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IMPACT OF PROPOSED LEGISLATION ON THE DISTRICT OF COLUMBIA'S GUN LAWS

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SEPTEMBER 9, 2008

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IMPACT OF PROPOSED LEGISLATION ON THE DISTRICT OF COLUMBIA'S GUN LAWS

TUESDAY, SEPTEMBER 9, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:09 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Cummings, Kucinich, Davis of Illinois, Tierney, Watson, Lynch, Yarmuth, Norton, McCollum, Van Hollen, Sarbanes, Welch, Speier, Davis of Virginia, Burton, Mica, Souder, Platts, Duncan, Issa, McHenry, Foxx, Bilbray, Sali, and Jordan.

Staff present: Kristin Amerling, general counsel; Michelle Ash, chief legislative counsel; Caren Auchman and Ella Hoffman, press assistants; Phil Barnett, staff director and chief counsel; Jen Berenholz, deputy clerk; Stacia Cardille, counsel; Zhongrui "JR" Den, chief information officer; Miriam Edelman, Jennifer Owens, and Mitch Smiley, special assistants; Ali Golden, investigator; Earley Green, chief clerk; Davis Leviss, senior investigative counsel; Karen Lightfoot, communications director and senior policy advisor; David Rapallo, chief investigative counsel; Leneal Scott, information systems manager; John Williams, deputy chief investigative counsel; Lawrence Halloran, minority staff director; Jennifer Safavian, chief counsel for oversight and investigations; Ellen Brown, minority senior policy counsel; Jim Moore, minority counsel; Christopher Bright and Howie Denis, minority senior professional staff members; John Cuaderes, minority senior investigator and policy advisor; Adam Fromm, minority professional staff member; Patrick Lyden, minority parliamentarian and Member services coordinator; and Brian McNicoll, minority communications director.

Chairman WAXMAN. The meeting of the committee will please come to order. Today the committee will analyze the effects of Federal gun legislation on the District of Columbia.

There are two competing bills we will be considering. One is H.R. 6691, a bill that would make sweeping changes to the laws governing the possession and use of firearms in the District of Columbia. The other is legislation that Congresswoman Norton will introduce that directs the District to revise its gun laws as necessary to comply with the Supreme Court's recent decision.

H.R. 6691 is called the "Second Amendment Enforcement Act," but that title is a ruse. The provisions in this legislation bear no relationship to the carefully crafted Supreme Court decision rec-

ognizing a second amendment right to possess a handgun in the home. Instead, the bill is a wholesale evisceration of the District's gun laws. It is extreme legislation being pushed by the NRA that goes way beyond what the court required in the Heller decision.

The reason we are holding this hearing is so that Members can understand the homeland security impacts of legislation like H.R. 6691.

The District is a target-rich environment for terrorists. The President and the Vice President live here. The Congress and the Supreme Court are located here. Most Federal departments have their headquarters in Washington. And hundreds of foreign dignitaries travel to Washington, DC, each year.

Yet the NRA bill would repeal the District's ban on semiautomatic assault weapons. In fact, it would allow individuals to carry military-style rifles like AK–47s, Uzis, and SKS assault rifles on the streets of Washington.

Next January 20th, the next President of the United States will be sworn into office. I don't know whether that person will be Senator Obama or Senator McCain, but I do know that if the NRA bill becomes law, protecting him will become vastly more difficult.

On his first day in office, our next President will lead an inaugural parade down Pennsylvania Avenue. Huge crowds will assemble to celebrate. How can we expect the Secret Service and the Metropolitan Police Department to protect the new President and the public if it becomes legal to possess semiautomatic assault weapons in the District?

Some members of this committee may know what 50-caliber sniper rifles are. The same weapons are currently being used by our military in Iraq and Afghanistan to kill enemy forces and disable vehicles. They have a lethal range of over 1 mile.

Yet under this bill, there would be no registration requirement for 50-caliber sniper rifles. There would be no limitations on carrying them in public. And armored limousines traveling across the District would face a perilous new threat.

Perhaps the greatest new threat is the repeal of the District's ban on semiautomatic handguns. These weapons are regularly and easily concealable. They have a history of being used in violent attacks like the Virginia Tech and Columbine massacres, and now they would be legal.

There are other important ways in which District law protects homeland security. Unlike Federal law, the District requires background checks for all gun sales, including sales of weapons at gun shows. And District law requires the registration of all firearms.

Yet these essential safeguards would all be repealed, and the District would be effectively barred from enacting firearm regulations in the future.

My staff has prepared a legislative analysis of the impact of H.R. 6691, and I ask that it be made available to Members and part of today's hearing record. And, without objection.

We are fortunate to have some of the Nation's top experts at today's hearing to explain to us the impact of repealing D.C.'s gun laws. Cathy Lanier is the chief of the Metropolitan Police Department. It is her officers who clear the way for official motorcades

and shoulder much of the burden of protecting Federal and foreign officials.

Phillip Morse is the chief of the Capitol Police. His officers are primarily responsible for the security of this building and the rest of Congress.

Kevin Hay is the deputy chief of the U.S. Park Police. His officers maintain security in and around the National Mall and the extensive Federal parklands in the Nation's Capital.

And Bob Campbell is the head of security for the Washington Nationals. His team of security experts protect Washington's newest venue from attacks.

We also invited the Secret Service and the U.S. Marshals to testify, but the Bush administration has blocked their appearance. The Marshals had identified a witness who could have testified, but the Department of Justice refused to allow him to do so. They even canceled a briefing that had been scheduled for committee staff.

The Secret Service told committee staff that they didn't want their officials to testify for, "political reasons."

When the security of the Nation's Capital is at issue, there should be no political divide. We all have an interest in making the Nation's Capital as safe and secure as possible.

Today's hearing will be followed by a committee business meeting tomorrow. The bill I intend to call up will be Congresswoman Norton's bill. Undoubtedly, there will be an effort to amend her bill with the text of the NRA bill. The purpose of today's hearing is to assure that when Members vote on these two radically different approaches they have a full understanding of the impacts of these bills.

Our Nation has spent tens of billions of dollars to strengthen our homeland security. We should not jeopardize that investment and the security of our Nation's Capital by passing reckless legislation that virtually eliminates all gun laws in the Nation's Capital.

[The prepared statement of Chairman Henry A. Waxman follows:]

HENRY A. WAXMAN, CALIFORNIA,
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Opening Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Impact of Proposed Legislation on the District of Columbia's Gun Laws
September 9, 2008

Today the Committee will analyze the effects of federal gun legislation on the District of Columbia.

There are two competing bills we will be considering. One is H.R. 6691, a bill that would make sweeping changes to the laws governing the possession and use of firearms in the District of Columbia. The other is legislation that Congresswoman Norton will introduce that directs the District to revise its gun laws as necessary to comply with the Supreme Court's recent decision.

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The reason we are holding this hearing is so that members can understand the homeland security impacts of legislation like the H.R. 6691.

The District is a target-rich environment for terrorists. The President and the Vice President live here. The Congress and the Supreme Court are located here. Most federal departments have their headquarters in Washington. And hundreds of foreign dignitaries travel to D.C. each year.

Yet the NRA bill would repeal the District's ban on semiautomatic assault weapons. In fact, it would allow individuals to carry military-style rifles — like AK-47s, UZIs, and SKS assault rifles — on the streets of Washington.

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Our nation has spent tens of billions of dollars to strengthen our homeland security. We should not jeopardize that investment and the security of our nation's capitol by passing reckless legislation that virtually eliminates all gun laws in the nation's capitol.

Chairman WAXMAN. I want to now recognize Mr. Davis, and then we will recognize the subcommittee chair and ranking member of the subcommittee that would have otherwise been holding hearings on this. Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. I feel for you. Your leadership has basically already cut a deal, it sounds like to me, and we are here trying to deal with it, get the hearings out.

I am disappointed we have convened this morning just to talk about guns. There is so much more we could and should be doing to forge a constructive relationship between Congress and the District. I think the cynical and selective manipulation of District issues in the service of external political agendas really diminishes our legitimate oversight and legislative authority, and I think it is a disservice to the citizens of our Nation's Capital.

When I became chairman of the Subcommittee on the District of Columbia, at that point the city was bankrupt. That crisis was fueled in no small part by congressional failure to exercise appropriate oversight in our own backyard. Successive Republican Congresses, working with a Democratic President, helped save the District, put the city on the road to recovery. But on issues ranging from D.C. schools, the child welfare system, multimillion-dollar embezzlements from the tax department, failing fire hydrants and more, this Congress has had little time for pressing local matters that I and others believe the committee should examine.

Just last week a Washington Post editorial commented on the need for the District to put a ceiling on borrowing. I agree, and the Congress should reassert its role as the guardian of the city's fiscal health and creditworthiness. Not through legislation necessarily, but through oversight and hearings.

So why are we here? Well, yesterday's Washington Post editorial got it right. This hearing is not really about the physical safety of District residents and Federal employees. We are here out of concern for the political safety of some conservative Democratic Members of Congress. As the Post said, House Democrats make much of their support for the right of the District to self-government. Too bad they are willing to sacrifice this basic tenet of American democracy to the political self-interests of Members cowed by the powerful gun lobby.

D.C. is rewriting its gun laws in light of the Supreme Court's Heller decision. Some would like them to do it faster. Some would like them to do it differently. And some would like to do it for them. I support D.C. home rule, and always have, and I support the rights of the citizens of the District under the second amendment, rights they have been denied for too long.

I was on the amicus brief to overturn the Heller decision—to support Heller. But the two shouldn't be in conflict. Like the States and counties we represent, the District has self-governing authority to write the laws under which its citizens live. But the District, as a Federal city, also has Congress as its legislature of last resort, and we should exercise that power thoughtfully, surgically, and sparingly. Hearings on this don't necessarily overturn the opinion or absolve the city from its obligations to operate under gun laws that pass constitutional muster, but it is important that we hear

from the District officials and others on how they will approach the important public safety problems in the post-Heller world.

In terms of legislation, Mr. Chairman, I feel for you. I have been where you are. We all know that the deal has been cut by your leadership to vote on H.R. 6691. So I appreciate what you are trying to do here today to get some facts out before us so we can talk about them. One way or the other, it seems the only sure impact of any legislation dealing with D.C. gun laws will be that the Democratic House will abandoned its professed allegiance to home rule.

Chairman WAXMAN. Thank you, Mr. Davis. I hope we can make sure from our committee that we don't do that when we get to the House floor. But I appreciate your statement.

I want to recognize Mr. Danny Davis, chairman of the subcommittee that has jurisdiction over the District of Columbia.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman. Let me just say that I am a strong supporter of home rule for the District of Columbia. And let me thank you for holding this morning's hearing. And more so for elevating the significance of promoting safety and security here in our Nation's Capital.

While the District of Columbia and its gun laws have come under increased attention after the Supreme Court decision in the Heller case, let us note that the District and its residents have long grappled with the issue restricting or regulating gun ownership, thereby instituting policies for a specific purpose. And that purpose was to ensure the safety, security, and well-being of its residents, visitors, businesses, and in many respects its largest employer, the Federal Government.

Now I would like to yield to Delegate Norton, whose bill we are going to be discussing tomorrow in the business meeting. And I would yield the balance of my time to Delegate Eleanor Holmes Norton.

Ms. NORTON. Thank you, Chairman Davis. And may I thank Chairman Waxman for this early hearing on the National Capital Security and Safety Act that he and I will introduce today, and on H.R. 6691, the second of two NRA-inspired anti-home rule bills, and for the markup of our bill tomorrow.

The two bills under consideration are polar opposites. H.R. 6691, introduced on July 31st, is a near copy of a previous bill, H.R. 1399, seeking to federalize local D.C. gun laws by eliminating all District of Columbia jurisdiction over gun safety legislation. However, the Waxman-Norton bill and findings address only the limited Federal purpose of assuring that Federal public safety and security concerns are not put at risk by the new law the city began to write immediately after the Supreme Court decision, and that jurisdictions across the country are writing now as well.

The Federal interest of Congress expressed in the Waxman-Norton bill would apply to any self-governing jurisdiction. After the first of two anti-home rule bills failed to get enough signatures for discharge from this committee, Members filed H.R. 6691 on July 31st, as Congress adjourned for recess.

In light of H.R. 6691, the chairman and his able staff and my staff and I have investigated what Federal interest, if any, might be implicated by the D.C. Council's work in progress to revise the

city's gun safety laws as required by the Supreme Court decision in *District of Columbia* v. *Heller*.

The bill Chairman Waxman and I will file today respects the self-governing authority every district expects, and takes no position on D.C. gun safety legislation, which is the subject of the two gun bills we oppose. Although Heller was decided on June 26th, as one of the last decisions decided by the Supreme Court before it adjourned, the mayor and City Council somehow managed to enact at least a minimum consensus bill that, without time for hearings, was necessarily a stopgap measure, effective only for 90 days.

Considering that the Council's own adjournment was at hand, this temporary District provision shows abundant good faith in complying with the decision without delaying issuance of permits to own guns in the District of Columbia. It is fair, therefore, to inquire whether any comparable public purpose or good faith is served by H.R. 6691.

H.R. 6691 cannot have been filed because the District has shown it will not comply with the Heller decision. Indeed, H.R. 6691's fraternal twin, H.R. 1399, was introduced on March 8, 2007, a year and a half before the Supreme Court invalidated D.C.'s gun safety laws. Nor is the second House bill, H.R. 6691, a reaction to the District's failure to comply with Heller. The District is complying with Heller, not only with the temporary measure which has allowed Dick Heller himself to register his 22-caliber revolver, the temporary D.C. provision has been in the process of change well before this hearing today.

The D.C. Council Chair of the Committee on Public Safety and Judiciary, Phil Mendelson, has notified Council Chair Vincent Gray of his intention to submit several substantive amendments that will significantly change the Council's temporary provision. According to a Mendelson memo of September 9th, the committee chair will seek to revise the temporary provision's definition of "machine gun" in order to allow most semiautomatic guns to be registered, but with a ban on extended ammunition clips to make the safe storage requirement of a trigger lock advisory, relying instead on so-called cap laws, establishing penalties for child access to firearms—because cap laws have proven more effective than safe storage requirements, according to Chairman Mendelson's research—to repeal time-consuming and largely ineffective ballistic testing requirements in favor of state-of-the-art microstamping on the gun itself, and to repeal the one pistol per registration limit.

I ask that Chairman Mendelson's full memo, Mr. Chairman, to Chairman Gray be entered into the record.

Chairman WAXMAN. Without objection, that will be the order.

[The information referred to follows:]

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

September 9, 2008

TO: Vincent C. Gray, Chairman

FR: Phil Mendelson, Chairman, Committee on Public Safety and the Judiciary

RE: Amendments to Gun Control Legislation

Please place on the agenda for the additional legislative meeting September 16th the following bill:

- 17-887 Firearms Control Temporary Amendment Act of 2008.

I intend to move an amendment in the nature of a substitute. This amendment will incorporate a number of substantive changes to the bill, including the following:

1) A revision to the current law's definition of "machine gun," coupled with a prohibition on extended magazines (ammunition clips). The effect will be that most semi-automatic pistols will be eligible for registration, but a person will not be able, lawfully, to rapidly fire a large supply of ammunition at once.

2) A revision to the safe storage requirement making the present language advisory. In addition, there will be a "CAP law," which establishes penalties for child access to firearms. Research suggests that a safe storage law such as ours is not very effective in reducing firearms accidents involving children, while CAP laws are.

3) Repeal of the ballistics testing requirement and instead requiring that, as of a certain date, newly manufactured firearms must utilize microstamping technology. One effect of this revision is that it will reduce the number of trips an individual must make to register his or her firearm with the Metropolitan Police Department.

4) Repeal of the limitation on the registering of more than one pistol per registrant.

The Committee on Public Safety and the Judiciary will hold two hearings on the permanent legislation: September 18th and October 1st (the latter for invited witnesses only). It is my intention to move permanent revisions to our gun registration law after these hearings and in time for the Council to act this fall. In the meantime, the temporary bill meets the immediate issues arising out of the Supreme Court's June 26th decision.

Please contact me or Mr. Victor Bonnet on the Committee staff with any questions.

cc: All Councilmembers
Council Officers

Ms. NORTON. Even Mr. Mendelson's amendments may be revised, not to mention submissions by other Council members after hearings on the permanent Council bill scheduled for September 18th and October 1st, in time for the earliest action by the Council. Notwithstanding one's views on the city's temporary bill or on Chairman Mendelson's proposed revisions, it is impossible to view them as untimely or unresponsive to the Heller decision. Nor does the Council's work thus far appear to endanger the Federal presence, Federal officials or employees, or visiting dignitaries.

Can the same be said of H.R. 6691? Two days before the seventh anniversary of the 9/11 attack on the National Capital Region, we ask the following questions:

Is this broadly permissive bill that would allow high-capacity Tec–9s and Uzi handguns and military-style semiautomatic rifles, such as 50-caliber armor-piercing sniper rifles, AK–47s, and the Bushmaster XM–15 used by the D.C. sniper, to be carried downtown and throughout our neighborhoods responsive to Justice Antonin Scalia's narrow 5-to-4 opinion permitting guns in the home for self defense?

Does the H.R. 6691 provision that would permit teens and kids to carry loaded assault weapons protect or endanger Federal officials and employees?

Would the H.R. 6691 repeal of the minimum age of 21 for possession of an assault rifle enhance or risk the safety of dignitaries and other federally protected individuals in a city experiencing an upsurge in juvenile gun violence and gang gun violence?

How does repeal of gun registration with District police in the National capital city deter gun violence against federally protected individuals or address the police task of tracing guns used in crimes?

Particularly following the attempt on the late President, Ronald Reagan, by John Hinckley, still confined at St. Elizabeth's Hospital, why would any Member of Congress propose repealing the District's prohibition on possessing gun possession by 5 years on anyone voluntarily committed to a mental institution?

And why would Members of Congress revise Federal gun law, as H.R. 6691 would, to allow D.C. residents to purchase guns in Maryland and Virginia, whose gun laws and regulations differ significantly, facilitating legal gun-running across State lines into the District of Columbia?

At today's hearing we will hear from expert witnesses whose life work and assignments as law enforcement officers in the Nation's Capital have educated them to the answers to these and other questions raised by the bills before us today.

We welcome Metropolitan Police Department chief, Cathy Lanier, who has a unique role in the Nation's Capital as the chief of police for the largest police force in the region, and in her former position as the first commanding officer of the department's Office of Homeland Security and Counterterrorism; Chief Phillip Morse, Sr., of the Capitol Police, whose jurisdiction, of course, covers the Capitol and its grounds; Chief Kevin Hay, whose jurisdiction at the U.S. Park Service covers the entire National Capital Region; and Bob Campbell, director of security, Washington Nationals, and a former Secret Service agent.

I thank you, Mr. Chairman.

Chairman WAXMAN. Thank you very much, Ms. Norton. In the absence of the ranking member of the subcommittee, the Chair wishes to recognize Mr. Sali.

Mr. SALI. Thank you, Mr. Chairman, Ranking Member Davis. I want to thank you for calling this important hearing about the impact of proposed legislation on the District of Columbia's gun laws.

As an original cosponsor of H.R. 6691, the Second Amendment Enforcement Act, I am pleased that such a strong bipartisan bill has come forward to recognize the second amendment rights of Washington, DC, residents. This important legislation is in direct response to the D.C. City Council passing emergency laws that disregard the Supreme Court's ruling in the *District of Columbia* v. *Heller* case by creating other new restrictions on District residents' rights.

I am concerned that the new restrictions also violate the Constitution and the clear meaning of the second amendment, as drafted by our Founding Fathers. Our Founding Fathers intended that firearm ownership is an individual right for law-abiding citizens, a right that in part helps law-abiding citizens defend their lives, their families, and their property through possession and use of firearms. With the Heller case, the right to keep and bear arms is now indisputably an individual right.

Congress must be vigilant to safeguard the second amendment, which should mean the same thing today as it did at the birth of our Nation. The second amendment should not be abridged by the D.C.'s City Council's anti-gun regulations. We all took an oath to uphold the Constitution, including both responsibilities to the District of Columbia as well as withholding the second amendment.

The second amendment states, in part, the right of the people to keep and bear arms shall not be infringed. Defending that provision is a matter of obligation on the part of this body. The D.C. emergency laws need to be brought in line with the Heller decision, and this legislation does exactly that. The bill has broad bipartisan support and deserves a vote on the House floor promptly.

Thank you, Mr. Chairman. I look forward to today's hearing.

Chairman WAXMAN. Thank you very much, Mr. Sali.

Well, we do have four witnesses today with us. I want to introduce them. Cathy Lanier is the chief of the District of Columbia Metropolitan Police Department. Phillip D. Morse, Sr., is the chief of the U.S. Capitol Police. Kevin C. Hay is Deputy chief of the U.S. Park Police. And Robert Campbell is the security director for the Washington Nationals, and is a former Secret Service agent.

We want to welcome each of you to the hearing today. It is the practice of this committee that all witnesses that testify do so under oath. So if you would please stand and raise your right hands.

[Witnesses sworn.]

Chairman WAXMAN. The record will indicate that each of the witnesses answered in the affirmative. Any prepared statement you submitted will be made part of the record in full.

We would like to ask each of you, if you would, to try to limit the oral presentation to 5 minutes. We will have a clock in the center there. It will be green for 4 minutes, yellow for 1, and then

when the time is up it will turn red. When you see that it is red, we would like you to summarize and conclude your testimony.

Ms. Lanier, why don't we start with you?

STATEMENTS OF CATHY LANIER, CHIEF, DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT; PHILLIP D. MORSE, SR., CHIEF, U.S. CAPITOL POLICE; AND KEVIN C. HAY, DEPUTY CHIEF, U.S. PARK POLICE; AND ROBERT CAMPBELL, DIRECTOR OF SECURITY, WASHINGTON NATIONALS BASEBALL CLUB

STATEMENT OF CHIEF CATHY LANIER

Chief LANIER. Good morning. Good morning, Chairman Waxman, members of the committee, staff, and guests. My name is Cathy Lanier, and I am the chief of police for the Metropolitan Police Department, Washington, DC.

I want to point out that I have seated behind me the Attorney General, Peter Nickles, as well as Lieutenant John Shelton, who is in charge of our firearms registration section.

Thank you for the opportunity to present this statement on the likely impact of H.R. 6691 on public safety in the Nation's Capital. To begin with, I would like to briefly share with you what has happened in Washington, DC, since the U.S. Supreme Court issued its decision in *District of Columbia* v. *Heller*. The District of Columbia, both the executive and legislative branches, fully respect the Supreme Court's decision. We have demonstrated that respect by taking actions quickly to pass legislation and emergency regulations to enable the registration of handguns to ensure that residents already possessing unregistered handguns could register them without fear of criminal liability under the District law. The current legislation and regulations are only temporary, valid for 90 and 120 days respectively, and remain works in progress.

The Council of the District of Columbia will be holding a hearing next week to continue to elicit comment from the public, and will amend temporary legislation on September 16th, and enact permanent legislation soon thereafter.

Today's hearing is another important opportunity to hear a variety of viewpoints on this issue. After the court ruling, I mobilized my staff to ensure that the Metropolitan Police Department's 4,000 sworn members and the public were immediately educated about the impact of that ruling. At the same time, I issued a personal message to the public on community listservs, posted information on our Web site, and created a 24-hour public hotline. Since the regulations were issued, the Metropolitan Police Department has registered 23 handguns. We expect this volume to increase now that there is a firearms dealer in the District of Columbia that has a Federal firearms license.

Turning to H.R. 6691, I have grave concerns about the proposed bill, which would prevent the District of Columbia from registering firearms or taking many other reasonable and commonly used steps taken by other States and municipalities across the country to regulate or limit possession and use of firearms. In layman's terms, this means that anyone not prohibited by Federal law from possessing a firearm could legally own a small, easily concealed

semiautomatic handgun, or could carry a semiautomatic rifle on the street, either of which could be capable of firing up to 30 rounds of ammunition without reloading.

In my professional opinion, if H.R. 6691 were passed, it would be far more difficult for the Metropolitan Police Department and Federal law enforcement agencies in the District of Columbia to ensure the safety and security of the Nation's Capital. I say this not just as a police officer, but someone with extensive experience in homeland security and counterterrorism.

As Representative Norton mentioned, after September 11th I served as the Commander of the Special Operations Division for 4 years, and was the first commanding officer of the department's Office of Homeland Security and Counterterrorism. In that capacity, I worked extensively with multi-agency task forces of local and Federal law enforcement agencies to plan and implement security for critical events like the Presidential inauguration. In short, I have spent a great deal of time working with national experts to analyze terror threats and develop ways to combat them, especially here in the Nation's Capital.

The terrorist attacks of September 11, 2001, demonstrated what we have known for a very long time, that government facilities, dignitaries, and public servants are prime targets for terrorists, both foreign and domestic. Protecting government officials and infrastructure is a challenge for every city in the United States, but in Washington, DC, the likelihood of an attack is higher, and the challenges in protecting the city are much greater. The District's high concentration of iconic structures, such as the national monuments, the White House, and of course the Capitol make it a highly attractive target.

The high-profile human targets, from the Nation's top elected leaders to more than 400 foreign dignitaries that make official visits to D.C. each year, are also obviously an attractive target.

In addition, any Federal building or career public servant is a potential target. We have seen this in numerous attacks, from the Oklahoma City bombing to the 1993 shootings outside of CIA headquarters in Langley. And overseas, even the families of high-profile leaders and public servants are frequently targets of terrorists. I hope that we never see that here in the United States, but with the many more important U.S. officials and foreign dignitaries here in this city, it is a possibility that we need to recognize. Moreover, it is not just well-coordinated terrorist attacks we need to secure our city against. We must also consider the unsophisticated lone wolf terrorist, angry at the U.S. Government for seemingly a small matter such as a tax return.

The second key vulnerability is due to the sheer volume of secure motorcades traveling in Washington, DC, on any given day. Given the daily movements around the city of the President, the Vice President, and their families, and the fact that almost 3,000 foreign dignitaries spend time in the city each year, the routes for their movements cannot be shut down as they are in other cities. As you know from your own districts, when the President and Vice President travel outside of Washington, the roads are cleared of all traffic, parked cars and such, and spectators are often cleared or kept behind barricades. We don't do this in D.C., because shutting the

routes for every motorcade would make it virtually impossible to navigate much of the city on a continuous basis. And we don't want the Nation's Capital to take on the character of an armed fortress.

This freedom, however, comes with the cost of higher vulnerability both for the officials and dignitaries and the general population. In attempted and successful assassinations around the world, the first step in attacking a motorcade is frequently an attack on the security detail with semiautomatic and automatic firearms. This forces the motorcade to stop, at which point terrorists can use explosives to attack the armored vehicles carrying the targeted individual.

In addition to assisting the Secret Service with the daily movements of the President and Vice President around the city and protecting foreign dignitaries, the Metropolitan Police also provide security support for more than 4,000 special events each year in Washington, DC. Some of these events are small, like low-profile protests or foot races, and the threat of a terrorist attack on these events is relatively low.

However, the risk associated with other events are significant. I would ask you to consider, for example, two events familiar to almost every American, and I believe extremely important to the city and the Nation, the Fourth of July celebration on the National Mall and the Presidential inauguration. Hundreds of thousands of Americans will be here for these public events. Imagine how difficult it would be for law enforcement to safeguard the public, not to mention the new President in the inaugural parade, if carrying semiautomatic rifles were suddenly to become legal in Washington.

As another example, I would remind the committee of the 8,000 delegates who come to Washington, DC, from around the world each fall for the meeting of the Board of Governors of the International Monetary Fund and World Bank. These delegates stay at 16 different hotels around the city. Even under current law, new challenges to protecting these delegates from terrorist threats arise each year. That risk would grow exponentially if we also had to protect them from legally armed lone wolf gunmen staying or working in or around one of the hotels.

If these scenarios scare you, they should. They scare me. We have an immediate concern for any life threatened or lost in a terrorist event. But here in the Nation's Capital, we also must recognize that any terrorist incident, no matter how small, would garner worldwide attention and could have significant international implications. I am certain that the broader repercussions of an incident in this city is also a grave concern to everyone in this room.

Finally, on a personal level, the thought of a member of the Metropolitan Police Department or any law enforcement officer being injured or killed during such an incident worries me greatly. The safety of the men and women of the Metropolitan Police Department serving the city and the country are my responsibility, and I take that responsibility seriously. My department devotes significant resources to try and prevent such an event.

Providing easy access to deadly semiautomatic firearms and high-capacity ammunition clips, and allowing them to be carried in a large number of places outside the home will make my job much more difficult. It is clear to me and others engaged in everyday se-

curing D.C. against terrorism that our city is unique. The Federal Government already acknowledges that authorizing the general public to carry firearms in certain places is not in the general interests. For instance, as a law enforcement officer, I can carry my gun almost anywhere in this country. I can carry it in schools, on airplanes, and in most public buildings. But ironically, upon entering the Supreme Court to hear arguments in the Heller case, I learned that even as the chief of police of the Metropolitan Police Department I had to surrender my gun when I entered the Supreme Court. The Federal Government considers the Court building to be so sensitive that no matter who you are, you cannot wear your firearm in the building.

I would argue that similar caution should apply to the District of Columbia. Supreme Court Justice Scalia, writing the majority decision for the Court, acknowledged that laws forbidding the carrying of firearms in sensitive places such as schools and government buildings are constitutional. The District of Columbia, as the seat of the Federal Government, with its multitude of critical official and symbolic buildings, monuments, and events, and high-profile public officials traversing our streets every day, is a city filled with sensitive places. Our laws should reflect that reality.

Thank you again for the opportunity to appear before you today, and I am pleased to answer any questions.

Chairman WAXMAN. Thank you very much, Ms. Lanier. We will ask questions after all witnesses have finished.

[The prepared statement of Chief Lanier follows:]

Government of the District of Columbia

Metropolitan Police Department

Testimony of
Cathy L. Lanier
Chief of Police

Hearing on the Impact of Proposed Legislation on the District of Columbia's Gun Laws

United States House of Representatives
Committee on Oversight & Government Reform
Honorable Henry A. Waxman, Chair

September 9, 2008

U.S. House of Representatives
Washington, DC 20515

Chairman Waxman, members of the Committee, staff, and guests: my name is Cathy Lanier, and I am the Chief of Police of the Metropolitan Police Department of the District of Columbia. Thank you for the opportunity to present this statement on the likely impact of H.R. 6691 on public safety in the Nation's Capital.

To begin with, I would like to briefly share with you what has happened in Washington, DC, since the US Supreme Court issued its decision in *District of Columbia v. Heller*. The District government – both the Executive and the Legislative branches – fully respects the Supreme Court's decision. We have demonstrated that respect by taking quick action to pass legislation and emergency regulations to enable registration of handguns and to ensure that residents already possessing unregistered handguns could register them without fear of criminal liability under District law. The current legislation and regulations are only temporary—valid for 90 and 120 days, respectively—and remain works in progress. The Council of the District of Columbia will be holding a hearing next week to continue to elicit comment from the public and will amend the temporary legislation on September 16th and enact permanent legislation soon after. Today's hearing is another important opportunity to hear a variety of viewpoints on this issue.

After the Court ruling, I mobilized my staff to ensure that MPD's 4,000 sworn members and the public were immediately educated about the impact of the ruling. Within hours of the decision, I held a conference call with my Command Staff, and informed the entire force of the content of the decision via a teletype, our internal daily newsletter, and on "Temperature Boards," which are television screens at MPD facilities broadcasting vital information to the force 24-hours a day. This message was reinforced by a training video on the impact of the decision that officers began viewing within days of the ruling. At the same time, I issued a personal message to the public on community list-serves, posted information on our website, and created a 24-hour public hotline. Since the regulations were issued, the Department has registered 23 handguns. We expect this volume to increase now that there is a firearms dealer in the District of Columbia with a Federal Firearms License.

* * * *

Turning to H.R. 6691, I have grave concerns about the proposed bill, which would prevent the District of Columbia from registering firearms, or taking many other reasonable and commonly-used steps—taken by states and municipalities across the country—to regulate or limit possession and use of firearms. In layman's terms, this means that anyone not prohibited by Federal law from possessing a firearm could legally own a small, easily concealed, semi-automatic handgun, or could carry a semi-automatic rifle on the street, either of which could be capable of firing up to 30 rounds of ammunition without reloading.

In my professional opinion, if H.R. 6691 were passed, it would be far more difficult for MPD and Federal law enforcement agencies in the District of Columbia to ensure safety and security in the Nation's Capital. I say this not just as a police officer, but as someone with extensive experience in homeland security and counterterrorism. As Representative Norton mentioned, after September 11th, I served as the Commander of MPD's Special Operations Division for four years, and I was the first Commanding Officer of the Department's Office of Homeland Security and Counterterrorism. In that capacity, I worked extensively with a multi-agency taskforce of local and Federal law enforcement agencies to plan and implement security for critical events like the President Inaugural. In short, I have spent a great deal of time working with national experts to analyze terror threats and develop ways to combat them, especially here in the Nation's capital.

The terrorist attacks of September 11th, 2001, demonstrated something that we have known for some time: government facilities, dignitaries, and public servants are prime targets for terrorists, both foreign and domestic. Protecting government officials and infrastructure is a challenge for every city in the United States. But in Washington, DC, the likelihood of attack is higher, and the challenges to protecting the city are greater.

The District's high concentration of iconic structures—such as the national monuments, the White House, and, of course, the Capitol—make it a highly attractive target. The high-profile human targets—from the Nation's top elected leaders to the more than 400 foreign dignitaries that make official visits to DC each year—are also an obvious and attractive target. In addition, any Federal building or career public servant is a potential target. We have seen this in numerous

attacks—from the Oklahoma City bombing to the 1993 shootings outside of CIA headquarters at Langley. And oversees, even the families of high-profile leaders and public servants are a frequent target of terrorists. I hope that we never see that in the United States, but with the many important U.S. officials and foreign dignitaries here in the city, it is a possibility we need to recognize. Moreover, it is not just well-coordinated terrorist attacks we need to secure the city against. We must also consider the unsophisticated "lone wolf" terrorist, angry at the US Government for a seemingly small matter, such as the size of a tax refund.

The second key vulnerability is due to the sheer volume of secure motorcades traveling in Washington on any given day. Given the daily movements around the city of the President, Vice President, and their families, and the fact that almost 3,000 foreign dignitaries spend time in our city each year—the routes for their movements cannot be shut down, as they are in other cities. As you know from your own districts, when the President and Vice President travel outside of Washington, roads are cleared of all traffic, parked cars, and such, and spectators are often kept behind barricades. We don't do this in DC because shutting down the routes for every motorcade would make it virtually impossible to navigate much of the city on a continuous basis, and we don't want the Nation's capital to take on the character of an armed fortress. This freedom, however, comes with the cost of higher vulnerability—both for the officials and dignitaries, and the general population. In attempted and successful assassinations around the world, the first step in attacking a motorcade is frequently to take out the security detail with semi-automatic and automatic firearms. This forces the motorcade to stop, at which point the terrorist can use explosives to attack the armored vehicles carrying the targeted individual.

In addition to assisting the Secret Service with daily movements of the President and Vice President around the city, and protecting foreign dignitaries, MPD also provides security support for more than 4,000 special events annually. Some of the events are small—a low-profile protest or foot race—and the threat of a terrorist attack at one of these may be relatively low. However, the risks associated with other events are significant. I would ask you to consider, for example, two events familiar to almost every American, and, I believe, extremely important to the city and to the nation—the 4th of July celebration on the National Mall and the Presidential Inauguration. Hundreds of thousands of Americans will be here for these public events. Imagine how difficult

it will be for law enforcement to safeguard the public, not to mention the new President at the Inaugural Parade, if carrying semi-automatic rifles were to suddenly become legal in Washington.

As another example, I'd remind the Committee of the 8,000 delegates who come to Washington from around the world each fall for a meeting of the Boards of Governors of the International Monetary Fund and World Bank. The delegates stay at 16 hotels around the city. Even under current law, new challenges to protecting the delegates from terrorist threats arise each year. That risk would grow exponentially if we had to also protect them from a legally-armed "lone wolf" gunman staying in or working at one of their hotels.

If these scenarios scare you—they should. They scare me. We all have an immediate concern for any life threatened or lost in a terrorist event. But here in the Nation's Capital, we must also recognize that any terrorist incident, no matter how small, would garner world-wide attention and could have significant international implications. I am certain that the broader repercussions of an incident in the city is also of grave concern to everyone in this room.

Finally, on a personal level, the thought of a member of the Metropolitan Police Department or any law enforcement officer being injured or killed during such an incident worries me greatly. The safety of the men and women of MPD serving this city and country are my responsibility, and I take this responsibility very seriously. My Department devotes significant resources to trying to prevent such an event. Providing easy access to deadly semi-automatic firearms and high capacity ammunition clips and allowing them to be carried in a large number of places outside the home will make this job much more dangerous and difficult.

* * * *

It is clear to me and others engaged every day in securing DC against terrorism that our city is unique. The Federal government already acknowledges that authorizing the general public to carry firearms in certain places is not in the general interest. For instance, as a law enforcement officer, I can carry my gun almost everywhere in the country. I can carry it in schools, on

airplanes, and most public buildings. But ironically, upon entering the Supreme Court to hear the arguments in the *Heller* case, I learned that even the Chief of Police of the District of Columbia cannot carry a gun into the Court. The Federal Government considers the Court building to be so sensitive that, no matter who you are, you cannot wear your firearm in the building.

I would argue that similar caution should apply to the District of Columbia. Supreme Court Justice Scalia, writing the majority decision for the Court, acknowledged that "[L]aws forbidding the carrying of firearms in sensitive places such as schools and government buildings" are constitutional.
The District of Columbia, as the seat of the Federal government, with its multitude of critical official and symbolic buildings, monuments, and events, and high-profile public officials traversing its streets every day, is a city filled with "sensitive" places. Our laws should reflect that reality.

Thank you again for the opportunity to appear before you today. I would be pleased to answer any questions that you have.

* * * *

Chairman WAXMAN. Mr. Morse.

STATEMENT OF CHIEF PHILLIP D. MORSE, SR.

Chief MORSE. Mr. Chairman and members of the committee, I would like to thank you for the opportunity to appear before you today to discuss the potential impact of the proposed legislation regarding the District of Columbia's gun ban or gun laws.

The mission of the U.S. Capitol Police is to protect the Congress, its legislative processes, Members, employees, visitors and facilities from crime, disruption, or terrorism. We protect and secure Congress so it can fulfill its constitutional responsibilities.

Our history is full of incidents where U.S. Capitol Police officers have encountered armed individuals during the course of their duties. Whether the confrontation occurred as a result of a street crime or from an individual attempting to enter one of our buildings, every encounter poses a danger to both the officer and the armed individual.

We all remember the sacrifice of Officer Chestnut and Detective Gibson at the Capitol in 1998. Just this year, our officers confronted two individuals in our jurisdiction who were armed with heavy weapons, one carrying a loaded shotgun, and the other, who was arrested just last Friday, had a loaded AK–47 in his vehicle.

Mr. Chairman and members of the committee, providing security, protection, and law enforcement services for the U.S. Congress within the Capitol complex in a post-9/11 threat environment is a challenging task. My officers must be able to quickly identify individuals who pose a threat. To do this, we rely on the provisions of 40 U.S. Code 5104, which states, "except as authorized by regulations prescribed by the Capitol Police Board, persons may not carry or have readily accessible to any individual on the grounds or in any of the Capitol buildings a firearm, a dangerous weapon, explosives or incendiary device."

As the Nation's Capital, Washington, DC, is unlike any other city in this country. The presence of all three branches of government, our Nation's leaders, foreign dignitaries, our national icons, as well as good residents of the city, requires the combined efforts of multiple law enforcement agencies.

I believe that level of coordination between the local and Federal law enforcement agencies, and the retraining our personnel that will be necessitated by the passage of H.R. 6691 will be substantial. Therefore, I would encourage the formation of a task force of representatives of the law enforcement agencies represented here today to be established to fully consider the impacts, proposed provisions of H.R. 6691, and to address the issues of implementation and coordination throughout the District of Columbia.

I will be pleased to answer any questions that you may have.

Chairman WAXMAN. Thank you very much, Mr. Morse.

[The prepared statement of Chief Morse follows:]

PHONE: 202-224-9806

UNITED STATES CAPITOL POLICE
OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

Testimony of
Chief Phillip D. Morse, Sr.
United States Capitol Police
Before the
Committee on Oversight and Government Reform
U.S. House of Representatives

September 9, 2008

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you today to discuss the potential impact of proposed legislation regarding the District of Columbia's gun laws.

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that the level of coordination among the local and federal law enforcement agencies and the retraining of our personnel that will be necessitated by the passage of H.R. 6691 will be substantial.

Therefore, I would encourage the formation of a task force of representatives of the law enforcement agencies represented here today be established to fully consider the impacts of the proposed provisions contained in H.R. 6691 and to address the issues of implementation and coordination throughout the District of Columbia.

I will be pleased to answer any questions you may have.

Chairman WAXMAN. Mr. Hay.

STATEMENT OF KEVIN C. HAY

Mr. HAY. Thank you, Mr. Chairman, for the opportunity to address the members of the committee today regarding H.R. 6691 and its effect on homeland security and safety within the Nation's Capital. The U.S. Park Police operate primarily in the urban areas of the National Park Service in Washington, DC, New York, San Francisco, California. We have been serving the Nation's Capital since 1791. We have worked in Federal parklands in New York and San Francisco since 1974. In 1883, the U.S. Congress granted the U.S. Park Police the same jurisdiction and authority as the Metropolitan Police of Washington, DC.

In 1948, Congress passed the Environs Act, which granted the force arrest authority on all Federal reservations in the nine counties in Maryland and Virginia that surround the District of Columbia. Under Title 16 U.S.C. 1(a) through 6, we have the same arrest authority as National Park Service rangers in all areas of the national park system. In addition, we have been granted State peace officer authority in Virginia and New York, California, and a more limited version in Maryland and New Jersey. These authorities are necessary to allow us to safeguard over 125,000 acres of Federal parkland in the Golden Gate National Recreation Area in California, the Gateway National Recreation Area in New York and New Jersey, and of course here, the parklands in Washington, DC, and the parkways.

The U.S. Park Police work closely with Federal, State, and local enforcement agencies to maintain the peace on Federal parklands and in areas of our jurisdictional borders. For example, in Washington, DC, area, the five Federal parkways leading into the Nation's Capital were in some cases built to connect the Federal facilities with the Nation's Capital.

Most of these are now designated as critical infrastructure. They include on the George Washington Memorial Parkway areas such as CIA, the Pentagon, and Reagan National Airport. The Suitland Parkway, we have responsibilities out at Andrews Air Force Base and the Southeast Federal Center. We also patrol the borders of Bolling Air Force Base and the Naval Research Laboratory. On the Clara Barton Parkway, there is the Naval Surface Warfare Center. On the Baltimore-Washington Parkway, there is Fort Meade, NSA, NASA, and the Agricultural Research Center. Finally, on Rock Creek, we often use the Rock Creek Parkway for Presidential motorcades and foreign dignitaries going out to the various embassies on Massachusetts Avenue, which occurred most recently during the Pope's visit. Pope Benedict.

In Washington, DC, we patrol and handle demonstrations at Lafayette Park, the Ellipse on both sides of the White House, the National Mall, which borders the U.S. Capitol, and we are solely responsible for the protection of such national icons as the Washington Monument, the Lincoln Memorial, and the Jefferson Memorial.

In California, we patrol the lands on both sides of the Golden Gate Bridge. In New York Harbor, parts of the Verrazano Narrows Bridge are likewise on NPS jurisdiction, as is the Statue of Liberty.

We maintain over 60 MOUs with allied agencies to enforce the law and keep the peace not only in these NPS areas, but to assist our neighbors in protecting critical infrastructure and key resources required under homeland security Presidential directives. We make over 4,000 arrests and deal with over 10,000 special events and demonstrations per year. We work closely on a daily basis with local, State, and Federal law enforcement agencies in the Washington metropolitan area. Our officers and those of other agencies coordinate activities, in many instances provide backup to each other. We work closely with the Metropolitan Police and U.S. Capitol Police during these special events and demonstrations, which occur on our areas of contiguous jurisdiction. We also work closely with the U.S. Secret Service and their dignitary protection mission, primarily around the White House complex, or while their protectees are visiting National Park Service locations.

Currently, we are already planning our part in the inauguration of the next President. As a uniformed agency, the U.S. Park Police serve a unique and active role in Federal law enforcement. Since the 1930's, 10 force members have been killed in the line of duty, 8 here in the District of Columbia, and 2 on the parkways of Virginia and Maryland.

The Department of Justice's annual report on Law Enforcement Officers Killed and Assaulted [LEOKA], reveals that per capita we are one of the most assaulted agencies within the Federal law enforcement community. On average we seize 87 firearms annually in Washington, DC.

For example, last week we arrested a suspect with a loaded 12-gauge shotgun with a collapsible stock in Anacostia Park. The week before, we seized a fully automatic Uzi submachine gun at 1 a.m., at River Terrace Park from a couple engaged in illicit activity inside a playground. The far majority of the weapons we seize are taken from suspects in public places, often resulting from traffic stops or from contacts related to drugs or alcohol abuse.

In closing, Mr. Chairman, again I want to thank you and the members of the committee for inviting me to testify today and for your continuing work regarding public safety. I would be pleased to address any questions that you might have.

Chairman WAXMAN. Thank you very much, Mr. Hay.

[The prepared statement of Mr. Hay follows:]

STATEMENT OF KEVIN C. HAY, DEPUTY CHIEF, UNITED STATES PARK POLICE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE, CONCERNING H.R. 6691, A BILL TO RESTORE SECOND AMENDMENT RIGHTS IN THE DISTRICT OF COLUMBIA

September 9, 2008

Thank you, Mr. Chairman, for the opportunity to address members of the committee today regarding H.R. 6691, a bill to restore Second Amendment rights in the District of Columbia, and its effect on homeland security and safety within the nation's capital.

The United States Park Police operate primarily in the urban areas of the National Park Service in Washington, D.C., New York City, and San Francisco, California. We have been serving the nation's capital since 1791. We have worked in the federal parklands of New York and San Francisco since 1974.

In 1883, the United States Congress granted the United States Park Police the same jurisdiction and authority as the Metropolitan Police of Washington, D.C. In 1948, Congress passed the Environs Act which granted the Force arrest authority on all federal reservations in nine counties in Maryland and Virginia that surround the District of Columbia. Under Title 16 USC 1a-6 (See also 41 Fed.Reg. 44876 (1976)), we have the same arrest authority as National Park Service Rangers in all areas of the National Park System. In addition, we have been granted state peace officer authority in Virginia, New York, California, and a more limited version in Maryland and New Jersey.

These authorities are necessary to allow us to safeguard over 125,000 acres of federal parkland in the Golden Gate National Recreation Area in California, the Gateway National Recreation Area in New York and New Jersey and finally for the parks and parkways in the Washington, D.C. metropolitan area.

The United States Park Police work closely with federal, state and local law enforcement agencies to maintain the peace on federal parklands and in areas on our jurisdictional borders. For example, in the Washington, D.C. area, the five federal parkways leading into the nation's capital border were, in some cases, built to connect federal facilities with the nation's capital. Most of these areas are now designated as Critical Infrastructure and Key Resources; they include areas along the George Washington Memorial Parkway – such as the Central Intelligence Agency, the Pentagon and Reagan National Airport. On the Suitland Parkway – we have responsibility for Andrews Air Force Base and the Southeast Federal Center. We also patrol the borders of Bolling Air Force Base and the Navy Research Laboratory. On the Clara Barton Parkway – there is the Naval Surface Warfare Center. On the Baltimore-Washington Parkway – there is Fort Meade, NSA, NASA and the Agricultural Research Center. Finally there is Rock Creek Parkway which is often used for Presidential Motorcades and foreign dignitaries going to the various embassies such as occurred during the recent visit of Pope Benedict.

In Washington, D.C., we patrol and handle demonstrations at Lafayette Park and the Ellipse on both sides of the White House, the National Mall which borders the United States Capitol building, and we are solely responsible for the protection of such National Icons as the Washington Monument, the Lincoln Memorial and the Jefferson Memorial. In California, we

patrol the lands on both sides of the Golden Gate Bridge. In New York Harbor parts of the Verazzano-Narrows Bridge are likewise under National Park Service jurisdiction, as is the Statue of Liberty.

We maintain over sixty MOUs with allied agencies to enforce the law and keep the peace not only in these National Park System areas, but to assist our neighbors in protecting Critical Infrastructure and Key Resources required under Homeland Security Presidential Directives.

We make over four thousand arrests and deal with over 10,000 special events and demonstrations per year. We work closely on a daily basis with all local, state, and federal law enforcement agencies in the Washington metropolitan area. Our officers, and those of the other agencies, coordinate activities and in many instances provide backup to each other. We work closely with the Metropolitan Police and U.S. Capitol Police during special events and demonstrations, which occur on our areas of contiguous jurisdiction. We also work closely with the United States Secret Service in their dignitary protection mission, primarily around the White House complex or while their protectees are visiting other National Park Service locations. Currently we are already planning our part in the inauguration of the next president.

As a uniformed police agency, the United States Park Police serve a unique and active role in federal law enforcement. Since the 1930's ten Force members have been killed in the line of duty, eight here in the District of Columbia and two on the parkways in Virginia and Maryland. The Department of Justice's annual report on "Law Enforcement Officers Killed and Assaulted" also known as the LEOKA report, reveals that per capita, we are one of the most assaulted

agencies within the federal law enforcement community. On average we seize eighty-seven firearms annually in Washington, D.C. For example, last week we arrested a suspect with a loaded 12-gauge shotgun with a collapsible stock in Anacostia Park. The week before we seized a fully automatic Uzi sub-machine gun at 1:00 in the morning at River Terrace Park, from a couple involved in illicit activity in a playground. The far majority of weapons we seize are taken from suspects in public places, often resulting from traffic stops, or from contacts related to drugs and alcohol abuse.

In closing Mr. Chairman, again, I want to thank you and the members of the Committee for inviting me to testify today, and for your continuing work regarding public safety. I would be pleased to address any questions that you might have.

Chairman WAXMAN. Mr. Campbell.

STATEMENT OF ROBERT CAMPBELL

Mr. CAMPBELL. Good morning, Mr. Chairman.

Chairman WAXMAN. There is a button on the base of the mic. Give it a press.

Mr. CAMPBELL. Good morning, Mr. Chairman.

Chairman WAXMAN. No, I guess I told you to turn it off.

Mr. CAMPBELL. Good morning, Mr. Chairman, and members of the committee. I am Robert Campbell, Director of Security for the Washington Nationals Baseball Club. Prior to joining the team, I served 20 years with the U.S. Secret Service, and retired in 2003.

Like all ballparks in Major League Baseball, Nationals Park does not allow fans to carry firearms into the building. We believe this is a prudent policy that promotes the safety of fans, players, and others.

Following are some of the factors behind this policy. There have been instances where players have been the victims of fan violence, most from projectiles and bodily attacks. Games, by their nature, can be emotional, and some overly aggressive fans can be volatile based on the prospects of their teams. Insofar as alcohol is served, there are occasions when fan behavior is influenced accordingly. The ballpark is densely populated, with up to 42,000 people in a confined space. Given our location in the Nation's Capital, our fans often include dignitaries, to include heads of foreign governments, and high ranking U.S. officials, whose security could be compromised if they were in a situation where there might be firearms present.

Depending upon attendance, there could be as many as 1,000 employees in the ballpark, many of whose duties involve dealing with customers in fast-paced and sometimes hectic environments. Their ability to secure firearms safely would be compromised more than most any other work environment.

Moreover, the ballpark is a secure place where fans can be assured of a safe, enjoyable atmosphere. We have had no instances of violent crimes committed against fans in the ballpark, and very few minor crimes such as pick-pocketing. The ballpark is surrounded each game by a large number of on-duty District police officers who are assigned to traffic safety and other duties. In addition, the team hires a number of off-duty officers in uniform who provide added security inside the park. They are supplemented by additional contract security and our in-house contingent.

In short, we feel that in concert with the Metropolitan Police Department, we are providing a safe environment for families to spend together enjoying our Nation's pastime.

Thank you for the opportunity to testify, and I am happy to answer any questions you may have.

Chairman WAXMAN. Thank you very much, Mr. Campbell.

I am going to start off the questions. Chief Lanier, I was struck by your testimony where you indicated that Washington is particularly vulnerable to a terrorist attack. Unlike other cities, we have lots of visiting dignitaries. We have the President of the United States, the Congress. We also have monuments that are important to our whole Nation.

You indicated that if other cities had a motorcade, which would be not as usual as in Washington, they close off the roads and stop all traffic and keep the visitors and the public at bay. But you don't feel we can do that in Washington, DC. So your essential point is that is a different city in terms of the vulnerability than almost any other city in the country; is that right?

Chief LANIER. Absolutely. We are the only jurisdiction that during high-level dignitary moves, including the President, that we don't clear the entire motorcade route.

Chairman WAXMAN. Chief Morse and Chief Hay, do you agree with Chief Lanier's assessment?

Chief MORSE. Yes, I do.

Chairman WAXMAN. Mr. Hay, do you agree?

Mr. HAY. We still have this bill under policy review. It has not been completed.

Chairman WAXMAN. I wasn't talking about the bill.

Mr. HAY. OK.

Chairman WAXMAN. I was talking about the vulnerability, special vulnerability of Washington, DC, unlike other cities.

Mr. HAY. Clearly, with the amount of dignitaries we get, it is of a special concern.

Chairman WAXMAN. Now, the bill, H.R. 6691, which is one of the bills we are considering, would change the District's gun laws. Chief Lanier, you described some of these changes in your testimony. And let me summarize them. The bill would repeal the ban on semiautomatic assault weapons, including both handguns and military-style rifles. They would allow people to carry semiautomatic rifles in public and on District streets fully loaded. It would eliminate the District's registration system, and cancel the department's ballistic fingerprint program. And it would eliminate criminal background checks for secondhand gun sales.

What impact would these changes have on your job in protecting security in the Nation's Capital?

Chief LANIER. I think pretty significant. I think the one thing about having some regulations for management of the guns that are registered, for example, in the District, offers layers that are common sense in homeland security. Detection, deterrence, and prevention is our primary goal.

If you remove all of those barriers, for example a no registration process, allowing large capacity semiautomatic weapons, those are the hallmarks of detection, deterrence, and our goal of prevention. So I think that would have a significant impact.

Chairman WAXMAN. Chief Hay, you are the deputy chief for the U.S. Park Police. Prior to the hearing, my staff talked to the chief of the U.S. Park Police, Chief Lauro. He expressed many of the same concerns as Chief Lanier. He said allowing assault weapons in Washington would increase dangers to dignitaries and put your officers at greater risk.

Can you explain why the Park Police would be concerned about a proliferation of these weapons in the District?

Mr. HAY. Well, the bill is still new enough that we have not really had a good opportunity to complete the policy review on this bill. We have not been able to completely vet all the ins and outs of it, where it is going to end up.

Chairman WAXMAN. Would you be concerned, as your chief is, that if there is a proliferation of these weapons that would be a concern?

Mr. HAY. We are always concerned when there is firearms of any type in and around the parks.

Chairman WAXMAN. Thank you.

Chief Morse, I understand you share some of the same concerns as Chief Lanier. Could you elaborate?

Chief MORSE. Well, with regard to your question about proliferation of guns, one of the tools or one of the advantages that the law enforcement officer has is, you know, knowing—is being able to discern who is good and who is bad. Here in the District of Columbia with the gun laws, you know, when we see a weapon it can only be one of two people, a law enforcement officer or someone who is in possession of a firearm illegally. So that is an advantage for us. If you have a proliferation of guns, it simply makes that job more challenging. And that becomes an officer safety issue, as well as a public safety issue.

Chairman WAXMAN. Thank you. Well, I also wanted to ask Chief Lanier, we would have legalization of the semiautomatic assault weapons under H.R. 6691. Currently, the District has a ban on these semiautomatic weapons and that ban would be removed. Tell us about your concern about that provision.

Chief LANIER. With all of the large special events we manage here in Washington, DC, and beginning in 2001, after September 11th, which became much more difficult for all of us, the first thought that comes to mind is just preparing for the Fourth of July celebration on the Mall. After 9/11, it became so much more difficult for all of us to garner the resources to actually be able to have checkpoints and funnel people safely onto the Mall and screen them for any type of potential weapons, explosives, and things of that nature.

But if that restriction was removed for the automatic firearms and someone were able to, for example, walk down the street with a semiautomatic firearm, whether it be a rifle or a handgun, those checkpoints are fairly useless. You still have a very large crowd on the Mall. There is no physical barrier to protection. Snow fencing. And just the backdrop of that being the Independence Day celebration in the Nation's Capital makes it an extremely attractive target.

So back to Chief Morse's point. For our officers to determine who the good guys and who the bad guys are and who may be outside of that crowd with potential to do massive amount of damage with an automatic firearms is a huge concern. So security for any event in the Nation's Capital would be more challenging for us.

Chairman WAXMAN. Thank you. Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. Let me just ask, going back to the old law, is there any reason someone shouldn't be able to have a handgun in their home to protect themselves in a city with high crime? What was the problem with that?

Chief LANIER. Well, the old law allowed for protection, self-protection in the home. You are allowed to register shotguns and rifles, and now you are allowed to register revolvers. Our concern really has been with the high-capacity semiautomatic weapons be-

cause of the ability for them to do a large amount damage in a short period of time. And particularly with semiautomatic handguns, which are easily concealed. They can be taken into a public place very quickly. But the District laws never prohibited you from having self-protection in your home.

Mr. DAVIS OF VIRGINIA. Do you know what is the current status in the city today? If I move into the city today, can I have a gun? I mean just today, what is the current status?

Chief LANIER. Yes, you can register a handgun in the District, a handgun, a shotgun, or a rifle in the District of Columbia. In fact, we have——

Mr. DAVIS OF VIRGINIA. How many people—how can I register that? I was reading there was one guy you had to register it with, and that he wasn't always available. How easy is it for me to register?

Chief LANIER. It is not that difficult. In average, our turnaround time for the registration process has been a matter of just a couple of days. We have registered so far in the District 25, 23, 24 handguns already. There are other applications in process. And there is now a Federal firearms——

Mr. DAVIS OF VIRGINIA. Twenty-three handguns in the last month. That is it?

Chief LANIER. There are others that are in process. There is a process to go and purchase the firearms and have them transferred.

Mr. DAVIS OF VIRGINIA. What if I am being stalked? What if I am being stalked, let's say, by a boyfriend or something like that? How long is it going to take me to register?

Chief LANIER. If you can legally register a firearm, you can register the firearm and have the background complete in just a matter of 2 or 3 days. I think the turnaround time has been about 2 days in the District since we started registering. And there are other protective measures in the District as well, from the courts and protective orders.

Mr. DAVIS OF VIRGINIA. Have any of the witnesses today had a chance to talk with the Mayor or the Council about the proposed gun legislation or new emergency rule that is in place? When are they going to come up with their permanent fix on this?

Chief LANIER. That is underway as we speak. There has been a period of comment during the temporary legislation. It is temporary, as are the registration regulations that we have issued. They are both temporary. And during that time we have taken comment from——

Mr. DAVIS OF VIRGINIA. Chief, any idea when they expect to send that to the Hill?

Chief LANIER. They are having hearings beginning on September 16th. And they will be done shortly thereafter.

Mr. DAVIS OF VIRGINIA. Can you give me any idea of what the Council is going to do?

Chief LANIER. I can't answer that question.

Mr. DAVIS OF VIRGINIA. Let me ask Mr. Morse, do you have a clear understanding of what violates the current gun law in effect within the District?

Chief MORSE. I do.

Mr. DAVIS OF VIRGINIA. Could you explain it to me?

Chief MORSE. What currently violates? Well, within my jurisdiction, as I stated in my opening statement, under Title 405.104, you cannot possess a firearm, explosive or incendiary device within the Capitol complex. So that is the law that I enforce within the Capitol complex.

Mr. DAVIS OF VIRGINIA. OK. How about outside the Capitol complex? Because my question asked you about the D.C. gun laws applying not just within the Capitol complex.

Chief MORSE. Well, as Chief Lanier stated, she stated that you could possess, if registered, a firearm, a rifle or a shotgun.

Mr. DAVIS OF VIRGINIA. Chief, let me ask you this. How many handguns were registered in the city prior to the decision?

Chief LANIER. I believe 66,000, is that correct, ever since the beginning of the law.

Mr. SHELTON. Prior to Heller, 21,900.

Chief LANIER. 21,900. And your question about the existing gun laws, as you asked Chief Morse, is that you can legally, under the current laws you can have a revolver, a shotgun or a rifle registered in your home. You cannot carry it on public space. You cannot have a high capacity semiautomatic firearm.

Mr. DAVIS OF VIRGINIA. It's clear that complying with the Constitution is going to cause some changes on law enforcement in the city. In preparing for this eventuality have you undertaken any effort to learn how other metropolitan areas handle the existence of firearms in their jurisdictions? Have you talked to New York and Baltimore and the like?

Chief LANIER. Absolutely.

Mr. DAVIS OF VIRGINIA. And the Council members are in concert with them?

Chief LANIER. Absolutely.

Mr. DAVIS OF VIRGINIA. Do you think your law that comes forward will be consistent with what other metropolitan jurisdictions have done?

Chief LANIER. I think the Council has put quite a bit of effort into not only accepting comment and reaction from the public locally, but also from other major cities around the country. I think they will put forth reasonable expectations for gun laws in the District of Columbia.

Mr. DAVIS OF VIRGINIA. And you've seen the proposed Childress bill? Have you had a chance to examine that or your staff?

Chief LANIER. My staff, yes.

Mr. DAVIS OF VIRGINIA. And what's your opinion of that? Could you support that? You have no position on it?

Chief LANIER. I have no position.

Mr. DAVIS OF VIRGINIA. All right. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman. Chief Lanier, in your written statement you described a chilling scenario in which terrorists use semiautomatic firearms to stop motorcades, after which they use explosives to assassinate the target. You also said this scenario has been attempted and has been suc-

cessful around the world. How likely is it that something like this might happen in the District of Columbia?

Chief LANIER. I can tell you from attending numerous dignitary protection courses and running dignitary protection here in the District that the Secret Service can give you a multitude scenarios. But the most likely scenario for an attack on a dignitary and motorcade about 80 percent I believe occur at departure or arrival areas of the motorcade. And the most successful attacks are by causing a chokepoint or stopping the motorcade. Typically that is done through the use of firearms to stop the motorcade by assassinating or targeting the security detail with firearms which will stop the motorcade and then make the dignitary typically in an armored vehicle vulnerable to an explosive threat.

Mr. DAVIS OF ILLINOIS. Let me ask you, when we talk about semiautomatic weapons we're talking about both rifles and pistols. For example, the AK–47, which has been called the terrorist weapon of choice, is a semiautomatic assault rifle. That is the gun that was used in the 1989 schoolyard shootings in Stockton, CA that killed 6 and wounded 30. There's also the SKS assault rifle, which in a 2002 ATF report called the rifle most frequently encountered by law enforcement officers. In 2004 SKS rifles were used to kill police officers in both Indiana and Alabama. Then there are the semiautomatic handguns. For example, there is the TEC–DC9 assault pistol. That's the gun that the Columbine high school killers used in their rampage, is that correct?

Chief LANIER. Yes.

Mr. DAVIS OF ILLINOIS. Semiautomatic handguns were used at the Virginia Tech massacre last year as well, which killed 33 people and wounded 20 more. Chief, let me ask you, why are you so concerned about these semiautomatic weapons?

Chief LANIER. It is literally the ability to do massive amounts of destruction in a very short period of time. And in the case of the smaller firearms, the handguns, the ability to conceal them; walk into a school or other sensitive place, building undetected is what makes it that much more dangerous in terms of the carnage that can be created. Obviously with a revolver which fires six shots versus a semiautomatic pistol that you can shove in your waistband that can fire 20, 30 rounds with a high capacity magazine very quickly is a big concern for response time for law enforcement.

Mr. DAVIS OF ILLINOIS. Chief Morse and Chief Hay, do you share these same concerns?

Chief MORSE. Well, with respect to protecting the Capitol, the existing law which prohibits firearms is one that allows us to do our job without some of the challenges that the district chief or the Park Police would do. Because as I mentioned before, and just to clarify, we're talking about not weapons in persons' homes, but vehicles and outdoors in the public space around the Capitol complex. And currently that is prohibited. With respect to outside that jurisdiction, outside our jurisdiction it makes it more challenging to prevent those types of incidents that the chief was referring to because of not being able to discern very quickly an incoming threat. So the proliferation of guns in that respect to be carried freely about in the public space would make it more challenging for the officers to discern that threat and certainly prevent it.

Mr. DAVIS OF ILLINOIS. OK.

Mr. HAY. On the 6,000 acres of National Park Service land within the District it's roughly 16 percent of the District. There are other National Park Service laws that would prevent the carrying of loaded firearms. Title 36 of the Code of Federal Regulations, Section 2.4, is a petty offense. And regardless of whether you were in Yosemite or Yellowstone you still couldn't have a firearm or here on the National Park Service lands of the District. So we would continue to enforce that law.

Mr. DAVIS OF ILLINOIS. So the bottom line is that these semiautomatic weapons, especially the handguns, are going to make it far more difficult for all of you to carry out your duties and responsibilities with the high level of security that you're actually able to protect all of the individuals that you're trying to protect?

Chief MORSE. Well, it certainly has impacts, and that's what we're here to tell you about today. And the impact is it makes it more challenging for us to do our jobs with respect to protecting, for me anyway, protecting buildings and people. And those are some of the challenges that I just told you about.

Mr. DAVIS OF ILLINOIS. Thank you very much, and thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Burton.

Mr. BURTON. First of all, I want to say that the Capitol Police and the police in Washington, DC, do an outstanding job. So what I'm about to say is no reflection on you, OK. So now you know where I'm coming from already.

Mr. DAVIS OF VIRGINIA. That's the novocaine before the needle.

Chief LANIER. That's never a good start.

Mr. BURTON. I had a lady that worked for me that lived about five or six blocks from the Capitol. A guy shimmied up the drain pipe and came in through the window and stabbed her about five or six times. And the only way she could get away from him was to beat him off with a pan. And we checked and found out we had very restrictive gun laws. And had she been able to have a gun in her home she may have been able to protect herself when she saw him coming through the window. I don't believe that a terrorist or a person who is going to try to do harm here in the Capitol is going to go try get a gun in Washington, DC. They're probably going to get it someplace else illegally and bring it into the Capitol and start shooting people. And the people that live in and around the Capitol up until now and in Washington, DC, could not have a gun. You couldn't carry a gun. You couldn't get a license to carry a gun for your own protection.

Now, right across the river in Alexandria, Virginia you can get a permit to carry a gun. Now, let me just give you some statistical data. In Alexandria per 100,000 people they have 5.1 murders. In Washington it's 29.1. Forceable rapes, 19.75 in Alexandria and 31 in Washington, DC. Robberies, 150 in Alexandria, 619 in Washington, DC. Aggravated assaults, 152 in Alexandria, 765 in Washington. Burglaries, 278 to 658. Larcenies, 1,784 to 2,602. And vehicle thefts 274 to 1,213. They have a law in Alexandria which allows you to have a gun in your home without any notification to the law, and you can get a permit to carry a gun with you. And as a result

the statistical data shows very clearly that right across the river per 100,000 people you're a heck of a lot safer. Because the criminal knows if he comes into your home and tries to attack you you've got a way to respond.

Now, this young lady I talked about a few minutes ago that worked for me she had nothing she could do. She would be dead today if she hadn't hit him in the head with a pan. It would have been a tragic thing. She lives down in Florida, she's got a family, and she's doing very well I might add.

If you look at the national statistics, I think this is important, too, nationally, let me get this here real quickly, Washington as compared to nationally. Washington is 5.75 times the national average for murder; almost six times as much. Forceable rapes is 1.33 times worse. Robberies is 3.11 times worse. Aggravated assault is 2.19 times worse than the national average. And all violent crimes is 2.63 times the national average.

So I really appreciate the hard work that the law enforcement officers do for us. But I will tell you this, when I leave the Capitol, as 500 other Members of Congress, you protect the leaders, the leaders have protection all the time. When we leave and drive one block off this Capitol we're on our own; 500 Members. You talk about terrorists. One of the targets of opportunity for terrorists would be Members of Congress. And when we leave this Capitol we have no security. If you live in Maryland, you live in Virginia, wherever, you go home alone. And if a terrorist wants to target you, you're dead meat because you have no way to defend yourself. You cannot have a permit to carry a gun. And so as a result you're on your own. And I just think that's wrong. I think law abiding citizens ought to be able to if they feel it's in their interest and their family's interest to carry a weapon they ought to be able to apply for and get a permit like they can in Virginia right across the river. And especially people of high profile who have a reason to carry a gun who carry large sums of money or whose lives are at risk because they work in this place, they ought to be able to protect themselves.

We had a Senator, who one of his aides came in and had a gun with him, and the Senator, as I understand it, has a gun permit in Virginia. And I think the reason he had that gun with him all the time was because he felt there might be a threat to his life. And I think every Member of Congress if you asked them individually they would say they do worry once in a while about being attacked by a terrorist or somebody else. And so I think they ought to have the right to protect themselves once they leave this Capitol, and right now they can't. You do a great job while we're here, you do a great job in Washington, DC, but individual citizens who abide by the law ought to be able to protect themselves, and especially elected officials in this Capitol.

Chairman WAXMAN. Thank you, Mr. Burton.

Mr. Tierney. Ms. Watson.

Ms. WATSON. Thank you so much for this very, very necessary and important hearing, Mr. Chairman. I understand the bill, as it's currently drafted, individuals could buy and own firearms without registering with the Metropolitan Police. And I'm addressing this to Chief Lanier. In your written statement you said you have grave

concern, also your verbal statement. And can you explain why you have this grave concern and related to this building that we're in right now?

Chief LANIER. Again, I think that the hallmarks of trying to prevent any crime from happening, including a terrorist attack, is having some layered measures of protection. For most terrorists the risk of failure is worse for them than the risk of dying and carrying out an attack. So each level of security measures we have in place that they have to go through that may cause them to be detected is a security measure that serves as somewhat of a deterrence. By having to register a firearm you typically would have to come in and prove your identity, so that adds another layer of risk for a terrorist. If you remove that registration process and the other laws around gun possession and carrying in the District you now have removed a lot of the illegal acts that a potential terrorist would have to go through, elevating the risk of detection and being caught, thus deterring their attack long before they get to that attack. So I think that those are necessary measures to send the message that there is layered security in terms of Washington, DC, as the Nation's Capital, and the registration process and some laws with gun control are necessary.

Ms. WATSON. Now, this is what I understand in your current firearms registration process. Your department, and I'm just repeating, also performs a ballistic identification procedure during which it fires the weapon and retrieves a spent ammunition to obtain a ballistic fingerprint of the gun. This allows you to identify and track guns used in crimes, is that correct?

Chief LANIER. Yes.

Ms. WATSON. So how would eliminating—and I want to ask this of my colleagues too that are in support of the current bill—how would eliminating the ballistics fingerprinting process affect the work of your officers? And would you lose—if you lose that resource would it endanger all of us that are in sensitive places?

Chief LANIER. Very much the ballistics fingerprint of a firearm has assisted us in tracking down, locating and solving numerous violent crime cases. But it is—essentially what it is described as is a ballistic fingerprint of that weapon. So when a firearm is discharged, whether the firearm is actually recovered or not, we can tell from the expended shell casing or the round that's fired from that gun, if that gun is preregistered with a ballistic fingerprint on file, which gun fired that round. So yes, it is important for us, not only for prosecution of cases which is the ultimate goal, but also for us to identify potential suspects that may have used that firearm in the commission of a crime.

Ms. WATSON. In addition to the ballistics fingerprinting, the department has a process which includes a background check. Now, you'll hear arguments that the law abiding citizen needs to have a gun. You're not a criminal until you break a law. And so how do we know if a person is mentally ill but walking the streets, has an intention to come in here and shoot at one of us because they didn't like a piece of legislation that we introduced or supported, and this person has no record? We have Members of Congress that are in prison today, and they certainly were law abiding until they broke the law. So how do we know who registers to get a gun and to use

the gun unless we have everyone register the gun? Can you comment?

Chief LANIER. That's exactly why we have the registration process that we have. And those who have been convicted of a crime of violence or have prior weapons charges, those who have been voluntarily or involuntarily committed to a mental hospital within the past 5 years, those that have been not convicted—convicted of a crime of violence, to include domestic violence, all those things are looked at in our background process for exactly that reason, to try and eliminate potential persons from registering firearms that have potentially used them illegally. And in the scenario given just a moment ago, you can register a firearm legally if you do not have that, if you pass that background in the District of Columbia. So you do have the right to even possess a handgun in your home right now under the current laws to protect yourself in your home if you pass that background.

Ms. WATSON. Well, you know, without registration we don't know who is prohibited from driving because they need glasses. And I'm wearing glasses right now to see you. And if we don't do a background check he might not have the sufficient vision to obtain a driver's license and be driving a car. So we operate in the blind.

And in closing, I just want to say that the only purpose in eliminating the registration system seems to reduce—is to reduce the visibility and control of a firearm in the District. I just think it's a bad idea. In protection of all of us in sensitive places, we need to know who has a weapon.

Thank you very much.

Chairman WAXMAN. Thank you, Ms. Watson.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. I'm going to try and narrow very quickly what we're talking about here. Mr. Campbell, the Supreme Court decision didn't affect you in any direct way, did it?

Mr. CAMPBELL. No, sir.

Mr. ISSA. Mr. Hay, the Supreme Court decision did not affect you in any direct way, did it?

Mr. HAY. No.

Mr. ISSA. OK. Mr. Morse, the Supreme Court decision did not affect you in any direct way, did it?

Chief MORSE. It has not.

Mr. ISSA. Ms. Lanier, Chief, it did affect you. You had a law that was found to be unconstitutional that for decades had violated an American's second amendment right, isn't that true?

Chief LANIER. It impacted my capacity because I have to implement new regulations.

Mr. ISSA. You were implementing the law. Your department had arrested, convicted and jailed people for a law that now is unconstitutional as it was.

Chief LANIER. The District has already revised those regulations in the temporary process.

Mr. ISSA. Let's make sure we keep it narrow. The Supreme Court struck down a law you were implementing on the day they struck it down. So you were held that for four decades you had violated people's second amendment rights by both, I believe, arbitrarily and capriciously limiting registration and by outright limiting the

people's ability in their own home to protect themselves with a handgun.

Now, is that your understanding of the Court decision or are you not familiar with the Court decision?

Chief LANIER. I'm familiar with the Court decision. I understand the changes that are required by the Court, and we are in the process——

Mr. ISSA. So all this discussion today about heavy weapons, assault rifles, all of this, is the usual anti-gun stuff. The Supreme Court said in no uncertain terms that Americans, both in States and in the District of Columbia, continue to enjoy the constitutional right under the second amendment in their own homes to protect themselves, including with the use of handguns. They held that you were able to have registration as long as it was not arbitrary or capricious, which I question the 23 registrations. But having said that, we're going to assume that it's not arbitrary and capricious. So this entire hearing here and all the discussion and discussions about assault rifle, and repeatedly the statement about how AK–47s with large magazines and attacking motorcades, isn't it true that what we're really talking about as the city of Washington, DC, has to do is simply to structure a reasonable ability for people to purchase, register and keep in their own home handguns? That is the immediate effect of the Supreme Court decision, and that is what we have oversight over, isn't that true?

Chief LANIER. Yes.

Mr. ISSA. And are you prepared today to ensure that process goes forward, and are you able to protect the citizens of Washington, DC, every bit as well if law abiding citizens in their own home have registered weapons?

Chief LANIER. Law abiding citizens in the District of Columbia have been able to register weapons in their home for many, many years and currently are registering firearms and handguns in their home for self-protection.

Mr. ISSA. Ma'am, we were only talking handguns, and handguns were what the Supreme Court said you had violated people's second amendment rights in the District of Columbia by eliminating that ability.

Chief LANIER. And that's been rectified.

Mr. ISSA. OK. Now, I'm just going to just take one more thing, because I think you should be held to task. I know people love to talk about how great the police are, and I could do that too. But this is the murder capital of America off and on.

Chief LANIER. That's not true.

Mr. ISSA. This is the murder capital of America off and on. You have years in which you are, years in which you're not. This is an area in which gun violence has been a problem for four decades, isn't that true?

Chief LANIER. Gun violence is an issue in every major city in the United States.

Mr. ISSA. But isn't the District of Columbia among the cities in the top three-quarters, let's say, in any given year of people who are using guns to kill other people?

Chief LANIER. I don't know that statistic off the top of my head.

Mr. ISSA. Well, I guess my question to you is if the District of Columbia, as I will say here, has been a place in which gun violence has been a big problem for those four decades in which law abiding citizens never were allowed to have pistols in their house, then isn't it just possible that allowing the law abiding citizens to protect themselves with pistols in their own home could actually do you help, not harm, when it comes to reducing gun violence by those who have already been carrying these guns illegally and using them in the District of Columbia? And hopefully you will go back and do the research to realize that the problem is that people with handguns, as was said earlier, they're all the bad guys or they're law enforcement, but there's been a lot of them here while the law abiding citizen hasn't been able to have one.

Chief LANIER. I was asked to come here and talk about the implications of the bill on homeland security in the Nation's Capital. If you want to have a discussion about what's behind violent crime in Washington, DC, and other cities around America, it's a much different discussion and there's a lot of other factors besides gun ownership. But you can register a firearm in the District of Columbia for self-protection in your home.

Mr. ISSA. Thank you, Chief. And since the limit of our jurisdiction is the District of Columbia and not homeland security, that's why I was trying to narrow on that. And thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Issa.

Ms. Norton.

Ms. NORTON. That is the limit of our jurisdiction. And H.R. 6691 of course does not focus on gun violence in big cities like the District of Columbia. And that's the work of this Chief, not your work, not this Member's work. And I want to focus on what H.R. 6691, which is the bill filed by Members on the other side, would do with respect to jurisdiction that we are accountable for. I would like to do it the old-fashioned way, going back to my former profession, through hypotheticals and ask you some hypotheticals. They turn out not to be so hypothetical because Chief Morse and Chief Hay have just talked about confiscating guns that they found in public. Now, under current law it's illegal to carry a loaded weapon in public in the Nation's Capital without exceptions, isn't that correct?

Chief LANIER. Correct.

Ms. NORTON. Now, if H.R. 6691 becomes legal, forget for a moment what effect it will have on a high crime city like the District of Columbia, like big cities in California, like big cities throughout the United States, think for a moment through this hypothetical what effect it will have right here in the Nation's Capital where these officers are charged with protecting federally protected people. I want to ask you what you can do now and what you would be able to do if H.R. 6691 is passed concerning carrying loaded guns in public. You mentioned, Chief, the serious issue you always face in the President's inaugural parade. Now, if H.R. 6691 passed you could have a long rifle, a semiautomatic SKS rifle with you, or let's take an AK–47. Now, what could you do now and what could you do to someone simply standing with that long rifle to view the parade?

Chief LANIER. Right now they would be placed under arrest, and it's legal to possess in the District of Columbia.

Ms. NORTON. Well, suppose a person has a long rifle after H.R. 6691 passes; what would you do with an SKS and an AK–47 visible for you to see at the President's inaugural parade?

Chief LANIER. It's legal to possess. There's not much that we can do.

Ms. NORTON. How could you secure that inaugural parade, I'm asking you?

Chief LANIER. It's going to be very difficult.

Ms. NORTON. Let's take a large protest we have here. They're so common. We had them with the International Monetary Fund. I don't pick them out, or the World Bank protest, because they are any more likely to have guns than anybody else. I have no information, but because it was so huge. I would like to ask you about those. I know they were hard to control.

You have spoken about concealable weapons, concealable weapons. Let's take TEC–9s. That's concealable, Uzis, concealable. Or for that matter the long guns, such as the ones I previously asked about. Under H.R. 6691 is it conceivable that you would have at such a large protest both AK–47s in full view and conceivable Uzis or TEC–9s that you couldn't even see but which today are illegal in the District of Columbia?

Chief LANIER. That's possible, yes.

Ms. NORTON. Is there anything you could do in one of these mass protests? I'm leaving aside the almost always peaceful meetings at Labor Day or July 4th, but one of those protests where people are moving about. Could you secure the World Bank, the Monetary Fund, the nearby Federal facilities or the District of Columbia itself if people were able to carry concealable fully loaded semiautomatic guns or fully loaded unconcealed military assault weapons at these large protests?

Chief LANIER. It would be extremely difficult. I can't imagine.

Ms. NORTON. Mr. Chairman, I just want to point out, there's a first amendment right to be at these protests, just as the second amendment right has been cited. Here we give the police an impossible dilemma.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you very much, Ms. Norton.

Mr. Souder.

Mr. SOUDER. Thank you, Mr. Chairman. And I guess I'd kind of be the unpopular person in many people's eyes as the author of the amendment overturned the D.C. limitation on the right to bear arms in the District and as also having worked the broker agreement that I believe will once again protect those rights.

I didn't get a chance to make an opening statement, so I want to make a few comments here.

Home rule does not give an area the right to overturn constitutional rights. That's what the Supreme Court determined. It doesn't give Washington, DC, or any city the right to overturn free speech, it doesn't give them the right to overturn freedom of religion, it doesn't give a city the right to overturn the right to bear arms or any civil right. This was much the argument that southern States had. When they didn't like a Supreme Court ruling they tried to reinstitute around the ban, as D.C. did in this case, come up with a law that went around the Supreme Court restriction.

Now, the most important thing in the Supreme Court decision was something we've debated in the United States for years, and that's what's a militia. A militia is not the military. The militia are individuals' right to bear arms. The court has permanently decided that. They gave flexibility for cities to work in different areas and explicitly said in the court case that there are some things that cities can continue to do. But when D.C. came back with a law that says you have to be under imminent danger, what does that mean; the gun is blazing, that the gun is pulled, that somebody has busted your door down, that you just live in the city? I mean, what an absurd standard and an insult to the rights of the Court—the rights of the American people. Now, we had a little bit of fencing a little bit ago about how bad D.C. crime is. Murder capital 7 of the last 9 years. You can state whether it's improved. Yes, some of the murders have gone down. Murders have gone down all over the United States pretty much in every city because we've locked criminals up. Now as they come back out some rates are moving again. But there are multiple things, and what is clearly proven is that the cities that have the gun laws haven't had any impact on it. In fact, the cities with the gun laws generally have higher rates of murder. It's counterintuitive. Why? Because if you disarm the citizens, if you tell them, as the D.C. ban says, that you have to have your gun locked up so when a criminal comes into your house under imminent danger you've got to go find the key, unlock it, put your gun together, then go find the bullets, how in the world are you supposed to protect your family? And that is a clear violation of the rights, and that's what the Court tried to address. And, in effect, you have armed criminals in neighborhoods and roaming this city because citizens they know haven't been able to protect themselves. And the Washington Post had a very interesting article years ago when I was on staff working with juvenile delinquency. Nobody bought their guns even in the gun stores. They robbed people. A couple of them in the juvenile center took guns from police officers. Unless you're going to have some kind of an international U.N. Law restricting this I don't know how you can isolate and claim all the things you're claiming about, oh, if we just had this gun law we wouldn't have the people doing assassinations. Reagan got shot during your gun law. But we wouldn't have all this type of threats to everybody if all we did was banned it here in D.C. It's an absurd principle. You can't.

And by the way, there's another assumption here. We're talking here like, well, these guns kind of walk into a home all by themselves and start firing. The best way to control terrorists are through FISA, through intelligence tracking, through what they do at the Nationals stadium. Quite frankly, one of my friends and a company in my District helps provide and plan security for stadiums. The most critical thing is having intelligence. Yes, you have cameras, you have police officers around to scare them off, but you need to know where the risks are and plan as much as you can. It's not clear that the laws work. As we heard Mr. Issa say a little bit ago, three of you aren't even impacted this. This shows what a political hearing this is. Three of you aren't impacted. And the fourth, the Chief, quite frankly, aren't you a political appointee?

Chief MORSE. I am not. I went through a selection process.

Mr. SOUDER. Not the Park Police. I mean Chief Lanier, aren't you a political appointee?

Chief LANIER. I've been a member of the Metropolitan Police Department for 18 years appointed by the Mayor.

Mr. SOUDER. Pretty much that's what it should be. When a mayor wins an election they pick somebody who reflects their views. But you're a political appointee reflecting the political views. And police officers by the way disagree on the subject, I'm not suggesting they don't, but that you're reflecting the political views.

This is a political hearing today. This isn't about protecting constitutional rights, it's not about legislation. I mean, if we're going to have a bill, as I'll point out, that looks into whether or not we're more secure clearly this gun law has failed in Washington, DC. We should be looking to figure out how to work it and how to make citizens safe, not how to reinstitute one of the most failed laws in America. It's tough to have a law that can fail more than being a leader year after year in murders. As former Mayor Barry said, it's a pretty safe place other than the murders.

Chairman WAXMAN. Thank you, Mr. Souder. Your time has expired.

Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman. Thank you all for your testimony. Chief Lanier, what could people do before the Supreme Court's decision? What could D.C. residents do to protect themselves in their homes?

Chief LANIER. D.C. residents have always had the ability to register firearms for self-protection in the home. They could register a shotgun or a rifle for self-protection in the home prior to the Heller case.

Mr. SARBANES. Prior to the Supreme Court decision. So it's not like they were completely without any protection as has been suggested?

Chief LANIER. That's correct.

Mr. SARBANES. What can they do to protect themselves if you were to simply do what's required to comply with the Supreme Court's decision?

Chief LANIER. That is what's under way now and currently in place. You can now register a handgun for self-protection in the home as well. I think the City Council and the administration has been working hard to come up with final legislation. What is in place right now is only temporary, and I think when that final legislation is proposed it will be in full compliance with the Heller decision.

Mr. SARBANES. In your professional judgment, how much additional protection would be available to people in their homes if the current limitations were completely wiped away? In other words, how much extra do you get? I mean do you view it as providing a lot of extra protection if you can keep a semiautomatic weapon, for example, in your possession in your home?

Chief LANIER. I think the ability to have a handgun in your home for self-protection or shotgun or rifle is sufficient for self-protection in the home.

Mr. SARBANES. It sounds from the testimony like you'll be able to pretty much effectively do the job of handling the special dimen-

sions that the District of Columbia presents in terms of the dignitaries and Federal officials and others, you'll be able to do that job pretty effectively even as you comply with the Supreme Court's decision, right?

Chief LANIER. Absolutely.

Mr. SARBANES. And I've also heard that you have high anxiety about whether you could do that job effectively if the provisions of H.R. 6691 were implemented?

Chief LANIER. Yes, sir.

Mr. SARBANES. Can you just describe, I mean take a rally or some other event, and let's assume that H.R. 6691 went through, because you know we assume that things that drastic and ill-advised won't happen, but sometimes they do. So how would your department have to kind of reorient itself around a particular kind of event or special circumstance that you deal with now if you were operating under those kinds of conditions?

Chief LANIER. I think it was alluded to earlier by Chief Morse, the first and most significant step is the average member of the Metropolitan Police Department, there's 4,000 of us, there's about 15 years on, 15 years of training the same way, policing the same way, same laws, significant undertaking in completely revising the way our officers train, think and perform out on the street, which is a concern for all of us, because it does change for all of us. But for any large event, as I said, the easiest thing to kind of relate to is the large special events that happen here all the time. There are things from marathons all the way to just annual celebrations like the Fourth of July. We typically will secure those events with perimeters that are snow fencing, bike racks. And we try to use the checkpoint process to eliminate the explosive threat from getting into a large crowd, 100,000 people on the Mall for the Fourth of July. The change in that security is drastic because an automatic firearm, an AK–47, the snow fencing and the checkpoints are useless because someone outside that perimeter could shoot into the crowd. And just by mere nature of the backdrop as Washington, DC, I think that is a potential reality.

Mr. SARBANES. If H.R. 6691 were implemented and sort of wiped away the current restrictions, how would that compare to the restrictions that exist in other cities across the country?

Chief LANIER. Well, actually, it would make it less restrictive. From what I understand it, you can purchase a weapon in another jurisdiction and bring it into the District of Columbia. So that in itself is less restrictive and I think a huge concern for us in terms of trafficking of firearms and being able to know what it is that is on our streets.

Mr. SARBANES. OK. Thank you.

Chairman WAXMAN. Thank you, Mr. Sarbanes.

Mr. Sali.

Mr. SALI. Thank you, Mr. Chairman. Chief Lanier, we're talking today about homeland security risks, so we're talking about really a terrorist type event, correct? That's what you came prepared to talk about?

Chief LANIER. Yes.

Mr. SALI. I want to talk about four different categories of people. Every day when I walk between my office and the Capitol building

I see lots of people carrying guns. They're your police officers. And you're not worried about any of them being involved in a terrorist attack, correct?

Chief LANIER. No.

Mr. SALI. And the law abiding citizens in the District of Washington, DC, you're not really concerned about them being involved in a terrorist attack, is that correct?

Chief LANIER. Correct.

Mr. SALI. And then we have common criminals who are involved in all manner of criminal activity that we've talked about today. Your level of concern about them being involved in a terrorist type attack is not typically really great, is it?

Chief LANIER. Well, it depends but it's not what I was testifying about today.

Mr. SALI. OK. But if we have a real live legitimate person who is intent on committing a terrorist act, that's a person that you're really concerned about?

Chief LANIER. I think there's two categories of those types of person. The lone wolf person who maybe wasn't committed to committing a terrorist attack and somebody who is under the influence of drugs or alcohol.

Mr. SALI. Let's group those together. These are the people you're worried about. And you don't have any expectation whatsoever that any of the people in that last group would go and register a handgun of any type, I don't care if you prohibit or include what firearms. None of them are going to come register anything under the law as it exists today and the law as we pass it here or the law as it has existed, that's correct, isn't it?

Chief LANIER. I can only tell you that from what I understand even the al Qaeda training manual recommends that those planning to carry out a terrorist attack do everything they can to avoid detection by violating laws. So they're encouraged strongly to not violate laws from traffic laws to any other law that would raise a level of suspicion.

Mr. SALI. So your testimony before this committee is that you do have an expectation that terrorists will come register their guns?

Chief LANIER. I didn't say that. I said that the level of detection that is recommended and that is trained in terrorists, that we are aware of, is to not raise the suspicion of law enforcement by violating laws. I think to remove any kind of process to raise that level of suspicion would be ill advised.

Mr. SALI. Well, if that's the case, isn't the—I mean we have a lot of activity going on in Iraq and Afghanistan and Pakistan. Is the answer there not to engage in all of the intelligence work that we're doing, spending an awful lot of effort there and the military effort, just go pass some gun registration laws and that will get the job done, you're not suggesting that?

Chief LANIER. Certainly not.

Mr. SALI. So the point is really there's no real expectation that terrorists are going to come and register any weapons of any kind no matter what the law is for the District of Columbia, correct? That's really what we're getting to.

Chief LANIER. I think by removing the process and having no visible deterrent, again not the hallmarks of what the terrorist pre-

vention motto of this country is; detect, deter and prevent. And I think by removing that registration process you really are removing one of those barriers or levels of security.

Mr. SALI. Well, let me ask you this. The overwhelming majority of even common criminals when they commit crimes, those guns are not registered with the District of Columbia are they?

Chief LANIER. That's correct.

Mr. SALI. So once again, if the common criminals don't generally do that, there's no real expectation that terrorists would register any weapons?

Chief LANIER. Many of those guns fortunately for us are taken off the streets when they're arrested before they commit a crime.

Mr. SALI. Well, let me ask you this. If we're not concerned for terrorist events, or even just generic criminal events, with law abiding citizens committing those acts, because they obey the law, what efforts is your department taking to get at those criminals and those terrorists beyond registration?

Chief LANIER. We can spend hours discussing the impact of what my department has been doing for the past several years, along with all these other departments here, to get at the terrorist threat through those same measures; detection, prevention and deterrence.

Mr. SALI. OK. But the rate of murders in the capital city for our Nation is quite high compared even with most other big cities across the Nation, do you agree with that statement?

Chief LANIER. Our rate of murder is on average with many of the large cities in the United States.

Mr. SALI. It's one of the highest in the Nation, you would agree with that, correct?

Chief LANIER. Currently we are I believe 10th behind nine other major cities in the United States.

Mr. SALI. So I guess my point is, if you're worried about terrorists and you're worried even about common criminals to some degree, how is it that a registration law in the District of Columbia is really going to make a significant difference when you've testified today that even for common crimes most of the guns that are involved there are not even registered with the city?

Chief LANIER. I don't think I suggested that the registration process is going stop a terrorist attack.

Mr. SALI. Well, I'm not saying that you suggested that it would stop a terrorist attack. But you've expressed concerns about the need to make sure that the types of weapons you talk, semiautomatic weapons, that somehow those are going to increase the risk of a terrorist attack if they're in the hands of law abiding citizens.

Chief LANIER. My testimony today is that there should be some reasonable measures put in place for the District of Columbia that is unique to other jurisdictions. With those measures being in compliance with the Heller decision, I think there should be some measures to regulate that within the District of Columbia because of the unique threat that is faced here.

Mr. SALI. Mr. Chairman, I see my time is up.

Chairman WAXMAN. Thank you very much, Mr. Sali.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I would just like to go back and just remind people that the Supreme Court, and on the decision I'm primarily citing from pages 54 and 55. Like most rights, the second amendment right is not unlimited. It is not a right to keep and carry weapons whatsoever in any matter whatsoever and for whatever purpose. And it goes on also to state that the Court finds support in historical traditions of prohibiting and carrying of dangerous and unusual weapons.

Chief Lanier, I would like to ask you about a particular lethal type of weapon. It's a long range high powered 50-caliber rifle that's used by military snipers. These weapons can penetrate armor and bullet proof glass, they can bring down helicopters or low flying planes, and they are used by the armed forces at 35 different countries. These weapons are so lethal to human targets over enormous distances. A few years ago in Afghanistan, for example, a Canadian sniper killed a Taliban shoulder from a mile and a half away. And I've been told that's the distance between the Capitol building and the Lincoln Memorial.

Chief, there are currently many restrictions on owning weapons in Washington, DC. They have to be registered and they can't be carried in public. And semiautomatic models are completely banned, for example, like the 50-caliber rifle I just described, is that correct?

Chief LANIER. That's correct.

Ms. MCCOLLUM. And under the NRA bill H.R. 6691 these safeguards are repealed. There would be no registration, these weapons could be carried in public and they could be carried fully loaded with semiautomatic clips. I ask Chief Lanier and Chief Morse and Mr. Hay, are you concerned about this?

Chief LANIER. Obviously that would be a concern for any law enforcement officer.

Ms. MCCOLLUM. Mr. Morse.

Chief MORSE. I would be concerned that someone would have that type of weapon and be adverse to our security.

Ms. MCCOLLUM. Mr. Hay.

Mr. HAY. Yeah, the 50-caliber rifle brings up all kinds of concerns for us as well.

Ms. MCCOLLUM. There's a picture up here right now, and they're from a company, a company that's advertising 50-caliber sniper rifles on the Internet. As you can see, this company is promoting a product and it's demonstrating the destructive force of this weapon. In this picture the company is showing how the weapon can pierce the window of an aircraft cockpit. In fact I would like to read some of the supporting advertisement that goes along with it.

So we took the 50-AE and the AR–15 to a range to make some pudding out of some fairly formidable targets, a McDonnell Douglas DC–9. That is what they chose to show what they could make pudding out of.

So I ask the witnesses again, what do you think about this? Does it concern you that a 50-caliber sniper rifle could be used to bring down an aircraft, let alone in H.R. 6691 it would be perfectly legal to carry thisfully loaded in the District?

Chief LANIER. Yes.

Chief MORSE. Yes, that's a concern.

Mr. HAY. Yes, we too would be concerned about firearms. As I mentioned earlier, we would still have Title 36 prohibition against any firearms, to include the 50-caliber.

Ms. MCCOLLUM. The State of California has also recently recognized the destructive force of these weapons and has banned them. According to Governor Arnold Schwarzenegger, who supported the bill, the 50-caliber rifle is a military type weapon that presents a clear and present danger to the general public. I would ask you, do you agree with Governor Schwarzenegger?

Chief LANIER. I think a weapon of that caliber in the general public is a danger, yes.

Chief MORSE. A weapon of that caliber certainly in the hands of someone who intends to do harm is of grave concern to me.

Mr. HAY. Yeah, it's really the same answer as the last time. We're going to take enforcement action on firearms regardless of the caliber.

Ms. MCCOLLUM. Well, Mr. Chair, I would like to thank you for holding this hearing today. H.R. 6691, supported by the National Rifle Association, would prohibit the District of Columbia from doing exactly what the State of California has done by banning these weapons. It's not only an insult to the people in the District, it is a potential danger to anyone who lives or works or visits the city.

Mr. Chair, I yield back.

Chairman WAXMAN. Thank you very much.

Ms. Foxx.

Ms. FOXX. Thank you, Mr. Chairman. I think the level of hyperbole here has reached a new high in terms of the suggestions about what would and would not be allowed under H.R. 6691. I would really like for somebody to show me in the legislation where they can point to what is being alleged here. I think that what my colleague Mr. Burton said needs to be repeated over and over and over again in this hearing. Clearly the D.C. gun law has failed in terms of trying to hold down the crime in this city, since it is one of the highest crime cities in the country. And I find it really astonishing that the elected officials and appointed officials here would continue—want to continue practices that clearly do no good for the citizens and in fact create harm. You are appointed and elected to protect the citizens. And when you continue to do things that clearly don't bring that result it's hard for me to understand.

I think it was Einstein who said stupidity is continuing to do the same thing and expecting a different outcome. So continuing to try to ban citizens from owning the guns that the Constitution says they can own and expecting a different outcome, I really find that unbelievable.

And the comment by the Chief that it is sufficient self-protection to have a handgun, what an arrogant comment to make about what the citizens of this country ought to be doing. The D.C. City Council should decide and this Congress should decide what is sufficient self-protection when we have a Constitution that clearly states the right of the citizens to keep and bear arms shall not be impinged by the Congress of the United States. I find that incredible.

What I would like to know is what else are you doing to try to hold down the crime rate or to cut down the crime rate in the Dis-

trict of Columbia other than banning guns, which has clearly not worked? And my question is only to the Chief. Because as somebody else has pointed out, the three gentlemen here are simply window dressing for this event. It's only the Chief who should be answering this.

So would you please tell us, is the District of Columbia doing anything else to try to reduce the crime rate here?

Chief LANIER. First I would like to clarify one point. I would like to clear up misunderstandings. I don't write law. I enforce it. That is my job. Political appointee, designee, career law enforcement officer. My job is to enforce law. I don't make it.

Second, I would like to say, in terms of using the gun ban or whether guns are allowed or not allowed as the sole measure of what is behind crime or violent crime in America I think is absent additional thought that is needed. There are a lot of things that go into violent crime. Any one factor, whether we have a gun law or don't have a gun law, is not going to turn around people who carry out violent crimes overnight. It is a variety of factors that impact violent crime in this city and every other jurisdiction in the United States. So I just want to make sure that you understand that, 18 years in policing, there is a lot of things that impact why somebody would carry out a violent crime. It is not just whether they have access or don't have access to a firearm.

In terms of addressing what else we are doing to deal with crime in the District of Columbia, there is—again, I could spend hours discussing all of the things that we are doing in the District of Columbia from a variety of different agencies other than law enforcement. Much of the puzzle of what needs to be solved to deal with violent crime in the city is not solely law enforcement. There is a variety of social issues that have to be dealt with as well. And I think the administration has put the effort behind that through the rest of the agencies in the District. So I think that will require a separate hearing for me to sit and discuss all the things that we are doing to combat violent crime.

Ms. FOXX. Well, I would be satisfied if you just gave me two that are in your department.

Chief LANIER. Give you two? As a government, the mayor has put forth in the focus improvement areas in the city where we are taking out social services, drug and alcohol treatment, some of those other things that are actually driving crime issues around the city, taking those out in the neighborhoods where those crimes are occurring. And it is having a huge impact on violent crime.

In fact, I should at least get my own commercial in: Armed robberies are down 15 percent this year, and shootings are down 12 percent. We are right now below our homicide rate for the previous year. And I think we are starting to have some impact with some of our crime strategies and initiatives around the District of Columbia and throughout the region.

We also are doing multiple programs within the police department to seek out those who are repeat violent offenders and target those repeat violent offenders. So I assume that would be sufficient, giving you a governmentwide strategy as well as a department-wide strategy.

Chairman WAXMAN. The gentlelady's time has expired.

I am impressed you are able to figure out things to do that the Congress didn't tell you to do right here at the self-government of the District of Columbia. I commend you on it.

Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman. I want to thank you for holding this hearing.

I think it would be fair to articulate the difference between the sides here by saying that we on this side do not believe that the protection of constitutional rights of citizens to be safe in their homes necessarily requires or is served by a law that allows all citizens to be able to carry loaded AK–47s in public within the District. That is not a fine point, but that is the one we are discussing here.

Chief Morse and Chief Lanier, I would like to ask you about security right here on Capitol Hill. And it is my understanding that there is a Federal law that prohibits people from carrying firearms on the Capitol grounds, section 5104 of Title 44 of the U.S. Code. So regardless of the law off the Capitol grounds, this Federal law does in fact create a prohibition so that if you come into the area near the Capitol or the House and Senate office buildings with a gun, you are breaking the law. Is that correct?

Chief MORSE. That is correct.

Mr. LYNCH. OK. I am going to ask you some obvious questions, and I apologize for that, but I think, in light of the previous questions, it is necessary. We all know that the threat of gun violence on Capitol Hill is not a theoretical question. As a matter of fact, I know that several weeks ago I joined both of you in a 10-year anniversary. Back on July 24, 1998, an assailant stormed the Capitol and shot and killed two of your brave men, Chief Morse, Detective John Gibson and Officer Jacob Chestnut. And just to point out the difficulty that your folks face, the Capitol Police as well as all of our law enforcement here, last Friday, we had another incident, a gun incident here at the Capitol. And I have some—you could look at the screen here. Your officers, it is my understanding, arrested a man with an AK–47 and a grenade and other materials on the corner of Second Street and Independence Avenue, right outside the Capitol. I know that all my colleagues in Congress received multiple alerts on our BlackBerry devices here, and the area was cordoned off. And it was an excellent job on the part of all of law enforcement up here on the Capitol, and we really appreciate it. But what I am trying to do is use this incident as an illustration of the difficulty in administering the law that the NRA and my colleagues on the other side of the aisle there proposed.

Now, there is also a diagram that I have, this is obviously at the foot of the Capitol—let's see, no, that is not it. How about the map? There is a map. There you go. OK. That red dot that you see is the area of the incident that occurred on Friday, where the gentleman was grabbed with the AK–47 and the grenade. That is right on the border of what we would call in this case the federally administered Capitol grounds. That yellow line that you see underneath the red dot is actually the border. So, correct me if I am wrong, under the law that is being proposed by the NRA, an individual could stand on one side of the street off of the Capitol

grounds with an AK–47 legally, a loaded AK–47, and not be in violation of the law. Is that right, Chief Lanier?

Chief LANIER. That is correct.

Mr. LYNCH. Chief Morse, you got the same read on that?

Chief MORSE. That would be correct.

Mr. LYNCH. OK. Now I want to ask you an obvious question. How does that create difficulty for you? And how does that put your folks at risk in trying to administer, you know, a regulation or a law like that in the circumstances that we find ourselves here in the Capital city of the United States?

Chief LANIER. Obviously, there are a lot of events that occur on the grounds of the Capitol. There are protest marches and concerts and other things that occur on the Capitol grounds. So, technically, to be outside of that line and standing outside, if this was passed, you would not be in violation of the law but still in direct relationship to the Capitol grounds.

Mr. LYNCH. OK.

Chief Morse.

Chief MORSE. One of the impacts or implications to my agency would be that our officers would need to enforce or be vigilant about two different laws. So, in one instance, under the Title 40, 5104, they would be able to make an arrest in that case, and then—and certainly see that perhaps as a threat, depending upon the actions of the subject. With regard to outside our jurisdiction, or just outside our jurisdiction, or within the extended jurisdiction zone the Capitol Police has responsibility in, we would in fact honor a different law. So there would be a training implication and certainly one that we would have to be very proficient in because it is an officer safety issue as well as a public safety issue. So we would have to be well versed on the, as we are, on the primary jurisdiction and where that starts and stops as well as the, you know, requirements of the law.

Mr. LYNCH. OK. Thank you.

Mr. Chairman, I am going to yield back, but I do want to say thank you to all of you for the work that you do and the people that you serve on behalf of all the Members of Congress and of all of our families.

So thank you very much.

Chief LANIER. Thank you.

Chairman WAXMAN. Thank you, Mr. Lynch.

Now to Mr. Bilbray.

Mr. BILBRAY. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate and thank you for holding this hearing.

As a former mayor of a small town and a chairman of a county of 3 million, I supervised law enforcement for small and large jurisdictions. And it is interesting to see how we have reached this day.

I think, Chief, what year was it that the gun ban was implemented in Washington, DC?

Chief LANIER. 1976, 33 years ago.

Mr. BILBRAY. 1976? And the Supreme Court ruled it was unconstitutional. And I think that the concern was now the response by the city on this was unconstitutional, because it basically took a whole category of firearms and outlawed them. And now trying to

respond to the fact that as the Constitution gives local control to other cities, does not give local control to this city, Congress has delegated that authority. Can't delegate the responsibility for the results, so that is why we are here today.

Chief, what is the most powerful handguns available to the general public in the United States today?

Chief LANIER. I would have to defer to my gun expert. Semiautomatic handguns?

Mr. BILBRAY. No, I said what are the most powerful handguns generally? Would you agree that the 44-Magnum——

Chief LANIER. 44, 45.

Mr. SHELTON. I would say the 44-Magnum.

Mr. BILBRAY. 357-Magnum?

Mr. SHELTON. Very close.

Mr. BILBRAY. Are most of those revolvers?

Mr. SHELTON. Yes.

Mr. BILBRAY. And that has traditionally been the fact.

Chief, what is the difference when you pull the trigger of a double-action revolver and you pull the trigger of a semiautomatic pistol?

Chief LANIER. A single-action releases, fires——

Mr. BILBRAY. Double-action, I am sorry.

Chief LANIER. The difference is firing one round with a single action of the trigger versus firing multiple rounds with the action of a trigger.

Mr. BILBRAY. In other words, if I had a Beretta or a Colt 45, and I pull the trigger once on one of those, it would continue to fire, or would it only discharge one round?

Chief LANIER. No, it would only discharge one round.

Mr. BILBRAY. And what would be the results of the 44-Mag or the 357 if I pulled the trigger once with a double action?

Chief LANIER. One round.

Mr. BILBRAY. One round. So it is basically the same. Every time you pull the trigger, you get one round out there. You don't spray the neighborhood with bullets, right?

Chief LANIER. Correct.

Mr. BILBRAY. OK. Your concern was the fact that with the semiautomatic is the issue of how large a clip may be legally produced or may be possessed to be able to go with a semiautomatic, right?

Chief LANIER. Correct.

Mr. BILBRAY. You were how many years in law enforcement, Chief?

Chief LANIER. 18.

Mr. BILBRAY. 18. Maybe because I have been around doing this for over 30, I may be dating myself now. In those 18 years, did you carry a revolver as your side arm?

Chief LANIER. No.

Mr. BILBRAY. OK.

Gentlemen, any of you?

Chief MORSE. I did.

Mr. BILBRAY. OK.

Mr. HAY. I did as well.

Mr. BILBRAY. Do you have experience with the use of a speed loader with the revolver?

Chief MORSE. Yes, I did.

Mr. BILBRAY. How long does it take you to reload a revolver with a speed loader?

Chief MORSE. I was pretty proficient, so——

Mr. BILBRAY. A couple seconds?

Chief MORSE. A couple second, I would say, yes.

Mr. BILBRAY. Couple seconds. My point is that the assumption that a revolver somehow can fire so many bullets continuously over a period of time as opposed—I mean that an automatic, semiautomatic can continue to spray bullets when a revolver, if it has a speed loader system available, can do not only that but probably more only because they have the ability to continue the rotation in a very fast way.

And Chief, I appreciate the fact that you are at a disadvantage because you weren't trained in the use of a revolver with a speed loader, but I think the argument against the semiautomatic pistol really gets neutralized when you realize there is—the availability of a speed loader neutralizes that whole thing.

So what we are talking about is in D.C., Washington is talking about having the most powerful handguns available, is a revolver, but not if they are semiautomatic.

The question, Ronald Reagan's shooting, what kind of firearm was used to shoot Ronald Reagan?

Chief LANIER. That was a revolver, 38.

Mr. BILBRAY. It was a revolver.

At that time, was it illegal to possess handguns in D.C.?

Chief LANIER. It was—illegal to carry.

Mr. BILBRAY. How did that happen within the jurisdiction of the Federal District if it was outlawed and legal possession was denied within D.C.? How did the Hinckley situation occur? Where did he get his gun? How did he perform this while this law was in effect?

Chief LANIER. He violated the law. He was a criminal.

Mr. BILBRAY. OK.

How many murders have been committed with handguns since the ban was put in? Anybody know?

Chief LANIER. I don't know off the top of my head.

Mr. BILBRAY. I think we are talking about roughly about 6,000, I think.

Ms. NORTON [presiding]. The gentleman's time has expired.

The gentleman's time has expired.

Mr. Van Hollen.

Mr. VAN HOLLEN. Thank you, Madam Chairman.

Thank you all for your testimony here today. You know, everybody on this committee and this Congress is for giving people more local control and local decisionmaking until it comes to the District of Columbia, when everybody decides to substitute their judgment for the people of the District of Columbia based on the recommendations of those who are charged with law enforcement authority in the District of Columbia.

Now, I don't think anybody on this panel would dispute the fact that the District of Columbia now has to conform its law to the recent ruling of the Supreme Court based on this provision. No one disputes that, right?

OK. So the issue here, and I think it is important for people around the country to understand, is the District of Columbia understands it has to have a new law that conforms to the Supreme Court ruling. The question is whether or not they have the ability, the people of this city, based on recommendations of law enforcement, to enact that law based on democratic principles. And what we have today is a bill that says, no, you can't do that; the people of this city cannot exercise their democratic rights in this area because we are going to big foot them, and the Congress is going to come in. And in fact, we are going to prohibit you from passing laws to regulate guns that have been adopted by the surrounding States, including my State of Maryland and including the State of Virginia. Because there is a provision in this bill that reads the District of Columbia shall not have the authority to enact laws or regulation that discourage or eliminate the private ownership or use of firearms. And the word "discourage" there is obviously very ambiguous. And I don't know if you have had a chance to have your lawyers look at it, but in the State of Virginia, as in the State of Maryland, we have limitations. For example, we have a one-gun-a-month limitation. We say that you can't purchase more than one gun a month.

Under your reading of this law, would that prohibit the District of Columbia from enacting a statute to limit guns to one gun a month? Have you had a chance to look at that issue yet?

Chief LANIER. From what my legal advisers tell me, it is very broad language.

Mr. VAN HOLLEN. Right. I mean, you could easily read "discourage" to say well, that would discourage people from getting as many guns as they want, right? It would.

Chief LANIER. Right.

Mr. VAN HOLLEN. And so you wouldn't have that authority. Then there is the provision in here that says we are going to eliminate the anti-gun trafficking laws, the laws in this country that prohibit transport of guns across State lines. Do you know of—is there any other jurisdiction in this country for which that prohibition, Federal prohibition, would be eliminated?

Chief LANIER. Not that I am aware of.

Mr. VAN HOLLEN. All right. So now if you are a resident of the District of Columbia you can cross the line into my State of Maryland or the State of Virginia, you can buy a gun there and bring it across the state—the D.C. state line without any limitation. Isn't that right?

Chief LANIER. Correct.

Mr. VAN HOLLEN. OK. So let me ask you, with respect to registration, we know that is expressly prohibited here. Assault weapons, expressly prohibited. From a law enforcement perspective, is there any reason you can see why the District of Columbia would be denied the ability to enact local laws that it thought were important to protect its citizens, deny it the opportunity that other States and jurisdictions are given? And in fact, won't it make your job that much harder to do what you have to do?

Chief LANIER. From a law enforcement perspective, that significant change in the law would make my job much more difficult.

Mr. VAN HOLLEN. Right. Would it make it harder for you to protect the citizens of the United States and visitors here in the Nation's Capital?

Chief LANIER. It would.

Mr. VAN HOLLEN. Thank you, Madam Chairman.

Let me just close by saying that again, there is no dispute here the District of Columbia has to conform its laws to the U.S. Constitution. The question is, you know, what process do we use to go about making those changes? And you got a lot of people here in Congress that all of a sudden have decided to substitute their judgment. And the question is the rights of the citizens to enact the laws to protect themselves and the safety of this city. This is a mistake, this piece of legislation.

Thank you, Madam Chairman.

Ms. NORTON. Before I call on my friend, Mr. Mica, I would like to correct a factual error that has been made throughout this hearing, not by the prior speaker. There has been some, perhaps not deliberate, attempt to belittle the presence of Federal officers here. I would like to make clear that the Capitol Police enforce D.C. law in the extended jurisdiction; that the Park Police enforce D.C. law throughout the District of Columbia. These are Federal police who have been called precisely because they enforce both Federal law and D.C. law.

I am pleased to recognize Mr. Mica.

Mr. MICA. Well, thank you. And I am glad that you made that clear.

And no one here has a vote on the D.C. Council, do they? Yeah. You are executing policy. And I am sorry that you are being subjected to some of this, but you know, it is show time in Washington right now. But beyond show time, there are some basic fundamental questions that need to be resolved. And irrespective of what one of my colleagues said, what is Congress doing here, he just needs to look at Article I, Section A, Clause 17, which does give the Congress of the U.S. jurisdiction to oversee the District.

When I first came to Congress, the District was in total disarray. One of the things that I will remember best as a Republican is that we took the District over. We put a control board in, brought in a chief financial officer. I have kept the articles of the disarray of the District. Sometimes you couldn't drink the water. One of my favorite stories is the Washington Post did a little test, and you could dial 911 or you could order a pizza. And the pizza actually came before the emergency vehicles. The District building looked like a Third World outpost. The mayor I guess had been arrested I guess for doing drugs. It was shameful that the Nation's Capital had fallen into such disrepair.

But we took responsibility then, and I am very proud of the District. The boarded-up buildings are gone. They were running three-quarters of $1 billion deficit. Now they have done much better. And the District is a totally different place. And we gave it back.

But I have a fundamental question. And the only thing that gets in the way, again, is the Constitution. I remember, too, a young man who worked for one of my colleagues who came here and had a handgun, and his apartment was broken into. He brought it in, didn't realize there was a ban in the District, and someone broke

in, robbed the thing. He shot him. He was charged, and the burglar was let off. And we have come a long way from that to the Heller decision, which again would allow people to defend themselves. Does anyone know of an instance in which a gun was registered someplace else and the person who was registered came in and committed a crime in the District?

Chief Lanier.

Chief Morse.

Do you have any——

Chief LANIER. I would have to research that. Not that I am aware of. It is not something that would be brought to my attention.

Mr. MICA. How many murders have there been in the District this year?

Chief LANIER. 129.

Mr. MICA. How many?

Chief LANIER. 129.

Mr. MICA. How does that go to last year?

Chief LANIER. It is below last year.

Mr. MICA. It is? This is a great city. Incredible people. It has an incredible history. We don't want one murder in this District. But the fundamental question is the constitutional question, do the citizens have the right to bear arms? And you know, some folks want to limit that. Some folks want to expand those rights that are given by the Constitution. And I am sorry, again, you are subjected to this. Most of the murders, though, are done with guns that are illegally obtained, is that not correct? Are you aware of that?

Chief LANIER. Correct.

Mr. MICA. Correct. And no one knows of an instance where one weapon has come in which is legally registered where they have committed. Most of the crimes revolve around drug trafficking. Is that not true?

Chief LANIER. I would say the majority of violent crimes, yes.

Mr. MICA. Yeah. Well, I served—one of the subcommittees is Criminal Justice Drug Policy, and I saw the slaughter here and Baltimore and other places. And the only thing that makes it change is zero tolerance. I admire what you did in blocking off some neighborhoods. But I think if you just look at what Giuliani did in Washington, you could still walk almost anywhere in D.C.—I mean, in New York City, day or night in New York City with a tough enforcement policy. And that is going to be what is going to make a difference, not what you do—not what we do with prohibiting or restricting law-abiding citizens from having weapons.

Yield back the balance of my time.

Ms. NORTON. Thank you, Mr. Mica.

And the last Member to speak is Ms. Speier.

Ms. SPEIER. Thank you, Madam Chairwoman.

You know, I find this bill to be preposterous. And to go from a Supreme Court decision that says to the District, you have to amend the existing law to this particular measure is beyond comprehension. And I think as one of the few Members in the House that has actually been shot five times, I can say that I think anything like this particular bill is going to do nothing but harm in the District.

Let me ask Chief Lanier this question, you testified that there are more than 40 dignitary motorcades a month here in the District. Is that correct?

Chief LANIER. Thirty-five to 40 on average. Foreign dignitaries, heads of state that we are responsible for protecting, yes.

Ms. SPEIER. So, over the course of a year, there is more than 500 of these motorcades, some of them not of domestic dignitaries but of foreign diplomats and dignitaries. Is that correct?

Chief LANIER. That is correct.

Ms. SPEIER. So my understanding is that this NRA bill would allow the District of Columbia residents to legally own and possess unregistered firearms, including high capacity handguns and semi-automatic rifles in their homes and in their businesses, and allow them to hold these guns along motorcade routes, for instance, legally. Is that correct?

Chief LANIER. That is correct.

Ms. SPEIER. How would this particular bill affect your ability to protect these motorcades?

Chief LANIER. If you have seen a motorcade proceed through the District, the lead of all motorcades, the majority of the motorcades are led by motorcycle officers from the Metropolitan Police Department. Sometimes Capitol Police, Park Police, Secret Service. The motorcycles are used in the lead of that motorcade because of their agility to move through and stop traffic to keep the motorcade moving. It would be—in cases that, again, that I cited earlier where attacks on motorcades had occurred, it is the use of a firearm to attack those lead motor officers, those lead security detail officers in an effort to just cause a choke point and slow that motorcade just long enough to use another type of weapon to attack typically the motorcade or armored vehicle that the dignitary is in. That is our biggest concern with motorcade routes and what is known to have happened in terms of attacks on motorcades.

Ms. SPEIER. So it is safe to say that it would make your job more dangerous and endanger those dignitaries as well?

Chief LANIER. As well, yes.

Ms. SPEIER. Let me ask you this basic question that is posed by the hearing. Now, after 9/11 we became extremely conscious and aware of the kinds of threats that terrorists can create, particularly here in Washington, DC. There is no question that this city is a target for terrorists. Do you think that this bill will help Homeland Security efforts in this Nation's Capital or make it more difficult?

Chief LANIER. I think it will make it more difficult for my job as the police chief.

Ms. SPEIER. Thank you.

I yield back.

Ms. NORTON. Thank you very much.

I want to thank today's witnesses, the Federal witnesses who enforce Federal and District law, Chief Lanier, who is a member of the team, the Homeland Security team of the Federal Government, as well as, of course, the chief of the Metropolitan Police force. We appreciate your coming to describe the effect of H.R. 6691 on Federal security and law enforcement. This hearing is adjourned.

[Whereupon, at 12:32 p.m., the committee was adjourned.]

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