

unsafe weapons has been prohibited since 1968, but their domestic production continues to soar.

In 1995, 8 of the 10 firearms most frequently traced at crime scenes were junk guns.

My bill has received strong support from California's law enforcement leaders. The California Police Chiefs Association has endorsed my bill along with more than two dozen individual police chiefs and sheriffs representing some of California's largest cities and counties.

Law enforcement leaders support my bill because of the terrible threat that junk guns present to police officers. Today, I want to speak about that threat and share with my colleagues a letter I received from Janice Rogers, the wife of a California highway patrolman shot with one of the most common junk gun models.

Janice's husband, Officer Ronald Rogers, was on duty last March, when he stopped to assist a pedestrian walking on a freeway shoulder near Livermore, CA. Before giving him a ride to a phone off the freeway, Ron had to check the pedestrian for weapons. As Ron approached, the man pulled out a junk gun concealed in his pocket and shot Officer Rogers in the face at point blank range. The bullet entered the left side of his face and exited out the right side of his neck. It was a miracle, the doctors later told Ron and Janice, that the bullet missed all vital structures.

The force of the gunshot knocked Officer Rogers down. He tried to draw his weapon but nerve damage caused by the gunshot rendered his right arm useless. The attacker pinned him to the ground and prepared to shoot him in the head a second time, but the gun jammed. He began beating Officer Rogers mercilessly, hitting him in the head repeatedly with the jammed pistol. By the time help arrived, Officer Rogers had not only been shot in the face, but had also been pistol whipped 30 times, fracturing his skull and every bone in his face.

The firearm used in this horrible assault was a Davis Industries P-380. It is the second most frequently traced firearm at crime scenes. This gun is so small that criminals can simply hide it in a pocket, as Ron Rogers' assailant did.

If this firearm were made overseas, it could not be imported legally. It is so small that it would fail the import test on the basis of size alone. However, because of the junk gun double standard—a loophole in the law accidentally created by Congress in 1968—an estimated 100,000 of these guns are produced legally every year. It makes absolutely no sense. If a firearm is such a threat to public safety that its importation should be restricted, its domestic production should also be prohibited. A gun's point of origin is irrelevant.

Ron and Janice Rogers are courageous people. They worked together through months of grueling physical

therapy and four reconstructive surgeries. Last month, Officer Ron Rogers resumed full active duty in the California Highway Patrol. The citizens of the bay area are fortunate to have law enforcement officers like Ron Rogers patrolling their communities.

Janice Rogers wants to make sure that what happened to her husband never happens to anyone else. That is why she has joined me in calling for a ban on junk guns. I want to read what she wrote to me about my bill:

Opponents of your legislation might claim that banning these types of weapons won't stop criminals who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively place these guns into the hands of criminals.

Janice Rogers is absolutely right. Each year, the companies that dominate the junk gun industry produce more than half a million handguns. Many of those guns find their way into criminals' hands and are used in brutal assaults like the attempted murder of Officer Ron Rogers.

To protect our families, our children, our communities, and our law enforcement officers, we must act now. I urge my colleagues to cosponsor the Junk Gun Violence Protection Act. I ask that the letter I received from Janice Rogers be printed in the RECORD.

The letter follows:

MAY 15, 1996.

Re Banning "Junk Guns."

Barbara Boxer, U.S. Senator, 1700 Montgomery Street, Suite 240, San Francisco, California 94111.

From: Ron & Janice Rogers.

DEAR SENATOR BOXER: We read with great interest about your co-sponsoring legislation to prohibit the domestic manufacture, transfer, and possession of Saturday Night Specials. We would like to applaud your efforts to get these weapons off of our streets. This topic holds very special interest to us.

My husband, Ron has been an officer with the California Highway Patrol for thirteen years. On March 11, 1995, while on duty, Ron stopped to assist a pedestrian wailing on the shoulder of a freeway in the city of Livermore. The 19-year-old pedestrian asked for a ride and Ron agreed to give him a ride off of the freeway to a phone. Ron told him that he would first have to check him for weapons prior to allowing him to get in the patrol car. At this time, without warning, the 19 year old pulled a Davis P-380 Auto Pistol he had concealed in his pocket and shot Ron point-blank in the face. The bullet entered the left side of Ron's face and exited the right side of his neck. The trauma surgeons described the bullet's path as miraculous in that it narrowly missed all vital structures.

The force of the gunshot knocked Ron down an embankment. His assailant came down after him. Ron was not aware at that time that he had been shot, but he knew that he had been severely injured. Ron attempted to draw him duty weapon as his assailant came down the embankment after him, but due to nerve damage caused by the bullet's path, his right arm and hand would not function. A struggle ensued as they tumbled to the bottom of the embankment. His assailant straddled him and as he pulled the slide back he told Ron he was going to kill him. His assailant fired a second shot but fortunately the barrel of the gun had become plugged with mud from the struggle and the bullet lodged in the barrel. When the Davis

P-380 Auto Pistol malfunctioned, his assailant then began striking Ron in the head and face with the handgun while attempting to remove Ron's gun from its holster. As Ron struggled to keep his assailant from gaining access to his gun, he was struck over 30 times with the handgun, inflicting severe lacerations and fracturing Ron's skull and all of his facial bones.

If it were not for the miraculous intervention of three off-duty peace officers who stopped the assault and summoned medical aid Ron would not be here today. The suspect, Larry White is still in custody awaiting trial for attempted murder of a peace officer. He has plead not guilty.

Opponents to your legislation might claim that banning these types of weapons won't stop criminal who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively places these guns into the hands of criminals. Criminals find these weapons particularly appealing in that they are cheap and easy to conceal. It is a well known fact that these junk guns need to be used at close range in order to ensure accuracy and that basically ensures severe if not fatal injuries.

We are extremely concerned about the lack of responsibility on the part of the gun's manufacturer for producing and distributing a handgun which is clearly of insufficient quality to be used for any sporting purpose, leaving its only conceivable purpose to be for injuring or killing human being at close range.

We discussed the possibility of a lawsuit with our attorney, but he and his associates were unprepared to undertake such a novel case on a contingent fee basis and believed that financing such litigation would be costly and would likely carry and appeal to the U.S. Supreme Court. We also contacted several of the lobbying organizations—Center to Prevent Handgun Violence and Coalition to Stop Gun Violence. Neither were willing to assist us in legal remedy against Davis Industries after they discovered that the serial numbers had been drilled off of the handgun.

Over a year has passed since Ron's assault. Ron has endured four reconstructive surgeries and months of agonizing physical therapy. Just this week he was released back to full duty. We would like to think that in surviving such an ordeal that we could in some way make a difference. Our opportunity to pursue legal action passed us by, but if there is anything that we can do to further your cause, please don't hesitate to contact us. We would like to assist you in anyway that we can.

Sincerely,

JANICE L. ROGERS.●

#### TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. McCONNELL. Mr. President, I rise today to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award. The Gold Award is the highest achievement a Girl Scout can earn and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

The young ladies from Kentucky who will receive this honor are: Jeanette Vonseal Allison, Julia Carter, Michelle Clark, Carla Cornett, Rachel N. Duncan, Staci Hurt, Lisa Jones, Laura Roberts, Julie Slone, Mollie Carol

SMITH, Anna Elizabeth Smoot, and Laura Camille Wilson from the Wilder-ness Road Girl Scout Council.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Mr. President, I ask you and my colleagues to join me in paying tribute to these outstanding young ladies. They deserve recognition for their contributions to their community and their country and I wish them continued success in the years ahead.●

#### FILEGATE WAS BAD ENOUGH— NOW THIS?

● Mr. SIMON. Mr. President, the FBI and the Office of Personnel Management are making a terrible move that is not in the national interest, that may save a few dollars temporarily, but will cost us in the long run. They are privatizing many of our background checks.

Not only is this questionable from a security point of view, it will result in a massive invasion of privacy.

Those of us in public life are on a big "privatizing" kick. The reason is rarely to save money. The main reason is so that people who are in executive positions can go out and say "When I took office, there were so many Federal employees or State employees or city employees, but now there are fewer." The decrease makes it appear that a great job is being done.

The reality is while that kind of talk goes on, the budgets tend to go up.

Frequently, those who are adversely affected by privatization are people at the very bottom of the economic ladder.

For example, we have privatized custodial services at some of the Federal buildings in Chicago. The already low wages for these people are being depressed more, and they lose the benefits of retirement pay and other things.

Privatizing background checks for those who either are coming into government or who may be given greater responsibilities is simply foolish.

Prof. Stephen Gillers of the New York University School of Law had an op-ed piece in the New York Times about this that should be creating some concerns among Federal officials, as well as people at the State and local level.

I ask that the New York Times op-ed be printed in the RECORD.

The op-ed follows:

#### FILEGATE WAS BAD ENOUGH. NOW THIS?

(By Stephen Gillers)

The F.B.I. called again last month. It phones several times a year to ask me about former students who are seeking sensitive Government jobs. I could verify that indeed it was the Federal Bureau of Investigation calling. The voice-mail message had the bureau's telephone exchange, and the agent talked the way agents do, unfailingly polite and right to the point.

I answered all his questions. I trusted the confidentiality of my answers, even though Louis J. Freeh, the F.B.I. director, had recently acknowledged that the White House had managed to "victimize" the bureau by getting its secret files on prominent Republicans and others. I figure that two "Filegates" in a generation is not something the bureau will permit.

It seems that my next call may come not from the F.B.I., or from the Office of Federal Investigations, which also checks out Government personnel. It may instead come from a private company, which under a Clinton Administration plan will conduct 40 percent of Government security clearances. And I may be questioned not by a G-Person (formerly G-Man), but by a private investigator whose employer submitted a winning bid. The decision to privatize this work, rash in the best of times, needs a close second look after Filegate.

Take quality. Privatizing will dilute it. The company will be free to accept other customers, including private ones. Can I be confident that what I say will not be shared with those customers? I'm not going to be as candid if my answers can find their way into private files.

What about subpoenas? I doubt the courts will protect private records as jealously as they do F.B.I. files. And whom will I be talking to? I have a pretty good idea of what's required to become a Government investigator, the quality of supervision, and the length of time people hold that job. But who will the private investigators be, who will check their work, and where will they be working tomorrow?

The need to earn a profit will also compromise quality. Under the plan, a private company owned by former Government employees will have an exclusive contract for three years. Then the work will be put up for bid. Whether payment is a fixed sum for all investigations, or like piecework, a flat fee per investigation, profitability will encourage companies to do the minimum and not pursue the last elusive detail.

Abuse will also be easier. The F.B.I. has many ways to protect itself. Its director cannot easily be fired, it enjoys broad public support, and it has excellent media contacts. Yet it did not stand up to a White House that, by accident or design, easily obtained files for no lawful reason. Will a private company, dependent on Government officials for renewal of a lucrative contract, be able to challenge an improper request? Don't count on it.

The only defense offered for this misguided plan is that it may save \$25 million yearly. But even that is unsure. While the General Accounting Office cautiously concluded that "privatization would be likely to produce a net savings to the Government in the long term," it added that "any new business faces many uncertainties that affect profitability."

One hidden cost will be duplication of work. Certain law-enforcement records will be unavailable to private investigators. So Government personnel will have to complete the assignments, inevitably requiring them to retrace some steps. This time must be added in figuring the true cost.

In any event, the savings are not worth it. As one Federal investigator put it, this work is "inherently governmental." Some tasks should not be privatized because the value of having the Government do them is priceless. Enforcing the law and approving new drugs are two examples. Security investigations for public jobs are a third. No business, especially one with other customers, should be authorized to routinely collect sensitive information on American citizens in the name of the United States.●

#### TRIBUTE TO PAUL BOFINGER

● Mr. SMITH. Mr. President, I rise today to pay tribute to Paul Bofinger from Concord, NH, as he retires as president of the Society for the Protection of New Hampshire Forests. Paul ends a distinguished 35-year career with this organization, serving as its president for the last 23 years. This exceptionally hard-working man has long been recognized as one of the top conservationists in our State.

The last 35 years have seen a steady period of growth and awareness of conservation issues in New Hampshire, and Paul has played a large role in this development. In the last three and a half decades, New Hampshire became the first State to establish statewide control over septic systems, and the first to take steps toward preserving wetlands. Paul is justly proud of his record and the fact that the number of New Hampshire residents who are concerned about protecting the environment is increasing each year.

Paul is described by many as a master of negotiations. During the struggle over the Wilderness Protection Act, he negotiated a balanced agreement which set aside 77,000 acres as national forest land while preserving land for timber as well. He demonstrated understanding for both sides but always urged what was best for the land. Another of Paul's brilliant negotiations involved the construction of the Franconia Notch Parkway, a compromise between the preservation of forest lands and the construction of a four-lane interstate highway. Paul had a rare intuition for politics and policy and his heart was always in the right place when it came to protecting our State.

Paul's many projects, from the Trust for New Hampshire Lands and the Northern Forest Lands Council to the fight against acid rain and his support of current use legislation, have earned him numerous awards. Some of his more prestigious awards include: the John Aston Warner Medal for American Forests, the President's Conservation Achievement Award from the Nature Conservancy, and the Tudor Richards Award from the Audubon Society of New Hampshire.

As Paul leaves the field of nature conservation, he will be sorely missed, but his memory and work will endure. It is he and others like him whom we should credit for preserving our beautiful New Hampshire wilderness for the next generation of Granite-staters. I thank Paul for his 35 years of service