the streets of our cities today, and not only our cities, I am sorry to say, but increasingly in our towns and even suburban and rural areas, are faced with such a higher level of crime, especially violent crime, that I think the American people fail to understand how much the police officer gives them -- how much beyond what they are willing to pay for that bravery, dedication, and professionalism that we sadly saw again so dramatically yesterday on the part of a Washington police officer.

While I was Police Commissioner in New York City in 1971, I had the sad duty to bury 12 officers who were killed in the line of duty by handguns. The number of police officers killed in the United States in the past several years, most of them by handguns, is nothing less than a national scandal. The entire blame for this problem cannot be laid to the fact that we do not have adequate gun control legislation, either nationally or in our fifty states, but, in my opinion, it is a significant part of this problem. Of course, there are many other weaknesses in our crime control system. But, the wide availability today of handguns, estimated as high as fifty million throughout the nation, is certainly a significant contributing factor in the violence against police officers and against our citizens.

In listening to some of the earlier questions, I feel compelled to support the position that was stated, that the police do their job. The police of this nation do their job and they do protect the people of this nation. In spite of the widespread availability of handguns, in spite of many other problems, the basic protection of the people is provided by the police officers, who every hour of every day are available and who never hesitate to respond when that call for help comes, whatever the danger.

As Chief Justice Warren Burger told the nation some weeks ago, we are in the depths of an enormous crisis of crime, expecially violent crime, in this nation. Chief Justice Burger proposed some solutions, which we may or may not agree with. He also said that we must spend much more money to control crime in this country. I am sorry to say that we are not spending enough money and the federal government is cutting back its very modest support with its Law Enforcement Assistance Program. There is no quick fix. There is no cheap solution to this problem of crime. Yet, in a time of fiscal restraint, I share a concern that I am certain is part of your concern, that the problem of crime will be with us for much too long.

I would like to commend the State of New Jersey, not only for the many reforms it has given leadership to in the past several years, but this state and its government have been concerned about crime and the need for improving the crime control apparatus, not just the police but prosecution and courts and our correction systems. I would also like to commend the State of New Jersey for the initiative that is being proposed by this legislation in adopting the kind of crime control and gun control program that I feel will be a model for the entire nation.

Some of the earlier questions referred to the fact, and I think it is a valid point, that no state can be an oasis; neither can any county be an oasis within a state. But, I am pleased and privileged to travel to New Jersey today to support this legislation because I think here we have the possibility of New Jersey once again giving leadership and providing a model for the other states of this nation until the day will finally come when at the national level we will get the kind of gun control that we need.

I think it has been tragic that there have been so many misunderstandings about the problem of possession of guns. It is most unfortunate that people who are hunters and people who are members of gun clubs have often been in opposition to gun control legislation. I think on the basis of a misunderstanding it is possible for us to have the kind of gun control we should have to reduce the level of violent crime in the country at the same time that we fashion legislation that will permit hunters and the possessors of antique weapons and members of gun clubs who shoot for sport or recreation to pursue their legitimate desires.

I have been asked many questions over the years about the Sullivan Law in New York State, and it is important to understand that many variables intervene when we attempt to analyze violent crime and compare it to the legislation and how that legislation is enforced within the State. It is my opinion that the Sullivan Law in New York State worked very effectively for many, many years. But, we also know that today guns that get into New York State, the State of New Jersey and many other of our states, move across state lines. Increasingly, they are guns manufactured in the United States. They are not just a cheap Saturday night special. And, I think this legislation addresses that kind of problem. We would be foolhearty to suggest that total enforcement of this kind of legislation could be anticipated in the short range, but I do belive that as the problem of excessive possession of handguns is addressed, not only in New Jersey but hopefully in other states, eventually we will see a tightening up of the entire process of gun control and law enforcement, and not only will our police officers become more effective as the problem

becomes a smaller problem, but I believe our courts will be able to become more severe in sentencing those who use handguns in the commission of crimes.

So, Mr. Chairman, I appreciate the invitation to be with you today to express my strong support for this kind of legislation and to have the opportunity, if it is your please to attempt to respond to any of your questions. Thank you.

SENATOR GRAVES: Thank you, Commissioner Murphy. Senator Dumont.

SENATOR PARKER: We would like to ask a couple of questions.

SENATOR GRAVES: All right.

SENATOR PARKER: Commissioner, first of all let me say that I think the police do a fantastic job, and I have always felt that way. But, I have the feeling that they are totally overwhelmed by crime in this country, regardless of whether it is with handguns or without them, and that it is just impossible for them to do the job that we expect them to do, especially in New Jersey where there are cuts in the budget and we have spending limitations and everything else on them. So, I want to make that clear.

My concern is for the person, like the Chief Justice has indicated and you have indicated, who in fact ends up being a captive in his own home afraid to walk down the sidewalks at night, afraid to drive his car anywhere, afraid to go to the shopping center -- a senior citizen who is not physically capable of being able to take care of himself. How does that person - and I am going from my own experience in my own home town, a suburban community, where every house has been hit at least once or twice in my neighborhood, at night or whether you are at home or not. One of our own Senators had one break into his bedroom while he and his wife where there petrified. How, unless we have some way, or they have some way, to protect ourselves are we going to be able to stop this, or save our own families and our own possessions in our households, which are sacred as I feel?

MR. MURPHY: Certainly our homes should be, and most be, sacred. But, in all sincerity, Senator, I think it would be a mistake to have a handgun. There have been burglaries in my neighborhood. I am happy to say that our home has not been burglarized, although some bikes have been stolen. I have been trained as a police officer. I know how to use a weapon. I do not have a handgun in my home and I would not have a handgun in my home. I know from the sad experience I referred to earlier, that much more often the well-meaning citizen who purchases a handgun to protect his home, more often than it is used against the criminal is in a gun accident or used in a suicide or in a family murder or in a wounding. It is true that violent criminals break into homes, even in rural and suburban areas, as well as our cities and our inner-cities, and it is true that they rape and murder. But, all of my experience, and I think all of the data, Senator, makes clear that the burglar intent on commiting a violent crime is in a very, very small minority. Most burglars break in to steal. I know that I have seen cases in which because a gun was there, there was a confrontation and violence and the innocent citizen was wounded.

So, considering all of this, Senator, I recommend and many police departments and police officers recommend to people that they not have handguns in the home, just as we recommend to the owner of the mom and pop store not

to have a handgun under the counter, and to give them the money and save their lives. Of course, we could point to the example of the successful owner of the small store who did shoot and even kill the criminal, and we applaud this. But, the statistics will make very clear to us that they don't have the drop on the criminal and they come out second best in the encounter.

So, in spite of the high level of violence and the increasing level of violent crime -- and, Senator, I am well aware of the fear of the American people and I am sorry to say that that fear is increasingly well founded -- all things considered, I would still recommend to people that they not have a handgun.

SENATOR PARKER: Let me just ask you about the Sullivan Act. Was violent crime with the use of a weapon reduced in New York as a result of the Sullivan Act?

MR. MURPHY: Yes. Senator, I think the Sullivan Act-- As you know, Senator, the Sullivan Law is a very old law.

SENATOR PARKER: '38 or something like that.

MR. MURPHY: Oh, it goes back a long, long time. I am old enough to remember that as a young police officer the charge of unlawful possession of a weapon was a very serious charge in a court in New York City, and those who were carrying an illegal weapon were dealt with as I am sorry to say they are not being dealt with today. I think it is a problem of numbers and volume. I'm sorry to have to say this, but I think it is true that the judge who sits in a court in New York or Philadelphia day after day with case after case of illegal guns coming before him - and that is what has happened today; we are overwhelmed with them - views it as commonplace. It is not thought of as it was thought of when I was a young police officer in Brooklyn where I know the police officer, the detective, the prosecutor, and the court looked upon that as a very serious charge. It was a time when criminals did not want to get caught with a gun because they would be dealt with severely.

It is my opinion that this is our problem today, that our courts are so overwhelmed, and you referred to the fact that our police departments are overwhelmed, with crime today.

SENATOR PARKER: I asked that question with some specific facts in mind. It is my understanding that in New York it did not work, for whatever reason.

Secondly, there are some 3,000 permits that are valid permits in New York City, and some two million illegal handguns there. I just wondered. New Jersey has about nine million or seven million. Assuming the statistics are somewhat the same, how in the world is it ever going to be enforceable even if we put it into effect?

MR. MURPHY: Senator, as I said, I don't think we are going to change things very much in a month or a year, but I applaud this effort because I think it is a first step in the right direction. Let's be honest with one another, this is going to take time, just as mandatory sentencing is going to take time to have its impact. There is no quick fix for this problem of crime, but do we throw up our hands and surrender, or do we look ahead a year, five years, or ten years from now and say, "Is there some beginning we should be making now"?

Senator, I have had the good fortune to visit the police in England,

in France, in West Germany, and in Japan. In London, just a few weeks ago, a police officer was killed, the first one in eight or ten years. But, guns are under very strict control, just as they are in Japan. This does not mean that the hunter may not have a gun. They are registered with the police; they may be used. People do hunt a great deal in England. But, the handgun is under very, very strict control, very tightly limited, and as you know in London the police are not even armed.

SENATOR PARKER: I thought they were now.

MR. MURPHY: No, the police are not armed in London or the South of Ireland. They are armed in the North of Ireland, not the South of Ireland.

SENATOR PARKER: Just one point, we do have legislation you are probably not aware of for the antique firearms. We tried to exempt them from an existing law and it was not acceptable here and we never did get it passed.

I have just one other question, and this doesn't go to this particular bill itself, but it goes to the situation of crime and the impact that we can have. Do you feel, as apparently Chief Justice Burger does, that there has to be some change in some of our constitutional guarantees for search, self-incrimination of the witness, bail, the speedy trial, right to consel? Do you feel that that should be addressed in any way, and should there be some change in some of those constitutional guarantees to give the public more rights or protection than, for instance, the perpetrator of a crime?

MR. MURPHY: My honest opinion, Senator, is that the so-called Warren Supreme Court decisions, and there have been similar decisions by the Berger Supreme Court, have really not handicapped us. They have forced us to be more careful, to pay more attention to the law. I think all of those decisions came about because we failed to regulate ourselves, and I think a review of all of those famous cases would indicate that the excess on the part of the police, with all good intentions - officers wanting to solve crimes - were so extreme that it called upon the courts to correct this police behavior.

I agree with Chief Justice Berger that one of the things we have to do is to spend a lot more money if the American people want to incarcerate all of the prisoners they seem to indicate they want to incarcerate. Gentlemen, get ready to increase your budget for corrections something like ten to twenty fold. I am not talking about doubling it or tripling it. A study released only last week, which may be of interest to you, was the report on incarcertaion in this country, and it makes it very clear that if we want longer sentences for the criminals, and if we are going to continue to incarcerate the people we now do, including many who commit property crimes as well as those who commit violent crimes, let's get ready to spend five to ten to twenty times as much money on corrections. I am not sure we are ready to do that. I don't know where that money is going to come from. So, I certainly admire the Chief Justice for what he said. I think we have to spend more money. I think the police need more money. We need better training, better management. We need more research. We need an enormous amount of research. I spent the last eight years of my life in police research, and let me tell you as great as we are - and we are the greatest - we don't know a lot of answers. A lot of things we thought were effective we have learned from research are not effective. But, we are trying. We should have more money to research a lot of these problems. As I said earlier, I admire this state under the current

Governor, Governor Byrne, and Governor Cahill before him, and Governor Hughes; this State has been in the leadership of attempting to improve the system. It is the kind of a state that is unique in a sense, an urban state, not enormously large in area, and it is giving a lot of leadership to the nation. I think you should take credit for that. But, I think in coming at this crime problem there are no easy solutions, and a lot of it will cost money.

SENATOR PARKER: Thank you.

SENATOR GRAVES: Are there any other questions?

SENATOR CAUFIELD: Yes.

SENATOR GRAVES: Senator Caufield.

SENATOR CAUFIELD: Mr. Murphy, a statement has been made several times here today, I think, that all the handguns end up in the hands of criminals and only criminals. Can you respond to that statement and give us your thoughts?

MR. MURPHY: Well, of course we know that many of the handguns that do get into the hands of criminals are stolen in burglaries. The other thing we know about that, incidentally, is that those guns that are stolen in burglaries, principally of residences, are used very quickly thereafter. We have some research on that subject, which means that the criminal apparently - I don't want to guess about this, but we do know for a fact that the handguns that are stolen in burglaries then tend to be used in crimes quite quickly thereafter. The criminal seems not to stash it away for two years and then commit a crime, but not too long thereafter he uses it. That is one of the problems.

Of course, handguns are available on our streets. We have done research on that. The handguns are manufactured up in New England and a few other places in the country. They are shipped legitimately down into the South, into North Carolina, South Carolina, Georgia, Florida, they are sold in lots, they are run up -- you know, the gun runners are coming up 95 in caravans, right up the Pike - Richmond, Washington, Philadelphia, Trenton, New York, and points north, east, and west - peddling those handguns for $150 on the streets of our big cities, and they are being bought by people in drug traffic and by ordinary criminals. So, if the criminal has the money, there are guns out there to be bought on the street.

Now, some police departments are doing work on this problem. We are involved in a project in Rochester, New York, where the police department there is working with the federal authorities trying to get a handle on this problem of illegal gun traffic in Rochester. Hopefully, we will learn something about the Senator's - Senator Foran - concern about how do you enforce this. But, handguns get into the hands of the criminals in a variety of ways. It is not hard for the criminal who wants to get a handgun to get one.

SENATOR CAUFIELD: I think there are two observations, Mr. Chairman, if I may. Senator Parker referred to a Senator and his wife who were petrified, and of course that is outrageous because someone had broken into their home. But, I think we ought to take notice of the fact that the Senator is alive and so is his wife. If they had a handgun, maybe they wouldn't be alive.

Also, I suppose because of my own background as a Newark policeman, as a member of the Essex County Prosecutor's office assigned to homicide, and as a fire director of the Newark Fire Department, especially during those very troubled times in 1967, I probably have seen more violence than anybody else on this committee, and I can assure you that, like you, I do not and

I would not have a handgun in my own home.

SENATOR GRAVES: In conclusion, Mr. Murphy, with your background do you believe that stiff mandatory sentencing is a deterrent to those who would use guns?

MR. MURPHY: I think those who use guns should be dealt with very strongly and the mandatory sentence provision certainly puts teeth in a law.

SENATOR GRAVES: It goes back to what you were saying before, in that judges are taking things so much for granted that the traffic means nothing to them.

MR. MURPHY: And, I think that is when a mandatory law--

SENATOR GRAVES: New Jersey just passed such a law. It took it out of the hands of the judge. If you are found guilty in the commission of a crime, it is mandated that you must go to jail. The only trouble is we didn't make it for long enough. It should be a minimum of ten years, and life on the second try.

Another thing you said was, is the community going to meet its responsibilities for building the necessary penal institutions? I don't think a state can compromise that position. If we permit those that would aggravate and prey upon innocent victims on our streets to go free because we don't provide institutional care for them, then shame on that government; that government is nothing but a fraud itself if it doesn't have those cells available for that. Thank you very much.

The next speaker will be Senator Dumont, who will be followed by Governor Brenden Byrne or his representative, and then Assemblymen Imperale and Markert in that order. Senator Dumont.

SENATOR WAYNE DUMONT, JR.: Mr. Chairman and members of the Senate Committee on Law, Public Safety and Defense, I appreciate this opportunity to appear before you, and particularly in view of the deplorable events of yesterday which we all condemn and think were most tragic.

Normally, I agree with Senator Merlino's legislation, because normally he sponsors good legislation that I can very easily support. I cannot, despite the events of yesterday - and you may hear some emotional appeals today in favor of this legislation as a result of that - support this bill. First of all, I don't think that in any way it is going to deprive criminals of the opportunity to get hand guns. It may cut down on it to some degree, but it isn't going to deprive them of the opportunity.

This legislation alone in one state does not mean that they are not going to get hand guns even if they cannot get them here in New Jersey - and they will be able to, regardless of this bill or anything like it. They will still be able to acquire hand guns in other states, where there are either no laws or very weak laws on the subject, and they will still commit crimes. It was interesting to me to note on WCBS this morning when I was driving here that the number of burglaries in New York City alone were 100,000 last year, 1980. That is up 22% over the previous year. So, obviously the law that is in effect in New York City and New York State are not doing that much good, if any.

If legislation of this kind is to have any effect at all, I think it has to be on a nationwide basis. But even then I question whether it will do a lot of good. Criminal elements today when they commit a burglary - and this was proven or demonstrated just as a matter of fact two weeks ago in Alden Township in Warren County where there was a break-in of a home where the owner was known apparently by the burglars to have many weapons. That was their prime purpose of the break-in, to get those weapons. They got away. I hope because of my great faith in the New Jersey State Police that they will be caught in due time. But, they got away, and it is a known fact that burglars today are after guns first of all, and farther down on the list are money and alcoholic beverages and drugs. But, first of all, the object of their burglary is guns.

Now, secondly, I have to question the wisdom of this kind of legislation on the basis of the fact that President Reagan himself has often spoken against gun control or gun registration. The tragic events of yesterday - fortunately, thank God, the people are recovering, although there is some serious question as to exactly what Mr. Brady's extent of recovery will be. But, we can't simply because of this type of legislation cut down substantially on crimes of violence. I think instead we have to look at what you have initiated, Mr. Chairman, in the old mandatory sentencing bill that you sponsored and which we all supported. I happen to think that is good legislation. I am also for the restoration of capital punishment in this State for certain crimes of violence. In fact there is a stronger bill which I have in and the one that we passed, and which is still languishing in the Assembly, and which probably even if passed by the Assembly will receive a veto from Governor Byrne, which places us in the position, then, of determining whether or not we have sufficient votes,and I hope we do,to override such a veto.

There are certain Constitutional guarantees in the Bill of Rights, Second Amendment, that the right of people to keep and bear arms will not be infringed, and in the Fourth Amendment, that unreasonable searches and seizures will not be permitted. These guarantees constitutionally cannot just be ignored. I am inclined to think that this kind of legislation goes to that point of ignoring. Senator Foran and I have served in the New Jersey National Guard for many years, and I know what a contribution he has made. We got to know the use of weapons,

the fact that you never point one at anybody unless you plan to kill that person. That is one of the oldest concepts and precepts of the Armed Forces. And, you learn how to handle them with safety and with respect. And, I have had firearms of my own for many years - having bought them in my teens and most of you know that was a long time ago. And, I don't use any of them any more, and I have not used them for many years. But, I believe it is my right as it is anybody else's right to have them if we determine that is what we design.

The registration aspect of this legislation worries me, especially for those who gain firearms legally - as most of us have over the years, long before there were any gun control laws at all in this state or in this nation or in any state. We should recognize that the Nazi's in World War Two in the occupied nations before the United States got into World War Two after Pearl Harbor, and one of the things they always did, the Nazi storm troopers, was to require that the people who lived in those villages and towns register their weapons in the Mayor's office, at least, so those weapons could very easily be picked up. That is not the kind of society we want in the United States, or in the State of New Jersey. I think it is wrong, and we should not have it.

Therefore, this legislation, it seems to me--- I want to emphasize one thing particularly here, I am not a member of the National Rifle Association and I have never been a member of it, and I don't subscribe to all of its viewpoints, but in this particular situation, I am concerned about the rights of individual citizens to be able to defend themselves and their property. Self-preservation is the first law of human nature. And, if you are attacked, or if somebody intrudes your home, you are going to respond. I recognize that the police argue and perhaps with merit that you may be taking your life into your hands by having a gun in your home and using it in the event of an intrusion in your home, but that is a natural instinct that each one of us has. I don't think people should be deprived of that right or their constitutional rights. I am afraid that is what this legislation would do. So, in the event that you as a Committee decide to release this to the floor of the Senate, and I am sure you will exercise great discretion in what you do --- In fact, I had calls from several people last night and in view of the events yesterday, this was not a propitious time to conduct such a hearing. They were worried that perhaps the hearing would not be as fair in respect to the legislation as the emotions might cause it otherwise to be. Knowing all of you gentlemen, and having great respect in your fairness and your impartiality, I am sure that you will exercise excellent judgement with respect to this legislation. Should it be released in the form in which it has been introduced, I shall not only vote against it on the floor of the Senate, but will also argue against it.

If you water it down very substantially, so that whatever good features it has - and I don't think there are too many - would still remain in it, then I would reconsider my point of view. But, in the present form, I cannot possibly support it. I might say I must have had at least 100 telephone calls in the last few days about this legislation. I was thinking to myself at times, well, I wish Joe Merlino had done something else, because I wouldn't be getting all these calls and having to spend all the time that I did on the telephone, writing letters, or making personal contacts. Not a single one of those calls was in favor of this piece of legislation. (Applause)

In the twenty-eight years that I have been permitted to serve in this Senate, I have never known such unanimous opposition to any piece of legislation presented before me, and I have considered thousands of pieces of legislation in those years. Three of those callers, as a matter of fact, are presently or

were policemen, one of them a retired State Trooper to whom I spoke only last night, a very distinguished, former State Trooper. And, two of them were policemen, one in the City of Newark where he had served, and another one somewhere else, but he was thoroughly familiar with the fact that the District of Columbia has some of the toughest laws in the nation in respect to hand guns. That didn't stop Mr. Hinckley from using one in the District of Columbia just yesterday; nor did it stop him from acquiring a hand gun, whether it be in Tennessee or Dallas, or Colorado, or wherever it may have been, in pawn shops or elsewhere.

Reflecting, I think, the sentiment of my constituents who have communicated with me, I can only say to you that I don't consider this a good bill. I cannot possibly support it in its present form, and I will have to oppose it and oppose it vigorously in the event it gets to the floor of the Senate in its present form. I am sure you will use your wisdom, your experience, and the fact that I think the right way to handle crime and criminal elements in our society is by a swift, sure, and tough punishment. (Applause)

SENATOR PARKER: If I can interrupt for just a moment, I understand from some of those in the hallway - I just walked in the back - that there are hundreds of people out there. Maybe some of those who are in here would like to move out and---

SENATOR GRAVES: They can move in around the sides. If there is anyone outside, Trooper, that wants to come in, they can come in.

SENATOR PARKER: I think there are too many, and I didn't know whether some of of these gentlemen would like to rotate, so that some could come in--- I just wanted to point this out to you.

SENATOR GRAVES: Well, Captain, appraise the situation. If you want to bring them in, bring them in.

They may come in downstairs only. Are there any questions of Senator Dumont?

SENATOR DUMONT: May I just make one more comment, please, Mr. Chairman. I think it is high time in this society - in fact it is long overdue - that we must start to worry more about the rights of victims and the victim's families, and not so much about the alleged rights of the accused, because too often--- That is what your legislation gets to, the heart of this matter, the fact that some judges and many defense attorneys trying to do their job, I recognize, have overwhelmed society with the alleged rights of the accused, rather than worrying sufficiently about the rights of victims. Thank you very much, sir.

SENATOR GRAVES: Thank you. The next person for a presentation will be either the Governor or his Counsel. Dan O'Hern, Counsel to the Governor.

D A N I E L J. O' H E R N: Senator Graves, members of the Committee, first let me commend you, I think, in your wisdom continuing with the hearing today. I know these were difficult times for everyone. It appears to be a hearing where both sides are being considered, and that is what you started out to do in the beginning.

I would like to make it clear that the Governor continues in his position of supporting hand gun controls for the State of New Jersey, and supports this legislation. He said in his annual message, "I recognize that we have differed on the approaches to crimes committed with hand guns,, and I have recently returned a bill which seeks to constrain judicial sentencing judgements in this area. We now have adequate provision for sentences for armed criminals but you may want to add to those provisions. We should develop a proposal which illustrates our concern with the gun problem and serves to provoke national and regional programs.

I urge you to enact legislation to bar the sale of hand guns in New Jersey. If we take the lead in adopting the toughest gun law in the nation, I will seek similar action by our neighboring states. After years of federal inaction, perhaps state initiatives will also prod the Congress to deal with this critical issue."

The Governor then went on to deal with the second side of this problem, the other side of the coin. He said, "As part of our obligation to protect the safety of our citizens, we must have secure prison cells for convicted criminals. No judge should be prevented from sentencing a convicted criminal because of the lack of space." We are all aware of the recent problems which we had with respect to custodial sentences for prisoners.

When the Governor returned S-1071, Senator, which was your original bill, he said, "S-1071 does not require a mandatory minimum term for illegal possession of a firearm. If the Legislature is interested in eradicating illegal guns from New Jersey, legislation in this area should include such a provision. So, therefore, in connection with the Senator's legislation, as I say, the Governor supports strong hand gun controls. We recommend a presumptive mandatory minimum sentence. We had discussed this with you, Senator, at the time and we called it the modified S-1071. We think the message should be clear - the message in Massachusetts on the billboards, the message in New York from Mayor Koch, "Carry a gun illegally and go to jail." We share the same feelings as the former police Commissioner Murphy from New York that this bill, although it will not solve all the problems, is a step forward. There is a Chinese proverb that "A journey of 1000 miles begins with a single step." And, that is our view with respect to this legislation.

The real question is whether we are any more going to consider ourselves a frontier society or a society of laws. We have heard from the Police Commissioner Murphy how in European societies the prevelance of a hand gun is so much less frequent than it is in our society. So, those are our basic comments with respect to the legislation. We support it and there are some technical provisions with respect to it, which we would be prepared to offer comments, either by letter or otherwise. We think there is an inadvertent problem with respect to the carrying of hand guns. Bill Bolan, Deputy Attorney General, is here with me and can assist us on any technical questions, Senator.

SENATOR GRAVES: I think it would be wise if you would submit that to the staff so they can include it. It doesn't dramatically change the intention of the legislation, though, does it?

MR. BOLAN: No, no.

SENATOR GRAVES: Okay.

MR. O'HERN: One more statement. One comment I should have added, with respect to the compensation, I think it is our judgement that compensation is not required by the Constitution; if the guns are declared to be contraband, compensation would not be required. There is no appropriation in the bill. I was told in the District of Columbia there were very few guns that were turned in anyway, so I think it is not a real problem that we would have to deal with.

SENATOR PARKER: Just two questions. One has to do with addressing the technical problem you mentioned. I would appreciate it if you would also address the issue of interstate commerce and the transport or import provision of this particular bill.

Also, on Page 6, I want to point out that it does say, "Anyone who purchases, owns, purchases, owns, posesses or controls ..."- and I assume that means illegally, without obtaining the permit and what have you -"is guilty of the crime of the second

degree;" That is a mandatory sentence, is it not?

MR. O'HERN: There are no mandatory sentences.

SENATOR PARKER: So you recommend amending the bill to take out the second degree and put in a mandatory minimum penalty for those who possess firearms illegally for whatever reason.

MR. O'HERN: I think it would be more probable that we would do that with respect to carrying, Senator. I think that is what we want to deal with, the person who is carrying the gun, not to bring it on the street. Not to bring up yesterday's events again, but he was apprehended, I believe, in Charlotteville---

SENATOR FORAN: Nashville, Tennessee.

MR. O'HERN: If they had a presumptive mandatory minimum for the illegal possession of weapons, the gentleman would not have been on the streets today. That is a kind of situation which we would be willing to look at.

SENATOR PARKER: I just ask you, would that be a compromise position that would be acceptable to you, and that would still preserve the rights of hunters, sportsmen, and people in their own homes to have their own gun for their own self-defense.

MR. O'HERN: Well, that has not been the Governor's position. The Governor's position, which was in the message, was that the right to possess arms is guaranteed. Anyone who has a rifle, shotgun, weapon of that nature can possess that in their homes. It is the carrying of the weapon on the street, which is the cause of the crime.

SENATOR GRAVES: I am sure that is reflected in the Graves bill, unlawful possession of a gun.

MR. O'HERN: Your legislation does not carry any presumptive minimum mandatory sentence for the mere possession, illegal possession or carrying.

SENATOR PARKER: This bill really goes a lot further than that. And, I don't think a lot of people can quarrel with the position that you have just stated, that carrying a gun illegally on the street is the problem. I have to agree with you. I think that is probably the problem. I think there is a further problem in that here we are a defenseless society in our own home and our own place of business, and all you have to do is look to the Mayor of Trenton. His father-in-law was killed in his own place of business here. And, I think people feel that the police cannot be all pervasive and see everything. People still have to have some protection for themselves and their family. I think if we address that issue that might be more acceptable to the Senator and some of their members.

MR. O'HERN: That is obviously a more passable bill. It has a better chance of reconciling the conflicting interests of the party. I am saying that the Governor supports the all out-ban on the sale,and I believe he supports the all-out ban on the possession. It is obvious that there are legislative concerns with that.

SENATOR GRAVES: Anyone else?

SENATOR FORAN: Counsel, I questioned the sponsor of the bill at some length earlier today about the enforceability of transporting into the state. New Jersey is a corridor state. For example, myself, if I drive to Maryland to visit my daughter, and I pick up a magnum .357 or a .22 or whatever, how in the world can the State of New Jersey foster a tight cord around the State to prevent them from coming in? You can't do it with cigarettes; you can't do it with marijuana, although we try--- The enforceability of this particular legislation as written, I don't see how it is going to be possible to do.

MR. O'HERN: I don't think that is what I would call the linchpin of the legislation. I believe what we were doing, or what the Senator is doing is coordinating this legislation with the existing regulations on the interstate transportation of weapons; is that right?

MR. BOLAN: That is the intent that has been made here, yes.

MR. O'HERN: There is existing regulation of the interstate transportation of weapons in New Jersey.

SENATOR FORAN: I have to agree with you and Senator Parker. I think that the carrying of the weapon is probably the crux of the matter - illegally. But, I would like to ask your Deputy Attorney General just what the procedures are to obtain a permit for a firearm that would allow a man like the one who perpetrated the crime in Washington yesterday. It would be very easy to get a permit to buy a hand gun in the State of New Jersey, and I disagreed vehemently with the Senator. Would you outline for the Committee the procedures necessary to obtain a permit to buy a hand gun in the State of New Jersey today, now.

MR. BOLAN: Yes, Senator, under present law the specific provision is 2C:58-3. There are provisions for the obtaining of a firearms purchaser identification card. Now, that applies to rifles and shotguns.

SENATOR FORAN: That is correct. I have one in my possession and showed it to the Senator.

MR. BOLAN: The second provision applies to the permit to purchase a hand gun. This is done by application to the Chief of Police of the municipality wherein the applicant resides, or where there is no police department, to the Superintendent of State Police. There are statutory criteria for the issuance and denial of that permit. Specifically, the individual has to be of good character and of good repute. He must never have been convicted of of a crime. He must not be a drug dependent person or any person who has been confined for a mental disorder to a hospital, institution or sanitarium, or to any person who is presently an habitual drunkard. Further, he must not be a person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms. He must not be a person who has ever been confined for a mental disorder, or to any alcoholic, unless the individual produces a certificate from a medical doctor or psychiatrist that he is now no longer suffering from the particular disability.

Further, he must be over eighteen years of age, and there is a final provision that the person must not be summoned - the issuance to which would not be in the interest of public health, safety and welfare. Now, that is only to purchase the hand gun.

SENATOR FORAN: That is correct. That is all I asked you. The reason I asked you that is, we have in place right now some pretty stringent controls in order to go out and buy a hand gun in the State of New Jersey, not carrying it. That is tough to do. That is a lot tougher. I talked about that earlier in my questioning of Senator Merlino. The point I am making is that you have just gone through a litany of how difficult it is for somebody who might be a shady character type to buy a hand gun in the State of New Jersey, which then in turn shows me that a lot of what is in this bill today is not necessary and we already have laws in place. Do you understand what I am getting at?

I am not talking about the illegal carrying, Dan. That is another problem completely and I happen to agree with you and Senator Parker on that. The point I am trying to get across is, to buy a gun in New Jersey today is not the easiest thing in the world, as Senator Merlino said in his testimony in support of the bill. I think there is an awful lot of work that has to be done on this bill, Counselor.

MR. O'HERN: I understand that for the renewal permits under this bill I would expect that there would be a higher degree of attention paid under this bill as far as renewal permits.

SENATOR FORAN: Let me ask you a question as one of the Chief Counsels of this State. I stated earlier that I am in possession of a weapon. I got it as a war souvenir, if you want to call it that. I couldn't put a value on it. Am I illegal to have the weapon in my home - not to carry it, not to shoot it, but to have it in my possession in my home? Am I illegal if this bill passes, as is?

MR. O'HERN: I would say, yes.

SENATOR FORAN: Do you believe that is any infringement on my Constitutional rights as a citizen of this great country.

MR. O'HERN: No.

SENATOR FORAN: Why not? (Applause)

MR. O'HERN: I believe---

SENATOR FORAN: The Chairman has already given notification that he will have the State Police clear the room. We are trying to get some input on this bill, and I would appreciate it if you would listen and be kind gentlemen and ladies and we will continue.

MR. O'HERN: The Constitutional right to bear arms is protected by the possession of long guns. I think there is no attempt to deal with that issue in this or any other legislation.

SENATOR FORAN: Is that a matter of semantics, or is that your opinion?

MR. O'HERN: That is my judgement.

SENATOR FORAN: Thank you, Mr. Chairman, very much and I thank you, Counsel.

SENATOR PARKER: Just one thing, Dan. We have had that bill for some time, where you have to pass one or two houses. Why can't we support these people who are using the antique and the antique replicas, especially during celebrations, bicentennial and likewise. Why can't we permit that?

MR. O'HERN: At the risk of being ignorant--- I would say that we should be able to resolve that kind of problem. Those are not the people who are committing the crimes.

SENATOR PARKER: We have not been able to so far. As far as I know, they are still guilty for carrying a gun. I know the State Police has been given some instructions with regard to it, if they have a permit from their people that they are going to a--- I think it is a problem and I just wanted to point it out.

MR. O'HERN: We will look at that.

SENATOR CAUFIELD: Dan, is there anything to protect against the purchase of a hand gun by mail order?

MR. O'HERN: The possession would be illegal. The only way you would find out about it is if the fellow goes through the airport terminal and you find out he has it, you know---

SENATOR CAUFIELD: So it is very easy to purchase a hand gun.

MR. O'HERN: That is right. I think that is the Governor's point. We are saying, let's start here. Maybe we can get the region to get involved, and then maybe we can get the national government to get involved, so that we would know, or at least society would know, who was acquiring possession of these weapons.

SENATOR CAUFIELD: Thank you.

SENATOR GRAVES: If I have a revolver and do not have a permit for the revolver, and I carry that revolver, under my law, you are in possession unlawfully of a gun.

MR. O'HERN: 1071 did not deal with mere possession. It had to be related to a crime. It had to be a crime, Senator. You had to commit a crime first to be penalized under your law.

SENATOR GRAVES: There could be possession with intent to use.

MR. O'HERN: That would be a different thing. That is hard to prove.

SENATOR GRAVES: All right, that should be cleared up. Tell me something, Commissioner Murphy said that mandatory sentencing is a deterrent to crime. I would like to know what your opinion is on that.

MR. O'HERN: Let's put it this way, everyone seems to agree that one of the most important things now is that a potential criminal know with some degree of certainty what the type of dispcsition of his case would be. The Governor has taken the position that we are co-equal branches of government. We should not deprive the Judiciary of its intrinsic power to determine a just sentence in a correct case, with respect to what we call the alternate 1071; it was the Governor's judgement that in 99 cases out of 100 those represented just sentences, and he agreed to that. But, he would remain convinced, I believe, of the principle that there should be some discretion in sentencing.

On that subject, the criminal code, you will recall, gives the sentencing judge the new power to prescribe a fixed minimum sentence without possibility of parole, and the very fact that they are imposing that in a much higher percentage of the cases is producing the problem with overcrowding the prisons that we have at the present time. So, the code is working in that sense.

SENATOR GRAVES: There is no doubt that our new law is going to be a deterrent to crime, but it will take time, as Mr. Murphy said. And, there is no doubt that the intentions of all of us are the same, to do everything we can to deter this particular problem.

The next speaker will be Assemblyman Imperiale. For the new folks who have joined us, just briefly, the regulations we are working by, you are not to join in any outward display on what you feel or might disagree with in fairness. We have set these rules down. A violation of these rules will mean you will submit yourself to having to leave the room and not be able to take part in this. We just ask you to go along with us. Assemblyman Imperiale.

A S S E M B L Y M A N A N T H O N Y I M P E R I A L E: Gentlemen, I think this bill is as unconstitutional to the people as this hearing is a disgrace to the President of the United States in such a time. I think that hearing this bill today, first, should never be happening. When we don't recognize and respect the President of the United States, how the hell are we going to expect people to respect the laws which we are supposed to make and enforce?

The bill itself is drawn up, in my opinion, in an attempt to draw publicity, not taking into consideration the dangerous aspects of what this bill does, and how it violates tremendously the rights of the decent Americans. The 1968 gun law said, in November of 1968, "Anyone owning a weapon from that point on must register it." So, Senator Foran's gun that was brought in from the war is duly yours and respectfully yours and you are not in violation, because of the 1968 gun law, which went into effect in November. From November of 1968, any weapon purchased in the State of New Jersey was to be purchased under the

strenuous law cited by the gentleman that just left here. The State of New Jersey has one of the strongest and better laws in gun registration and keeping them out of the hands of the criminals than any other state that is in existence. The testimony given to this Committee today from a Washington official, Murphy, I believe his name is, has nothing at all to do with the type of legislation that we are dealing with here. If the Sullivan gun law - which I disagree with - is a complete fallacy and does not work in the State of New York, how could he then come here and testify in New Jersey where we do have strong gun laws that he thinks it is a good law, and that he is in support of Mr. Merlino's bill?

What I think we do not address ourselves to is that where we are responsible for guns being in the hands of criminals, it is because the very legislators who draft this type of legislation in haste are the very legislators who vote against legislation and tie the hands of the state, municipal and local police in stopping suspects in search and seizure on our highways they tie the hands of the law enforcement officers in doing their job. And, remember, when a man like Mr. Merlino said that he had great faith in the police, I do too. But, if he lived in Newark where you wait four hours for a policeman, while your house is being robbed and your mother is being raped, I would like to see him say that he would not like to have a gun in his possession to attack and defend his mother and his family against the rapists and the murderers that we have to be confronted with in the City of Newark, as you have to do in the entire State of New Jersey.

This is a complete and gross violation, and it impunes the dignity of both houses, the Senate and the Assembly. It impunes the dignity of the legislators and those who really care in preserving the rights of the people. And, gentlemen, if you wish to be the architects of a second prohibition, like they did in the twenties, they said, you can't drink, but by God it came in from Europe and it came in from Canada and it was made in bathtubs, probably bathtubs that some of us even took a bath in.

If you wish to be the architects of opening an illegal underground, which is feasible and waiting - if you are willing to be part and parcel of a bill that takes the rights of decent Americans away, then you open Pandora's box for every underground gun runner, for every illegal gun that comes into this State. Gentlemen, I am a gun enthusiast. I carry a weapon in my line of work. I run the detective agency. I have a part of a gun store, and I want you to know that I have a collection home worth $25,000. My children own guns, and let me tell you, the intelligence of the individual who owns a gun in a proper home in no way jeopardizes the life of society. We do not address ourselves to the high crime caused by the drugs that allow drug dealers to go into states like Texas. What happened with the President of the United States happened because not the State of New Jersey's gun laws were weak, but because this man was able to buy a gun in Texas, and he was able to travel our highways without being searched. Right now if you have long hair and the police stop you, all the do-gooders say, "What are you doing to that guy?" And, yet, they are the very ones that bring guns and drugs and all the paraphernalia that is illegal through our State highways - just as they bring illegal cigarettes from down South to get away with the tax. And, it is not only guns that are stolen from the homes of decent Americans that fall into the hands of the criminals. We fail to address ourselves to how many police officers are ambushed, shot, and their guns are taken away from them and are in the hands of the criminal. Do you intend to make legislation then to

take the weapons away from the policemen? It can happen anywhere, and criminals have an acute way of getting weapons, but this is a very dangerous step. I urge you, my dear Senators, that if you - whether you are Democrat or Republican - allow yourselves to be blackjacked into putting up this piece of legislation, and getting it on the floor out of Committee in this form, a form that is not right, a form that is hypocritical, then, gentlemen, shame on you. I respect you all.

The Graves' bill, for which they needed an override, was one of the best pieces of legislation that came out where a man draws another three years just for the gun charge. We have adequate laws on the books. We do not have adequate protection, because we cut down our police. We cut down everywhere in law enforcement. They do not and cannot enforce the law against the criminals, because we hamper them. That is why we are accosted with this high crime. The way things are today - the way politicians and white collar crime and violent crime exists and the government closes their eyes, it is no wonder that the Americans in this audience and not in this audience are fearful for their lives and want to protect it, because we as legislators somehow fail. We tie the hands of local and state law enforcement, et cetera, in protecting their lives. Any former law enforcement officer who tells me that they won't have a gun in their house, doesn't have true law and order in their heart. Because any man who enforces the law on those streets - any man who serves in the capacity of a police officer can sit here today and say that he will not have a gun in his house could not have the well-being of citizens of this State at heart.

Therefore, I don't think a proper decision could be rendered in trying to hold this bill in the Committee. Don't let this bill out of Committee. And, one final thing, gentlemen, if the sponsor of this bill was truly concerned with helping to arrest the sitatuion in this state of high crime, why does he oppose the death penalty bill? How does this bill within one week get such priority above all the priorities that this state has? Gentlemen, I beg of you, let's not allow both houses to be impuned because someone wants to make a name for himself with the wrong kind of legislation. There is a dignity to be maintained, and I hope that we will contribute to the dignity of our legislators in both houses as we will contribute to the dignity of every American who is going to watch what we do with this legislation that I consider arrogant and asinine. Thank you.

SENATOR GRAVES: Restrain yourselves, people. (Laughter)

SENATOR PARKER: Tony, you indicated your children, as do mine, have permits to carry weapons and have gone through the procedure. Can you tell us what procedure that is, and describe that. We have had the other procedures described, as to how you can get a permit to carry a gun, and how you can obtain a purchaser identification card which takes six months to get, and how your children qualify or are trained to use the weapon.

ASSEMBLYMAN IMPERIALE: First, my children from the age of 18 up apply for a permit, one for a purchase permit for their specific weapon, and one for an identification card. It took six to nine months for the police department to investigate and conclude their investigation on each of my children. After they received an identification card which was displayed by Senator Foran, they then came to a gun store - which I own part of it - and they produced a purchase permit from the police department, and as indicated by the gentleman before me, strenuous rules are enforced. You go through a hell of an investigation.

They then come into a gun store and they produce the application of purchase permit. They also must produce additional identification as to driver's license, social security card, and other forms of identification to make sure that the permit in question is theirs. They then purchase a gun. There are five copies of that made on the pistol and even on a rifle. Copies are made for the gun dealer, Chief of Police, State Police, and the purchaser gets one too. My children are brought to a bona fide pistol range where a certified instructor is, and the men that work under my detective agency also must go through a certified instructor that is recognized by the local police and state officials. He is taught the proper use of firearms - the do's and do not's. He is taught the proper function, and the proper weapon to use, how he is to use it, whether it is in the hunting capacity, whether it is in a sporting capacity or a defensive capacity in his home. As a result of that, my children from the age of eleven to twenty-three walk by rows of guns in my home - properly protected by doberman's all types of alarms and armed guards, and they do not in any way, shape or form, play with them, point them illegally or do anything that is contrary to the law. It is like a mother teaching his kid that he doesn't piddle on the floor - he piddles in the bathroom.

SENATOR PARKER: The point is, and you brought it out rather dramatically, that there is training for the handling of the weapons, as well as the purchaser identification and the permit to carry. There is training that goes along with it that is specified by the law in the handling of the weapons.

ASSEMBLYMAN IMPERIALE: Yes, there is. In fact, the law provides - if I may add this - that any gentleman or lady who buys a gun for target practice does not violate the law if they keep it in a box on their front seat properly tied and the ammunition elsewhere. There are provisions. There are good provisions, and this is why I cannot for the hell of it see why we are going to confuse and stir up the hornet's nest, if they are contented with the laws that we have, abide by the strong laws, and if we only close the borders and untie the hands of the police, give the State Police the right to check trucks and cars that look suspicious and you close the borders to illegal guns that find their way into our State.

SENATOR CAUFIELD: I don't have any questions, but I have a statement. Since the statement was made here that could obviously only apply to two people and that was Commissioner Murphy and myself---

ASSEMBLYMAN IMPERIALE: I was aiming it at you, Senator.

SENATOR CAUFIELD: Okay, thank you, Mr. Imperiale. That is a nice compliment.

ASSEMBLYMAN IMPERIALE: I am just trying to be honest, sir.

SENATOR CAUFIELD: I would like to make my statement. I don't have a question of you. Anyone who says that any former law enforcement officer who would not have a gun in his home never had law enforcement at heart and never had the decent well-being of people in this state in mind is a most outrageous statement. I will let my record for decency and integrity and efficiency and my reputation with law enforcement people throughout this State stand for itself. My children don't shoot guns; that is true. I am very proud that they shoot basketballs in the backyard instead of shooting guns.

SENATOR GRAVES: Senator Rodgers.

SENATOR RODGERS: Assemblyman Imperiale, I took exception to your remarks about this Committee being disrespectful to the President. That is

not so. I think that this Committee, along with all the people who are here assembled last night, I think we all prayed for the President and for the other people who were shot, too. There was a motion by Senator Parker to postpone this hearing. In fairness to the people who came here, of course, I personally thought that it should be continued, because business must go on. The President indicated that himself this morning by signing some legislation, as sick as he is. But, I do think that maybe Senator Parker did have a good thought in mind to postpone this. I think now, hearing some of the testimony here, I think it would have been good to postpone it until after the June primary. That is how I feel personally.

But, I do think that those who came here - and we are to represent them - I don't think we should be told how we should formulate our opinions in reference to this type of legislation. I don't see any reason to try to have you come here an ask us not to vote on this legislation, because I do feel that regardless how we feel or how we are going to vote at a later point, I do think the legislation should be released, so that the people who have votes besides us can make up their own minds. That goes for the other thirty-eight or thirty-nine who are in the Senate and the other eighty who are in the Assembly. I think they should get an opportunity to express themselves, as we will at the proper time. I think we all will be able to know--- Nobody knows exactly what they are going to do. Some of them said they are not going to vote for it. I don't want to be recorded today as being in favor or in disfavor. I do like to come here and represent the people of my district, and I do think that we should listen to those people and I do think that we should listen to the opinions of the other Senators and the other Assemblymen, and that is what I intend to do.

SENATOR GRAVES: In conclusion, Assemblyman, the fact of the matter was that the decision was mine to continue on with the hearing, especially after we heard the good comments concerning the recovery of the President and arriving here this morning, I felt that many people traveled over 100 miles to be here. It would be totally unfair to send them home.

And, the President did sign this morning a national piece of legislation that will affect everybody in the country - right in his hospital bed. In conclusion, in fairness to Senator Merlino, you pointed out that he, as sponsor, has taken a different point of view than yours, as far as the death penalty is concerned. But, in extreme fairness to the Senator, he could forbid it to be posted to be voted on, but he didn't. He posted it inspite of his feelings on it and let everybody else vote on it and it passed, and it is over in the Assembly now. Thank you very much.

Assemblyman Markert.

A S S E M B L Y M A N J O H N W. M A R K E R T: Gentlemen, my name is John Markert, Assemblyman, and I represent Bergen County. I am one of those individuals who has traveled close to that 100 miles, I guess, to be here today for the particular piece of legislation and this hearing. I want to thank you also, Senators, for allowing us in the State Legislature to be here before you early so that we can continue the rest of our day. But, I want you to know - and Senator Rodgers, I only thought of this after your comment - that I am not running for Governor.

I am here, though, to talk about Senate Bill 3169, and I think the initial statement should clarify my position on this bill. Gentlemen, this is one of the worst pieces of legislation that I have ever seen addressed to the State Legislature. In my belief, it is the worst - one of the worst. There have been a couple more.

There is no addressing, whatsoever, in this particular legislation what we intend to do other than to spend a few years with this individual behind bars, to this criminal. Today we protect the criminal. We protect the criminal to the point where it is almost in some areas a vacation spot to go to jail. We provide color TV, not black and white. We cover dental programs, health programs, psychological counseling. We provide libraries to school them, to be able to possibly have the law degree so that he can defend himself and the appeal before the court so that he can get out of jail. The victim we do not address. The victim was addressed not at all on the commentary on Channel 2 yesterday. When the commentator stated that he felt the rights of the criminal who was apprehended at the scene may be in jeopardy because of the fact that he may not have an attorney there while he was being questioned. That commentator was more concerned about the rights of that criminal than he was as to the health and well-being of the symbol of this country, the President of the United States.

Legislation to curtail the purchase of handguns for law abiding citizens is not going to stop the criminal element from obtaining these handguns. I do not know of any criminal that has gone before a policeman, a magistrate, a chief of police, obtained a permit to purchase a gun and then bought the gun and registered it, and then went out and committed a crime. Most criminals feel that it might help in their apprehension if they go and obtain a permit to purchase and use a gun. Some things in this particular legislation disturb me immensely. And, I would like to address one point to you that I would like you to consider for the possibility of amending. That is, wherein handguns are being used by sportsmen and collectors in no way would be able to be willed or passed down to an individual's family members or anyone else, because when that individual who is the owner of those particular handguns were to either die, or no longer wanted these particular handguns and wanted them passed on, he could not do so. And, therefore, those weapons would be confiscated. Because there would be no legal right to anyone to hold on to them and to own them---

SENATOR FORAN: John, can I interrupt for just a moment? Where is that provision in the bill?

ASSEMBLYMAN MARKERT: I think this is on page 17 or 18, and I want you to know that I discussed this bill this morning with the aide to Senator Merlino in drafting the bill itself, and I believe it was on page 17 or 18. If I may, rather than waste the Committee's time now, I will locate that and give you a definite passage and page, so that you can address it in the possibility of amending.

SENATOR GRAVES: Go on, please.

ASSEMBLYMAN MARKERT: Thank you. What also would happen - and I think this was brought up before - the pistol clubs alone would not be able to carry or move the firearm from the range to their home. That is a great disservice to the individual who must protect that particular weapon, but also it would create that central area that could be a very strong target of the criminal element in trying to obtain a great number of firearm pieces. This is something that has been brought to your attention before, and I would like to see that you address it, if you would, possibly as an amendment.

I personally feel that until we address the burning liberalism, as far as our court systems are concerned, until we address very, very seriously the criminal and his retention, until we can get that under control, this type of situation and this type of legislation is not going to benefit the victims in our country, especially in New Jersey.

You have heard all of the other reports about this being a corridor state, and the moving of firearms in and out of the State of New Jersey. What we need, if we are going to get ourselves involved, is some federal legislation as far as registration is concerned, if that is the way we are going to go. We cannot do it on a piecemeal basis. And, I don't know why this particular bill at this particular time--- I am sure the sponsor is very serious in his intent, and he has asked for its consideration and hearing based on his personal commitment to himself and to the problem, but,also, we have to think about the other side of the coin.

Senator Graves, I commend you for what you did with a piece of legislation, having the first strong law in New Jersey, wherein a person using a handgun and committing a crime is now going to be retained for three years without the possibility of parole.

I had the same feeling, as you know, back in 1976 when I introduced the legislation, only I asked for five years for that legislation at that time, and I realized the compromise that you wanted - five years - was a compromise. This is a beginning and a start. It is saying to the criminal, "We are going to be tough." We are going to have to eliminate, though, some of the liberal type of situations that we find within our court systems. The people of the State of New Jersey in a bond issue said, "Build a new jail. We authorize the expenditure. Get the money and build a new jail." We have not even gotten the site yet, no less build that new jail. I know no county wants it.

Gentlemen, I appeal to you to consider very, very strongly all of the comments that you are going to hear today and possibly tomorrow and the next day. I want you to consider that the inalienable rights of individuals as citizens of this great country could be in jeopardy with reference to this piece of legislation. I asked you to consider it and not give me the opportunity to address this bill again by keeping it out of the Assembly or by defeating it in the Senate, whichever way you would like to do it. Thank you very much for this time. I appreciate it and I will answer any question.

SENATOR FORAN: Mr. Chairman, the question I had with regard to the heirs is Section J, page 19, and I have it marked.

ASSEMBLYMAN MARKERT: All right, thank you. If you have it marked, that will relieve me of the obligation of submitting that point to you.

SENATOR GRAVES: Thank you, Assemblyman.

ASSEMBLYMAN MARKERT: Thank you very much.

SENATOR GRAVES: Is there any other member of the Legislature who wishes to testify?

S H I R L E Y M O S E S: Mr. Chairman, members of the Committee, Mr. Albanese wishes me to say that he regrets he could not be here today, however, he is ill, and his physician has confined him to bed for several days. I was asked to read his statement before you. You each have a copy.

Trying to stop crime through gun control does not work. A criminal planning an armed robbery is hardly going to worry about the already illegal act of carrying a concealed weapon without a permit, if that will help him commit his crime. Likewise, the criminal will think nothing of breaking the current law to saw off the barrel of a shotgun.

Most crime is committed by a very small part of our population. It is their career, their way of life. Studies of criminal statistics have shown that 80% of all murderers have criminal records, and that the gun killer has

an average of six prior arrests before his first murder, and that 60% of the gun killers have been arrested for a crime of violence before the murder indictment.

A study also shows that restraining firearms laws do not stop the criminal from getting and using firearms. The cities with the most restrictive gun laws in the United States are also the cities with the highest violent crime rate. On the other hand, states such as Minnesota and Vermont which permit the carrying of conceled firearms have low violent crime rates.

If we are to make the policy decision to disarm the American people, we had better look at the price we will have to pay.

If we assume that the 55 million or so handguns in private ownership in the United States could be somehow removed, we would then have to provide an absolute degree of protection to the disarmed citizenry. The only way to do that is to provide a policeman for each citizen; that is, of course, to say that if we insist on making the American people defenseless, we must install a police state to protect them.

Who then controls police? What happens when a few of them are corrupt? They would have a total monopoly of force.

But to bring about total disarmament we would need a police state. We would have to be ready to kick down every door in America to confiscate millions of guns from uncooperative Americans.

The Jamaican government under its recently deposed Marxist rulers had such a fierce distrust of its population that they sentenced people to life imprisonment for the mere possession of even a single bullet, and American businessmen who had but a single .22 calibre bullet in his luggage found out that every tourist would be sentenced to life in prison.

The people's distrust of the dictorial government was so strong that such severe sentences did not get firearms out of private circulation in Jamaica. During the recent election campaign,over 600 people were killed in gun battles.

If despotic police state tactics on an island such as Jamaica cannot succeed, such oppression is even less likely to work in the vastness of the continental United States. What should we do, then, to fight crime? Rather than to have government declare war on 99% of the population that is law abiding, I think it makes much more sense to get tough with the 1% that causes the trouble.

New Jersey should make sure that politicians who are soft on criminals, and who, like Governor Byrne, reject laws putting violent criminals in jails, are replaced by a candidate's pledge to crack down on criminals.

Rather than taking away such a basic constitutional liberty as the right to keep and bear arms, which makes it possible for the people to defend themselves in a free society, let's take the criminals of the State and put them in jail where they belong.

I would like to conclude with the words of the great Russian freedom fighter, Alexander Solzhenitsyn who warns us of the folly of gun control. "The Soviet State in its criminal code forbids its citizens to have firearms or other weapons, but does not itself undertake to defend them. The state turns its citizens over to the power of the bandits and then through the police dares to summon them to 'Social Resistance' against these bandits." Resistance from what? With umbrellas, with rolling pins?

The Assemblyman then added last night, the incident yesterday in Washington further demonstrates the ineffectiveness of handgun control legislation, because Washington, D. C. has the strongest handgun control bill in the nation. Thank you.

SENATOR GRAVES: Thank you. The last speaker for this morning will be the Prosecutor of Mercer County. As soon as he is finished, we will break for forty minutes and we will then come back into session for the afternoon.

P H I L I P C A R C H M A N: My name is Philip Carchman. I am the Prosecutor of Mercer County. Senator Graves and members of the Committee, I want to thank you for your very kind invitation to appear before you today to speak to this piece of legislation.

On February 2, 1981, I was sworn in as Mercer County Prosecutor and at the time of my swearing in, I commented on handguns and said, "I don't know how society can tolerate the sale and possession of instruments which later become a prime instrumentality in the commission of crime." Now, two months in office, I appear here as one county prosecutor speaking in support of this critical handgun legislation. In the brief two months in office, I am profoundly concerned with the number of complaints and charges which pass through my office, which involve the use of handguns, ranging from homocide and armed robbery to mere possession both at the adult and equally as important at the juvenile level.

Almost 20% - or I should say in excess of 20% of our case load - involves the illegal use or possession of handguns. Just to cite one example, and I state that no rational person can justify a fifteen year old juvenile having possession of a handgun - a recent case we had before us.

I need not reiterate the history of handgun abuse. The time has come for legislative action to bar in this jurisdication the sale and possession of hand guns. The possession of a hand gun bespeaks violence. Even the law abiding citizen in possession of a hand gun using that hand gun for protection and using that hand gun defensively when confronted with an opportunity to use this defensive weapon significantly increases the possibility of injury or death, not to the criminal, but to the law abiding citizen.

The proliferation of hand guns is self-perpetuating, so that those who would not consider the purchase or possession of a hand gun feel the necessity to do so by compulsion. We cannot create an armed camp either by perception or in reality. We support this legislation as a recognition that hand guns in the possession of persons not authorized or trained to carry them are instruments of crime. The cry that the criminal element will always be able to obtain hand guns is hollow where the facts are known. Our experience has taught us that even hand guns kept in the home or in the possesssion of the law abiding citizen are a prime subject of theft and the possesssion by the law abiding becomes a source of supply for the criminal. With strong legislation, we can avoid this source of violence for the unlawful.

As to the bill itself, we wholeheartedly support the ban on possession, sale, and importation of hand guns. We feel that the bill addresses the prohibition as well as the troublesome issue of interstate transportation in a satisfactory manner. But, we request that this Committee and the Senate further consider the permit and registration requirements to require registration of all hand guns. We suggest that this body consider the registration and issuance of a permit for all hand guns, and if such registration does not take place by a date certain that the unregistered hand guns be considered contraband.

For those who are desirous of turning in their hand guns to the State, we suggest that the Senate consider the use of a revolving fund from the permit or registration fees to fund the purchases. Our office has taken steps to reflect the abhorrent nature of hand guns. Our charging policies, plea bargaining policies, sentence recommendations are designed to make the offender and the

public aware that we will not tolerate even the mere possession of an unlawful weapon. The most important step, however, is now left to the legislature to outlaw once and for all this instrument of crime in our society.

Again, I thank you for this opportunity to appear. I will respond to any questions the Committee may have.

SENATOR GRAVES: No questions. Thank you very much. We will break for forty minutes.

(Whereupon there was a luncheon recess.)

Afternoon Session

SENATOR GRAVES: Will everyone please take a seat.

I want to say that the same rules prevail this afternoon that prevailed this morning. Complimentary things have been said about your behavior all through the building. Your cooperative behavior is appreciated by me and the rest of the members of the committee. Let us prevail upon you to show that same cooperation through the afternoon. Thank you very much.

Senator Lipman, will you please take the witness seat right over there.

S E N A T O R W Y N O N A M. L I P M A N: I am Senator Wynona Lipman. I represent Legislative District #29.

I am pleased to be here as a co-sponsor of Senator Merlino's bill to ban the sale and importation of handguns into this State, and I strongly urge its passage.

In the South, East and Central Wards of Newark, which I represent, there are probably more citizens who have suffered from handgun crime directly, or been affected in related family tragedies than in any other legislator's district.

We see the sudden, senseless taking of life after an argument in a local bar because a handgun was available.

We see hospital emergency rooms filled on Friday and Saturday nights with bleeding victims, shot by their spouse after a domestic quarrel because a handgun was available.

We see citizens mugged and ripped off by junkies or robbers who have stolen a gun because a handgun was available.

We see too many people harmed because those handguns are too easy to get.

The people in my district are not traveling out of state to get those guns. They are not flying to Texas for them. No, they buy a handgun legally right here in New Jersey, or they buy them "hot", or among criminals. They steal them from the legal owners.

This bill can help prevent many of these senseless tragedies. It will be effective in suppressing crime. I urge its immediate passage for the good of the people of Newark and the people of New Jersey.

Thank you for this opportunity to express my feelings and the feelings of my constituents.

SENATOR GRAVES: Thank you, Senator.

Sandy Horwitt. Will you please introduce yourself, sir.

S A N D Y H O R W I T T: I am Sandy Horwitt. I am a Special Assistant to the Executive Director of the National Coalition to Ban Handguns. Michael Beard is unable to be here. I have his statement. I would just like to read a brief portion of it and then make some brief remarks of my own.

"On behalf of the 80,000 individual members and the over 30 national religious, medical, legal, professional and educational associations and citizen public interest groups that make up the National Coalition to Ban Handguns, I would like to thank the chairman and the committee for the opportunity to testify today on the proposed handgun control legislation being examined by this committe and, hopefully, later by the State Senate.

"The National Coalition would like to commend Senate President Merlino and his colleagues for introducing Bill 3169 and we offer our full support for this strong anti-crime legislation."

Now, I had some interesting conversations at lunchtime with some of the

people who are in the gallery today, some people perhaps from the National Rifle Association and others from their affiliates. And they really were good conversations. Neither of us persuaded the other on our position. But, if nothing else, I think it showed that you can really talk seriously about this issue, shed a little light as opposed to only heat, and maybe come up with some sort of compromise position that makes some sense and gets at the goals that we all want to achieve.

One of the things I mentioned in my talks this noon during the lunch break - and I would like to say it again and I would like to emphasize at the outset of this testimony - is that the National Coalition to Ban Handguns only favors restrictions on the availability of handguns. The National Coalition does not support regulations or laws that would restrict long guns. I said to everyone I talked to this noon - and I am speaking personally - that if I had my choice I would trade in all of the laws on the books regulating long guns, rifles and shotguns, if we could get either in New Jersey or nationally a strong effective handgun control law.

Our reasoning is really simple. Although handguns comprise only 20 to 25 percent of the total firearms population in New Jersey and throughout the country, they account for 80 to 90 percent of the firearm abuses. It is estimated that there are over 50 million handguns in America today with another 2 million coming into the supply each year. Our society has become a handgun arsenal.

To simply say that handgun violence in this nation is a problem would be a gross misunderstatement. During the Vietnam War years more Americans were murdered with handguns here at home than were killed in combat on foreign soil. The Vietnam War has ended but the handgun war continues to escalate with no end in sight.

It is not coincidental that crime has been increasing along with the number of handguns in this nation. In 1978, the General Accounting Office, the investigative arm of Congress, studied the handgun problem and I quote from their final report: "There has been a positive association between the increase in the number of firearms in circulation aad the increase in violent crime in America since the mid-1960's. Our analysis indicates that the ease with which firearms are obtained is directly related to the proportion of firearms used in crime and is a significant contributor to firearm crime rates."

In this study, when they talk about firearm crime rates, they are talking about handguns because that of all the firearms is the weapon of crime.

We can talk about numbers, as we already have today for a long while, after awhile the numbers really don't enlighten as much as they do numb us all to what the problem really is and how serious it is.

In this morning's paper when I came up on the train and saw a story about some of the events yesterday, there was a question raised by one of the reporters and the question was: Just how much more of the tearing at the fabric of the nation can America endure without fundamentally changing the character of national life? I think we already have fundamentally changed the way we go about our lives in this country, particularly in the cities of this country. People have changed the way they play, where they like to live, where they would prefer to work, where they would not prefer to work. Much of that is based on the fear of violent crime. That is also to say, on the fear of handgun-related crime. Why handguns? Why does the Coalition make such a sharp distinction between long guns, such as shotguns and rifles, and handguns?

It is really very simple. Handguns are concealable, easily concealable. The prime purpose, not the only purpose, of a handgun, as my friends pointed out in our lunchtime discussions --- the prime purpose of a handgun is to shoot a human being. A handgun in this urban society of ours is hidden death. There is no other weapon that would have allowed an assassin, a potential assassin, to get as close to the President of the United States yesterday, undetected, as having a handgun.

So we are here today to support vigorously the bill that Senator Merlino and the other sponsors have introduced. This is a controversial issue. That is not a surprise to anyone. What I hope will be a pleasant surprise, given the track record nationally on handgun control legislation, is that this committee and this Senate will take the lead and will pass this bill this spring. It will be a model not only for other states, as Police Commissioner Murphy mentioned earlier today, but I hope it will be a model for the United States Congress as well.

I appreciate sincerely the opportunity to be here today and I would be glad to answer any questions you might have.

SENATOR GRAVES: Thank you very much.

MR. HORWITT: Mr. Chairman, may I add one thing, please.

SENATOR GRAVES: Go ahead.

MR. HORWITT: Mr. Chairman, I have a written statement from Congressman Fauntroy of Washington, D. C. in support of Senator Merlino's bill and I would like to submit this to the committee if I may.

(Letter from the Congressman can be found in the appendix.)

SENATOR FORAN: How is the Gun Control Bill working down there?

MR. HORWITT: How is the Washington, D. C. one?

SENATOR FORAN: Yes.

MR. HORWITT: Well, I happen to have with me a story from the Washington Post that appeared last Thursday, and the headline is, "Study Shows Overall Decline in Handgun Related Deaths in D.C."

SENATOR GRAVES: What is your new bill there?

MR. HORWITT: The bill in Washington that has been law in Washington since 1976 is very similar, not exactly the same, but very similar. It bans any further private possession of handguns and grandfathers in handguns that ---

SENATOR GRAVES: Does it mandate a sentence if you use a gun in the commission of a crime?

MR. HORWITT: That was not part of the original legislation.

SENATOR GRAVES: Professor James Finckenauer. (Not present.)

Mrs. Peggy Anderson. Will you please tell us whom you represent?

P E G G Y A N D E R S O N: My name is Peggy Anderson. I am a member of Handgun Control, Incorporated, but I represent myself. I am the daughter of a man who was killed by a handgun in a robbery.

Today is my father's birthday. I am here on his behalf and on behalf of my family to make three points.

One of them is that I am very concerned about the casualness of the role which guns play in American life. I would like to read a brief statement from the testimony given by the man who killed my father right after he was arrested.

The question was: "What do you know of this occurrence?" The answer by the murderer: "On the same day David Harris talked to me about taking this store off. At first, I told him no and my cousin Leore told him it wasn't a good idea. David said there was nothing to it as he knew how many guys were in the joint.

David said there were six guys - two janitors and office guys. I asked him if there were any ladies in the place and David said that he didn't think so. David said we needed some money, man, and then I changed my mind. Ora said that he didn't want anything to do with it so he stayed up in the apartment. David said, 'Good. There will be too many in the car anyway.' I went and got the gun out of the dresser drawer, a Blue Steel .38 calibre snub. David said, 'Let me carry the gun,' and I gave it to him. And then we went outside to see if we could get another gun. We got another .38, but I forget who we got it from."

I am frightened by a society that permits guns to be so easily available and so much a part of life.

The second point I want to make is that my father's murder was a classic situation in which I think the person would be alive today if handguns were not in the picture. Three men went to an office where they knew in advance there were six men. One of the three stayed in the car. Two went in with handguns. They got four people on the floor, asked for their money. When either my father moved on the floor or when one of the gunmen pushed one of the other men, depending on whose testimony you believe, the gun went off and hit my father in the brachial artery. He was dead on arrival. No one will every convince me that this would have happened this way if the men were operating with knives or with any other weapon. They went into the place feeling ahead of the game because they had two guns, so two of them could easily take on six men.

The third point I want to make is that I would like to talk a little bit about the impact this kind of thing has. It is hard to describe the proportion this sort of devastating experience assumes. The night I went home when my father was killed, we all went to bed at some point. I ask everybody here to imagine what it is like to put a close to the day in your life when one of your family members is killed by a bullet, to actually turn off the lights and go to bed.

We happened to live near O'Hare and we were on the O'Hare pattern that night. So, aside from the fact that we couldn't sleep anyway, there was airplane after airplane after airplane flying over our house. It occurred to me that this event was so bad that I could probably call O'Hare and ask them to please change the flight pattern so that we could get some rest. I didn't do it because I couldn't move. But that is the kind of proportion this kind of event assumes in one's life.

When I went downstairs the next morning, my mother was already sitting there on a chair looking out the window. It was about a quarter to six in the morning. I went to her and said, "What are you thinking?" She said, "I am thinking how a little thing like a bullet can change such a fine body and a fine life."

I would like to ask you to consider the lives that were affected by that bullet. My father was murdered. My mother was made a widow. The three of us children have pictures to live with that no one should ever have to live with. My brother identified my father at the morgue. One of the witnesses came to the funeral home and told my sister that my father's blood spurted out of his shirt five feet into the air. Every time we hear a car backfire or a cap pistol or fireworks, we go through it all again. We went through it all again yesterday. We don't want to have to keep going through it and we don't want other families to keep going through it.

My uncle who died in January went to his grave - and I know this because I interviewed him last year about what happened - saying to himself, "Well, I should have wrested the gun out of the man's hand. Well, no, I couldn't do that because

there was another man with a gun and he would have gotten me. Yes, but if at this certain moment, I had just done this or done that. . ." For eleven years after that event, my uncle argued with himself about whether he was culpable.

The man who was caught and convicted for my father's murder was sent to jail for 14 to 40 years. The two other men were convicted and went to jail for 2 to 4 years. There were nine lives permanently affected by that one bullet. I ask all of you to consider whether you want this kind of thing to keep going on.

Thank you very much.

SENATOR GRAVES: Thank you.

Sister Jane Veldof.

S I S T E R J A N E V E L D O F: Mr. Chairman and members of the Committee, my name is Sister Jane Veldof and I am testifying on behalf of the New Jersey Catholic Conference and the Social Concerns Directors of the Catholic Dioceses in New Jersey.

We support the development of legislation for a handgun control law that will restrict the easy availability of these guns, such as S 3169. We speak out of pastoral concern as persons called to proclaim the Gospel of Jesus, who "come that they may have life and have it to the full."

Handgun ownership in the United States, both legal and illegal, is of massive proportions. Some estimates run as high as 55 million handguns in civilian hands, giving this country the distinction of having the greatest per capita handgun ownership in the world. While handguns represent only 20 percent of all firearms in the country, they account for over half the murders and more than 90 percent of the armed robberies. Frequent public opinion polls over the past 50 years have shown that Americans favor stricter regulations for handgun possession and use.

The issue of handgun control is very complex. We realize that guns are a symptom, not a cause. Legislation aimed at reducing material poverty might do more to lower the mortality rate from gun misuse than a stricter gun control policy.

The whole point of S 3169 is to make it harder for criminals to get handguns. Handgun control laws are essentially anticrime laws, not regulations intended to keep all firearms out of the hands of citizens who want to use them for legitimate purposes and who have the proper licensing.

In closing, permit me to relate to you a personal story. I taught a young boy, Peter Jensen, who eventually attended Newark College of Engineering in 1970. While getting ready for a fraternity meeting, he went to his car for some materials and found three boys trying to get into the cars on the street. He chased them and went back inside the building. A second time he had to return to his car where he again encountered the same young boys. As Peter chased them down the street, one of the boys turned, shot and killed him. The young boys who were about 12 or 13 years of age were never apprehended. Hopefully, S 3169 will prevent such impulse killings as this.

Thank you, Mr. Chairman.

SENATOR GRAVES: Thank you, Sister.

Charles Allen, Armored Motor Service Corporation. Is he here? (Not present.)

William Meyer representing Sussex County Federation of Sportsmen's Clubs. Is Mr. Meyer here? There is a statement from him?

SENATOR FORAN: Yes, we have it.

SENATOR GRAVES: Mr. Tom Fuscaldo, Paterson Taxpayers Association.

T H O M A S F U S C A L D O: Thank you, Senator Graves, for giving me permission to speak to this group. I had assumed this would be a very small committee meeting. I didn't know it was going to be such a large group and I welcome speaking with you.

Yesterday, we had a great tragedy. There ought to be a law against it or - there was a law against it. Laws don't cure everything. We have to make laws that create safety for our citizens.

Now, our President seems to be unsafe on the street. But we are also unsafe on the street. We are unsafe in our homes. And people buy guns to protect themselves in their homes. We sorely need legislation to correct the cause of this lack of safety. But we do not need legislation to blame it on guns. The correct way to make the sales of gun plummet is to make people safe in their homes. We don't need a law that tells people they cannot make themselves safe.

There is a low crime rate in Switzerland. Guns are in every home in Switzerland. There would be less crime here if we had a similar situation. We must abolish the laws that make our streets and our homes unsafe. For one, I would point to the juvenile delinquency law. The juvenile delinquency law protects juvenile delinquency. The juvenile delinquency law does not protect the public and the victim. A defendant as a juvenile delinquent can have 500 repeated victims and he still has protection of the juvenile delinquency law. If we made a change in that and limited juvenile delinquency when it is a repeat, we would have to send a 15-year-old or two to jail; but we would have safety in our homes and on the streets.

We have a parole law. Trantino could be free to kill again. The jury made a decision and we need laws to force parole boards to follow jury decisions. We have PTI. PTI does not help crime victims. It helps criminals. We need less safety for robbers and criminals. We need more safety for the public. Then gun sales will automatically plummet.

We need mandatory jail for someone who snatches a purse or commits a breaking and entry. In the foreseeable future, we should have honor in high office. Officials who lie to get elected should not be tolerated. To blame a metalic gun for our present unsafe homes and streets is not sane. We must correct the cause of repeat crimes to make our cities and our nation safer.

I have made my statement and I thank you.

SENATOR GRAVES: Thank you.

I can respond to something you have suggested there. The committee is going to instruct staff today to draw an amendment to our S 1071 that became the law February 13th, to amend that so that the first offense in the State of New Jersey of using a gun in the commission of a crime will be for a minimum of ten years, beyond whatever sentence you would get. (Applause) On the second offense, it would be life in prison with no possible parole; that is, the second time you use a gun in the commission of a crime. Our staff is being instructed by the four of us to make that amendment to that particular law.

MR. FUSCALDO: Does that apply to juvenile delinquent holdups?

SENATOR GRAVES: No, this applies to anyone 18 years and above. Assemblyman Martin Herman is doing an extensive, in-depth study. It is about ready to be made public. Our committee will get it in the Senate, but the Assembly will

get if first because he conducted the study. But the most important thing is that in addition to consideration of this bill, we are in a position now, I think, to deal with a stiffer and stronger law without fear of compromise. It took a year and better to get the bill through that the four of us co-sponsored. That is in place. Now, we are going to amend that to provide the strictest possible enforcement in dealing with that type of person: first offense, ten years, not a day off for good behavior, no negotiation; second offense, life in prison.

We are also going to ask Secretary Donovan to step into the picture and see if he can convince the Department of Defense to see whether they can make available what Commissioner Fauver has been trying so hard to get, the use of a federal penitentiary that is completely empty, no one using it - it is only nine years old and has a 600-bed capacity - until we get our new jail built. We are pursuing spending $30 million of the $65 million that was voted by the residents of this State, identifying themselves with the idea of building more institutions for the type of person you said should be removed from the streets.

MR. FUSCALDO: Repeat criminals.

SENATOR GRAVES: Yes. We are even going to be tougher now. The first time you put the gun in your hand, get caught and are convicted, ten years. If you want to go back after ten years and try it again, life.

Next, I will call on John Stores, member of gun club. (Not present.)

Nan Quinton. Will you please tell us where you are from?

N A N Q U I N T O N: Audubon, New Jersey, in Camden County.

Mr. Chairman and Senators, I am here today to testify on behalf of the Merlino Hundgun Restriction Bill because I have personally experienced the tragic and senseless death of someone I loved by handgun violence.

You will probably hear many statistics today during the testimony about this bill. I'm not going to quote statistics. The first and most important point that I would like to present to you is that statistics are not the only things you should consider. I believe that your major consideration should be that human lives have been taken and others have been irreparably altered because of the easy availability of handguns.

My brother, Ed Fitzmaurice, was 28 years old. He was married, had a two-year-old son, and a family whom he loved and who loved him. I'm not talking about a statistic now. I'm talking about a living, breathing person, a young man with a brilliant mind and a promising future who had everything to live for.

On April 7, 1977, a man entered the store which my brother managed and began arguing with a clerk about the return of a 39-cent tape. My brother was called out to help with the disturbance but, unable to satisfy the man or calm him, demanded that he leave the store. As Ed ushered this person out of the store, the man became more irate and a fist fight erupted between them. A clerk came out to break up the fight, which he did successfully. As this clerk was helping my brother up from the ground, however, the customer pulled a handgun from his pocket and shot my brother five times, killing him instantly. If a handgun had not been involved in this incident, my brother would have suffered no more than a black eye.

Although my brother is not alive to tell of his terror and his pain, I can tell you of the terrible emotional pain, the grief and the outrage suffered by myself and my sister, by his wife, by my mother, by my father who went to the morgue to identify his son's body and of the bewilderment of my nephew at the loss of his father.

The effects of the presence of a handgun on my family can clearly not be

represented by any statistics.

It is not only the human lives lost through handgun violence and those who mourn for them whom you must consider. What about those who have been fortunate enough to live through an assault with a handgun? What can they tell us about being a statistic?

Last summer, I met with other victims of handgun violence. I will never forget the experience which Rob Ciapetta described. Rob and a friend were parked admiring some beautiful scenery on a lovely spring day. A man approached the car armed with a handgun. Rob described what it's like to feel the cold steel of the gun barrel, to hear the loud bang, to smell the smoke, and then to feel the excruciating pain before you pass out. That's what it's like to experience handgun violence! Are you willing to let this kind of violence continue?

Today, in response to their perception of a growing crime rate and an increasing inability to do anything about it, people are arming themselves with handguns in record numbers. I urge you to consider the implications of this proliferation of handguns to our future.

Remember, the opponents of this bill want us to believe that we need guns to protect ourselves, but they have never been able to show that a significant number of us have ever had a chance to do that.

Opponents also want us to believe that "guns don't kill people, people kill people." I'm not impressed with slogans. Try repeating that slogan to yourselves when you attend the funeral of someone who has been shot and killed with a handgun. Consider the fact that if a handgun had not been involved, that person would be alive. Then consider the fact that the only purpose which a handgun serves is to maim or kill another human being.

Are you willing to allow the citizens of New Jersey to continue to buy handguns and to perpetuate this unfounded sense of security and unreasonable sense of courage which they obtain from handgun ownership? Or, do you want the citizens of our State to find a more reasonable, more appropriate response to the problems which affect us all? Do you want the killing to escalate, or do you want it to stop?

As the mother of three sons, I am not only concerned with the current handgun problem, but I am also extremely concerned about the implications for the future. A legacy of violence is certainly not one which I want to leave my children.

Therefore, it is in the best interest of my children, of all of our children and grandchildren that swift, effective action be taken.

Certainly, laws which impose strict penalties for handgun use are important. Certainly, more swift and effective action by our judiciary system is important. But, the only way we will ever be able to significantly reduce the amount of death and violent crime is by eliminating the availability of handguns.

I appeal to you as legislators to have the courage and the foresight to protect the citizens of New Jersey by the swift release and passage of this vital legislation. Thank you, gentlemen.

SENATOR GRAVES: I don't want to distrub you because I am terribly impressed by you. You hit home with what you consider are the salient features of what you feel this law provides. Would you be willing to answer a couple of questions?

MS. QUINTON: To the best of my ability, yes.

SENATOR GRAVES: Did the perpetrator of this particular act have a history of violence?

MS. QUINTON: I know nothing about the perpetrator. To my knowledge, he was never apprehended.

SENATOR GRAVES: He has never been apprehended?

MS. QUINTON: That's right.

SENATOR GRAVES: So, to this day, we don't know under what circumstances ---

MS. QUINTO: To this day, we don't know where he is, we don't know what he is doing, and we don't know whether he still has the gun in his pocket. It is as simple as that.

SENATOR GRAVES: How long ago did this happen?

MS. QUINTON: It will be four years ago April 7th.

SENATOR GRAVES: The only reason I am asking you these questions is that I don't know what the future of this bill is going to be. I wouldn't even want to guess about it because there seems to be no pattern emerging from any fellow legislators that I have spoken to as to whether it is going to be passed or isn't going to be passed. But I wouldn't want you to leave this room feeling that we haven't reacted to such a problem. We have. On January 13th of this year, we introduced a piece of legislation that dealt directly with this type of a crime and said once and for all we are tired of the type of judge that sits there and can be reached by a sympathetic plea and is apt to let that person go. We had an example only three months ago in Ocean County where the Superior Court Judge of Ocean County meted out a sentence to a person who had taken a shot at a cop with a pistol. Judge Addison of Ocean County sentenced this person to 12 weekends in the County Jail. I don't know what he would have done to him if he had killed the cop. But that is why we just passed a law that deals directly with what happened in that particular case.

MS. QUINTON: I believe that that legislation is significant and very important and I am very glad that it was passed. But I also believe that that is not enough. I also believe that that will not be enough to effectively stem the tide of the massive amounts of handguns that are in civilian hands. Granted that they are in civilian hands now, but we have no knolwedge of how soon or how many of them will be in criminal hands in the near future.

SENATOR GRAVES: Any further questions?

Your presentation was very effective.

MS. QUINTON: Thank you.

SENATOR GRAVES: Is Mr. Dare here? Would you please take the seat over here. Please give your first name and whom you represent.

P A U L D A R E: Thank you, Senator Graves, for this opportunity to address the panel. I am Paul Dare from Audubon, New Jersey. I am Secretary-Treasurer of the Mullica Hill Rifle and Pistol Club, a member of the Executive Board of the Gloucester County Federation of Sportsmen's Clubs. I am here representing the members of these groups to express our opposition to proposed Senate Bill 3169 on the following grounds:

First, as was pointed out very well this morning, New Jersey presently has one of the most restrictive gun laws of any of the states. If it is followed by our law-abiding citizens, they must obtain an ID card which requires applying to their local police office, being fingerprinted and checked out on the local, county, state and federal levels. Once you receive this card, if you wish to purchase a handgun, you must further make another application and go through the same procedure again.

There are restrictions on transportation. If you don't belong to an organized club, in theory, you should not be transporting a gun in a motor vehicle, but should only do so if going to and from competitive shooting, transporting the

gun somewhere for repair service, having a scope mounted or something else.

So it becomes discouraging to a New Jersey sportsman to constantly hear in the media how easy it is to obtain a handgun. It may very well be true for the dishonest citizen who can pick one up on the black market and could care less about the legality of it.

Second, what this bill does not prohibit, it would discourage through excessive permits, registration, etc. It already takes three or four months to obtain an ID card and as long as ten months for a pistol permit. The already overburdened local police would have to take on additional duties of registration and ammunition permits. Many State Police Officers have indicated to me now that the system of permits, etc. is just an additional duty for them. A friend of mine recently took four months to obtain an ID card. The very next day, he presented his ID card to get a handgun permit and was told it would take him another three or four months to obtain it. This is not exactly rushing to issue a gun permit to someone.

Too much authority and discretion would rest in one local authority who could expedite or delay permits, depending on his or her inclination to do so. Also, their working hours often make them unavailable to sportsmen.

Third, as has been pointed out, attempts to prohibit alcohol during Prohibition and drugs, which are certainly illegal, have failed. The State of Florida is rampant in crime related to drugs. This bill would penalize the law-abiding citizen and create a further black market in illegal handguns.

Fourth, I feel that this bill abridges the Second Amendment provision of the right to keep and bear arms. It violates a citizen's right to privacy, in that if we are to give out detailed information on the handguns, are required to renew them regularly, etc., who is to say into whose hands this information may fall? It interferes with the legal right to engage in competitive target-shooting between clubs. Even the Olympics engage in handgun competition.

Even more serious in this day and age is the denial of the citizen's right to self-defense. At a time when crime is on the rise, communities are forming town watches, w e r e law-abiding citizens disarmed, the criminal would become even more bold. I live in a suburb. Up until a few years ago, you could simply leave your door open and didn't have to worry. Three times in the last three years, we have been broken into. In two cases they were apprehended. These people were drug addicts supporting expensive habits. We now have dust-to-dawn lighting, a large German Shepherd, etc. Is this the way we are to live?

We are somehow supposed to be convinced that the criminal is some sort of super human being. I doubt that the average criminal has put a box of cartridges through his handgun. He has only one thing in his favor: complete lack of morality and no compulsions when pulling the trigger. The law-abiding homeowner may hesitate and this may cost him or her his life.

As we become frustrated by those who are the disadvantaged of society, by the violent, the radicals, those who take what they want without regard for the consequences, it appears that rather than going for cures and solutions and looking at the conditions in society that cause these problems, the easy solution is always to impose stricter and stricter penalties and restrictions on the law-abiding citizens because this is the course of least resistance and these people will comply.

Past experience has shown that there is no real correlation between restrictive gun laws and the amount of crime. Most gun owners are responsible persons

who use guns properly. Let's not penalize them further. Thank you.

SENATOR GRAVES: Thank you, sir.

John Volk, Federation of New Jersey Sportsmen.

J O H N J. V O L K: Thank you, Mr. Chairman.

Members of the Committee, my name is John J. Volk. I am the Past President of the over 50,000-member New Jersey State Federation of Sportsmen Clubs. We, who reside in all 21 counties of this great State, do vehemently oppose Senator Merlino's Gun Bill, S 3169, and wholeheartedly supported Senator Graves' Mandatory Sentencing Bill, S 1071, for crimes involving firearms.

I don't want to be redundant. You have heard all the reasons that the sportsmen are opposed to it. I want to thank you in advance for your cooperation in this matter. Thank you.

SENATOR GRAVES: Thank you, sir.

Cole Gibbs, New Jersey Federation of Sportsmen's Clubs. (No response.)

Robert Viden, New Jersey Federation of Sportsmen's Clubs.

R O B E R T V I D E N: I am Robert Viden. I am with the New Jersey Firearms and Sporting Goods Association.

When reading over S 3169, I got the feeling I was reading a book by George Orwell because it certainly brings 1984 closer and Big Brother more of a reality than ever.

Handguns are owned for many reasons: target, collecting, hunting and protection. All are valid reasons. The criminal by nature is not going to comply with any law. If he did, he would not be a criminal. The only people that would be affected are honest, law-abiding citizens. A law such as this would create a very large black market in firearms and a large underground movement in firearms in which the state and federal government would lose all control.

We, as dealers, today keep our records and the records are open to the state and to the federal authorities. If the State loses control of the sale of firearms and it goes underground, these records will not be available for anyone. And I can see New Jersey not as an island, but as a corridor that these handguns will just move into. I don't believe that New Jersey can isolate itself from the rest of the country.

If we start legislating against all objects that can be used as weapons, where do we stop? What would handgun laws have done to stop the Boston Strangler, Jack, the Ripper, or the killings of young boys in Atlanta. Crime has been around long before handguns. Cain killed Abel, but not with a handgun. The pyramids were built with slave labor. Many thousand died, but none with a pistol. Any object can be used as a weapon: ice pick, baseball bat, jack handles, etc.

The argument is sometimes made that in other countries, the availability of firearms is related to crime. In England, crime is on the rise despite rigid handgun control. In Switerzland, where everyone has access to firearms, even machine guns, the crime rate is relatively low. In Japan, where handguns are banned, the suicide rate is high but the murder rate is low.

Restrictive firearm legislation is not the answer because in other countries restrictive firearm legislation has really no bearing on the amount of crime committed. The cause seems to be social and economic factors, not firearms legislation.

We, as dealer, would like to discuss firearms legislation with any legislator and would be happy to work with anyone reforming the firearm laws of our State.

We feel that we have a good insight on the firearms' business and would be glad to help anyone.

We live in this State and vote in this State. Our stores are subject to robbery in this State. Our wives are subject to rape in this State. We all feel that we want to live safely in our State.

The only revolver that should be banned is the revolving door of justice that allows criminals to walk out of courts and commit robbery, rape and murder again. Larger jails, tougher judges and less plea bargaining is the only way to stop crime in this State, not the banning of handguns.

At this time, we, as dealers, would like to thank the Senate for passing the bill on mandatory sentences. We feel that this is a step in the right direction towards crime control and not the banning of handguns. Thank you.

SENATOR GRAVES: Someone else was about ready to come up here. Would you introduce yourself, please.

V A L M O R E J. F O R G E T T: My name is Val Forgett, Chairman of the United States International Muzzle-Loading Committee. Also, I am speaking as the President of Navy Arms Company, manufacturers of replica firearms.

We are manufacturers of replicas of antique arms which fall under all aspects of present New Jersey Gun Control Law. The replicas of the Model 1754 flint pistol that we are manufacturing for the restoration of Colonial Williamsburg requires the same permits as a .44 magnum pistol.

In the proposed New Jersey Gun Law, in one section it states that antique firearms or replicas thereof are exempt. But if you read it carefully, the other section removes this section and leaves it to the discretion of the State Police.

In 1966, it was made perfectly clear, or so we were told, that antique guns or replicas that would not fire cartridges were exempt from the provisions of the New Jersey Firearms Laws. After six years, suddenly the State Police decided that these were not exempt and applied all of the provisions, with no legislative changes. Again, with the revised Criminal Code and working with the Attorney General's Office, these were to be exempted again. After the passage of the law, the State Police said, "We don't buy it and the full force of the law applies to all antiques and replicas thereof." The Attorney General's Office, working with responsible legislators, drafted a law to make it very explicit, and it was passed overwhelmingly by the Assembly and now languishes in the Senate, with them refusing to put it up for vote for many months.

The collectors of New Jersey have been lied to twice. So you can see why when it states, at the discretion of the State Police, that we can keep our antiques, we just can't buy it.

Many collectors' arms fall under this Act and will have to be surrendered. I, for one, have among others a magnificent engraved and gold-mounted Colt Frontier made in 1929 and given to me by my godfather, which under the provisions of this Act must be surrendered and destroyed. I have been offered $15,000 for this gun and its present market value is between $20,000 and $25,000. My question is: Will the Superintendent of State Police pay me this $25,000 and then turn around and drop it into the melting pot as the law would require? I know of another pair of pistols that fall under the same category that would have to be destroyed that have a current market value of over a quarter of a million dollars. Not only must the taxpayer bear the burden, but the gentleman surrendering the guns would be faced with a capital gains tax on the money.

Will the State in addition to reimbursing the value of the gun also be

prepared to reimburse for the added tax liability it creates? When we get down to money, you must realize there are approximately 2 million handguns in New Jersey. Three hundred and seventy thousand pistol permits were issued in 1980 and 340,000 in 1979, alone. Add to this number handguns brought into the State by people moving here and bringing their guns with them legally. The average handgun is worth at least $200 on today's market. Now, you are talking at least $400 million just to compensate the people for turning in their guns. How are you as legislators going to face your constituents telling every household that you are going to have to tax them an extra, say, thousand dollars per household to pay for these guns? Don't you think the money would be better spent on building more and better prisons, maintaining better present jails to adequately house the criminals, and more efficient law enforcement to get and keep the criminal off the street?

The Governor's counsel said that he felt there was no obligation to pay for handguns turned in since it was contraband. But this bill does not deal with confiscation of contraband. Proposed Section 2C:39-12 calls for the surrender of illegally possessed handguns, not contraband. I thank you.

SENATOR GRAVES: Thank you.

John Borden.

J O H N B O R D E N: Mr. Chairman, ---

SENATOR GRAVES: Is this your whole statement?

MR. BORDEN: More or less.

SENATOR GRAVES: It won't be necessary to read the whole thing.

MR. BORDEN: It won't take long.

SENATOR GRAVES: Okay.

MR. BORDEN: Mr. Chairman, members of the Committee, fellow citizens, ladies and gentlemen, my name is John Borden. I am a resident of Beverly City in Burlington County. I am here today as a vitally concerned citizen to speak against the adoption and enactment of S 3169. In this capacity, I am speaking for my family, the Ankokas Rifle-Man's Society, a rifle and pistol club of which I am President, and myself.

It is my contention that this bill could be the prelude to a succession of laws nationwide that would leave the people of this country defenseless and unable to protect themselves from violence and aggression. Right now, all over this nation people are watching to see what is going to happen in New Jersey. If this bill becomes law, most certainly similar measures will be attempted in other states, the possible end result being the total abolition of handguns in the United States. Unfortunately, it will not end there because after a short period of time it will be obvious that these laws, like hundreds already in existence, are not working! The next logical step then is the abolition of rifles and shotguns with the resultant total disarmament of the American people. At this point, we would no longer be able to defend ourselves against domination by criminals, anarchists, and other tyrannical powers.

We have only to recall the events in Hungary of a previous decade, the plight, as attested here today by Mr. Murphy, of the weaponless British citizens in 1939 and 1940 when Hitler's armies were poised across the Channel and what is transpiring in Poland at this very time, to appreciate the value of a segment of the population who can become the armed nucleus of a militia in time of dire necessity. In my opinion and that of numerous others, this was the intent of the "founding fathers" when they drafted the Second Amendment to the Constitution.

The resistance to Russian aggression in Afghanistan is a perfect example of what can be accomplished when a society is not rendered defenseless by virtue of disarmament!

I invite your attention to Exhibit E which is attached to my statement, which is a reprint of an advertisement in 1939 or 1940 where the British were soliciting arms from United States citizens with which to defend their homes. I would hate to see that happen here.

Earlier I mentioned that there are hundreds of "gun laws" nationwide. These laws, like S 3169, were presumably originally proposed to control crime. Obviously they are not effective because crime is still rampant and we continually hear cries for even more gun legislation. As I see the situation, most existing gun legislation and the subject proposed bill addresses itself to the control of a particular weapon sometimes used in the commission of crimes rather than addressing the perpetrator of the crime. It is only he that can be held accountable for his actions - not the inanimate weapon used, regardless of its nature. It has yet to be proved that any handgun or weapon of any type wounded or killed anyone without the assistance of a human being. The slogan "guns don't kill people, people kill people" is often declared fallacious. However, I challenge anyone to dispute the fact that it was the person behind the gun that committed the crime, not the gun. I have yet to learn of any firearm or weapon of any type being charged with a crime, convicted by a jury of its peers and sentenced to a term in prison.

We are a nation of people and a nation of laws enacted for people.

Any legislation that addresses itself to an inanimate object rather than the criminal perpetrator is doomed to failure. If every handgun in New Jersey was in some mystical manner taken out of circulation, it would be only a short time before the criminal element was again armed. These weapons could be obtained in a varity of ways, such as:

1. Theft from police officers, National Guard Armories and the U. S. Military. It has recently been revealed that the gun that was used in the murder of Dr. Halberstam in Washington, D. C. was stolen from an FBI agent. I remind you we have had testimony this morning about the stringency of the gun laws in Washington. I also have enclosed an Exhibit A which relates to two articles, one in New York City, again, where we have very stringent rules and laws, in which one person subdued two police officers, stole their weapons and, perhaps at a later time, attempted to commit murder on other police officials with these weapons. Also there is a reprint of an article indicating that the Army is probing a half million dollars worth of firearms stolen from the military: M-16 rifles, grenade launchers, etc. They believe, according to a consultant employed by the military that these weapons have since been sold to the Mafia.

2. Availability through the black market or illegal sales by organized crime that will probably find gun-running even more profitable than their current narcotics operations. I think we have a case in point already.

3. Garage-type machine shops that can illicitly turn out both semi- and fully automatic weapons with a relatively small investment in machine tools.

4. Conversion of semi-automatic rifles and shotguns into effective handguns by not much more than making two saw cuts. This is already an established practice and is one of the current sources of highly dangerous illegal handguns. Presently, our laws require a rifle or shotgun to have a barrel length of at least 18 inches.

A similar law was enacted a number of years ago involving the abolition of alcohol in this country. As you know, that was such a dismal failure it was repealed. Today New Jersey is a major segment of the narcotics pipeline between Florida and the "northeast." Our success in stopping narcotics traffic is also another dismal failure. Consequently, I have no reason to believe that our law enforcement agencies would have any more success in thwarting the criminal element in New Jersey while attempting to execute S 3169.

Criminals by nature are law breakers. They do not and will not obey the law. The law-abiding citizens of New Jersey are the only ones who will be affected by gun legislation such as we are discussing today.

By singling out handguns, this discriminatory bill has totally ignored the thousands of people killed each year by a variety of other weapons or implements, not the least of which are knives. The "anti-handgun" people would like everyone to believe that to commit a murder using a knife the chances of success are slim because the victim can run from his assailant. I assume then the recent instance in New York City must really be the exception that proves the rule, since within an eight-hour period in a 20-block area, an obviously deranged man stabbed to death four out of five of his intended victims. This is certainly not an example of slim success.

I have an Exhibit B-1 attesting to that.

In conclusion, I strongly recommend the defeat of this bill. I further recommend, however, the subsequent initiation of rational, logical legislation that will have a significant effect upon crime in our State. In this regard, I suggest the enactment of criminal control measures that will take criminals off the street, put them in prison and keep them there. I believe that the mandatory sentencing law which was recently enacted thanks to the wisdom of our Legislature is a very significant step toward criminal control. However, I feel that for all felonious crimes stiffer sentences must be meted out by sterner judges and that less plea bargaining and fewer paroles must be the order of the day. Without measures such as these, we can legally penalize the law-abiding citizenry until judgment day, but we will have accomplished nothing meaningful in our battle against rampant crime.

I would like to thank the Committee for this opportunity to express my views and hope that they will be given serious consideration.

(Exhibits attached to Mr. Borden's statement can be found in the appendix.)

SENATOR GRAVES: Thank you.

Those of you representing organizations who have prepared statements, if you will submit what you are about to read and limit yourself to a summary of it, it will be digested by the staff and transmitted to us. This will avoid repetition. Whether you are for or against the bill, most of the salient features have been brought out by previous speakers. We don't want to preclude you from getting what you want to say on the record, but we will have to limit your time.

James Grimes, President, Somerset County Fish and Game Protection Association.

J A M E S G R I M E S: Mr. Chairman, I am James Grimes from Bridgewater. I am appearing before this Committee today as a representative of citizens, with the fear that we may lose one of our constitutional rights.

There has been much publicity concerning Bill 3169. It appears to be an attempt on the part of one man to gain publicity to further his bid for the

Governor's chair.

There have been statements made in the press that this bill will serve as a declaration of war on the National Rifle Association. It has been further stated, our tax money supports NRA activities. This is very far from being true. There have been other charges, all very similar, and all false.

It is apparent that a lot of publicity surrounding Bill 3169 was designed to appeal to the emotions of unknowledgeable voters, thereby gathering public support. What is 3169 in reality? I would like to quote from a public document that most of us are familiar with. "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." "Shall not be infringed" are strong words. Some people may not think too much of the Constitution, the supreme law of the land, but many of us do. We are concerned that if this bill is passed, New Jersey will no longer be a free state, no longer free because its citizens will not be free.

Ladies and gentlemen, members of the Senate, this bill could become a reality if we don't stand up and fight it. I fear that the Constitution and our rights and freedoms are endangered. For if any one part of the Constitution is eliminated, what is to prevent the rest of our freedoms, so treasured by Americans for centuries, from being taken away? I don't want this to happen and I don't think that you want it to happen either. Yet all this because one man wants to be governor! Thank you very much.

SENATOR GRAVES: Thank you.

Noel Lipson, Counsel to the Central Jersey Rifle and Pistol Club and Woodbridge Police Pistol Club.

N O E L J. L I P S O N: Mr. Chairman and members of the Committee, I had a much longer presentation when I arrived here this morning. But, fortunately, I hope for those of us who are opposed to this bill, many of the things that I had planned to say were said much more eloquently than I could by Senator Dumont and Assemblyman Imperiale and other gentlemen who have appeared here today.

I would like to tell a little bit about myself since I consider myself a typical gun advocate, gun hobbyist. I am a practicing attorney in the State of New Jersey and I belong to the Woodbridge Police Rifle and Pistol Association, the Central Jersey Rifle and Pistol Club, Lake Island Pistol Club in Cartaret. My particular affinity for shooting involves target pistols, target shooting. I suppose in that category I could be classified as a gun nut, and sometimes am by those even so close as my wife.

I shoot target pistols every weekend around New Jersey and Pennsylvania and thereabouts, together with a number of my friends that I see up in the balcony who belong to these and other clubs. It is a hobby that is very dear to me and also dear to them. I own a number of guns, almost all of which could be classified as pure target pistols, which is not to say that they could not be employed to shoot someone, but certainly not intended for that purpose. And I don't know when on record anyone can show that a target gun has been used for such a purpose.

In any event, I would like to feel that I speak not only as an attorney - and I would like briefly to get into the legalities of the bill - but also as a gun enthusiast. It is clear that the intent of this proposed law is to reduce violent crime, but I would like to suggest to you that there is no way that it can accomplish its intention in its present form.

To begin with, I would like to disagree respectfully with the Governor's counsel and state that the Second Amendment to the Constitution does not distinguish

between long guns and short guns, but it gives us the right to keep and bear those guns. On that level alone, I sincerely believe the bill to be unconstitutional. It infringes on an area that has been resolved by the federal law; and the State, as we know, infringes in that area. I think, despite comment to the extent that the Superintendent is going to set some sort of a schedule for compensation, we are talking about confiscation. And I think confiscation is generally an odious term.

It seems to me that this bill has sort of the air of a totalitarian state about it. I certainly don't mean to imply that any of the gentlemen involved in it feel that way. But I think it slips into the bill through an honest desire to try to reduce violent crime.

Another thing that I think is terribly disturbing about this law - and Mr. Imperiale and one or two others have compared it to Prohibition - if this bill passes in its present state, you are going to create an entire new class of criminals of these people in the balcony, and perhaps myself, because you are --- Words fail me at this moment. I can't conceive that men raised in the American way are going to turn in their firearms willingly or hope that the Superintendent provides a fair price for guns. I have a German target pistol that is worth $1300. I have another Italian gun, a single-shot piece that is about a foot and one-half long and a foot high that is used in Olympic events. The notion of anyone using that instrument as a weapon to commit a crime is totally ludicrous. Nevertheless, the law does not provide for any such distinctions.

This law, as it is designed, is going to put people out of work: pistol-smiths, gun dealers, and people whose businesses are devoted to the manufacture of ammunition. I don't suppose among the proponents of the bill there are perhaps people who are knowledgeable in these somewhat esoteric areas, but there are a number of people who deal in this thing quite legitimately and quite honestly.

I would like to suggest as an attorney and as a citizen and as a gun enthusiast that the way to cut down on violent crime is the way that has been led by Senator Graves; and, that is, strong gun crime penalty laws. I wish that his law could be passed in an even more stringent sense than exists at this time. I think, gentlemen, we are going to have to make our criminal justice system work. I and many others better than I could go on for hours on the fairness of the criminal justice system. We need more jails. We can stop the gun-runners and the Saturday Night Specials with other laws that I am sure can readily be drawn if Senator Merlino and the others want to devote a little thought to it. Dealing against the drug problem is going to have a lot more to do with stemming violent crime than passing this sort of legislation. The return to the death penalty would be a much more constructive approach to the problem.

Also, I would like to talk very briefly about the glorification of violence in our society. These television cameras that we see - if you pay attention to the eleven o'clock news, etc.

SENATOR GRAVES: Restrict yourself to the bill, please.

MR. LIPSON: I am concluding right now. Senator and gentlemen, I think that violating the constitutional rights of honest gun owners is not going to accomplish the purpose of reducing violent crime. I would just like to leave with you this thought: If you could press a button this instant and instantly make every handgun in the State of New Jersey disappear, do you really think it would have a significant effect upon violent crime? Thank you very much.

SENATOR GRAVES: Thank you.

Thomas V. Fitzgerald, Ridgewood Rifle and Small Bore Shooters.

T H O M A S V. F I T Z G E R A L D: Gentlemen, thank you. I am not going to make a statement. I am going to ask a few questions because I am a bit confused.

Senator Merlino's answers to some of Senator Foran's questions were wrong. I would like to review the two facets that bother me because it breaks down into two classes of citizens, those whose property will be confiscated now and those whose property will be confiscated later.

The first group, of which Senator Foran is a member, are people who owned firearms prior to the gun law of 1966. Therefore, they did not have to obtain a permit to purchase. Some of them purchased guns legally in New Jersey or elsewhere and some received them as gifts or bequests. Now, we have to assume that those people have not been involved in criminal activity for the past fifteen years, or they would have been relieved of their firearms by this time. Included in this first group or select group are the citizens who have moved into this state since 1966 and brought with them handguns, which they legally possessed elsewhere. Now, I live in Ridgewood, New Jersey and I would say that the houses on my block turn at least once every four years. What do these people do for protection? They are citizens of New Jersey. They have no idea what the gun law is unless we intend to duplicate Massachusetts law and install signs on every road leading into the state. All of the people in the first group, and correct me if I'm wrong, according to the law, will have to turn in their handguns on or before the effective date of the legislation, which is set for 120 days after approval. If the handguns are turned in within the prescribed period, the citizens will be paid for the handguns in accordance with a schedule to be established by the Superintendent of the State Police. I respect the Superintendent of State Police as our chief law enforcement officer, but I have no reason to believe that he is an expert on the valuation of firearms and I am at a loss to understand how he is going to establish a schedule for payment.

The second group, whose property will be confiscated later, if I am correct, are those who have purchased handguns since the passage of the 1966 Gun Control Act and have in their possession the permits to purchase that were utilized at the time of purchase. Under this law, they will be permitted to continue to possess this firearm for an undisclosed period of time to be determined by the Superintendent of State Police and when that time has run out, they may make application to the Superintendent for renewal, but he is not obliged to renew, nor is there any criteria or justification for renewal, nor is there any appeal procedure, which means to me that this bill has been hastily and poorly drafted in a political climate that I am not happy with. I am not running for Governor either. Accordingly, any reasonable person will assume that the second group will have their property confiscated in the near future. It is particularly interesting to note that even though they may retain possession of their handguns for a little bit longer than the first group, there is nowhere, under the law, as it is written--and I am not an attorney--where they can take them, including their own home, places of business, range or for recreation.

I don't understand the bill. There are too many unpolished facets and until someone, including Senator Merlino, can sit down and explain to me how I am not going to be deprived of my firearms and my fellow citizens deprived of their firearms, I couldn't support legislation such as this. We supported every piece of legislation that has come across the pike that has brought the criminal to heel. But, this is a weak attempt to do something to the lawabiding citizens and I think the people here with me will have to say that you can't just sit idly

by and watch it head for the hopper. Thank you.

SENATOR GRAVES: Donald Reinhart, Matawan, New Jersey?

D O N A L D R E I N H A R T: Good afternoon, Mr. Chairman and members of the Committee. My name is Donald Reinhart and I am a member of the National Muzzle Loading Rifle Association and I would like to read briefly from a letter that I've addressed to Senator Caufield. "Dear Sir, Speaking on behalf of over 4400 muzzle loading sportsmen, I would like to voice our total opposition to Senator Merlino's bill, 3169, the proposed Handgun Bill. We believe it is a misdirected bill which would be a waste of time, effort and taxpayers' money to try to eliminate the legitimate use of handguns. We already have laws that should apply to the illegal use or ownership of handguns. Enforce these laws rather than create a new law that will remove handguns from the legitimate use, such as hunting, collecting, target and competitive shooting or for protection in the home. Firearms are not the cause of violent acts, only the tool used in committing these crimes. It is estimated that there are between 55 and 60 million handguns in the United States. Of this amount, less than .4% were used in the act of a crime, which means that over 99.6% of handguns are used for a legitimate purpose. There are over 50,000 deaths each year in the United States caused by the automobile. It would be unthinkable to ban the use of motor vehicles. Instead, the law punishes the offender who misuses the automobile. So it should be with firearms. Don't penalize the legitimate user of handguns. Rather, punish the person who misuses it. Yours truly, Don Reinhart." Thank you.

SENATOR GRAVES: Thank you, sir. Mr. Leonard J. Frizzano, Edison, New Jersey?

L E O N A R D J. F R I Z Z A N O: Good afternoon, gentlemen. My name is Leonard James Frizzano from Edison, New Jersey. First, I would like to commend Assemblyman Imperiale on his courageous stand for the great people of New Jersey.

Second, I would like to stress my opposition to this particular outrageous bill pending in your hands. This bill, in my estimation, is an attempt to violate the rights set aside for me by the Constitution of the United States of America.

Gentlemen, I am in constant search of life, liberty and the pursuit of happiness and I see this Senate bill as a violation of my pursuit of these goals. Was it wrong for the people of this great nation to put a man named Ronald Reagan in office who believed in peace through superior firepower? How many police officers do you talk to you today where they feel that they can't even do their job correctly because they are not equipped correctly. I say if they need a machine gun, if they need a bazooka, if they need a flame thrower, you give it to them and protect them. Remember, you must support the people who support you. What I feel is that if you face me with an armed criminal in my business or home, I want the opportunity to protect my life and family with a firearm. I choose not to take the option of whether or not he chooses to snuff out the life of a loved one or mine in an instant depending on whether or not he's in a good mood for the day or whether or not his haul was big enough. My nine year old daughter shoots with me on a weekly basis. Crime pays because of the justice system failures. If you will read some of the government comparisons, you will find this. It is clear that the present laws are not reducing crime and what makes you think that they ever will? Disarm the public and make them legal prey for the criminal. I guess the only thing that I can really say

is that when guns are outlawed, outlaws will have guns. I urge you, crime control, not gun control. Gentlemen, I like to shoot and I like to use handguns and I don't intend to stop. Thank you.

SENATOR GRAVES: Anyone left who wishes to add to the record anything else other than their name, would you all please come over to this section over here and I'm going to take you in the order that you get there. Go ahead, sir, you can start.

These are the rules for the next 45 minutes. There are approximately 20 of you. You each have two minutes. If you have anything to submit besides introduction of your name for the record, please do it. You are limited to two minutes. If you want to go beyond that, in two weeks, this group will sit in Newark. We will start our investigation of Public Service Gas and Electric Company, as directed by the Senate President with a 34 to 0 vote of the Senate. At that time, before we start our inquiry into the Public Service, Gas and Electric Company's raising structure, we will take anybody else who may be left over. Please start and give your name, address, and if you have something to submit, please do it.

J A M E S E. A N D E R S O N: Thank you, Mr. Chairman. My name is James E. Anderson and I am an attorney from Union City, New Jersey. If you give me two minutes, you are going to make me talk awful fast and this young lady's fingers are going to hurt. I have this to submit, Senator. Firearms laws simply affect only those who will obey them. I am here to reason, not to fight with anyone. Reason is the way of life or should be. You are going to get nowhere by trying to disarm the honest, law-abiding citizen. You may well be violating and I think you are violating the constitutional prohibitions against legislation. The principle thrust of this bill, of course, at this time, is the short gun. May I submit this to your Committee for consideration. The difference between the long and the short gun--the short gun is extremely mobile. It is my weapon of choice to defend me and mine. A bill of this sort substitutes for my opinion as to how I may defend myself the opinion of a legislator. Now, if I were to become angry about this, and I try not to be, I would call this governmental arrogance, to substitute for my opinion the opinion of a legislator. Senator Merlino, himself, said to Senator Parker this morning that he would not presume to tell Senator Parker by what means he should defend his family. This bill does precisely that. I submit that this is a non sequitur as far as the Senator's declaration of intent or oral declaration of his intent this morning. He does precisely that. He tells me what I may have to defend myself. As an American citizen, Senator, I object to that, and I say further--and I am now concluding in far less time than I had intended--I say further that you will be creating a "black market" in weapons. I am a man trained in the law. I am trained to absolute, rigorous obedience to the law. I'm not sure that I'm going to stay that way if you pass a bill of this sort. I'm 62 years old. Where do I get off wrestling with some 200 pounder in my house at night. The long gun can be snatched out of my hand. That's all I want. Thank you, Senator.

SENATOR GRAVES: Next?

L. A R T H U R B U R T O N: Yes, sir. My name is L. Arthur Burton from the Association of New Jersey Rifle and Pistol Clubs. I have chopped mine way down and I have a few points to make. Then, I would like to touch upon specific sections of the bill by chapter and verse which have not been touched yet.

This group has worked very hard with Assemblyman Herman on the coalition on the revisions on the Uniform Code of Criminal Justice and much of that is being discarded through this S-3169. There are too many vague phrases. "Permits to carry" is meaningless because you can't get them. So, they really have nothing to do with the bill. The authorities have been instructed, "Do not issue them." The wording in the bill is vague, poorly drafted. It is open to lawsuits. For instance, phrases "liberally construed to mean", "as the superintendent may deem", "the chief of police with justification." One of the things that we work for is statewide uniformity. There are over 700 municipalities in the state and if we leave it up to each individual chief, we will be right back to where we were in 1966, with no uniform requirements throughout the state. For instance, where it says that you get permission from the chief to get ammunition. .22 ammunition is used in rifles as well as pistols. There is other ammunition used the same way. This could well destroy our junior programs and I have taught junior programs for 20 years. Now, I asked this question of Senator Menza and Director of Police Williams, when we debated him on TV about two years ago. Under the present law, how many persons were arrested since the 1968 gun law, titled as the toughest in the nation, and how many were convicted? How many were arrested under this revised criminal code and how many are convicted and serve time? They didn't have the answers. Here, we're putting forth legislation and I still can't get the answers to those questions. So, those, I think, should be at least compiled or answered before this bill is even considered.

SENATOR GRAVES: Go ahead, sir.

D O N A L D M A L S O N: Thank you, Senator. My name is Don Malson and I am from Morris County, New Jersey. I am captain of the United States International Muzzling Team. In 1976, this Congress gave me a citation for the work that I did on the American Team in winning a tremendous victory in the World Championships in France. After that, we raised money and built a training center here in New Jersey where we select and train the United States shooters to participate in world competition. This bill, 3169, if passed the way it stands, will eliminate the program that we have at that range and eliminate the use of that range. One of my greatest hopes was that someday in the Meadowlands Sports Complex here in New Jersey we could host the Summer Olympics, inviting countries from all over the world. This bill, gentlemen, would cut those hopes totally. It would take a great deal of courage from any politician in this state to pressure legislation which would prevent the holding of the Olympics in this state. Thank you very much.

SENATOR GRAVES: Thank you. Please make sure Mr. Robbins has your name and address. Next?

R E N A T O C A R A Z Z A I: My name is Renato Carazzai from Princeton, New Jersey and I belong to the Citizens Rifle Club. A lot of the things that have been overlooked today and it was just mentioned that handguns are not for sport. I belong to a pistol club that has about 120 members and part of our program is teaching. We teach junior shooters, male and female, from 11 years to 18 years old, how to handle handguns, long rifles, we have a hunter safety program. These children go through two or three hours of classes before they even pick up a firearm. We have the ladies shooting program, strictly for women, whether they want to shoot at a target or for self-protection or anything they want, we have certified instructors to teach these people how to do it. It is not a sport that is as demanding as football, but if you can play golf, you can shoot a gun. It is no big problem. You can do

it. It is exciting to us. We have league shootings. A lot of people have bowling leagues and we have pistol leagues where we travel all over the East Coast to shoot, except for New York State where we're afraid to go into the State with our handguns because their State Police will take them from us. Our clubs cover a lot of territory. We have 13 acres at our club. We pay very heavy taxes. The police departments from all the local areas, including Trenton, use our club for their training programs, for their instructions, for their practices. They have to qualify twice a year. Thank you.

SENATOR GRAVES: Thank you. Next.

J O S E P H D I C A I R A N O: Thank you, gentlemen. My name is Joe DiCairano. I am from Lake Hiawatha, New Jersey and I'm an NRA member and just a private citizen. I drove two hours and I want to say what I have to say. I'm here today because I, for one, could not live with myself personally if gun control legislation in this state becomes a reality. A very dangerous precedent will begin here and our founding fathers, along with every American who fought to keep this country, would have died in vain trying to protect and preserve our constitional rights which are being threatened here today. If people want freedoms such as our right to bear arms abolished, why don't they simply move behind the Iron Curtain and report to us from there on its efficiency? The communists don't allow the people to carry anything but their lunchpails to work, let alone a handgun. We are the most heavily armed civilian population in the Free World and I emphasize the word, free. My contention is that our right to bear arms is the only reason we have remained free. Don't take away our freedom. Don't turn us into an eventual Soviet satellite. Breznev would, I'm sure, be proud of this legislation. The answer to the problem is not taking away guns from law-abiding citizens. In my opinion, no gun legislation will ever take away my American right to bear arms. I am here to see that no gun legislation will keep any American from protecting himself or protecting his loved ones if the time ever arose. Gun control is not the answer, but controlling those who use guns maliciously against another is. I thank God for making it possible for me to be here today because if we don't stop people like the Merlinos and the Byrnes, freedom of speech may be the next right taken away by our officials. Gentlemen, if this law is passed, I feel America will no longer be America. I, for one, would rather be tried by twelve, than carried by six. Thank you.

SENATOR GRAVES: Thank you. Next?

W I L L I A M G. M I L L S: I am William G. Mills, Jr. of the Borough to Totowa, County of Passaic, New Jersey. I am strongly against this bill. I am a private citizen. I have never, ever used a firearm of any type, especially the handguns currently being discussed, in anger. I shoot paper and that is it. I have strong feelings for the young ladies we heard before who presented cases of loved ones who were killed by firearms and I also feel very sorry for losing my grandmother who died at the age of 94. Only a ghoul, and I am not one, could not hurt and feel the pain of these young ladies at losing their loved ones. But, the firearm that was used in those cases was probably not legal. When this law goes through, the killings that occur after the passage of this law also will not be legal and what I'm trying to say is, I do not think the legislation will be effective in curtailing the activity of criminals. I thank you very much.

J A M E S F O S T E R: My name is Jim Foster and I'm from Bloomingdale, New Jersey. The ludicrous law which Mr. Merlino proposes deepens the control of the government over our individual rights. As large an issue as gun control is here today, it only represents one small step towards furthering socialism in our democracy. We can conclude that by electing officials like Mr. Merlino and Byrne, we are electing socialism into our system. These people are servants of the people but lose sight of that as they see all the power and control that they can acucmulate. They are only human. This is why they take it upon themselves to create legislation supported by a certain few instead of carrying out the will of the people. Our founding fathers had the right to bear arms put in the Constitutions so us law-abiding citizens could always uphold the ideals of the Constitution, which all centered around the preservation of individual freedom. The following two points are the scariest when we talk of gun control.

One, gun control leaves the good guys without guns and the bad guys with them. The bad guys don't care if they get them through the black market, which will come into existence from small domestic manufacturers that do not even exist right now and from anti-American countries who will only distribute them to anti-American groups.

Two, it leaves the population in the position where we can easily be disarmed, which registration and bans accomplish. Hitler proved this to be a fact. When the population is disarmed, takeover is highly possible and nearly probable. Aren't Messrs. Merlino and Byrne students of history. The Russians are not putting 50% of their GNP into the military to have great May Day parades. A country whose people are enduring so many hardships and sacrifices must really want to achieve their goal, which is world takeover and total domination. Breznev must be proud of our elected left-wing government officials. My suggestion is not gun control, but control the people who use guns in violent acts against another person's freedoms. Stiff mandatory sentences are only the first step. The following steps would be as follows. One, since the criminal deprived the citizen of his freedom, we must deprive them of theirs. Example, no disability, social security, plush prison cells, law degrees while in prison at taxpayers' expenses. Chain gangs still work well down South, when you are owned by the state.

Two, capital punishment must be reinstated. When we start taking the life of those tho take the lives of innocent people?

Three, once a conviction is handed down, no appeal should be granted. Gun control is not the answer, but straightening out our judicial system by swift effective justice is. We are wasting too much energy in the wrong direction, you must penalize the petpetrators of these viloent acts, not penalyze thel law-abiding sector. Thank you very much.

SENATOR GRAVES: Thank you, sir. Next.

J O S E P H F A L L O N: Good afternoon, Senators. My name is Joseph Fallon and I am from Pemberton Township. In light of yesterday's tragic events, I find it ironic that were here discussing the banning of handgun sales in New Jersey, which has one of the strongest gun control laws in the nation.-keeping that in mind, I would like to say that barring a totally repressive form of government, this kind of incident, however tragic, cannot be prevented from occuring again. We are not dealing with a rational segment of society when dealing with political assasinations and murder. These individuals will find the means to carry out their desings, since they have found a way in the past, regardless of what laws are enacted by society.

This bill is not addressing itself to crime, but to the minority of society which is unable to handle the freedoms accorded to all citizens. Once again, we are being asked to relinquish more of our personal freedom in the hopes of controlling a very small segment of society. This would appear to be another act of a paternalistic government. Making anything illegal in the past has only served to make it more expensive, exciting and profitable, such as Prohibition and drugs, and to some, desirable when it did not have that effect beforehand. We are, again, looking for quick answers where there are none. What security people obtain by having a gun to protect themselves at home, whether this is real or imagined, allows them to at least sleep a little bit safer at night in their own mind, and in some cases, to hold onto what little sense of individual dignity they still have. If we are trying to protect people from themselves, it won't work. We require a drivers test before getting a license and a hunter's safety test before you can obtain a hunting license. It would be more logical, at least, to expect, possibly, a test for a handgun permit, if that is the way we are going, to show competance, but this would probably require another layer of bureaucracy. I cannot say how to make life risk free and I don't really think we can in today's society. Thank you.

SENATOR GRAVES: Thank you. Next.

M A R I O V I T A L E: Mr. Senator, my name is Mario Vitale from Cranford, New Jersey. I am originally from the Iron Bound section of Newark, born and raised. Mostly, everything that was said here today, I don't have to say again. I have listened to a couple of women here today stating that the husband and poor brother were shot. Nothing is more horrible than to see a person shot. I had a brother with a bullet, half his head blown off, but I did not go out and state that we should take your guns away. This is one thing that I am fighting against. We have our rights and we should keep our guns. This morning, a little boy was buried, a 17 year old. I am pretty sure I know how he died. These are the things we have to fight and there was another young boy of 16 run over by a train. Mr. Merlino says that guns are the fifth worst causes. Where are the first four? This is what we must fight here in the State of New Jersey. I made a statement before, a long time ago, that the State of New Jersey will never take my pistol. I am prepared and ready to sell my business, put everybody out of work and just leave this state and go to a state where my freedom will be appreciated. Thank you, gentlemen.

SENATOR GRAVES: Next, sir?

S C O T T M I L E S: My name is Scott Miles, I traveled down from Blairstown, New Jersey. I heard many of the cases. I have a very brief outline and I'm going to speak very briefly and accurately.

I am moved by the testimony of the people who have been involved with families who have been shot, people that have been shot with handguns. All I can say is, handguns are a tool. They are not the cause. I think there is too much of a zeal of those people who want to protect the criminal, while the cause of the righteous goes unrewarded.

The basis for my discussion today is the Holy Bible and as a Christian, I am going to challenge the hearts of people who are going to be making the decisions concerning this bill. I think by our good example toward our young people by an unchanging standard, we will then form the foundation for people who do not want to shoot people. I believe the Holy Bible, as we say it is in our courts, we lay our hands on it and we swear by it and it is about time we started to know what

is going on inside of it. If we are one country under God, I am going to challenge our consciences today. We need a proper division by our judicial system and by everybody in this room to carry out the intentions of the Constitution with a pure heart and for my last entry, I'm going to read something out of God's word and it can be found in Deuteronomy, Chapter 25, Verse number 1. "If there be a controversy between men and they come unto judgement, that the judges may judge them, and they shall justify the righteous and condemn the wicked." In 200 short years it has turned around. I say, don't take the tools away, but take the attitude away. Thank you.

SENATOR GRAVES: Thank you very much. Next?

I R V I N G H I L L I T T N E R: Mr. Chairman, members of the Committee, Mr. Robbins, my name is Irving Hill Ittner, 52 Fan St., Clark, New Jersey, 07066. We had the honor of Commissioner Murphy this morning and I would like to know, I'm very curious, and I think the assembled citizens are too, did he come here for a fee and expenses? Does the Committee know? Can the Committee answer that?

SENATOR GRAVES: Not at our expense. Not to our knowledge.

MR. ITTNER: Thank you. We have another witness here that I think I should introduce, the distinguished Senator Edward Moore Kennedy who, nine years ago, was alarmed that there were 50 million handguns in this country and he also said that the production figures are 2,500,000 a year. That was nine years ago. Now, I don't argue with his figures because the Treasury has that information long before the handgun control laws. There's a thing to keep the ducks going, an 11% tax on every firearm, every box of ammunition and everything else and those records are very precise. So, his figures must be correct. Now, today, that would bring us up to 72,500,000. Now, these figures don't mean anything to you tomorrow or what, but just think. A fortnight from today about 70 million heads of families are going to file their 1040 reports, responsible people and you are directing legislation against New Jersey's share of those people. I don't think it is right or fair. You even have me on the front page here, rifles and shotguns. 66 years ago, my father gave me a .22 rifle and I still have it, and to save you from reading all this stuff, according to this bill, I would be a felon of the third degree or something like that. Now, what business does that have in legislation like that? Why can't I jump up and down and complain about it. Also, everybody has repeated about the Superintendent paying for hand guns. I just got some recent prices. I was down in Florida. A Smith and Wesson, which takes half-moon clips, $350; a nine milimeter Heckler and Koch, $550; a .45 Colt Combat Special, $1195. Those are today's prices. Now, I'm sure you can do much better with the monies we have. You have to have money for this, that and the other things. I think you could do a lot better and I think you could please leave the handgun owners alone. Also, a woman made a remark that pistols are not sporting. The Vermont fish and game law specify directly that a pistol may be used for anything that can be shot legally with a rifle. We don't do that here, but it is sporting. Also --

SENATOR GRAVES: Your time is up, sir. Next.

G E O R G E H. G A M B L E: My name is George H. Gamble and I am instructor of vocational agriculture from Hackettstown, New Jersey. During my years, earning my Masters degree at Rutgers, I had to work part time at a retail sporting goods store and I can guarantee you, you cannot buy any firearms through the mail. You have to be a federal firearms licensee in order to receive any gun from out of state

through shipment. That is a "no-no" in the federal law. Also, as an educator, and going through the Masters program at a fine school like Rutgers, we had chances to visit many different schools and one of the things that impressed us was that school crime and the people who grew up to be criminals learned crime in two places, basically, at the home and in the school. At Hackettstown, we have a very good environment, yet we do have petty gambling, liquor sales, drugs, we have vandalism of all sorts and we have a good school with a good administration. Other schools in more congested areas are worse. Some of these children live with families whose brothers and sisters are constantly in trouble with the law. Their parents are either missing or also in trouble with the law and they become sick in nature simply growing up in that environment to grow up and become criminals. There are too many causes for crime to take something which really has no effect on crime and blame it, an inanimate object.

Also, with regard to England being a gun free or virtually gun free country, this summer I had the pleasure of meeting and talking with a division from the International Practical Shooters Confederation and the gentleman--and I can't remember his name off the top of my head, but he was a representative of that Confederation--but in England, they have both combat handgun and combat rifle courses for civilians, which has been growing steadily for the past two and a half years since they were developed. Otherwise, the traditions have been kept up. They are a restrictive country, but they go through the paperwork because people who have come from a free society desire to remain free and England itself needs trained marksmen for their various programs and these civilians take part in that.

In summing up, I would simply like to say that the success of self-defense with a handgun is not sensational because in many cases the utmost success is when you never have to fire a shot. The confidence, the deterrence, the people going away, that happens time after time and they just don't make sensational headlines and that's why they are not noticed. Other times, they become more sensational when, God forbid, they have to shoot somebody. That's not why I own them. I own them because--

SENATOR GRAVES: In conclusion, before you leave the chair, did you say that you cannot purchase firearms through the manufacturer?

MR. GAMBLE: You have to be a federal firearms licensee, sir. That means you have to go to the federal government, the BATF, the Bureau of Alcohol, Tobacco and Firearms in Washington.

SENATOR GRAVES: You can't clip out an ad in the paper and send for it?

MR. GAMBLE: No, sir. You cannot do that. That's a real big penalty. You can go away for a long time.

SENATOR CAUFIELD: I know it can't happen, but one of our senators did so.

MR. GAMBLE: Well, then, it is the inefficiency of the Bureau. I've dealt with Bob Trainor and a few other folks from the Bureau--

SENATOR GRAVES: Who is the one who would be indicted, the receiver or the sender?

MR. GAMBLE: That's a hard thing to say. The court would have to decide that. Both would be called into court. If the person who sent the firearm out had grounds to believe that the paperwork was legitimate--

SENATOR CAUFIELD: Why would you suppose all those ads are in all the magazines?

MR. GAMBLE: Well, they're not in the ads currently. For example, if you get a copy of the Shotgun News, you will see ads left and right, but you will see in very, very small print, "F.F.L. required." Now, there are some places where you can get a kit for black powder replica and those are restricted cases and, under the national law, you would be exempted from buying a certain kit of that type.

SENATOR CAUFIELD: Regardless of buying them by mail, you're not saying that it is difficult to buy a gun in New Jersey, are you?

MR. GAMBLE: Legally, it is an onerous task. I've had experience with many people who have had police chiefs, because they simply didn't like their politics or their hairstyle or whatever, keep their requests for a permit on the shelf for six or eight months and the state law, at the time, required a ten day period at max. Now, it is a 30 day period.

SENATOR CAUFIELD: How did all these many millions of handguns come into possession of the people if it is so difficult?

MR. GAMBLE: It is a case that the permits are applied for and people want them bad enough and they go through extreme efforts to comply and get the permits. As far as the criminal element goes, you are going to have a hard time stopping them because you can get a back pack walk the Applacian Trail, go out of the country to Ireland or anywhere else, and get who knows what. A third government seeking anarchy in a given country will always supply it.

SENATOR GRAVES: Thank you. You were very enlightening. Next?

R I C H A R D A Y L I N G: Perhaps I will make up for this with some brevity. My name is Richard Ayling from Turnersville, New Jersey. In Proverbs, it is mentioned again and again about those who are swift to shed blood and the causes of this. There is a slowness in justice. Perhaps this is the problem we should get at rather than controling guns. If you control the people, you will control the guns. If this bill is passed, which I certainly am opposed to, 3169, then it will be the first step in etching away the Second Amendment rights that we are guaranteed under the Constitution. There is no distinction between long guns, short guns, or any other such weapon. I'm not saying that I should own a machine gun. I handled one in Vietnam. I could handle one responsibly. I could own one responsibly at home, but I don't care to. I'm not advocating that anyone should. However, the opportunity should not be given up for a private ownership of handguns. These are very often the weapons that are used in the close distances within a home for home protection. A shotgun or rifle is just too long. Approximately 3 to 7 feet is the average combat distance in the actual situation of home defense. Matthew 12:29 says, "or else how can one enter into a strong man's house and spoil his goods except he first bind the strong man and then he will spoil his house." If that man is strongly armed, he can't do it. Luke, 11:21 says, "When a strong man is armed and keeps his place of dwelling, his goods are in peace."

SENATOR CAUFIELD: Just as an observation, you said if you control people, you control guns. You can apply that to anything. If you control people, you control drugs. You're not suggesting that we ought to legalize drugs, I hope.

MR. AYLING: Certainly, I'm not suggesting total control of people. I'm merely suggesting getting at the root of the matter. The actions of using a gun or a knife or an automobile or anything in the commission of a crime is the outworking of the inward person.

SENATOR CAUFIELD: But, it is so much easier to use a gun, so impersonal.

I can shoot you and don't even have to come in contact with you. When I have to actually plunge a knife into you, that's a lot more personal. It is a lot more difficult. Thank you.

MR. AYLING: Thank you.

SENATOR GRAVES: Next.

D A V I D Y A T E S: Gentlemen, my name is David Yates from Burlington County. I don't have any notes with me because I just want to tell you of a personal experience that happened to me. I have had two break-ins at my house, one as recently as January of this year. The first one was in August of 1975. My wife and I were in bed asleep and she heard a noise in the house and she picked the phone up and called the police. We don't have any local police. It is strictly State Police. It is a rural area. I got a loaded pistol and proceeded down the stairway and a man came running out of the front room, the living room of the house into the foyer and he had his hands up in the air. I have a big double oak front door on my house and I was halfway down the stairs and he said to me, "Are you going to kill me?" I said, " Yes, I'm going to kill you." With that, he turned around and pulled the front door off the hinges with one hand to get out of the house. He was as close to me as you are right now. All I can say to Senator Merlino is, if you don't care to protect your wife and your family in your home, there is nowhere else to hide and I don't care to have that option removed from me because it takes 40 minutes for the police to get to my house and too much can happen in that time and if Senator Merlino wants to take my gun away, he will have to put a State trooper in front of my door 24 hours a day. Thank you.

SENATOR GRAVES: Next?

E D W A R D C A R L I N: My name is Edward Carlin from Roselle, New Jersey. I had a prepared statement which I will dispense with for brevity. I would like it entered into the record. My views are the same. I am very profoundly against this bill. I would support you gentlemen in real solutions to the causes of crime that we're talking about. My views have all been spoken earlier. I only leave you with the thought that we are not against you, we're just citizens in the State of New Jersey. I've been a native, but I would leave this state if this bill was passed. Thank you.

SENATOR GRAVES: Thank you.

R O N A L D N I E S S E N: My name is Ronald Niessen and I am a citizen of Warren, New Jersey and I just want to voice my opposition against this bill. I've lived in New Jersey all my life and I really like New Jersey, but if this bill were passed, I would feel that the Legislature would be passing a very oppressive bill. It would take away my right to own a handgun which my father had given to me and which I use for target practice. In fact, it looks like I could be thrown in jail for three to five years. I think that is quite oppressive. It would also take away the right to have a gun in my house for my own protection. As with a few other people here, my house was broken into. Now, I don't know if I would shoot anybody for breaking into my house. In fact, I'm sure I wouldn't, but I would like the right to protect myself and I don't think this bill will decrease violence in New Jersey. I really don't. I think the intentions may be good, but I don't think those intentions will be fulfilled by passage of this law and I hope it is soundly defeated.

SENATOR GRAVES: Thank you. Next?

J A M E S M. P A R L A: My name is James M. Parla, Jr. and I am a resident of Elizabeth. I'm 33 years old and I've lived in this state all my life. I've never been arrested for any crime, any violation of any state law. Normally, I would consider myself part of the silent majority. I guess that is a term that was pretty popular a few years ago. But, over the past few days, I've contacted about 40 of my friends and relatives, urging them to get in touch with you people and voice opposition to this bill. I learned to shoot when I was about 12 years old. My mom taught me and we had a lot of good times target shooting up at the police range. Nothing that has been said today has convinced me that I should have to pay for someone else's criminal activity. I am not a criminal. This morning before coming down here, I went to the Chief of Police in Elizabeth and I got my third permit to purchase a handgun. I will probably have to wait another six months for the permit to be issued. This is the third time that I've been fingerprinted. I don't think I'm going to use the gun to commit a crime. I have lived in this state all my life, but if this law is passed, as some other people have said, I will move. I've already discussed this with my wife. I think, if this law is passed, it would be, as the man before me said, very oppressive and I think to even consider such an abridgement on my constitutional rights is a disgrace. Thank you.

M I C H A E L L O W E: My name is Mike Lowe and I am with the United Sportsmen Association of North America. We're a gun club of 500 members located in Salem County, New Jersey. Basically, our objection to the bill is, as presently constituted, the bill would effectively impair the operation of our club as a large segment of our members are pistol shooters and we travel all over the tri-state area. We have other people coming in from Maryland and Pennsylvania who compete at these matches. We use the funds from the matches to improve our range, which we then turn around and make available to the Sheriff's Department and various police departments. So, if you cut us off by restricting the inter-state transportation and making people afraid to come into the state with firearms who are legitimate competitive shooters, you will really be hurting us. I won't go into the other arguments that I had planned because they've been restated here many, many times and I appreciate the opportunity to speak. Thank you.

SENATOR GRAVES: Thank you.

R O B E R T F. M C K I N N O N: Senator Graves and members of the Committee, my name is Robert F. McKinnon and I represent the New Jersey Arms Collectors and the Fort Lee Arms Collectors. As an educator and also as legislative representative for those two groups, I must express our serious objection to the Merlino bill. Our problems with this bill ranges from the proposal to ban handgun ownership all the way to the dictatorial powers that it bestows upon the Superintendent of State Police. We find it impossible to relate these oppressive regulations in any fashion with the real problem, criminal activity in our state. These controls are directed toward one segment of our population, the firearms owner. We are becoming rather tired of being treated as second class citizens simply because we have an interest in firearms. Specifically, we object to the unilateral determination of the possession, purchase and importation of handguns. This has been tried in many other jurisdictions and it has failed, including Washington D.C. It is outrageous in our minds to impose upon the chief of police of any police department, who are already over burdened, the power to decide who shall purchase ammunition for already existing handguns.

We do not accept the powers placed by this bill in the hands of the Superintendent of the State Police who is an appointed official, not elected. His regulations could result in his office making laws rather than simply enforcing them. The responsibility for making laws is solely that of the Legislature and we want to see it remain so. The provisions dealing with voluntary surrender of handguns, with compensation, is ridiculous in the extreme. The vast majority of people would ignore this. 95% or better of the honest citizens of this state would not surrender their handguns and I can guarantee you that 100% of the criminals would ignore it. The section of the bill that concerns itself with confiscation of private property is unenforceable. It would require a tremendous increase in the police power in the state and we can't afford it. The possible restrictions placed on licensed firearms dealers by the Superintendent are unreasonable and show a lack of clear thinking. This could very well result in a number of businesses going out of business, large numbers of people being unemployed and it certainly wouldn't do anything for an already sagging economy. The real statement made by this bill is that the people of New Jersey cannot be trusted, especially if they own firearms. We say to you gentlemen, when the government becomes afraid of the people, that's the time for the people to fear their government. Thank you.

SENATOR GRAVES: Thank you, sir. That was very well put.

C E C I L J O N E S: Gentlemen, I am Cecil Jones from Hightstown, New Jersey. I have been a shooter for a great many years starting back in Hunterdon County, when moved to the farm, which was 64 years ago. My chief sport is shooting what people in this chambers here call Saturday Night Specials. I have picked off a wristwatch on two different wristwatches running away with a 2.5 inch .38 on an electric target that goes out like this. I have taught a great many police officers to shoot even before it was mandatory that they know how to handle a gun. I have refused to qualify police officers because they were not capable of handling a gun. I am respected by police authorities because they know I will not vouch for someone who is not qualified. I will say this. I am a member of several rifle and pistol clubs. Most of my shooting time is spent in teaching now. I have developed some national winners. I will not have anything to do with a person who does not control himself. I will say this. I have been called upon to work with the local police as an auxilliary police officer. I have worked in security work. I have only one time ever drawn a gun in the line of duty and I fired one shot into the dirt which brought in three tire thieves who didn't want to come back because they heard that funny noise in the night. I will say this too. May I never have to point a gun at anyone. My police have called upon me as a civil defense officer and at 74 years of age right now, I am still somewhat active in our fire police and if necessary, I would go and help our local police. Furthermore, I say it is a sad thing that no matter what you want to do to kill somebody; the man who had that little prayer book here could use that to choke somebody to death if he was so inclined. I happen to know and have a very good friend who was colored. His son was killed with an unregistered shovel. I would like to say too, may I never have to help kill somebody. May no one ever come into my house because I certainly believe, as Robinson Crusoe, back in the days of Daniel DeFoe, said, "To save my life, I shot him dead." Never forget that a wounded man can kill you. That's all I have to say.

SENATOR GRAVES: Thank you. Next.

M A R K W I L S O N: I am Mark Wilson from Morris County, New Jersey and I grew up in a family with guns in it. We have never had any problems in the family, never had any problems with the weapons. I moved out to Colorado back in '78 and handguns are a lot more common there. They don't seem to have the problems out in Colorado that we do here because they are a lot more common and I feel that people respect the guns and they know a little more about them. I feel if New Jersey were to set up a voluntary school or training for people who want to learn a little more about weapons and how to use them, the state would be a little better off. I think our problem is that we fear the weapons for what they are. We don't respect them. A handgun is a tool. It can be used for constructive purposes, enjoyment or it can be used for destructive purposes and that is that the problem that we've got right now. So, I'm opposed to the law. Thank you.

SENATOR GRAVES: Next?

P E T E R R O G E R S: My name is Peter Rogers from Jersey City. Initially, I wasn't going to come up here but when Senator Caufield said that it is so easy to shoot someone,well, I had someone break into my house about two years back and I was home and I turned on the light, I had my pistol with me, and it turned to be one of the local toughs. I recognized him. He had a crowbar in his hand. I told him to get down on the floor and I called the police. Well, the fellow only got three months suspended sentence and six months probation. This fellow had committed muggings with a knife. He had been convicted of this, but yet, I couldn't shoot him. So, it is not as easy as many people seem to claim. When you are in the situation and you are actually facing someone down and you have a gun in your hand, even as big a bastard as I knew he was, I couldn't shoot him.

SENATOR CAUFIELD: I don't think I tried to indicate that it was easy. I said it was easier than jabbing a knife into him. That's all.

MR. ROGERS: If I didn't have the handgun, I would have had a baseball bat and someone would have gotten hurt, definately.

SENATOR GRAVES: Okay, thank you.

W I L L I A M A B E L S O N: My name is William Abelson and I am from Morris County, New Jersey. For the past three years, I've worked for ABC TV in New York, videotape. One of the things that I've noticed over the past three years has been, even from my friends and people talking to me, is that the people in the different states all across the country really don't get their say like we have interest groups here pro and con. But, I think on an issue such as this, it should really be left up to the individuals in the state, as far as something that is deemed that important. I don't know, Mr. Chairman, is that possible?

SENATOR GRAVES: You mean for it to go on referendum?

MR. ABELSON: Yes, sir.

SENATOR GRAVES: It is possible, but this is the route that they have pursued. The sponsor has chosen this route.

MR. ABELSON: Something like this, I feel that a lot of investigation should be given to find what the general basis or feeling is across the state.

SENATOR GRAVES: I would dare say we probably broke all records in the State House today in that we probably heard from 100 people in one sitting from throughout the state, all parts of the state. There is probably no area that has not been represented here today.

MR. ABELSON: That's all I have to say.

SENATOR GRAVES: Fine, thank you. Next?

M A U R I C E C O N N O R: My name is Maurice Connor. I live in Cherry Hill, New Jersey and I am a police officer in the Cherry Hill Police Department. One of the things that concerns me here today is that this is going to present a new problem for me. Prior to this, with the laws that we have on the books right now, we have a percentage of the population, about 1%, that is causing a lot of the crimes with these handguns. If you pass this, you are going to create a brand new class of criminals, which would include about 99% of the people in the State of New Jersey who have handguns. You know, we have a hard time controlling crime in this state because of the large amount of drugs that are coming through the state. These people are not the average burglar that you had five years ago. These people will kill you just because they don't have enough money stolen to support their habit tomorrow. That's the kind of mental attitude there is today. I can appreciate Senator Caufield's position here earlier. He stated that he had been involved with the police and that, by and large, if you don't take any direct action against most people, they will not kill you. But, these people that we're dealing with today, the drug addicts are doing these burglaries to support their habit and they will kill you for just for the pure old fun of it; that type of person, you can't reason with anymore. I can't be everywhere and it has been said a number of times here that we don't have enough police officers to support the thing. I'm relying on town watches and townpeople that are getting involved in protecting their townships because I can't be everywhere. I also would like to think that if I'm laying out in the middle of the street, that somebody would come to my aid, some homeowner that I am trying to protect. If I get shot or if I'm in serious trouble out there, I would like to think that I would have somebody come out and help me. If you take the guns away from these people, then the only guys who have the guns are the bad guys. I really need all the help I can get.

SENATOR GRAVES: All right, thank you, Officer.

T H O M A S A. M U N D Y: My name is Thomas A. Mundy, Somerville, New Jersey. As a person who is a small businessman, full-time employed, in the firearms industry, supporting a wife and seven children, I want to go on record as being definately, 100% against this bill. I also would like to bring to your attention a little brochure that was picked up in the lobby. It states, "Get to know your state. Take Pride in New Jersey." It shows a picture of our Governor. On the inside, there are fifty firsts for New Jersey. One of the firsts is that the first Colt revolver developed in Paterson, New Jersey. That was 145 years ago. I hope we don't have to add another first, that we're going to confiscate that gun and look for it. Thank you.

SENATOR GRAVES: All right, thank you very much. The hearing is now adourned.

(Hearing Concluded)

EXHIBIT: A

SUBMITTED BY JOHN BORDEN

March 31,1981

EXAMPLES OF FIREARM THEFTS FROM POLICE OFFICERS & THE MILITARY

GUN WEEK
2/20/81

While On Parole, "Hulk" Charged With Stealing Police Revolvers

A 6 foot 3, 220 pound man, known to New York City police as "The Hulk" and suspected of robbing two police officers of their service revolvers while out on parole for attempting to kill a policeman with a handgun, has been arrested, according to United Press International.

The story is a brilliant true-life cameo commentary on the value of New York City's gun laws and a parole system dedicated to returning criminals to the streets for "rehabilitation".

According to UPI; Louis Balleta, 34, was arrested at the Golden Gate Motor Inn in Brooklyn recently.

Balleta, on parole for attempting to kill a policeman with a handgun, had four guns in his possession at the time of his arrest. He was charged with robbing the service revolvers from two police officers who had stopped him for questioning earlier.

The service revolvers taken from these policemen were among the guns recovered when Balleta was arrested.

GUN WEEK
3/27/81

Army Probing Weapons Thefts

The U.S. Army is reportedly investigating the thefts of more than $500,000 worth of weapons, including grenade launchers and, automatic M-16 rifles. It is also checking out reports of an alleged Green Beret-Mafia link.

Dennis Prentice, a security consultant under contract to the military was quoted as saying, "They're trying to save face, but it looks as though someone has been stealing these weapons and selling them to the Mafia."

GUN WEEK
1/23/81

Offers Key Facts On Recent Killings

At about the time you read this, some weeks will have passed since the murder of rock-and-roll musician John Lennon in New York, and a few days more since that of prominent cardiologist Michael J. Halberstam in the District of Columbia. Both victims having been wealthy, widely-known, and respected in their separate fields of endeavor, plus the fact that both killers used pistols, the crimes have received much publicity.

Predictably, within a few hours the "gun-grabbers" were busily fomenting the usual "ban-the-handgun" hysteria in any of the media offering a forum; and, as predictably, emotionalism reigned in most of these presentations while logic was ignored. Such an atmosphere is by no means unusual for any demagogue seeking to capitalize on a sensational incident, but it is nonproductive if the truth is sought. In this discussion I shall try to dispense with some of the heat, and perhaps shed a bit of light, on the basic facts to be found in these two tragedies.

The man charged with killing Dr. Halberstam is, according to newspaper reports, an escaped convict with a long record of criminality, a professional burglar who seems to be intent on proving the old ethic "Crime does not pay" is no more than a myth. Witness his home ($235,000), his "summer cottage" ($100,000), and car ($40,000), all paid-for in cash. Consider the 2½ rooms full of loot from his burglaries; a UPI story in the Atlanta papers on December 14 reported this had been tentatively valued at $4,000,000. The gun he used in the commission of the murder had been stolen from a Special Agent of the FBI.

The man who allegedly killed John Lennon was a security officer, an individual who probably would be "allowed" to have a gun even under the handgun bans advocated by the avid prohibitionists, when he bought the gun in Honolulu October 27. Hawaii is a state with stringent gun laws, requiring registration with police of all firearms and ammunition. A prospective gun purchaser must report to a police station, satisfy the officer who handles his application that he is not within any of the seven classes specifically barred by Federal law from *possession* of all firearms or ammunition, furnish documentary evidence of identity and residence, and then await clearance by local authorities after they have checked with the National Crime Information Center. After this man acquired this revolver, he then violated both Federal laws and those of New York, by taking the gun to New York, and by possessing it and by carrying it thereafter. After 70 years of legislative patchwork on its anti-gun laws, trying to make them more restrictive, New York has a lengthy and arbitrary permit procedure before a citizen (who must first be licensed as an individual) may acquire and possess a handgun, even within his own home.

Can any sensible person believe that either of these two crimes might have been prevented by having some sort of new law? After all, murder has been a crime against the laws of God and mankind a great deal longer than gunpowder has existed. The cancerous growth within our Society — the proper target for our concern — is *violent crime*, and its accompanying disregard for Law (existent for the benefit of all) by certain individuals. Punishment for wrongdoing is a precept some 5000 years old, and the swiftness and certainty of punishment is considered by eminent sociologists to be more effective than severity of punishment.

Why is there reluctance to place the blame, and the punishment for crime, on the person of free will who deliberately forms an intent to violate a law? Continuation of the tendency to place blame for criminal actions on an inanimate object can only be regarded as an option for chaos.

Edwin B. Topmiller, Sr.
NRA Director
Atlanta, Ga.

1X

EXHIBIT: B

MARCH 31,1981

EXAMPLES OF MURDERS COMMITED WITH WEAPONS OTHER THAN FIREARMS

BURLINGTON COUNTY TIMES

12/24/80

WEDNESDAY, DECEMBER 24, 1980

Four killed in N.Y. stabbing spree

NEW YORK (UPI) — Police say there are similarities in four stabbing deaths that occurred in a 20-block area in midtown Manhattan within eight hours.

"In each case, a white male with wire-rim glasses was involved," a police spokesman said Tuesday. "In each case, the victim was stabbed once in the chest." The spokesman said three victims were black and one was Hispanic.

He said city detectives had contacted police in Buffalo, N.Y., to determine if there are links between the October slayings of several black men in the western New York city and the midtown killings Monday.

Police also were investigating the possibility that the same attacker was responsible for knifing and seriously wounding a man in an IRT subway station at 14th Street and Seventh Avenue Monday morning.

Police said the stabbings were unrelated to the case of the so-called "East Side Slasher," who police said stabbed five persons, one of them fatally, in a 45-minute rampage near Bellevue Hospital last month.

Police, meanwhile, have formed a 30-member detective unite to investigate the Monday slayings.

They said they were looking for a white man of medium build, in his early 40s, about 5-foot-7 and weighing 140 pounds. They said he wears glasses.

The method of stabbing — plunging the knife into the victim and twisting it — was described by police as "jugging," a common practice among inmates who usually use homemade knives in their attacks on each other.

Because their weapons are often primitive, they twist the blade in their victims to guarantee a main artery or vein will be severed.

In only one of the Monday stabbing have police determined that robbery was the motive. The others appeared to have been unprovoked.

Monday's fatal stabbings occurred between 3:30 p.m. and 11:55 p.m., police said.

The victims were identified as:

— Louis Rodriguez, a 19-year-old messenger, of the Bronx, stabbed about 3:30 p.m. on Madison Avenue between 40th and 41st streets. His wallet was stolen.

— Antone Davis, 30, of Manhattan, stabbed about 6:45 p.m. at 37th Street and Seventh Avenue.

— Richard Renner, 20, no known address, stabbed at 10:40 p.m. at 224 W. 49th St.

— an unidentified black man, stabbed about 11:55 p.m. at 33rd Street and Seventh Avenue.

The man who survived, identified as John Adams, 25, of the Bronx, was stabbed in the chest about 11:30 a.m. and underwent a four-hour operation at Bellevue Hospital.

Cemetery focus of child hunt

ATLANTA (AP) — Leaders of weekly searches for clues to the disappearances and slayings of 15 children say they will excavate a site near a cemetery where a child's black shoe was found last week.

"There may be absolutely nothing to it," City Councilman Arthur Langford said Tuesday. "But we don't want to leave any stones unturned.

"We just don't want to take anything for granted," said Langford, who heads the United Youth-Adult Conference, which has organized the searches.

Langford said it was not known if the black shoe belonged to any of the four missing children. Eleven other children have been found dead. All were black and between the ages of 7 and 15.

The shoe was found by tracking dogs given the scent from clothing of the four missing children. It has been turned over to a 35-member special police task force investigating the slayings and disappearances, which began 17 months ago.

A conference spokesman said the area to be excavated is near some woods on the south side of the northwest Atlanta cemetery.

Police have suspect in slaying

PHILADELPHIA (UPI) — U.S. Navy officials have identified a suspect in the stabbing death of an enlisted man at the Philadelphia Naval Base, a spokesman said, but they refuse to release any information.

Lt. Commander Alan Ables Sunday refused to reveal the name or sex of the suspect in the Saturday stabbing of Seaman Apprentice James E. Johnson Jr., 21, of Maryville, Tenn. He also refused to say whether the suspect was in custody.

Ables said Johnson's body was found stuffed in a barracks locker at the naval base, and there was evidence that a fight had taken place in the room.

He said officials discovered Johnson's body about 8 p.m. when an ambulance was summoned for a second seriously injured enlisted man, whom Ables refused to identify.

He also refused to say whether the injured man, listed in fair condition Sunday at the Naval Regional Medical Center, was a suspect or whether he was involved in the fight.

BURLINGTON COUNTY TIMES

12/15/80

Injured clerk dies from stab wounds

V&C 12/29/80

PENNS GROVE (AP) — A 21-year-old store clerk was stabbed to death Saturday during a robbery at a 7-Eleven food store in this Salem County community, police said.

The victim was identified as Floyd Collins of Penns Grove.

Police said Collins died of stab wounds in the chest and was pronounced dead on arrival at Salem County Memorial Hospital.

BURLINGTON COUNTY TIMES

12/29/80

EXAMPLES OF MURDERS COMMITTED WITH WEAPONS OTHER THAN FIREARMS

Police probe girl's murder

GUTHRIE, Okla. (AP) — Parents and chaperones were seeing children home in this central Oklahoma town after the body of a 9-year-old girl was found in a field with her throat cut, officials said.

The body of Carrie Kendall was discovered Monday. Police and volunteers had spent the night knocking on doors and searching empty buildings for the girl, last seen Sunday afternoon when she was sent two blocks for a newspaper.

Police said they did not believe she had run away because Miss Kendall was looking forward to singing in the choir at Sunday night's Christmas pageant at her church.

Officials said they have no suspects, although a sketch of a burly man seen in the field Sunday by an off-duty officer was distributed.

The blond, blue-eyed girl bore no other obvious sign of injury when found. An autopsy was planned, said police chief Jerry Hughes.

"More of the parents are picking up their kids instead of letting them go home with other people or walk," said David Gibson, music director at Guthrie's First Baptist Church and Carrie's choir leader.

Gibson said the girl was a "quiet child. She was friendly, but she wouldn't be the type to walk right up to somene on the street."

She was reported missing an hour and a half after leaving her home in the basement of an old Masonic nursing home. Her stepfather, Ed West, worked as a custodian at their church.

BURLINGTON COUNTY TIMES

12/16/80

N. Phila. man arrested in knife death

Police last night arrested a 62-year-old North Philadelphia man and charged him with stabbing to death a man inside a Tioga restaurant during an argument over an unidentified woman customer, police said.

William Watson, of the 3700 block of N. 15th st., was charged with murder and weapons offenses in the stabbing of Willie Lowe, 36, of 1313 W. Erie ave., inside the Coffeeland restaurant, 1401 W. Erie ave., yesterday, police said.

Watson, arrested at the restaurant shortly after the 3.25 P.M. stabbing, was held last night on $20,000 bail at the Philadelphia Detention Center. A hearing has been set for next Wednesday at City Hall.

Lowe was pronounced dead at 3.45 P.M. at Temple University Hospital with eight stab wounds of the chest, stomach and arm, police said.

The two men had gotten into an argument over a woman inside the restaurant when Watson allegedly pulled a butcher knife and stabbed Lowe, police said.

PHILA. BULLETIN

3/15/81

Credit card clue in man's murder

By NANCY TRIMBLE
Of the BCT Staff

MOUNT HOLLY — A 25-year-old Trenton man was arrested yesterday for allegedly using credit cards belonging to an Eastampton man murdered Dec. 6, according to Burlington County Detective Neil Forte.

Michael Lewis Cunningham of Old Rose Avenue was charged with using credit cards of William E. Stewart, who was found stabbed to death in his Sherwood Village Apartment last week, Forte said.

Police say Cunningham was lodged in the Burlington County Jail, pending a bail hearing sometime today.

Forte said the murder victim's car, which had been missing for several days before the killing, was located last Friday night parked on Violet Street, Trenton, in the same neighborhood where Cunningham lives.

The 1979 green Honda Civic, which Stewart reported to police had been taken without his consent, has played a key part in the investigation. Stewart told police he knew who had the car, but he would not sign a complaint.

Forte would not say who took the car, how Cunningham got the cards or how many cards were involved. Nor would he give details on how investigators traced him down.

Cunningham has been charged with forgery, illegal use of credit cards, and theft by deception. According to Forte, Cunningham spent several hundereds of dollars using the the cards in Trenton, Hamilton Township and Morrisville, Pa.Fugitive warrants for Cunningham's arrest have also been issued by police in those towns, Forte said.

(Continued on Page 4, Col. 1)

3X

BURLINGTON COUNTY TIMES

12/17/80

EXHIBIT: C March 31,1981

EXAMPLE OF THE FAILURE OF PRESENT LAWS TO ACHIEVE THEIR INTENDED RESULTS

BURLINGTON COUNTY TIMES

1/5/81

Many felonies go unpunished

NEW YORK (AP) — Ninety-nine of every 100 people arrested on felony charges in the nation's largest city never go to a state prison, and more than 80 are not even prosecuted as felons, according to The New York Times.

The newspaper reported Sunday that most of the 100,000 people charged with felonies each year go free. One of every six serves a term in a city jail, where offenders cannot be kept for more than a year.

State prosecutors have said more criminals are not sent to jail because meager funding only allows them to treat the worst offenses as felonies.

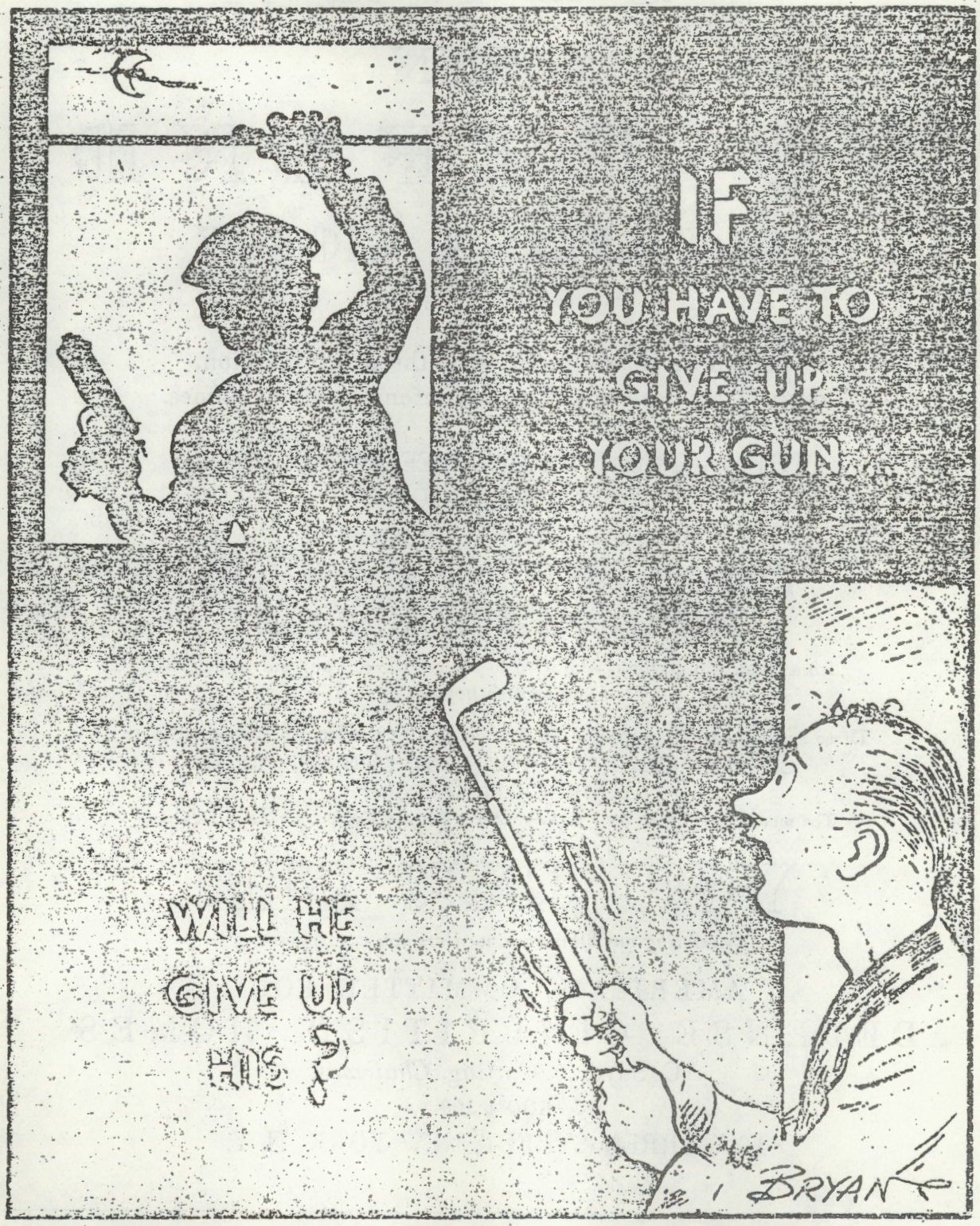
They note that the problem is further hindered by police officers who file more serious charges than are necessary, make unlawful arrests or fail to secure essential evidence, the Times reported.

The Manhattan district attorney's office estimated that the Police Department filed charges that were harsher than necessary in 4,000 felony arrest cases last year.

Manhattan District Attorney Robert Morgenthau said that with more money and better investigative work 1,000 cases now being prosecuted as misdemeanors could be handled as felonies.

Felony convictions, which include crimes like robbery, rape and murder, result in a jail term of more than a year while misdemeanors, such as minor assaults, possessing small quantities of marijuana and jumping a turnstile, carry a term of a year or less in prison.

EXHIBIT: D



It could happen to you under registration

EXHIBIT: E

SEND
A GUN
TO DEFEND
A BRITISH HOME

British civilians, faced with threat of invasion, desperately need arms for the defense of their homes.

THE AMERICAN COMMITTEE FOR DEFENSE OF BRITISH HOMES

has organized to collect gifts of

PISTOLS—RIFLES—REVOLVERS
SHOTGUNS—BINOCULARS

from American civilians who wish to answer the call and aid in defense of British homes.

These arms are being shipped, with the consent of the British Government, to

CIVILIAN COMMITTEE FOR PROTECTION OF HOMES
BIRMINGHAM, ENGLAND

The members of which are Wickham Steed, Edward Hulton, and Lord Davies

YOU CAN AID

by sending any arms or binoculars you can spare to

AMERICAN COMMITTEE FOR
DEFENSE OF BRITISH HOMES
C. Suydam Cutting, *Chairman*
ROOM 100
16 WARREN STREET, NEW YORK, N. Y.

Note: The full page ad reprinted above appeared in the November, 1940 issue of the American Rifleman magazine.

THOSE WHO IGNORE HISTORY ARE DOOMED TO REPEAT IT

If the American public allows restrictive legislation to deprive them of their constitutional rights to "KEEP AND BEAR ARMS" — to whom will they turn for guns of defense the day their homes are threatened?

Richard S. Allen

Stockton, N.J. 08559
April 1, 1981

Mr. Stephen Robbins
Law, Public Safety & Defense Committee
State House
Trenton, N.J. 08625

Dear Sir,

I am writing you concerning Assemblyman Merlino's Bill 3169 banning handguns, as I wish to make my opinion known.

I, along with 83% of the American electorate oppose any regulation calling for a handgun ban. I am in the company of 57% of the electorate in believing that more gun controls will not reduce crime. (These percentages were obtained from the 1978 Decision Making Information Poll).

Also, I feel that it violates my civil rights guaranteed by the Federal Bill of Rights. I am sure you have been informed many times that the 2nd Ammendment guarantees, " the right to keep and bear arms shall not be infringed." According to Webster's Dictionary infringed means: " to encroach upon in a way that violates law or rights of another." Also from Webster's: encroach, 1. to enter by gradual steps or by stealth into the possessions or rights of another. 2. to advance beyond the usual and proper limits. It may be said that these definitions may not be the ones used in the legal profession, but I submit that the drafters of the Bill of Rights wished to use language understood by everyone, the legal profession probably did not have specialized definitions at that point in time and most of the authors of the Constition and Bill of Rights were not lawyers. When considering these definitions I find that a handgun ban is entering by gradual steps into my rights and that it is beyond the usual limits in this country and the state of New Jersey. Being that this fits the definition of encroachment, I find that it is an infringement on my right to keep and bear arms.

I wish you to consider the following questions and facts when deciding whether a handgun ban would be effective and proper.
a) If you cannot control the illegal traffic of drugs, those that are medically available and those that should not be available at all(cocaine, heroin); how do you propose the criminal element can be kept from obtaining guns? Guns can come from outside the U.S. and be sold on the black market, just like drugs.
b) You cannot keep the criminals from obtaining military and police weapons, which no civilian can legally own and these weapons are stolen from the police or a military armory. How do you propose to keep them from getting guns from other sources?
c) If a person is going to commit a criminal act and further compound it by using a gun (I am referring to the law passed early this year); what is to keep this person from committing another illegal act by purchasing this gun from the black market?
The only outcome I see from outlawing the handgun is that the law abiding citizen will obey and be the only one hurt by having his civil rights violated.

At this time I would like to point out that our founding fathers, who wrote the Constitution and the Bill of Rights, thought this issue was important enough to be one of the major reasons for rebelling from England. Consider also the 2nd Ammendment was listed second over eight other rights we would'nt think of giving up. It has been pointed out that the 2nd Ammendment is prefixed by: " A militia being necessary to the security of the state,". The concept could be taken that modern military weapons make a militia ineffective, in fact useless. Some people would say that the 2nd Ammendment is therefore

antiquated. To these people, I say look at Afghanistan, where the rebels have been holding the Russians from obtaining their objective of total domination of the country and making it costly in men and material to obtain that objective. Many of these rebels are equipped with weapons designed in the 19th century. Another example I would like to point out is the underground in World War II, who was effective against a militarily superior foe.

Now to address the main reason this bill was proposed: to stop injuries and save lives. I would at this time like to make a comparison between guns and automobiles. Automobiles cause twice the deaths per year when compared to guns, handguns in particular. Considering this fact, death by autos is a bigger problem than guns, either by accident or criminal acts. (Facts from 1977 National Safety Council.) It has been recognized that the auto is an inanimate piece of metal and that we hold the driver responsible not the car for these criminal acts or accidents. I ask you, what is the difference between a gun and the car, both are lethal when misused and are inanimate pieces of metal. A car is lethal when a person is drunk and/or not obeying the traffic laws, not when there is no one behind the wheel. A gun is basically the same, it can not hurt a person, unless the gun is aimed and someone pulls the trigger. The gun itself can not hurt someone by itself. I see only three differences between a gun and a car.

1. Death by car is a bigger problem than the problem of death by gun.
2. The subject of guns is an emotionally loaded topic and is not approached with the same rational reasoning as many other topics.
3. The right to own and bear arms is a right given to us by the Federal Bill of Rights, which takes precedence over state law. The privilege of driving is given to us by the state and can be taken away. My constitutional rights can not be taken away.

If we consider these problems and facts rationally and unemotionally, we would see that it would reduce the death rate to ban the private use of cars and instead use public transportation. This would not violate a civil right. The problem here is that most people would fight for their privilege of driving even if it saves lives. I ask them why they should keep their deadly privilege and ask us to give up our rights? Would these people allow someone to restrict their 1st Ammendment rights? If we allow someone to set a precedent by putting restrictions on one of our rights, I foresee restrictions being put on other rights of ours.

So at this time I join with the 93% of the electorate and urge you to pass strict mandatory penalties for the use of firearms in violent crimes (such as the law passed earlier this year.) I would discourage you from passing more gun control laws, let alone a gun ban.

Sincerely,

Richard S. Allen

Richard S. Allen
Certified Police Firearms Instructor

cc: Walter E. Foran
National Rifle Association

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: 544-7190 or 7191

national coalition to ban handguns

STATEMENT OF

MICHAEL K. BEARD, EXECUTIVE DIRECTOR
NATIONAL COALITION TO BAN HANDGUNS

BEFORE

THE STATE SENATE OF NEW JERSEY
COMMITTEE ON LAW, PUBLIC SAFETY AND DEFENSE

RE: SENATE BILL 3169

March 31, 1981

Chairman Graves and distinguished Members of the Committee:

My name is Michael Beard and I am Executive Director of the National Coalition to Ban Handguns.

On behalf of the 80,000 individual members and the over thirty national religious, medical, legal, professional, and educational associations and citizen public interest groups making up the National Coalition to Ban Handguns, I would like to thank the Chairman and the committee for the opportunity to testify today on the proposed handgun control legislation being examined by the New Jersey State Senate.

The NCBH would like to commend Senate President Merlino and his colleagues for introducing Senate Bill 3169 and we offer our full support for this strong, anti-crime legislation.

I would like to emphasize at the outset of this testimony that the NCBH only favors restrictions in the availability of handguns. The NCBH does not support regulations or laws that would restrict long guns. Our reasoning is simple: although handguns comprise only 20 to 25 percent of the total firearms population in New Jersey and throughout America, they account for 80 to 90 percent of the firearms abuses. It is estimated that there are over 50 million handguns in America today, with another 2 million added every year. Our society has become a handgun arsenal.

To simply say that handgun violence in this nation is a problem would be a gross understatement. During the Vietnam War years, more Americans were murdered with handguns here at home than were killed in combat on foreign soil.

10x

participating organizations

American Civil Liberties Union
American Ethical Union
Americans for Democratic Action
American Jewish Congress
American Psychiatric Association
American Public Health Association
Black Women's Community Development Foundation
B'nai B'rith Women
Board of Church & Society, United Methodist Church
Center for Social Action, United Church of Christ
Church of the Brethren, Washington Office
Disarm Educational Fund
Friends Committee on National Legislation
International Ladies' Garment Workers Union
Jesuit Conference—Office of Social Ministries
National Alliance for Safer Cities
National Association of Social Workers
National Council of Jewish Women, Inc
National Council of Negro Women
National Jewish Welfare Board
Political Action Committee, Woman's National Democratic Club
The Program Agency, United Presbyterian Church in the U.S.A.
Union of American Hebrew Congregations
Unitarian Universalist Association
United States Conference of Mayors
United States National Student Association
United Synagogue of America
Women's Division, Board of Global Ministries, United Methodist Church
Women's League for Conservative Judaism
Young Women's Christian Association of the U.S.A., National Board

(partial listing)

The Vietnam War has ended, but the handgun war continues to escalate with no end in sight.

It is not coincidental that crime has been increasing along with the number of handguns in this nation. According to a 1978 study conducted by the General Accounting Office (GAO), "There has been a positive association between the increase in the number of firearms in circulation and the increase in violent crime in America since the mid—sixties." The study adds, "Our analysis indicates that the ease with which firearms are obtained is directly-related to the proportion of firearms used in crime and is a significant contributor to firearm crime rates."

The Surgeon General of the United States made a similar conclusion in his 1979 report entitled Healthy People - The Surgeon General's Report on Health Promotion and Disease Prevention. According to this report, "Easy access to firearms appears to be the one factor with a striking relationship to murder." The report added,

> Evidence from England suggests that prohibiting possession of handguns would reduce the number of deaths and injuries, particularly those unrelated to criminal assaults. Both assaults and suicide attempts are less likely to be fatal without firearms -- and firearm accidents would decrease.

The Surgeon General's report added that murders of passion involving family members and acquaintances would probably decrease if handgun availability was reduced.

It is clear why we need handgun control. Everyday, 62 Americans are killed with handguns. According to the Federal Bureau of Investigation's Uniform Crime Report released last fall, 20,591 Americans were murdered in 1979. Fifty percent of these murders involved a handgun. That is one handgun murder every 48 minutes. In New Jersey alone, someone is murdered with a handgun every 36 hours.

Homicides are not the only type of death caused by handguns. Handguns are also instrumental in over 10,000 suicides and over 1100 fatal accidents every year. Over 300,000 violent crimes were committed in this country with handguns last year alone.

People are fooling themselves when they purchase a handgun for "self-protection." Handguns are not safe instruments for self protection. Last year, over half of the murder victims were acquainted with their assailants and 1 of every 5 victims was related to the offender. Furthermore, only 22 percent of the nationwide murders occurred as the result of a felony or a suspected felony -- the remaining 78 percent of the murders were the result of arguments or had other or unknown motives. In fact, a handgun bought for "protection" is six times more likely to accidentally kill you or a member of your family than it is to deter a burglar. The fallacy of believing that a handgun is a good instrument of self-protection is supported by New York City Police Commissioner Robert McGuire, who found that in over half of the fatalities which occured in gunfire confrontations between armed holdup men and legitimate handgun licenses in 1979, the person killed was the innocent licensee, not the armed robber.

McGuire added that, "incidents in which innocent bystanders are injured or killed by gun-carrying citizens are also alarmingly frequent."

It is important to realize that many of the handguns which are being obtained for "self-defense" are being stolen and are then used for criminal purposes. There were 225,000 firearms reported stolen in 1979 (93 percent of those were stolen from private individuals), with handguns comprising at least 70 percent of this total. In reality, the number of firearms actually stolen is much higher since many thefts go unreported. Studies show that handguns stolen from private residences are the number one source of criminally-used firearms.

Preliminary figures released today by the Federal Bureau of Investigation (FBI) indicate that violent crime continues its relentless upswing in America. The figures show that violent crime jumped 13 percent from 1979 to 1980. Over 1.3 million Americans were victims of violent crime last year. Over 22,900 people were murdered in 1980, an increase of 7 percent over 1979. Robberies increased 20 percent, aggravated assaults saw an increase of 8 percent, and forcible rapes were up 9 percent.

The violent crime which is plaguing our nation has not escaped New Jersey. According to FBI statistics, there were 36,747 violent crimes reported in New Jersey in 1979, or 501 per 100,000 people. Furthermore, there were 484 murders and nonnegligent manslaughters in New Jersey, or 6.6 per 100,000 people. This was an increase of 18.3 percent in the violent crime rate and an increase of 22.2 percent in the murder rate over 1978. Nationally, the violent crime rate increased 10 percent and the murder rate increased 7.8 percent. Not only did the overall number of murders increase in New Jersey from 1978 to 1979, but, according to the FBI's supplementary homicide report, the number of handgun murders saw a remarkable increase from 128 in 1978 to 195 in 1979, an increase of 52.3 percent. The handgun war is clearly still being waged in New Jersey and throughout the United States.

According to a General Accounting Office study on handgun control, America now has a "hodge podge" of over 20,000 federal, state and local firearms laws. Although effective handgun control on the state level can be hindered by the lack of national uniformity in the law, this lack of uniformity does not negate the value of state and local law. I believe it is instructional to examine what has happened in the District of Columbia since it passed its "Firearms Control Regulation Act"in 1976. This law banned the purchase, sale, transfer, and possession of handguns in the District, excluding law enforcement officers, security guards, and certain military agancies. The District of Columbia is the only major city in the country that has banned the private possession of handguns.

A study by the United States Conference of Mayors which examined the District's handgun law concluded that the law "...has been effective in curbing violent deaths and crime due to firearms abuse. Based on the statistical model employed in the analysis, it has been demonstrated that the Firearms Control Act, and not chance alone or other extraneous factors, has been responsible for the significant reduction in both firearm and handgun crime." The study found that during the first three years under the law, the rate of homicides, robberies, and assaults per 100,000 people in the District decreased 24.7 percent, 23.2 percent, and 11.4 percent respectively. In similar-sized cities during this time period, the homicide and robbery rate decreased 3.4 percent and 20.6 percent respectively

while the rate of assaults increased 2.0 percent.

Moreover, a recent study by the U.S. Department of Justice found an overall reduction in handgun-related deaths in the District since the 1977 handgun law went into effect. Looking at 1974 and 1978, the study found that "the percentage incidence of handgun homicides decreased by 35.8 percent in Washington, D.C." The study found that "within family" handgun homicides decreased from 9.8. percent of all handgun homicides in 1974 to 5.4 percent in 1978. Furthermore, "outside family" argumentative homicides between acquaintances decreased from 44.3 percent of all handgun homicides in 1974 to 37.5 percent in 1978. According to this study,

> The results for Washington, D.C. are not inconsistent with the hypothesis that the Firearms Control Regulations Act had a beneficial impact on handgun homicide. First by constraining availability of handguns in the home and requiring registered handguns to be immediately inoperable, the Act would tend to reduce the relative frequency of "within family" and "outside family" handgun homicides.

South Carolina is another example of how enforcement of handgun restrictions can have a dramatic effect on reducing crime and saving lives. From 1965 to 1975, South Carolina had one of the weakest handgun laws in the nation. "Project Identification," which was a study of handguns used in crime conducted by the Bureau of Alcohol, Tobacco and Firearms, showed that the state was the number one supplier of criminally-used handguns in the nation. In 1975, the state became the homicide capital in the United States. The outcry which resulted prompted South Carolina's state legislature to pass new laws regulating the sale of handguns and instituting a seven-year mandatory sentence for use of a firearm in a crime. From 1974 to 1976, there was a 28 percent reduction in homicides, with handguns accounting for 94 percent of the total reduction.

It has always mystified me that we do not do more about handguns. The thought of handguns should be like fingernails screeching against a blackboard. Handguns solve disputes by violence, not by rule and reason. The hope our democracy has always offered the world is that people can be free to say and believe what they want under a rule of law, not that they can carry a handgun. Citing a right to bear arms that does not exist, and invoking the "great American tradition of the gun" will not make the problem go away. We should think of bodies in the morgue and autopsies, not myths of manhood and the glorious frontier, when we think of handguns. We should know by now that in America, the rule of law, not the handgun, is the great equalizer.

In 1981, the U.S. Surgeon General's Panel on the Promotion of Child Health, noticing that handgun wounds are the fifth leading cause of death among children, recommended a ban on the sale of handguns to private individuals. Furthermore, the National Advisory Committee for Juvenile Justice and Delinquency Prevention recently completed a five-year study which called for banning the sale of pistols for other than official purposes as one important way to improve the juvenile justice system.

Last month, Charles Monroe, assistant FBI director in charge of the Bureau's criminal investigative division, and his deputy, Dana Caro, publicly disagreed with President Reagan on the need for handgun control and recommended a ban on handguns. Monroe stated, "I believe that handguns should be for only law enforcement personnel and the military, period. A handgun is designed to kill people." He added that he wanted handguns outlawed "because they can be used so quickly from a place of concealment to kill you."

Nearly twenty years ago, President John F. Kennedy asked this nation to commit itself to a goal of safely sending men to the moon within the decade. I believe it is time for this country to again commit itself to another goal -- reducing the amount of senseless handgun violence which is painfully afflicting the United States.

As Edna St. Vincent Millay wrote in her poem "Dirge Without Music":

> Down, Down, Down into the darkness of the Grave
> Gently they go, the beautiful, the tender, the kind;
> Quietly they go, the intelligent, the witty, the brave,
> I know. But I do not approve. And I am not resigned.

This poem sums up the feeling of myself and the National Coalition to Ban Handguns, and hopefully the feeling among the members of this committee as well. I have no doubt that a national ban on handguns will occur in the future. It is my hope that the "Garden State" will help to lead the way. According to an Eagleton Institute, Rutgers-based poll which was conducted in New Jersey through February 8th of this year, state residents supported a law banning handguns in the state by a margin of 59 to 33 percent, with 8 percent undecided. The time has come to ensure that the ownership of handguns is no longer simply left to chance. The circumstances of yesterday's attempted assassination of President Reagan dramatically show the violence that can be inflicted by handguns, which are so easily concealable. Thirteen assassination attempts have been made upon American presidents -- twelve of these thirteen attempts were made with handguns. The time to act is <u>now</u>.

I would like to thank to committee for addressing the problem of handgun violence today.

JONATHAN B. BINGHAM
22d District, New York

COMMITTEES:
FOREIGN AFFAIRS
Chairman, Subcommittee on Economic Policy and Trade
INTERIOR AND INSULAR AFFAIRS
NORTHEAST-MIDWEST CONGRESSIONAL COALITION STEERING COMMITTEE
"HELSINKI" COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 26, 1981

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DISTRICT REPRESENTATIVE

The Honorable Joseph P. Merlino
The State House
West State Street
Trenton, N.J. 08608

Dear Senator Merlino:

I am sorry that I can not attend your hearings to be held on March 31, 1981 on the issue of handgun control. I have long been interested in the implementation of strict handgun control measures on the Federal level, and am always pleased to hear of any progress being made on the State and local level.

The case for handgun controls is a strong one. Someone is murdered with a handgun every 50 minutes. In 1979, 10,728 Americans were murdered with handguns. During 1981, there will be over 250,000 people victimized by handguns. One in nine Americans has already been threatened or attacked with a handgun. Since nearly two-thirds of all murders are committed among family members, friends, lovers, or acquaintances, the need for legislation which will not only keep handguns out of the hands of criminals but also out of the homes and automobiles of honest citizens is great. Too often we read newspaper accounts of a husband and wife, brother and sister, or just two friends who argue and reach for that easily available handgun. Too often we hear of a child who finds a handgun and plays with it, unaware that the loaded weapon will kill him. It is time for the senseless war to end. This handgun war claimed more lives on our own soil during the seven peak years of the Vietnam war than were actually killed in Vietnam.

I am the sponsor of handgun control legislation in the 97th Congress, H.R. 40, which would prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns by ordinary citizens. H.R. 40 would not keep handguns from members of the Armed Forces or law enforcement officers. I am certain that only a total ban will successfully stem the tide of handgun deaths and victimizations. In addition, only if such strict legislation is implemented nationally will it have a chance to succeed. Currently, the City of Washington, D.C., and the States of Massachusetts and New York have strict handgun control laws. But the surrounding jurisdictions do not. It is very easy for a resident of these controlled areas to purchase a handgun in neighboring states, bring it into the controlled area, and commit a crime with it. I am enclosing a copy of an article which appeared in the Washington Post recently concerning a study which has been completed on the impact of the Washington, D.C. handgun control law.

Since the struggle to implement stringent handgun control measures nationally has been a difficult and long one, I am always pleased to see local jurisdictions take the first step to national regulations by implementing State-wide controls. I commend you, Senator Merlino, for assuming this leadership role, and I commend you and your fellow legislators for holding hearings on this necessary legislation.

Good luck in your deliberations, and I hope you will be successful in passing and implementing strict handgun controls in the State of New Jersey.

With best wishes,

Sincerely,

Jonathan Bingham

Jonathan Bingham

JBB:arta
enclosure

Representative Jonathan Bingham has long been involved in efforts to pass strict handgun control legislation. His current handgun control bill, H.R. 40, was first introduced by Representative Bingham in the 93rd Congress in 1973. Previously, Representative Bingham had cosponsored and sponsored other legislation which dealt with the registration and the banning of handguns.

THE WASHINGTON POST

Thursday, March 26, 1981 ... B1

METRO

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Study Shows Overall Decline in Handgun-Related D

By Paul W. Valentine
Washington Post Staff Writer

A new study indicates a decline in the overall number of handgun-related deaths in the District of Columbia since the city's strict gun-control law went into effect in 1977, including a sharp decrease in the number of persons shot to death by a boyfriend, spouse or acquaintance.

But the same study shows a contrasting increase in the proportion of handgun-related deaths at the hands of strangers during burglaries, street robberies and other crimes.

The study, written by former Justice Department analyst Edward D. Jones III, seems to confirm D.C. police homicide squad findings of a major shift in the traditional pattern of slayings in the city.

Random stranger-on-stranger shootings — committed during robberies, narcotics dealings and other criminal activity — appear to be rapidly on the way to replacing domestic homicides as the major cause of violent deaths here, homicide detectives say.

However, both police officials and researchers for the National Rifle Association, the national gun lobby headquartered here, questioned whether the shifts can be attributed to the city's gun-control law, as suggested in the Jones study.

Police say basic information on the motivations for many of the slayings is unreliable. The NRA, which opposes gun control, attacked what it called the skimpiness of Jones' statistics, and said handgun homicides have generally decreased in recent years in most parts of the nation, regardless of whether they had gun-control laws or not.

The D.C. gun law, one of the toughest and most controversial in the nation, was implemented in February 1977. It required the registration of all currently owned handguns, rifles and shotguns, and froze the number of legal handguns by banning the sale or possession of additional handguns by private citizens. The law also requires residents to keep pistols unloaded and inoperable.

Jones' study compared handgun homicides in 1974 with handgun homicides in 1978, the first full year after the law went into effect.

It showed that family killings decreased from 10 percent of all handgun homicides in 1974 to 5 percent in 1978, and that homicides among neighbors, lovers and other nonfamily acquaintances dropped from 44 percent to 38 percent.

At the same time, crime-related street slayings involving strangers jumped from 32 percent to 40 percent of all homicides. While the proportions of domestic and street homicides shifted, the total number of handgun slayings also changed dramatically, dropping from 174 in 1974 to 112 in 1978.

Jones then compared these figures with those for Baltimore in the same time frame. Contrary to the D.C. data, Baltimore showed an increase in family homicides from 10 percent to 14 percent of all handgun killings, nonfamily acquaintance homicides remained at about 29 percent and there was a decrease in the proportion of stranger-on-stranger street slayings, from 32 percent to 22 percent.

Jones chose Baltimore for comparison because no new gun-control law was implemented there during the study period and because the existing law is relatively lax. It permits the purchase of handguns after a seven-day waiting period and a police check on the purchaser's criminal record.

Jones concluded that the Washington-Baltimore statistics are "not inconsistent with the hypothosis that the [D.C. gun law] had a beneficial impact on handgun homicide. First, by constraining availability of handguns in the home and requiring registered handguns to be immediately inoperable, the [law] would tend to reduce the relative frequency of 'within-family' and 'outside-family' handgun homicides."

On the other hand, Jones said, the law seems to have had little effect on the street criminal, who can easily acquire handguns elsewhere and pursue his "single-minded intention to engage in criminality."

Jones' study, scheduled to be published in the May issue of the Annals of the American Academy of Political and Social Science, differed from an earlier study of the D.C. gun-control law by the U.S. Conference of Mayors.

That study reported that handgun crime in general declined after implementation of the law. But it did not distinguish, for example, between domestic homicides and street slayings or show the shifting patterns indicated in Jones' study.

Police and NRA officials, critical of the Conference of Mayors report, were no less critical of Jones' effort. NRA researcher Paul Blackman said the figures showing a decreasing percentage in domestic handgun homicides does not demonstrate whether a real decrease occurred or if the killers "used a substitution weapon," such as a club, rifle or poison.

THE WASHINGTON POST

METRO

Federal Diary/Obituaries/Classified C1

Overall Decline in Handgun-Related Deaths in D.C.

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D.C. police officials said the number of handgun homicides in the city has fluctuated unevenly since the 1978 period of the Jones study, but appeared to have increased significantly in 1980, making it difficult to say whether the trends claimed by Jones are continuing.

A breakdown of domestic and street handgun homicides in 1979 and 1980 was not immediately available. However, D.C. homcide detectives say they have sensed a significant increase in stranger-on-stranger homicides in the last two years.

D.C. City Council member David Clarke, chief architect of the D.C. gun-control law, said the Jones study shows the bill has had some good effect. "The bill is not a panacea," he said, but "if it saves any lives, it's been worthwhile."

Jones, a senior economic adviser in the Justice Department, resigned recently to pursue a private career after spending six years studying the handgun issue in the government.

Jackson, N.J. 08527
March 31, 1981

Dear members of The Senate, Assembly &
The Law & Public Saftey Committee;

As a lifetime resident of New Jersey I have been increasingly provoked by the severity of state representtation toward the increasing of handgun laws.

The aggresive assault to banning handgun Bill # S 3169 must be voted down. We the American citizens will not stand for the hienouss acts of some degrading influence.

The laws now license the criminals to do as they desire. Disarming the public would please the criminals. Increase the punishment of the criminal is our only hope.

Our prisons are like a vacation paradise to the scums who have people like myself fighting to keep what we spend a lifetime earing.

I will not stand by and let crime influencd my rights. Organized crime cannot exist without inside help. WHOM DO I TRUST, or does that matter?

Let us keep our great countryt the UNITED STATES OF AMERICA as it was meant to be. DO NOT ban our heritage. This is our symbol of true freedom. Think about it. Someday you may wish that you did.

Respectfully yours,

Andrew Borbotko

19x

Edward A. Carlin, Roselle, NJ

MEMBERS OF THE SENATE AND MY FELLOW RESIDENTS. I WISH TO EXPRESS MY PROFOUND DISAPPROVAL OF THE BILL BEFORE YOU.

THIS BILL SEEKS TO TAKE PROPERTY FROM ME AND OTHERS WHICH HAS BEEN LEGALLY PURCHASED AND REGISTERED.

PRIOR TO PASSAGE OF THE SILLS BILL, WE WERE TOLD THAT IT WOULD BE FOR OUR OWN GOOD. PLEASE, STOP BEING SO GOOD TO ME.

THIS TYPE OF LEGISLATION IS NONSENSE. FAILURE OF OUR JUDICIAL SYSTEM TO PUNISH AND IMPRISON THE LAWLESS IS THE REAL PROBLEM. THIS BILL WILL ONLY TAKE GUNS OUT OF THE HANDS OF THE HONEST CITIZEN. THOSE OBTAINED ILLEGALLY WILL STILL BE AVAILABLE. YOU INTEND TO PENALIZE US BECAUSE WE DID REGISTER OUR GUNS. WHAT DO YOU INTEND TO DO ABOUT THE GANGSTERS AND CRIMINALS WHO HAVE OBTAINED ILLEGAL WEAPONS?

AS A VETERAN AND NATIVE OF NEW JERSEY, MY FEELINGS ARE SO OPPOSED TO THIS BILL, THAT I CERTAINLY WOULD CONSIDER MOVING TO ANOTHER STATE. THIS BILL WILL DO NOTHING MORE THAN OPEN UP A CAN OF WORMS. ARE YOU READY FOR THE EFFECTS THIS BILL WILL CAUSE?

LAW ENFORCEMENT IS AFTER THE FACT IN A FREE SOCIETY. ONLY WHEN THE LAW HAS BEEN BROKEN CAN YOU ACT TO PUNISH THOSE WHO VIOLATED IT.

RESTRICTIONS OF LIBERTIES AND RIGHTS LEADS DOWN A PATH NONE OF US WANTS TO FOLLOW WITHOUT FIRST WORKING TOWARD REALISTIC ANSWERS.

THIS BILL IS NOTHING MORE THAN A FEEBLE POLITICAL PLATFORM FOR THE PERSONAL GAIN OF A FEW OF YOU WHILE THE REAL CAUSES OF CRIME GO UNPURSUED.

THE INCIDENT IN WASHINGTON YESTERDAY WAS UNFORTUNATE. ~~HOWEVER, I WOULD ALMOST GUARANTEE THAT THE CRIME WAS COMMITTED WITH AN ILLEGAL WEAPON.~~ HOW WOULD YOU HAVE PREVENTED THIS PERSON FROM OBTAINING AND ILLEGAL WEAPON? TELLING US THAT YOU WANT OUR REGISTERED WEAPONS IS NOT THE ANSWER. GIVE ME SOME CONCRETE ANSWERS ABOUT HOW YOU INTEND TO PREVENT THE CRIMINALS AND GANGSTERS FROM OBTAINING WEAPONS BEFORE YOU TELL ME I MUST GIVE UP MINE.

TWO DRUNKEN NEW YORK POLICE OFFICERS HAVE A SHOOTOUT. MISSIONARIES ARE MURDERED. A POLITICAL ACTIVIST DETONATES A PIPE BOMB. OUR WORLD HAS MANY PROBLEMS - LET US FIND SOLUTIONS THAT ADDRESS THE CAUSE.

20X

COPY

1. Maurice Connor - own home in Cherry Hill, N.J.

2. Financial Analyst, Sperry Corp.

3. Major USAF Auxiliary - Civil Air Patrol

4. Sector Coordinator - Cherry Hill Town Watch.

5. Emergency Medical Tech. on Cherry Hill Emergency Medical Squad.

6. Special Officer Cherry Hill Police Dept.

Much of my life is spent in public service and in the protection of life and property.

If you are in aircraft which is lost, Civil Air Patrol is called, and I get in my airplane and go search for you. If you are lost, I join a ground search team to go find you.

If you are in a traffic accident or have a medical emergency, I will use all my medical skills to save your life.

Your family and home are safer because the criminals know I am watching them in your neighborhood.

I am the guy you send for when your wife screams in the middle of the night or you find a burglar in your home. My job is to protect you and enforce the law. I am ready to give my life to protect yours. I am a Policeman.

One month ago, 60 Minutes did a report on the massive increase in home burglary during the past 3 years. Criminals are finding your homes to be easy pickings compared to the problems they find in robbery of your businesses. Drug addicts are aware that gold and silver objects in your home can buy them their next day's supply. The burglar today is not the burglar of 5 years ago; they are high on drugs and they have no care for life or decency and will rape or kill you for no reason other than the fact he does not have enough money to supply his next day's needs or he thinks you might identify him and cause him to be arrested and deprived of the drugs.

We have inadequate prison facilities to house the criminals we have today, so judges cannot send criminals to jail because they have no room for them. Probation is more than likely to be the criminals only sentence. More and more we arrest on 2nd or more times people who are awaiting trial or who are on probation. Remember, we are dealing with a new type of burglar, the drug addict. Drugs and the crime they generate have the potential to destroy this country. Repetitive offenders are the rule and not the exception. One of every four girls born in the U.S. will be raped or molested by the time she is 18 years old.

Yesterday, a fellow police officer was shot protecting the President because the officer was there. I am "one" officer and I will do all I can to protect you, but I can't do it effectively today because of

the volume of crime and our small quantity of police. When the drug addict is standing in your home telling your wife or daugher to strip or he has cut your phone lines and is breaking into your home, I probably will not be there. You, the home owner, must do something to protect your family. Without a gun you do not stand a chance.

Congress of the United States

House of Representatives

Washington, D.C. 20515

STATEMENT OF
HONORABLE WALTER E. FAUNTROY (D.- D.C.)

BEFORE

THE STATE SENATE OF NEW JERSEY
COMMITTEE ON LAW, PUBLIC SAFETY AND DEFENSE

RE: SENATE BILL 3169

MARCH 31, 1981

Chairman Graves and distinguished Members of the Committee:

I would like to commend Senate President Joseph Merlino and his colleagues for introducing Senate Bill 3169 and offer my full support for this strong, anti-crime piece of legislation which is the subject of today's hearings.

The need for handgun control is very clear. Over 22,000 Americans lost their lives last year to handguns. In 1979, 195 citizens in New Jersey were murdered with handguns. Although handguns comprise only 20 to 25 percent of the total firearms population in our nation, they are responsible for 80 to 90 percent of the firearms abuses.

We as legislators have an obligation to the people who elected us to act responsibly and in the best interests of our constituents. Can we honestly say that we are acting responsibly when 62 Americans are killed everyday with handguns? It is time for us to act and put the welfare of the American public before any special interests.

In 1976, a law was passed in the District of Columbia which banned the purchase, sale, transfer, and possession of handguns with few exceptions. In 1979, there were 180 murders and non-negligent manslaughters in the District according to the F.B.I., compared to 235 murders and non-negligent manslaughters in 1975. The United States Conference of Mayors found that during the first three years under the law, there was reduction in homicides, assaults, and robberies of 24.7 percent, 11.4 percent, and 23.2 percent respectively. Furthermore, a recent study written by a former U.S. Justice

Department analyst found an overall decline in handgun-related deaths in the District since the law went into effect, including a substantial decrease in the number of handgun homicides among family members, neighbors, and other nonfamily acquaintances. Simply stated, the District of Columbia's handgun law is keeping people alive.

I, along with U.S. Representative Jonathan Bingham of New York, have introduced H.R. 40, which would prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, and transportation of handguns. I will continue to fight for a safer America and I hope the members of the New Jersey Senate will join me in that fight by supporting New Jersey Senate Bill 3169.

Jeffrey L. T. Gluck
Attorney at Law
34 Cortland Place
Cliffside Park, N.J. 07010
201 941-2181, 652-9282

STATEMENT SUBMITTED BEFORE THE

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

SENATE BILL No. 3169

(HANDGUN BAN)

NEW JERSEY SENATE
TRENTON

31 March 1981

I. INTRODUCTION

Senators, ladies and gentlemen, my name is Jeffrey Gluck. I am an attorney in private practice in Bergen County. I submit this statement in lieu of a personal appearance since I am unable to come to Trenton at this time. I speak on my own behalf as an ordinary citizen concerned about the adverse ramifications of this legislation to the law-abiding gun owners of New Jersey. Having learned of these hearings only a short time ago, I was unable to carefully review the pending bill. My remarks, however, are applicable to any anti-gun bill and I approach the general subject of attempting to ban handguns from private ownership.

I will not address the constitutional issues of such a ban. Suffice it to say that the cases often cited for the proposition

that there is no second-amendment right enjoyed by the individual to keep and bear arms is based on a woeful misreading of the case law. Recent law review articles examining the constitutional issues have, for the most part, come to the conclusion that what little case law there is on the subject was made without full awareness of the legislative history of the second amendment to the United States Constitution and in ignorance of prior case law upholding the individual citizen's right to bear arms. I leave to the committee the task of reading the literature. See D. Caplan, *Restoring the Balance: The Second Amendment Revisited*, 5 Fordham Urban L.J. 31 (1976); D. Hardy & J. Stompoly, *Of Arms and the Law*, 51 Chicago-Kent L. Rev. 62 (1974); J. Levin, *The Right to Bear Arms: The Development of the American Experience*, 48 *id.* 148 (1971); J. McClure, *Firearms and Federalism*, 7 Idaho L. Rev. 197 (1970); *Right to Keep and Bear Arms: A Necessary Constitutional Guarantee or an Outmoded Provision of the Bill of Rights?*, 1967 Albany L. Rev. 74; R. Sprecher, *The Lost Amendment*, 1965 A.B.A.J. 554; S. Hays, *The Right to Bear Arms: A Study in Judicial Misconstruction*, 2 Wm. & Mary L. Rev. 381 (1960). See also D. Kates, Restricting Handguns: The Liberal Skeptics Speak Out § VI, at 171 *et seq.* (1979).

I have also appended to this statement copies of several letters I have written to public officials, newspapers and others regarding the issue of handgun controls.

II. EFFECT ON CRIME

This committee must ask itself the question, What effect will this bill have on violent street crime in New Jersey? The answer, I submit, is, Virtually none. This bill will have its greatest impact on the law-abiding homeowner and apartment dweller whose

handgun is used for defensive purposes. As you are all well aware, New Jersey has one of the toughest permit requirements of any State for the purchase of both handguns and long guns requiring a fingerprint check with the Federal Bureau of Investigation in Washington, D.C., and the State Bureau of Identification in Trenton. See *N.J.S.* § 2C:58-1 *et seq.* But no amount of licensing or outright proscription can significantly affect crime. Criminals, by definition, are the least likely candidates to obey yet another "tough new gun law." Even if the lawful owner complied with a ban (and chances are he will not), there could be no effect on violent street crime since he is not the one who is committing these crimes in the first place.

The argument is often advanced that having a handgun in the home is dangerous because in the heat of an argument, an otherwise pacific individual will reach for the gun and blow away his wife or mother-in-law. This is not, however, supported by hard facts. Homicides involving spouses, friends or neighbors account for only 17.4 percent of all murders, according to the 1977 FBI Uniform Crime Reports. What is more revealing is that almost 70 percent of all homicides are committed by repeat felony offenders. Even if handguns could be effectively banned, there would be no resultant change because rifles and shotguns would be substituted as the weapon of choice. Seldom is concealability a factor in domestic assaults so that grabbing a hunting rifle is just as easy as using a handgun. As for the criminal, if he cannot get hold of a handgun, he will simply use a sawed-off rifle or shotgun—or even a knife. Odds are, the criminal will get his pistol anyway, "tough handgun laws" to the contrary notwithstanding.

The bottom line is simply this: No handgun ban, even if fully effective, can or will have any significant impact on the numb-

er of violent homicides and assaults committed. We must not look at only the handgun death rate, but at the overall homicide rate, for what does it matter if the State bans handguns only to have the criminal element use alternate means of committing murder? England, often cited for its low murder rate, has, according to Colin Greenwood, superintendent in the West Yorkshire Metropolitan Police, experienced more crimes than ever before being committed with handguns than since they were banned in 1920. Specifically, after conducting an exhaustive study in 1972, Superintendent Greenwood said: "[T]here is no correlation between the number of firearms in private hands or the degree of control over those firearms and the rate of armed crime." See C. Greenwood, Firearms Control: A Study of Armed Crime and Firearms Control in England and Wales (1972), *excerpted in* D. Kates, Restricting Handguns: The Liberal Skeptics Speak Out § II, at 32 *et seq.* (1979). He concludes, and this is important: "Half a century of strict controls on pistols has ended, perversely, with a far greater use of this class of weapon in crime than ever before." *Id.* Reinforcing this view are the recent statistics that show the criminal use of firearms in Great Britain has increased by five times what it was 10 years ago. See U.S. News & World Rept., 23 Feb. 1981, at 65, cols. 2-3.

It has been estimated that anywhere from 4 million to 8 million Americans have successfully used firearms in self-defense. See "Science of Murder," WGBH-TV Boston, telecast 21 Feb. 1981, WNET-TV Newark, channel 13. The 1978 Cadell survey showed that 4.8 million Americans used handguns for protection at one time or another. Whether 4 million or 8 million, this dispells the unfounded notion that handguns are ineffective defense weapons; if they are so useless in protecting life and limb, it is rather odd

that police, security guards, detectives, shopkeepers, homeowners and others find them so useful. In any event, only an infinitesimal fraction of the Nation's handguns are used in the commission of murders. Taking 1974 as a sample year, there were 10,340 homicides with a firearm out of a total population of 210 million persons and about 40 million handguns. Only 2/100ths of 1 percent of all America's privately owned handguns were used criminally to commit murder. Overall, firearms were used in less than 4 percent of all serious crime that year.

Currently, there are an estimated 55 million to 60 million privately owned handguns across the land held by 35 million to 40 million people. Less than 0.4 percent of all these handguns are involved in criminal activity. To state the point more positively, 99.6 percent of America's pistols will *not* be used for criminal purposes in anyway whatsoever. If we Americans were as safe with our automobiles as we are with our firearms, the carnage of 50,000 lives per year lost on the highways would decline drastically. All things considered, our people exhibit remarkable self-restraint in the use of their 150 million long guns and 60 million handguns.

III. UNWORKABILITY OF A BAN

Banning handguns would be a Herculean task of incalculable proportions unlike any enforcement campaign ever conducted since the débâcle of Prohibition. There would be no way to implement such a program of confiscation or surrender without conducting constitutionally invalid door-to-door searches and random stop and frisks on the sidewalks of New Jersey; curbside metal detectors would be needed. Wholesale violations of civil rights would be the order of the day. The Garden State would resemble some eastern European totalitarian police state. The voters would never

stand for it. So the ban would inevitably fail miserably, but only after countless millions of dollars were spent in a futile effort. While police would be enforcing the gun law against otherwise law-abiding citizens, criminals would have free reign over those persons who are unarmed. Handguns could not be banned by mere decree anymore than liquor could be banned 50 years ago. In fact, reinstituting Prohibition—if it could be made totally effective—would have more of an effect on crime than banning all the guns in America: 85 percent of all murderers are drunk when the crime was committed. D. Kates, Family Weekly, 22 Mar. 1981, at 1, col. 2. Anyone who questions the value of firearms for personal self-defense would do well to read "The Armed Citizen" column appearing in the monthly magazine, the *American Rifleman*. An average of 15 incidents per month are reported where citizens have successfully thwarted criminal attempts, many times without even firing a shot. I have appended a sample page of that column to this my statement.

The primary effect of a handgun ban will be to encourage disrespect for the law by ordinary citizens who will undoubtedly refuse to turn in their weapons. After the Second World War, the backyards and gardens of Germany yielded a harvest of burried guns that the Nazis had forbidden the citizenry to possess. So much for the coercive power of the state, even one such as Nazi Germany.

It is quite ironic that a State whose system of criminal justice cannot protect its people adequately, seeks to disarm those persons who have armed themselves initially in response to the failings of the system. This is typical of the pseudo-liberal, elitist attitude which seeks to foist the blame for crime on the average citizen. We are led to believe that the proliferation of

handguns by private citizens is somehow an "evil" which needs correction. Yet those same persons who espouse these anti-gun and anti-personal defense views are the ones who decry the "barbarity" of capital punishment and preventive detention. As columnist William F. Buckley, Jr. put it, seldom is it mentioned that when capital punishment disappeared around 1968, the following decade saw a nearly 50-percent increase in gun deaths. Could there be some correlation? Perhaps, although the anti-gun forces would never admit it. On the other hand, there is absolutely no correlation between the severity of a State's gun laws and the rate of homicide or violent crime. This is irrefutable fact. Since passage of the Bartley-Fox law in Massachusetts, Boston has seen robbery increase 17 percent, murder 30 percent and assault 10 percent. See American Rifleman, Aug. 1980, Nat'l Rifle Ass'n Off. J. 5. Let's turn to New York City's experience with its "toughest gun law in America."

According to the 1979 FBI Uniform Crime Reports, New York City had a homicide rate of 24.4 per 100,000 and a robbery rate of 1,161.4 per 100,000. In contrast, cities with much more lenient handgun laws have consistently lower homicide and robbery rates. Phoenix, Arizona, where any person may carry in public an unconcealed pistol on himself without the need for any sort of State or local permit, has a homicide rate of 12.7 per 100,000 and a robbery rate of 325.5 per 100,000. Similarly, Pittsburgh, Pennsylvania, a city with gun laws more lenient than New York, has a homicide rate of 15.5 per 100,000 and a robbery rate of 626.3 per 100,000. If "lax" handgun laws are to blame for the violence on our city streets, it is strange that the city with the most restrictive such laws has one of the highest homicide rates.

As I stated before, England is often cited as a model jurisdiction where handgun prohibition has worked. Yet we see this does not square with the facts. *Supra* 4. New York City has 12 times as many murders as has London, both cities having comparable numbers of residents. But this drastic differential cannot be attributed to England's gun laws, as the anti-gun lobby would have us believe. New York City has five times as many murders committed *without* firearms than London has *total* murders of all kinds. Even if guns were to magically disappear from New York, the murder rate would still be far in excess of London's. Cross-cultural comparisons are very difficult to make. Two countries, however, that are never cited by the anti-gun forces are Switzerland and Israel. In both states, fully automatic assault weapons, as well as handguns, are a way of life, yet the murder rate in either country is far, far less than in the United States.

Japan, another jurisdiction cited for the salutary effects of its ban on the private ownership of handguns, does indeed have a low murder rate, but Japanese-Americans as an ethnic group in this country have a homicide rate lower than Japan itself. Many factors come into play which determine the homicide rate in a given jurisdiction; the "toughness" of a State's handgun laws or the actual availability of firearms through legal channels has very little to do with the rate. We should not be concerned with availability to law-abiding citizens through licensed gun dealers, but with the black market in illegal guns. And a new law impacting most on the law-abiding will have no effect on that at all. Dealing in illegal firearms is already prohibited by many State and local as well as Federal statutes.

The anti-gun lobbyists are fond of telling us that organized police groups are solidly in favor of gun control and banning

all handguns. True, some high-ranking administrative officers are in favor of banning handguns. But what does the street cop think? Is he in favor of banning handguns or pushing for more gun control? Apparently not. Recent data was made available to shed light on law enforcement officers' views on gun control. Not surprisingly, a survey published in the November 1980 issue of *Law Enforcement News*, a police-oriented newsletter published in coöperation with New York's John Jay College of Criminal Justice, found an overwhelming "No" response to more gun control. See table, *infra* 12. More than three-quarters of those who responded, or 78.2 percent, stated that State and local gun laws do not help reduce violent crime. Well over half felt new Federal laws would not be beneficial. As for just registering rifles and shotguns, 65 percent were opposed; New Jersey already has such a requirement. Perhaps the most jarring response was that a whopping 76 percent voiced their opposition to even registering handguns; our State, of course, has registered pistols for many years.

This survey paralells closely the one conducted in 1976 by the Research and Planning Division of the Boston Police Department. In that study, only 12 percent of the chiefs of police surveyed felt handguns should be restricted solely to police authorities; 50 percent felt a citizen who has a general need to protect himself should be allowed to carry a concealed pistol.

It is obvious that the officer who has the most contact with the effects of criminal violence and is most qualified to formulate opinions thereon, in no way favors gun control in general, let alone a total ban on citizen handgun ownership.

IV. THE FAILING CRIMINAL JUSTICE SYSTEM

The real problem is our criminal justice system, a system which allows repeat offenders to roam the streets while they await trial. Based on U.S. Department of Justice victimization surveys, PROMIS studies, reports from the New York City Police Department and the Rand Corporation, we learn that less than 3 percent of violent crime ends in prosecution, conviction and imprisonment. Of all violent crime in America, only 0.5 percent of those who commit such crimes are ever incarcerated. Upwards of 75 to 80 percent of violent crimes are committed by "career criminals," repeat offenders who are often on some form of conditional release such as bail, parole or probation. We also learn that 30 to 35 percent of repeat offenders are rearrested while previous criminal charges are still pending.

The foregoing statistics tell us one thing loud and clear: the law-abiding gun owner is *not* the problem. He is the victim of the criminal justice system's inadequacy. To emotionally call for yet more obstacles to the legal ownership of handguns by private citizens is an irrational act based not on facts but on unsupported suppositions fueled by a distorted view of the gunowning public.

While I do not wish to assess the motives of the sponsors of this bill, I am inclined to agree with a Mr. Dan Cohen, vice president of the Minneapolis Planning Commission, who believes that the real motive of the anti-gunners is to disguise the failure of their own permissive philosophy to effectively control crime. Half a century ago, alcohol was seen as the evil breeder of the Nation's crime. When Prohibition failed to stem the tide (and simultaneously springboared organized crime into operation), the spotlight is put on handguns. This exhibits a throwback to the

medieval mentality that somehow the instrument used to commit the crime was "bad" or blameworthy. The focus should not be on the gun, an inanimate object incapable of doing anything without a human operator, but on the person who pulls the trigger.

Unless the socioeconomic and cultural disparities in our society are properly addressed, along with the many underlying causes of crime too numerous to mention, the symptom will escalate unabated and that sympton is violent crime. As John Lennon's widow, Yoko Ono, said in a full-page ad thanking fans of her husband for their sympathy, "[V]iolence is in the hearts of men, not their weapons."

Thank you.

(An appendix of letters and supplementary material here follows.)

TEN MAJOR CAUSES OF DEATH IN THE UNITED STATES

(Based on *National Safety Council Accident Facts*)

1977

ALL CAUSES		1,899,597
Heart disease		718,850
Cancer		386,686
Stroke (cerebrovascular disease)		181,934
ACCIDENTS		103,202
Motor vehicle	49,510	
Falls	13,773	
Drowning	7,126	
Fires, burns	6,357	
Poison	3,374	
Suffocation	3,200	
*Firearms	1,800	
*Includes hunting accidents 600-800		
Pneumonia		49,889
Diabetes mellitus		32,989
Cirrhosis of liver		30,848
Arteriosclerosis		28,754
*Suicide		28,681
*Homicide		19,968

*Approximately 60% involve all types of firearms

WHY AMERICANS OWN FIREARMS

(Based on 1978 Decision Making Information surveys, with handgun data confirmed by 1978 Cadell survey; also U.S. Public Health Service and FBI data.)

Reasons for Use	Percentage of Owners	Projected Numbers of Americans
Hunting	48%	28,800,000
Protection	30%	18,000,000
Target shooting	12%	7,200,000
Collecting	4%	2,400,000
Have used gun for protection	11%	6,600,000

WHY AMERICANS OWN HANDGUNS

(See above)

Reasons for Use	Percentage of Owners	Projected Numbers of Americans
Hunting	9%	3,600,000
Protection	53%	20,000,000

WHY AMERICANS OWN HANDGUNS—Cont.

Reasons for Use	Percentage of Owners	Projected Numbers of Americans
Target shooting	17%	6,800,000
Collecting	14%	5,600,000
Have used gun for protection	12%	4,800,000

ATTITUDE OF THE AMERICAN ELECTORATE—1978

(Based on data from 1978 Decision Making Information polls)

88% Believe in the individual right to keep and bear arms

47% Households acknowledge gun ownership

93% Favor strict mandatory penalties for use of firearms in violent crime

54% See no need for more "gun control" laws

57% Feel more "gun control" laws would not reduce crime

83% Oppose any handgun ban

88% Agree that registration will not keep guns out of criminals' hands

51% Feel national gun registration will lead to confiscation

49% Want "more punishment, stricter/tougher police, improved law enforcement and courts" to deal with crime

ATTITUDE OF AMERICAN LAW ENFORCEMENT PERSONNEL

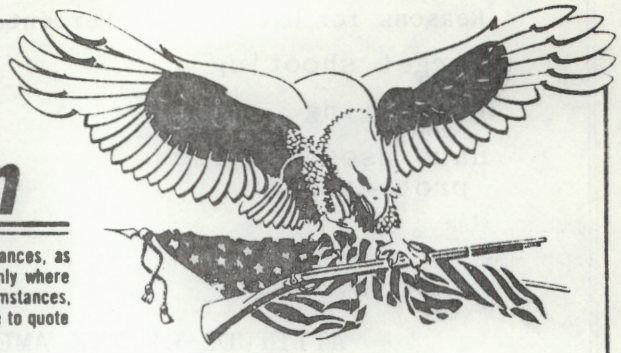
(Based on the results of a poll published in the November 1980 issue of *Law Enforcement News*, a police-oriented newsletter published in coöperation with John Jay College of Criminal Justice, New York City.)

78.2% Felt State and local gun laws do not help reduce crime

58% Felt the Nation would not benefit from more stringent Federal controls

65% Did not agree that rifles should be registered

76% Did not agree that even *handguns* should be registered



The Armed Citizen

Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

When John Woolman responded to a knock at the door of his Porter, Ind., home, a man threatened his life and demanded entry. Woolman refused to admit the man and went for his revolver. In the meantime, the man had broken down the front door and entered the living room. When the intruder again threatened and advanced toward him, Woolman fired a shot that wounded him and then summoned police. (*The Tribune*, Chesterton, Ind. 11-19)

Jim Gardner was asleep in his Wixom, Mich., apartment when he heard a knock at the door. Finding no one there, Gardner returned to bed, only to then hear noises at his second floor balcony door. Armed with his revolver, Gardner opened the drapes and watched a would-be burglar back over a railing, tumble to the ground and flee. (*The Spinal Column*, Novi, Mich. 11-19)

Two deer hunters taking target practice about six miles from the Montana State Prison recently apprehended three escaped convicts who had eluded a massive manhunt for two days. Ron Collins, an ex-guard at the prison, and Graham Blacklock spotted the three hiding in sagebrush and held them at gun-point until authorities could arrive. (*The Missoulian*, Missoula, Mont. 10-13)

Three armed men entered a Santa Barbara, Calif., jewelry store, ordered manager Steven Brooks and two customers to lie on the floor, and began smashing into display cases. When owner Robert Bryant, who saw the robbery on closed-circuit TV, started down a stairs to the show room, a robber fired on him. Bryant killed two robbers with his shotgun, but was wounded by the third man. At that point store manager Brooks pulled his own pistol and fatally wounded Bryant's attacker. (*The News-Press*, Santa Barbara, Calif. 12-2)

St. Louis, Mo., restaurateur Gus Kircher started carrying a gun in his restaurant after he was robbed of $600. A week later a robber accosted Kircher and two female companions in an alley as they returned to the restaurant. The robber put a gun to one woman's head, demanded money, and pulled the trigger four times. It didn't fire. Kircher pushed the gun aside and shot the robber twice, fatally wounding him. Police found two unfired rounds in the deceased's revolver. (*The Post-Dispatch*, St. Louis, Mo. 11-5)

Three 16-year-olds entered the tiny Towers Book and Card shop operated by 68-year-old Murray Elpern and his wife in the Bronx. One came behind the counter and pressed a 9 mm pistol to Elpern's head. When Mrs. Elpern pressed an alarm, another vaulted a counter and grabbed her. With the gun-wielder distracted, Elpern drew his licensed .38 revolver and shot him. A second robber lunged at Elpern and was shot, while the other one surrendered and was held for police. (*The Daily News*, New York, N.Y. 12-10)

Norma and Eduardo Ortega returned to their Miami, Fla., home to find two burglars ransacking their belongings. One burglar fled the house when Mrs. Ortega found her pistol and fired, but the other hid in a bathroom. He was spread-eagled on the living room floor when police arrived. The second suspect, a juvenile, was arrested later. (*The Herald*, Miami, Fla. 10-24)

NRA Life member Richard Willard awoke to the sounds of someone rummaging about his Woolwich, Maine, home. Armed with a pistol, he entered his living room and confronted an intruder who threw a chair at him. Willard fired one shot that sent the man crashing through a door in a hasty retreat. (*The Newspaper*, Wiscasset, Maine, 11-27)

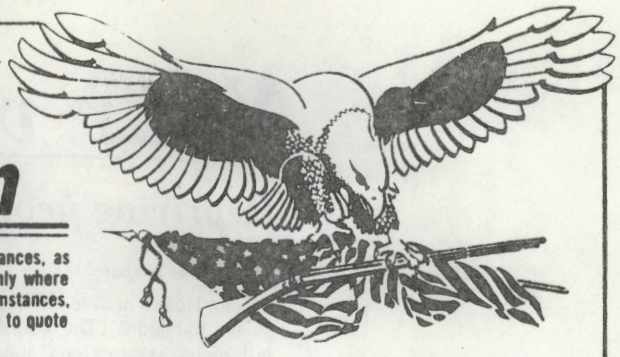
An unidentified woman clad only in panties heard a glass door shatter in her suburban Cincinnati home. Picking up a .32 revolver, she went to investigate and encountered an intruder in the hall. She screamed and leveled the gun at the man, who fled and eluded a police search. (*The Enquirer*, Cincinnati, Ohio)

Entering his law office in Bangor, Maine, attorney Peter A. Anderson, an NRA life member, found a burglar hiding behind his desk. Anderson drew his licensed .357 Mag. revolver, ordered the intruder to stay where he was, and called police. The man, who was armed with a knife, was a suspect in other burglaries. (*The Daily News*, Bangor, Maine 12-1)

Alone at home while her husband was elk hunting, Doris Walls shot a 33-year-old who she said broke into her Hermiston, Ore., residence and attempted to rape her. The suspect, wounded in the shoulder by a .30-30 round, was charged with burglary and attempted rape. (*The Hermiston Herald*, Hermiston, Ore. 11-19)

Atlanta, Ga., jeweler Bob Jordan, working at his repair bench, looked up to see two men holding guns on his wife and his associate. A veteran of numerous robbery attempts, Jordan dove for a back room as one gunman shot twice. Coming up shooting, Jordan fatally wounded one robber with his .380 semi-automatic and chased the other one from the store. (*The Constitution*, Atlanta, Ga. 11-25)

Forced by an armed robber to kneel on the floor at the rear of his Phoenix, Ariz., pharmacy and then knocked unconscious, Robert Wells recovered enough to crawl to a hidden handgun. Returning to the front of the store, Wells confronted his assailant, fired one shot, and wounded the robber who was soon arrested. (*The Gazette*, Phoenix, Ariz. 12-10)



The Armed Citizen

Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.

It was 3:30 a.m. when two men knocked on the door of Ernest Ganem's La Porte, Tex., home, claiming to be police. When Ganem opened up, the two forced their way in, injuring the homeowner, who grabbed a gun off a nearby nightstand. The two thugs fled and were quickly caught by police. (*The Sun*, Bayshore, Tex. 12/18)

An unidentified Beaumont, Tex., man caught a pair of burglars stealing his television and stereo. When one burglar pulled a gun, the 20-year-old man fired his own .22 cal. pistol, hitting the criminal in the stomach. While waiting for an ambulance to pick up the wounded housebreaker, the man and a neighbor heard the burglar's partner try to break down the back door. A warning shot fired through the door hit the second crook in the leg; he was later picked up by police. (*The Enterprise*, Beaumont, Tex. 1/2)

George Rayburn and his son were listening to a police scanner radio in their River Rouge, Mich., home when they heard that officers were chasing a trio of muggers toward their address. Rayburn grabbed a .357 Mag. revolver and leveled it at one of the lawbreakers, who was attempting to scale a wall into the Rayburn backyard. Only after police arrived and arrested the mugger, did Rayburn, a Marine combat veteran, reveal that he is almost blind. (*The News*, Detroit, Mich. 1/6)

An armed robber's momentary lapse of attention gave Meridian, Miss., grocer Joe Hlinak just enough time to grab his .22 automatic and open fire. Hit twice, the bandit fled, later to be picked up by police. (*The Star*, Meridian, Miss. 11/30)

Disabled World War II veteran George Sarver used the element of surprise to capture three burglars who had broken into his rural Ramsey, Ill., farmhouse. Holding the trio at gunpoint, he called state police. Sarver later told news reporters that those who call for strict gun control are "nuts." (*The News-Palladium*, Pana, Ill. 1/12)

A Superior, Minn., woman awoke during the night when she felt a hand on her body. Seeing a strange man, she woke her husband, who retrieved a gun from a closet. The 20-year-old intruder surrendered and was turned over to police. (*The News-Tribune*, Duluth, Minn. 11/14)

A quintet of youthful extortionists threatened Council Bluffs, Iowa motel owner Rex Nelson with a tire tool and demanded his wallet. But they didn't count on the reaction of Nelson's wife Velma, who came to his rescue, driving the five away with a pistol. Police caught the criminals later on a highway outside town. (*The Nonpareil*, Council Bluffs, Iowa, 12/15)

A Mississippi prison parolee intent on burglary broke into the Prichard, Ala., home of Harry Thompson only to find the house quickly surrounded by shotgun-wielding neighbors. The burglar hid under a kitchen table and waited for police to arrive. (*The Post-Herald*, Birmingham, Ala. 12/12)

When a man tried to beat down the door of a neighbor's Fredericksburg, Va., home, Lisle Russell grabbed a shotgun and went to investigate. He ordered the man to lie down and held him until police arrived. (*The Free Lance-Star*, Fredericksburg, Va. 12/24)

After two juveniles continually burglarized and vandalized her Sacramento, Calif., home for two years, Philippines immigrant Dee Yansenns finally decided not to take it anymore. She took a day off work and lay in wait. When the young hoodlums tried to break down her door, she fired a warning shot, then chased the pair down and held them for police. "I did what the police told me to do for two years," she said, "that got me nowhere. Finally . . . after it happened again, I told the officer I'd had it . . . I was going to wait and catch them myself." (*The Bee*, Sacramento, Calif. 1/1)

Two would-be robbers stalked into Gilbert Harris' Moulton, Ala., grocery and demanded cash. They fled empty-handed, however, when the grocer brandished a gun and ordered them to leave. (*The Daily News*, Decatur, Ala. 12/19)

"You really have to learn how to survive; it's a jungle out there," said an unnamed Macon, Ga., convenience store clerk after she repelled the second armed robber to enter her store in a year. After she shouted at a man who tried to leave without paying for his purchases, the thief pulled a gun from his pocket. The clerk opened fire with her .38 cal. revolver and the man ran. (*The Telegraph*, Macon, Ga. 12/18)

A stickup artist asked Bobbie Fisher of Fresno, Calif., if she'd ever been held up, and pulled a knife when she replied in the negative. But Fisher pulled a licensed pistol and held the surprised criminal for sheriff's deputies. (*The Bee*, Sacramento, Calif. 1/1)

Jack Walker awoke in his Waco, Tex., home to find it being burglarized by a trio of housebreakers. One threatened to cut Walker's head off with a knife as his accomplices loaded a television and stereo into a waiting car. But when a friend of Walker's showed up with a revolver, the crooks fled into the night. (*The Tribune*, Waco, Tex., 12/20)

Karla Jenson, 19, was driving down an isolated New Mexico highway when a man forced her off the road and jumped into her car. She shot him in the leg and fled on foot, while her attacker sped off in the car. Police caught the man when he tried to get medical treatment. (*The News-Sun*, Hobbs, N. Mex. 9/17)

Your views

Depriving people of self defense

Editor, The Dispatch: Cliffside Park

John Hess's article calling for the confiscation of privately-owned handguns (The Dispatch, Dec. 23) is full of the usual fallacious assumptions and empirically unsound reasoning characteristic of the pro-hand-gun people. A refutation of Mr. Hess's argument is in order.

His statement that the majority of bullet wounds are inflicted by kinfolk and neighbors in the heat of a family quarrel fails to note that kinfolk and neighbors may also be mentally unbalanced. Having a handgun does not create the disturbance, it is but an instrument put to the wrong use. Mr. Hess also fails to mention that if handguns were effectively banned — that is, confiscated from the 50 million or more owners — a quarrelsome family member would only turn to a rifle or shotgun which, incidentally, are four times as lethal as a handgun. If not a rifle or shotgun, then a large bread knife from the kitchen would do just as well.

Mr. Hess's assertion that any policeman will tell you an armed civilian is more of a danger to himself and his fellow citizens is hard to believe. He certainly has not spoken to any police officers I knw. Worthy of note is a survey taken of the top brass in the avowedly anti-gun Boston Police Department. An overwhelmingly majority felt that an armed citizen has a better chance of fending off an attacker and emerging unscathed than an unarmed one. This is supported by empirical studies. It is impossible to measure how many would-be criminals chose an unarmed victim after confronting one who was armed and able to defend himself.

Sure, crime could be combatted easier if we eliminate the fourth and 14th amendments, abolish trial by jury and eliminate the right to bail. But are we willing to live in such a police state society? That is what would be needed to effectively enforce a ban on all privately owned hanguns. With 50 to 60 million handguns in circulation, billions upon billions of dollars would have to be diverted from real crime fighting so that the authorities could track down and prosecute the tens of millions of gun owners who would defy such a ban; add to this the cost of compensating the owners for their seized weapons and you have an astronomical figure and a completely unworkable program which will only criminalize the average John Doe and encourage further lawlessness.

What Mr. Hess and people lke him are really talking about is "people control," that is, imorally depriving the people of effective means of self defense. If such is ever accomplished, then the criminal element will freely prey upon the unarmed populace. People who do not obey a law against murder are the least likely candidates to comply with handgun prohibition

Jeffrey L. Thos. Gluck

LETTER TO THE EDITOR AS IT APPEARED

IN THE 8 JANUARY 1981 ISSUE OF

The Dispatch

40X

PEOPLE ARE DEADLY, NOT GUNS

What triggers gun deaths

Regarding the editorial on handguns: You reveal your ignorance of firearms in general when you assume that as long as there is no handgun there will be no crime. A person intent on killing will turn to other weapons, perhaps a rifle or shotgun (there are 150 million of them in America) which is roughly four times as lethal as a handgun.

If, Mr. McMunn, as you assert, most deaths occur by family members in the home, then a rifle or shotgun will be the weapon of choice absent a handgun (since concealability is not a factor). The result will probably be a fourfold increase in such domestic killings. A shotgun blast at 10 feet is far more deadly than a pistol shot from the same distance.

Although it is a much maligned truism, it is nevertheless true: guns don't kill, people kill. Guns are inanimate objects incapable of dealing out deadly force without a human operator. It is that human operator that is deadly, not the gun. The answer to our spiraling crime rate is not to immorally deprive law-abiding citizens of modern means of self-defense, but to restore capital punishment and impose minimum mandatory prison sentences on persons convicted of using a handgun in a felony (not the mere possession of a gun, however).

Jeffrey L.T. Gluck
Cliffside Park, NJ

LETTER TO THE EDITOR AS IT APPEARED

IN THE 18 JANUARY 1981 ISSUE OF

Our Sunday Visitor

Banning handguns

Editor, The Record:

Christopher Hudson's letter to the editor (Dec. 21) urging strict handgun controls in the wake of former Beatle John Lennon's murder is replete with unsupported assumptions characteristic of those who advocate simplistic solutions to complex social problems.

Mr. Hudson's oft-repeated comparison of the lower murder rate in Great Britain with America's higher rate falsely assumes that Britain's lower rate is attributable to the ban on private ownership of handguns enacted by Parliament in the 1920's as a countermeasure to the forces of Irish republicanism. Nothing could be further from the truth.

Colin Greenwood, superintendent in the West Yorkshire metropolitan police in England and leading authority on sidearms in the United Kingdom, concluded after a lengthy study in 1972 that "there is no correlation between the number of firearms in private hands or the degree of control over those firearms and the rate of armed crime," much less murder.

More importantly, Superintendent Greenwood states, and this is revealing: "Half a century of strict controls on pistols has ended, perversely, with a far greater use of this class of weapon in crime than ever before." So much for the British experience.

While polls in the past may have shown that a majority of Americans favor strict handgun controls, as Mr. Hudson contends, those same people polled are unaware that well over half the states do have strict handgun control laws. The failures of New York's totally unworkable Sullivan law — amounting to an outright ban on handguns in New York City — are wrongly attributed to the lack of strict or complete prohibition in adjacent states. This so-called adjacent state excuse is just that, an excuse, not a reason.

Finally, the very term "strict handgun control" is a misnomer. Handguns are inanimate objects and are not controlled. What we are really talking about is "people control." I submit that it would be manifestly immoral to deprive law-abiding citizens of their natural-law right to self-defense. The bumper-sticker slogan, "When guns are outlawed only outlaws will have guns," could not be more true.

With 50 million handguns privately owned, enforcing a prohibition nationwide would necessitate the creation of an oppressive police-state structure costing billions of dollars which few, if any, Americans would be willing to endure for such a bankrupt purpose. Americans have a history of disobedience when it comes to outlawed commodities. Look at Prohibition, marijuana, hard drugs, pornography. It would be no different in Mr. Hudson's antigun police state.

JEFFREY L. THOS. GLUCK
Cliffside Park

LETTER TO THE EDITOR AS IT APPEARED
IN THE 19 JANUARY 1981 ISSUE OF
The Record

☆

HANDGUN FACTS

- Of the 50 to 60 million handguns privately owned in the United States, less than ½ of 1 percent are misused criminally or accidentally; over 99.5 percent are lawfully used and are never involved in a crime.
- Less than 2/100ths of 1 percent of all the Nation's handguns are used to commit homicide; firearms in general are used in less than 4 percent of all serious crimes.
- More people in America die from automobile accidents, falls in their homes, and by drowning than are shot with handguns. Since the car was invented over 1 million Americans have perished in "accidents", that's more than died in all the wars our country has fought in the past 200 years.
- You are 20 times more likeky to die in a car accident, 8 times more likely to die by falling, and 3 times more likely to die by drowning than you are likely to die from a gunshot.
- Of police officers gunned down, 71 percent are done so with their own gun.

JEFFREY L. T. GLUCK
ATTORNEY AT LAW
34 CORTLAND PLACE
CLIFFSIDE PARK, NEW JERSEY 07010

29 December 1980

Honorable Brendan T. Byrne
Office of the Governor
Trenton, New Jersey 08625

Dear Governor Byrne:

I was shocked to learn in the press today that you intend to propose in your annual State of the State address that sales of handguns be banned in New Jersey. If this is followed by the confiscation of all presently legally-possessed handguns, it is even more shocking. Don't you know, Governor, that taking away handguns from the law-abiding citizenry will have no effect at all on the access of criminals to handguns? Every jurisdiction which has attempted to "crack down" on legally-possessed handguns has experienced a higher rate of handgun crime than before such oppressive measures were imposed. I thought by now handgun prohibition was a discredited solution to the crime problem. People who willingly disobey the law against homicide are the least likely candidates to obey a new handgun confiscation measure.

As you know, New Jersey already has the most stringent gun control legislation of any State in the Union not counting the peculiar application of the Sullivan Law to New York City (*N.Y. Penal Law* § 400 *et seq.*). See *N.J.S.* §§ 2C:39-1 to -12, :58-1 to -10. Before I may purchase firearms in our State, I must file an application with my municipal police chief and be fingerprinted; the fingerprints are cleared with the FBI in Washington and the State Bureau of Investigation in Trenton, then the police chief conducts a background check of me, also searching for any medical records to see if I have ever been treated for or institutionalized for any mental illness. Only after this is accomplished, including a check with two references given by the applicant, is a firearms ID card or pistol permit issued. All this takes anywhere from 2 months in a small municipality to 8 months in a major city. Needless to say, criminals very seldom apply for a pistol purchase permit but instead pick up their needs on the street from underground sellers. While the law-abiding citizens wait for papers to be shuffled, the criminal is readily armed in a matter of hours.

Very few people realize just how strict New Jersey's firearms regulations are, yet they blindly call for "gun control" or, as you will soon do, call for complete prohibition—a draconian step not fitting for a free society founded by armed insurrection.

The answer to New Jersey's spiralling crime is not handgun prohibition (which immorally disarms innocent citizens leaving them defenseless against the criminal element), but adoption of stiffer penalties for crimes committed with a gun and restoration of capital punishment. Contrast the situation in the Garden State with the State where I went to law school, Arizona. Arizona has absolutely no permit requirements for purchasing a handgun and also permits anyone (not a felon) to carry openly on his person a loaded pistol at any time in public or private places. This leaves law-abiding citizens with the proper protection of firearms; if one uses the gun for an illegal purpose, then punishment is meted out. Arizona has a lower armed robbery rate than New Jersey or New York yet anyone may legally carry a handgun on the streets. But Arizona imposes stiffer penalties on crimes involving the use of handguns. See *Ariz. Rev. Stat.* §§ 13-901, .01, -902.

The ultimate litmus test for calling oneself a "liberal" used to be opposition to handguns. This appears not to be so anymore. More and more liberals and civil libertarians are beginning to realize that there is no such thing as gun "control" or "prohibition", but only people "control". Guns aren't controlled or banned, but the people who owned them are controlled or denied their use for self-defense. What right could be more basic than the right to defend oneself? Without it, all other rights are meaningless. I suggest you read the 1979 book entitled *Restricting Handguns: The Liberal Skeptics Speak Out* (North River Press, Inc., $9.95 hardcover). This is an excellent compilation of articles by prominent liberals and other civil-rights activists who have concluded that handgun prohibition is not the answer. The editor is Don B. Kates, Jr., himself a civil-rights activist and now law professor at St. Louis University. It is worth reading; I'm sure it will change your mind, it did mine.

To paraphrase Professor Kates and applying it to your circumstances, it is far easier to be in favor of handgun prohibition when you are an affluent upper middle-class white politician than when you are an inner-city minority person fending off the repeat offender scum that prey on the defenseless. (Only a fool would venture into Newark or Camden after dark without a weapon.)

Your thoughts or comments on this topic would be appreciated. With kindest regards for the New Year and hoping you and your family have a happy one, I am,

Sincerely yours,

Jeffrey L. T. Gluck, Esq.

cc: Hon. Albert Burstein
Hon. Byron M. Baer
Hon. Matthew Feldman

JLTG/bdh
A026128K

P.S. - The handgun ban referendum in Massachusetts lost by over 70% of the vote. Let's put it on the ballot here & see what the people really want. I think you'd be surprised by the results, Governor.

JEFFREY L. T. GLUCK
ATTORNEY AT LAW
34 CORTLAND PLACE
CLIFFSIDE PARK, NEW JERSEY 07010

18 February 1981

Federal Bureau of Investigation
Att: Mr. Charles P. Monroe
Assistant Director, Criminal
Investigative Division
J. Edgar Hoover Building
Washington, D.C. 20535

Dear Mr. Monroe:

I was surprised to read that such responsible professionals such as yourself and your deputy, Dana Caro, advocate the complete prohibition of handguns in America on a national basis. All points of philosophy aside, enforcing a prohibition would be next to impossible. Most estimates put the number of pistols and revolvers in circulation at between 50 and 60 million. There is just no way the Federal Government could enforce a ban without creating an oppressive police-state structure and disregarding virtually all constitutional rights. And do you really think the criminal element will obligingly surrender their handguns? Come on, you and Mr. Caro should know better.

Your statement that a homeowner could protect himself with a shotgun is puzzling. True, a shotgun is far more lethal than a handgun. Knowing that, it appears you advocate the killing of felons rather than just disabling them with a shot from a pistol. This is odd because if you profess your concern for human life, you should not be advocating the use of more lethal weapons for self-defense. If not a shotgun, then why not a hunting rifle. You must know that the bullet from a rifle exits the barrel at well over 2000 ft/s compared with the relatively low subsonic velocity of the average .45 ACP bullet (at about 850 ft/s). A homeowner wielding a rifle chambered for .30-06 or .308 Winchester will probably kill his assailant with the bullet then passing through several walls and possibly exiting in the public street or impacting on an adjoining home or apartment. The handgun is far safer as a home self-defense weapon. Your position is woefully inconsistent with the facts.

Furthermore, your statement--as reported by AP wire service--that handguns should be outlawed "because they can be used so quickly from a place of concealment to kill" ignores the fact that any rifle or shotgun can be made very concealable by cutting down the barrel with a hacksaw and trimming down the shoulder stock. This takes about 15 minutes and can be done with cheap five-and-dime

store tools. Banning handguns will only disarm the law-abiding segment of the gun-owning population while the criminal element will be adequately armed. Incidentally, Mr. Monroe, pistols and revolvers can be homemade. Afghani and Pakistani villagers can produce crude but functioning copies of most any pistol or rifle in 24 hours using tools far less sophisticated than those found in the average American household.

Your associate, Mr. Caro's statement, that the "line that 'guns don't kill, people do' is hogwash" is itself made in ignorance. A gun is incapable of dealing out deadly force without a human operator. People do not kill with a handgun because they are overpowered by the "mystical" influence of a firearm. Focusing on the gun exhibits a throwback to the medieval notion that somehow the object or weapon used shares in the "guilt" of the actor. If someone was clubbed to death with a board, it was felt that the board was partly responsible. It is this flawed, backward mentality that seeks to blame the handgun. The issue should not be "gun" control but "crime" control.

The assertion you made that handguns are designed to do one thing, kill, fails to take into account the sporting use of the handgun. Target shooting aside, hunting certain game animals with a handgun is now legal in about 20 States and the list is growing. To say a handgun has no legitimate sporting use is to propagate a lie. In addition, millions of Americans enjoy the sport of target shooting with pistols and revolvers, everything from .22s to .45s. In fact, in past Olympic games, participants in the shooting sports outnumbered competitors in all of track and field combined.

Clearly the answer lies in more effective enforcement of the laws already on the books. The sad truth is that the criminal justice system in our urban areas has failed. Statistics compiled by the New York City Police Department show that fewer than 1 percent of all suspected felons arrested and charged go to prison. Contrast this with Japan where 90 percent of all apprehended criminals serve prison time. Persecuting the lawful gun owners will never solve the problem of violent crime. Of the 50 to 60 million handguns in private hands in our Nation, only 2/100ths of 1 percent are used in the commission of a crime or are involved in an accident. The old saw that the average citizen who uses a handgun will most likely do so on one's family or friends is patent nonsense. Your own FBI statistics show that 70 percent of all homicides are committed by repeat felony offenders, not the nice family man next door who kills simply because he has a handgun.

Mr. Monroe, do yourself a favor and read civil-rights activist and now law professor Don B. Kates, Jr's. book Restricting Handguns: The Liberal Skeptics Speak Out (1979). Let's stop harassing and pointing the finger at America's law-abiding citizens and instead concentrate on the real threat to peace and security, the repeat offender.

Sincerely yours,

46X

Jeffrey L. T. Gluck

JLTG/bdh
A117028K

JEFFREY L. T. GLUCK
ATTORNEY AT LAW
34 CORTLAND PLACE
CLIFFSIDE PARK, NEW JERSEY 07010

19 February 1981

Eagleton Institute of Politics
Att: Mr. Cliff Zukin
New Brunswick, New Jersey 08903

Re Recent Poll Taken in New Jersey on the Death Penalty, Gun Control, Ticket Scalping, etc.

Dear Mr. Zukin:

I was surprised to read in Associated Press stories your statement: "There is general public support for strong handgun control, which has been blocked in Congress by the gun owners lobby and committee system." *The Dispatch* (Union City), 19 Feb. 1981, at 1, col. 2. First of all, what is meant by the phrase "strong handgun control" will control the results of any survey. To some people, it means outlawing all handguns, to others it means some form of nationwide permit system, and to still others it means not selling these weapons to criminals (which is already illegal under provisions of the Gun Control Act of 1968 (82 Stat. 1213), 18 U.S.C. §§ 922-925 (1976)).

Furthermore, you seem to be unaware that national polls over the past decades have shown an increasingly dwindling support on the part of the citizenry for banning handguns or even registering all firearms. I call your attention to the 4 September 1959 Gallup survey which indicated that 59 percent of the respondents favored banning handguns, 35 percent opposed, the remainder expressing no opinion. By 1975 public opinion had reversed. The 5 June 1975 Harris survey showed 57 percent opposed to banning handguns with 37 percent favoring such a measure. Three years later, according to the Cambridge Reports prepared by Patrick Caddell and commissioned by one of the major anti-gun organizations, the percentage favoring a handgun prohibition dwindled even more.

In the Cambridge Reports, a less severe alternative was offered: allowing those handguns in circulation to remain in the possession of their lawful owners but banning the future sale of any more handguns. Even as to this watered-down version, only 23 percent strongly favored it with 9 percent somewhat favoring it. On the other side, a whopping 58 percent were opposed (36 percent strongly opposed, 22 percent somewhat opposed). This hardly demonstrates the "general public support for strong handgun control[s]" which you assert.

Perhaps even more telling, Mr. Zukin, is the 1975 Decision Making Information poll, one of the few comprehensive surveys done (Gallup and Harris ask only three or four superficial questions without providing specific details). It showed 39 percent of the respondents were strongly opposed to handgun prohibition with 31 percent inclined to opposition (a total of 70 percent opposed); only 15 percent strongly favored prohibition with 10 percent inclined to support (25 percent).

Strangely enough, these figures are never brought to the attention of the public, probably on account of the pollsters' and the media's inherent anti-gun and anti-self-defense bias. I would likewise question the results obtained in your poll's survey. Press accounts mention outlawing handgun sales; does this also mean banning those already in private possession, and what about confiscation of those possessed?

It is interesting to note that prior to the referendum in Massachusetts on banning handguns several years ago (in 1972, I believe), Gallup and Harris dutifully reported—and not unexpectedly—that a majority of Easterners and urban-dwelling citizens would support the ban. Much to their surprise, the initiative in Massachusetts—the most avowedly liberal of the northeastern States—went down to a devestating defeat: slightly more than 70 percent of those voting opposed the ban. In fact, not one major city carried the referendum, not even the liberal university community of Cambridge. This all goes to show that polls, no matter how "scientific" and allegedly demographically sound, can be way, way off base. Remember the November election? It was supposed to be so close that there was speculation it might have been thrown into the House of Representatives. The results election eve were quite at variance to what the public was fed at the hands of the print and broadcast media.

Statements such as yours, if AP did indeed report it accurately, only help reinforce the biased views propagated daily by the media and passed off as Gospel. These positions more often than not are not based on solid facts but on circular reasoning and pseudo-facts which will not withstand close scrutiny, a scrutiny which the average newspaper reader does not have the time or inclination to undertake. In the future, be more careful before you make blanket statements unsupported by empirical evidence.

Sincerely,

Jeffrey L. Thos. Gluck

P.S.—A good primer for anyone seriously contemplating the efficacy of handgun controls is the book entitled *Restricting Handguns: The Liberal Skeptics Speak Out*, edited by civil-rights activist turned law professor Don B. Kates, Jr. (North River Press, Inc., 1979).

48X

JLTG/bdh
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JEFFREY L. T. GLUCK
ATTORNEY AT LAW
34 CORTLAND PLACE
CLIFFSIDE PARK, NEW JERSEY 07010

23 March 1981

The Record
Att: The Editor
150 River Street
Hackensack, New Jersey 07602

Dear Sir:

I read with great interest the article on gun sales in our State (*Sunday Record*, "Gun sales boom loud and clear across N.J.," 22 Mar. 1981, § A, at 1, 11). Unfortunately, Senator Merlino's response to the "problem" is typical of the liberal elitist mentality he espouses: ban handguns, disarm the citizenry. The danger is not with handguns possessed by the law-abiding homeowner or urban resident, but with the use of firearms by the criminal element. Taking handguns away from legal purchasers will have absolutely no effect on crime.

Sad to say, the real problems are the conditions in society which lead to the use of guns by criminals. In conjunction with that, the criminal justice system's failings are to blame for the upsurge in street crime which provides the impetus for gun ownership by the average citizen. Almost 70 percent of all homicides in this Nation are committed by repeat felony offenders; add to this the fact that well over half of all violent crime is committed by persons who are out on bail, parole or probation, and we see what the real problem is. Certainly not the law-abiding gun owner. (See FBI Uniform Crime Reports for 1974 through 1979.)

Senator Merlino and others who are now taking the stump on the "law and order" campaign usually have one measure in mind that will cure all our crime ills: ban handguns. Yet those same people curiously overlook the fact that since the virtual elimination of capital punishment in America from 1968 to 1978, gun murders rose by a factor of nearly 50 percent. In 1960, there were 56 executions and 9,030 murders; in 1970, there were no executions and 15,860 murders. (See J. Edwards, *Myths About Guns* (1978).) A recent *New York Times* article indicated that 99 out of 100 persons arrested in that city for felonies never see the inside of a cell. As Dan Cohen, vice president of the Minneapolis Planning Commission, has remarked, the real motive of those who seek to ban handguns is to disguise the failure of their own permissive philosophy to effectively control crime.

It should be noted that anywhere from 4 million to 8 million Americans have successfully used firearms in self-defense. ("Science of Murder," WGBH-TV, Boston, telecast 21 Feb. 1981, WNET-TV, channel 13.) Only 0.52 percent of all privately owned handguns are criminally misused or accidentally discharged; 99.48 percent are never involved in the commission of a crime. What sense does it make to confiscate weapons from the law-abiding when only an infintesimal fraction are used by the criminal?

Senator Merlino should get his facts straight regarding the effectiveness of Washington, D.C.'s ban on handguns. In point of fact, there were 202 murders in that city in 1980 compared with 190 in 1979. What good is handgun banning unless the overall homicide rate drops; if the gun death rate drops while the total number of murders clime, nothing has been accomplished except to prod the criminal element to select another deadly instrument in lieu of a firearm.

Finally, trying to confiscate all presently owned handguns in New Jersey would be a completely unworkable task. The great majority of gun owners would simply stash the family gun or report it stolen. But more importantly, convicted felons would be the least likely candidates to turn in their illegal weapons. So what effect on violent crime would such a ban have? None, of course, other than to turn millions of citizens into lawbreakers and that would not put a dent in crime because those people do not commit street crime in the first place.

The time and effort that will be poured into the futile task of passing a handgun ban in this State should be put to more constructive use: revamping the overworked, understaffed, ineffective criminal justice system. With more homeowners armed now than ever before, Senator Merlino's bill enjoys no more chance of passage than did Senaror Menza's bill 8 years ago. Let's stop spinning our wheels are tackle the real problems.

Sincerely yours,

JEFFREY L. GLUCK, Esq.

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cc: Hon. Joseph P. Merlino

William Meyers
Fairlawn, NJ 07410.

Judy Golden will never forget her first day on the job at an Allentown, Pa., men's clothing shop. At 5:07 p.m. a gunman wearing a ski mask grabbed her arm and demanded money. She reached for the Colt Detective Special .38 under the counter and fired, missing the man, but driving him from the store. (*The Morning Call*, Allentown, Pa.)

Neal Johnson, a motel night manager who shot and killed a shotgun-wielding bandit at a South Boston, Mass., Howard Johnson's Motor Lodge several months ago, foiled another holdup attempt recently. Armed with a pistol, Johnson captured one stickup man in the motel parking lot as an accomplice fled in a getaway car. Johnson, who intends to become a police officer, decided to arm himself after he was pistol whipped in the first of four recent robberies. (*The Boston Herald*, Boston, Mass.)

Douglas Farley maintained a nightly vigil in his parents' Kirkland, N.Y., restaurant after it was burglarized three times in three weeks. It paid off when he caught a burglar who had emptied the cash register, and broken open the jukebox and a soft drink machine. Farley covered the man with a shotgun until police arrived. (*The Daily Press*, Utica, N.Y.)

Ethel Ritzer noticed two suspicious-looking men pull into a neighbor's driveway, ring the doorbell and cross the street toward her Warwick, N.Y. home. When they drove their car into her garage then rang her doorbell, she phoned police, got a shotgun and confronted the intruders with the unloaded firearm. They fled, but Mrs. Ritzer ran outside and broke a window in their car with a rock. That led to its identification and their arrest less than an hour later. (*The Times-Herald Record*, Middletown, N.Y.)

Truck driver Dudley Jones, making a delivery in Hartford, Conn., saw three young thugs knock down a woman and steal her purse. He fired several pistol shots into the air. Two of the thugs halted and were arrested by police. (*The Courant*, Hartford, Conn.)

When the alarm in his New York City apartment signaled a break-in at his nearby liquor store, Wilbert Gilliard got his .38 revolver and went to investigate. At the store he found a thief carting off a box of liquor bottles and held the man at gunpoint until police arrived. How the thief had reached the bottles through an iron grill that covered the storefront was revealed when a small monkey popped from his coat. The monkey had slipped through the grating and passed the liquor out to his human accomplice. (*The New York Daily News*, New York, N.Y.)

New York State Court of Claims Judge Howard Jones was leaving his New Rochelle home on his way to court when he noticed two men apparently "casing" a neighbor's house. Judge Jones got a pistol and surprised the pair as they tried to enter the house. He made them lie spread-eagled on the ground until police arrived. (*The Daily Times*, Mamaroneck, N.Y.)

A pair of switchblade-armed robbers entered Benjamin Shareff's Brooklyn, N.Y., furniture store and demanded money. When the merchant stalled, they attacked him with the knives. But Shareff's brother-in-law, Herman Salles, was on hand with a cal. .38 revolver, and fired five times, killing one thug, wounding another and a female accomplice. (*The Daily News*, New York, N.Y.)

A would-be robber was the one who was shocked when he fired an electronic stun gun at Sidney Kerensky of Philadelphia. Only one of the two darts fired from the device connected, and an enraged Kerensky pulled his conventional pistol and fired three times in the air, sending the man fleeing. The stun gun delivers a shock of 50,000 volts, but only if both darts strike the intended victim. (*The Evening Bulletin*, Philadelphia, Pa.)

Where were the police in these instances? It is obvious that the police cannot be everywhere at once. That is why businessmen and storekeepers have found it necessary to possess handguns for protection of their lives and property.

Confiscation of guns is usually advocated as a deterrent to crimes of passion, to protect the innocent. Yet for every million

Mere presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The [illegible] is free to quote or reprint.

Representing the Sussex City Federation of Women's Clubs (400 members).

51X

William Meyer

murder or crime of passion with a handgun, there are probably hundreds of cases where law-abiding citizens with legal possession of a handgun have thwarted a robbery or other crime. If handguns are confiscated, you have disarmed the law-abiding citizen and he has lost his protection against the criminal who will keep his handgun for illegal actions.

In addition, New Jersey has a large membership of sportsmen in pistol clubs who derive their pleasure from target shooting just as many others seek pleasure in golf or tennis. In a crime of passion unpremeditated, any instrument which is available will be used; there are instances where the victim was beaten to death with a golf club or a hammer.

For these reasons, I urge the defeat of Bill S 3169. From the arguments above, the passage of this bill can do more harm than good and may actually increase the crime rate in New Jersey.

129 Aberdeen Road
Matawan, New Jersey
March 31,1981

The Honorable John Caulfield
New Jersey State Senate
Trenton, New Jersey

Dear Sir:

Speaking on behalf of over 4400 muzzle loading sportsmen I would like to voice our total opposition on Senator Merlino S.B. 3169 proposed handgun bill.

We believe it is a missdirected bill which would be a waste of time, effort and taxpayers money, to try to eliminate the legitimate use of handguns.

We already have laws that should apply to the illegal use or ownership of handguns. Inforce these laws, rather than create a new law that will remove handguns from the legitimate use such as; hunting, collection, target and competitive shooting or for protection in the home.

Firearms are not the cause of violent acts, only the tool used in committing these crimes. It is estimated there are between 55-60 million handguns in the United States. Of this amount less than .4% were used in the act of a crime. Which means that over 99.6% of handguns are used for legitimate purposes.

There are over 50,000 deaths each year in the United States caused by the automobile. It would be unthinkable to ban the use of motor vehicles, unstead, the law punishes the ofender who misuses the automobile. So it should be with firearms, don't penalize the legitimate user of handguns, rather, punish the person who misuses it.

Yours truly,

Don Reinhart, Member
National Muzzle Loading
Rifle Association

MARCH 30, 1981

STATEMENT BY-- THE HONORABLE PETER W. RODINO

TO THE SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

THE HONORABLE FRANK GRAVES, CHAIRMAN

MR CHAIRMAN:

AS ONE WHO HAS BEEN COMMITTED TO THE CAUSE OF HANDGUN CONTROL FOR SOMETIME, I AM PLEASED TO HAVE THE OPPORTUNITY TO ADDRESS YOUR COMMITTEE TODAY. DURING THE LAST CONGRESS I WAS THE PRINCIPAL SPONSOR OF THE HANDGUN CRIME CONTROL ACT IN THE HOUSE OF REPRESENTATIVES. I INTEND TO REINTRODUCE MY BILL THIS YEAR AND PUSH STRONGLY FOR ITS PASSAGE.

IN MY VIEW, THE MOST EFFECTIVE SOLUTION TO STOPPING THE SENSELESS HANDGUN VIOLENCE, THAT IS SPREADING ACROSS OUR COUNTRY IS TO ENACT FEDERAL LEGISLATION BANNING "SATURDAY NIGHT SPECIALS" AND REQUIRING GREATER ACCOUNTABILITY BY OTHER HANDGUN OWNERS, DEALERS, MANUFACTURERS AND IMPORTERS. THE CURRENT LACK OF UNIFORMITY IN HANDGUN LAWS FROM STATE TO STATE HAS HAMPERED LAW ENFORCEMENT EFFORTS TO KEEP HANDGUNS OFF THE STREET. MY BILL WILL PROVIDE A UNIFORM NATIONAL HANDGUN LAW.

BUT UNTIL NATIONAL LEGISLATION IS ENACTED, THE BEST ADVICE I CAN GIVE IS FOR STATE LEGISLATURES TO PASS STRICT HANDGUN CONTROL LAWS--WITH AN EMPHASIS ON KEEPING EASILY CONCEALABLE HANDGUNS OUT OF CIRCULATION.

THE BILL WHICH SENATOR MERLINO HAS INTRODUCED IN NEW JERSEY APPEARS TO BE ONE OF THE TOUGHEST HANDGUN CONTROL PROPOSALS, YET AT THE STATE LEVEL. IT IS CONSISTENT WITH MY OWN EFFORTS IN THE HOUSE OF REPRESENTATIVES AND IT WOULD GO A LONG WAY TOWARD PUTTING AN END TO HANDGUN VIOLENCE. I FULLY SUPPORT THE BILL.

WHAT IS AT ISSUE HERE IS NOTHING LESS THAN THE RIGHT OF ALL NEW JERSEY CITIZENS, AND ALL AMERICANS, TO LIVE IN A SAFE SOCIETY. AS LONG AS HANDGUNS ARE EASILY AVAILABLE THIS RIGHT IS THREATENED.

HANDGUN CONTROL SHOULD BE A TOP PRIORITY FOR OUR GOVERNMENT, AND I URGE YOUR COMMITTEE TO MOVE THIS LEGISLATION WITH ALL DELIBERATE SPEED.

THANK YOU MR. CHAIRMAN

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New Jersey State Federation of Sportsmen's Clubs

State Affiliate of National Wildlife Federation

ORGANIZED MAY 24, 1935

SUBSIDIARIES:
New Jersey Wildlife Council
Junior Sportsmen of America

NEW JERSEY STATE FEDERATION OF SPORTSMEN'S CLUBS

Conservation Pledge
I GIVE MY PLEDGE AS AN AMERICAN TO SAVE AND FAITHFULLY TO DEFEND FROM WASTE THE NATURAL RESOURCES OF MY COUNTRY - ITS SOIL AND MINERALS, ITS FORESTS, WATERS AND WILDLIFE

March 31, 1981

Dear Senator Graves;

My name is John J. Volk, I am the Past President of the 50,157 member New Jersey State Federation of Sportsmen Clubs.

We, who reside in all 21 counties of this great state do vehemently OPPOSE Senator Merlino's Gun Bill S-3169.

Thank you in advance for your cooperation in this matter.

Very Truly Yours;

John J. Volk

John J. Volk

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