

THE WHITE HOUSE
WASHINGTON

July 7, 1998

YOUTH HANDGUN SAFETY EVENT

DATE: July 8, 1998
LOCATION: Rose Garden
BRIEFING TIME: 10:55 am
EVENT TIME: 11:30 am
FROM: Bruce Reed

I. PURPOSE

To announce three news steps that the Administration will take to continue to promote gun safety and responsibility throughout the country. Specifically, you will: (1) call on Congress to pass Child Access Prevention (CAP) legislation; (2) require federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; and (3) partner with the State of Maryland to reduce gun-related violence.

II. BACKGROUND

You will be addressing approximately 100 law enforcement representatives and gun safety advocates on the importance of keeping guns out of the hands of children. As you know, the recent surge of school shootings has fueled increased national attention in gun safety and responsibility. This event is an opportunity to highlight the Administration's ongoing commitment to reducing youth gun violence. You will be introduced by Suzann Wilson, the mother of Brittheny Varner who, at age 11, was one of the victims of the Jonesboro school shooting. As an Arkansas native, Suzann is supportive of gun ownership but has now become a strong advocate for national CAP legislation.

Specifically you will make the following announcements:

- **A National Child Access Prevention (CAP) Law.** You will call on Congress to promote gun safety and responsibility nationwide by working with the Administration to pass federal legislation that holds gun owners criminally responsible if they fail to keep loaded firearms out of the reach of children. Fifteen states have enacted CAP laws. A recent study published by the Journal of the American Medical Association found that CAP laws reduced fatal unintentional shootings by an average of 23%. Senators Durbin and Chafee have introduced a CAP bill in the Senate. In addition, Rep. Carolyn McCarthy and Senator Kennedy have included a CAP proposal as part of a broader gun package.

- **The Youth Handgun Safety Act.** Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to juveniles. In response to your directive to the Treasury Department last year, the ATF will now publish a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings that state the following:

(1) The misuse of handguns is a leading contributor to juvenile violence and fatalities;

(2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents and save lives;

(3) Federal law prohibits, except in certain limited circumstances, any one under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering or otherwise transferring a handgun to a person under 18; and

(4) A knowing violation of the prohibition against, selling, delivering or otherwise transferring a handgun to a person under 18 is, under certain circumstances, punishable by up to 10 years in prison.

- **Maryland Gun Enforcement Initiative.** Building on your Youth Crime Gun Interdiction Initiative, which is tracing all crime guns in 27 pilot cities, you will announce that the Administration will partner with the State of Maryland to launch a joint ATF-Maryland State Police initiative effort to trace every crime gun seized in the state. Additionally, Maryland will target "Youth Gun Hot Spots" throughout the state; expand enforcement of the state's CAP law; and establish an Office of Gun Enforcement to coordinate these efforts and generally facilitate gun investigations.

III. PARTICIPANTS

Briefing Participants:

Bruce Reed

Rahm Emanuel

Larry Stein

Jose Cerda

Event Participants:

Attorney General Reno

Secretary Rubin

Suzann Wilson, mother of Jonesboro school shooting victim

Superintendent of Maryland State Police, Colonel David Mitchell

Seated on stage:

Secretary Riley

Senator Richard Durbin

Senator John Chafee

Representative Carolyn McCarthy

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- **YOU** will be announced onto stage accompanied by Secretary Rubin, Attorney General Reno, Colonel David Mitchell, and Suzann Wilson.
- Secretary Rubin will make remarks and introduce Colonel David Mitchell.
- Colonel David Mitchell will make remarks and introduce Attorney General Reno.
- Attorney General Reno will make remarks and introduce Suzann Wilson.
- Suzann Wilson will make remarks and introduce **YOU**.
- **YOU** will make remarks and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.

**PRESIDENT CLINTON:
PROMOTING GUN SAFETY AND RESPONSIBILITY**

July 8, 1998

"From now on, no one who enters a gun shop should mistake their responsibility. All federal gun dealers will now be required to issue written warnings and post signs like this one. The sign makes plain for all to see -- in black and white, in the simple, direct language of the law -- it is illegal to sell, deliver, or transfer a handgun to a minor. Period."

President Bill Clinton
July 8, 1998

Today, President Clinton is joined by Attorney General Janet Reno, Secretary Robert Rubin, Secretary Richard Riley, Senator John Chafee (R-RI), Senator Richard Durbin (D-IL), Representative Carolyn McCarthy (D-NY), Suzann Wilson, mother of Jonesboro school shooting victim Britthény Varner, Superintendent of Maryland State Police David Mitchell, and Maryland Lieutenant Governor Kathleen Kennedy Townsend to announce three new steps the Administration is taking to promote gun safety and responsibility throughout the country. Specifically, the President will (1) announce the publication of a final regulation requiring all federally licensed gun dealers to post signs and issue warnings concerning juvenile handgun possession; (2) Call on states and Congress to pass Child Access Prevention (CAP) legislation; and (3) announce a partnership with the state of Maryland to reduce gun-related violence.

The Youth Handgun Safety Act. Passed as part of the 1994 Crime Act, the Youth Handgun Safety Act generally prohibits juveniles from possessing handguns and adults from transferring handguns to minors. Today, in response to a directive issued last year by the President, the Treasury Department will announce the publication of a final regulation requiring all federally licensed gun dealers to post signs and issue written warnings that state the following:

- The misuse of handguns is a leading contributor to juvenile violence and fatalities;
- Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives;
- Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering, or otherwise transferring a handgun to a person under 18; and
- A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

Holding Gun-Owners Accountable For Child Safety. President Clinton is calling on states and Congress to pass Child Access Prevention (CAP) laws that hold adults responsible if they allow children easy access to loaded firearms. Fifteen states have already passed CAP laws, and the President is seeking a tough, targeted, federal CAP law with new penalties to punish serious offenders. A recent study published by the Journal of the American Medical Association found that CAP laws have reduced fatal unintentional shootings by an average of 23 percent.

Building A Partnership With State and Local Law Enforcement. In support of the President's Youth Crime Gun Interdiction Initiative, the Administration will begin a partnership with the State of Maryland to launch a joint ATF-Maryland State Police initiative to trace every gun seized in the state that was used in a crime. This effort will allow the state of Maryland to maximize information about the illegal sources of

firearms and build a statewide strategy against illegal firearms trafficking. Today's announcement is another example of federal, state, and local law enforcement working together to broaden crime prevention strategies from simply reacting to gun-related crimes to a strategy aimed at reducing the illegal supply of guns and preventing gun violence in the first place.

Q: What exactly is in the Durbin-Chafee legislation, and why is the Administration supportive of it?

A: Put simply, the Durbin-Chafee legislation would establish a national standard for the safe storage of firearms by holding adults liable if they fail to store firearms responsibly and those firearms are subsequently used by a juvenile to kill or injure another person.

More specifically, the Durbin-Chafee bill makes it a federal crime for a gun owner to allow a juvenile access to a firearm if he or she "knows or reasonably should know" that the juvenile could gain access to that firearm, and the juvenile subsequently causes death or injury with that firearm or wields it in a public place. Such an offense would be a federal misdemeanor subject to a fine or up to one year's imprisonment.

*We want:
Knew + disregarded*

The Administration supports states adopting laws similar to Durbin-Chafee. It also supports a more targeted federal CAP that would establish a national floor for the reckless storage of firearms.

Every gun forced to add

Our diffs

- 1. Knew + disregarded*
- 2. Felony - by defn, most serious cases*
- 3. Limited to death or bodily injury - not wield in public place*

*JAMA: 12 states, 90-94, 168 deaths vs 129 - saved 39 lives
Predict 217 more if in effect nationwide*

Bundy - 242,000

AW

FFL - directive plus legit. 280k to 90k

North Hadam - juvenile to possess

Zero Tolerance

Troyer - Fed's

Gun training in 27 cities

Child Access Prevention Legislation (CAP)

Q: In challenging Congress to pass federal CAP legislation, did the President specifically endorse the Durbin-Chafee bill?

A: The President believes that the Durbin-Chafee bill -- and similar language incorporated into broader gun legislation introduced by Senator Kennedy and Representative McCarthy -- is a good first start. It is a serious bipartisan attempt to promote gun safety and responsibility throughout our country by holding gun-owning adults who fail to keep loaded firearms out of the reach of children criminally responsible for their actions. Fifteen states have enacted CAP laws, and a recent study by the Journal of the American Medical Association found that they reduced unintentional shootings by an average of 23%. So the President supports the Durbin-Chafee effort, and he has asked the Secretary of the Treasury and Attorney General to work with the Senators to pass the best federal CAP law possible.

Q: What are the 15 states with CAP laws?

A: The 15 states with CAP laws on the books include:

Florida (enacted in 1989);
Connecticut (enacted in 1990);
Iowa (enacted in 1990);
California (enacted in 1991);
Nevada (enacted in 1991);
New Jersey (enacted in 1991);
Virginia (enacted in 1991);
Wisconsin (enacted in 1991);
Hawaii (enacted in 1992);
Maryland (enacted in 1992);
Minnesota (enacted in 1993);
North Carolina (enacted in 1993);
Delaware (enacted in 1993);
Rhode Island (enacted in 1995); and
Texas (enacted in 1995).

Maryland Gun Enforcement Initiative

Q: What exactly is the Administration's role in the Maryland Gun Enforcement Initiative being announced today.

A: The Administration welcomes Maryland's new initiative as a way to expand

President Clinton: Promoting Gun Safety and Responsibility
Questions and Answers
July 8, 1998

Youth Handgun Safety Signs and Warnings

Q: Can you tell us more about the signs and warnings that gun dealers will be required to post and issue?

A: On June 11, 1997, the President signed a directive to require federal firearms dealers to post signs and issue warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to children generally.

After going through an extensive comment period -- and hearing from gun manufacturers, gun control advocates, and others -- the President today announced that next Monday the Department of the Treasury will publish in the Federal Register the final regulation requiring federally licensed gun dealers to post signs and issue warnings to handgun purchasers concerning youth handgun safety. The signs, which are 17" x 22" in size, and written warnings will be printed and distributed through the Bureau of Tobacco, Alcohol and Firearms (ATF). Approximately 90,000 federally licensed firearms manufactures, importers and dealers will have to comply with this new regulation.

Q: What happens if a gun dealer refuses to post the new signs or issue the written notices provided by ATF?

A: Any licensee who willfully fails to comply with the Gun Control Act -- or regulations promulgated under the Gun Control Act -- is subject to having his or her license revoked.

Q: How many firearms used by juveniles actually come from federally licensed gun dealers?

A: According to ATF's tracing data, nearly all firearms used by juveniles can be originally traced back to a federally licensed gun dealer; however, the firearms may have gone through several other persons in the interim. And in the 17 cities where ATF, as part of the President's Youth Crime Gun Interdiction Initiative, is tracing all recovered crime guns -- one out of every ten is traced back to a juvenile.

Thus, there is ample evidence that for almost every gun that gets into a

* | juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. The signs and warnings being required by the Administration will put adult gun purchasers on notice about this responsibility and warn them about the legal sanctions that may apply if this responsibility is ignored.

Q: Can you clarify under what authority the Administration is requiring gun dealers to post these signs and issues written notices?

A: The authority for this action is two-fold: (1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act; and (2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 Crime Act -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Q: Why did it take the Treasury Department so long to implement the President's directive of June 11, 1997?

A: Pursuant to the Administrative Procedure Act, agencies are generally required to provide notice and comment prior to issuing a final regulation. On August 27, 1997, ATF issued a notice of proposed rulemaking. The comment period for this rulemaking closed on November 25, 1997. After carefully considering the 62 comments received in response to the proposed rule, ATF drafted the final regulation being announced today.

Q: What punishments are provided for in the Youth Handgun Safety Act?

* | A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. If the transferor knew or had reasonable cause to believe that the juvenile intended to carry or use the handgun in the commission of a crime of violence, the punishment may be a fine and/or imprisonment of up to ten years. In other circumstances, the punishment may be a fine and/or imprisonment of up to one year.

Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation. Specifically, the Administration has proposed replacing mandatory probation for juveniles with up to one year of imprisonment, and providing for a mandatory minimum sentence of three years for adults who knowingly transfer a handgun for a juvenile to use in a violent crime.

collaboration with federal law enforcement in investigating, prosecuting and incarcerating illegal gun traffickers and reducing gun violence. Baltimore is already one of the 27 cities tracing all recovered crime guns as part of the President's Youth Crime Gun Interdiction Initiative. The initiative announced today will allow the Administration to expand this effort to the entire state of Maryland. By helping Maryland trace all recovered firearms, Maryland can maximize information about the illegal sources of firearms and build a statewide strategy against illegal firearms trafficking.

Maryland's new initiative demonstrates that federal, state, and local law enforcement can work together to broaden their approach from simply reacting to gun crimes -- to a proactive enforcement strategy aimed at reducing the illegal supply of guns and preventing gun violence in the first place.

FosAoooo

JAMT study

Negligence vs. recklessness

What's in Dobson Chafee

Child Access Prevention Legislation (CAP)

Q: What specific changes will the Administration be seeking to the Durbin-Chafee CAP legislation?

A: The Attorney General and Secretary of the Treasury have recommended that the proper federal role for child access prevention legislation would be to target the most egregious offenses. We support -- and, in fact, have transmitted to states -- model legislation very similar to the Durbin-Chafee bill that would encourage states to prosecute and punish negligent storing of firearms. However, we believe that federal CAP legislation should be tougher and targeted. Accordingly, after reviewing the Durbin-Chafee bill, the Attorney General and Treasury Secretary have recommended three changes:

(1) Raising the standard of liability from negligence to recklessness. This means that a person must be aware of the risk and disregard it. By contrast, a standard of negligence would apply to any person who should be aware of a risk, but is not.

(2) Elevating the offense from a misdemeanor to a felony. Since Justice and Treasury propose targeting the most egregious cases -- not simply negligence -- they support tougher penalties -- or at least one year's imprisonment.

(3) Limiting federal jurisdiction to cases where a child causes death or bodily injury.

We intend to work with Senators Durbin and Chafee to pass the best federal Child Access Prevention law possible -- and to encourage states to adopt complimentary laws as well.



YOUTH HANDGUN SAFETY ACT

- (1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.
- (2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.
- (3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from selling, delivering, or otherwise transferring a handgun to a person under 18.
- (4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

NOTE: ATF I 5300.2 provides the complete language of the statutory prohibition and exceptions provided in 18 U.S.C. 922(x), and the penalty provisions of 18 U.S.C. 924(a)(6). The Federal firearms licensee posting this sign will provide you with a copy of this publication upon request. Requests for additional copies of ATF I 5300.2 should be mailed to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950.



Office of the Attorney General
Washington, D.C. 20530

MEMORANDUM TO THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: E. Kinney Zalesne *WZ*
Counsel to the Attorney General

SUBJECT: S. 1917, The "Child Firearm Access Prevention Act"

PURPOSE: To provide the Attorney General with analysis and recommendations concerning S. 1917, a bill creating federal criminal liability for unsafe storage of firearms.

TIMETABLE: Senator Durbin, one of the bill's sponsors, has requested a meeting with the Attorney General as soon as possible in June to discuss this and other proposed gun legislation.

SYNOPSIS: In the wake of several recent school shootings by juveniles, Senator Durbin introduced S. 1917, the "Child Firearm Access Prevention Act." Informally known as a "CAP (Child Access Prevention) bill," S. 1917 would make it a federal crime to (1) keep a loaded firearm (or an unloaded firearm and ammunition) in premises under one's control, if one knows or reasonably should know that a juvenile can gain access to the firearm without permission, (2) if the juvenile obtains the firearm and thereby causes death or bodily injury, or exhibits the firearm in a public place or school zone. The offense is punishable by imprisonment up to one year, a fine of \$10,000, or both.

A working group consisting of OAG, ODAG, OASG, OLA, OLC, CRM, FBI, OPD, EOUSA, OJP, and IGA met to discuss the Department's position on S. 1917. The group agreed that while state law ought to cover the bulk of unsafe gun storage cases, a *limited* federal role in this area may be appropriate.

RECOMMENDATION:

The group agreed that in order to strike the proper federal-state balance, you should propose to Senator Durbin the following key changes to S. 1917:

- I. **Raise the standard of liability from negligence to recklessness (and create an incentive for states to pass their own CAP laws punishing negligent firearms storage);**
- II. **Elevate the offense from misdemeanor to felony; and**
- III. **Redefine the predicate act of the child.**

The only issue you need to decide is *how* to propose redefining the predicate act of the child -- more broadly or more narrowly.

I recommend that you propose redefining the predicate act more *broadly* to include "death or bodily injury; use; or possession of a firearm in a public place or school zone." This amendment would focus the legislation on the reckless *adult* behavior that gives children access to guns, regardless of what the children then do with them. In addition, raising the standard to recklessness (and lowering the relevant child's age from 18 to 16 -- see below), will sufficiently limit the cases triggering federal jurisdiction. Kent, OASG (with one modification), OLA, OPD, and IGA agree with this recommendation.

By contrast, CRM and EOUSA urge you to propose *narrowing* the child's predicate act. They believe that in order to avoid imposing an undue burden on the United States Attorneys, S. 1917 should federally criminalize only that reckless gun storage that has a serious outcome, such as death or bodily injury.

DISCUSSION:**Introduction**

As you have said, while gun control debates may divide fair-minded people, there is universal agreement on one matter: the unsupervised, unauthorized use of guns by children is a recipe for tragedy.

One increasingly popular solution to the problem of children's unauthorized use of guns is the CAP law, a measure that holds adults criminally liable for negligently (or in the alternative,

recklessly) allowing children unauthorized access to guns. Since about 1980, 15 state legislatures have adopted some form of such a law.¹ Earlier this year, DOJ recommended in its Model Juvenile Handgun Code that states make it a misdemeanor to negligently store a firearm in a way that permits a child access. In the wake of the school shootings, several of the other 35 states appear to be considering such laws. Senator Durbin's bill, S. 1917, appears to be the first to propose *federal* criminal liability for unsafe firearm storage. (This week, Congresswoman Carolyn McCarthy introduced a comprehensive gun control bill that also includes a CAP provision.)

Initially, the working group had some concern about whether the federal government ought to be involved at all in an area traditionally regulated by state law.² In particular, CRM is very concerned that if this law passes, the federal government will be the sole prosecuting authority for this type of case in the 35 states where no CAP law exists. In the end, however, the group agreed that *limited* federal action may be appropriate because of the seriousness and growth of the problem of children using guns. To achieve those limits, the group determined that: (1) federal jurisdiction should be limited to cases where the unsafe firearms storage was *knowing or reckless*, but states should be encouraged to address *negligent* unsafe storage; (2) the offense should be elevated to a felony; and (3) the predicate act of the child should be redefined.

1. Standard of Liability

S. 1917 would criminalize *negligent* unsafe storage, by penalizing the gun owner who "knows or reasonably should know" that a juvenile can gain access to the firearm without permission. It was the strong opinion of the working group representative from CRM that negligence has no place in the federal criminal code and, indeed, is virtually nowhere represented in Title 18. In the end, the group agreed that federal jurisdiction should be limited to cases of *reckless (or knowing)* unsafe storage, but that states should be encouraged to prosecute cases of negligence.

The difference between recklessness and negligence has practical consequences. Recklessness requires a conscious awareness by the actor of a risk, and a disregard of the risk

¹A recent study of safe storage laws published in the Journal of the American Medical Association found that CAP laws reduced unintentional shooting deaths of children by 23% from 1990 through 1994.

²The original concern that S. 1917 may be unconstitutional under the Commerce Clause was resolved early on. OLC has opined that because the bill concerns only those firearms or ammunition shipped or transported in interstate or foreign commerce, it should withstand constitutional challenge.

that is a gross departure from the ordinary standard of care. By contrast, negligence is an unawareness of a risk of which the ordinary person should have been aware. For example, consider a married couple, both of whom work and do not arrive at home until after their 13-year-old child returns from school. The husband leaves for work first and asks his wife to lock the cabinet in which their firearm is kept. He negligently forgets, however, that he has the only key to the cabinet in his pocket. The wife, who realizes she can't lock the cabinet, nevertheless makes the choice (without telling the husband) to take the risk that on this one occasion, nothing bad will happen -- and so leaves for work without making any other effort to safeguard the firearm (e.g., transferring it to another location). That afternoon, the child gets access to the firearm and uses it to cause injury. The husband has acted negligently, the wife recklessly. The group believes that for federal criminal legislation, recklessness is the proper standard.

A. State Incentive

If federal jurisdiction is to be limited to recklessness, however, the group agreed that it is important to encourage states to prosecute negligence. As stated above, the Department has already recommended such a policy for states in its Model Juvenile Handgun Code. As an additional incentive, however, S. 1917 could condition the receipt of certain federal funds on the passage of state CAP laws. Ideally, these funds would be brand new money designated to help states reduce unauthorized use of guns by children (through gun safety education, gun tracing, public education campaigns, etc.) If no new fund could be created, the condition of a state CAP law might be added to the conditions already proposed for a pending block grant, such as the one in S. 10, the Senate juvenile justice bill.³

The possibility of attaching the new condition to an *existing* grant, such as the Juvenile Accountability Incentive Block Grant, Byrne Grant, or similar fund, was vehemently opposed by OJP. OJP explains they are generally wary of grant conditions, fearing they disrupt delicate federal/state/local relations.

2. Penalty

S. 1917 would make the negligent unsafe storage of a firearm a misdemeanor. With one exception, it was the unanimous belief of the working group that the offense should be elevated from a misdemeanor to a felony, particularly if the standard of liability will be raised from

³ As you know, DOJ has opposed the conditions already attached to the S. 10 block grant, on the grounds that they are expensive and intrusive for states. Many Senators likely to support S. 1917 have also opposed these conditions, making support for a new condition awkward. Nonetheless, if there cannot be a new fund, it would be far preferable to incentivize state CAP laws through a pending fund like the one in S. 10 than to create a blanket federal law criminalizing *all* unsafe storage of firearms, including negligence.

negligence to recklessness. (The one exception is OASG; Associate AG Fisher recommends that the offense be elevated to a felony only if it results in death, bodily injury, or use, but that it remain a misdemeanor if it results in mere possession. See discussion below.)

Felony classification will maximize both the deterrent effect of the law and the likelihood of vigorous investigation and prosecution by U.S. Attorneys. In addition, experience with the Youth Handgun Safety Act suggests that if this crime is made a misdemeanor and *not* prosecuted, it may simply become one more federal law that subjects DOJ to criticism about insufficient prosecution, and at the same time weakens future arguments about the need for new federal measures to reduce gun violence.

The group also discussed the possibility, within the felony classification, of providing longer sentences for offenders whose recklessness results in death or bodily injury. That question depends in part on the resolution of the next issue, which you must decide.

3. Nature of the Child's Predicate Act

S. 1917 would criminalize unsafe storage that results in a child (1) gaining access to a firearm and (2) thereby causing death or bodily injury to himself or others, or exhibiting the firearm in a public place or school zone.

As described above, although the working group universally disliked S. 1917, it could not agree on whether you should propose restricting or expanding the nature of the child's predicate act. Those in favor of restriction (primarily CRM) argued that federal criminal liability should be limited to the *most* egregious cases; therefore, the statute should cover only that reckless firearms storage that results in death or bodily injury, or perhaps "use" in order to threaten. EOUSA/ Karen Schreier thought the scope should be even narrower: death or bodily injury *in a school zone*. These components were concerned that a broader definition, such as "possession," would create an enormous number of cases that the federal government could not possibly prosecute.

Components favoring expansion argued that if the purpose of the bill is to deter reckless gun storage, the crime should be complete at the moment a child gains possession -- no matter what later happens. These components felt that since the unauthorized possession of firearms by juveniles is illegal, recklessly allowing access to such contraband should also be illegal. They favored a provision that would permit federal prosecution whenever a child *gains access to, or possesses, a firearm that was recklessly stored*. (Note that the title of the bill is "Child Access Prevention.")

In an effort to compromise, the group also considered alternatives in between. The range of possible definitions of the child's predicate act, from narrowest to broadest, is:

- death or bodily injury

- use
- exhibition
- possession.

In addition, within each, there are several variations -- such as *attempt* to cause death or bodily injury; "use" for a specific purpose (e.g., to threaten); or, within any of the listed activities, limitation by place such as "in a public place or school zone"). Within this range of possible solutions, the group narrowed down its proposed definitions of the child's predicate act to:

- ___ 1. **Child causes death or bodily injury with the firearm, in a school zone.** (EOUSA/Karen Schreier)
- ___ 2. **Child attempts to cause or causes death or bodily injury with the firearm, or uses it to threaten. (No limitation on place.)** (CRM; informal discussions suggest Treasury agrees)
- ___ 3. **Child causes death or bodily injury with; uses; or possesses the firearm in a public place or school zone. (Place limitation applies to "possession" only.)** (OAG, OASG,* OLA, OPD, IGA)
- ___ 3a. ***OASG modification: Child causes death or bodily injury with or uses firearm -> felony; child possesses firearm in a public place or school zone -> misdemeanor.**

FBI and OJP had no opinion on this issue. ODAG will weigh in with you directly.

4. Other Changes

The group also unanimously recommends that you propose the following changes:

"Unlawful" Access to Firearms. The element of the proposed offense providing that a child's access to the firearm be without the permission of a parent should be replaced with language stating simply that the child's access is "unlawful." This change guards against those parents who might seek to evade the bill's proscription by giving their children permission to access their firearms, even if doing so is unlawful under federal or state law.

Definition of "Child." The term "juvenile" in the bill should be changed to "child," and "child" should be defined as people under 16, rather than 18. The group agreed that 16 and 17 year-olds are mature enough to answer for their own unauthorized possession or use of firearms, and it is therefore unnecessary also to address (at least in federal court) the culpability of the gun owner. This change would also help restrict federal jurisdiction to the most egregious cases.

RECOMMENDATIONS FOR ATTORNEY GENERAL ACTION:

The group recommends that in meeting with Senator Durbin, you propose the three substantial changes addressed in this memorandum, namely:

- I. Raise the standard of liability from negligence to recklessness (and create an incentive for states to pass their own CAP laws punishing negligent firearms storage);
- II. Elevate the offense from misdemeanor to felony; and
- III. Redefine the predicate act of the child.

The group further recommends that you propose the two smaller changes detailed at the end, namely:

- (1) clarify "unlawful" access; and
- (2) redefine "juvenile," or "child," as under 16.

With regard to redefining the predicate act of the child, you need to decide among the identified options:

- ___ 1. **Child causes death or bodily injury with the firearm, in a school zone.** (EOUSA/Karen Schreier)
- ___ 2. **Child attempts to cause or causes death or bodily injury with the firearm, or uses it to threaten. (No limitation on place.)** (CRM; informal discussions suggest Treasury agrees)
- ___ 3. **Child causes death or bodily injury with; uses; or possesses the firearm in a public place or school zone. (Place limitation applies to "possession" only.)** (OAG, OASG, * OLA, OPD, IGA)
- ___ 3a. ***OASG modification: Child causes death or bodily injury with or uses firearm --> felony; child possesses firearm in a public place or school zone --> misdemeanor. (OASG)**
- ___ 4. **Other**
- ___ 5. **Call a meeting to discuss the issue.**

Rahm-Rubin Agreed to Language:

* Nearly every gun wielded by a child can be traced back to an irresponsible adult. In Maryland and 14 other states, parents have a legal responsibility to keep guns locked, unloaded, and out of the reach of young hands. This should law be the law in 50 states, and the practice in every home. But there is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted federal child access prevention law with new penalties to punish the most egregious offenders. I applaud Senators Chafee and Durbin for starting us down the road to making this the law of the land.



Elizabeth R. Newman
07/08/98 05:34:11 PM

Record Type: Record

To: Cathy R. Mays/OPD/EOP

cc:

Subject: 1998-07-08 remarks on children and handgun safety

----- Forwarded by Elizabeth R. Newman/WHO/EOP on 07/08/98 05:36 PM -----



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Subject: 1998-07-08 remarks on children and handgun safety

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 8, 1998

REMARKS BY THE PRESIDENT
ON CHILDREN AND HANDGUN SAFETY

Room 450
Old Executive Office Building

12:03 P.M. EDT

THE PRESIDENT: I would like to begin by thanking Suzanne Wilson for making the long trip up here from Arkansas, with her sister, to be with us today, so soon after that terrible tragedy. Most people wouldn't feel like going out of the house, much less

coming all the way to Washington, and I think it is a real credit to her and to her devotion to her daughter that she is here today.
(Applause.)

I want to thank Colonel Mitchell and Lt. Governor Kathleen Kennedy Townsend, and in his absence, Governor Glendening, for the path-breaking work being done in Maryland on this important issue. I thank Secretary Rubin and Mr. Johnson and Mr. Magaw for being here, and the work the Treasury Department is doing. Thank you, Secretary Riley, for the work you've done to have zero tolerance for guns in schools. Thank you, Attorney General Reno, for the steady work now we have done for six years to try to bring this issue to the American people.

I thank Senator Durbin, Senator Chafee, Senator Kohl, and a special word of thanks to Representative Carolyn McCarthy. And to all the advocates out here, I welcome you here and I thank you, and especially to the law enforcement officers.

I think that this recent series of killings in our schools has seared the heart of America about as much as anything I can remember in a long, long time. I will always personally remember receiving the news from Jonesboro because it's a town I know well. I know the local officials, I know the school officials. I've spent large numbers of days there. I've been in all the schools and answered the children's questions. And once you know a place like that, you can't possibly imagine something like this occurring.

But it's happened all over the country. I was in Springfield, Oregon, as you know, in the last couple of weeks, meeting with the families there. I think every American has sent out prayers to Suzanne and the other parents and the other spouses and people who were so wounded by this. But in a fundamental way, our entire nation has been wounded by these troubled children with their guns.

As has already been said, these events have been even more difficult for us to understand because they're occurring at a time when we've had the lowest crime rate in America in 25 years and, for the first time in a decade, a steady drop in the juvenile crime rate. So we struggle for answers. We say, well, does the popular culture have anything to do with this? Does good parenting have anything to do with this? And we know that probably everything we consider has something to do with this. But no matter how you analyze this, it is clear that the combination of children and firearms is deadly. As parents, public officials, citizens, we simply cannot allow easy access to weapons that kill.

For five years now, our administration has worked to protect our children, and we are making progress, as has been said. A great deal of the credit goes to far-sighted leaders at the city level and at the state level -- people like Lt. Governor Kathleen

Kennedy Townsend and Superintendent Mitchell, Governor Glendening.

We're well on our way toward putting 100,000 police on the street. About a quarter of a million people have not been able to buy guns in the first place because of the Brady law, because of their criminal background or their mental health history. We have banned several types of assault weapons and have struggled to preserve the integrity of that law against a commercial assault from importers.

School security is tighter; anti-gang prevention is better; penalties are stronger. We promoted discipline in schools with anti-truancy and curfew and school uniform policies, and, in various ways, they have worked marvelously in many communities. And we have a national policy now in all our schools of zero tolerance for guns in schools. Over 6,000 students with guns were disarmed and sent home last year, doubtless preventing even more terrible acts of violence.

But it is not enough if children have access to guns. In Springfield, Oregon, the young man in custody was sent home the day before because he had a gun in the school.

So, yes, our laws must be strong, our enforcement resolute. At home, parents must teach their children the difference between right and wrong and lead them away from violence. But recent events remind us that even if all this is done, it is still too easy for deadly weapons to wind up in the hands of children -- by intent or by accident -- and then, to lead to tragedy -- by intent or by accident.

We can't shrug our shoulders and say, well, accidents will happen, or some kids are just beyond hope. That is a cop-out. Instead, every one of us must step up to our responsibility, that certainly includes gun owners, gun purchasers, and gun dealers. Today, we say to them, protecting children is your responsibility too, and there are penalties for the failure to fulfill it.

In response to the directive I issued to Secretary Rubin in June of last year, all federal gun dealers will now be required to issue written warnings and post signs like that one over there. The sign makes it plain for all to see in simple, direct language, that it's illegal to sell, deliver or transfer a handgun to a minor, period. From now on, no customer or employee can avoid personal responsibility by pleading ignorance of the law.

Responsibility at gun shops, of course, must be matched by responsibility at home. Suzanne talked movingly about that. Guns are kept in the home for many purposes, from hunting to self-defense. That is every family's right and, as she said more eloquently than I, that is not in question. The real question is every parent's responsibility, every adult's responsibility to make sure that unsupervised children cannot get a hold of the guns. When guns are stored carelessly, children can find them, pick them up, court

danger. Most will put them back where they found them. Others, as we know now from hard experience, will touch the trigger by accident; a troubled few will take guns to school with violence in mind.

Too many guns wielded in rage by troubled adolescents can be traced back to an irresponsible adult. As has been previously said, in Maryland now, and now in 14 other states, parents have a legal responsibility to keep guns locked and out of reach of young hands. That should be the law in all 50 states. There are 35 more

that ought to follow Maryland's lead. It should be the practice in every home.

There is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted child access prevention law with new penalties to punish the most egregious offenders.

I applaud Senators Chafee and Durbin for their legislation, starting us down the road toward making this the law of the land. I thank Senator Kohl and Representative McCarthy for their strong support. They are doing the right thing. And during the last days of this legislative session, this is how we should move forward -- again I say, with progress, not partisanship.

There is much we must do in public life to fulfill our obligation to our children. More than a year ago, we directed all federal law enforcement agencies to issue child safety locks to federal officers so that their guns could not be misused. A majority of our gun manufacturers have joined us voluntarily in this effort, and that has been successful. I hope all other gun manufacturers will follow suit.

The real work, of course, must still be done in our homes -- beyond law and policy -- to the most basic values of respect, right and wrong, conscience and community, and violence rejected in favor of nonviolence and communication. Only parents can remedy what ails children in their heart of hearts. But the rest of us must do our part to help, and must do our part to contain the potential for destructive violence when things fall at home.

So I say again, this is an issue that has wounded every American in one way or the other. Of the four women standing to my right, three have lost members of their immediate family because of gun violence. All of us have grieved with them. We can do better. This is one big first step.

Thank you very much. (Applause.)

END

12:13 P.M. EDT

THE WHITE HOUSE
WASHINGTON

*Allen
Safety*

October 8, 1997

STATEMENT ON GUN SAFETY WITH NAPO TOP COPs

DATE: October 9, 1997
LOCATION: Rose Garden
EVENT TIME: 10:30 am - 11:00 am
FROM: Rahm Emanuel/Bruce Reed

I. PURPOSE

To demonstrate your commitment to keeping guns out of the hands of children by announcing a new private sector commitment to provide child safety devices with handguns manufactured in the United States.

II. BACKGROUND

You will stand with 18 police officers who will later in the evening be awarded the Top Cops award by the National Association of Police Organizations (NAPO) for their courage and heroism in the line of duty. You have met with the NAPO Top Cops each year since you have been President. NAPO is the second largest rank and file police organization, with a membership of over 200,000 police officers. Last year, you held a similar Rose Garden ceremony with the NAPO Top Cops, where you hailed the "Degan Bill," which you had signed into law a week earlier. The "Degan Bill," which was part of the Omnibus Appropriations Bill, provided funding for educational scholarships for children of federal officers killed in the line of duty. At this event, you will state your support for extending these same benefits to children of state and local police officers -- a proposal which NAPO strongly supports.

At this event, you will announce a private sector commitment to child safety devices.

You will announce that 8 of the largest gun manufacturers in the U.S. have committed to providing child safety devices with each of their handguns. Smith and Wesson, the largest manufacturer of handguns in the world, took this step in August by joining with the Master Lock Company to provide child safety locks on all of their handguns sold for commercial use. At this event, you will announce that 7 more gun manufacturers have now committed to distributing child safety devices with all of their handguns manufactured in the United States. All told, these 8 gun manufacturers, including Smith and Wesson, make up 80% of the guns manufactured in the United States. Prior to this event you will meet with representatives from the companies that have made this pledge and with representatives of the American

Shooting Sports Council, which was instrumental in bringing this group together. (See attached list of names.)

This event highlights that your commitment to child safety locks has made a difference. You proposed child safety locks as part of your juvenile justice legislative package, and you took the lead on this issue on March 3, 1997 by requiring that all federal agencies provide their law enforcement officers with child safety locks. You later directed each federal agency to be in compliance by October 15, 1997. We expect every agency to be in compliance by next week.

III. PARTICIPANTS

- Attorney General Reno
- Tom Scotto, President of the National Association of Police Organizations
- Richard Feldman, Executive Director of the American Shooting Sports Council
- 18 NAPO Top Cops

(List of attendees in Meet and Greet prior to event is attached.)

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- Attorney General Reno will make welcoming remarks.
- Tom Scotto will make remarks.
- Richard Feldman will make remarks.
- You will make remarks and then depart.

VI. REMARKS

Remarks provided by Speechwriting.

List of representatives of gun manufacturers attending event:

Ed Schultz, President, **Smith and Wesson**

Paul Januzzo, Vice President/General Council, **Glock, Inc.**

Rafael Aguirre-Sacassa, Vice President Marketing, **Beretta USA Corporation**

Johnathan Mossberg, Chief Operating Officer, **O.F. Mossberg & Sons**

George Schneider, **President SigArms**

Tom Conrad, Marketing Manager, **Taurus Firearms**

Roben Sharpless, Vice President, **H&R 1871**

Jim Woods, President, **Heckler & Koch**

Others attending:

Jay Hansen, Chairman of the Board, American Shooting Sports Council

Richard Feldman, Executive Director, American Shooting Sports Council

Georgia Nichols, President, American Shooting Sports Council

Robert Ricker, Director of Government Affairs, American Shooting Sports Council

Richard Manning, Associate, The Eddie Mahe Co.

President Clinton: Supporting Law Enforcement, Saving Lives October 9, 1997

- At today's "Top Cop" event to honor 18 outstanding law enforcement officials for their heroism and exemplary service, President Clinton announced two initiatives strongly supported by law enforcement:
 - 1) **Child Safety Locks.** Embracing the President's proposal, 8 major gun manufacturers announced that they would provide child safety devices with every handgun sold; and
 - 2) **College Scholarships.** Building on legislation he signed one year ago, the President announced his support for a bill -- proposed by the National Association of Police Organizations (NAPO) -- to make college scholarships available to the children of slain state and local public safety officers.
- **The Need for Child Safety Locks.** A recent study by the Justice Department estimates that over one-third of all privately owned handguns-- 22 million-- are kept loaded and unlocked in our country. Other studies estimate that easy access to these weapons results in 1,500 children (ages 14 and under) being treated in hospital emergency rooms every year for unintentional firearms-related injuries. Child safety devices are an inexpensive and effective solution to this problem.
- **President Clinton: Leading by Example.** By including child safety locks in his Anti-Gang and Youth Violence Strategy, the President initiated a national debate on this issue. He proposed legislation to require federal gun dealers to provide these safety devices with every gun sold, and he directed all federal agencies to provide them with all handguns issued to federal law enforcement officers. By October 15th, all federal law enforcement officers will have been issued child safety locks.
- **Firearms Industry: Following the President's Lead.** Eight major gun manufacturers -- Glock, Beretta, Taurus, H&R, Heckler & Koch, Smith and Wesson, Mossberg & Sons, and SigArms announced that they would provide child safety devices with all of their handguns.
- **Honoring Law Enforcement.** Last year, President Clinton signed legislation to provide college scholarships of up to \$4,848 per year for the children of slain federal law enforcement officers. Today, the President announced his support for NAPO's proposal to expand this benefit to include the children of state and local public safety officers who are killed in the line

PRESIDENT CLINTON AND AMERICA'S POLICE: BUILDING STRONGER, SAFER COMMUNITIES TOGETHER

Honoring our nation's police. Today, President Clinton will honor the 18 outstanding law enforcement officials who are receiving the National Association of Police Organizations' "TOP COP" Awards. The President is also honoring the vital role law enforcement officers play in safeguarding our communities.

A STRATEGY THAT WORKS:

Lowest number of law enforcement officers killed in the line of duty in over 35 years. In 1996, 117 federal, state and local law enforcement officers were killed in the line of duty, a dramatic 30% decline over 1995. This is the fewest police officer fatalities since 1960.

Crime rates have dropped for five straight years. Before President Clinton took office, violent crime was *increasing* in America. The President's anti-crime strategy has helped reverse this trend -- and violent crime has now *dropped* five years in a row. In fact, the number of murders fell an historic 9% in 1996, while violent crime decreased 6%.

A RECORD OF ACCOMPLISHMENT:

Putting 100,000 new community police on our streets. President Clinton promised to put 100,000 new community police officers on the street to protect our communities, increasing our nation's police force by nearly 20 percent. Since passage of the President's 1994 anti-crime bill, 64,000 of these officers have been funded.

Protecting law enforcement from deadly assault weapons. Because criminals should never outgun law enforcement officers, the President's 1994 anti-crime bill banned 19 of the deadliest cop-killing assault weapons. The President banned guns like the Uzi, which are the weapons of choice for drug dealers and gangs.

Preventing criminals from buying handguns. In 1993, the President signed the Brady Bill. Since its passage, 250,000 stalkers, fugitives and felons have been prevented from buying guns. That means fewer guns on our streets and safer streets for our officers.

Giving the police the tools they need to fight crime. President Clinton has strengthened efforts to clamp down on illicit gun markets, by implementing the Youth Crime Gun Interdiction Initiative in selected cities across the country. Through this initiative, law enforcement will trace all guns used in crime that are seized by Federal, State, and local law enforcement officers, and work with that trace information to help identify illegal gun traffickers. By analyzing patterns of gun trafficking that exist in an area, our police officers can more effectively target illegal gun traffickers for prosecution, particularly those who put guns into the hands of our nation's young people.

Leading a national effort on child safety locks. The President proposed legislation to require federal gun dealers to provide child safety locks with every gun sold, and directed all federal agencies to provide these safety locking devices for all handguns issued to federal law enforcement officers. And because of the President's leadership, 8 major gun manufacturers are announcing their support for providing child safety devices with all of their handguns.



TOP COPS AWARDS®

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

Presidential Committees

The Honorable and Mrs. William J. Clinton
The Honorable Gerald R. Ford
The Honorable and Mrs. Ronald W. Reagan

Congressional Committee

The Honorable Joseph R. Biden, Jr.
The Honorable Tom Daschle
The Honorable Richard A. Gephardt
The Honorable Newt Gingrich
The Honorable Orrin G. Hatch
The Honorable Jim Ramstad
The Honorable Charles E. Schumer

Celebrity Committee

Richard Belzer
NBC, "Homicide: Life on the Street"
Rud Diamond
NBC, "Homicide: Life on the Street"
Steven Hill
NBC, "Law & Order"
Clark Johnson
NBC, "Homicide: Life on the Street"
Yaphet Kotto
NBC, "Homicide: Life on the Street"
S. Eyalha Merkerson
NBC, "Law and Order"
Jerry Orbach
NBC, "Law and Order"
Lyane Russell
CNN, "Headline News"
Kyle Secor
NBC, "Homicide: Life on the Street"
John Walsh
FOX, "America's Most Wanted"
Sam Waterston
NBC, "Law and Order"

Dinner Committee

Richard J. Barry, CPP
Executive Vice President,
First Security Services Corporation
Director,
National Association of Security Cos.
Jules Bernstein
Bernstein & Lipson
James S. Brady
Center to Prevent Handgun Violence
John Cohen
Director,
Judicial and Criminal Justice Markets,
AT&T Government Markets
David Cooper
Philip Morris Management Corp.
Wayne S. Dorn
Chairman,
Ford Motor Land
Development Corp.
Dennis J. Flaherty
Executive Director,
Minnesota Police and
Peace Officers Association
Richard A. Grasso
Chairman and Chief Executive Officer,
New York Stock Exchange
Victor Kamber
The Kamber Group
Dusac Meck
President,
Public Employees Benefit
Services Corporation
John Neisch
President,
Midwest Publishing, Inc.
Thomas J. Seoto
President,
Detectives' Endowment Association
of New York City
Robert T. Scully
Executive Director,
NAPD

★1997 Top Cops Awards® Winners★

ARIZONA

Phoenix Police Department

Sergeant James Collins
Officer Martin Madrid
Officer Scott Masino
Officer Kenneth Petersen
Officer George Somershoe
Officer Garrick Ward
Officer Donald Weverstad

★Order quickly changed to chaos at the Maricopa County Estrella Jail facility as 600 inmates broke into a violent riot. Prisoners were out of control, throwing pieces of broken concrete, sticks and rebar at detention officers, causing several minor injuries. Inmates had taken over a guard tower, and inside, three detention officers were trapped by the rioting inmates.

Without electricity and under extremely hostile conditions, Sergeant James Collins led three officers, Scott Masino, Martin Madrid and George Somershoe in a harrowing rescue attempt to save the trapped detention officers. Though unable to see in the darkness or breathe the prison air which was now filled with chemical sprays and fire extinguisher powder, Officers Weverstad, Petersen and Ward assisted the team in rescuing the three trapped and unarmed detention officers and preventing 40-50 rioting inmates from breaching the last secured door of the prison.

The bravery of these courageous officers made it possible to quell the riot and return control of the jail to law enforcement.

CALIFORNIA

San Diego Police Department

Sergeant Derek Daniel Diaz

★Danger is always a heartbeat away for police officers, and May 24, 1996, was no exception for Sergeant Derek Daniel Diaz. At 4:00 a.m., a woman called 911, reported that she had just been shot and described the suspects and their vehicle. Sergeant Diaz volunteered to handle the call along with five other units. He quickly spotted a car fitting the description and followed it until the two suspects jumped out of the moving vehicle, which then crashed.

The suspects, now on foot, split up. Sergeant Diaz chased the driver and tackled him in an alley. Officer Byron Joseph then arrived on the scene, and despite the combined strength of the two officers, a violent struggle ensued with all three falling to the ground. Suddenly, the suspect produced a pistol and shot Sergeant Diaz in the base of the neck and Officer Joseph in the arm.

Sergeant Diaz, wounded and on the ground, looked up to see the suspect preparing to shoot Officer Joseph again. Fearing for the life of his fellow officer, Sergeant Diaz prevented the suspect from killing Officer Joseph with a single shot that fatally wounded the suspect. Sergeant Diaz then collapsed to the ground.

Sergeant Diaz's courage, discipline, will to survive and presence of mind undoubtedly saved the life of Officer Joseph as well as his own.

KENTUCKY

Jefferson County Police Department

Police Officer David R. Culler

★As a rookie cop in North Carolina, Police Officer David R. Culler responded to an automobile accident call that would forever change his life. A family of four - a mother, a father and their two children, ages two and four - were killed instantly by a drunk driver while on their way to a family reunion.

That was more than fifteen years ago, and Officer Culler has never forgotten what he saw that day, including the drunk driver who walked away from the accident without any injuries. Officer Culler has since made it his personal pledge to stop as many drunk drivers from killing innocent motorists as he possibly can. And, for the last three consecutive years, Officer Culler has proudly placed either first or second in drunk driving arrests for the state.

On November 7, 1996, Officer Culler met the challenge of his life. During the arrest of a suspected intoxicated pick-up truck driver, a struggle ensued, and both Officer Culler and the suspect fell into the cab of the truck. The suspect then attempted to escape. He was able to shift into gear and reach speeds of 30-35 mph with Officer Culler still hanging from the truck. As Culler began to slip underneath the truck, he pushed himself onto the pavement, narrowly missing the truck's rear wheels. He then skidded across the pavement, shearing the metal buttons off his uniform, knocking the sights off his weapon while it was still inside the holster, cracking his portable radio in two and sustaining severe injuries to his arms, hands and face.

There is no way to measure how many lives have been saved due to Officer Culler's dedication to taking drunk drivers off the road. As this incident shows, he is more than willing to go above and beyond the call of duty to make Kentucky's roads safer.

MASSACHUSETTS

Department of Justice, Drug Enforcement Administration

Special Agent Phil M. Muollo

★There is a lot less cocaine and methamphetamine trafficking in the Northeast, thanks to the undercover work of Special Agent Phil Muollo. Without regard for his own safety, Special Agent Muollo went deep undercover into the violent motorcycle gang known as the Hell's Angels.

The brutal violence of this particular motorcycle gang is well known throughout the law enforcement community. Special Agent Muollo's work resulted in the arrests of 16 members and associates of Hell's Angels. These included the arrest of one of the motorcycle gang's officers for the brutal beating of one rival gang member and the murder of another.

Special Agent Muollo's undercover work was so convincing that the neighborhood from which the Hell's Angels operated has now been turned back over to law-abiding citizens and there has been a vast reduction in drug trafficking and violence.

MICHIGAN

Wixom Police Department

Police Officer Gary Michael Hamlin

Police Officer Martin Harp

★Police Officers Gary Hamlin and Martin Harp were the first two responding officers on the scene where gunfire ricocheted off the floors and heavy equipment at an auto assembly plant in Michigan.

It was a dangerous situation -- 2,000 plant workers were at risk from the sniper, who was dressed in camouflage clothing and firing a semi-automatic assault rifle. And when Officers Hamlin and Harp ordered the suspect to "drop his weapon," he opened fire on the two officers.

As the officers dived for cover, the suspect began running through the plant, endangering hundreds of employees who were running through the car assembly lines, attempting to exit the plant. Once outside, the officers tracked the gunman to his hiding place in a large dumpster. As they approached, the gunman again opened fire. As Officer Hamlin took cover behind a small pumping station and attempted to fire on the suspect, Officer Harp began working his way toward the suspect through rows of stacked auto frames.

The suspect was eventually driven into a four-foot drainage culvert where he was contained until he gave up and was arrested, ending a high-stress situation that began five hours earlier. Before it was over, the suspect had shot two Oakland County Sheriff Deputies and killed an executive at the plant.

MINNESOTA

St. Louis County Sheriff's Department

Deputy David Akerson

★Deputy David Akerson is being honored for his devotion to duty and diligence in maintaining his post after an incident on August 2-3, 1996, in which he was shot in the head but managed to continue his duties until backup arrived on the scene.

While investigating a complaint of a suspicious man with a gun, Deputy Akerson found the cabin where the suspect was hiding. After Akerson identified himself as a deputy sheriff, the man suddenly opened the door and pointed a .22-caliber rifle toward Akerson's head and chest. Akerson knew from the look in the suspect's eye

that there was no room for reason, and he dived off the front porch while screaming, "Don't shoot!"

The suspect did indeed shoot -- three times. Two shots missed Akerson while a third entered his right shoulder, went through his mastoid bone and eventually lodged between his right ear and jawbone. The bullet remained in Akerson's skull for nearly six months until doctors could remove it.

While bleeding from his wounds, Akerson found cover in a grove of trees and refused to leave his post until backup units arrived on the scene and the assailant was taken into custody. The first unit on the scene was Akerson's son Jason. It was Jason's first day on the job with his field training officer, and little did he know that he would be responding to a call involving his own father. The suspect was arrested later that night after seven hours of failed negotiations. Deputies had to use tear gas to force him to come out of the cabin and surrender.

OHIO

Lorain Police Department

Sergeant Richard Resendez

★It's the nature of the job. Sergeant Resendez, like other dedicated law enforcement officers, often finds he is never truly off-duty.

On May 23, 1996, Sergeant Richard Resendez was off-duty and on his way to the gym for a workout when he heard over his police radio that there had just been a bank robbery at the PremierBank & Trust. With the description of the suspect's vehicle and license plate number, Sergeant Resendez began searching the immediate area. After a mile and a half of searching, Sergeant Resendez spotted the vehicle as it pulled into a gas station. The suspect and the police officer exchanged looks and recognized each other - the suspect recognized Resendez as a police officer and Resendez identified the suspect as Victor Chaney - previously they had met when Chaney was the victim of a crime several years before.

Sergeant Resendez drew his weapon and attempted to take Chaney into custody. Chaney fled, and a high-speed chase ensued. The pursuit reached speeds of 80-90 mph and went through several cities, involving a half-dozen law enforcement agencies. As the chase progressed, Victor Chaney fired a semi-automatic pistol at pursuing officers, including Sergeant Resendez. Because he was off-duty, Sergeant Resendez was not wearing his bullet-proof vest, and therefore was in grave danger throughout the chase.

Chaney reached downtown Elyria, even though his tires had been flattened by police. After losing control of his vehicle, he struck a pedestrian and two parked cars and caused a crash through a business window. Fortunately, the pedestrian was not seriously injured.

Chaney then fled on foot, closely followed by Sergeant Resendez who was worried about the safety of several innocent bystanders. Sergeant Resendez had no choice but to fire his weapon, striking Chaney in the lower buttocks. This was the first time that Sergeant Resendez had fired his weapon in the line of duty. Chaney was hospitalized for a short time and then released. He was later identified as the black-wigged bank robber who had been terrorizing the area for two months, committing four bank robberies.

PENNSYLVANIA

Pittsburgh Police Department

Police Officer John Joseph Wilbur

★On June 26, 1996, Officer John Wilbur came across a car sitting in the middle of the street. Inside were two people, slumped over. Both wore gloves, even though it was a warm night, and there were ski masks on the front seat. Recognizing danger, he immediately called for backup. When the other units arrived, Officer Wilbur approached the car, and suddenly a third person sat up in the back seat. The officer immediately noticed a bag of something that looked like crack cocaine and opened the rear door to retrieve it. A struggle ensued and the driver sped off – with the door slammed shut on Officer Wilbur's hand.

Officer Wilbur's cherished wedding ring was stuck in the door, and he could not free his hand. He bounced on the trunk and was dragged nearly eight-tenths of a mile at a high speed of 71 mph. When the front passenger pointed a gun toward Officer Wilbur, he managed to use his right hand to draw his service weapon. Fighting for his life, Officer Wilbur fired into the vehicle striking all three occupants. Both passengers suffered fatal wounds, but the driver was only grazed by a bullet. A bag of crack cocaine was found in the mouth of one of the passengers, and a gun equipped with laser sights was also in the car. The driver was apprehended on July 9, 1996, the same day Officer Wilbur was released from the hospital.

Officer Wilbur spent two weeks in the hospital and three months recuperating in bed. He underwent painful skin grafts to replace skin scraped off to the bone and one of his toes had to be amputated.

WASHINGTON, D.C.
Metropolitan Police Department

Police Officer William D. Bowman

★In 1996, Officer Bowman was involved in three cases where he distinguished himself as a clever, alert and responsive officer.

On February 4, 1996, three people were searching for someone they believed had broken into their home, knowing only that the alleged intruder drove a gold-colored Cadillac. In the early morning hours, one of the defendants shot and killed a man sitting in a gold-colored Cadillac. The defendants later learned that the person they had killed was actually one of their best friends. After hearing a description over his police radio, Officer Bowman searched for the suspects' vehicle, located it, and attempted to make the suspects stop. A car chase ensued, and one of the suspects threw a Russian SKS 7.62 carbine out of the vehicle. The chase continued on foot, and with the help of other officers, Officer Bowman was able to apprehend all three suspects.

A few months later, on May 26, 1996, a couple was victimized in their own home during a violent robbery. The suspect tied up the husband, raped the wife and then escaped. On May 27, 1996, a composite of the suspect was posted. The next day, a woman heard someone breaking into her home and managed to call 911 for help. Officer Bowman was the first on the scene, and could hear the woman's cries for help from outside of her home. He came in through the same glass door that the suspect broke through, and immediately recognized the suspect as the man in the composite drawing from the rape two days prior. The suspect was apprehended and arrested. Officer Bowman's quick response undoubtedly saved the second woman from a brutal rape and put another violent criminal behind bars.

Following two carjackings and one rape of female Domino's pizza delivery drivers in August 1996, Officer Bowman was on the lookout for the perpetrator. On September 3, 1996, Officer Bowman observed an automobile stop in an alley. The driver exited the vehicle and began to walk away. Officer Bowman immediately recognized that this individual fit the description of the carjacking and rape suspect, and began questioning him. Officer Bowman pat down the suspect and found a stolen semiautomatic weapon. Immediately after the arrest of this individual, the carjackings and rapes ceased.

VIRGINIA

Fairfax County Police Department

Police Officer Gary L. Beaver

Police Officer First Class Troy S. Payne

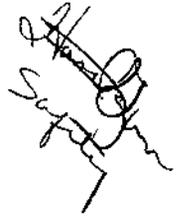
★On October 17, 1996, a mundane task quickly turned to chaos for Police Officer First Class Troy S. Payne and Police Officer Gary L. Beaver.

Police Officer Payne began his day by explaining to then Recruit Beaver the operations and procedures of the Fairfax County Police Department, including the location of the police cruiser's shotgun and the location of the Computer Assisted Dispatching system. By early afternoon, that training would become vital to the two officers.

That day Officer Payne was writing a parking ticket for a handicapped space violation at one of the area's largest and busiest shopping malls, Tysons Corner Center, which typically has about 4,300 shoppers on the premises. Recruit Beaver looked over his shoulder and saw a man wearing a black ski mask with a gun coming toward the officers. He alerted Officer Payne, who initially thought the recruit was joking.

It turned out that the man approaching the officers had just robbed nearby Riggs Bank and was carrying a satchel containing \$56,000. As soon as the bank robber saw the officers, he began shooting. Officer Payne was shot once. The bullet went through his left arm and into his chest. Officer Payne returned fire, killing the suspect who was later found to be a foreign national planning to leave the country.

JUVENILE HANDGUN DIRECTIVE
JUNE 11, 1997



Q: What is the directive that the President signed today?

A: Today, the President signed a directive to ensure that the Treasury Department do everything possible to enforce the Youth Handgun Safety Act -- including requiring that federal gun dealers post signs and issue written warnings that:

(1) Make clear that it is generally illegal for any adult to transfer a handgun to a minor (under 18), or for that minor to possess that handgun, period;

(2) Make clear that transferring a handgun to a minor may be punishable by up to 10 years imprisonment;

(3) Warn that handguns are a leading contributor to juvenile violence and fatalities; and

(4) State that safely storing and locking handguns will help ensure compliance with this law.

Q: What is the impact of this directive? How is it any different -- or how does it augment -- current law?

A: This directive will require, for the first time ever, that federal firearms dealers (FFLs) post signs and issue written warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to kids generally. That's an important change for two reasons.

First, for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. Today's directive puts adult gun purchasers on notice about this responsibility -- and warns them about the legal sanctions that may apply if this responsibility is ignored.

Second, the mix of kids and guns is at the heart of the nation's youth violence epidemic. Since the mid 1980s, the number of kids killing with a gun has quadrupled; the number of kids killed by guns has nearly tripled; and teenage boys today are more likely to die of gunshot wounds than all natural causes combined. Still, we do more to warn Americans about the

dangers of most household products than we do about the dangers that guns pose to our children. Today's directive represents an effort to correct this imbalance.

Q: Can you please clarify under what authority you're taking this action?

A: The authority for this directive is two-fold:

(1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act as amended; and

(2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 crime bill -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Our directive finds that additional warnings are necessary to fully carry out the prohibitions of the Youth Handgun Safety Act, and calls for signs to be posted and written warnings issued to help ensure compliance with the law.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation.

Q: Have you successfully prosecuted anyone under the Youth Handgun Safety Act? Do you know how many persons have been prosecuted overall?

A: No, I don't have a number on the total prosecutions. But I do have an example. I know that the U.S. Attorney's Office in Tennessee successfully prosecuted an illegal gun dealer who -- among other illegal firearms activities -- sold a pistol to a 13-year old. He's been sentenced to 33 months in prison.

Q: Do you think that this directive will really help keep handguns from juveniles? Shouldn't your directive do more than simply call for signs and warnings?

A: Of course, we believe that this directive is meaningful and will have impact. And it certainly makes as much sense to warn gun purchasers about their legal responsibilities and the dangers of handguns as it does for the many other products that are sold with similar warnings.

At the same time, there is only so much we can do under existing law to keep guns out of the hands of juveniles. That's why our juvenile crime bill includes 3 key gun provisions: it increases penalties for transferring guns to juveniles; it prohibits violent juveniles from ever owning guns; and it requires that federal gun dealers provide child safety locks with every gun sold. With these additional changes in law, we will be able to do even more to keep guns away from our kids.

Q: If you're going to issue warnings about guns, why don't you just regulate them like other products through the Consumer Products Safety Commission?

A: First of all, today's directive does more than simply warn gun purchasers about the dangers of handguns; it makes clear to gun purchasers that they have responsibilities -- and that transferring a handgun to a juvenile is a crime punishable by as much as 10 years imprisonment.

Second, the mandate of the Consumer Products Safety Commission does not include firearms. The Commission is expressly prohibited from getting into matters concerning the manufacture and sale of firearms and firearms ammunition. So we simply don't have this authority.

Q. What is the Administration's position on the various Republican proposals to combat juvenile crime?

A. First of all, we are apposed to H.R. 3, the bill that passed the House. It does not come close to representing a comprehensive attack on gangs and guns. It doesn't guarantee that Boston's successful juvenile crime initiative -- Operations Cease-fire and Nite Lite -- can be replicated. It doesn't include any provisions relating to kids and guns. And it does not specifically address the high number of crimes committed by juveniles when school goes out.

We're hopeful that the Senate will work with us to address these issues. The Senate Judiciary Committee is scheduled to consider legislation this Thursday, and we are communicating our concerns to them now. We will have to wait and see how the mark-up in that committee goes before we know whether or not we'll be able to support a Senate bill.

Q. What does the Administration's juvenile justice proposal do?

- A. The legislation proposed by the President in February is part of an overall Anti-Gang and Youth Violence Strategy that seeks to crack down on violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

The strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes. It requires child safety locks for guns to prevent accidents and thefts, and extends the Brady Law so that violent juveniles can never own a gun. Finally, the Strategy also calls for at least 1,000 after school initiatives to keep kids off the streets and give them positive alternatives.

The Administration calls on Congress to pass juvenile crime legislation addressing these key issues.

HANDGUN CONTROL

ONE MILLION STRONG . . . working to keep handguns out of the wrong hands.

BR-

Bruce

Jose wants to talk with you on this

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HANDGUN CONTROL

ONE MILLION STRONG . . . working to
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MEMORANDUM

TO: Rahm Emanuel
Senior Advisor to the President

FROM: Robert Walker
President, Handgun Control, Inc.

Dennis Henigan
General Counsel, Handgun Control, Inc.

DATE: June 4, 1997

RE: New Regulation Requiring Gun Warning

In seeking to keep handguns out of the hands of minors, the Department of the Treasury should consider issuing a new regulation barring the sale of any handgun by a federal licensee (including manufacturers, importers and dealers), that is not accompanied by a written warning as to unsafe gun storage.

The authority to issue such a regulation arguably is found in 18 U.S.C. § 926(a), which provides that the Secretary of the Treasury "may prescribe only such rules and regulations as are necessary to carry out the provisions of this chapter." In *National Rifle Association v. Brady*, 914 F.2d 475, 479 (4th Cir. 1990), the Fourth Circuit held that, despite the addition of the word "only" (and other changes) to this provision made by the Firearms Owners Protection Act of 1986, § 926(a) "almost inevitably confers some measure of discretion to determine what regulations are in fact 'necessary'." Thus, the issue is whether the government can make a reasonable case that the warning is "necessary" to carry out any of the provisions of the Gun Control Act, as amended.

The Kohl Amendment, passed as part of the 1994 Crime Bill, makes it unlawful for a juvenile to knowingly possess a handgun, unless the possession falls within certain specified exceptions, including possession with the written consent of a parent or guardian or in connection with ranching activities. 18 U.S.C. § 922 (x)(1). Thus, the statutory scheme permits juvenile possession of handguns only under certain narrowly defined circumstances in which the risk to public safety is diminished. Of course, when a juvenile gains possession of a handgun because it is left unlocked and accessible, his/her possession violates the statute and creates the very risk the statute was enacted to prevent. Arguably, a

Memorandum To Rahm Emanuel

June 4, 1997

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warning to gun owners to lock their handguns away from the reach of minors is "necessary" to carry out the prohibition on juvenile possession.

To bolster the case for Treasury's authority, the warning should use language closely connected to the statutory provision on juvenile possession. One possibility would read:

POSSESSION OF HANDGUNS BY PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED, UNDER MOST CIRCUMSTANCES, BY FEDERAL LAW. IN ORDER TO PREVENT UNLAWFUL JUVENILE POSSESSION OF HANDGUNS, YOU SHOULD STORE ALL HANDGUNS UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO MINORS.

Although there is a colorable argument supporting Treasury's power to require such a warning, there is nevertheless serious doubt that such a regulation would survive a court challenge. Our argument in favor of the regulation is essentially that a regulation is "necessary" to carry out the provisions of the Gun Control Act as long as it makes those provisions more effective. This argument confers far-reaching legal authority on Treasury. For example, under such a rationale, Treasury would have the authority to require radical design changes in guns to prevent their use by anyone but the authorized owner because such changes would make the Gun Control Act more effective in preventing use of guns by high-risk persons, like kids and criminals. Realizing the implications of our theory of ATF's authority, there is substantial doubt that the courts would adopt it.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 8, 1998

PRESS BRIEFING BY
BRUCE REED, SENIOR DOMESTIC POLICY ADVISOR

The Briefing Room

12:45 P.M. EDT

MR. TOIV: Here to brief upon and further explicate the announcement made by the President today are Bruce Reed, the President's Senior Domestic Policy Advisor; and Jose Cerda, who works in Bruce's shop. He's a Special Assistant to the President for Crime Policy.

MR. REED: Let me briefly explain what the President announced today. He called for three things. First he called for a national child access prevention law which would build on what 15 states have already done and hold parents criminally responsible for the safe storage of firearms, and liable if they fail to store those firearms responsibly and they're subsequently used by juveniles to kill or injure another person.

As I said, 15 states have done this in the last few years -- Texas, Florida, California -- I'd be happy to give the whole list if you want it. We are calling for all 50 states to pass these laws, but as well, for Congress to pass national legislation for the most serious cases -- cases that involve reckless disregard for the law and that result in bodily injury or death.

Second, he announced that ATF will put out a final regulation requiring warning signs for federally-licensed gun dealers. We have done an enormous amount over the last six years to try to crack down on illegal gun sales and make sure that gun dealers abide by the law.

When the President took office, there were over 280,000 federally-licensed gun dealers; that's now down to 90,000. It's been cut by two-thirds because we've done a lot to get rid of the fly-by-night shops. And all gun dealers will now be required to comply with the '94 Youth Handgun Safety Act by putting in place warning signs that make it clear to all adults and juveniles that it is a crime for a juvenile to possess, or an adult to provide, a handgun to a person under 18.

And then, finally, with the help of the Maryland State Police and Lt. Governor Kathleen Kennedy Townsend, he announced that Maryland will begin tracing every gun crime -- every gun seized in the state. They've had a pilot project with ATF in 27 cities around Maryland, and this is one of the most important things we can do to try to break the chain of violence related to illegal guns.

Q What's the chance of Congress passing stronger legislation, and how strong now is the NRA? Is it still so powerful in Congress and in the country that you can't really get these things through?

MR. REED: Well, we've had some real successes over the course of the administration. The Brady Bill, which we passed with bipartisan support over the objections of the NRA, has stopped nearly a quarter million people from purchasing handguns, and the Assault

MORE

Weapons Ban has also had an impact. I think that we are going to keep pressing with this Congress. We've pressed, as well, as the President mentioned again today, for national legislation requiring trigger locks, and so far, we've met a wall of resistance.

Q You are facing a wall of resistance?

MR. REED: Congress hasn't done a whole lot this year. But we're going to keep pressing, and I think there's just no good reason to oppose this kind of legislation. Every gun owner has an interest in gun safety; that's been a longstanding NRA principle. And this is something that Americans should support whether they own guns or not.

Q Bruce, a question about the legislation the President supports. If an adult or a parent makes a good-faith effort to lock up the guns in a cabinet or a closet and the kids break in, are those parents liable for federal penalties under this legislation?

MR. REED: No. The kind of legislation we would like to see is targeted to cases of reckless disregard. For example, if a parent left a loaded gun on the table on their way to work, knowing that their children would be around and have access to that gun, that would be a case of reckless disregard. If they made a good-faith effort, locked up the gun and the kid broke in or stole their keys, that wouldn't be -- mere negligence would not be prosecuted under the federal standard that we're calling for.

Q Is "reckless disregard" a phrase in the law?

MR. REED: I think the phrase in the legislation we'd like to see is "new and disregard."

Q State laws are tougher, aren't they?

MR. REED: Yes, that's right.

Q Is that a reflection of the fact that you just don't think you can get a law that tough passed through the Congress?

MR. REED: No. No, we think that the federal role should be limited to the most serious cases. This has been our position on all manner of federal law enforcement issues -- on three strikes and you're out and other federal provisions. We want to set a national standard; we want a federal law to be in place as a backstop for states that failed to pass laws. The primary responsibility for enforcing these laws rests at the state and local level. But for the most serious cases, we think it can set an important example by having a federal law.

Q Do you think people should be required to own lock boxes for their guns?

MR. REED: We have called for legislation that would require essentially trigger locks, that would require guns themselves to be safe. And the practical effect of this legislation the President has called for would be to require parents to store their guns safely. In most cases that would mean either a trigger lock or a safe.

Q In Jonesboro, the guns were locked up, and then they went -- the perpetrators went to their --

MR. REED: Grandfather, allegedly -- right.

Q -- their grandfather's house, and didn't they blast their way in there? This law would not -- in one case, the guns were safely stored.

MR. REED: They were safely stored in one home, but not in the next. Now, I can't comment on a particular case in progress, but the mother from Arkansas, herself, said very eloquently that in her view if a law had been in place setting a standard, holding parents responsible, holding adults responsible for their guns, that that tragedy would not have occurred. And we think that's the case.

Q Bruce, there seem to be a couple of --

Q To follow up on that, the grandparents didn't have any reasonable expectation that there was going to be a break-in. Would you like, in a situation like this, to see them held negligent?

MR. REED: Well, again, I don't want to comment on the particulars of --

Q Well, a hypothetical case like that.

MR. REED: A hypothetical case where guns were left -- well, you give me the hypo.

Q A situation where a relative's house is broken into, they had no reasonable expectation that there were going to be children in the house, and the guns are taken and used in a crime.

MR. REED: The standard that we set forth or would like to see set forth in federal legislation is that the adult knew and disregarded, so if an adult knew that a child would have access to the gun and that there was a risk that they would use it. So, hypothetically, if a kid broke into a neighbor's house and the neighbor had no reasonable expectation that a kid would have done that, the federal law would not apply. I think state laws vary as to whether they would cover these particular hypothetical examples.

Q There are a couple of bills on the Hill. Which one does the administration support, if any?

MR. REED: The main bill was introduced by Senators Durbin and Chafee who were here today --

Q How about making an announcement on the pool?

Q Announce the travel pool is assembling.

MR. TOIV: Go ahead. Announce that the travel pool is assembling.

MR. REED: The travel pool is assembling.

Q Louder. (Laughter.)

Q And with more feeling. (Laughter.)

MR. REED: Durbin and Chafee have put together a bill. We would like to see it narrowed to the most serious crimes. That's the major difference.

Q Because their bill is not as narrow as what you were talking about in here?

MR. REED: That's right.

Q Bruce, do either one of you fellows own guns?

MR. REED: I grew up in a household with guns. I live in the District, so --

Q So what would you suggest that a parent who owns a shotgun or a rifle or pistol, who may probably have a trigger lock, what should that person do with his gun? Obviously, he's not going to leave it on the table loaded, which is your worst case scenario. Where should he put it? What's do you suggest?

MR. REED: We believe that parents and other adults should make sure their guns are locked and in a safe place, out of reach of young people. Those are the major steps that a parent or other individual would need to take. As the President said, this isn't about whether people should own guns -- that's every person's right. But, just as --

Q Except in the District of Columbia.

MR. REED: Just as parents should take other steps to protect their children's own safety, we believe that in this case it's very important, since it can have potentially enormous repercussions for the child, because there's any number of accidental deaths, and for the community at large.

I might highlight for you, there was a recent study in the Journal of the American Medical Association that looked at 12 states that had these cap laws in place. It studied them from 1990 to 1994, and the authors projected that if the cap laws had not been in place, there would have been 168 deaths, but, in fact, there were only 129. So their assessment was that the caps laws had saved 39 lives by reducing child access to guns.

So these laws work. They're in place in 15 states, many of them states where owning guns, hunting, and using guns is a longstanding tradition.

Q Can you make that list available?

MR. REED: I'd be happy to read it real quick if people want: Florida, Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and Texas.

Q Does the federal law only cover crimes on federal territory, or would it be for -- could it be used against adults anywhere that don't adequately meet the safeguards for keeping their weapons secure?

MR. REED: Any adults, not just federal territory.

Q Then why do you need state laws enacted if a federal law would cover it?

MR. REED: As I said, our preference -- the primary responsibility should be at the state and local level, and this is mainly to both set a national standard and to enhance that enforcement.

Q Is it a strategy to go around the Congress and deal with the states directly because you can't --

MR. REED: No, we'd like to see Congress pass this legislation, and in the meantime we'll continue to beat the drums around the country and try to get more states to pass these laws.

Q Bruce, on a subject you know pretty well, tobacco, they've had signs on cash register for decades saying it's illegal to sell or give cigarettes to minors. What we're seeing today is more

signs that it's illegal to transfer weapons. What's the difference now? How is it going to work with guns if it didn't work with tobacco?

MR. REED: Well, first off, we haven't had signs for decades on tobacco; we've had signs as a result of the FDA rule that the President put forward in 1995 requiring ID checks. I would say -- I don't know how many people in this room knew that an adult who transferred a handgun to a juvenile was subject to up to a 10-year prison term. We think that that's useful information, and that it's not common knowledge, and it may very well help to deter adults who might otherwise think about passing on a handgun that they purchased to a young person.

Q What's an example of one of the exceptions to that? Is it for target shooting under supervision, give a kid, a minor a gun?

MR. REED: That's right. I believe the exceptions are primarily parental supervision.

Q Bruce, what do you think the prospects are that this Congress will pass this bill?

MR. REED: That's up to Congress to decide.

Q What's your judgment on the prospect?

MR. REED: You can't listen to the woman from Jonesboro without sensing the urgency of this kind of legislation. We have seen, time after time, outbreaks of school violence that might have been prevented. So we think that there is broad desire throughout the country to take common-sense measures like this and that if Congress has common sense, it will do it.

Q But if you were betting, is this more likely to be a law or a campaign issue this fall?

MR. REED: As the President said, our goal is progress, not partisanship. We hope that Congress will use its remaining time wisely.

Q You don't really know what Congress will use its remaining time wisely.

Q You don't really know what Congress is going to do.

MR. REED: That's right.

Q In fact, you sound very pessimistic.

MR. REED: No, I just think that we've learned from our experience on this issue that it's sometimes difficult to persuade this Congress to do even common-sense measures. But I think that --

Q Who said Congress had common sense?

Q Why do you have to legislate common sense? Don't parents know this? You're saying parents don't know this, people don't know this -- these 39 cases. Don't people know -- you think people don't know to hide their guns?

MR. REED: I think that, as the mother from Arkansas said, laws make a difference. We could just leave it to chance whether people shoot each other in the street. We could live in a country without laws. We've chosen to live in a country with laws, and they help to keep peace and order. And obviously, every parent has responsibilities beyond this law to not only keep their guns out

of the hands of their children, but to teach their children how to use those guns safely when they do. But a common-sense measure that has no impact on the rights of gun owners but can save lives is worth doing.

Q Again, this would have had no impact in the Jonesboro case.

MR. REED: No. I said I wouldn't comment on the particulars of a specific case, but --

Q Those scenarios wouldn't be covered by this law.

MR. REED: I wouldn't go that far. I think you should look at what the mother from Jonesboro said about it and take her word for it.

Thanks.

END

1:00 P.M. EDT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 8, 1998

REMARKS BY THE PRESIDENT
ON CHILDREN AND HANDGUN SAFETY

Room 450
Old Executive Office Building

12:03 P.M. EDT

THE PRESIDENT: I would like to begin by thanking Suzanne Wilson for making the long trip up here from Arkansas, with her sister, to be with us today, so soon after that terrible tragedy. Most people wouldn't feel like going out of the house, much less coming all the way to Washington, and I think it is a real credit to her and to her devotion to her daughter that she is here today. (Applause.)

I want to thank Colonel Mitchell and Lt. Governor Kathleen Kennedy Townsend, and in his absence, Governor Glendening, for the path-breaking work being done in Maryland on this important issue. I thank Secretary Rubin and Mr. Johnson and Mr. Magaw for being here, and the work the Treasury Department is doing. Thank you, Secretary Riley, for the work you've done to have zero tolerance for guns in schools. Thank you, Attorney General Reno, for the steady work now we have done for six years to try to bring this issue to the American people.

I thank Senator Durbin, Senator Chafee, Senator Kohl, and a special word of thanks to Representative Carolyn McCarthy. And to all the advocates out here, I welcome you here and I thank you, and especially to the law enforcement officers.

I think that this recent series of killings in our schools has seared the heart of America about as much as anything I can remember in a long, long time. I will always personally remember receiving the news from Jonesboro because it's a town I know well. I know the local officials, I know the school officials. I've spent large numbers of days there. I've been in all the schools and answered the children's questions. And once you know a place like that, you can't possibly imagine something like this occurring.

But it's happened all over the country. I was in Springfield, Oregon, as you know, in the last couple of weeks, meeting with the families there. I think every American has sent out prayers to Suzanne and the other parents and the other spouses and people who were so wounded by this. But in a fundamental way, our entire nation has been wounded by these troubled children with their guns.

As has already been said, these events have been even more difficult for us to understand because they're occurring at a time when we've had the lowest crime rate in America in 25 years and, for the first time in a decade, a steady drop in the juvenile crime rate. So we struggle for answers. We say, well, does the popular culture have anything to do with this? Does good parenting have anything to do with this? And we know that probably everything we consider has something to do with this. But no matter how you analyze this, it is clear that the combination of children and firearms is deadly. As parents, public officials, citizens, we simply cannot allow easy access to weapons that kill.

MORE

For five years now, our administration has worked to protect our children, and we are making progress, as has been said. A great deal of the credit goes to far-sighted leaders at the city level and at the state level -- people like Lt. Governor Kathleen Kennedy Townsend and Superintendent Mitchell, Governor Glendening.

We're well on our way toward putting 100,000 police on the street. About a quarter of a million people have not been able to buy guns in the first place because of the Brady law, because of their criminal background or their mental health history. We have banned several types of assault weapons and have struggled to preserve the integrity of that law against a commercial assault from importers.

School security is tighter; anti-gang prevention is better; penalties are stronger. We promoted discipline in schools with anti-truancy and curfew and school uniform policies, and, in various ways, they have worked marvelously in many communities. And we have a national policy now in all our schools of zero tolerance for guns in schools. Over 6,000 students with guns were disarmed and sent home last year, doubtless preventing even more terrible acts of violence.

But it is not enough if children have access to guns. In Springfield, Oregon, the young man in custody was sent home the day before because he had a gun in the school.

So, yes, our laws must be strong, our enforcement resolute. At home, parents must teach their children the difference between right and wrong and lead them away from violence. But recent events remind us that even if all this is done, it is still too easy for deadly weapons to wind up in the hands of children -- by intent or by accident -- and then, to lead to tragedy -- by intent or by accident.

We can't shrug our shoulders and say, well, accidents will happen, or some kids are just beyond hope. That is a cop-out. Instead, every one of us must step up to our responsibility, that certainly includes gun owners, gun purchasers, and gun dealers. Today, we say to them, protecting children is your responsibility too, and there are penalties for the failure to fulfill it.

In response to the directive I issued to Secretary Rubin in June of last year, all federal gun dealers will now be required to issue written warnings and post signs like that one over there. The sign makes it plain for all to see in simple, direct language, that it's illegal to sell, deliver or transfer a handgun to a minor, period. From now on, no customer or employee can avoid personal responsibility by pleading ignorance of the law.

Responsibility at gun shops, of course, must be matched by responsibility at home. Suzanne talked movingly about that. Guns are kept in the home for many purposes, from hunting to self-defense. That is every family's right and, as she said more eloquently than I, that is not in question. The real question is every parent's responsibility, every adult's responsibility to make sure that unsupervised children cannot get a hold of the guns. When guns are stored carelessly, children can find them, pick them up, court danger. Most will put them back where they found them. Others, as we know now from hard experience, will touch the trigger by accident; a troubled few will take guns to school with violence in mind.

Too many guns wielded in rage by troubled adolescents can be traced back to an irresponsible adult. As has been previously said, in Maryland now, and now in 14 other states, parents have a legal responsibility to keep guns locked and out of reach of young hands. That should be the law in all 50 states. There are 35 more

that ought to follow Maryland's lead. It should be the practice in every home.

There is also a proper federal role in preventing children's access to firearms, and Congress should pass a tough, targeted child access prevention law with new penalties to punish the most egregious offenders.

I applaud Senators Chafee and Durbin for their legislation, starting us down the road toward making this the law of the land. I thank Senator Kohl and Representative McCarthy for their strong support. They are doing the right thing. And during the last days of this legislative session, this is how we should move forward -- again I say, with progress, not partisanship.

There is much we must do in public life to fulfill our obligation to our children. More than a year ago, we directed all federal law enforcement agencies to issue child safety locks to federal officers so that their guns could not be misused. A majority of our gun manufacturers have joined us voluntarily in this effort, and that has been successful. I hope all other gun manufacturers will follow suit.

The real work, of course, must still be done in our homes -- beyond law and policy -- to the most basic values of respect, right and wrong, conscience and community, and violence rejected in favor of nonviolence and communication. Only parents can remedy what ails children in their heart of hearts. But the rest of us must do our part to help, and must do our part to contain the potential for destructive violence when things fail at home.

So I say again, this is an issue that has wounded every American in one way or the other. Of the four women standing to my right, three have lost members of their immediate family because of gun violence. All of us have grieved with them. We can do better. This is one big first step.

Thank you very much. (Applause.)

END

12:13 P.M. EDT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 18, 1999

STATEMENT BY THE PRESIDENT

I want to commend the Senate for reversing its position of last year and voting overwhelmingly today to require that child safety locks be provided with every gun sold. This was a courageous, common sense vote that will help prevent tragic shootings and gun-related accidents in the future.

I also want to thank Speaker Hastert for agreeing that we should close the gun show loophole and raise the age of handgun ownership from 18 to 21. The Senate should likewise put progress over politics and give its strong backing to these reasonable measures to keep guns out of the hands of children and criminals. I urge Senator Lott to let the Senate keep working on the juvenile crime bill and give every Senator the chance to vote on these common sense provisions.

30-30-30