

**Gun Event
Questions and Answers
September 9, 1999**

ATF Report

Q: The report indicates that there were 2,000 persons identified as prohibited, yet were able to buy guns in spite of a NICS check. Doesn't this show that the system isn't really working?

A: NICS is working well. In its first 7 months of operation, over 100,000 prohibited persons were stopped from buying firearms. A full 95 percent of NICS background checks were completed in less than 2 hours. However, it is clear that in a very limited number of cases, 3 business days is not sufficient. The Brady Law does not prohibit gun dealers from transferring the gun after the 3-day period has expired, and occasionally, a prohibited gun buyer will receive a firearm because the FBI was unable to obtain the needed criminal records on the purchaser from state law enforcement officials within 3 business days.

We are working to address this problem in several ways. First, the Justice Department has actively worked with the states to improve their records systems, and has provided \$273 million to states for this purpose through the National Criminal History Information Program. Second, the FBI is working with State and local officials to improve the retrieval from State courts of the information needed to complete background checks (e.g., confirming whether arrests resulted in convictions). The Administration also proposed as part of its omnibus gun legislation unveiled this spring a provision to extend the period available to law enforcement to conduct a check from 3 business days to 5 business days.

Q: Why has ATF only retrieved guns from 300 of the 2,000 persons identified as prohibited but who were able to buy guns under NICS?

A: The ATF has made investigations of these cases a top priority. Investigating such persons requires significant resources, since ATF must independently confirm the person's prohibited status – which usually involves obtaining authenticated copies of court records and investigations. The FBI and ATF have put in place a system for referring these cases from FBI to ATF immediately, and the Treasury Department recently implemented a plan to temporarily assisting 60 additional federal agents from other Treasury law enforcement bureaus to help ATF investigate these cases and recover weapons.

Q: With over 100,000 persons denied guns by the NICS since last November, why has ATF referred only 200 cases for federal prosecution?

A: This figure does not take into account ATF referrals to state and local law enforcement. ATF has opened approximately 1,000 criminal investigations involving persons who were denied firearms at the point of sale, 200 of which have so far been referred to U.S. Attorneys. (ATF gives priority to cases involving potential and active violent offenders for referral to federal prosecution.)

FBI Report on NICS

Q: Why haven't there been more prosecutions of individuals who tried to buy guns but were stopped by the Brady Law?

A: Let me begin by saying that the success of the Brady Law and the National Instant Criminal Background Check System (NICS) should not be measured by criminal prosecutions that result from lying on the firearms form. The Brady Law has been a vital tool for law enforcement to keep their communities safe, and its success should be measured by how many guns were prevented from getting into the wrong hands. That said, since the NICS took effect last November, the ATF has opened about 1,000 investigations involving individuals who illegally attempted to buy firearms – and 200 of these cases have been referred for federal prosecution thus far.

Q: The timing of the reports might suggest that they are politically-driven. Were they?

A: No. The NICS has been up and running since November 30, 1998. The agencies released these reports to provide a mid-year analysis of implementation and enforcement of the NICS in its first year. NICS has proven to be extremely successful at keeping guns out the hands of more than 100,000 felons and other prohibited persons in just seven months. We can expect to see regular reports on the performance of the NICS by the agencies in the future.

HUD Gun Buyback Initiative

Q: Is there any evidence to suggest that gun buybacks actually reduce gun crime?

A: One thing we do know is that fewer guns in the community can help reduce the incidence of gun violence, including gun-related accidents, suicides, and other unintentional uses of guns. For instance, people living in a home with a gun have a suicide risk that is five times greater than those who live in a home without a gun.

Unfortunately, there haven't been any truly comprehensive studies of buy back programs, and there certainly has never been a program of this magnitude launched before today -- which could help communities to buy back a total of 300,000 guns. That is why HUD

will make money available from the initiative to study the effects of buybacks, and identify promising practices to help make the programs more effective. However, it is also important to note that another important element of gun buyback programs is the impact they have on communities and their citizens. Gun buybacks give people an opportunity to get involved with law enforcement in local efforts to reduce violence, and they give residents hope that they can change their communities for the better.

Q: Do you really think removing 300,000 guns from circulation when there are over 200 million guns privately owned guns will make any sort of difference?

A: We believe it will make a difference, although we agree that it certainly isn't a solution on its own. HUD's buyback program is just one more tool that we are giving communities and law enforcement to improve public safety and reduce gun violence. But Congress has an important opportunity to give communities even more tools to reduce gun violence, which is why they should pass common sense gun legislation that requires Brady background checks at gun shows, bans the importation of large capacity ammunition clips, and requires child safety locks for guns.

Reducing Gun Violence Radio Address
March 20, 1999
Questions and Answers

Guns -
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Q: The NRA has criticized this Administration for failing to support Project Exile in Richmond, Virginia. Isn't today a reversal on your position for this initiative?

A: Not at all. It is important to keep in mind that Project Exile was launched by one of President Clinton's U.S. Attorneys, Helen Fahey, who is with us today. We have wholeheartedly supported her efforts to collaborate with state and local law enforcement, ATF, FBI, and other community leaders to aggressively prosecute armed felons in federal court. Project Exile has received national attention for its success: by targeting criminals with guns for immediate federal prosecution and stiff mandatory federal prison sentences, it has helped to decrease gun homicides by 40 percent, seized over 400 guns, and sentenced nearly 200 offenders to an average of 55 months in prison. We believe it is a model for addressing local gun violence problems.

Q: Are you planning to mandate that all U.S. Attorneys prosecute all firearms cases in federal court, as is done under Project Exile?

A: Project Exile is taking an aggressive approach to reducing gun crime and homicides in Richmond through increased federal gun prosecutions -- and we believe that many U.S. Attorneys will adopt the Project Exile strategy in response to this directive. The directive does not mandate this approach in all communities because gun violence problems vary from region to region, and because some state laws may actually carry tougher penalties than federal laws for certain gun crimes. What the directive does do is to ensure that all federal prosecutors act to step-up gun prosecutions, through Project Exile or another strategy in order to deter and reduce gun violence.

Q: Haven't federal gun prosecutions actually declined during this Administration?

A: While the number of federal firearms prosecutions has decreased since 1992, this is partly because federal and state systems are coordinating their efforts better. Combined federal and state prosecutions are up from 1992. And federal prosecution of serious gun offenders has increased: the number of gun offenders that received prison sentences of five years or more has

increased by 30 percent since 1992.

It is also worth noting that a 1995 Supreme Court decision affected our ability to bring certain gun cases in federal court. This issue was resolved when the President a law to fix this decision last November.

Q: Doesn't this directive to create a national strategy to reduce gun violence mean that you haven't had one to date?

A: No. This Administration has taken some of the boldest, most comprehensive steps ever to keep guns off the streets and out of the hands of juveniles and criminals:

- Brady Law. The President stood up to the gun lobby and secured passage of the Brady Law, which has helped to prevent over a quarter of a million felons, fugitives, and stalkers from getting handguns nationwide.
- National Instant Criminal Background Check System. Last November, we put into place the National Instant Criminal Background Check System, which has already conducted 2.6 million background checks on gun purchasers, and stopped over 27,000 prohibited buyers from getting firearms.
- Assault Weapons. The President fought for and secured the 1994 assault weapons ban to bar the manufacture and importation of 19 of the deadliest assault weapons. Last year, President Clinton took executive action to ban the importation of over 50 models of deadly modified assault weapons.
- Crime Gun Tracing and Illegal Gun Trafficking. The President's Youth Crime Gun Interdiction Initiative (YCGII) is in place in 37 cities to crack down on the illegal gun markets that supply firearms to juveniles and criminals. As a result of YCGII, crime gun tracing by ATF has increased from about 50,000 traces to 200,000 traces annually.

These actions as well as the efforts of communities across the country to combat gun violence are having a significant impact: since 1992, the number of violent crimes committed with guns has dropped 27 percent.

Q: How do you plan on paying for proposals that come out of the strategy once it is ready?

A: In his directive, the President asked the Secretary and Attorney General to make recommendations on how best to allocate federal resources to support the strategy. Our FY 2000 budget already proposes new resources at both the state/local and federal levels to help address gun violence and public safety: nearly \$1.3 billion is proposed to hire more local police and prosecutors, add new crime-fighting technologies, and promote community partnerships with law enforcement. And his budget provides a nearly \$30 million increase for ATF and U.S. Attorneys to step up their prosecution and enforcement efforts.

Q: Earlier this week, the *Washington Post* reported that dozens of handguns were sold to felons and other prohibited purchasers without background checks in Maryland due to a State police backlog. The Maryland State Police blame their backlog in part on the FBI National Instant Criminal Background Check System, which took effect last November. What is your response?

A: We do not believe the NICS is responsible for the one- to two-month backlog for background checks reported in Maryland. Over 70 percent of the background checks submitted to NICS are immediately processed; the vast majority of the remainder are processed within the day. Moreover, the NICS is currently operating without a backlog.

Since NICS took effect on November 30, 1999, it has handled nearly 2.6 million Brady background checks; of these, the FBI handled 1.3 million and stopped over 27,800 illegal gun sales to felons, fugitives, and other prohibited purchasers. The remaining 1.3 million were processed by states that have agreed to serve as NICS points-of-contact. We do not, at this time, have information on the number of denials at the state level.

Q: What is your response to Representative Barr's NRA-supported legislation to block lawsuits that cities have filed against the gun manufacturers? Do you have a position on legislation proposed by Senator Boxer to give cities the right to sue gun manufacturers and distributors? And do you have a position on the bill recently introduced by Senator Schumer which would regulate the sale of guns on the Internet?

A: The Barr legislation is an attempt by the gun lobby to avoid the very serious issues about gun trafficking and gun safety raised by the cities' lawsuits. We are watching these suits closely, and will do all we can to resist efforts that would prevent the cities from presenting their evidence. Similarly, we are supportive of efforts such as Senator Boxer's that specifically allow

cities to put such evidence before the courts.

While we are still reviewing Senator Schumer's legislation, the President's policy continues to be: no background check, no handgun. That is why some of the President's top firearms-related priorities for the year are to extend the Brady waiting period and to ensure background checks at gun shows. We will review the Schumer legislation with this position in mind.

At the same time, we will continue to press forward on our other efforts to stop gun trafficking, ban violent juveniles from buying guns, and promote gun safety. We will not -- and we hope individual states and cities will not -- back down to the gun lobby on these issues.