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FIREARMS LEGISLATION

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

FIREARMS LEGISLATION

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These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1 and 9, 1975

Serial No. 11

Part 4

Cleveland

Printed for the use of the Committee on the Judiciary

AUTHENTICATED
U.S. GOVERNMENT
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CONTENTS

	Page
Hearing held in Cleveland, Ohio, June 16, 1975	1249
Witnesses—	
Barnes, John E., Cleveland City Council	1282
Prepared statement	1284
Beck, Jerry, director, Ohio Gun Collectors Association	1268
Prepared statement	1268
Branch, Rev. Emanuel S., Jr., pastor, Antioch Baptist Church, Cleveland	1252
Brown, Hon. Lloyd O., judge, Cuyahoga County Court of Common Pleas, Criminal Division	1396
Prepared statement	1398
Chatman, Anna, director, 21st Congressional District Caucus, Cleveland	1252
Clough, Joseph B., Gun Control Federation of Greater Cleveland	1375
Prepared statement	1375
Drossin, Barbara, Public Affairs Committee, Jewish Community Center of Cleveland	1375
Friedman, Hon. Bernard, judge, Cuyahoga County Court of Common Pleas, Criminal Division	1396
Prepared statement	1399
Garey, Lloyd F., Chief, Cleveland Police Department	1325
Gerber, Dr. Samuel R., coroner, Cuyahoga County, Ohio	1305
Prepared statement	1310
Hicks, Claude, president, Ohio Citizens for Gun Rights	1428
Prepared statement	1428
Kindig, Daniel, owner, Log Cabin Sports Shop, Lodi, Ohio	1338
Krenzler, Hon. Alvin I., chief judge, Ohio Court of Appeals	1396
Prepared statement	1397
Lehman, Hon. Harry J., chairman, Judiciary Committee, Ohio House of Representatives	1282
Prepared statement	1283
Lippitt, Thomas, John Birch Society	1338
Prepared statement	1341
Meisel, George I., president, Greater Cleveland Bar Association	1366
Prepared statement	1373
Mosley, Charles E., III, East Cleveland City Council	1282
Prepared statement	1285
Norris, Milton R., American Party	1338
Prepared statement	1350
Perk, Hon. Ralph J., Mayor, Cleveland Ohio	1260
Prepared statement	1267
Pinkney, Arnold R., president, Cleveland Board of Education	1352
Prepared statement	1352
Rademaker, Gerald, assistant safety director, Cleveland	1260
Reidy, Rev. Daniel F., executive director, Commission on Catholic Community Action	1375
Prepared statement	1381
Schatz, William B., assistant law director, Cleveland	1260
Shoup, Rev. Roger, chairman, Subcommittee on Gun Control of Greater Cleveland Interchurch Council	1375
Prepared statement	1379
Siska, Frank J., Jr., director, Ohio Rifle and Pistol Association	1268
Prepared statement	1269
Spiegler, Jeffrey H., author and attorney	1366
Stewart, Mae, commissioner, East Cleveland	1252

Page

Stokes, Hon. Louis, a Representative in Congress from the State of Ohio ---- 1252
Prepared statement ---- 1252
Sweeney, John J., director, Administration of Justice Committee ---- 1366
Prepared statement ---- 1369
Williams, Hon. Theodore, administrative judge, Cleveland Municipal Court ---- 1396
Prepared statement ---- 1405
Williams, James R., Akron City Council ---- 1282
Prepared statement ---- 1286
Whitlatch, Hon. Walter G., judge, Cuyahoga County Court of Common Pleas, Juvenile Division ---- 1396
Prepared statement ---- 1404
Zack, Marilyn G., assistant law director, Cleveland ---- 1260
Additional statements:
Agnor, Millicent C., Young Women's Christian Association of Cleveland ---- 1383
Dayton, Carol, chairperson, Political Action Committee on Gun Control ---- 1386
Jacoby, Elaine, and Harriet Roth, National Council of Jewish Women on the Subject of Gun Control ---- 1386
Janis, Lil, chairman, Cleveland Chapter, Americans for Democratic Action ---- 1387
Makley, Kathryn, the Junior League of Cleveland, Inc ---- 1384
Appendixes—
Appendix 1.—Resident Deaths Due to Firearms—1960–67 and 1968–73 (exhibit submitted by Dr. Samuel Gerber) ---- 1431
Appendix 2.—The Mayor's Gun Control Program—1975 (exhibit submitted by Mayor Perk) ---- 1468
Appendix 3.—Gun Abuse In Ohio (exhibit submitted by representatives of the Administration of Justice Committee) ---- 1506
Appendix 4.—"Accidental Firearms Fatalities in a Metropolitan County (1958–1973)," article by Norman B. Rushforth, Charles S. Hirsh, Amass B. Ford, and Lester Adelson ---- 1654
Appendix 5.—Correspondence ---- 1659

FIREARMS LEGISLATION

CLEVELAND, OHIO—MONDAY, JUNE 16, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to call, in the auditorium, Federal Office Building, 31st floor, 1240 East Ninth Street, Cleveland, Ohio, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, and Ashbrook.

Also present: Maurice A. Barboza, counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The Subcommittee on Crime of the House Committee on the Judiciary will come to order, and I am delighted to join my colleagues here in Cleveland, Ohio, to continue hearings on the more than 50 bills that would amend the Gun Control Act of 1968, chapter 44, title 18, of the United States Code.

I would like to introduce my colleagues with me, Mr. Ashbrook of the 17th District of Ohio, who was kind enough to join me; counsel Maurice Barboza, and counsel Cris Gekas are with me.

Congressman Jim Mann, from South Carolina, will join us shortly. I am very honored that my colleagues would take time out of their schedules to join me here in Cleveland, Ohio, where we consider one of the significant issues now before the Congress, that of firearms control legislation.

By way of background, in March of last year, when the chairman of the House Judiciary Committee, Congressman Peter Rodino, of New Jersey, referred more than 100 pieces of legislation to the subcommittee from the 93rd Congress, I promised to review each proposal as thoroughly as possible. We have, I think, done that.

We have conducted hearings without attempting to duplicate wherever possible the previous congressional committee work.

While we have heard many traditional viewpoints on this issue, our emphasis has been on that of finding facts and avoiding where possible the emotional appeals and personal prejudices that are understandably involved in our subject matter.

The subcommittee has heard testimony from not only members of Congress but law enforcement officials, doctors, psychiatrists, criminal justice researchers, judges, public officials who administer the gun laws, dealers, citizens' organizations, and of course, most importantly, citizens.

One of the important aspects of these hearings center around the Bureau of Alcohol, Tobacco and Firearms, which is a part of the Department of the Treasury and is charged with the responsibility of administration and enforcing the Federal firearm law.

In attempting to determine the effectiveness of gun laws, the subcommittee has made numerous requests to what we refer to as the ATF for specific information concerning the effectiveness of the administration of the Gun Control Act of 1968.

Much of that information is now on the record, but a great deal more, it seems, remains to be developed in our subsequent hearings and in the hearing here today.

We're going to consider a wide range of witnesses here, and I think it's generally known from media accounts that thousands of people are killed every year in the United States, particularly in our large metropolitan areas.

There is no need to indulge in the overkill of statistics but we know there is a great problem, it has reached the public and the public has communicated their interest to us.

What we think is important is that many people seem to be unaware of the realities of homicide by gun deaths. We have been dazzled by detective stories and sometimes misled by movies. Many are under the conception that murder is the work of criminals and masterminds who kill to achieve profit or power.

After looking at FBI statistics that show that some 75 percent of all homicides were committed by relatives of the victims or the victim's close personal acquaintances, it is easy to see that a majority of the killers were previously law-abiding citizens who were not even consciously intent upon murder.

They do kill when, during a temporary explosion of anger, they utilize a dangerous weapon, a handgun, as a means of expressing homicide.

These and many other considerations have brought us to the city of Cleveland where we have enjoyed, I should express from the outset, tremendous cooperation from my colleague and friend, Congressman Louis Stokes, and from the authorities here at ATF, the people here in this beautiful Federal building in Cleveland—a reminder of which I am going to take back to the much smaller Federal building in Detroit, Mich., where my office is located—but we'll hear of a couple additional considerations.

First of all, it struck this subcommittee as very important that we move these committee hearings, whenever we can, outside Capitol Hill where some 50–75 like hearings are going on every day.

We think that is good for us, and we also think it may be of some significance to the community in which we come.

Whenever we could, we have removed our hearings from Washington where the additional two-way contact outside of the Nation's Capital has afforded us tremendous assistance.

It is out of these various considerations that we are here for a full day of hearings in Cleveland, and I am very, very pleased to begin these hearings with those brief remarks.

I'd like to yield now to our distinguished colleague from the 17th District of Ohio for any opening observations that he may have, the Honorable John Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

I don't really think it necessary to add much to your statement which certainly sets the ground rules and the reason for being here.

I am in accord 100 percent with your comment that all too often we in Washington think people should come to us and tell us and testify there. I think it's 100 percent appropriate we do what this committee has done.

We have gone to Chicago. We have been to Detroit, Cleveland, next week to Colorado, and possibly other hearings, to see what people are thinking, because so many times in Washington we have a concept that we think is good for the country but, as the saying goes, people out there have their ideas, and the laws that affect them, and I think, should first be heard by them, and they should have a chance to express themselves.

We honestly come to Cleveland with some degree of sadness in the fact that statistics are that the odds in Cleveland are better to be shot than they are in New York City, much better than they are in many other cities in the country, and I think it's the type of thing that nobody wants to talk about.

We have to find out why this is and what makes it happen, and that is certainly a part of our legislative interest.

So I would agree with your opening statement of why we are here. I think we have a balanced, a well balanced agenda this entire day. As I look at the people who will testify, I think we are going to get a broad spectrum of both those who are for or against as well as those who are in the field who have some administrative responsibilities.

I think that the panel reflects an openness and a fairness, so that I think in that spirit we will welcome the witnesses.

And I, like you, am glad to be in Cleveland.

Mr. CONYERS. Thank you for your perceptive observations and the cooperation you have extended me in the course of our work on this panel.

I would like to begin the hearings by calling Congressman Louis Stokes, the representative of the 21st District of Ohio, a gentleman who first came to me with the notion that we ought to come to Cleveland, Ohio. I welcome him as a personal friend and as a past chairman of the Congressional Black Caucus, a member of Congress who serves his district with great distinction.

He is the first black Member of Congress to serve on the House Appropriations Committee. He is an indefatigable legislator and I am very, very honored that he persuaded us on the importance of including Cleveland, Ohio, in our itinerary.

He is deeply concerned with this subject and has worked in it over the years. I welcome you formally, Congressman Stokes, and I would now yield to you for any observations you may have and in the introduction of your friends that you bring with you.

Welcome.

TESTIMONY OF HON. LOUIS STOKES, REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES FROM THE 21ST DISTRICT OF THE STATE OF OHIO; ACCOMPANIED BY MAE STEWART, COMMISSIONER, EAST CLEVELAND; REV. EMANUEL S. BRANCH, JR., PASTOR, ANTIOCH BAPTIST CHURCH; AND ANNA CHATMAN, DIRECTOR, 21ST CONGRESSIONAL DISTRICT CAUCUS

Mr. STOKES. Thank you very much, Mr. Chairman, and welcome once again to the city of Cleveland. I also extend a welcome to Congressman John Ashbrook, who serves with us in the Congress.

I want to express, Mr. Chairman, to you and to your subcommittee the appreciation of the citizens of Cleveland for your having accepted this invitation which I extended to you to come to Cleveland.

As you know, Cleveland now has the dubious honor, distinction of having been recently cited as being "Murder City, U.S.A." by virtue of the fact that we are now the murder capital of the 20 largest cities in the United States, and I think we are going to be able to provide you with the kind of on-balance testimony today that will be very helpful in your quest and desire to present to the Congress Federal legislation in the area of gun control.

So I thank you for having come, and you are no stranger to our city; we have had you here many times, and you are well known here and loved. Once again, we thank you for coming.

Mr. CONYERS. Thank you very much.

Mayor Young, of the city of Detroit, made a great point that Detroit no longer has the dubious distinction which, unfortunately, has accrued to our sister city, Cleveland.

Mr. STOKES. That's true. We are certainly hoping that we will be able to pass the kind of legislation that will enable us to get ourselves out of this type of a quagmire.

Mr. Chairman, I have written testimony which I would like to ask be submitted for the record, and in lieu of my own testimony I'd like for you to hear from some of our citizens.

Mr. CONYERS. Without objection, we will incorporate your statement at this point in the record, and then we will move to the statements of those friends that you have brought with you this morning.

[The prepared statement of Hon. Louis Stokes follows:]

STATEMENT OF HON. LOUIS STOKES, A REPRESENTATIVE IN CONGRESS FROM OHIO

Honorable Chairman Conyers, distinguished Members of the Subcommittee, respected panelists and guests, I deem it an honor and a privilege to welcome you to Cleveland for the convening of this vitally important hearing. The testimony we will hear today will provide a valuable input for the great national debate on the issue of gun control. I hope also that the Greater Cleveland community will benefit from the airing of diverse views on this controversial issue

A recent compilation of F.B.I. statistics reveals how important the question of gun control has become for our city. For the second straight year, Cleveland leads the nation's medium-sized cities in homicides per 1,000 residents for 1974. For Clevelanders the odds of being slain with a deadly weapon are about twice those of a New Yorker and nearly five times those of a Milwaukeean.

The homicide rate in Cleveland has increased from 277 in 1973 to 306 in 1974, and Cleveland Police Department estimates show that 80% of this year's homicides were caused by handguns. These instruments of death abound in our inner city. A recent survey by the Bureau of Alcohol, Tobacco, and Firearms reveals that Ohio is the leading supplier of handguns to criminals in the Northeastern

section of the country. Cleveland's homicide rate is nearly three times that of either Cincinnatti or Columbus, so it is incumbent on our citizens to be in the forefront of the fight to halt the proliferation of handguns throughout Ohio and the nation.

I hope that Cleveland can also become the central focus of the search for a solution to the nation's gun control problem. With an estimated 40 million handguns alone believed to exist, the proliferation of firearms has reached epidemic proportions in our nation. The Congress has responded by introducing 50 bills this session for federal gun control. Ninety gun control bills were introduced in the 93rd Congress. This is evidence of the continuing concern to address this critical question. But especially in these times of national economic crisis the need for a solution has increased dramatically. Poverty and unemployment are adding daily to the gravity of the gun control problem. A study by District of Columbia Police Chief Maurice Cullinane shows a definite correlation between joblessness and crime in Cleveland. Pointing to the FBI statistics previously cited, Cullinane said that 16% of the fluctuation in crime in Cleveland was related to unemployment.

I asked for these hearings to be held in Cleveland out of a sense of the urgency of the problem of handgun-related crime in the city, and with a strong conviction that Clevelanders, from their unique perspective, will contribute the most significant and useful testimony that will be presented to the Subcommittee. I know of no other issue of more vital concern to our citizens, and I was encouraged to see that concern demonstrated by the overwhelming response of persons wishing to testify before this panel.

Let me once again express my deep sense of gratitude to Chairman Conyers and the other Members of the Subcommittee for coming to our town and helping us work together towards a solution to the gun control problem.

Mr. STOKES. Thank you very much.

At this time, then, I'd like to introduce this panel to you and the subcommittee.

To my left is Mrs. Mae Stewart, who is a commissioner in the city of East Cleveland and an elected official of that city, and an outstanding elected official, and she will be testifying as a member of this panel.

To my right is Rev. Emanuel S. Branch, pastor of the Antioch Baptist Church. He has been the pastor of that church now for some 11 years. He's a graduate of the Yale Divinity School and an outstanding minister in our community.

The lady to his right is Mrs. Anna Chatman, a distinguished church, civic, and political worker in our community; executive director of the 21st Congressional District Caucus.

I had anticipated also the presence of Mrs. Fannie Lewis, who may be in momentarily, who is the Model Cities director and also a community organizer.

With your indulgence, at this time I call upon Commissioner Mae Stewart for such remarks as she may care to make.

Mr. CONYERS. Welcome, Commissioner.

Mrs. STEWART. Thank you, Mr. Chairman, Congressman Ashbrook, and gentlemen.

I first of all would like to make it clear that any statements I make are my own; they do not reflect the Congressman's opinion, necessarily, nor are they necessarily the opinion of my constituency.

The proposed laws regarding gun control, gun confiscation or gun registration are highly controversial topics which, seemingly, puts fear into the hearts and decisions, or the lack of decisions, of many politicians.

Despite the fact that thousands of men, women, and children of all colors, ages and statures are murdered annually, some innocent, some guilty, some for causes, others for no real cause, while many local,

State and national bodies—and again, no reflection—spend far too much time recording statistics, holding hearings and caucusing, seemingly hoping the turbulent ways will drift out to sea and subside.

I have read many of the proposed gun control ordinances floating around, and I have heard many of the stale arguments pro and con—none of which I have found personally acceptable or completely believable.

When I was 8 years old, machineguns, rifles, and shotguns were taxed. When I was 12 years old, interstate traffic of weapons and ammunition larger than .22 caliber was regulated.

Finally, when I was 42, a gun law intended to slow traffic in handguns was enacted.

Two and a half million handguns somehow slipped through. Would any of you consider the above-mentioned laws effective after tallying the overall results of their impact?

I would certainly think not. I am totally convinced of the urgency of uniform nationwide equitable gun control, just as I am totally convinced of the urgency of the enactment and, most importantly, the constant enforcement of laws regarding the import, the manufacturing and the sale of illegal drugs in this country, since a very, very high percentage of murders and other crimes involving gunplay are committed by drug addicts to support their habit.

Reform of the shameful present welfare system could possibly have a favorable effect.

More real convictions and/or laws strictly enforced to bring to a screeching halt, latent human inequities and oppressions would possibly bring some semblance of sanity to the chaotic situations running rampant in our Nation.

Personally, I do not believe that anyone participating in this or any other hearing is so naive as to think that mere gun control statutes via registration, or dictating the length of the barrel, is going to do one bit of good.

Would complete outlawing of ownership of handguns suffice? I do not believe so.

I would rather believe that such a law would force many now law-abiding citizens to become violators because the criminals would not give even the first thought to registration nor to voluntary surrender of their guns.

What about the weak ones of tomorrow who are neither addicts, drunks, or criminals but merely unable to control their passions?

Would any of the constantly proposed gun control stipulations harness their passions?

My answer is "no." I reiterate: Something must be done posthaste to curb the senseless slaughter. Possibly, stiff sentences should be mandatory for any and all offenders, with no provisions for bonding, judicial IOU's, favoritism, or reprieve.

It matters not whether they are acts of a criminal nature, an act of passion, or a callous, totally unwarranted act by a law enforcement officer.

And, incidentally, mandatory and closely supervised destruction of guns confiscated by police officers should also be top priority.

Mr. CONYERS. Pardon me, Commissioner. I have been advised that we might be running into a slight time problem if everybody takes more than just a few moments to outline their principal position.

Mrs. STEWART. Okay.

Mr. CONYERS. If it is possible, without interrupting the main points you want to make, for you to wind up, then we could get everybody in on a more or less equal time basis.

Mrs. STEWART. All right. Fine.

Mr. CONYERS. Thank you.

Mrs. STEWART. Well, everything to me would be important, so it would seem. I guess I should say, then, that something must be done which will permit the American people of all sectors to walk the streets under comparative safe conditions, to operate businesses with open doors, to send our children to school and, yes, to even disagree domestically, something must be done.

Incidentally, those guys that told you to keep on holding hearings and never come up with a bill, you can tell them that they might find themselves in the position a man found himself in, when he had a disagreement with his wife and she bought him a deerskin coat to go hunting in.

Mr. CONYERS. That is very sage advice. I will put that in my computer here.

We are going to have questions for you, but I think we want to hear from everybody. I thank you very much.

Mr. STOKES. Mr. Chairman, we would like to ask Mrs. Anna Chatman to make her remarks now.

Mrs. CHATMAN. Mr. Chairman, Mr. Ashbrook, Congressman Stokes: Now, speaking of gun control—when you know you are giving us just a little bit of time, but I could talk a long time, so I see I am going to have to hurry.

Let me make it plain and simple. We need it. We need gun control legislation, good, strong, gun control legislation. Why?

The gun is just really an instrument. I want to approach the subject of gun control this way. The heart above all else is deceitfully wicked, so therefore the gun is just a puppet. The heart is the thing we must look at.

When I think about the heart, I go back to Genesis 4:3, Cain and Abel, and you know the story of how Cain slew Abel, and that is where it started way back there with jealousy and passion.

We have got the same thing today. In that chapter of Genesis 4:3 about Cain and Abel, you heard of jealousy and crime in action, and it still brings across the same explosive passions, covetousness, hatred, filthy lucre, malice, and the "I am not my brother's keeper" attitude, not caring one iota for human life.

Yes, we need gun control legislation in all of our communities, especially in our black communities where we are killing each other off just as fast as we possibly can.

Now, is gun control legislation passage, is that the cure? Partially, but it is altogether. May I say the answer is: "There is balm in Gilead to heal the sin-sick soul." And we have forgotten about that balm in Gilead.

The answer is that man has turned away from God. If we all made ourselves a community of one and let our own light shine, read your newspaper—"Death at the hand of guns," read your paperback novels—death.

You are afraid to walk out on the streets. Death. You are afraid to stay at home. Death. We are just a total mess, and yet we have our lawmakers practicing oratory, making deals, playing politics with the lives of our people.

Jesus said, "If the rocks would cry out. . . ." The rocks don't have to cry out—we are here to do it, and I am here today to cry out for myself. The rocks don't have to cry out for me.

There must come forth today men and women prepared, devoted, and dedicated. Vision and faithfulness must be a part of their equipment. They must see souls and not salaries.

But we have been told that you need to know somebody to be somebody. What will life in America be if our leaders continue to fail the masses in this hour of destiny? Teachers, preachers, professionals—now is the time. Tomorrow may be too late.

May I quote Frederick Douglas?

Mr. CONYERS. Is that a conclusion?

Mrs. CHATMAN. What?

Mr. CONYERS. Is that quotation in conclusion?

Mrs. CHATMAN. If you want me to conclude—no, that wasn't.

Mr. CONYERS. I have to be very delicate in Congressman Stokes' area, but the mayor is waiting for us, and Reverend Branch should be heard also.

Mrs. CHATMAN. Okay, may I conclude?

Mr. CONYERS. Yes, but we would be willing to incorporate your full statement into the record.

Mrs. CHATMAN. You want me to conclude?

Mr. ASHBROOK. I would say, without some facetiousness, to my good chairman that the policy is that a person does not have to speak eternal to be immortal. [Laughter.]

Mr. CONYERS. Thank you very much, Mrs. Chatman. We appreciate your observations.

Mr. STOKES. Reverend Branch.

Reverend BRANCH. Thank you, Mr. Chairman, distinguished members of the House Subcommittee on Crime and Federal Firearms Legislation.

I want to take this opportunity to thank Congressman Stokes and members of this committee for this opportunity to appear here this morning on behalf of Federal gun control legislation.

We are all aware of the fact that at this moment in our Nation's history, when medical technology and research have extended the life expectancy of the human species to an alltime high and have found effective treatment and cures for most ancient diseases which have afflicted the human race, this optimistic knowledge is canceled out by our grim awareness that we live our lives in a society which is or has become as precarious as a jungle because of the ever present danger of being killed with a handgun by someone who may not know us; and if he or she did, they would not care anything about us.

These guns are readily available to anyone. They are in the hands of school age youth, psychopaths, emotionally disturbed persons, persons on drugs, criminals, alcoholics, as well as persons who we regard as responsible citizens but, in a temporary rage or fit of anger, are capable of using guns irresponsibly, with tragic results to their loved ones or to a friend or stranger.

Last Friday, one of the members of my congregation came to me. She was obviously in great trepidation and told me a story I have heard over and over again, scores of times, about her husband, who works every day, who maintains a beautiful home in one of our western suburbs, but who drinks heavily, especially on weekends; and after he begins to drink, he turns to his gun and threatens to kill her.

Sometimes he awakens her in the middle of the night with the barrel of his gun at her head. She has lived with this nightmarish experience for many years.

I am saddened by the fact that I know this to be the experience of many women, and often children, in this community. I myself grew up in a home where my father used to do this. I still have scars on my psyche left from these early childhood experiences.

Last year in this town 356 people were killed by handguns. The County Coroner, Dr. Samuel L. Gerber, predicts that by 1978 the homicide rate will be much more staggering unless something is done to reverse this tragic trend.

Statistics are impersonal, although frightening. However, three of these statistics of the past year have come home to me in terms of personally felt tragedies of wasted lives by handguns.

Last July 21, one of the fine men of my congregation, who was the sole support of a family of six children, was shot while washing his car by a passers-by.

Last August 13, a prominent pharmacist, and an outstanding citizen, a good member of my congregation, was shot in the back while working in his own pharmacy, with no explanation, no robbery.

Just this past Wednesday, I eulogized the most recent victim of these senseless killings, one of the trustees of my church, just 48 years old.

The need for effective Federal gun control legislation seems to me not only obvious but mandatory. The gun control ordinance passed by the city of Cleveland last Monday seems to be but a weak gesture, at best, a beginning.

The fact is we Americans live our lives in trepidation day-by-day, quiet, maybe not too quiet desperation. The need is obvious, urgent, and I implore you to do whatever is within your power to bring to this Nation an effective gun control law. Thank you.

Mr. CONYERS. Thank you very much.

I commend you, Congressman Stokes, for having the Commissioner and Mrs. Chatman and Reverend Branch initiate our discussions here. We have heard the kind of issues that they have raised before, but what we are going to be looking for, as you know, in Cleveland is a way to separate the various remedies that have been stretched out before us in some 50 pieces of legislation.

They range, on the one hand, from repealing the 1968 Federal gun law to the other end, I supose it would be described as a total prohibition on the manufacture and sale of all handguns.

In between that, I think one could describe registration of guns in the sense that cars or other vehicles are registered, licensing, in the sense that the person who has the weapon must be identified by the police department.

There is another large area of proposals that go toward closing the loopholes in the 1968 gun law, particularly as it refers to imports.

And then, of course, there is the mandatory sentencing consideration for those who commit a felony with a handgun in their possession.

These are the general range of proposals that we have been trying to carefully sort out, and it's going to be very important to us that the Federal, State and local responsibilties are somehow sorted out and evaluated, so that we can come up with what we hope will be a responsible solution to what is clearly a problem that is as frustrating here in Cleveland as it is in the metropolitan areas across the country.

In that regard we are indebted to you for bringing these witnesses here and your continuing work in the field itself.

Might I yield to Mr. Ashbrook for any questions or observations he may have.

Mr. ASHBROOK. Thank you, Mr. Chairman. I only have one that I would make, and I would make an observation and then turn it into a question.

It has been my experience in listening to many witnesses on the broad range that the chairman mentioned that it seems implicit in the testimony of those who want gun control—I think, like the old Chinese proverb, "Let's define what we are talking about before we converse"—I don't really think that anybody comes forward and tells us what gun control is, but I think it is implicit, particularly in the statements of Reverend Branch and Mrs. Stewart, a theme that goes through most of the witnesses that we hear, and that is that we probably need registration.

But as you pointed out, Mrs. Stewart, you went on to doubt that it would really be very effective. I guess that brings us to the question: Is what we are talking about, basically, a desire you think in your minds, and not putting words in your minds, but a desire to take guns away from people?

It sounds like registration or normal gun control. You made reference to the ordinance here in Cleveland that would be rather ineffective. Do you think what is needed is to, in effect, take away, confiscate, remove the guns?

It seems kind of implicit in your statement. That is just asking a frank question. You kind of agonized over the fact you wanted gun control, but you went on to point out that it probably wouldn't do that much good.

Mrs. STEWART. Well, I am going to give you what I consider a frank answer. Registration only points to that person, and usually a law-abiding person who happens to have a gun in his possession, that is not going to, in my opinion, alter—it might, you know, take a gun from somebody who is going to maybe commit a crime or a murder on a domestic kind of plateau.

But it certainly isn't going to do anything for those folks out there trying to get drugs for their habit. I just don't know what the answers are, and obviously you don't, either, because you are still searching out.

What I am trying to say is that somebody who has the know-how and somebody who has the political stamina to find some solution for all of these things that aren't clear to you, that come up from people like us, to come up with some kind of control to give some sense of sanity and some sense of safety to the people of this Nation.

Mr. ASHBROOK. Reverend Branch, could you give me any answer?

Reverend BRANCH. Mr. Chairman, Mr. Ashbrook, I am not sure, frankly, that I have any serious, intelligent answer to that question. I can simply pose a problem of which I am unfortunately aware, and that everybody is aware of: Somehow or other it seems to me that there must be a way in which we can control the availability of guns to each and everybody.

This seems to me to be the obvious fact. How we do it, I am not sure I frankly know. I would be in favor of prohibition of small handguns, period. I know that is an unpopular point of view.

Mr. ASHBROOK. You mean prohibition in the sense of the manufacture, or prohibition in the sense of ownership?

Reverend BRANCH. Well, prohibition in the sense of availability to the average citizen, because I guess too many people who have no responsibility who have them—now, however we can deal with this, I don't know, and I wish I did.

Mr. ASHBROOK. I appreciate your answer. That is the only question I have.

Mr. CONYERS. I'd like to—yes?

Mrs. STEWART. If you are going to stop manufacturing them, and if you are going to prevent people from being in the possession of them, how in the heck are you going to get those that are already out there in the hands of criminals and the ones that are stockpiled?

Mr. ASHBROOK. That is, of course, a problem that the chairman and the committee are wrestling with. There is a hundred million of them out there.

Probably the only thing we would do is make them more valuable, I believe, unless you take them away—which seems to be the thrust of quite a few of the people testifying.

Mrs. STEWART. Well, we are wrestling with it with you.

Mr. CONYERS. I appreciate the candor of the witnesses.

Congressman Stokes, could you give us any closing admonitions to guide us here in today's deliberations in this city?

Mr. STOKES. I wish, Mr. Chairman, I did have some sagacious remarks to be able to leave you with this morning. Let me reiterate once again my personal appreciation and that of the city of Cleveland itself for you and the subcommittee coming to our city and conducting these hearings.

I would like to acknowledge the presence also of Mrs. Fannie Lewis, who was another panelist but who was detained this morning, but she is here now and I'd like the record to show that she was a part of this panel.

So, Mr. Chairman, I know that we have many other witnesses, and I see that the mayor of the city is waiting, and we do not want to detain you any further.

Once again, thank you for coming.

Mr. CONYERS. Thank you and your staff for its great work, and we say to your friend who joined us a little late, that we would be willing to accept her prepared statement and incorporate it in the record at this point.

Thank you very, very much, ladies and gentlemen.

[Witnesses excused.]

We are now honored to call the mayor of the city of Cleveland, the Honorable Ralph J. Perk, to join us, and we welcome you, as you do

us, Mr. Mayor. We know that this has been a subject that has caused you a great deal of deliberation.

You have been the mayor of this city since 1971, and I suppose this has been, as a lifelong resident of your town, a matter that has given you some deliberation for many, many years prior to that.

So we are pleased that you could commence, in a sense, the official testimony here today. We have your statement, which will be incorporated in the record, and if you will identify your staff with you, and then begin in your own way.

TESTIMONY OF MAYOR RALPH J. PERK, CLEVELAND, OHIO; ACCOMPANIED BY MARILYN G. ZACK, WILLIAM B. SCHATZ, AND GERALD RADEMAKER

Mr. PERK. I thank you, Mr. Chairman and members of the committee.

The city of Cleveland, last Monday, enacted a strong gun control measure, and that measure was adopted at my request, and it was written at my request, and those who wrote the legislation in the law department, the two assistant law directors are here:

Marilyn Zack, who is on my right, extreme right, and Mr. William B. Schatz who is on my right—and former Police Chief Rademaker is on my left. Mr. Rademaker now serves as assistant safety director of the city of Cleveland.

This strong gun control measure which was adopted has several facets. The measure includes the imposition of a mandatory sentence of at least 3 days imprisonment and a $300 fine for violation of the city's weapons control law. The misdemeanors which are included in this mandatory sentence are those of:

No. 1—Carrying concealed weapons.

No. 2—Using a weapon while intoxicated.

No. 3—Improper handling of firearms in a motor vehicle.

No. 4—Unlawful transaction in weapons; and

No. 5—Improperly furnishing firearms or ammunition to minors.

In addition to the mandatory sentence provisions for existing weapons offenses, the city has added to the codified ordinances certain new weapon offenses. I would like to describe them briefly.

No. 1—We have totally banned the possession of the so-called Saturday night special, in the belief that this type of handgun is extremely dangerous to the public peace and safety.

The prohibition of these weapons is for those having a barrel of 3 inches or less and a caliber of .32 or less. We hope that this will significantly decrease the number of handguns in circulation in our city and make it safer for all of our citizens and a better place to live.

No. 2. In our new ordinance we have made it a crime to improperly furnish ammunition to minors. This is in addition to the already existing prohibition and furnishing of firearms to minors. Anyone who violates this section faces a stiff mandatory sentence of at least 7 days in prison and a $500 fine.

3. We have also taken the positive step of completely outlawing the possession of firearms by minors. This, of course, is a new juvenile offense which we believe fills a gap in our existing State law.

4. We have included a provision in our new law to attempt to protect our citizens by banning any deadly weapon from public property or public buildings.

No. 5. We have also included a section which bans handguns and other dangerous weapons from public places, with those public places being defined to include bars, restaurants, movie theaters, and all other places where people would congregate.

Our program in this city does not call for the licensing of gun owners or the registration of guns. We have the problem in this city that most guns are purchased outside the city, in the suburbs, and are brought back into the city.

Registration would not be effective in Cleveland because handguns are not being sold here by gun dealers now, and the city ordinance would certainly not control the problem without legislation on the State and the national level.

We would hope that any gun control legislation enacted on the Federal level would assist us in meeting our problems in Cleveland and solving them.

We are convinced that our new ordinance will make some inroads on the numbers of homicides committed in our city.

On a national level, we would like to see the following:

The banning of the so-called Saturday night special;

The providing of mandatory cooling-off periods for ammunition and firearms;

The banning of all firearms from public property and public places;

The providing of mandatory penalties for all firearm-related offenses;

The providing for an educational campaign to alert citizens to the danger of firearms and to instruct them in the proper use of firearms.

We would hope that Congress would consider measures for the effective control of handguns without registration. We would also desire assistance to us on the local level by the developing of plans and programs to help us in meeting our particular problems caused by the misuse of handguns.

I would urge you to consider all of my statements here today and to consider the brochures I have distributed to the committee, explaining our legislation, and to adopt this type of legislation as far as practicable on a national level.

I have asked Chief Rademaker to come prepared with some statistics, and the members of the law department are here to answer any questions involving the legal opinions or legal aspects of this particular kind of a handgun control bill or gun control bill on the local level.

I appreciate very much the opportunity to be here, Mr. Chairman. I will remain with you as long as you like.

Mr. CONYERS. Well, thank you very much. I think you have been quite precise, Mayor, in outlining a five-step program at the Federal level, and I applaud your attempt to begin to deal with this subject on a local level.

I don't know if you quite said it but it's implicit in your remarks, is it not, that there is no way any local municipality can control the problem of firearms regulation in any real sense without a Federal, national effort?

Mr. PERK. Mr. Chairman, we have constantly told the city council here, and also the media, that all of the handguns brought into Cleveland are purchased in the suburbs.

The police chief is with me and he tells me that he probably only gave two permits to people to purchase guns. Our law does not permit anyone to purchase a gun without permission from the chief of police and without the signature of two citizens.

We believe that is the kind of law that ought to be adopted on a national level, because our citizens go to the suburbs and they go into the stores where you have, 400, 500, 600 guns in a barrel, and they just stick their hand in the barrel and pull one out and they purchase it, and they bring it to the city of Cleveland.

So we believe that, if this kind of a gun control bill were adopted on a national level, that kind of an incident could certainly not happen.

Mr. CONYERS. That kind of recommendation isn't in the five-point program, but you would include very stringent licensing of handguns to civilians, without really showing specific need for one?

Mr. PERK. It all depends, Mr. Chairman, on what you mean by "licensing."

Mr. CONYERS. Maybe I shouldn't have used that magic word. But in effect, isn't that what is happening here? If no one can get a gun without permission or approval from the police commissioner, and only two people got it during his tenure, that means that there is a very strict control. That is literally operating in the public interest to preclude nearly everybody from purchasing a handgun—which I am not quarreling with as an objective.

Mr. PERK. We have had very strict controls on guns in the city; the suburbs have not.

I believe at this point the former chief and present assistant safety director, Mr. Rademaker, could answer the question.

Mr. CONYERS. In other words, if you feel this ought to be adopted nationally—and of course, unless it is, you are swimming upstream, so to speak, because everyone can, obviously, avoid these requirements.

Mr. PERK. Let me suggest this, to put it a little clearer. I believe that no person should be permitted to purchase a gun, a weapon of any kind, handgun or otherwise, and we outlawed handguns in Cleveland, but any kind of a gun, without first getting permission from the chief of police and having two citizens or two residents witnessing his character, or something like that.

Mr. CONYERS. Right. So then I am really adding in my notes to your excellent statement, mayor: That handguns should be, in effect, outlawed, and no other kind of weapon should be secured without permission from the police and an attestation from two other citizens.

Mr. PERK. That's correct.

Mr. CONYERS. Would you like to add to that, sir?

Mr. RADEMAKER. Mr. Chairman, yes. Any kind of legislation as far as guns are concerned will not be effective unless it is on a national basis.

What we are doing today is, everybody is passing ordinances and laws, and you have a patchwork effect which is easily circumvented.

The ordinance in the city of Cleveland, which requires a man wishing to purchase a gun, his character must be attested to by two citizens of

the city of Cleveland, and he must receive a permit from the chief to purchase such gun, is easily skirted by going to any of the suburbs and walking in and just buying a gun.

This is where the influx of our weapons comes from today. If this were on a national basis, it would keep the firearm out of the hands of irresponsible people.

But I would like to say that the permission, and the investigation that is made by the chief before the issuance of a permit, be done in the community in which the man lives, and not in the community in which the man wishes to purchase the gun.

Mr. CONYERS. Now, let me just ask one final question. What about the sale of rifles and shotguns? Is that a booming business in Cleveland?

Mr. RADEMAKER. Mr. Chairman, shotguns and rifles are used primarily for hunting purposes. I don't think it booms any more in the city of Cleveland than it does anywhere else. We have many avid hunters.

Mr. CONYERS. But there are a lot of people who buy shotguns and rifles, and I was just wondering if there was any noted increase in the sale of those kinds of weapons that might causally be related to the stringent regulations on firearms.

Mr. RADEMAKER. The regulation on firearms won't go into effect for 30 days from the time it was passed, so that there is no way that we can measure, as yet, whether there will be an increase in the sale of rifles and shotguns.

Mr. CONYERS. Counsel?

Ms. ZACK. I was going to say that it was too soon to tell.

Mr. PERK. I wonder, Mr. Chairman, if one of the members of the law department couldn't explain to you—I just mentioned that there is a limit to what we can do locally, compared to what the State and national governments can do—and it will only take a minute.

Mr. CONYERS. Please do.

Mr. SCHATZ. Mr. Chairman and members: I am certain that you are quite aware that our ability to legislate in Ohio is limited to misdemeanors; in other words, we cannot attempt to legislate certain prohibitions included in the State law.

We have a particular problem in the city of Cleveland and all throughout Ohio with carrying concealed weapons. If the weapon is loaded and concealed on or about the person, that person, by law, must be charged with a felony.

Therefore, we are powerless to attempt to legislate for these particular crimes. One of the reasons I believe the mayor's program—while we hope it will be quite successful—we do have this problem, and we are calling on the State and calling on the Federal Government for some definitive legislation to take care of these problems that we just can't cope with.

Mr. CONYERS. Surely.

Mr. Ashbrook?

Mr. ASHBROOK. I was interested in one statement regarding how many firearms had been licensed in the last year. Did I hear a very low number?

Mr. RADEMAKER. Mr. Chairman, Mr. Ashbrook: In the past 3½ years, I issued permits for two weapons. If everybody was obeying

the law in the city of Cleveland, that was the total number that was sold.

Mr. ASHBROOK. I guess that is what struck me. I thought that is what you said.

The ATF figures indicate there were 102 licensed dealers in Cleveland, Ohio. I wonder what they sold last year if they only sold two?

Mr. RADEMAKER. As I said, Mr. Ashbrook, I don't know whether they were selling in violation of the law. I wouldn't think that they would be. They certainly sold more in rifles and shotguns.

Mr. ASHBROOK. They obviously sell those types of guns.

I notice in the statistics backing up what the mayor said, there are 102 licensed dealers in Cleveland, and 800 in the surrounding areas. That would be a rather substantial number compared to what you have downtown or the city proper.

Mr. SCHATZ. Mr. Ashbrook, if I may just explain a little bit on that. There are certain dealers inside the city of Cleveland who also have stores in the suburbs.

Now, in most of the suburbs it's not necessary to obtain a permit. What they will do is go into the store and order a weapon and go out to the suburbs and pick it up in the store there. This avoids the permit decision.

Mr. ASHBROOK. I see some of the problems the mayor is talking about. We have seen that in city after city. The same thing was said in Chicago, with availability of handguns in the suburbs.

As far as the guns are concerned, I was impressed with Chicago, where they had a fairly accurate account of how many firearms they thought were in the city.

Chief Rademaker, would you have any estimate or any statistics as to how many handguns there would be in the city of Cleveland?

Mr. RADEMAKER. Mr. Conyers and Mr. Ashbrook: On the basis of the Eisenhower Commission study, we estimate that there are 112,000 handguns in the city of Cleveland.

Mr. ASHBROOK. Could you give me any estimate, chief, of how many in the course of the year there would be used, or would be evidence of felony, used for a murder?

In effect, of the 112,000 in private possession, what are we talking about? One one-hundredth of 1 percent? Or 1 percent? What are we talking about, that would be a threat to some citizen last year in Cleveland? Do you have any estimate on that?

Mr. RADEMAKER. Mr. Chairman, Mr. Ashbrook, in the past year and for the past 5 years, the police department has averaged 3,500 confiscations of weapons, and this includes long guns as well as revolvers and pistols.

It would run about 3,000 each year that are confiscated by the police department.

Mr. ASHBROOK. You'd clearly be talking about a much greater percentage than it would be nationwide, just looking at statistics nationwide of how many guns are out there, so to speak, as to how many cause trouble or a part of a criminal act—which would be a very small percentage.

But you would be hitting fairly close to a 3 percent figures, from what you are saying, or maybe a little less than that. As many as 2,

2½ percent of the handguns in Cleveland in 1975 would either be confiscated, used in a murder, used for some illegal purpose, according to what you are saying?

Mr. RADEMAKER. Mr. Chairman and Mr. Ashbrook, all of the guns that are confiscated are not used in crimes.

Mr. ASHBROOK. But the ownership and the possession at the time would be a crime?

Mr. RADEMAKER. The possession at the time was either a crime or it was a threat to commit a crime.

In these instances, if the person wants to get the gun back, we require them to file replevin action in the court and let the court decide whether the gun should be returned.

Mr. ASHBROOK. I thank you, Chief, and I particularly thank the mayor, one of my, I should say, old friends—we don't like to admit we are getting old. I have known the mayor for some 25 years, and I am very glad to come to his city and hear his testimony.

Mr. PERK. Thank you, Congressman.

I might point out once again, so that this will be more engraved in your minds: We already have an ordinance on the books and have had it on the books for years. This ordinance says that no person can purchase a weapon without a permit to purchase, the permit to be granted by the chief of police and signed by two citizens, who will be attesting to his character. That is something we already have on the books.

If you put this on your books on a national level, it is certainly going to help all of us cut down the circulation of guns.

Mr. CONYERS. Well, you have given us a very specific mandate, especially since I have added this sixth, more or less, unstated premise that was in your national list of recommendations.

Don't you, though, as a police officer and member of the bar and the leading citizen of the city, have some feeling about the fact that, since there is an avalanche of weapons coming into the cities amounting to a domestic arms race, there ought to be a more intelligent means of identifying where these guns are going to and from, and from whom?

Mr. PERK. I'll defer to the former police chief.

Mr. RADEMAKER. Mr. Chairman, I would guess that the best example of what you speak of is the case in New York City, where in 1973 they had permitted 28,000 people to possess firearms under the Sullivan Act.

There are avalanches of handguns, as you say, deployed to New York City from North Carolina, South Carolina, Florida, and Alabama. The tracing of the manufacturing and shipping of these guns is of prime importance.

If you have stringent national laws, you can expect the same thing, but those things will have to be run down and eliminated.

Mr. CONYERS. Well, I don't know that there has been any such recommendation here—not that you are responsible for it. But the point is that, in view of what has admittedly been brought to us in increasing number of burglaries in which, apparently, the primary objective, if not one of the objectives, is to obtain a firearm legitimately purchased for defense by a citizen is now frequently taken and moved into the criminal commerce, in terms of making it far more difficult for us to get it.

So, even knowing which citizens have guns would aid us in identifying where these guns are going and coming from. If a citizen purchases a gun improperly, obviously they are not going to identify that as a theft when it is stolen.

So that, in a way, many legitimate purchases of handguns—if it can be termed in that way—frequently are subsidizing or aiding those in criminal activities, because many guns legitimately are purchased, if not many, in fact an increasing number are being moved into criminal commerce.

That seems to be something that we might want to examine in terms of knowing where they are going.

Mr. PERK. Mr. Chairman, we are opposed to registration, for several reasons. We believe that many people—when there is registration—we believe it will encourage more guns in circulation.

People will believe that, when they register the gun, they have a permit to carry it. We want fewer and fewer people to be carrying guns. We would like to limit the carrying of guns to only those persons that are required to carry guns, or where it becomes necessary to carry guns, or law officials.

We believe that registration encourages people to have guns, because they will believe they are getting a permit. Besides that, it establishes large bureaucracy which we can't afford to maintain in our local communities.

There are so many reasons, we believe, that if you outlaw the Saturday night special, then, as we have outlawed the Saturday night special, we are outlawing 112,000 guns in Cleveland alone.

If you will pass a Federal act which will prohibit the purchase of a gun unless the purchaser has the permission of the local police chief and two witnesses must attest as to his character, then you are cutting down on the circulation of guns.

And we would like to cut down on the circulation or the possession of guns, and we think that would be the most effective way to do it.

Mr. CONYERS. Finally, have you had a chance to review the Administration of Justice Committee's report and study on gun abuse in Ohio? And are there any points that you have strong disagreement or agreement with it?

Ms. ZACK. Well, Mr. Conyers, that particular publication has just come out over the weekend.

[Congressman Mann entered the auditorium.]

Ms. ZACK. After we have a chance to read it, we may like to comment.

Mr. PERK. May we do that? I think that we will ask Marilyn Zack, who is the assistant law director, to get a copy of that book and make comment on it to you.

Mr. CONYERS. Very, very good.

We have just been joined by our colleague from South Carolina, the Honorable James Mann, a distinguished member of the Judiciary Committee, and I wonder if I might invite him to make any observations or questions before the mayor and his staff leave the witness stand.

Mr. MANN. Thank you, Mr. Chairman.

I would merely say that I am delighted to be in this city that is doing something about the problem. I will be looking forward with

interest to the results, since I understand your law went into effect last week.

Mr. PERK. Yes.

Mr. MANN. I am aware of the various proposals that are made and your position on those proposals—with which I genuinely concur. Thank you.

Mr. PERK. Thank you, Congressman.

Mr. CONYERS. I congratulate you, Mayor, and I hope that you will continue to examine this problem closely. I think your statement here has been candid and makes clear that you know the problem won't be resolved at a local level.

So we warmly welcome your continued cooperation and examination of this problem. Thank you.

Mr. PERK. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very, very much.

[The prepared statement of Mayor Ralph J. Perk follows:]

STATEMENT OF HONORABLE RALPH J. PERK, MAYOR OF THE CITY OF CLEVELAND, OHIO

The City of Cleveland last Monday enacted a strong Gun Control measure, one which has several facets. The measure includes the imposition of a mandatory sentence of at least three days imprisonment and a Three Hundred Dollar fine for violation of the City's Weapons Control Law. The misdemeanors which are included in this mandatory sentence are those of (1) carrying concealed weapons; (2) using a weapon while intoxicated; (3) improper handling of firearms in a motor vehicle; (4) unlawful transactions in weapons; and (5) improperly furnishing firearms or ammunition to minors.

In addition to the mandatory sentence provisions for existing weapons offenses, the City has added to the Codified Ordinances certain new weapon offenses. I would like to describe them briefly:

(1) We have totally banned the possession of the so-called Saturday-Night Special in the belief that this type of handgun is extremely dangerous to the public peace and safety.

The prohibition on these weapons is for those having a barrel of 3" or less and a caliber of .32 or less. We hope that this will significantly decrease the number of handguns in circulation in our City and make it a safer place for all our citizens to live.

(2) In our new Ordinance we have made it in a crime to improperly furnish ammunition to minors. This is in addition to the already existing prohibition on furnishing firearms to minors. Anyone who violates this section faces a stiff mandatory sentence of at least seven days in prison and a Five Hundred Dollar fine.

(3) We have also taken the positive step of completely outlawing the possession of firearms by minors. This, of course, is a new juvenile offense which we believe fills a gap in our existing State law.

(4) We have included a provision in our new law to attempt to protect our citizens by banning any deadly weapon from public property or public buildings.

(5) We have also included a section which bans handguns and other dangerous weapons from public places, with those public places being defined to include bars, restaurants, movie theatres, and all other places where people would assemble.

Our program in the City does not call for the licensing of gun owners or the registration of guns. We have the problem in the City in that most guns are purchased outside the City in the suburbs and are brought back into the City. Registration would not be effective in Cleveland because guns are not being sold here by gun dealers now, at least not in any great numbers, and a City ordinance would certainly not control the problem, absent legislation on the State and National level. We would hope that any gun control legislation enacted on the Federal level would assist us in meeting our problems in Cleveland and solving them.

We are convinced that our new Ordinance will make some inroads on the numbers of homicides committed in our City. On a national level we would like to see the following: the banning of the so-called Saturday-Night Special; the providing of mandatory cooling-off periods for ammunition and firearms; the banning of all firearms from public property and public places; the providing of mandatory penalties for all firearm related offenses; and the providing for an educational campaign to alert citizens of the danger of firearms and to instruct them in the proper use of firearms.

We would hope that the Congress would consider measures for the effective control of handguns without registration. We would also desire assistance to us on the local level by the developing of plans and programs to help us in meeting our particular problems caused by the misuse of handguns.

I would urge you to consider all of my statements here today and to consider the brochure I have distributed to the committee explaining our legislation, and to adopt this type of legislation as far as practicable on the national level.

Mr. CONYERS. Our next witnesses are the director of the Ohio Gun Collectors Association and the director of the Ohio Rifle and Pistol Association. They are Mr. Jerry Beck and Mr. Frank J. Siska. Both are directors of their respective organizations.

We welcome you.

Are you Mr. Beck?

Mr. BECK. Yes, sir.

Mr. CONYERS. And Mr. Siska?

Mr. SISKA. Yes.

TESTIMONY OF JERRY BECK, DIRECTOR, OHIO GUN COLLECTORS ASSOCIATION, AND FRANK J. SISKA, JR., DIRECTOR, OHIO RIFLE AND PISTOL ASSOCIATION

Mr. CONYERS. We have your statements, gentlemen. We are going to, without objection, incorporate them into the record.

[The prepared statements of Mr. Beck and Mr. Siska follow:]

STATEMENT OF JERRY BECK
REPRESENTING THE OHIO GUN COLLECTORS ASSOCIATION

Mr. Chairman and distinguished members of the subcommittee, I'm grateful to you for this opportunity to speak on the subject of gun legislation.

It is our belief that more gun laws are, to quote the honorable Representative John Dingell of Michigan, "Legislative Copouts." It's a way to appear to attack crime when in actuality, the only people that will be affected are honest law abiding citizens. The criminal will not register his guns or adhere to laws regarding caliber, barrel length, melting temperature or a registration certificate. If someone is going to break a law, the tools they use to break the law with are irrelevant.

We would be in favor of gun registration if someone could demonstrate how it will be, in itself, a deterrent for crime. The cost, which I'm sure you are aware is estimated to exceed five billion dollars, could then be justified when weighed against the deterring effect on crime and the lives that would be saved.

A registered gun in the hands of a criminal is much deadlier than an unregistered gun in the hands of the average law abiding citizen. We would suggest, as I'm sure others have and hopefully many more will, stronger punishment for anyone who commits a crime with a gun. By eliminating parole, shock probation, plea bargaining and the other legal shinnanigans that are constantly returning criminals to the streets, we feel the existing laws will prove adequate in deterring crime.

New laws are being passed on local levels all the time. I've been informed that Cleveland just last week, got a new law regarding the Saturday Night Special and although I haven't seen it, I've been told it's designed to eliminate small caliber handguns. I assume someone feels it's better to be murdered by a robber with a 44 magnum than wounded by a mugger with a 25 automatic.

Every law abiding American citizen would like to see our country be a better place to live and I'm sure that every law that's passed is designed for that purpose. In an effort to make most of the people live by most of the laws most of the time, we design a system to punish people that can't or won't conform. I have never committeed a felony and I know of no member of the Ohio Gun Collectors Association that has. As a matter of fact, no one can be a member of the Ohio Gun Collectors Association if they have committed a felony, so why should there be a law that punishes me or anyone else who enjoys firearms when we haven't committed a crime.

STATEMENT OF FRANK J. SISKA, JR., THE OHIO RIFLE AND PISTOL ASSOCIATION
(Affiliated with the National Rifle Association of America)

Mr. Chairman, members of the House Committee on Crime: Thank you for this opportunity to present this statement for our membership and myself.

OR&PA and affiliated clubs throughout Ohio are concerned, as are all law abiding citizens, with crime. We, therefore, wish to make known to the Committee our views.

All information reaching our representatives indicates that it is the objective of this Committee to determine causes of and prevention of crime; however, information in local media reports indicate that this Committee intends to shape the basis for a Gun Control Act of 1975. If this is so, we are even more concerned.

Our concern is not fear of a law itself, but the fear that again a committee which could be solving a major national problem is becoming bogged down in gun control instead of crime control.

We feel that information from the Cuyahoga County area would be most helpful in determining the causes of crime. While it is not a pleasant thought to be known as a top-ranked crime city, if information from here can be used to help the rest of the nation it is for the best.

We believe that the cross section of Cleveland and surrounding suburbs make available to the Committee a live example of statistics published in the FBI Crime reports and other studies. We feel that crime relates more closely to socio-economic factors than does the simple availability of firearms.

We recognize the fact that perpetrators of violent crime in many cases use firearms. We feel that laws on the books and to be passed should deal harshly with offenders. This is where the emphasis on the problem of crime and its prevention and control should be placed. The thousands of competitive shooters, gun collectors and sportsmen of Ohio all feel that crime and its prevention are of great concern. We would willingly give serious consideration to any suggested program that will deter crime. We do not believe, as a few local organizations, that the only answer to crime is firearm registration and/or confiscation; nor do we believe that this type of legislation will help in the prevention of crime.

Mr. CONYERS. We welcome you as people who have been concerned with firearms and guns and this related subject matter, over and above that of most citizens. We welcome your views, and you will now be able to proceed, one at a time, and then we will perhaps pose some questions if any are raised in the course of your remarks.

Mr. BECK. Am I first, sir?

Mr. CONYERS. Yes, please.

Mr. BECK. Mr. Chairman and distinguished members of the subcommittee, my name is Jerry Beck and I am one of the directors of the Ohio Gun Collectors. I am also a reserve police officer for the city of Worthington, Ohio; and I have my own television show in Columbus, Ohio. I reach about 125,000 people with my television show, which doesn't bother me at all, but I am as nervous as heck in front of you seven gentlemen.

The statement which you have, I did not read and will not read. As a matter of fact, I wasn't even going to enter it. I didn't know until approximately 11:00 o'clock last Friday morning that I would be here.

Since then, I have written and rewritten eight times the things I wanted to say in the ways I wanted to say them. Just like you, representing a lot of other people, I have to speak for them and myself at the same time.

So, instead of reading that, I will just try and summarize our opinion and my opinion of some of the things that are being discussed.

I heard the mayor of Cleveland talking about the new law that Cleveland now has. We don't think a criminal or someone who is apt to become a criminal will register a gun. And by the same token, I don't think that he will adhere to a law governing barrel length or caliber or melting temperature.

If a man is going to break the law, the thing he is going to use to break the law is really irrelevant. No one breaks the law with the thought of being caught, at least I don't think they do.

It is estimated that registration of guns on a national level would cost approximately $5 billion. I am not saying it's not worth it. I don't know if registration and spending the $5 billion to save 6, 7, 8, 10, 20 lives—I couldn't say. I'm not sure.

I don't think registration in itself is a deterrent for committing a crime. A registered gun in the hands of a criminal is a lot deadlier than an unregistered gun in the hands of the average citizen.

I hope, and we suggest and I am sure others have, and hopefully many more will, that there be stronger laws to punish people who commit a crime with a gun. Our country is designed with a system of laws and punishments for people who can't adhere or won't adhere to the law; and if the law or the punishment is a deterrent, hopefully that will make people not commit a crime.

If somebody can break the law and in 24 or 36 hours later be back out on the street and go buy another gun, theoretically, then, it is not really much of a deterrent.

If we eliminated shock probation, with some of the people being paroled—some of the legal shenanigans that get criminals back out on the streets—perhaps it might be more of a deterrent than to just have a guy fill out a registration form.

I have heard mention today and many, many, many times before—and I say again that I am certainly not an attorney and I am not even a specialist on different types of guns. I know what type I like or shoot or collect, but I keep hearing the term "Saturday night special."

People have asked me, "What is a Saturday night special?" In my opinion, it is any gun that is used in the commission of a crime. Until a gun is used to commit a crime, it's not a Saturday night special.

Once it has committed a crime, it instantly gets the label "Saturday night special." The criteria, I think, everybody in the room knows what a Saturday night special is, yet nobody can really define it.

What it boils down to is cost. We are talking about cheap. A $39.95 gun is theoretically a Saturday night special. However, if it's a 150-year-old collector's piece which, for some strange reason, you can pick it up for 39 bucks, it's not a Saturday night special all of a sudden.

If we eliminate a $39 gun, then the $49 guns will become Saturday night specials. Or do we go to $41 or $42 or $43?

Melting temperature is governed by the type of metal or the craftsmanship of the gun. Barrel length: If a 3-inch gun is illegal, is a 3⅛-inch gun legal? Or a 4-inch gun? Or a 5-inch gun?

Caliber: Nobody would assume that it's better to be killed with a 44-magnum than wounded with a 25-automatic, I am sure. Caliber really isn't a criteria.

What it is, it's cheap. If you can afford to buy an expensive gun, theoretically, you would then be able to afford to break the law. We all know that is silly.

I have never committed a felony. No member of the Ohio Gun Collectors Association has, to my knowledge. According to our laws, you cannot be a member of the Ohio Gun Collectors Association if you have committed a felony; or if you do commit a felony.

So, to pass a law that is going to punish me or take away my hobby, when I really haven't done anything wrong, seems to us wrong. We have over 9,000 members in our association, and if one of them breaks the law, they are not in our association any more.

I have been doing a tremendous amount of reading the last 4 days, combined with travel here, and I had three personal appearances over the weekend, which drove me crazy, trying to write my speech, and that is why I tore it up so many times.

Among the many things I read or tried to read—and there are all sorts of organizations passing or developing rules or suggesting rules, and so on—I have learned interesting statistics.

Murder in the United States, according to the FBI report that I was up until 3 o'clock trying to learn how to read, murder in this country is less than one-half of 1 percent of all crime, and approximately 2 percent of all violent crimes.

Ninety-eight percent of all of the violent crimes don't—I believe your committee has studied crime, not gun control, just crime in general. Am I correct?

Mr. CONYERS. No, I am afraid you are not. We are considering the Gun Control Act of 1968 in terms of this specific hearing.

Mr. BECK. Right.

Mr. CONYERS. We have a jurisdictional mandate that goes far beyond that.

Mr. BECK. Into all areas of crime?

Mr. CONYERS. Exactly.

Mr. BECK. OK. I heard a little while ago the police chief talking about how you get a permit to buy a gun in the city of Cleveland, and he approves you, and two other citizens do.

I am just wondering who approves the other two citizens? Do they get two citizens who approve them, and do they get two more to approve them?

And if for some reason the police chief doesn't like you, you don't get approved? From that, it would appear that the police chief would spend an awful lot of time doing nothing other than approving people, whether or not they could or could not have guns, based upon how many guns there are in the city of Cleveland.

The criteria of using one man to decide whether you can or cannot own a gun, or finding two law-abiding citizens, somebody has to approve them to be law abiding; it would seem to be setting up a tremendous amount of paperwork or bureaucracy, or whatever.

I have tried to express my opinion and also, without talking to each one of our members in the last 4 days, trying to express what I believe to be most of their opinions.

If the crime—if the laws that we currently have on the books were—I don't want to use the word "enforced" because I believe our police departments do all they can to enforce most of the laws on the books.

If the punishments were more severe, it might prove to be more of a deterrent.

Thank you for the opportunity to speak. I am sorry I am not a lawyer or a politician or eloquent in that I didn't have a nicely prepared speech, but that is our opinion.

Mr. ASHBROOK. It helps that you are not. [Laughter.]

Mr. CONYERS. I want to second that remark very much, and you were quite eloquent.

I would like to raise a question with you but, first, let's hear from Mr. Frank J. Siska, and then we will question you together.

Mr. SISKA. Mr. Chairman and members of the committee; I, too, just had a few moments to get all this together. It seems like a few minutes. It started on Friday, as with him, and I am just as nervous—in fact, more so. So I am going to read my statement. I think I incorporated into it, though it is short, the general feeling of the members, over 6,000, of the Ohio Rifle and Pistol Association.

The Ohio Rifle and Pistol Association and affiliated clubs throughout Ohio are concerned, as are all law-abiding citizens, with crime. We therefore wish to make known to the committee our views.

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We feel the laws on the books and to be passed should deal harshly with offenders. This is where the emphasis on the problem of crime and its prevention and control should be placed.

The thousands of competitive shooters, gun collectors, and sportsmen of Ohio all feel that crime and its prevention are of great concern. We would willingly give serious consideration to any suggested program that will deter crime.

We do not believe, as a few local organizations do, that the only answer to crime is firearm registration and/or confiscation, nor do we believe that this type of legislation will help to prevent crime.

Thank you very much.

With that as a basis, I would be more than happy to answer any questions.

Mr. CONYERS. You have done very well, gentlemen.

Your statements are not inconsistent with most of the representatives we have heard from in gun collectors organizations, pistol and rifle associations, or organizations that have been organized around men and women who use firearms as a recreational pursuit.

What comes to mind from this discussion is that you see the problem a little bit differently from the way it is being viewed by some of us; namely, that this is not a question solely of how we get at crime—because many of us are moved by the fact that approximately two-thirds of all the gun deaths occur in circumstances in which there was not a criminal, or criminal act being conducted before the argument between friends or relatives or family occurred.

So that moves our dimension a little beyond the title of our subcommittee, The Subcommittee on Crime.

It is a crime, as of the moment, that a noncriminal citizen fires away and takes the life of a friend or relative. So this, to us, is a very real part of this problem.

The fact that you approach it more concerned, I think, about the possible encroachments and infringements that may occur, from your organizational point of view, I think shifts the focus a little bit.

What I am getting at is: Am I correctly describing how you see the problem, as opposed to many citizens not related or engaged in your activities view this problem?

Mr. BECK. First of all, as you said, my written statement is very similar as to all of the others you have had, and hundreds of more you will probably get, which is the primary purpose why I didn't read it and why I wasn't going to bring it in.

I'd like to give you something new. However, with the membership of our organization, nearly 9,000 people, this is the way they feel. They feel that it is an encroachment upon their rights.

They feel that they should be allowed to enjoy a gun, just as many people enjoy a bowling ball. I am sorry. I am a professional comedian and it's difficult for me to carry on any kind of an intelligent conversation.

Mr. CONYERS. I am not sure when you're kidding and when you're serious, so that I won't laugh at the end of your sentence. [Laughter.]

Mr. BECK. Seriously, we feel—they feel and I do, too—that if somebody enjoys firearms and enjoys shooting, whether hunting or target shooting—like myself, I am not a hunter, I am not a target shooter; I can spend 6 hours blowing holes in a tin can; which, to someone who doesn't shoot, sounds absolutely ridiculous.

Mr. CONYERS. Yes, but that is not really the problem. After having heard these views, I recognize that most of them, and not all—I am quick to add—of the organized sportsmen view this as encroachment.

I see that you—but I mean, seriously, doesn't the Congress, in a period of rising gun deaths, have a responsibility that might just possibly extend beyond that?

Yes, sir?

Mr. SISKA. In answer to that: I stressed, and we do stress in the Ohio Rifle and Pistol Association, that the problem is not the gun, and it is not the matter that someone wants to register it.

But why spend thousands upon thousands of dollars to register guns to keep them out of the hands of people who would use them irrespon-

sibly, when we know, and anyone in the police department knows, that 95 percent of the guns that commit that crime were never registered—possibly, even bought legally.

Mr. CONYERS. Isn't that maybe just some place we must begin?

Mr. SISKA. We must begin at the base level, down with people—not down with people, quote an unquote—I mean, at the average citizen people.

Let's take the information as it actually is, not as it's portrayed by the news media as a sensational story of death. Let's take it as it really is.

It is a guy who has been out of work for a long time. He has no respect for the law, he has nothing to worry about, what can he lose? So somebody in the bar where he has happened to have been drinking for a little while has a Saturday night special. It's a stolen gun. The guy has got a $20 bill in his pocket that he just won in a crapgame.

He gives the guy the 20, he says, "Man, I'll get it back." He whips around the corner (indicating) and leaves somebody out in the cold. And it wasn't a registered gun.

Mr. CONYERS. Well, that is exactly the point. If the gun were registered, might not we be able to identify a lot more people?

Mr. SISKA. What would you identify?

Mr. CONYERS. Well, first of all, we have heard testimony that indicates weapons tracing can frequently determine where guns came from and who had them.

Mr. SISKA. After the man is dead. That is not going to solve the problem.

Mr. CONYERS. Well, mandatory sentencing, which is I think about the only suggestion that you made, doesn't bring anybody back to life, either.

Mr. BECK. But there, in order to trace the gun, you have to have the gun. If somebody blows somebody away and sticks the gun in their pocket, you can't trace it.

Mr. CONYERS. I am not talking about guns that are not available. I am talking about the times that occur quite frequently when police are frustrated by being unable to make a weapons search because of a very difficult procedure in different places in this connection.

What I am getting at, gentlemen, is that, assuming that enthusiasts' rights have to be protected, but isn't that a different problem?

Mr. SISKA. We agree that there is a problem, but we do not agree that anyone under any committee should go to someone who is not—as he says, of the 9,000 members, no one has committed a felony in that group, and neither have the people in our Rifle and Pistol Association.

Why direct confiscation and registration or any other gun laws at law-abiding working citizens who are not committing crimes?

Go directly to the source of the problem, that is the people that are doing the crimes.

Mr. CONYERS. My final question to you is: Have you ever thought of a law that is directed at criminals? The definition of a "criminal" is one who breaks the law. There are no laws that I know of that criminals do support or do abide by.

So gun control is just a method of trying to deal with the criminal. We are not trying to invent a law that the criminal will support or cooperate with.

Mr. SISKA. No, but educate people not to be criminals.

Mr. CONYERS. So the legislation we might be considering can't be tailored with the particular attitude of criminals. The law is created to try to make it more difficult for the criminal to commit crime.

Is that not a fair statement of most legislative objectives?

Mr. BECK. Or punish someone who does break the law. Laws don't make it more difficult.

Mr. CONYERS. You don't think so?

Mr. BECK. Laws just punish people.

Mr. CONYERS. You mean all of the criminal statutes don't make it any more difficult to commit a crime?

Mr. SISKA. No.

Mr. CONYERS. You mean all of the people who are in prison right now don't think the laws in some way inhibited them?

Mr. BECK. No one in prison committed a crime expecting to go to prison.

Mr. CONYERS. I am not sure if they have or not.

But you don't think——

Mr. BECK. Do you think there is somebody in prison who wanted to be there?

Mr. CONYERS. No. What I am trying to suggest to you is that there are many people who may not care one way or the other, many who probably know they may end up in cells.

But I'm not trying to suggest that we have a situation where all people commit crimes. What I am suggesting is that we may have a legislative responsibility that goes toward eliminating a very menacing problem in our society that may not have an impact on sportsmen. It may include some of the considerations under which they operate, but there is a different problem, which we are trying to deal with.

It is a problem that goes in between the question of whether the criminal will cooperate with murder laws, with burglary laws——

Mr. BECK. We are all in agreement.

Mr. CONYERS. Just a moment. Let me just finish.

Mr. BECK. I'm sorry.

Mr. CONYERS. Or with handgun laws. We have many now, and many of them are not working. It has been said that we have too many.

The question that I present to you is: How might we address the problem?

I have heard you support mandatory sentencing. I don't think I have picked up anything else, in terms of specific solutions; and if so, I would like you to identify them now, and then I will turn this questioning over to other members of the committee.

Mr. SISKA. I have just one. As I mentioned, crime itself is a socio-economic problem, and it's not the gun.

Mr. CONYERS. That is not what I asked you for. I am asking you for a solution, other than mandatory——

Mr. SISKA. Yes, a solution.

Mr. CONYERS. What is your solution?

Mr. SISKA. A solution is to direct our efforts toward the underprivileged people that are using the guns. Our statistics show that the people that are committing the crimes with cheap handguns, with stolen guns, are people that can't afford to buy the $150, $250 collector items.

They are committing these crimes because they are underprivileged, they are in low-income areas, they are being pushed around. Let's direct our energies and our money and our government spending toward these people, educate them and bring them up, so that they won't have to resort to a gun to get themselves a decent income or a decent standard of living.

Of the 200 million guns that are owned in the United States, 90 percent of them are owned by people of an affluent society who use them and cover the walls with them; but because these people have money, we are directing our efforts to control guns, we should be spending the same money, that paid for you gentlemen to be here, in those areas where the people need it.

Socially—get them a job, get them a reason to respect the law, to go out and get a job and work a hard day's work for a good day's pay, so that they can buy what they want instead of stealing, and then they won't have to use the gun. He won't have to go out and drink wine or beer or whiskey and shoot his wife because she is not making enough money. [Applause.]

Mr. CONYERS. I'd like to turn the questioning over to Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman. I welcome both of you. I guess I am known as the dissident committee member who is critical of so-called gun control legislation.

I think the chairman appropriately pointed out that Mr. Beck's testimony as well as Mr. Siska's is a refrain we have heard before. But I would point out the other side: The people who advocate control have the same refrain and the same theme at all of the hearings I have attended; that somehow, rather magically, things are going to be improved by registration of firearms.

But there is one thing that I find that does not add up in that particular thesis. In almost every area where they do have registration, they are saying it doesn't work.

I think beneath the veneer of all of the gun control authors is the desire that sooner or later we will confiscate firearms.

My own personal belief is that about all that will happen, and I certainly agree with Mr. Beck's statement that the registered gun in the hands of a criminal is a far greater threat than an unregistered gun in the hands of the average American.

About the only thing that would happen, in my estimation, is that it would provide a list to send out saying: Well, you are registered. Now, can we escalate to the next level?

There are 26,000 people in Washington, D.C. who must register and they come into the city hall between 9 o'clock in the morning and 4 o'clock at night and: Turn in your gun and we will give you $25 or $30 for it.

I guess the thing Mr. Beck is speaking about is that we want to penalize and we want to penalize the misuse of the firearm, and not the proper ownership and not the proper use of it. And I guess that is a hard thing, in drawing a legislative distinction, is where you penalize.

I think the Rifle and Pistol Association and the gun collectors—I happen to belong to some of these—we basically believe in penalizing misuse but not just ownership and use.

There is a very big difference. Then I think, also, the record should show that the so-called "gun buffs" referred to and kicked around so much do agree with the basic concepts of gun control. I don't think any of us feel that people ought to have machineguns or bazookas.

Maybe we even feel, if we can carry a gun on our own person, conceal a gun, it would be a threat to anyone, but we readily accept the fact there are some compromises that must be made.

I know of no gun collector or no legitimate gun owner who is guilty of being denied his rights by not being able to carry a gun in his pocket or conceal it in his car.

But there comes a place where you must draw the line, and the line seems to be at registration or confiscation. So, in that spirit, I certainly welcome your testimony. I am glad the record indicates your view, and we'll probably hear a lot more of the same thing as Mr. Beck said.

But I would point out that we hear both sides and we hear the same refrains as those who advocate as we do those who are opposed.

I guess the only question I really have is, from your statement: When it comes to the very cheap guns—directing my question particularly to Mr. Beck, of the Gun Collectors Association—does the association have any basic position or point of view, that you can discern, as it relates to what you call the cheap gun?

Is there a ceiling?

I know your point that $39 or $40 is cheap, and then you escalate.

Mr. BECK. Yes. What is a cheap gun? At what point does a gun become expensive?

Are you talking about a new gun or a used gun or an old gun?

It's like: What is a cheap car?

If Detroit built them a car that cost them two grand, they sell it for seven. If somebody builds a gun for $19, instead of selling it for $29, we'll now set the minimum price and will sell it for $69.

The criteria of price, I don't think anyone means to imply that you can afford it, you can break the law. If you can afford to buy an expensive gun, you are allowed to have a gun.

I can't see that price or placing a price on a gun will serve as any form of a deterrent or any form of a reason why someone who wants to commit a crime wouldn't commit it.

As you gentlemen are all aware, I am sure, 47 percent of the homicides last year weren't committed with a handgun. Now, conversely, I know 53 percent of the homicides were.

Well, if there were no handguns, 47 percent of the people, minimum, would still be just as dead; and the guy who didn't have a handgun, how many of them would have found another way?

If people want to kill people, if people want to rob people or hurt people, they'll do it. If they happen to have a handgun, they might use that.

As this gentleman said, attacking the gun isn't going to change the mind of someone who wants to hurt another human being. They will find a way. They are going to use something else. They are going to use the bowling ball.

Mr. ASHBROOK. I would say that the problem that the committee would have, particularly those who want to bring some additional form of gun control, is we have a kind of threshold: At what point do you get into it?

That is the problem with legislation. At what point? Ninety days, you get some benefits for being in the service. $4,200. We have the threshold for poverty. At every point, it's hard to draw the line.

Admittedly, in this area it's going to be hard to draw the line. But that first threshold you get to that brings the coverage is one which has to be watched very carefully, because, at least in my opinion, it should not unduly impinge on the right of the average person who has a firearm, not intending to use it for any improper purpose.

With that, Mr. Chairman, I thank both Mr. Beck and Mr. Siska for appearing and giving us very fine testimony.

Mr. BECK. Mr. Chairman, if I might just draw a parallel between guns and something else that we are all very concerned about: The ecology and oil.

There is, I believe, many bills before Congress to control automobiles that use an excessive amount of gasoline. A big car uses more gas, and so to punish anyone who buys a big car, by making him pay a higher tax. I believe that has been suggested.

So, in essence, what it boils down to is that, if you can afford it, you can pay for your thrills, you can have a big car.

If we set a minimum price on guns, if you can afford it, you can have guns. That, I am sure we are all aware, is a form of discrimination against someone who can't afford it.

Mr. CONYERS. Mr. Mann.

Mr. MANN. Gentlemen, I am sure that you will understand that we find we don't get quite as far when we all sit here and agree.

Now, you just referred to automobiles and, to paraphrase a statement that you made a moment ago, would you agree that the unregistered automobile is a much greater threat in the hands of a criminal than it is in the hands of a law-abiding citizen?

Mr. BECK. An unregistered automobile?

Mr. MANN. Yes.

Mr. BECK. You mean specifically a stolen car?

Mr. MANN. Let's assume we didn't have any registered automobile. Would you agree that the unregistered automobile is a much greater threat in the hands of a criminal than it is in the hands of a law-abiding citizen?

Mr. SISKA. Yes.

Mr. MANN. Would you agree with automobile registration perhaps because it is a dangerous instrument?

Mr. SISKA. The registration of automobiles is not to find out who owns them; it is to support our roads, highways, signs, et cetera.

Mr. MANN. Oh, I think that we could find some other ways.

Mr. SISKA. Well, gasoline taxes, we have them, too. We are also paying now 50 cents additional in the State of Ohio for the fluorescents.

Mr. MANN. All right, let's move on.

You propose, or you said that no one violates the law expecting to go to prison.

Mr. BECK. I wouldn't think so.

Mr. MANN. And you said laws don't keep you from violating the law, and yet you come here and other people come before us with that copout—let's increase the penalties and that will deter people from committing crimes.

And I just say that ain't so.

Mr. SISKA. Sir, can I give you a good example, in the Cleveland Plain Dealer this morning——

Mr. MANN. Sure.

Mr. SISKA [continuing]. There was a man 105 years old who shot his wife and says, "What the heck do I care? What have I got to lose?" They are not going to put him to death for killing her deliberately; they are going to put him into prison for the rest of his life, but he is 105.

Mr. MANN. I will agree with you, that the increased penalties to which you refer, and that is really the only thing specifically you suggested, that increased penalties are not the solution, and there are several reasons they aren't the solution.

We aren't catching them, we aren't bringing them before the judge, so that we can apply the penalties, whether stiff or not, to 2 percent of gun violators.

Mr. BECK. We aren't catching them?

Mr. MANN. We aren't catching them.

Now you sit there and say, as so many have, that the—oh, the police are doing a great job, nobody can complain about them. After all, they are underpaid, overworked. But we aren't catching the law violators, are we?

Mr. BECK. I think we are. I think we are catching a lot of them.

Mr. MANN. Oh, sure.

Mr. BECK. The ratio between the people apprehended and the people turned back walking on the street, I don't know these statistics, sir. But I am sure, just basic knowledge says that more people are caught than go to prison.

Mr. MANN. I'll bounce some off of you. I will make an assertion, because I see the crime index in my community and I see it in other communities, and I see those 47 armed robberies and 1 arrest. And if you keep track of it, that is about the way it runs; and then of that one who goes to prison——

Mr. BECK. Wait a minute. You said there were 47 robbers and only 1 got arrested, and he goes to prison?

Mr. MANN. I didn't say that.

Mr. BECK. Oh. I'm sorry, I didn't understand.

Mr. MANN. You understand that 46 didn't get caught.

Mr. BECK. But the one that did, did go to prison.

Mr. MANN. Of the ones that get caught, the average statistic throughout this country is that about 40 percent of them go to prison. That is not enough.

We can agree on that?

Mr. BECK. Yes, sir.

Mr. MANN. But you apply that 40 percent to the 10 percent—I will put it high—of those who get caught, and what have you got that makes any difference? Two percent are only going to court in the first place.

Mr. BECK. So we then would say, only 20 percent are going to prison and only 10 percent are being caught—more money should be spent for police to catch more of them.

Mr. MANN. I would say that we are trying to put the blame in various places other than on ourselves and other than on our local effort for law enforcement.

We are putting it on the judge because he is somewhere remote, so we can blame him. We are putting it on Congress because it hasn't provided a mandatory sentence. We are putting it on someone else.

Now, you talk about socioeconomic factors. Who is in charge of socioeconomic factors? The government?

Mr. SISKA. The people, and the people whom they elect.

Mr. MANN. What is your organization doing in the area of juvenile delinquency? [Applause.]

Mr. SISKA. Sir, we are involved in a youth program to keep the children off the streets, and you can come to the Kingswood Country Club any Saturday morning and I will show you 24 boys that are engaged in practice for competition in the National Rifle Matches, and they are not on the streets.

Mr. MANN. That's great.

Mr. SISKA. We are keeping them off, but we can only do so much—only so much. The money goes into the government.

Mr. MANN. I will admit the emphasis in these hearings is always on homicide. But I picked up, this morning, the June 1975 report of the Administration on Justice Committee of Ohio, and it says here:

> Guns were involved in 84 percent of the murders in Cleveland in 1973; 65 percent of the aggravated assaults; 57 percent of the robberies; 29 percent of the rapes.

So, let's don't just dismiss guns as being merely causing murders. Go ahead.

Mr. BECK. Sir, just so that the record will understand, this book that you are referring to, which I just got a copy of, also I could be wrong, but it's not put out by the State of Ohio or by any branch of the Ohio government.

In the inside page it says it's a private organization, The Cleveland Foundation.

I could be wrong, but if the State of Ohio is putting this out, I didn't know about it.

Mr. MANN. If you find anything wrong with the statistics, I will be happy to correct it.

Mr. BECK. I haven't even studied it, sir. I just got it this morning.

Mr. MANN. All right. Now, I'll merely express a personal opinion and that is that, after 10 years of prosecuting, that the ready accessibility of a gun, as the chairman mentioned, that well more than half of the murders and homicides is committed upon friends and relatives—the ready accessibility of guns accounted for the largest portion of homicides, and the easy accessibility of guns accounts for the yielding to temptation, and property crimes, of which we are so well aware.

Now, against that situation, I want you to tell me, and I hope you have a good reason—I am sure you do. I will ask it in two phases, and I will do it in reverse.

In your statement, Mr. Beck:

> As a matter of fact, no one can be a member of the Ohio Gun Collectors Association if they have committed a felony, so why should there be a law that

punishes me or anyone else who enjoys firearms when we haven't committed a crime?

Now, how will the Ohio Gun Collectors Association be punished by any reasonable law that you have heard anything about if it goes as far as registration?

Mr. BECK. Some of the laws I have heard about, sir, are confiscating of all guns, and that would punish me.

Mr. MANN. All right. Do I understand that you agree, then, that if there is an exception for legitimate collectors and hobbyists, those law-abiding citizens who have an interest in guns, what remains your objection?

Mr. BECK. I don't understand how you would make an exception. If someone proposes to eliminate all guns but these that belong to these people, who will then decide who gets to keep guns and who doesn't get to keep guns, and what guns will be kept or allowed to be kept?

We are talking about $5 billion just to register.

Mr. MANN. Notwithstanding your failure to understand how it can be done, what do you have to say about whether or not there is anything wrong with it, if it can be done?

Mr. BECK. Number one, I don't think it can be done; and number two, I think it would be too expensive.

Mr. MANN. Well, would you find any invasion of your rights involved if we license guns to sportsmen and hobbyists and collectors?

Mr. BECK. Well, are we talking about licensing or eliminating? I was talking about eliminating. Because you said a law that would punish me, and I said eliminating.

Mr. MANN. You are talking about semantics, and I think you understand the question.

What's wrong with a law that would have strict control on guns, even that of registration, or even banning guns, as long as we are permitted, for those who have a legitimate—and I would assume you would claim your cause is legitimate—purpose of having a gun, or hobby, collection, or aesthetic reasons?

What is wrong with that?

Mr. BECK. It doesn't accomplish anything.

A registered gun just creates a list of gunmen. You know—why bother? Why spend $5 billion?

Mr. MANN. We are talking about registering or licensing those law-abiding citizens who are members of your group.

Mr. BECK. Oh, not them. You want to register people? Is that right, sir?

Mr. MANN. That will do.

Mr. BECK. OK. Why spend the money? How many lives would be saved, sir, if you registered the people?

The people who don't break the laws would agree: OK, we'll go register.

Mr. MANN. I am interested in lives, but I'm also interested in your rights, too, and that is what we are talking about.

Mr. BECK. You will notice in my statement I did not refer to the constitutional right to keep and bear arms. I know you have all heard it before, and you'll hear it again.

I have tried to deal specifically with the points of the members of our organization. We don't feel that registering guns is going to deter crime. We don't feel that $5 billion is worth it, and it is not going to accomplish anything.

That same money spent on cancer research would save a lot more lives or, as you point out, spend that money because we need more policemen. Because we are only getting, I believe you said, 20 percent arrests, so spend the money on more policemen.

I am sure that no one would argue that we need more policemen, better training, and better pay.

Mr. MANN. I think I get your message. I am just not willing to do nothing.

Mr. CONYERS. Mr. Beck and Mr. Siska, somehow you have been able to wrangle out far more time than was originally allowed for you. I suppose, because of your provocative comments and your expert way of handling yourselves before the committee.

For two people that started out nervous and sleepless, I must say you have projected your position so clearly that, as Jim Mann said, I think we've got the message. Thank you very much for coming.

Mr. BECK. Thank you, sir, very, very much.

[Applause.]

Mr. CONYERS. With that outburst, I have to give a little reminder to everybody that, in keeping with House of Representatives tradition, we are not supposed to respond to witnesses in any way, pro or con.

I will ask our friends here to restrain themselves in that connection.

We have next, I think, a significant panel of public officials who are with us, and we would like them to come up now.

The Honorable Harry J. Lehman, the chairman of the judiciary of the Ohio house of representatives.

The Honorable John E. Barnes, member of the Cleveland city council; a member of the East Cleveland city council.

The Honorable Charles E. Mosley; and the Honorable James R. Williams, a member of the Akron city council.

TESTIMONY OF HON. HARRY J. LEHMAN, CHAIRMAN, JUDICIARY COMMITTEE, OHIO HOUSE OF REPRESENTATIVES; JOHN E. BARNES, CLEVELAND CITY COUNCIL; CHARLES E. MOSLEY, III, EAST CLEVELAND CITY COUNCIL, AND JAMES R. WILLIAMS, AKRON CITY COUNCIL

Mr. CONYERS. These gentlemen have different statements and different views, I would point out.

We welcome you. We are very pleased that you as legislators, empathize with the situation that we on this committee find ourselves in, in dealing with this very difficult area, and we know of your concern and your activities.

We have your statements, which you have carefully prepared in advance, which we are grateful for; they will be incorporated into the record, and then that will free you to make what additional comments you want, hitting your major points.

[The prepared statements follow:]

STATEMENT OF STATE REPRESENTATIVE HARRY J. LEHMAN, CHAIRMAN, JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES, OHIO GENERAL ASSEMBLY

Chairman Conyers and members of the Subcommittee on Crime, I want to extend my welcome and appreciation to you for bringing this hearing to the State of Ohio and to the City of Cleveland.

During today's hearing and those conducted in other cities by your Commitee, I know that you will have presented to you substantial data and material on the loss and damage to life and property, and the cost to the community, of the use, misuse and abuse of handguns. I do not intend to dwell upon that aspect of the issue. However, attached to this testimony are some statistics concerning murder and non-negligent manslaughter in Columbus, Ohio, made available by the Columbus Police Department. Columbus is the capital of Ohio and a representative community of the nine urban centers in Ohio with a population of greater than 100,000 people. The statistics in Columbus, Ohio, are representative of this state and the nation. They point out one underlying factor that runs through all studies and reports on the misuse and abuse of handguns; namely, that more than 75% of murders and non-negligent manslaughters (and corresponding accidents and serious injuries) involve people who were not criminals (did not have criminal intent) before that single event of pulling the trigger of a handgun which led to the death or serious injury of a family member, friend or other acquaintance.

As elected officials, we are sensitive to the attitudes and opinions of our constituents on public issues such as handgun control. I want you to take with you from Cleveland and Ohio the understanding and conviction that the overwhelming majority of the citizens of Ohio will support handgun control at the municipal, state and federal level, and will cooperate fully with law enforcement officials in the administration of handgun control programs enacted by the Congress of the United States and other legislative bodies.

Every poll taken in Ohio supports this conclusion. In 1974, Business Research Services, Inc. conducted a "Survey of Gun Control Attitudes in Cuyahoga County" for television station WEWS. By margins of 54% to 40% in Cleveland, and 67% to 26% in the suburbs of Cuyahoga County, the citizens stated that they would favor laws that would limit the sale of small handguns. In both Cleveland and the suburbs, more than 86% of these citizens stated that they would favor laws which would require the registration of all guns.

The conservative Columbus Dispatch, in their popular "Voting Machine Poll" conducted in the months of June and July, 1973, at various locations throughout Ohio (including Westland Shopping Mall in Columbus, the Summit Shopping Mall in Akron, the employees gate of Goodyear Tire and Rubber Company in Akron, the Boys State and Girls State meetings in Columbus, the American Shopping Mall in Lima, shopping centers in Kettering and Dayton, and County Fairs in Franklin, Warren, Fayette and Knox Counties), asked "Should Ohio prohibit the sale, manufacture, exchange and acquisition of cheap, small caliber handguns, commonly called 'Saturday night specials,'" and a clear majority of those participating answered "yes."

In the fall of 1974, I mailed to 35,000 homes in my legislative district of 107,000 people, a "1974 State Issues Questionnaire." Question No. 5 asked:

"Would you favor a law which would:

Prohibit ownership of 'Saturday night specials' _____Yes _____No

Require a permit from the police department prior to purchase of a handgun _____Yes _____No

Registration of all handguns _____Yes _____No"

More than 4,000 families answered this questionnaire, and more than 85% of those responding answered "yes" to each of these questions.

In the Cleveland Plain Dealer of Friday, June 13, 1975, Congressman Ronald Mottl of the 23rd Congressional District reported that in a survey of 16,000 residents in his district, 64% favor registration of handguns.

In testimony received before the Judiciary Committee of the Ohio House of Representatives at hearings held during 1974 and in April of 1975, we received testimony from all parts of the state in support of limitation of private ownership of handguns, and in favor of the licensing of handgun owners and the registration of handguns, including the Prosecutor of Jackson County (a rural county of 27,000 in southeast Ohio), the Chief Counsel of the City of Toledo, the Mayor of the City of Mentor (a middle income residential community in adjoining Lake

County), a representative of the Parent-Teachers Association of Ohio, school superintendents, high school principals, teachers and students, the YWCA, the Ohio Council of Jewish Women, the Commission on Catholic Community Action of the Cleveland Catholic Diocese, the Junior League of Cleveland, the Junior Chamber of Commerce, and numerous citizens appearing as individuals.

Under Ohio criminal laws, there is a limited restraint on carrying of concealed weapons, a prohibition on ownership of firearms by fugitives, by persons under indictment for or conviction of any felony of violence or any offense involving the illegal possession, sale, use, administration, distribution or trafficking in any drug of abuse, by persons who are drug dependent or chronic alcoholics, and by mentally incompetent persons. It is unlawful to acquire, carry or use automatic or sawed-off firearms or zip guns, rocket launchers, artillery pieces, grenades, bombs, torpedoes and similar weapons. Further, it is unlawful to sell any handgun to a person under the age of 21. Ohio law also denies probation consideration for an offender who commits an offense while armed with a firearm, including a handgun. These laws, simply, are inadequate and insufficient.

The House of Representatives of the Ohio General Assembly now has under consideration bills proposing a mandatory minimum period of incarceration for offenses involving a handgun, mandating that juveniles who use handguns in the commission of criminal acts be treated as adults, requiring a so-called "cooling off" period of up to two weeks prior to the delivery of a handgun that has been purchased, requiring annual registration of handguns and handgun owners, and bills which would prohibit the manufacture and sale, and private use and possession, of small handguns. Action on some of these proposals will be taken during the current legislative session.

Addressing myself to the bills pending before your Committee, I urge you to take action to close some of the gaps in the Gun Control Act of 1968. First, Congress should tighten the qualification for a Federal Firearms Dealers License. According to the statistics of the Bureau of Alcohol, Tobacco and Firearms, in Ohio there are presently 4,646 firearms dealers, as compared with 838 ammunition dealers, 95 gun smiths, 146 collectors licenses, six importers and 21 firearm manufacturers. I recommend that the Congress should limit dealers licenses by increasing the annual license fee, licensing only bona fide firearms dealers who achieve a minimum sales level to qualify for license renewal, and issuing licenses to dealers who conduct their businesses only in retail-commercial zoned business areas.

Second, the Congress should enact a national ban on the manufacture, use, sale and private possession of cheap, readily available and easily concealable handguns, generally called "Saturday night specials," although in Ohio these weapons take and destroy the lives of our citizens and my constituents each day of the week. Your Committee and your legislation can provide a uniform standard and definition for the "Saturday night special." I urge that it be as simple as possible, based upon barrel length and/or caliber. I further recommend that the so-called melting point for the metal, as in the Illinois statute, or the wholesale or retail purchase price should not be part of the definitional criteria.

Thirdly, and perhaps the most important tool for effective and efficient law enforcement in Ohio and the nation, is the establishment of what has been described as an interrelated system of identification of handgun owners and registration of handguns. Such a system could be established and administered on a national basis through the Bureau of Alcohol, Tobacco and Firearms, or on a state basis using municipal police and county sheriffs departments under the supervision of the ATF.

The vast majority of Ohioans and Americans want meaningful handgun control and will support your efforts. The constituency for change exists. The time to act is now.

Thank you.

STATEMENT OF COUNCILMAN JOHN BARNES, CLEVELAND CITY COUNCIL

I don't have to describe to you the problems relating to the widespread availability of handguns in our society. I think by now we are all aware, and the testimony you hear today and in the other cities you visit should confirm that handguns have become a dangerous menace to our society.

We have become a frightened nation and a frightened city, hiding behind locked doors in fear of our safety. When everybody thinks he needs a gun to protect

himself, or his property, or to settle an argument, then we are on the verge of losing our civilization. When murders with handguns become so frequent that it is not even news anymore, we are losing our sensitivity to the value of human life.

That's what this hearing today is all about. Shall we allow the thousands and thousands of murders and other crimes to go undeterred, or should we put severe limits on the one instrument that makes a bully out of a coward. There is no doubt in my mind that if the gun were not so readily available, there would be less crime.

The handgun is evil. It is made to kill. Back in the days when the pioneers were fighting wild animals a gun was a very useful thing to have along. But in today's crowded urbanized society, a gun has no useful purpose at all except to bring terror and sorrow to thousands of people each year.

The issue of gun control is critical in determining whether we are ever going to make our cities livable again. In the inner city of Cleveland a reign of terror exists. The chances of a person living in the inner city being a victim of a gun related crime is too good. Every time a person walks out his door he knows that there is a good chance that he could be a victim of a crime.

This is no way to live. The decent and respectable people of our city are scared to death. Something needs to be done now.

Gun control is needed to make our cities civilized again.

STATEMENT OF CHARLES EDWARD MOSLEY, III, EAST CLEVELAND CITY COUNCIL

Honorable Congresspersons: The City of East Cleveland was among the first cities in Ohio to enact strong legislation to control the traffic, possession, and sale of handguns. We recently moved to strengthen our ordinance by amending the same to provide for a mandatory fine of $250 and a jail sentence of three (3) days for violations. Our five (5) year experience with a gun control law has led me to the conclusion that local controls alone will not do the job because the availability and traffic in handguns flourishes to the extent that one community, or only several communities in a given area, cannot hold the line. Most of our convicted offenders are nonresidents of East Cleveland. They are, generally, law abiding citizens who reside in cities which have no control over handguns. As they travel in and through East Cleveland, they may violate a traffic ordinance and are found to be in possession of a handgun not registered in East Cleveland. I do feel it is expecting a bit-much that citizens be aware of an ordinance that is not common to all communities in an urban area; especially when that law will cause the deprivation of their freedom. More important is the tool our ordinance gives our authorities to take off the street and destroy handguns which cause harm to our citizens. The majority of cities in Cuyahoga County are now meeting to mold a uniform ordinance to be presented to each city in the country for consideration and adoption. We are doing the job locally, or at least making the effort. We need State and Federal help.

As an elected official and representative of the people, my message from them is: Get Guns Out of Our Hands. If my constituents were here they would tell you of the toll guns take not only in lives but in the spirit, morale and interaction of people and the effectiveness of the city officials executing their duties.

Much of the neglect, decay, blight and filth in our cities is due, in part, to the fear our citizens now have of each other. Many situations neighbors used to handle are now ignored or are pushed onto the city to handle. Recalcitrant kids, barking dogs, overgrown yards, neglected property, these problems are no longer handled by a friendly knock on the door and a suggestion for the fear of being met by a gun. These insignificant problems are being handled by city personnel who take their time from problems which are major and affect everyone. This breakdown in citizen interaction is caused by fear and it is not the fear of being hit with a rolling pin, or a fist, or being cursed, it is the fear of being shot. Hence, the citizen uses the "force" of the city to counteract the possible force of his neighbor.

No city has the personnel to stay on top of each citizen or situation. Each citizen has the responsibility to be a watchdog and a keeper of his fellow citizen. When spirit and morale breaks down, we witness the decay and blight both of our cities and the citizenry. Everyone's number one fear of everyone else is, being shot. This is brought about by the availability to anyone of a gun.

Municipal legislators are bombarded by the complaint of declining protection from our police departments. East Cleveland was known far and wide for its police departments' visibility and availability. For several years we have heard of the decline of both and it is true. The old adage: "One cop for one riot," no longer holds true: not even one cop for one speeder, or one cop for one barking dog, or one cop for one argument. Policemen now do everything in pairs or in some cities, triplets. Ten years ago, in our city, we had less police but more visibility. When you had ten (10) policemen on duty, you had ten (10) police cars on the road. However, now when you have ten (10) policemen on duty, you have five (5) cars on the road. Citizens cry, "less protection" but police say, "same protection" but for both citizens and themselves. With the availability, accessability and concealability of handguns, no policeman knows when the most innocent situation may produce a handgun.

The awareness that policemen have on the prevalance of handguns on the street has been a major reason for many deaths that could have been avoided. When it is an accepted way of life that anyone, anytime, anywhere can have a handgun, I am certain many policemen have used their weapons before they would have had the situation and attitude about handguns been different.

I am sure all the myths on protection, criminals constitutionality and leniency of the existing laws have been recanted to you many times. I will not repeat them again. I do know that in the five (5) years East Cleveland has had a gun control ordinance, we have had forty-five (45) homocides; thirty-eight have been by handgun. Of these thirty-eight, three involved policemen (two of the three being alone at the time). Of the other thirty-five, NONE, I repeat, NONE were during the commission of any crime. They were all between people who knew each other well before the tragedy. I will not even attempt to enumerate the injuries caused by handguns. Here again, most have not been during the perpetration of any crime, but caused primarily by passion of the moment and availability of the gun.

Members of the Sub-Committee on Crime, please, take our pleas back to your colleagues. Tell them of the death, injury, fear and irrationality walking the streets in the hip pockets, riding the streets in the glove compartments, and ready to strike from the drawers of the nightstands in the homes of our citizens. Let them know that the people want something done to alleviate this ever-present danger. I urge you, on behalf of the citizens of East Cleveland and the County Legislative Committee on Handgun Control, to enact stringent controls not only on the importation, but on domestic manufacturing, sales, possession of handguns and the ammunition they use. Show the rest of the world, and set an example for our citizens, that life in this country is sacred. Say, through your legislative effort, what our judicial system has said for years, that the life of all the people and the right to same, is more important, and a higher right, than any individual right, be it real or imagined.

Thank you for this opportunity and for your concern and effort in this area.

STATEMENT OF JAMES R. WILLIAMS, COUNCILMAN, AKRON, OHIO

Mr. CHAIRMAN: I first want to commend you and your Committee for conducting hearings on the more than 50 bills which would amend the Federal Firearms Laws. To conduct hearings at the local level on such a controversial subject is indeed commendable.

I also want to thank the Committee for giving me the opportunity to appear before it on the 16th at the Cleveland hearings.

In my role as City Councilman in Akron, Ohio I have sponsored several gun control ordinances to regulate the possession and sale of handguns. These have included both an ordinance to register all owners and one prohibiting the sale and possession of the cheap handgun, called the Saturday night special. The latter ordinance passed the Council approximately two months ago. The ordinance defines a cheap gun as one costing $50 or less or having a melting point of (800°F).

I have accepted the invitation to appear before your Committee because I see the need for strong gun control legislation at the Federal level as one of the most important issues facing the Congress. The Congress must enact strong control legislation if we are to effectively deal with the increase in violent crime in

this County and stop the thousands of senseless and needless killings that occur each year.

As a representative from a medium size midwestern city, I want to make the following points:

1. There is strong support in our communities for reasonable gun control.

2. Lack of legislation at the Federal level is resulting in poor and sometime harmful legislation being passed at the local and state level. An example is legislation pending in the Ohio Legislature which would require all juveniles charged with a crime where a gun is used to be tried as an adult offender. I consider this type of legislation to be a step backward in our efforts to have a workable Criminal Justice System.

3. Our young people are suffering because of our inaction in not reducing the number of guns in circulation which makes it easy for 13- and 14-year-olds to come into the possession of a handgun. I need not tell you what the results of this unfortunate situation is. In this regard we are failing our young people.

Again, thanks for the invitation to appear before the committee on the 16th. I hope my remarks will be helpful to the Committee in its deliberations.

Mr. CONYERS. Let's begin with the chairman of the judiciary committee of the house of representatives, State Representative Harry J. Lehman. Welcome.

Mr. LEHMAN. Thank you very much, Chairman Conyers and members of the Subcommittee on Crime.

I am Harry J. Lehman, I am a resident of the city of Shaker Heights, Ohio. I am both a lawyer and a politician and I carry both responsibilities with pride.

I am an elected member of the Ohio House of Representatives and presently am serving as chairman of the judiciary committee of that body.

I might say one of your members, I don't think of the subcommittee, Tom Kurfess of Ohio, is presently serving on the judiciary committee and served with us in the past two terms in Columbus.

I will touch upon the highlights of my prepared remarks, considering the time. I do want to extend my welcome and appreciation to you for bringing this hearing to the State of Ohio and to the city of Cleveland.

During today's hearing, and those conducted in other cities by your committee, I know that you will have presented to you substantial data and material on the loss and damage to life and property and the cost to the community of the use, misuse, and abuse of handguns. I do not intend to dwell upon that aspect of the issue.

I know you are going to hear from Dr. Gerber and Mr. Sweeney, and others, that will provide you with substantial data. However, attached to this testimony—and I have it and will leave it with you—are some statistics concerning murder and nonnegligent manslaughter in Columbus, Ohio, made available by the Columbus Police Department.

Columbus is the capital of Ohio and a representative community of the nine urban centers in Ohio, with a population of greater than 100,000 people.

The statistics in Columbus, Ohio, are representative of this State and the Nation. They point out the one underlying factor that runs through all studies and reports on the misuse and abuse of handguns; namely, that more than 75 percent of murders and nonnegligent man-

slaughters, and corresponding accidents and serious injuries, involve people who were not criminals, did not have criminal records or criminal intent before that single event of pulling this trigger of a handgun which led to the death or serious injury of a family member, friend—and I must say, increasingly in Ohio—schoolmates or other acquaintances.

As elected officials, we are sensitive to the attitudes and opinions of our constituents on public issues such as handgun control.

I want you to take with you from Cleveland and Ohio the understanding and conviction that the overwhelming majority of the citizens of Ohio will support handgun control at municipal, State and Federal levels and will cooperate fully with law enforcement officials in the administration of handgun control programs enacted by the Congress of the United States and other legislative bodies.

Now, in my formal remarks I cite to you several studies that have been done here in Cleveland by the Columbus Dispatch, throughout Ohio.

In the fall of 1974, I mailed to 35,000 homes in my suburban legislative district of 107,000 people what I called a 1974 State issues questionnaire.

Question No. 5 was in three parts and asked: Would you favor a law which would:

Prohibit ownership of Saturday night specials?

Require a permit from the police department prior to purchase of a handgun?

And registration of all handguns?

More than 4,000 families answered this questionnaire, and I might have to say that they had to put their own stamp on the questionnaire to return it, and in more than 85 percent of those responding answered yes to each of those questions.

In testimony received before the judiciary committee of the Ohio House of Representatives, at hearings held last year and in April of this year, we received testimony from all parts of the State in support of limitation of private ownership of handguns and in favor of the licensing of handgun owners and registration of handguns, including the prosecutor of Jackson County, a rural county of about 27,000 people in southeast Ohio; chief counsel of the city of Toledo; the mayor of the city of Mentor, a middle-income residential community in Lake County, which adjoins us here; a representative of the Parent-Teacher Association of Ohio; school superintendents, high school principals, teachers, students, the YWCA, the Ohio Council of Jewish Women, the Commission on Catholic Community Action of the Cleveland Catholic Diocese, the Junior League of Cleveland, the Junior Chamber of Commerce, and numerous other citizens appearing as individuals.

I thought it might be helpful to this committee to know that under Ohio criminal laws there is a limited restraint on carrying concealed weapons; a prohibition on ownership of firearms by fugitives, by persons under indictment for or conviction of any felony for violence; or any offense involving illegal possession, sale, use, administration, distribution, or trafficking in any drug, of abuse by persons who are drug-dependent, or chronic alcoholics, and by mentally incompetent persons.

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Action on some of these proposals will be taken during the current legislative session.

Addressing myelf to the bills pending before your committee, I urge you to take action to close some of the gaps in the Gun Control Act of 1968.

First, Congress should tighten the qualification for a Federal firearms dealer's license. According to the statistics of the Bureau of Alcohol, Tobacco, and Firearms, in Ohio there are presently 4,646 firearms dealers, as compared with 838 ammunition dealers, 95 gunsmiths, 146 collectors licenses, 6 importers, and 21 firearm manufacturers.

I recommend that the Congress should limit dealer's licenses by increasing the annual license fee, licensing only bona fide dealers who achieve a minimum sales level to qualify for license renewal, and issuing licenses to dealers who conduct their businesses only in retail-commercial zoned business areas.

We have literally thousands of dealerships in residential areas where people cannot even park their truck in their driveway at night because it violates the ordinances of those communities but are qualified $10-a-year firearms dealers.

Second, the Congress should enact a national ban on the manufacture, use, sale, and private possession of cheap, readily available, and easily concealable handguns, generally called Saturday night specials.

In Ohio these weapons take and destroy the lives of our citizens and my constituents each day of the week. Your committee and your legislation can provide a uniform standard and definition for the Saturday night special. I urge that it be as simple as possible, based upon barrel length and/or caliber.

I point out that in your existing law there is a simple definition of "short-barreled shotgun," based upon barrel length.

I further recommend that the so-called melting point for the metal, as in the Illinois statute, or the wholesale or retail purchase price, should not be part of the definitional criteria.

Third, and perhaps the most important tool for effective and efficient law enforcement in Ohio and the Nation, is the establishment of what has been described as an interrelated system of identification of handgun owners and registration of handguns.

Such a system could be established and administered on a national basis through the Bureau of Alcohol, Tobacco, and Firearms; or on a State basis using municipal police and county sheriff's departments, under the supervision of the ATF.

The vast majority of Ohioans and Americans want meaningful handgun control and will support your efforts. The constituency for change does exist. The time to act is now.

Thank you very much.

[The exhibits follow:]

COLUMBUS, OHIO

MURDER AND NONNEGLIGENT MANSLAUGHTER

Year	Spouse killing spouse		Parent killing child		Other family killing		Romantic triangle and lover's quarrels		Other arguments		Known felony type		Suspected felony type		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
1970	6	12.8	3	6.4	1	2.1	5	10.6	19	40.4	10	21.3	3	6.4	47
1971	11	15.9	3	4.3	1	1.4	14	20.3	28	40.6	11	15.9	1	1.4	69
1972	8	13.6	2	3.4	2	3.4	6	10.2	31	52.5	5	8.5	5	8.5	59
1973	12	18.8	1	1.6	8	12.5	6	9.4	23	35.9	7	10.9	7	10.9	64
1974	8	11.8	2	2.9	5	7.4	1	1.5	38	55.9	11	16.2	3	4.4	68
Total	45	14.7	11	3.6	17	5.5	32	10.4	139	45.3	44	14.3	19	6.2	307

TYPE WEAPONS USED

Year	Handgun		Rifle		Shotgun		Cutting or stabbing		Other weapon		Personal weapon		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
1970	30	63.8	1	2.1	1	2.1	6	12.8	6	12.8	3	6.4	47
1971	41	59.4	3	4.3	4	5.8	15	21.7	1	1.4	5	7.2	69
1972	38	64.4	2	3.4	3	5.1	9	15.3	5	8.5	2	3.4	59
1973	41	64.1	4	6.3	5	7.8	7	10.9	4	6.3	3	4.7	64
1974	45	66.2	3	4.4	6	8.8	3	4.4	6	8.8	5	7.4	68
Total	195	63.5	13	4.2	19	6.2	40	13.0	22	7.2	18	5.9	307

Mr. CONYERS. Well, thank you. You have covered, in very effective detail, the outline of a number of provisions that have come to our attention, and we are glad to receive your support of them.

Let me turn now to Councilman Barnes, who himself has entered handgun legislation which, unfortunately, was vetoed by the mayor before.

I understand that you may have a petition circulating, and with that I would like you to fill us in on what you have been up to in the past, and presently, on this very important subject, Councilman Barnes.

Mr. BARNES. Thank you, Mr. Chairman and members of the committee.

I do have a prepared statement, but due to the time involved, and your familiarity with much of the rhetoric contained therein, I will go directly to relating to you some of the problems that we have been involved in in the city of Cleveland.

Your information about our activity is correct. We sponsored a model handgun control bill in the Cleveland City Council in 1973. In 1974 that bill passed Cleveland City Council, only to be vetoed by the mayor. It was a very disappointing experience to those of us who fought very hard and managed to acquire the 17 votes necessary to pass legislation through council.

When the mayor vetoed the legislation it did not have the—we did not have in council the necessary votes to override the mayor's veto.

However, working with a number of law students at Western Reserve University, we proposed the question: How can we minimize the effect of the mayor's veto on such an important issue?

Out of the nine conferences that were held and research, we came up with a formula. The formula was to use the instrument of the initiative petition.

By going the initiative petition route to place the issue on the ballot, we need 5,000 valid signatures of qualified and legal electorate of the city of Cleveland.

Once the signatures are collected and presented to Cleveland City Council clerk, and the clerk certifies those signatures as being valid, the city council is compelled by the charter to take one of two actions.

No. 1—It may pass the legislation into law with a simple 17-vote majority or it can place the issue on the ballot.

In either case, our charter provides, and Ohio State law and constitution provide, since it is an initiative of the people, the mayor cannot veto that legislation.

So we are in the process of that campaign now to collect 5,000 valid signatures. It is important, however, to understand the effect of that law, once it would go into effect in the city of Cleveland, and we recognize the shortcomings of it, because it is passed by a local municipality.

There are three points in taking that direction that we hope to effect. Number one would be that the National Government of the United States and the State government would recognize that local municipalities have a problem with handguns. We have a problem with crime, firearms, and we have done what we can on the local level to affect that.

And when enough local municipalities accomplish that step it will pressure both the National Government as well as State governments to understand that the citizens of the State and Federal in this country want something done about a very menacing problem.

The bill, Mr. Chairman, and members of the committee, covers a number of areas. Number one—it does have a registration section in it, and there are prohibitions and exemptions as to who can and who cannot register a gun.

The qualification and procedure involved are really two steps. The person himself must qualify and pass the prohibition portion first. He must not be a person who has committed a misdemeanor, within the last year, involving violence. He must not be a person who has committed a felony within the last 10 years, and he must not be a person who has a drug history or other kinds of crimes relating to violence.

He must not be a minor. The bill also outlaws the so-called Saturday night specials.

Our point in putting that section in this bill, a group in my community, that was formed shortly after my election, called the Congress of Urban Men, did a study of the effect of the Saturday night special in a number of areas.

We were focusing on the schools, and we found that of the numbers of high schools that we have in our city, at least five of those high schools had no less than 350 of those Saturday night specials in the classrooms of those schools on any given day.

It affected the administration of the school, the disciplinary policies of the board of education, and frightened the teachers in those schools.

Mr. ASHBROOK. Could I interrupt you at that point?

Mr. BARNES. Yes.

Mr. ASHBROOK. Wouldn't that be illegal for them to have guns in schools, concealed, even without your legislation or the mayor's legislation?

Mr. BARNES. You are absolutely correct. But there were enforcement problems. You cannot search a person each morning when you have 3,000 students going into that school.

We explored the possibility of using metal detectors similar to the machinery used at airports, and research told us that we could not do that. We can only use that when a person voluntarily enters a building or voluntarily uses the services.

But where there is compelling of a person to be in a building, walking through the door, you cannot search him at the same time. And that is the case with kids or students going to school, so that method could not be used.

You can only search him if you had a reasonable cause to do so.

Mr. ASHBROOK. Thank you. I didn't mean to interrupt you but that was a point I thought about.

Mr. BARNES. The other point we wish to make is that 90 percent of those 300-plus guns found in the high schools, based on that study, fall into the category of the Saturday night special. They are sold around the schools from $6.95 to about $30.

The issue and the problem became so bad until we wrote into that bill a gun-pusher's clause giving a stiffer mandatory penalty to the gun-pusher around the schools, as much as we possibly can do.

We include the progressive penalty for repeated acts and offenses in that regard. But the study continued, Mr. Chairman, and pointed to other areas, where the problem was the lack of handgun control, has affected us in so many areas.

Breaking the situation down on a, for instance, business basis, on a racial basis, and on a cost resulting from the State having to take

over the victim's responsibility, is tremendous. Let me give you a for instance.

In January of 1974, in the city of Cleveland, 24 persons died from abuse of handguns. Of that 24, 3 were white males, 17 were black males, 1 was a white female, 1 was a black female.

[Mr. Ashbrook left the hearing room.]

The very greatest assault in the abuse of handguns is on the black male, and 72 percent of the males affected are young black males of this country.

At a time when we need leadership, this country nor the black community can afford to be silent on that issue.

The cost, then, Mr. Chairman, from the victims who had fallen by the handgun, in a study conducted by the same group, from 1968 to 1975, have shown that persons who were victims and were heads of households had an average of three members in their family.

The cost to the national and State governments across the country were more than $1 billion, having to place those persons on public assistance.

In my community alone, no less than 75 businesses out of 600 had to go out of business last year because of the crime rate and abuse of handguns.

It is a problem, Mr. Chairman, and we pray this committee will continue its worthwhile work nationally. Whatever we can do on a local level, we certainly will prop you up.

Mr. CONYERS. Thank you for a very perceptive statement. I can tell you have been involved and will continue to be involved in this question for some time to come.

We appreciate your support and will look forward to your cooperation.

From East Cleveland we have Councilman Charles Mosley, who has been active in urging the adoption of legislation that would get to cheap and concealable handguns.

We would like to welcome you and recognize you at this point.

Mr. MOSLEY. Good morning, Mr. Chairman, and thank you very much.

Before I begin my prepared statement, I would like to ask permission to put into the record, or read into the record the draft resolution for Federal firearms legislation from the Cuyahoga council members for uniform gun control legislation, if I may.

Mr. CONYERS. Without objection, we will accept it into the record in its entirety.

Mr. MOSLEY. Thank you.

[Mr. Ashbrook returned to the hearing room.]

Mr. MOSLEY. May I read this, sir?

Mr. CONYERS. Yes.

Mr. MOSLEY [reading]. "Whereas, the Cuyahoga council members for uniform gun control legislation is a group of members of council of municipalities in the Cuyahoga County area who are concerned about the serious increase in deaths and injuries caused by handguns in our area; and

"Whereas this committee has conducted studies of proposed solutions to this problem over a period of several months, with particular refer-

ence to the drafting of uniform ordinances and other recommended legislation;

"Now, therefore, be it resolved that this committee favors the enactment by the Congress of the United States of all such legislation as may be appropriate to accomplish the following purposes:

"(1) The prohibition of the importation into the United States of handguns and of parts therefor.

"(2) The prohibition of the sale, other than to law enforcement and military agencies, of handguns having an overall length of less than 8 inches, and the prohibition of the manufacture of so-called Saturday night specials.

"(3) Monitoring the manufacture and sale of handguns and ammunition therefor and maintaining records of purchases thereof through registration, licensing, or such other means as may be appropriate.

"(4) The appropriation of such funds as may be necessary for the accomplishment of the purposes of the Gun Control Act of 1968 and of any new gun control legislation which may be enacted.

"Resolved further that this resolution be communicated to the Subcommittee on Crime of the House Committee on the Judiciary."

Thank you.

Mr. Chairman and fellow Congressmen, the city of East Cleveland was among the first cities in Ohio to enact strong legislation to control the traffic, possession, and sale of handguns.

We recently moved to amend our ordinance by making a mandatory fine of at least $250 and also a jail sentence of at least 3 days. I personally feel that this might be a bit unfair.

Looking at the record over the last 5 years since we had our ordinance, most of the convictions that we have had have been of nonresidents; that is, people who have been driving through the city or traveling in the city. But yet I do feel that this is an effective tool for the police to take the guns off the streets, or from people who might act irresponsibly.

Recognizing this, I organized—and one of the cochairmen of this legislative committee of council members throughout Cuyahoga County, to mold and, hopefully, enact in the future uniform gun control legislation.

I am happy to say that at our last meeting we reported out the total ordinance, and we will be submitting this to each municipality in the future for their consideration and enactment.

As you see it, we are doing the job locally, but we do need Federal help. Judging by the way the handguns flourish in our communities, we know that not all communities of Cuyahoga County or, really, the State of Ohio can control this problem.

So, consequently, we are turning to you for your assistance and legislation. As an elected official, I would like to read directly from my remarks:

As an elected official and represenative of the people, my message from them is: Get the guns out of our hands. If my constitutents were here, they would tell you of the toll guns take not only in lives but in the spirit, morale and the interaction of the people, and the effectiveness of the city officials in executing their duties.

Much of the neglect, decay, blight, and filth in our community is due, in part, to the fear of our citizens now have of each other.

Many situations neighbors used to handle are now ignored or pushed on to the city to handle. Recalcitrant kids, barking dogs, overgrown yards, neglected property—these problems are no longer handled by a friendly knock on the door or a suggestion because of the fear of a handgun.

These insignificant problems are handled by city personnel, who take their time from problems, which are major and affect everyone.

This breakdown of citizen interaction caused by fear, and it is not fear of being hit with a rolling pin or a fist or being cursed, it is the fear of being shot. Hence, the citizen uses the forces of the city to counteract the possible force of his neighbor.

No city has the personnel to stay on top of each citizen or situation. Each citizen has the responsibility to be a watchdog and a keeper of his fellow citizens. When spirit and morale breakdown, we witness the decay and blight both of our cities and citizenry.

Everyone's number one fear of everyone else is being shot. This is brought about by the availability to anyone of a gun.

Municipal legislators are bombarded by the complaint of declining protection from our police departments. East Cleveland was known far and wide for its police department's visibility and availability.

For several years we heard of the decline of both—and it is true. The old adage of "One cop for one riot" no longer holds true. Not even one cop for one speeder——

Mr. CONYERS. If it ever did. [Laughter.]

Mr. MOSLEY [continuing]. Or one cop for one barking dog, or one cop for one argument.

Policemen now do everything in pairs or, in some cities, triplets.

Ten years ago in our city, we had less police but more visibility. But when you had ten policemen, you had ten policemen on the streets. When you have ten policemen now, you have actually five policemen on the street, because they have to go in pairs.

Citizens cry "less protection" but police say "same protection"—but both for the citizens and themselves.

With the availability, accessibility and concealability of handguns, no policeman knows when the most innocent situation may produce a handgun.

The awareness that policemen have on the prevalence of handguns on the streets has been a major reason for many deaths that could have been avoided. When it is an accepted way of life that anyone, any time, anywhere, can have a handgun, I am certain many policemen have used their weapons before they would have had the situation and attitude about handguns been different.

I would like to thank the committee for coming to Cleveland, for being interested, and hopefully we all working together will come up with a solution to this problem.

Thank you very much.

Mr. CONYERS. Thank you for a very cogent statement.

I'd like to recognize the councilman from Akron, attorney James Williams, who has done some work on this, and I would also like to pose the only question I am going to raise with this panel as you begin your remarks.

We are, unfortunately, pressed for time. But, might it not be advisable for us, in considering these variety of alternatives, to continue to work our way out of the definitional hassle of what is a "Saturday night special," by realizing that the Saturday night special was merely a term coined out of, I guess, your State and mine as a result of that Toledo-Detroit line. Your State provided the guns and my State provided the people to buy the guns.

But shouldn't we approach this prehaps a little bit more scientifically—after this slogan, which is understandably an easy one to catch on—shouldn't we begin defining what we want to prohibit, in terms of whether it's cheap or whether it is concealable, or if you want to use a "melting point" definition, or others. But we would be arguing between certain sets of definitions rather than throwing out blanket terms and ending up trying to define that which has not been defined.

With that, I welcome you as one who has been in this hassle yourself, and invite you to proceed in your own way, Attorney James Williams.

Mr. WILLIAMS. Thank you very much, Mr. Chairman. First I would like to commend you and the committee for taking this issue to the public. You are to be commended for coming to Ohio, and I understand, Detroit and Chicago and other cities.

I come from one of those medium-sized mid-American cities, Akron, Ohio, which would probably be similar to many other cities throughout the country; and in Ohio, of course, we are talking about Toledo, Cleveland, Columbus, Canton, Youngstown, and similar cities to Akron.

The problems there may not be as large and as intense as you will find them here in Cleveland, or possibly Detroit or Chicago, but the trend is there.

I think the point I would like to make, and being a spokesman from a community like this, is that we are in a position of maybe we can do a better job in dealing with some of the problems than they have been able to do here, by learning from the experiences here and in Detroit and in Chicago.

In that regard we need your help. Now, in addition to my duties in the council there, I also serve as the chairman of the Summit County Council of Governments, which is a council of all of the governments in Summit County; as president of the Legal Aid Society; as a member of the Criminal Justice Commission, which administers the L.E.A.A. funds in Summit County.

Akron is a city of 275,000 and we are the center of a metropolitan area of 550,000.

I have sponsored legislation off and on for the last 5 years. Registration legislation in 1970, again in 1973. I was unable to get that legislation passed in a 13-person council in Akron.

Finally, a couple of months ago, we did pass legislation, by a vote of 7 to 6, which would restrict the possession and sale of so-called Saturday night specials.

I certainly agree with the chairman that we need some uniformity of definition of that legislation. Now, as I sit here today, I have some difficulty with this whole process. I commend you for coming here, because I guess we are all in the process of learning how difficult it is to live in a democracy.

But for me to go through the process of presenting statistics and statements and reasons to men who know, and to the people sitting here, there is no reason in the world why we should not have some kind of control over guns and the flow of guns in this country. And yet we go through this process.

We hear people who come here and give meaningless reasons, or empty reasons, why we must not pass legislation. As legislators we deal with statistics which are overwhelming in showing that human life is being completely destroyed in this country by the handgun, and yet we cannot pass legislation in the Congress of the United States—we can barely pass it in city councils, and it's not meaningful in most cases when we do pass it.

And as my legislation will now be enacted, it may save a few lives, but it was more of a moral victory for the people who wanted to do something about a very serious problem.

So I don't agree with the process, because I think the Congress has sufficient evidence, testimony, and has for a number of years, to take the kind of decisive action that should be taken; but for one reason or another, that is not being done—and I guess that is the democracy we live in.

So I want to commend you for possibly trying to bring some sense to a nonsensical situation, as far as I am concerned. So, to that extent, I appreciate your being here.

I want to make several points, maybe from a different point of view from some of those that have been made.

First of all, I must say there is support in my community for reasonable gun control, and I would have some difficulty in telling you what that is.

Congressman Seiberling, a colleague of yours, had a poll similar to the one conducted by Mr. Lehman, and which I think Mr. Mottl had one here recently in the Cleveland area, and they all show that almost 80 percent of the people in the community favor one type of control or another, the same as the Gallup Polls have shown for years—of which I am sure the Congressmen are familiar with.

We know that the people in the country want gun control. We don't really have to argue about that or debate it.

Secondly, the lack of legislation at the Federal level is resulting in some poor legislation being passed both at the State level and at the local level.

I want to point to some that are in Mr. Lehman's committee right now, in the Ohio legislature, and that is legislation to require all juveniles be tried as adults. I look upon that as being very poor legislation and a backward step in terms of making a workable judicial system.

I see the problem right now of too many judges taking a 14-year-old or a 15-year-old and trying him as an adult in a system in which we are supposed to try to help young people. I think that is one of the results of not having meaningful legislation at the Federal level.

Secondly, our young people—our young people are suffering because we are not dealing forcefully with this problem. No one, of course, is to be given more consideration and more concern than a victim of a crime. I think we all understand that, and we are concerned about it.

But I see the participants in crimes today, in our major cities, as also being the victim. I see 12- and 13- and 14-year-olds that can pick up a gun almost anywhere, go down to a corner delicatessen and end up shooting the owner, killing him, destroying his life and his family, and destroying his own life and his own family.

In most cases, he doesn't even know how he got there. He is a victim of a miserable system that we have placed him into, and that we refuse to do something about.

And so what are we going to do now? We are going to pass legislation to try him as an adult; we are going to make his parents responsible for his acts—in many cases, that is a one-parent family, where you have some poor mother who is trying to deal with 7, 8, 10 children, and that is the kind of nonsense we see going on.

You have some chairman down in the Ohio legislature; not Mr. Lehman—he is doing everything he can to get some discussion, some debate on the whole question of gun control—who is sitting on it, and we allow him to do that, and you allow chairmen in your sessions to sit on legislation there, when the people out there are saying, "We want this."

And we get—I won't go into that. It is a situation that is so frustrating to me that I find it difficult to come here to even talk about something that we know should be done, and we know must be done.

I must say this, in closing. It will be done. I will say to you and to some of our honorable leaders at the national level and share responsibility with those of us at the State and local levels:

The people are restless. They want something to be done.

I have said, publicly, in my community, and I can get very little support from my police department, that the policemen in this country are going to be the greatest activists and supporters of gun control legislation in the next few years. Because one of these days they're going to wake up and they're going to say, "Hey, those guns are killing me."

It is the single most dangerous instrument to the life of a police officer in this country, and yet I have a police chief who gives a lot of nonsense about having enough laws on the books, and yet we go through the memorial services, unfortunately, every year, and mourn over the death of a police officer and his family.

So it is going to come and, believe me, the people from one part of this country to the other support it. I agree with those men who oppose it, to some extent. I am not sure registration is going to work. I am not sure banning the Saturday night special is going to work,

We just don't need all of the guns we have in this country. There's no reason for it. Let's start to phase it down with some meaningful legislation, until we get to the point where we will only permit guns for some useful purpose that can be justified, and those purposes do not exist in this country today.

The handgun is made for one purpose and that's to kill. Nothing else.

Thank you. [Applause.]

Mr. CONYERS. Thank you.

Might I ask our friends in the audience to restrain themselves, please. I have to do this for anybody who raises applause or negative sounds when a witness testifies.

I can say, though, on behalf of all of us here, that you have made an obviously sincere and moving statement, and I think it is an important addition to our work here.

I think we should get quickly into our questions. Your cases have been made very ably by all of you. You are clearly conscientious elected officials.

It seems to me that this committee does feel a responsibility to move, and I should point out that the hearings compiled by previous Congresses is not a valid basis upon which we move.

So what we have attempted to do is, first of all, bring the nature of the facts surrounding firearms legislation and its assorted problems into a much more present update. The last legislation was in 1968.

Although, since then, the Senate acted one time—the House held hearings and did not act. But there is, as you can see, a great deal of factual information that is still not in complete agreement.

We're hoping that these hearings will at least provide one bowl where that might occur.

I'd like to now defer to my colleague, Mr. Ashbrook, for whatever purposes he might have.

Mr. ASHBROOK. Thank you, Mr. Chairman. And like you, I appreciated the testimony.

I think, again, it's implicit in all of these statements a little more directly—and as in Councilman Mosley's statement, where he indicated that the plaintive plea of his constituents "Get the guns out of our hands," and I think Councilman Williams implied somehow or other we have to reduce the number of guns out there, I think, implicit in the statements, if not really actually concretely articulated, is that somehow or other you have to get rid of guns; that registration is not really going to accomplish that much, but that it would be the first step.

I guess that is the question I want to throw out. Do you believe the problem is such that handguns should be confiscated?

Start with Representative Lehman.

Mr. LEHMAN. I believe they should be prohibited as to definitional type of "small handguns," whatever we may agree. I don't believe in confiscation. I don't believe we should take something from somebody today which was legal to own yesterday.

And I believe there should be some form of compensation to individuals who surrender a weapon after a given point that it becomes illegal to own that weapon.

Whereas my own move may move toward the direction of ultimate elimination of private ownership of most types of handguns, I believe that we can live in this country with a relatively large number, if the owner is identified and the handgun is registered.

That is the direction I think we should move, and I believe your committee should move.

Mr. ASHBROOK. On that point, Representative Lehman, I guess that is one of the weakest areas I see in registration. Most of the value of registration, if we were to call it that, is after the fact, as far as detection, as far as law enforcement, following the owner of a gun, after it's being used in the commission of a felony.

Can you, in your mind, indicate to me how registration would cut down on crime as it now poses a problem?

Mr. LEHMAN. Yes. Let me say, Congressman Ashbrook, I do not believe in the door theory in legislation. I face it on a day-to-day basis in my own legislative career, 5 years in the Legislature.

If we take a reasonable step now, it does not mean we are going to come back, 2 years or 5 years later, and take another step that some people think we might take.

I don't think legislators or legislatures act in that way.

I heard a speech by the ranking Republican member of the subcommittee in Los Angeles, a few weeks ago, who gave remarks to the effect that the intended assassin of Governor Wallace of Alabama was detected within 20 minutes after the commission of that act, by reason of the very modest type of registration that we now have.

Mr. ASHBROOK. That is my point. It is after the fact.

Mr. LEHMAN. It is a law enforcement tool. The deterrent is the threat of capture, the certainty that you will be brought to the bar of justice, and the reasonable certainty that you will——

Mr. ASHBROOK. And the certainty of capture only if you use it illegally, which, of course, now would operate without legislation.

Mr. LEHMAN. If it is demonstrated that you were able to trace that weapon—in many cases, not all cases, because if I buy it and someone steals it from me and someone steals it from him, and it ends up in a criminal act, it may be difficult to trace it properly and quickly.

But I believe, if it can be demonstrated that weapon can be traced, that is going to act as the deterrent.

It also, in my original remarks, the point has been made by members of this committee and other witnesses that 75 percent of the murders and manslaughters, and all of the people who were not criminals at the time they pulled that trigger, they had no prior criminal record, they had no criminal intent up until the moment immediately preceding the act.

The family, the friend, the classmate, the neighbor who would dispute, the barroom brawl—those types of crimes will not be committed, in my judgment, with handguns if the gun is not available to that individual.

Mr. ASHBROOK. We are talking about registration, though. In a registration situation, it wouldn't make a bit of difference, would it?

If a person registers a gun for a legitimate purpose and has it available, or when that quarrel or squabble comes——

Mr. LEHMAN. No, it would make no difference.

Mr. ASHBROOK. In that area, you agree?

Mr. LEHMAN. I concur that it would make no difference if you are dealing with a registered weapon.

But you started off inquiring, I believe, about confiscation or prohibition?

Mr. ASHBROOK. Right.

Mr. LEHMAN. And I believe, if you eliminate from the mainstream of American lives the free availability of the small handgun, you are going to prevent a substantial number of acts of inhuman treatment of each other.

Mr. ASHBROOK. I appreciate your candor and I say, very honestly, that you are a lot more candid than most people in public life. Most people don't want to bite that bullet.

They talk about gun control, they talk about some ethereal way of stopping crime. I usually can tell down deep they mean that, but nonetheless they don't say it, and I certainly commend you for having the courage to say it.

Because my own personal view is that registration would not make that much difference. While I certainly do not favor confiscation, I certainly honestly recognize that as one of the only viable alternatives if there is any serious intention of getting at the handgun problem.

I guess that is the same question that I want to direct to Mr. Williams. Councilman Williams in effect said the same thing: Somehow or other, reducing the number—I assume it has got to be reduced by limiting the people who can have them.

You didn't say how, but I guess that is what you mean.

Mr. WILLIAMS. Mr. Ashbrook, I would like to comment because I think it's important, as we operate within a political system, that we clearly understand what one means.

Now, I am sure, as our comments will be considered by the Judicial Committee members, one could very easily misinterpret something I said, and that is, that I favor, say, the confiscation of the handguns and am opposed to registration.

I can point to just about every kind of legislation proposed to regulate control and possession of a handgun and see some good in it.

Now, the legislation, as far as it has been in its enactment and passing by the council, I see that as doing some good. It can become of assistance to law enforcement.

A guy, a policeman goes to a house right now, the wife says, "My husband has got a gun in there, he's going to shoot me." The officer is somewhat helpless unless he has already committed some act, and so he can't arrest him, he can't search the house; and even if he searches the house and finds a gun, he can't do anything about the gun because there is no requirement that this person would have done anything.

It gives him a good excuse to say, "Sir, do you have a gun?" He says, "Yeah."

"Let me see it."

It may be a $150 Smith & Wesson, and the officer might know that and knows it doesn't fall within the purview of my ordinance.

Then he'd say, "Well, let me take it downtown and check it out." You might save a life that way.

I know an example, a few years ago, if you had had a waiting period here——

Mr. ASHBROOK. But that is temporary confiscation?

Mr. WILLIAMS. That's right. At least it may save a life today.

A few years ago, if you had had a waiting period of 7 days before you purchased a gun, a guy who worked, a law-abiding citizen, never had a problem in his life, walked into a pawnshop to buy a pair of glasses that he used in his employment, he saw a little gun there, a little, pretty pearl-handled gun, he purchased that gun.

A few weeks later, he went on a drunken spree with his best buddy, he ended up shooting him pointblank. That man would not be in the prison today and his buddy would not be dead if we had had legislation on the books saying that you had to wait 7 days, or some period of time, before you could purchase a gun.

He didn't want a gun. He had no need for a gun. He never would have gone down to go through a check to get that gun, because it would

have been an inconvenience for him. But we made it so easy for him, we laid it out there. We marketed it to him and he bought it and he used it wrongly.

I think the ultimate is to eventually reduce substantially the number of guns in circulation.

I also think that most forms of legislation that are proposed in some of those bills before your committee will do some good.

That is basically the point I want to make.

Mr. ASHBROOK. Thank you, Councilman Williams.

Mr. MOSLEY. Mr. Chairman.

Mr. CONYERS. Mr. Mosley.

Mr. MOSLEY. Congressman, the city of East Cleveland has the registration type of control. We had it since implementation of the ordinance in 1970.

I agree with you that registration isn't the only answer; but in the 5 years that we have had the ordinance, it has given the policemen the tool to take guns out of possibly volatile situations.

It is also the form that we have, also gives the police chief an opportunity to check anyone who may be applying or may wish to purchase a gun.

We have had 38 homicides in those 5 years with handguns, three being policemen—three involving policemen, two of them being alone at the time.

Of the remaining 35 homicides, none—none have been during the commission of a crime, and none of the guns have been registered.

I have a theory that I cannot base on statistics or facts, but I think that the idea of registration is like the idea of registering a car. When somebody else knows that you have something, you're going to be much more careful with it when it can be traced back to you and the responsibility of it can be put upon you.

I think maybe morally, if not practically—I have no statistics to prove it—but morally and psychologically, this might be one of the benefits for registration.

Mr. CONYERS. Councilman Barnes?

Mr. BARNES. Yes, Mr. Chairman.

To answer Mr. Ashbrook's question: I happen to have a different view of the effect of legislation that includes registration. It does not always become effective after the fact. Let me give you a "for instance."

During the registration process that we have in our ordinance, it requires an educational period wherein a person is told, under emotional circumstances, in fits of anger, how not to go to that gun as a means of settling an argument.

Now, for instance, if the wife and her husband is in an argument, and in a fit of anger resulting from the heat of that argument she picks up the gun and points it at him and says, "Now I am going to kill you, don't come any closer." Now, if he continued to move towards her, she has the responsibility, then, of either using that gun or risking the fact that he may move in on her and take it away from her and kill her with it, and then plea self defense.

So she may be dead, and he'd get off scot-free. So the educational process in registration is pointing to the responsibility, that the responsibility leads to the individual that registers that gun.

We are careful about who we loan our automobile to, because the responsibility of registration comes back to us, and so we think twice before we use it, we think twice before we let someone else use it.

I think when we look at that circumstance, registration can be a preventive measure to crime.

Second, in the registration process you tend to weed out individuals who are prohibited from having guns. In the absence of registration, we cannot say who can and who cannot have a gun legally. So the weeding-out process is accomplished in the registration structure of any handgun.

It does serve as preventive maintenance to crime in the use of hand guns.

Mr. ASHBROOK. Assuming everybody registers.

Mr. BARNES. No, not assuming everybody will register. Assuming that the criminal is going to try to register, or assuming that the criminal is going to try to have the same privileges as a registered citizen of his gun, as opposed to the one who does not register his gun.

Mr. ASHBROOK. It would seem to me, Councilman Barnes, that the weeding-out process would be a decision between a law-abiding person, who will register even though he doesn't want to, as against the person who, like the previous testimony—several hundred schools now that you know of—they are going to be the ones who won't register them, anyway.

Mr. BARNES. But, Mr. Chairman and Mr. Ashbrook, that is commensurate with the crime that isn't committed from handguns; 72 percent of all crimes are committed with the handgun, not by the criminal who owned the handgun but by the average citizen who owns that handgun.

I think that is a significant point; that the law-abiding citizen that you say will register his gun today is committing 72 percent of the crimes from handguns. They are relative to relative, friend to friend crimes, not stranger to stranger.

And I think that does occupy the largest certain death from handguns, from abuse, and it does give us some responsibility to pursue that course toward formulating an effective remedy.

Mr. CONYERS. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman. Thank you, gentlemen. Your statements will be very helpful.

Mr. WILLIAMS. Mr. Chairman, there is one statistic or one thing I'd like to note, that you may or may not have heard from witnesses today; that is, first of all, we do have on the books in Ohio—Ohio Revised Code—certain mandatory sentences where a gun is used in the commission of a crime. I think that should be noted.

Second, judges in Ohio are sending people to jail. Our prisons today are just bursting at the seams. We built a massive new prison—we had cells for one inmate at Lucasville, and we now have two inmates in each one of those cells. We closed down the old prison at Columbus, Ohio; we have now opened that prison back up and we have more than 500 inmates in there.

If we go at the rate we are going in Ohio now in sending people to prison—and many of these people should be sent to prison—then there is no end to the problem.

You talk about cost. The cost is going to be astronomical in terms of housing people in some kind of penal institution. I didn't know

whether that statistic had been made available to you, but it is one that I think you should know.

Mr. CONYERS. We deeply appreciate all of the comments and the preparation that has gone into your very thoughtful discourse with us.

I am very pleased with the level of comments that this panel has produced, and we are honored that you will be watchful and not just waiting to see what Congress is going to do on this subject. I am indebted to all of you for appearing this morning. Thank you very much.

[Witnesses excused.]

Mr. CONYERS. Now, our last witness prior to a luncheon recess will, instead of being the chief of the Cleveland Police Department, Mr. Lloyd F. Garey, will be Dr. Samuel Gerber, the coroner of Cuyahoga County.

We are grateful to the chief of police for deferring to the coroner at this point.

Dr. Gerber, of course, for the last number of years, some 38, has been conducting all kinds of studies into the nature of homicides, and we think his presentation is significant and unique.

We sincerely extend our committee welcome to you, Dr. Gerber.

TESTIMONY OF DR. SAMUEL R. GERBER, CORONER, CUYAHOGA COUNTY, OHIO; ACCOMPANIED BY ROSEMARY SIRAGUSA AND [illegible] MIDWELL

Mr. CONYERS. Now, we welcome you to make your own oral presentation.

Dr. GERBER. Thank you, Mr. Chairman. I am happy to be here. I want to thank you and the rest of the members of the committee for permitting me to come and taking me out of turn.

Mr. CONYERS. Excuse me, sir. Will you pull your microphone up a little bit closer so everybody can have the benefit of your statement.

Dr. GERBER. Thank you.

I say I am happy to be here, and I thank you for inviting me, and I'd like to thank the members of the committee.

I am not going to read the statement. I want to pick out some high points. I want to say that in Cuyahoga County, 1974 was a banner year, if you want to call it that, in homicides, most of them with firearms.

For the first 4 months of 1975, this has progressively increased.

Next, I'd like to say that in the State of Ohio, in deaths due to firearms—you have the chart in front of you—in 1973 there were 1,559. Now, that includes homicides, suicides, and accidents—and firearms, in which the manner was undetermined.

That gives you a rate of 14.64 per 100,000 population.

Now, if you just go across the border in the Province of Ontario, deaths due to firearms in 1973 numbered 359, which gave a rate, or which gives a rate of 4.6 per 100,000 population.

Then the State of Ohio, according to the rates, had a 217.4 percent higher rate per 100,000 than did the people in the Province of Ontario.

The Province of Ontario firearms deaths has again increased in 1974. Now, I say this, that in Ohio, and especially in Cuyahoga County, the method used in firearms is the handgun. But up in Canada it happens to be the shotgun and the rifle.

And handguns—they don't talk about Saturday night specials, they talk about handguns—they are considerably less than in Cuyahoga County and in Ohio.

Now, I would like to show you this picture. Here is a collection of shotguns, handguns, pistols, revolvers, and so on. There are about 270 there, and they were destroyed by direction of the probate court. This was collected over a period of less than 2 years, and these are all suicides.

We do not get an opportunity to get the guns from homicides.

If you don't mind. I'd like to introduce my assistants here. This is Mrs. Siragusa, and Mrs. Tidwell. They are responsible for tallying these figures because they are in the statistical department.

Here is Cuyahoga County, and you can see the rate there, from 1968 up through 1974.

Now, here, you get down a little bit better, because in 1974 there were almost 24 deaths per 100,000; while in 1968, it was about 16 deaths per 100,000.

Now, this is the State of Ohio. You can see what happened in 1968. There were 1,130, and the rate per 100,000 was 10.6.

In 1973, the rate per 100,000 was 14.64, and it goes up clear across the map [indicating].

Now, this is a compilation for the eight metropolitan Ohio counties, population for the eight metropolitan counties, and you can see that the statistics indicate that the rate is continually going up from 1968, where eight metropolitan counties as a whole [indicating]—and this is Cuyahoga County [indicating]—and down here, we have the other six metropolitan counties.

And considering a metropolitan county in this instance everything over 300,000 population.

Again, the handgun is responsible for most of these deaths, both in accidents, suicides, and homicides.

This is the same chart, but you have it by rates, and I have to tell you this, but you can see it from your own; that Dayton, in Montgomery County, insofar as the rates per 100,000, exceeds Cuyahoga County.

This was the first time that Cuyahoga County came in second in handgun deaths.

Dayton, or Montgomery County had almost 26 per 100,000 in 1973; in Cleveland, or Cuyahoga County had 22.

Mr. CONYERS. Any particular reasons come to mind for that?

Dr. GERBER. I beg your pardon?

Mr. CONYERS. Can you suggest why that figure is now changing within the counties?

Dr. GERBER. No, I can't make any suggestion. I would like to also point out that in 1968, Lucas County, Toledo, passed a gun control law, in about August, and I think it went into effect in September, and the rate of deaths from firearms dropped down almost instantly, but they only dropped down for 2 years, in 1969 and 1970; and then in 1971 they went up.

The rate in 1973 was 15.48 per 100,000, which was a jump of 31 percent over 1968.

As far as I am concerned, Lucas—Toledo, not Lucas County, Toledo had one of the best local gun control laws that there is any place in the United States. But in spite of this, the firearms rate went up.

Also I'd like to point out to you that we have a "violence alley" from handguns in Cuyahoga County, Summit, Stark, and Mahoning [indicating]. You can see the rate there per 100,000.

If you went in actual numbers we wouldn't find this, because the population varies so much. But then you can see that Franklin County doesn't do so bad when it comes to shootings and weapons.

Montgomery County, I already explained to you.

Hamilton is Cincinnati, and it is pretty bad.

And so is Lucas County, Toledo [indicating].

Now I had to find some way to show you how the people were actually killed from firearms, and we have done this now for all of 1974 and all of 1975.

Each one of these characters [indicating] represents a man, woman or child, and they are located on the day in which the shooting occurred, not on the day they died.

Here is the chart, the calendar chart, which indicates the number of homicides and indicates the type of weapon that was involved.

Here we have the firearms, then there is the explosive, TNT, or a rifle or a handgun. And most of them—and then we have those caused by a knife or dagger, and then we have those that are caused by a blunt instrument, and then occasionally we have some other violent means.

You can see, there, January, February, and March of 1975.

This is a chart for January 1974, but I'd like for you see October. Let's go to October.

In Cleveland and Cuyahoga County, this was a pretty violent time [indicating]. In our thoughts about these, we could have picked out some other diseases, but these are the diseases that are produced by organisms.

There is infantile paralysis, typhoid fever, malaria, tuberculosis, diphtheria, epidemic meningitis, and measles [indicating].

Many of the State governments and local governments and the Federal Government have spent millions and billions of dollars in the control of these diseases, and they have passed mandatory laws for vaccination and immunization.

Just recently, while I was going through this, I found in an official bulletin of the Ohio State Medical Association, in the May 2, 1975 issue:

> Some 9,900 children were excluded from Cincinnati Public Schools by Health Commissioner Arnold M. Leff, M.D., for lack of proof of legally required immunizations. Dr. Leff ordered that those who could not prove proper immunization against diphtheria, polio, whooping cough, tetanus, rubella, and measles, be barred from school. . . .

My suggestion and my attitude to this is that, if we can inject people to prevent these diseases, then it would be simple to pass a law to control firearms, or whatever Congress would decide to do.

I would like to say one thing further, that the local option as far as gun control laws, taking the Toledo as an example, is not the answer to this particular problem.

I think that about summarizes it.

Mr. CONYERS. Thank you, Dr. Gerber.

Dr. GERBER. I would be glad to answer any questions.

Mr. CONYERS. You are both a medical doctor and a law graduate?

Dr. GERBER. Yes, sir.

Mr. CONYERS. I understand that. I appreciate the great detail with which you have kept records.

I think your testimony and your charts, all of which have been reproduced to a size that will be able to go into our hearings here, will be most welcome.

Dr. GERBER. I do have one of these—I don't know how many of these charts you need—but when I made that book, I didn't have these available.

Mr. CONYERS. Well, I will tell you, if we can have our staff examine them, and then we can determine whether we want to add them.

Dr. GERBER. I'd like for you to add this. This is the small picture of the suicide instruments.

Mr. CONYERS. Let's take it for consideration. I'd like to yield now to the gentleman from South Carolina for any questions or comments he may have of our witness.

Mr. MANN. Dr. Gerber, what specific suggestions do you have for improving the gun control situation?

Dr. GERBER. Suggestions?

Mr. MANN. Yes.

Dr. GERBER. You know, when I first started out, I had a lot of suggestions, and then I came to the conclusion that I had better stick to being a doctor and let the legislators make the rules that govern handguns.

Yes, I have some suggestions, and that is control. I have one suggestion about registration. An example: There was a boy about 20 years of age bought a handgun, I think he paid around $100 for it.

He got on his bicycle, drove away from home, or rode away from home, committed suicide—and I will tell you the end of the story first—but anyway, he committed suicide, and his body was not discovered for months later, and then it was only bones.

This handgun that he bought happened to be registered, and through the handgun, registration on the handgun, and through the identification on the teeth, which was followed up as a result of the identification on the registration, we were able to identify him.

This mother and father had spent hundreds and hundreds of dollars, and the police in the area had spent a lot of money, and I am sure the Federal Government must have spent some money, and I am sure that the State must have spent some money, hunting for this particular individual.

So in this instance, the registration helped to make this identification and helped to get back a dead son, even though it was only mere bones, to a particular family. Now, that is all they had to be happy about, if you can call that happy, but at least they buried their son.

There are many other instances that we have in our experience proved successfully the identification because of registration of guns.

Mr. MANN. I know that in your investigations, autopsies and the like, that you have been able to determine certain patterns as to the causes of death.

To what extent have you found the violent death to be alcohol related?

Dr. GERBER. I would say—this is a ball park figure—50 percent. Now, this is as far as the victim is concerned, not as far as the assailant, because we don't have access to the assailant. The assailant is bound over to our office when the alcohol would have been metabolized.

Now, we just had an incident the other day with two women who got in an argument. One woman had a gun. She displayed it.

The other woman ran for cover, and in running for cover she picked up a little 2-year-old youngster, held the youngster in front of her, and this woman shot right through the youngster.

Now, if they hadn't had that gun, maybe they would have had a fight and pulled some hair or something like that. But this kid would be alive, this youngster would be alive today.

Mr. MANN. Is there any efficient system that you can use for checking the victim for the presence of narcotic drugs, and do you do that?

Dr. GERBER. Yes.

Mr. MANN. What have you found in that connection?

Dr. GERBER. In some instances we find barbiturates, but of course not many people become assailants when they use barbiturates. They are using amphetamines or they are using marihuana or they are using heroin or other opiates.

But they are the assailants, and occasionally a victim has that, too.

Mr. MANN. Would you hazard an estimate of the number or the portion of the victims that have some presence of narcotic drugs in their body?

Dr. GERBER. Well, I can tell you as to alcohol, because that is one of our biggest problems, but I can't tell you about the drugs. There aren't many.

Mr. MANN. You may not be aware of the fact that drugs is one of our biggest problems, and it does not carry the broad scope that I think it deserves.

Dr. GERBER. Yes, it deserves attention; but in order to get this, we have to have people and money to run all these tests.

Mr. MANN. Thank you, Doctor.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Just one question, Dr. Gerber. You prompted the question by showing your statistics in what you refer to as, I guess, Murder Alley—Cuyahoga, Summit, Stark, and Mahoning Counties.

It brings a question to mind. While this is a national problem, clearly a national problem, and more a problem in the large cities, I just wondered whether you, as an official in the biggest city in Ohio, would recommend or what your opinions would be on legislation proposed by Attorney General Levi, the gist of which would be selective registration.

Where you have a corridor like you have, what would be wrong with some tough gun law in Cuyahoga, Summit, Stark, and Mahoning corridor, which wouldn't affect, say, Wayne, Holmes, who are neighbors who don't seem to have the same problem? Would you think a proposal like that would make sense?

Dr. GERBER. Yes, I do think it makes sense. When I read it in the paper, I thought it made sense. But I would like to say that—the chairman can have this [indicating].

Here is the rate per 100,000 for every county in the State of Ohio. And if you take a look at this, you are going to be surprised at the rate in some of the smaller counties.

Mr. ASHBROOK. I would say we are probably engaged in different activities in different places. We don't seem to be quite as inclined to use firearms in some of those areas.

I think we all know some of the problems and allegations, and whether or not it really is, but in a fatality where firearms are being used, it becomes specious to argue whether or not it was meaningful, real, alleged, or whatever.

Dr. GERBER. That is why I wanted to restrict this [indicating].

I have talked about homicides, and I wanted to restrict it to firearms. I am very certain in my own mind, and from the experience of others, that we would have less suicides if they didn't have these firearms available, because of the inconvenience in committing suicide in other ways.

Mr. ASHBROOK. I appreciate your testimony. Thank you, Mr. Chairman. That is all the questions I have.

Mr. CONYERS. Doctor, we are indebted to you. You have come to us with many exhibits and we will include as many as we can.

We thank the ladies that have assisted you.

Upon this note, I think the subcommittee should stand in recess until 2 o'clock.

[Whereupon, at 12:45 p.m. the hearing was recessed, to reconvene at 2 p.m., this same day.]

[The prepared statement of Dr. Gerber follows:]

STATEMENT AND EXHIBITS OF S. R. GERBER, M.D., J.D., CORONER, CUYAHOGA COUNTY, OHIO

THE HANDGUN IS THE CULPRIT IN THE PROBLEM ARISING FROM DEATHS BY FIREARMS IN CUYAHOGA COUNTY

"Ownership of a gun protects our homes." "The gun makes the owner a man." "Ownership of a gun is a sign of maturity, it does provide a sense of power." "Ownership of a gun protects our freedom." These statements are fallacious and merely made to arouse the emotions of the unaware. This protection is the duty of regularly organized police forces (locally), the militia (National Guard), and The Armed Forces of the United States.

The advocates of opposition to gun control say that: "guns don't kill people, people kill people." They do not say that if the gun had not been readily available there would not have been a death from it.

The Second Amendment of the United States Constitution grants to each state the right to arm a militia in order to enforce law and order. The Second Amendment reads: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The Second Amendment never intended that people as individuals had the right to keep and bear arms. Even opponents of gun control should be able to understand that the Second Amendment clearly states that the right is given to people only when they are "part of a well-regulated militia, being necessary to the security of a free state."

Nothing makes the real intent of the Second Amendment clearer than reviewing the destructive effect of firearms in Cleveland and Cuyahoga County during the past seven years when the handgun has been the closest ally to the emissary of death.

The information set forth here is not an exercise in mental gymnastics but is, in fact, a gathering of the actual facts as they presented themselves to the Cuyahoga County Coroner's Office in the time period under consideration.

The past year (1974) set a new record high of 420 in the number of deaths from firearms in Cuyahoga County. More frightening is the revelation that 356 of these 420 deaths (or 84.5%) were caused by handguns.

In Cuyahoga County in 1974, handgun homicides accounted for 257 of the total 301 firearm killings. These 257 handgun homicides in the County in 1974 were only 20 less than all deaths due to firearms in 1968.

Cuyahoga County deaths due to *firearms* during January through April of 1975 increased by *24.4%* over the firearm total for the same months in 1974.

Cuyahoga County deaths due to *handguns* during January through April of 1975 increased by *11.8%* over the handgun total for the same months in 1974.

Cleveland homicides in 1974 were 321, of which, 228 were the result of handguns (or 71.0%).

Cleveland deaths due to *firearms* during January through April in 1975 increased by *17.0%* over the firearm total for the same months in 1974.

Cleveland deaths due to *handguns* during January through April of 1975 increased by *1.2%* over the handgun total for the same months in 1974.

In The State of Ohio, deaths due to *firearms* in 1973 numbered *1,559*, which is a rate of *14.64 per 100,000* population.

In The Province of Ontario, Canada, deaths due to *firearms* in 1973 numbered *359*, which is a rate of *4.6 per 100,000* population. Of these deaths due to firearms, 297 (or 82.7%) were caused by rifles or shotguns, *31 (or 8.6%) were caused by handguns*, and 31 (or 8.6%) were caused by unknown type of firearms.

The State of Ohio in 1973 shows a 217.4% higher rate per 100,000 population of deaths due to firearms than the Province of Ontario, Canada.

Deaths due to firearms in Ontario, Canada in 1974 numbered 430, which is a rate of 5.6 per 100,000 population. Of these deaths due to firearms, 348 (or 80.9%) were caused by rifles or shotguns, *49 (or 11.4%) were caused by handguns*, and 33 (or 7.7%) were caused by unknown type of firearms.

Handguns are a favorite weapon of people because they are cheaper to buy, simpler to hide, and easier to use in moments of anger.

Because firearms have only one purpose, that of killing or maiming, there must be a federal law controlling the sale of them.

What this report shouts is that there must be a gun registration law, just as there is registration for the use of an automobile and many other privileges enjoyed by the society.

The professional killer represents the most infinitesimal part of the society and the registration of firearms will not deprive people from protecting themselves.

Unless the unrestricted sales of the handgun and firearms are checked, the homicide rate will continue to rise and the killings will exceed 500 annually in Cuyahoga County, Ohio by the year 1978.

One of the photographic plates attached to this report depicts a number of contagious and infectious diseases caused by organisms which the various Federal, State, and Local Governments have expended money to control. The effort has been successful. Vaccines and immunizing serums have been developed to control these diseases and these protectors are compulsory. Just recently the Health Commissioner in Cincinnati issued the following edict:

[OSMA gram—Official Newsletter of the Ohio State Medical Association; Columbus, Ohio; May 2, 1975 issue:]

"Some 9,900 children were excluded from Cincinnati public schools by Health Commissioner Arnold M. Leff, M.D., for lack of proof of legally required immunizations. Dr. Leff ordered that those who could not prove proper immunization against diptheria, polio, whooping cough, tetanus, rubella and measles be barred from school for five days, or until they began their immunizations."

In summary, if the various governments in these United States can institute controls to conquer diseases, why can not the same governments control the disease caused by the indiscriminate use of "Firearms."

CLEVELAND DEATHS DUE TO FIREARMS, JANUARY THROUGH APRIL 1975

	Total	Firearms	Firearm percentage of total	Handguns	Handgun percentage of firearms
January:					
Homicides	34	30	88.2	19	63.3
Suicides	10	3	30.0	3	100.0
Accidentals	1	1	----------	1	100.0
Total	45	34	75.6	23	67.6
February:					
Homicides	23	20	87.0	17	85.0
Suicides	14	6	42.9	5	83.3
Accidentals	1	1	----------	1	100.0
Total	38	27	71.1	23	85.2
March:					
Homicides	25	14	56.0	12	85.7
Suicides	8	7	87.5	4	57.1
Accidentals	1	1	----------	1	100.0
Total	34	22	64.7	17	77.3
April:					
Homicides	24	20	83.3	14	70.0
Suicides	10	5	50.0	4	80.0
Accidentals	2	2	----------	2	100.0
Total	36	27	75.0	20	74.1
January through April (4 mo totals):					
Homicides	106	84	79.2	62	73.8
Suicides	42	21	50.0	16	76.2
Accidentals	5	5	----------	5	100.0
Total	153	110	71.9	83	75.5

CUYAHOGA COUNTY DEATHS DUE TO FIREARMS, JANUARY THROUGH APRIL 1975

	Total	Firearms	Firearm percentage of total	Handguns	Handgun percentage of total
January:					
Homicides	42	34	81.0	23	67.6
Suicides	19	9	47.4	8	88.9
Accidentals	2	2	----------	1	50.0
Total	63	45	71.4	32	71.7
February:					
Homicides	27	23	85.2	19	82.6
Suicides	21	11	52.4	9	81.8
Accidentals	2	2	----------	2	100.0
Total	50	36	72.0	30	83.3
March:					
Homicides	29	18	62.0	16	88.9
Suicides	18	13	72.2	8	61.5
Accidentals	1	1	----------	1	100.0
Total	48	32	66.7	25	78.1
April:					
Homicides	28	24	85.7	17	70.8
Suicides	10	9	90.0	8	88.9
Accidentals	2	2	----------	2	100.0
Total	48	35	72.9	27	77.1
January through April (4 mo totals):					
Homicides	126	99	78.6	75	75.8
Suicides	76	42	55.3	33	78.6
Accidentals	7	7	----------	6	85.7
Total	209	148	70.8	114	77.0

Firearm Fatalities

JANUARY 1, 1975 THROUGH JUNE 16, 1975, (10:00 A.M.)

Cuyahoga County, Ohio		*Cleveland, Ohio*	
Homicide	134	Homicide	113
Suicide	51	Suicide	25
Accidental	7	Accidental	5
Total firearms	192	Total firearms	143
Total handguns	153	Total handguns	114

DEATHS DUE TO FIREARMS—PROVINCE OF ONTARIO, CANADA, 1973–74

	1973		1974	
	Number	Rate[1]	Number	Rate[1]
Homicides:				
Handguns	8		14	
Rifles or shotguns	40		56	
Unknown Firearm	8		8	
Firearms total	56	0.7	78	1.0
Percentage of total homicides	32.2		47.6	
Total number of homicides	174	2.3	164	2.1
Suicides:				
Handguns	21		33	
Rifles or shotguns	226		258	
Unknown firearm	23		25	
Firearm total	270	3.5	316	4.1
Percentage of total suicides	25.0		24.4	
Total number of suicides	1,078	14.0	1,297	16.8
Accidentals:				
Handguns	2		2	
Rifles or shotguns	31		34	
Firearms total	33	.4	36	0.5
Percentage of total	.7		.8	
Total number of accidentals	4,832		4,551	
Total all firearm deaths	359	4.6	430	5.6

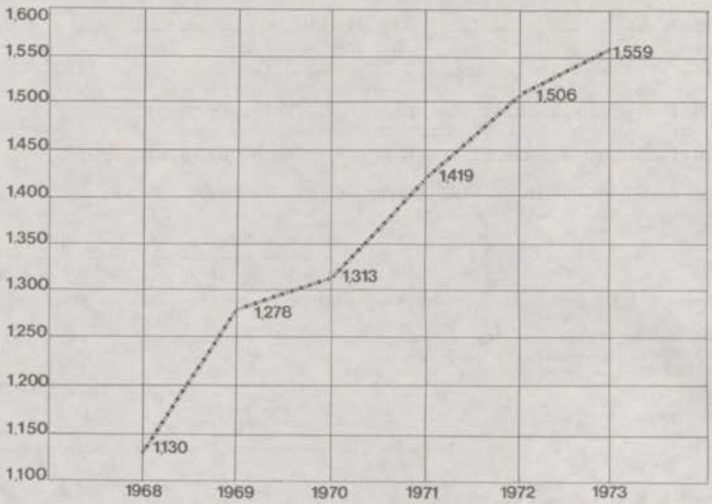
[1] Per 100,000 population

Note: Population per 1971 census is 7,703,103.

Source: Statistics furnished by Coroner of Province of Ontario.

RESIDENT DEATHS DUE TO FIREARMS
STATE OF OHIO
1968-1973

COMPILED BY:
CUYAHOGA COUNTY CORONER'S OFFICE



	1968	1969	1970	1971	1972	1973	
Rate per 100,000	10.60	12.00	12.33	13.32	14.44	14.64	population 10,652,017

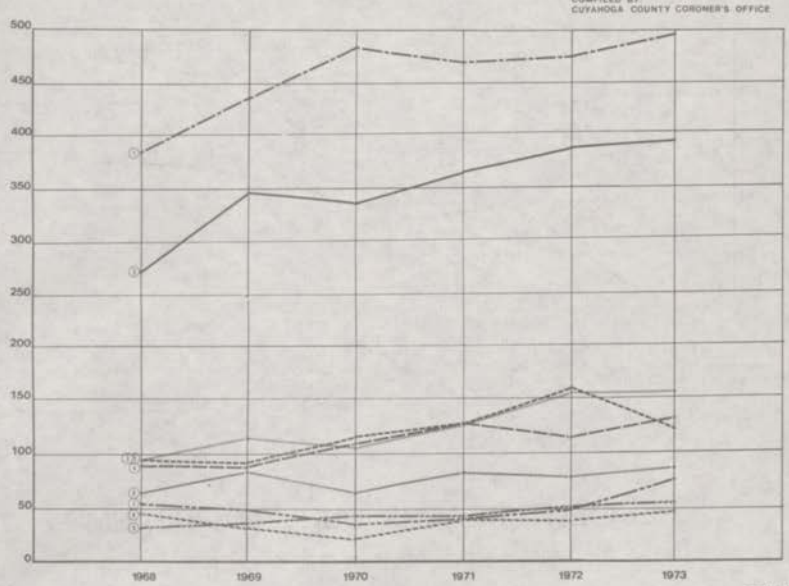
RESIDENT DEATHS
FROM BUREAU OF VITAL STATISTICS, STATE OF OHIO

A

RESIDENT DEATHS DUE TO FIREARMS

EIGHT METROPOLITAN OHIO COUNTIES
and
COMBINED TOTAL POPULATION OF OHIO COUNTIES WITH LESS THAN 300,000.
1968-1973

COMPILED BY:
CUYAHOGA COUNTY CORONER'S OFFICE



								population
①	Combined	Counties	383	436	484	470	475	497	4,851,354
②	Cuyahoga	County	273	348	335	364	386	392	1,721,300
③	Hamilton	County	95	93	115	127	160	121	923,205
④	Franklin	County	89	88	110	127	114	131	833,249
⑤	Montgomery	County	95	115	106	126	155	156	608,413
⑥	Summit	County	66	82	65	82	78	85	553,371
⑦	Lucas	County	54	49	35	41	49	75	484,370
⑧	Stark	County	44	31	20	39	37	47	372,210
⑨	Mahoning	County	31	36	43	43	52	55	304,545

1970 CENSUS

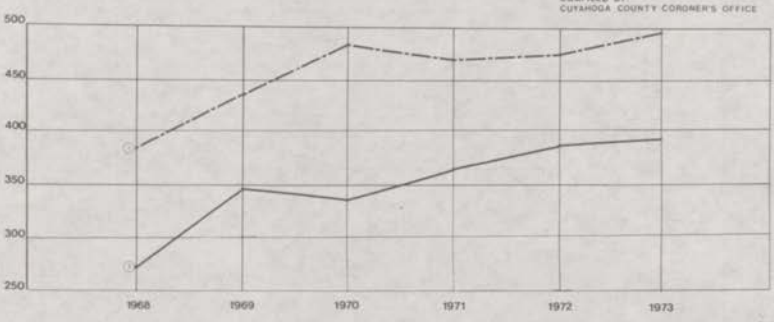
RESIDENT DEATHS
PER/BUREAU OF VITAL STATISTICS- STATE OF OHIO

B

RESIDENT DEATHS DUE TO FIREARMS

EIGHT METROPOLITAN OHIO COUNTIES
and
COMBINED TOTAL OF OHIO COUNTIES WITH LESS THAN 300,000 POPULATION
1968-1973

COMPILED BY:
CUYAHOGA COUNTY CORONER'S OFFICE



		1968	1969	1970	1971	1972	1973	population
① Combined	Counties	383	436	484	470	475	497	4,851,354
② Cuyahoga	County	273	348	335	364	386	392	1,721,300

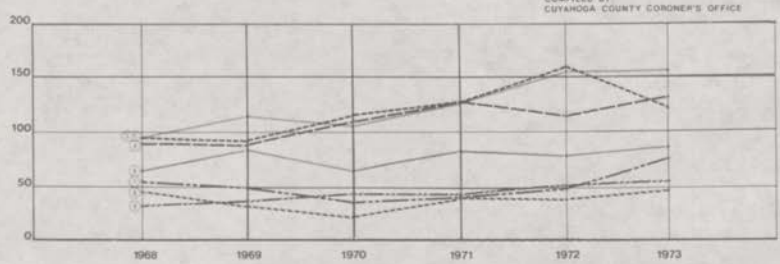
RESIDENT DEATHS
PER/BUREAU OF VITAL STATISTICS-STATE OF OHIO

B1

RESIDENT DEATHS DUE TO FIREARMS

EIGHT METROPOLITAN OHIO COUNTIES
and
COMBINED TOTAL OF OHIO COUNTIES WITH LESS THAN 300,000 POPULATION
1968-1973

COMPILED BY:
CUYAHOGA COUNTY CORONER'S OFFICE



		1968	1969	1970	1971	1972	1973	1970 CENSUS
① Hamilton	County	95	93	115	127	160	121	923,205
② Franklin	County	89	88	110	127	114	131	833,249
③ Montgomery	County	95	115	106	126	155	156	608,413
④ Summit	County	66	82	65	82	78	85	553,371
⑤ Lucas	County	54	49	35	41	49	75	484,370
⑥ Stark	County	44	31	20	39	37	47	372,210
⑦ Mahoning	County	31	36	43	43	52	55	304,545

RESIDENT DEATHS
PER/BUREAU OF VITAL STATISTICS-STATE OF OHIO

B2

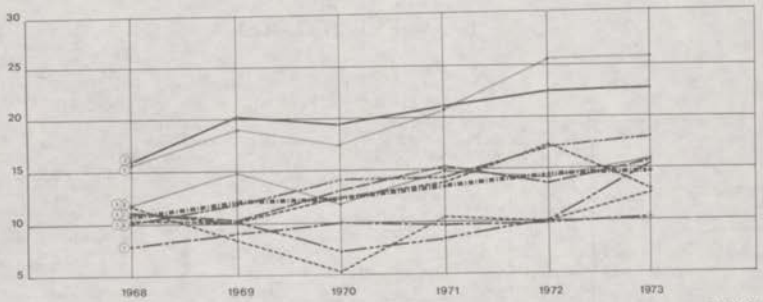
RESIDENT DEATHS DUE TO FIREARMS

RATES PER 100,000

EIGHT METROPOLITAN OHIO COUNTIES
and
COMBINED TOTAL OF OHIO COUNTIES WITH LESS THAN 300,000 POPULATION

1968-1973

COMPILED BY:
CUYAHOGA COUNTY CORONER'S OFFICE



		1968	1969	1970	1971	1972	1973	population
State of Ohio		10.60	12.00	12.33	13.32	14.44	14.64	10,652,017
Combined	Counties	7.90	9.00	10.00	9.70	9.90	10.20	4,851,354
Cuyahoga	County	15.86	20.22	19.46	21.15	22.42	22.77	1,721,300
Hamilton	County	10.29	10.07	12.46	13.76	17.33	13.11	923,205
Franklin	County	10.56	10.56	13.20	15.24	13.68	15.72	833,249
Mongomery	County	15.61	18.90	17.42	20.71	25.48	25.64	608,413
Summit	County	11.93	14.82	11.75	14.82	14.10	15.94	553,371
Lucas	County	11.15	10.12	7.23	8.46	10.12	15.48	484,370
Stark	County	11.82	8.33	5.37	10.48	9.94	12.63	372,210
Mahoning	County	10.18	11.82	14.12	14.12	17.07	18.06	304,545

RESIDENT DEATHS
PER/BUREAU OF VITAL STATISTICS, STATE OF OHIO

C

STATE OF OHIO

RESIDENT DEATHS DUE TO FIREARMS IN 1973

COUNTIES WITH MORE THAN 300,000 POPULATION

NUMBER

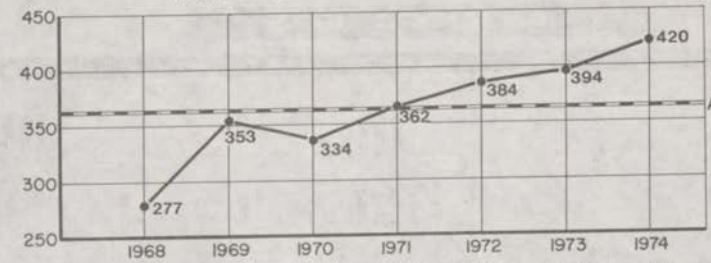
RATE PER 100,000

Resident Deaths
Per/Bureau of Vital Statistics--State of Ohio

Compiled by:
Cuyahoga County Coroner's Office

CUYAHOGA COUNTY CORONER'S OFFICE

NUMBER OF DEATHS FROM FIREARMS



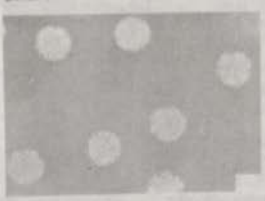
Rate per 100,000	16.23	20.60	19.40	20.94	22.12	22.60	23.99

E

CUYAHOGA COUNTY CORONER'S OFFICE

ORGANISMS OCCURRING NATURALLY WHICH CAUSE SICKNESS AND DEATH THAT SCIENCE HAS CONTROLLED

DISEASE PRODUCING ORGANISMS



Infantile Paralysis

Typhoid Fever

Malaria

Measles

Epidemic Meningitis

Diptheria

Tuberculosis

THE BULLET FIRED BY THIS GUN, INTO MAN, CAN CAUSE AS MUCH PATHOLOGY AS THE ORGANISMS SHOWN ABOVE

Cuyahoga County Coroner's Office

FIREARM FATALITIES

JANUARY • 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 NEW YEAR'S DAY	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Cuyahoga County Coroner's Office

FIREARM FATALITIES

FEBRUARY • 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12 LINCOLN'S BIRTHDAY AND WEDNESDAY	13	14 ST. VALENTINE'S DAY	15
16	17 WASHINGTON'S BIRTHDAY OBSERVED	18	19	20	21	22 WASHINGTON'S BIRTHDAY
23	24	25	26	27	28	

Cuyahoga County Coroner's Office

FIREARM FATALITIES

MARCH • 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 ST. PATRICK'S DAY	18	19	20	21	22
23 PALM SUNDAY 30 EASTER	24	25	26	27 PASSOVER - 1ST DAY	28 GOOD FRIDAY	29
	31					

Cuyahoga County Coroner's Office

FIREARM FATALITIES

APRIL • 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2 PASSOVER - 7TH DAY	3 PASSOVER - LAST DAY	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

CUYAHOGA COUN CORONER'S OFFICE

1974 HOMICIDE **OCTOBER** CALENDAR* 1974

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 C	2	3	4	5 C
6 C	7 C C	8 C	9	10	11 C	12 C C
13	14	15 C C	16	17 CS	18	19 C C
20 C C C C	21 C C CS C	22 C	23 C C	24	25 C C C	26 C C C C C C C
27 C C	28 C	29	30 CS	31 C		

* Illustration Courtesy The Plain Dealer with Modifications.

CODE: FIREARMS STABBING ASSAULT OTHER

Where incident occured: C - Cleveland, CS - Cleveland Suburbs, OCo - Out of County

CUYAHOGA COUN CORONER'S OFFICE

1975 HOMICIDE **JANUARY** CALENDAR* 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1975 JANUARY Made in U.S.A.			1 C New Year's Day	2 C	3	4 C
5	6	7	8 C	9	10 C CS	11 C CS
12 C C OCo	13 C	14 CS	15 C	16 CS C	17 C	18 C
19 C	20 C	21	22 C	23 C	24 CS	25 CS C
26 C	27 C	28 C CS	29 C	30 C	31	

* Illustration Courtesy The Plain Dealer with Modifications.

CODE: FIREARMS STABBING ASSAULT OTHER

Where incident occured: C - Cleveland, CS - Cleveland Suburbs, OCo - Out of County

CUYAHOGA COUNT ;ORONER'S OFFICE

1975 HOMICIDE **FEBRUARY** CALENDAR* 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1975 FEBRUARY						1 C
2 C C C C	3	4	5 CS C	6 C C	7 C	8 C
9	10	11	12 Ash Wednesday Lincoln's Birthday	13	14 C C C Valentine's Day	15 C C C
16 C	17 Washington's Birthday	18 CS	19	20 C	21	22
23 C CS C	24 C	25 C	26 C	27 CS C	28 C	

* Illustration Courtesy The Plain Dealer with Modifications.

CODE: FIREARMS STABBING ASSAULT OTHER

Where incident occurred: C - Cleveland, CS - Cleveland Suburbs, OCo - Out of County

Cuyahoga Coun' Coroner's Office

1975 Homicide **MARCH** Calendar * 1975

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1975 MARCH						1
2 C C C	3 C C	4 C	5 C C C C	6	7 C	8 C CS
9 C C C CS	10	11 CS	12	13	14 C	15
16 C	17 C C	18	19	20 CS	21 C	22 C C C
23 Palm Sunday	24 C	25	26	27 C	28	29 C
30 Easter Sunday	31 C			Passover	Good Friday	

* Illustration Courtesy The Plain Dealer with Modifications.

CODE: FIREARMS STABBING ASSAULT OTHER

Where incident occurred: C - Cleveland, CS - Cleveland Suburbs, OCo - Out of County

Cuyahoga County Coroner's Office

1975 Homicide APRIL Calendar * 1975

* Illustration Courtesy The Plain Dealer with Modifications.

CODE: FIREARMS STABBING ASSAULT OTHER

Where incident occurred: C - Cleveland, CS - Cleveland Suburbs, OCo - Out of County

ACKNOWLEDGMENTS

I wish to thank the following people for their assistance in the compilation of this report.

Cuyahoga County Coroner's Office, Department of Photography: Mr. Sidney Pancner, Mr. Michael Walsh, Mr. Bruce Matter, and Mr. Frank Kukla.

Cuyahoga County Coroner's Office, Department of Statistics: Ms. Liz Tidwell, Ms. Rosemary Siragusa, Ms. Ellen Strecker, and Mr. John Clay.

State of Ohio, Division of Vital Statistics: Ms. Mary Smith, Chief Statistician.

S. R. GERBER, M.D., J.D., *Coroner,*
Cuyahoga County, Ohio.

AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order.

I am very happy to call the chief of the Cleveland Police Department, Mr. Lloyd F. Garey.

Mr. Garey was scheduled earlier in the morning and he gave up his time considerations for the coroner.

Welcome, Mr. Garey. Please join us at the witness table, and you have our appreciation for your cooperation earlier this morning.

We do have your prepared statement and it will be put in the record at this point.

Mr. GAREY. Do you? I hadn't sent it.

Mr. CONYERS. Do you have one?

Mr. GAREY. I have one, yes.

Mr. CONYERS. OK. Would you like it incorporated into the record?

Mr. GAREY. Surely.

Mr. CONYERS. All right

Mr. GAREY. I will leave a copy after I have finished.

Mr. CONYERS. All right, fine, and you can read from it or highlight the points as you choose, sir.

Well, before the subcommittee.

TESTIMONY OF LLOYD F. GAREY, CHIEF, CLEVELAND POLICE DEPARTMENT

Mr. GAREY. Thank you.

I would have had this prepared sooner, probably, had I been in office longer, but I have only been in for 30 days, or approximately 30 days, and the press of business just made it impossible.

The preparation of this, too, probably could have been more thorough had I more time. I had rather limited time.

I am sure that you have already been apprised of the local laws, and if not, I will briefly touch on them, anyway; not in any depth, however.

The current Federal and State laws, together with the local city ordinances, when they are totally and properly enforced and prosecuted and adjudicated through to the end with certainty of punishment by the imposition of and the execution of penalties to suit the offenses, appear to me and, I would think, are probably completely adequate, and they would serve and would be an effective deterrent to all types of crime.

Now, you probably have been apprised of the fact that we have quite extensive city ordinances, and to which there recently was added some additional legislation which, among other things, made illegal certain types of handguns, the 32-caliber gun with a 3-inch or less barrel, and then, of course, gave the people an opportunity to turn them in within the next 30 days and remain outside of liability for prosecution.

In addition to that, we have had—and they existed before I became a member of the Cleveland Police Department and became involved in law enforcement, and that is 29 years, so they have been on the books for a long time—these older ordinances requiring a permit from the chief of police to purchase a weapon and to sell weapons, requiring a permit from the director of public safety, and they also required reports of sales, record of ammunition sales, daily report of firearm sales, and records of ammunition sales, I believe, every 30 days.

To these, there are the State laws which, of course, prohibit carrying concealed weapons and prohibit the possession of certain types of weapons, many of which require registration and licensing under the—the transfer of which requires licensing and registration under the Federal Firearms Act of 1968.

So these are the laws I refer to when I refer to those laws which, I believe if they were totally enforced through to an adequate penalty, a penalty to suit the offense, would be adequate to control or maybe inhibit and arrest, to some extent, the rising crime rate.

Serious crimes, the major index crimes, criminal homicide, rape, robbery, aggravated assault, breaking and entering, larceny, and auto theft—have all increased in the last—well, in the decade from 1960 to 1970; and with the exception of the crime of rape, they have all increased more, at a greater rate, a higher percentage than criminal homicide has.

The average increase of all of these crimes in that period in Cleveland is 392 percent.

The one of these categories which rose the most was auto theft, and that was 592 percent, from 1960 to 1970.

That trend has been turned around or was turned around approximately 4 years but is on the rise again slightly.

While these crimes are increasing an average of 392 percent, criminal homicide at the same time increased by the relatively lesser amount of 222 percent.

Between 1970 and 1974, further increases were experienced in all categories, with the exception of auto theft. I have summaries of these, just to give you a good idea of the amount of increase.

As I just mentioned, from 1960 to 1970, homicide was up 222; rapes, 195; robbery, 320 percent—all the rest of these are more than homicide—aggravated assault, 458; breaking and entering, 248; larceny, 378; auto theft, 592.

The average for all of these index crimes, the seven major crimes, is 392 percent, as I stated.

Now, from 1970 to 1974, there has been an additional increase. In view of these foregoing facts I have just outlined, one must conclude there must be a common causal factor.

Now, since firearms are neither required or involved in many and probably most of these crimes, it can't be considered the sole cause for any of the increase, and I will explain what I mean by that in a few moments.

The casual factor that I refer to, I think, is obvious, or would be obvious to all officials and to private citizens alike, those who live and function in big cities, where most crimes occur, and I think we know what it is. It is the result of our society, our permissive society: Its attitude toward crime, the unwillingness of most to become involved when needed to assist the police, the general acceptance of dishonesty and crime, and the less-than-adequate punishment that is meted out for crime.

This provides the criminal and the potential offender the assurance of success that he needs to commit the crime. He commits the crime because he feels reasonably certain he will probably be able to do it and get away with it or very likely will be able to do away with it.

The certainty and severity of punishment is the most important and effective crime deterrent that we have, that we can possibly have. The current conviction and penalty statistics present some very convincing evidence that this no longer exists.

Now, this is not an indictment of any one segment of the criminal justice system. I think it is the result of a combination of many factors.

There is much neglect on the part of many, apathy on the part of many, some improper programs, improper methods, improper approaches to the whole problem, and this is the fault of many.

This is true, and it was committed on the part of many. This information is rather hard to assemble.

To substantiate this and to give you the basis for this genuine feeling that I have, I undertook to accumulate some statistics and, because of time factors again, was unable to get into it in the depth I would like to have.

I would like to have examined all of the major index crimes to determine just how many of those are arrested or convicted and then sentenced, and how many of those sentenced do go to penal institutions for the more serious crimes.

I wasn't able to do that because of the time factor, the time frame involved, and also because of the difficulty of assembling the information.

But here is an idea of what happens as a general rule.

In the 1974 common pleas court term in the county of Cuyahoga, there were 4,342—well, there was a total of 5,855 people processed through the court; 4,342 of them either pleaded guilty or were found guilty or adjudged guilty; 647 of them were acquitted. In 896 cases, cases were nolle prossed: The prosecution was abandoned for various reasons.

Mr. CONYERS. Were they valid reasons, or can you tell?

Mr. GAREY. I can't tell that from the statistics that we gathered.

The only impressive feature of this particular statistic is the fact that there were 896 of them, out of 5,885 of them, which I consider a considerable number.

Now, of the 4,342 people—and I obtained this information from the common pleas court—of the 4,342 people that were convicted or pleaded guilty, 1,552 are listed as having been sentenced; however, from an actual count, only 1,286 of them were taken to penal institutions.

The duration of their sentence is not known. It could be less than a year; it could be upwards of a year; but, usually, unless it's the most serious type of crime, even in those there aren't too many to go for life or 15 to life. Sentences aren't that long.

And then the period of time that is actually served is very difficult to examine: to find out how long they actually remained there.

But that is the entire Cuyahoga County, 4,342 "guilties,"—1,286 taken to penal institutions, and that represents about 30 percent.

Now, these are major index crimes. These are the seven most serious crimes. Now, of these, 3,080 were processed through the Cleveland Police Department, and 900 of them went to the penal institutions, which is still 30 percent that we are talking about—a little less than 30.

I have the 1973 figures. I just got them and I haven't had the time to analyze them at all.

Mr. CONYERS. Please spare us, Chief. Let's get down to some cases here.

Mr. GAREY. Very briefly, I think there is one more piece of information that will even more dramatically demonstrate the gravity of this problem, and that is the concealed weapons cases that were processed, and that is pertinent to the matter at hand here.

This is carrying concealed weapons in violation of the law. In 1974, 613 adults, just adults, 18 or over, were charged. Of them, 288 were convicted, 158 were not convicted, 100 of those being nolle'd, 50 discharged by the judge, 3 "no bill," and 5 not guilty.

Now, in fairness to the system, I have to say that there are still 128 that were bound over that we have no disposition on, so this figure could be modified by 128 who may or may not have been processed and the trial of whom may or may not have been completed.

There are also 38 that jumped bond. There are corpuses out for them, and there is a bond forfeiture in many cases.

Now, the 288 out of the 613 that were convicted; 57 received jail sentences. Now, this is about 20 percent of those that were convicted, and it is less than 10 percent of those that were originally arrested and charged. That is in 1974.

In 1973, the figures parallel this very closely. There were 623 charged, a few more went to jail, but the figures still come out and everything is roughly the same. The figures still come out 623 adults charged, 426 were convicted—there were more convicted—and of the 426, only 87 went to jail.

Mr. CONYERS. What's the point of all of the statistics?

Mr. GAREY. I am getting to that.

Mr. CONYERS. All right. I mean, let's assume they are in the record——

Mr. GAREY. I have already stated—yes?

Mr. CONYERS. You know, the point is, I always hear police chiefs lecturing to me about what the courts ought to be doing. I hear judges who are always lecturing to me about what the prosecuting attorneys are to be doing.

And I have prosecuting attorneys telling me what the police ought to be doing.

I'd like to hear the people in their area of public responsibility addressing themselves to what they are going to be doing. We have this fingerpointing game going on in the criminal justice process, where everybody points at everybody else.

Now, if you are telling me all of that to tell me that the courts aren't sending enough people to jail to satisfy you, then we will put it on the record.

If there is some other point to it, we will accept what that point is. I want to find out what the police department leadership in this very large city is going to be doing in connection with the problem of firearms regulation and what your views may be, taking into consideration you have been on the job only 30 days.

But you are a career law enforcement officer, and I don't think any dramatic changes are going to occur after these many years.

Now, let me just ask you a question.

Mr. GAREY. May I state what the point was that I was making? The point I am making is what I stated earlier, is that there must be a deterrent for crime or you are not going to be able to prevent crime, and the deterrent for crime is punishment for crime. And it isn't there.

I am not indicating the court system or anyone else. It's the entire system, and the public also.

[Applause.]

Mr. CONYERS. May I ask those in the audience who feel compelled to indicate their support of statements to please restrain themselves.

All right. Now, let's try to analyze a couple of problems here. Do you support the present ordinance that has been passed by the Cleveland City Council?

M. GAREY. Yes, I do.

Mr. CONYERS. And did you have any views about the ordinance that was vetoed by Councilman Barnes? Do you recall that?

Mr. GAREY. The ordinance that was proposed by Councilman Barnes that was vetoed?

Mr. CONYERS. Yes.

Mr. GAREY. It was slightly more extensive in scope and it included registration, and I don't believe—if the question is am I for or against registration, I don't believe that in and of itself is going to prevent the crimes, the homicides, to any great extent.

As far as law enforcement is concerned, the registration of firearms doesn't serve that useful a purpose, either in the investigation of crime, because, practically, you don't very often have the firearm and the victim, and no suspect.

Mr. CONYERS. Do you agree there is a relationship between the increasing number of firearms in the community and the increasing number of gun homicides that occur?

Mr. GAREY. I believe, with controls, you may reduce firearm homicides to some extent. How much? I don't know.

Mr. CONYERS. Neither do we at this point.

Mr. GAREY. I also believe you may change the nature of the victims of homicides, too. It will less frequently have the criminal being the victim of the homicide, as compared to having the innocent or law-abiding citizen as the victim of a homicide.

Mr. CONYERS. Right. You do see a correlation between those two matters, then?

Mr. GAREY. There certainly is a correlation.

Mr. CONYERS. Now, are you aware of the fact that in the large cities, usually the inner city, the black community is the place where crime occurs with the greatest incidence, and therefore that raises a question of how increased police support will bear on the question of citizens feeling more safe and secure in their neighborhoods and homes, so that they will not mind giving up any weapon that they may have, or not have to go out and get a weapon or weapons in a defensive nature to protect themselves?

So that what I see coming out of this analysis is the fact that there may be a need for greater police support in those areas of the city where there is a greater incidence of crime. Would that not be compatible with citizens understanding the necessity of feeling secure in living in a community without resorting to firearms defense themselves?

Mr. GAREY. I would believe that there would be more police protection in an area with more police there, certainly, and the people would feel more safe with the presence of more police.

But that isn't always possible. There are only so many police to be distributed, disseminated throughout the city. The police and police forces as they are presently constituted, and in the numbers as they are constituted, cannot afford the individual protection that each citizen would like to enjoy, and we would like to see them enjoy.

That is a very utopian situation. It's very difficult to——

Mr. CONYERS. Well, wait a minute. What's a utopian situation?

Mr. GAREY. If you can put enough police officers in there to assure everybody total safety at all times—I don't know how you can do it at all times.

Mr. CONYERS. Nobody created such a hypothetic but yourself. The point I am working at is reducing the tremendous incidence of crime. That is not utopian, is it?

Mr. GAREY. No.

Mr. CONYERS. Wouldn't it be a viable objective, for example, in Cleveland or Detroit or New York or Los Angeles, to attempt through their police departments and law enforcement techniques to reduce the incidences of crimes that occur in certain specific areas of the city?

That would not be utopian, would it?

Mr. GAREY. To effectively decrease crime would be a major objective of any police department, as far as it is capable of doing it. But it also should be the objective of all legislators, all members—and the citizens themselves.

Mr. CONYERS. But the police have the major responsibility. "And the citizens themselves"—now, what is the community relations between the black community in Cleveland and the Cleveland Police Department?

Mr. GAREY. Well, the status of community relations—we had an unfortunate incident recently, and you are probably aware of that.

Mr. CONYERS. I happen not to be aware of it.

Mr. GAREY. There always are some frictions that occur. By and large, the relations between most of the black community and most of the police officers are good.

There is always a suspicion among not only the black community but also the white community. You know, people are reluctant to give information to the police and cooperate with the police because they always seem to put themselves in the other position of—the adversary position with respect to police.

For that reason you do have some difficulties and you do have some problems communicating and maintaining a good rapport with the citizenry.

Mr. CONYERS. But you see community relations as being a very important part of your responsibilities and involving the citizens in a positive way toward cooperating with the police?

Mr. GAREY. Certainly. I think it's paramount. Cooperation between the citizens and the police is an essential ingredient to effective law enforcement and crime prevention and crime detection.

Mr. CONYERS. Thank you.

Mr. Mann?

Mr. MANN. Thank you, Mr. Chairman. Chief, I know we can look at each segment of the administration of justice and find places to improve it, and each of us tends to look at the other and think that is where the improvement can be most effective.

Now, admitting for the moment that the statistics indicate that your present corrections are effective, that some of the sentencing patterns indicate there are shortcomings in the judiciary system; and that at the beginning of the spectrum, that the preventive techniques being used by society are not effective, your crime is increasing substantially, and nothing that you seem to do seems to slow it down.

[Congressman Louis Stokes joined the chairman and members of the subcommittee.]

Mr. MANN. As one who sits in the seat of the law enforcement, what obstacles do you see to a better rate of solving crime, and arrests; realizing your rate of unrecorded crimes and less severe crimes and unre-

ported crimes is increasing in all probability, what obstacle do you see to improving the picture at your end of the spectrum?

Why can't the police do a better job of enforcing the law on concealed weapons, for example, and the property crimes that are also involving concealed weapons, and the stealing of weapons?

Mr. GAREY. Well, with respect to the efforts of the police, what we can do is patrol to try to prevent crimes. Once a crime has been committed, we can investigate it and attempt to clear the crime by the arrest of the perpetrator, prepare a case and take him to court.

If we can't in some way take this person out of circulation for a while, he's going to be back within a very short period of time and we will have to contend with him again. Of course, this is one of our problems.

If we could eliminate some of the criminals and some of the potential offenders by imposing or causing a penalty to be imposed; as I said, there are a lot of reasons why we don't send them away.

They don't have decent places to send them. I have been told all of these reasons from time to time. But if we can't get them out of circulation for a period of time, we have to continually contend with him, and he is free to commit his crimes against the rest of the citizens of the community.

I think that is basic. That has to be first.

Mr. MANN. Well, I don't agree with you.

You said yourself, a little bit earlier, that, one, probably the greatest reason for the increase in crime is the assumption by that criminal that he is not going to get caught.

Now, there are not many people who, if they get caught, want to get caught again. So what can we do to catch them the first time?

Mr. GAREY. I don't know what all of the answers are to that. I think what we are doing is everything we can possibly do. I didn't say it's just the assurance of not getting caught.

It's the assurance of not being caught; and if he is caught, not being punished for the offense he has committed.

Mr. MANN. I don't know that many of them are very worried about their first step:

Mr. GAREY. They are worried about getting caught, to begin with, certainly.

Mr. MANN. Well, of course, you and I know that the example of the deterrent effect of substantial punishment by the courts is important. But I still assert that I think our problems are more serious at the prevention level, and that is where the action will happen, and at the law enforcement level.

But we will have to improve our capacity to arrest. Do you feel inhibited by any of the laws of the city or of the State, or the decisions of the Supreme Court, in your activities in solving crimes?

And if so, to what extent, and what particulars, briefly?

Mr. GAREY. Well, I certainly do. Again, it creates the same problem.

I have a report here of the homicide statistics, they have been compiled over the years from 1937 through, well, through 1974, and to date in 1975.

In the early years of these statistics, the rates are: 1937, for example, 93; and in 1974, 78; 1962, 49; and it remains in the area of 50, 60, 70, all the way through 1963; and then in 1964, it went over 100.

This is about the time that the Supreme Court decisions began to take their effect. In 1964, it was 103; 1965, 107; 136 in 1966; 151 in 1967; 145 in 1968. And then suddenly it took another jump. In 1969 it went to 242, and it stayed higher than that figure ever since.

So I believe they have had an effect.

Mr. MANN. Well, are you satisfied with the level of training of your officers?

Mr. GAREY. Training can always be better. Training can always be improved, and more training can always be undertaken, and it's always beneficial.

But there is a limit to the amount of training that you can undertake. There are manpower limitations and constraints that, to some extent, have to limit you because the purpose of having policemen is to have them on the streets and to do their job on the streets.

Because of that, you can't keep them in training on a continual basis. We never had that much manpower to spare so we can divert them to training.

As far as training is concerned, probably, crime prevention would be quite well served with a little more training and education of the public, too.

Mr. MANN. Do you maintain a separate community relations department?

Mr. GAREY. We do; yes.

Mr. MANN. Thank you Chief. Thank you very much.

Mr. GAREY. Thank you, Mr. Chairman.

Mr. CONYERS. Well, Police Chief, I don't know whether we should commiserate with you over your new assignment more than you should commiserate with this subcommittee, in terms of its separating out the critical issues in terms of our legislative responsibility. Let's commiserate together.

I wish you well, but I see we have our colleague, Mr. Stokes, with us and I'll yield to him for any questions he may have.

Mr. STOKES. Thank you, Mr. Chairman. I think I just have one or two.

Chief, during the time that the chairman was questioning you, he spoke of the inordinate amount of crime that takes place in the inner city.

With reference to that, he asked you about being sensitive to the needs of those who reside within inner city, as it relates to their extraordinary need for an exorbitant amount of crime existing there, and you suggested that one of the solutions, of course, would be to put additional police into that area to service the needs of the people.

But in reality, don't we really exacerbate the situation if the additional police put into that area are not themselves properly trained and sensitive to the unique problems which arise as a result of their having not been properly trained, in terms of community relations between the black and white communities?

Mr. GAREY. Well, that type of training has been a standard part of the police academy recruit and inservice training for many years, Congressman Stokes.

With regard to putting greater number of police officers in those areas where the crime rates are the highest, the fifth district, for example, has the highest homicide rate of the six police districts.

The fifth district also has the highest percentage of uniformed patrol force assigned to it. So, we tried to match the manpower assignment with the need, and we also tried to match the training with the requirements.

Mr. STOKES. Well, also in reply to Chairman Conyers, when he asked about the relations between the black community and the police, you said that you thought generally it was good except for a rather unfortunate incident that has occurred recently.

The chairman said he was not aware of it. You are obviously making reference to the Derrick Browne situation, I would assume.

In addition to the Derrick Browne situation, aren't we confronted in this city at the present time with a great deal of tension in the black community which has arisen as a direct result of the fact that recently there has been a rather exorbitant number of killings of black people by white policemen, and isn't that presently a very sensitive and possibly inflammatory situation existing in our city?

Mr. GAREY. Well, any incident can be inflammatory. I agree with you. But these homicides were ruled justifiable homicides.

All homicides that have been committed by police officers in the line of duty have not been white police officers upon black individuals. There have been black police officers that, in performance of their duty, have been compelled to try to apprehend someone, and in the process of so doing caused his death.

So this isn't unique. It's unique only in that it became a necessity of law enforcement in each particular instance.

Mr. STOKES. Well, on a comparative basis, we consider the number of deaths occurring in the black community, compared to those in the white community, whether the deaths be perpetrated by black or white policemen, doesn't the fact that you have an exorbitant number of those in the black community raise certain questions in your mind, as chief of police?

Mr. GAREY. No, sir. The areas where these occur are the highest crime areas, most of the suspects in crime are there and most arrests become necessary to be made there. That is the reason why they will probably occur more frequently in those areas.

Mr. STOKES. You are saying, then, that because there is a higher rate of crime in the black community, a larger number of arrests in the black community, it then follows rationally that there will be a larger number of deaths occurring to the victims by police officers?

Mr. GAREY. There will be more incidents of that type. With respect to whether they are white police officers involved or black police officers involved, it is an unfortunate condition, but there are more white police officers working in these high crime areas than there are black police officers and, inevitably, more of them are going to be involved in initial arrest situations.

This is a statistical fact. I can show you in black and white.

Mr. STOKES. That is sad news for anybody who has to live in the black community. That is all I have to say.

Thank you, Mr. Chairman.

Mr. CONYERS. You are more than welcome, Mr. Stokes.

I think you maybe generated a couple of notions here. Do you subscribe or have you considered the impact on community relations that occurs when police officers live in the community in which they police?

Mr. GAREY. The impact upon them?

Mr. CONYERS. Yes. Is this a new notion, a novel idea?

Mr. GAREY. Oh, this idea has been proposed and has come and gone a number of times.

Mr. CONYERS. Has it impacted on the chief of police of Cleveland?

Mr. GAREY. I don't believe that a man's place of residence has any effect whatever on his ability, willingness, or capability to perform his job.

Mr. CONYERS. That wasn't the question. Let me restate it.

Mr. GAREY. I believe that if the citizen receives a fair and a proper type of law enforcement, I don't believe the place of residence of the officer that saved his life, or whatever the case might me, has anything to do with it.

Mr. CONYERS. I won't restate the question, but let me ask you this. Do you think that there is a positive benefit that derives upon police community relationship if the ethnic composition of the police force is as comparable to the ethnic makeup of the city as is possible?

Mr. GAREY. That may be very well true—that may very well be true.

Mr. CONYERS. Well, it may be and it may not be. How do you react to that proposition?

Mr. GAREY. We never had that condition. We have always recruited and attempted to enroll minorities as members of the police department, because we need them to do an effective job.

Mr. CONYERS. Let's get down to the statistics then. I am sure my colleague knows these statistics, since I don't.

What is the percentage of black citizens in the city of Cleveland?

Mr. GAREY. Oh, probably 35 or 40 percent.

Mr. CONYERS. What is the percentage of law enforcement officers—blacks—on the Cleveland police force?

Mr. GAREY. It's less than 10 percent, and it was less than 5 until recently.

Mr. CONYERS. Would you support or have you considered a program that would bring the ratio of the ethnic composition of the police force of Cleveland into comparability with the ethnic makeup of the city of Cleveland?

Mr. GAREY. That is fine, if it's achieved. But that cannot be the sole objective. The objective has got to be to obtain qualified personnel that can do the job.

Ideally, that percentage——

Mr. CONYERS. Well, do you see some problem in finding qualified policemen and still getting some comparability in the ethnic makeup?

Mr. GAREY. I see a problem because most of them aren't interested.

Mr. CONYERS. Well, maybe many of them would think you are not interested in a program that would bring in more black police officers, unless there was a very major effort underway.

Mr. GAREY. There has been a very major effort. This matter has been before the public.

Mr. CONYERS. But you haven't been involved in it?

Mr. GAREY. Yes, I have.

Mr. CONYERS. As the chief of police?

Mr. GAREY. Not as the chief of police, no.

Mr. CONYERS. But that would be the level you would help determine, if not solely, the kind of program that would occur, would you not, as chief of police?

Mr. GAREY. No, not entirely. As chief of police, my responsibility is the operation of the police department, and the replenishment of manpower and equipment is the responsibility of the Director of Public Safety, which is the Safety Department at City Hall.

I do become involved in it to the extent that it must involve members of the department in recruitment and background processing and so forth.

But the actual recruitment and the examination of the individuals, the physical and the written examinations, they are conducted through City Hall.

The Civil Service Commission conducts the examinations. The Director of Public Safety is the final authority in the selection of the personnel and in hiring. Of course, he does——

Mr. CONYERS. Consult with you every now and then, surely?

Mr. GAREY. Totally. He acts upon the recommendation of the police department, because the police department conducts the background investigation. He has to have this input to make a rational, logical choice of those individuals who are on the list for the position.

Mr. CONYERS. Now, just how important is community relations to you?

Mr. GAREY. Community relations is of utmost importance, but it is most important in the daily contact between police officers and the public.

The other programs are fine. They are part of it. They are needed. But this initial contact, that is the most important aspect of community relations.

Mr. CONYERS. Right; and is it clear to you that in contacting the community, that is most victimized by violence, most desperately in need for police support, that if they were dealing with members not only from the same ethnic background but who live within their community, do you not see that that might have a tremendous impact on community—police relations?

Mr. GAREY. I certainly do, and for that reason the recruitment effort was concentrated almost exclusively and solely in those areas. The results were not favorable.

Mr. CONYERS. Well, that might mean you need a new program.

Mr. GAREY. I shouldn't say that the results weren't favorable. There is a new list at the present time.

There haven't been any people hired off of this list, and there is a greater mix of the races.

Mr. CONYERS. I see.

Mr. STOKES. Will the Chairman yield?

Mr. CONYERS. Yes, I will yield.

Mr. STOKES. You know, chief, with reference to these questions regarding opportunity for blacks in the Cleveland Police Department, I don't mind what you tell Congresman Conyers and other members of this committee.

But I live here, and you and I both know that the Cleveland Police Department is presently under court order in Federal court as a result of a lawsuit brought by the Shield Club, the black members of the Cleveland Police Department, to force equal opportunity within the Cleveland Police Department. Isn't that a fact?

Mr. GAREY. Yes. The fact is this. The matter was before the Federal court, as a result of which there was an examination held, and the list came out, and that is the list that I refer to.

This list is in existence now, and I don't know the total makeup of it, but I know there is a greater balance of white, blacks, Puerto Ricans, and minorities.

Mr. STOKES. Chief, tell Chairman Conyers and Congressman Mann how many black officers you have in the Cleveland Police Department.

Mr. GAREY. Exact figures, I couldn't tell you. There are approximately 210.

Mr. STOKES. Officers?

Mr. GAREY. Oh, are you talking about police officers or superior officers?

Mr. STOKES. I am talking about those that hold a rank above patrolman.

Mr. GAREY. There's one captain, and I believe six sergeants. I haven't checked the figures for a few months.

Mr. STOKES. One captain and six sergeants?

Mr. GAREY. I believe that's the figure.

Mr. STOKES. What other ranks do you have in the Cleveland Police Department?

Mr. GAREY. There are patrolmen, there are sergeants, there are lieutenants, there are captains, there are deputy inspectors, and there are presently only three.

But there's a provision for four inspectors, and the chief of police.

Mr. STOKES. And the only categories in which you have blacks are the six sergeants and one captain; is that correct?

Mr. GAREY. At the present time, yes.

Mr. STOKES. How many officers in all do you have?

Mr. GAREY. There are about 2,250 or 2,260 total policemen.

Mr. STOKES. I am talking about those holding rank above that of patrolmen.

Mr. GAREY. In excess of 300.

Mr. STOKES. So we are talking about seven black officers and in excess of 300 white officers, aren't we?

Mr. GAREY. Promoted superior officers within the division of police, yes.

Mr. STOKES. In a city, by your testimony, that is probably 35 to 40 percent black; is that correct?

Mr. GAREY. I can't be certain of that, but those are the figures that I am led to believe are correct.

Mr. STOKES. In terms of your being able to attract qualified personnel, as you put it, from the black community, isn't there a direct relationship or correlation between those whom you are attempting to attract being able to identify with equal opportunity within the department?

Mr. GAREY. There may be. I don't know what awareness they have of the structural makeup, of the racial makeup of the department.

Mr. STOKES. Don't you think that most black people know they're just aren't any blacks holding high office in the Cleveland Police Department?

Mr. GAREY. I don't know.

Might I add something here?

Mr. STOKES. Sure.

Mr. GAREY. With regard to the promotional system of the Cleveland Police Department, it's a civil service organization. These are civil service positions. All of these positions are by promotional examination, prepared by the Civil Service Commission.

All members of the department with certain basic qualifications, a certain amount of time in grade through the years to be exact, are qualified to promotional examination.

The reference material is made known to all. All have an opportunity. Some work hard at it and some don't. I believe that all of them that work hard in preparation for a promotion have a very good chance of being promoted, whether they be white, black, or any nationality or any group.

Now I also believe that the people that are not promoted—are not promoted because they just don't put forth the effort to stand in a position that qualifies them for promotion, a position high enough on the list to be promoted as the vacancies occur.

These promotional examinations are totally under the jurisdiction of the Civil Service Commission.

Mr. STOKES. Is that the same as it relates to the hiring?

Mr. GAREY. That is correct.

Mr. STOKES. So what you are saying is that, if we have this less than 5 percent blacks on the Cleveland Police Department——

Mr. GAREY. Ten percent, Mr. Congressman.

Mr. STOKES [continuing]. Less than 10 percent, that that is not as a result of discrimination of any kind, and certainly their failure to take advantage of the equal opportunity afforded them to move from rank-to-rank certainly has nothing to do with discrimination in the Cleveland Police Department?

Mr. GAREY. To my knowledge, it does not. There are many white officers who never are promoted, either.

I can't offhand give you any percentages, relative percentages of success by the various groups, but I know this to be a fact. Many spend 25 to 30 years, most of them spend 25 or 30 years and they are never promoted.

Mr. STOKES. Why did Judge Thomas put the Cleveland Police Department under court order?

A VOICE. What does that have to do with gun control legislation? [Applause.]

Mr. CONYERS. I'd like to ask the audience to restrain itself, specifically that one person who spoke out. These committee hearings are being held pursuant to the subject matter that has brought us here, and the witnesses are being asked, I think, perfectly relevant questions that are certainly not beyond the purview of this subcommittee, and we would again ask the audience's indulgence throughout the course of these hearings.

Mr. STOKES. May I have an answer, Chief?

Mr. GAREY. I think I answered you.

Would you repeat the question? I thought I answered your question, Congressman Stokes.

Mr. STOKES. The question is: Why, then, under these circumstances, did Judge Thomas put the Cleveland Police Department under court order?

Mr. GAREY. Well, Judge Thomas' court order was simply that a nondiscriminatory job-related examination be devised. This has been done, and it has been done to the satisfaction of Judge Thomas. He has accepted the results of this examination.

Mr. STOKES. Thank you Mr. Chairman. I have no further questions.

Mr. CONYERS. Well, Chief Garey, your testimony has been very enlightening. I appreciate your coming here, and I hope that these hearings will receive your attention, and any further comments that you might want to pass on to this committee, or any of the Members of Congress from your State, would be very much appreciated.

Again, best wishes in your new assignment. Thank you.

[Witness excused.]

Mr. CONYERS. Our next witness will be three: A representative from the John Birch Society, a representative from the American Party, and Mr. E. D. Kindig, the owner of the Log Cabin Sports Shop, Lodi, Ohio, and also a member of one of their organizations, the National Muzzle Loading Rifle Association.

Are these three gentlemen here? Please come forward.

Mr. Lippitt. All right.

Mr. Norris?

Mr. Kindig. All right.

Why don't we have the testimony proceed in that order.

TESTIMONY OF THOMAS LIPPITT, JOHN BIRCH SOCIETY; MILTON R. NORRIS, AMERICAN PARTY; AND E. DANIEL KINDIG, OWNER, LOG CABIN SPORTS SHOP, LODI, OHIO

Mr. LIPPITT. Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Thomas Lippitt.

Mr. LIPPITT. I woud like to state at the outset that I am here as an individual, my views are my own and not necessarily those of any organization that I am a member of. I am not officially speaking for any organization.

Mr. CONYERS. Very well.

Mr. LIPPITT. I would like to request that the three documents I gave the committee: My testimony, a speech entitled The Decline of Law and Order—The Beginning of the End of the Republic, by the Honorable Judge Stanton Addams; and a study by the Citizens Bar Association of Cuyahoga County, investigation report into the illegal use of guns in the so-called Cleveland Watergate—be incorporated in the hearings.

Mr. CONYERS. Well, we will give them every consideration. I wanted to examine them, as I mentioned during the recess, and I have not had that opportunity.

They have been received and we acknowledge receipt of them.

You may proceed.

Mr. LIPPITT. Thank you.

My testimony is going to be divided into 7 sections and are pretty long, so I am going to summarize it up. They are:

(1) Exposure of the actual reason for the drive to disarm the civilian population, in comparison to the supposed reason; (2) the methodology being used to achieve disarmanent of the civilian population and concentration of all police power in Washington; (3) proof that the

gun laws do not stop crime; (4) unconstitutionality of gun laws; (5) suggested solutions to solving the crime problem; (6) examples of obstruction of justice; (7) miscellaneous comments.

I'd like to state that there is a one-world conspiracy that wants to gain control of the whole world. They want to give up the sovereignty of the United States via the United Nations in favor of the one-world government.

One of the members of that organization, Dr. Carol Quigley admitted to this, that he was a member of this one-world conspiracy. He wrote a 1300-page book entitled "Tragedy and Hope," and he states that they want to promote a one-world government.

That means we'd give up our sovereignty. Knowing the American people would not give up their sovereignty willingly, they therefore had to first promote a dictatorship by concentrating all police power in Washington and confiscating all guns.

The methodology they are using to do this, to confiscate guns, is the action, reaction, and synthesis method; the action being the promotion of crime by Government at all levels, the reaction being a demand from the citizens that the Government do something about the crime they instigated, the synthesis being a disarmament of the civilian population—which was the objective of the conspiracy all along.

Here are some of the steps that promote the crimes: (1) Decisions of the United States Supreme Court that hamper police; (2) local judges pamper criminals; (3) penal institutions allow vicious criminals out on furlough, where they engage in murder, rape, robbery, and general mayhem—numerous policemen have been killed by these criminals out on furlough, and a schoolteacher in California; (4) the public school systems controlled by the Federal Government promote permissiveness and situation ethics which preaches that anything goes—robbery, murder, rape—it all depends on the situation.

For example, the following poem from a public school library book, entitled "The Inner City Mother Goose":

> Jack, be nimble, Jack, be quick,
> Snap the blade and give it a flick.
> Grab the purse, it's easily done.
> Just for kicks, just for fun,
> Plunge the knife and cut and run.

Morality and ethics are not being taught in our schools, in many parts of the country; it's no wonder we have young criminals.

You can't blame the parents for complaining in West Virginia with poems like that.

Local prosecutors in many cases are offered open and shut evidence of a felony having been committed but refuse to prosecute. The same goes for Federal offenses, when the Attorney General or U.S. attorneys refuse to present evidence to a grand jury.

As a result, many criminals are not prosecuted and we have selective prosecution. Since the one-world conspiracy knows that the so-called Federal aid is Federal control, they promote revenue-sharing to destroy the sovereignty of the States, and they urge the passage of LEAA, which gives so-called Federal aid to local police.

The U.S. Supreme Court, in the *Wickerd* v. *Filborne* case, 317 U.S. 111, in 1942, stated:

"It is hardly lack of due process for the Government to regulate that which it subsidizes."

Federal aid is Federal control. Adolph Hitler was one of the first to institute revenue sharing in this century. He concentrated the taxing power in Berlin and doled back tax money to local politicians, who did his bidding and thus broke down local self-government, as part of his drive towards dictatorship.

And you can read that 25-point program in Publication 1864 of the U.S. Department of State.

Gun laws don't control crime. We have them all over the country. It's the morality of the people.

Dr. Allen Krug, of Penn State University, in his 1968 analysis of FBI statistics in comparison to State firearms laws, concluded that, there is no significant difference in crime rates between States that have firearms licensing laws and those that do not.

Dictators and would-be dictators want to disarm and keep the people disarmed, and I have quotes in here from Hitler and Lenin to that effect.

I won't go into the constitutional right to keep and bear arms; it's in my written testimony, and other people I am sure will do that.

Mr. CONYERS. I appreciate your cooperation.

Mr. LIPPITT. I have some suggested solutions here, now, to the crime problem.

Mr. CONYERS. All right.

Mr. LIPPITT. I suggest the following be done:

(1) Urge all States to abolish the monopolistic public school system and stop all so-called Federal aid to schools. Urge them to adopt a voucher system, so parents will have numerous schools competing for the education dollar and can thus send their children to a school that teaches what the parent desires: Morality, ethics, loyalty to God, family and country, instead of permissiveness, pornography, situation ethics, and humanistic secularism.

(2) Urge States to abolish the prison furlough program where vicious criminals are released on furlough.

(3) Urge States to pass laws making it mandatory 5-year jail sentence for anyone using a gun to commit a felony, and a mandatory death sentence by hanging in a public square for convicted heroin pushers, first-degree murderers, and those with a second conviction for rape.

And the last one, or the last couple are very important. Since local prosecutors and U.S. attorneys at times refuse to present evidence to a grand jury or prosecute a criminal, when a citizen has hard evidence of a crime having been committed, pass a Federal law allowing the private citizens to present evidence to a Federal grand jury, and urge States to pass a similar law whereby a citizen may bypass a county prosecutor and present evidence of a crime having been committed to a grand jury.

I consider this item to be imperative. Too much crime is covered up because private citizens cannot bypass prosecutors and go direct to grand juries.

Repeal the LEAA and abolish Federal aid to the local police. Replace lax and permissive judges at all levels. Force the U.S.

Supreme Court to uphold the Constitution instead of re-interpreting it.

And I have examples of criminals who are not prosecuted. There is one who was convicted of assault to kill, in Pennsylvania; he was picked up for carrying a concealed weapon in Cleveland and was nolle'd. Now, he is guilty of violating the 1968 Federal law, because he is not even allowed to own a gun, but he wasn't prosecuted.

We have the Citizens Bar Association of Cuyahoga County, who has numeorus examples of people who were not prosecuted, and there is nothing they can do about it. They can't go to the grand jury themselves.

Mr. CONYERS. Thank you very much.

[The prepared statement of Mr. Lippitt follows:]

STATEMENT OF THOMAS W. LIPPITT

Biography: Graduated Admiral Farragut Naval Academy 1942, U.S. Navy Veteran World War II. Age 50, married, eight children. Ran for U.S. Congress 1970, 1972, 22nd District of Ohio. Owns incorporated insurance agency, has been in the insurance business for 22 years. Member of The American Party, The John Birch Society, and The Citizens' Bar Association of Cuyahoga County. Former radio talk show host.

Testimony will be divided into seven sections with the following headings:

(1) Exposure of the actual reason for the drive to disarm the civilian population in comparison to the supposed reason.

(2) The methodology being used to achieve disarmament of the civilian population and concentration of all police power in Washington—a Gestapo, and exposure of who or what is promoting crime.

(3) Proof that gun laws do not stop crime.

(4) Unconstitutionality of gun laws.

(5) Suggested solutions to solving the crime problem.

(6) Examples of obstruction of justice.

(7) Miscellaneous comments.

(1) When Joe Valachi testified before a Congressional hearing and admitted that he belonged to a secret crime organization called the Cosa Nostra people then believed there was such an organization because a member who was on the inside made the knowledge about the organization public. In 1966 Professor Carroll Quigley of Georgetown University wrote a book titled *Tragedy And Hope*. In the book he admitted to being a member of the Council on Foreign Relations and to having had access to their secret papers for two years, from 1960–62. He also admitted he was a member of a "One-world conspiracy" dedicated to promoting a One-world government via the U.N. which would require our country to give up it's sovereignty. He also stated that this conspiracy had so much power that the stupid middle-class Americans couldn't stop them. I am sure members of this committee have read the terms "New World Order" and "Interdependency of nations" in their newspapers. These are code words of the One-world conspiracy. The Council On Foreign Relations controls most of the news media because its members hold more seats on the boards of directors and/or executive positions with T.V. networks, newspapers, magazines and also hold large amounts of stock in companies that disburse news as well as publishing companies. Most of the executive positions in every administration from Franklin Delano Roosevelt to Gerald Ford have been held by members of the Council On Foreign Relations and they control the Ford, Rockefeller, Carnegie and Sloan Foundations. This information is to show you just SOME of the vast power they have over America. For more complete details of the "Admitted One-World Conspiracy" by one of its members Professor Carroll Quigley I refer you to the book *None Dare Call It Conspiracy* by Gary Allen. Also, *The Naked Capitalist* by W. Cleon Skousen and *Gun Control Means People Control* by Phoebe Courtney.

(2) You are wondering what the One-World Conspiracy has to do with gun control? It is simply this: This One-World Conspiracy knows that the majority

of the American people want to remain independent and not give up their freedom and rights under our Constitutional Republic. Therefore, before they can force the people to give up their sovereignty they must first impose a dictatorship upon the people and the final two steps that are taken by dictators are: (a) Disarming the civilian population and (b) Concentrating all police power in a strong central government. In order to get gun laws and confiscation of weapons the conspiracy is promoting crime that is then used as an excuse to disarm the population. In other words they use: action, reaction, and synthesis. The action being the promotion of crime by government at all levels; the reaction being the demand from the citizens that government do something about the crime they instigated; and the synthesis being the disarmament of the civilian population which was the objective of the conspiracy all along. Here are some of the steps taken by government at different levels that have promoted the crime:

(a) Decisions of the U.S. Supreme Court that have hampered the police and helped criminals. For example in one decision the U.S. Supreme Court stated that a convicted felon who owned a gun did not have to register the gun as that would violate his Fifth Amendment rights against self incrimination! *Haynes vs. U.S.*, No. 236 1/29/68. Another example is the Miranda decision and another the Escobedo decision and many more decisions which makes law enforcement much harder for those on the firing line.

(b) Local judges pamper criminals.

(c) Penal institutions allow vicious criminals out on furlough where they engage in murder, rape, robbery and general mayhem. A school teacher was murdered in California, a State Trooper in Wash. when he went to stop a car for a minor traffic violation, a policeman in Pittsburgh, Pa., and another police officer in Florida. All murdered by vicious criminals allowed out on furlough. In addition, many criminals allowed out on furlough from penitentiaries fail to return when their furlough is up and continue their life of violent crime against the law-abiding citizens.

(d) The public school systems controlled by the federal government promote permissiveness, and situation ethics which preaches that anything goes—robbery, murder, rape—it all depends on the situation. The following poem is from a public school library book titled: *The Inner City Mother Goose* page 26:

"Jack be nimble, Jack be quick,
Snap the blade and give it a flick.
Grab the purse, it's easily done.
Just for kicks, just for fun,
plunge the knife and cut and run."

Morality and ethics are not being taught in our schools in many parts of the country. Is it any wonder we have young criminals? Can you blame the parents for complaining in W. Virginia about books which teach immorality and disrespect?

(e) Heroin addicts will do most anything for a "fix". Penalty for heroin pushers is too weak. Most heroin comes from Communist China. For proof I refer you to the book: *Psycho-Chemical Warfare* by A. H. Stanton Candlin.

(f) Local prosecutors in many cases are offered open and shut evidence of a felony having been committed but refuse to prosecute. The same goes for federal offenses when the Attorney General or U.S. Attorney refuses to present evidence to a grand jury. As a result many criminals are not prosecuted and we have "selective prosecution".

(g) Since the One-World Conspiracy knows that so-called "federal aid" is federal control, they promote so-called "revenue sharing" to destroy the sovereignty of the states. In addition they urged the passage of LEAA which gives so-called federal aid to local police thus putting all local police under federal control which can easily lead to a federal Gestapo. The U.S. Supreme Court in the Wickard vs Filburn case 317 U.S. 111 Nov. 9, 1942 stated: "It is hardly lack of due process for the Government to regulate that which it subsidizes." I believe that Adolph Hitler was one of the first to institute revenue sharing in this century. Hitler concentrated the taxing power in Berlin, and doled back tax money to local politicians who did his bidding and thus broke down local self government as part of his drive toward dictatorship. Hitler had a 25 point

program. One of the points was federal revenue sharing. For complete details of that program I refer you to Publication 1864 of the U.S. Department of State.

(3) It certainly must be obvious that gun laws do not stop crime when we have all sorts of gun laws all over the country. New York with one of the toughest hasn't stopped crime. Since about 96.6% of all crime in the U.S. is committed without a gun you would hardly even scratch the surface in stopping crime even if you confiscated every gun in the country. It is already against federal law to own a sawed-off shotgun, yet we frequently read of criminals using such guns in holdups, but I have never read where anyone was charged under that law. If you study gun laws of our states you will find many have similar laws, yet the murder rate in one will be about 12 per 100,000 population and in the other 1.1 per 100,000. Obviously gun laws do not determine the murder rate, but some other reason. In states with little or no gun laws the crime rate is frequently lower. Obviously the availability of guns does not determine the crime rate, but the *morality of the people does!* Dr. Alan Krug of Penn State University in his 1968 analysis of F.B.I. statistics in comparison to state firearms laws concluded that there is no significant difference in crime rates between states that have firearms licensing laws and those that do not.

(4) Dictators and would be dictators want to disarm and keep the people disarmed. For example Adolph Hitler said: "The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall." From Lenin's Collected Works we read the following: "Make mass searches and hold executions for found arms." and "Only the Soviets can effectively arm the proletariat and disarm the bourgeoisie. Unless this is done, the victory of socialism is impossible." Compare that with the wording in the case of U.S. vs Miller. The militia comprises all able-bodied males who were "civilians primarily" and "when called for Militia service, were expected to appear bearing arms supplied by themselves and of the kind in common use at the time." Former Chief Justice Earl Warren writing in an issue of the N.Y. University Law Review discussed the formulation and adoption of the U.S. Constitution. He drew attention to the safeguards to the people contained in it. He then wrote: "Despite these safeguards, the people were still troubled by the recollection of the conditions that prompted the charge of the Declaration of Independence that the King has 'effected to render the military independent and superior to the civil power.' They were reluctant to ratify the Constitution without further assurances, and thus we find in the Bill of Rights amendments number 2 and 3, specifically authorizing a decentralized militia, guaranteeing the right of the people to keep and bear arms, and prohibiting the quartering of troops in any house in time of peace without the consent of the owner."

The Second Amendment of the Bill of Rights reads: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." At the time the Ten Amendments called the Bill of Rights was ratified, the "militia" was considered to be "all able bodied men."

You cannot "infringe" upon citizens' rights under the Constitution without violating Title 18, Section 241 of the U.S. Code which reads as follows: "If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or the laws of the United States, or because of his having so exercised the same . . . They shall be fined not more than $10,000. or imprisoned not more than ten years, or both . . ." Any law that is not in agreement with the U.S. Constitution is invalid and no one is bound to obey it—see page 8.

Any politician who conspires to pass unconstitutional legislation to take away our rights under the Constitution such as our right to keep and bear arms is, in my opinion, guilty of violating Title 18, Section 241 and if any legislative body is allowed to infringe upon our Second Amendment rights, how long will it be before they infringe upon our First Amendment rights? The Constitution has provided a method to change it legally by amendment. If certain politicians do not like certain rights we now have, then let them legally try to amend the Constitution rather than pass unconstitutional laws.

Law of the Land

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid. One must prevail. This is succinctly stated as follows:

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

"Such an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . .

"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Sixteenth AMERICAN JURISPRUDENCE
Second Section; § 177

THE CONSTITUTION OF THE UNITED STATES.....

ARTICLE SIX; Section two:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the SUPREME LAW OF THE LAND; and the JUDGES IN VERY STATE SHALL BE BOUND THEREBY, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

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(5) Suggested solutions to the crime problem.

(a) Urge all states to abolish the monopolistic public school systems and stop all so-called federal aid to schools. Urge states to adopt a "voucher system" so parents will have numerous schools competing for the education dollar and can thus send their children to a school that teaches what the parents desire—morality, ethics, loyalty to God, Family and Country instead of permissiveness, pornography, situation ethics, humanistic secularism (which the U.S. Supreme Court has stated on three occasions is a "religion") etc. Hitler and Stalin had federal control over the schools and now we have federal control here!

(b) Urge states to abolish the prison "furlough programs" where vicious criminals are released on furlough.

(c) Urge states to pass laws making it a mandatory five year jail sentence for anyone using a gun to commit a felony, and a mandatory death sentence by hanging in public square for convicted heroin pushers, first degree murderers, and those with a second conviction for rape.

(d) Since local prosecutors and U.S. Attorneys at times refuse to present evidence to a grand jury or prosecute a criminal when a citizen has hard evidence of a crime having been committed, "pass a Federal law allowing private citizens to present evidence to a Federal grand jury, and urge states to pass a similar law whereby a citizen may bypass a county prosecutor and present evidence of a crime having been committed to a grand jury. *I consider this item to be imperative.* Too much crime is covered up because private citizens cannot bypass prosecutors and go direct to grand juries. Leastwise not in Ohio or on the federal level.

(e) Repeal LEAA and abolish all so-called "federal aid" to local police.

(f) Replace lax and permissive judges at all levels.

(g) Force U.S. Supreme Court to uphold Constitution—not "reinterpret it".

(6) There is evidence available that Henry Kissinger is a Soviet Spy. I wrote to the U.S. Attorney General telling him where he may obtain evidence to that effect, but nothing is done. My first request to Mr. Levi along with an assinine response from an assistant and my reply to the letter from the assistant are enclosed as exhibits.

The Citizens' Bar Association of Cuyahoga County has evidence of numerous crimes that were committed but for reasons known only to themselves prosecutors won't prosecute even when hard evidence is available. We have cases of forgery, perjury, weapons violations, attempt to murder, etc., in the files of the Citizens' Bar Association that are not prosecuted. The Investigation Report of the Citizens' Bar Association giving numerous cases of crimes not prosecuted in connection with the "Cleveland Watergate" is enclosed as an exhibit. A federal strike force should investigate the "Cleveland Watergate" and a special prosecutor appointed to present the evidence to a federal grand jury.

(7) I take notice that ministers, priests etc. are engaging in politics by taking a position on the gun issue at hand. The IRS took away the tax exemption of Christian Crusade run by Billy James Hargis because he took a position on "issues" not because he endorsed any candidates because he didn't. I therefore request this committee to turn over the names of any people claiming to represent any church or religious group who testify on any political issue to the IRS. What is good for the goose is good for the gander. Either we have equal justice for all or else we don't. I for one want equal justice for all.

CLEVELAND, OHIO, *May 28, 1975.*

EDWARD LEVI,
U.S. Attorney General, U.S. Department of Justice,
Washington, D.C.

WILLIAM E. COLBY,
Director, Central Intelligence Agency,
Washington, D.C.

GENTLEMEN: This letter with a copy of the book titled: *Henry Kissinger—Soviet Agent* is sent to you by registered mail, return receipt requested so that you cannot deny receiving both the letter and book. Copies of the book are available from: The Herald of Freedom, Zarephath, New Jersey 08890 and the author is Frank A. Capell.

Col. Michel Goleniewski who infiltrated the Polish Communist Intelligence eventually came to the U.S. after his cover was blown. Because of evidence provided by Col. Goleniewski numerous Soviet Spies were arrested and convicted in Europe including Col. Stig Eric Wennerstrom of Sweden, Gordon Lonsdale alias Kolon Molody, George Blake and four others in Great Britain and others in W. Germany, France etc.

In 1961 and 1962 Col. Goleniewski informed the C.I.A. that Henry Kissinger had been a Soviet Spy—a K.G.B. Agent since 1945 using the code name of "Bors". The record amassed by Kissinger that is helpful to the Communists certainly backs up the charge that he is a Soviet Spy, and hence a TRAITOR. If some Congressman or Senator were charged with any felony the charge would make the headlines, yet the news media has covered up the fact that a reliable Agent who was working for the West has made the charge that Kissinger is a Soviet Spy. If the charge is true and Kissinger is the head of National Security, then you can be sure all of our agents have been compromised.

Mr. Levi, I hereby request that you contact Mr. Goleniewski through Frank A. Capell and have him testify before a federal grand jury in order to indict Henry Kissinger for violating federal laws that apply to this situation. I do know that you were a member of the National Lawyer's Guild—a Communist Front. If you

fail to take action against Henry Kissinger, would not that be "obstructing justice?" If you fail to take action within the next thirty days I will conclude that you do not intend to bring charges against Kissinger, and will decide then what action to take either in court or in the "court of public opinion." Mr. Colby, I am sure you must have plenty of information about Communists in our government including Reds planted in your own organization. Why don't you blow the whistle on them?

Very truly yours,

THOMAS W. LIPPITT.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., June 6, 1975.

Mr. THOMAS W. LIPPITT,
Cleveland, Ohio

DEAR MR. LIPPITT: Your letter to Attorney General Levi concerning allegations that Secretary of State Henry Kissinger is a Soviet spy has been referred to me.

Executive Order 10450 requires that investigation be made of all employees of the executive branch of the Federal Government. The Order further requires that all persons privileged to be employed in the executive branch be loyal to the United States and no one may hold a sensitive position with the Government unless his employment is determined to be clearly consistent with the interests of national security. No information has come to the attention of the Department of Justice to substantiate the allegations made concerning Secretary Kissinger in your letter.

I hope that this information will be of assistance to you.

Sincerely,

GEORGIA MCNEMAR,
Attorney, Legislation and Special Projects Section Criminal Division.

Cleveland, Ohio, June 9, 1975.

GEORGIA MCNEMAR,
Attorney, Legislation and Special Projects Section, Criminal Division, U.S. Department of Justice, Washington, D.C.

DEAR MRS. MCNEMAR: In my letter to the Attorney General I stated that Michael Goleniewski had evidence that Henry Kissinger was a Soviet Spy and told Mr. Levi how to contact Col. Goleniewski. Since numerous Soviet Spies in Europe were convicted because of evidence provided by Col. Goleniewski, the chances are that he is correct about Henry Kissinger. Since this is such a serious charge it should be investigated. In your reply to my letter you state: "No information has come to the attention of the Department of Justice to substantiate the allegations made concerning Secretary Kissinger in your letter." Of course you may not have any information. However, I ask again that you have the F.B.I. contact Col. Michael Goleniewski and ask him to testify and give whatever evidence he has about Kissinger to a federal grand jury. If Mr. Levi fails to do this when such a serious charge has been made it is my personal opinion that he is obstructing justice and covering up for a possible TRAITOR. Why doesn't he have the F.B.I. contact Col. Goleniewski?

Very truly yours,

THOMAS W. LIPPITT.

Mr. CONYERS. I'd like to recognize now Mr. Milton R. Norris, who I assume is here in an individual capacity.

Mr. NORRIS. Thank you very much, Congressman. I am chairman of the speakers bureau for the American Party.

These ideas are my own. I want to thank the committee for this opportunity to speak, and I would like to summarize my statement by reference to the vital importance that we citizens do not overlook what is said by the 50 constitutions of the 50 States of the Union.

These, too, speak of the right to keep and bear arms. However, they were written more recently, and their authors undoubtedly had oppor-

tunity to reflect on the choice of words which would make their meaning absolutely crystal clear.

So I should like just to read three or four as an example. As an example, the State of Rhode Island—I will skip Rhode Island and go to Pennsylvania, 1790:

"The right of the citizens to bear arms in defense of themselves, and the State, shall not be questioned."

Vermont, 1793: "That the people have a right to bear arms for the defense of themselves and the State."

Florida, 1838: "The right of the people to bear arms in defense of themselves and the lawful authority of the State shall not be infringed."

Colorado, 1876: "The right of no person to keep and bear arms in defense of home, person, and property shall be called in question."

Texas, 1845: "Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State."

And finally, Arizona, 1912: "The right of the individual citizen to bear arms in defense of himself or the State shall not be infringed."

Now, Mr. Chairman, and gentlemen, there is another element in the problem of homicides, particularly those occurring in the home, which is almost totally ignored. Failure to comprehend this element results in poorly conceived legislation, and I refer to the established fact that a very high percentage of homicides take place when either or both the victim and the assailant are intoxicated at the time of the shooting.

Now, the very much publicized report by Cleveland's coroner, Sam Gerber, tells us that 48.2 percent of Cuyahoga County firearms homicide victims were proven to have been intoxicated—this is a 1974 figure.

Other expert opinions suggest that the assailants were also intoxicated in at least as high a percentage. Now, it should seem clear that a very high percentage of handgun homicides in the home occur when the intoxicated persons quarrel among themselves and in a drunken rage kill another member of the family.

Now, this stands not as an indictment of weapons and certainly not as a reason to restrict the right of moderate responsible citizens, but as an indictment of those very few in our community who misuse alcohol and who lack the common sense to keep a deadly weapon locked away during their drinking bouts.

Needless to say, it might also be pointed out that many other handgun homicides occur in or near neighborhood bars and drinking spots. Now, suffice it to say, gentlemen, I see no valid reason why the rights should be infringed of millions of temperate, good citizens because of the misdeeds of a few thousand drunken fools who shoot members of their own families.

Now, there is at this point a footnote to our American history which I think is appropriate. At the time the Constitution was being written, George Mason, of Virginia, who was one of our greatest political philosophers, called the following incident to the attention of the framers of our Constitution.

When the British Parliament was considering how best to control their rebellious colonists, prior to 1775, the Parliament was advised to disarm the people, and that this would be the most effectual way to control them, but that that

should not be done openly but rather they should be weakened and allowed to sink gradually by totally disusing and neglecting the militia.

Needless to say, we witnessed this in our time. Now, this account undoubtedly contributes to the decision to add a Bill of Rights to the Constitution reaffirming the right of the people to keep and bear arms, for it is they, after all, who are in fact the militia.

George Mason also said that "All free men have certain essential inherent rights of which they cannot by any compact deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property. * * *"

So I suggest, gentlemen, that we do not deprive or divest future generations of Americans of these rights for which so many of our countrymen have sacrificed so much.

Thank you.

Mr. CONYERS. Thank you for that thoughtful statement.

I'd like to now recognize Mr. E. D. Kindig, of the Log Cabin Sports Shop, Lodi, Ohio.

We have your statement, and you may proceed in any way you choose.

Mr. KINDIG. Thank you, Mr. Chairman. I appreciate this opportunity to represent and present the views of the National Muzzle Loading Rifle Association, and my views as a collector and dealer in muzzle-loading arms, regarding the present proposed firearms legislation.

The NMLRA, the National Muzzle Loading Rifle Association, is an independent American heritage shooter sportsman organization of over 17,000 members and there are 270 chartered clubs in the United States. We are a not-for-profit organization dedicated to the development of skills in safe marksmanship, riflemaking craftsmanship of early American muzzle-loading firearms, and to the furthering of the heritage upon which this country was founded.

Most of my testimony has been ably covered earlier in the day, and I will not bother to reiterate it. It's been gone over and over.

Mr. CONYERS. What testimony earlier would you associate yourself with?

Mr. KINDIG. Well, I'll recap here.

Mr. CONYERS. No, please. I'm not trying to prolong our discussion, but I just wanted to identify it for the record.

Mr. KINDIG. We don't feel that we can support gun registration because we don't feel it is going to really accomplish anything. It's going to be a very expensive process and, in the final analysis, we think it will come to very little good.

And with that feeling, obviously we are against gun confiscation of any kind.

The one thing that I would like to add to that, that muzzle loading being the National Muzzle Loading Rifle Association's main interest, and as a dealer my main interest. I do not handle any modern cartridge handguns; that was done away with several years ago.

I would like to see in any type of firearms legislation that is proposed or passed, a definite exception for muzzle-loading firearms and replicas thereof.

Mr. CONYERS. Well, surely the muzzle loaders of America don't feel imperiled by the consideration of firearms registration, do they?

Mr. KINDIG. Yes, sir, it can happen. In New Jersey the State law has been passed, not too long ago. We are put out of existence in the State of New Jersey.

Mr. CONYERS. How many clubs have you and what is your membership number in the State of Ohio?

Mr. KINDIG. A total for the State of Ohio I can't give exact. I would estimate 40 clubs, possibly, with 4,000 members.

Mr. CONYERS. Well, I defer any further questioning of the three witnesses to Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

You gentlemen do us a real service to come here today and bring these views, which I think you have defined. I am particularly interested, Mr. Norris, in the problem of alcohol.

I recognize that it is merely one of those substances, probably the most significant substance, that forms a part of the situation, when a gun is introduced into the action.

I think our chances of reenacting prohibition are probably less than our chances of trying to separate the alcoholic from the gun, but it is a difficult problem.

I find in this report I referred to earlier, by the Administration of Justice Committee, "Gun Abuse in Ohio," a very interesting statistic. It's somewhat dated, but my experience in courts tends to support this kind of percentage.

In his study, "Alcohol and Crime," in the Journal of Criminal Law, volume 44, published in 1954, Lawrence Shupe found alcohol at the 0.10 level—that is, 10-milligram level or higher—a substantial percentage of persons arrested in Columbus, Ohio, shortly after such crimes: 45 percent of those arrested for rape; 43 percent for assault; 83 percent for carrying concealed weapons; 57 percent for murder; and 60 percent for robbery.

Well, that speaks for itself.

Mr. NORRIS. Yes, it does.

I might suggest that I have no intention of turning the clock back to prohibition, any more than we would do away with automobiles that also kill people.

But, nevertheless, I think if the public were more clearly aware of this problem, it would in itself help to reduce handgun homicides in the home.

Mr. MANN. I don't think there is any question about it.

I note with interest that it says there were 83 percent for carrying concealed weapons. Of course, a good portion of the murder cases that I prosecuted were those, as we would call it down South, "beer joint goofs," where, because someone had a gun in his pocket, somebody was killed. If he hadn't had it, it wouldn't have happened, which is part of the reason that I keep harping on this business of better enforcement on the carrying of concealed weapons laws.

Mr. NORRIS. Absolutely.

Mr. MANN. I don't know how we are going to do it. The laws on search and seizure inhibit the police substantially in that area. But surely we can do a better job than we are doing in that area.

Mr. NORRIS. Yes; the penalty for misuse of firearms should be very heavy and very certain.

Mr. MANN. Thank you, Mr. Chairman.

Mr. CONYERS. Does my colleague from Ohio have any questions of the witnesses?

Mr. STOKES. No questions of the witnesses.

Mr. CONYERS. Gentlemen, we appreciate your presence here, and we will deliberate carefully upon your written and oral testimony. Thank you very much.

[The prepared statement of Mr. Norris follows:]

STATEMENT OF MILTON R. NORRIS, REPRESENTING THE AMERICAN PARTY

The opportunity of presenting this statement is deeply appreciated, and I thank the Subcommittee on Crime of the House Committee on the Judiciary.

We citizens of the United States enjoy the freedom to participate with our elected representatives in making the vital decisions which chart the course of America's future. In many other lands during the 20th century decisions to register guns and later to confiscate them have been implemented by the decrees of oligarchies or dictatorships. Our freedom to participate carries with it a joint responsibility to consider the issue with great care, without undue haste, as well as to resist emotional or demagogic appeals.

There are at least two basic questions: First, does every citizen possess a natural right to defend his own life, and to do so with a weapon at least equal to those which criminals might use against him. We must answer this question affirmatively because we know that no type of police protection can prevent all violence against the individual. Police may be efficient in apprehending an assailant after he has killed or injured another person, but no possible degree of police protection can prevent all violence. If we agree that each citizen does have a natural right to use a weapon to defend his life, then it follows that he also has a right to defend his family, his home and his business. The second basic question is this: Does the Bill of Rights, as set forth in the United States Constitution recognize the right of the individual to keep a weapon to defend his life, family, home and business? Here, again, we must answer with a firm yes. Every adult citizen is a member of the militia, and as such, must stand ready to defend life, family, home and business, and those of his fellow citizens, against aggressors, foreign or domestic. The fact that we maintain a standing federal army and the National Guard of the various States in no way relieves the individual citizen, either morally or under the constitution, of his own responsibility in this respect.

In the minds of some citizens there is uncertainty about the meaning of the second amendment to our constitution. I suggest to you that its reference to a well-regulated militia simply acknowledges that unless each citizen has the right to keep and bear arms, it will not be possible to have a militia (well-regulated or otherwise)! That is an important point, because some people suggest that the second amendment merely permits the states to have militias. But that argument is very weak when we consider that article I, section 10 tells us that no state shall keep troops in time of peace, without the consent of congress.

It should also be observed that many other nations, including the most tyrannous of dictatorships have quite "well-regulated" military establishments, but their people lack freedom. The essential difference between a slave state and a free state is the trust an honest government has in recognizing and acknowledging the natural right of the people to keep and bear the means by which they can protect themselves and their freedom.

It is vitally important that we do not overlook what is said by the constitutions of the fifty states on this subject. They, too, speak of the right to keep and bear arms. However, they were written more recently and their authors had opportunity to reflect on the choice of words which would make their meaning absolutely crystal clear. Listen to these excerpts from state constitutions:

Pennsylvania, 1790: Quote, "The right of the citizens to bear arms in defense of themselves and the state shall not be questioned."

Rhode Island, 1843: Quote, "The right of the people to keep and bear arms shall not be infringed."

Vermont, 1793: Quote, "That the people have a right to bear arms for the defense of themselves and the state."

Florida, 1938: Quote, "The right of the people to bear arms in defense of themselves, and the lawful authority of the state shall not be infringed."

Colorado, 1876: Quote, "The right of no person to keep and bear arms in defense of home, person and property shall be called in question."

Texas, 1845: Quote, "Every citizen shall have the right to keep and bear arms in the lawful defense or himself or the state."

Arizona, 1912: Quote, "The right of the individual citizen to bear arms in defense of himself or the state shall not be infringed."

After listening to these state constitutions it is very difficult to place much confidence in the judgment of anyone who would argue that the state constitutions and the federal constitution do not refer to individual rights.

In as much as some persons argue that the second amendment relates only to the maintenance of a "well-regulated militia", let us consider what the constitution actually says relating to the military. If from this summary we conclude that the following cover military forces adequately, then we might justifiably suggest that the second amendment itself relates to the rights of the individual citizen.

Article I, Section 8: Congress shall have power to raise and support armies; to make rules for the regulation of the land and naval forces; to provide for calling forth the militia, to execute the laws of the union, suppress insurrections and repel invasions; to provide for organizing, arming and for governing the militia and for governing such part of them as may be employed in the service of the United States. And, perhaps most importantly, in Article I, Section 10: No State shall, without the consent of Congress, keep troops in time of peace. From these portions of the Constitution, we can clearly understand that provisions for military forces are provided elsewhere than in the second amendment, and we must conclude that the second amendment relates to the rights of individual citizens, and we quote it. "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

There is another element in the problem of homicides, particularly those occurring in the home, which is being almost totally ignored. Failure to fully comprehend this element may result in poorly conceived legislation. I refer to the established fact that a very high percentage of homicides take place when either (or both) the victim or assailant are intoxicated at the time of the shooting. The much publicized report by Cleveland's Coroner Gerber reveals that 48.2% of Cuyahoga county firearm homicide victims were proven to have been intoxicated. That is a 1974 figure. Other expert opinion suggests that the assailants were also intoxicated in at least as high a percentage. It should be clear that a very high percentage of handgun homicides in the home occur when intoxicated persons quarrel among themselves, and in a drunken rage, kill another member of the family. This stands, however, not as an indictment of weapons, and certainly not as a reason to restrict the rights of moderate, responsible citizens, but as an indictment of those very few in our community who misuse alcoholic beverages, and who lack the common sense to keep deadly weapons locked away during their drinking bouts. Needless to say, it might also be pointed out that many other handgun homicides occur in or near neighborhood bars and drinking spots. The point here, of course, is let us not attempt to quote "control" guns, when there is strong evidence to suggest that intemperate use of alcohol is the real problem. However, I shall leave the solution to that problem in the capable hands of your committee. Suffice it to say, that I see no valid reason why the rights should be infringed of milions of temperate good citizens, because of the misdeeds of a few thousand drunken fools who shoot members of their own families.

In conclusion, a brief footnote from our history is appropriate. When our constitution was being written, George Mason, of Virginia, who was one of our greatest political philosophers, called the following incident to the attention of the framers of our constitution.[1] When the British parliament was considering how best to control the rebellious colonists prior to 1775, the parliament was advised to disarm the people, and that this would be the most effectual way to control them; but that this should not be done openly; but rather they should be weakened and allowed to sink gradually, by totally disusing and neglecting the militia. This account undoubtedly contributed to the decision to add a bill of rights to the constitution, re-affirming the right of the people to keep and bear arms, as it is they, after all, who are in fact the militia. George Mason also

[1] The Life of George Mason, page 409. Catalog B/M 3774 R.

said,[2] "that all free men have certain essential inherent rights of which they cannot by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property. . . ."

Gentlemen, let us not deprive or divest future generations of Americans of these precious rights for which so many of our countrymen have sacrificed so much.

I thank you again for the opportunity to present this statement.

Mr. CONYERS. The next witness before the subcommittee is the president of the Cleveland Board of Education, Mr. Arnold R. Pinkney.

I would like to yield to my colleague, Lou Stokes for further introductory remarks.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. Chairman, at this time it's my pleasure to welcome before this committee for testimony, the president of the Cleveland School Board.

Mr. Chairman, Cleveland is rather unique in the sense that, as you look around the Nation today you find in most cities a great deal of strife between Cleveland's School Board—or school boards of those cities and other sectors of the community, and in many cases between the school board and the superintendent.

We happen to be very fortunate in the city of Cleveland because Dr. Paul Briggs, who is probably one of the Nation's top educators, and Mr. Arnold Pinkney, who is president of the Cleveland School Board, have worked very closely and uniquely together for the benefit of the Cleveland schoolchildren.

Mr. Pinkney and Dr. Briggs have taken some very strong and stringent action with reference to guns in Cleveland's schools. It is for that reason, when we were inviting panelists to testify here, we asked Mr. Pinkney if he would appear here and testify with reference to that situation.

I take pleasure in welcoming an outstanding businessman and president of the Cleveland School Board, in the person of Mr. Arnold Pinkney.

TESTIMONY OF ARNOLD R. PINKNEY, PRESIDENT, CLEVELAND BOARD OF EDUCATION; ACCOMPANIED BY PETER CARLIN, ASSISTANT SUPERINTENDENT, CLEVELAND PUBLIC SCHOOL SYSTEM

Mr. CONYERS. Sir, we have your prepared statement. It will be incorporated into the record at this point and that will free you to approach us in your own unique way.

[The prepared statement of Mr. Pinkney follows:]

STATEMENT OF ARNOLD R. PINKNEY, PRESIDENT, CLEVELAND BOARD OF EDUCATION

I am grateful for this opportunity to appear before this committee to discuss the increasingly critical problem of violence in the nation and the serious impact of violence on communities and schools. The national epidemic of crime, violence and homicide demands Congressional investigation, legislation and enforcement to make our nation a safe place in which to live a full and wholesome life.

I am appearing as president of the Cleveland Board of Education. The Cleveland School district is the largest in the state, enrolling seven percent of all Ohio school children. We are operating 200 school properties of which 178 are school sites. To visualize the climate of the daily demands upon the schools it is necessary to consider that the district enrolls nearly one-fourth of the children from welfare families in the state. Since 1965, the percent of Cleveland children re-

[2] Ibid, page 415.

ceiving public assistance has more than tripled, so that now 36 percent or over 57,000 school-age children are members of families receiving public assistance. Fifty-seven (57) percent of our students are black. Of the remaining students, less than one percent are American Indian, less than one percent are Oriental, approximately three percent are Spanish-surnamed, and 39 percent are designated as "all others," using the categories prescribed by HEW.

We are enrolling more and more poor pupils who require supportive services and programs designed to overcome the effects of our poverty. We are attempting to upgrade our pupils socially and economically through education. But our schools must be safe so that students can learn. Most of our students conduct themselves responsibly and desire an education to best develop their potential. The Cleveland Board of Education fully intends that every student in the system will be permitted to pursue an education uninhibited by fear of violence, bodily injury or loss of property. The Board, therefore, in its statements and actions as evidenced, for example, by its most recent Statement of Policy on Discipline dated March 13, 1975, has reaffirmed its intention to enforce policies established by the Ohio Revised Code in the matter of school discipline so that there will be no obstacles to the learning process in the Cleveland Schools. There is no doubt that the availability of weapons, particularly guns, to students has triggered an increased number of crimes against students and staff. We are attacking this problem in the schools locally. Our statement of policy prescribes specific disciplinary and prosecution consequences for the student who brings a gun or knife to school. The Board and staff fully intend to live up to their responsibilities in the matter of maintaining a climate for learning in the schools. The Cleveland Board of Education is seeking cooperation of parents for elimination of weapons among students. No Cleveland teacher or principal issues guns to students; therefore, parents and citizens in the community must prevent the acquiring of weapons by students.

But in 1975, Cleveland is a key example of a community floundering in a tidal wave of lawlessness. No doubt in the testimony to be presented before this committee today, the story of violence in Cleveland, violence which placed it first in homicides among 20 cities of similar size in 1974, will be told. Rankings compiled from FBI statistics indicate that one out of 2,711 Cleveland residents was a homicide victim last year. These same data showed Cleveland reflecting a 23.5 percent overall increase in serious crimes against persons and property during the past year. Another illustration of the seriousness of Cleveland's condition is the fact that for the same length of time the number of homicides in Cleveland has exceeded the 1,237 deaths resulting from the strife in Northern Ireland during the past six years. Incidentally, as of last Friday, 149 homicides have been recorded in Cleveland this year. As you can see, Cleveland apparently deserves the recent label, "Murder City, USA," which has been pinned on it by a congressional committee.

The wave of violence in this community is unfortunately spilling over into the schools. Chart I refers to the incidence of disciplinary referrals exclusive of cases dealing with absence and general incorrigibility. As of May 15, 1975, 1,167 cases were reported. Forty students have been expelled for carrying and sometimes using guns, knives and other weapons during the past year in Cleveland Schools.

Our records this year are a result of a new and steady vigilance on the part of teachers, principals, and cooperating parents in detecting and apprehending students for various offenses. The Cleveland Public Schools also have electronic systems which alert security forces of illegal entries to school properties.

To grasp the impact of community violence on the task of the schools, it is well to consider the referral data on Chart II which shows 164 assaults on pupils and 291 assaults on teachers during this year. These assaults included 30 with weapons.

Chart III shows that during this year, 144 youngsters were referred for possession of weapons. This is also an evidence of our efforts in enforcing our disciplinary policy.

These events in the schools parallel the increasing trend of arrests of persons for carrying and possessing weapons in Cleveland which will certainly be noted by others testifying before this Committee today. Chart IV shows the comparison of Police Department records of arrests for carrying and possession of weapons for the past four years. The 1974 data represented an increase of 40 percent in these offenses over the 1971 levels for youth, 17 years of age and under. An increase of 26 percent appeared in areas of persons 18 years of age and over for these offenses.

What the charts do not and cannot show are the individual cases of loss and pain. It is difficult to forget the murder of the East Tech student who was shot and killed for his new coat on his way to school by another youth who possessed

a gun. It is difficult to forget the Collinwood student killed on a city playground in confrontation with other youths. These are senseless situations, but fatal and final incidents for those who die and those delivering the death bullets. Both victims and killers are ensnared in the climate of community violence which occurs almost daily because of the availability of weapons and guns.

The losses related to incidences of vandalism against Cleveland School properties are further indication of the climate of aggression and violence in the community. The total dollar loss of Cleveland School District-owned property as a result of burglary, theft, arson, vandalism, bombings, disorderly conduct and the like which was reported in the 1974–1975 Safe School Study Report to HEW was approximately $417,000. Losses of supplies and equipment represented an additional $70,000 during this same period.

During the first four months of 1975, almost 7,000 broken windows have been reported in school properties. During this period, there have been 152 illegal entries into buildings, 99 arson incidents and 37 bomb threats. Sixty-two arrests have resulted. Our electronic systems have totalled 1,648 alerts of illegal entries to school properties during this period. And the cost for security services for the school district continues to rise. Chart V summarizes the costs for security personnel during the past three years. More than three million dollars have been spent for security salaries during the past three school years.

Although these statistics and incidents document the critical impact of lawlessness on the schools, there are others that indicate some progress has been made. In areas where new buildings have been built, vandalism has diminished substantially. One prime example, is East Technical High School, an inner city high school, which moved into a new school plant about four years ago. There is a negligible incidence of vandalism in this new building—which trend flies in the face of the vandalism statistics for the district as a whole. We have also found that an attractive building such as East Tech more effectively supports educational programs which move students toward college or a job. A measure of success can be seen from the drop-out rate which has been dramatically reduced at East Tech, once the new plant has been made available. Chart VI indicates that East Tech had a rate of 19 percent in 1965–1966, while the city rate at that time was 13 percent. The city then rose to 14 percent and East Tech, to 20 percent. In 1973–1974, however, East Tech had dropped dramatically to eight percent and the city rate had dropped to 12 percent. It is anticipated that when the drop-out rate data is completed for this school year, the rate at East Tech will be even lower than this. Developments at East Tech have demonstrated to us that much can be done. Resources are needed, however. If the federal government will direct categorical aid to urban school districts, these dollars can be used for construction of educational facilities, employment training and improved college preparation programs. In addition, federal financial support should be given directly to local school districts to offset costs for security and education programs which will make schools and surrounding communities safe for children.

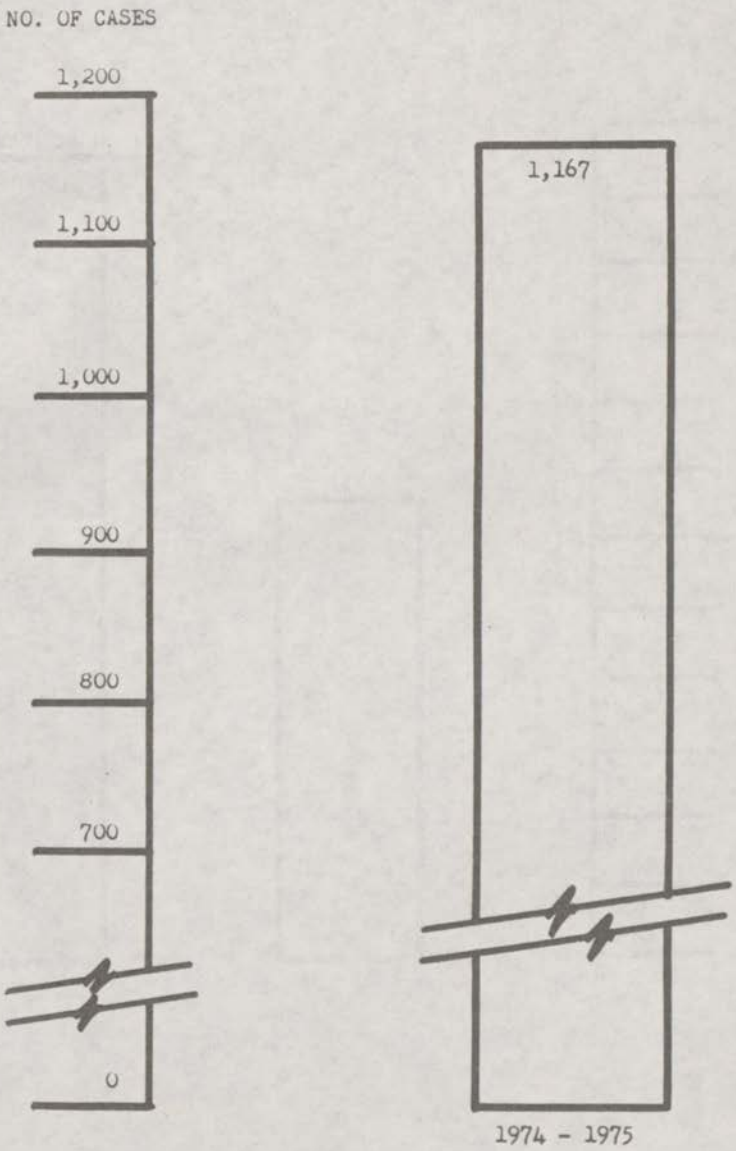
Before us daily in the media are the grisly accounts of homicide by gun. A recent Wall Street Journal Article noted that each year during the past five years more than 10,000 persons have been killed by hand guns in the United States. This same Journal article states that the current arsenal of guns in this country is now estimated to be somewhere around 40 million. Other testimony which I understand will be presented to this Committee today, according to the Cleveland Plain Dealer, predicts that, with the same rate of increase in guns continuing over the next eight years, there will be one gun for every person in the country. With this current and projected ready cache of guns, the gun problem is not going to improve without a definite cohesive action plan.

It is obvious that the solutions to the gun problem have exceedingly critical implications for our nation, communities and schools. It is true that people pull the triggers. Why they pull the triggers involves many complexities. Some first steps must be taken, however. First there must be proper legislation which will require registration of guns. Guns must be identified. We must know who owns them. We must know where they were purchased. Definite federal legislation is needed so that violators will be breaking federal law if they fail to register their guns. Regulations at the state and city level must interface with such federal legislation so that the ambiguities can be removed.

Members of this subcommittee must not delay in taking decisive actions that will result in getting America's arsenal of readily available guns out of circulation. As president of the Board of Education of the Cleveland School District, I affirm our concern that you develop gun registration legislation and gun control legislation. If you fail to take action, the consequences will surely produce certain death, pain and suffering for countless victims of guns in the years ahead.

CHART I

DISCIPLINARY REFERRALS
CLEVELAND PUBLIC SCHOOLS



THROUGH MAY 15, 1975, DOES NOT INCLUDE CASES DEALING WITH ABSENCE AND GENERAL INCORRIGIBILITY

CHART II

ASSAULTS

CLEVELAND PUBLIC SCHOOLS

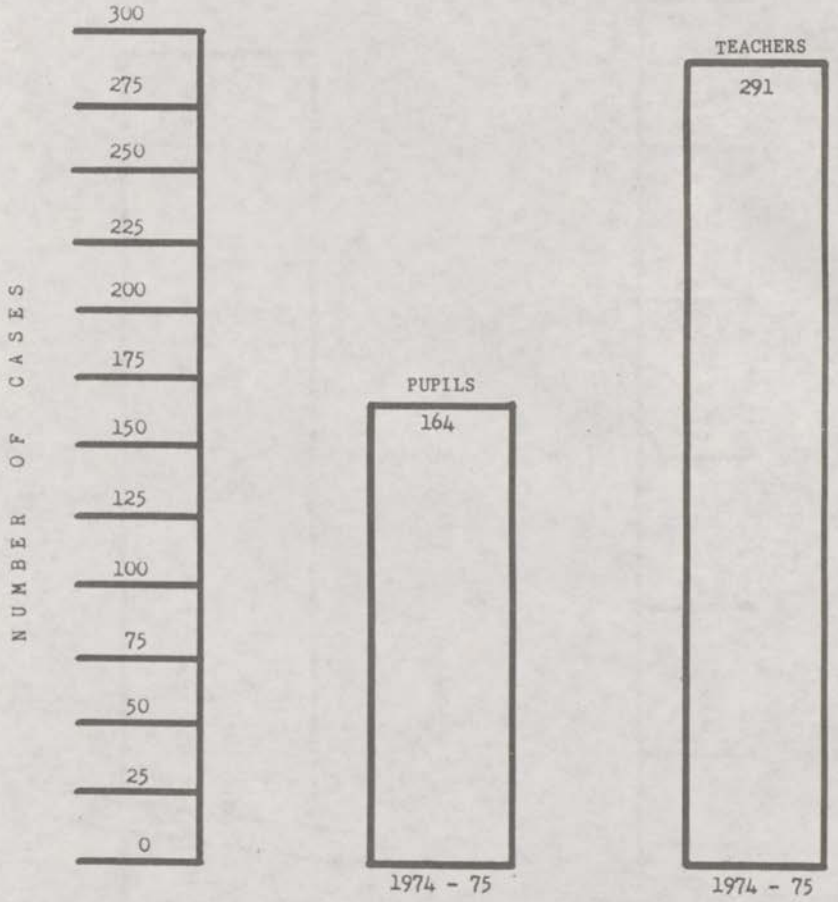
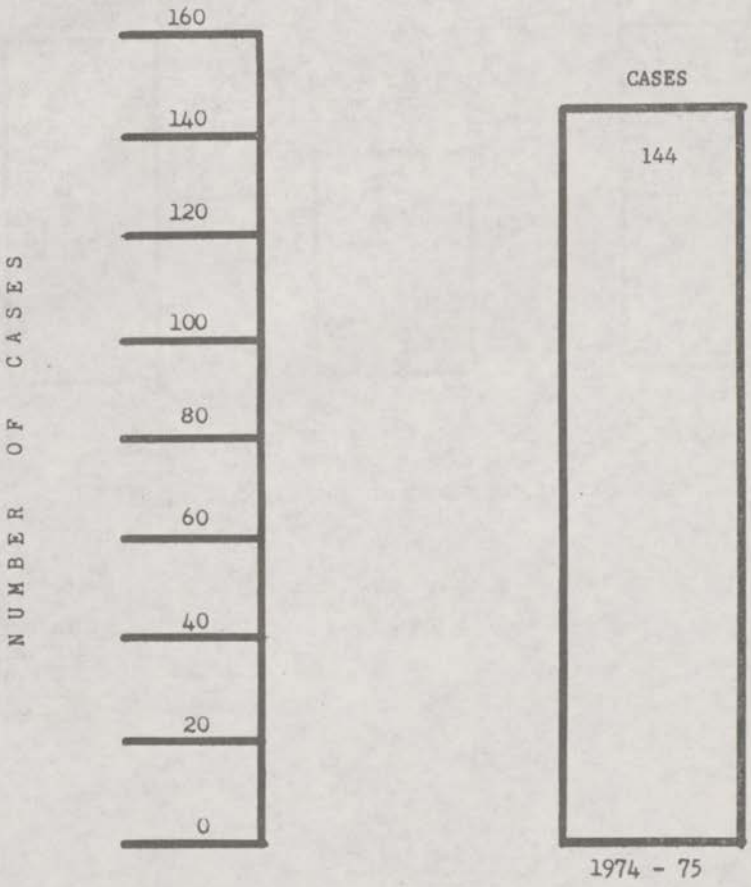


CHART III

NUMBER OF CASES INVOLVING POSSESSION OF WEAPONS

CLEVELAND PUBLIC SCHOOLS

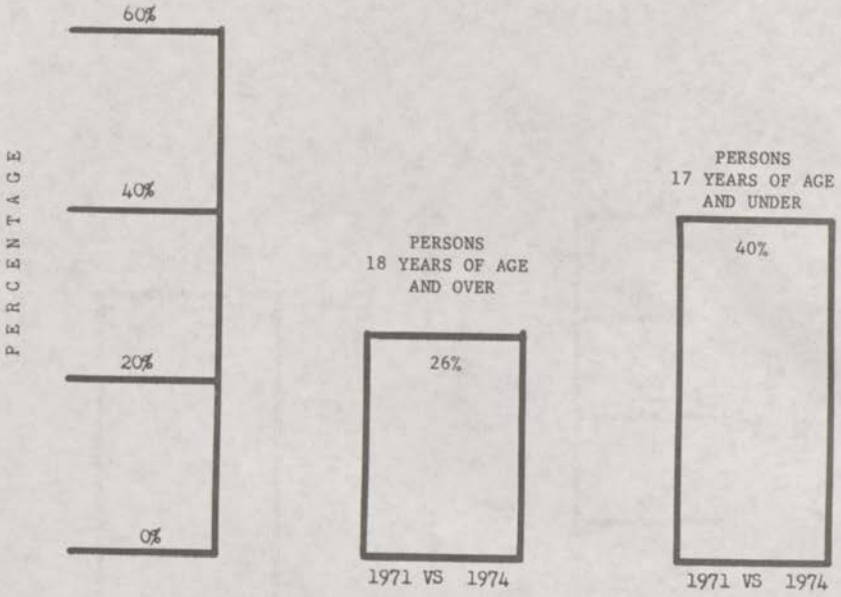


(NOT INCLUDING ASSAULTS)

CHART IV

INCREASE IN ARRESTS FOR CARRYING AND POSSESSION OF WEAPONS

CITY OF CLEVELAND



CLEVELAND POLICE DEPARTMENT 1974 ANNUAL REPORT

CHART V

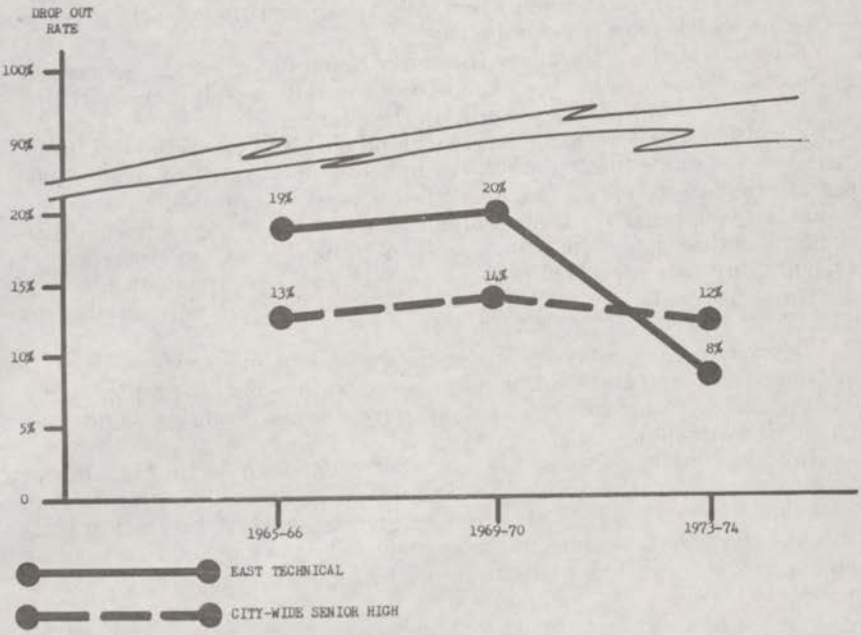
SECURITY COSTS, CLEVELAND PUBLIC SCHOOLS

1972–73	$1,004,640
1973–74	900,432
1974–75	1,277,536
	3,182,608

CHART VI

DROPOUT RATES

EAST TECHNICAL HIGH SCHOOL VS CITY-WIDE



Mr. PINKNEY. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, Congressman Mann, and to your staff, I'd like to commend the committee first for selecting Cleveland as one of the cities in this country to hold your hearings.

The statement that I am about to present to you will show to you that you made a proper decision and a justifiable decision.

I'd like to also commend Congressman Stokes and his staff for making possible for the school system to be represented in this hearing.

And pursuant to the statement that you made, Congressman Conyers, I think you are right when you state that you are looking for testimony from people or individuals whose agencies or institutions are involved in the problem.

I think the school system is very much involved in the problem, and any hearing on weapons which does not include the representation from members of the school community is missing some valuable information.

Chairman John Conyers, Jr., and members of the House Judiciary Subcommittee on Crime, I am very grateful for this opportunity to appear before this committee to discuss the increasingly critical problem of violence in the Nation and the serious impact of violence on communities and schools.

The national epidemic of crime, violence, and homicides demands congressional investigation, legislation, and enforcement to make our Nation a safe place in which to live a full and wholesome life.

I am appearing as president of the Cleveland Board of Education. The Cleveland School District is the largest in the State, enrolling 7 percent of all Ohio schoolchildren. We are operating 200 school properties, of which 178 are school sites.

To visualize the climate of the daily demands upon the schools, it is necessary to consider that the district enrolls nearly one-fourth of the children from welfare families in the State.

Since 1965, the percentage of Cleveland children receiving public assistance has more than tripled, so that now 36 percent or over 57,000 school-age children are members of families receiving public assistance.

Fifty-seven percent of our students are black. Of the remaining students, less than 1 percent are American Indian, less than 1 percent are Oriental, approximately 3 percent are Spanish surnamed, and 39 percent are designated as "all others," using the categories prescribed by HEW.

We are enrolling more and more poor pupils who require supportive services and programs designed to overcome the effects of our poverty. We are attempting to upgrade our pupils socially and economically through education.

But our schools must be safe so that students can learn. Most of our students conduct themselves responsibly and desire an education to best develop their potential. The Cleveland Board of Education fully intends that every student in the system will be permitted to pursue an education uninhibited by fear of violence, bodily injury, or loss of property.

The board therefore, in its statement and actions, as evidenced for example by its most recent Statement of Policy on Discipline, dated March 3, 1975, has reaffirmed its intention to enforce policies established by the Ohio Revised Code in the matter of school discipline, so that there will be no obstacles to the learning process in the Cleveland schools.

There is no doubt that the availability of weapons, particularly guns, to students has triggered an increased number of crimes against students and staff.

We are attacking this problem in the schools locally. Our statement of policy prescribes specific disciplinary and prosecution consequences for the student who brings a gun or knife to school.

The board and staff fully intend to live up to their responsibilities in the matter of maintaining a climate for learning in the schools.

The Cleveland Board of Education is seeking cooperation of parents for elimination of weapons among students. No Cleveland teacher or principal issues guns to students. Therefore, parents and citizens in the community must prevent the acquiring of weapons by students.

But in 1975, Cleveland is a key example of a community floundering in a tidal wave of lawlessness. No doubt, in the testimony to be presented before this committee today, the story of violence in Cleveland, violence which places it first in homicides among 20 cities of similar size in 1974, will be told.

Rankings compiled of FBI statistics indicate that one out of 2,711 Cleveland residents was a homicide victim last year. These same data

show Cleveland reflecting a 23.5 percent overall increase in serious crimes against persons and property during the past year.

Another illustration of the seriousness of Cleveland's condition is the fact that, for the same length of time, the number of homicides in Cleveland has exceeded the 1,237th death resulting from the strife in North Ireland during the past 6 years.

Incidentally, as of last Friday, 149 homicides have been recorded in Cleveland this year.

As you can see, Mr. Chairman, Cleveland apparently deserves the recent label, "Murder City, U.S.A.," which has been pinned on it by a congressional committee.

The wave of violence in this community is unfortunately spilling over into the schools, and I have a chart here which refers to the incidence of disciplinary referrals, exclusive of cases dealing with absence and general incorrigibility.

As of May 15, 1975, 1,167 cases were reported. Forty students have been expelled for carrying and sometimes using guns, knives, and other weapons during the past year in Cleveland schools.

Our records this year are a result of a new and steady vigilance on the part of teachers, principals, and cooperating parents in detecting and apprehending students for various offenses.

The Cleveland public schools also have an electronic system which alerts security forces of illegal entries into school properties.

To grasp the impact of community violence on the task of the schools, it is well to consider the referral data on chart 2, which shows 164 assaults on pupils and 291 assaults on teachers during this year [indicating].

These assaults included 30 with weapons.

The third chart shows that during this year, 144 youngsters were referred for possession of weapons.

This is also an evidence of our efforts in enforcing our disciplinary policy.

These events in the schools parallel the increasing trend of arrest of persons for carrying and possessing weapons in Cleveland, and which will certainly be noted by others testifying before this committee today.

Chart No. 4 shows the comparison of police department records of arrests for carrying and possession of weapons for the past 4 years.

The 1974 data represented an increase of 40 percent in these offenses over the 1971 levels of youths 17 years of age and under.

The increase of 26 percent appeared in areas of persons 18 years of age and over for these offenses.

What the charts do not and cannot show are the individual cases of loss and pain. It is difficult to forget the murder of the East Tech student who was shot and killed for his new coat, on his way to school, by another youth who possessed a gun.

It is difficult to forget the Collinwood student killed on a city playground in confrontation with other youths. These are senseless situations but fatal and final incidents for those who die and those delivering the death bullet.

Both victims and killers are ensnared in the climate of community violence which occurs almost daily because of the availability of weapons and guns.

The losses related to incidences of vandalism against Cleveland school properties are further indication of the climate of aggression and violence in the community.

The total dollar loss of Cleveland school district owned property as a result of burglary, theft, arson, vandalism, bombings, disorderly conduct, and the like, which was reported in the 1974–75 Safe School Study Report to HEW, was approximately $417,000.

Loss of supplies and equipment represented an additional $70,000 during this same period.

During the first 4 months of 1975, almost 7,000 broken windows have been reported in school properties. During this period there have been 152 illegal entries into buildings, 99 arson incidents, and 37 bomb threats. Sixty-two arrests have resulted.

Our electronic systems have totaled 1,648 alerts of illegal entries to school properties during this period. And the cost for security services for the school district continues to rise.

The fifth chart summarizes the cost for security personnel during the past 3 years. More than $3 million has been spent for security salaries during the past 3 school years.

Although these statistics and incidents document the critical impact of lawlessness on the schools, there are others that indicate some progress has been made.

In areas where new buildings have been built, vandalism has diminished substantially. One prime example is East Technical High School, an inner city high school, which moved into a new school plant about 4 years ago.

There is a negligible incidence of vandalism in this new building—which trend flies in the face of vandalism statistics for the district as a whole.

We have also found that an attractive building, such as East Tech, more effectively supports educational programs which move students toward college or a job.

A measure of success can be seen from the dropout rate, which has been dramatically reduced at East Tech once the new plant has been made available.

Chart 6 indicates that East Tech had a rate of 19 percent in 1965–66, while the city rate at that time was 13 percent. The city then rose to 14 percent, and East Tech to 20 percent.

In 1973–74, however, East Tech had dropped dramatically to 8 percent, and the city rate had dropped to 12 percent.

It is anticipated that when the dropout rate data is completed for this school year, the rate at East Tech will be even lower than this.

Developments at East Tech have demonstrated to us that much can be done. Resources are needed, however, if the Federal Government will direct categorical aid to urban school districts, these dollars can be used for construction of educational facilities, employment training, and improved college preparation programs.

In addition, Federal financial support should be given directly to local school districts to offset costs for security and education programs which will make schools and surrounding communities safe for children.

Before us daily in the media are the grisly accounts of homicide by gun. A recent Wall Street Journal article noted that each year

during the past 5 years more than 10,000 persons have been killed by handguns in the United States.

This same Journal article states that the current arsenal of guns in this country is now estimated to be somewhere around 40 million.

Other testimony which I understand will be presented to this committee today, according to the Cleveland Plain Dealer, by Leslie Kay and W. J. Campbell, on June 13, 1975, predicts that, with the same rate of increase in guns continuing over the next 8 years, there will be one gun for every person in the country.

With this current and projected ready cache of guns, the gun problem is not going to improve without a definite cohesive action plan.

It is obvious that the solutions to the gun problem have exceedingly critical implications for our Nation, communities, and schools.

It is true that people pull the triggers. Why they pull the triggers involves many complexities. Some first steps must be taken, however.

My second recommendation will be that there must be proper legislation to require registration of guns. The guns must be identified. We must know who owns them. We must know where they were purchased.

Definite Federal legislation is needed so that violators will be breaking Federal law if they fail to register their guns. Regulations at the State and city level must interface with such Federal legislation so that the ambiguities can be removed.

Members of this subcommittee must not delay in taking decisive actions that will result in getting America's arsenal of readily available guns out of circulation.

As president of the Board of Education of the Cleveland School District, I affirm our concern that you develop gun registration legislation and gun control legislation.

If you fail to take action, the consequences will surely produce certain death, pain, and suffering for countless victims of guns in the years ahead.

Mr. CONYERS. On behalf of this subcommittee, we are indebted to you for a very thorough analysis of a problem that pervades one of our institutions and is common in big city life.

The impact of the gun in a school situation, with young people, could have been reduplicated almost to this precise testimony in many other large cities. I think we all are benefited not only by your presentation but by your charts as well.

I noted on the first page that you said that "The Cleveland School District is the largest * * *"—I thought you said "in the Nation"—but I know you meant "in the State."

Mr. PINKNEY. Yes, sir.

Mr. CONYERS. Are you aware of the variety of proposals before this subcommittee, which we will shortly begin sifting through to come up with yet another legislative proposal, hopefully, our final one?

The President of the United States is in fact deliberating in his crime statements on some thought of firearm regulation, and certainly his deliberations, along with the Attorney General of the United States, will have a great impact on what we in the Congress will be doing before this year concludes.

So, with the thought that you will be watching us very carefully, all of us, in our conduct in this matter, we are very grateful for the very careful preparation that has gone into your statement.

I would like to yield now to the gentleman from South Carolina, Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Mr. Pinkney, the security personnel of the school system, do they make the cases, refer them to the city authorities, or are they primarily just property security personnel?

Mr. PINKNEY. Congressman Mann, they are primarily property personnel. The first thing, we give the instructions to them to keep the outsiders out of the school; and where there is evidence that there are weapons or drugs in the schools, to do what they can about getting them away from the students.

However, our security people in the schools do not carry guns and, as a result, the only thing they can really do is report to the principal, the chief administrator of the school, the condition that prevails, and then it becomes the responsibility of the administrator of the school to take over.

Now, once a case has been developed, then the security person then testifies in juvenile court, if it is a juvenile case, on behalf of the school system, as to what they witnessed and went about in terms of apprehending the person who is brought before the court.

Mr. MANN. Do the uniformed city police come into the schools and participate in any of the investigations?

Mr. PINKNEY. Only when the administrator of the school requests it. We feel it's primarily our responsibility to maintain discipline in the schools.

We feel that there can be some very adverse ramifications on having armed uniformed police in the school. We appeal to the ethics of the children, we appeal to the well-meaning child to have a greater influence over the atmosphere within the school building.

And to the child, we consider the incorrigible child, the child that creates the problems, breaking rules and regulations in the school—there have been instances, Congressman, where we have had to call the Cleveland Police Department to assist us in bringing about order in the school.

Mr. MANN. Well, I must admit that on a comparative basis you seem to be doing an excellent job. I know that in some of the school districts of this country, and I have had occasion to look into at least one of similar size, they had one occasion of a concealed weapon in the last year, and I am sure there were many more than this, and I detected there a feeling among the school personnel that, kind of, they were treating it like drugs—they wanted the problem to go away. They were afraid of it.

They don't take hold of it the way your school administration apparently has. I congratulate you for that.

Thank you, Mr. Chairman.

Mr. CONYERS. The gentleman from Ohio, Mr. Louis Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. Pinkney, in our consideration of fashioning Federal legislation related to gun control, I'd be interested in any views you might have with reference to Federal legislation being able to supplement local legislation in the area; and in that respect, any comments you might have with reference to whether or not our legislation ought to have in it a registration factor.

Mr. PINKNEY. Congressman Stokes, I think that any legislation that is proposed by Congress that does not have a registration factor tends to be meaningless.

I think one of the great arguments that is raised by local law enforcement people that is that local registration is not going to be of any good because of the fact that all municipalities of all States don't have registration laws; then people can go into other communities in other States to get the weapons.

So, therefore, I think that the Federal law has to prevail, and that the local law has to sort of interface into the Federal law.

But I think that it is somewhat vague and a question, and I have used the statement on numerous occasions as it relates to the schools: The weapons in schools is a microcosm of the community; that there are weapons in the community that are easily accessible to children—the students—and they are going to find their way into the schools.

So it becomes necessary for me to take a position that any steps that can be taken to get weapons out of the community and therefore out of the schools has to be done.

Registration seems to be the first step. My argument that any law-abiding person who feels they have to have a gun for the protection of their home, or something like that, should have no fear of registering that weapon. You see, that is my personal belief.

I think it is somewhat begging the question to use all of the arguments that we hear against it when times we hear, right in the city of Cleveland, we have 150,000—150 homicides this year, and people are using various reasons as to why we should not implement the most stringent laws to help alleviate that problem.

That is not to suggest that registration is the panacea or the cure-all, but it is a step in the right direction. It basically says to the people who elect officials that you are cognizant of the problem and you are doing something, you are providing leadership and direction to do something about it.

So, in summary, I would say: Absolutely. Any Federal law that Congress is thinking about enacting should include registration of weapons.

Mr. STOKES. Before we conclude, I would like to ask you if you would identify the gentleman at the table with you for the record.

Mr. PINKNEY. The gentleman on my right is Mr. Peter Carlin, the assistant superintendent of the Cleveland Public School System.

Mr. STOKES. Thank you for a very excellent statement, Mr. Pinkney.

Mr. Chairman, I have no further questions.

Mr. CONYERS. We all concur in Congressman Stokes' praise. I do think that you take a pretty forward view; and as Jim Mann indicated, a lot of schools like to sweep their problems under the rug and pretend that there is not a narcotics problem or there isn't a gun problem.

And I think that your testimony here is refreshing, especially in the midst of a deepening problem in the city. We hope that your admonitions will be studied carefully, and not just by the subcommittee but all of the members in the Congress who will be called upon to make this decision.

Thank you very much for joining us.

Mr. PINKNEY. Thank you, Mr. Chairman. [Applause.]

Mr. Conyers. Our next witnesses are two. First, the director of the Administration of Justice Committee, which has performed a very signal honor in presenting us with the document "Gun Abuse in Ohio," which has been referred to many times during this hearing today. And also, the president of the Greater Cleveland Bar Association, Mr. George Meisel.

The director of A.J.C., of course, is Mr. John J. Sweeney, and I see a third gentleman here who I need to have identified.

Mr. Sweeney. I would like to introduce Jeffrey Spiegler, an attorney who has worked with me and is coauthor of our report.

We congratulate you on your work. If only somewhere in the other States we could get as much information pressed between two covers.

Amazingly enough, one of the problems we have is getting up-to-date statistics to evaluate the problem of firearms regulation in 1975.

I might also say that the Detroit Bar Association testified on this subject only last week, and we welcome their sister organization here in Cleveland doing the same thing.

With that introduction, gentlemen, why don't we begin with Mr. Sweeney and then to the president of the Cleveland Bar Association, and then we should have some questions.

TESTIMONY OF JOHN J. SWEENEY, DIRECTOR, ADMINISTRATION OF JUSTICE COMMITTEE; JEFFREY H. SPIEGLER, AUTHOR AND ATTORNEY; AND GEORGE I. MEISEL, ATTORNEY, PRESIDENT, GREATER CLEVELAND BAR ASSOCIATION

Mr. SWEENEY. Thank you, Mr. Chairman. I deeply appreciate the opportunity.

I am director of the staff of the Administration of Justice Committee, a private nonprofit criminal justice reform agency here in Cleveland, established in 1968 and now affiliated with the governmental research institute.

Our concern with both crime prevention and improvement of the local criminal justice system led us to undertake a study of gun violence in Ohio, its consequences and its control.

This study was undertaken, as I mentioned, by Jeffrey H. Spiegler and I, under a grant from the George Gund Foundation.

Our report, "Gun Abuse in Ohio," has just been completed. Copies of the full 125-page report have been submitted to the subcommittee staff.

[See app. 3, at p. 1506.]

I will try to summarize. Gun ownership: Why are there 7 million guns in Ohio?

Some portion of the domestic arms race can be explained by the growing use of guns at work by police, security guards, professional criminals, and employees, and by hunters and target shooters.

But soaring civilian handgun sales apparently reflect the belief that guns offer protection to the home. This is a tragic illusion.

During 1974, guns kept in Cuyahoga County homes were used to shoot and kill one alleged burglar, while 16 persons were killed accidentally with such guns.

Another 114 persons were supposedly shot to death in a home—four allegedly by burglars, 110 by relatives, friends and acquaintances.

Gun accidents are few in number compared to other accidents but are the fastest-rising kind of accidental death. In 1973, 704 Ohioans shot themselves to death.

Gun abuse is a more important factor, we believe, in certain crimes, including murder and aggravated assault, than drug abuse. One reason for the growing murder rate is that a greater proportion of all assaults are now being committed with guns, which are five times more deadly than knives.

In 1973, guns were used in one out of every three aggravated assaults reported in Ohio. If fewer assaults involved guns, fewer would result in homicide.

They were also used in one of every three reported rapes in Cleveland. A similar pattern is emerging in youth crime.

From 1960 to 1974, in Cuyahoga County, juvenile court weapons complaints rose 300 percent, gun confiscations in the Cleveland schools by 750 percent, and juvenile murder complaints by 1,400 percent.

Today in the United States, 116 persons will die by guns, 4 of them Ohioans. Another 524, including 16 Ohioans, will be wounded.

The human costs are obvious. Based on Junior League of Cleveland studies of hospital costs of nonfatal gunshot injuries, we estimate the injuries amount to $239 million in medical costs alone, and the deaths to $1.6 billion in lost earnings alone.

These statistics are stated in 1965 dollars, and they have gone up probably in the area of $2.6 billion right now.

The current laws don't work. Our research supports the Wall Street Journal's observation that the Federal Gun Control Act "has proved to be so loophole-ridden that few people take it as a serious deterrent."

The Federal law depends to a large extent on a new gun buyer's honesty in saying he is not a fugitive, felon, drug addict, or mental defective. There are virtually no controls over the sale of used guns, which are about half of all sales.

Those States which have gun control laws, including Ohio, attempt to regulate the place and manner in which guns can be used. They don't work very well, because gun violence occurs mainly in places outside the normal reach of police activity.

Most people can drive outside the control of local ordinances within 10 minutes. One reason these laws don't work to reduce gun violence may be that they were never logically designed to do so.

They were drawn up not as a part of a coherent strategy but, rather, as attempts to satisfy contrary political pressures. One pressure has been the desire of most Americans for gun control; another has been the gun lobby.

So far, the gun lobby has been winning and the public losing. The result, as Prof. Franklin Zimring pointed out in a recent article in "The Journal of Legal Studies," has been "* * * a symbolic denunciation of firearms in the hands of criminals, coupled with an inexpensive and ineffective regulatory scheme that did not inconvenience the American firearms industry or its customers."

The facts on gun violence are making the gun lobby a "paper tiger." As evidenced by this forum, public officials are now for the first time exploring effective solutions.

An ideal solution would be to leave undisturbed those who use guns legitimately for work and play, and deny guns to those who abuse them. But there are no perfect solutions.

The imperative is to reduce the numbers of men, women, and children whose bodies are ripped by bullets. If this must involve inconvenience to hunters, so be it.

The right to life is more important than the privilege of casual possession of guns by civilians.

Controlling gun abuse will not come simply by lengthening sentences for those who use guns in crime. The heavy and well-enforced laws against murder have not stemmed the gun-murder rate.

Nor will laws banning only Saturday night specials give much help, because the problem is the handgun, and a handgun is a handgun is a handgun.

In fact, the larger caliber quality handguns are more deadly and are involved in more crimes—on Saturday night and other times of the week—than the smaller, cheaper models.

Mayor Perk and the Cleveland City Council should be commended for a small step in the right direction with their recently enacted ordinance which includes a local ban on Saturday night specials.

However, it only covers about a third of the guns used in crimes in Cleveland. By amending the definition to include longer barrels and higher calibers, the city could provide a good example to the Ohio Legislature and to Congress, which are both considering such legislation.

What then should be done? Our report makes recommendations in four areas: Legislation, enforcement, education, and criminal justice planning, including:

(1) Stop making the problem worse. Each year 2.4 million handguns enter the civilian market. The first priority is to turn off the faucets by banning the manufacture and import of handguns, except for the police and the military.

(2) A strict handgun licensing system, allowing civilian possession only to those qualified persons who demonstrate a compelling need. These would include all sworn police officers but few private security guards.

(3) Mandatory registration of all handguns, voluntary registration of long guns.

(4) Appropriation of sufficient funds to buy up, at fair value, all guns offered for sale to authorities for destruction.

(5) Closing generally acknowledged loopholes, including drastic reductions in the number of gun dealers. If Ohio can get by with 1,300 State liquor stores, it doesn't need 4,500 gun dealers.

(6) These legislative recommendations would be most effective at the Federal level, somewhat effective on a State level, and least effective at local levels.

Regarding enforcement, we recommend stricter enforcement of all existing laws; increased security measures by the armed services to prevent military weapons from entering the civilian market; better efforts by the police to trace the source of guns used in crimes.

Regarding education and research, we recommend creation of a national clearinghouse to help coordinate Federal, State, and local control efforts.

Educate the public about gun laws and danger; and research a wide range of gun control strategies, including the development of practical nonlethal weapons.

Regarding criminal justice planning: That if the planning bodies established under the Safe Streets Act really engaged in planning instead of simply apportioning Federal grants, and if their goals were crime reduction instead of simply criminal justice system maintenance, then many of the recommended steps might already be in motion.

LEAA at the national level has at least established crime reduction goals. Ohio's State planning agency has at least determined to study the obvious relationship of guns to crime.

However, the local planning agencies have never even mentioned gun control in their plans.

That is our prepared statement, Mr. Chairman. I'd be glad to answer any questions, and so would Jeff Spiegler.

[The prepared statement of Mr. Sweeney follows:]

STATEMENT OF JOHN J. SWEENEY, DIRECTOR, ADMINISTRATION OF JUSTICE COMMITTEE

Thank you for the opportunity to make a presentation to the Subcommittee.

I am Director of the staff of the Administration of Justice Committee, a private, non-profit criminal justice reform agency established by the Cleveland Foundation in 1968 and affiliated with the Governmental Research Institute.

Our concern with both crime prevention and improvement of the local criminal justice system led us to undertake a study of gun violence in Ohio, its consequences and its control. The study was undertaken by Jeffrey H. Spiegler and I under a grant from the George Gund Foundation. Our report, *Gun Abuse in Ohio*, has just been completed. Copies of the full 125-page report have been submitted to the Subcommittee staff. A summary is attached.

GUN OWNERSHIP

Why are there 7 million guns in Ohio? Some portion of the domestic arms race can be explained by the growing use of guns *in work* (by police, security guards and professional criminals) and *in play* (by hunters and target shooters). But soaring civilian handgun sales apparently reflect the belief that guns offer "protection" to the home. This is a tragic illusion.

During 1974, guns kept in Cuyahoga County homes were used to shoot and kill one alleged burglar, while 16 persons were killed accidentally with such guns. Another 114 persons were purposefully shot to death in a home—4 allegedly by burglars, 110 by relatives, friends and acquaintances.

THE CONSEQUENCES OF THE ARMS RACE

Accidents and suicide.—Gun accidents are few in number compared to other accidents, but are the fastest rising kind of accidental death. Guns also play an increasing role in suicide. In 1973, 704 Ohioans shot themselves to death.

Crime.—Gun abuse is a more important factor in certain crimes (including murder and aggravated assault) than drug abuse. One reason for the growing murder rate is that a greater proportion of all assaults are now being committed with guns, which are five times more deadly than knives. In 1973, guns were used in one of every three aggravated assaults reported in Ohio. If fewer assaults involved guns, fewer would result in homicide. Guns were involved in 42% of Cincinnati's robberies and 75% of Youngstown's. They were also used in one of every three reported rapes in Cleveland.

Juvenile delinquency.—A similar pattern is emerging in youth crime. From 1960 to 1974 in Cuyahoga County, Juvenile Court weapons complaints rose 300%; gun confiscations in the Cleveland schools by 750%; and juvenile murder complaints by 1,400%.

THE COSTS OF GUN ABUSE

Today in the U.S., 116 persons will die by guns, four of them Ohioans. Another 524, including 16 Ohioans, will be wounded. The human costs are obvious. Based on a Junior League of Cleveland study of hospital costs of non-fatal gunshot

injuries, we estimate the injuries amount to $239 million in medical costs alone and the deaths to $1.6 billion in lost earnings alone.

EXISTING LAWS: LOOPHOLES, NOT LOGIC

The current laws don't work. Our research supports the *Wall Street Journal*'s observation that the federal Gun Control Act "has proved to be so loophole-ridden that few people take it as a serious deterrent." The federal law depends to a large extent on the new gun buyer's honesty in saying he is not a fugitive, felon, drug addict or mental defective. There are virtually no controls over the sale of used guns—half of all sales. Those states which have gun control laws, including Ohio, attempt to regulate the place and manner in which guns can be used. They don't work very well because gun violence occurs mainly in places outside the normal reach of police activity. Most people can drive outside the control of local ordinances within 10 minutes.

One reason these laws don't work to reduce gun violence may be that they were never logically designed to do so! They were drawn up not as part of a coherent strategy but rather as attempts to satisfy contrary political pressures. One pressure has been the desire of most Americans for gun control; another has been the gun lobby. So far, the gun lobby has been winning and the public losing. The result, as Professor Franklin Zimring pointed out in a recent article in *The Journal of Legal Studies*, has been:

> . . . a symbolic denunciation of firearms in the hands of criminals, coupled with an inexpensive and ineffective regulatory scheme that did not inconvenience the American firearms industry or its customers.

The facts on gun violence are making the gun lobby a "paper tiger". As evidenced by this forum, public officials are now, for the first time, exploring effective solutions.

CURRENT PROPOSALS

An ideal solution would be to leave undisturbed those who use guns legitimately for work and play and deny guns to those who abuse them. But there are no perfect solutions. The imperative is to reduce the numbers of men, women and children whose bodies are ripped by bullets. If this must involve inconvenience to hunters, so be it. The right to life is more important than the privilege of casual possession of guns by civilians.

Controlling gun abuse will *not* come simply by lengthening sentences for those who use guns in crime. The heavy and well-enforced laws against murder have not stemmed the gun murder rate.

Nor will laws banning only "Saturday Night Specials" be of much help, because the problem is the handgun, and a handgun is a handgun is a handgun. In fact, the larger caliber, "quality" handguns are more deadly and are involved in more crime—on Saturday nights and other times of the week—than the smaller, cheaper models.

Mayor Perk and the Cleveland City Council should be commended for a small step in the right direction with their recently enacted ordinance, which includes a local ban on "Saturday Night Specials". However, it only covers about a third of the guns used in crime in Cleveland. By amending the definition to include longer barrels and higher calibers, the City could provide a good example to the Ohio Legislature and to Congress, which are both considering such legislation.

RECOMMENDATIONS

What, then, should be done? Our report makes recommendations in four areas: legislation, enforcement, education and criminal justice planning, including:

(1) Stop making the problem worse. Each year 2.4 million handguns enter the civilian market. The first priority is to "turn off the faucet" by banning the manufacture and import of handguns, except for the police and the military.

(2) A strict handgun licensing system, allowing civilian possession only to those qualified persons who demonstrate a compelling need. These would include all sworn police officers, but few private security guards.

(3) Mandatory registration of all handguns; voluntary registration of long guns.

(4) Appropriation of sufficient funds to buy up, at fair value, all guns offered for sale to authorities for destruction.

(5) Closing generally acknowledged loopholes, including drastic reductions in the number of gun dealers. (If Ohio can get by with 1,300 state liquor stores, it doesn't need 4,500 gun dealers.)

These legislative recommendations would be most effective at the federal level, somewhat effective on a state level, and least effective at local levels.

ENFORCEMENT

(1) Stricter enforcement of all existing laws.

(2) Increased security measures by the armed services to prevent military weapons from entering the civilian market.

(3) Better efforts by the police to trace the source of guns used in crime.

EDUCATION AND RESEARCH

Creation of a national clearinghouse to help coordinate federal, state and local control efforts; educate the public about gun laws and gun dangers; and research a wide range of gun control strategies, including the development of practical non-lethal weapons.

CRIMINAL JUSTICE PLANNING

If the planning bodies established under the Safe Streets Act really engaged in planning instead of simply apportioning federal grants; and if their goals were crime reduction instead of simply criminal justice system maintenance, then many of the recommended steps might already be in motion.

LEAA at the national level has at least established crime reduction goals. Ohio's state planning agency has at least determined to study the obvious relationship of guns to crime. However, the local "planning" agencies have never even mentioned gun control in their plans.

Mr. CONYERS. Thank you very much.

Let us move to the president of the Greater Cleveland Bar Association, and then we will return to Mr. Spiegler and pose a few questions.

Mr. MEISEL. Mr. Chairman, thank you very much. On behalf of the Bar Association of Greater Cleveland, I filed a statement.

I do want to say that it was largely on the work of John Sweeney and his excellent staff that the board of trustees of the bar association recently voted to support, at all levels of government, legislation requiring registration and restriction of possession of handguns.

We believe that such legislation is valid and is now necessary. To that end, we established Project 76—program designed to afford to any governmental entity that wishes it our assistance in drafting such legislation and in doing legal research to support such legislation.

Mr. CONYERS. Very good.

Mr. Jeffrey Spiegler, do you have any observations to make in addition to these two statements?

Mr. SPIEGLER. I concur, of course, in everything Mr. Sweeney has said, as well as in support of Mr. Meisel of the Bar Association.

If you have any questions, we could be happy to answer them now.

Mr. CONYERS. Well, your document couldn't be more well-timed, and I suppose someone somewhere suggested that there was some coordination between this committee's appearance here in Cleveland and the release and distribution of your document.

We can assure everyone that they were totally uncoordinated, although we do appreciate the fact that this recently came out. We are going to study it very carefully.

Mr. SWEENEY. It did result in a few late sessions finishing the document by the time you came to town.

Mr. CONYERS. How has this gone about and how much time went into the preparation of your "Gun Abuse in Ohio" project?

Mr. SWEENEY. We have been working on it for about 4 months.

Mr. CONYERS. Mostly you two gentlemen?

Mr. SWEENEY. Yes, sir. We have had some excellent cooperation from a number of organizations: The Bar Association, Cleveland Police Department, the FBI, the Junior League of Cleveland.

And we have incorporated their particular study of nonfatal gun injuries treated in a metropolitan hospital.

And, most people have been very helpful and cooperative.

Mr. CONYERS. Are there any other documents similar to this that you would recommend to the subcommittee's attention concerning firearms control and gun abuse in your State?

Mr. SWEENEY. Nothing that matches it in quality but——

[Laughter.]

Mr. CONYERS. Your modesty is overwhelming.

Mr. SWEENEY. But seriously, Mr. Chairman, we do have a bibliography; and in addition to the work of the coroner and the local police officials, we found the gun control project of the U.S. Conference of Mayors to be quite helpful, not only in ideas but a wealth of information, and the accumulation of an extensive library.

Mr. CONYERS. Are there any other such documents that emanate from other organizations in other States that you would like to draw our attention?

Mr. SWEENEY. No, sir.

I do understand that there is a comparable State level study being conducted in Massachusetts.

We are familiar with a few in major cities, including Honolulu and New York City, but to the best of our knowledge there hasn't been one before on a statewide level.

Mr. CONYERS. Very good.

I yield now to Mr. Mann.

Mr. MANN. I quote from your summary:

> But soaring civilian handgun sales apparently reflect the tragically mistaken belief that guns offer "protection" to the home.

Now, you have quoted statistics which, of course, refute that "tragically mistaken belief"—just, most substantially, 131, at worst 165, of some possible use that the handgun might have in the home.

But in spite of that "tragically mistaken belief" and all of the ingredients that go into it, the failure of the Administration of Justice system and the fear that comes from it, all of those people are voters and they are going to be heard from when we start talking about banning handguns or limiting the ownership of a handgun, and the constitutional validity of the amendment argument notwithstanding.

The American Bar Association might do something about it on a nationwide grassroots basis. I find, however, the typical local bar association is more involved in self-discipline than it is in community activities.

What suggestions do you have as to how this message is going to be delivered, how this fear is going to be overcome?

Mr. SWEENEY. I would suggest that more bar associations copy the example of the Bar Association of Greater Cleveland, which has

involved itself in not only pressing issues such as gun control but correctional reform, community involvement in criminal justice, sentencing practices and procedures, and a great many other accomplishments that Mr. Meisel is probably unwilling to take all those compliments for.

Mr. MANN. I would suggest that, too, but I am afraid it's going to require getting the attention of the American Bar Association a little bit louder than us saying it. Can your bar association communicate with the appropriate committee or agency of the American Bar Association?

Mr. MEISEL. We have and intend to continue to do so.

Mr. MANN. I know I have called on them before to take up some cause in which the public was woefully ignorant, and nothing much happened, largely because, as I said, it is not nationally oriented as far as issues are concerned.

And locally, it's not oriented except toward its own self-management.

Well, you certainly have an excellent work here, and I marvel at the pertinent information that you have put together on such a short time.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Stokes?

Mr. STOKES. Thank you, Mr. Chairman.

I don't have any questions, Mr. Chairman, but I would like to take this opportunity to commend Mr. Sweeney and his associates on what I think has been an excellent compilation of factual data and the conclusions that they have come to in this report.

I think they have rendered a real service to the community in this regard.

I should also like to take this opportunity to express my commendation to the Cleveland Bar Association for their stand on this matter.

Some years ago I served as a trustee of the Cleveland Bar Association, and I am very proud of the position they have taken in this matter.

Thank you, Mr. Chairman.

Mr. CONYERS. Gentlemen, we are grateful, and we hope that our coordination will continue from this point and not end merely at these formal hearings.

Thank you very much for joining us.

Mr. SWEENEY. Thank you, Mr. Chairman.

[The prepared statement of Mr. Meisel follows:]

STATEMENT OF GEORGE I. MEISEL OF THE BAR ASSOCIATION OF GREATER CLEVELAND ON GUN-CONTROL LEGISLATION

The Bar Association of Greater Cleveland has established "Project '76." This is a program designed to push for legislation banning the sale or ownership of hand guns.

It is the position of the Bar Association of Greater Cleveland that "such legislation should properly prohibit the sale or ownership of hand guns, with an exception being made for a well-defined group of persons such as policemen who have a legitimate need to carry a gun."

The objective is the passage of uniform gun legislation in all municipalities throughout Cuyahoga County in the Ohio Legislature and in the United States Congress.

Letters have been sent to legislators and legal officers of all levels of Government offering the services of the Bar Association of Greater Cleveland for the purposes of drafting legislation and making effective gun control a reality. There is an on-going program this summer to assist with research in coordinating this work.

As long ago as 1968, this Bar Association publicly urged legislation requiring the registration of guns. Since that time, deaths caused by hand guns have risen spectacularly in Cuyahoga County and throughout the country. In Cuyahoga County alone, there were 116 deaths caused by hand guns during the first four months of 1975.

RESOLUTION OF THE CLEVELAND BAR ASSOCIATION ON GUN CONTROL

On June 27, 1968 the Board of Trustees of the Bar Association of Greater Cleveland took a firm public stand in favor of federal legislation requiring the registration of guns. Since that time the rate of homicides caused by hand guns has risen spectacularly, in Cuyahoga County and throughout the country. In Cuyahoga County there were 40 homicides by hand guns for the first 52 days of the year 1975—almost doubling the number of deaths from hand guns over the same period of 1974.

The problem of the easy-to-buy, easy-to-own hand guns has now reached such proportions there is public outcry for solution. So, in the past few months in Greater Cleveland, we have seen the coming together of citizens groups and governments to try to find some way to stop the terrible death toll.

The Bar Association of Greater Cleveland hereby restates its support for legislation on the federal, state and municipal levels to control the sale and ownership of hand guns. We believe such legislation should properly prohibit the sale or ownership of hand guns, with an exception being made for a well defined group of persons such as policemen who have a legitimate need to carry a gun.

To carry out this resolve, the Bar Association of Greater Cleveland announces the establishment of a program for the promotion of this endeavor to be called Project '76 and designates its Law In Urban Affairs committee to carry out the project mandates as follows:

1. To help in the drafting and work for the passage of uniform gun legislation in all municipalities through Cuyahoga County.
2. To help in the drafting and work for the passage of state gun control legislation.
3. To work for the passage of federal gun control legislation.
4. To take all other appropriate actions to carry out these resolves.

The President of the Greater Cleveland Bar Association shall communicate this position to members of the United States House of Representatives representing Cuyahoga County, and to senators Taft and Glenn, to all members of the Ohio General Assembly from Cuyahoga County; to all mayors, city managers, members of council and legal officers of municipalities within Cuyahoga County; and to all known citizen groups working toward the goal of gun control. Furthermore, the President shall offer the services of the Bar Association to any of the above persons or organizations for the purpose of drafting legislation and making effective gun control a reality.

The President of the Bar Association of Greater Cleveland shall communicate this policy statement to the Ohio State Bar Association and to all local bar associations in the State of Ohio, urging them to take similar actions. In addition, the Bar Association shall give testimony before legislative bodies, and shall work to publicize the scope of the hand gun problem and to educate the public as to the need for prompt action.

PROPOSAL FOR PROJECT '76

To implement the mandates of this project, certain resources will be needed. It appears obvious that the Greater Cleveland Bar Association must play a definite and vital role in the area of coordination and resources. The association could provide such assistance as compiling a national and local compendium of gun control legislation that is extant or in preparatory stages along with a comparative analysis; assemble a resource and speakers panel of attorneys from the association who have an interest in this area or skilled in legislative drafting; drafting of model legislation, research, and overall coordination.

In order to provide the kind of assistance outlined above it is proposed that the association hire two law students who are eligible for "work study" grants.

The attached budget set out the cost of employing law students commencing March 17, 1975 on a part time basis, 15 hours per week, 12 weeks full time during the summer months, and the balance of the calendar year at 15 hours per week.

The local law school reimburses varying percentages of the law students salary, so that the cost of the overall projects depends upon which law school the student attends. Case Western Reserve reimburses 80% of the students salary and Cleveland State reimburses at 75%.

Mr. CONYERS. I would like to indicate that we have a panel of distinguished members of the judiciary with us, who will be called after we hear from the president of the Gun Control Federation of Greater Cleveland, the Reverend Roger Shoup, the chairman of the Gun Task Force, Greater Cleveland Interchurch Council; the Reverend Daniel Reidy, executive director, Commission on Catholic Community Action; and Ms. Barbara Drossin, Public Affairs Committee of the Jewish Community Center.

We would ask them to come forward at this time, prior to the panel of judges.

After the judges, we are going to have the Cleveland Lawyers Association representative, Mr. James E. Carson, Esq., and then Claude Hicks, of the Ohio Citizens for Gun Rights; and then, time permitting, I am going to try to squeeze Mrs. Fannie Lewis in and bring back Mrs. Anna Chatman for a few moments.

So that the whole point of that is to indicate that we have a slight time problem.

TESTIMONY OF JOSEPH B. CLOUGH, GUN CONTROL FEDERATION OF GREATER CLEVELAND; REV. ROGER SHOUP, CHAIRMAN, SUBCOMMITTEE ON GUN CONTROL OF GREATER CLEVELAND INTERCHURCH COUNCIL; REV. DANIEL F. REIDY, EXECUTIVE DIRECTOR, COMMISSION ON CATHOLIC COMMUNITY ACTION; AND BARBARA DROSSIN, PUBLIC AFFAIRS COMMITTEE, JEWISH COMMUNITY CENTER OF CLEVELAND

Mr. CONYERS. Your statements will be incorporated into the record, ladies and gentlemen, and you are free to proceed in any way you choose.

[The complete statements follow:]

STATEMENT OF JOSEPH B. CLOUGH, PRESIDENT, THE GUN CONTROL FEDERATION OF GREATER CLEVELAND

We greatly apprecate this opportunity to testify before the Subcommittee on Crime of the House Committee on the Judiciary, recognizing that any legislation which the federal government enacts will have first to be approved by his Committee of Congress.

It is needless to take the time of this Committee for a review of the statistics of handgun violence. We are all familiar with the reports which assail us day and night, and month by month. So we shall proceed directly to our report.

As numerous national studies have pointed out, the most important single factor in the rampaging handgun violence throughout the urbanized areas of our country is the widespread possession and easy availability of the handgun. Our fundamental approach, therefore, has been to devise a workable master plan under which we can begin to reduce the level of handguns in our society. We have worked closely with local authorities in Cleveland and its suburbs where we have obviously a substantial stake in the outcome of our efforts. Occasionally we have worked with legislators in our State capital, and also have given what support we could to efforts for gun control at the federal level.

Gradually, as we pushed forward and gave deeper thought to the problems posed by the differing values and objectives of individuals within our complex society, the pattern of a solution began to emerge, piece by piece. Although all the members of our organization were in full agreement as to the need to find remedies for the killing and violence, we have tried at all times to respect the rights and the divergent interests of those who favored unrestricted access to firearms. We believe that the programs we advocate will be effective in reducing handgun violence and yet will be fair to sportsmen, to gun collectors, and to those who feel because of their circumstances that they must have the kind of protection which a handgun offers.

Our basic strategy is to bring about a reduction of handguns in our society, while at the same time taking steps to make sure that handguns may not easily pass from responsible owners to irresponsible, even illegitimate owners. To accomplish this urgently needed reduction at a time when new handguns are flowing into our communities at an annual rate of 2.5 million is a formidable task, and we therefore concluded that our initial step should be to somehow turn down the valve of new handgun sales. Then our subsequent efforts at reduction of the handgun population would not be an endless uphill struggle.

Our studies and research have convinced us that some regulation of handgun ownership will be essential if we are to make it difficult for criminals to obtain handguns. Ever since the enactment of the Gun Control Law of 1968, the sale of handguns has been forbidden to several classes of individuals including criminals, narcotics addicts, mental incompetents, and minors. This, however, is not enough for there is nothing in the present law which deters easy transfer of handguns from legitimate to illegitimate hands. To correct this deficiency we must have gun control laws incorporating licensing and registration of all handguns. Registration is the one means which can prevent handguns from passing from hand to hand without a trace to their original legal owner.

As we make it ever more difficult for criminals and other illegitimate owners to obtain handguns, we proportionately lower the level of fear in our communities, and this in turn will make people less inclined to buy a handgun for their own safety and protection.

We asked ourselves constantly how handguns could be removed from our communities, and the only ways which we were able to agree would be practical were: (1) by police confiscation of handguns illegally possessed or criminally used; and (2) by the voluntary surrender by owners who upon reassessment find that handguns are really not the assurance of protection and safety for which they had been acquired, and that safety and security can but be attained in our communities—our schools, our homes, our public places without reliance on the handgun.

That part of our program is a matter of education—which must be carried to all sectors of our society, using every media—newspapers, radio, television—through our public and independent school system, our churches and synagogues—until every man, woman and child understands the destructive, often fatal consequences of handgun dependency.

The job will not be an easy one—that we know, for we will have to undo much of the damage which has been caused by widespread violence depicted on our TV screens and in our movies. But we must start—and the sooner the better. We must deglamorize the handgun before the handgun wreaks further damage to our society.

Going back to the first step—stemming the flow of new handguns—let us see how this might be done. Several ways have been suggested to accomplish this end:

(a) Prohibition of the manufacture and importation of all handguns—or of those specific types of handguns considered most undesirable. Such action would have to be federal and conceivably would require a constitutional amendment, as the 18th Amendment outlawed the manufacture of alcoholic beverages.

(b) Imposition of Excise Taxes on handguns to increase their cost, which would also be a federal taxation measure.

(c) Imposition of restrictive licensing laws—federal, state or local.

Let us now consider Step No. 2—education—in fuller detail. The educative process should be started at once, and our schools—elementary as well as secondary—are waiting for someone to give leadership in this essential task. The Gun Control Federation has already been in touch with officials of the Cleveland Public Schools, and we are hopeful that a start can be made with the first such program during the coming school year.

We visualize the need for strong educational programs for at least five years—perhaps longer—and are making our plans accordingly. During these years we will need further legislation to regulate and control possession and use of handguns. We see such laws as being primarily the concern of each state. Specifically, the need for handgun control in highly urbanized areas is far different from that of a rural community. With the mobility of our society, however, great care must be given to assure that local handgun laws are not circumvented by handgun purchases in another area where the laws may be less restrictive.

The effect of this concept would be to permit local options, a system which we know can work, if we safeguard against abuses. Such safeguards could be provided by additional regulation of federally licensed dealers—requiring that all handgun sales be made in full conformity with the laws in the purchaser's city of residence, and also that every sale of handgun or handgun ammunition be promptly reported to an appropriate authority in the purchaser's community.

What should local—or state—legislation cover?

(1) Licensing provisions which will deny the right to own handguns to such classes as felons, addicts, minors and those adjudicated as incompetent.

(2) Registration by make, type and serial number of each handgun owned by any individual. The significance and critical importance of registration has not been generally understood by many people, some of whom are legislators and administrators involved with the problems of handguns. Registration means accountability—clearly and simply. And because a licensed handgun owner is accountable for his weapon, he is not likely to leave it where it can easily be stolen, nor will he lend or sell or give it to an unlicensed person without risking arrest and punishment. Again, we emphasize, without proper registration there is no hope that we can keep handguns from passing from lawful to unlawful hands.

(3) Prohibition of those handguns which by their design are easily concealable, or are clearly more destructive than the protective purpose requires. An example of the first class is the so-called "Saturday Night Special", a popular term which is broadly used but which fails to identify precisely the specific handguns which should be eliminated from our society. We object to barrel length being used as a criterion, and urge that the fundamental, if not the only criterion, be overall length, which should be 8 inches minimum. This relates directly to concealability, and nothing about the entire handgun issue is more serious than the ability to conceal a deadly weapon about one's person.

We also take issue with proposed laws which would prohibit low caliber handguns, and thus encourage owners to obtain heavier caliber weapons, which technically are more deadly. This is nonsense which we cannot afford. Rather, the federal government should totally outlaw the manufacture, importation and sale of all handguns larger than .32 caliber, and destructive ammunition such as dum dum and hollow head bullets. Possible exceptions would be law enforcement officers and the military. Local and state governments may well ban sales and possession as a legitimate response to the dangers posed by these particular weapons and ammunitions.

Another factor which would decrease the level of handguns in our society would be the development of an effective but non-lethal device adaptable to use in places of business and the home. We have heard of one such device, the Ring Airfoil Grenade (RAG). This was developed by the U.S. Army for use by National Guard troops for crowd control, and was designed to be launched from an Army carbine. LEAA is now funding further development of this non-lethal device for use by police units. Possibly it will prove to be a device which could be utilized for personal protection in the home or place of business.

It is noteworthy, we believe, that when once we stem the flow of new handguns into our society, and when we put in place a reasonable, effective network of state and local handgun control laws, confiscation and destruction of illegally possessed weapons will materially reduce the level of handguns in our communities. Obviously this reduction of handguns will fall most heavily on criminals.

What are the kinds of means which are needed to accomplish our objective—the reduction of the inflow of new weapons, and the shrinking of the immense total of handguns in our highly urbanized areas?

We might logically classify these means as—Legislative; Administrative; Educational; and Technological.

Under legislative means we have—Local and State; and Federal.

Under local and/or state legislation, as stated earlier, we recognize that the needs of the highly urbanized, densely populated areas are quite different from

the needs of small towns and rural sections. There seems to be no absolute need for statewide laws which treat all areas exactly the same—except the necessity of preventing the circumventing of local handgun control laws by means of remote purchase of handguns. The Federal Gun Control Law of 1968 forbids the purchase of firearms outside of the state in which the buyer lives. An amendment to that law could effectively require all dealers to sell handguns—in fact all firearms and ammunition—in strict accordance with the laws of the community in which the buyer lives.

This concept we believe is practical. It avoids enactment of handgun laws which may be appropriate in urbanized areas, but which may be burdensome on those who live in rural areas. It has been this very element of difference which has made it so difficult to achieve passage of handgun laws on a statewide level in a state like Ohio, with its wide range of urban and rural interests.

Our state legislatures should impose additional regulations upon dealers who sell any firearms or ammunition. These regulations should include—

(1) Insistence that every dealer have a place of business, and that it be located in conformity with all local regulations such as zoning laws.

(2) Requirement for adequate security of premises and inventories, particularly in urban centers, to prevent theft and looting.

(3) Adequate license fees to cover costs for administration of the laws.

At the Federal Level—what do we look for?

(A) MANUFACTURING AND IMPORTING OPERATIONS

1. Prohibitions of the importation of all handguns—and of interstate shipments of handguns except for law enforcement officers and the military. The purpose of the limitation on interstate shipment of handguns would be to discourage further manufacture of these weapons. Although this may sound drastic, we submit that it is a reasonable response to the problem posed by 40 million or more handguns known to be in our country, most of which have been produced within the past 10 years.

2. Alternatively—but less desirable—prohibition of importation and interstate shipments of certain kinds of guns—those easily concealable, and those with excessive destructive power. Only exceptions—law enforcement officers and military.

3. Alternatively—and even less desirable—the levying of federal Excise Taxes on all handguns which would systematically increase the purchase price of handguns—particularly the excessively destructive types.

The purpose of this measure is fivefold—

(a) To deter sales of additional lethal weapons, particularly those of high caliber which are technically more deadly.

(b) To encourage the manufacture and sale of non-lethal devices, which would not be taxed.

(c) To provide revenue to partially offset costs of public welfare attributable to handgun violence.

(d) To give current owners a windfall to soften their opposition.

(e) To induce current owners to increase the level of safekeeping of their weapons, since replacement costs will be considerably higher.

4. Tighten up regulations to control handguns brought into this country by returning servicemen, by U.S. tourists, and by foreign visitors.

(B) FEDERALLY LICENSED DEALERS

Congress should enact amendments to the Gun Control Law of 1968 to require:

1. Full compliance by dealers with the firearms regulations of the city of residence of each buyer. This will prevent circumvention of the handgun regulations of highly urbanized areas by those who seek to purchase in areas with less restrictive handgun laws.

2. Prompt reporting of all sales of handguns and handgun ammunition to the appropriate authority in the buyer's city of residence or to the country sheriff so those local authorities can effectively enforce the regulations established by that city or locality.

Both of the above requirements, if carried out consistently, would make workable a system which incorporates a diversity of handgun regulations within the bounds of any state or area, as warranted by local conditions.

In our view a uniform national standard of regulation for conventional firearms is not necessary and may not even be desirable, since different problems exist in different locales, requiring different legislative solutions. Each locale selects

the regulations which meet the needs of that locale, and makes its own laws. The federal government—through its control and regulation of licensed firearms dealers—insures that those laws will not (easily) be circumvented.

What improvements can be made in the administration of our federal firearms laws?

1. We believe that the funding for the Bureau of Alcohol, Tobacco and Firearms is insufficient for adequate supervision of the vast number of federally licensed firearms dealers. Possible solutions to this problem are:

(a) Increased budgets to permit adequate staff of investigators.

(b) By means of more stringent requirements and higher license fees ($10.00 is certainly too low) drastically reduce the number of licensed dealers. As a case in point, we are informed that there are over 4,000 licensed dealers in Northern Ohio. Do we need 4,000 sales outlets to serve the legitimate needs of our area? The answer is emphatically no.

2. We believe the critical importance of the problem of handguns is such that the administration of federal laws on firearms should be set up in a new and separate agency with broad regulatory powers. Such an agency might be under the jurisdiction of the Justice Department or H.E.W.

3. We believe that whatever agency ultimately administers the federal firearms laws, there should be increased accountability to the American people by means of annual reports to Congress, and that these reports should be readily available to citizen-based organizations such as those testifying before this Committee today.

What can the federal government do to assist in the massive job of education, which is so important to our problem, and which must be carried on for five or ten years, perhaps longer? Effective solutions are not easily arrived at—and the answer to the above question is not simple. Funds and resources will be needed, of course, and we feel assured that once programs are designed and tested, support will be forthcoming from Washington. Quite naturally, we will seek local foundation support for initial educational programs which will be carried out locally.

Federal funds for technological developments which will hopefully lead to effective non-lethal devices suitable for home and self defense should be made available as quickly as needs can be demonstrated. The extent of such research and development is not foreseeable—but money requirements should be modest, and may be within existing budgets of LEAA or the Defense Department. A start should be made as quickly as possible to modify the RAG (Ring Airfoil Grenade) for civilian use.

Finally, we urge Congress to heed the voice of the American people which has been heard consistently calling for action on the critical subject of handgun regulation. The most recent Gallup poll released last week shows that 67% of the American people favor handgun control laws incorporating registration. Even owners of handguns were polled and 55% were in favor of such laws whereas only 39% were opposed.

Although we respect the rights of special interests to make their views heard, we feel sure that this Committee and, in fact, our whole Congress will not be misled by highly organized opposition which speaks only for a small minority of the American people.

As an integral part of this testimony, we are appending hereto a copy of the Statement of Position of The Gun Control Federation of Greater Cleveland.

On behalf of The Gun Control Federation of Greater Cleveland and the many Cleveland organizations united with us in our efforts to bring about reduction of handgun violence, we wish to thank the Subcommittee on Crime of the House Committee of the Judiciary for this opportunity to present our views.

STATEMENT OF ROGER SHOUP, CHAIRMAN, SUBCOMMITTEE ON GUN CONTROL OF THE GREATER CLEVELAND INTERCHURCH COUNCIL

The Greater Cleveland Interchurch Council has adopted and has recommended to its member churches the following resolution:

RESOLUTION FROM TASK FORCE ON GUN CONTROL ADOPTED ON MARCH 20, 1975 BY GREATER CLEVELAND INTERCHURCH COUNCIL

The Greater Cleveland Interchurch Council is concerned that homicides in Cuyahoga County in 1974 claimed the lives of 420 citizens. To date in 1975 the

rate of homicides in this county have exceeded the previous year by 50%. The great majority of these homicides have involved the hand gun. These sad facts of life not only in Greater Cleveland but also in every urban area of this nation compel us to protest such carnage.

As Christians we preach that human life is sacred and accept as an article of faith the Commandment, "Thou shalt not kill."

Because we do believe and preach these fundamental truths resident in Holy Scripture and necessary for the preservation of humane society we urge the churches within our jurisdiction to adopt the following:

1. Affirm that the hand gun must be eliminated from American society. The ownership and use of hand guns by private citizens contributes greatly to our violent society. The removal of hand guns from private ownership will significantly reduce our present obscene level of brutality.

2. Initiate support and cooperate with political efforts to promote effective gun control legislation in your community that represent strong progress toward the goal of the full elimination of the hand gun in our society.

The Task Force on Gun Control recognizes that these two recommendations represent only a partial answer to the critical issue of violence and injustice in this nation. Nevertheless, we do affirm these recommendations as critical first steps toward the establishment of a society that will abhor violence and affirm justice and peace and hope for all its citizens.

The Greater Cleveland Interchurch Council is committed to a vision which includes a nation that is free of the menace of the hand gun. We seek to abolish this instrument of oppression from every sector of society including the criminal, the private citizen and the law enforcement officer. To that end, it is our hope that the Federal Government will enact the following proposals:

First, the Federal Government must do everything within its power to insist that local communities enforce vigorously existing gun control laws. We would urge that there be no plea bargaining by either prosecution or defense regarding the possession of a hand gun during the commission of an offense. There are substantial gun control laws already established. If they were enforced, they would provide an effective tool to aid significantly in the contruction of an adequate defense against this contemporary barbarism we now endure.

Second, The Federal Government must initiate new gun control laws to cover "loop-holes" in our present law and eliminate the "Saturday night special." For the uninitiated, the "Saturday night special" is not a bartender's cocktail. Rather, it is a cheap hand gun that can be bought for as little as $10. Although cheap, it does the job as effectively as more expensive hand guns.

Traditionally, gun control legislation has been opposed by the National Rifle Association and other groups. Let's examine the opposition. The NRA would tell us that only "pinkos" advocate gun control laws. Only "commies" are for gun control laws. The fact is that professors, religionists, middle-Americans, factory workers, doctors—and other people representing a cross-section of American life understand the urgent need for gun control laws. Those who oppose gun control laws would suggest that, "when guns are outlawed only outlaws will have guns". This is a phony issue. The object of gun control law is to limit gun sales to qualified citizens and ban only the "Saturday night special". We are told that the Constitution insures the right of citizens to bear arms. In fact, the Second Amendment refers to, "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." It is evident that what is affirmed by the Constitution is the right of a State to maintain a militia. The founding fathers feared that central government would some day become so powerful that local State militias would be needed to defend against an unwise use of power by that central government. The authors of the Constitution were not referring to the individual's right to own hand guns. They were concerned only with the establishment of a militia. The opposition to gun control laws continue to play upon our fears when they claim that we need hand guns to protect ourselves against criminals. In 1972 there were 18,520 murders in this country. Of these, roughly 5,000 were committed by a stranger during the commission of a crime.

The others, over 70%, resulted from spouses killing spouses, parents killing children and children killing parents, friends killing friends, lovers killing lovers. Over 70% of the homicides caused by the gun were acts of passion where the guns were readily available and became the final solution to anger that might have otherwise been resolved. We're told that guns will protect the citizen against tyranny. Such spokesmen point to Hitler in Germany. Such foolish sophistry

would compare apples and oranges. In this country, in a free country, the defenses against tyranny are free elections, free press, the freedom to worship, the freedom to assemble. It is not the freedom to carry a gun. Finally, it is asserted that, "guns don't kill people, people do". The truth is that, "people use guns to kill people. You can run from a knife. You can duck a bottle. But bullets are forever." Indeed, we must enforce existing gun control laws. At the same time, let us initiate new gun control laws that will ban once and for all the infamous, "Saturday night special".

Third, we must be concerned about prison reform so that when someone is sent to prison he or she does not return to society more embittered and hardened than before they were imprisoned.

Fourth, we must crack down on alcohol and drug abuse. When we say, "crack down" we do not mean that we should punish the offender more harshly. Instead, we must investigate instances of alcohol and drug abuse with greater care. Once we discover people hooked on drugs and alcohol that promote the inflamation of passion which in turn leads to senseless murder or results in the addicts desperate search for a victim to rob in order to support his habit—then we must insure that such a person will receive the humane treatment necessary to help him escape the trap of addiction.

Fifth, Christians must insist that tough penalties be imposed on any person involved in a crime of violence where the gun is employed as weapon to coerce, threaten or take a life. We remain convinced that capital punishment is not the answer to this predicament. Only the poor are subjected to this "final solution." But tough penalties do need to be established and enforced. Probation has become too easy an option for those who would kill. Even tougher penalties must be imposed upon the repeat offender. There is always a significant possibility that one who is apprehended for the first time, will change his way of life and become a contributing member of society. But once the pattern of criminality is repeated, the possibilities for change are severely reduced. It is the responsibility of the state to protect society from those who have so given way to the impulse toward violence and evil within them that they can only be contained in prisons of our society.

CONCLUSION

The Greater Cleveland Interchurch Council understands that effective gun control is not the final answer to the issue of violence in our society. However, strong gun control legislation that is effective for every state in our nation is an important first step. Therefore, we urge that the Congress of the United States take that important step before more lives are wasted needlessly.

STATEMENT OF FATHER DANIEL F. REIDY, PH., D., EXECUTIVE DIRECTOR, COMMISSION ON CATHOLIC ACTION

Executive Director, Commission on Catholic Community Action, the social policy and action office of the Catholic Diocese of Cleveland with 910,000 Catholics in 8 counties in North East Ohio.

Chairman of the Criminal Justice Task Force of the Ohio Catholic Conference, representing the six Catholic Dioceses in the state: Cleveland, Cincinnati, Columbus, Toledo, Youngstown, and Steubenville.

Chairman of Social Concerns Committee of Senate of Priests, Catholic Diocese of Cleveland.

Educational Attainments: 3 Masters Degrees in Theology, Sociology, and Urban Studies; Ph. D. in Urban and Social Planning.

Relevant Responsibilities: City Planning Commissioner, City of Cleveland; Ohio-Michigan Director, Campaign for Human Development; Monitor for Supervised Pre-Trial Release Program, Cuyahoga County; and Fiscal Agent for Comprehensive Bail System Study.

Board member: Cuyahoga Plan, Urban League; Buckeye-Woodland Community Congress; Cleveland Downtown Workshop; and Advisory Committee for Levin Chair of Urban Studies of Cleveland State University.

STATEMENT OF GUN CONTROL

Every day our newspapers and radio and television news programs carry reports of senseless homicides and accidental killings. These reports make very

personal for us the statistics on killings provided by our public officials. The carnage is great and demands our concern.

To remove or reduce any problem, one must look to the causes of the problem. When we look to the problem of homicide and accidental killings, a factor most often present is a firearm, usually a handgun. Statistics tell us that most homicides are not the result of criminal design but rather of quarrels and arguments among family members, friends, and acquaintances. In these situations, it is the ready availability of particularly a handgun that leads to tragic and deadly results.

The Roman Catholic Diocese of Cleveland is deeply committed to the value of life and determined to counter threats to life. It is because of this commitment that we join our voice to the voices of so many others in calling for immediate and effective control of handguns, leading to their elimination from the persons and homes of our people.

First of all, therefore, we ask our people voluntarily to avoid the purchase and possession of handguns. We ask those who presently have handguns in their homes, for their own welfare and the welfare of the community, to have these weaopns rendered inoperable, or to turn them in to the local police officials to be destroyed.

We support legislative proposals to ban the cheaply made, so-called Saturday Night Specials, although we must express concern over definitions of these weapons that are so restrictive as to make their banning almost meaningless.

We support proposals to require the registration of all firearms, especially handguns. We realize that a registered gun is no less dangerous than an unregistered gun. We do believe, however, that mandatory registration will remove from circulation some illegal guns that might not otherwise be affected and may cause people who own guns to think more realistically about the potential dangers their guns offer to themselves and to others.

We call for restrictive licensing of handgun owners. We believe that a license to own a handgun should not be available upon request, but that careful and strict criteria should be developed to limit the ownership of handguns to those who have very definite and determined use for them. We suggest that ownership of handguns should be restricted to specific individuals, e.g., police officers and security guards, and that the license to own a handgun should specify the specific type of handgun, the place where the handgun may be used, and the conditions under which the handgun may be used.

The manufacturing, importing, distribution, and sale of firearms, parts for firearms, and ammunition should be carefully monitored by the proper governmental agencies to eliminate Saturday Night Specials, unregistered firearms, and possession by unlicensed persons.

Mandatory sentences for using firearms in the commission of crimes should be established and followed. The criminal correction system should intensify efforts to rehabilitate offenders who have used firearms in the commission of crimes.

We realize that the position we have enunciated will not be universally accepted. We acknowledge the good faith and concern of those who hold positions in opposition to our own and we are not unware of the reasons that are put forth in their opposition.

We too are concerned about the rights of the individual, as these rights are grounded both in the Constitution of our nation and in the universal design of our Creator. We are convinced, however, that the position we propose is entirely in accord with the rights guaranteed by our Constitution, and particularly by the Second Amendment of the Constitution, as these rights have been clarified by the United States Supreme Court. We affirm the generally held principle that individual rights to private property must be tempered by the more universal demands of social order and safety.

We too are concerned about the security of our nation and of every individual in the nation. We do not think, however, that safety and security on either level is best promoted by allowing the homes of our nation to become armed fortresses. Our security as a nation is ensured by wise involvement in world affairs, by providing liberty and justice for all, and by maintaining responsible national security programs.

We too are concerned about the difficulties in ensuring personal safety and security in our communities through regular law enforcement programs. Community residents must provide co-operation and support for police officers. In turn, the police must provide services that are effective, fair, and removed from any taint of discrimination or corruption. Legitimate auxiliary police programs

can augment the service of public safety forces. Public officials and community leaders can work together to provide the support and the monitoring necessary to ensure effective law enforcement.

We realize that gun-related homicides and crimes do not stand alone. They point to other complex problems in society. We must recognize the overall increase in crime and the general decline in personal ethical behavior and integrity. We must recognize the frustration that so many feel when they see limited opportunities in life for themselves or their children. We must recognize the promotion of violence through our entertainment media. We must recognize the growing trend to escape the pressures of life through drugs and alcohol. We must recognize the general failure of our criminal corrections system to rehabilitate offenders of the law before returning them to our communities. We must recognize the racism and intergroup tension that are so much a part of our society. The fact remains, however, that it is the availability of a handgun that allows other problems to result so often in homicide.

Handgun control is needed, and it is needed now. We ask, therefore, that all Catholics in our Diocese and all men and women who share our concern now join in common effort to bring about effective control of handguns.

Mr. CLOUGH. I thank you, Mr. Conyers and members of the subcommittee on crime.

We thank you for holding this hearing here and for the opportunity to appear before you. I first wish to present to the committee a list of the seven Cleveland area organizations that have submitted written testimony for this hearing through our organization.

Mr. CONYERS. Excuse me. You are Mr. Joseph Clough?

Mr. CLOUGH. I am Joseph Clough, president of the Gun Control Federation.

While the Gun Control Federation is providing coordinating service to these groups, it is important to note that each organization speaks for itself, and there are a variety of recommendations and positions represented.

We are unified in our deep concern about handgun violence and tragic effects it is having upon our society.

The organizations that we speak for are: Americans for Democratic Action, Cleveland Chapter, the Gun Control Federation of Greater Cleveland, the Jewish Community Center of Cleveland, the Junior League of Cleveland, the National Association of Social Workers, Cleveland Area Chapter, the National Council of Jewish Women, Cleveland Chapter, and the YWCA.

[The complete statements follow:]

STATEMENT OF MILLICENT C. AGNOR, YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF CLEVELAND, OHIO

Locally, and as part of a national women's movement, the YWCA is committed to the elimination of racism wherever it exists and by any means necessary, and to the building of peaceful, non-violent and just communities. In our Public Affairs Program we have pledged to work for measures to assure the protection of persons from violence and to work for programs to build communities in which all people have equal protection and safety with justice under the law, and to work to end war and build peace. It is in this context that we work toward an effective gun control law. Our stated position is: "We support Federal legislation providing for the licensing of all gun purchasers, users and owners and the registration of all firearms, including ammunition and all other of their component parts; and for the banning of the production, assembly, sale and possession of all hand guns not used for such purposes as law enforcement, military and licensed guard use, sport shooting and hunting."

The issue in our society around firearms to which we address ourselves is both with the criminal who can perform even more heinous crimes with the aid of a gun, and the irresponsible use of firearms by citizens untrained and ignorant

of their lethal potential. In his book, *No Right To Bear Arms*, Carl Bakal states that "Every reliable study indicates that where gun control laws are most stringent, the murder rate, as well as the percentage of murders involving firearms, is lower than in areas where gun laws are weak or nonexistent and which, hence, have a greater number of guns per capita."

Our membership in the YWCA is diverse, with members located in urban centers and in suburban areas. We see the effects of the prevalence and abuse of firearms in differing circumstances.

In our high schools, junior highs, and even in some elementary schools, the incidence and presence of guns is not unusual anymore. A teacher in one local elementary school recently confiscated three guns within a week. In another situation, a young teen was shot and killed by another teen when he refused to turn over his coat. We are concerned over this use of guns by young persons in confronting the problems of growing up. We are further concerned about the results, in injury or death to one, the victim, and the waste of another, the accused.

Within our program, we have observed that there are now more persons who feel the need to carry a gun, and who carry them into YW buildings; the potential dangers of these situations concern us. The increasing casualness with which many seem to regard the presence of guns is also a concern.

Our concern is with the homes which feel a false sense of security because of the presence of a gun for protection, and the potential dangers to the owners or other innocent victims because of mishandling the weapon by children or adults.

Our concern is with the women and children who must limit their life styles because of the fear of attack or injury by guns. YWCA programs must take into account the times and places in which participants feel free to come. Many of our members do not fear so much the loss of money or material goods, but do fear encountering the burglar or robber in process because of the potential for injury or death. One of our members was injured by a gun, and will never see again.

We are also concerned about the unstable person who has ready access to a gun, and who uses it in place of some less dangerous means to cope with their stresses. In one of our buildings, a mother tried to settle one of her children's arguments by pulling a gun on the other young girl involved. Other children have been threatened with guns by some elderly persons who were distraught at the behavior of children near their yards.

There are many statistics which can be cited which show devastating effects of the misuse of firearms, such as: almost one person per hour is murdered with a handgun, and an average of 69 people are killed each day in the U.S. by all firearms.

Many different approaches are needed to curb gun abuse. There is no one solution. As we work on more effective laws and court procedures, and the securing of more protection for persons and property through the safety forces, we also must work to reduce the supply and availability of guns, and restrict the use of firearms to those persons with the skills and maturity to properly use them. In the YWCA programs, we are using an educational tool to help persons reassess their need for owning firearms, and to encourage the disposal and destruction of guns which have been kept in the home.

A required registration of firearms will be a beginning recognition of the inherently dangerous nature of the gun and that precautions must be taken to ensure its safe use. Licensing of the gun owner is needed to limit gun possession to the adults who will assume the responsibilities which go with ownership.

You, our Representatives, have a grave responsibility to enact laws which will benefit our society and make it a safe place for all of us to live. There are means for curbing gun abuse, and it lies within your power to do so. We urge you to enact laws which will ban the use of handguns, register all other firearms, and require the licensing of the owner. The tide of public sentiment is demonstrating its concern over senseless killings and the growing crime rate. We in the YWCA urge you to act responsibly and responsively within this Congressional year.

STATEMENT OF KATHRYN MAKLEY, THE JUNIOR LEAGUE OF CLEVELAND, INC.

The Junior League of Cleveland, Inc. represents 1,000 women in the greater Cleveland area. The League has been researching the complex issue of gun con-

trol since the spring of 1974. Because we are convinced that no simple stopgap measure will effectively curb the unprecedented numbers of handguns in our society, we advocate a multifaceted approach:

(a) registration of handguns;

(b) licensing of handguns; and

(c) prohibiting the manufacture, sale and possession of "Saturday Night Specials".

Since 87.5% of firearm homicides from 1968–74 in Cuyahoga County were committed by handguns of all types, the Junior League is concerned that legislation aimed at the Saturday Night Special will not substantially reduce the homicide rate by handguns. 2.5 million handguns are introduced into our society each year. (Selwyn Raab of the New York *Times* estimates that 70–75% of gun crimes are committed by higher priced, higher quality guns.) Instead this legislation will serve to ban only the cheaper type of handgun. The groups opposing gun control can point to that legislation as proof that gun control is not effective.

Therefore, the Junior League has endorsed a very strong or broad definition of the Saturday Night Special; that is, any handgun that will melt or deform at a temperature less than 800°F or has a retail value of $50. or less or a barrel length of 6 inches or less or a calibre of .32 or less. Legislation banning the Saturday Night Special at a local level might be difficult to enforce due to the technical aspects of the melting point of the metal. Thus strong federal legislation banning the Saturday Night Special would be a significant first step.

There is no doubt that we are a society that has historically been in love with our firearms. But recent studies done in Cleveland have shown that a gun bought to defend yourself is 6 times more likely to kill a family member or friend than to stop an intruder. The firearms homicide rate is 35 times higher in the United States than in England or Germany.

Therefore, we would ultimately like to see federal legislation passed to ban the manufacture, sale, and possession of all handguns with exemptions to certain groups (e.g., police, military, sporting groups). Realistically this is a goal that can be reached only by a long process of public education and realization of the tremendous costs guns are making on our society.

During our research into gun control, we found that while statistics on gun homicides are available, the gun injury rate and medical costs incurred therein have not been studied.

The Public Affairs Committee of the Junior League of Cleveland, Inc. undertook a 15 month study (pilot) (January 1, 1974 through March 31, 1975) of the emergency room records of a Cleveland metropolitan area hospital. During this period 231 persons were treated for gun injuries. Results of this preliminary study showed:

1. 53.7% of the gun injuries occur most often on Friday, Saturday and Sunday;

2. summer months, June through August, accounted for 34.1% of the gun injuries in this hospital;

3. the gun injury victims between the ages of 20–29 comprised 41.6% of the total (pediatric gun injury data not available for this study);

4. males sustained 76.2% of the gun injuries;

5. 78.8% of the gun injuries were bullet wounds, the other 21.2% were pistol whipping injuries;

6. 71.9% of the weapons used in gun injuries were handguns. 10.4% were long gun injuries. (17.7% were unknown as due to the emergency nature of many of the injuries, the data is not always recorded on the hospital records.)

7. 83 patients (36%) were admitted to the hospital. The average hospital stay was 12 days. The average cost of a hospital stay was $3,346.87. Total hospital and medical costs for admitted patients were $277,790.00.

8. 148 patients (64%) were treated and released at the Emergency Room at an average cost of $75 per patient. Total costs of these patients were $11,100.

9. The total medical costs including physicians' fees for the 231 patients were $288,890. The average cost of a gun injury was $1,250.61.

During the same period 12 gun fatalities were seen at the hospital making the ratio of fatal or nonfatal gun injuries 1:19. Considering that there were 420 homicides in Cuyahoga County in 1974, our findings suggest that there are substantially more injuries by guns than homicides by guns. The data also suggests trends in injuries that have serious implications for the costs of guns to our community. Other costs not covered in the pilot study were followup surgery

and medical costs, disability payments, and wages lost. It is hoped that the study will be broadened to bring out more conclusive statistics.

In conclusion, we ask you to consider the rising gun homicide and injury rate, and the costs incurred. Only on a federal level can comprehensive and uniform handgun restrictions be effective in substantially reducing these figures. The Junior League of Cleveland, Inc. urges you to act quickly to pass effective handgun controls.

STATEMENT OF CAROL DAYTON, CHAIRPERSON, POLITICAL ACTION COMMITTEE ON GUN CONTROL

A commitment to enhancing the dignity and value of human life is a core tenet of the social work profession. Crimes of violence are increasing as is the experience of a threat to safety and security in one's own neighborhood and home. A vast number of the recipients of social services live in the inner city, where violence and the presence of handguns are pervasive fears based in reality. An increasing homicide rate in the City of Cleveland has created an environment of suspicion and anxiety that permeates the daily experiences of our citizens. These threats to physical, emotional and social well-being are of deep concern to the social work profession.

On June 3, 1975, the biennial session of the Delegate Assembly of the National Association of Social Workers, meeting in Washington, D.C., adopted a Resolution on Gun Control, prepared and submitted by the Delegates of the Cleveland Area Chapter. NASW. This national assembly determines the policies and goals of the NASW chapters across the country, which have a total membership of 61,486. The Cleveland Area Chapter numbers 950 members.

The following is the text of the Resolution:

Whereas one of the great threats to human life in our day is the increasing rate of crimes of violence, crimes very often involving firearms, especially hand guns; and

Whereas we want a society where there is a keener respect for the value of life, and physical violence is not seen as a solution to personal or social problems, and

Whereas the National Commission on the Causes of Crime and Prevention of Violence has stated: "Firearms, particularly hand guns, facilitate the commission and increase the danger of most violent crimes," and

Whereas with guns in the home of the law-abiding, children's games become horrible accidents, depression becomes suicide, quarrels become tragedies, and need leads to armed robbery; and

Whereas increasingly youth are carrying hand guns with them as they attend school, often with tragic consequences, and

Whereas while gun control is not the full solution to the problem of violent crime, it can be an important first step, a step that must be taken now; Therefore be it

Resolved, that NASW go on record in strong support of national legislation that will lead to the following, in the priority listed:

1. Prohibit the manufacture, importation, assembly, sale and possession of hand guns;
2. License all owners of firearms;
3. Register all firearms; and be it further

Resolved, That this statement by NASW on gun control be transmitted to the Chairperson of the Subcommittee on Crime of the House Judiciary Committee, U.S. Congress.

STATEMENT OF ELAINE JACOBY AND HARRIET ROTH, NATIONAL COUNCIL OF JEWISH WOMEN ON THE SUBJECT OF GUN CONTROL

The President of the National Council of Jewish Women in a letter to the Consumer Product Safety Commission (Spring 1975) wrote ". . . gun control has been slow in coming, and the posession and use of handguns is proliferating. It has been reported that there are some forty million handguns at large, many of them in possession of juveniles. The crime statistics bear out the fact that more crimes are being committed today by youthful offenders. . . ."

We favor bills H.R. 40 and S. 750, which prohibit the importation, manufacture, sale, transportation or possession of handguns and ammunition, as one

of the best vehicles for achieving some control of firearms. National Council of Jewish Women is working with concerned groups in Cleveland, Cuyahoga County and the State of Ohio, to achieve the strongest possible controls. However, we need national laws to make these efforts effective.

According to the Cleveland Press of June 6, 1975, Chief Justice Leo Spellacy of Common Pleas Court has asked the Federal Government for money for a study to better courtroom security for Common Pleas courtrooms in three downtown buildings. The request came after concerned judges complained to him at a recent judges meeting about gun-carrying spectators at murder and narcotics trials.

Teachers find their job difficult when guards are required at entrances to schools to prevent armed persons from entering the schools and yet they still know that some lockers inside contain guns, which will be displayed in school.

Murders in Cleveland and Cuyahoga County further prove the need for action. There were 420 deaths from firearms in Cuyahoga County in 1974, 85% from handguns. In 1961 there were 100 homicides in the County according to the Coroner's office. Of the 320 unjustifiable homicides in the City of Cleveland in 1974, 80% (257) were by handguns. We hear that criminals will not adhere to new regulations on guns, but only 13% of the homicides were during commissions of a felony. On the other hand, 152 homicides were committed during or after a quarrel by relatives and friends (91 at home, 61 in public places). These figures do not include accidents or suicides by guns (one during school time at Beachwood High School). In the first 5 months of 1975 we had 167 murders in Cleveland, 127 by firearms, 100 by handguns.

In spite of national opinion polls which since 1930 have consistently shown a vast majority of Americans, including law enforcement officials, favor gun controls, a small, but *well financed*, well organized minority has been able to thwart the will of the majority. We urge this commitee to launch an investigation into how much financial support, both direct and indirect, is given by the munitions industry to the National Rifle Association and other pro-gun lobbies. The public is entitled to know what role a two billion dollar industry plays in developing an increasing demand for its products by playing on the fears in our communities. Congress has the power to investigate and prevent money considerations from being placed ahead of human lives and of a peaceful society.

STATEMENT OF LIL JANIS, CHAIRMAN, CLEVELAND CHAPTER, AMERICANS FOR DEMOCRATIC ACTION

The Cleveland Chapter, Americans for Democratic Action appreciates this opportunity to present testimony to this committee of the United States Congress.

The issue of handgun violence has become one marked more by myths than by factual material. We would like to address ourselves to a few of these myths.

1. *Second Amendment—"A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be abridged."*

We have a national guard to act as our militia. Further we doubt that easily concealed and readily available handguns were considered in 1791. Certainly our nation has the right to regulate such dangerous items along with drugs, automobiles and others.

2. *Handguns are part of the American frontier heritage.*

Cowboys, contrary to the dime novel and its worthy successor television, carried rifles. Handguns were useless for hunting food or shooting predatory animals.

3. *We need to own handguns to protect ourselves and our families.*

Possession of a handgun is a threat rather than a protection. It is a clear and present danger. A handgun readily available to shoot a suspected intruder is readily available to children and others unable to responsibly handle a firearm including the thief who values guns along with TV sets and stereos as negotiable tender in our society.

Scientific studies by the Cuyahoga County Coroner's office show that a handgun in the hands of a civilian is six times more likely to kill the owner, members of his family or a neighbor than an attacker or intruder. These are lousy odds.

4. *Handgun control only helps the criminal.*

Of major importance is the fact that three of every four handgun deaths are not related to crimes of robbery, assault, etc. Three of every four handgun deaths are in the family, between neighbors or between strangers in an argument.

In addition the registration feature of recommended legislation is an attempt to keep legally owned guns from moving to the hands of those unable to responsibly handle them such as children and unlawful persons.

5. With respect to crime there is a connection between the growing level of violent crime and the tragic domestic deaths by handguns. The fear of crime has encouraged law-abiding citizens to arm themselves, often with tragic consequences for them, their families and neighbors.

Vast sums have been spent in the police-criminal justice system with disappointing results. In Cleveland nearly 50% of the general fund is spent on the safety department.

While this hearing is directed to gun control legislation we would urge this committee to consider this relationship between crime and the gun problem and to study the effectiveness of the federal programs such as LEAA and Impact Cities.

6. *Gun control is politically impossible.*

In Ohio last year no state legislative candidate who voted for gun control was defeated and several who opposed gun control were defeated.

The same is true of candidates for the U.S. Congress in 1974.

The Gallup poll just this month released figures showing that 67% of Americans above the age of 18 favor gun registration and of some surprise 55% of gun owners favor gun registration. A 1974 professional poll showed that 87.2% of the residents of Cuyahoga County favor gun registration.

It would be a sad reflection on our legislative systems, local, state, and federal if they were persuaded by the slick computer print-outs of the NRA.

The Cleveland Chapter of ADA has adopted the following recommendations:

1. That local and state governments must establish procedures for licensing handgun owners and registering each individual handgun.

2. The federal government must continue and strengthen regulation of gun dealers.

3. All firearms manufactured must be reported to the proper federal agency with information covering model, serial numbers and identity of retail outlet to which it is sent.

4. Under federal statute all firearms with an overall length of 8 inches must be subject to confiscation and banning of further manufacture or importation.

5. States must regulate the sale of firearms with respect to requiring dealers (federally licensed) to follow the rules of residence for any purchaser.

Mr. CLOUGH. I would like, if I may, to add to our testimony. My oral testimony will be brief, and hence will omit reference to a number of significant recommendations contained in the written testimony.

The Gun Control Federation is a citizen-based organization involved totally in the matters of gun control. It was founded in January of 1970 and became incorporated in 1975.

It is growing rapidly in response to the needs of the community. From the beginning we have felt a deep concern for the human and social damage caused by handguns, and yet we did not want to run roughshod over the legitimate interests of any group of individuals.

Early, we found the problem was highly complicated. There are no easy legislative solutions, no easy way to lower the number of handgun homicides without far-reaching programs of education.

We learned also, as Chairman Conyers has stated in his opening remarks, that 70 percent of all gun homicides are committed by previously law-abiding citizens; therefore, simplistic solutions so often suggested by extremists—namely, stiffer penalties for criminals—won't really have a major effect on handgun violence.

The ready acceptability of handguns, as Mr. Mann has brought out, is the problem. Therefore, the only logical plan for lowering handgun

violence is to lower the level of handguns in our metropolitan communities.

How can we do this? First, reduce the sale of new guns; then deter the flow of handguns to criminals; then reduce the number of handguns in the community through two means: First, through police confiscation and destruction—and I underline the word "destruction." We have to be ever vigilant that guns confiscated are really destroyed—the destruction of illegal handguns, those in the illegal possession or in possession of criminals in the commission of a crime; and second, through the voluntary surrender of handguns by those who, upon reassessment, find the handgun represents more hazard than security.

This is a long and slow process, and the gun control federation of Greater Cleveland expects to be engaged in this operation for 5 or perhaps 10 years, and we are prepared for that long pull.

Mr. CONYERS. Would you pardon me, sir, but would that voluntary surrender of handguns—a point which I have given a lot of consideration to—from a legislative perspective, are you talking about on a voluntary basis, as education is distributed?

Mr. CLOUGH. Yes.

Mr. CONYERS. All right. Fine.

Mr. CLOUGH. Yes; strictly a voluntary surrender. We are opposed at this time, and I think we are opposed, period, to any program which involves confiscation. I want to make that clear.

Mr. CONYERS. Thank you.

Mr. CLOUGH. The second method, as I said, is voluntary surrender of handguns by those who, upon reassessment, find the handgun represents more hazard than security.

Now, we have concluded that licensing of handgun owners is the best way to reduce the inflow of new handguns. But we also have concluded that licensing is not enough if we wish to prevent handguns from getting into criminals' hands.

Here I want to speak specifically about the element of registration. We have heard registration, I suppose, referred to at least 50 times in this morning and afternoon sessions, but I don't think any of us have clearly focused on the meaning of registration.

Registration is accountability. Only by registration can we prevent handguns from moving from lawful to unlawful hands. Because of the Federal Gun Control Act of 1968, all new gun sales start with lawful owners. But what happens to those guns after they leave the original sale, nobody can today tell us.

But if we have registration of each weapon by serial number, by make, by caliber and by the owner, I think the process of guns sliding easily from the legitimate owners to illegitimate owners will really be sharply decreased.

The problem with licensing and registration is largely an enforcement problem. As Mayor Perk stated earlier, it is too easy for a citizen to go to a remote locality, thus circumventing the restrictive local laws. This has led many people to seek Federal or at least State laws to provide uniform legislation.

But immediately a new problem is encountered; namely, resistance from rural areas of those sections that are less densely populated, whose need for gun control legislation is different, even within a State like Ohio.

Finally, quite recently, we have discerned a way to resolve this problem and we believe it can be achieved; namely, let us make sure that every firearms dealer sells handguns in full compliance with the laws and regulations of the city of residence of the purchaser.

That is not today being done. This is a new concept which we think is going to be extremely important. Now, this might be an impossible job except for one important factor; namely, the Gun Control Act of 1968, which set up a nationwide system of federally licensed firearms dealers who are regulated under the Bureau of Alcohol, Tobacco and Firearms regulations.

Now, Congress can and should amend chapter 44, title 18, to require, first, full compliance by dealers with the firearms regulations of the city of residence of each buyer.

This will prevent circumvention of the handgun registration regulations of highly urbanized areas by those who seek to purchase in areas with less restrictive handgun laws.

Second, prompt reporting of all sales of handguns and handgun ammunition to the appropriate authorities in the buyer's city of residence, or to the county sheriff, so those local authorities can effectively enforce the regulations established by that city or locality.

Both of the above requirements, if carried out consistently, would make workable a system which incorporates a diversity of handgun regulations within the bounds of any State or area, as warranted by local conditions.

In our view, a uniform national standard of regulations for conventional firearms is not necessary and may not even be desirable, since different problems exist in different locales, requiring different legislative solutions.

Each local selects the regulations which meet the needs of that locale and makes its own laws.

The Federal Government through its control and regulation of licensed firearms leaders, insures that those laws will not be circumvented.

Now, what improvement can be made in the administration of our present firearms laws?

First, we believe that the funding of the Bureau of Alcohol, Tobacco and Firearms is insufficient for adequate supervision of the vast number of federally licensed firearms dealers.

Possible solutions to this problem are:

A. Increased budgets to permit an adequate staff of investigators.

B. By means of more stringent requirement and higher license fees—the present $10 fee is certainly too low—drastically reduce the number of licensed dealers.

As a case in point, we are informed that there are over 4,000 licensed dealers in Ohio. Do we need 4,000 sales outlets to serve the legitimate needs of our area? The answer is emphatically "No."

We believe the critical importance of the problem—this is the second point—excuse me.

We believe the critical importance of the problem of handguns is such that the administration of Federal laws on firearms should be set up in a new and separate agency with broad regulatory power. Such an agency might be under the jurisdiction of the Justice Department or HEW.

Mr. CONYERS. Why don't you like the Treasury?

Mr. CLOUGH. I don't dislike the Treasury, but I am not sure that the transition to a separate agency would be as effective if it were still in the Treasury Department.

Mr. CONYERS. What we have found, sir, is that they are so busy collecting taxes, which bring in, as you know, several billions of dollars, that they just in the nature of a bureaucracy don't pay much attention to the rest of their responsibilities.

So that maybe we could leave them there and give them an increased capability in this new area which has been ignored for literally decades.

Mr. CLOUGH. Mr. Conyers, we respectfully leave that to your judgment. I think that is something that you and your committee and Congress itself should decide upon. It was merely a suggestion on our part.

Third, we believe that whatever agency ultimately administers the Federal firearms laws, there should be increased accountability to the American people by means of annual reports to Congress, and that these reports should be readily available to citizen-based organizations such as those testifying before this committee today.

Finally, we urge Congress to heed the voice of the American people, which has been heard consistently calling for action on the critical subject of handgun regulation.

The most recent Gallup poll released last week shows that 67 percent of the American people favored handgun control laws incorporating registration.

Even the owners of handguns were polled and 55 percent of those individuals were in favor of such laws, where only 39 percent were opposed.

Although we respect the right of special interests to make their views heard, we feel sure that this committee and in fact our whole Congress will not be misled by highly organized opposition which speaks for only a small minority of the American people.

On behalf of the gun control federation of Greater Cleveland and the many Cleveland organizations united with us in our efforts to bring about reduction of handgun violence, we wish to thank the subcommittee on crime of the House Committee of the Judiciary for this opportunity to present our views.

Mr. CONYERS. Well, thank you for a very complete statement.

Are you Reverend Reidy?

Father REIDY. Father Reidy, yes.

Mr. CONYERS. Do you wish to go next, or do you?

Reverend SHOUP. Presbyterians have long deferred to Roman Catholics. [Laughter.]

Mr. CONYERS. But this is not an ecclesiastical matter.

Reverend SHOUP. In that case, I'll go first. [Laughter.]

I am Roger Shoup, Congressmen, representing the Cleveland Interchurch Council. You have our testimony.

The fundamental point at issue here is that the interchurch council would recommend to Congress they work toward that end, that the handgun be eliminated from every sector of society—obviously, from the criminal, from the private citizen, even from our law enforcement agencies.

We make that recommendation on two principles: First, the theological principle having to do with really the great amount of Scripture that talks about the sacredness of human life, and, of course, the Commandment: Thou shalt not kill.

And then the other principle that we as clergymen and churchmen operate on, Congressmen, is the experience that we have as pastors, where we have to come in into very important pastoral relationship with the families of the victims and to bring to them the kind of counsel and hope that they can, when life is so needlessly wasted and taken because of the ready availability of that handgun.

Then, one role that is often not really seen readily in public, but that is with the person who actually takes the life. Contrary to an opinion stated earlier, many of the people who take a life with a handgun are not drunken fools, but they are human beings in moments of stress took and acted and did something that will scar them the rest of their lives.

And whether they be the victim or the perpetrator, they send out, really, shock waves of tragedy in families on both sides of the criminal act that are very profound, deep, and scar people literally for generations.

So we would hope that Congress would take every step they possibly can to make this a gunless society, because we think it is the responsibility and obligation of the church and churchmen to work toward a humane society.

The gun is an instrument of death, and we would ask that the Congress do everything in its power to remove that instrument of death from the common practices and enterprises of this society and Nation.

Thank you.

Mr. CONYERS. Well, thank you very, very much.

Reverend Reidy?

Father REIDY. Thank you.

The statement on gun control that has been prepared by the Catholic Diocese of Cleveland has been filed with your committee, and I would like to add just a few additional remarks.

We do feel that the churches can make a contribution to your enterprise by recalling some of the very basic values that are at the root of the issue being discussed, especially with respect to the dignity of human life.

I think, more concretely, we can speak to the development of a constituency of support. We have been involved lately in making soundings with our people.

There are over 900,000 Catholics in northeastern Ohio, and I am sure you gentlemen are aware from your own areas that we can never deliver 100 percent of our people on any controversial social issue.

But our constituency does cut across all economic, nationality, ethnic, racial groups. In this part of the country we are predominantly representing working-class families—blue collar and white collar worker families.

We released in the Catholic Diocese of Cleveland a statement that has been developed over 6 months of research and refining, and received quite a bit of collective review.

That statement received extensive public coverage in the media. The reactions are interesting. Some were unhappy. I think some of the

people were actually uneasy to find that their views might be somewhat jarring against that articulated by the leadership of the church, but the majority of the people expressed a sense of thoughtful support for the statement from the leadership of the church.

You might be interested in knowing this particular document in your files has been picked up by the national leaders of the Catholic Church in America and is being shared with all of the dioceses in the country.

They believe it is the prime document that can speak for what the leadership of the 45 million Catholics in the country—what would best pin down what the leadership thinks.

We know that not all of the people follow in line. But I would hope that what we can add is something in the area of motivation for affirmative action, not just to say "Where are our people?" but where can we take our people.

In the 10 days since this statement has been released, we have had a number of people who have contacted churches in terms of voluntarily turn-in, people who have had weapons, who are a little worried about even a pledge of the police that no questions will be asked, are as a matter of fact contacting their churches and turning weapons in here.

I rather differ with the judgment of the leadership of the Cleveland City Council that the people would not tolerate more than the statement in the ordinance that they were able to pass last week.

I do believe that there would be enough support in the neighborhoods for a little bit more stringent gun control measure.

In my own life, I have been in the inner city, especially in racially changing neighborhoods, for over 10 years a minister, and I am currently in a mixed Italian-black neighborhood called Buckeye-Woodland and the area is an armed camp.

There are so many who have handguns in their homes and on their persons that people even bring them to church.

I have asked the people, trying to probe a bit, "Why have you possessed handguns? How long have you had them?"

Many of them have not had them very long. Even though the neighborhood has always been a "rough neighborhood"—in quotes—and the corner of 110th and Woodland has been known as "Bloodwood Corner" for over 40 years, the people in only the last few years have generally purchased handguns; and their reason is, they say, that the muggers—that these, the street kids now have guns, and that they feel that they have to protect themselves, in the present, where they had lived on the edge of violence for generations.

I would hope that if Congress would be able to pass a comprehensive legislative package directed toward community safety, that we would pledge to do what we can with the leadership of our people in the neighborhoods, to work toward building a progressive coalition of support.

And I think that we would be able to find such support in the communities of Greater Cleveland, Lorain, Akron, and the eight counties that surround this area.

Thank you.

Mr. CONYERS. I thank you very much.

Ms. Barbara Drossin, the Jewish Community Center of Cleveland. Ms. Drossin.

Ms. DROSSIN. Thank you very much, Mr. Chairman.

I am Mrs. Barbara Drossin, representing the Public Affairs Committee of the Jewish Community Center of Cleveland.

In June of 1972, the board of trustees of the Jewish Community Center passed a resolution on gun control that contains the following statement:

> No other country in the world permits such easy access to guns as we do in the United States. Family arguments become fatal encounters because of the high possession rate of guns. Fear of guns permeates all of our society—in our homes—on our streets—and in public meeting places.
>
> The board of trustees of the Jewish Community Center of Cleveland calls for the immediate passage of strong effective national handgun prohibition and rifle control legislation. We ask the President, our Senators and Congressmen to take leadership in securing the passage of such legislation.

The other speakers of this panel have given you quantities of important factual information to support a positive position for effective gun control legislation.

I have been asked to add my voice on behalf of the Jewish Community Center of Cleveland because of my experience as a victim of gun-wielding hoodlums, thereby giving you another perspective to the information presented herewith today.

On January 5, 1971, I was abducted at gunpoint by two men who came at me as I exited my car, which was parked at one of Cleveland's most fashionable shopping centers. I was not related to these men nor did I know them personally.

I was merely an innocent passerby to whom guns and violence had no meaningful concept except, perhaps, on television shows. The men forced me back into my car.

One drove while the other kept his gun jammed in my ribs as I was pinned between them in the front seat.

I am alive to relate this story today because I kept calm and tried to act intelligently even though the only gun I had ever seen in my whole life before at close range was in a museum.

I have not now or had I then ever held a gun in my hand nor even been in a room where someone else was casually fingering a gun, much less using it in a threatening manner.

The two gunmen held me with them for over a few hours while they drove my car recklessly through Cleveland streets and taunted me with verbal attacks and unpleasant suggestions, all punctuated of course by the gun being pressed into my flesh.

Unfortunately, my experience is no longer unusual, although in January of 1971 it gained attention from the press and TV media because, frankly, nice ladies from the suburbs hadn't yet reported such incidents.

Today, after 4½ years, my story does seem run-of-the-mill and, gentlemen, no one is sorrier than I.

Now, how did being abducted at gunpoint affect me? One, I was angry then—and my anger has not abated. If I am a law-abiding citizen, I have every right to come and go without fear of being confronted by someone irresponsibly waving a gun or shoving it in my ribs.

Two, the stark reality of the abduction made me fearful of even familiar walkways and buildings and general outdoor areas. After all,

hadn't I been taken away in broad daylight from a shopping center of excellent reputation and considerable traffic—and traffic was going back and forth as I was abducted.

Three, I became determined to tell my story wherever people would listen, because I knew that my former naivete was exactly the same naivete of those who would hear this account. Naivete is stupid and dangerous and in ever-increasing ways we are being forced to deal with the reality of uncontrolled and unaccounted for weapons in the hands of potentially unbalanced individuals.

Four, I have spent the years since my abduction urging those who serve on committees with me in the areas of public affairs and social action to act with determination and vigor in the interests of positive gun control legislation.

Five, I have promised myself, and this I think is the most important thing I have to say, that I will never take up arms to defend myself but, instead, will work to create the best police forces and community protection agencies to do the job for which they are lawfully empowered to do.

My personal experience points to the problem of the ease with which potential criminals and unbalanced people can acquire and use handguns. And an even bigger problem which has been pointed out to me many times is the use of handguns in family arguments by those who acquire them initially for self-protection.

Random ownership and operation of guns is contrary to the emotional health and safety of all. Therefore, we urge this committee to take strong leadership in a cause whose time has come—effective national gun control legislation.

We are dealing with the lives of thousands of people and are attempting to make their dreams come true.

If you gentlemen will help to enact Federal gun control legislation, you will see to it that our dreams are not shot out from under us.

Thank you.

Mr. CONYERS. Thank you very much. I certainly couldn't add anything to the experience as personal and as well articulated as yours.

Have you ever thought about the relationship between the individual arms race that goes on within the United States and the national nuclear arms race that goes on within an international setting?

Ms. DROSSIN. Mr. Chairman, I think that we are all living in a desperate time. We are desperate on a personal level and desperate on a political, national, and international level.

I agree that it is this desperation amongst individuals that causes them to seek that which they do not have at the moment. If you ask me to compare them, a nuclear arms race will give one country more than another or wipe out the country that it wants to get at.

A gun or arms race gives people who do not have what they want the opportunity to get it in a manner that we cannot condone.

Mr. CONYERS. Thank you very much.

I would yield now to my colleague, Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

Mr. Clough, I commend you upon recognizing the shortcomings of the A.T.F., particularly from a budgetary standpoint.

We have found that their recordkeeping and their computerization and analysis and the like could be greatly improved by a little budg-

etary help and some additional power, although their powers are adequate to do a lot more than they are doing, as a result of budgetary shortcomings.

I don't believe I have anything else, Mr. Chairman. Thank you.

Mr. CONYERS. Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

I have no questions. I'd just like to commend the panel, all of whom I know very well and whom I have a very high respect and regard for, for their excellent testimony here today, and particularly Mrs. Drossin, who has given one of the most articulate statements that I believe will be beneficial.

Thank you.

Mr. CONYERS. As you can see, you have taken the words away from this subcommitee panel membership, which is no small task.

Thank you very, very much for coming. We look forward to your continued cooperation and examination of our work as we move toward some kind of legislation before the end of this year.

We are indebted to you very, very much.

[Witnesses excused.]

Mr. CONYERS. We have been holding in abeyance a panel of judges, and it is with some trepidation and apology that I ask them to come forward now.

The chief judge of the Ohio Court of Appeals, Eighth Appellate District, the Honorable Alvin I. Krenzler; judge of the Cuyahoga County Court of Common Pleas, Criminal Division, the Honorable Lloyd O. Brown; and also from this county, on the same bench, the Honorable Bernard Friedman; the Honorable Walter Whitlatch, of the Cuyahoga County Court of Common Pleas, Juvenile Division; and from the Cleveland Municipal Court, Administrative Judge Theodore Williams.

TESTIMONY OF HON. ALVIN I. KRENZLER, CHIEF JUDGE, OHIO COURT OF APPEALS, EIGHTH APPELLATE DISTRICT; HON. LLOYD O. BROWN, JUDGE, CUYAHOGA COUNTY COURT OF COMMON PLEAS, CRIMINAL DIVISION; HON. BERNARD FRIEDMAN, JUDGE, CUYAHOGA COUNTY COURT OF COMMON PLEAS, CRIMINAL DIVISION; HON. WALTER G. WHITLATCH, JUDGE, CUYAHOGA COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION; AND HON. THEODORE WILLIAMS, ADMINISTRATIVE JUDGE, CLEVELAND MUNICIPAL COURT

Mr. CONYERS. Gentlemen, we are very honored to have members of the judiciary before us, and I must say sometimes it's difficult to get members of your distinguished branch of government before the committee.

As you know, the judiciary too frequently is singled out as being soft on criminals, releasing people prematurely or on low bond.

It is a phenomena that I have had, frankly, as a lawyer, some trouble reconciling. My criminal law experience is limited mostly to the Detroit Recorders Court, but I never ran into any soft criminal law judges as a defense counsel. I was always looking for them.

Yet I am told constantly that the criminal court judges have gone soft, they let out felons who, if they were in their right minds, should have been able to perceive are going to commit additional crimes.

I welcome you here and use this opportunity to voice, perhaps, the single uppermost misunderstanding on the minds of so many people.

With that, I would like to recognize you to begin your discussion with us on this important subject.

Judge FRIEDMAN. We will yield to the court of appeals.

Mr. CONYERS. All right. That sounds as appropriate as the yielding that went on among the prior panel.

Judge FRIEDMAN. We don't want to be reversed, you understand, so we are giving the court of appeals that opportunity.

Judge BROWN. It is different than the ecclesiastical thoughts that were propounded before.

Mr. CONYERS. All right.

Judge KRENZLER. Thank you, Mr. Chairman. I am Judge Alvin Krenzler, chief justice of the Eighth District Court of Appeals of Ohio, and I have submitted a statement to you, and I won't go over the whole statement but I would like to make a few observations.

[The prepared statements of the five judges follow:]

STATEMENT OF JUDGE ALVIN I. KRENZLER, CHIEF JUSTICE, EIGHTH DISTRICT COURT OF APPEALS, OHIO

The arguments both in favor of and against gun control legislation have been stated many times and are well known. Not many new thoughts on this subject have been advanced in recent years.

I favor total and complete gun control legislation in all phases and at all levels—federal, state and local—with strict mandatory penalties for violation of these laws.

I previously stated my position when I was Foreman of the Cuyahoga County Grand Jury, April Term, 1968, when I issued the report on September 2, 1968. Subsequent events in the ensuing seven years have fortified my beliefs.

I recognize the validity of one of the arguments of the opponents of gun control legislation, and that is that there is a small group of our citizens who are lawless and who will continue to be lawless regardless of legislation on gun control or on any other anti-crime legislation. While this may be valid, I believe that the beneficial effects of gun control legislation will far outweigh any harmful effects.

All law abiding citizens are interested in eliminating or reducing crime, which must be attacked in all of its component parts. Many persons believe that law enforcement officers, judges, or our penal system are responsible for crime.

I do not believe that you can blame any one segment of our society or our criminal justice system for the increase in crime. It is the entire fabric of our society that is responsible, and this consists of the morals of our society, the educational system, religious system, family life, the social system, the economic system, which includes jobs and housing, as well as the formal justice system, which includes the law enforcement agencies, the judicial system, the penal system and the rehabilitation or probation system. Each and every one of these areas must be strong. If one is weak, they all will be weak. It is like a weak link in a chain; if there is a weak link, it will break and the entire chain will break.

Every person in our society must accept his or her responsibility and make his or her contribution to strengthen our criminal justice system. Our citizens must be willing to report crimes and to testify as witnesses in trials. Our citizens must demand that public officials, including law enforcement officers and judges, strictly enforce our laws to protect our society. If everyone participates in the system, it will be a strong system and will keep crime to the irreducible minimum.

Gun control legislation is just one phase of our criminal justice system. The following is the statement I made in my Grand Jury report on September 2, 1968 in regard to gun control laws. I stand by this statement, which is still appropriate.

"Comment has been made on this subject by former Grand Juries and much has recently been stated and written about gun control laws at the federal, state and local level.

Guns were used in the commission of a crime or the suspect had a gun in his possession in the great majority of cases presented to this Grand Jury. This was shocking and alarming to the Grand Jury. The Stanford Research Institute states that 'There is more than one gun for every male citizen of any age, including infants.' It is estimated that there are now about 115,000,000 firearms in private hands in the United States.

It appears that we are heading for a lawless society with everyone having a gun and being prepared to use it and take the law into his own hands. Guns seem to be as easy to buy as milk or eggs.

Legislation should be enacted to control indiscriminate availability of firearms, safeguarding the right of responsible citizens to collect, own and use firearms for legitimate purposes. We must have complete federal, state and local gun control laws with strong penalties attached for any violations. These laws must be enacted or else society and civilization will go back one hundred years to the days of shoot-outs and wanton murders with everyone carrying a gun. Legislation should be enacted affecting the manufacture, assembly, distribution, sale, transportation, ownership and use of all types of firearms. Without strong enforceable penalties for violations, such laws would be worthless.

Gun registration should also be included. Such legislation should not be used to produce revenue for governmental agencies and any fees collected should be nominal. Lastly, we are recommending that criminal statutes be amended to provide severe penalties for those using a gun in the commission of a crime.

Such legislation should not interfere with the right of responsible citizens to own and possess guns for such uses as hunting, gun collecting, gun clubs and the protection of one's home."

STATEMENT OF HON. LLOYD O. BROWN, JUDGE, CUYAHOGA COUNTY COURT OF COMMON PLEAS

Mr. Chairman, it is my extreme pleasure to be called this afternoon to be a panelist with the Honorable Alvin Krenzler of the Ohio Court of Appeals; Judge Friedman of the Common Pleas Court; my colleague, the Honorable Theodore M. Williams, Administrative Judge of the Cleveland Municipal Court.

Members of the committee, I feel that my background as being a defense counsel in our community, a judge of our Cleveland Municipal Court, Associate Justice of the Ohio Supreme Court and now a Judge of our Common Pleas Court, a Court of General Jurisdiction, gives me some insight to speak about the seriousness of the crimes involving offensive weapons, particularly small firearms.

It is with a great deal of foresight on behalf of Congressman Louis Stokes of the 21st Congressional District of Ohio, that he persuaded the Chairman of the Judiciary Committee, the Honorable Peter W. Rodino, to bring this sub-committee chaired by the Honorable John Conyers. Never before in the history of our country has crime, particularly crimes of violence been in the public eye so that national legislation is necessary to curb the runaway cancerous condition of lawlessness. This sub-committee meets in a carnival atmosphere of murder in the murder capital of the United States. Guns, big and small; knives and all offensive weapons in the hands of a few are continually terrorizing good law abiding citizens of our community. The problem is of such great magnitude it seems insoluble. We have all branches of government blaming other branches of government for the problems—none ever seeking the root so that solutions can be made. We have citizenry of our communities blaming the courts. We have the courts in some instances charging the legislative body of our country on the local, state and national level, with the responsibility of enacting stronger legislation to curb the behavior of our citizens. We have the administrative branch of government charging both the legislative and judicial branches of government with laxity in legislation and interpretation of the law as a cause for our geometric expansion of crimes of violence.

We have no panacea in any community across this nation as a cure for sickness of our society. However, with the collective needs and the willingness to spend dollars, we can make inroads into solving this problem of violence. The phrase of those who do not favor gun control say "People kill, not guns". However, the

great antithesis of this phrase is that people without offensive weapons cannot kill as readily as those with offensive weapons that are readily available. A solution could be to remove immediately all offensive weapons from the hands of all persons in America and without offensive weapons violent deaths would only be as a result of force between people. This solution of course, is over simplified. We must find a way to either put all of the offensive weapons in the hands of those controling the peace or those with enough foresight to use them correctly. Guns are manufactured for one purpose—to kill. The solution is to take the offensive weapons out of the hands of these individuals without violating our constitutional principals. There is without a doubt a need for legislation on a national level that will cover guns in all of the states. Guns are too easily available in areas adjacent to large metropolitan areas and in some metropolitan areas themselves. Guns are easily available through mail order areas. Local legislation, that is legislation on a city, county or state level, is not broad enough to control the purchase or harboring of these offensive weapons. I am quite sure the opponents of this type of gun control legislation that would affect the national trafficking of firearms would indicate that those weapons would only be in the hands of those with criminal activity anyway and the good people would only be affected. This may have some merit, but we must have some way to control nationally guns and offensive weapons across our lines in order to protect those persons of our country that need protecting.

Courts charged with the responsibilty of administering these laws are now fraught with cases where citizens of our communities carry these weapons in order to protect themselves from "the nefarious actors of our society". We cannot send these people to jail because generally they are fair, fine citizens. However, we must take these offensive weapons out of their hands because only too often the good citizens become enraged and the offensive weapons in their hands leads them to violent acts which then brings him into our courts of law. There is a solution. We must begin with legislative branch of government, the administrative branch of government and the judicial branch of government working in a spirit of cooperation so that we will not within ourselves destroy our country by violent acts against our fellow man.

I am positive that this committee has a dirth of statistical material on a national and local basis which has been gleaned from surveys, personal contact and studies that have been made concerning gun control. While many of our agencies, social, legislative, and sub-committees, are continually taking surveys bombarding the public with glaring alarming statistics, people of this community and in every large metropolitan area in the country are continually being victimized by crime where offensive weapons are used. I strongly urge upon this sub-committee to report back to the Judiciary Committee for a stronger gun control law on a national basis where every handgun in this nation be cataloged and registered so that some agency of our government will know where these offensive weapons are. At any time one of our citizenry, after a moratorium or a sufficient time has elapsed for the registration of these guns, is charged with the possession of an unregistered gun, the strongest penalty be imposed on that person so that our nation would know and understand that we can no longer tolerate offensive weapons in the hands of a few with the intention of depriving our citizens of their life and their property.

Thank you.

STATEMENT OF HON. BERNARD FRIEDMAN, JUDGE, CUYAHOGA COUNTY COURT OF COMMON PLEAS

First, let me express my appreciation for your kind invitation to be a witness at the hearing before the Subcommittee on Crime of the House Committee on the Judiciary on Federal firearms legislation scheduled for Cleveland, Monday, June 16, 1975.

Pursuant to the attached notice which advised me that under Section 113(B) of the Legislative Reorganization Act of 1970, that all witnesses appearing before a committee insofar as is practicable, shall file in advance a Biographical Sketch and a written statement of the proposed testimony, I am complying therewith and submitting to you the following:

In 1934 I was admitted to the bar in the State of Ohio and approximately fourteen years ago, I was appointed by the then Governor of the State of Ohio, Michael V. DiSalle, to serve as a Judge of the Court of Common Pleas of Cuyahoga County which position I hold to this date.

I graduated from Ohio State University where I received my B.A. and Western Reserve Law School where I obtained a LL.D. I am married, the father of two children and also a grandfather. I am a member of various organizations too numerous to mention but I wish to point out the following with relation to my Biographical Sketch.

I am on the Board of Directors of the local American Cancer Society and was the Crusade Chairman for the City of Cleveland for the year 1973. I am on the Board of the Agency of Community Action against Addiction representing the entire Court of Common Pleas. I am also on the Advisory Board of Ohio State University with relation to the Study of Crime and Delinquency. I have been a director of the Free Clinic since its inception in the City of Cleveland and on the State Committee against Drug Abuse and Addiction.

In 1971 I was appointed by former Governor John J. Gilligan to serve as Chairman of the Citizens Committee on Penal Corrections and served in that position until the end of 1974.

During my term as a Judge of Common Pleas Court of Cuyahoga County and serving both on the civil and criminal docket of this county, I have become greatly concerned with the constant increase in the area of criminal activities and have lectured in many places including at times at Cleveland State University Law School and at other places with relation to this particular problem.

One of the most serious aspects that I have been concerned with has been the question of the use of "Saturday Night Specials" and other weapons where lives have been destroyed, mained indiscriminately and without reason.

I assume that the problem of your committee in conducting these hearings is primarily to marshall facts and then determine what appropriate legislation is essential and necessary pertaining to this particular subject of gun control. My purpose, however, is to convey to you my knowledge of facts that have been brought before me so as to be of assistance to you in making the appropriate determination in the area or manner in which you should proceed relating to the question of the prevalence of "Saturday Night Specials" and firearms. It is well understood that one of the primary elements of the problem of urban violence has been the handgun which has brought forth a serious discussion throughout the country as to what could be done or should be done with relation thereto.

In many cases that have been before me with relation to homicide, my experience and statistics clearly indicate that between 10 and 15% of the homicide indictments in this county involve guns related while in the commission of a criminal offense; that the 85 or 90% of all other homicide actually involved a quarrel, be it domestic or a dispute arising out of circumstances between persons or in the moment of hot blood, a homicide is committed by virtue of the accessibility of the handgun or firearm which results in the destruction of life and the maiming of the person.

I am fully aware of the fact that the idea of gun control has generated strong feelings among people with relation thereto. I have observed in cases before me where the evidence clearly discloses that in the minds of many people the possession of a handgun brings a feeling of security or safety. I have yet to find one single instance where a burglary of a home has been foiled or stopped by the use of any weapon in the possession of any homeowner. Nevertheless, I would venture to say that a great many people do possess guns with the feeling that by doing so it gives them the so-called false sense of security for such purpose.

I wish to point out to you three cases that were tried in my courtroom in the past year which I believe graphically demonstrates the problem as to the seriousness of handguns and firearms. Since all of these cases were publicly tried before me, I feel free to relate the names and facts that were presented in my courtroom.

First is the case of Anthony Kanieczka, Case No. CR13692. Anthony Kanieczka was charged with the crime of felonious assault. In that case, Anthony shot and paralyzed a young boy, aged 16 years—the victim, Floyd Andres. That incident occurred on March 29, 1974, and received much coverage in our news media. This young black boy had the potential of being an outstanding athlete in the field of track. He was highly regarded and highly thought of and well liked in school and by people in the area. One evening after practicing on the track field at the school, this young man was told that there was an article about him in one of the newspapers with relation to his ability as a track star. Consequently he proceeded to go to the corner grocery store in his neighborhood that carried newspapers. He went in and began to leaf through one of the papers to determine if what he heard was correct. The owner of the store apparently was disturbed

about the fact that this young man was leafing through newspapers not knowing what his purpose was and told him in effect that newspapers are to be sold and not to be used without paying. The owner's son, Anthony Kanieczka, came down from the upstairs suite and partook in the argument and grabbed this young man and escorted him outside. It was claimed by Anthony Kanieczka that while being on the sidewalk, he was under the impression that this young boy put his hand into his pocket and being fearful of being assaulted, pulled a gun and shot the young man, paralyzing him for life. When the young victim took the stand he presented such a pathetic scene that no matter how hardened a person would be, he would have to be emotionally affected to see a life that had all the potential to be destroyed simply because of the accessibility of a handgun by a person.

The next incident which I wish to relate occurred only a few months ago. The defendant, Robert Hunter, age 26 years, Case No. CR 16698, the date of the offense being October 25, 1974. On October 11, 1974, Robert Hunter had been charged on two counts of Carrying Concealed Weapons, having in his possession a 38 cal. gun. While said matter was pending and while he was out on bond on October 25, 1974, Robert Hunter attended a birthday party in the neighborhood. While at the birthday party where many people were present, an argument ensued with relation to the refusal to give some alcoholic beverage to Hunter. He was forced out of the place by the people present. He went to his home in the nearby neighborhood and returned with a carbine and killed five people and seriously wounded two others. These killings and woundings took approximately a couple of minutes from the time of his return to the birthday party.

The third incident that I wish to relate to you and which occurred some time ago, the names escape me, but I vividly recall that the facts relate to the following: a minor traffic accident occurred—one of these fender-bender situations. The parties left their automobiles, an argument ensued between the parties and one of them grabbed a handgun from his glove compartment and shot the other person.

I sincerely believe that the foregoing portray some of the situations involving a great majority of the homicides in our community; that as a result of what I have related and the substantial coverage of such incidents in our news media that people residing in an urban community develop a fear—a fear for their safety—a fear for their property—simply because of the fact of the easy availability and easy accessibility to handguns, particularly as they involve young people ranging in the ages of 16 to 25.

I also wish to bring to your attention that I have attached to this Statement a couple of Exhibits that portray the serious problem with relation to handguns and the increase of crime in this community.

During the January term of our Court in the year 1969, the Grand Jury Foreman, whom I appointed, after the termination of his three months term, submitted to me the statistics with relation to the various crimes. You will note that that exhibit for that term of 1969 contains a total number of crimes as being 743 indictments of which 29 involved the category of Carrying Concealed Weapons. As to the other exhibit, a Grand Jury report for the January and April terms of 1974, you will note that in the January term of 1974, the indictments pertaining to Carrying Concealed Weapons were 216 and for the April term, were 211. Out of the total of said indictments, the foregoing represents that approximately 15% involve the crime of Carrying Concealed Weapons. The statistics also show, as evidenced by these exhibits, the great increase in homicide and that most of said homicides involve the use of guns.

I do not know what the proper solution should be or the proper legislation that ought to be adopted apropos to this most serious situation. I feel that once you marshall the facts and exercise good judgment, the members of Congress will undoubtedly evaluate the situation and bring forth legislation in this area that will be effective and be protective of the public.

There is no question in my mind that the indiscriminate crimes committed by persons who have easy access to weapons and handguns and who abuse that privilege which has been given to them has brought about a sordid picture in our community and nation. Every citizen of conscience can no longer sit still and see this continue. Famlies are destroyed, people maimed and paralyzed. It makes one wonder in what direction we are going—a nation that espouses principles and standards for other nations to follow and yet we fail in our own direction.

Congress has an important duty to perform . . . to restore confidence in people, to assist in eliminating the fear of our citizens in the communities and as a direct result, to substantially reduce the incidents of criminal activity.

I appreciate this opportunity to convey my feelings and opinions based upon my experience and my observations as to the constant increase in the area of crime. I have devoted, as I have stated, several years as Chairman of the Governor's Commission on Penal Corrections to try to be helpful to persons who are committed to penal institutions so as to bring about some meaningful rehabilitation and the prevention of recidivism. I must also state in conclusion that it has been stated to me and to others at various times that mandatory sentences should be imposed upon persons who are charged and convicted of the crime of Carrying Concealed Weapons. I would have no hesitation in accepting this viewpoint save and except that I must state that our present facilities in this community, namely the County Jail with its conditions as they are; the Reformatory or Penitentiary with its problems that it presents; one would seriously hesitate to send a person who is convicted of Carrying Concealed Weapons who has never been involved in any previous criminal activities. To commit said person to the type of institution that we do have would likely destroy him and not accomplish the result that we are seeking.

Exhibit A—Cuyahoga County Grand Jury January 1969 Term of Court

Automobile stealing	33
Assault to rob	5
Burglary	101
Carrying concealed weapons	29
Cutting	
Defrauding innkeeper	2
Defrauding garage owner	7
Drug law	78
Embezzlement	4
Felonious assault	9
Forgery	66
Housebreaking	23
Issuing check to defraud	4
Grand larceny	43
Murder 1st degree	12
Murder 2nd degree	15
Manslaughter 1st degree	11
Homicide by vehicle	5
Armed robbery	72
Unarmed robbery	24
Robbery, financial institution	1
Receiving stolen property	19
Attempted burglary	6
Burglary of inhabited dwelling	11
Stabbing	4
Shooting	27
Shooting at	2
Torturing another	1
Neglect	9
Rape	14
Sodomy	3
Carnal knowledge, female under 16	5
Rape of female under 12	3
Rape of female under 14	1
Abduction for immoral purposes	4
Incest	1
Possession obscene film	1
Possession obscene photo—sale	1
Poor relief fraud	3
Malicious destruction of property	6
Operating motor vehicle without owner's consent	2
Escape from jail	5
Larceny by trick	9
Misuse of credit card	5
Fraudulent check	3
Possession sawed-off shotgun	8
Possession machine gun	1

Exhibit A—Cuyahoga County Grand Jury January 1969 Term of Court—Cont.

Possession dynamite caps	1
Entry coin device	2
Aggravated assault	15
Assault and battery	1
Assault with dangerous weapon	2
Bigamy	1
Breaking and entering	2
Removing parts from motor vehicle	1
Total number of indictments	743
Total number of no bills	49
Total number of cases	660
Total number of witnesses	1,373

EXHIBIT B

DESCRIPTION OF CASES HEARD BY CATEGORY OF CHARGES

	Number of defendants		
	January term	April term	Total
Abduction for immoral purposes	5	0	5
Aggravated assault	9	3	12
Armed robbery	99	9	108
Arson	1	1	2
Aggravated arson	0	3	3
Assault on guard	5	0	5
Assault to kill	6	0	6
Assault to rape	3	0	3
Assault to rob	2	0	2
Attempted burglary	14	0	14
Attempt to burn	2	0	2
Attempt to escape	8	0	8
Auto stealing	14	2	16
Bigamy	1	0	1
Breaking and entering	51	99	150
Bribery	0	1	1
Burglary	55	10	65
Burglary, aggravated	0	87	87
Burglary, aggravated (att)	0	2	2
Burglary, inhabited dwelling	51	1	52
Carnal knowledge of female under 14	1	0	1
Carnal knowledge of female under 16	3	0	3
Carrying concealed weapon	216	211	427
Cont. selling stolen motor vehicle	29	0	29
Cutting	6	1	7
Corruption of minor	2	4	6
Defrauding hostelry	0	1	1
Defrauding innkeeper	2	0	2
Drug law	266	97	363
Embezzlement	11	0	11
Escape	0	17	17
Extortion	2	3	5
Failure to appear	24	1	25
Felonious assault	50	74	124
Felonious assault (att)	0	1	1
Food stamp fraud	0	1	1
Forgery	89	57	146
Fraudulent check	7	4	11
Grand larceny	182	2	184
Grand theft	0	127	127
Grand theft (auto)	8	12	20
Grand theft (relief fraud)	0	8	8
Gross sexual imposition	0	4	4
Harboring felon	3	0	3
Having weapon while under Dis	0	4	4
Homicide by motor vehicle	5	1	6
Housebreaking	32	1	33
Imped. Admin. due justice	0	1	1
Intimidation	0	9	9
Intimidation of witness	1	0	1
Issuing check to defraud	1	0	1
Kidnapping	10	11	21
Larceny by trick	14	4	18
Malicious destruction property	4	0	4
Malicious entry of coin device	1	0	1
Maiming	1	0	1
Manslaughter, 1st degree	15	0	15
Misuse of credit card	10	1	10

EXHIBIT B—Continued

DESCRIPTION OF CASES HEARD BY CATEGORY OF CHARGES—Continued

	Number of defendants		
	January term	April term	Total
Murder	0	2	2
Murder, 1st degree	0	1	1
Murder, 2d degree	4	0	4
Murder, aggravated	56	26	82
Murder (att)	0	4	4
Murder, aggravated (att)	0	19	19
Neglect	3	0	3
Obstructing justice	0	2	2
Obtaining money by false pretenses	1	0	1
Obtaining property by fraud	0	1	1
Operating motor vehicle without owner's consent	15	0	15
Passing bad check	0	9	9
Poor relief fraud	40	1	41
Possession of cigarettes without Ohio stamp	2	0	2
Possessing criminal tools	7	22	29
Possession fire bomb	2	0	2
Possession firearm, illegal	11	0	11
Rape	20	21	41
Rape, female under 12	0	1	1
Receiving stolen property	68	113	181
Robbery	20	19	39
Robbery, aggravated	0	123	123
Robbery, aggravated (att)	0	3	3
Robbery, financial institution	2	0	2
Shooting	36	0	36
Safe breaking	0	1	1
Sodomy	4	1	5
Stabbing	3	0	3
Theft	0	1	1
Torturing	1	0	1
Unlawful entry, financial institution	2	0	2
Unlawful use of vehicle	0	4	4
Vandalism	0	4	4
Vehicular homicide (agg)	0	3	3
Voluntary manslaughter	0	7	7

STATEMENT OF WALTER G. WHITLATCH, JUDGE OF THE COURT OF COMMON PLEAS

Congressman Conyers, members of the Sub-Committee on Crime of the U.S. House Committee on the Judiciary, I appreciate and welcome the opportunity to appear before you to testify on this very important subject of gun control. Unquestionably the widespread ownership of hand guns in our community and in all urbanized communities throughout the United States presents a grave and serious hazard to the life and safety of our citizenry.

My focus on the problem will be concentrated on the effect of the proliferation of hand guns on children and youth as I see it in my day to day work. For the past 15 years I have been a judge of the Juvenile Court of Cuyahoga County, Ohio, of which Cleveland is the principal city. For many years prior to going on the bench I served as the Court's lawyer in which capacity one of my duties was to rule on the sufficiency of complaints, many of which were crimes involving guns. In both these capacities over these many years I have frequently had the occasion to ponder the question as to why our society hasn't been able to devise a lawful means to keep hand guns out of the hands of youth.

I have arrived at one solid conclusion. Hand guns can be kept out of the hands of our youth only by keeping these guns out of the home. When I refer to youth, I mean persons under 18 years of age.

Everyone is familiar with the ever escalating youth crime rate. Much of the increase in serious youth crime is gun related.

In Cuyahoga County in 1971 of the 452 cases of theft from person, 100 were robbery at gun point; in 1974 of a total of 540 such cases, 216 were robbery at gun point—an increase of 116 percent. In the five year period 1963–1967 in our County, we had an annual average of 7 youth committed homicides. In the 5 year period 1970–1974 the average was 24 such cases per year—about a 350 percent increase. In the vast majority of cases the guns came from the home of the youth.

An ever recurring menace to the lives of our school children are the children who take guns to school. Last year in the Cleveland Public Schools there were about 30 such cases—3 or 4 of them elementary school children. All of these guns came from the home.

The Cleveland Plain Dealer this past week told of a 12 year old boy held in the gun slaying of his father—the tragic end of a family row. I have had two such cases in the past year or so.

The F.B.I. report shows that persons under 18 years comprise slightly over 10 percent of those arrested for murder and non negligent homicide. The number of such arrests under 18 years rose from 1,027 in 1968 to 1,497 in 1974.

99 persons were killed accidentally by firearms in Cuyahoga County during the six years 1968–1973; exactly twice as many as in the ten year period 1958–1967. Of the 99 accidentally killed by firearms in the 1968–1973 period, 32 or 33 percent were children under the age of 18 years; 17 of these children were under the age of 15. If indeed gun control is an infringement of civil liberties, what about the civil rights of these children? Surely they have a right to live.

Most people agree that dangerous or potentially dangerous persons, criminals, drug addicts and the mentally disturbed should be prohibited from buying, owning or possessing guns. There is generally no objection to laws to this effect. I submit that despite these prohibitions such persons will obtain guns when they want them if guns are otherwise available. Likewise youth will obtain hand guns when it is generally lawful to possess guns in the home.

To keep guns out of the hands of youth, laws must be enacted, preferably State and local laws, to make it unlawful for anyone to possess a hand gun except upon the issuance of a permit by police authority. To obtain such a permit there must be more than a mere showing of a non-criminal record. The applicant should be required to prove that the environment of his home or business is so hazardous that he has a compelling need for a hand gun to protect his life or property. If such laws are not adopted at State and local levels, the Federal government should enact them. Hobbyists, collectors and antique dealers could continue to operate under such a law with reasonable regulations.

Laws limiting the sale or possession of hand guns with barrels of less than 3 inches and to calibers of .32 or less will prove ineffective. Manufacturers will soon contrive to produce a cheap gun that will meet these standards. Further, persons who value the possession of hand guns will simply acquire the more expensive variety which they may legally possess.

All firearms should be registered to aid police in tracing and locating guns used to commit crime. The Federal government should enact laws to prohibit the purchase of a gun by a person living outside the seller's State unless the purchaser has a permit to do so issued by his local police authority. Interstate shipment of guns and the importation of guns from foreign countries should be rigidly controlled by Federal legislation.

It has been said that in our great democracy we must have a crisis to spur us to remedial action in matters affecting the public health and safety. Out of the scourge of devastating disease epidemics came effective public health measures; out of the destitution of the great depression came substantial economic and social reforms. May we hope that out of horrible carnage caused by the widespread and ever proliferating possession of hand guns, will come a program for effective gun control.

STATEMENT OF THE HONORABLE THEODORE M. WILLIAMS, ADMINISTRATIVE JUDGE OF THE CLEVELAND MUNICIPAL COURT

Mr. Chairman and distinguished members of the committee, I welcome the opportunity to appear today and participate in the important work of this subcommittee.

Federal, State and local legislation relating to firearms is not the panacea to eliminate violent crimes with handguns. It is a strategy rather than a solution. Until the basic socio-economic problems are resolved violent crimes will continue to plague our community. It is necessary to remove the implements that assist in the commission of violent crimes from the potential offender. Harsh punishment has never deterred the commission of violent crimes. With these thoughts in mind, I address the question of handgun legislation.

I believe I am qualified to speak on this question because I have participated in all phases of the criminal justice system as defense counsel, prosecutor, legislator, judge and administrative judge.

The citizens of this community are alarmed by the spiraling increase of violent crime in the greater Cleveland area. Homicides by handguns have increased by 231 percent between the years 1966 and 1974. Cleveland, Ohio had 322 murders in 1974, firearms were involved in 83.9 percent of these crimes. In 70 percent of the homicides the individuals knew or were related to one another. The carnage continues into 1975. As of June 10, there were 144 homicides—an increase of 36 murders for the same time period in 1974. Further, support for these statistics is the 1974 FBI uniform crime report wherein there were 6,971 murders outside the family and handguns were used in 78.8 percent of these felonies. Handguns were attributable to 72.5 percent of all murders within the family. Local and State firearms legislation does not reduce the homicide rate because they are weak and unenforceable. Within a thirty mile radius of this building you can purchase small arms without restriction and without question as to your identity. Even in States where strong gun registration laws exist a person's word is all that is required to prove that he or she is a responsible person.

On Monday, June 9, 1975, the Cleveland City Council enacted a local gun law which prohibits the manufacture, possession, ownership or purchase of any handgun of a .32 caliber or less with a barrel length less than three inches. Attached hereto as exhibit "A" is a copy of said ordinance. Even this well meaning legislation is not sufficient to prevent the slaughter that is taking place in this community. Only a strong national gun law will overcome parochial interests and assist local law enforcement agencies to carry out their primary function of law enforcement.

The lack of an effective national gun control legislation is partially the result of society's fortuitous attitude toward firearms and our historical background of the armed self reliant frontiersman. Small arms have become a part of our culture. Weapons are carried in pockets, left in drawers, closets and other accessible areas. Small businessmen and citizens use guns in an attempt to protect themselves from the common criminal. The resultant effect is not only a spectacular increase in the homicide rate but also a proportionate increase in accidental shootings, resulting in death and maimings of innocent bystanders. No right to bear arms—Bahol indicates there are 3,000 accidental deaths by firearms each year. One fourth of the victims are children thirteen years or younger.

Many individuals and groups have attempted to rely on the second amendment of the United States Constitution using the following excerpt "the right of people to bear arms shall not be infringed." The rationale follows that the section was intended, by the founding fathers, to permit every citizen the right to own and bear arms without infringement.

Upon close examination of the 2d amendment the full sentence reads as follows: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." The courts have ruled that this section is an interdiction against Federal interference with the State's National Guard unit. It further bars Federal interference with the duties of State militia's as defined by the individual State constitutions. No judicial body has ruled that this amendment gives the individual a constitutional right to bear arms. If further provides that the individual States may regulate arms as long as it does not prohibit the exercise of Federal powers. To further substantiate this position I cite the following two cases:

The *United States* v. *Miller* (307 U.S. 174 1939). In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than 18 inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the second amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. *Aymette* v. *State*, 2 Humphreys (Tenn.) 154, 158.

In the case of *United States* v. *TOT* the third circuit court stated "that the court held it abundantly clear from discussions of the second amendment at the time of its proposal, and from learned articles since, that, unlike the first amendment, it was not adopted with individual rights in mind, but as a protection for the State in the maintenance of their militia organizations against possible encroachment by the Federal power—weapon bearing was never treated as anything like an absolute right by the common law."

As a judge of the Cleveland Municipal Court for the past fifteen years, I have presided over hundreds of preliminary hearings involving violent crimes and handguns. The common defense to gun charges under Ohio statutes are questions of accessibility and operability. A gun must have been readily accessible to the defendant if the prosecution is to obtain a conviction. Therefore, a gun in a case, box, glove compartment, or trunk is not accessible nor is a gun broken down or fragmented to any degree considered to be an operable weapon. Search and seizure which is specifically alluded to in the IV amendment of the United States Constitution is another question the lower courts face daily. The defense never questions whether the weapon is operable or is legally possessed. First inquiry is was the evidence legally obtained. Specific incidents involve "stop and frisk," consent searches, street and traffic stops and suspicious person complaints. In many instances the court must uphold the defendant's constitutional protections and grant the motion to suppress evidence illegally obtained.

These comments are not meant to be a condemnation of the American system of jurisprudence or of the local law enforcement agencies. But, rather an attempt to inform this committee that the lower courts are a forum designed to protect the rights of society as well as those of the individual. The court does not legislate or enforce the law but acts as this forum for the prosecution and defense. Each individual case must be evaluated on its own set of facts. The human element must always be considered and the axiom "justice is tempered with mercy" must never be forgotten.

The question of lenient judges and arbitrary sentencing patterns has been stated so often that the average citizen believes mandatory sentences and harsh penalties will cure all of society's ills. I, for one, have never seen a substantive study of sentencing trends for an individual or group of judges. The leniency charge placed at the feet of the judiciary is based on hearsay and individual cases in which the mitigating circumstances are not considered.

By the time a violent crime reaches the individual jurist the weapon and ammunition have been purchased either legally or illegally, the firearm has been discharged and the victim is maimed or dead. The executive and legislative branches have failed to eliminate firearms from the street, the corrections system has failed to rehabilitate the criminal and the manufacture and sale of small arms continues to proliferate. The courts, by themselves, cannot reduce the mayhem occurring on our streets. The ultimate solution is a strong national gun law which prohibits the manufacture, sale and possession of small arms.

I advocate a strong national gun law which can be effectively enforced and judiciously administered. This legislation in and by itself will not eliminate the existing supply of illegal weapons, but will have a long range benefit by disarming the criminal and return the streets of this community to its citizens. If the enactment of meaningful gun laws saves the life of one individual, then the idea is well conceived.

In conclusion, I quote Dr. Martin Luther King, Jr.—"By our own readiness to allow arms to be purchased at will and fired at whim; by allowing our movie and television screens to teach our children that the hero is one who masters the art of shooting and the technique of killing—we have created an atmosphere in which violence and hatred have become popular pastimes."

EXHIBIT A

[From the City Record (Cleveland), June 18, 1975]

ORD. NO. 483–75.—BY MAYOR PERK, COUNCILMEN PERK, KEANE, M'FAUL, AND RUSSO

An emergency ordinance to amend Sections 19.13102, 19.13103, 19.13104, 19.13106 and 19.13107 of The Codified Ordinances of the City of Cleveland, as enacted by Ordinance No. 54–74, passed March 25, 1974, and to supplement The Codified Ordinances of the City of Cleveland by enacting new Sections 19.13108 through 19.13111 inclusive thereof, relating to weapons offenses.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, health, safety and property, and for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 19.13102, 19.13103, 19.13104, 19.13106, and 19.13107 of The Codified Ordinances of the City of Cleveland, as enacted by Ordinance

No. 54–74, passed March 25, 1974, be and the same are hereby amended to read respectively as follows:

SECTION 19.13102. CARRYING CONCEALED WEAPONS

(A) No person shall knowingly carry or have concealed on his person or concealed ready at hand, any deadly weapon.

(B) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance and acting within the scope of their duties.

(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm was carried in compliance with the applicable requirements of Division (C) of Section 19.13104 of the General Offense Code.

(D) This section shall not apply if:

(1) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft; or

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand; or

(3) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 19.1101 of the General Offense Code, or 2909.01 of the Ohio Revised Code.

(E) Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of carrying concealed weapons, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

SECTION 19.13103. USING WEAPONS WHILE INTOXICATED

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of using weapons while intoxicated, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

SECTION 19.13104. IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE

(A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In a compartment which can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) This section does not apply too officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(E) The affirmative defenses contained in Division (C) (1) and (2) of Section 19.13102 of the General Offense Code are affirmative defenses to a charge under Division (B) or (C) of this section.

(F) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of improperly handling firearms in a motor vehicle, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(G) As used in this section, "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

SECTION 19.13106. UNLAWFUL TRANSACTIONS IN WEAPONS

(A) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 19.13105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control;

(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire or furnish to any person any handgun of a .32 caliber or less and a barrel length less than 3 inches with said measurement in the revolver type weapon being made between the muzzle in the front edge of the cylinder and in the automatic and other types of handguns, from the muzzle to the face of the bolt with action or slide closed. This sub-section shall not apply to a law enforcement agent in this discharge of his duties, or to firearms described in Section 2923.11 (k) (1) and (5) of the Revised Code of the State of Ohio.

The effective date of this subsection shall be thirty (30) days after passage so as to allow owners of the above defined handguns the opportunity to present such handguns to the Division of Police.

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; provided, however, that this prohibition shall not apply to any person who is in possession of such a handgun on the effective date of this section, and who within a period of thirty (30) days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number according to a numbering system established by the Chief of Police. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of Division (A) (1) or (2) of this section is a misdemeanor of the second degree. Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates Division (A)(3) of this section shall be imprisoned not more than thirty (30) days, and shall be fined not less than One Hundred Dollars ($100.00), nor more than Two Hundred Fifty Dollars ($250.00). No part of the fine of this sentence shall, in any case whatsoever, be suspended or otherwise reduced. Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates Divisions (A)(4) or (A)(5) of this section shall be imprisoned not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

SECTION 19.13107. IMPROPERLY FURNISHING FIREARMS OR AMMUNITION TO A MINOR

(A) No person shall:

(1) Sell any firearm or firearm ammunition to a person under age eighteen;

(2) Sell any handgun or handgun ammunition to a person under age twenty-one;

(3) Furnish any firearm or ammunition to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of improperly furnishing firearms to a minor, and shall be imprisoned for not less than seven (7) days, nor more than six (6) months, and shall be fined not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever be suspended or otherwise reduced.

Section 2. That existing Sections 19.13102, 19.13103, 19.13104, 19.13106, and 19.13107, as enacted by Ordinance No. 54-74, passed March 25, 1974; be and the same are hereby repealed.

Section 3. That the Codified Ordinances of the City of Cleveland be and the same are hereby supplemented by enacting new Sections 19.13108, 19.13109, 19.13110, 19.13111 to read respectively as follows:

SECTION 19.13108. POSSESSION OF FIREARMS BY MINORS

(A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

(B) A juvenile who violates this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Chapter 2151 of the Ohio Revised Code.

SECTION 19.13109. POSSESSING DEADLY WEAPONS ON PUBLIC PROPERTY

(A) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.

(B) For the purposes of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works, and any other property, building or structure owned, leased, or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private, or parochial, and to churches, synagogues, and other places of worship.

(C) This section does not apply to officers, agents, or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition or was in the possession of a person participating in an organized match, competition, or practice session on public property, or in a public building.

(D) Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of possessing deadly weapons on public property, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

SECTION 19.13110. POSSESSING CERTAIN WEAPONS AT OR ABOUT PUBLIC PLACES

(A) No person shall knowingly carry, have in his possession or ready at hand any handgun, dangerous ordnance, knife having a blade two and one-half (2½) inches in length or longer, brass knuckles, cestus, billy, karate stick, blackjack, sword or saber while at or about a public place.

(B) For the purpose of this section, public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and any grounds, areas, or parks where persons would congregate.

(C) This section does not apply to officers, agents, or employees of this or any other state of the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties.

(D) This section shall not apply if:

(1) Any weapon in Division (A) was concealed by the person; or

(2) Any weapon in Division (A) was part of a public weapon display, show or exhibition, or was in the possession of a person participating in an organized match, competition, or practice session.

(E) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon was kept ready at hand by the actor for defensive purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to a criminal attack, such as would justify a prudent man in having the weapon ready at hand.

(F) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of possessing certain weapons on or about public places, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

SECTION 19.13111. SEIZURE AND CONFISCATION OF DEADLY WEAPONS

(A) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, or threatening bodily harm, or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction.

(B) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this Chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence, or the threat of the use of force or violence against the person of another, shall, upon conviction of such person, firm or corporation, be confiscated by the Division of Police for disposal, except that any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of the Codified Ordinances of the City of Cleveland or of the State or Federal Law.

Section 4. Each section and each part of each section of this ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any

provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this ordinance would have been adopted independently of such section, sections or parts of a section so held to be invalid.

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 9, 1975.

Effective June 9, 1975.

Judge KRENZLER. First of all, I do not believe that judges are responsible for all crime in the United States, particularly crimes committed by guns.

To amplify the statement you made, because whenever we go around and make speeches, we get that, that we are soft on crime and we are the principal cause of all crime.

I believe that you can't blame crime on any one segment of our society. Our entire fabric of society is responsible.

We go to the morals of our society, we look at the educational system, the religious system, family life, the social system, economic system, which includes jobs and housing; and then we have to look at the formal justice system, which includes the law enforcement agencies, the judicial system, of which we are a part, the penal system, the rehabilitation system, the probation system, and so forth.

Each and every one of these areas must be strong; and if one is weak, they all will be weak. It is like a weak link in a chain. If there is a weak link, it will break the entire chain.

As I stated in my prepared statement, that I favor comprehensive gun control legislation in all of its aspects and at all levels of government, Federal, State and local, with mandatory penalties for violation of these laws.

I have had the opportunity to serve as foreman of a county grand jury and both as a trial judge and as an appeals judge, and I would say a great, substantial majority of our cases, perhaps even as high as 90 percent, involve the use of guns in crimes such as armed robbery, and also what I call emotional killings by one person who kills another friend or relative as a result of a heated argument.

I am not stating that crime will be reduced by control of guns. Hopefully, it will. But if handguns are taken out of the hands of lawless and irresponsible people, at least the senseless shooting and killing phase of crime hopefully will be reduced.

I hope that your committee takes all of the testimony heard here today, digests it and comes up with a comprehensive piece of legislation that will attack the problem of gun control at all levels.

Mr. CONYERS. Thank you, Judge.

I think your collective statements will help.

Welcome, Judge Brown. We have your statement, and we'd like to hear from you.

Judge BROWN. Mr. Conyers, and other members of the committee that are present:

I, too, as the other members of this panel, have submitted a prepared statement, and I would like to go into an addendum to the prepared statement and answer the question generally that sometimes crosses the minds of Americans throughout our country, as to the failure of the judiciary to take care of the problem that exists in the present legislation that is before it.

And I am quite sure that you in Detroit serving as an advocate in the recorders court, and I am quite sure that Mr. Stokes, who has served as an advocate in the Common Pleas Court of Cuyahoga County, cannot only—well, as defense counsel sometimes before some of the judges that we see here now, and I think, too, as a prosecutor, are aware of the fact that judges are not soft.

But we are now in a different era of criminal activity. We have today people charged with the carrying of weapons concealed on or about their persons, offensive weapons, that are different types of citizens than we had before.

We have citizens like the young lady who testified just a few minutes ago, from the Jewish Community Center, who was attacked and kidnapped some 4 or 5 years ago, feeling—unlike she has—that they must take the law into their own hands and for some reason they are brought into the clutches of the law and must be dealt with as other people are dealt with who are involved in other criminal activity.

This brings quite a dilemma to the court, and in some instances the court has to make allowances for these ordinary citizens that are caught with these offensive weapons.

We are in a dilemma, and I think Mr. Mann spoke of it shortly, that we are subject to the electorate. The electorate sometimes does not feel that the courts do their bidding. They fail to realize, of course, the constitutional problems that exist as to the rights of the individuals that come before the courts.

However, we seek, this committee, at least I do, personally, seek and beseech this committee to give us that type of legislation across the Nation that will affect some of the problems that exist.

I, too, am fearful. I know judges in New York and judges, of course, in Detroit, and I think you have, in the recorders court in Wayne County, have encountered judges that do not go on the bench themselves without the concealed weapon.

There are judges in New York, who are in the financial district of New York and down near the United Nations building, that will not walk the streets of New York without their weapons concealed on their person. This is a tragic thing to see here in America, that the good people now are being armed.

So, consequently, I would favor, as an oversimplification, the destruction of all small arms and offensive weapons, and I know that that would not work.

So what is the solution?

I think we must have national legislation for all 50 States to make a determination that guns must be registered. I suggest strongly that a moratorium be placed upon the registration of these weapons and every handgun and long gun in this Nation be registered.

Mr. CONYERS. A moratorium on production?

Judge BROWN. In production of guns, and also that if, after a period of time, these guns are not registered, then those persons in the possession of these guns that are unregistered, I think it logically can flow that they do not register these guns for the reason that they do not want the authorities to know that they have them; and then if they are caught with them, that they be dealt with very severely in that particular instance.

I do believe the population should be given the opportunity to do that which the Government thinks is correct in that respect, and hopefully on a national level we won't have the pockets of inequities that we have across our country.

I strongly urge, and I think that we cannot too strongly urge this committee to prepare some national legislation on gun control.

Mr. CONYERS. Thank you very much.

Judge Bernard Friedman.

Judge FRIEDMAN. First, Congressman Conyers, I wish to make a remark about our good friend, Congressman Stokes.

He won every case in my courtroom with the exception of *State of Ohio* v. *Terry*.

Am I correct?

Mr. STOKES. I might have lost one or two others. [Laughter.]

Judge FRIEDMAN. Oh, no. But in that case you took it all the way to the United States Supreme Court, and unfortunately, as far as he is concerned, he was on the losing side—fortunately, I mean, for all of us.

I would say this, I have given you a statement which is on the record.

I have pointed out three graphic illustrations, but I want to say one of them that ought to be known and ought to be emphasized, where an individual 26 years of age, in the last few months, went to a birthday party, who was not given alcoholic beverages as free as he wanted; went back to his house, he got a carbine, came back, and within 2 minutes after arriving five people were murdered and two were seriously injured.

And he came before me charged with five counts of aggravated murder and two counts of felony, a felonious assault. Yes; the man was sent back, sent to the penitentiary for life on his plea.

But you had five families actually destroyed and just as a result of an argument.

I pointed out another example, of a young black boy, a hero in his community, I believe, on the west side, who was highly regarded, who had potential of becoming well known in the field of athletics, who had heard of a story being printed about him in one of our Cleveland newspapers, who went to a grocery store, looked through the paper.

The owner of the grocery store didn't like the fact that this young man was not buying the paper but leafing through it without paying. An argument ensued. The son of the grocery store owner came down, escorted him out, and he said, "I believe that this young man was reaching for his back pocket."

I cannot begin to describe to you the condition of this victim, who is paralyzed for the rest of his life. I cannot begin to describe to you, when the father and the mother of this young boy sat in my court, and we as judges have to relive the scenes that are depicting what occurred.

I don't know why we raise questions about the constitutionality of handguns. I don't know why people insist upon possessing handguns.

I pointed out to you in my statement that I don't know of any single person whose house was being burglarized that had the opportunity to use a gun. I find myself wrong, because the Cleveland Plain Dealer said there was one single specific example.

I want to point out another aspect. I spent approximately 4 years on behalf of the former Governor for the State of Ohio, John J. Gilligan, handling a task force on penal corrections.

I lived in a penitentiary, I lived in the penal institutions, and I saw too many people in those institutions who have never committed a crime of any kind, except through an emotional aspect, grabbed the gun because it was accessible and then committed the crime.

That is why you will find the records disclose that those who commit homicides are not recidivous. Absolutely none.

Let me point out this aspect, perhaps it has not been pointed out. Every cell that is being constructed today costs the taxpayers—you and I—in the area of $35 to $40 thousand per cell.

Every person who is committed to a penal institution, the cost to you and I is approximately $6 to $9 thousand for keeping custodial care of that individual.

Every person who is the head of a family who has committed a crime, the burden falls upon you and I because that family would undoubtedly go on welfare.

Those are heavy costs to the Nation and to the community. And I for one feel, gentlemen, if our records in this county, as disclosed—and I believe it does—that 15 percent of all crimes that are committed in this community represent carrying concealed weapons, you can imagine the tremendous cost that we have to bear.

And if you can reduce that crime rate by a certain portion, you will help the judges and their dockets, so that we can devote ourselves to the more serious crimes and help the community a great deal.

I thank you very kindly.

Mr. CONYERS. How will mandatory sentences impact on your evaluation?

Judge FRIEDMAN. I mentioned that in my statement. I am for mandatory sentences, Congressman Conyers, except for one factor that disturbs me a great deal.

I think perhaps it would be a deterrent in some way because, if you remember, in Connecticut, if you drove while drunk, automatically you went to the workhouse or to jail.

But, unfortunately, we have a bad situation in this county. I couldn't in good conscience send a man away, who has had no record except for carrying a concealed weapon, to our county jail, which is overcrowded; to the reformatory, which should be demolished and is overcrowded and what-not, and I couldn't send that man to a penal institution.

And the city of Cleveland will not permit us in this county to send any person from the county court to the workhouse. I couldn't in good conscience send that individual to the county jail or to the reformatory.

Mr. CONYERS. Judge Walter Whitlatch, of the juvenile division.

Judge WHITLATCH. Thank you, Congressman Conyers. I am indeed glad to have the privilege to be here and talk to your committee on this

important subject, and particularly as it affects our work in the juvenile court.

My focus will be concentrated on the effect of proliferation of handguns on children and youth as I see it in my day-to-day work.

For the past 15 years, I have been a judge of the juvenile court in this town. For many years prior to that, I was a court's lawyer, where I had to pass upon the sufficiency of complaints, many of them involving guns, and I frequently had the heavy responsibility of deciding whether a complaint should be filed or whether this was an accident shooting which had resulted in someone's death.

Over these years, I have had many occasions to ponder the question as to why society hasn't been able to devise a lawful means to keep handguns out of the hands of children.

I have arrived at one solid conclusion: Handguns can be kept out of the hands of our youth only by keeping these handguns out of the home.

Of course, when I refer to "youths," I mean children under the age of 18.

Everyone is familiar with the escalating youth crime rate. Much of the increase in serious crime is gun-related. Because of the immaturity and the recklessness and impulsivity of youth, a youth with a handgun represents a greater threat to society than does a handgun in the hands of an adult.

In Cuyahoga County, in 1971, we had 100 cases of robbery at gunpoint. Last year, in 1974, we had 216 cases, and these were by youths under the age of 18.

In the 5-year period 1963–67, we had an annual average of seven homicides committed by youths. In the 5-year period 1970–74, the average was 24 cases per year—about a 350 percent increase.

In the vast majority of these cases, the gun came from the home of the youth. Of course, some of them were stolen, or burglaries or acquired by illegal means, but most of them came from the home.

An ever-recurring menace to the lives of our schoolchildren are the children who take guns to school, as was mentioned by Mr. Pinkney.

Last year in the Cleveland public schools, there were about 36 cases—3 or 4 of them elementary schoolchildren, little kids, maybe 11 or 12 years old, packing loaded guns to school.

All of these guns came from the home.

The Cleveland Plain Dealer, this past week, told of a 12-year-old boy held in the gun-slaying of his father—a tragic end of a family row.

I have had two such cases in the past year or so.

The FBI report shows that persons under the age of 18 comprise slightly over 10 percent of those arrested for murder and nonnegligent homicide.

The number of such arrests under 18 rose from 1,000 in 1968 to almost 1,500 in 1974.

Another very important reason for banishing guns from the home are accidental slayings. Ninety-nine persons were accidentally killed by firearms in Cuyahoga County during the 6 years 1968 to 1973—exactly twice as many as in the 10-year period 1958 to 1967.

Tragically, of the 99 accidentally killed by firearms in the 1968–73 period, 32 of them, or 33 percent, were children under the age of 18 years.

Here is a clipping from yesterday's paper that tells about a little 2-year-old child who was the victim of gunshot by two women who were having a household quarrel. The little child is dead; just 2 years old.

Mr. CONYERS. We will include that in the record.

Judge WHITLATCH. Yes, please.

[The clippings follow:]

[The Cleveland Press, Saturday, June 14, 1975]

WOMAN SAYS SHE TRIED TO AID BOY BEFORE HIS SLAYING

Seconds before a two-year-old boy was fatally shot during an argument between two women, he was being directed to safety away from a doorway by one of the women in the argument, she said today.

Julian Thomas, son of Lovie Thomas, 10603 Crestwood Ave., died yesterday after another woman fired a handgun through the side door, in the direction of the woman with whom she had been arguing. The child's mother was not involved in the argument.

Mrs. Joanne Hill, 28, who lives in the same building, said she entered the side door of her house just as the other woman was handed the gun by her own daughter. She closed both the screen door and the inside door behind her and started to go up the steps when she noticed Julian coming down the steps, she said.

"Julian had been playing inside with my three-year-old boy," said Mrs. Hill. "He probably heard the scuffle and was going to see what it was.

"He had just stepped off the bottom step. I was on the steps, with my back turned away from the door I said, 'Come on.' I went to reach down and pick him up, and he made a noise, took a step forward and fell."

Mrs. Hill said she picked up the boy and then ran through the house to find his mother.

Julian was pronounced dead at St. Luke's Hospital.

Mr. Hill said the argument stemmed from an incident a week ago, when the other woman accused her of stealing a welfare check. Mrs. Hill denied that she took the check.

Witnesses said the two women began shouting, shoving and screaming at one another in the driveway. They said the other woman instructed her eight-year-old daughter to run to their suite and get her gun.

After the shooting, the woman, her son and daughter ran east on Crestwood. Police arrested her a short time later when witnesses pointed her out at a nearby house.

Julian is also survived by a sister, Verna, 3, and a brother, Demetrius, six months.

[From the Cleveland Plain Dealer, June 12, 1975]

MADISON BOY, 12, HELD IN GUN SLAYING OF FATHER

A 12-year-old boy from Madison Township in Lake County was cited yesterday for delinquent homicide in the shotgun slaying of his father, John M. Kovach, 35.

Kovach was dead at 1:30 a.m. Sunday when police arrived at the family's trailer home in the Sahara Trailer Park on N. Ridge Rd. (U.S. 20). It was the second time in five hours they had been called to the home, said Police Chief Patrick J. Walsh.

On the first visit at 9 p.m. Saturday, Walsh said, his men found Kovach drunk and threatening to kill his wife, Vasie, and the five children aged 9 to 15.

They persuaded Kovach to leave and drove him to the home of friends in Perry, where Kovach agreed to remain until sober, Walsh said.

But Kovach returned and was hit once in the chest at close range, Walsh said. A 20-gauge shotgun was found in the home.

"He (the boy) apparently shot his father when he was defending himself and family," Walsh said.

Juvenile Court Judge Ross Avellone scheduled a hearing tomorrow and released the boy to custody of relatives.

Judge Avellone said the boy, a pupil at Madison Memorial Middle School, was the youngest ever cited for homicide in Lake County.

JUDGE WHITLATCH. Seventeen of these children were under 15 years of age.

If, indeed, Mr. Chairman, gun control is an infringement of civil liberties, I ask you: What about the civil rights of these children?

They surely have a right to live, and a good many of them are being denied that right by this proliferation of handguns in the home.

Most people agree that dangerous, or potentially dangerous persons, criminals, and so on, people who are emotionally disturbed, mentally disturbed, should not be allowed to own, buy, or possess handguns.

I submit that despite these prohibitions, such persons will obtain guns when they want them if guns are otherwise available.

Likewise, youth in this category, irresponsible youth, will obtain handguns when it is generally lawful to possess guns in the home.

To keep handguns out of the hands of youth, laws must be enacted, preferably State and local laws, to make it unlawful for anyone to possess a handgun, except upon issuance of a permit by police authority.

To obtain this permit, there must be more than a mere showing of a noncriminal record. The applicant should be required to prove that the environment of his home or business is so hazardous that he has a compelling need for a handgun to protect his life or property.

If such laws are not adopted at the State and local levels, the Federal Government should enact them.

Hobbyists, collectors, and antique dealers could continue to operate under such a law, with reasonable regulation. In other words, I am not after that muzzleloaders society. I am sure they can be depended upon.

Actually, generally these people are responsible people, the hobbyists, collectors, and they know how to care for a gun and they keep them locked up and guard them very carefully.

Laws limiting the sale or possession of handguns with barrels of less than 3 inches and to calibers of .32 or less will prove ineffective.

Manufacturers will soon contrive to produce a cheap gun that will meet these standards.

Further, persons who value the possession of handguns will simply acquire the more expensive variety than they may legally possess under some of these limiting statutes.

All firearms must be registered to aid police in tracing and locating guns used to commit crime.

Now, you see, registration is not ending the proliferation of guns, but it certainly will be a great aid to the police in their work.

The Federal Government should enact laws to prohibit the purchase of a gun by a person living outside the seller's State, unless the purchaser has a permit to do so issued by his local police authority.

The interstate shipment of guns and the importation of guns from foreign countries—I am aware that the Federal Government has enacted laws in this respect, but there can be more rigid laws to this effect.

Finally, it has been said that in our great democracy we must have a crisis to spur us to remedial action in matters affecting the public health and safety.

Out of the scourge of devastating disease epidemics came effective public health measures. Out of the destitution of the Great Depression came substantial economic and social reform.

May we hope that out of the horrible carnage caused by the widespread and ever-proliferating possession of handguns will come a program of effective handgun control.

Thank you, Congressman Conyers, and members of your committee.

Mr. CONYERS. We are very grateful to you.

If we eliminated cheapness as the criteria in curbing production of handguns and dealt only with concealability, would that more specifically address itself to the problem as you describe it?

Judge WHITLATCH. I don't think so.

The fact that the gun is concealed and sometimes apprehended—but unfortunately, sometimes the concealed gun causes the death before this person is apprehended.

I certainly have no brief here for trying to regulate shotguns and rifles and so on. I think it would be an exercise in futility, although I recognize the inherent danger there.

But it certainly is true that these guns cannot be concealed physically.

Mr. CONYERS. Judges, we are up against this kind of real dilemma: Either we want to get rid of the inexpensive concealable handgun—and I specifically avoid the term "Saturday night special," because it's nothing more than a phrase that was coined and doesn't need to bear all this complicated definition—but either we get rid of the inexpensive, easily concealed handgun or we move to the test of concealability, without regard to price, or we attempt to eliminate or seriously reduce the production of all handguns.

Now, each step up that ladder of suggestion runs into a far more complicated resistance in the real world of the Congress, in terms of gaining support, so that we are kind of caught in this dilemma here.

How would you address it in that context?

Judge WHITLATCH. Well, I don't say limiting these concealable guns, these smaller ones, won't be of some help. But I also have grave question as to whether these people are going to turn these guns in, and when they'll turn them in, and how we will get them, unless the possession of all guns is unlawful.

Because I think they will get a gun to replace them. I don't think it's a monetary thing, and I don't think it necessarily concealability.

Mr. CONYERS. So we can't replace all guns. You know, there are times when we can discuss what we want. I may end up with my own legislative proposal just to make my conscience square with what I know and with what I have heard, and then I may end up with another legislative proposal that deals with the 94th session of Congress and what halting steps we may be able to advance in this year 1975.

We are not going to pass a bill abolishing all guns, I don't think.

Judge WHITLATCH. My focus was on the State and local level, calling for the abolition of the handgun first, because, by the Federal Government, this can't be done.

I think only time will tell how effective the ordinance we adopted here in Cleveland, a week ago or so, will be. But in my own estima-

tion, it's not going to be as effective as hoped for, and I do believe we're going to have to really face up to this and get handguns out of the home.

I don't think they have ever helped anyone. I know what your problems are in the Congress. We have had one of the eminent Senators from the U.S. Congress here, a week or so ago, speak at our city club.

He said he has two .38's, and he wasn't about to give them up because some time somebody is going to break in his home and he was going to use them.

Now, nobody has ever broken in yet, but he is apparently expecting that.

So I am sure that you have this kind of opposition. But I feel it my obligation to make a forthright statement recognizing that even you, faced with this great dilemma, must decide this, because of all of the diverse opinions, that will meet all of your great efforts, I might say.

Mr. CONYERS. Thank you.

Let me turn now to Judge Theodore Williams, of the municipal court.

Judge WILLIAMS. Mr. Chairman and distinguished members of the committee, I welcome the opportunity to appear today and participate in the important work of this subcommittee.

Federal, State, and local legislation relating to firearms is not the panacea to eliminate violent crimes with handguns. It is a strategy rather than a solution.

Until the basic socioeconomic problems are resolved, violent crimes will continue to plague our community.

It is necessary to remove the implements that assist in the commission of violent crimes from the potential offenders. Harsh punishment has never deterred the commission of violent crimes.

With these thoughts in mind, I address the question of handgun legislation.

The citizens of this community are alarmed by the spiraling increase in violent crime in the Greater Cleveland area. Homicides by handguns have increased by 231 percent between the years 1966 and 1974.

Cleveland had 322 murders in 1974; firearms were involved in 83.9 percent of these crimes.

In 70 percent of the homicides, the individuals knew or were related to one another.

The carnage continues into 1975. As of June 10, there were 144 homicides—an increase of 36 murders for the same time period in 1974.

Further support for these statistics is the 1974 FBI uniform crime report, wherein there were 6,971 murders outside the family, and handguns were used in 78.8 percent of these felonies.

Handguns were attributable to 72.5 percent of all murders within the family.

Local and State firearm legislation does not reduce the homicide rate because they are weak and unenforceable.

Within a 30-mile radius of this building, you can purchase small arms without restriction and without question as to your identity.

Even in States where strong gun control registration laws exist, a person's word is all that is required to prove that he or she is a responsible person.

It has been referred to here before that the Cleveland City Council enacted a local gun law which prohibits the manufacture, possession, ownership, or purchase of any handgun of .32 caliber or less, with a barrel length less than 3 inches.

And I have attached hereto, as exhibit A, a copy of said ordinance. [See p. 1407.]

Judge WILLIAMS. Even with this well-meaning legislation, it is not sufficient to prevent the slaughter that is taking place in this community.

Only a strong national gun law will overcome parochial interests and assist local law enforcement agencies to carry out their primary function of law enforcement.

The lack of an effective national gun control legislation is partly the result of society's casual attitude toward firearms and our historical background of the armed self-reliant frontiersman.

Small arms have become a part of our culture. Weapons are carried in pockets, left in drawers, closets, and other accessible areas.

Small businessmen and citizens use guns in an attempt to protect themselves from the common criminal. The resultant effect is not only a spectacular increase in the homicide rate but also a proportionate increase in accidental shootings, resulting in death and maiming of innocent bystanders.

Many individuals and groups have attempted to rely on the second amendment of the U.S. Constitution, using the following excerpt: "the right of people to bear arms shall not be infringed. * * *"

The rationale follows that the section was intended by the Founding Fathers to permit every citizen the right to own and bear arms without infringement.

Upon close examination of the second amendment, the full sentence reads as follows: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

The courts have ruled that this section is a prohibition against Federal interference with the State's National Guard unit.

It further bars Federal interference with the duties of the State militia, as defined by the individual State constitution.

No judicial body has ruled that this amendment gives the individual a constitutional right to bear arms.

It further provides that the individual States may regulate arms as long as it does not prohibit the exercise of Federal power.

To further substantiate this position, I cite the following two cases: The *United States* v. *Miller*, 307 U.S. 174, 1939. In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than 18 inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the second amendment guarantees the right to keep and bear such an instrument.

Certainly, it is not within judicial notice that this weapon is any part of the ordinary military equipment, or that its use could contribute to the common defense.

Aymette v. *State*, 2 Humphreys (Tenn.) 154–158.

In the case of *United States* v. *Tot*, the Third Circuit Court stated:

> The Court held it abundantly clear from discussions of the second amendment at the time of its proposal, and from learned articles since, that, unlike the first amendment, it was not adopted with individual rights in mind, but as a protection for the state in the maintenance of their militia organizations against possible encroachment by the Federal Government. * * *
>
> Weapon bearing was never treated as anything like an absolute right by the common law.

As a judge of the Cleveland Municipal Court for the past 15 years, I have presided over hundreds of preliminary hearings involving violent crimes and handguns.

The common defense to gun charges under Ohio statutes are questions of accessibility and operability.

A gun must have been readily accessible to the defendant if the prosecution is to obtain a conviction.

Therefore, a gun in a case, box, glove compartment, or trunk is not accessible, nor is a gun broken down or fragmented to any degree considered to be an operable weapon.

Search and seizure, which is specifically alluded to in the fourth amendment of the U.S. Constitution is another question the lower courts face daily.

The defense never questions whether the weapon is operable or is legally possessed. The first inquiry is: Was the evidence legally obtained?

Specific incidents involve stop and frisk, consent searches, street and traffic stops, and suspicious person complaints.

In many instances the court must uphold the defendant's constitutional protections and grant the motion to suppress evidence if illegally obtained.

Now, these comments are not meant to be a condemnation of the American system of jurisprudence or of the local law enforcement agencies but, rather, an attempt to inform this committee that the lower courts are a forum designed to protect the rights of society as well as those of the individual.

The court does not legislate or enforce the law but acts as this forum for the prosecution and the defense.

Each individual case must be evaluated on its own set of facts. The human element must always be considered, and the axiom "Justice is tempered with mercy" must never be forgotten.

The question of lenient judges and arbitrary sentencing patterns has been stated so often that the average citizen believes mandatory sentences and harsh penalties will cure all of society's ills.

I for one have never seen a substantive study of sentencing trends for an individual or group of judges.

The leniency charge placed at the feet of the judiciary is based on hearsay in individual cases in which the mitigating circumstances are not considered.

By the time the violent crime reaches the individual jurist, the weapon and ammunition have been purchased either legally or illegally, the firearm has been discharged, and the victim is maimed or dead.

The executive and legislative branches have failed to eliminate firearms from the streets. The corrective system has failed to rehabilitate the criminal.

And the manufacture and sale of small arms continues to proliferate.

The courts by themselves cannot reduce the mayhem occurring on our streets. The ultimate solution is a strong national gun law which prohibits the manufacture, sale, and possession of small arms.

I advocate a strong national gun law which can be effectively enforced and judiciously administrated. This legislation in and by itself will not eliminate the existing supply of illegal weapons.

It will have a long-range benefit by disarming the criminal and return the streets of this community to its citizens.

If the enactment of meaningful gun laws saves the lives of one individual, then the idea is well conceived.

In conclusion I quote Dr. Martin Luther King, Jr.: "By our own readiness to allow arms to be purchased at will and fired at whim; by allowing our movies and television screens to teach our children that the hero is one who masters the art of shooting and the technique of killing—we have created an atmosphere in which violence and hatred have become popular pastimes."

Thank you, gentlemen.

Mr. CONYERS. I thank you for raising in more detail the question that I posed initially.

What is the judiciary's problem, as you have outlined it, in the gun regulation area?

We first elicited the point that there were constitutional problems that frequently citizens do, in fact, not take into consideration.

You pointed out the fourth amendment consideration of illegal search and seizure, which lead me—just in case I don't meet any more jurists along the way in this hearing, and I am assuming as if this were the last group of members of the bench that I was going to meet—what would you have spread upon the record, in terms of citizens and Members of Congress understanding the role of the judiciary in this situation?

Why does it seem that the police so frequently violate fairly obvious search and seizure requirements—maybe playing Russian roulette, that they will get a judge who will not throw the case out of court, who will not suppress the evidence, thereby destroying any chance of a prosecution?

Why do the prosecutors indulge in so many negotiated pleas that are, in the end, sanctioned by the court itself?

These are the several kinds of questions that I am rolling up and asking if any of you want to make an additional comment or two on?

Judge FRIEDMAN. In relation to the questions that you have raised about search and seizure, recently, of course, the U.S. Supreme Court has adopted a pretty strong restricted attitude with relation to search and seizure.

If you stop a person for a traffic violation, you have the right to search and seize contraband. It is no longer what previously was the question of search and seizure under the Warren court decision.

They have restricted it in that situation, on that basis.

What was the other question, Congressman?

Mr. CONYERS. The question dealt with the negotiated plea, which is why people argue in support of a mandatory sentence in order to remove the discretion of the court.

Judge FRIEDMAN. All right. Let me make my comment with relation to negotiated pleas.

We hear it so often, and people including, I think, the former Secretary of the Treasury Connally, made the statement, "Let's eliminate negotiated pleas."

We have 5 working days, generally speaking. The average trial would take about 3 days to 4 days, a jury case. How many cases can you try?

I have an assignment and Judge Brown has an assignment of 70 to 80 cases a month, and among this 70 to 80 cases might be thrown in aggravated murder, or two aggravated murder cases, that may take weeks to try.

Everybody is screaming that the docket is not moving. You must negotiate pleas in order not to drown in the quagmire of criminal activities, and the only way you can keep your head above water—and furthermore, I may say this with all due deference to the prosecutors not only here but all over—many people are indicted, for all kind of counts, 10 or 11 counts.

And the purpose is, of course, to negotiate a plea on one or two counts and get the case out of the way. That is the practical aspect of the problem involved. So we must negotiate.

I really get riled up when people say to me: Negotiated pleas—what are you accomplishing? You are softening the arm of the judiciary as far as criminal activity.

It isn't so. We take that incessantly, that the judges are soft, the judges fail to do such-and-such.

I have yet to see where severe punishment really, in all seriousness, deters crime. This is my personal opinion.

It may in some instances, but in most cases it doesn't.

We have to go to the source of the problem, really. And when you have the unemployment that you have today, when you have the conditions that you have in our society today, you are bound to have an increasing crime rate, and we are not just consciously shoving it under the rug.

Mr. CONYERS. Judge Brown?

Judge BROWN. Yes, Mr. Chairman.

In reference to your question as to whether or not the police are charged with keeping the peace:

I am not aware of the problems that exist, as to whether the constitutionality is there. I don't think that is their particular position.

They are charged with keeping the peace, and I want them to continue to make the arrests which they feel are valid and, hopefully, the courts in their wisdom will ferret out those arrests that are invalid and tell them so.

They have a real serious problem because we have asked today, because of the complexity of our society and the rising crime rate, for the policeman to go out and make arrests and keep the peace.

On the other hand, in the dilemma, we ask for the constitutional safeguards of those persons charged with committing those crimes that we have asked the police to arrest.

This is a very serious problem, and a problem that the court has to wrestle with.

However, within the framework of our laws, I think we have to have these constitutional questions, and I am quite sure that we shall continue to ferret out these arrests that are not legal.

Mr. CONYERS. But without being facetious, what is so hard about the police officer understanding what the limits are?

There is a decision that in two sentences could be explained. They are all out making arrests daily, day in and day out. They have received quite specific instructions on it, not only during their law enforcement training, but currently.

I mean we don't have to ask them to search the U.S. Supreme Court decisions, but it is clear that under this circumstance of stopping a fellow without reasonable suspicion, who is not in fact violating any traffic ordinances, that that case is going to get them in trouble before almost any reasonable member of the bench.

So again, what's so tough about it?

Judge BROWN. I can't answer what is so tough about it. While we do have some instances where they continue to bring us those, that we will continue to follow the Constitution in reference to those.

Mr. CONYERS. I am sure you will.

Judge WHITLATCH. Congressman Conyers, as I see it, the police are under the same pressures that we are when we talk about plea bargaining.

Personally, I don't plea bargain, because it is so important for me to know, particularly in a child's case, just what the child has done, if I am going to know what to do for that child.

But the police are under the same pressures as we are. On the other hand, I see cases where they could be certainly more thorough and the investigation could have been properly carried out and could have relieved that court of a great problem.

There is a potential there; and when it isn't presented properly, or if you have a lot of constitutional objections, this is a most worrisome thing for the court, because you have the feeling: Here I am, letting this fellow go, and how guilty he is.

And of course, the judge sitting up there making a ruling is frequently the fellow who, as it is said, "let him go"—you see.

I am sure the whole problem is the pressures of it and the enormity of the whole thing: More judges, more police officers.

As the chief was saying here today, it's really enormous.

Mr. CONYERS. Thank you.

Mr. Mann.

Mr. MANN. Judge Brown, I haven't heard you on mandatory sentencing.

Judge BROWN. I'm not one to really believe in mandatory sentences until the public has been thoroughly indoctrinated on guns.

In my statement, I believe, in one of my paragraphs I indicated that mandatory sentences might be the answer after the public has been thoroughly given the information that their small arms must be registered; and if they are not registered, that at that point, then, I think the mandatory sentence would be in order, but only after a certain specific requirement is met.

We have in Ohio now, to be more specific, the law concerning a weapon that is concealed, and also a person that has been previously

convicted of a felony, charged with the possession of a gun, not necessarily concealed, in violation of the law.

We though, at least the legislators in Ohio thought, that if this double-sword legislation would pass, it would be, of course, a catch-all and remedy the situation.

It has not. The problem still exists.

And the reason I am shying away from mandatory sentences is because we have countless—thousands of people in our large urban areas of America today feeling that they must carry a handgun to protect themselves.

I as a jurist cannot conceivably say that a registered nurse has previously been attacked, as this young lady testified to, goes and buys herself a good weapon, conceals it in her purse, is arrested for a traffic ordinance and is searched in the proper manner; and if found guilty—that I must be forced to sentence that young lady to prison.

This is the thing that disturbs me about mandatory sentences.

Judge FRIEDMAN. Congressman, may I ask you a question. When you say "mandatory sentences" it takes the form of different varieties.

Do you mean "mandatory incarceration?" Because "mandatory sentences" can be a fine, too.

Mr. MANN. Well——

Judge FRIEDMAN. If you are talking about mandatory incarceration, that is one aspect.

Mr. MANN. I think that the term popularly being used today, "is a panacea," and it refers to incarceration.

Mr. CONYERS. Would the gentleman yield, because I wanted to make sure if I understood the colloquy between you and the judge.

We will be talking about a mandatory sentence upon the commission of a felony with a gun, or were you referring to mandatory sentences for the posssession of a firearm, contrary to the statute?

Mr. MANN. Basically, any gun-related offense is what we were talking about.

Judge BROWN. Yes.

Mr. CONYERS. Well, I previously sensed great distinctions made about people who might feel that a mandatory sentence in connection with gun use in the commission of a felony might be a completely different subject than mandatory in terms of a violation of a firearms statute.

Mr. MANN. Well, it is, but I think, popularly, they attempt to lump this all together.

The concept in the traditional sense in the case of a felony, or where a gun is involved, is pending in the Congress as well as other places.

But I can see that neither you nor Judge Friedman are willing to surrender the proposition that the judge's discretion is often required.

Judge BROWN. I think so.

Judge KRENZLER. I really and truly, Mr. Mann, think that this problem of mandatory sentences could be solved by computers; that anybody found guilty, just push a button, no problem, and then discretion would be out the window.

Mr. MANN. Precisely. Thank you.

Mr. CONYERS. Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. Chairman, I suppose the one thing that I learned as a trial lawyer and that was not when to ask a question of a witness. [Laughter.]

Judge BROWN. Are you referring to that case of Wagner Long, Mr. Stokes, that you and I tried some 20 years ago?

Mr. STOKES. That's right.

Judge Brown at one time was the county prosecutor in Criminal Court, and during that time he and I tried many, many cases against one another.

I would concur, also, Mr. Chairman, in your statement about not having found these easy judges in criminal court. Judge Bernie Friedman was so tough that, as he said, I took him all of the way to the U.S. Supreme Court and I still lost to him.

Judge FRIEDMAN. But you did a good job, Mr. Stokes.

Mr. STOKES. Well, he has the distinction, Mr. Chairman, of not only being the trial judge in *Terry* v. *Ohio*, which was a landmark case which established the law in this country on Stop and Frisk, but he was also quoted in the Supreme Court's decision from his trial court opinion, which is, of course, a signal honor to a trial judge.

But all of these men were the kind of judges, when I was practicing law, before whom I would waive a jury and try my cases to them, and in many cases because they were the kind of men who I knew would decide the case fairly, impartially, and on the law.

All I can say today is that you have been privileged to hear from five of the most distinguished jurists in our community, men whom I would compare with jurists anywhere in the country.

We have many more fine judges in this community, but these five men here have done the profession proud today.

Mr. CONYERS. And they certainly have been courageous to come to a legislative body. We realize that is an extracurricular activity.

But it seems to me the commendations made by our colleague from Ohio are absolutely appropriate. I think you do the bench a signal honor in coming forward.

Frequently, some of your brethren feel so constrained about the attitudes that exist in terms of judges today that they, frankly, avoid any further public exposure that may subject them to further extenuating the debate on the truly sensitive issues of our time.

All of us here are very pleased that you would think enough of the discussion that brings us to Cleveland to join us in these hearings.

Thank you very much.

Judge BROWN. I for one, on behalf of the rest of us, feel very privileged and honored to come before a subcommittee of the Judiciary of the House of Representatives.

Mr. CONYERS. Thank you.

[Witnesses excused.]

I now call upon James E. Carson, Esq., of the Cleveland Lawyers Association.

Is he present? [No response.]

I now call upon Mr. Claude Hicks, Ohio Citizens for Gun Rights.

Is he present?

Mr. Hicks, we welcome you. You have the distinction of being last but not least.

We are under a pressing time problem. You have submitted your statement, have you not?

Mr. HICKS. Yes; I have.

TESTIMONY OF CLAUDE HICKS, PRESIDENT, OHIO CITIZENS FOR GUN RIGHTS

Mr. HICKS. I would like to thank you for the opportunity for giving us a chance to express our views.

The Ohio Citizens for Gun Rights and the gun owners we represent do not feel that gun control at the State, local, or national level is necessary or desirable.

The claim by some of the news media and some of our legislators that crime control will follow gun control does not stand a close look.

It is born of frustration at the rising crime rate and the ignorance of its cause. The FBI Uniform Crime Report shows that across the Nation, 97 percent of the crime committed does not employ firearms.

Arson, rape, drug abuse, auto theft, burglary—the list is quite long.

Gun control, therefore, cannot reduce crime by more than 3 percent.

Private ownership of firearms is recognized as a deterrent to crime. Report to the Commission of Source of Crime and Violence in the United States, in 1968, it says that firearms in the home deters criminals and thus saves lives and property.

Between 1968 and 1973, the number of privately-owned handguns doubled from 24 million to 45 million, with a similar increase in ownership of other firearms.

During that same period, the death rate due to firearms remained essentially constant, roughly 20,000.

Half of these deaths are classified as suicides, and around 2,500 are listed as accidental.

No gun control law can be passed to stop a person from committing suicide.

Report to the Commission, Firearms and Violence in American Life, it says: "Reducing the availability of firearms would not cause a significant reduction in suicide."

The 2,500 accidental deaths can be reduced by educational means, and the remaining 7,500 homicides per year speaks well for the restraint of the law-abiding citizens, who effect a 50 percent decrease in the homicide rate without any gun control legislation.

Mr. CONYERS. Thank you very much.

The remainder of your statement will be incorporated in the record, Mr. Hicks.

[The prepared statement of Mr. Hicks follows:]

STATEMENT OF CLAUDE HICKS, PRESIDENT, OHIO CITIZENS FOR GUN RIGHTS

Ohio Citizens for Gun Rights and the gun owners we represent, do not feel that gun control at the state, local and national level is necessary or desirable.

The claim by some of the news media and some of our legislators, that crime control will follow gun control does not stand a close look. It is born of frustration at the rising crime rate, and the ignorance of its cause.

The F.B.I. uniform crime report show that across the nation, 97% of the crime committed does not employ firearms. Arson, rape, drug abuse, auto theft, burglary. The list is quite long.

Gun control therefore, cannot reduce crime by more than 3%.

Private ownership of firearms is recognized as a deterrent to crime. (Report to the commission of source of crime and violence in the U.S., 1968.) (That firearms in the home deter criminals and thus saves lives and property.)

Between 1968 and 1973, the number of privately owned handguns doubled from 24 million to 45 million with a similar increase in ownership of other firearms. During that same period, the death rate due to firearms remained essen-

tially constant, roughly 20,000. Half (½) of these deaths are classified as suicide and 2,500 are listed as accidental. No gun control law can be passed to stop a person from committing suicide. (Report to the commission, firearms and violence in American life.) (Reducing the availability of firearms would not cause a significant reduction in suicide.)

The 2,500 accidental deaths can be reduced by educational means, and the remaining 7,500 homicides per year speaks well for the restraint of the law abiding citizens who effected a 50% decrease in the homicide rate, without any gun control legislation.

There are, in this country, 40 to 50 million gun owners with approximately 150 million firearms, at an average cost of 100 dollars per owner. The direct cost of this initial investigation and police adminstration for gun owner registration would cost the taxpayer 4 to 5 billion dollars. This does not include the cost of setting up the bureaucracy, nor the annual operating cost. This bureaucracy would be second only to the social security system.

To put this staggering sum of money into perspective: The total U.S. law enforcement expense in 1972 was 11.7 billion dollars. This is the total spent by federal, state and county governments, legal services, prosecution, indigent defense, prisons, correction programs, and various other criminal justice programs.

Of greater significance is the cost to all taxpayers in increased crime due to police time in investigation of the gun owning law abiding citizens instead of the criminals.

Plea bargaining must not be permitted when crimes are committed with any firearm and mandatory sentence without parole or pardon upon conviction. The criminal shouldn't be permitted to prey upon society.

There is no other group that works so hard, pays so much and receives so little than the sportsman and gun owners of this country. In less than 50 years, these groups have spent over 2.5 billion dollars for wildlife and conservation. Through the 11% tax of the Pittman-Robertson act, hunting license, deer permits, and duck stamps.

These facts may be little known to the general public, but it is doubtful that any major conservation or wildlife programs would survive without this revenue.

The Ohio Citizens for Gun Rights, sportsmen, other responsible gun oriented groups are working with the Ohio Legislature to define the problems, and seek solutions to these problems on a state or local level.

If we were unable, or unwilling, to seek solutions to our regional problems, the need for national action would be clear.

It is not.

Mr. CONYERS. We must terminate at this point, and I want to express my deep appreciation, on behalf of our subcommittee and its staff, who worked tirelessly with the staff of Congressman Stokes, of the 17th District; both James Harper, administrative assistant in Congressman Stokes' Washington office, and Mr. Ernest Fanning, administrative assistant here in the Cleveland office, who were tremendously important in helping us put together what is clearly a signal hearing in the Subcommittee on Crimes' concerns about firearms legislation.

We are grateful also to the public television station here that made these hearings a reality to citizens in the metropolitan area who were not otherwise able to attend this session here in the Federal Building.

And, of course, our own immediate staff of Maurice Barboza, Tim Hart, and Cris Gekas, who have been doing an exemplary job in this long line of hearings.

I can only conclude by saying thanks to my friend, Louis Stokes, we have been able to, I think, add substantially to our collection of facts and insights that I think compel us toward a very important piece of legislation in the 94th Congress.

Upon that note, with deepest appreciation to those I have mentioned, I adjourn this hearing.

[Whereupon, at 6 p.m., the hearing was adjourned.]

APPENDIXES

Appendix 1

EXHIBIT SUBMITTED BY DR. SAMUEL GERBER

RESIDENT DEATHS DUE TO FIREARMS—1960–67 AND 1968–73

RESIDENT DEATHS DUE TO FIREARMS, BY TYPE OF DEATH, 8 METROPOLITAN COUNTIES AND OHIO, 1960–73

POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	4,373,053 Rest of State	9,706,397 Ohio	1,647,895 Cuyahoga	682,923 Franklin	864,121 Hamilton	456,931 Lucas	300,480 Mahoning	527,080 Montgomery	340,345 Stark	513,569 Summit
Total, 1960	371	792	127	49	59	43	32	48	27	36
Accident (E919)		68	5	3	6	5		4	2	2
Suicide (E976)		500	55	36	32	28	15	29	19	24
Homicide (E981)		202	61	10	17	8	16	13	6	8
Police intervention (E984)		22	6		4	2	1	2		2
Rate per 100,000	8.5	8.16	7.71	7.18	6.83	9.41	10.65	9.11	7.93	7.01
Total, 1961	355	759	115	61	65	34	17	41	33	38
Accident (E919)		68	6	3	4	5	1	1	1	4
Suicide (E976)		451	47	32	33	23	7	17	21	20
Homicide (E981)		212	54	22	24	5	9	20	11	12
Police intervention (E984)		28	8	4	4	1		3		2
Rate per 100,000	8.1	7.82	6.98	8.93	7.52	7.44	5.66	7.78	9.69	7.39

See footnote at end of table.

RESIDENT DEATHS DUE TO FIREARMS, BY TYPE OF DEATH, 8 METROPOLITAN COUNTIES AND OHIO, 1960–73—Continued

POPULATION—1960 CENSUS—Continued

Year and type of death and cause of death code [1]	4,373,053 Rest of State	9,706,397 Ohio	1,647,895 Cuyahoga	682,923 Franklin	864,121 Hamilton	456,931 Lucas	300,480 Mahoning	527,080 Montgomery	340,345 Stark	513,569 Summit
Total, 1962	366	759	101	59	71	40	16	49	22	35
Accident (E919)		56	2	3	5	2	2	1	4	
Suicide (E976)		505	61	32	41	24	4	32	12	24
Homicide (E981)		192	34	24	24	13	10	16	6	11
Police intervention (E984)		6	4		1	1				
Rate per 100,000	8.4	7.82	6.13	8.64	8.22	8.75	5.32	9.29	6.46	6.81
Total, 1963	358	758	121	41	58	49	22	48	26	35
Accident (E919)		65	9	1	4	4	4		2	1
Suicide (E976)		481	52	27	31	34	8	31	15	26
Homicide (E981)		203	56	12	22	11	10	17	9	7
Police intervention (E984)		9	4	1	1					1
Rate per 100,000	8.2	7.81	7.34	6.00	6.71	10.72	7.32	9.11	7.63	6.81
Total, 1964	343	784	149	52	71	28	16	50	27	48
Accident (E919)		58	6	3	4	2		4	4	3
Suicide (E976)		490	62	35	38	20	15	23	19	34
Homicide (E981)		218	73	12	27	6	1	21	4	10
Police intervention (E984)		18	8	2	2			2		1
Rate per 100,000	7.8	8.08	9.04	7.61	8.22	6.13	5.32	9.48	7.93	9.34
Total, 1965	390	878	161	67	71	37	21	58	35	38
Accident (E919)		89	8	2	1	2	3	5	6	3
Suicide (E976)		501	66	36	37	24	11	25	18	27
Homicide (E981)		266	81	25	29	10	6	27	10	8
Police intervention (E984)		22	6	4	4	1	1	1	1	
Rate per 100,000	8.9	9.05	9.77	9.81	8.22	8.10	6.98	11.00	10.28	7.39
Total, 1966	387	916	182	70	74	39	25	61	33	45
Accident (E919)		71	5	2	5	3	2	1	3	5
Suicide (E976)		498	68	40	41	17	13	31	15	20
Homicide (E981)		329	101	27	25	17	9	29	14	19
Police intervention (E984)		18	8	1	3	2	1		1	1

Rate per 100,000	8.8	9.44	11.04	10.25	8.56	8.54	8.32	11.57	9.69	8.76
Total, 1967	386	1,023	188	68	103	63	44	81	34	56
Accident (E919)		84	3	3	6	7	2	4	4	3
Suicide (E976)		524	69	42	42	29	25	28	18	29
Homicide (E981)		399	106	23	53	26	15	49	12	24
Police intervention (E984)		16	10		2	1	2			
Rate per 100,000	8.8	10.54	11.41	9.96	11.92	13.79	14.64	15.36	9.98	10.90

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	4,851,354 Rest of State	10,652,017 Ohio	1,721,300 Cuyahoga	833,249 Franklin	923,205 Hamilton	484,370 Lucas	304,545 Mahoning	608,413 Montgomery	372,210 Stark	553,371 Summit
Total, 1968	383	1,130	273	89	95	54	31	95	44	66
Accident (E922)		76	19	1	3	8	1	7	5	5
Suicide (E955)		586	85	47	47	29	13	27	17	39
Homicide (E965)		433	154	36	43	16	14	59	21	21
Legal intervention (E970)		29	15	4	2	1	2	2	1	1
Undetermined (E985)		6		1			1			
Rate per 100,000	7.9	10.60	15.86	10.68	10.29	11.15	10.18	15.61	11.82	11.93
Total, 1969	436	1,278	348	88	93	49	36	115	31	82
Accident (E922)		80	17	4	2	5	1	5	4	6
Suicide (E955)		610	82	46	35	30	16	42	18	42
Homicide (E965)		545	238	34	54	11	19	66	9	30
Legal intervention (E970)		23	9	3	1	3		2		2
Undetermined (E985)		20	2	1	1					2
Rate per 100,000	9.0	12.00	20.22	10.56	10.07	10.12	11.82	18.90	8.33	14.82
Total, 1970	484	1,313	335	110	115	35	43	106	20	65
Accident (E922)		83	18	6	6		4	3	3	5
Suicide (E955)		620	77	56	51	16	15	47	13	25
Homicide (E965)		574	232	43	54	16	24	53	3	32
Legal intervention (E970)		20	7	3	3	1		1	1	1
Undetermined (E985)		16	1	2	1	2		2		2
Rate per 100,000	10.0	12.33	19.46	13.20	12.46	7.23	14.12	17.42	5.37	11.75

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS—Continued

Year and type of death and cause of death code [1]	4,851,354 Rest of State	10,652,017 Ohio	1,721,300 Cuyahoga	833,249 Franklin	923,205 Hamilton	484,370 Lucas	304,545 Mahoning	608,413 Montgomery	372,210 Stark	553,371 Summit
Total, 1971	470	1,419	364	127	127	41	43	126	39	82
Accident (E922)		87	21	5	3	1	4	1	3	4
Suicide (E955)		633	73	61	52	22	15	43	20	34
Homicide (E965)		642	250	49	68	18	22	82	16	40
Legal intervention (E970)		29	16	3	4		2			1
Undetermined (E985)		28	4	9						3
Rate per 100,000	9.7	13.32	21.15	15.24	13.76	8.46	14.12	20.71	10.48	14.82
Total, 1972	475	1,506	386	114	160	49	52	155	37	78
Accident (E922)		68	9	3	6	3	2	4	5	5
Suicide (E955)		692	87	52	74	21	20	69	17	38
Homicide (E965)		692	270	55	77	24	29	78	15	30
Legal intervention (E970)		32	19	2	2	1		1		3
Undetermined (E985)		22	1	2	1		1	3		2
Rate per 100,000	9.8	14.14	22.42	13.68	17.33	10.12	17.07	25.48	9.94	14.10
Total, 1973	497	1,559	392	131	121	75	55	156	47	85
Accident (E922)		87	17	7	2	2	3	1	7	1
Suicide (E955)		704	96	57	54	35	18	51	23	48
Homicide (E965)		714	268	60	60	34	31	104	15	32
Legal intervention (E970)		24	8	3	2	4	1		1	2
Undertermined (E985)		30	3	4	3		2		1	2
Rate per 100,000	10.2	14.64	22.77	15.72	13.11	15.48	18.06	25.64	12.63	15.94

[1] International Classification of Diseases, Adapted, 8th Revision; Statistical Analysis Unit, Division of Data Services, Ohio Department of Health, February, 1975.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960-73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000

Year and type of death and cause of death code [1]	103,691 Allen	38,771 Ashland	93,067 Ashtabula	46,998 Athens	83,864 Belmont	199,076 Butler	131,076 Clark	80,530 Clermont	107,004 Columbiana	46,775 Crawford
	POPULATION—1960 CENSUS									
Total, 1960	6	3	5	4	5	14	4	5	12	7
Accident (E919)		1		1	1	2	1	1	3	
Suicide (E976)	4	2	4	1	3	7	1	4	8	5
Homicide (E981)	2		1	2	1	3	2		1	2
Police intervention (E984)						2				
Rate per 100,000	5.8	7.7	5.4	8.5	6.0	7.0	3.0	6.2	11.2	14.7
Total, 1961	8	4	5	8	11	6	4	11	12	5
Accident (E919)			2	2	3					1
Suicide (E976)	5	3	3	5	4	5	4	9	9	2
Homicide (E981)	2	1		1	4	1		1	3	2
Police intervention (E98)	1							1		
Rate per 100,000	7.7	10.3	5.4	17.0	13.1	3.0	3.0	13.7	11.2	10.7
Total, 1962	7	2	9	4	1	13	12	8	7	1
Accident (E919)			1	1		3	1		1	
Suicide (E976)	5	2	6	2	1	7	9	8	6	1
Homicide (E981)	2		2	1		3	2			
Police intervention (E984)										
Rate per 100,000	6.8	5.2	9.7	8.5	1.2	6.5	9.1	9.9	6.5	2.1
Total, 1963	11	1	10	5	9	16	12	10	7	7
Accident (E919)			3	1	1	1		1	1	
Suicide (E976)	8	1	6	3	8	9	10	7	5	7
Homicide (E981)	3		11	1		6	2	2	1	
Police intervention (E984)										
Rate per 100,000	10.6	2.6	10.7	10.6	10.7	8.0	9.1	12.4	6.5	14.7
Total, 1964	9	1	2	6	8	13	13	5	6	4
Accident (E919)	1		1		2	2			3	
Suicide (E976)	5		1	2	6	6	9	3	3	4
Homicide (E981)	3	1		4		5	4	2		
Police intervention (E984)										

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000—Continued

POPULATION—1960 CENSUS—Continued

Year and type of death and cause of death code [1]	103,691 Allen	38,771 Ashland	93,067 Ashtabula	46,998 Athens	83,864 Belmont	199,076 Butler	131,440 Clark	80,530 Clermont	107,004 Columbiana	46,775 Crawford
Rate per 100,000	8.7	2.6	2.1	12.8	9.5	6.5	9.9	6.2	5.6	8.6
Total, 1965	5	3	10	1	8	16	9	6	5	5
Accident (E919)	1	1	2		4	1			1	
Suicide (E976)	3	2	5	1	4	10	5	4	3	5
Homicide (E981)	1		3			5	3	2	1	
Police intervention (E984)							1			
Rate per 100,000	4.8	7.7	10.7	2.1	9.5	8.0	6.8	7.5	4.7	10.7
Total, 1966	8	3	7	7	11	13	11	6	10	1
Accident (E919)	1		1	2	2	2		3	1	
Suicide (E976)	3	3	5	4	6	7	8	2	9	1
Homicide (E981)	4		1	1	3	4	3	1		
Police intervention (E984)										
Rate per 100,000	7.7	7.7	7.5	14.9	13.1	6.5	8.4	7.5	9.3	2.1
Total, 1967	7	6	5	2	3	25	11	11	3	5
Accident (E919)		1	1	1		1		3		1
Suicide (E976)	1	3	3		3	15	6	6	2	3
Homicide (E981)	6	2	1	1		9	5	2	1	1
Police intervention (E984)										
Rate per 100,000	6.8	15.5	5.4	4.3	3.6	12.6	8.4	13.7	2.8	10.7

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	111,144 Allen	43,303 Ashland	98,237 Ashtabula	55,747 Athens	80,917 Belmont	226,207 Butler	157,115 Clark	95,887 Clermont	108,310 Columbiana	50,364 Crawford
Total, 1968	8	2	10	4	9	13	16	5	9	4
Accident (E922)							1	1		1
Suicide (E955)	4	2	9	4	7	8	8	4	8	3
Homicide (E965)	4		1		2	5	6		1	
Legal intervention (E970)										
Undetermined (E975)							1			

Rate per 100,000	7.2	4.6	10.2	7.2	11.1	5 7	10.2	5.2	8.3	7.9
Total, 1969	12	3	6	2	6	24	14	10	6	2
Accident (E922)	1			1	2	3	1			
Suicide (E955)	7	3	4	1	2	12	10	8	6	2
Homicide (E965)	4		1		2	8	3	2		
Legal intervention (E970)			1							
Undetermined (E985)						1				
Rate per 100,000	10.8	6.9	6.1	3.6	7.4	10.6	8.9	10.4	5.5	4.0
Total, 1970	13	2	8	5	14	34	20	11	6	1
Accident (E922)			2	2	1	1	1	1		1
Suicide (E955)	9	2	3	3	11	19	11	9	5	
Homicide (E965)	4		3		2	14	8	1	1	
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	11.7	4.6	8.1	9.0	17.3	15.0	12.7	11.5	5.5	2.0
Total, 1971	9	4	12	5	8	23	17	13	6	7
Accident (E922)	1		1	2	1	1			2	
Suicide (E955)	5	4	10	3	7	17	14	10	3	6
Homicide (E965)	3		1			4	3	2	1	1
Legal intervention (E970)										
Undetermined (E985)						1		1		
Rate per 100,000	8.1	9.2	12.2	9.0	10.0	10.2	10.8	13.6	5.5	13.9
Total, 1972	10	3	6	7	7	23	18	5	11	
Accident (E922)	3					3	1	1		
Suicide (E955)	4	2	4	5	7	13	12	2	6	
Homicide (E965)	3	1	2	1		7	4	1	5	
Legal intervention (E970)				1			1			
Undetermined (E985)								1		
Rate per 100,000	9.0	6.9	6.1	12.6	8.7	10.2	11.5	5.2	10.3	0
Total, 1973	17	1	9	4	8	23	15	9	6	2
Accident (E922)	2		1	1	1	4		2	1	1
Suicide (E955)	7		6	3	6	16	11	5	3	1
Homicide (E965)	8				1	3	4	2	2	
Legal intervention (E970)										
Undetermined (E985)		1	2							
Rate per 100,000	15.3	2.3	9.2	7.2	10.0	10.2	9.5	9.4	5.5	4.0

[1] International Classification of Diseases, 8th revision adapted.
[2] Excludes the 8 metropolitan counties.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000 POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	45,612 Darke	36,107 Delaware	68,000 Erie	63,912 Fairfield	47,573 Geauga	94,642 Greene	53,686 Hancock	47,326 Huron	99,201 Jefferson	38,800 Knox
Total, 1960	5	6	6	8	8	8	5	2	1	3
Accident (E919)		2				1	1			
Suicide (E976)	5	4	5	7	8	5	3	2	1	3
Homicide (E981)			1	1		2	1			
Police intervention (E984)										
Rate per 100,000	11.0	16.6	8.8	12.5	16.8	8.5	9.3	4.2	1.0	7.7
Total, 1961	9	4	5	6	3	7	1	1	10	5
Accident (E919)	1			1				1		
Suicide (E976)	6	3	5	4	2	5	1		8	4
Homicide (E981)	2	1		1	1	1			2	1
Police intervention (E984)						1				
Rate per 100,000	19.7	11.1	7.4	9.4	6.3	7.4	1.9	2.1	10.1	12.9
Total, 1962	2	7	9	6	6	8	3	5	9	4
Accident (E919)			1		1			1		
Suicide (E976)	2	6	7	6	5	8	3	4	5	4
Homicide (E981)		1	1						4	
Police intervention (E984)										
Rate per 100,000	4.4	19.4	13.2	9.4	12.6	8.5	5.6	10.6	9.1	10.3
Total, 1963	3	2	1	2	3	7	6	2	4	5
Accident (E919)					1		1			
Suicide (E976)	3	2	1	2	2	6	5	2	4	4
Homicide (E981)						1				1
Police intervention (E984)										

Rate per 100,000	6.6	5.5	1.5	3.1	6.3	7.4	11.2	4.2	4.0	12.9
Total, 1964		1	9	7	1	8	4	2	5	3
Accident (E919)						1	1			
Suicide (E976)		1	7	7	1	5	3	2	4	2
Homicide (E981)			2			2			1	1
Police intervention (E984)										
Rate per 100,000	0	2.8	13.2	11.0	2.1	8.5	7.5	4.2	5.0	7.7
Total, 1965	4	2	15	7	4	6	5	3	8	7
Accident (E919)			1	1					2	
Suicide (E976)	3	2	7	3	4	4	5	2	5	5
Homicide (E981)	1		7	2		2		1	1	2
Police intervention (E984)				1						
Rate per 100,000	8.8	5.5	22.1	11.0	8.4	6.3	9.3	6.3	8.1	18.0
Total, 1966	2	1	7	2	2	12	10	2	8	3
Accident (E919)			1		1	1	1		1	
Suicide (E976)	2		3	2	1	9	5	2	4	3
Homicide (E981)		1	3			2	4		3	
Police intervention (E984)										
Rate per 100,000	4.4	2.8	10.3	3.1	4.2	12.7	18.6	4.2	8.1	7.7
Total, 1967	7	1	4	6	2	7	3	3	6	5
Accident (E919)	2				1				2	
Suicide (E976)	3	1	3	5	1	2	2	2	4	4
Homicide (E981)	2		1	1		5	1	1		1
Police intervention (E984)										
Rate per 100,000	15.3	2.8	5.9	9.4	4.2	7.4	5.6	6.3	6.0	12.9

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	49, 141 Darke	42, 908 Delaware	75, 909 Erie	73, 301 Fairfield	62, 977 Geauga	125, 057 Greene	61, 217 Hancock	49, 587 Huron	96, 193 Jefferson	41, 793 Knox
Total, 1968	4	3	4	6		14	2	2	12	1
Accident (E922)	1								1	
Suicide (E955)	3	3	1	6		6	2	1	8	1
Homicide (E965)			2			8		1	3	
Legal intervention (E970)										
Undetermined (E985)			1							
Rate per 100,000	8.1	7.0	5.3	8.2	0	11.2	3.3	4.0	12.5	2.4
Total, 1969	3	3	12	11	5	8	2	6	10	3
Accident (E922)	1	1	2	1	1					
Suicide (E955)	2	1	6	7	4	5	2	4	9	3
Homicide (E965)		1	3	2		3		2	1	
Legal intervention (E970)			1							
Undetermined (E985)				1						
Rate per 100,000	6.1	7.0	15.8	15.0	7.9	6.4	3.3	12.1	10.4	7.2
Total, 1970	1	4	2	10	4	15	4	2	4	7
Accident (E922)				1		1	1			
Suicide (E955)	1	4	2	3	3	6	3	2	2	7
Homicide (E965)				4		8			2	
Legal intervention (E970)										
Undetermined (E985)				2	1					
Rate per 100,000	2.0	9.3	2.6	13.6	6.4	12.0	6.5	4.0	4.2	16.7

Total, 1971	5	5	9	9	6	7	2	3	8	6
Accident (E922)	1		1		1	1		2	1	1
Suicide (E955)	3	2	7	8	3	5	2	1	5	4
Homicide (E965)	1	2	1		2	1			2	1
Legal intervention (E970)										
Undetermined (E985)		1		1						
Rate per 100,000	10.2	11.7	11.9	12.3	9.5	5.6	3.3	6.0	8.3	14.4
Total, 1972	2	5	6	12	2	14	2	1	12	5
Accident (E922)				1	1				1	
Suicide (E955)	1	4	5	9		12	1		7	5
Homicide (E965)	1	1	1	2	1		1		3	
Legal intervention (E970)								1	1	
Undetermined (E985)						2				
Rate per 100,000	4.1	11.7	7.9	16.4	3.2	11.2	3.3	2.0	12.5	12.0
Total, 1973	4	7	13	3	4	11	5	3	16	4
Accident (E922)		1	1				1		4	
Suicide (E955)	3	5	12	2	4	7	2	1	7	2
Homicide (E965)	1	1				4	2	1	4	2
Legal intervention (E970)									1	
Undetermined (E985)				1				1		
Rate per 100,000	8.1	16.3	17.1	4.1	6.4	8.9	8.2	6.0	16.6	9.6

[1] International Classification of Diseases, 8th Revision Adapted.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio; Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000 POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	148,700 Lake	55,438 Lawrence	90,242 Licking	271,500 Lorain	60,221 Marion	65,315 Medina	72,901 Miami	79,159 Muskingum	35,855 Pickaway	91,798 Portage
Total, 1960	7	8	8	14	10	4	8	7	3	10
Accident (E919)			1	1			3			1
Suicide (E976)	7	3	7	10	7	4	4	6	3	7
Homicide (E981)		5		3	3		1	1		1
Police intervention (E984)										1
Rate per 100,000	4.7	14.4	8.9	6.4	16.6	6.1	11.0	8.8	8.4	10.9
Total, 1961	11	4	8	11	9	3	2	7	1	9
Accident (E919)	2		1	1	2			1		
Suicide (E976)	7	4	7	6	6	2	2	5	1	6
Homicide (E981)	1			4	1	1		1		3
Police intervention (E984)	1									
Rate per 100,000	7.4	7.2	8.9	5.1	14.9	4.6	2.7	8.8	2.8	9.8
Total, 1962	9	7	5	12	3	2	6	8	3	11
Accident (E919)	1		2	3	1				1	
Suicide (E976)	7	3	3	5	2	2	6	7	2	8
Homicide (E981)	1	4		4				1		3
Police intervention (E984)										
Rate per 100,000	6.1	12.6	5.5	5.5	5.0	3.1	8.2	10.1	8.4	12.0
Total, 1963	7	3	8	16	2	10	4	7	1	12
Accident (E919)		1	2	2			1			1
Suicide (E976)	7	1	4	10	1	8	3	5		9
Homicide (E981)		1	2	4	1	2		1		2
Police intervention (E984)								1		

Rate per 100,000	4.7	5.4	8.9	7.4	3.3	15.3	5.5	8.8	2.8	13.1
Total, 1964	12	9	10	17	4	5	3	10	11	3
Accident (E919)	2	2			1			2	2	
Suicide (E976)	9	4	8	13	2	4	1	7	5	2
Homicide (E981)		3	2	4	1	1	1	1	4	1
Police interventon (E984)	1						1			
Rate per 100,000	8.1	16.2	11.1	7.8	6.6	7.7	4.1	12.6	30.7	3.3
Total, 1965	15	4	6	19	3	7	8	9	4	16
Accident (E919)	2	1	1	5		2	1	1		1
Suicide (E976)	12	2	5	8	2	5	5	7	3	12
Homicide (E981)	1	1		6	1		2	1	1	2
Police intervention (E984)										1
Rate per 100,000	10.1	7.2	6.6	8.7	5.0	10.7	11.0	11.4	11.2	17.4
Total, 1966	5	8	7	22	7	2	5	8	2	6
Accident (E919)	1	2		3	1		1	1		
Suicide (E976)	3	3	5	10	4	2	3	4	2	2
Homicide (E981)	1	3	2	9	2		1	3		4
Police intervention (E984)										
Rate per 100,000	3.4	14.4	7.8	10.1	11.6	3.1	6.9	10.1	5.6	6.5
Total, 1967	11	6	12	23	3	8	5	7	8	3
Accident (E919)	1	1	2	2			1	1	5	
Suicide (E976)	8	2	8	11	2	5	3	5	2	2
Homicide (E981)	2	3	2	9	1	3	1	1	1	1
Police intervention (E984)										
Rate per 100,000	7.4	10.8	13.3	10.6	5.0	12.2	6.9	8.8	22.3	3.3

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	197,200 Lake	56,868 Lawrence	107,799 Licking	256,843 Lorain	64,724 Marion	82,717 Medina	84,342 Miami	77,826 Muskingum	40,071 Pickaway	125,868 Portag
Total, 1968	12	6	6	26	7	6	6	3	3	6
Accident (E922)	1	1		2	1	1		1		
Suicide (E955)	8	5	3	17	5	3	6	2	2	5
Homicide (E965)	3		2	7		2			1	1
Legal intervention (E970)										
Undetermined (E985)			1		1					
Rate per 100,000	6.1	10.6	5.6	10.1	10.8	7.3	7.1	3.9	7.5	4.8
Total, 1969	11	1	10	27	2	8	7	5	3	17
Accident (E922)			2					1		1
Suicide (E955)	9		7	17	1	8	5	2	3	11
Homicide (E965)	2	1		8	1		2	2		5
Legal intervention (E970)				1						
Undetermined (E985)			1	1						
Rate per 100,000	5.6	1.8	9.3	10.5	3.1	9.7	8.3	6.4	7.5	13.5
Total, 1970	17	12	10	24	6	7	4	7	2	15
Accident (E922)	1		2	4						1
Suicide (E955)	10	4	7	15	5	5	2	5	2	10
Homicide (E965)	6	7	1	5	1	2	2	2		4
Legal intervention (E970)										
Undetermined (E985)		1								

Rate per 100,000	8.6	21.1	9.3	9.3	9.3	8.5	4.7	9.0	5.0	11.9
Total, 1971	17	5	9	25	5	8	9	7	1	13
Accident (E922)	2					1		1	1	2
Suicide (E955)	11	3	9	13	4	4	6	6		8
Homicide (E965)	4	2		10	1	2	2			3
Legal intervention (E970)				1		1				
Undetermined (E985)				1			1			
Rate per 100,000	8.6	8.8	8.3	9.7	7.7	9.7	10.7	9.0	2.5	10.3
Total, 1972	17	6	12	21	6	10	15	8	1	15
Accident (E922)	1			1		2	1	1		2
Suicide (E955)	11	1	9	11	4	7	12	5		11
Homicide (E965)	2	4	3	9	1	1	2	2	1	2
Legal intervention (E970)										
Undetermined (E985)	3	1			1					
Rate per 100,000	8.6	10.6	11.1	8.2	9.3	12.1	17.8	10.3	2.5	11.9
Total, 1973	19	5	21	24	10	6	2	6	4	12
Accident (E922)		1	1	3		2				
Suicide (E955)	13	4	14	13	6	4	1	5	2	11
Homicide (E965)	5		4	7	4		1		2	1
Legal intervention (E970)				1						
Undetermined (E985)	1		2					1		
Rate per 100,000	9.6	8.8	19.5	9.3	15.5	7.3	2.4	7.7	10.0	9.5

[1] International Classification of Diseases, 8th Revision Adapted; Statistical Analysis Unit, Division of Data Services, Apr. 15, 1975. Ohio Department of Health.
[3] Excludes the 8 metropolitan counties.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000 POPULATION—1960 CENSUS

Year and type of death and cause of death code[1]	117,761, Richland	61,215, Ross	56,486, Sandusky	84,216, Scioto	59,326, Seneca	208,526, Trumbull	76,789, Tuscarawas	65,711, Warren	5 ,689, Washington	75,497, Wayne	72,596 Wood
Total, 1960	16	7	6	8	4	14	10	5	2	7	8
Accident (E919)	2	1		2	1	3					1
Suicide (E976)	9	4	4	4	3	8	10	1	2	4	7
Homicide (E981)	5	1	2	2		2		4		3	
Police intervention (E984)		1				1					
Rate per 100,000	13.6	11.4	10.6	9.5	6.7	6.7	13.0	7.6	3.9	9.3	11.0
Total, 1961	17	6	8	7	5	14	9	4	1	5	9
Accident (E919)	2	1	1			2	2	1		1	1
Suicide (E976)	8	4	6	7	4	8	6	3	1	4	8
Homicide (E981)	6	1	1		1	3	1				
Police intervention (E984)	1					1					
Rate per 100,000	14.4	9.8	14.2	8.3	8.4	6.7	11.7	6.1	1.9	6.6	12.4
Total, 1962	6		7	15	3	18	11	5	5	4	6
Accident (E919)	1		1	1		2	3	2		1	3
uicide (E976)	4		5	11	3	15	7	3	3	3	2
Homicide (E981)	1		1	3		1	1		2		1
Police intervention (E984)											
Rate per 100,000	5.1	0	12.3	17.8	5.1	8.6	14.3	7.6	9.7	5.3	8.3
Total, 1963	10	8	3	9	1	19	5	5	4	3	6
Accident (E919)	1	2	1			5		2	2		2
Suicide (E976)	6	3	2	6	1	10	5	2	2	2	4
Homicide (E981)	3	3		3		4					
Police intervention (E984)											
Rate per 100,000	8.5	13.1	5.3	10.7	1.7	9.1	6.5	7.6	7.7	4.0	8.3
Total, 1964	6	1	7	8		17	8	6	6	7	4
Accident (E919)			1	2		1		1			
Suicide (E976)	4	1	6	6		11	7	4	5	7	3
Homicide (E981)	2					5	1	1	1		1
Police intervention (E984)											

Rate per 100,000	5.1	1.6	12.3	9.5	0	8.2	10.4	9.1	11.6	9.3	5.5
Total, 1965	12	6	4	10	3	17	9	6	5	8	7
Accident (E919)	3			3	2	2	1	1			
Suicide (E976)	6	5	4	6	1	11	7	3	3	7	6
Homicide (E981)	3	1		1		4	1	2	2	1	
Police intervention (E984)											1
Rate per 100,000	10.2	9.8	7.1	11.9	5.1	8.2	11.7	9.1	9.7	10.6	9.6
Total, 1966	9	2	3	6	3	30	8	6	7	5	5
Accident (E919)	1	1			1	2	1	1			1
Suicide (E976)	5	1	3	2	2	16	6	3	7	4	3
Homicide (E981)	3			4		11	1	2		1	1
Police intervention (E984)						1					
Rate per 100,000	7.6	3.3	5.3	7.1	5.1	14.4	10.4	9.1	13.5	6.6	6.9
Total, 1967	12	8	6	8	8	10	6	7	8	8	4
Accident (E919)	2		1	1	1		2	1	3	1	1
Suicide (E976)	7	6	3	4	7	5	4	2	5	6	3
Homicide (E981)	3	2	2	3		5		4		1	
Police intervention (E984)											
Rate per 100,000	10.2	13.1	10.6	9.5	13.5	4.8	7.8	10.7	15.5	10.6	5.5
Total, 1968	9	2	7	10	6	8	6	16	5	4	7
Accident (E922)	1		1							1	
Suicide (E955)	6	1	6	9	6	7	5	10	4	3	5
Homicide (E965)	2	1		1		1	1	6	1		2
Legal intervention (E970)											
Undetermined (E985)											
Rate per 100,000	6.9	3.5	11.5	13.0	9.9	3.4	7.8	18.7	8.7	4.6	7.8
Total, 1969	15	6	6	16	4	14	6	7	3	12	3
Accident (E922)	2		2	2				1			1
Suicide (E955)	9	5	4	8	4	9	5	5	3	5	2
Homicide (E965)	3	1		3		5	1	1		5	
Legal intervention (E970)											
Undetermined (E985)	1			3						2	

See footnote at end of table.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE FOR COUNTIES OF 40,000 POPULATION OR MORE, AND LESS THAN 300,000—Continued

POPULATION—1960 CENSUS—Continued

Year and type of death and cause of death code[1]	117,761, Richland	61,215, Ross	56,486, Sandusky	84,216, Scioto	59,326, Seneca	208,526, Trumbull	76,789, Tuscarawas	65,711, Warren	51,689, Washington	51,689, Wayne	72,596 Wood
Rate per 100,000	11.5	9.8	9.8	20.8	6.5	6.0	7.8	8.2	5.2	13.8	3.3
Total, 1970	18	9	3	10	7	26	9	8	4	6	12
Accident (E922)		1			3	1	1	4	1	1	
Suicide (E955)	9	6	3	6	4	13	8	3	3	5	10
Homicide (E965)	9	1		3		12		1			2
Legal intervention (E970)				1							
Undetermined (E985)		1									
Rate per 100,000	13.8	14.7	4.9	13.0	11.5	11.2	11.7	9.4	7.0	6.9	13.4
Total, 1971	8	8	2	8	4	26	7	12	11	6	2
Accident (E922)		1		1	2	2		1	3		
Suicide (E955)	6	5	1	3	2	13	6	5	4	3	2
Homicide (E965)	2	2	1	3		11	1	5	2	2	
Legal intervention (E970)								1			
Undetermined (E985)				1					2	1	
Rate per 100,000	6.2	13.1	3.3	10.4	6.5	11.2	9.1	14.0	19.2	6.9	2.2
Total, 1972	11	8	4	8	9	35	11	11	8	13	4
Accident (E922)	1	1				2	1	1	1		
Suicide (E955)	5	6	3	7	9	13	7	9	7	9	3
Homicide (E965)	5		1	1		20	3	1		3	1
Legal intervention (E970)											
Undetermined (E985)		1								1	
Rate per 100,000	8.5	13.1	6.6	10.4	14.8	15.0	14.2	12.9	14.0	15.0	4.5
Total, 1973	11	10	5	15	5	34	11	9	3	4	11
Accident (E922)	2	1		1		2	1	1		1	
Suicide (E955)	9	7	4	8	4	10	7	6	3	1	10
Homicide (E965)		2	1	3	1	21	3	2		1	
Legal intervention (E970)				1							
Undetermined (E985)				2		1				1	1
Rate per 100,000	8.5	16.3	8.2	19.5	8.2	14.6	14.2	10.5	5.2	4.6	12.3

[1] International Classification of Diseases, 8th revision adapted, Statistical Analysis Unit, Division of Data Services, Ohio Department of Health, Apr. 15, 1975.

OHIO, 1960-73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 400,000 POPULATION

POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	19,982 Adams	36,147 Auglaize	25,178 Brown	20,857 Carroll	29,714 Champaign	30,004 Clinton	32,224 Coshocton	31,508 Defiance	24,775 Fayette	29,301 Fulton [2]
Total, 1960		1	2		3	2	6	1	1	
Accident (E919)			1				1			
Suicide (E976)		1	1		2	1	4	1	1	2
Homicide (E981)					1	1	1			
Police intervention (E984)							1			
Rate per 100,000	0	2.8	7.9	0	10.1	6.7	18.6	3.2	4.0	6.8
Total, 1961	3	1	2		3	3		2	2	4
Accident (E919)								2	1	2
Suicide (E976)	2	1	1		3	2			1	2
Homicide (E981)	1		1			1				
Police intervention (E984)										
Rate per 100,000	15.0	2.8	7.9	0	10.1	10.0	0	6.3	8.1	13.7
Total, 1962	4	2	3		1	2	2	2	2	4
Accident (E919)								1		
Suicide (E976)	2	2	3		1	2	2	1	2	4
Homicide (E981)	2									
Police intervention (E984)										
Rate per 100,000	20.0	5.5	11.9	0	3.4	6.7	6.2	6.3	8.1	13.7
Total, 1963	5	3	1	3	3	4	3		2	5
Accident (E919)				1						1
Suicide (E976)	4	3	1	2	3	4	1		2	2
Homicide (E981)	1						2			2
Police intervention (E984)										

See footnote at end of table.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 400,000 POPULATION—Continued

POPULATION—1960 CENSUS—Continued

Year and type of death and cause of death code [1]	19,982 Adams	36,147 Auglaize	25,178 Brown	20,857 Carroll	29,714 Champaign	30,004 Clinton	32,224 Coshocton	31,508 Defiance	24,775 Fayette	29,301 Fulton
Rate per 100,000	25.0	8.3	4.0	14.4	10.1	13.3	9.3	0	8.1	17.1
Total, 1964	1	2	4	3		1	5	2	3	1
Accident (E919)										
Suicide (E976)	1	2	4	3		1	4	2	3	1
Homicide (E981)							1			
Police intervention (E984)										
Rate per 100,000	5.0	5.5	15.9	14.4	0	3.3	15.5	6.3	12.1	3.4
Total, 1965	3	2		2	4		3	1	2	1
Accident (E919)				1						
Suicide (E976)	2	2		1	4		2		2	
Homicide (E981)	1						1	1		1
Police intervention (E984)										
Rate per 100,000	15.0	5.5	0	9.6	13.5	0	9.3	3.2	8.1	3.4
Total, 1966	1	5		7	3		5	3	2	1
Accident (E919)							1		1	
Suicide (E976)	1	5		4	3		4	2	1	1
Homicide (E981)				3				1		
Police intervention (E984)										
Rate per 100,000	5.0	13.8	0	33.6	10.1	0	15.5	9.5	8.1	3.4
Total, 1967	2	2	4	2	2	3	5	3	1	1
Accident (E919)			2						1	
Suicide (E976)	1	2	2	2	2	3	4	2		1
Homicide (E981)	1						1	1		
Police intervention (E984)										
Rate per 100,000	10.0	5.5	15.9	9.6	6.7	10.0	15.5	9.5	4.0	3.4

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	18, 957 Adams	38, 602 Auglaize	26, 635 Brown	21, 579 Carroll	30, 491 Champaign	31, 464 Clinton	33, 486 Coshocton	36, 949 Defiance	25, 461 Fayette	33, 071 Fulton
Total, 1968	4	3	3	2	6	2	2	1	4	1
Accident (E922)		1		1		1				
Suicide (E955)	4	2	3	1	5	1	2	1	3	1
Homicide (E965)					1				1	
Legal interventon (E970)										
Undetermined (E985)										
Rate per 100,000	21.1	7.8	11.3	9.3	19.7	6.4	6.0	2.7	15.7	3.0
Total, 1969	5	4	6	1	3	6	12	1	2	1
Accident (E922)	1					1	3			
Suicide (E955)	3	4	5		2	4	7	1	2	1
Homicide (E965)	1			1	1	1	2			
Legal intervention (E970)										
Undetermined (E985)			1							
Rate per 100,000	26.4	10.4	22.5	4.6	9.8	19.1	35.8	2.7	7.9	3.0
Total, 1970	6	2	4		3	4	1	2	1	5
Accident (E922)	1		1							
Suicide (E955)	4	2	2		3	3	1	2		3
Homicide (E965)	1		1			1			1	1
Legal intervention (E970)										1
Undetermined (E985)										
Rate per 100,000	31.7	5.2	15.0	0	9.8	12.7	3.0	5.4	3.9	15.1
Total, 1971	11	3	4	3	1	6		2	5	5
Accident (E922)									1	1
Suicide (E955)	6	2	3	3	1	6		2	3	4
Homicide (E965)	5	1	1						1	
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	58.0	7.8	15.0	13.9	3.3	19.1	0	5.4	19.6	15.1

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS—Continued

Year and type of death and cause of death code [1]	18,957 Adams	38,602 Auglaize	26,635 Brown	21,579 Carroll	30,491 Champaign	31,464 Clinton	33,486 Coshocton	36,949 Defiance	25,461 Fayette	33,071 Fulton
Total, 1972	2	2	7	1	2	3		3	2	4
Accident (E922)										
Suicide (E955)	1	2	4		1	1		2	2	4
Homicide (E965)	1		3	1	1	2		1		
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	10.5	5.2	26.3	4.6	6.6	9.5	0	8.1	7.9	12.1
Total, 1973	3	2	5	1	5	4	3	1	2	6
Accident (E922)			1				1			
Suicide (E955)	3	2	3	1	3	4	1		1	6
Homicide (E965)			1		2		1	1	1	
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	15.8	5.2	18.8	4.6	16.4	12.7	9.0	2.7	7.9	18.1

[1] International Classification of Diseases, Adapted, 8th Revision.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 40,000 POPULATION

POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	26,120 Gallia	38,579 Guernsey	29,633 Hardin	17,995 Harrison	25,392 Henry	29,716 Highland	20,168 Hocking	21,591 Holmes	29,372 Jackson	34,803 Logan
Total, 1960	2	6	2	4	4	2		1	6	1
Accident (E919)		2		1					1	1
Suicide (E976)	1	4	1	3	3	2		1	3	
Homicide (E981)	1		1		1				2	
Police intervention (E984)										
Rate per 100,000	7.7	15.6	6.7	22.2	15.8	6.7	0	4.6	20.4	2.9

Total, 1961		2	1	2	3	2	1	2	5	1
Accident (E919)			1	1				1	1	
Suicide (E976)		2		1	3	2	1	1	4	1
Homicide (E981)										
Police intervention (E984)										
Rate per 100,000	0	5.2	3.4	11.1	11.8	6.7	5.0	9.3	17.0	2.9
Total, 1962	4	4	2	4	4		4	2	2	2
Accident (E919)										
Suicide (E976)	4	3	2	3	2		4	2		1
Homicide (E981)		1		1	2				2	1
Police intervention (E984)										
Rate per 100,000	15.3	10.4	6.7	22.2	15.8	0	19.8	9.3	6.8	5.7
Total, 1963		2	3	2	2	7	2	2	2	2
Accident (E919)			1	1			1	1	1	
Suicide (E976)		2	2	1	1	4		1	1	2
Homicide (E981)					1	3	1			
Police intervention (E984)										
Rate per 100,000	0	5.2	10.1	11.1	7.9	23.6	9.9	9.3	6.8	5.7
Total, 1964	1	3	2	1	2	4	4	1	2	2
Accident (E919)				1					1	
Suicide (E976)	1	2	2		2	3	4	1		1
Homicide (E981)		1				1			1	1
Police intervention (E984)										
Rate per 100,000	3.8	7.8	6.7	5.6	7.9	13.5	19.8	4.6	6.8	5.7
Total, 1965	5	2	3	2	3	2	3	1	3	1
Accident (E919)	2	1			1		1		1	
Suicide (E976)	2	1	3	2	2	2	2	1	2	1
Homicide (E981)	1									
Police intervention (E984)										
Rate per 100,000	19.1	5.2	10.1	11.1	11.8	6.7	14.9	4.6	10.2	2.9

See footnote at end of table.

OHIO, 1960–73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 40,000 POPULATION—Continued

POPULATION—1960 CENSUS—Continued

Year and type of death and cause of death code[1]	26,120 Gallia	38,579 Guernsey	29,633 Hardin	17,995 Harrison	25,392 Henry	29,716 Highland	20,168 Hocking	21,591 Holmes	29,372 Jackson	34,803 Logan
Total, 1966	2	3	3	4	1	6	3	3	5	2
Accident (E919)		1	1							
Suicide (E976)	2	2	2	4	1	6	3	3	3	2
Homicide (E981)										
Police intervention (E984)										
Rate per 100,000	7.7	7.8	10.1	22.2	3.9	20.2	14.9	13.9	17.0	5.7
Total, 1967	4	3	7	1	1	3	2	1	1	1
Accident (E919)			1					1		
Suicide (E976)	4	3	6	1	1	3	2		1	1
Homicide (E981)										
Police intervention (E984)										
Rate per 100,000	15.3	7.8	23.6	5.6	3.9	10.1	9.9	4.6	3.4	2.9

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code[1]	25,239 Gallia	37,665 Guernsey	30,813 Hardin	17,013 Harrison	27,058 Henry	28,996 Highland	20,322 Hocking	23,024 Holmes	27,174 Jackson	35,072 Logan
Total, 1968	2	7	4	2		4	2	1	5	3
Accident (E922)			1							1
Suicide (E955)	2	7	3	2		4	2	1	4	2
Homicide (E965)									1	
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	7.9	18.6	13.0	11.8	0	13.8	9.8	4.3	18.4	8.6
Total, 1969	2	1	1	2	3	11	1		2	2

Accident (E922)		1				1				
Suicide (E955)	2			2	3	8	1		2	2
Homicide (E965)						1				
Legal intervention (E970)										
Undetermined (E985)			1			1				
Rate per 100,000	7.9	2.7	3.2	11.8	11.1	37.9	4.9	0	7.4	5.7
Total, 1970	6	3	1	3		5	1	1	6	3
Accident (E922)										
Suicide (E955)	4	3	1	3		5	1	1	5	3
Homicide (E965)	1								1	
Legal intervention (E970)	1									
Undetermined (E985)										
Rate per 100,000	23.8	8.0	3.2	17.6	0	17.2	4.9	4.3	22.1	8.6
Total, 1971	5	1	1	3	3	2	4	6	1	5
Accident (E922)				2	1				1	
Suicide (E955)	5	1	1	1	1	2	2	4		5
Homicide (E965)							2	2		
Legal intervention (E970)										
Undetermined (E985)					1					
Rate per 100,000	19.8	2.7	3.2	17.6	11.1	6.7	19.7	26.1	3.7	14.3
Total, 1972	6	2	3	1	1	6	4	1	2	2
Accident (E922)	1					1				
Suicide (E955)	3	1	1	1	1	4	3	1	1	2
Homicide (E965)	2	1	2				1		1	
Legal intervention (E970)						1				
Undetermined (E985)										
Rate per 100,000	23.8	5.3	9.7	5.9	3.7	20.7	19.7	4.3	7.4	5.7
Total, 1973	4	3	1	4	6	3	2	5	4	
Accident (E922)	1	1		1		1		1		
Suicide (E955)	2	2		3	5	2	1	3	4	
Homicide (E965)	1				1			1		
Legal intervention (E970)							1			
Undetermined (E985)										
Rate per 100,000	15.8	8.0	0	5.9	14.8	20.1	15.0	8.7	18.4	11.4

[1] International Classification of Diseases, 8th Revision Adapted.

Source: Statistical Analysis Unit, Division of Data Services, Ohio Department of Health, April 1975.

Note: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960-73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 40,000 POPULATION

POPULATION—1960 CENSUS

Year and type of death and cause of death of code[1]	26,454 Madison	22,159 Meigs	32,559 Mercer	15,268 Monroe	12,747 Morgan	19,405 Morrow	10,982 Noble	35,323 Ottawa	16,792 Paulding	27,864 Perry
Total, 1960	4	1		1	3	4		2	3	1
Accident (E919)						2				
Suicide (E976)	4	1		1	3	2		2	1	1
Homicide (E981)									2	
Police intervention (E984)										
Rate per 100,000	15.1	4.5	0	6.5	23.5	20.6	0	5.7	17.9	3.6
Total, 1961	1	4	2	2	3	2		1	1	3
Accident (E919)	1									2
Suicide (E976)		3	2	2	3	2		1		1
Homicide (E981)		1							1	
Police intervention (E984)										
Rate per 100,000	3.8	18.1	6.1	13.1	23.5	10.3	0	2.8	6.0	10.8
Total, 1962	3	4	2	10	2		1	1	1	2
Accident (E919)			1							
Suicide (E976)	3	4	1	7	1		1	1	1	2
Homicide (E981)				3	1					
Police intervention (E984)										
Rate per 100,000	11.3	18.1	6.1	65.5	15.7	0	9.1	2.8	6.0	7.2
Total, 1963	3	3	2	3				2		6
Accident (E919)		1								
Suicide (E976)	3	2	2	3				1		6
Homicide (E981)								1		
Police intervention (E984)										

Rate per 100,000	11.3	13.5	6.1	19.7	0	0	0	5.7	0	21.5
Total, 1964	1	2		1	1	2	3	2	2	4
Accident (E919)		1							1	1
Suicide (E976)	1	1			1	2	3	2	1	3
Homicide (E981)				1						
Police intervention (E984)										
Rate per 100,000	3.8	9.0	0	6.5	7.8	10.3	27.3	5.7	11.9	14.4
Total, 1965	4	6	1	1	1	5		3	2	5
Accident (E919)		2		1	1			2		4
Suicide (E976)	3	4	1			5		1	2	
Homicide (E981)	1									1
Police intervention (E984)										
Rate per 100,000	15.1	27.1	3.1	6.5	7.8	25.8	0	8.5	11.9	17.9
Total, 1966	4	3	4	2	3	1	3	1	2	4
Accident (E919)		1			1					
Suicide (E976)	3	2	3	2	2	1	3		2	4
Homicide (E981)	1		1					1		
Police intervention (E984)										
Rate per 100,000	15.1	13.5	12.3	13.1	23.5	5.2	27.3	2.8	11.9	14.4
Total, 1967	3	3	1	5	3	3 3	1	1	1	3
Accident (E919)	1	1	1	1						2
Suicide (E976)	1	2		4	3	3	1	1	1	1
Homicide (E981)	1									
Police intervention (E984)										
Rate per 100,000	11.3	13.5	3.1	32.7	23.5	15.5	9.1	2.8	6.0	10.8

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code[1]	28,318 Madison	19,799 Meigs	35,558 Mercer	15,739 Monroe	12,375 Morgan	21,348 Morrow	10,428 Noble	37,099 Ottawa	19,329 Paulding	27,434 Perry
Total, 1968	1	2	1	2		1		3	1	4
Accident (E922)									1	
Suicide (E955)	1	2	1	2		1		2		4
Homicide (E965)								1		
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	3.5	10.1	2.8	12.7	0	4.7	0	8.1	5.2	14.6
Total, 1969	2	3	3	2	4	2	1		1	3
Accident (E922)										
Suicide (E955)	1	2	3	1	3	1	1			3
Homicide (E965)		1		1	1	1			1	
Legal intervention (E970)										
Undetermined (E985)	1									
Rate per 100,000	7.1	15.2	8.4	12.7	32.3	9.4	9.6	0	5.2	10.9
Total, 1970	4	2	3	2	1	1	3	5	1	
Accident (E922)	2									
Suicide (E955)	2	1	3	1	1	1	3	4	1	
Homicide (E965)		1		1				1		
Legal intervention (E970)										
Undetermined (E985)										

Rate per 100,000	14.1	10.1	8.4	12.7	8.1	4.7	28.8	13.5	5.2	0
Total, 1971		4	4	2	2	2	1	2		1
Accident (E922)		1	1	2		2	1			
Suicide (E955)		3	3		2			2		1
Homicide (E965)										
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	0	20.2	11.2	12.7	16.2	9.4	9.6	5.4	0	3.6
Total, , 1972	6		3		1	3	3	4	2	1
Accident (E922)						1	1			
Suicide (E955)	5		3		1	2	2	4	2	
Homicide (E965)	1									
Legal intervention (E970)										1
Undetermined E985)										
Rate per 100,000	21.2	0	8.4	0	8.1	14.1	28.8	10.8	10.3	3.6
Total, 1973	4	3	2	1		5		2	2	3
Accident (E922)										
Suicide (E955)	3	2	2	1		5		1	1	3
Homicide (E965)	1	1						1	1	
Legal intervention (E970)										
Undetermined (E985)										
Rate per 100,000	14.1	15.2	5.6	6.4	0	23.4	0	5.4	10.3	10.9

[1] International Classification of Diseases, adapted, 8th revision. Statistical Analysis Unit, Division of Data Services, Ohio Department of Health, April 1975.

Source: Resident death statistics courtesy of Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

OHIO, 1960-73—NUMBER OF RESIDENT DEATHS DUE TO FIREARMS, CLASSIFIED BY TYPE, FOR COUNTIES UNDER 40,000 POPULATION

POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	19,380 Pike	32,498 Preble	28,331 Putnam	33,586 Shelby	22,853 Union	28,840 Van Wert	10,274 Vinton	29,968 Williams	21,648 Wyandot
Total, 1960	1	6	1	3	3	1	1	4	3
Accident (E919)				1					1
Suicide (E976)	1	5	1	2	3	1	1	4	2
Homicide (E981)		1							
Police intervention (E984)									
Rate per 100,000	5.2	18.5	3.5	8.9	13.1	3.5	9.7	13.3	13.9
Total, 1961		4	3	1	3	3		5	3
Accident (E919)			1		1				
Suicide (E976)		3	2	1	2	3		4	3
Homicide (E981)		1						1	
Police intervention (E984)									
Rate per 100,000	0	12.3	10.6	3.0	13.1	10.4	0	16.7	13.9
Total, 1962		6	2	1	2	4	1	4	1
Accident (E919)				1		2			
Suicide (E976)		5	2		2	2		4	1
Homicide (E981)		1					1		
Police intervention (E984)									
Rate per 100,000	0	18.5	7.1	3.0	8.8	13.9	9.7	13.3	4.6
Total, 1963	3	1	2	1	4	2	3	3	1
Accident (E919)									
Suicide (E976)	2	1	2		2	2	3	3	1
Homicide (E981)	1			1	2				
Police intervention (E984)									

Rate per 100,000	15.5	3.1	7.1	3.0	17.5	6.9	29.2	10.0	4.6
Total, 1964	2	4	4		5	1		3	
Accident (E919)			1					1	
Suicide (E976)	1	3	2		5	1		1	
Homicide (E981)	1	1	1					1	
Police intervention (E984)									
Rate per 100,000	10.3	12.3	14.1	0	21.9	3.5	0	10.0	0
Total, 1965	1	3	2	1	1	1	3		
Accident (E919)			1			1			
Suicide (E976)	1	2	1	1	1		2		
Homicide (E981)		1					1		
Police intervention (E984)									
Rate per 100,000	5.2	9.2	7.1	3.0	4.4	3.5	29.2	0	0
Total, 1966	2		1	1	2	1	4	6	2
Accident (E919)	1						4		
Suicide (E976)	1		1	1	2	1		5	2
Homicide (E981)								1	
Police intervention (E984)									
Rate per 100,000	10.3	0	3.5	3.0	8.8	3.5	38.9	20.0	9.2
Total, 1967	3	2	2	3	4	1	2	1	2
Accident (E919)	1								1
Suicide (E976)	2	1	2	2	4	1	1	1	1
Homicide (E981)		1		1			1		
Police intervention (E984)									
Rate per 100,000	15.5	6.2	7.1	8.9	17.5	3.5	19.5	3.3	9.2

See footnote at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	19,114 Pike	34,719 Preble	31,134 Putnam	37,748 Shelby	23,786 Union	29,194 Van Wert	9,420 Vinton	33,669 Williams	21,826 Wyandot
Total, 1968	5	2	1	2	4	3		4	
Accident (E922)	1	1	1	1	2				
Suicide (E955)	2	1		1	2	3		4	
Homicide (E965)	1								
Legal intervention (E970)	1								
Undetermined (E985)									
Rate per 100,000	26.2	5.8	3.2	5.3	16.8	10.3	0	11.9	0
Total, 1969	3	1	1	3	1	3		2	4
Accident (E922)						1			2
Suicide (E955)	3	1	1	3	1	2		2	2
Homicide (E965)									
Legal intervention (E970)									
Undetermined (E985)									
Rate per 100,000	15.7	2.9	3.2	7.9	4.2	10.3	0	5.9	18.3
Total, 1970	4	6		2	4		2	2	2
Accident (E922)		1					1		
Suicide (E955)	4	4		1	4		1	2	1
Homicide (E965)		1		1					
Legal intervention (E970)									
Undetermined (E985)									1

Rate per 100,000	20.9	17.3	0	5.3	16.8	0	21.2	5.9	9.2
Total, 1971	1	4	3	6	4	1		3	2
Accident (E922)			1					2	2
Suicide (E955)		3	2	3	2	1		1	
Homicide (E965)	1	1		3	1				
Legal intervention (E970)									
Undetermined (E985)					1				
Rate per 100,000	5.2	11.5	9.6	15.9	16.8	3.4	0	8.9	9.2
Total, 1972	1	2	1		6			1	3
Accident (E922)					1				
Suicide (E955)	1	2	1		4			1	3
Homicide (E965)					1				
Legal intervention (E970)									
Undetermined (E985)									
Rate per 100,000	5.2	5.8	3.2	0	25.2	0	0	3.0	13.7
Total, 1973	4	1		5	3	1	2	4	
Accident (E922)				1			1	2	
Suicide (E955)	2			3	3	1	1	2	
Homicide (E965)	2	1		1					
Legal intervention (E970)									
Undetermined (E985)									
Rate per 100,000	20.9	2.9	0	13.2	12.6	3.4	21.2	11.9	0

[1] International Classification of Diseases, Adapted, 8th Revision.

RESIDENT DEATHS DUE TO FIREARMS, BY TYPE OF DEATH, 8 METROPOLITAN CITIES AND OHIO, 1960–73

POPULATION—1960 CENSUS

Year and type of death and cause of death code [1]	9,706,397 Ohio	290,351 Akron	113,631 Canton	502,550 Cincinnati	876,050 Cleveland	471,316 Columbus	262,332 Dayton	318,003 Toledo	166,68 Youngstown
Total, 1960	792	19	11	45	102	43	26	30	21
Accident (E919)	68	1	----	2	5	3	1	3	----
Suicide (E976)	500	10	8	24	34	30	14	21	9
Homicide (E981)	202	6	3	15	57	10	9	4	11
Police intervention (E984)	22	2	----	4	6	----	2	2	1
Rate per 100,000	8.16	6.54	9.68	8.95	11.64	9.12	9.91	9.43	12.59
Total, 1961	759	27	14	45	95	52	26	21	11
Accident (E919)	68	2	1	1	5	2	1	3	----
Suicide (E976)	451	16	8	18	33	27	6	14	5
Homicide (E981)	212	8	5	23	49	19	16	3	6
Police intervention (E984)	28	1	----	3	8	4	3	1	----
Rate per 100,000	7.82	9.29	12.32	8.95	10.84	11.03	9.91	6.60	6.59
Total, 1962	759	20	8	55	65	44	31	29	11
Accident (E919)	56	----	1	3	1	2	1	2	1
Suicide (E976)	505	12	3	30	32	24	18	16	2
Homicide (E981)	192	8	4	21	28	18	12	10	8
Police intervention (E984)	6	----	----	1	4	----	----	1	----
Rate per 100,000	7.82	6.88	7.04	10.94	7.41	9.33	11.81	9.11	6.59
Total, 1963	758	19	10	37	92	25	26	38	17
Accident (E919)	65	1	1	3	7	1	----	1	4
Suicide (E976)	481	12	5	16	26	14	14	27	4
Homicide (E981)	203	5	4	17	55	9	12	10	9
Police intervention (E984)	9	1	----	1	4	1	----	----	----

Rate per 100,000	7.81	6.54	8.80	7.36	10.50	5.30	9.91	11.94	10.19
Total, 1964	784	27	14	48	106	39	24	23	10
Accident (E919)	58	1	1	3	4	2	----	2	----
Suicide (E976)	490	18	10	20	30	26	6	16	9
Homicide (E981)	218	7	3	23	65	9	16	5	1
Police intervention (E984)	18	1	----	2	7	2	2	----	----
Rate per 100,000	8.08	9.29	12.32	9.55	12.09	8.27	9.14	7.23	5.99
Total, 1965	878	25	12	60	116	55	37	31	14
Accident (E919)	89	1	1	1	4	1	4	1	2
Suicide (E976)	501	16	4	30	38	27	12	20	6
Homicide (E981)	266	8	6	26	68	23	20	10	5
Police intervention (E984)	22	----	1	3	6	4	1	----	1
Rate per 100,000	9.05	8.61	10.56	11.93	13.24	11.66	14.10	9.74	8.39
Total, 1966	916	26	12	47	139	51	42	33	16
Accident (E919)	71	3	1	4	3	1	1	2	2
Suicide (E976)	498	9	3	21	42	28	17	14	5
Homicide (E981)	329	13	8	20	88	21	24	15	8
Police intervention (E984)	18	1	----	2	6	1	----	2	1
Rate per 100,000	9.44	8.95	10.56	9.35	15.81	10.82	16.01	10.37	9.59
Total, 1967	1,023	36	16	68	143	43	49	54	27
Accident (E919)	84	2	2	3	1	2	2	4	2
Suicide (E976)	524	16	6	21	39	22	9	25	13
Homicide (E981)	399	20	8	42	94	19	38	24	11
Police intervention (E984)	16	----	----	2	9	----	----	1	1
Rate per 100,000	10.54	12.39	14.08	13.53	16.32	9.12	18.67	16.98	16.19

See footnotes at end of table.

RATE PER 100,000 DETERMINED BY POPULATION—1970 CENSUS

Year and type of death and cause of death code [1]	10,652,017 Ohio	275,425 Akron	110,053 Canton	452,524 Cincinnati	750,903 Cleveland	539,677 Columbus	243,601 Dayton	383,818 Toledo	140,909 Youngstown
Total, 1968	1,130	42	16	64	202	76	57	48	23
Accident (E922)	76	2	2	1	13	1	4	8	1
Suicide (E955)	586	22	6	27	44	37	9	24	6
Homicide (E965)	433	17	7	34	130	34	43	15	13
Legal intervention (E970)	29	1	1	2	15	3	1	1	2
Undetermined (E985)	6	----	----	----	----	1	----	----	1
Rate per 100,000	10.60	15.24	14.53	14.14	26.90	14.08	23.40	12.51	16.32
Total, 1969	1,278	49	12	66	281	64	81	42	24
Accident (E922)	80	2	1	1	12	3	3	3	1
Suicide (E955)	610	26	6	20	45	25	24	25	7
Homicide (E965)	545	20	5	43	213	32	52	11	16
Legal intervention (E970)	23	1	----	1	9	3	2	3	----
Undetermined (E985)	20	----	----	1	2	1	----	----	----
Rate per 100,000	12.00	17.79	10.90	14.58	37.42	11.85	33.25	10.94	17.03
Total, 1970	1,313	46	9	71	254	83	69	28	32
Accident (E922)	83	5	2	3	16	5	2	----	3
Suicide (E955)	620	10	5	23	38	35	24	12	6
Homicide (E965)	574	28	2	42	193	38	41	14	23
Legal intervention (E970)	20	1	----	3	6	3	1	1	----
Undetermined (E985)	16	2	----	----	1	2	1	1	----

Rate per 100,000	12.33	16.70	8.17	15.68	33.82	15.37	28.32	7.29	22.70
Total, 1971	1,419	66	13	89	281	99	86	35	26
Accident (E922)	87	3	2	2	16	4	1		1
Suicide (E955)	633	23	5	28	40	44	22	18	6
Homicide (E965)	642	36	6	56	211	44	63	17	17
Legal intervention (E970)	29	1		3	14	3			2
Undetermined (E985)	28	3				4			
Rate per 100,000	13.32	23.96	11.81	19.66	37.42	18.34	35.30	9.11	18.45
Total, 1972	1,506	50	16	108	307	85	105	42	40
Accident (E922)	68	2	2	3	6	2	4	3	2
Suicide (E955)	692	17	7	42	43	32	34	17	10
Homicide (E965)	692	26	7	61	242	48	66	21	28
Legal intervention (E970)	32	3		2	16	2	1	1	
Undetermined (E985)	22	2				1			
Rate per 100,000	14.14	18.15	14.53	23.86	40.88	15.75	43.10	10.94	28.38
Total, 1973	1,559	59	18	88	293	100	118	64	35
Accident (E922)	87		2	1	14	7	1	1	3
Suicide (E955)	704	30	8	34	52	36	28	26	8
Homicide (E965)	714	26	7	49	218	53	89	33	21
Legal intervention (E970)	24	2	1	2	6	3		4	1
Undetermined (E985)	30	1		2	3	1			2
Rate per 100,000	14.64	21.42	16.35	19.44	39.01	18.52	48.43	16.67	24.83

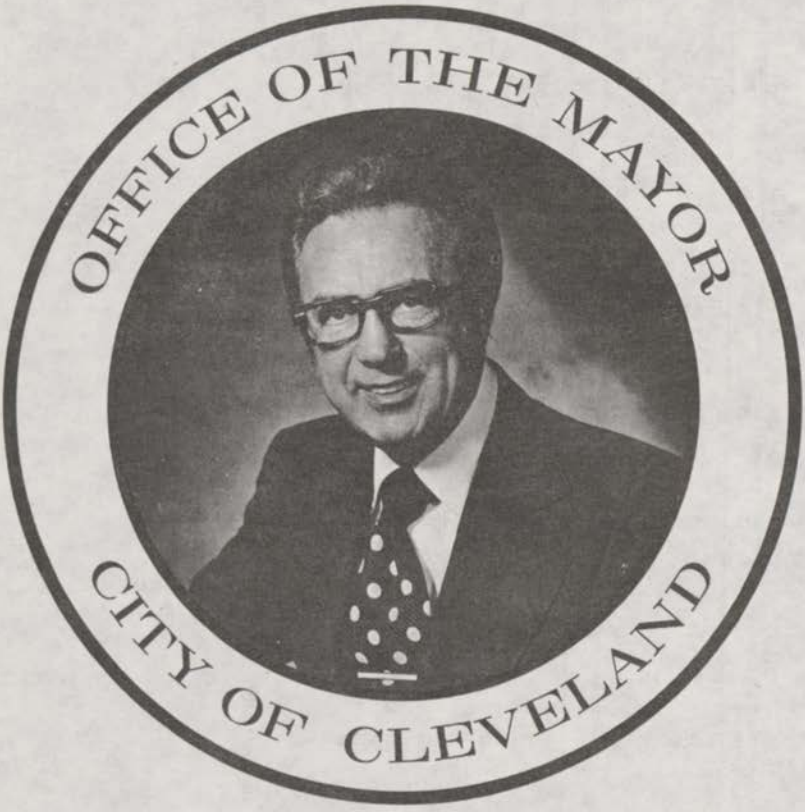
[1] International Classification of Diseases, adapted, 8th revision. Statistical Analysis Unit, Division of Data Services, Ohio Department of Health, February 1975.

Source: Resident death statistics courtesy Bureau of Vital Statistics, State of Ohio. Compilation furnished by Cuyahoga County Coroner's Office, Ohio.

APPENDIX 2

EXHIBIT SUBMITTED BY MAYOR PERK

THE MAYOR'S GUN CONTROL PROGRAM – 1975



THE MAYOR'S GUN CONTROL PROGRAM - 1975

City of Cleveland

RALPH J. PERK, MAYOR

March 10, 1975

Dear Citizen:

During my tenure as Mayor, my number one priority has been the reduction of crime in our City. Through the first two years of my administration, major crimes in Cleveland were reduced by 26 percent. Relative to my anti-crime commitment, I am very pleased to forward you a copy of my "Gun Control Program For 1975."

This gun control concept contains a comprehensive eleven-point program dealing specifically with those crimes associated with handguns. I will not take time now to review the frightening statistics in regard to the increase in homicides and felonious assaults in our City. We can no longer stand idly by while such violence rules our community. My program provides for a complete ban on the "Saturday Night Special." It also allows for a mandatory waiting period for the purchase of both firearms and ammunition. New restraints are included on the purchase and possession of firearms by minors. These and the remaining eight points are discussed in detail and are enclosed within.

This Gun Control Program, with the participation and involvement of every law-abiding citizen, will allow us to achieve our goal of making Cleveland the safest large city in the United States. To date, efforts to obtain uniform firearm control laws through voluntary action have proven unsuccessful. Let us hope that Cleveland's Gun Control Program will initiate state and federal action toward a unified gun control law.

I therefore urge your support for my Gun Control Program, as it truly concerns us all.

Sincerely,

Ralph J. Perk

Ralph J. Perk
Mayor, City of Cleveland

TABLE OF CONTENTS

SECTION		PAGES
ONE	Mayor Ralph J. Perk's Official Press Release of March 1, 1975	1-3
TWO	Mayor Ralph J. Perk's Point-by-Point Discussion of his "Gun Control Program"	4-17
TWO (A)	Mayor Ralph J. Perk's Comments on the Ineffectiveness of Gun Registration	18
THREE	The "Mayor's Gun Control Program"	19-31
THREE (A)	Ordinance Number 483-75	19-28
THREE (B)	Ordinance Number 484-75	29-31

MAYOR'S GUN CONTROL PROGRAM - 1975

OFFICIAL PRESS RELEASE

by

MAYOR RALPH J. PERK

MARCH 1, 1975

PRESS RELEASE

CITY OF CLEVELAND
RALPH J. PERK, Mayor

FROM THE OFFICE OF THE MAYOR

THE MAYOR'S GUN CONTROL PROGRAM - 1975

I am deeply concerned about the increase in homicides and injuries resulting from shootings not only in the City of Cleveland but throughout our community. The situation is alarming in Cleveland and it is time that all segments of our community unite in doing something about these problems. Some time ago I instructed the Cleveland Law Director to commence work on a program that was comprehensive and which would attack the gun problem from a variety of directions. That program is now ready and I will introduce before Council this coming Monday, March 3, 1975, a series of ordinances which make up an eleven-point program. My eleven-point program:

1. Bans the Saturday Night Special;

2. Provides a seven day cooling off period and notice to the police before any gun dealer can deliver any firearms or ammunition to a purchaser in Cleveland;

3. Prohibits granting a permit to purchase a firearm to persons under indictment, drug users and other classes of persons who should not have guns;

4. Prohibits the sale of any firearm ammunition to anyone under eighteen or handgun ammunition to anyone under twenty-one;

5. Prohibits any possession of a firearm by a minor except under the supervision or control of a responsible adult and then only for hunting or firearm instruction;

6. Bans all firearms from schools, parks, playgrounds and other public property except by law enforcement officers;

7. Bans handguns and other weapons from privately owned public places such as stores, restaurants and taverns except by law enforcement officers and businessmen in their places of business for their protection;

8. Provides immediate seizure by the police of firearms and deadly weapons where there is reasonable cause to fear bodily harm with return of the firearm or weapon only by court order;

9. Provides for total confiscation of firearms and their final disposal by the police upon conviction of anyone for a number of firearm related offenses;

10. Prohibits the possession of guns without serial numbers;

11. Provides stiffer penalties for many firearm offenses including mandatory penalties of not less than three (3) days, nor more than six (6) months in jail, and not less than Three Hundred Dollars ($300.00), nor more than One Thousand ($1,000.00) in fines, none of which may be suspended or otherwise reduced.

You will note that this program does not call for the licensing of gun owners or the registration of guns. Many people do not know that you already must obtain a permit from the police to buy a handgun in Cleveland. This law is already widely circumvented. Most guns are now bought by Clevelanders in the suburbs where they are easily available merely by displaying a driver's license or similar identification and filling out a form.

Cleveland has long had strict ordinances governing the purchase of handguns. Our greatest problems have been caused by the use of such guns which

were purchased outside of our city limits. I am again calling upon the state legislature to pass similar legislation to ours, so that these controls can be statewide.

The ineffectiveness of gun registration laws on a local basis has also been scored by various experts who point out that the majority of homicides occur in the home and that most victims tend to be family members, neighbors or other people well known to the person who pulls the trigger. Short of wholesale confiscation, these kinds of homicides will continue to occur whether or not there are registration and licensing programs.

Therefore, my program is designed to give law enforcement officials a variety of new tools to make guns harder to obtain; to keep them out of the hands of those who should never have them; to keep them out of places where they should never be carried; and to seize, confiscate and dispose of them in a host of situations. My program also strengthens the hand of the courts by imposing stiff minimum penalties.

None of the new laws substantially affect the vast majority of peaceful citizens. My program has been reviewed by Safety Director Carney and Police Chief Rademaker. Both of them agree that, "The legislation as written should serve as a most effective law enforcement and crime prevention measure provided the mandatory imprisonment features are strictly applied by the judicial branch of the criminal justice spectrum."

Therefore, with the approval of this legislation, the citizens of Cleveland should feel more secure on the streets of our city.

A DISCUSSION

OF

"THE MAYOR'S GUN CONTROL PROGRAM"

The following is a summary of Ordinance Numbers 483-75 and 484-75 as proposed by Mayor Ralph J. Perk to Cleveland City Council on March 3, 1975, which have been titled "The Mayor's Gun Control Program". Appropriate excerpts from the sections defining the violations and their respective penalties are commented upon by the Mayor which indicate the rationale for these Ordinances. It is the belief of Mayor Perk that the passage of "The Mayor's Gun Control Program" will reduce the incidences of crimes committed with the use of handguns and substantially alter the trend of increased criminal activity in the City of Cleveland. New sections and proposed changes in the City of Cleveland's Codified Ordinances are underlined on the following pages.

POINT NUMBER ONE

"BANS THE SATURDAY NIGHT SPECIAL"

Legislation:

Ordinance Number 483-75
Section 19.13106 Unlawful Transaction in Weapons

(A) No person shall:

> (4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire, or furnish to any person any handgun having a barrel of 3 inches or less, measured by the insertion of a rod with the receiver or slide closed, and having a caliber of .32 or less. This sub-section shall not apply to a law enforcement agent in the discharge of his duties, or to firearms described in Section 2923.11 (k) (l) and (5) of the Revised Code of the State of Ohio.

The Penalty Provided:

(B) Whoever violates Divisions (A) (4) of this section shall be imprisoned not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

The Mayor's Comment:

"Cheap handguns - the so-called 'Saturday Night Specials' - have no place in the civilized community for any purpose. My legislation bans them altogether. The definition utilized is simple and easy to use. It defines a 'Saturday Night Special' as a handgun having a barrel of three inches (3") or less measured by the insertion of a rod with the receiver or slide closed and having a caliber of .32 or less. According to experts in the Cleveland Police Department this will eliminate most cheap snub-nose handguns whose only purpose is to kill. This will significantly reduce the number of guns in circulation."

POINT NUMBER TWO

"PROVIDES A SEVEN (7) DAY COOLING OFF PERIOD AND NOTICE TO THE POLICE BEFORE ANY GUN DEALER CAN DELIVER ANY FIREARMS OR AMMUNITION TO A PURCHASER IN CLEVELAND"

Legislation:

Ordinance Number 484-75
Section 11.2306 Firearms and Ammunition Sales - Waiting Period:

> (A) Every person, firm or corporation who sells, transfers or otherwise deals in firearms as defined in Section 19.1101 of the Codified Ordinances shall, after the sale, transfer or other dealing, retain possession of the firearm for a period of seven (7) calendar days from the date of the transaction. After the expiration of this period of time, the buyer or transferee shall have the right to acquire the firearm from the seller, transferor, or dealer, provided however, that nothing in this subsection shall be construed to relieve any person, firm or corporation from complying with any other section of this Chapter.
>
> (B) Every person, firm or corporation who sells, transfers, or otherwise deals in firearms ammunition shall, after the sale, transfer or other dealing, retain possession of the firearm ammunition for a period of seven (7) calendar days from the date of the transaction. After the expiration of this period of time, the buyer or transferee shall have the right to acquire the firearms ammunition from the seller, transferor, or dealer, provided however, that nothing in this subsection shall be construed to relieve any person, firm or corporation from complying with any other section of this Chapter.

The Penalty Provided:

Whoever violates any of the provisions of this Chapter for which no other penalties are provided shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). Every purchase, sale, or gift of any weapon mentioned in this Chapter shall be deemed a separate offense for each violation thereof.

The Mayor's Comment:

"No one in a state of anger or highly disturbed state should be permitted to rush to a store and buy either a firearm or ammunition. Tragedy is likely to result. Cleveland has long required a permit to purchase a hand-

gun and the reporting of handgun sales. The new law provides for a cooling-off period of seven (7) days and this cooling-off period applies to all transfers of all types of guns and ammunition. It also requires dealers to report ammunition transactions within three (3) days, in sufficient time to give notice to police. The present law allows the dealers thirty (30) days to report such ammunition transactions during which time serious injuries and even deaths could occur. The seven day cooling-off period and three (3) day reporting requirement will serve as a significant preventive tool in reducing crimes of violence and passion.

POINT NUMBER THREE

"PROHIBITS GRANTING A PERMIT TO PURCHASE A FIREARM TO PERSONS UNDER INDICTMENT, DRUG USERS AND OTHER CLASSES OF PERSONS WHO SHOULD NOT HAVE GUNS"

Legislation:

Ordinance Number 484-75
Section 11.2309 Duties of Chief of Police

> It shall be the duty of the Chief of Police to refuse any permit described in this Chapter to: (1) Persons prohibited from acquiring firearms pursuant to Section 2923.13 of the Ohio Revised Code and any amendments or additions thereto or reenactments thereof; (2) Minors.

The Penalty Provided:

Whoever violates any of the provisions of this Chapter for which no other penalties are provided shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). Every purchase, sale, or gift of any weapon mentioned in this Chapter shall be deemed a separate offense for each violation thereof.

The Mayor's Comment:

"In order to close a gap in existing city law, a new Ordinance prohibits those persons under indictment, drug users, and other classes of persons who should not have guns, from obtaining permits to purchase handguns. These unreliable persons are more likely to misuse guns, and they will be prohibited from obtaining them."

POINT NUMBER FOUR

"PROHIBITS THE SALE OF ANY FIREARM AMMUNITION TO ANYONE UNDER EIGHTEEN (18) OR HANDGUN AMMUNITION TO ANYONE UNDER TWENTY-ONE (21)"

Legislation:

Ordinance Number 483-75
Section 19.13107 Improperly Furnishing Firearms or Ammunition to a Minor

(A) No person shall:

(1) Sell any firearm or firearm ammunition to a person under age eighteen;

(2) Sell any handgun or handgun ammunition to a person under age twenty-one;

(3) Furnish any firearm or ammunition to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

The Penalty Provided:

(B) ...[W]hoever violates this section is guilty of improperly furnishing firearms to a minor, and shall be imprisoned for not less than seven (7) days, nor more than six (6) months, and shall be fined not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

The Mayor's Comment:

"It is widely recognized that a disproportionate amount of violent crime is committed by younger persons, particularly teenage youths. A Cleveland Ordinance now allows persons seventeen and over to purchase firearm ammunition. This Ordinance is to be repealed, and the Ordinance above will change the law so that no person under age Eighteen can purchase firearm ammunition and no person under age Twenty-One can purchace handgun ammunition. The Ordinance also prohibits the furnishing of ammunition to a person under age eighteen except for lawful hunting or instruction, while supervised by a responsible adult."

POINT NUMBER FIVE

"PROHIBITS ANY POSSESSION OF A FIREARM BY A MINOR EXCEPT UNDER THE SUPERVISION OR CONTROL OF A RESPONSIBLE ADULT AND THEN ONLY FOR HUNTING OR FIREARMS INSTRUCTION"

Legislation:

Ordinance Number 483-75
Section 19.13108 Possession of Firearms by Minors

(A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

(B) A juvenile who violates this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Chapter 2151 of the Ohio Revised Code.

The Mayor's Comment:

"Beyond the need to limit any purchase of firearms or ammunition by minors, there is a need for separate legislation for strict control of the possession of firearms by minors. This new provision of the program prohibits any possession of any firearm by a minor except under the supervision or control of a responsible adult and then only for the limited purposes of hunting or firearms instruction."

52-557 O - 75 - 16

POINT NUMBER SIX

"BANS ALL FIREARMS FROM SCHOOLS, PARKS, PLAYGROUNDS AND OTHER PUBLIC PROPERTY EXCEPT BY LAW ENFORCEMENT OFFICERS"

Legislation:

Ordinance Number 483-75
Section 19.13109 Possessing Deadly Weapons on Public Property

> (A) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.
>
> (B) For the purposes of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works, and any other property, building or structure owned, leased, or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private, or parochial, and to churches, synagogues, and other places of worship.
>
> (C) This section does not apply to officers, agents, or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition, or was in the possession of a person participating in an organized match, competition, or practice session on public property, or in a public building.

The Penalty Provided:

(D)...[W]hoever violates this section is guilty of possessing deadly weapons on public property, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00) nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

The Mayor's Comment:

"There are numerous public places where there can be no justification for the

possession of any firearms except by lawful authorities. A new Ordinance bars possession of any firearms and other deadly weapons in schools, parks, playgrounds, courthouses, office buildings, jails and any other property, building or structure owned, leased or rented by a governmental unit. An exception is made in conformity to existing state law for officers, agents or employees of the United States or law enforcement officers or persons with private and special police commissions."

POINT NUMBER SEVEN

"BANS HANDGUNS AND OTHER WEAPONS FROM PRIVATELY OWNED PUBLIC PLACES SUCH AS STORES, RESTAURANTS AND TAVERNS EXCEPT BY LAW ENFORCEMENT OFFICERS AND BUSINESSMEN IN THEIR PLACES OF BUSINESS FOR THEIR PROTECTION"

Legislation:

Ordinance Number 483-75
Section 19.13110 Possessing Certain Weapons at or about Public Places

(A) No person shall knowingly carry, have in his possession or ready at hand any handgun, dangerous ordnance, knife having a blade two and one-half (2 1/2) inches in length or longer, brass knuckles, cestus, billy, karate stick, black-jack, sword or saber while at or about a public place.

(B) For the purpose of this section, public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and any grounds, areas, or parks where persons would congregate.

(C) This section does not apply to officers, agents, or employees of this or any other state of the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties.

(D) This section shall not apply if:

(1) Any weapon in Division (A) was concealed by the person; or

(2) Any weapon in Division (A) was part of a public weapons display, show or exhibition, or was in the possession of a person participating in an organized match, competition, or practice session.

(E) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon was kept ready at hand by the actor for defensive purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to a criminal attack, such as would justify a prudent man in having the weapon ready at hand.

The Penalty Provided:

(F) ...[W]hoever violates this section is guilty of possessing certain weapons on or about public places, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

The Mayor's Comment:

"In addition to the need for prohibiting handguns from publicly owned property there is a similar need for prohibiting them from various privately owned places where the public tends to congregate, such as stores, shops, restaurants, etc. Here, there is new legislation which prohibits any person from knowingly carrying any handgun or various other weapons whether concealed or not. Law enforcement officers or persons with special or private police commissions are excepted from this ordinance. This would not prohibit store owners and businessmen from keeping weapons in their places of business for protection.

"This ordinance does not apply to concealed weapons because carrying concealed weapons is a felony under state law. Another exception is made for weapons used in public weapons displays, shows, etc., or used in organized matches, competitions or practice sessions."

POINT NUMBER EIGHT

"PROVIDES IMMEDIATE SEIZURE BY THE POLICE OF FIREARMS AND DEADLY WEAPONS WHERE THERE IS REASONABLE CAUSE TO FEAR BODILY HARM WITH RETURN OF THE FIREARM OR WEAPON ONLY BY COURT ORDER"

Legislation:

Ordinance Number 483-75
Section 19.13111 Seizure and Confiscation of Deadly Weapons

(A) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, or threatening bodily harm, or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction.

(B) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this Chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence, or the threat of the use of force or violence against the person of another, shall, upon conviction of such person, firm or corporation, be confiscated by the Division of Police for disposal, except that any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of the Codified Ordinances of the City of Cleveland or of State or Federal law.

The Mayor's Comment:

"No direct legal support is now provided for the police in the numerous situations where deadly weapons are present and persons have been drinking or disturbing the peace or threatening harm or violence. In such cases, there is frequently an immediate risk of tragedy. This new Cleveland ordinance will now provide the Police force with specific authority to seize firearms and other deadly weapons in such situations and hold them until there has been a Court order permitting their release. The burden is now upon the person threatening to commit violence with such weapons to take the necessary steps to obtain a Court order for the release of the weapon."

POINT NUMBER NINE

"PROVIDES FOR TOTAL CONFISCATION OF FIREARMS AND THEIR FINAL DISPOSAL BY THE POLICE UPON CONVICTION OF ANYONE FOR A NUMBER OF FIREARM-RELATED OFFENSES"

Legislation:

Ordinance Number 483-75
Section 11.2317 Firearms Confiscated

> Any weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this Chapter shall upon conviction of such person, firm or corporation, be confiscated by the Division of Police for disposal, except that any weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by such owner would constitute a violation of any provision of the Codified Ordinances of the City of Cleveland or of State or Federal law.

The Mayor's Comment:

"There is at present no ordinance fully authorizing the Police to confiscate and destroy or dispose of weapons obtained by them in numerous situations. This gap in the law is now closed. Under this new legislation, the police may now confiscate and dispose of deadly weapons seized by them in a variety of situations where there is a conviction under a gun control measure and further where there is a conviction under a felony or misdemeanor involving the use of a deadly weapon or the use of force or violence. Under this new law, a number of firearms will be totally removed from circulation."

POINT NUMBER TEN

"PROHIBITS THE POSSESSION OF GUNS WITHOUT SERIAL NUMBERS"

Legislation:

Ordinance Number 483-75
Section 19.13106 Unlawful Transaction in Weapons

(A) No person shall:

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; provided, however, that this prohibition shall not apply to any person who is in possession of such a handgun on the effective date of this section, and who within a period of thirty (30) days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number according to a numbering system established by the Chief of Police. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

The Penalty Provided:

...[W]hoever violates Division (A) (5) of this section shall be imprisoned not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

The Mayor's Comment:

"Guns without serial numbers are often stolen guns. Prohibiting possession of such guns will permit their confiscation. Requiring all guns to bear serial numbers will aid in tracing ownership of guns used to commit crimes."

POINT NUMBER ELEVEN

"PROVIDES STIFFER PENALTIES FOR MANY FIREARM OFFENSES INCLUDING MANDATORY MINIMUM PENALTIES OF NOT LESS THAN THREE (3) DAYS IN JAIL AND THREE HUNDRED DOLLARS ($300.00) WHICH MAY NOT BE SUSPENDED OR REDUCED."

Legislation:

Ordinance Number 483-75
Section 19.13106 - 19.13111;

Ordinance Number 484-75
Section 11.2306; 11.2309; 11.2317

NOTE: For the following misdemeanors, (1) Carrying Concealed Weapons, (2) Using Weapons While Intoxicated, (3) Improperly Handling Firearms in a Motor Vehicle, (4) Certain Unlawful Transactions in Weapons, (5) Improperly Furnishing Firearms or Ammunition to a Minor, (6) Possessing Deadly Weapons on Public Property, and (7) Possessing Certain Weapons at or about Public Places, mandatory minimum penalties have been provided for within the "Mayor's Gun Control Program".

The Mayor's Comments:

"Current law provides penalties for various weapons offenses as little as $25 in certain cases and $50 in others. These penalty provisions are greatly strengthened with mandatory sentences for carrying a concealed weapon of not less than three (3) days, nor more than six (6) months in jail and not less than Three Hundred Dollars ($300.00) nor more than One Thousand Dollars ($1,000.00) in fines, none of which may be suspended or otherwise reduced by the court. The penalty for furnishing or selling a firearm to a minor carries the same maximum penalty of six (6) months in jail and One Thousand Dollars ($1,000.00) fine, and it further requires a mandatory minimum sentence of seven (7) days imprisonment and Five Hundred Dollars ($500.00) fine.

THE MAYOR'S COMMENT ON GUN REGISTRATION

Strong, effective gun control laws have eluded our City and our Nation primarily because of confusion over what gun control actually means. Gun control does not necessarily mean gun registration. What I have submitted to Cleveland City Council is a strong local gun control program. It differs from previous legislation submitted in that it does not require gun registration and it deals primarily with the Criminal Code and not the Business Regulations Code.

While criminal penalties are provided for in both the Business Regulations Code and the Criminal Code, there are essential differences in their purpose. The Business Regulations Code is designed to control certain business dealings in legitimate commerce while the Criminal Code is designed to prohibit certain activities and conduct and is viewed as a general ban on these activities and conduct which are unlawful and applicable to all persons. My Gun Control Proposal changes the Criminal Code by stiffening existing penalties and making it unlawful to possess certain kinds of weapons.

Today, it is estimated that Americans own over 100 million firearms and that figure is growing every day if back orders of gun manufacturers are any indication. We know all to well the price we pay for possessing firearms. Some 70 Americans a day die in our Country by gunfire and that figure has been climbing each year in spite of the passage of the Federal Gun Control Act of 1968 which requires dealers and other sellers of handguns to keep records, and in certain situations to furnish these records to local law enforcement officials. In the few cities around the country that have adopted gun registration, the experience indicates that registration does not decrease the number of guns in circulation. It does, in fact, increase the number of guns in circulation by giving citizens the false impression that because their guns are registered, they have a permit to carry such a weapon.

I am opposed to gun registration because it cannot possibly be effective in reducing the killings, assaults and accidents caused by guns occuring daily in our community. The fact a gun is registered makes it no less lethal as a weapon. Persons who carry guns, whether registered or not, will use them unless we take stern action to penalize their possession and make their availability difficult. Both the National Commission on Causes and Prevention of Violence and the Commission on Law Enforcement and Administration of Justice agreed that licensing of gun owners not be done on the city level.

Gun registration can only serve to penalize and harass the law-abiding citizen by inflicting an unwarranted burden upon him. Certainly no one suggests that the criminal would comply with the registration requirements if they were enacted. The solution to the problem is not registration but rather passage of legislation to make it harder to purchase handguns in our City and throughout the Nation. We need stiff penalties attached to crimes involving the carrying and use of handguns and we need judges to vigorously enforce the law as it is written. My proposal offers an opportunity to have strong gun control legislation which is workable and appropriate for a local government.

MAYOR'S GUN CONTROL PROGRAM - 1975

ORDINANCE NO. 483-75

As introduced to the Cleveland City Council on March 3, 1975

THE MAYOR'S GUN CONTROL PROGRAM - 1975

ORDINANCE NUMBER 483-75

AN EMERGENCY ORDINANCE

To amend Sections 19.13102, 19.13103, 19.13104, 19.13106 and 19.13107 of The Codified Ordinances of the City of Cleveland, as enacted by Ordinance No. 54-74, passed March 25, 1974, and to supplement The Codified Ordinances of the City of Cleveland by enacting new Sections 19.13108 through 19.13111 inclusive thereof, relating to weapons offenses.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, health, safety and property, and for the usual daily operation of a municipal department; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 19.13102, 19.13103, 19.13104, 19.13106, and 19.13107 of The Codified Ordinances of the City of Cleveland, as enacted by Ordinance No. 54-74, passed March 25, 1974, be and the same are hereby amended to read respectively as follows:

Section 19.13102 Carrying Concealed Weapons

(A) No person shall knowingly carry or have concealed on his person or concealed ready at hand, any deadly weapon.

(B) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance and acting within the scope of their duties.

(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner

or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent man in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent man in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm was carried in compliance with the applicable requirements of Division (C) of Section 19.13104 of the General Offense Code.

(D) This section shall not apply if:

(1) The offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft; or

(2) The weapon involved is a firearm which is either loaded or for which the offender has ammunition ready at hand; or

(3) The offender has previously been convicted of a violation of this section or of any offense of violence as defined in Section 19.1101 of the General Offense Code, or 2909.01 of the Ohio Revised Code.

(E) Notwithstanding the provisions of Sections 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of carrying concealed weapons, and shall be imprisoned for not less than three

(3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 19.13103 Using Weapons While Intoxicated

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of using weapons while intoxicated, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 19.13104 Improperly Handling Firearms in a Motor Vehicle

(A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In a compartment which can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(E) The affirmative defenses contained in Division (C) (1) and (2) of Section 19.13102 of the General Offense Code are affirmative defenses to a charge under Division (B) or (C) of this section.

(F) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of improperly handling firearms in a motor vehicle, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

(G) As used in this section, "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

Section 19.13106 Unlawful Transactions in Weapons

(A) No person shall:

(1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to

Section 19.13105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control;

(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire, or furnish to any person any handgun having a barrel of 3 inches or less, measured by the insertion of a rod with the receiver or slide closed, and having a caliber of .32 or less. This sub-section shall not apply to a law enforcement agent in the discharge of his duties, or to firearms described in Section 2923.11 (k) (l) and (5) of the Revised Code of the State of Ohio.

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; provided, however, that this prohibition shall not apply to any person who is in possession of such a handgun on the effective date of this section, and who within a period of thirty (30) days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number according to a numbering system established by the Chief of Police. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of Division (A) (1) or (2) of this section is a misdemeanor of the second degree. Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the

City of Cleveland, whoever violates Division (A) (3) of this section shall be imprisoned not more than thirty (30) days, and shall be fined not less than One Hundred Dollars ($100.00), nor more than Two Hundred Fifty Dollars ($250.00). No part of the fine of this sentence shall, in any case whatsoever, be suspended or otherwise reduced. Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinance of the City of Cleveland, whoever violates Divisions (A) (4) or (A) (5) of this section shall be imprisoned not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 19.13107 Improperly Furnishing Firearms or Ammunition to a Minor

(A) No person shall:

(1) Sell any firearm or firearm ammunition to a person under age eighteen;
(2) Sell any handgun or handgun ammunition to a person under age twenty-one;

(3) Furnish any firearm or ammunition to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of improperly furnishing firearms to a minor, and shall be imprisoned for not less than seven (7) days, nor more than six (6) months, and shall be fined not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 2. That existing Sections 19.13102, 19.13103, 19.13104, 19.13106, and 19.13107 passed March 25, 1974; be and the same are hereby repealed.

52-557 O - 75 - 17

Section 3. That The Codified Ordinances of the City of Cleveland be and the same are hereby supplemented by enacting new Sections 19.13108, 19.13109, 19.13110, 19.13111 to read respectively as follows:

Section 19.13108 Possession of Firearms by Minors

(A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

(B) A juvenile who violates this section shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Chapter 2151 of the Ohio Revised Code.

Section 19.13109 Possessing Deadly Weapons on Public Property

(A) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building.

(B) For the purposes of this section, public property and public buildings shall include, but not be limited to parks, playgrounds, beaches, marinas, courthouses, auditoriums, stadiums, office buildings, jails, storage areas and yards, greenhouses, plants and works, and any other property, building or structure owned, leased, or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private, or parochial, and to churches, synagogues, and other places of worship.

(C) This section does not apply to officers, agents, or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties, or if the deadly weapon was part of a public weapons display, show or exhibition, or was in the possession of a person participating in an organized match, competition, or practice session on public property, or in a public building.

(D) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of possessing deadly weapons on public property, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and

shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 19.13110 Possessing Certain Weapons at or about Public Places

(A) No person shall knowingly carry, have in his possession or ready at hand any handgun, dangerous ordnance, knife having a blade two and one-half (2 1/2) inches in length or longer, brass knuckles, cestus, billy, karate stick, blackjack, sword or saber while at or about a public place.

(B) For the purpose of this section, public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and any grounds, areas, or parks where persons would congregate.

(C) This section does not apply to officers, agents, or employees of this or any other state of the United States, to law enforcement officers authorized to carry or possess deadly weapons, or to persons with private or special police commissions, and acting within the scope of their duties.

(D) This section shall not apply if:

(1) Any weapon in Division (A) was concealed by the person; or

(2) Any weapon in Division (A) was part of a public weapons display, show or exhibition, or was in the possession of a person participating in an organized match, competition, or practice session.

(E) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from possessing the weapon, and that the weapon

was kept ready at hand by the actor for defensive purposes, while he was engaged in his lawful business or occupation, which business or occupation was of such character or at such a place as to render the actor particularly susceptible to a criminal attack, such as would justify a prudent man in having the weapon ready at hand.

(F) Notwithstanding the provisions of Section 19.1111 and 19.1112 of the Codified Ordinances of the City of Cleveland, whoever violates this section is guilty of possessing certain weapons on or about public places, and shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Section 19.1311 Seizure and Confiscation of Deadly Weapons

(A) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, or threatening bodily harm, or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction.

(B) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this Chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence, or the threat of the use of force or violence against the person of another, shall, upon conviction of such person, firm or corporation, be confiscated by the Division of Police for disposal, except that any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of the Codified Ordinances of the City of Cleveland or of State or Federal Law.

Section 4. That this ordinance is hereby declared to be an emergency

measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MAYOR'S GUN CONTROL PROGRAM - 1975

ORDINANCE NO. 484-75

As introduced to the Cleveland City Council on March 3, 1975

THE MAYOR'S GUN CONTROL PROGRAM - 1975

ORDINANCE NUMBER 484-75

AN EMERGENCY ORDINANCE

To amend Sections 11.2306, 11.2307, 11.2309 and 11.2310 of The Codified Ordinances of the City of Cleveland and supplement The Codified Ordinances of the City of Cleveland by enacting new Section 11.2317 thereof, relating to sale and possession of weapons.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, health, safety, and property, and for the usual daily operation of a municipal department; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 11.2306 of The Codified Ordinances of the City of Cleveland, as amended by Ordinance No. 1021-54, passed June 28, 1954; Section 11.2307 of The Codified Ordinances of the City of Cleveland, as amended by Ordinance No. 1154-48, passed October 18, 1948; Section 11.2309 of The Codified Ordinances of the City of Cleveland, former Section 2706 of the Municipal Code of the City of Cleveland renumbered by Ordinance No. 990-A-51, passed May 14, 1951; Section 11.2310 of The Codified Ordinances of the City of Cleveland, former Section 2707 of the Municipal Code of the City of Cleveland renumbered by Ordinance No. 990-A-51, passed May 14, 1951; be and the same are hereby amended to read respectively as follows:

Section 11.2306 Firearms and Ammunition Sales - Waiting Period

(A) Every person, firm or corporation who sells, transfers, or otherwise deals in firearms as defined in Section 19.1101 of the Codified Ordinances shall, after the sale, transfer or other dealing, retain possession of the firearm for a period of seven (7) calendar days from the date of the transaction. After the expiration of this period of time, the buyer or transferee shall have the right to acquire the firearm from the seller, transferor, or dealer, provided however, that nothing in this subsection shall be construed to relieve any person, firm, or corporation from complying with any other section of this Chapter.

(B) Every person, firm or corporation who sells, transfers, or otherwise deals in firearms ammunition shall, after the sale, transfer or other dealing, retain possession of the firearms ammunition for a period of seven (7) calendar days from the date of the transaction. After the expiration of this period of time, the buyer or transferee shall have the right to acquire the firearms ammunition from the seller, transferor, or dealer, provided however, that nothing in this subsection shall be construed to relieve any person, firm or corporation from complying with any other section of this Chapter.

Section 11.2307 Sale of Ammunition - Record Required

It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within three days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition and the means or methods of such identification shall be recorded in the book required to be kept hereunder.

Section 11.2309 Duties of Chief of Police

It shall be the duty of the Chief of Police to refuse any permit described in this Chapter to: (1) Persons prohibited from acquiring firearms pursuant to Section 2923.13 of the Ohio Revised Code and any amendments or additions thereto or reenactments thereof; (2) Minors.

Section 11.2310 Penalties

Whoever violates any of the provisions of this Chapter for which no other penalties are provided shall be imprisoned for not less than three (3) days, nor more than six (6) months, and shall be fined not less than Three Hundred Dollars ($300.00), nor more than One Thousand Dollars ($1,000.00). Every purchase, sale, or gift of any weapon mentioned in this Chapter shall be deemed a separate offense for each violation thereof.

Section 2. That existing Section 11.2306, 11.2307, 11.2309, 11.2310 passed May 14, 1951; be and the same are hereby repealed.

Section 3. That The Codified Ordinances of the City of Cleveland be and the same hereby are supplemented by enacting new Section 11.2317 thereof, to read as follows:

Section 11.2317 Firearms Confiscated

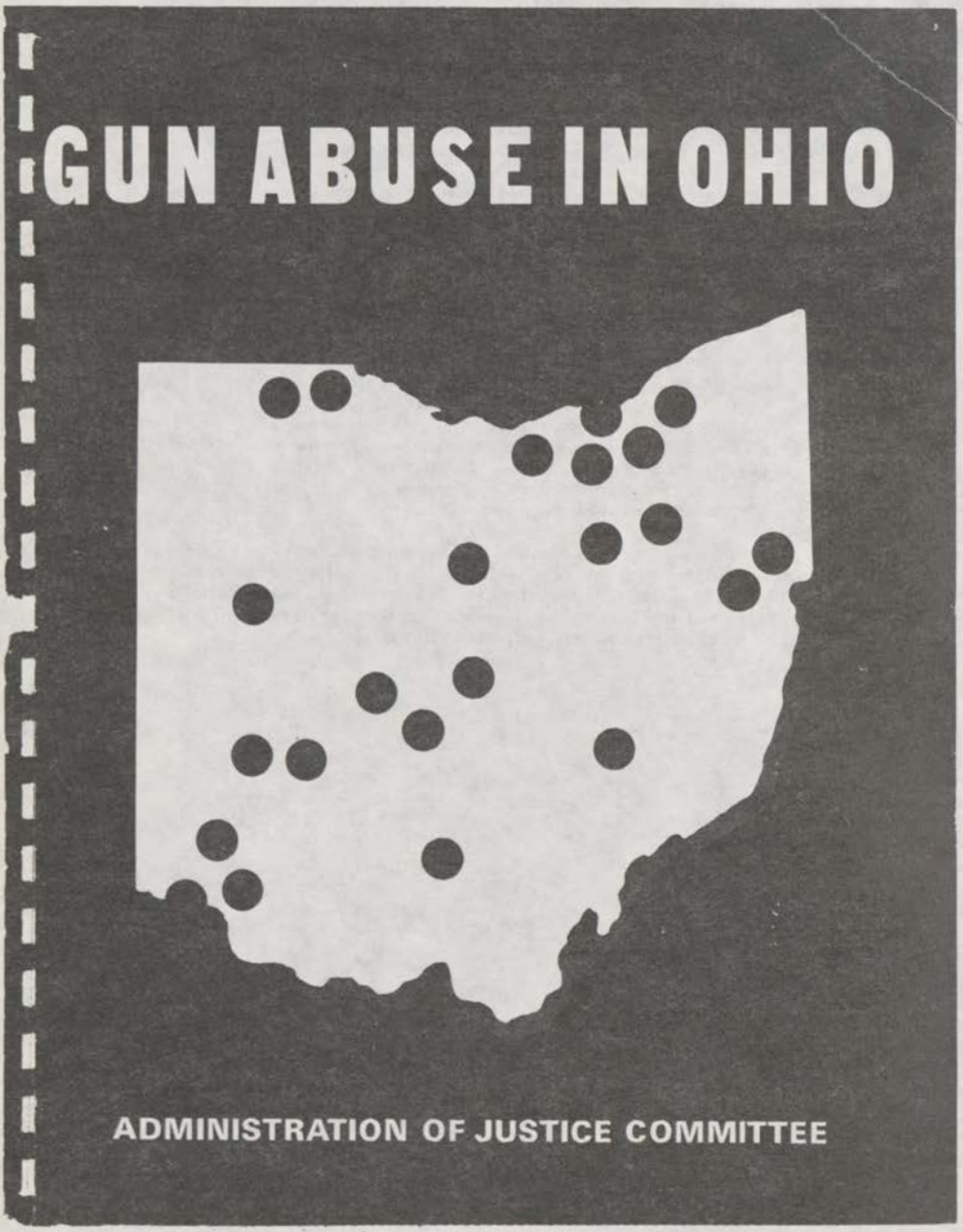
Any weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this Chapter shall, upon conviction of such person, firm or corporation, be confiscated by the Division of Police for disposal, except that any weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by such owner would constitute a violation of any provision of the Codified Ordinances of the City of Cleveland or of State or Federal law.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

APPENDIX 3

EXHIBIT SUBMITTED BY REPRESENTATIVES OF THE ADMINISTRATION OF JUSTICE COMMITTEE

GUN ABUSE IN OHIO



ADMINISTRATION OF JUSTICE COMMITTEE

MEMBERS

John H. Gherlein, *Chairman*

David Beasley
Judge John V. Corrigan
David C. Fulton
Robert D. Gries
Mary Louise Hahn
William J. Hamilton
Harley J. McNeal
Robert H. Rawson
H. Chapman Rose
Richard S. Stoddart
Harry H. Stone
A. Clifford Thornton
Alan D. Wright
Blair R. Kost, *Secretary*

ORGANIZATION

Since its creation by The Cleveland Foundation in 1968, the AJC has served as a catalyst for criminal justice reform in Greater Cleveland. A professionally-staffed affiliate of the Governmental Research Institute, the AJC implements action projects in crime prevention, criminal justice system improvement and citizen involvement. Policy direction is provided by a 15-person committee of civic leaders. Financial support is provided by The Cleveland and George Gund Foundations, LEAA grants and corporate contributions.

PROGRAMS

Crime Prevention

- "Lock It or Lose It" Auto Theft Prevention Project
- Analysis (now underway) of gun abuse and its control
- Study of private security services in Greater Cleveland

Criminal Justice System Improvement

- Justice Center Planning
- Cuyahoga County Corrections Program
- Profiles of the functions and costs of the local justice system
- Development of suburban police communications and information systems
- Consultation to the Ohio Department of Rehabilitation and Correction and Criminal Justice Supervisory Commission
- Cycle of problem identification and goal development conferences for local justice officials

Community Involvement

- Staffing of the Cleveland BASICS (Bar Association Support to Improve Correctional Services) project in cooperation with the Bar Association of Greater Cleveland and the American Bar Association
- Creation of the Citizens Impact Project which developed Project Awareness
- Program development services for the Citizens Alliance for a Safer Community, Junior League and League of Women Voters

STAFF

John J. Sweeney, *Director*
Jerry W. Payne, *Assistant Director*
Sandra K. Truderung, *Administrative Assistant*

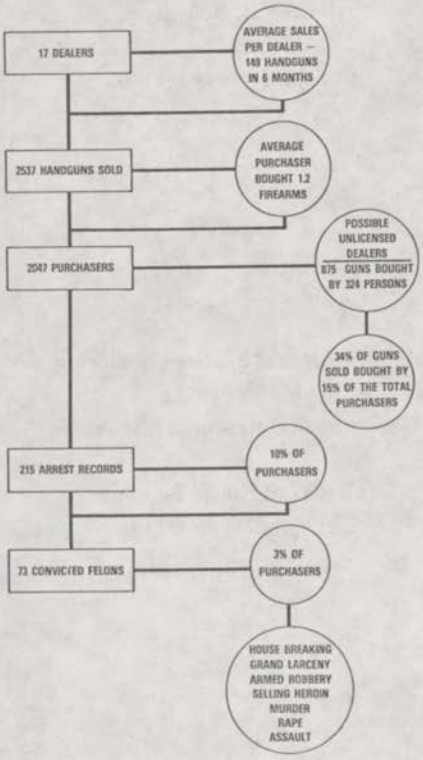
ERRATA

Page Number			
v	"Gun Control Federation"	instead of	"Fun Control Federation"
xi	"September and April"	" "	"September or April"
xi	"guns having come from the students' homes"	" "	"guns from the students' homes"
xii-xiii	"out of 52 misdemeanor cases disposed of in Cleveland Municipal Court in the first 3 months of 1974"	" "	"out of 52 misdemeanor cases disposed of in Cleveland Municipal Court in 1974"
xiv	"but do not extend beyond checking local arrest records in other communities"	" "	"but do not extend to checking arrest records in other communities"
19	"Between 1964 and 1973, the number of homicides per year increased approximately 250%"	" "	"Between 1964 and 1973, the number of homicides per year increased over 75%"
52	"accompanying ATF figure" ommitted -- (attached)		
87	"past"	" "	"post"
99	footnote 1 should appear after: "...was held as not to interfere with this right.[1]"	" "	"this provision of the state Constitution[1]"

Note: Copies of the full report available for $5.00 each from the AJC.

GREENVILLE PROJECT

(SURVEY OF HANDGUN SALES BY LICENSED DEALERS IN GREENVILLE, S.C. (5/1/74 - 10/31/74)



ATF FIGURE

1510

GUN ABUSE IN OHIO

By
Jeffrey H. Spiegler
and
John J. Sweeney

June, 1975

Administration of Justice Committee
an affiliate of the
Governmental Research Institute

511 Ten-Ten Euclid Building
Cleveland, Ohio 44115

Price: $5.00

CONTENTS

Introduction 1

Acknowledgements

SUMMARY

SECTION I: GUN OWNERSHIP IN THE U.S. AND OHIO 1

Chapter 1. Numbers and Patterns 2

Some Working Definitions
How Many Guns?
Greatest Rise In Handguns
Categories of Handguns
Ownership Patterns
How Many Guns in Ohio?

Chapter 2. Distribution Channels and Reasons for Ownership 7

Too Many "Dealers"?
Reasons for Ownership

SECTION II: FIREARMS AND VIOLENCE IN THE U.S. AND OHIO 10

Chapter 3. Accidents 11

How Many?
Who Are the Victims?
Circumstances

Chapter 4. Suicide 15

Chapter 5. Crime 18

Homicide 18

How Many Killings?
State-wide Trend in Ohio
Biggest Killer: the Handgun
Who Kills?
Who Gets Killed?
Police Killings

Aggravated Asgault 27

Gun Attacks: Circumstances
Guns Five Times More Deadly Than Knives
Gun Assaults in Ohio
Cleveland
Cincinnati
Columbus
Akron
Canton
Youngstown
Dayton
Toledo

Robbery 34

Robbery by Firearms
Robberies in Ohio's Eight Largest Cities

Rape 36

Guns and Crime: Some Conclusions 37

Alcohol
Drugs
Guns

Chapter 6. Juvenile Delinquency 38

Possession of Firearms by Juveniles
The Problem
The Source

Chapter 7. Utility of Guns as a Defensive Tool 41

"Protection" of Home
"Protection" in Business Places
"Protection" on the Street

Chapter 8. Costs of the Gun Abuse Toll 44

SECTION III: EXISTING GUN CONTROL LAWS 46

Chapter 9. Assessment of Existing Federal Law 47

Description

Purpose and Objectives
Description of the Act

Enforcing the Federal Law

The Enforcement Agency: ATF
Seven Enforcement Problems

Falsification of Records
Illegal Sales
Individual Sales
Illegal Manufacture
Smuggling
Theft
Unscrupulous Dealers

Federal Arrests and Prosecutions

Chapter 10. Existing State and Local Laws 59

Ohio's Meager Laws on Guns
Assessment
Wespons Arrests Up
Prosecution of Gun Laws
Searching for Guns: Constitutional Issues

Common Pleas Court Dispositions
Gun Probationers
Cleveland Municipal Court Dispositions
Local Ordinances
Other Municipal Laws

SECTION IV: PROPOSED GUN CONTROL METHODS 68

Chapter 11. Proposals for Tightening Up the Gun Control Act 69

Decreasing the Number of Gun Dealers
Easing Enforcement Structures
Prohibiting Import of Handgun Parts
Prohibit Multiple Sales
Aid to Local Communities
Closing Other Loopholes

Chapter 12. Proposals for Registration 73

ATF Proposal
Registration: Advantages
Registration: Methods
Registration: Lacking in Ohio
Registration: Will It Reduce Violence?

Chapter 13. Restricting Possession 78

Objectives
High Risk Classes
Detection Difficult?
Stiff Sentences
Screening Gun Possessors
Screening Procedures: Hit and Miss?
Too Many Holes in the Screen
ATF's Proposal
Who Are the Gun Abusers?
Tanay's Three Kinds of Killers
Permissive Screening
Restrictive Screening
The New York Experience

Chapter 14. Proposals to Ban Handguns 92

Banning by Type: The Real "Saturday Night Special" Issue
Some Handgun Characteristics
  Concealability
  Caliber
  Price
  Need
Conclusion: A Handgun Is A Handgun Is A Handgun
Total Prohibition: A Total Solution?
Prohibiting Manufacture

52-557 O - 75 - 18

Chapter 15. Currently Proposed Legislation 101

What the People Want

National Polls
Ohio Polls
Greater Cleveland Poll

What Legislation Has Been Proposed

In Congress
Banning Most Private Possession of Handguns
Banning Production But Not Possession
Registration, Licensing and Partial Possession
"Saturday Night Specials"
In the Ohio Legislature
In the Cleveland City Council
Comments on Mayor Perk's Legislation
Other Legislation in City Council

SECTION V: RECOMMENDATIONS 109

BIBLIOGRAPHY 113

APPENDICES 114

A. Statistical Estimate on U.S. Gun Density (ATF)

B. Hunting Licenses and Hunting Accidents in Ohio (ODNR)

C. Excerpt, The Other Police: Private Security Services in Greater Cleveland

D. Makley, Kathryn L.; MacDonald, Susan; and Makley, John T., M.D., "Nonfatal Gun Injuries Treated in a Metropolitan Hospital," Junior League of Cleveland, Inc., May 12, 1975.

E. Policy Statement of the National Council for a Responsible Firearms Policy on the Kennedy-Stevenson Bill (April 23, 1975).

F. Policy Statement of the National Council to Control Handguns on the Hart-Bingham Bill (undated).

G. Policy Statements of the National Rifle Association on firearms regulation (April, 1958 and November, 1971).

INTRODUCTION

THE AJC's ROLE

The AJC's main work has been action projects to prevent crime or improve the criminal justice system. It conducts studies only when gaps exist in crime and justice information. The AJC/GRI Profiles, for example, described the operation and costs of the local justice system. The forthcoming analysis of private security services in Greater Cleveland, The Other Police, will help fill a void of information on the thousands of largely unregulated private guards, armed and unarmed, who rival public police in numbers and costs. Occassionally, the AJC has addressed social issues beyond the direct scope of criminal justice when these issues impact on crime. One example is the serious problem of drug abuse, where the AJC created the Free Medical Clinic and pioneered a drug education program. Another example is gun abuse.

In the fall of 1974 the AJC began to discuss the problem of gun violence with a number of community leaders. These discussions were held against a background of renewed interest in gun control across the country, local legislative efforts and two particularly brutal weekends during which 18 Clevelanders died of gunshot wounds.

A COMMUNITY FORUM ON GUN CONTROL

A common thread to these discussions was the fact that although there is an obvious public interest in stricter gun control and although public opinion polls have consistently shown the large majority of the public supportive of such change, administrative and legislative action has been slow or non-existent. Debate on this emotion-laden issue has been characterized more by sound and fury than by significant factual data on the use, misuse and regulation of firearms.

To provide a forum to discuss this issue, the AJC, in cooperation with the Fun Control Federation of Greater Cleveland and the Citizens Alliance for a Safer Community, sponsored a dinner meeting on November 14th, 1974 for 40 public officials and concerned citizens. At the Community Forum on Gun Control, described as a "historic gathering" by one of the five City Councilmen present, a number of viewpoints were presented by Samuel Gerber, M.D., L.L.B., Cuyahoga County Coroner; David J. Steinberg, Director, National Council for a Responsible Firearms Policy; John D. Carver, Director, Massachusetts Council on Crime and Correction; and Ceasar Moss, Chairman, Safety Committee, Cleveland City Council. Among the pertinent conclusions

reached by the participants was the call for more information on existing laws and their enforcement and on the consequences of firearm use and misuse.

The AJC did not enter into this study with an open mind on whether stricter gun control is needed. In its analysis of the Forum and the gun control efforts in other jurisdictions reported at a national conference held in Detroit in November, 1974, the AJC staff concluded that stricter gun control can reduce certain kinds of crime and reduce the accidental death and injury toll. This is, of course, not a radical view. Virtually no responsible organization favors eliminating existing regulation or weakening its enforcement. The question is really not so much whether stricter gun control is in the public interest but rather how it can be obtained. But before the how must come the what.

A NEED FOR FACTS

As noted at the Cleveland Forum, "no specific and comprehensive program for gun control has yet surfaced in this area." Groups in Massachusetts, Michigan and other jurisdictions are involved in efforts, involving legislation and/or state constitutional reform, to ban the casual possession of handguns by private citizens. As David Steinberg warned, however, legislative control should not be the alpha and omega of a sound firearms policy. Legislative change will no doubt be necessary, but other urgent planks of a sound policy must include public information programs describing the dangers of guns and encouraging citizens to get rid of them voluntarily; the drafting (with the cooperation of such groups as the National Rifle Association) and promulgation of codes of responsible gun ownership; and better enforcement of existing laws.

Even if legislative change is indicated, hard information will be needed before solid answers can be found for such questions as: Should the emphasis be on handguns or should rifles and shotguns be covered? Should efforts be concentrated at local, state or federal levels? Should the manufacture, sale and possession of certain guns be prohibited or should these be permitted within a framework of strict licensing and registration? Are "Saturday Night Specials" any less deadly than other handguns?

This report attempts to provide factual information to help answer these questions.

ACKNOWLEDGEMENTS

Responsibility for the findings and conclusions of this study rest with the authors. Jeffrey H. Spiegler, Coordinator of the study project for the AJC, is an attorney and graduate of Ohio State University and Cleveland State University Law School. Jack Sweeney is Director of the staff of the Administration of Justice Committee. He is a former editorial writer for the Boston Herald Traveler.

This study was made possible by a grant from the George Gund Foundation. The counsel and support of its Board of Trustees and Executive Director, James S. Lipscomb, are deeply appreciated.

The authors are also indebted to Franklin E. Zimring, Professor of Law and Co-Director of the Center for Studies in Criminal Justice, University of Chicago, whose work has added reason to a field long dominated, on both sides, by confused rhetoric.

While space does not permit acknowledgement of every one of the persons and organizations who assisted the AJC in the preparation of this report, the following organizations were very helpful in forwarding ideas and materials:

The Bar Association of Greater Cleveland
Beachwood, Ohio Police Department
Boston Police Department
Bureau of Alcohol, Tobacco and Firearms, United States Treasury Department
Cincinnati Police Department
The Cleveland Police Department
Cuyahoga County Coroner's Office
Cuyahoga County Court of Common Pleas, Adult Probation Department
City of Dayton, Department of Law
East Cleveland, Ohio Police Department
Gun Control Federation of Greater Cleveland
Handgun Control Project, U.S. Conference of Mayors
The Junior League of Cleveland
Los Angeles County Sheriff's Office
National Council to Control Handguns
National Council for a Responsible Firearms Policy
National Rifle Association
New York City Police Department
Office of the Mayor, New Orleans, Louisiana
Ohio Department of Health
Ohio Department of Natural Resources
Shaker Heights, Ohio Police Department
Toledo Police Department
Uniform Crime Reports Section, Federal Bureau of Investigation
University Heights, Ohio Police Department

SUMMARY

SECTION I: GUN OWNERSHIP

The U. S. Constitution was drawn up to establish justice, insure domestic tranquility, provide for the common defense and promote the general welfare. Guns, especially long guns, have a legitimate use in the common defense and in sport shooting, subject to due regard for the rights and safety of others. The proliferation of firearms, however, has added nothing to the general welfare. The abuse of firearms, especially handguns, is shattering domestic tranquility.

CHAPTER 1. NUMBERS

- There are an estimated 135.6 million guns in the U.S., with about 7.1 million in Ohio, based on population projections:

ESTIMATED NUMBERS OF GUNS, 1974 (TENS OF THOUSANDS)

	Handguns	Rifles & Shotguns	Total
United States	39,975	95,603	135,579
Ohio Total	2,095	5,009	7,104
Cuyahoga County	337	807	1,144
Hamilton County	180	431	611
Franklin County	163	391	554
Montgomery County	117	281	398
Lucas County	94	225	320
Summit County	54	130	185

- Gun production, which had been stable since the end of World War II, shot up in the mid 1960's, apparently because of the fact and fear of crime and riots. The highest rise was in handguns, the gun least suitable for sport.
- About half the handguns produced in recent years are .32 caliber and under and half are .38 caliber and larger.
- About half the handguns are bought new and half used. Most of the latter type of sales are not regulated at all.

CHAPTER 2. PATTERNS

- There are five times more federally-licensed dealers than appear necessary to meet the legitimate market. Ohio, with 1,278 state liquor stores, has 4,500 gun dealers. Although the State of Ohio which licenses those who deal in milk, beer and tobacco, it does not license gun dealers.
- Growing use of guns in work (police, security guards) and play (hunting, target shooting) explains some portion of the domestic arms race. But soaring civilian handgun sales apparently reflect the tragically mistaken belief that guns offer "protection" to the home.

SECTION II: FIREARMS AND VIOLENCE IN THE U.S. AND OHIO

More guns mean more gun violence. While offering little protection to the law abiding, guns, especially handguns, exact a frightening toll in accidents, suicide and crimes such as murder, assault, robbery and rape, by adults, and increasingly, by juveniles. The costs, human and financial, are enormous.

CHAPTER 3. ACCIDENTS

- Gun accidents have risen steadily in the U.S. and Ohio, paralleling the increase in gun production.
- Each year gun accidents kill 2,700 Americans, including about 80 Ohioans, and injure another 35,000, including 1,100 Ohioans.
- Gun accident victims tend to be young. In 1969, for example, 40% of the victims were 19 and under and 9% were nine or younger.
- While gun accidents are few in number compared with other accidents, including car accidents, they are the fastest rising type of accidental death in Greater Cleveland.

CHAPTER 4. SUICIDE

- Paralleling the increase on gun production in the late 1960's, the percentage of suicides by guns in Cuyahoga County rose from 15% in 1940 to 43% in 1969. In 1973, 704 Ohioans shot themselves to death.
- A person intent on suicide will find a way. If, however, there were fewer attempts by gun, the mortality rate would decrease because few other methods are as deadly as guns.

CHAPTER 5. CRIME

- It appears that gun abuse (and alcohol abuse) are more important factors in certain crimes (including murder, rape and assault) than drug abuse.

Murder

- Guns are involved in 2/3 of the almost 20,000 homicides nationwide annually.
- Between 1960 and 1970, Cleveland's homicide rate increased about 300%; the homicide-by-firearm rate increased about 400%.
- In 1973, handguns were used to commit 53% of the murders nationwide, 69% of the murders in Ohio, 71% in Cincinnati and 73% in Cleveland.
- Approximately 2/3 of all homicides are the end result of an argument among friends or relatives, and most often occur in the home of the victim and/or the assailant. In the 240 homicides in 1974 where Cleveland Police were able to determine the race of the assailant, only 21 of the assailants were of a different race than the victim. Ten incidents involved whites killing blacks, eight involved blacks killing whites. The most likely victim is a male betweeen 20 and 30 years old.

Assaults

- Betweeen 1965 and 1973, the gun surpassed the knife in use in serious but non-fatal attacks in Ohio. Guns are now being used in 32% of such assaults and knives in 24%. Gun attacks result in death 5 times more frequently than knife attacks.
- In 1973, guns were used in 37% of Cincinnati's aggravated assaults; 33% in Columbus; 50% in Akron; 36% in Canton; 40% in Youngstown; 58% in Dayton, but only 35% in Toledo, which has gun licensing and registration.

Robbery

- Guns were used in about two-thirds of Ohio's 15,000 robberies in 1973 and in about 57% of Cleveland's 6,000 robberies in 1973; 42% of those in Cincinnati; 57% in Columbus; 60% in Akron; 44% in Canton; 75% in Youngstown and 54% in Toledo.

Rape

- In Cleveland, since 1970, approximately one-third of the reported rape and assaults to rape involved guns. Guns are thus used in rape more than had been estimated.

CHAPTER 6. JUVENILE DELINQUENCY

- Between 1964 and 1974 the complaints for illegal possession of weapons by juveniles increased from 88 to 212.
- In 1973 there were 406 robbery complaints against juveniles in Cuyahoga County Juvenile Court. Approximately 36% of these involved weapons, most often guns.
- Prior to the 1973-74 school year, Cleveland Public School officials report confiscating about 4 guns per year. Between September or April of the 1974-75 school year, there have been 24 guns seized from students, most of these guns from the students' homes.

CHAPTER 7. GUNS FOR "PROTECTION"

- During 1974 Cuyahoga County residents shot and killed one alleged burglar with a gun kept in a home, while 16 persons were killed accidentally with guns kept in the home, and 114 persons were purposefully shot to death in a home--4 allegedly by burglars, 110 by relatives, friends and acquaintances. Thus a loaded gun in the home was 16 times more likely to accidentally kill an occupant of the home than to be used to kill an intruder.

CHAPTER 8. COSTS OF GUN ABUSE

- In addition to human costs, 1973 gun deaths caused an estimated $105 million in lost earnings in Ohio--$1.4 billion nationally (in 1965 dollars).
- An estimated $7.6 million dollars was spent in medical costs treating non-fatal gunshot injuries in Ohio hospitals during 1973, according to an AJC estimate based on a study of such medical costs in one hospital by the Junior League of Cleveland.
- Thus the AJC estimate of the minimum financial costs of gun casualties in one year (1973) is $113 million in Ohio and $1.6 billion in the U.S.

SECTION III: EXISTING GUN CONTROL LAWS

CHAPTER 9. ASSESSMENT OF EXISTING FEDERAL LAW

- Under current federal law persons prohibited by state and federal law from buying or possessing firearms, such as convicted felons, can purchase guns from firearms dealers, simply by giving the dealer false information and/or false identification. Their chances of being caught and prosecuted are very small, in fact, non-existant where false identification has been used, unless they are subsequently caught with the gun in their possession.
- Under current law, a private individual can sell his firearm without having to make any check into the background of the person he sells the gun to.
- The Bureau of Alcohol, Tobacco and Firearms (ATF) is staffed with 1,576 agents, and in addition to enforcing federal alcohol, tobacco, wagering and explosives laws, they must monitor 156,000+ federally licensed firearms dealers and in excess of 7,000,000 gun purchasers for violations of federal law. The system set up to monitor this relies chiefly on the purchaser's honesty in filling out a form stating that he is not a fugitive, felon, drug addict or mental defective. The form is kept in the dealer's records, which, given the number of dealers and ATF agents, can be audited only at great intervals.
- Federal arrests are up. Penalties are stiff. Gun crime goes up.

CHAPTER 10. EXISTING STATE AND LOCAL LAWS

- Ohio's laws attempt to regulate the place and manner in which guns can be used. These have not proved effective in stemming gun violence in Ohio, which occurs mainly in places outside the reach of normal police activity.
- Weapons arrests in Ohio have risen sharply. Charges for the felony of carrying a concealed weapon/loaded are generally plea bargained down to the misdemeanor of carrying a concealed weapon/unloaded.
- In the first three months of 1974, of 138 CCW cases not involving other charges, 5% were found not guilty, or dismissed; 53% resulted in fine only; 40% in probation and 13% in incarceration. Mandatory minimum sentences are not recommended. Out of 52 firearms misdemeanor cases

disposed of in Cleveland Municipal Court in 1974, incarceration resulted in one case. The average fine imposed was $57. The police do not seem to make an effort to trace the source of illegally obtained guns.

- While 103 municipalities in Ohio have some ordinances on guns, the only cities with noteworthy laws at present are Toledo and six Cleveland suburbs.

CHAPTER 11. PROPOSALS FOR TIGHTENING THE GUN CONTROL ACT

- To decrease the 156,443 federally licensed firearms dealers to a number ATF could adequately police and discourage the casual "basement" dealer, the Act should be amended to: raise the dealer's license fee to at least $100; require sufficient financial standing and trade connections; require anti-theft devices; and require compliance of all state and local laws.
- Currently, under Title VII of the Act, it is unlawful for certain high risk classes to have firearms in interstate commerce. It is very difficult for federal prosecutors to prove a particular gun moved in or affected commerce, thus it is recommended that this "commerce requirement" be dropped from Title VII offenses.
- Parts to produce over a million inexpensive handguns per year are currently being imported into the United States. The importation of handgun parts should be prohibited.
- Multiple sales of firearms should be prohibited.
- To prevent residents of one community from going into another community to legally purchase a gun, but circumventing their own community's efforts at regulation, the Act should be amended to make it unlawful to make a firearm transfer that is not in compliance with the transferee's place of residence.

CHAPTER 12. PROPOSALS FOR REGISTRATION

- Registration should discourage those with prior criminal designs from obtaining a gun through legitimate channels, and thus make it more

difficult for them to obtain guns. It will discourage legitimate owners from casually transferring guns and carelessly keeping them. It should not, alone, appreciably decrease the level of accidental and purposefully self-inflicted gun violence, nor shooting between friends and relatives most frequently precipitated by an argument.

- Shaker Heights and Beachwood are the only communities in Ohio which require what might be called handgun registration. East Cleveland requires that notice of a handgun transfer, but not the identity of the transferee, be given to the police. Dayton (effective July 1, 1975) will require that gun dealers supply the City with the identity of transferees and handguns transfered to them.

- Registration provides a means for tracing guns found at the scene of a crime to the last legitimate owner of the gun, and to potential suspects. Registration of guns protects the public by relieving them of accountability for the gun if used in crime by a subsequent transferee. Registration facilitates the return of stolen guns.

CHAPTER 13. RESTRICTING POSSESSION

- Ohio law makes it a felony for a fugitive from justice, a person under indictment for or convicted of a felony of violence, under indictment for or convicted of use of trafficking in drugs of abuse, who is drug dependent or a chronic alcoholic, on an adjudicated mental incompetent, to own firearms, yet provides no screening procedures to prevent these people from getting guns.

- Toledo, Dayton (effective July 1, 1975) and five Cleveland suburbs require a person to obtain an identification card before he can possess a handgun in the community. Cards are issued to all but those generally thought to fall into high risk groups. Verification procedures to determine if a person falls within the statuatorily prohibited classes are thorough in some communities but do not extend to checking arrest records in the other communities.

- To the extent that a screening procedure was effective, (and wide geographic coverage is seemingly the most critical element in effectiveness) it would be very difficult for those with criminal designs to obtain guns. But, about 70% of all homicide perpetrators are formerly law-abiding citizens who had no intent of misusing the gun when they purchased it. A permissive screen would have no effect in preventing these people from obtaining guns.

- It is an inescapable conclusion that in order to markedly reduce gun violence, it is necessary to markedly reduce the number of guns in circulation. More guns mean more gun abuse. This is the only means of reducing the number of instances where a formerly law-abiding citizen uses a handgun in a moment of frustration and rage.

- Restrictive gun licensing will require many law-abiding citizens to give up their handguns, and some criminals will still have guns--but so will the police. Trained police officers, not armed citizens, are best equipped emotionally and physically to do battle with criminals.

CHAPTER 14. PROPOSALS TO BAN HANDGUNS

- Focusing attention on the small, cheap, usually foreign made handguns called "Saturday Night Specials" sounds good politically, but does not really address the gun problem. The problem is mainly the handgun, and a handgun is a handgun is a handgun. In fact, larger caliber, more expensive domestically produced handguns are more deadly and are involved in more crime--on Saturday nights and other times of the week--than the smaller, cheaper handguns.

- Banning short barreled guns would help reduce the overall incidence of gun violence by making guns less concealable, thus deterring persons who felt a need to carry a gun on the streets. It would be less likely to deter the felon--who would be more apt to alter the weapon or his style of clothing to conceal it. And it would not deter shootings resulting from emotional "explosions", most of which occur in or near the home.

- In non-felony shooting situations, the assailant's motives are usually unclear to him. He generally will not fire the gun more than once. The critical factor is the lethality of the weapon. An attack with a .38 caliber gun is twice as deadly as an attack with a .22. Thus, any law that would have the effect of encouraging higher caliber handguns as oppossed to smaller handguns, would, to that extent, be regressive.

- The type handgun most commonly abused in Cleveland is the .38 caliber revolver. In the aggregate .32's, .25's and .22's account for 40% of the seized guns believed to have been used in crimes in Cleveland in early 1975. The .38 alone, accounts for 55% of the guns seized.

- Price may be less of a factor in purchasing a gun than in other consumer goods in that felt needs, both conscious and unconscious, may be stronger for a gun. The average retail price of identified guns used in homicides in Cuyahoga County in 1974 was $70.00. Sanctions based on price could be considered as discriminatory against those with low incomes.

- An alternative to banning manufacture, sale and possession would be to prohibit manufacture only. This would "turn off the spigot" of the 2.4 million handguns now flowing into the U.S. without the criminal justice problems of "criminalizing" overnight, 40 million handgun owners.

CHAPTER 15. CURRENTLY PROPOSED LEGISLATION

- National opinion polls show that 71% of all Americans (61% of gun owners) desire some control of firearms. Polls show 71% favoring requiring a police-issued permit to purchase a handgun and 71% favoring registration of all guns. A local poll shows 87% of Cuyahoga County residents favoring gun registration and 61.7% favoring limiting the sale of small handguns.

- Various bills pending before Congress and the Ohio Legislature propose alternatively banning the manufacture, sale and possession of all handguns, and handguns referred to as "Saturday Night Specials". Some are limited to manufacture and do not ban possession.

- The handgun banning bills allow exceptions for the police, military and, in some cases, for licensed pistol clubs and private security personnel. A forthcoming AJC study, The Other Police, indicates that exceptions for private guards, who are generally unregulated, must be carefully thought out.

- Some measures call for registration of handguns and licensing of gun owners. Numerous proposals call for longer jail terms for persons using guns to commit crimes, without any evidence that such measures have worked in the past.

- Legislation before Cleveland City Council, introduced by Mayor Perk, proposes mandatory (3 days in jail and $300 fine minimum) jail sentences for weapon offenders, provides for a waiting period between sale and transfer of guns and ammunition, prohibits minors from possessing firearms, and prohibits manufacture, sale or possession of handguns with a barrel 3 inches or less in length and .32 caliber or under. About one-third of the guns seized by Cleveland police, believed to have been involved in crime thus far in 1975, would come within this classification. Two-thirds would not.

SECTION V: RECOMMENDATIONS

- Based on our findings, we make 20 recommendations in four areas: legislation; enforcement; public education; and criminal justice planning, including, banning the manufacture and importation of handguns; registering all handguns (with a voluntary registry for rifles and shotguns); requiring an owners identification card for all persons desiring to possess firearms; and requiring all persons desiring to possess a handgun to show a compelling need for it.

INTRODUCTION TO

SECTION I: GUN OWNERSHIP IN THE U.S. AND OHIO

Almost 200 years ago, the people of the United States drew up a Constitution to form a more perfect union; establish justice; insure domestic tranquility; provide for the common defense; promote the general welfare; and secure the blessing of liberty.

Then and now, guns have been an important part of the lives of many Americans. One of the legitimate and proper uses of guns was and is to provide for the common defense. The Second Amendment addresses this specifically: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

While the blessings of liberty should include shooting for hunt and sport, subject to proper regard for the rights and safety of others, it is doubtful whether the founding fathers could have foreseen the scope of the domestic arms race, especially in handguns, a devise not well suited for either hunt or sport, but rather as a weapon, which has resulted in a gun in every other home. This proliferation necessitates, for the establishment of justice, that the police be armed.

Gun control is an issue today, not because of the use of guns, but rather the misuse, especially of handguns. It has denied us the liberty to move about and conduct our business as we wish. It has fostered the taking of our property and lives without due process by the ruthless and careless. It has denied us the domestic tranquility our founding fathers tried to insure through our Constitution.

Section I of this report considers general patterns of gun use for perspective on the later sections dealing with the consequences of gun abuse and with programs to control it. Section I addresses such questions as: how many guns are there, and of what type? What are the ownership trends and patterns of distribution? Why do people own guns?

CHAPTER 1: NUMBERS AND PATTERNS

SOME WORKING DEFINITIONS

In this report, the term "firearm" refers to all portable weapons from which a shot is fired by the force of an explosion. The term thus includes both handguns and long guns. The terms "gun" and "firearm" are used interchangeably.

Handguns include both revolvers (with cartridge chambers in a rotating cylinder separate from the barrel) such as the cowboy's "six-shooter" and pistols (generally clip loaded, with a single chamber contiguous with the barrel) such as the soldier's .45 automatic, and are designed to be fired with one hand.

Long guns (designed to be fired from the shoulder) include rifles and shotguns. Rifles fire bullets through a barrel that has spiral grooves which impart a spinning motion to the bullet. Shotguns fire a burst of pellets through a smooth bore.

HOW MANY GUNS?

An accurate count of the number of guns in America could be made if there were reliable figures on domestic firearms production and imports, adjusted for the number of guns that have disappeared through wear, loss, breakage or confiscation and destruction by the police.* Such figures, however, are not available.

The best estimates have been made by the U.S. Treasury Department's Bureau of Alcohol, Firearms and Tobacco (ATF), the federal agency responsible for enforcement of the federal Gun Control Act of 1968 (GCA68). For an estimate of guns introduced into the civilian market from 1899 to 1968, ATF drew upon the 1969 estimate made in a staff report to the National Commission on the Causes and Prevention of Violence (Firearms and Violence in American Life by George D. Newton and Franklin E. Zimring) hereafter cited as Task Force Report. These figures were updated by ATF with recent data on domestic production and imports. A few guns are destroyed or wear out annually, but according to manufacturers, a quality gun, with minimal use, will last indefinitely. Thus, production figures are the basis for estimating gun density. The ATF estimate, which appears as Appendix A, is summarized below.

*ATF estimates that guns annually worn out, destroyed, exported or seized as contraband total about 250,000. This figure appears to be too low. The AJC obtained figures on the number of guns confiscated by the police in 1974 in three Ohio cities: Cleveland: 3,000; Cincinnati: 766; and Columbus: 712. These average out to a gun confiscation rate of 2.2 per 100,000 population. Applying this to the nation as a whole indicates that about 447,000 guns are confiscated by municipal police alone.

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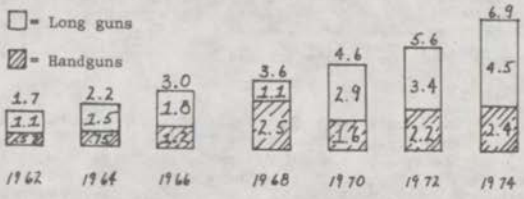
GUN DENSITY IN UNITED STATES, 1974

FIREARMS (Guns) 135,578,778 (100%)		
Handguns (Revolvers and pistols) 39,975,786 (33%)	Long Guns 95,602,992 (66%)	
	Rifles 50,289,625 (29%)	Shotguns 45,313,367 (37%)

The domestic arms race is a relatively recent development, probably spurned by the fact and fear of rising street crime rates and the civil disorders in the mid-1960's, and possibly by the anticipation of stricter gun laws. From the end of World War II until the mid-1960's the rate of guns entering the American market remained stable at about the 2.2 million per year level. Between 1960 and 1974, however, production jumped more than 200%. As Appendix A shows, about 7 million guns were added to the civilian market in 1974. If this rate of increase continues, there will be about one gun for every man, woman and child in America by 1984.

ESTIMATE OF GUNS ADDED TO U.S. CIVILIAN MARKET (MILLIONS OF GUNS)

(Source: ATF)



GREATEST RISE IN HANDGUNS

Handguns have accounted for the bulk of this increase. Between 1962 and 1968, rifle and shotgun production doubled, while handgun production quadrupled. Between 1968 and 1970, the number of handguns entering the U.S. market dropped, reflecting the decrease in imports in light of the Gun Control Act of 1968. Since 1970, the number has been increasing steadily, to where in 1974 it surpassed the 1968 high of 2.4 million. This can be attributed to a decrease in imports once ATF began to define the "sporting purposes" section of the Gun Control Act, and an increase in domestic production of handguns to account for the lag in imports.

CATEGORIES OF HANDGUNS

There are no good figures on the distribution of handguns by caliber. ATF has, however, broken down domestic production for 1973 and 1974. The results are displayed below. The figures, as will be noted in Sections II and III of this report, are relevant to the debate on "Saturday Night Specials," which are variously defined, but are generally considered to be small caliber (.32 and under). The table below shows that about half (53%) of handguns produced in the U.S. were .32 caliber and under and about half (47%) were .38 caliber and larger.

HANDGUN PRODUCTION IN U.S., 1973 & 1974
(Source: ATF)

	Revolvers	Pistols	Total	% of Total
.22 caliber	854,302	321,260	1,175,562	34%
.25 caliber	- 0 -	435,874	435,874	13%
.32 caliber	217,215	1,985	219,200	6%
.38 caliber	878,521	49,573	928,094	27%
9mm	- 0 -	72,062	72,062	2%
.357 caliber	435,738	- 0 -	435,738	13%
.44 caliber	79,108	- 0 -	79,108	2%
.45 caliber	20,754	82,763	103,517	3%
TOTAL	2,485,638	963,517	3,449,155	100%

OWNERSHIP PATTERNS

Because of the reluctance of some persons to answer questions about firearms ownership, public opinion polls give a picture of distribution that is incomplete, but still the best available. A 1968 Harris Poll showed that 51% of U.S. households had one or more firearms and 49% did not have any. Ownership varied by geographic region:

PERCENT OF HOUSEHOLDS OWNING A GUN (1968)

	Any Gun	Handguns	Rifles	Shotguns
South	59	18	35	42
Midwest (including Ohio)	51	20	26	40
West	49	29	36	29
East (New England & Mid Atlantic)	33	15	22	18
U.S. Average	49%	20%	29%	33%

Ownership also varied by population density. As the Task Force Report noted, "shotgun ownership declines most rapidly as the population becomes denser--from 53 percent in rural areas to 18 percent in large cities. Rifle ownership declines less sharply--from 42 percent to 21 percent. Handgun ownership, on the other hand, is slightly higher in the large cities than in rural areas and suburbs. Finally, veterans are more likely to own firearms than non-veterans."

HOW MANY GUNS IN OHIO?

The difficulties noted above in estimating the number of guns in the nation also apply, of course, in localized estimates. However, since what is sought is a general order of magnitude rather than a precise count, a simple but workable method for making a rough estimate of the number of guns in Ohio is to apply Ohio's percentage of the U.S. population to the estimate of the national gun density. The resulting estimates are displayed in an accompanying table.

Note that these estimates are made on a straight population basis. Localized estimates could have been adjusted to take into account the regional variances in

gun ownership noted above. This option was not exercised here because Ohio falls in the Midwest region, where handgun ownership (20% of households) exactly parallels the national average and because the data on rifles and shotguns are aggregated into the single category of long guns. Also note that the accompanying table does not take into account the variances noted above concerning the relationship of gun ownership to population density. Thus, the figures for urban areas will tend to slightly understate the numbers of handguns and overstate the number of long guns.

ESTIMATED GUN DENSITY IN OHIO, URBAN AREAS
(totals may not add due to rounding)

Area	Population ('70 Census)	Percent of Total (U.S./Ohio)	Estimated Number of: Handguns	Long Guns	Total
United States	203,184,772	100%	39,975,000	95,603,000	135,579,000
Ohio	10,652,017	5.24%	2,095,700	5,009,600	7,104,300
Cleveland SMSA (Cuyahoga, Lake, Geauga & Medina)	2,064,194	19.4%	406,624	971,940	1,378,564
Cuyahoga County	1,721,300	16.1%	337,456	806,610	1,144,066
Cleveland	750,903	7.0%	146,720	350,700	497,420
Cincinnati SMSA (Hamilton, Clermont, Warren, etc)	1,384,911	13.0%	272,480	651,300	923,780
Hamilton County	924,018	8.6%	180,256	430,860	611,116
Cincinnati	542,524	5.1%	106,896	255,510	362,406
Columbus SMSA (Franklin, Delaware & Pickaway)	916,228	8.6%	180,256	430,860	611,116
Franklin County	833,249	7.8%	163,488	390,780	554,268
Columbus	539,677	5.1%	106,896	255,510	362,406
Dayton SMSA (Montgomery, Miami & Green)	850,266	7.9%	165,584	395,790	561,374
Montgomery County	606,148	5.6%	117,376	280,560	397,936
Dayton	243,601	2.3%	48,208	115,230	163,438
Toledo SMSA (Lucas, Wood, etc)	692,571	6.5%	136,240	325,650	461,890
Lucas County	484,370	4.5%	94,320	225,450	319,770
Toledo	383,818	3.6%	75,456	180,360	255,816
Akron SMSA (Summit & Portage)	679,239	6.3%	132,048	315,630	447,678
Summit County	553,371	5.2%	108,992	260,520	369,512
Akron	275,425	2.6%	54,496	130,260	184,756

CHAPTER 2: DISTRIBUTION CHANNELS AND REASONS FOR OWNERSHIP

The lack of sales data makes it difficult to trace gun distribution channels. Because of their durability, it is not surprising that the secondhand market is almost as important as the new market. A 1968 Harris Poll showed that 46% of handgun owners bought their weapons new and 54% used. A majority of the rifles (56%) and shotguns (54%) were purchased new. The survey of buyers of secondhand guns showed that 57% bought from a friend or other private party and 42% from a store (most often a sporting goods store, but often hardware or department stores).

New firearms are normally sold by manufacturers and importers to wholesalers, who sell to dealers, who in turn sell to consumers. Interstate sale to private individuals is prohibited under the Gun Control Act of 1968, so direct sale by manufacturers and importers to the public is negligible. Thus, dealers have accounted for virtually all legal transactions in new guns since 1968.

TOO MANY "DEALERS"?

The Task Force Report noted that, in 1967, there were 102,000 federally-licensed dealers and wholesalers. Of these, about 70,000 were retail dealers (ranging from gun shops and sporting goods stores to hardware stores, department stores and pawnshops) and about 32,000 were private individuals who paid the $1 fee (now $10) to allow them to buy firearms at wholesale prices and transport them through the mails. By 1974, according to ATF, the number of licenses had jumped more than 50% to 156,443. The volume of licenses, as will be noted in Section III of this report, severely strains the already weak enforcement effort. While many such licensees are legitimately "engaged in the business of selling firearms," enforcement officials believe that many other licensees use the license to obtain guns directly and may sell a few guns a year from a "basement or garage dealership". In fact, one high ATF official told the AJC that 25,000-30,000 retail dealers could adequately meet the retail demand. Based on this estimate, there are between 126,000 and 131,000 "extra" federally-licensed dealers complicating the enforcement effort.

According to ATF, there are 5,552 various federal licensees in Ohio. These include:

Dealers in "deadly devices" (machine guns, etc.)	- 0 -
Ammunition	846
Pawnbrokers	63
Firearms Dealers	4,550
Gunsmiths	93

If the estimated ratio of "necessary" to "unnecessary" dealers noted above were to be applied to Ohio, then only about 800 dealers could service the existing Ohio market. Certainly, if Ohio's 10.6 million residents can be serviced by 1,278 state liquor stores, then something less than the 4,550 firearms dealers could serve the legitimate gun market. A better picture of gun dealers in Ohio would be possible if the state licensed gun dealers, as 30 other states do. Ohio requires that sellers of dairy products, beer and tobacco be licensed, but not those who sell guns. (See Ch. 9.)

REASONS FOR OWNERSHIP

The two basic reasons given for private ownership of firearms are sport (including hunting and target shooting) and "protection" (of self, family or business).

Target Shooting

Figures released by the Sporting Arms and Ammunition Manufacturers Institute indicate a steady increase in the production of clay targets between 1955 (113 million) and 1967 (403 million), indicating an increase in the popularity of sport shooting. Membership in the National Skeet Shooting Association increased from 4,792 in 1957 to 15,521 in 1968; membership in the Amateur Trap Association increased by 23,000 in 1964 to 50,000 in 1968. Thus, while target shooting is rapidly gaining in popularity, still only a small fraction of all gun owners engage in this activity.

Hunting

Unlike trap and skeet shooters, who number in the tens of thousands, hunters number in the tens of millions. However, the number of licensed hunters in the U.S. remained relatively stable in the 1960's at about 14 million, although added leisure time and income may have resulted in more hunting activity.

Over the past several years, Ohioans and Greater Clevelanders have shown a steady decline in interest in hunting. In the ten year period between 1957 and 1967 there was a thirty percent drop in the number of hunting licenses issued in Ohio,

from 692,747 to 483,832. Since 1968, there has been a slight but steady increase in the number of licenses issued, but the 1973 total (598,129) was still under the 1957 peak. See Appendix B. The decade between 1960 and 1970 registered a decline of about 20% in the number of hunting licenses issued to residents of Cuyahoga County.

It is interesting that the years 1967 and 1968, which register the lowest interest in hunting, are the years in which domestic firearms sales were greatest. (See previous material under "ownership".) A dramatic increase in handgun production was registered for those years. Unlike the long gun, the handgun has little utility for sporting purposes. This is especially true of the pistol and small caliber, short barrelled revolvers, which have neither the accuracy nor the impact to be of much use for sport.

"Protection"

In a 1964 Manufacturer's Market Research Survey, a national sample of gun owners was asked to state "good reasons" for owning handguns and long guns. Of those responding, 95% said "hunting" was a good reason for owning a long gun, while only 16% said it was a good reason for owning a handgun. Seventy-one percent stated that "self-defense" was a good reason for owning a handgun.

The Task Force Report estimated that about 39% of all American households keep a gun for "protection". Similarly, in a 1969 survey entitled "Crime Against Small Business," the Small Business Administration found that 26% of all retail business establishments kept a gun for protection; in ghetto areas, this increased to 41%.

The word "protection" has been placed in quotes because, as will be shown in Section II, guns in the home, far from being an effective protective measure, actually constitute a threat to safety.

UNSTATED REASONS

Those who buy guns to use in crime do not, of course, acknowledge the fact to pollsters. Another reason often mentioned but not documented, is a psychological need for firearms. Several commentators have alluded to guns as a symbol of masculinity and/or power. See Chapters 13 and 14 and Appendix B.

INTRODUCTION TO

SECTION II: FIREARMS AND VIOLENCE IN THE U.S. AND OHIO

Section I noted the scope and nature of the domestic arms race. This section addresses the consequences of the essentially unregulated civilian possession of 135 million guns. One central conclusion is: more guns, more gun violence.

The section examines the role guns play in accidents, suicide and four major crimes: homicide, assault, robbery and rape. It also addresses gun use and abuse by juveniles, the purported value of guns for "protection" and makes a preliminary estimate of the financial cost of gun abuse in Ohio.

CHAPTER 3: ACCIDENTS

HOW MANY?

According to the National Safety Council, the sixth leading cause of accidental fatalities (following car accidents, falls, burns and drownings) is the misuse of firearms. Between 1962 and 1967, gun accidents increased steadily from about 2,100 to 2,900 per year, paralleling the increase in gun production. In 1968, the Safety Council adopted a new classification system, and fatalities dropped. Under the new classification, there has been a rather steady increase back up to 2,700 fatalities per year.

Accidental civilian firearms deaths by region.
(United States, 1966)
[annual rate per 100,000]

Source: Vital Statistics of the United States, 1966. Unpublished data.

The accidental firearm fatality rates in the East, Midwest, South and Western regions of the United States correlates in a geometric progression of four to one to the incidence of ownership in these regions. In the Midwest and Western regions of the United States, about 50% of all households own a firearm, and the accidental death rate is 1.25 per 100,000 in both regions. In the Eastern states, 33% of all households own firearms, while in the South, almost double that number, (59%) of the households report owning firearms. The accidental death by firearm rate in the South is 2.46, while it is .59 in the East. Thus, twice as many families owning guns, four times as many accidental deaths by them!

Between the years 1958 and 1973, Coroner's figures show that 148 persons were killed accidentally by firearms in Cuyahoga County. From 1958 to 1967, the death

rate remained constant at about .3 per 100,000, but from 1967 to 1973 the rate tripled to .9, again paralleling the increase in firearms production in the United States. The fatality rate rose fastest among males residing within Cleveland proper, increasing fourfold (1.5 to 5.6 per 100,000) in this period.

Between 1960 and 1970, census figures show only a slight increase in population in Cuyahoga County, up from 1,648,000 to 1,721,000, while Cleveland's population dropped from 876,000 to 751,000. Accidental death rates by various other causes showed only a slight increase over the 1958-1973 time span. Thus, population increases cannot be considered as having any relation to firearm fatality rates, nor can it be said that there has been any general increase in "accident proneness".

AVERAGE ANNUAL RATES OF ACCIDENTAL DEATH
BY VARIOUS CAUSES IN CUYAHOGA COUNTY, OHIO
(Deaths per 100,000)

Years	Vehicular	Home Accidents (Non Firearm)	Other	Industrial	Firearm
1958 - 1962	10.3	18.0	13.6	2.0	.3
1963 - 1967	12.3	18.0	13.6	2.1	.3
1968 - 1973	15.5	19.4	14.0	2.2	.9

Blue Cross data supplied to the Cuyahoga County Coroner shows that the ratio of fatal to nonfatal accidental gunshot injuries admitted to hospitals in the Cleveland area is approximately 1:13. This figure accounts only for those mishaps serious enough to require admission into the hospital. The figure is lower than the 8 to 1 nonfatal to fatal firearm attack rate found in a three year study by the Chicago Police Department and the 7 to 1 ratio of 1966 hunting accidents. This is because in an attack the assailant will frequently aim at a vital part of the victim's body, while in an accident, chance determines where the bullet will strike, and an assailant will frequently fire more than one shot, an unlikely occurance in an accident. Taking the 148 accidental deaths between 1958 and 1973 and multiplying this by 13, it can be concluded that there were a minimum of over 1,900 serious firearm injuries in the Cleveland area during this period.

For the six-year period from 1968 to 1973 the Ohio Department of Health lists 481 accidental deaths occurring in Ohio due to firearms. Using the 13:1 nonfatal to fatal number compiled by Blue Cross of Northeast Ohio, we can extrapolate that there

were about 6,250 serious nonfatal accidents over this six year span. This averages out to 80 deaths and about 1,041 serious injuries per year in the state. The table below shows the number of deaths and injuries between 1968 and 1973 in each of Ohio's eight largest counties, the estimated number of serious nonfatal accidents (using the 13:1 ratio) and the average per year for each.

ACCIDENTS DUE TO FIREARMS IN OHIO
AND ITS EIGHT LARGEST COUNTIES -- 1968-1973

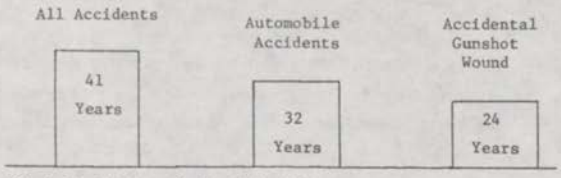
	Fatalities	Average Per Year	Estimated Injuries Requiring Hospitalization	Average Per Year
OHIO	481	80	6,250	1,041
Cuyahoga	101*	17.0	1,313	219
Franklin	26	4.3	338	56
Hamilton	22	3.6	286	48
Lucas	19	3.2	247	41
Mahoning	15	2.5	195	33
Montgomery	21	3.5	273	46
Stark	27	4.5	351	59
Summit	26	4.3	338	56

*97 reported by Cuyahoga County Coroner Source: Ohio Dept. of Health

WHO ARE THE VICTIMS?

Youth most often are the victim of accidental death by gunshot. In 1967 the median age at death from firearms accidents was 24 years. This compares with 41 years for all accidents and 32 years for auto accidents.

MEDIAN AGE AT DEATH FROM FIREARMS AND OTHER
ACCIDENTAL CAUSES (UNITED STATES 1967)



Source: Vital Statistics of the United States

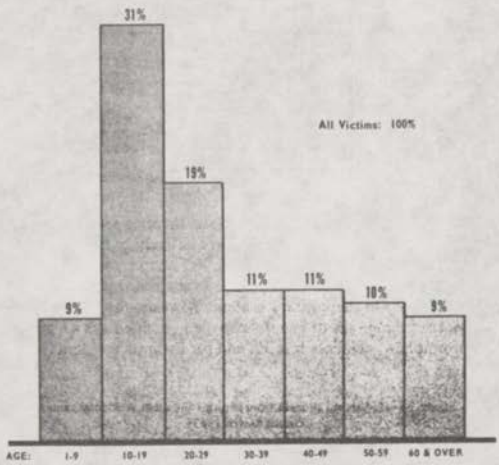
Between the years 1969 to 1973, there were approximately 12,400 Americans who died as a result of a gun accident. Of these, 52% were under 25 years of age. The largest grouping, 31%, were youths between the ages of 15 and 24 years. Children between 5 and 14 accounted for 17% of these fatalities, while 4.2% of those who perished were infants under 5 years. Considering only firearms accidents occurring in the home, thus eliminating hunting mishaps, the average age of the victim drops. Over the same time span, approximately 6,700 Americans died this way. Of this group, 60% were under 25 years old. Those between 15 and 24 accounted for 27% of this group as did children between 5 and 14 years old. Those under 5 years old made up 6.4% of the fatalities.

CIRCUMSTANCES

Between 1958 and 1973, 78% of these fatalities occurred in the home. Sixty-seven percent occurred when someone was handling or "playing" with a gun.

For children up to 15 years old, 41% of the fatal wounds were self-inflicted, while 59% were inflicted by another person. For the rest of the population, 70% of the fatal wounds were self-inflicted. Handguns were involved in 83% of the deaths.

Age of victims of fatal firearms accidents.
(United States, 1966)



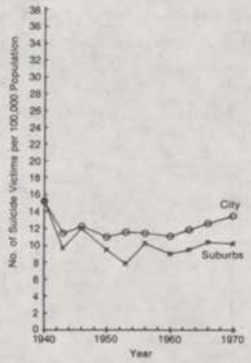
Source: Vital Statistics of the United States, 1966.

CHAPTER 4: SUICIDE

According to Vital Statistics of the United States, each year over 20,000 Americans commit suicide. Of them, 47% use firearms, making the gun the most popular method of ending one's life.

The use of the gun as the instrumentality of suicide closely parallels the increase of firearms production. In 1940, 15% (37 out of 248) suicides in Cuyahoga County involved firearms. By 1966, this figure was 64 firearm suicides out of a total of 197, or 32%. Paralleling the tremendous increase in firearm production in the late 1960's, the percentage of suicides committed with firearms rose to 43% (81 of 188) of all suicides in 1969.

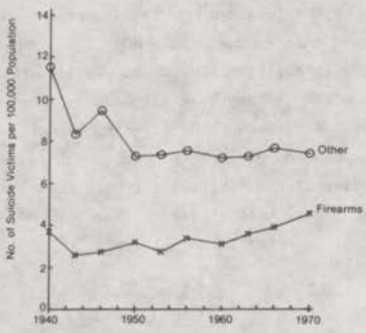
SUICIDE RATES IN CLEVELAND (CITY) AND SUBURBS



(Source: Homicide, etc., Hirsch et al, JAMA Vol. 223 No. 8)

Over the thirty-year period 1940 to 1970, the suicide rate in Cuyahoga County, for methods other than firearms, remained stable after a decrease in the 1940-1950 period. The rate for firearms suicide increased gradually between 1940 and 1960, then rapidly, at a rate of 50% between 1960 and 1970.

SUICIDE RATES BY FIREARMS AND BY ALL OTHER MEANS



(Source: Homicide, etc., Hirsch et al, JAMA Vol. 223 No. 8)

The use of firearms to commit suicide is on the increase throughout the state, not just in Cuyahoga County. The table below shows a steady increase state-wide, as well as in Cuyahoga County, between 1968 and 1973.

SUICIDE DEATHS DUE TO FIREARMS*

	1968	1969	1970	1971	1972	1973
OHIO	586	610	620	633	692	704
CUYAHOGA COUNTY	85	82	77	73	87	96

*Ohio Dept. of Health Figures

It can be argued that if a person is intent upon committing suicide, he will use whatever instrumentality is most convenient, thus the availability of firearms will have no marked effect on the suicide rate. The first part of this statement may be true, but a study done by Norman Farberow and Edwin Schneidman in 1957 tends to refute the second part. It has not been determined whether the availability of firearms has any bearing on the number of suicides attempted, but the above study found that it does bear directly on the percent of attempts resulting in death. The study found that in 1957, of all men attempting suicide in Los Angeles, 19% chose firearms as the mode, and 42% of completed suicides by men were by firearm; thus, the firearm proved lethal 84% of the time, making it about the most lethal instrumentality used for suicide.

Women used firearms in 3% of all suicide attempts, while firearms accounted for 17% of all completed suicides, rendering a 69% mortality rate.

In a study of homicide and suicide trends in Cuyahoga County, Drs. Hirsch, Rushforth, Ford, and Adelson of the Cuyahoga County Coroner's Office, stated that their current experience showed that approximately 80% of all suicides by firearm are due to handguns. If the availability of handguns was lessened, it is not known whether there would be less suicide attempts by all modes, or even less attempts with firearms. If there were fewer attempts by firearm, though, the mortality rate would decrease, as most other methods have not proven as deadly as firearms, and there is less chance for intervention during the act when a firearm is used. Finally, where less mortal means are used, there is that much more of a chance to counsel the individual to try to prevent future attempts.

CHAPTER 5: CRIME

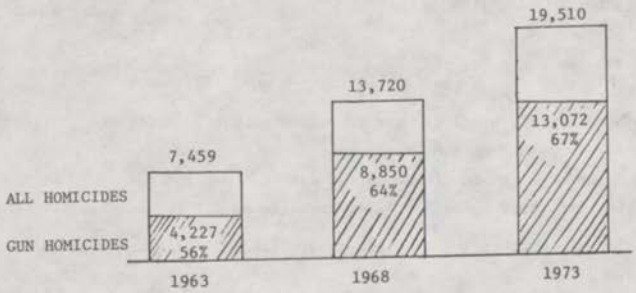
While gun accidents and gun suicides bring a heavy toll in death and injury, it is criminal gun abuse that most concerns the public. Guns are, of course, involved in many crimes, including airplane hijacking (which was not successfully contained until airport security systems took guns away from potential skyjackers). This report, however, will focus on four high-fear crimes sometimes committed by strangers, but more often by friends, relatives and acquaintances: homicide, aggravated assault, robbery and rape. Note: used throughout this report are FBI Uniform Crime Report data. The validity of these data, except for murder, has been seriously questioned because of such problems as failure to report certain crimes to the police. Unless otherwise indicated, crime refers to reported crime.

HOMICIDE

HOW MANY KILLINGS?

From 1963 to 1973, the number of homicides in the U.S. rose from about 7,500 to 19,500. The percent by gun rose from 56% to 67%, as illustrated in the figure below.

GUN HOMICIDES AS PERCENT OF ALL U.S. HOMICIDES
(Source: FBI Uniform Crime Reports)



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This rapid increase in the number of homicides and the percent involving firearms coincides with the steady increase of firearms produced for the civilian market over that period. The most marked increase is between 1968 and 1973, the period in which the greatest number of firearms were added to the American market. The increase in homicides has far outdistanced the growth in population. Between 1968 and 1973, the number of homicides increased 42% with the homicide rate rising 35%.

In Greater Cleveland, the number of homicides remained relatively constant from the end of the Second World War until the early 1960's. Between 1964 and 1973, the number of homicides per year increased over 75%, with the bulk of the increase in Cleveland proper.

ANNUAL NUMBER OF HOMICIDE VICTIMS
CUYAHOGA COUNTY 1946--1973

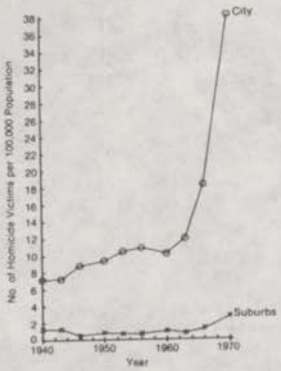
Year	Total	Cleveland	Suburbs
1946	86	84	2
1950	83	80	3
1955	82	80	1
1960	102	91	11
1963	114	109	3
1964	137	122	12
1965	129	118	9
1966	166	154	11
1967	185	167	14
1968	210	191	15
1969	317	295	20
1970	310	282	26
1971	324	287	34
1972	363	334	29
1973	327	295	32
1974	NA	322	NA

The Cuyahoga County homicide rate increased slightly during the 20 year period from 1940 to 1960 from 5.5 to 6.6 victims per 100,000 population. By the mid-1960's it reached 9.4, and by the end of the decade was 18.4. Cleveland accounts for the bulk of the increase, with a rate of 38.4, compared to 2.7 in the suburbs.

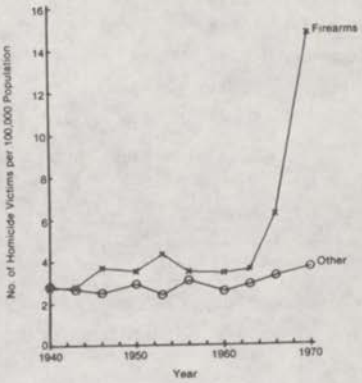
As is the case nationally, the rate of homicides by firearms coincide with the rise in the total homicide rate. When the homicide rate took a sharp increase in the mid-1960's, so did the homicide by firearms rate, while the rate of homicides by all other means combined remained relatively stable. The clear conclusion is that the availability of guns results in increased homicide. This is most dramatically illus-

trated by the following figures from the study "Homicide and Suicide in a Metropolitan County I: Long-Term Trends". The authors of the study, published in the Journal of the American Medical Association (February, 1973) are four doctors associated with the Cuyahoga County Coroner's Office: Charles S. Hirsch, Norman B. Rushforth, Amasa B. Ford and Lester Adelson.

HOMICIDE RATE IN CLEVELAND AND CUYAHOGA COUNTY SUBURBS



CUYAHOGA COUNTY HOMICIDE RATES BY FIREARMS AND ALL OTHER METHODS



A STATE-WIDE TREND IN OHIO

The growing involvement of firearms is a state-wide trend. There were 462 homicides in Ohio in 1966. About 68% of these (316) were committed by guns. Ohio's homicides totaled 783 in 1973, with 78% (615) committed by guns. Thus, while homicide rose 69%, homicide by firearms rose 94%. For state-wide figures, see the accompanying table and chart.

FBI crime data are regrettably not broken down on a county by county basis. The Ohio Department of Health, however, does compile data on firearms death by county. While not corresponding to FBI definitions, the ODH data are useful in showing the distribution of firearm deaths.

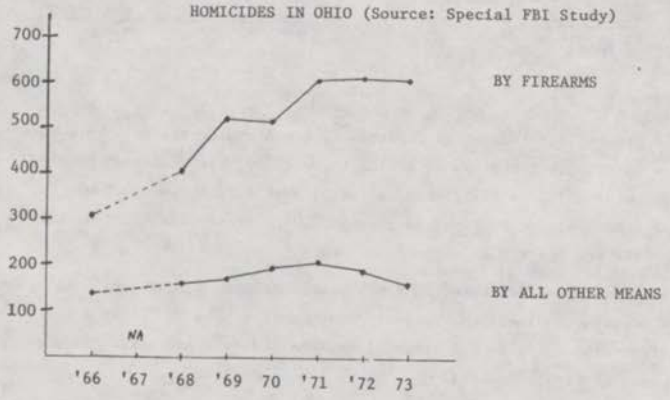
HOMICIDES BY FIREARMS 1968--1973

(INTERNATION CLASSIFICATION OF DISEASES DEFINITIONS)

	1968	1969	1970	1971	1972	1973	Percent Increase 1968--1973
OHIO	433	545	574	642	692	714	+ 65%
Cuyahoga	154	238	232	250	270	268	+ 57%
Franklin	36	34	43	49	55	60	+ 66%
Hamilton	43	54	54	68	77	60	+ 72%
Lucas	16	11	16	18	24	34	+112%
Mahoning	14	19	24	22	29	31	+121%
Montgomery	59	66	53	82	78	104	+ 76%
Stark	21	9	3	16	15	15	- 28%
Summit	21	30	32	40	30	32	+ 52%

Source: Ohio Department of Health

HOMICIDES IN OHIO (Source: Special FBI Study)



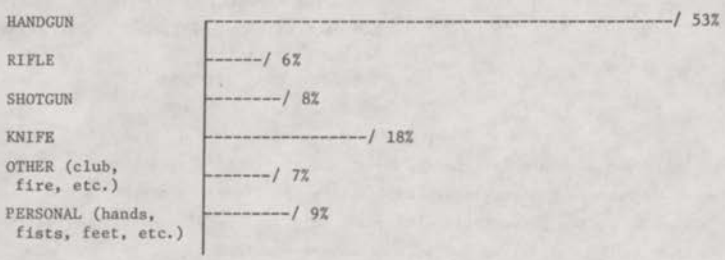
HOMICIDES IN OHIO (Source: Special FBI Study)

YEAR	TOTAL	BY ALL FIREARMS	BY HANDGUNS	ALL OTHER MEANS
1966	462	316	267	146
1967	NA	NA	NA	NA
1968	562	407	327	155
1969	685	524	459	161
1970	699	515	454	184
1971	811	603	519	208
1972	811	625	555	187
1973	783	615	537	168

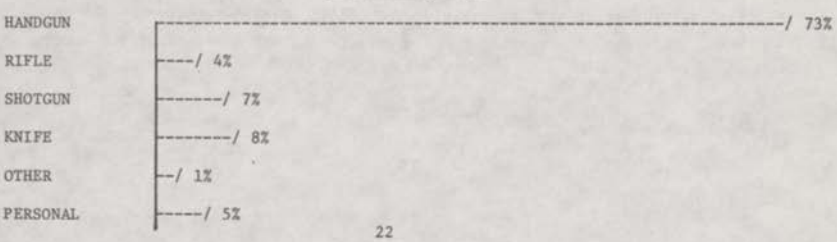
BIGGEST KILLER: THE HANDGUN

Firearms are the most popular weapon in murders, and handguns are the most popular firearm. The FBI data show that in 1973 handguns were used in 53% of all murders. Comparable data for Ohio cities were only available for Cleveland (73%) (1974) and Cincinnati (71%) (1973). The data for the U.S. and Cleveland are displayed below:

MURDER BY TYPE OF WEAPON
U.S. (1973)



CLEVELAND (1974)



The growing involvement of handguns in gun crime is a state-wide trend. FBI compilations for the AJC show that the percent of homicides in Ohio committed with handguns rose from 57.7% in 1966 to 68.6% in 1973.

WHO KILLS?

Most homicides occur during altercations between relatives and friends. Relatively few homicides occur between strangers in a situation where some ulterior motive such as robbery exists.

Out of 322 homicides in Cleveland in 1974, police were able to determine the motive in 262 cases. In nearly two-thirds of the cases, an argument preceeded and led to the killing.

HOMICIDE MOTIVES CUYAHOGA COUNTY 1974

CLEVELAND HOMICIDES	No. 322	%
Arguments:	201	62%
Robbery:	43	13%
Burglary:	4	1.2%
Sex Assault:	6	1.8%
Arson:	1	.03%
Other:	7	2%
Unknown:	60	19%

SUBURBAN HOMICIDES (BY FIREARMS ONLY)	No. 28	%
Arguments:	10	36%
Robbery:	2	7%
Burglary: (questionable; may involve narcotics)	1	3.5%
Depression: (murder/suicide; husband and wife)	3	10.7%
Resisting Arrest:	2	7%
Contract Kill: (contracted by husband of victim)	1	3.5%
Narcotics/Gang War:	1	3.5%
Unknown:	7	25%

The robbery (43) and burglary (4) figures do not consist entirely of innocent citizens murdered by robbers and burglars. Included in the figures are robbers and burglars killed by police and private citizens. This will be discussed in detail in a later section on the utility of having a firearm for defense.

The Cleveland Police were able to determine the relationship between the victim and assailant in 246 of the 322 homicides in 1974. In almost three-fourths of the identified incidents, the assailant was a relative or acquaintance of the victim.

RELATION -- ASSAILANT AND HOMICIDE VICTIM

CLEVELAND 1974

	No.	%		No.	%
Husband by wife	23	6.8%	Acquaintances	117	36%
Wife by husband	13	4%	Suspect by police	5	1.5%
Other relatives	19	6%	Police by suspect	1	.3%
Total--relatives	55	16.8%	Strangers	68	21%
			Unknown	76	24%

The FBI has published data showing a similar pattern of relationships in murder on the national level. The figure below sets forth the FBI findings.

MURDER CIRCUMSTANCES, UNITED STATES 1973

	%		%
Spouse killing spouse	12.3%	Lovers quarrels	7.5%
Parent killing child	3.2%	Other arguments	40.3%
Other family killings	7.7%	Known felony types	21.6%
		Suspected felony types	7.4%

It is generally accepted that during the racial violence of the mid and late 1960's many people, both white and black, armed themselves fearing armed attack by members of the other race. In Cleveland, to date, this fear has been largely unfounded. Last year the Cleveland Police were able to identify the race of 246 assailants; it was found that victim and assailant were almost always of the same race. This correlates with the findings that most homicides occur between relatives and acquaintances.

ASSAILANT-VICTIM BY RACE (CLEVELAND, 1974)*

Black by Black:	186	White by White:	32
Black by White:	10	White by Black	8
Black by Unknown:	59	White by Puerto Rican:	2
		White by Indian:	1
Puerto Rican by Unknown:	1	White by Unknown:	16

*Excludes homicides involving police officers

Because most homicides occur between relatives and acquaintances, it is not surprising to find that most people are killed in their own home or the home of their assailant. Of the 304 homicides attributed to firearms in Cuyahoga County in 1964, authorities were able to tentatively determine the location of the killing in 293 cases, with over one-third (114) being in a home. It can be speculated that some bodies found in abandoned autos, vacant lots, parks and rivers were victims killed elsewhere.

LOCATION OF FIREARMS HOMICIDES
(CUYAHOGA COUNTY, 1974)

	No.	%		No.	%
Home	114	37.5%	Restaurant	7	2.3%
of victim	76	25%	Driveway	4	1.3%
of assailant	28	9.2%	Vacant Lot	4	1.3%
of third party	10	3.3%	Alley	4	1.3%
Tavern	30	9.8%	Playground	3	.9%
Street	26	8.5%	Gas Station	2	.6%
Sidewalk	24	7.9%	Bus Station	2	.6%
Auto	21	6.9%	Pool Hall	1	.3%
Store	18	5.9%	Nursing Home	1	.3%
Parking Lot	11	3.6%	Railroad Yard	1	.3%
Residential Lawn	10	3.3%	River	1	.3%
Park	9	2.9%	Unknown	11	3.6%

WHO GETS KILLED?

The average victim of a firearm homicide is young. The median age is between 20 and 24, and about half are under 30 years old. The table below sets forth the age of firearm homicide victims in Cuyahoga County in 1973 and 1974.

HOMICIDES BY FIREARMS -- AGE GROUPS, CUYAHOGA COUNTY

	Total	Under 1 Yr	1-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60+
1973	271	0	0	4	2	24	49	38	33	20	33	23	18	11	16
1974	304	1	0	1	7	24	56	57	31	29	30	18	21	11	18

Most homicide victims are male. In 1973 about 77% nationwide and 84% of the victims in Cuyahoga County were males. Of firearms homicide victims, 88% in Cuyahoga County were males.

In sum, the most likely individual to be shot to death in Cuyahoga County is a black male in his 20's while engaged in an argument with friends or relatives at or near his home.

POLICE KILLINGS

"The deadliness of firearms," as the Eisenhower Commission on the Causes and Prevention of Violence pointed out, "is perhaps best illustrated by the fact that they are virtually the only weapons used in killing police officers. Policemen are armed. They are trained in the skills of self-defense. They expect trouble and are prepared for it." From 1964 to 1973, there were 858 police officers killed in the line of duty in the U.S. Of these, 818 (95.3%) were by guns.

Twelve Cleveland police officers were killed in the line of duty between 1960 and 1974. Each was killed by a gun: eight by handguns, one by shotgun and three by high power weapons.

Aggravated Assault

Aggravated assault is defined by the FBI as an unlawful attack by one person upon another for the purpose of inflicting severe bodily injury usually accompanied by the use of a weapon or other means likely to produce death or serious bodily harm. The Ohio Revised Code distinguishes between "felonious assault," a purposeful, knowing attack, and "aggravated assault," an attack while under extreme emotional stress brought on by serious provocation. For purposes of this report, the FBI definition will be used in reference to the term "assault".

Zimring has concluded from a 4½ month study of 1,115 gun attacks in Chicago resulting in 156 fatalities, that similarities between nonfatal and fatal attacks were more notable than any differences, with spontaneous fights and domestic and romantic altercations forming the principal backdrops to both fatal and nonfatal gun attacks.[1] His figures appear below.

GUN ATTACKS BY CIRCUMSTANCES

	% Fatal Attacks	% Nonfatal Attacks
Domestic/Romantic Arguments	25%	11%
Other Fights	35%	26%
Teen-gang Offenders	11%	17%
Felony Relation (other than robbery)	1%	5%
Other and Unknown	28%	41%
	100% (113)	100% (809)

Source: Compiled from Chicago Police Dep't Offense Reports

According to FBI, serious assaults reported to police in Ohio have been increasing steadily and rapidly between 1965 and 1973, from about 5,900 to 11,000 incidents annually.

The weapon used most often by assailants in Ohio has changed from the knife to the gun, according to an FBI analysis. In 1965 there were 1,128 serious but nonfatal assaults with guns, accounting for 19.2% of all serious attacks while there were

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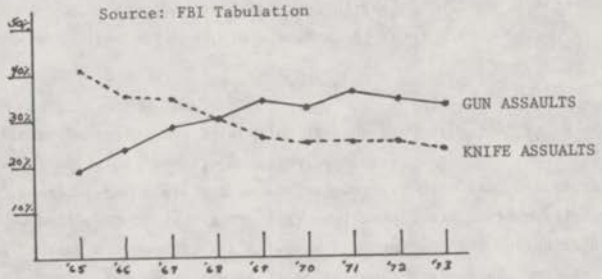
[1] Zimring, Franklin, "The Medium is the Message: Firearm Caliber as a Determinant of Death from Assault" Journal of Legal Studies, 97 at 98 (Jan., 1972).

2,474 knife assaults, accounting for 42.1% of all assaults. In 1973, eight years later, the figures were 3,525 gun assaults and 2,592 knife assaults, accounting for 32.3% and 23.8% of all assaults, respectively. The figure below graphically shows the increase in incidence of gun assaults and corresponding decrease in knife assaults.

REPORTED ASSAULTS IN OHIO BY GUN AND BY KNIFE, 1965-1973

Source: FBI Tabulation



GUNS FIVE TIMES MORE DEADLY THAN KNIVES

The gun is, of course, the most deadly instrumentality available to an assailant. Based on a Chicago study, Zimring has concluded that an attack by a gun is five times more likely to result in death than an attack with a knife.[1] He writes in a later study that there is generally no singular intent to kill the victim at any cost in homicides involving relatives and acquaintances, which account for about three quarters of all homicides in the United States. He suggests that the intent of the assailant is more often vague. He concludes that the likelihood of death resulting from the attack depends not so much on a singular intent to kill but rather upon the deadliness of the instrument used and the area where the assailant strikes the victim's body (e.g., greater chance of death from a gun shot at close range than from a gun shot at long range or from a knife attack). His data showed that in robbery situations

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[1]Zimring, F. "Is Gun Control Likely to Reduce Violent Killings?" 35 U. Chi. L. Rev. 721 (1968).

assailants killed victims with a single shot in 48% of the sample and with multiple gun shots in 52% of the sample. For non-robbery situations, 62% of the victims died as the result of a single shot and 38% from multiple wounds. To the extent that multiple shots is a gauge of intent to kill, the data tends to bear out his conclusion that it is the availability of the gun and not the intent to kill that is the primary determinant of whether the victim will survive the attack by a relative or other acquaintance.

Thus, it could be concluded that the sum total of assaults will result in a higher number of deaths when more of the assaults are committed with firearms.

GUN ASSAULTS IN OHIO

All eight major cities in Ohio show an increasing percentage of assaults being perpetrated with guns, while the percent perpetrated with knives is decreasing. The absolute number of assaults with firearms is rising rapidly in most cities, while the number of knife assaults is rising less rapidly, except in Cleveland where knife assaults are decreasing steadily--but gun assaults are rising at a faster rate than in most other cities. Below is a compilation of assaults, by mode, for each large Ohio city between 1965 and 1973, except for Dayton, where data was available only through 1971.

The percentage of serious assaults being perpetrated with firearms has increased during the period in every major Ohio city except Akron, where the percent of gun assaults to all assaults was already a high 54% in 1965. The gun has become the most commonly used means of serious attack in Cleveland, Akron, Youngstown and Dayton. Toledo, with the strongest gun laws, shows the smallest percentage.

CLEVELAND

Ohio's largest city experienced a rapid increase in gun assaults and a slower, but steady, decline in knife assaults.

The largest increase in gun assaults was in 1969, the year following severe racial unrest and rioting in Cleveland. This increase came at a time when production of firearms for the American retail market was at a peak, again suggesting a direct correlation between sales levels and incidences of violence by firearms.

CLEVELAND AGGRAVATED ASSAULTS BY MODE, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
GUN	398	508	628	792	1,305	1,281	1,309	1,291	1,274	1,704*
KNIFE	601	425	507	409	492	436	497	439	479	
OTHER WEAPON (club, pipe, etc)	132	43	79	46	223	170	190	211	199	
PERSONAL WEAPON (fists, feet, etc)	157	161	76	30	53	22	8	47	15	
TOTAL	1,288	1,137	1,290	1,277	2,073	1,909	2,004	1,988	1,967	2,728*
% BY GUN	31%	45%	49%	62%	63%	67%	65%	65%	65%	62%

Source: FBI Uniform Crime Reports *Cleveland Police Department

The FBI does not usually break out firearms assault data by type of gun. The Cleveland Police Department, however, provided the AJC with such a breakout for aggravated assault in the city from 1970 to 1974. The data, displayed below, shows that an average of 57% of the aggravated assaults for the period were committed with guns. When the unusually low figure for 1972 is eliminated, the average is 64%. Handguns were 82% of the known guns and were involved in an average (excluding 1972) of 21.5% of all aggravated assaults.

AGGRAVATED ASSAULTS BY FIREARMS -- CLEVELAND

	1970	1971	1972	1973	1974
Total Aggravated Assaults	1,909	2,004	1,988	1,967	2,728
Number by Gun	1,246	1,297	583	1,249	1,704
Percent by Gun	65%	65%	29%	63%	62%
Handguns	319	424	228	463	644
Long Guns	80	91	44	86	175
Other guns, including unknown	847	782	311	700	885
Handguns as % of known guns	79%	82%	84%	84%	79%
Handguns as % of all aggravated assaults	17%	21%	11%	24%	24%

CINCINNATI

The Queen City experienced a steady increase in gun assaults in the late 1960's, paralleling the rapid increase in domestic gun sales during that time. Gun attacks seemingly reached a peak and their incidence has stabilized somewhat in the early 1970's. Assaults by knife decreased steadily but slowly during the eight year period.

CINCINNATI, AGGRAVATED ASSAULTS BY METHOD, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	80	130	190	207	216	295	314	300	271
KNIFE	462	475	468	436	378	371	343	328	337
OTHER WEAPON	68	68	92	74	83	86	75	52	51
PERSONAL WEAPON	41	44	46	22	23	38	87	81	74
TOTAL	651	717	796	759	700	790	819	761	733
% BY GUN	12%	18%	24%	28%	31%	37%	38%	39%	37%

Source: Uniform Crime Reports, FBI

COLUMBUS

The state's capitol experienced a rapid increase in firearms assaults between 1967 and 1971 then stabilized in 1972 and 1973. Knife assaults remained fairly stable at about 300 per year except for 1970 when there were 410 such assaults.

COLUMBUS, AGGRAVATED ASSAULTS BY MODE, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	67	94	85	158	208	209	294	301	246
KNIFE	280	295	285	331	324	410	356	326	305
OTHER WEAPON	171	191	204	222	223	261	263	224	181
PERSONAL WEAPON	11	15	10	26	14	42	30	39	23
TOTAL	529	595	584	737	769	922	943	890	755
% BY GUN	13%	16%	15%	21%	27%	23%	31%	34%	33%

Source: Uniform Crime Reports, FBI

AKRON

Akron experienced a dramatic increase in gun assaults between 1967 and 1969, the period of peak domestic firearms production. Knife assaults rose slowly but steadily from 36 in 1965 to 125 in 1973.

AKRON, AGGRAVATED ASSAULTS BY MODE, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	67	91	106	176	260	259	180	210	221
KNIFE	36	40	88	112	95	126	108	114	125
OTHER WEAPON	12	16	41	46	31	57	44	44	58
PERSONAL WEAPON	9	16	35	43	47	21	30	32	38
TOTAL	124	163	270	377	433	463	362	400	442
% BY GUN	54%	56%	39%	47%	60%	56%	50%	52.5%	50%

Source: Uniform Crime Reports, FBI

CANTON

The incidence of firearm assaults is increasing swiftly and steadily in Canton. Knife assaults have increased steadily but not as rapidly as gun assaults.

CANTON, AGGRAVATED ASSAULTS BY METHOD, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	11	16	25	30	45	55	51	75	75
KNIFE	41	42	51	53	68	56	61	100	102
OTHER WEAPON	2	2	7	7	12	15	21	53	27
PERSONAL WEAPON	--	3	3	7	5	4	4	12	6
TOTAL	54	63	86	97	130	130	137	240	210
% BY GUN	20%	25%	29%	31%	35%	42%	37%	31%	36%

Source: Uniform Crime Reports, FBI

YOUNGSTOWN

Youngstown registered a slower but steady increase in gun assaults between 1965 and 1973, while knife assaults remained stable.

YOUNGSTOWN, AGGRAVATED ASSAULTS BY METHOD, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	36	43	59	86	102	91	109	111	129
KNIFE	87	67	59	54	79	62	68	79	73
OTHER WEAPON	46	30	53	41	69	37	73	88	70
PERSONAL WEAPON	93	22	28	8	18	33	50	55	54
TOTAL	262	162	199	189	268	223	300	333	326
% BY GUN	14%	27%	30%	46%	38%	41%	36%	33%	40%

DAYTON

Data for Dayton is available only through 1971. It shows a tremendous increase in the annual incidence of gun assaults and a steady but much less rapid increase in knife assaults.

DAYTON, AGGRAVATED ASSAULTS BY METHOD, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971
GUN	120	149	222	222	380	528	583
KNIFE	190	179	227	229	261	317	266
OTHER WEAPON	66	83	156	206	119	110	151
PERSONAL WEAPON	48	19	20	2	24	17	13
TOTAL	424	430	625	659	784	972	1,013
% BY GUN	28%	35%	36%	34%	48%	54%	58%

Source: Uniform Crime Reports, FBI

TOLEDO

Between 1965 and 1968 there was a steady increase in gun assaults in Toledo. In 1969 and 1970, gun assaults dropped, coinciding with the enactment of a licensing and registration ordinance in 1968. From 1971 to 1973 gun assaults were on the increase again. Knife assaults increased steadily but slowly over the eight year period.

TOLEDO, AGGRAVATED ASSAULTS BY METHOD, 1965--1973

Mode	1965	1966	1967	1968	1969	1970	1971	1972	1973
GUN	47	83	120	131	97	83	123	132	200
KNIFE	235	279	252	252	285	229	324	301	299
OTHER WEAPON	24	19	29	35	38	41	39	65	64
PERSONAL WEAPON	1	10	2	1	2	0	1	2	5
TOTAL	307	391	403	419	422	353	487	500	568
% BY GUN	15%	21%	30%	31%	23%	24%	25%	26%	35%

Source: Uniform Crime Reports, FBI

ROBBERY

From 1968 to 1973, robbery (use of force or threat of force to take something from a person) increased 46% in the U.S. Armed robbery was up 60%; unarmed robbery up 24%. In 1973, 66% of U.S. robberies were armed.

The accompanying table shows armed robberies outnumbering unarmed robberies in six of Ohio's eight largest cities. Toledo, the only city with a permit required for possession of a firearm (enacted in 1968), experienced a steady increase in robberies, but was, until 1973, the only city reporting under 50% armed robberies. Dayton enacted legislation in 1974 similar to Toledo's.

The FBI does not usually break the armed robbery data down by type of weapon. However, special FBI surveys (see 1973 Uniform Crime Report, p. 17) indicate that 63% of armed robberies are committed with a gun, 24% with a knife and 13% with blunt objects. To the extent that such national figures apply to Ohio, it can be estimated that out of the total of 15,397 robberies reported in Ohio in 1973, 66%, or 10,264, were armed and of these, 63%, or 6,456, were committed by guns.

A special analysis for the AJC compiled by the Cleveland Police Department broke out firearm data for robberies reported from 1970 to 1974. The data, displayed below, showed an average of 52% of the robberies involved guns. When the unusually low figures for 1972 are eliminated, the average is 58%. The Department also broke the gun figures into handguns, long guns and "other guns". The latter refers to cases in which the victim could not identify the type of gun. This showed that in 1973 and 1974, an average of 42% of robberies in Cleveland were committed with a handgun. This corresponds to a recent study by the Los Angeles County Sheriff's Department, which showed an average of 39% for a like period.

ROBBERY BY FIREARMS (CLEVELAND)

	1970	1971	1972	1973	1974
Total Robberies	5,475	5,987	5,639	4,621	6,113
Number by Gun	2,968	3,202	1,563	3,075	3,459
Percent by Gun	54%	53%	28%	67%	57%
Handguns	1,473	2,229	1,136	1,965	2,478
Long Guns	149	212	124	224	324
Other guns, including unknown	1,076	761	303	1,886	657
Handguns as % of known guns	91%	91%	90%	90%	86%
Handguns as % of all armed robberies	27%	37%	20%	43%	41%

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REPORTED ROBBERIES, ARMED AND UNARMED, 8 LARGEST OHIO CITIES

(1965 - 1973)

	A*	UA*	%A*	A	UA	%A	A	UA	%A	A	UA	%A	A	UA	%A
Cleveland	813	1019	44%	1701	1810	48%	3165	2473	56%	3620	2367	60%	3046	1575	66%
Cincinnati	125	191	40%	250	395	39%	368	492	43%	887	862	51%	579	807	42%
Columbus	265	252	51%	463	386	55%	603	781	44%	963	910	51%	858	650	57%
Akron	180	230	44%	338	266	56%	343	404	46%	408	364	53%	499	337	60%
Canton	38	28	58%	58	77	43%	81	107	43%	179	148	55%	125	155	44%
Dayton	164	179	48%	466	346	57%	434	583	43%	891	887	50%	Not Available		
Youngstown	43	55	44%	232	68	77%	335	80	81%	251	103	71%	344	117	75%
Toledo	235	252	48%	480	583	45%	328	491	40%	521	572	48%	734	623	54%
	1965			1967			1969			1971			1973		

A* = Armed
UA* = Unarmed
%A* = Percent Armed

Source: Uniform Crime Reports, FBI

RAPE

The FBI collects no statistics on the use of guns in rape, and in the absence of such data, it has generally been assumed that guns do not play a large role in this crime. The Task Force Report, for example, noted that "the use of firearms in rape in all probability is not substantial." One problem is that many rapes are never reported to the police.

However, the special analysis by the Cleveland Police Department noted above did include rape and showed substantial involvement of guns, with more than a third (34.2%) of all reported rapes involving a firearm in their commission for the years 1970 through 1974 (excluding 1972).

RAPE AND ASSAULT TO RAPE BY FIREARM (CLEVELAND)

	1970	1971	1972	1973	1974
TOTAL INCIDENCE	307	428	462	440	441
NUMBER WITH GUNS	115	167	93	143	130
% WITH GUNS	37%	39%	20%	32.5%	29%

A similar study conducted by the Los Angeles County Sheriff's Department showed a smaller percentage, averaging 7.5% from July, 1971 to June, 1974. Another study, conducted by the City and County of Honolulu,[1] showed firearms used in 16% (30 out of 188) rapes reported from May, 1972 to November, 1973.

Averaging the figures from the three jurisdictions produces an average of 19.3%. If this one-in-five ratio were applied to the total number of rapes reported in Ohio in 1973, then 459 out of the 2,299 rapes reported in Ohio in 1973 were committed with the use of guns.

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[1]McKay, John W., Gun Control: A Report on a County Priority, Law Enforcement Planning Office, City and County of Honolulu, 1974.

GUNS AND CRIME: SOME CONCLUSIONS

Alcohol, drugs and guns are major factors in crime. It appears that alcohol and guns play a larger role in the violent crimes of murder, aggravated assault and rape than do drugs.

Alcohol

Volume 12, Crimes of Violence, of the staff reports to the National Commission on Violence (page 641) notes that "...no other psychoactive substance is more frequently associated with violent crimes, suicide and automobile accidents than alcohol." In his study "Alcohol and Crime" in the Journal of Criminal Law, Vol. 44 (1954) Lloyd Shupe found alcohol at the .10 level or higher in substantial percentages of persons arrested in Columbus, Ohio shortly after certain crimes (45% of those arrested for rape; 43% for assaults; 83% for carrying concealed weapons; 67% for murder; 60% for robbery).

Drugs

As the Report of the President's Crime Commission (p. 222) pointed out, "The non-drug offenses in which the heroin addict typically becomes involved are of the fund raising variety. Assaultive or violent acts, contrary to popular belief, are the exception rather than the rule for the heroin addict, whose drug has a calming and depressant effect."

The Cleveland Impact Cities Program, as described in its Revised Master Plan (April, 1974) was aimed at five crimes: murder, rape, robbery, aggravated assault and burglary (Master Plan, p. 1-4). One of the data findings of the Impact Cities Program was that only 4% of arrestees studied were opiate users (p. 3-26). The Master Plan made no mention of gun control.

Guns

Guns were involved in 84% of the murders in Cleveland in 1973; 65% of the aggravated assaults; 57% of the robberies and 29% of the rapes. As the reported incidence of gun ownership increases, so does the use of guns to commit homicide and assault. As the above data points out, most assault and homicide victims are relatives or friends of their assailant, and as will be shown in Section III, few assailants are the types of individuals who regularly engage in criminal activity. The gun, especially the handgun, is of great utility to many would-be robbers, giving them the means to perpetrate a crime they could not otherwise commit. According to data compiled by the Cleveland Police Department, guns are used in perpetration of rape with greater frequency than had previously been thought, at least in that city.

CHAPTER 6: JUVENILE DELINQUENCY

POSSESSION OF FIREARMS BY JUVENILE AND THE LAW

The Gun Control Act of 1968 forbids a federally licensed firearms importer, manufacturer, dealer or collector from selling or delivering firearms or ammunition to any person he knows or has reasonable cause to believe in less than 18 years of age. Only shotguns, rifles and their ammunition may be sold or delivered to persons the licensee knows or has reasonable cause to believe are under 21 years old. Additionally the Act forbids sale or delivery in contravention of State law or published local ordinances applicable at the place of sale or delivery.

Federal law permits only licensed dealers to deal in firearms, but this is not interpreted to prohibit the isolated sale or other disposition of a gun by a non-licensee who does not make a livelihood or regular profit from gun sales, as long as the sale is to a resident of his home state and to a person he believes is of age and not a felon. There is no further federal requirement and no records are required to be kept of the sale by the non-dealer.

In order to ascertain if a person is of age to purchase a firearm or ammunition, the dealer is required to obtain the name, address, date and place of birth, height, weight and race of the transferee. Treasury regulations require the dealer to make the transferee "identify himself in any manner customarily used in commercial transactions." This generally means a driver's license.

Ohio law provides that a firearm may not be sold to a person under 18 and a handgun may not be sold to a person under 21 years of age. A firearm may not be furnished to a person under 18 except for hunting or firearms training under the supervision of a responsible adult.

While not permitted to purchase a firearm or ammunition, a minor may legally possess a firearm any place in the greater Cleveland area except in Beachwood, Cleveland Heights, East Cleveland, Shaker Heights or University Heights.

THE PROBLEM

Cleveland Police report confiscating 3,347 guns in 1974, but no compilation was made of how many of these guns were taken from juveniles. The number of complaints made to Cuyahoga County Juvenile Court for illegal possession of weapons

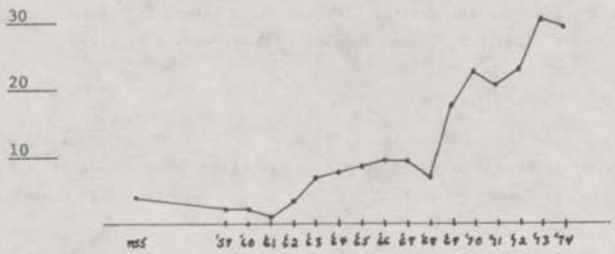
has increased dramatically, from 64 in 1968 to 212 in 1974. Commenting on the court's 1974 Annual Report, Judge John J. Toner, Chief Administrative Judge, stated that one of the most striking things was the 58% increase in complaints on possession of weapons. The judge commented that the bulk of these weapon complaints involved guns. See figure below.

ILLEGAL POSSESSION OF WEAPONS BY JUVENILES
(Complaints to Cuyahoga County Juvenile Court)

1959 - 70	1967 - 77
1960 - 63	1968 - 64
1961 - 43	1969 - 108
1962 - 69	1970 - 197
1963 - 83	1971 - 133
1964 - 88	1972 - 129
1965 - 93	1973 - 134
1966 - 77	1974 - 212

Increasingly, firearms are being used in violent crime by juveniles. Until the mid-1960's, homicides perpetrated by juveniles in Cuyahoga County rarely exceeded 5 per year, but in the decade from 1964 to 1974 homicides by juveniles increased steadily from 6 in 1964 to a high of 29 in 1973. Most of these homicides are perpetrated with firearms. A pistol allows a smaller juvenile to confront an adult and inflict injury at a safe distance. Without the gun, the juvenile would be a far less dangerous, generally without exception, non-lethal adversary.

ACTS RESULTING IN DEATH (HOMICIDE) BY JUVENILES
(Complaints to Cuyahoga County Juvenile Court)



Robbery complaints to Juvenile Court have been increasing at a fairly steady rate, from 13 complaints in 1948 to a high of 452 complaints in 1971. In 1973, the last year for which figures are available, there were 406 complaints. According to Judge Toner, approximately 36% of these complaints involved weapons, usually guns. Juvenile Court statistics are compiled showing only the most serious offense the child is charged with, thus homicide, robbery and other complaints involve incidents separate from the illegal weapons possession complaints.

Cleveland Public School officials report that prior to the 1973-74 school year there were about 4 or 5 guns confiscated in Cleveland schools per school year. In the 1973-74 school year there were 10 guns confiscated. As of the beginning of April, 1975, during the current 1974-75 school year there have been 23 handguns seized from students with a mean age of 15.1 years. Handguns are the weapons most often being seized by school officials this year, who have also confiscated 4 knives, 2 razors, 1 machete and 1 shotgun! The guns are identified in the table below. To the knowledge of school officials, all the firearms were loaded when confiscated.

FIREARMS CONFISCATED IN CLEVELAND PUBLIC SCHOOLS
(1974-1975 SCHOOL YEAR -- THROUGH APRIL 1)

2	.22 caliber pistols
3	.22 caliber revolvers
1	.25 caliber Japanese zip gun
3	.38 caliber pistols
1	.38 caliber revolver
1	.38 caliber Derringer
12	identified only as "guns"
1	shotgun

THE SOURCE

Each gun confiscated by Cleveland school officials is turned over to the police. According to Sylvester Yockey, Special Agent in Charge of the Cleveland ATF office, his office traces all guns confiscated in Cleveland schools. His office has found no evidence of any large scale illegal supplier of firearms to students in the Northern Ohio area. He said that most of the guns are traced to the parents of the student, with a few found to be stolen. This corresponds with statements made by judges of the Cuyahoga County Juvenile Court.

CHAPTER 7: UTILITY OF GUNS AS A DEFENSIVE TOOL

"PROTECTION" OF HOME

Burglary is generally defined as the breaking and entering into a dwelling, in the night, with the intent to commit a felony therein. The Ohio Revised Code breaks from the traditional definition of burglary by stating that the intruder may gain entry into an occupied structure by force, stealth or deception with the intent to commit a felony or theft offense, which might also be a misdemeanor. Also, the Ohio Code makes no distinction between night or daytime entry.

The FBI reports that there were 9,109 burglaries known to the police in Cleveland in 1974. The monthly statistical reports of the Homicide Unit of the Cleveland Police Department for 1973 show 10 homicides as being committed during burglaries. In 1974 there were 4 homicides shown as being committed during burglary situations. The reports further show that Cleveland Police were unable to identify the motive in 50 slayings in 1973 and 60 slayings in 1974. Some can probably be linked to burglaries.

Examining all of the firearms homicides for Cuyahoga County in 1974, where authorities were able to make at least an initial determination as to the circumstances surrounding the slayings, 6 gun deaths were linked to burglary situations:

2 theft situation burglaries, the victim shot by the burglar

1 situation where the gunman was allegedly hired by the victim's husband to kill her (generally not thought of as a burglary type situation--but technically a burglary).

1 situation where the victim's husband claimed theft was the assailant's motive. The victim and assailants were acquainted. Police suspect narcotics connections.

1 situation where a husband and wife both shot an alleged burglar. Police suspect narcotics connections.

1 situation where an apartment dweller shot an unarmed drunkard he mistook for a burglar, when the victim pounded on the assailant's door.

There is cause for alarm when even one person is killed by a burglar, but a gun in the home is not an effective deterrent to a burglar. The burglar relys on stealth, is wide awake, and knows how to use his weapon. In all of Cuyahoga County during 1974, there was only one burglar shot to death by a homeowner and that was in a situation where three armed men attempted to force an entry into the assailant's

home. This homeowner had far more warning than the average burglary victim. When this figure of one burglar killed is compared to the 16 persons killed accidentally by a gun in the home, and 114 persons purposefully shot to death in a home, it is apparent that a gun kept in the house is far more likely to bring tragedy than to provide protection. As noted previously, the Harris Poll indicated that 49% of American households kept a gun and 71% of those owning a handgun claimed that it was primarily for defense. Relating this to the reality that only one burglar in 9,109 burglaries was shot dead by a homeowner (and that under conditions differing from most burglary situations), the utility of a gun for defending the home is nil.

"PROTECTION" IN BUSINESS PLACES

The FBI has reported that there were 3,459 robberies in Cleveland in 1974 that were perpetrated with the aid of a gun, and that nationwide two-thirds of all robberies are by armed assailants. The handgun is the weapon most often used. In 30 of Cuyahoga County's 304 shooting homicides for 1974, police were able to positively determine that robbery was involved.

The staff report to the National Commission on the Causes and Prevention of Violence found that the possession of firearms in business places entails less risk of accidents, suicides and non-justifiable homicides than does the keeping of firearms in the home. It is not known to what extent firearms actually protect the businessman though. In Cuyahoga County in 1974, there were 20 incidents involving shooting deaths in business places where a robbery or robbery attempt led to the shooting. The alleged robber was slain in 12 cases, while the robbery victims were killed in 8 incidents. One homicide victim was an armed private security guard attempting to stop a robbery. Of the 12 alleged robbers killed, 3 were shot by police officers, 2 of those by off-duty officers employed as security guards and one by an on-duty patrolman.

While one more alleged robber was shot to death by merchants than merchants by robbers, this does not necessarily suggest the utility of a handgun in defense against a robber. A robbery is a sudden surprise occurrance. The victim is taken off guard and has no chance to think before he acts. He seldom realizes his predicament until it is too late to defend himself except by engaging in a gun battle at great risk to his life. There is also the further risk that the victim may over react in an ambigious situation and face severe criminal and civil sanctions.

"PROTECTION" ON THE STREET

In Cuyahoga County during 1974, there were 10 shooting deaths attributed to street robberies, commonly called muggings. In two instances, the alleged robber was slain, in the other eight the victim. As with robberies in business places, the victim is taken by surprise, has no time to consider the situation and risks a gun battle at great risk to his life. There are also many additional risks in the use of a gun for defense against street attacks. First, it is illegal in most communities to carry a handgun on one's person without a special permit. Secondly, there is much greater danger of an innocent bystander being harmed in a gun battle on the public streets. Finally, it is much more difficult to justify slaying an alleged robber on the street than it is if the shooting takes place in a business establishment. Virtually all slayings in business places other than taverns involved a robbery or burglary, while of the 77 firearm homicides on public streets, sidewalks, alleys, parks and parking lots only 10 were thought to involve street robberies, thus strong evidence will be required of the assailant that he was in fact the victim of a robbery and in danger for his life.

CHAPTER 8: COSTS OF THE GUN ABUSE TOLL IN OHIO

THE TOLL

Those opposed to gun control often cite the relatively small number of accidental gun deaths compared to motor vehicle deaths. In 1973, for example, there were 2,700 accidental gun deaths and 55,800 motor vehicle deaths (most involving licensed drivers in registered cars) in the U.S. In that year, in Ohio, there were 87 accidental gun deaths and 2,225 motor vehicle deaths, for about a 25 to 1 ratio.

However, accidents are only a part of the gun death toll. As noted below, there were 1,406 gun deaths in Ohio in 1973 compared to 2,225 traffic deaths, for a much closer ratio of 1.6 to 1. (While millions of dollars are spent to reduce traffic deaths, there are no comparable specialized programs for reducing gun deaths.)

Gun deaths, moreover, are only a part of the gun violence problem. There has been a virtual lack of hard data on non-fatal gun injuries. As noted above, it has been estimated that there are about 13 non-fatal gun injuries for every fatal accidental shooting. Applying this figure to the number of accidental deaths in Ohio for 1973 produces an estimate of 1,131 non-fatal accidental gun injuries. As noted above, Zimring's Chicago study showed that there are about eight non-fatal injuries for every fatal assault. Applying this figure to the 1973 Ohio homicides produces an estimate of 4,920 non-fatal assault injuries. The same projections have been made for the national level and are displayed below.

COSTS

Over and above the human costs were the financial costs of this toll. According to estimates by the National Crime Commission, the average cost of a homicide in 1965 was $75,000 in lost earnings alone without adding any other costs such as insurance and hospitalization for those who were not killed instantly. Applying this average to the number of gun deaths in 1973 produces a cost figure of $105.4 million -- in 1965 dollars for Ohio and $1.4 billion for the United States.

A study by the Junior League of Cleveland in cooperation with this study (See Appendix) showed that the average cost of a non-fatal firearm injury in a Cleveland hospital in early 1975 was $1,251. Applying this to the gun injuries produces the AJC's estimate that non-fatal gun injuries cost $7.6 million in 1973 in Ohio and $239 million nationally.

THE GUN TOLL IN 1973

	UNITED STATES	OHIO
DEATHS		
Accidents	2,700	87
Suicides	20,000	704
Homicides	19,510	615
TOTAL	42,210	1,406
ESTIMATED COST	$1,400,000,000	$105,400,000
INJURIES		
Accidents	35,100	1,131
Assaults	156,080	4,920
TOTAL	191,180	6,051
ESTIMATED COST	$ 239,000,000	$ 7,600,000
TOTAL CASUALTIES (Deaths & Injuries)	233,390	7,457
ESTIMATED COST	$1,639,000,000	$113,000,000

Introduction to

SECTION III: EXISTING GUN CONTROL LAWS

The first section of this report examined the ownership of guns in Ohio and the nation. It's main conclusion: too many guns. The second section set forth the consequences of the largely uncontrolled proliferation of guns. It's main conclusion: more guns--more gun violence.

Section III now describes and assesses the existing gun control methods. Rather than any coherent system for controlling gun violence, these methods generally consist of a patchwork of laws at the federal, state and local levels, passed at various times for various reasons and under various pressures. One pressure has been gun violence and the desire of the majority of Americans for gun control; another has been the "gun lobby," led by the National Rifle Association.

Legislators at all levels have to date sought political rather than effective solutions. Contrary pressures have produced schizoid laws with ambiguous results, similar to those Zimring saw as the Congressional objectives in the Federal Firearms Act of 1938:

> ...a symbolic denunciation of firearms in the hands of criminals, coupled with an inexpensive and ineffective regulatory scheme that did not inconvenience the American firearms industry or its customers.[1]

[1]Zimring, Franklin, "Firearms and Federal Law: The Gun Control Act of 1968," The Journal of Legal Studies, (Jan. 1975) p. 143.

CHAPTER 9: ASSESSMENT OF EXISTING FEDERAL LAW

DESCRIPTION

The Gun Control Act of 1968 and Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 provide the federal government's primary statutory scheme for firearms control.[1]

PURPOSE AND OBJECTIVES

The Congressionally declared purpose of this act "is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence."

According to Professor Franklin Zimring of the University of Chicago, who has done an extensive study of federal firearms regulations,[2] the major objectives of the act are:

1. Eliminating the interstate traffic in firearms and ammunition that had previously frustrated state and local efforts to license, register or restrict ownership of guns;

2. Deny access to firearms to certain congressionally defined groups, including minors, convicted felons and persons who had been adjudicated as mental defectives or committed to mental institutions; and

3. Ending the importation of all surplus military firearms and all other guns unless certified by the Secretary of the Treasury as "particularly suitable for...sporting purposes.

DESCRIPTION OF THE ACT

Under Title I, "State Firearms Control Assistance," as summarized in the Task Force Report, the following provisions are made:

1. No one except licensed manufacturers, dealers and importers may "engage in the business" of importing, manufacturing or dealing in firearms or ammunition or "in the course of such business" ship, transport or receive any firearm or ammunition in interstate commerce;

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[1]The Mutual Security Act of 1954 seemingly gives the President broad regulatory powers over gun imports and exports, but has never been considered a major part of the firearms regulatory framework. Administration of this act under the State Department is based more on foreign policy concerns than on firearms control.

[2]Zimring, F., "Firearms and Federal Law: The Gun Control Act of 1968," The Journal of Legal Studies. 133-198 (Jan. 1975).

2. Standards for obtaining firearms licenses are considerably tightened and fees raised;

3. Licensees may not ship firearms or ammunition interstate to nonlicensees;

4. Licensees may not furnish firearms or ammunition to anyone they know or have reason to believe is a fugitive from justice, a convicted felon or under indictment for a felony, an unlawful drug user or addict, or an adjudicated mental defective or one who has been committed to any mental institution;

5. Licensees may not sell rifles or shotguns or ammunition therefor to anyone they know or have reason to believe is under 18 or handguns or ammunition therefor to anyone under 21;

6. Licensees may not sell firearms or ammunition to anyone who is prohibited from possessing or purchasing by state or local law applicable at the place of sale or delivery, unless there is reason to believe the purchase or possession is not illegal;

7. Licensees may not sell firearms to persons who do not appear personally, unless the purchaser submits a sworn statement that his purchase is legal, a copy of which the licensee must forward to the chief law enforcement officer in the purchaser's locality 7 days before shipment;

8. Licensees must note in their records the names, ages and places of residence of firearms and ammunition purchasers;

9. Licensed importers and manufacturers are required to put serial numbers on all firearms;

10. Fugitives from justice, convicted felons or persons under indictment for a felony, unlawful users of certain drugs, adjudicated mental defectives, and persons once committed to a mental institution may not receive, ship, or transport any firearm or ammunition in interstate or foreign commerce or receive any firearm or ammunition which has been so shipped or transported;

11. No one may provide a firearm to anyone who he knows or has reason to believe is a nonresident of the state;

12. No one except licensees may transport into or receive in their state of residence firearms acquired elsewhere;

13. No one may deliver a firearm or ammunition to any carrier without written notice;

14. Carriers may not transport or deliver firearms or ammunition in interstate commerce with knowledge or reasonable cause to believe the shipment, transportation or receipt would violate the act;

15. No one may make a false statement intended to or likely to deceive a licensee with respect to the lawfulness of his acquisition of a firearm or ammunition;

16. No one may import a firearm unless he satisfies the Secretary of the Treasury that it is "particularly suitable for or readily adaptable to sporting purposes" and is not a surplus military firearm;

17. Nonlicensees may not transport, ship or receive in interstate commerce and licensees may not sell or deliver to anyone any "destructive device" (explosive, incendiary, poison gas, grenade, mine, rocket, missile, or weapon with a bore of one-half inch or more), machine gun, short-barreled rifle, or short barreled shotgun, except as specifically authorized by the Secretary of the Treasury consistent with "public safety and necessity."

For violation of any of the above provisions a federal court may impose a fine of up to $5,000 or up to 5 years imprisonment. Title I also provides for criminal sanctions against shipment, transportation, or receipt of a firearm with intent to commit an offense punishable by imprisonment for more than 1 year or with knowledge or cause to believe that such an offense is to be committed with the firearm, punishable by a fine up to $10,000 and imprisonment up to 10 years. Anyone who uses or carries a firearm in the commission of a federal felony may be imprisoned from 1 to 10 years for the first offense and from five years to life for the second. A second offender may not be given a suspended or a probationary sentence.

Title II of the act is captioned: Machine Guns, Destructive Devices and Certain Other Firearms. It provides for an annual tax of $500 on those manufacturing or importing, and $200 tax on those dealing in: machine guns; shotguns with a barrel length of less than 18 inches, or overall length of under 26 inches; rifles with a barrel length of less than 16 inches or overall length of under 26 inches; other nonconcealable handguns; silencers; other unconventional weapons; and dangerous explosive devices. A tax of $200 is imposed on the manufacturer of these weapons for each such weapon made. The manufacturer of such weapons must file an application of approval and pay the $200 tax in advance before making the weapons.

Upon transfer of these weapons (except upon export) the transferor must pay a $200 tax per weapon. The transferee and weapon must be fully identified to the IRS, and if an individual, the transferee must provide his photograph and fingerprints. All such weapons must be registered with the Secretary of the Treasury, the registry to include: (1) identification of the firearm; (2) date of registration; and (3) identification and address of the person entitled to possession of the firearm.

Enforcing The Federal Law

THE ENFORCEMENT AGENCY: ATF

Enforcement of the Gun Control Act of 1968 is charged to the Secretary of the Treasury. Between 1968 and 1972, he delegated this duty to the Bureau of Internal Revenue. Within the Bureau, the Division of Alcohol, Tobacco and Firearms (hereafter ATF) was charged with the duty of enforcing the Act. Since 1972, the Division has had the status as a separate bureau within the Treasury Department.

ATF has 1,576 agents and is headquartered in Washington, D.C., with seven regional offices, including one in Cincinnati. There are 28 district offices scattered in the seven regions, the more populous regions having more district offices. Each district office is headed by a Special Agent in Charge, and these offices oversee criminal enforcement operations of the Bureau. There is one district office in Ohio, again in Cincinnati. ATF has numerous Posts of Duty, headed by Resident Agents in Charge. There are 7 posts in Ohio, staffed by 40 Special Agents. The Ohio posts and the number of Special Agents assigned to each are: Cincinnati (13); Cleveland (11); Dayton (5); Youngstown (4); Portsmouth (4); and Columbus (3).

ATF is an enforcement agency. It formulates regulations to expedite compliance with the Gun Control Act of 1968, oversees the operations of firearms importers, manufacturers, and dealers to try to assure compliance and investigate violations of the Act when brought to the Bureau's attention. ATF has arrest powers but cannot prosecute violators, and must recommend prosecutions to United States Attorney offices and local prosecutors. As the Bureau's name suggests, their 1,576 agents are charged with enforcing the federal alcohol, tobacco and firearms laws, and additionally explosives laws and wagering laws, including collection of taxes in all of these areas.

SEVEN ENFORCEMENT PROBLEMS

Below are listed seven categories, making up what ATF considers the bulk of federal enforcement problems. Each category is discussed as are current procedures, as outlined by ATF, for dealing with these problems. The accompanying figure graphically illustrates these problems.

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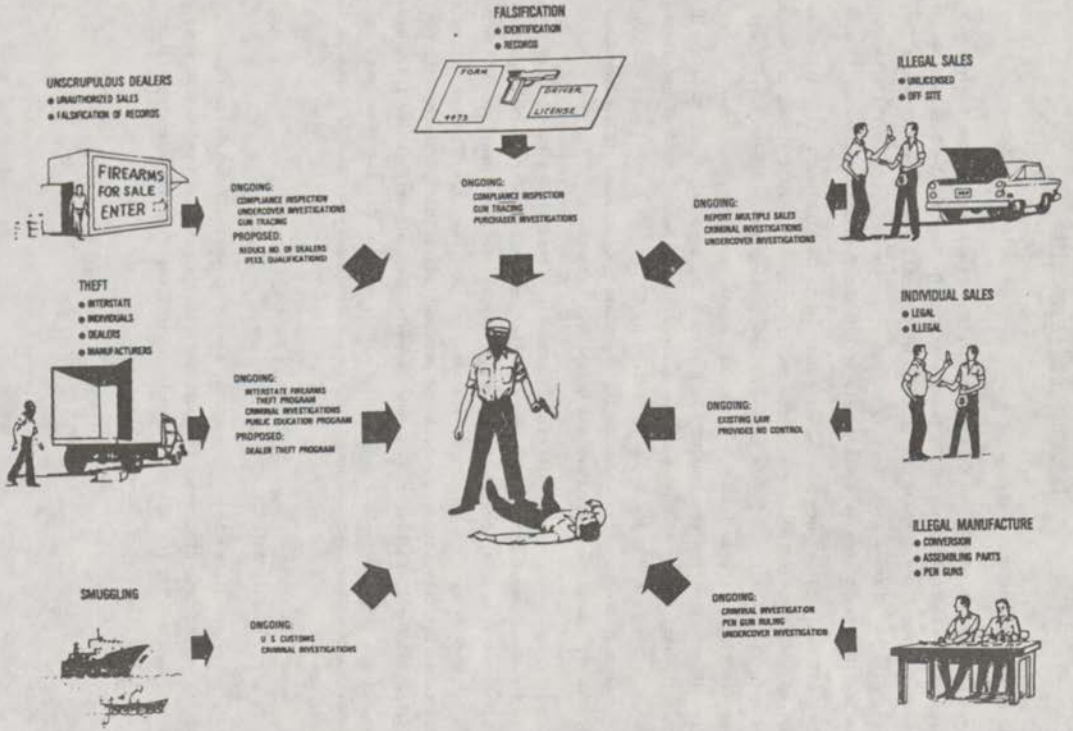
ENFORCEMENT PROBLEMS (ATF FIGURE)



Problem No. 1: Falsification of Firearms Transaction Records

PROBLEM

The falsification of records can be accomplished by the criminal with or without the collusion of the licensed dealer. The convicted felon may state on Treasury Form 4473, Firearms Transaction Record, that he has not been convicted of a felony, is not a fugitive from justice, etc. An out-of-state purchaser may exhibit false identification to the licensee, claiming that he lives in the state in which he is buying the firearm. The dealer, conspiring with the criminal, can falsify his disposition records as to the identity of the purchaser of a particular firearm.

In late 1974, ATF began a project in Greenville, N.C., a city with lax firearms laws, to determine the extent to which felons purchased handguns from licensed firearms dealers by making false statements on Treasury Form 4473, thus violating the Gun Control Act of 1968. The results of this project are presented in an accompanying ATF figure.

There are many shortcomings in the Greenville Project. First, the project identifies only those felons who gave their real names on form 4473 (and those individuals using as a false identification the name of a real convicted felon). It would seem that a person with a prior felony record would be more prone to give a false name and identification, because detection would be impossible, as the gun could not be traced to him through the dealer record system. Also, the Greenville Project does not measure the instances where a person with no prior felony record purchased the gun for a felon. It can thus be assumed that somewhat more than 3% of the handgun purchasers at the licensed retail outlets are convicted felons or individuals who will immediately turn the handgun over to a felon.

ENFORCEMENT

(1) Compliance inspection. ATF special agents and inspectors make spot checks of licensee records and inventories. In this manner, they can try to detect possible record falsification by dealers and discrepancies in dealer inventory records.

(2) Purchaser investigations. This procedure generally takes place during compliance inspections, but can be done at any time. The inspecting officer lists the names of firearms purchasers and checks their criminal records. He may contact individual purchasers to verify that they in fact purchased firearms listed as having

been sold to them. Some dealers have been known to list several guns as sold to one purchaser, who actually bought only one firearm. The other listed guns were sold to criminals.

Zimring has found that audits of firearm transaction records show apparent irregularity in enough proportion to generate several hundred thousand criminal investigations a year if all transaction forms were audited. His study has also found that an average of just 5 firearm transaction forms (form 4473) are traced for criminal record and address vertification, when a compliance check is made on a dealer.

(3) Gun tracing. The Bureau maintains the National Firearms Tracing Center, which traces about 32,000 guns annually for any law enforcement agency desiring a trace. The ATF Cleveland office reports that it receives approximately 20 requests for gun traces per week from local law enforcement officials in the Northeastern Ohio area. This procedure can reveal recordkeeping violations, as well as assist law enforcement officers in the performance of their duties, but the limitation to the system is that it can only trace the name of the first retail purchaser of the gun, provided that person gave his true name and the records have not been falsified or altered.

Problem No. 2: Illegal Sales

PROBLEM

(1) Sales by unlicensed dealers. These are sales made by persons who obtain, either legally or illegally, large numbers of firearms, and engage in business as firearms dealers without obtaining licenses and without keeping transaction records. Generally, they do not obtain identification from the purchaser of a firearm.

(2) Off-site sales by licensees. A license issued to a dealer is valid only when he does business at his place of business. Usually, when a dealer deals at places other than his business premises, he does so with firearms that he has not recorded in his acquisition records. He then does not record the sale. This method, as well as the above, makes the tracing of a particular firearm almost impossible.

ENFORCEMENT

(1) Report of multiple sale of handguns. Under the regulatory power granted to the Secretary of the Treasury by § 923(g) of the Gun Control Act of 1968, starting

in summer 1975, licensees will be required to report to ATF any sale of two or more handguns to one person at one time or within five business days. In this manner, ATF will have the information needed to investigate those persons who are buying handguns for resale as an unlicensed dealer, to the extent that there is dealer compliance and the purchaser has not given a false identification. This regulation, while an important step forward, still will not monitor situations where a person purchases one gun at a number of retail outlets, or where a number of persons purchase one gun each for a common arsenal.

(2) Criminal investigations, including undercover operations. ATF special agents utilize a number of standard investigative procedures. These include the use of confidential informers, surveillance of suspects, and to a large extent, undercover operations.

Problem No. 3: Individual Sales

PROBLEM

A private seller is not required to obtain identification from the purchaser, nor does the purchaser have to certify that he is not a prohibited person. This type of sale is legal in many cases. If the private individual sells across state lines, he is in violation, but in practice, is rarely detected or prosecuted. If the private seller is engaged in business without a license, he of course is prosecutable as an unlicensed dealer. Proving a person is an unlicensed dealer is very difficult. ATF must prove that the suspect is making a livelihood or regular profit from the sales,[1] thus enforcement necessarily centers on those selling large quantities of guns.

ENFORCEMENT

Existing law provides no effective control of this problem. Private sales rarely come to light, and often, the lack of required records makes a trace of the firearm impossible.

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[1]United States v. Jackson, 352 F. Supp. 672, aff'd 480 F. 2d 927 (1972).

Problem No. 4: Illegal Manufacture

PROBLEM

There are various types of firearms manufactured illegally. Firearms can be newly assembled from parts manufactured for the illegal market, or from parts stolen from manufacturers. They can also be made by converting something not intended as a firearm into a firearm, such as items commonly known as pen guns, designed ostensibly as gas guns for defensive purposes. Other pen guns are manufactured with the specific purpose of being used as firearms.

ENFORCEMENT

ATF has recently ruled that all items commonly known as "pen guns" are firearms within the purview of Chapter 44, Title 18, United States Code, and must be manufactured and sold in compliance with all regulations governing manufacture and sale of firearms. This ruling also makes the purchase subject to all provisions of the Gun Control Act.

Problem No. 5: Smuggling

PROBLEM

Although smuggling is primarily a crime within the purview of the Customs Laws of the United States, ATF, because of its jurisdiction under the Gun Control Act, attempts to eliminate the flow of foreign made firearms into this country. It is impossible to estimate the number of firearms smuggled into the United States annually by professional and amateur smugglers. Most such weapons have been brought back in recent years from combat zones by returning servicemen.

ENFORCEMENT

ATF works with the Customs Service to detect violations through regular police investigative methods. Closer supervision of returning servicemen will help alleviate the situation.

Problem No. 6: Theft

PROBLEM

Guns are stolen from almost every possible source; interstate carriers, manufacturers, dealers and individuals. ATF estimates that more than 100,000 handguns are stolen yearly from the public, while about 6,000 firearms are stolen from interstate shipments every year. In an ATF survey of firearms dealers in a seven state region, dealers reported that 5,919 firearms, including 2,426 handguns, were stolen in 1974. The dealers reporting represented about 15% of the total licensed dealers in the United States. Projecting the findings nationally, there would have been about 39,000 guns, including 16,000 handguns, stolen from dealers during 1974. In 49% of the theft incidents reported, only one gun was stolen. ATF attributes these "one gun" thefts primarily to shoplifting and employee pilferage. These firearms, when used in a crime, are impossible to trace to the person(s) who used them for criminal purposes, and thus are in great demand by criminals.

ENFORCEMENT

(1) Interstate Firearms Theft Survey. Implemented in 1973, it asks that manufacturers and common carriers report to ATF all thefts and losses of firearms from interstate shipments. To date, 1,260 loss or theft reports have been received, involving 10,000 firearms. Working alone and with other agencies, special agents have recovered about 1,000 firearms and have arrested 44 persons. It should be emphasized that such reporting is on a voluntary basis, as the Gun Control Act of 1968 makes no requirement that theft or losses be reported to any enforcement agency. Section 2923.20 of the Ohio Revised Code makes it a minor misdemeanor to knowingly fail to report the theft or loss of a firearm to police.

Through approximately the first 10 months of the program, the number of reported thefts averaged about 75 per month; since November 1, 1974, the average has decreased to about 45 per month, while the number of firearms reported stolen has decreased from about 1,000 to 300 per month. ATF is currently coordinating with the American Trucking Association and the Department of Transportation, Cargo Security Branch, in an attempt to determine if this decline in reported thefts represents an actual decline in thefts or whether the carriers are failing to report all theft.

(2) Public Education Program. The Bureau informs industry and the public of the firearms theft problem in various ways. They distribute posters to common

carriers and licensees and stress the problem in public appearances by their special agents and in television spots.

ATF has long suspected internal security problems among manufacturers and carriers as being a major factor in thefts during transit. ATF has made various security recommendations, including utilization of vault-like shipping containers. In January 1975, Colt Industries instituted a new air-containerized shipment procedure which will reduce the number of firearms shipments per year to about 350. United Parcel Service, as a result of extreme loss problems, has installed electronic metallic detectors at six of their "hubs" located in the New York and Philadelphia areas. More of such measures are called for.

Problem No. 7: Unscrupulous Dealers

This problem is closely connected with Items 1 and 2 above. The dealer who is allied with the criminal can provide him with guns in many ways, from falsifying records to selling guns on dark country roads. ATF efforts center on compliance inspections, undercover investigations and gun tracing.

* * *

FEDERAL ARRESTS AND PROSECUTIONS

In 1974, ATF recommended that 4,671 persons be charged with violating the federal firearms laws. Of these, 3,243 were indicted and 1,314 convicted. The table below shows ATF activity between 1970 and the first half of 1975.

ATF FIREARMS ARREST AND SEIZURES

FISCAL YEAR	1970	1971	1972	1973	1974	6 Months 1975
ARRESTS	1,957	2,223	2,507	2,258	3,123	1,740
FIREARMS SEIZED	33,683	7,881	7,142	5,981	6,625	6,522

Of those cases referred for prosecution, ATF classifies them by Title of the Act. Title II deals with offenses involving machine guns, sawed-off shotguns, and other dangerous ordinances. Title VII deals with receipt or possession of firearms by prohibited classes of persons. Title I deals with illegal interstate traffic in firearms, other illegal transfers, dealing without a license, and use of a firearm

in perpetration of federal felonies. As Zimring points out, this type of reporting does not allow for assessment of enforcement in "state aid" areas.

From 1968 to 1973, approximately 43% of the cases referred to prosecution by ATF were for alleged Title II offenses. This would seem to indicate, as Zimring has noted, that ATF is giving a disproportionately large effort in Title II enforcement, given the small number of Title II weapons in circulation.

The Act is designed primarily as a regulatory piece of legislation. As such, it has been painfully inadequate. As previously mentioned, Zimring has found that audits of firearms transaction records would warrant hundreds of thousands of criminal investigations. Given: (1) the framework of the Act, which bases compliance on the assumed honesty of 7,000,000 gun purchasers and honesty and conscientiousness of 156,000+ dealers; (2) lack of any central records; and (3) limited manpower, ATF has never obtained more than 3,243 indictments for violations of the Act in any year since its inception, and must necessarily concentrate enforcement efforts primarily on large scale violators.

Those persons who are apprehended and prosecuted for violations of the federal firearms laws are not dealt lightly with by the federal courts. The average sentence meted out to violators in 1972 (the last year for which records are available) was 32.1 months of confinement. ATF recommended 4,437 persons for prosecution in 1972. Of them, U.S. attorneys indicted 2,645, obtaining convictions in 1,567 cases. The table below shows dispositions of these convictions.

SENTENCES IMPOSED BY U.S. DISTRICT COURTS
UPON WEAPONS OFFENDERS (1972)

Total Defendants Sentenced: 1,523

Imprisoned:	690	Probation:	773
Split Sentence*:	90	Fine only:	46
up to 1 year :	154	Other :	14
1-3 years :	164		
3-5 years :	173	Average Confinement:	32.1 months
5+ years :	109		

*Split sentence is 6 months or less in confinement, followed by probation.

Source: Administrative Office of the United States Courts

CHAPTER 10: EXISTING STATE AND LOCAL LAWS

OHIO'S MEAGER LAWS ON GUNS

Sections 2923.11 through 2923.24 of the Ohio Revised Code (ORC) are captioned Weapons Control. The bulk of Ohio's firearms laws attempt to prevent the illegitimate use of firearms by regulating the place and manner in which firearms may be used.

The primary statute is Section 2923.12, captioned Carrying Concealed Weapons. Basically, it provides that: no person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon. ("Deadly weapon" is defined as "any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon".)

Affirmative defenses to a charge of carrying concealed are that the person was not otherwise prohibited by law from having the weapon and that any of the following apply: (1) the weapon was carried or kept ready at hand for defensive purposes while the person was engaged in, or going to or from his lawful business or occupation, which business or occupation was such or was conducted in such manner at a time or place as to render the person particularly susceptible to criminal attack, such as would justify a prudent person in going armed; (2) the weapon was carried or kept ready at hand for defensive purposes while the person was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon himself or a member of his family or upon his home, such as would justify a prudent person in going armed; (3) the weapon was carried or kept ready at hand for any lawful purpose and while in his own home; (4) the weapon was being transported in a motor vehicle for any lawful purpose and was not on the person and in compliance with the applicable requirements for carrying in a motor vehicle.

Section 2923.16, captioned Improperly Handling Firearms in a Motor Vehicle, provides that: no person shall knowingly discharge a firearm while in or on a motor vehicle. No person shall knowingly transport or have a loaded firearm in a motor vehicle if the firearm is accessible to the operator or any passenger without leaving the vehicle. No person shall knowingly transport or have a firearm in a motor vehicle unless it is unloaded and carried in a closed package, box or case; or in a compartment which can be reached only by leaving the vehicle; or in plain sight and secured in a rack or holder made for the purpose; or in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

Section 2923.15 prohibits carrying or use of a firearm by anyone under the influence of alcohol or any drug of abuse.

Another type of law, which will be more fully discussed in a later chapter, attempts to prevent the illegitimate use of firearms by prohibiting certain segments of the population, thought to be bad risk groups, from possessing guns. Section 2923.13, captioned Having Weapons While Under Disability, provides that: no person shall knowingly acquire, have, carry or use any firearm if such person (1) is a fugitive from justice; (2) is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of such felony; (3) is under indictment for or has been convicted of an offense involving illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of such offense; (4) is a drug addict or in danger of addiction, or is a chronic alcoholic; or (5) is under adjudication of mental incompetence.

Pursuant to Section 2923.14, under certain conditions a person prohibited a firearm under (2) or (3), above, may apply to the court of common pleas in the county where he resides for relief from the prohibition.

Section 2923.20 provides that no person shall recklessly sell, lend, give, or furnish a firearm to the above prohibited possessors, and makes it a violation to knowingly fail to report the loss or theft of a firearm.

Section 2923.21 provides that no person shall sell a firearm to a person under 18, or a handgun to a person under 21. It further provides that no person shall furnish a firearm to a person under 18 except for lawful hunting and firearms instruction under the supervision of a responsible adult.

Section 2923.24, captioned Possessing Criminal Tools, is not generally thought of as a firearms control measure, but may lend itself to an interesting application in this area. The statute provides that no person shall possess any article with the purpose to use it criminally. It further provides that possession of any dangerous ordnance, in the absence of circumstances indicating an intent to use it legitimately, constitutes prima facie evidence of criminal purpose. The key to a novel enforcement approach lies in Section 2923.11, which defines dangerous ordnance. The definition includes firearms and ammunition designed for military purposes, and excludes pistols, rifles, and shotguns designed or suitable for sporting purposes. The statute does not define military purposes, or sporting purposes. Under the most stringent definition,

all revolvers could be considered dangerous ordnance in that they are not named in the exclusion. If sporting purposes means hunting and target shooting, any firearm without an elaborate sighting device could be conceivably considered a dangerous ordnance.

ASSESSMENT

Place and manner laws attempt to reduce firearms violence by police intervention before violence or crime actually occur. The Task Force Report concluded that place and manner laws have a limited capacity to deter violence because "most firearms violence occurs outside the reach of normal police activity--in private dwellings, where police are not aware of it, and on the street, where concealed weapons are difficult to identify. Police officers must have a search warrant to search a home and reasonable grounds to search a suspect before they can intervene and prevent the potentially dangerous use of firearms. The deterrent effect of place and manner laws is diminished not only because of the difficulties of enforcement but also because such laws attempt to deter from illegal use of firearms the least reliable segment of our population. Even if more police were available to enforce these laws, firearms violence would be prevented only in a limited number of cases."

WEAPONS ARRESTS UP

Arrests for weapons offenses, primarily carrying a concealed weapon, have risen sharply. Between 1968 and 1973, weapons arrests increased in Cleveland from 488 to 987. In Cincinnati there were 152 weapons arrests in 1965, compared to 399 in 1973, which was down from 460 in 1971. Columbus witnessed an increase of from 188 arrests in 1968, to 742 in 1973. At the same time, as was shown in Section II, violent crime increased markedly in these cities and throughout the state. Stepped up enforcement has not resulted in a reduction of firearms misuse. If anything can be shown, it is that place and manner crimes have increased together with violent crimes as the incidence of gun ownership has increased.

PROSECUTION OF GUN LAWS

Critics have often pointed an accusing finger at prosecutors and the courts, claiming that if they did not allow weapons violators to "cop a plea" and then let them off with a "slap on the wrists," the present firearms control laws would be a deterrent to the illegal use of guns, and additional measures would not be necessary.

It would be beyond the scope of this study to discuss the deterrent effect of severe penal sanctions, but in assessing present controls, before leveling criticism, it should be determined if they are being adequately enforced.

The primary "place and manner" provision is ORC Section 2923.12, Carrying a Concealed Weapon. If the weapon is a loaded firearm or the defendant has been previously convicted of this offense or an offense of violence, or if ammunition is ready at hand, the offense is a felony punishable by from one to ten years in prison. If, however, the firearm is not loaded, the offense is a misdemeanor punishable by up to six months incarceration or a $1,000 fine.

From January to March of 1974, there were 145 Carrying Concealed Weapons (CCW) cases disposed of in the Cuyahoga County Court of Common Pleas. Of these, 107 defendants pleaded guilty to the lesser charge of carrying a concealed weapon/unloaded, a misdemeanor. A question arises as to why 74% of the persons originally charged with a felony were allowed to plead guilty to a misdemeanor. According to John T. Corrigan,[1] the Cuyahoga County Prosecuting Attorney, many defendants might be acquitted on one of the affirmative defenses listed above. In light of this, the prosecutor will accept a guilty plea to the lesser charge. Corrigan also indicated that the bulk of the CCW arrests were made together with an arrest for a traffic offense. Discovery of the concealed weapon offense was usually made during a search incident to the traffic offense. Corrigan stated that under current Supreme Court rulings, he felt these were legal searches, but that local courts often question the legality of a particular search, so rather than risk having a case dismissed for an improper search, his office will accept a plea of guilty to the misdemeanor. Former Cleveland Police Prosecutor Everett Chandler said that he felt that from 50% to 75% of all CCW arrests involved questionable if not illegal searches by police.[2]

SEARCHING FOR GUNS: CONSTITUTIONAL ISSUES

By way of explanation, the Fourth and Fourteenth Amendments to the United States Constitution and Article I, Section 14 of the Constitution of the State of Ohio provide that:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...

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[1]Interview, April 22, 1975 (telephone).

[2]Interview, April 22, 1975 (telephone).

The United States Supreme Court has interpreted this to mean that a police officer can "stop and frisk" a suspicious person he encounters on the street, to search for a weapon. It has never been fully determined what constitutes[1] suspicious conduct. The Supreme Court has also stated that a police officer can search a person and the area within the person's reach for a weapon, without a search warrant, if the police officer has reason to fear for his safety.[2] The Court has stated that taking a person into custody presents such danger, as to allow the police officer to make such a search without a warrant, and the Supreme Court has recently ruled that a warrantless search that was made incident to a custodial arrest for a minor traffic offense was a legal search.[3] An Ohio Court of Appeals has ruled in the case State v. Call, 8 Ohio App. 2nd. 277,220 N.E. 2nd. 130 (1965):

> A police officer may not search, or seize articles found in, a motor vehicle following an arrest for "speeding," where the circumstances are such that there is no reasonable basis for believing that a search for weapons is necessary for such officer's protection or to prevent an escape, and such officer has no probable cause to believe that a crime had been or is being committed.

Another Ohio court has ruled in the case State v. Coles, 20 Ohio Misc. 12,249 N.E. 2nd. 553 (1969):

> Where a law enforcement officer lawfully arrests a motorist for a minor traffic offense, his contemporaneous search of the motorist and the vehicle for weapons, without a search warrant, is lawful, but the lawful scope thereof is limited to those areas reasonably necessary for the protection of the officer.

The conclusion to be drawn is that detection of violations of place and manner laws often requires a search by police for the weapon. This search may often infringe upon Constitutional rights of the suspect, the fine line of infringement being the police officer's knowledgeable, but subjective, determination that he is in danger and that the suspect is acting suspiciously. More active enforcement by police of such laws could lead to further encroachment of Constitutional rights, an undesirable, illegal alternative.

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[1]Terry v. Ohio, 88 S. Ct. 1868 (1968).

[2]Id.

[3]U.S. v. Robinson, 414 U.S. 218 (1973).

COMMON PLEAS COURT DISPOSITIONS

Prosecutor Corrigan stated that the felony charge is not reduced to a misdemeanor in cases where the suspect has a prior felony record, where there is some indication that the suspect was about to commit some other crime, or where the suspect has a prior conviction for a weapons offense. This was qualified by his statement that authorities are often not able to obtain full information on prior weapons offenses in that many are misdemeanors, and no central records of misdemeanors are kept. Thus, if the defendant has a prior conviction for such an offense, unless it was processed through Cuyahoga County Court of Common Pleas, or occurred in the community where he was arrested for the current charge, it usually will not come to the prosecutor's attention. Of the 138 CCW cases (not including other charges) disposed of in Cuyahoga County Court of Common Pleas between January 1 and March 31, 1974, the following dispositions were made:

NOT GUILTY/DISMISSED: 7 (5%)

Found not guilty:	2
Dismissed for want of prosecution:	5

RECEIVED FINE ONLY: 73 (53%)

Court costs only:	5	$101--$150:	11
$25--$50:	12	$151--$200:	7
$51--$100:	34	$201--$250:	4

median fine: $100

PROBATION: 40 (29%)

1 year:	17	3 years:	5
2 years:	15	5 years:	3

INCARCERATION: 18 (13%)

1 month:	4	1 year:	1
3 months:	2	1-3 years:	1
4 months:	1	1-10 years:	2
6 months:	6	3-10 years:	1

Four defendants were sentenced to incarceration then probation, and six were jailed and fined. Seventeen persons given probation were also fined.

GUN PROBATIONERS

Few conclusions as to sentencing practices could be drawn from examining dispositions alone. Some examination into the background of individual cases would be necessary before any generalizations could be made. Even at that, such generalizations would be second guessing the judges who have heard all the evidence in the cases, and have presentence reports on the defendant's prior behavior. A critical variable in sentencing is the defendant's prior criminal record. A survey of the criminal history of 30 persons currently on probation for weapons offenses in Cuyahoga County reveals that of the 25 male and 5 female offenders, who ranged in age from 19 to 59, with a mean and median age of 36:

7 had no prior criminal convictions;

2 had convictions for intoxication;

6 had prior convictions for minor property offenses such as auto theft, petit larceny, fraud and forgery;

4 had prior convictions for carrying a concealed weapon;

3 had histories of serious but nonviolent crimes against the habitat, including breaking and entering, and burglary;

10 had prior histories of violent crimes against the person, including armed robbery, various degrees of assault, rape, and one manslaughter.

Of these latter 10 persons, 9 are male and 1 female. Their mean age is 41 years old and they have an average of 2.5 previous convictions for violent crimes (excluding one 59 year old male with 9 prior assault convictions).

These 30 cases represent about 10% of the persons on probation in Cuyahoga County in May, 1975 for weapons offenses. They were chosen from two satellite offices of the Common Pleas Court Probation Department, one on the near west side and one in East Cleveland. Each probation officer present in the satellite office at the time of the interview was asked to furnish the sex, age, and prior criminal records of each of their probationers who were convicted of a weapons offense. While perhaps not a statistically random sample, there is still no intentional bias and no reason to expect that this sample is not representative of the group.

Given the number of variables involved, including but not limited to the circumstances of the individual cases, cooperation with police on other matters, availability of space in the jails, and family dependency, the reader is warned against drawing conclusions as to the leniency or harshness of sentences imposed. The reader should note the wide variance in prior history of the defendants, some having no prior

records, others having records of minor property offenses such as petit larceny and auto tampering, and others having histories of serious violent offenses such as manslaughter and rape. Given the wide divergence in background of offenders it would work a serious injustice to take the discretion of judges away in sentencing, and provide for mandatory sentences. The most alarming finding in the above data is that so many of the probationers who had prior criminal records, many for violent crimes, were still able to obtain a gun.

CLEVELAND MUNICIPAL COURT DISPOSITIONS

During the period January through March, 1974, there were 52 firearms misdemeanor cases processed through Cleveland Municipal Court. The various charges appear in the table below.

FIREARMS MISDEMEANORS PROCESSED
CLEVELAND MUNICIPAL COURT, JANUARY--MARCH, 1974

Using weapon while intoxicated:	12
Improperly handling firearm in a motor vehicle:	15
Transporting loaded firearm:	2
Carrying a concealed firearm/unloaded:	19
Unlawful possession of a sawed off shotgun:	1
Unlawfully discharging a firearm:	3

Of these defendants, one was jailed for 30 days, while three were put on inactive probation (not required to report to probation officer) and one was put on active probation for one year. The average fine imposed was $57. These sentences are seemingly light. Traffic offenders are often dealt with more harshly.

The most dismaying finding is that no persons were charged with ORC Sections 2923.20 (A) (1), recklessly furnishing firearms to a prohibited class of possessor; 2923.20 (A) (5), knowingly failing to report the loss or theft of a firearm; and 2923.21, improperly furnishing firearms to a minor. This is indicative that police are either not attempting to trace the sources of firearms found on lawbreakers; or that present laws render it too difficult to determine the source of the gun; or, more likely, both. Given the critical level of illegitimate firearms use in Cleveland, local police should consider following the lead of the New York City Police Department and form a special gun unit to investigate cases of illegal possession of firearms to determine the possessor's supplier and if any laws were violated in the transfer.

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LOCAL ORDINANCES

Cleveland, Columbus, and Canton have similar ordinances requiring the obtaining of a permit from police to purchase or carry a concealable weapon.

Cincinnati requires that before a dealer sell a firearm with a barrel less than 12 inches long, the purchaser must fill out an application which the dealer must send to the City Manager. Also, dealers may not sell weapons or pistol ammunition to persons whom they do not personally know, unless identified by a person known to the dealer. Akron and Youngstown do not have ordinances differing from state law.

Toledo and five suburban communities near Cleveland (Beachwood, Cleveland Heights, East Cleveland, Shaker Heights, and University Heights) require a handgun owner's identification card issued by police, to possess a handgun. Dayton will also require this as of July 1, 1975. These ordinances will be fully discussed in a later chapter.

Bedford, another suburb of Cleveland, prohibits the possession and sale of handguns valued at $90.00 or less. In addition, the gun must weigh at least 19 ounces and not melt or deform at a temperature of less than 800 degrees. Dayton prohibits the possession of handguns having a retail value of $50.00 or less and having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees. Both ordinances declare such guns to be contraband and allow police to confiscate and destroy them, in addition to providing penal sanctions for possession and sale of them.

OTHER MUNICIPAL LAWS

Treasury Department Publication 603, "Published Ordinances: Firearms" includes the weapons ordinances of 103 municipalities in Ohio. Those ordinances which significantly differ from state law have been mentioned above. Some smaller communities require a permit to purchase a concealable weapon, as do Cleveland, Columbus, and Canton.

INTRODUCTION TO

SECTION IV: PROPOSED GUN CONTROL METHODS

Sections I through III examined the proliferation of guns, the consequences and the inadequacies of existing "gun control" laws. This section examines the major control measures now proposed at federal, state and local levels.

The major control strategies include:

1. Regulating the place and manner in which persons may carry or use firearms. Most jurisdictions have some sort of place and manner laws in effect, the most common of which are laws prohibiting the carrying of concealed weapons.

2. Prohibiting certain classes of persons considered to be in the high risk group (such as convicted felons and alcoholics) from possessing firearms.

3. In conjunction with prohibiting certain classes of persons from possessing guns, some jurisdictions require that all individuals desiring to purchase or possess a gun obtain an identification card or license from a police authority, ostensibly for the purpose of screening out persons falling into the high risk group.

4. Registration of firearms, allowing authorities to trace a gun, suspected of being used in crime, to its last registered owner.

5. Prohibiting firearms, or certain types of firearms. This could include a prohibition on the manufacture, importation, sale, or possession of the banned firearm, or any combination of prohibitions. The same is applicable to firearms ammunition.

6. Restricting ownership of firearms. This could be accomplished by restricting possession only to those who could show either a valid or compelling need for the gun, and/or through economic sanctions such as minimum price levels, and/or high excise taxes.

CHAPTER 11: PROPOSALS FOR TIGHTENING THE GUN CONTROL ACT

The primary function of the Gun Control Act of 1968 is to keep guns out of the hands of certain Congressionally defined classes of persons and those classes of persons whom the various state legislatures have found as not suited to possess firearms (e.g., convicted felons). As Section II has pointed out, this goal has not been met, nor is it likely to be met under the present law.

Assessment of the 1968 Act has shown many areas where the Act can be improved so as to better attain the above goal.

1. DECREASING THE NUMBER OF GUN DEALERS

Presently, ATF has a force of 1,576 special agents to enforce, in addition to the Gun Control Act of 1968, laws including alcohol, tobacco, wagering and explosives. About 70% of ATF's agents (1,058 agents in 1974) are assigned to firearms enforcement. This represents an increase from about 20% of manpower assigned to firearms enforcement in 1968, but even with this increase of manpower, ATF cannot adequately police over 156,000 federally licensed dealers. Presently, ATF devotes about one-sixth of its manpower to investigating dealers. Two-thirds of this manpower is devoted to making initial application for dealership investigations, so ATF is able to devote only about 1/18th of its manpower to checking for dealer compliance with the 1968 Act. During fiscal years 1973 and 1974, ATF was able to make only about 16,000 compliance inspections, each lasting about three to four hours. At this rate, a dealer can expect a compliance inspection about once every ten years and then only cursorily. Given the increase in the number of federally licensed dealers each year, not being met by a corresponding increase in ATF manpower, compliance investigations will be even less frequent.

Under the current law, any person who is 21 years old or over, is not a felon, not under indictment for a felony, not an unlawful user of drugs, nor an adjudicated mental defective, can receive a federal firearms dealer's license if he has a premises from which to conduct a firearms business or from which he intends to conduct such a business within a reasonable period of time. The fee is $10.00. Licenses are granted to approximately 99% of all applicants and almost never revoked. See table below.

FIREARMS LICENSE ACTIVITY

		FY-70	FY-71	FY-72	FY-73	FY-74
APPLICATIONS RECEIVED	Original	27,866	23,826	24,112	24,231	24,873
	Renewal	111,008	125,386	125,689	127,911	133,880
	Total	138,874	149,212	149,801	152,142	158,753
LICENSES ISSUED		138,865	144,548	147,026	148,600	156,443
LICENSES DENIED*		2,512	1,032	1,683	1,669	1,540
LICENSES REVOKED		8	7	42	12	17

*Includes abandoned, withdrawn, and denied. Source: ATF
In first half of FY-75, 14,334 original applications received.

There are currently 156,443 licensees and as previously mentioned, ATF has stated that 25,000 dealers could adequately serve the U.S. retail market.

It has, therefore, been recommended that the 1968 Act should be supplemented to provide for the following:

1. Raising the annual license fee to a sum high enough (at least $100) to discourage those who do not intend to make a livelihood of dealing in firearms.

2. ATF should be permitted to refuse a license to any person whom it determines does not have sufficient business experience, financial standing, or trade connections, necessary to commence business within the term of the license (one year).

3. Requiring a business premises to be equipped with anti-theft devices, including a direct alarm to the local police, as ATF shall determine to be adequate.

4. To obtain a license a person should be required to be in compliance with all state and local laws, particularly zoning laws. This would eliminate many casual dealers operating out of their homes.

2. EASING ENFORCEMENT STRICTURES

Title VII of the Act is captioned Unlawful Possession or Receipt of Firearms, and deals with possession of guns by prohibited classes of persons. Under the present law, the defendant must receive, possess, or transport the firearm in commerce or affecting commerce. Due process requires that all elements of a crime charged

against a person be proven. The courts will not allow a presumption that the defendant moved through or affected interstate commerce with the gun involved.[1] This element of the crime has been exceedingly difficult for prosecutors to prove and the Act should be amended so as to exclude this element. It is to be cautioned that such an amendment would create a federal criminal sanction with wide ranging application. Possession of a firearm while under disability is a common offense in most states. Concurrent state and federal jurisdiction would be created. ATF, at its current manpower status, could not provide wide spread enforcement, and increasing manpower to provide adequate enforcement creates the spectre of a federal police force, an idea which has never been welcomed within the concept of our republic. As a practical matter, enforcement would remain primarily the function of local police. In areas where ATF assessed local enforcement to be inadequate, they could supplement it. Where local police agencies are not satisfied by the outcome of cases tried under local law in state courts, they would have the option of referring future cases to U.S. Attorneys for federal prosecution. Also, there might be some deterrent effect in making "possession while under disability" a federal crime.

3. PROHIBITING IMPORT OF HANDGUN PARTS

The Gun Control Act of 1968 set out criteria to ban the importation of cheap handguns into the United States. An unforeseen result of this was an increase in the number of handguns produced in this country from foreign parts. The importation of handguns parts for United States assembly grew from a unit volume of 18,000 in 1968 to over a million in 1972.[2] This "loophole" in the Act could be closed by an amendment forbidding the importation of such handgun parts.

4. PROHIBIT MULTIPLE SALES

Multiple sales of firearms are often indicative of unlicensed dealing and other offenses. Currently, ATF plans to, by regulation, require dealers to report sales of five or more guns to any one purchaser within one month. While a step in the right direction, this measure does not go far enough. Zimring has found that 58%

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[1] See Leary v. United States, 395 U.S. 6 (1969), the lead case in this area. The Supreme Court held as an unconstitutional deprivation of due process, portions of a federal statute which presumed that marihuana had moved in foreign commerce.

[2] Sherrill, Robert, The Saturday Night Special, Charter House, p. 304 (1973).

of all multiple firearms purchases involving handguns appeared to violate the 1968 Act. A better approach would be to amend the Act so as to forbid multiple sales of firearms entirely. Multiple sale should be defined as a transfer to a non-dealer of more than one firearm over a given time period, for example, one month or six months. This is recognized as only a partial solution as purchasers will still be able to circumvent such a provision by purchasing one gun at a number of outlets, or by using many persons to buy one gun each for a common arsenal.

5. AID TO LOCAL COMMUNITIES

One of the most serious obstacles to efforts by local communities to regulate the flow and possession of firearms is that residents of the community can go into a neighboring community with less stringent firearms' regulation and legally purchase a gun, circumventing their own community's efforts at regulation. As an example, the City of Cleveland requires that a person obtain a permit from the Chief of Police before he purchases a handgun. A Cleveland resident can easily go into any one of a number of communities surrounding Cleveland, and legally purchase a gun without a permit. Because only one such permit has been issued since January, 1974, that is just what Cleveland residents are doing.

Section 922 (b) (2) of the Act, therefore, should be amended to make it unlawful to make a transfer that is not in compliance with the purchaser's place of residence. Thus, if a permit is required for a transfer to a Cleveland resident, a suburban dealer should be required to request the permit before transferring the gun to the purchaser. ATF publishes and distributes to dealers each year a compact compilation of all state and local firearms ordinances, so, making simple determinations as to whether a community required a license, or registration or waiting period or banned certain types of handguns, would not present an onerous burden to dealers. This measure, too, is only a partial solution, in that it will have no effect on those cases where the transferee gives a false identity and residence.

6. CLOSING OTHER LOOPHOLES

Currently, Section 922 (b) (3) forbids the sale of firearms by a dealer to a person the dealer knows or has reasonable cause to believe, does not reside in the state in which the licensees place of business is located. This provision should be amended to apply to ammunition as well. This same section also does not apply to the loan or rental of firearms for lawful sporting purposes. This exception allows the unscrupulous to circumvent Section 922 (b) (3) by demanding a high "security deposit" for the rented gun, the borrower then not returning the weapon. This exception should be repealed.

CHAPTER 12: PROPOSALS FOR REGISTRATION

ATF PROPOSAL

ATF has recently put forth a two-part proposal which it feels will enable it to trace guns found at the scene of a crime to the last legitimate owner of the gun, and potentially to a suspect to the crime. Presently, local police, upon finding a gun, notify ATF of the make, model and serial number of the weapon. The manufacturer then supplies ATF with the name of the retailer whom the gun was sold to. ATF must next check with the retailer to determine the name of the purchaser through the Form 4473 which the retailer must keep as part of his permanent records. Form 4473 is the form that the purchaser must fill out when he buys the gun from a federally licensed dealer. Two problems in this present system are: (1) the loss of time involved in first checking back through the manufacturer whose records may be incomplete; and, (2) the inability to trace the weapon beyond the first retail purchaser.

The ATF proposal would first require an amendment in the Gun Control Act of 1968 to provide that all transfers of firearms be through a federally licensed dealer. Private parties would have to transfer guns through a dealer, thus a Form 4473 would be filled out for each firearms transaction. Secondly, to provide for more centralization of the system, ATF, through regulation, would require dealers to submit for each transfer a duplicate of the lower portion of Form 4473 which gives the dealer's name and location and describes the firearm but does not give the purchaser's identity. This data would be stored in a computer and prevent the necessity of having to check with the manufacturer on each gun trace.

ATF feels that this system will allow tracing firearms in criminal situations without violating the fifth and fourteenth amendments right against compelling a suspect to give information that could incriminate him, but that registration of firearms would restrict police in that it would violate the suspect's right against self-incrimination. The rule against compelling self-incrimination, as it applies to firearms registration, is that the government cannot use information obtained at registration to prosecute the registrant for a crime which took place prior to, or is taking place concurrent with the registration. The most common application of this rule is the case where a prohibited possessor, e.g., a convicted felon, is required to register a firearm, thus admitting possession, a crime. He cannot be prosecuted for illegal possession of a firearm. To provide for this, a statute requiring registration

should also have a provision that information obtained at registration not be used against the registrant in any criminal proceeding for a violation alleged to have taken place prior to or concurrent with the registration as does Section 5848 of Title II of the Gun Control Act of 1968, dealing with registration of machine guns, sawed-off shotguns and similar weapons. This would not prevent police from using information obtained at registration for leads to subsequent crimes. It is assumed that few, if any, persons would register a firearm that they had previously used in a serious crime, so registration, rather than being a hindrance to criminal investigations, will provide a valuable tool in tracing a gun to a suspect.

REGISTRATION: ADVANTAGES

Registration would be of more value in furnishing leads to suspects than the ATF proposal, in that in a registration system it will be more difficult for the registrant to falsify his identity than it is for him to give a false identity on Form 4473. Rather than presenting a piece of false identification to a dealer who cursorily examines it, the registrant will have to furnish identification to a police official who will verify it before the transfer of the gun can take place. This procedure may discourage many who had planned to give false identification. Secondly, registration removes the possibility of the unscrupulous dealer falsifying Form 4473 in concert with the transferee. Finally, registration provides a safe, central file of data protected from the dangers of loss, damage and theft attendant to records kept by thousands of federal dealers.

There is an added dimension provided by registration not available under the system proposed by ATF. Under the present system and proposed modification to it, the system, at best, can be used only to trace a gun to a suspect. Utilizing a registration system in conjunciton with a law prohibiting possession of firearms by certain classes of persons, authorities are given a tool to determine if an individual owns a firearm, when that individual subsequent to his purchase and registration of a firearm, does something to move him into a class of prohibited possessors. His firearm(s) can then, subsequent to a hearing before an impartial decision maker, be taken from him. If he claims to be no longer in possession of the firearm(s) he can be made to account for it. In short, registration facilities confiscation of firearms from classes of persons the jurisdiction feels should not possess them, the degree dependent upon how broad or narrow the classes are drawn.

REGISTRATION: METHODS

A registration system can only work to the extent that there is compliance. Complaince through the dealer sale can be had by requiring dealers to give a sales slip describing the gun to the purchaser, who would not be permitted to take possession of the gun until he subsequently provided the dealer with proof of registration. Compliance between private parties would be more difficult. The ATF proposal that all transactions take place through a dealer would be helpful. Widespread publicity of a registration requirement, along with attendant publicity to prosecutions of violators would help foster compliance. The public would have to be made aware that registering transactions is to their benefit so as to relieve them of accountability for a firearm used in aid of crime by a subsequent transferee.

To be most effective, registration should be enacted at least on a statewide level. In lieu of this, registration on a municipal level is desirable but is, of course, confined to the boundaries of the municipality. A municipality cannot require registration of a weapon transferred outside the boundaries of the community. The best that can be done is to put a duty upon the transferee to register the weapon when it is brought into the community. This would be very difficult to enforce though in that the community has no control over or knowledge of the transaction while the weapon is outside the community. For this reason, to provide necessary state and local aid, it is essential that the Gun Control Act of 1968 be amended as discussed in Chapter 11 above, so as to provide that transfers be in accordance with the ordinances of the transferee's place of residence, or at a minimum, that the authorities in the transferee's place of residence be notified of the transfer.

REGISTRATION: LACKING IN OHIO

There is no provision for registration under state law in Ohio. Six communities: Toledo, Beachwood, Cleveland Heights, East Cleveland, Shaker Heights and University Heights, require an owner's identification permit to possess a handgun. A seventh community, Dayton, will have such a requirement as of July 1st, 1975. Of these communities, Toledo and Cleveland Heights make no requirement that handguns in the possession of the permit holder be registered.

University Heights ordinances make no provision for registering firearms, but the application for a handgun owner's I.D. permit has spaces where the applicant may list the make, model, caliber and serial number of the firearms he owns if he so choses. Shaker Heights and Beachwood have no provisions requiring registraiton in

their ordinances, but as in University Heights, the application form for a handgun owner's I.D. permit has spaces for the make, model, caliber and serial number of the applicant's firearms. Unlike University Heights, Beachwood and Shaker Heights require the applicant to describe his handguns in the application, reasoning that a permit is not needed by a person who does not own a handgun. Long guns may be listed at the option of the applicant. Neither community checks the description given against the actual gun. East Cleveland, likewise requires I.D. permit applicants to describe the handgun(s) on the application, and additionally, East Cleveland ordinances require that the possessor of a handgun notify the Chief of Police of any disposition of a handgun within five days. The gun must be described but the transferee need not be named, but like Beachwood and Shaker Heights, East Cleveland also does not check the description given against the gun.

The Dayton ordinance provides that persons engaged in the business of selling or trading handguns within Dayton must, within five days of the transfer of the handgun, furnish to the Director of Finance the name and address and owners identification card number of the transferee and the make, caliber and serial number of the gun. Dayton officials insist that this is not a registration of handguns, but rahter a registration of handgun owners, whatever the distinction may be. Those not engaged in the selling or trading of handguns need not furnish such information of transactions, the feeling being that compliance would be too difficult to enforce.

In summary, for a local registration system to be effective, there should be a provision in the ordinance requiring the possessor of the gun to register it; a provision requiring the transferor to give notice to officials of a transfer, describing the gun and identifying the transferee and his address; and a state or federal statute requiring transferors to notify officials in the transferee's community of a pending transfer to him and delay transfer until approval by the community's officials.

REGISTRATION: WILL IT REDUCE VIOLENCE?

A properly enacted registration system (in addition to facilitating the return of stolen guns to rightful owners) will discourage those with a prior design on utilizing the gun for criminal purposes from obtaining the gun through legitimate channels. It will help to close one source of supply which logic dictates should never be open to a person with criminal designs. It will also discourage persons

from carelessly transferring or keeping their firearms. Fear that the firearm used in crime by a non-registered transferee will be traced to them will encourage many persons to comply with registration laws. To that extent, firearms will become less available to criminals and the use of firearms in crimes such as robbery and burglary should decrease. Such may not be the case in shootings between relatives, friends and casual acquaintances, though. A study of firearms homicides between these individuals was done in Miami, Florida.[1] A registration ordinance was enacted in Miami in 1968 and the study shows that such homicides, nonetheless, increased at a faster rate after 1968 as was the case nationwide.

Nonjustifiable Homicides With a Discernable Relationship Between Victim and Killer

(Miami, Florida)

Year	1964	1965	1966	1967	1968*	1969	1970	1971
	20	23	25	25	23	32	35	47

*Registration went in effect.

The percentage of registered guns used in these homicides increased from 24% the first year the ordinance was enacted to 46.6% in the fourth year. No significant differences in circumstances involving registered and unregistered guns was found, the most frequent precipitating circumstance leading to the homicide being an argument.

It is not apparent whether registration has dissuaded many persons who would otherwise have purchased a handgun for protection of self and family or sport from otherwise doing so. It is more apparent that registration has not proven a deterrent, when, in a fit of passion, they shoot a relative, friend or acquaintance. Thus registration alone will not lower the incidence of this sort of violence.

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[1] Kruse, J. The Influence of Mandatory Firearms Registration on Domestic Homicides, Unpublished Master's Thesis, Sam Houston State University, 1972.

CHAPTER 13: RESTRICTING POSSESSION

OBJECTIVES

Before instituting any rational firearms control system, it is necessary to determine what its goals should be. The goals depend upon what the problem is perceived to be. Some have perceived the gun problem as the use of guns by a criminal element in the perpetration of crime. Their goal is to eliminate the use of guns in furtherance of such crimes as robbery, hijacking and rape. Others perceive the problem as being somewhat broader, the total incidence of firearms-related violence; their goal is to eliminate gun violence. However the problem is perceived, the ideal solution would be to leave legitimate gun uses undisturbed and prevent all illegitimate uses, but as pointed out in the Task Force Report, such a solution is unattainable.

A prior chapter has pointed out that controls attempting to regulate the place and manner in which firearms may be used are difficult to enforce and have a limited capacity to deter violence. A second method of firearms control is to attempt to separate the legitimate from the illegitimate uses of guns by limiting the classes of persons who may legally possess them. The following material will describe and assess various restrictions (in operation/proposed) on a continuum of degree of restrictiveness.

HIGH RISK CLASSES

The most popular form of restriction is a prohibition on possession of firearms by a few narrowly drawn classes of persons who are thought to present a threat to society if they possess a gun. These classes generally consist of convicted felons, fugitives, drug addicts, mental defectives, alcoholics, and minors not under careful supervision. Forty-five states have such laws in effect, but rarely does one state prohibit all these categories of persons from having handguns. Indiana and Tennessee do not prohibit possession by these classes, but do prohibit transfer of handguns to them. Section 2923.13 of the Ohio Revised Code, captioned "Having Weapons While Under Disability" provides that no person shall knowingly acquire, have, carry or use a firearm if such person: (1) is a fugitive from justice; (2) under indictment for or convicted of a felony of violence; (3) adjudged a juvenile delinquent for

commission of a felony of violence; (4) is under indictment for or has been convicted of or adjudged a juvenile delinquent for the illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse[1]; (5) is drug dependent, in danger of drug dependence, or a chronic alcoholic, or; (6) is under adjudication of mental incompetence.

It is not certain whether possession of a gun by every individual in each of these classes poses a threat to the citizenry, and certainly the above prohibitions do not apply to all individuals who might put firearms to illegitimate use. But, if members of the prohibited classes are more apt to misuse firearms, this law can reduce gun violence only to the extent that it can prevent these persons from obtaining guns.

As the Task Force Report pointed out, keeping guns from these groups is, under the best conditions, extremely difficult. These laws provide no procedure to make it more difficult for the prohibited classes to obtain the guns. Under current law, in all but six jurisdictions in Ohio (Toledo being the largest), they need only falsify Form 4473 when purchasing a gun. By simply presenting a false identification (e.g., phony driver's license) the the gun dealer, detection is made impossible unless the person is arrested for some other offense and the gun is found in his possession.

DETECTION DIFFICULT?

Enforcement of such laws present considerable problems. Usually offenses cannot be detected until the offender puts the gun to some illegitimate use, drawing attention to his possession of the weapon. The other primary means of detection, CCW arrests, (as discussed above) are often open to constitutional challenge.

From January to March, 1974, 53 persons were arraigned in the Cuyahoga County Court of Common Pleas (Cleveland and Suburbs -- 1970 Census Population; 1,721,300) for this offense. Of these, 16 were also charged with carrying a concealed weapon, while 19 were charged with other crimes, including: five aggravated robberies; five aggravated burglaries; four aggravated assaults, one assault on a policeman, one assault to rob, one theft, one rape; two drug offenses; and, one charge of possession of criminal tools.

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[1]The term "drug of abuse" is not defined in the Criminal Code Section of the Ohio Revised Code, Chapters 2901 through 2935, nor is it defined in Chapter 3719, captioned "Barbituates: Narcotic Drugs".

STIFF SENTENCES

Under Ohio law, violation of § 2923.13 O.R.C. is a felony of the fourth degree, punishable by a term of incarceration of between six months to five years and a fine of up to $2,500. Any portion of the sentence can be suspended and probation can be granted. Of those arraigned, 16 cases that did not also involve one of the crimes listed above (except carrying a concealed weapon) were disposed of. The dispositions, listed in the table below range from $100 fines to stiff jail terms, and probably reflect the circumstances of the 16 cases. The sentences are stiffer on the average than for carrying a concealed weapon, the primary place and manner regulation, in that, except in the cases of chronic alcoholics and adjudicated mental incompetents, the defendents are prior criminal offenders.

SENTENCES IMPOSED FOR CONVICTION OF ORC § 2923.13
"Having Weapons While Under Disability"
By Cuyahoga County Court of Common Pleas
(Where no other criminal charge was involved)

(January through March, 1974)

$100	Fines	2	
$500		1	(Plus 30 days incarceration)
4 Years	Probation	1	
3 Years		2	
2 Years		3	(Must spend 12 weekends incarcerated)
6 Months		1	
3 - 10 Years	Incarceration	1	(With a C.C.W. conviction)
2 - 5 Years		1	
1 - 3 Years		1	
2 Months		1	
30 Days		1	(Plus $500 fine)
12 Weekends		1	(Plus two years probation)
	Total:	16	

As the Task Force Report (p. 82) points out, if nothing but a law on the books stands in their way, few persons are likely to refrain from obtaining a gun, especially if violations of the law are difficult to detect, as is the case here. Nonetheless,

such a statute has an advantage over place and manner statutes in that it seeks to affect conduct before firearms are obtained, which is more realistic than attempting to control a person's use of the firearm once he has it.

SCREENING GUN POSSESSORS

It would seem that procedures which make it more difficult for "bad risk" persons to obtain guns would be more effective in keeping guns away from them than simply a prohibition standing alone. Currently, only six communities in Ohio have any procedures in effect, Toledo[1], and five suburban communities near Cleveland: Beachwood[2]; East Cleveland[3]; Cleveland Heights[4]; Shaker Heights[5], and; University Heights[6]. A seventh community, Dayton[7], will have such procedures in effect commencing July 1st, 1975.

The procedures are all basically patterned after Toledo's which requires all persons who shall purchase, own, possess, receive, or have on or about their person a handgun to first obtain a "handgun owner's identification card" from the police. There are a few exceptions including: law enforcement officers; residents of Ohio having a valid permit issued by another police authority; executors, administrators and others holding handguns in a fiduciary capacity; heirs and legatees for up to sixty days; and carriers and warehousemen engaged in lawful transport or storage. The cards are valid for three years. University Heights, East Cleveland, Cleveland Heights, Beachwood and Dayton prohibit transfering a handgun to another person unless the transferee displays an owners identification card that appears valid on its face, or proof that he is exempt from the requirement. Toledo, University Heights, East Cleveland, Cleveland Heights, and Beachwood also provide that a person may not take a handgun as security for a loan or a pawn in those cities, unless the transferor displays an owners identification card or proof of exemption. Dayton will require an additional procedure, that a person who intends to transfer a handgun notify the Director of Finance (at least five days prior to the transfer) of the name, address, social security number, and handgun owners' identification card number of the transferee.

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[1]Toledo Municipal Code § 17-19-1 to § 17-19-9
[2]Codified Ordinances § 541.01 to § 541.11
[3]Codified Ordinances § 545.11 to § 545.17
[4]Codified Ordinances § 541.01 to § 541.08
[5]Codified Ordinances § 709.04 to § 709.11
[6]Codified Ordinances § 626.01 to § 626.09
[7]Codified Ordinances § 1055 to § 1055-7

The various ordinances permit anyone to obtain a handgun owner's identification card except fugitives from justice; adjudicated mental incompetents; those under the influence of alcohol, narcotics, hallucinogens, or other dangerous drugs; those under indictment for a felony; those convicted of a felony within the past ten years; persons under 21 years old; persons convicted of illegal use of or possession of narcotics; persons with more than one conviction of being drunk or disorderly (misdemeanors) within one year prior to their application; or persons with more than one conviction of a misdemeanor involving force and violence or the threat of force or violence (e.g., assault and battery) against another person within one year prior to their application.

Shaker Heights is slightly more stringent, denying eligibility to anyone convicted of more than one misdemeanor involving force or violence within two years prior to application. Beachwood is more stringent yet, denying eligibility to persons with more than one conviction for being drunk or disorderly within three years prior to application, and those convicted of more than one misdemeanor involving force or violence within ten years prior to application. Dayton will deny an identification card to all persons ever convicted of any offense involving force, violence or threats of such.

SCREENING PROCEDURES: HIT AND MISS?

The identification card acts as a screen to prevent certain classes from obtaining handguns. One factor in how effective the screen will be is the procedures employed by police in checking out applicants. Police in all jurisdictions with identification card requirements now in effect, except Cleveland Heights, responded to questions about such procedures.

Toledo and East Cleveland use the most cursory procedures. They check their own police department arrest records, and if the applicant has no record of arrest in their city, he is given the card.

University Heights sends the name, date of birth, and description of the applicant to the Ohio Bureau of Criminal Investigation (BCI) (which in turn sends this information to the FBI's National Criminal Investigation Center) to determine if he or she has a felony record. It also checks with Cuyahoga County Probate Court to see if the applicant has ever been adjudicated as a mental incompetent by that court.

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Shaker Heights Police send the fingerprints of the applicant, his name, date of birth and description to BCI. They also check Shaker Heights arrest records for misdemeanors and orders for commitment.

Beachwood Police conduct the most thorough background check on applicants. They check their own arrest records and send his fingerprints, name, date of birth, and description to BCI. They check Cuyahoga County Probate Court and Cleveland Police Department's Scientific Investigation Unit (SIU) to see if the applicant has a misdemeanor record in Cleveland. Short of checking with each police department and probate court in the state, this is the most thorough check through official agencies possible. This check will determine if the applicant is a fugitive, has been convicted of a felony in the United States, a misdemeanant Beachwood or Cleveland, and whether he was adjudicated a mental incompetent in Cuyahoga County. Since there is no central record kept of misdemeanor convictions, there is no way to check this out short of contacting each police department in the County, State, etc. Given the mobility of individuals, at the minimum, a County-wide data bank of misdemeanor records (excluding minor traffic) could be maintained. No central records are kept concerning mental health, but with society's changing values concerning privacy of these matters, it is not likely that such a data bank will be established, or is even desirable, except in cases where clinical evaluation has shown that individuals have a greater than normal propensity towards violent behavior.

TOO MANY HOLES IN THE SCREEN

In sum, the screening procedures, as implemented, appear to be too porous and could be tightened up, at least to the extent of Beachwood's. Centralization of misdemeanor and certain mental health records, with adequate safeguards for privacy, could be useful. But even with lax checkout procedures, the owners identification card system could be an effective screen. Those falling into the prohibited categories might well be dissuaded from obtaining a handgun, at least through legitimate channels. Certainly, a person who had prior criminal designs for the use of the gun would not want to alert police that he owned it. The effectiveness of the screen would depend upon how easily a prohibited person could obtain a handgun without the identification card. Presently, that person can legally go into a nearby community which does not require a card and purchase a handgun, provided he does not come within the prohibi-

tions of O.R.C. § 2923.13. If he does come within this Section, he need only falsify Form 4473 and not risk detection unless he is later caught with the gun. Thus, for the screen to be effective, it must be implemented over as wide a geographic area as possible, the greatest effect coming, of course, from a nationwide system.

ATF's PROPOSAL

A national permissive licensing law is one approach. Another has been proposed by ATF: to set some minimal federal standard prohibiting possession to certain classes of persons, most likely fugitives, felons, drug addicts, mental defectives, and minors. Each state would be required to enact a licensing provision at least as stringent as the federal standard, or, in the alternative, enact a waiting period where local authorities would check the identity of purchasers and determine if they meet the minimal federal standards. (This alternative is a form of licensing, but no central records of handgun owners would be kept, as with a licensing system). Failure to implement a system would result in a refusal to issue federal firearms dealer's licenses in the state. The licensing (identification card) procedure provides for direct contact between authorities and the purchaser. Thus, there is less chance for falsification. It also provides a data base for local authorities to determine the inflow of firearms into the population, and, thus, is preferable to the waiting period/check of identity system.

The ATF proposal has many advantages. It shifts the onerous burden of determining if a purchaser is giving false information from the firearms dealers (who have proven to be not very adept at this) to the local police. It would place the burden of enforcement on local authorities and courts, and allow each state to enact as permissive or restrictive a system as it deemed necessary to the needs in that state, as long as the minimal federal standards were met. The proposal is compatible with the republican form of government, as opposed to a federalist system. ATF feels that the proposal would help provide the state aid in enforcing local laws, which the Gun Control Act of 1968 was supposed to provide..

In lieu of a national or statewide licensing system, a federal or state law requiring that all firearms transfers be in compliance with the ordinances in effect at the transferee's place of residence would aid local control efforts, but alone would not provide a screen against those prohibited persons who would

travel to a neighboring community that had no licensing provision and then give a false identity and address to the gun dealer, or have another person purchase the gun for them. Of course, even if there were no assisting legislation at the state or federal level, common sense dictates that as more communities enacted licensing ordinances it would become increasingly more difficult for prohibited classes to purchase guns.

WHO ARE THE GUN ABUSERS?

To this point, the premise has been that prohibiting certain "high risk" classes from possessing handguns will decrease gun abuse. The following material, while not meant to be a complete profile of persons who abuse guns, presents a summary of opinion by experts in this area as to the validity of the premise.

Concerning mental defectives, the Professional Advisory Council of the National Association for Mental Health submitted the following statement to the National Commission on the Causes and Prevention of Violence:

> The popular idea that the mentally ill are overrepresented in the population of violent criminals is not supported by research evidence. Generally, persons identified as mentally ill represent no greater risk of committing violent crimes than the population as a whole.

The Task Force Report points out that most studies indicate that the discharged mentally ill, as a whole, are significantly less prone than the general population to involvement in violent behavior. It would thus seem that mental defectives are not, in fact, a high risk group, and including them in the screen should not appreciably decrease the incidence of gun abuse.

TANAY'S THREE KINDS OF KILLERS

Dr. Emanuel Tanay, Associate Professor of Psychiatry and Associate Professor of Law at Wayne State University, has made a clinical study of over 120 homicide offenders, many referred to him by courts for psychiatric evaluation. He has classified three types of perpetrators. The first is the psycopath, which is extremely rare.

The second is classified as ego-syntonic. To this type of individual, the shooting of another person is a consciously acceptable act, rational and goal-directed, the goal generally being monetary gain. This type of person is most likely to engage in repeated acts of criminal conduct, thus a prohibition on possession of handguns by persons convicted of felonies and violent misdemeanors should reduce

the incidence of illegitimate firearms use, to the extent that the screen is effective. Toledo has procedures for such a screen in effect. In Toledo during 1974, there were 25 non-justifiable firearms homicides. Of these, seven (or 28%) were classified as between strangers, which is generally thought to be a felony related murder situation. Interestingly, in 1973, the last year for which data is available, FBI Uniform Crime Reports classify 28% of all murders nationally as being felony related. The conclusions to be made are that either the screening procedures used in Toledo are inadequate, or that the screen is ineffective because these persons are readily obtaining handguns outside of Toledo. Both conclusions probably are correct, but the latter to a greater degree than the former.

As the crime statistics point out, about 28% of homicides are committed in felony type situations. This corresponds with Dr. Tanay's studies which claim that only a small percentage of persons who shoot another person fall into the ego-syntonic classification. The bulk of perpetrators are said to fall into a third category, called ego-dystonic. These persons strike out in a short rage, generally in a situation that they have a hazy recollection of. Unlike the ego-syntonic type, who finds it consciously acceptable to kill, this group generally has a strong, overcontrolling superego, and lack the capacity to gratify aggressive needs, being able to do so only in an explosive manner. These "explosions" occur very infrequently and in the absence of a lethal weapon are usually verbal or nonlethal physical assaults. One of the most significant findings in Dr. Tanay's study is that for the most part, ego-dystonic killers functioned on well integrated levels. Self denial and repression of feelings is characteristic of this group and are generally viewed by associates as being benevolent and cooperative persons. Dr. Tanay concludes that they "overidentified with the expectations of behavior appropriate for middle-class status. Traditional middle-class values prohibit aggressive gratifications on a physical and verbal level."[1]

Interestingly enough, another commentator concludes that the victim is most often an aggressive, tyrannical person who provokes the submissive, passive assailant beyond his previously overcontrolled hostility threshold.[2]

The potential for violent behavior is present in the ego-dystonic, but on a

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[1] Tanay, E., "Psychiatric Study of Homicide", American J. Psychiat. 125:9, p. 1257 (March, 1969).

[2] Schultz, L., "The Victim Offender Relationship", National Council on Crime and Delinquency, Vol. 14, #2 (1968).

subconscious level. The most critical factor is the availability of a gun at the time of explosion, and a permissive prohibitory scheme based primarily on post criminal history will provide no screen for these individuals. In Toledo during 1974, there were 18 non-stranger firearms homicides. Toledo police indicate that six assailants had valid handguns owner's identification cards, and that only one assailant would have been ineligible to receive an identification card, that person having a prior felony record.

Dr. Tanay indicates that only after extensive psychiatric examination can it be determined if a person is prone to violence on an ego-dystonic level and even then the psychiatrist cannot determine at what time the person will "explode". He further indicates that these generally law-abiding persons will be no more discouraged by a licensing system from buying a gun than the public in general would.

The ominous conclusions are that a system designed to screen out the "bad risk" groups, as most permissive systems are, will provide no screen of the group most responsible for assaults and homicides perpetrated with guns. A system which would effectively screen out this group as a "bad risk" would go far beyond the permissible intrusions into privacy that our society allows. Such a system would require nothing short of a psychiatric examination for each person desiring to possess a gun.

PERMISSIVE SCREENING

Returning to what the objectives of a firearms control system are determined to be, a permissive prohibition with an effective screening system would be a major contribution to reducing the number of guns in the possession of those likely to use them for criminal activity in furtherance of pecuniary gain. Violance associated with crimes like robbery and burglary should decrease. Criminals will still obtain firearms by theft and other illegitimate sources, but legitimate sources will no longer be available. Common sense dictates that the price of a gun bought through illegitimate sources will increase markedly as supply decreases and risk increases. It is apparent that the greatest obstacle to an effective screen is the availability of firearms in a nearby jurisdiction which has no screening procedures. As an example, a permit issued by the Chief of Police is necessary to purchase a handgun in Cleveland. In 1974, only one permit was issued. Cleveland Police claim that between 80% and 90% of the handguns used in crime in Cleveland were purchased in a nearby community,

Bedford, which does not have any screening procedures.[1] Another example is the situation in Detroit, Michigan. Michigan law requires a license to purchase or carry a handgun. A license may not be issued to a person under 18, who is insane or who has had a felony conviction within eight years. ATF's Project Identification study traced the place of first retail sale of guns confiscated in serious "street crimes" (felonies, other than weapons offenses, and crimes of passion) in 12 cities. In Detroit, 840 guns were successfully traced. Only 70 (8.3%) were first purchased in Michigan. The largest number, 157, (18.7%) were purchased in Ohio, where there is no state-wide screening procedure. The Michigan screening procedure apparently had some effect, in that 13% of the guns traced were stolen, compared to an 8.1% average among the 12 cities and a 7% average among the cities with no screening procedures or in states with no screening procedures.

RESTRICTIVE SCREENING

If the objectives of a control system are broader than lowering the incidence of gun use in perpetration of crime and include lowering the overall incidence of illegitimate firearms use, including accidents, suicides and homicides, and assaults in non-felony type situations, in addition to gun use in perpetration of crime, a permissive screen is inadequate. Such a system does little to lower the number of firearms in circulation. All studies, including this one, have pointed to the inescapable conclusion: more guns; more gun abuse. Restructuring our society to eliminate all reasons for illegitimate use of guns would be an ideal. A far more realistic means, however, would be to drastically reduce the number of guns available. Indeed, this is the most easily manipulable variable as a means of reducing firearms violence. As the Task Force Report points out, with fewer handguns in circulation, the number of transfers from legitimate to illegitimate users will decrease, as will the number of thefts. But most importantly, the number of instances in which formerly law-abiding persons will turn to handguns in a moment of frustration and rage will decrease.

The type of legislation necessary for this type of system would require a prohibition on the transfer to and possession of firearms by the entire population, except for a few narrowly defined classes of persons such as police officers and effectively regulated private security guards. These excepted classes would have to be licensed. Further narrow exceptions, such as limited and supervised use by sports-

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[1] Statements by Lt. Ralph Joyce, Chief, Homicide Unit, Cleveland Police Department, on WVIZ-TV, Channel 25, March 8th, 1975.

men, could be made as the jurisdiction deemed desirable, but too many "exceptions" would, of course, destroy the concept of the system.

Critics of such a system claim that the criminal will still have guns and society will be at their mercy. ("When guns are outlawed, only criminals will have guns.") True, the incidence of ownership of guns among criminals would eventually be higher than the incidence of ownership among the entire population, but the logical adversaries fo the criminal -- police officers -- would also have firearms. If anything should be clear from this and past studies, it is that the average citizen is not equipped to do combat with the professional criminal. Fewer guns in circulation means it will be harder for criminals to obtain guns, but more important, that they will be met with less resistance and have less necessity for using their guns. As Dr. Tanay's studies have shown, the ego-syntonic, criminally oriented person generally does not kill as an end, but only as a means when he perceives it to be necessary.

THE NEW YORK EXPERIENCE

In New York State a person must have a license to carry, possess, repair and dispose of firearms.[1] The license is good in all parts of the state except New York City, where under the statute in effect since 1911 known as the "Sullivan Law", a separate license is required. The statute prohibits issuance of a license to a person who is not of good moral character, or who has been convicted of a felony or a large number of misdemeanors and offenses. The key clause of the statute reads: "No license shall be issued or renewed except for an applicant concerning whom no good cause exists for the denial of the license."

Despite the actual language, this has continuously been interpreted to mean that the applicant must show good cause why the license should be issued. This is the most restrictive firearms control measure in effect in the United States. In all of New York State, there are about 490,000 people licensed to carry a handgun. In New York City, the number is about 28,000 and 4,000 of these are licensed as target shooters, allowed to keep and use their handguns only at a bonafide firing range.

Critics often point to New York City and claim that the crime situation there is proof that stringent firearms control measures do not work. But is that really the case? Unfortunately, the last available comparative data (Task Force Report) for gun use in violent crime dates back to 1967. The data compares the incidence

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[1] New York Consol. Laws, Penal Laws (McKinney's) § 400.00

of gun use in violent crime in 11 major cities. The data showed that New York City ranked 11th, with a comparatively low incidence of gun use in violent crime. See the accompanying Task Force table.

GUN USE IN VIOLENT CRIME: RANK ORDER OF 11 U.S. CITIES (1967)

	Aggravated Assault		Homicide		Robbery	
	Percent	Rank	Percent	Rank	Percent	Rank
Cleveland*.....	49	1	65	5	30	7
Atlanta.....	44	2	78	1	65	3
St. Louis.....	28	5	69	3	70	2
Houston.....	35	3	76	2	76	1
Detroit*.....	27	6	66	4	25	9
Los Angeles.....	23	7	60	6	46	5
San Francisco...	17	10	53	8	37	6
Pittsburgh.....	19	9	47	9	26	8
Boston.....	22	8	35	11	19	10
New York.....	13	11	40	10	13	11
New Orleans*....	33	4	56	7	51	4

Rank order correlations:

Aggravated assault/robbert .63.
Homicide/aggravated assault .77.
Homicide/robbery .76.

More significant is the data compiled by ATF in Project Identification, which showed that 77% of 2,546 handguns confiscated in "street crimes" in New York City were originally purchased outside of the State of New York. Further studies by the New York City Police Department showed 69% of the handguns originally purchased out of state came from four southern states: South Carolina, Florida, Virginia and Georgia, all of which have lax firearms laws, and that only 3% of the handguns traced to out of state sources were purchased by the persons arrested with them. This has led New York City Police to the conclusion that the principal source of handguns for non-licensees in New York City is a black market in guns brought from other states.[1] ATF indicates that this black market is profitable, documenting cases where cheap handguns were bought in volume in South Carolina for $20 each, and resold in New York City for $150.

[1]Metzdorff, H., "Gun Control: A Practical Approach", The Police Chief (April, 1975). Mr. Metzdorff is Deputy Police Chief of New York City.

It can be surmised that New York City's restrictive control system has been effective in maintaining a relatively low incidence of illegitimate gun use, but has been eroded by the existence of a substantial black market in handguns illegally brought in from other states. Two neighboring states, New Jersey and Massachusetts, require a permit to purchase a handgun. Neighboring states, Connecticut, Pennsylvania and New Jersey, and nearby Rhode Island, have a waiting period between purchase and delivery of a handgun. This fairly wide geographic area surrounding New York City, where some screening procedures are in effect, has made it more difficult for non-licensees to obtain guns. They must rely on a black market with a high markup. The conclusions to be drawn are that the wider the geographic area surrounding a community, where some sort of screening procedures are in effect, the more successful the community's own screening procedures will be, and that were a system in effect nationally to substantially lower the incidence of handgun ownership, efforts of individual states and municipalities would be much more successful.

CHAPTER 14: PROPOSALS TO BAN HANDGUNS

BANNING BY TYPE: THE REAL "SATURDAY NIGHT SPECIAL" ISSUE

The Gun Control Act of 1968, in effect, bans the importation of handguns not "particularly suitable for or readily adaptable to sporting purposes". The term "sporting purposes" was never defined by Congress, and AFT was left to determine which guns were suited to sporting purposes and which were not.

Since the handgun basically is not a hunting or target instrument, it was difficult for ATF to say that any one gun was suitable for sport and another was not. What ATF did was set up "factoring criteria", and gave points for various features such as overall length, weight, metalurgical composition, and caliber. A pistol achieving a score of 75 points and a revolver receiving 45 points could be imported.

The Congressional purpose was ostensibly to stop importation of a type of gun referred to as "Saturday Night Special", a weapon thought to be cheap and plentiful, low quality, and often used in violent crime. The Congressional purpose was not served because, among other things, the Act did not prohibit the importation of firearms parts into the United States for assembly into handguns, estimated at over 1,000,000 units in 1974 (up from 18,000 units in 1967) and did not contemplate the manufacture of lower priced handguns by American firms. According to Zimring, between 1969 and 1972 the average value of a handgun produced in the United States dropped 10%, during a period of general inflation.[1]

Moreover, there has been a general failure to recognize that the distinction "Saturday Night Special" refers not so much to the guns themselves, but rather to those persons who own and use them.

SOME HANDGUN CHARACTERISTICS

Once ideas as to what constitutes misuse are formulated, the goals of a firearms regulatory system can be set. As has been stated in previous chapters, reducing firearms use in crimes and reducing the general level of gun violence are the two goals most often sought.

Given these goals, the next question to be asked is what characteristics of a gun

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[1] Zimring, F., "Firearms and Federal Law: The Gun Control Act of 1968," Journal of Legal Studies, (Jan., 1975) 133 at 170.

can be altered to help reduce handgun use in crime and violence, short of eliminating the gun itself? Indeed if a law were to be enacted limiting the manufacture, sale or possession of handguns bearing certain characteristics, in order to meet Fifth and Fourteenth Amendment challenges, it would have to be shown that elimination of those characteristics would help effectuate the governmental purposes.

CONCEALABILITY

Ease of concealment is one relevant consideration for both the felon who does not want to be detected carrying a gun and for the person who feels some need to carry a gun in public for protection. During Project Information, ATF examined 6,744 handguns seized by police in eight large cities after use in a serious street crime. Of them, 4,190 (75%) had a barrel length of three inches or under. Of 2,452 handguns seized in five other cities, 1,652 (69%) had a barrel length of three inches or under. Between January 1st, 1975 and May 5th, 1975, Cleveland Police seized 200 handguns believed to have been involved in aid of perpetrating a crime.[1] The form filled out by police at the time of the seizure listed the barrel length for 108 of the these weapons. Seventy-two percent had barrel lengths of three inches or less. See the following table.

BARREL LENGTHS OF HANDGUNS SEIZED BY CLEVELAND POLICE

(January 1st to May 5th, 1975)

Length	6"	4"	3½"	3"	2"	1"	½"	Snub	Derringer
Number	10	19	1	19	44	5	1	7	2

N=108

A larger handgun with a longer barrel would be more difficult to conceal, but it would be doubtful that this would deter a person with criminal motives from finding a way of concealing the weapon, such as under a coat, or from altering the weapon as is the case presently with sawed off rifles and shotguns. Larger handguns would be more of a deterrent to persons with no prior criminal designs who feel a need to carry a handgun on the streets, and thus might lower the overall incidence of gun violence. The size of the weapon would have to be such as to not fit into a pocket,

[1] A list of these weapons; including all information describing the weapon, the crimes the weapon was believed to be involved in, and the date of seizure, was prepared from police records by the offices of Cleveland attorney Charles E. Miller for use in a lawsuit challenging a recently enacted Bedford, Ohio, "Saturday Night Special" ordinance.

or comfortably under the belt.

Ease of concealment would not seem to be a relevant factor, though, in shootings resulting from an emotional "explosion" in the perpetrator during an altercation. Most of these shootings take place in or near the home, where concealment is not a factor, and under circumstances which would make accessibility the critical factor.

CALIBER

In a study conducted in Chicago, Zimring found that weapon caliber was a significant factor in whether an attack by a handgun proved fatal.[1] He found that .38 caliber attacks are more than twice as deadly as .22 caliber attacks and fifty percent more deadly than .25 and .32 caliber attacks. Zimring also concluded that in non-stranger situations, non-fatal and fatal attacks are generally indistinguishable in motive and intent and are pursued with ambiguous intentions as to whether the victim should die. Thus, the lethality of the weapon used is a critical variable. This was evidenced in the finding that in 62% of such fatal firearms attacks, and 72% of non-fatal attacks, the offender did not inflict more than one wound, while in 52% of the robbery killings, the felon inflicted multiple wounds. In Cuyahoga County during 1974, where authorities were able to identify the caliber of the bullet(s) used, it was found that 97 persons were killed with .38 caliber bullets, as opposed to 29 persons slain with .22 caliber bullets, 12 slain with .25's, and 31 with .32's. From Cleveland Police Department firearms seizure records, AJC was able to determine the number of fatal and non-fatal handgun shootings in Cleveland between January 1st and May 5th, 1975, and the caliber of the gun involved, but only in instances where police were able to seize the gun. These findings, presented below, show that 35% of .38 caliber shootings proved fatal, 18% of .32 caliber shootings and 9% of .22 caliber.

RATIO OF KILLED TO WOUNDED FROM HANDGUN SHOTS
BY CALIBER (CLEVELAND, JANUARY 1st to MAY 5th, 1975)

Caliber	.45	.357	.38	.32	6.35 m.m.	.25	.22
# Non-fatal	2	0	36	9	1	2	10
# Fatal	0	2	19	2	0	1	1
% Killed	0	100%	35%	18%	0	33.3%	9%

N = 85

[1] Zimring, F., "The Medium is the Message: Firearms Caliber as a Determinant of Death from Assault", Journal of Legal Studies, (January, 1972), p. 97.

There have been numerous proposals, most notably by ATF, to ban small caliber weapons. Their factoring criteria give more points to larger caliber weapons. ATF claims that Project Information findings show that 66% of all guns confiscated in "street crimes" in the first eight cities surveyed, and 53% in the second five cities, were .32 caliber or smaller. Of the 200 handguns seized by Cleveland Police, referred to above, 40.2% were .32 caliber or under, while 59.8% were .38 caliber and above. The most commonly seized caliber weapons were .38, .32 and .22, accounting for 55%, 15%, and 18% respectively. Of those handguns seized, 67 were thought to be used in felony situations involving either: theft; burglary; robbery; kidnapping; rape; drug offenses; or assault on a police officer. Of these 67, there were 33 (49%) that were .38 caliber or greater and 34 (51%) that were .32 caliber or less. The most commonly seized caliber handgun was .38 with 29 guns seized, followed by .22 caliber (18 seized) and .32 caliber (12 seized). Forty-five handguns believed involved in robbery were seized. Of them, 18 were .38 caliber, 10 were .32 caliber, and 14 were .22's. It thus appears that the handgun most commonly misused in Cleveland is the handgun most frequently purchased, the .38.

PRICE

One idea behind a ban on "Saturday Night Specials" seems to be that these small caliber weapons are less expensive and thus more accessible to the "criminal element". This fails to take into account the greater lethality of higher caliber weapons, and assumes that price is a critical factor in the acquisition of a handgun. Such a ban could result in an increase in production of less expensive high caliber weapons, much as the Gun Control Act of 1968 led to an increase in production of less expensive American handguns to take up the market of the banned imports, and/or could simply result in the sale of more high priced weapons. Certain marginal purchasers may be deterred by a higher price, but price may not be as relevant a factor to demand as it is in other commodities in that the primary motivation for most purchasers of handguns is fear. Of those most likely to misuse handguns, Dr. Tanay testified before the Senate Subcommittee on Criminal Laws and Procedures that they are: "passive, insecure men, unable to express aggression in a consistent fashion, requiring the symbolic reassurance of masculinity which is provided by the acquisition of a handgun." Price would be even less of a factor to these persons.

Of the handguns used to perpetrate homicide in Cuyahoga County during 1974,

authorities were able to identify the make and model of 116. Retail price was able to be determined from gun catalogues for 98 of these handguns. The average retail price (excluding four handguns used by police officers) was $70.00 per gun, as shown below.

RETAIL PRICES OF 94 HANDGUNS USED IN HOMICIDES
IN CUYAHOGA COUNTY DURING 1974

0 - $37:	0	$101 - $125:	6
$38 - $50:	21	$126 - $150:	1
$51 - $75:	24	$151 - $175:	0
$76 - $100:	31	$176 - $200:	2

Of the 200 handguns believed to have been used in crime seized by Cleveland Police between January 1st and May 5th, 1975, the AJC was able to determine the retail price of 156. These prices were obtained from the most recent edition of Shooter's Bible, reputed to be the most complete firearms catalogue published and advertisements appearing in recent editions of Gun Week, and other similar periodicals. The average price of these weapons was $75 per gun. Of the 64 guns allegedly used in the felony situations described above, prices could be determined for 58, and for the 45 allegedly used in aid of robbery, 39 were able to be priced. The average price of the guns allegedly used in the felony situations was $71, with a $70 average for the robbery weapons. The following table gives a price breakdown.

RETAIL PRICES OF HANDGUNS ALLEGEDLY USED IN CRIME AND SEIZED BY CLEVELAND POLICE
(January 1st to May 5th, 1975)

	All Crimes	"Street Crimes"*	Robbery
0 - $ 37	17	10	6
$ 38 - $ 50	34	12	10
$ 51 - $ 75	39	15	9
$ 76 - $100	51	15	11
$101 - $125	3	2	1
$125 - $150	8	2	1
$151 - $175	4	2	1
$176 - --	0	0	0
	156	58	39

*"Street Crimes" excludes crimes of passion, (i.e., murder and assault) and weapons offenses. Includes: theft; burglary; robbery; kidnapping; rape; drug offenses; and assault on a police officer.

Retail price may not be what the offender paid for the weapon. He may have bought it used (at a lesser or higher price) or he may have stolen it. Nonetheless, it is about the price that someone paid for the gun.

If price is to be raised in an effort to lower demand for handguns, it is critical that this measure not act to encourage the purchase of higher caliber, more deadly weapons. In implementing such a law, minimum prices should be graduated by caliber, smaller caliber handguns costing less than higher caliber guns. As an example, a minimum price of $100 could be permitted for a .22 caliber handgun, $150 for .25 caliber, $200 for .38 caliber, etc. Dollar price would probably be a more important factor than manipulating the demand for handguns in general.

A minimum price law could be enacted in numerous fashions. As with any law, compliance would be easier to secure as the number of persons covered by the law decreased, thus if such a law is enacted it would be most easily enforced at the manufacturing level. Implementation at the manufacturing level would have additional positive effects in that it would discourage dealers from keeping large inventories, and would eliminate many marginal dealers. It would also encourage dealers to take greater precautions against theft, and purchasers of higher priced guns would have greater incentive to keep them more securely. Also, if the dealer had to pay a higher price to receive the weapon, unscrupulous dealers would not sell weapons illegally below the minimum price. The drawback of implementation at high levels in the distribution chain would be the jurisdictional limitations of states and municipalities. As with screening systems, the wider a geographic area covered by such a provision, the more difficult it would be to go into another jurisdiction or bring guns from an unaffected jurisdiction, to bypass the effects of the law.

NEED

Seemingly, at least as important a variable in demand as price, is perceived need. While it is doubtful that public education could do much to decrease fear of criminal attack, massive publicity as to the disutility of a handgun as a defensive tool for anyone other than a police officer, should help to lower demand. Also, replacement with an effective non-lethal alternative is something that should be pursued.

CONCLUSION: A HANDGUN IS A HANDGUN IS A HANDGUN

Altering the size of handguns so as to make them less concealable would deter people from casually carrying handguns in public and thus might reduce the overall incidence of gun misuse. Such a measure is less likely to decrease handgun misuse by felons, and will not reduce the number of shootings in or near the home where concealment is not a factor.

Increasing the price of handguns might deter marginal consumers from purchasing them, but dollar price would probably have less of an effect on demand than it does on consumer goods in general. Such a provision is likely to be politically less palatable to the lower income segments of a community who often feel unprotected by police, thus in need of a gun. It would also discriminate against them as opposed to the wealthier segments. If such a provision were to be enacted, it should not encourage the purchase of higher caliber, more lethal handguns, as opposed to lower caliber weapons; rather, the opposite effect would be desired. Also, federal legislation would be required to affect the higher levels in the chain of distribution.

Prohibiting certain types of handguns does not solve the problem of the potential for violent use of all handguns, nor does it appreciably lower the number of handguns in circulation.

TOTAL PROHIBITION: A TOTAL SOLUTION?

To appreciably lower the incidence of handgun violence it will be necessary to appreciably lower the incidence of handgun possession. Severely limiting the production and sale of handguns will stop the flow of new guns into circulation, but will have no effect on the 40,000,000 handguns now owned by Americans, other than to drive up the dollar value of these guns. AJC estimates that about 500,000 guns per year drop out of circulation.

It would be necessary to drastically restrict handgun possession if the number of guns in circulation is to be appreciably lowered in the near future.

A major obstacle to legislation that would severely restrict handgun ownership is the argument of opponents to such legislation that the people have a right to bear arms, given by the Second Amendment to the United States Constitution. The Second Amendment states that:

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> a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

The U.S. Supreme Court and lower courts have consistently interpreted the Second Amendment to refer to a collective right to bear arms. It is, thus, a measure against federal interference with formation of states' militias and not a guarantee of an individual's right to bear arms. Section Four of the Bill of Rights of the Constitution of the State of Ohio also states that:

> The people have the right to bear arms for their defence* and security. . .

Since it would be redundant for the State to confer rights unto itself, this provision cannot be said to refer to a right to form an armed militia. The limited restrictions on classes of possessors imposed by the Toledo owners identification card ordinance was held as not to interfere with this right. A total prohibition on the possession of handguns could be declared in violation of this provision of the state Constitution,[1] unless the Supreme Court could be convinced that "arms for . . . defence and security" does not include handguns. Also, a prohibition on trade in handguns could be argued as being an unreasonable burden on interstate commerce imposed by the State, thus in violation of the United States Constitution.

Assuming that such a law would not violate Constitutional standards, it would be necessary to determine what classes of persons would be permitted to have handguns. This has been discussed in a prior chapter, and other than police agencies, those classes exempt from a prohibition on possession should be limited so as not to defeat the purpose of the legislation. House Resolutions 40 and 2313 currently under consideration by the Subcommittee on Crime of the House Judiciary Committee, interestingly, allow for an exemption from prohibition of possession of handguns to private security services, while a similar measure, House Resolution 638, makes no such exemption. A report by the Administration of Justice Committee on the private security industry[2] concludes that the arming of private security personnel presents serious public safety hazards and should be very carefully regulated, perhaps along the lines suggested by the Justice Department model Private Security Licensing and

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* Spelled as such in the original document.

[1] Photos, et.al., v. City of Toledo, et.al., 19 Ohio Misc., 147, 250 N.E. 2nd 916 (1969).

[2] Brennan, Dennis T., The Other Police: Private Security Services in Greater Cleveland, Administration of Justice Committee/Governmental Research Institute, 1975. (For excerpt, see Appendix C).

Regulatory Statute. All three House Resolutions provide for licensing pistol clubs which have procedures and facilities for keeping handguns in secure places. The proposed licensing provisions have regulatory safeguards included which would help prevent the formation of "arsenals".

Concomitant to a prohibition on possession, citizens would have to be persuaded to give up their handguns. With wide publicity, many persons might voluntarily turn in their handguns. Provisions could be made to pay the fair value or a set sum for handguns to aid in compliance, and an amnesty period could be provided during which to turn guns in. Dayton, in banning certain types of handguns, has not provided for payment for the weapons, but has declared them contraband, as in the case with narcotics or untaxed alcohol and tobacco. Police, thus, can seize the weapons when found. Many fear that in enforcing such a prohibition, police would conduct widespread searches for handguns. In actuality, most guns would probably be seized in the manner that they are now, in the course of regular criminal investigations and arrests for other offenses. The passage of a handgun prohibition could in no way interfere with Fourth and Fourteenth Amendment rights against unreasonable searches and seizures. Homes and personal effects could not be searched without a warrant issued upon probable cause and particularly describing the place to be searched and things to be seized, to any greater extent than they can now.

PROHIBITING MANUFACTURE

An alternative proposal to total prohibition of handgun ownership would be prohibiting the manufacture and importation of new handguns. About 2.4 million handguns come into the domestic market each year. Thus the problem grows by 2.4 million handguns each year. Control of the existing pool will be eased if the "spigot is turned off". As noted below, this is the approach taken in Representative Mikva's bill, H.R. 638.

Prohibiting production without "criminalizing" ownership, now not otherwise illegal, would entail less in the way of enforçement problems and alleviate fears of violation of civil liberties.

CHAPTER 15: CURRENTLY PROPOSED LEGISLATION

What The People Want

NATIONAL POLLS

A recent survey[1] of public opinion polls on the issue of gun control concluded that "the vast majority of Americans have favored some kind of action for the control of civilian firearms at least as long as modern polling has been in existence...never have fewer than two-thirds of the U.S. electorate wanted access to guns to come under some kind of official supervision." A 1972 Harris Poll showed that 71% of all Americans and 61% of gun owners favored control.

A 1972 Gallup Poll showed that 62% of Americans surveyed said they would be more likely to vote for a candidate who advocates stricter control of firearms, and only 26% said they would be less likely. A 1972 Gallup Poll showed 71% of Americans favoring requiring a police issued permit to purchase a handgun. A Harris Poll in 1968 showed 71% in favor of registering all guns.

OHIO POLLS

According to the Ohio Poll reported in the September 26, 1974 Cleveland Press, 54% of the state's voting-age adults favored "outlawing the private ownership of handguns" (emphasis added) "provided the legitimate interests of sportsmen are protected."

GREATER CLEVELAND POLL

A March, 1974 survey conducted for WEWS-TV, Channel 5, by Business Research Services, Inc. showed that 61.7% of those in Cuyahoga County favored "limiting the sale of small handguns." The percentage in favor was higher in the suburbs (66.7%) but still a majority in Cleveland (53.9%).

Concerning "registration of all guns," the County total was 86.7% in favor, with nearly identical responses from the City (87%) and suburbs (86%).

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[1]Erskine, H., "The Polls: Gun Control" Public Opinion Quarterly, fall 1972.

WHAT LEGISLATION HAS BEEN PROPOSED

IN CONGRESS

At least 20 firearms control measures have been proposed in the 94th Congress. Some major ones are summarized below. The other measures are similar in scope to the ones listed below.

Banning Most Private Possession of Handguns

The most stringent measures, which attempt to drastically reduce the number of handguns in circulation, are House Resolutions 40 and 2313.

H.R. 40 -- Sponsor, Jonathan Bingham (N.Y.), Companion to Senate measure of Sen. Philip Hart (Michigan)

The Hart-Bingham bill would prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession or transportation of handguns and handgun ammunition except for the military, law enforcement officials, licensed pistol clubs, licensed security guard services, or handguns manufactured before 1890 which are not restorable to firing condition; and/or handguns intended for museum or collector use.

Pistol Club Licensing: fee of $25 covers one year period; club must be operated for legitimate recreational purpose, i.e., target or sport shooting; club maintains possession and control of handguns used by members and adequate security precautions must be taken for the storage of the handguns either at the site of the club or at a facility of the local police department.

Security Guard Licensing: professional security guard service must be licensed by State in which handgun is to be used and is authorized to provide armed security guards for hire; security guard service must maintain records of receipts, sale, ownership and possession of handguns according to regulations to be prescribed by the Secretary.

Voluntary Surrender of Handguns: proof of lawful acquisition and ownership necessary for individual to collect $25 or fair market value for handgun; delivery of handgun can be made to any Federal, State or local law enforcement agency designated by the Secretary; buy-back commences 6 months after public law is signed, and extends for 6 month period and citizens can at any time turn in illegal handguns without any fear of fine or imprisonment.

H.R. 2313 -- Sponsor, Walter Fauntroy (District of Columbia)

Prohibits the importation, manufacture, sale, purchase, transfer, receipt, transportation and ownership of handguns and handgun ammunition except for the military, law enforcement officials, licensed pistol clubs, and licensed security guard services for use by guards trained in handgun use and whose duties require a firearm. It is almost identical to H.R. 40 with the following modifications:

H.R. 2313 uses a tax credit of $25 or fair market value of handgun instead of cash refund for handgun; pistol club licenses are issued for three year period with Secretary setting licensing fee; bill does not specifically exempt collector or museum type handguns from prohibitions cited. It is slightly more restrictive in use of handguns by private security services.

Banning Production but Not Possession

H.R. 638 -- Sponsor, Rep. Abner Mikva (Illinois)

Rep. Mikva's proposal would stop the sale and manufacture of handguns but would not ban the possession of handguns. It prohibits the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns except for the military, law enforcement officials, licensed importers, manufacturers, dealers and pistol clubs. H.R. 638 does not ban possession of handguns, does not provide for security guards and makes no provision for licensed pistol clubs to store handguns at a police facility.

Registration, Licensing and Partial Banning

Two proposals call for permissive controls and/or partial prohibitions. The more restrictive of the two, designed primarily to keep handguns out of the possession of those traditionally thought of as being in high risk classes, is the proposal of Senator Kennedy. The proposal also attempts to eliminate easily concealable handguns.

S. 1447 -- Sen. Edward M. Kennedy (Mass.)
Sen. Adlai E. Stevenson, Jr. (Ill.)

The Kennedy-Stevenson bill would provide for: (1) a national registration of all handguns with the FBI; (2) State licensing of all handgun owners. Where a state did not provide minimal federal prohibitions against issuance of an owners permit, federal licenses, to be issued by local authorities, would be required. Individual states could enact prohibitions more restrictive than the minimal federal prohibitions; and (3) a prohibition on the domestic manufacture, distribution, and sale of all handguns with a barrel less than six inches in length.

House Resolution 626 -- Sponsor, Rep. McClory (Ill.)

House Resolution 626 would close loopholes in the Gun Control Act of 1968, and provides for the registration of handguns.

The proposal would require states to issue registration certificates for the purchase of handguns and ammunition. A certificate could not be granted to felons, persons dishonorably discharged from the Armed Forces, people adjudicated mentally incompetent, persons having renounced their U.S. citizenship, and illegal aliens. Failure of a state to meet minimal federal requirements would result in a federal registration system imposed on the citizens of that state. This is basically a licensing/registration provision. The proposal would prohibit the sale of more than

five firearms to one person (other than dealers) within one year and attempts to eliminate inexpensive handguns, by adopting the factoring criteria presently used by ATF in evaluating imported handguns. It would be unlawful to import, manufacture, transfer, deal in, or possess such a weapon.

As mentioned previously, the present factoring criteria encourages higher caliber, more lethal weapons. Thus, while a proposal which would discourage small, light, low priced handguns might be useful in decreasing the overall incidence of gun related violence, it would be regressive to the extent that it encouraged the production and sale of high caliber weapons.

Additionally, this proposal authorizes the Secretary of the Treasury to pay just compensation for handguns voluntarily relinquished to him. It also provides for stiffer and mandatory prison sentences for persons using guns in perpetrating certain crimes, as do many other proposals. Finally, the McClory proposal calls for the establishment of a National Firearms Clearinghouse, to help develop and coordinate state measures, aid in public education on firearms, and research and develop programs to reduce firearms misuse, including non-lethal substitutes.

"Saturday Night Specials"

Numerous proposals, of which House Resolution 267 is typical, would ban the manufacture, sale, and/or possession of a type of handgun referred to as the "Saturday Night Special". As was previously discussed, these measures do nothing to address the issue of misuse of all handguns and if not drafted carefully can be regressive.

H.R. 267 -- Sponsor, Edward P. Boland (Mass.)

It would prohibit the sale of "Saturday Night Special" handguns in the United States. Bill sets very specific criteria for defining Saturday Night Special, including melting point (less than 1,000F), tensile strength (less than 55,000 pounds per square inch), and density of powered metal (less than 7.5 grams per cubic centimeter).

IN THE OHIO LEGISLATURE

H.B. 313 (Mr. Thompson): Proposes the issuance of a handgun owners identification card before a person be permitted to purchase, obtain, own, or possess a handgun. A card would not be issued to persons prohibited by Section 2923.13 ORC from possessing a firearm, persons under 21 years of age, and persons with more than one conviction for any offense involving intoxication or drug abuse. The card would include the applicant's photograph, cost $3, and expire after 3 years. Application for the card would require registration of all handguns owned or possessed by the applicant. Application would be made to local police or sheriff, and a copy of the application would be kept by the police and a copy sent to the Bureau of Criminal Investigation. An out-of-state resident could obtain a card, but only if his employment required the possession of a gun in Ohio. A minimal 5 day waiting period would be required before issuance of an identification card.

The proposal is very similar to the ordinances in effect in Toledo and five Cleveland suburbs. It would be a positive step in reducing the accessibility of handguns to persons with prior criminal designs, but as is the case with permissive controls, would not appreciably lower the number of handguns in circulation. There would be little reason to expect a reduction in accidental shootings or situations where a person having legally acquired a handgun uses it in a fit of anger against a relative or friend.

H.B. 232 (Mr. McLin): Would require that a business entity which sells a handgun to a person take a full-face, instantly developing photograph of the person, then attach the photograph to any applications required. This must be sent to the local police or sheriff, and the seller must wait at least seven days before delivering the handgun to the purchaser. This proposal would help aid purchaser and dealer compliance with the Gun Control Act of 1968. It would provide for a more positive verification of identity before transfer of a handgun. It would also provide a waiting period before transfer.

H.B. 503 (Mr. Oxley): Calls for a 48 hour waiting period between the order for and transfer of a handgun. Such a measure is designed to provide a "cooling off period" for a person who might hurry to purchase then use a gun while in a fit of anger.

Various proposals call for the prohibition of various types of handguns, their authors refer to as "Saturday Night Specials".

H.B. 392 (Mr. Galbraith): This proposal calls for a ban on the manufacture, sale, acquisition, and possession on the streets or public places of handguns which will melt or deform at less than 800°F, have a retail value of $50 or less, a barrel length of three inches or less, and a caliber of .32 or less. The wording of the bill suggests that all the criteria must apply. If so, this would affect only a very small percentage of handguns. Also, the bill is regressive to the extent that it encourages the purchase of more deadly, higher caliber weapons. The bill would not affect possession in the home of such weapons.

H.B. 172 (Mr. Lehman): Would forbid the manufacture, sale, acquisition, or possession of a handgun having a barrel length of six inches or less or having a caliber of .32 or less. It would be illegal to furnish such a weapon to someone. This measure would help prevent the transfer and use of easily concealable handguns. The measure could be better defined concerning the length of pistols, whose barrels, unlike those of revolvers, are often not easily distinguishable from the body of the gun. This measure, too, could be regressive to the extent that it encouraged the purchase of high caliber handguns.

H.J.R. 5 (Mr. Lehman): Provides for an amendment to Article I, Section 4 of the Ohio Constitution, prohibiting the sale, use, and possession of handguns having a barrel length of six inches or less, except pursuant to special license.

IN THE CLEVELAND CITY COUNCIL

Comments on Mayor Perk's Legislation

On June 5, 1975, the Legislative and Public Safety Committees of Cleveland City Council approved extensive gun control legislation introduced by Mayor Ralph J. Perk.

The legislation must still be voted on by the full Council. The legislation provides for:

1. Banning about one in three of the guns used in crime.

The City Administration's bill would ban the manufacture, sale, or possession of handguns having a barrel length of 3 inches or less and a caliber of .32 or less.

Of the 200 handguns seized by Cleveland Police between January 1 and May 5, 1975 which were believed to have been involved in crime, police records include the caliber and barrel length of 102 of the weapons. Of these, 31 (30%) would come within the prohibitions of the proposed ordinance and 70% would not. Police records identify caliber and barrel length of 38 of the seized handguns believed to have been used in either: theft; burglary; robbery; kidnapping; rape; drug offenses; or to assault a police officer. Of these, 13 (34%) would come within the prohibitions. The police records also identify the caliber and barrel length of 27 of the seized guns which were believed to have been used in robberies. These include 9 (33.3%) guns which would come within the proposed ordinance's prohibitions. Of these 31 seized weapons, 29 have retail prices of under $50.

Another section of the proposed ordinance allows police to seize these handguns when found upon arrested persons. These measures will help reduce the inflow of inexpensive and easily concealable handguns, but avoids the real problem: crime and violence caused by all handguns. In fact, this measure could be regressive to the extent that persons might substitute larger caliber, more lethal weapons, for the prohibited small caliber guns.

2. Minimum Sentences

The legislation would provide a minimum 7 day jail sentence and $500 fine, which may not be suspended or reduced, for improperly furnishing firearms or ammunition to a minor. This provision copies Section 2923.21 of the Ohio Revised Code and supplements it by adding ammunition and providing minimum, mandatory sentences.

3. Other Provisions

- Prohibiting any possession of a firearm by a person under 18, except under the supervision or control of a responsible adult, and then only for hunting or firearms instruction. This, too, is a practical supplement to state law.

- A minimum 3 day jail sentence and $300 fine which cannot be suspended or reduced (maximum sentence 6 months, $1,000 fine) for using firearms while under the influence of alcohol or a drug of abuse, and improperly handling firearms in a motor vehicle, both currently violations of state law.

- A mandatory minimum 3 day jail sentence and $300 fine for the misdemeanor sections of the state's carrying concealed weapons law. Relating to firearms, this offense would include carrying concealed a firearm that is unloaded and for which no ammunition is ready at hand. Rather than simply prohibiting this conduct, what the proposed ordinance does is to copy Section 2923.12 of the Ohio Revised Code, Carrying Concealed Weapons, then

state that the ordinance does not apply in situations constituting a felony under state law. This can present a serious hindrance to prosecution in that a person charged with violating this ordinance, fearing a stiff mandatory sentence, might admit in court to having committed a felony, then claim that the ordinance does not apply and the case should be dismissed. If later indicted in Common Pleas Court, he would claim that he is being put twice in jeopardy for the same offense in violation of his rights under the Fourteenth Amendment, and could go free.

- Prohibiting the possession of guns on public property and providing a minimum 3 day, $300 sentence. This is a place and manner law, and as the Task Force Report has pointed out, it is easier to regulate the flow of guns to the population than it is to regulate how they will use them once in their possession.

- A prohibition against carrying a handgun and other dangerous weapons while at or about business places, shops, grounds, parks, etc. where people would congregate. Violations of this provision are punishable by mandatory 3 day, $300 minimum sentence. Keeping of the weapon for protection while engaged in lawful business is a defense. Ostensibly, to avoid what might be thought a conflict with state law, the proposed ordinance does not apply if the weapon is concealed.

- Seizure of deadly weapons from person drinking or threatening to cause violence when a police officer has reasonable cause to believe that bodily harm will ensue. The weapon can be returned only after court order. Police will also be permitted to seize deadly weapons from persons arrested for: violating this ordinance; crimes involving the use of the weapons; or crimes involving force violence or threats. The weapon may be destroyed upon conviction of the person, unless it is found to be stolen from a person who may lawfully possess it, to whom it will be returned.

- Prohibiting the possession of guns without serial numbers.

- Clarifying an existing city ordinance which now requires a permit to purchase a firearm by prohibiting issuance of such a permit to minors and persons prohibited from possessing a firearm pursuant to Section 2923.13, ORC (felons, drug users, mental incompetents, etc.)

- Providing a 7 day cooling off period before a gun dealer can deliver any firearms or ammunition to a purchaser in Cleveland.

- Requiring anyone transferring handgun ammunition to keep a record of the transaction, including the identity and address of the recipient, a description of the ammunition, and date of the transaction. The transferor is then required to notify police within three days of the transaction.

Other Legislation in City Council

Other measures pending in Committee before Cleveland City Council include a proposal by Councilman Barnes to prohibit handguns having a barrel length of less than 3 inches, and a comprehensive measure proposed by Councilmen Forbes and Barnes which would:

1. Prohibit the purchase or possession of handguns which will melt or deform at 800° or less, have a retail value of $40 or less, or a barrel less than 3 inches long.

2. Prohibit the possession of handguns without serial numbers.

3. Require possessors of handguns (other than police, military, federal officers) to obtain a handgun identification card ($5.00 fee) renewable every 4 years. Persons ineligible to receive the card would be: minors; persons convicted of illegal use or possession of narcotics within 10 years prior to the date of application; persons with more than one conviction for being drunk, or disorderly, or driving while intoxicated within 1 year prior to application; persons under indictment or having been convicted or adjudged delinquent for a felony of violence; persons prohibited by Section 2923.13 ORC from possessing a firearm.

4. Require registration of handguns ($1.00 per handgun).

5. Require yearly licensing of firearms dealers ($25.00 fee). Requirements would not be more stringent than the requirements necessary to obtain a federal firearms dealers license, but no dealer could employ anyone who had previously had a dealers license revoked.

SECTION V: RECOMMENDATIONS

Our recommendations fall into four categories: legislation; enforcement; public education; and criminal justice planning.

LEGISLATION

1. Tighten up the Gun Control Act of 1968 to provide for greater state and local aid and to allow authorities to effectively maintain compliance by making dealers licensing requirements more stringent to reduce the number of firearms dealers and eliminate casual dealers; and to deal with other problems as pointed out in Chapter 11 of this study.

2. Prohibit the manufacture and importation of all handguns in and into the United States.

3. Rifles and shotguns serve legitimate sporting purposes and have other utilitarian purposes, especially to the farmer and rancher, but firearms originally designed for military use and now commonly sold on the civilian market, many in modified versions, such as the M-1, M-14, and AR-15, can by no stretch of the imagination be called sporting firearms. Use of such weapons for hunt defames the image of the true sportsman. These weapons were designed for one purpose, to effectively kill human adversaries. They are weapons of war--not sport--and possession and sale of this type of firearm should be prohibited, except for and to the military, and when necessary to law enforcement agencies.

4. Prohibit the manufacture, possession and sale of handgun ammunition designed to expand on impact.

5. Prohibit the transfer of all handguns except through licensed firearms dealers. The transfer of new handguns should be prohibited entirely after a sufficient time period, so as to allow dealers to deplete current inventories. For the collector (who may currently be licensed under federal law), curios and relics could be excepted, if made inoperative.

6. Require an owners identification card for all those desiring to possess a firearm, such card having a full-face photograph of the possessor and

issued by police authorities only to persons not prohibited by state or federal law from possessing a firearm, and who are at least 18 years old.

7. Require a license to possess a handgun issued only to those who:

   a. are at least 21 years old;

   b. meet all qualifications necessary to possess a firearm owners identification card; and

   c. can demonstrate a compelling need for a handgun for the pursuit of his or her business, employment, or occupation.

   The license should contain a full-face photograph of the licensee, describe the gun, and state the places where, and conditions under which the licensee could possess the handgun. Upon denial or revocation of a firearm owners identification card or handgun license, the applicant should be permitted to appeal to an administrative authority, then to a court.

8. Require registration of all handguns. Encourage voluntary registration of long guns.

9. Provide funds to enable the buying up, at fair market value, all guns offered for sale to authorities for destruction.

NOTE: Recommendations 3 through 9 would be most effectively enacted on a national level. Failing that, statewide enactment would have the next greatest impact. Failing that, local application, while not being as effective, is still a positive move, and it is recognized that as more municipalities act it will serve as an example for the state legislatures. As more states act, Congress will be encouraged to act. Recommendations 10, 11, and 12 are specifically state and local measures.

10. State licensing of firearms and ammunition dealers should be required. Dealers should be closely regulated and required to keep and present records of purchases and sales upon request by authorities. Adequate anti-theft measures, including day and night alarm systems hooked directly to local police stations, should be required for issuance of such a license. Compliance with all local ordinances should be required. Fees should be set at a level necessary to cover the administration of the licensing system and to deter casual dealers.

11. States should require that all firearms transactions be in compliance with ordinances in effect at the place of the transaction, place of actual transfer, and most importantly, the place of residence of the transferee.

12. Local zoning and safety ordinances should be enacted regulating the sale of firearms.

ENFORCEMENT

1. All federal, state and local laws relating to guns should be strictly enforced. We agree with the National Advisory Commission on Criminal Justice Standards and Goals that some mandatory minimum laws are "inconsistent with current knowledge about incarceration and its effect on crime." Judges should have flexibility in sentencing decisions. We would, however, remind judges and other concerned criminal justice officials that stricter enforcement of current laws on firearms (and those proposed above) would probably have more effect on murder rates than enforcement of the laws against murder themselves.

2. Increase security in the armed forces so as to prevent military weapons from entering public circulation.

3. Require more complete reporting by firearms manufacturers and dealers of the number and types of firearms and ammunition shipped into and sold in different geographic areas. States and municipalities could make similar requirements as to firearms and ammunition sold within their boundaries.

4. Police agencies reporting to the FBI's uniform crime reporting section should breakout the known incidence of handgun, rifle and shotgun use in serious crime such as homicide, burglary, robbery, kidnapping, and rape.

5. Local police should make a concerted effort to trace the source of firearms used in criminal activity, particularly regarding persons who illegally transfer guns to minors (not a single person was indicted for this crime in Cleveland between January and April, 1974).

6. Where screening procedures are in effect, thorough investigative procedures should be employed. At a minimum, the applicant's photo and finger prints should be sent to BCI and the FBI for a records check.

EDUCATION

Creation of a national clearinghouse for firearms information to: coordinate federal and state control efforts; develop and implement public education programs to inform people about gun laws, the role of firearms in accidents, crime, and other forms of violence; research and develop programs to reduce firearms misuse, including development of effective nonlethal substitutes for guns.

PLANNING

Criminal justice planning bodies established under the Safe Streets Act should comply with the recommendation of the National Advisory Commission on Criminal Justice Standards and Goals (Criminal Justice System, Volume, Standard 1.1) for crime-oriented planning instead of assuming that criminal justice system maintenance and improvement alone will automatically reduce crime. Gun control would most logically be the first step, and most easily manipulated variable in reducing certain violent crimes. This recommendation applies to the Law Enforcement Assistance Administration (LEAA); to the state planning agencies established pursuant to the Safe Streets Act, such as the Administration of Justice Division of the Ohio Department of Economic and Community Development; and to local planning agencies, such as the Cleveland Impact Cities Program and the Criminal Justice Coordinating Council of Greater Cleveland.

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STATISTICAL ESTIMATE ON UNITED STATES GUN DENSITY

Source: Bureau of Alcohol, Firearms and Tobacco

	IMPORTED			DOMESTIC			
Period	Handguns	Rifles	Shotguns	Handguns	Rifles	Shotguns	Total
1899 - 1968	5,363,124 1/	3,199,234	2,562,113	22,567,641	36,345,421	32,349,280	102,386,813
1969	406,281 2/	196,612	286,451	1,255,000	1,296,858	1,118,768	4,559,970
1970	279,537 2/	218,922	355,965	1,393,690	1,195,427	1,144,206	4,587,747
1971	357,170 2/	252,869	565,708	1,447,694	1,268,520	1,140,846	5,032,807
1972	439,883 3/	177,626	419,861	1,805,402	1,676,688	1,135,456	5,654,916
1973	559,435 4/	188,925	422,101	1,734,174	1,950,043	1,567,165	6,421,843
1974	652,044 4/	174,753	456,302	1,714,711	2,147,727	1,789,145	7,188,994
Totals 1899 - 1974	8,057,474	4,408,941	5,068,501	31,918,312	45,880,684	40,244,866	135,833,090

	HANDGUNS	RIFLES	SHOTGUNS
Totals by type firearm 5/	39,975,786	50,289,625	45,313,367
Totals of all firearms 5/		135,578,778	

1/ From the Staff Report to the National Commission on the Causes and Prevention of Violence.

2/ ATF Quarterly Importation Statistical Reports and ATF estimate on domestic manufacture based on industry sources.

3/ ATF Quarterly Importation Statistical Reports and ATF Quarterly Domestic Statistical reports for 1/2 year which was doubled.

4/ ATF Quarterly Importation and Domestic Statistical Reports.

5/ These totals do not include attrition factors (worn out in service, seized or exported); antique firearms or firearms manufactured for Armed Forces consumption.

5/ Above refers to attrition factors. In order to validly determine gun density, those firearms which are no longer in the private inventory should be subtracted. It is our estimate that, in recent years, approximately 250,000 firearms are annually either destroyed, seized as contraband, worn out in service or exported. This figure has not been inserted in the above tabulation since many firearms have been brought into the United States as War Trophies as a result of our participation in World War I, World War II, Korea and Vietnam. It is our further estimation that 35.2 million troops were conscripted in these wars which resulted in the unrecorded importation of not less than 8.8 million firearms.

52-557 O - 75 - 26

Other Comments

(1) NFA Firearms - The gun density charts do not reflect the 1/2 million National Firearms Act weapons (machineguns, submachineguns, short barrel rifles and shotguns and destructive devices currently registered.

(2) GCA 68 deviations - Since 1968, importation permits have been issued which would allow the importation of sufficient parts, when incorporated to domestic handgun frames, to manufacture 5,734,000 handguns which do not otherwise qualify for importation under the provisions of GCA 68. It is fully realized that the total quantity of these parts were not imported. Of those that were imported and subsequently assembled into complete firearms, the number would be reflected in domestic manufacturing statistics.

(3) U.S. Military Firearms - Since 1967, the Department of Defense, via Defense Supply Agency, disposes of surplus military U.S. firearms by destruction. Prior to that time, regulations authorized the sale to the general public of certain non-automatic long guns and handguns. These sales are presently limited from 200 to 700 a year via the Director of Civilian Marksmanship. None of these figures have been inserted in the consolidation.

(4) Caliber and type correlations - It is estimated that between 37% (low) and 55% (high) of the rifles in the private inventory are of the rimfire variety (.22 caliber plus other minor rimfire calibers). In the handgun category, it is further estimated that 35% (low to 45% (high) of the handguns presently manufactured are of the pistol category as opposed to the revolver category. Further, within the pistol category, 33% are in .22 caliber; 44% are in .25 caliber; 7% are in either .32 or .380 caliber with the remaining 16% being chambered for 9mm Parabellum and above. Within the revolver category, 34% are in the .22 caliber range; 9% are .32 caliber; 35% in .38 Special with the remaining 22% being chambered for .357 Magnum and higher.

2/25/75

APPENDIX B

COMPARISON

HUNTING ACCIDENTS IN OHIO

Source: Ohio Department of Natural Resources

CALENDER YEAR	TOTAL LICENSED HUNTERS	TOTAL HUNTING ACCIDENTS	# FATAL	# NON-FATAL
1956	687,851	98	11	87
1957	692,747	118	15	103
1958	689,008	170	18	152
1959	674,082	103	10	93
1960	683,062	180	18	162
1961	636,867	131	11	120
1962	644,719	101	6	95
1963	617,092	110	15	95
1964	582,469	83	8	75
1965	575,493	83	9	74
1966	583,384	65	6	59
1967	483,832	83	7	76
1968	502,116	81	8	73
1969	547,156	90	13	77
1970	572,894	74	9	65
1971	565,020	89	10	79
1972	554,203	63	6	57
1973	598,129+	69	3	66
1974	Not available	77*	10*	67*

*Indicates data not complete and final. Figures reflect information available at this time.

APPENDIX C

Excerpts from forthcoming
THE OTHER POLICE: PRIVATE SECURITY SERVICES IN GREATER CLEVELAND
by Dennis T. Brennan, Administration of Justice Committee
June, 1975

FEAR AND FANTASY: Why are so many guards armed with deadly weapons? Frequently, the client, the supervisor or the guard--or all three--note that a potentially hazardous assignment requires self-protection for the guard, and promptly conclude that the self-protection weapon must be a firearm. In more cases than not, no professional judgment is exercised in considering such alternative weapons as a baton, chemical spray, guard dog, etc. Too often a gun is issued out of a desire not merely to defend the guard but to apprehend and subdue the criminal. Even more important to widespread firearms issuance, however, are the fantasies of authority which a gun supports. As one gun-toter told a firearms researcher, "Man, when you've got a piece on your hip, you're nine feet tall." A large proportion of private security employers and employees seem to be "frustrated cops" who talk off-handedly about "wasting" or "blowing away" anybody who gives them any trouble. As their advertisements sometimes stress, private security agencies can and do order the full range of lethal and non-lethal riot and emergency equipment available through the eight "police equipment" merchants listed in the current Greater Cleveland "Yellow Pages". Finally, the AJC found that some local agencies permit or require the guard or detective to purchase his own gun; it seems likely that such employees are purchasing less expensive and less safe weapons.

GUN CONTROL: Present gun control regulations, like most other aspects of the law, treat private security personnel as private citizens. Stronger gun control is an issue that has been revived at local, state and national levels. Its outcome, form and effect on private security cannot at this point be predicted. It is, however, noteworthy that, whereas previous efforts at gun control had focused on the registration of weapons and the licensing of owners, such a thrust has now been joined with efforts to ban the manufacture, sale and possession of handguns, with certain exceptions. These exemptions to the proposed handgun ban universally include police officers and state militia, but only sometimes exclude licensed private security personnel. For example, a proposed amendment to the Michigan Constitution to ban the casual possession of handguns does not include a private security exemption. At the federal level, two bills proposed in the House would exempt from stiff transfer controls only private security <u>services</u> licensed by a state. From what this report has noted about the gross lavity in the selection, regulation and arming of private security <u>personnel</u>, it should be obvious that gun control legislation must be carefully drawn as it applies to "the other police".

APPENDIX D

THE JUNIOR LEAGUE OF CLEVELAND, INC.
1228 EUCLID AVENUE
CLEVELAND, OHIO 44115

NONFATAL GUN INJURIES TREATED IN A METROPOLITAN HOSPITAL

The Public Affairs Committee of the Junior League of Cleveland, Inc. began researching the issue of gun control in the spring of 1974. After several months of research, the committee found that while statistics on homicides by firearms are readily available, the injury rate and medical costs incurred therein have not been studied. It was suggested by Dr. Samuel Gerber, Cuyahoga County Coroner, that we undertake a study in this area.

After researching several possible areas for statistics, including the Cleveland Police Department and insurance companies, it was decided to start at the beginning of the system for the injured -- the hospital emergency room. With the help of Dr. John T. Makley, as sponsor of the study, and with funds provided by the George Gund Foundation, through the Administration of Justice Committee, the adult emergency files of a Cleveland metropolitan area hospital were examined for a 15 month period, January 1, 1974 to March 31, 1975.

The following study records our findings. Hopefully, additional studies will research larger numbers of the gun injured population. While medical costs are estimated in this study, it is recommended that further research be done on additional surgery and medical costs incurred by the patients, disability payments, and wages lost to discover the full financial impact of guns on our society.

Kathryn L. Makley
Chairman, Public Affairs Committee

May 12, 1975

NONFATAL GUN INJURIES TREATED IN A METROPOLITAN HOSPITAL*

Kathryn L. Makley[a], Susan MacDonald[b], John T. Makley, M.D.[c]

INTRODUCTION

Testimony recently presented to the House Judiciary Subcommittee on Crime indicated that Cleveland has the second highest handgun homicide rate in the country.(1) The proliferation of handguns into civilian hands at the rate of 2.5 million per year has led to estimates of 40 million handguns within our population.(2) The increased number of guns corresponds with the higher homicide rate by guns. We concluded that a similar relationship would exist between firearm availability and gun related injuries. A recent study with preliminary information indicated that the ratio of fatal to nonfatal accidental gunshot injuries admitted to Cleveland hospitals was approximately 1:13.(3)

Therefore we decided to undertake a pilot study of the emergency room adult records for a 15 month period to research the incidence and medical and hospital costs of nonfatal gun injuries.

METHOD

The adult emergency room records from January 1, 1974 to March 31, 1975 were examined for gun injuries. Data was compiled on the date of treatment, admission to the hospital, length of stay in hospital, age, sex, residence, type of injury, type of weapon, hospital and physician fees. Pediatric emergency room files were not researched.

RESULTS

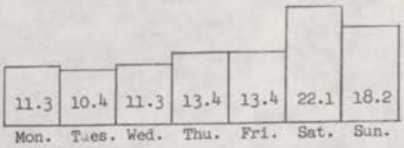
243 patients were admitted for gun injury incidents. Of these, 12 died, leaving 231 patients to provide statistics for our study. Results are expressed in percentages of the 231 patients.

*This study was partially funded by the Gund Foundation through the Administration of Justice Committee, John J. Sweeney, Director.

[a]Chairman, Public Affairs Committee, Junior League of Cleveland, Inc.
[b]Co-Chairman, Public Affiars Committee, Junior League of Cleveland, Inc.
[c]Assistant Professor of Orthopedic Surgery, Case Western Reserve University, School of Medicine, 2065 Adelbert Road, Cleveland, Ohio 44106

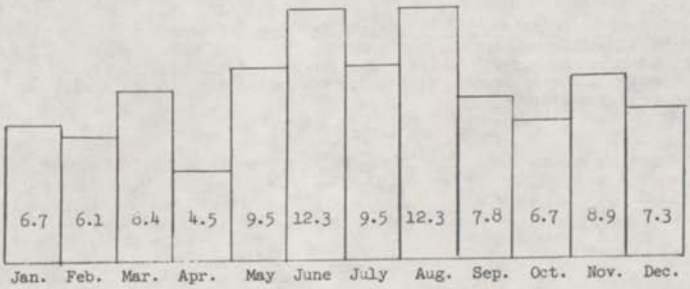
The authors express their gratitude to Parlin Meyer, Maxine Stevens, Mary Susan Lyon, members of the Public Affairs Committee of the Junior League of Cleveland, Inc. and Mr. Mark Glickman, medical student at Case Western Reserve School of Medicine for their help in compiling the data for the study.

Incidence of Gun Injuries-Days of Week



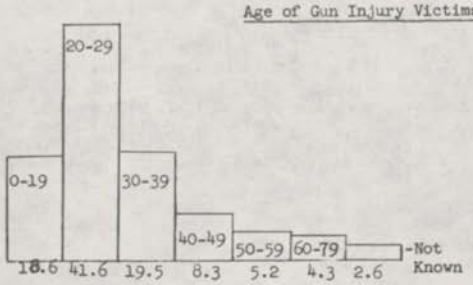
The incidence of gun injuries definitely demonstrates a "weekend" tendency. Similar to gun homicides, gun injuries seem to occur most often on Saturday and Sunday. (40.3%) Friday, Saturday and Sunday witness 53.7% of the gun injuries during the week.

Incidence of Gun Injuries-Months of the Year



Gun injuries were most prevalent during the summer months. 34.1% of the hospital's gun injuries occurred in June, July and August. The lowest month for gun injuries was April (4.5%), and the highest were June and August (12.3% each). Only 12 of the 15 months in the study were included in this graph because of the incomplete percentage data for 1975.

Age of Gun Injury Victims



The data shows a clear trend for gun injuries in the 20-29 age group (41.6%). The 0-19 age category might have been larger had we obtained all the emergency pediatric data. Since gun homicides take the lives of the young (ages 0-19) in disproportionate numbers, gun injury statistics would probably be similar. Even without the pediatric data, sixty percent of the gun injuries struck individuals under the age of 30.

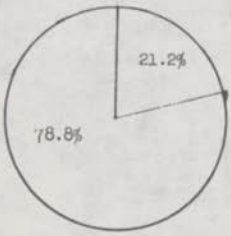
Sex of Injury Victim

Males comprise three-quarters of the gun injury victims.

Residence of Gun Injury Victims

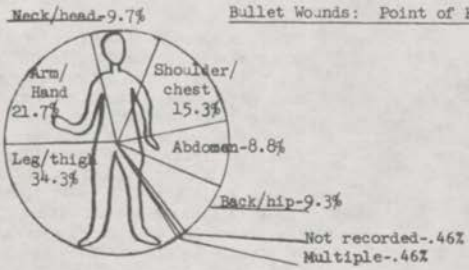
95.2% of the gun injury victims in this study lived in the city of Cleveland. The fact that the hospital studied is located within the city limits of Cleveland is reflected in this statistic.

Type of Injury



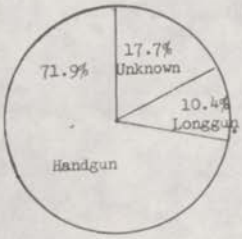
Almost four-fifths of the gun injuries were bullet wounds. However, 21.2% of the cases were pistol whippings. Four of the injuries sustained by pistol whippings were severe enough that they required hospitalization.

Bullet Wounds: Point of Entry



The highest percentage of gunshot wounds occurred in the thigh, foot or leg (34.3%). The lowest in the abdomen. This statistic may reflect the increased possibility of fatal wounds in the abdomen.

Type of Weapon



The handgun is the most prevalent weapon used in gun injuries. Only 10.4% of the injuries were the result of long guns. It is unfortunate that the "Unknown" category is so large (17.7%), but due to the emergency nature of many of these injuries, such data is not always recorded on the hospital records.

Cost

Included in the total financial costs to the patient are the following types of fees:

$ 75 treated and released at the Emergency Room
250 per hospital day if admitted
300 average surgery fee
25 inpatient workup fee
5 daily physician rounds

83 patients (36%) were admitted to the hospital. The average hospital stay was 12 days. The average cost of a hospital stay was $3,346.87. Total hospital and medical costs for admitted patients were $277,790.00.

148 patients (64%) were treated and released at the Emergency Room at an average cost of $75 per patient. Total costs of these patients were $11,100.

The total medical costs including physicians' fees for the 231 patients were $288,890. The average cost of a gun injury was $1,250.61.

CONCLUSION

Although the results represent statistics from one hospital in Cuyahoga County, and do not warrant definite conclusions, the data suggests trends which have serious implications.

This pilot study of a single hospital emergency room records in a 15 month period demonstrates a high incidence of gun injuries. Records from the hospital showed that 12 gun homicides were seen during the same period of time (15 months) that the 231 gun injuries were treated. The ratio of fatal to nonfatal gun injuries is 1:19. According to the Cuyahoga County Coroner's Report there were a total of 420 homicides by firearms in 1974.(4) Our findings suggest that there are substantially more injuries by guns than homicides by guns. We conclude that the

hospital and medical costs of all these injuries are also extensive.

It is hoped that this study will generate additional funds for further research in other hospitals in Cuyahoga County to obtain a better sampling of the gun injured population.

To aid passage of thoughtful gun control legislation, information is also needed on pediatric gun injuries, followup medical costs, disability payments, and wages lost. Based on the data in this study, we conclude that gun injuries cause a heavy economic impact upon society.

1. Brazaitis, Thomas, "Pistol Death Rate Here 2nd Highest in U.S.", Cleveland Plain Dealer, February 21, 1975, p. 1.
2. Lindsay, John, Mayor, New York City, "The Case for Federal Firearms Control" by the Criminal Justice Coordinating Council of New York City, November, 1973, p. 1.
3. Rushforth, N.B., Hirsch, C.S., Ford, A.B., Adelson, L. "Accidental Firearm Fatalities in a Metropolitan County, (1958-1973)." Reprint from the American Journal of Epidemilogy, December, 1974, p. 505.
4. Gerber, Samuel, Cuyahoga County Coroner's Office, Number of Deaths From Firearms, 7 year period of 1968-1974.

APPENDIX E

National Council for a Responsible Firearms Policy, Inc.

1028 Connecticut Avenue, N.W., Washington, D.C. 20036 ■ Telephone (202) 785-3772

April 23, 1975

THE KENNEDY-STEVENSON BILL ON HANDGUN CONTROL
IS ESSENTIAL, EQUITABLE AND ENACTABLE

A Big Step to a Safer America

The nation has neglected too long the costly permissiveness of the sieve that passes for gun control. It has paid too high a price for the easy accessibility of guns and ammunition to persons who by any reasonable standard should not have them. This very year, over 24,000 Americans will probably be killed by gunfire -- not in battle abroad but right here in their own country. Thus far in this century, more Americans -- about 800,000 -- have been killed by gunfire in the homes, shops, streets and churches of America than have been killed in all the wars in American history. More Americans have been shot to death in their own country since the assassinations of Dr. Martin Luther King, Jr. and Senator Robert F. Kennedy than were killed in Indochina in all the years of U.S. military involvement there.

This carnage, and the high toll of gunfire injuries and armed robbery with guns, must be stopped NOW. To cope in a firm and fair way with the violent misuse of handguns, which is the most frequent form of gun violence, it is essential to limit legal possession and acquisition of handguns and handgun ammunition to only those individuals who are licensed to have them, and to hold each licensee legally and strictly accountable for every gun in his or her possession.

We therefore support the handgun licensing-and-registration bill (S. 1447) introduced jointly by Senator Edward M. Kennedy of Massachusetts and Senator Adlai E. Stevenson of Illinois. Since any kind of gun in unqualified and irresponsible hands is a threat to public safety, we regret the omission of rifles and shotguns from this bill. But we see the bill as urgently needed at least to cope with the growing menace of handgun violence.

We have today mounted a nationwide campaign to secure enactment of this kind of legislation in this Congress. We also support similar bills in the House of Representatives, such as those introduced by Congressman Robert F. Drinan of Massachusetts on all guns, and by Congressmen Gilbert Gude of Maryland, Robert McClory of Illinois, John M. Murphy of New York and Ronald V. Dellums of California on handguns. We support the proposed ban on "Saturday night specials".

We consider the Kennedy-Stevenson bill and similar bills a responsible response to the imperatives of public safety, and respectful of the rights and privileges of all law-abiding Americans, those who own guns and those who do not. We call upon all Americans concerned over the rising tide of gun violence to invest time, effort and financial support in this vital dimension of the critical campaign for a safer America -- safe for its people, safe for their leaders, indeed safe for democracy.

APPENDIX F

NCCH

THE NATIONAL COUNCIL TO CONTROL HANDGUNS

STATEMENT ON THE FIREARMS ISSUE

BOARD OF DIRECTORS

MR. MARK BORINSKY, *Chairman*

MS. JUDITH BRODY, *Washington, D.C.*

DR. PAUL CHODOFF, *Washington, D.C.*

MR. ROBERT DIGRAZIA, *Police Commissioner, Boston, Massachusetts*

MRS. ENRICO FERMI, *Civic Disarmament Committee for Handgun Control, Chicago, Illinois*

THE HONORABLE MICHAEL J. HARRINGTON, U.S. *Rep., Massachusetts*

MRS. DEE HELFGOTT, *Coalition for Handgun Control, Los Angeles, California*

THE HONORABLE RALPH H. METCALFE, U.S. *Rep., Illinois*

THE HONORABLE ABNER MIKVA, U.S. *Rep., Illinois*

MS. ELLEN MORGENSTERN, *Arlington, Virginia*

MR. PATRICK V. MURPHY, *Former Police Commissioner, New York City*

MRS. LILLIAN POTTER, *Handgun Alert Inc., Providence, Rhode Island*

MRS. SUSAN SULLIVAN, *The Committee for Handgun Control, Inc., Chicago, Illinois*

MR. OWITE WALKER, *Citizens United to Save Lives, Detroit, Michigan*

MS. MICHAELA WALSH, *New York, New York*

MR. EDWARD O. WELLES, *Executive Director*

THE HONORABLE JERRY WILSON, *former Police Chief, Washington, D.C.*

MR. RONALD WOLK, *Vice President, Brown University*

CONSULTANT TO THE BOARD

DR. MILTON S. EISENHOWER

Nearly every American recognizes and is disturbed by the amount of violence in our society today. According to FBI statistics, violent crime has risen every year since 1961. An MIT study reveals that an urban baby boy born in 1974 is more likely to be murdered than an American soldier in World War II was to die in combat. The peace and tranquility of our cities has been eroded; many people no longer feel safe, even in their own homes.

The NCCH realizes that the causes for this violence are many, complex and not easily dealt with. However, an essential first step in reducing violence is to control handguns. There is an estimated 40 million of these weapons in circulation in the United States today and this figure is increasing at the alarming rate of 2.5 million per year.

Two basic steps must be taken to control handguns. First, the spigot must be turned off; that is, the manufacture, importation, sale, transfer of handguns must be made illegal (except for police, military, licensed security guards and licensed pistol clubs). The second step must be the positive aggressive action to reduce the large amount of pistols and revolvers already in circulation. For this purpose, a buy-back of all handguns (except deactivated antiques and those exceptions noted above) must be conducted by the Federal government. For a period of time, say six months, persons owning handguns could turn them over to the government and receive financial reimbursement (for example $25 or the fair market value of the handgun--whichever is greater). After this period of time, the use, ownership or possession of such weapons would be illegal.

The Hart-Bingham Bill (S.750 and H.R.40) would accomplish the above objective and is strongly endorsed by NCCH.

The NCCH takes no position regarding the regulation of rifles and shotguns. Handguns, because of their ease of concealment, are a far more serious problem than long-guns. In 1972, handguns accounted for 82% of all homicides using firearms. In 1967 (the latest year for which figures are available), handguns accounted for 86% of all serious assaults involving firearms and 96% of all robberies involving firearms. Moreover long-guns, much more than handguns, are legitimately used by the estimated 20 million hunters in the United States.

1910 K Street, N.W. Washington, D.C. 20006
(202) 872-1851

The following statement of policy was adopted by the NRA Board of Directors at the NRA Annual Meetings in Dallas, Texas, in April, 1958.

This policy declaration remains the basic position of the National Rifle Association on firearms regulation.

POLICY STATEMENT

Among the objectives of the National Rifle Association of America are the following: To promote public safety, law and order, and the national defense; to educate and train citizens of good repute in the safe and efficient handling of small arms, and in the technique of design, production and group instruction; to increase the knowledge of small arms and promote efficiency in the use of such arms on the part of members of law enforcement agencies, of the Armed Forces, and of citizens who would be subject to service in the event of war; and generally to encourage the lawful ownership and use of small arms by citizens of good repute.

A. The National Rifle Association believes that firearms legislation is of insufficient value in the prevention of crime to justify the inevitable restrictions which such legislation places upon law abiding citizens. In those cases where legislative bodies, nevertheless, determine that some firearms control legislation is necessary, the position of the NRA is as follows:

1. The NRA is opposed to control measures which levy discriminatory or punitive taxes or fees on the purchase, ownership or use of rifles, shotguns, pistols and revolvers.

2. The NRA is opposed to proposals to license the possession or purchase of a rifle, shotgun, pistol or revolver. The inevitable result of such a licensing regulation is to vest the arbitrary power to say who may and who may not own a gun in the hands of an appointed or elected official. It is the illegal use and not the ownership of a firearm which should be the subject of legislative control.

3. The NRA is opposed to the theory that a target shooter, hunter or collector, in order to transport a handgun for lawful purposes, should be required to meet the conditions for a permit to carry a weapon concealed on his person.

4. The NRA is opposed to the registration on any level of government of the ownership of rifles, shotguns, pistols or revolvers for any purpose whatever. Regardless of professed intent, there can be only one outcome of registration, and that is to make possible the seizure of such weapons by political authorities, or by persons seeking to overthrow the Government by force. Registration will not keep guns out of the hands of undesirable persons, and few people seriously claim that it will.

5. The NRA is opposed to legislation which denies, or interferes with, individual rights of our citizens or is designed purely for the convenience of law enforcement officers or for the purpose of circumventing due process of law in order to obtain convictions more easily. The desire to see our laws adequately enforced is not justification for any law which can make a prudent, law-abiding citizen an unwitting violator, or which denies the right of self-defense.

B. The National Rifle Association of America does not initiate any gun control legislation at any level of government. When, nevertheless, firearms legislation is enacted, it should not exceed any of the following four provisions:

1. Legislation designed to prohibit the possession of firearms by persons who have been finally convicted of a crime of violence, fugitives from justice, mental incompetents, drug addicts and persons while adjudicated an habitual drunkard.

2. Legislation providing severe additional penalties for the use of a dangerous weapon in the commission of a crime.

3. Legislation making the sale of firearms to juveniles subject to parental consent and the use of firearms in public by juveniles subject to adequate supervision.

4. Legislation regulating the carrying of concealed handguns should be reasonable and the requirements for such carrying should be clearly set forth in the law. The conditions having been met, the issuance of a "license to carry" should be mandatory and should license the act of carrying, not the handgun itself.

In addition to the basic official position of the NRA on gun regulation, the NRA Board of Directors in November 1971 adopted the following eight points which are a positive restatement and reflection of NRA policy:

- Prohibit firearms sales by dealers to persons under voting age.
- Require adequate supervision for use of firearms by juveniles.
- Require mandatory penalties for the possession of a firearm or facsimile in the commission of a crime.
- Control the importation of all firearms and their component parts.
- Prohibit possession of firearms by convicted felons, drug addicts, habitual drunkards, fugitives from justice, mental incompetents and juvenile delinquents.
- Control all machine guns and destructive devices.
- Require licensing of manufacturers, importers, dealers and pawnbrokers, and their keeping of records.
- Assure citizens of good repute the continuing right to own and use firearms for sport and self-defense.

Appendix 4

Accidental Firearm Fatalities in a Metropolitan County (1958–73)

Norman B. Rushforth,* Charles S. Hirsch,† Amasa B. Ford ‡ and Lester Adelson †

Rushforth, N. B. (Department of Biology, Case Western Reserve University, Cleveland, Ohio 44106), C. S. Hirsch, A. B. Ford and L. Adelson. Accidental firearm fatalities in a metropolitan county (1958–73). "Am. J. Epidemiol." 100:499–505, 1974.—A study of accidental firearm fatalities in Cuyahoga County, Ohio, (Metropolitan Cleveland) from 1958–73, inclusive, has shown a threefold increase in the rate of such deaths since 1967. They are more frequent in the central city than in the suburbs, show a male preponderance, are more common in nonwhites, have a peak prevalence in the 25 to 34-year age range and usually happen in the home. Approximately half of the adult victims had been drinking alcoholic beverages when shot. It is hypothesized that the frequency of accidental firearm fatalities is primarily related to the number of guns, particularly handguns, in civilian possession. The data indicate that a loaded firearm in the home is more likely to cause an accidental death than to be used as a lethal weapon against an intruder.

INTRODUCTION

We have recently reported an alarming increase in the number of homicidal deaths in the Cleveland area.[1] The major portion, 80 percent, of these violent deaths was caused by firearms, especially handguns, and we concluded that a significant factor in the increase in the homicide rate was the ready availability of small arms. In order to investigate this phase of the matter further, we undertook a study to acquire additional evidence to test our hypothesis "that the number of firearm incidents, nonfatal as well as fatal, is related to the number of guns in civilian hands." This report is a statistical survey of accidental firearm fatalities in Cuyahoga County (Cleveland, Ohio and suburbs), during the interval from 1958 through 1973 inclusive.

Previous studies of accidental firearm deaths have shown a preponderance of male victims, with a peak incidence in the 15 to 24-year age range and a higher rate in nonwhites than in whites.[2,3] From 1959 to 1961, 56 percent of such fatalities occurred in the home when the place of occurrence was stated on death certificates.[2]

METHOD

For purposes of classification and discussion, we have subdivided Cuyahoga County ("county") into two factions: (1) the centrally located city of Cleveland ("city") and (2) the aggregate of 60 other municipalities ("suburbs"). All known and suspected violent ("unnatural") deaths in the county must be investigated by the coroner, regardless of the fashion in which the violence arose. Reporting of violent deaths is complete because a valid death certificate cannot be signed by a person other than the coroner when injury causes or contributes to death.

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The authors express their gratitude to the following medicolegal offices which provided data on firearm fatalities: Alameda County (California); Dade County (Miami, Fla.); State of Hawaii; Hennepin County (Minneapolis, Minn.); State of Kansas; Los Angeles County (California); Lucas County (Toledo, Ohio); State of Maryland; Nassau County (Long Island); State of Oregon; Parish of Orleans (New Orleans, La.); Sacramento County (California); San Diego (California); San Francisco (California); St. Louis County (Missouri); Suffolk County (New York); Summit County (Akron, Ohio). Otto Morgenstern did the computer programing for this study, and Mary Ellen Laycock and Elizabeth Tidwell assisted in compiling the data. The Office of the Chief of Police, Cleveland Police Department, provided information concerning permits to purchase guns in the city of Cleveland.

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[2] Iskrant A. P., Joliet P. V.: Accidents and Homicide. Cambridge, Mass., Harvard University Press, 1968.

[3] Newton G. D., Zimring F. E.: Firearms and Violence in American Life: A Staff Report to the National Commission on the Causes and Prevention of Violence. Washington, D.C., U.S. Government Printing Office, 1969.

Establishing the cause of death in firearm fatalities usually offers no problem. However, determination of the manner of death, that is, accident versus suicide or homicide, can be difficult. Two basic sets of circumstances exist: was the fatal wound self-inflicted (suicide or accident?) or was it inflicted by another (homicide or accident?). In either instance, an appropriate ruling as to the manner of death requires considered evaluation of information derived from all available sources. Useful criteria which help to substantiate or refute the statements of witnesses include the location of the fatal wound, the range and direction of fire and the presence or absence of primer or gunpowder residue on the victim's hand(s).

Data supplementing the objective anatomic and toxicologic findings of the coroner's staff are supplied by police reports, eyewitness accounts, and hospital records. In Cuyahoga County, validity of judgment as to the manner of death is enhanced by experience and has been consistent within the limits of individual variability because one man, Samuel R. Gerber, M.D., J.D., has been coroner since 1936. When the manner of death cannot be determined "beyond a reasonable doubt," cases are classified as "violence of undetermined origin." From 1958 through 1973, 10 firearm fatalities have been so classified.

We calculated accidental firearm fatality rates from the number of victims listed in the coroner's records and from population figures in Census Bureau publications. The decennial censuses of 1960 and 1970 furnish city and suburban population sizes in the respective years. These data were supplemented by a Special Census for the City of Cleveland in 1965.

Accidental firearm fatalities were analyzed with respect to the following variables: (1) rates for other types of accidental death; (2) geographic location of the incident (city, suburbs); (3) agent (self-inflicted, other); (4) age, sex and race of victim; (5) presence of ethyl alcohol in adult victims; (6) types of firearms (handguns, long guns); (7) time and place of occurrence of the incident (private dwelling, other places); and (8) circumstances surrounding the occurrence (cleaning gun, handling or playing with gun, etc.).

Cuyahoga County is an almost completely urban area, and there is very little legal hunting within its boundaries. Fatalities from hunting accidents, therefore, are conspicuously absent in our study population.

RESULTS

Table 1 shows the number of accidental fatal firearm victims in Cuyahoga County classified by race and sex for the city of Cleveland and suburbs for each year during the period 1958–73, inclusive. In the city, accidental firearm

TABLE 1.—NUMBER OF ACCIDENTAL FIREARM DEATHS IN CUYAHOGA COUNTY, OHIO, BY RACE AND SEX FOR THE CITY OF CLEVELAND AND SUBURBS OVER THE PERIOD 1958-73, WITH POPULATION FIGURES BY CENSUS

Year	Number of accidental firearm deaths [1]										
	City of Cleveland					Suburbs					County total
	WM	WF	NWM	NWF	Total	WM	WF	NWM	NWF	Total	
1958	0	0	5	1	6	0	1	0	0	1	7
1959	1	0	1	0	2	2	1	0	0	3	5
1960	1	1	2	0	4	0	0	0	0	0	4
1961	1	0	1	1	3	2	1	0	0	3	6
1962	1	0	0	0	1	0	0	0	0	0	1
1963	2	0	5	0	7	1	0	0	0	1	8
1964	1	0	3	0	4	1	0	0	0	1	5
1965	2	0	2	1	5	2	0	0	0	2	7
1966	2	0	1	0	3	1	0	0	0	1	4
1967	1	0	0	0	1	2	0	1	0	3	4
1968	4	0	8	2	14	4	1	0	0	5	19
1969	2	1	9	2	14	3	0	0	0	3	17
1970	2	0	11	1	14	2	0	1	0	3	17
1971	6	1	9	1	17	1	1	0	0	2	19
1972	3	0	4	1	8	0	0	0	0	0	8
1973	2	2	5	2	11	5	0	1	0	6	17
Total	31	5	66	12	114	26	5	3	0	34	148
Population by census (thousands):											
1960	305	318	122	131	876	370	396	3	3	772	1,648
1965	257	275	132	147	811						
1970	219	239	137	156	751	444	482	21	23	970	1,721

[1] WM, white male; WF, white female; NWM, Nonwhite male; NWF, Non-white female.

deaths occur most frequently among nonwhite males. (Blacks constituted 97.3 percent of the nonwhite population in 1970 as determined by the decennial census.) Conversely, in the suburbs, the majority of victims are white males. A market increase in accidental firearm deaths in the city started in 1968 and continued unbroken through 1973, with the exception of 1972 during which there were fewer fatalities.

The increase in accidental firearm deaths in the city during the latter part of the 16-year period occurred at a time during which there were large changes in the size and composition of the population of the county. It is, therefore, necessary to examine rates for subgroups of the population. The total population of the city decreased over these 16 years by more than 14 percent. During this interval, the nonwhite population in the city increased by about 12 percent for males and 19 percent for females. At the same time, the white population underwent a reduction of approximately 28 percent for males and 25 percent for females.

Rates for accidental firearm deaths increased for both nonwhite and white city males. The average annual rate of accidental firearm deaths for white males rose from 0.3 per 100,000 for the period 1958–62 to 0.6 for 1963–67, and to 1.4 for 1968–73, almost a fivefold increase over the initial rate (table 2). Comparable rates for nonwhite males in the city show a similar trend, rising from 1.5 for 1958–62 to 1.7 for 1963–67 and up to 5.6 for 1968–73. The city annual rate in the last year interval is almost four times greater than it was during the period 1958–62.

The suburban population, black as well as white, increased during the study period. For suburban white males, the rate of accidental firearm deaths per 100,000 rose from 0.2 to 0.3 and then up to 0.6 for the successive periods, a tripling of the rate during the study interval.

Table 3 lists the average annual death rates for various types of accidents in Cuyahoga County for the successive 5-year periods from 1958 through 1973. Firearm death rates are smaller than those for vehicular, industrial, home and "other" accidents. However, during this period, death rates from firearms increased more than those from any other types of accident, climbing threefold. While deaths from vehicular accidents increased 50 percent over the 16-year period, other accidental death rates rose only slightly.

TABLE 2.—AVERAGE ANNUAL ACCIDENTAL FIREARM DEATH RATES IN CUYAHOGA COUNTY, OHIO FOR SELECTED GROUPS,[1] (1958–73)

Years	Annual rates (deaths per 100,000)			
	City			
	White male	Nonwhite male	Suburbs, White male	County, Total
1958–62	0.3	1.5	0.2	0.3
1963–67	.6	1.7	.3	.3
1968–73	1.4	5.6	.6	.9

[1] Rates are not calculated for groups in table 1 having fewer than 4 deaths.

TABLE 3.—AVERAGE ANNUAL RATES OF ACCIDENTAL DEATH BY VARIOUS CAUSES (1958–1973) IN CUYAHOGA COUNTY, OHIO

Years	Number of deaths per 100,000 population				
	Vehicular	Home accidents (nonfirearm)	Other	Industrial	Firearm
1958–62	10.3	18.0	13.6	2.0	0.3
1963–67	12.3	18.0	13.6	2.1	.3
1968–73	15.5	19.4	14.0	2.2	.9

We also tabulated accidental firearm deaths in the city and suburbs by month of the year, day of the week and time of the day. There were no significant differences in the number of deaths by month. However, fatalities were most numerous during weekends, being most prevalent on Saturdays. Fatal accidental shootings occurred most frequently (68 percent) between 3 p.m. and midnight for children up to age 15. They were relatively high for adults during this period also, and extended in similar high frequency over the time interval from

midnight to 3 a.m. (76 percent of incidents occurred during the interval from 3 p.m. to 3 a.m.).

One hundred and twenty-three of the 148 accidental firearm fatalities (83 percent) resulted from mishaps with handguns. Over three-quarters of these fatalities occurred in the home (78 percent), and the majority of them (67 percent) occurred when someone was handling or "playing" with a gun. Of the 100 victims whose blood was tested for ethanol, 48 percent gave positive results. For children up to age 15, slightly less than half (41 percent) of the accidental firearm deaths were self-inflicted as compared with 70 percent for adults.

The age-specific rates of accidental firearm deaths were calculated for the period 1968–73, using the 1970 census data for both nonwhite males and white males in the city. (There were insufficient numbers of deaths in other categories to compute meaningful rates.) Figure 1 shows that annual death rates for both white and nonwhite males in Cleveland rose with age to a maximum in the range 25 to 34 years and then decreased. However, changes in the age composition of race-specific populations for the city and suburbs between the 1960 and 1970 census gave rise to only minor effects on accidental firearm fatality rates. Age-adjusted rates differed from the reported unadjusted rates by less than 5 percent. Thus, increases in the fatality rates shown in this study were virtually uninfluenced by changes in the age compositions of the populations.

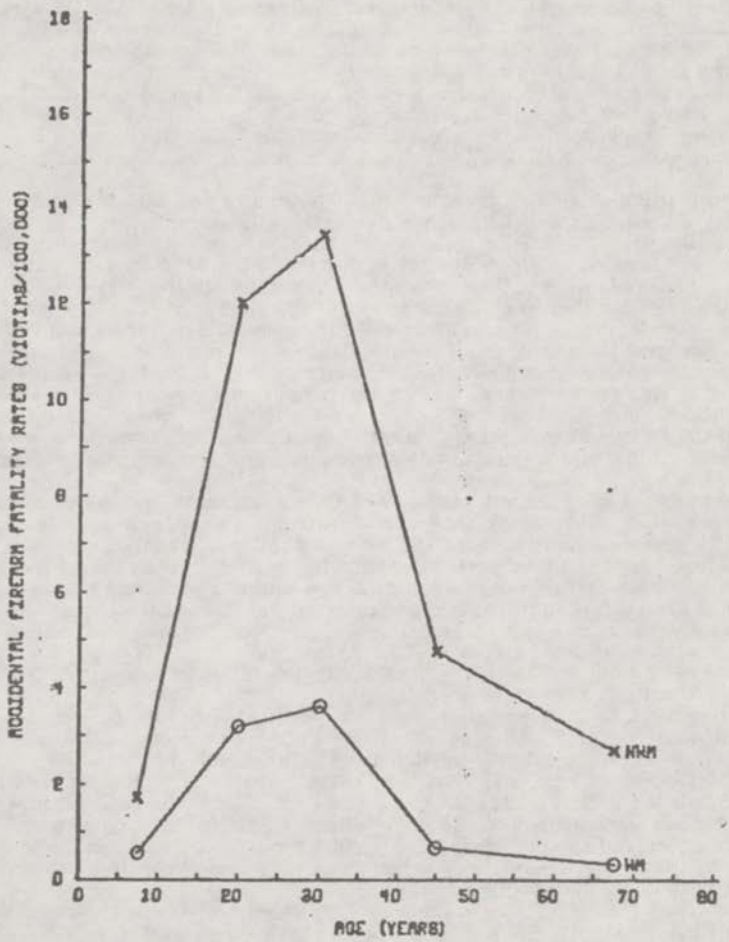

FIGURE 1.—Average annual age specific rates of accidental firearm deaths for nonwhite males (NWM) and white males (WM) in the city of Cleveland. Rates are based on the period 1968–73.

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DISCUSSION

The annual number of accidental firearm deaths in Cuyahoga County tripled in 1968 as compared with the average for the previous 10 years, and the increased level was sustained for 4 consecutive years. Since the criteria for a "coroner's verdict" (ruling) of accidental firearm death were unchanged, and the system of reporting and recording such fatalities was consistent, the increase must be regarded as meaningful. In 1972, the number of these deaths in Cuyahoga County dropped to pre-1968 levels, but in 1973 the rate was high once more.

Routine reporting of accidental deaths due to firearms on a national basis shows very little change in rates over the past 20 years.[4] Therefore, in an attempt to determine whether the documented upward trend in the Cleveland area is somehow unique to our jurisdiction, we queried 38 other medicolegal agencies in the United States about their 1960–72 incidence of accidental firearm fatalities. Twenty-eight of these agencies responded to our questionnaire, but only 19 of them were able to provide the data requested. Five of these 19 have shown an increased incidence of deaths due to firearm accidents comparable to that seen in the Cleveland area. Thus, while our experience is not unique, it is not uniformly true in all urban areas.

We postulate that a major factor in the rise in accidental firearm fatalities in the Cleveland area is the increase in the availability of handguns. Indirect evidence in support of this hypothesis comes from data for Wayne County, Mich., obtained by the National Commission on the Causes and Prevention of Violence.[5] Over the period 1965 to 1968, for which data are available, the rise in accidental firearm fatalities in Wayne County parallels the number of new handgun permits issued to Detroit. In addition, in a study covering the period 1962 to 1971, Heins et al. found that the number of gunshot wounds in children in the Detroit area increased dramatically after 1967. They concluded that the increase in gunshot wounds seems to be related to an increase in the number of guns in the Detroit area.[6]

Estimates of accidental firearm deaths and gun ownership for various regions in the United States indicate that fluctuations in fatality rates are positively associated with patterns of firearm ownership.[3] Other data obtained by the National Commission [3] indicate a surge of domestic firearm production and importation of guns for sale in the United States in the middle 1960's.[2]

We have attempted to obtain estimates of the number of guns in civilian hands in the Cleveland area from two sources. First, we contacted the Alcohol, Tobacco and Firearms Bureau of the Treasury Department, which is responsible for enforcement of the provisions of the Gun Control Act of 1968. Gun sales are not tabulated by this (or any other) bureau, and they are unable to estimate reliably the number of guns either sold or in circulation. Therefore, we sought information from the Cleveland Police Department. This information is worth describing because it typifies the frustration of attempting to obtain quantitative data about gun sales.

To purchase a handgun in the city of Cleveland, an individual must complete an application provided by the police department. This form must be endorsed by two persons who live in the city of Cleveland and who own property in this city. Next, verification of property ownership by the endorsers must be obtained from a bureau at the county administration building and from the office of the county auditor. In addition, if the applicant lives outside the city of Cleveland, he must obtain a letter of recommendation from the chief of police in the community in which he resides. Lastly, the applicant is instructed to "return to the chief's office with the form and with the letter from your chief of police and you will receive further instructions."

From 1967 to 1973 inclusive, only 33 legitimate permits for purchase of a handgun were filed with the Cleveland Police Department. Meanwhile, gun dealers in adjacent suburbs sell hundreds of handguns daily. Indeed, one retail outlet for firearms in the environs of Cleveland is said to sell between 30 and 40 handguns daily, 7 days a week. Short of obtaining subpena authority to inspect the business records of such dealers, we do not know how to determine the number and type of guns sold. Furthermore, prior to embarking upon such an ambitious venture, we should point out that there are 4,099 registered firearm dealers in the northern half of Ohio.

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[4] Di Maio VJM: The frequency of accidental gunshot wounds. Forensic Science Gazette 4:2–3, 1973.

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Our data also suggest that guns in the home are more dangerous than useful to the homeowner and his family who keep them to protect their persons and property. During the period surveyed in this study, only 23 burglars, robbers or intruders who were not relatives or acquaintances were killed by guns in the hands of persons who were protecting their homes. During this same interval, six times as many fatal firearm accidents occurred in the home. We conclude that a loaded firearm in the home is more likely to cause an accidental death than to be used as a lethal weapon against an intruder.

The total impact of accidental shootings includes disability, suffering and expense resulting from these needless injuries in addition to the mortality. The ratio of fatal to nonfatal accidental gunshot injuries admitted to hospitals in the Cleveland area is approximately 1:13 [6]. (We do not know how many individuals are treated for accidental gunshot wounds in emergency rooms and released.) Extrapolating from the number of fatal accidental shootings in Cuyahoga County, a minimum of 1,000 to 2,000 serious, nonfatal, accidental shootings occurred during the 16 years, 1958 through 1973.

In summary, we have previously documented a dramatic rise in homicides over the past 6 years in a large metropolitan community. During this period there has been a parallel increase in accidental firearm fatalities in this jurisdiction. The possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection.

Appendix 5

CORRESPONDENCE

West Suburban Humanist Society,
Affiliated With the American Humanist Association,
Lombard, Ill., May 8, 1975.

Congressman John Conyers,
House Judiciary Subcommittee on Crime, House Office Building,
Washington, D.C.

Dear Sir: We strongly urge your committee to ban the handgun from the American scene. We believe that it should not be sold or manufactured or assembled for the general public.

Its use would be limited to military, police personnel, gun clubs and security guards.

The average person does not need them. This is the most sick Society in the World. It is estimated we have over 100,000,000 hand guns lying around in homes today. No civilized nation would tolerate this.

No wonder we get into messes like the Vietnam war, send guns to the Shah of Iran and continue to arm the world and spend over $100 billion for toys for our mad generals and admirals.

This Congress has shirked its duty for years. By every possible poll Americans have said in no uncertain terms we need gun control.

We need faster justice and a better court and penal system, too. Now that the crazy Vietnam war is over, perhaps Congress will turn its head to solving our domestic problems.

If we can spend $150,000,000 on the Vietnam war, perhaps we can spend some funds to eliminate crime. Americans fear to go out at night and fear to visit their downtown areas. It seems everybody has a gun and everyone is a target.

Ban the handgun and ban the sale of bullets.

Truly,

Mrs. I. L. Mostek,
Secretary, West Sub. Humanist Society.

Congressman James R. Mann.
Congressman Danielson.
Congressman Thornton.
Congressman Hughes.
Congressman McClory.
Congressman Ashbrook.

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[6] Blue Cross of Northeast Ohio: Unpublished data for 1972.

JUNIOR LEAGUE OF CLEVELAND, INC.,
Cleveland, Ohio, June 4, 1975.

Hon. JOHN CONYERS,
Chairman, Judiciary Subcommittee on Crime, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE CONYERS: The Junior League of Cleveland, Inc., representing 1,000 women, has been researching the complex issue of gun control since the spring of 1974. Recently our membership overwhelmingly endorsed a composite gun control platform. Because we are convinced that no simple stopgap measure will effectively curb the unprecedented number of handguns in our society, we advocate a multi-faceted approach:

(*a*) Registration of handguns; (*b*) Licensing of handgun owners; and (*c*) Prohibiting the manufacture, sale, and possession of "Saturday Night Specials." (Our platform's definition includes all handguns that will melt or deform at less than 800° F., have a calibre of less than .32, a barrel length of less than 6 inches or a price of less than $50.

We earnestly support your efforts for strong handgun legislation and we are very anxious to see such legislation enacted.

In May, our Public Affairs Committee completed a pilot study of the incidence and cost of gun injuries treated at a Cleveland hospital. The results of this study indicate a substantially higher gun injury rate than gun homicide rate. The medical costs of these nonfatal injuries are staggering, both to the individual and to the community. Hopefully, a Junior League member will share the results of this study with your subcommittee at the hearings in Cleveland on June 16. This information sheds new light on a previously neglected side of the handgun debate—the tremendous costs and incidence of gun injuries.

The Junior League of Cleveland is extremely concerned about the proliferation of handguns in our society. We urge you to actively work for the passage of strict handgun control legislation. Enclosed are some educational materials that our Public Affairs Committee has prepared. Perhaps they may be helpful to your subcommittee.

Sincerely,

MRS. WALTER R. KIRKHAM, *President.*

GUN CONTROL * * * WHAT ARE THE FACTS?

U.S.: WE'RE NO. 1

The total number of gun deaths is more than that of all other free nations combined. For example:

ESTIMATED HANDGUN OWNERSHIP (ALL 1969 FIGURES)

Country	Homicides (per 100,000)	Accidents (per 100,000)	Country	Per 100,000
United States—1971	5.50	1.18	United States	12,000 to 20,000.
Canada—1963	.52	.80	Ireland	Under 500.
France—1969	.30	.24	Finland	Under 500.
Germany—1970	.28	.13	Netherlands	Under 500.
Switzerland—1970	.19	.13	Greece	Under 500.
Netherlands—1970	.08	.02	Great Britain	Under 500.
England/Wales—1970	.04	.06	Switzerland	Under 500.
Japan—1968	.02	.04	Yugoslavia	500 to 1,000.
			Israel	1,000.
			Austria	3,000.
			Canada	3,000.

In 1970, three people were murdered in Tokyo with handguns. In Detroit, which has a much smaller population, 550 people were murdered with handguns the same year.

Proliferation of firearms.—The term firearms includes long guns—rifles and shotguns—and handguns. Handguns are guns that can be easily concealed and held in one hand. "Saturday Night Specials" refer to inexpensive, poorly made handguns. Legislatively they can be defined in terms of melting point, 800° F., barrel length, 3 inches or shorter, or price.

Two hundred and ten million firearms are privately owned in the United States. 25 to 40 million are handguns. A total of 5 million firearms are manufactured

each year in this country. 2.5 million of these are handguns being introduced to the civilian population.

In areas where gun ownership is high, the percentage of murders committed by gun is high. Gun ownership is highest in the South, 59 percent, and lowest in the Northeast, 33 percent, and their homicide by gun statistics correspond: 72 percent in the South, 44 percent in the Northeast. Ownership of rifles and shotguns is higher in rural areas and towns than in large cities, but handgun ownership is highest in towns and large cities.

The business of guns.—Gun owners spend $2 billion annually in the United States on ammunition and guns. Forty companies in the United States manufacture guns. Ten companies produce 10 billion rounds of ammunition every year, 120,000 retail outlets transfer guns to the public.

Between 1962 and 1968 the annual rifle sales doubled, annual shotgun sales almost doubled, and handgun sales quadrupled. Since 1968 this trend has accelerated.

Gun deaths.—An average of 69 people are killed each day by guns in the United States, 25,000 each year are killed by murder, accident or suicide—3,000 from gun accidents, 10,000 from gun suicides and 12,000 from gun homicides. In the last 5 years, the number has increased by almost 50 percent.

In the home, for every burglar stopped by a gun, four homeowners or family members are killed accidentally by a gun.

Forty percent of all firearm fatalities involve children between the ages of 1 to 19. Ninety-four percent of the policemen killed in the United States in 1973 were by firearms. Sixty-one percent involved handguns.

In only one-fifth of all homicides are offenders strangers to their victims. The rest are family and acquaintances.

*Homicides in 1972**

	Percent
Spouse kills spouse	12.5
Parent kills child	2.9
Other family killings	8.9
Lovers' quarrels	7.1
Arguments among acquaintances	41.2
Total	72.6

*Deaths by guns correspond with these figures.

Gun crimes.—In 1972 there were almost 200,000 gun crimes—about 600 a day. Two out of three homicides, over a third of all robberies, and one-fifth of the aggravated assaults are committed with a gun (1967). Sixty-three percent of armed robberies were committeed with a firearm in 1972.

Type of gun used in crimes (1967): Homicide—92 percent handgun, 8 percent long gun; robbery—96 percent handgun, 4 percent long gun; aggravated assault—86 percent handgun, 14 percent long gun.

What do the people think?—Seventy-one percent of those polled by Gallup in 1972 favored a law which would require a person to obtain a police permit before he or she could buy a gun, 62 percent said they would be more likely to vote for a candidate advocating stricter control of firearms.

The National Rifle Association is the most outspoken organization for those who generally oppose gun controls. Groups included in this view are the National Wildlife Federation, Izaak Walton League, Wildlife Management Institute, the different national hunting and sporting magazines and finally, the gun manufacturers.

These groups wish less stringent control of firearms for the following reasons: (a) to have firearms for sporting purposes; (b) to protect themselves and their families and homes; (c) to protect the country and ward off invaders.

They also feel very strongly that the second amendment's, "right to keep and bear arms," must not be infringed. However, this amendment refers to the State militia, that is, National Guard. The Supreme Court of the United States affirmed in 1939 that the collective but not an individual right to bear arms must not be infringed.

Existing gun laws.—Although there are 20,000 local and State gun control laws, they are often weak, unenforceable and avoidable, 42 States have no restrictions whatsoever on who may buy a handgun.

On the Federal level, a 1934 law provides for registration and taxing of machine guns, tommy guns, and other fully automated weapons. A 1968 Federal

law requires licensing ($10) for manufacturers and dealers of firearms. This National Gun Control Act prohibits foreign military surplus weapons into the United States and bans all foreign weapons except for "sporting purposes." Domestic gun companies have consequently flourished. One million guns made from imported gun parts were put together in 1970.

HANDGUN CONTROL: YES OR NO?

Control for guns can be separated into the following strategies: (1) Stiffer penalties for gun violence; (2) prohibiting guns from high risk groups, criminals, alcoholics, drug addicts, the young; (3) licensing of all firearms—citizens must have licenses verifying their eligibility to own a gun; (4) registration—this procedure records that a particular gun is the property of a particular owner, as in car registration; (5) cutting down on handgun ownership, manufacture, and/or sale.

Some of the arguments surrounding gun control are:

PRO	CON
1. Ownership of a gun should be like driver licensing as it would protect the rights of the citizenry to live in a safer environment.	1. Any gun control is an infringement on one's civil liberties and the right to protect oneself.
2. Seventy-six percent of all homicides involving firearms are committed by handguns. Handgun ownership, presently estimated at 30 million, is tripling. Therefore, handgun restriction would result in fewer deaths and injuries.	2. Handgun prohibition will eventually lead to all gun prohibition—shotguns, rifles, et cetera.
3. One-third of all robberies, one-fourth of all serious assaults, and 65 percent of all homicides are committed with firearms (1969).	3. The majority of the country's 100 million guns are not involved in violence. "Guns don't kill people. People kill people."
4. Four out of five homicides occur as a result of altercations about love, money, or domestic problems between familiar people. These circumstances suggest that most homicides are committed in rage and are not the result of a single-minded intent to kill. Because the fatality rate with a gun is five times that of a knife, gun availability results in more deaths.	4. If killing is going to occur, any weapon will do. Restricting guns will not prevent killings.
5. The handgun in your house is more likely to kill you or a member of your family than to save your life. In Detroit more people died in 1 year from handgun accidents alone than were killed by home-invading robbers in 4½ years.	5. The increasing crime rate proves that citizens need handguns for protection of home and businesses.
6. Present gun laws have failed to address the real problems and tended to favor the economic interests of American gun manufacturers. Lack of uniformity among local, State and Federal legislation has resulted in poor enforcement of existing laws.	6. Gun laws have historically been ineffective. They have failed to put impact on those who misuse guns. There is no guarantee that any future laws would do any good.
7. America's firearms homicide rate is 42 times England's. The English firearms control system makes it substantially more difficult to obtain guns and this accounts for the lower usage of firearms in criminal behavior.	7. Countries like England have long-standing respect for authority. Our cultures are different. They have less incidence of all crimes.

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CONTACTS

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The Gun Control Federation of Cleveland, 4614 Prospect Avenue, Room 421, Cleveland, Ohio 44103, telephone: (216) 431–2700.

WEST SUBURBAN HUMANIST SOCIETY,
Lombard, Ill., May 8, 1975.

Hon. JOHN CONYERS,
House Judiciary Subcommittee on Crime,
House Office Building, Washington, D.C.

DEAR SIR: We strongly urge your committee to ban the handgun from the American scene. We believe that it should not be sold or manufactured or assembled for the general public.

Its use would be limited to military, police personnel, gun clubs, and security guards.

The average person does not need them. This is the most sick society in the world. It is estimated we have over 100 million hand guns lying around in homes today. No civilized nation would tolerate this.

No wonder we get into messes like the Vietnam war, send guns to the Shah of Iran and continue to arm the world and spend over $100 billion for toys for our mad generals and admirals.

This Congress has shirked its duty for years. By every possible poll Americans have said in no uncertain terms we need gun control.

We need faster justice and a better court and penal system, too. Now that the crazy Vietnam war is over, perhaps Congress will turn its head to solving our domestic problems.

If we can spend $150 billion on the Vietnam war, perhaps we can spend some funds to eliminate crime. Americans fear to go out at night and fear to visit their downtown areas. It seems everybody has a gun and everyone is a target.

Ban the handgun and ban the sale of bullets.

Truly,

Mrs. I. L. Mostek, *Secretary.*

J. B. Emerson, Inc.,
Mineral Ridge, Ohio, June 5, 1975.

Representative John Conyers,
U.S. Congress, Washington, D.C.

Dear Representative Conyers: I am a 27-year-old mother of two small children ages 3 and 7, and have just finished an article in the June issue of Ms. Magazine concerning guns and gun controls and what we as citizens feel should be done about it.

In my opinion, the only place for guns, of any sort, is either at the bottom of the ocean or in a smelting pot. I will not allow either of my sons to own guns of their own nor will I permit them to play with guns owned by relatives' children or those of neighborhood playmates. I believe that not associating with guns, even in make-believe play, will lessen their desires to own or operate one as adults either for sport or criminal activities.

There should be no exceptions to the fact, in my opinion, that no one in this country be allowed to own or operate a firearm with the exception of law enforcement agencies. These agencies should be required by law to register serial numbers with a Federal agency solely appointed for the purpose of keeping a close check on registered firearms. After all, there are "Federal" agencies formulated for reasons much less important than preventing abnormal persons to go berserk and shoot innocent bystanders, such as happened in Canada this past week, or to take out frustrations with a trigger instead of a discussion or even a fist.

I hope that in some small way this letter will help you in your fight for a strong and earnest method of gun control.

Sincerely yours,

Patricia A. Johnson.

North Manchester, Ind., *June 25, 1975.*

Hon. John Conyers,
House of Representatives,
Washington, D.C.

Dear Sir: I am writing to offer you my full support and encouragement in your efforts to have the Congress pass an effective gun control bill.

I have long believed in the need for registration of all firearms and the banning of "Saturday night specials," if not of all guns which obviously are not used for hunting. Unfortunately, I have neglected to make my views known to legislators. After reading this week's issue of Time magazine, with a special section devoted to the problem of crime in the United States, I realized that it was high time to speak up. I am deeply concerned by the extent to which violence has become rule rather than the exception in many of our cities, and increasingly in our suburb and rural areas.

I understand the powerful forces that are working against the adoption of strong gun control legislation. But the time is past for our country to be run by arrogant lobbyists such as the National Rifle Association. We can no longer allow large sections of the population to arm themselves under the protection of a long outdated interpretation of the Bill of Rights. I'm sure that our Founding Fathers never intended that the Bill of Rights should become a licensee for us to turn our cities into fully armed battlegrounds.

Again, I support your efforts to secure gun control legislation which might curb the mayhem in our cities.

Sincerely,

David Beery.

NORTHERN INDIANA HUNTERS ASSOCIATION,
South Bend, Ind., May 33, 1975.

Hon. JOHN CONYERS, Jr.,
U.S. House of Representatives,
Committee on the Judiciary,
Washington, D.C.

DEAR REPRESENTATIVE CONYERS: Crime Control not the taking of guns away from honest citizens is the only way this Nation can stop the thugs and murderers.

A ban on handguns will create a "blackmarket" with less control than we have today.

In the United States, clandestine manufacture is particularly possible, and virtually uncontrollable once begun in earnest. We very strongly oppose the establishment of a legal structure which will trigger such a situation. In such a situation, there is no way that an orderly society can win, even under police state enforcemental structures.

Please consider the following suggestions for crime control: (1) That bonding requirements for repeat offenders be made considerable, stiffer than for first offenders. (2) That bonding requirements for first offenders involved in charges of violent crimes, the arrested party if the circumstance of the case seem to merit. (3) A swift trial for repeat offenders. (4) Restrict the assigning of concurrent sentences to repeat offenders. (5) That repeat offenders be segregated from first-time offenders in the prison system. (6) Hold the repeat offenders as long as justly possible. (7) That law enforcement policy be shifted from mere "harassment" to efforts to establish sound criminal cases.

Sincerely yours,

MICHAEL J. CARRICO, *Secretary.*

THE "SATURDAY NIGHT SPECIAL"

Aside from a steady call for the banning of civilian ownership of all handguns, regardless of kind, one of the loudest demands of "anti-gun" elements has been for the banning of at least the manufacture and sale of an inexpensive handgun called, by type, the "Saturday Night Special." Gun groups have questioned this proposal, which supposedly would reduce crime, and have generally resisted such legislation, although the type of gun in question is not particularly favored by sportsmen, with narrow exceptions. Why?

The major reason for the resistance to such legislation is simple: It is based on false notions as to the cause of crime. Anti-gunners have long contended that the mere presence of firearms in our society, or any society, somehow "cause" crime. Despite the absence of any academically viable proof of this, and despite considerable proof to the contrary, the "guns-cause-crime," contention is still peddled to the public on a daily basis. Although it has been reduced to a slogan, and a tiresome slogan at that, the fact is that guns do not cause crime, and the presence of guns in the society is not a cause of crime. However, the presence of career criminals, loose in society, is a cause of crime. Please see our monograph sheet No. 3 for our views on this subject.

As such then, any "Saturday Night Special," legislation is a fraud: It holds out the false hope of "crime control," through legislation based on untrue grounds.

However, there are considerably more objections to this type of legislation. Many practical objections also exist.

Previous efforts to legislate against the "Saturday Night Special" have failed in part due to the great difficulty in arriving at a proper legal definition of the type of gun. Many formulas have been suggested, and some tried, but none have been able to cover all the ways in which technology can circumvent standards.

Of equal importance, it has been very difficult to provide definitions which cover only the one type of gun, and exclude arms favored by police, the military, sportsmen, and citizens desiring reliable arms for personal defense. Possession of arms is an express constitutional right, both under the U.S. Constitution and the constitutions of 37 States, and under this protection, a great network of honorable uses of handguns has developed, covering not only the police and the military, but the proper defense of home and family, and widespread interest

in handgun hunting and target-shooting. A fairly wide selection of handguns has come available to cover the wide variety of interests and economics involved, and under most of the ban proposals, other guns than those commonly considered "Saturday Night Specials" would have been covered.

In addition, there is a very serious consideration which has not been given due attention: For a wide variety of reasons, most honest and honorable, there is a steadily increasing demand for handguns. This is true all over the world, not merely in our own country. However, as we have had a greater tradition of handgun ownership in the United States, primarily due to our favorable economic conditions, we see a somewhat greater expression of demand here. This expression, however, may not be as great in comparison as superficial examination would suggest, because harsh laws in many nations screen the activities of the demand market, sometimes called the "black market." Regardless, there is no question that in the United States there is a strong public demand for handguns, and that this demand is not going to be denied.

Generations of experience have established that, where there is a demand, the demand will be filled. Presently, the demand is being filled substantially through lawful channels, and under our present structure of laws, we have some degree of controls to use in governing this trade. Honest gun owners, aware of the generalities of the lawful gun trade, and at least somewhat aware of the convulsed character of the "black market," are very concerned at the outcome which will certainly result from applying a ban on the segment of the handgun market which seems to be most tapped by classes of people primarily the targets of the criminal element.

It is difficult to express this consideration, but it must be acknowledged that a demand for handguns exists among these people, and that—while many do wish to remain law-abiding—there is a daily temptation to skirt minor laws and regulations in order to continue to hold together a reasonable approximation of normal existence. Certainly, experience with lesser laws has indicated that obedience is often more a matter of convenience than duty. Under these circumstances, a ban will be worse than useless: Demand is such that an unrestrained "black market" will result, with less control than we have today.

In those nations and regions where the gun trade is severely restricted on the legitimate level, demand is being met by illegal means. Primitive areas are served by smuggling and theft, advanced areas by smuggling, theft and clandestine manufacture. In the United States, clandestine manufacture is particularly possible, and virtually uncontrollable once begun in earnest. We very strongly oppose the establishment of a legal structure which will trigger such a situation. In such a situation, there is no way that an orderly society can win, even under police or State enforcemental structures.

There are many other arguments which can be brought to bear in favor of being very careful regarding so-called "Saturday Night Special" legislation, but these will do for the moment. Most sportsmen, it is safe to say, heartily wish the "Saturday Night Special" handguns would disappear, and few would mourn if such happened. However, there is widespread agreement that ban-proposals and the like are not going to do the job; rather, such are certain to make matters far, far worse than they are today.

For more information on specific gun questions, write the ISC. Memberships are $7 per year.

GENE B. CRUM,
Legislative Officer,
Indiana Sportsmen's Council.

GUN LAWS AND THE REPEAT OFFENDER

Violent crime has bred reaction from every part of the society. As might be expected, the nature of the reaction has varied, although in nearly all instances, people have made suggestions, based on their own opinions and experience, as to how to contain and reduce violent crime. Not at all unusually, one sector of the society, predictably far-removed from first-hand experience in the field of arms, has clamored for severe gun laws as a means of restraining violent crime.

Sportsmen and other gun owners have resisted such calls, basing their resistance on their personal knowledge that the presence of guns in the society is not a contributing factor in the growth of violent crime, and that long-standing

evidence has supported the conviction that an armed, honest citizenry is actually a strong factor in containing crime of any kind.

In various ways, gun owners have tried, often without being heard, to focus attention on what appears to be the two main factors in the upsurge of crime—particularly violent crime: A spiritual breakdown in the society, and more specifically, the circumstances which have permitted career criminals to move through the society almost unrestrained.

Sportsmen and gun owners represent a virtual cross-section of our society, and as such, cannot be said to be partisan in the normal political sense of the term. In this respect, it is not possible to claim that these citizens necessarily endorse so-called "right wing" solutions regarding severe treatment of criminals. However, the Indiana Sportsmen's Council has determined that there is strong unified support, not only in Indiana but throughout the Nation, for one policy which clearly will have considerable positive impact on the career criminal—the "repeat offender": That is, considerations of "rehabilitation" and "punishment" aside, the repeat offender must be put in jail and kept there as long as justly possible, as an act of self-defense by society.

Many studies have confirmed that repeat offenders are responsible for the bulk of our current crime wave. Moreover, these offenders are well-known to both police and the courts. The problem is, a variety of inadequacies in our justice system have made it possible for these criminals to regain their freedom—sometimes within hours of arrest for known crimes—and return to the streets, where it is known that they return to their criminal activities with a greater vengeance than before.

This must be stopped. While we are not professional criminologists, we urge the following be given close consideration by everyone:

That bonding requirements for repeat offenders be made considerably stiffer than for first offenders;

That bonding requirements for first offenders involved in charges of violent crimes, such as murder, rape, robbery and the like be so structured as to permit judges to hold the arrested party if the circumstances of the case seem to merit;

That, in the instance of repeat offenders, a means be found whereby these persons be brought to trial very swiftly, rather than have trial be delayed by overloaded court dockets;

That legislation be enacted which will drastically restrict the assigning of concurrent sentences to repeat offenders;

That repeat offenders be segregated from first-time offenders in the prison system;

That sentences and parole systems be harmonized with a view to holding the repeat offenders as long as justly possible; and

That law enforcement policy be shifted from mere "harassment" arrests of repeat offenders to solid, long term efforts to establish sound criminal cases involving serious criminal charges.

The above suggestions by no means are all of the reforms which sportsmen and gun owners feel will force the decline of violent crime, but they are representative of the thinking of these citizens and deserve close and thoughtful consideration.

Generally speaking, gun owners are being used as scapegoats for the failure of the society to come to grips with the real causes of crime. We have noticed that, as soon as a local crime situation passes from the supposed "control" of certain officials, these officials often frantically call for severe gun laws. In those jurisdictions where the officials retain reasonable "control" of the criminals, such gun law calls are uncommon. We suggest that the calls for severe laws are launched by officials anxious to cover their own failures, and that when these calls are made, it would be wise for honest citizens to very carefully examine the situation and the records of the officials responsible. As for most of the gun law proposals now current, we feel they have no merit at best, and can be harmful to honest folk more often. Overwhelming facts back this up.

Thanks for your time and attention! If you wish more information on the Indiana Sportsmen's Council, please write us. If you wish to join, our memberships are $7.00 per year.

GENE B. CRUM,
Legislative Officer,
Indiana Sportsmen's Council.

EUGENE G. WARD,
Canton, Ohio, August 11, 1975.

Hon. JOHN CONYERS, Jr.,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR SIR: I have watched with great interest your activities while taking your committee around the country to hold hearings on the subject of gun control. Quite frankly, but with respect, I feel that these hearings were supervised by you in such a manner that your obvious bias against firearms shows.

I am adamantly opposed to gun control and am unable to compromise on the subject because my conviction that it is an individual right to own and bear arms, insured, not granted, by the second amendment, is unshakable.

The liberal gun control advocates who cry that this is a collective right, in my opinion, have not done their homework regarding the constitution and bill of rights. The liberal press does more than their fair share to try and put across this insidious bit of propaganda and along with their liberal fellow travelers in Congress they are slowly fashioning a noose that will strangle the first amendment, if they are successful in achieving a firearms ban. This is fact because if ever a total ban on firearms ownership comes about the enforcement agency needed to make such a ban effective could not stand the watchful eye of a free press.

I am amazed that people like yourself who claim to be such sincere civil libertarians and quickly rush to the defense of the individual's rights in all kinds of instances with the exception of the right of the law abiding citizen to own and keep arms.

The "Saturday Night Special" approach to gun control is very odious in my opinion. A full frontal assault on the second amendment is not possible at this time so the ploy that all you want to control is these bad short barreled cheap handguns is used to gain a foothold to establish a precedent for further efforts to obviate the second amendment. Let's face the fact that history of gun control in other countries of the world shows that progression is the name of the game.

I am 51-years-old, a working taxpaying citizen, have made it a habit to obey the laws of this land so I think you may assume that I am not a radical or a kook. I have been saddled with the controls, regulations and restrictions imposed by a Congress that has been dominated by liberals for almost 40 years and I don't like the results I see all around me in this country. As I see it gun control goes hand in hand with liberal philosophy that advocates just about total government control over everything.

Restrictive control of firearms would amount to a massive transfer of power from the hands of the people to the Government and for that reason, if no other, I shall oppose gun control laws with all my vigor.

I realize you are a very busy, important man. I also realize that regards to the subject of gun control your mind is set in concrete.

I am sorry that we are on different sides of the fence on this issue for it is much more pleasant to cooperate and write words of praise than it is to offer resistance and criticism.

Regardless of our obvious disagreement on this subject I do offer my best wishes and warm regards.

JUNE 20, 1975.

HOUSE JUDICIARY SUBCOMMITTEE ON CRIME,
Federal Building,
Cleveland, Ohio.

HONORABLE SIRS: Due to my failure to gain an invitation to testify against certain Federal gun control proposals, please accept the following testimony.

Only criminals or misfits commit crimes and violence with or without weapons. Therefore proposed laws to be just and valid must be against the guilty and not the innocent or their defensive or sports weapons. Law abiding citizens rights to defend selves, families and property must not be violated because criminals misuse their weapons for crime. The cause of crime and violence is "sin" in evil peoples minds and hearts. The high crime rate in such "gun control" cities as New York, Detroit, and Chicago, prove conclusively that "gun control" only disarms the responsible citizens and does not reduce gun-related crime. That leaves the armed criminals, who disregard all laws, unchanged if not emboldened to rob, arsonize, rape, kill, and plunder the unarmed public. This

is particularly true of the women, elderly, and handicapped who must rely upon the small handgun to protect selves from gangs of young hoodlums who because of youth, size, and numbers do not even need guns to commit misdeeds and harm.

As a lifelong resident of the area known as Cleveland's Near West Side I have seen the real causes of crime and the great need of arms for human safety and survival. By the time police arrive the attackers will have done their work and vanished. If the victims had been armed and taught how to use handguns safely and properly, most crime would cease.

In refuting some arguments by advocates of gun control, it is interesting to see that:

(1) Many of the so-called authorities on the cause and cure of crime control, live in the suburbs of Cleveland—far remote from the scene of trouble and without proper understanding immediately blame the "gun"—everybodys arms—instead of the criminal for lawlessness, and proceed to disarm the very citizens who need handguns for protection;

(2) As to the accidents blamed on firearms, according to "accident facts" for 1972, the comparison below should be interesting.

Type	Number of deaths	Rate per 100,000 population
Motor vehicles	56,600	27.2
Falls	17,400	8.4
Drowning	7,600	3.6
Fires, burns	6,800	3.3
Poison (solid, liquid, gas)	5,300	2.6
Suffocation, such as choking	3,900	1.9
Firearms	2,400	1.2

(3) The myth that gun control will prevent murder or injury between relatives and friends, is unsupported by realities in gun control communities. In the absence of legal or illegal guns, people intent on crime especially when vengeance-motivated, resort to arson, explosives, cars, knives, chains, pipes, wrenches, bats, and the like. Cain of Old Bible history killed his brother Abel with a nongun weapon and people have been killing each other with swords, staves, bow and arrows, et cetera ever since. The fact that antigun proponents ignore that criminals and misfits cause crime and violence does not make the innocent guilty and their defensive and sports "arms" responsible for crime and expendable.

However, the most alarming development in this gun control issue is the raw, deliberate and sinister action to deny lawful citizens their constitutional right to "bear and keep arms." Inasmuch it is the responsible citizens that are under attack, the conclusion must be that the myriad of antigun measures are intended to neutralize the citizen's ability to resist the enemy of our freedoms and Nation. While a court test would support the rights of citizens to arms, the great harm to many intimidated gun owners who would give up or lose their arms before the courts' decision, could be irreparable.

After careful examination of all pertinent facts available, I strongly urge you to oppose all bills that would make outlaws out of responsible citizens owning or possessing arms. The overwhelmed police already have more work than they can handle fighting the real criminals and troublemakers. And we as concerned citizens are opposed to national or international "police" to oppress our people. Thank you.

MICHAEL G. KELLY,
Coordinator, Citizens Committee on Constitutional Rights.

WICKLIFFE, OHIO, *June 13, 1975.*

Congressman LOUIS STOKES,
Federal Building,
Cleveland, Ohio.

DEAR CONGRESSMAN STOKES: As per the instructions contained in a June 10, 1975, letter to me from Mr. John Conyers, Jr., Chairman of the House Subcom-

mittee on Crime. I am submitting to your office my statement for insertion into the records of the subcommittee hearings to be held here in Cleveland on June 16, 1975.

Very truly yours,

JEFFREY R. STICKLE.

STATEMENT OF JEFFREY R. STICKLE

As a citizen of the State of Ohio I wish to express my deep concern and opinions on the subject of gun control. In these days of rising crime in all sectors of the United States, and in particular in the rising rate of homicides by firearm many people have voiced their opinions as to the solution to the problem which would bring a positive decrease in the homicide rate and in other crimes of violence. A great many of the people who speak up about this problem feel that the best way to reduce the rate of homicides is to more strictly regulate the use, possession, and personal ownership of firearms. Frequently this control is advised to be aimed at only the so-called "Saturday Night Special" type of handgun. In looking at the picture of gun control one must include all firearms because in our system of justice which relies heavily on precedent in forming the interpretation of the laws of our Land, one type of firearm can be equated to another type. Thus, when the precedent for control of handguns is set then, it is a small step to control of other types of firearms such as rifles, and shotguns. Gun control encompasses all firearms.

The reasoning behind arguments for control of firearms differ greatly in actual content but, can be basically summarized as follows: "to reduce crime, especially homicides." This has to be the crux of the issue. What other reasons could be logically advanced in support of firearms controls? Is the argument that reduction in the ownership of firearms will reduce crime advanced on a logical analysis of the statistics of crime? It is not. One could ask himself or herself the question "Where have gun laws reduced crime?" The answer to that question is that nowhere in the United States or England have gun laws reduced the crime rate. This includes the rate of robberies and homicides committed with firearms. New York City has some of the strictest gun control laws in the country as does its home State New York. Crime has not lessened in these places; it has increased greatly over the last 10 years. Examination of the facts proves that gun control laws do not deter crimes of violence involving the use of firearms.

It is easy for our elected leaders to call for gun control as the solution to the rapidly rising crime rate. The gun is an object which cannot operate by its own volition nor, does it vote. It is easy for the politician of today to point to a quick solution of the crime problem in the form of gun controls but, the facts indicate that this will not be a solution. The real reason for our crime "wave" is that our judicial system has failed to deter the criminal from repeating his crimes after his release from custody. Rehabilitation has not worked to make this a safer society to live in. In other words: "crime pays." It is my feeling that we, as a society, would be much further ahead if we directed our efforts and our tax moneys at improving our judicial system instead of wasting them on useless gun control programs. In Baltimore the city government spent over $500,000 to buy up guns. The program was a success in that it netted guns but it was a total failure when it came to reducing firearms related crimes in that city.

There are many other reasons for directing our efforts to reduce crime in a productive vein rather in the firearms control area. But, the most impressive argument against firearms control is that it entails a very concrete loss of freedom for the individual who wishes to own a firearm. It permits further encroachment on our rights as citizens by an ever larger and more menacing Federal Government. Gun control laws violate the Constitution of the United States of America. The Constitution specifies: "the right of the people to keep and bear arms shall not be infringed." This means what it says, people are allowed to own firearms. Throughout our land people have been able to own firearms and many do. To propose laws limiting the right to have these arms is to tell these people that they never really had the right to keep these arms. It is a statement that the rights of the citizen to protection of his property and his life and his family's lives is one that can be taken away from the citizen. I say that this is not a right that can be legislated away by any group of people. It is the right to life itself and government cannot take that away from any person no matter what the law says.

I have read estimates of the number of gun owners in the United States to be anywhere from 20,000,000 to 125,000,000 and the number of guns to be anywhere from 40,000,000 to 225,000,000. Could controls of this large an amount of either gun owners or guns themselves be effected on a voluntary basis? I do not think so. In fact I am sure that no matter what laws were passed the Government forces would meet a stiff opposition to gun control. What we would be faced with would be another Prohibition type of era. And, I feel that as the Volstead Act failed and the present day laws against the use of dangerous drugs have failed so too would the gun control laws fail. I do not think that the people of America want more laws on the books. They want effective enforcement of the laws we presently have. It should be noted that the Gun Control Act of 1968 is practically already in the class of the Volstead Act as an ineffective law. To have an effective law all of society must support the law and its aims. I doubt you would be able to garner the support of the public for a restrictive gun law. I am also equally sure that this committee, on the basis of the testimony received, will recommend to Congress the enactment of a Federal gun control bill. I will comment on the makeup of the people who are scheduled to testify in front of the committee in Cleveland at the end of this statement.

Another reason that should be advanced against the gun control laws is that of prohibitive cost to the public sector while providing no positive benefits. Today the taxpayers of the United States pay the highest taxes in the history of our country. If we were to effect the simplest of the gun control measures, that of registration of either the firearm itself or of the owner of the firearm we would incur a tremendous cost. First, the Federal Government would have to once again expand to provide the machinery for the registration process. We would thus, have another agency looking over us to make sure that all gun owners or their guns were registered. But, we would also have an agency with the records to take away all of the guns of those that registered them; as the Washington, D.C. Council is trying to do to the citizens there who registered their guns. In the hands of a person of devious intent this agency could bring our democracy to an end and impose another system of government. The moneys used for an agency of this type would be better put to use helping the judicial system streamline itself for smoother and more just operation.

I realize to some who read these statements they will make cogent sense but, I do not expect that the things I have mentioned to be taken into consideration by the subcommittee. You are holding these hearings ostensibly to gather public opinion on the subject of gun controls but your actions indicate that this is not the case. In a list of the people who were "invited" to testify before the subcommittee that was given to me in a phone conversation with Mr. Tim Hart in Washington, D.C., there are some rather odd coincidences. Take for instance the Gun Control Federation of Greater Cleveland and the list of speakers from that organization. We have Mr. Joseph B. Clough, who is the president of the federation speaking on behalf of the federation but, we also have two other sponsors of the federation testifying on behalf of other organizations. These men are Dr. Samuel Gerber, County Coroner and Rev. Roger S. Shoup who is testifying on behalf of the Greater Cleveland Intrachurch Council. Both of these gentlemen are public figures who are in favor of strong gun control legislation, as are Congressman Louis Stokes and Council President George Forbes. Then we have a panel of public officials none of whom I have never heard speak or write a word in favor of the ownership of firearms. The "public" panel, Harry Lehman, chairperson of the State of Ohio House Judiciary Committee, John A. Barnes, Cleveland Councilman, Mr. Charles Mosley, East Cleveland City Council, and James Williams, Akron City Council. All of these men are pro gun control. Is this supposed to be a public representation? Then we have the church groups of whom Reverend Shoup is a member. In addition to Reverend Shoup we also have Rev. Daniel F. Ready of the Commission on Catholic Community Action, and Ms. Barbara Drossin, Jewish Community Center. These three "representative" voices are all for stronger gun controls. Mayor Perk will testify only a week after he signed into law a bill banning all handguns with barrels under 3 inches of length or under .32 caliber with .32 caliber included.

I am aware of the views of only one other of the people that are to testify and he is Mr. Thomas Lippet who is pro gun and will speak on behalf of the John Birch Society. I would assume that Mr. E. D. Kindig who is a firearms dealer would be against any more gun control laws but, not having spoken to

him or read of his views I will not venture a guess. So, out of the people scheduled to testify that I have checked up on only 1 out of 12 is in favor of not passing new gun laws. Your effort of looking for public opinion is a simple sham. You have already come to the conclusion of your subcommittee recommendations and now you are gathering the data, in the form of stilted hearings, to support the conclusion. You are perpetrating an obvious fraud on the American public.

What is even more distressing is that at public hearings the public is not permitted to speak. I know this to be a fact as I was denied the opportunity to voice my opinions in the public form. I am allowed to write my opinion and submit it as I have done. If you were to allow the public to speak their piece then you would find a far different type of testimony than you will get. It is also an injustice not to be allowed to speak in public because the press will report only what is said not what is submitted in writing. It is in this manner that you deny the gun owners and their representatives their turn to speak. Not even one representative of the National Rifle Association was "invited" to speak his and the organization's views. It is a sad commentary on the American system of government that subcommittees are allowed to exclude the public's voice and rig hearings to their own ends.

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