BAN ON MILITARY-STYLE WEAPONS

Mrs. FEINSTEIN. Mr. President, it would appear that the leadership of the other House is threatening to repeal the ban on military-style assault weapons. They promised to hold a vote before the Christmas recess.

According to information from the Speaker's staff, he is apparently hoping to sneak the repeal through the House of Representatives in the rush to finish business before the Christmas holiday. Although they work in the House, it will not work in the Senate.

I wrote this legislation. It was incorporated into the 1994 crime bill. It was passed by both the House and the Senate after substantive and prolonged debate. It has been in place for just 14 months. It passed with bipartisan support. It is my commitment, if this comes to the floor of the Senate, to keep the Senate throughout the holiday break, if necessary, if the attempts to repeal this legislation move forward.

This legislation specifically protects legitimate uses for hunting and recreational purposes. Congress can either side with the citizens of this country who are overwhelming in number who want assault weapons off their streets or they can side with the National Rifle Association whose selfish ‘I want it my way’ persists no matter what. The choice should be clear to all of us.

For the purpose of those who are new to the Congress and for those who may have forgotten some of the facts brought out in the debate in the last session, allow me to summarize why this legislation is so important.

First, removing military-style semiautomatic assault weapons has the widespread support of our citizens. A Los Angeles Times national poll conducted between October 27 and October 30 of this year showed that 72 percent of the people surveyed support maintaining the ban on assault weapons.

There is bipartisan support for this legislation. Presidents Reagan, Carter, Ford, and Clinton endorsed this legislation during its debate in 1993. Republican and Democratic elected officials from across the country endorsed it, including Republican mayors Rudolph Giuliani of New York and Richard Riordan of Los Angeles. Every major law enforcement group in this Nation, including both rank and file and law enforcement management, oppose the repeal.

And groups representing 90 million Americans have endorsed the ban on assault weapons. These include physicians who have seen what assault weapons do to human flesh, educators who live daily with the militarization of our schools, clergy who counsel the victims, victims who have seen their loved ones torn apart, trauma physicians whose emergency rooms look like military hospitals; the majority of the American people who say “enough is enough” in this gun-happy country.

My home State of California knows all too well the tragedy of assault weapons. There are incidents that really led to my resolve to make this the main priority of my legislative agenda in 1993, and I want to go through them.

In 1984, in California, the name of James Huberty walked into a McDonald’s in San Ysidro with an Uzi. He killed 21 people including 5 children; 19 were wounded. Huberty was an unstable drifter, with a weapon modeled after an AK 47, walked into a Stockton schoolyard and, for no reason, fired 106 rounds. Five children were killed, 29 were injured.

Then on July 1, 1993—and this did it for me—a lone gunman carrying two Intratec TEC DC-9 semiautomatic weapons, a pistol and 500 rounds of 9 millimeter ammunition walked into the Pettit & Martin law firm on the 33rd floor of 101 California Street, a Heinz-designed high rise in the middle of downtown San Francisco. He opened fire. Eight people died, six were wounded.

This is the specific action which galvanized it for me. I think the American people needed a little bit more about it and how this happens.

These were the weapons he carried. These are the 50-round clips, the 30-round clips he carried, and so on. This is the gentleman—this is Gian Luigi Ferri. He did not buy these weapons in California because California had a law. He went across the border to Nevada and bought them. He died on the stairwell of this building. He was only stopped when he was trapped in the stairwell between floors after an employee pulled the fire alarm and that locked all the doors so he could not escape.

This is what Pettit & Martin looked like. These are the shattered windows of the office, the bullet holes through the windows—indiscriminate shooting. And then we get to the victims. These are a few of the people who died that day. Specifically, Judy Sposado, who is 30 years old. She was the first victim killed by Ferri. She worked part time at a Lafayette, CA, company which organizes corporate conferences. She was just visiting 101 California Street on July 1 to file a deposition. She was shot five times. She left a husband, Steve Sposado and a 9-month-old child at the time by the name of Meghan. Both Steve and Meghan came back numerous times to testify on behalf of this legislation.

This is a young attorney, Jack Berman, 35 years old. He was representing Judy Sposado, who lies next to him in the photo, when he was killed by Ferri. He was a young labor lawyer. He was married. He was about to celebrate his third wedding anniversary with his wife Carol just 1 month later. The two have a baby boy. This below is Mike Merrill, whose wife and children I have had the pleasure of knowing. Mike was a vice president of the Trust Co. of the West. He was shot through the glass of his window as he sat at his desk. You can see
his cup of coffee. You can see his computer is still on. Ferri, though, shot him. Mike crawled under his desk, and Ferri returned, shot through the desk and killed him.

Mike’s wife Marilyn and two children, Kristin, 5, and Michael, 3, now reside in the dream house that Mike helped to design.

Now you know why I feel so strongly about this legislation. There is a reason why so many, from so many walks of life, have stepped forward to lend their support for this legislation. Our police officers, our children, our family members, are being gunned down by re- vengers, drug dealers, gang members, carrying military-style assault weapons.

No question about it. The AK 47 is the gun of choice among gang members. They are killed on street corners, in high rise office buildings, in front of shopping malls, in fast food restaurants. In the last 15 years, in Los Angeles alone, we have died as a result of gang—9,000 people.

Here are a few facts. According to a search of newspapers throughout the country conducted by my office, in the last 7 months, since it was rumored that San Jose would try to repeal the assault weapons ban, there have been 76 incidents involving assault weapons in 25 States in which 37 adults were killed, 40 were wounded, 7 children were killed, and 6 were wounded; 9 police officers were killed including 1 FBI agent who were wounded. The assault weapon is also the gun of choice if you are going to go up against a police officer. If he is carrying a six-shot .38, he does not have a chance.

In both California and throughout the Nation we are seeing police officers outgunned. Here the assault weapon again gives the edge to the perpetrator.

An off-duty San Francisco police officer, an outstanding police officer, often the first to the scene of a crime. I attended his funeral.

He had received a call that there was a man with a gun at an intersection. He raced in this squad car to the intersection. He was armed with a six-shot service revolver. The gunman that he faced at the intersection had more ammunition than the entire compliment of 101 police officers that eventually came to the scene to try to stop him.

The only way he was stopped—because he was clad in a Kevlar vest and a Kevarl hat—was because of the angle of the bullet that was able to penetrate him and eventually kill him.

I want to read a statement written about this by the commander, Richard Cairns, the captain of police, regarding this incident:

I implore you to do all in your power to stop this attack on the legislation that will save police officers’ lives in our country. I am not a person that can be described as an ‘antigu’ fanatic. To the contrary, I am a person who believes in the right to bear arms but we do not need assault weapons that are strictly people killers. I have seen and heard the damage these weapons can inflict, as a 20-year-old soldier in Vietnam . . . to see too many shooting victims on our streets as a San Francisco police officer, an officer trying to keep him alive after he was shot at Pine and Franklin Streets.

I must say that I am an outdoorsman, a hunter. I enjoy my trips to the mountains to carry on the great heritage of hunting and camping. But you will find no Uzi’s, TEC-9’s, or other such weapons of war in my house.

In February 1995, a rookie police officer by the name of Christy Lynne Hamilton, a 45-year-old mother of two, just 4 days on the job—she had been voted the rookie of her class—was gunned down by a 17-year-old boy armed with an AR-15 assault weapon.


In November of that same year in Washington, DC, an angry young man armed with the same TEC-9 assault pistol took the elevator to the third floor of the Metropolitan Police Department where he shot and killed three police officers.

On March 8, 1995, in Chicago, a rookie police officer, Daniel Doffyn, was killed by a known gang member armed with a TEC-9 assault pistol.

On April 26, 1995, in Prince Georges County, MD, officer John Novabilski was working at a local convenience store as an off-duty uniformed security guard when an assailant armed with a MAC-11 assault pistol shot him 10 times.

These and other senseless deaths are chronicled in a report entitled “Cops Under Fire,” prepared by Handgun Control, Inc. This chart, first of all, shows the number of law enforcement officers killed with assault weapons or guns sold with high-capacity magazines from January 1, 1994, to September 30, 1995. If you look at this chart, you will see, of all the weapons traced, 36 percent were with assault weapons or firearms with high-capacity magazines. Mr. President, 36 percent of the officers killed since January 1, 1994 have been with assault weapons. You cannot tell me this legislation will not make a difference.

The report also makes it clear, and this is very interesting, that the bad guys know how to find these weapons.

A 1991 survey of 835 inmates in 4 States—these are inmates now—found that 35 percent of them reported owning a military-style or semiautomatic rifle, and 3 percent of them were affiliated with gangs reported owning a military-style weapon. That is 53 percent of gang-oriented inmates in pris-
1994, when the law was not in effect for most of the year. The Handgun Control study found that assault weapons accounted for 41 percent of police gun deaths where the make and model of the weapon were known.

In 1995, this proportion has fallen to 28.6 percent, a significant decrease.

So cop killings with these weapons are down. Criminals have not switched from killing police with assault weapons to killing them with other guns. Police deaths from guns in 1995 are running 16.5 percent below the 1994 pace.

Yet, despite the hard facts, despite the sound reasoning, despite 72 percent of the American people wanting to sustain this ban, here we are once again waging the same battle. I am really amazed, and I have to ask people: What hunter needs an assault weapon to kill a duck when most States limit the number of bullets in a clip to three?

What hunter needs an assault weapon to kill a deer when most States limit the number of bullets in a clip to seven, and I think only one does it?

What target shooter needs a weapon of war to enjoy the sport?

Indeed, who besides drug dealers and hit men, revenue seekers and lustkillers find any utility in weapons intended to kill as many people as possible as quickly as possible? And how on Earth can we turn our backs on law enforcement's leadership and rank and file throughout the country?

So I urge every American to join this crusade. We must prevail. If the issue is raised in the Senate, I promise that the reasons to preserve this legislation will be exhaustively detailed for the RECORD time and time again. I promise that the stories of every victim of an assault weapon shooting that we can find will be told on this floor and that the horror that these weapons are bringing to our streets are made known.

In conclusion, I ask unanimous consent that some personal statements from family members who have lost loved ones to assault weapons gunfire be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Lindsay Hempel, who, as a 15-year-old school sophomore, saw friend, Mark Goodin, shot outside her home.

"I am writing this letter to you to show family's support for the Assault Weapons Ban. My husband's brother was murdered by a crazed murder and legally bought an assault weapon for the sole purpose of killing. My brother-in-law worked as an NCP in New York City.

"He was trying to point this madman out to the police when he made eye contact with his murderer and was shot once in the back. He died four hours later on the operating table. Everyone in New York City has called him a hero, but it is no solace for the people he left behind.

"We are apprised that Congress is trying to overturn this ban. Theron was murdered a few weeks before the ban went into effect. Had it been in effect, maybe my brother-in-law would still be alive.

Carole Montgomery, on the death of her 17-year-old son, Willie Browning Brooks IV.

"One bullet fired from a .45-cal. gun killed my son's back, as he opened the screen door to his friend's house. Willie dialed 911 for help. That call was the last living act he finished, before collapsing and losing his life.

"Five months short of his eighteenth birthday, one bullet, fired from an AK-47, shattered my whole being. An assault weapon of mass destruction with access to it ended Willie's dream of becoming an adult and a productive citizen in this America we call civilized.

"My last memory of my child, that slips within my dreams, is my son laying on a gurney, eyes half opened and lifeless. How could I, as any mother would, ask this 104th Congress, as well as Senator Bob Dole, 'Was I in error to raise my son to live in a civilized society or would military training have been more appropriate in sustaining his life?' If in fact this is a civilized society, the assault weapon must remain on the ban list.

"I cannot believe I loved so much back no matter how I cry or pray, but I can, in his precious memory, work to save others from the same fate. My son Will Browning Brooks looked to me for parental protection and guidance, and as his parent as well as a citizen of the United States, I am looking to you, the 104th Congress, for protection and guidance.

"Willie's death by gunfire is not acceptable to me. Not even one death by gunfire should be acceptable to any of us. These assault weapons have no place in any town, city or state in America.'"
Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

BALANCING THE BUDGET

Mr. CRAIG. Mr. President, for just a few moments I would like to speak about the budget and the happenings of this weekend on all the talk shows and the Presidential and Vice Presidential messages that were delivered to the American people. I guess I can tell you, Mr. President, while I remain not surprised by the message of our President and Vice President, I can tell you that I am highly disappointed, for it is they who over the weekend threatened a Government shutdown if they could not get their way with the Federal budget. They would like to argue that it would be the fault of the Congress, but it was Congress that sent to the President this last budget and it was the President who vetoed that budget, and then sent to the Hill a budget that was not even within the agreement that he had struck less than 2 weeks ago. As a result of that, he now proposes for the Congress to reconvene a budget conference where as of trillion dollars of difference between the White House and the Congress of the United States.

The Washington Post, which is not known for its conservatism, I thought had an important observation in an editorial on the 12th when they said the President's latest budget proposal, his third this year—in other words, twice he has not been able to get it right—is a disappointment. Even the President to its past underpinnings of being reduced to try to bring the budget into balance.

Mr. President, I challenge you to go dry, to take an Alcoholic's Anonymous approach to this—in other words, cold turkey it. That is what the American people are asking for, that you do not keep asking for more and more money, more and more spending, more and more of their hard-earned money, but leave it where it is. Come to the table, balance the budget, and start thinking on the positive side of a balanced budget instead of the negative side that somehow some Government program might be cut.

What is the positive side? Well, as you know, Mr. President, there are many, many positives. A lot of us have talked about it in the last few days here about the ability of families to have more money to spend or to save, about the ability of the economy to grow and have a greater level of jobs, to see our unemployment rate continue to go down. Mr. President, I really believe that is what the American people would like to hear as a message from Santa Claus on Christmas, is that the budget is going to be balanced, and that we are going to stay within our spending limits and that what New moneys might be found could be applied to the deficit.

Mr. President, I will tell you that the revelation over the weekend that there might be another $100 billion worth of spending, while the American people watch what you say and listen to what Congress says, they happen to fear that kind of Santa Clausism right on the eve of Christmas, because they are very fearful that the party that now clings to its past underpinnings of being spendaholics can simply not get away from it. The budget you have sent to us, Mr. President, clearly is reflective of the fact that the Democrat Party of America today cannot get away from the old habits that it had in the past, and that was, the solution to every problem was a new Government program and a huge chunk more spending of the Federal budget or, more importantly, the money of the taxpayers of this country.

So, Mr. President, the American people on the eve of Christmas are watching and saying, "What will the Congress do? Will the President do? Can they strike a budget agreement this week? Will they develop a continuing resolution that goes on after Christmas? Will they be able to break with the past and truly begin to reduce the spending and that the Government's budget into balance? Will they really remember that the taxpayers of this country are being taxed more than ever in the history of our country?" And yet, when we work the numbers a little bit, and we find an extra $100 billion between now and the year 2002, there appears to be no consideration to apply it to deficit, only to apply it to a Government program, largely because somehow some Government program might be cut.