

CARL WEBER

STONINGTON, CT

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Good morning,

I would like to address some issues today that I believe will enhance and improve the ability to allow only lawful and legal owners to obtain firearms lawfully and legally. The points I will make do not require any new gun control or gun bans or limiting magazines. What I will discuss is what I believe is common sense when it comes to keeping guns out of the hands of people who are prohibited from having them.

I would also like to state my sympathy for all the families of victims in Newtown and all the victims of gun violence. We as a nation should not tolerate the terror that some can inflict on this nation. That being said, we as lawful and legal gun owners should not have to be demonized as being the same as criminals, gangbangers, drug dealers and severely mentally ill and dangerous people because they carry out their terror with guns.

1. My first point is to discuss background checks and the effectiveness of the system that conducts the background checks.

Background checks are the only systematic way to stop felons, domestic abusers and other dangerous people from buying firearms. The National Instant Check system - NICS as it is referred to is the current system that is used to determine the eligibility of a prospective firearms purchaser.

From the FBI.gov NICS website:

When a NICS background check is conducted, the name and descriptive information of a prospective firearms purchaser is searched against the name and descriptive information of subjects of records maintained in the databases searched by the NICS. The NICS Index is a system of records developed by the FBI exclusively for the NICS that collects and maintains records *voluntarily submitted* by local, state, tribal, and federal agencies of persons who exhibit a federal firearms prohibition.

That's right the FBI admits in writing on their website that records submission is voluntary. In all actuality, the agencies are legally required to submit records to NICS, but few federal and state agencies submit few if any records. The number of records submitted to NICS is underwhelming. Here are some numbers for comparison: From data taken from the NICS website FBI.gov

NICS has conducted 160,474,702 background checks since Nov 1998 through year end of 2012.

NICS rate of denied applications is on average 0.6 % of all applications since 1998.

On average, 12% of the denied applications are appealed and overturned which means that only 0.53 % of all applications are ultimately denied through NICS.

These are figures directly from the FBI.gov NICS website.

The reason for the abysmal denial rate is the limited number of records contained in NICS. As of Dec 31, 2012 NICS contains 8,323,931 records. (FBI.gov statistic) That may seem like a big number, but compare that to the over 160 million background checks or the over 300 million people we have in this country.

That's 1 record for every 37 million Americans. That's 1 record for every 20 million background checks.

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The NICS Improvement Act of 2007 requires by law, federal agencies to submit mental health, substance abuse and other records that prohibit a person from owning a gun to NICS. However, as previously stated, few agencies comply. In October 2011, the FBI provided reporting data on 60 federal agencies. Of those 60 agencies, 52 had given zero mental health records to NICS. The vast majority of those records had been submitted by one agency, the Department of Veterans Affairs. Even fewer federal agencies are reporting drug abusers. Only three agencies — including the FBI and the U.S. Coast Guard, have submitted any substance abuse records, and the vast majority of federal agencies, including the Drug Enforcement Administration, have not submitted a single substance abuse record.

Twenty-three states and the District of Columbia have submitted fewer than 100 mental health records to the federal database. Seventeen states have submitted fewer than ten mental health records, and four states have not submitted any mental records at all.

Forty-four states have submitted fewer than ten records to the controlled substance file in the NICS Index, and 33 have not submitted any records at all. Even though federal regulations and policy establish that a failed drug test, single drug-related arrest or admission of drug use within the past year temporarily disqualify a person from legally possessing a gun.

President Obama has recently issued an executive order requiring all federal agencies comply with the law, but I have to question - what is the consequence of non-compliance to the law? So far – there is none. What is the consequence of non-compliance of an executive order? I guess we will have to wait and find out.

I urge you as legislators of this state to enhance the state of Connecticut's participation and compliance in the submission of records to NICS. You have the authority to accomplish this task. You also have the influence to encourage other states and federal agencies to comply. We have two senators and a congressman on the national scene lately that can promote this compliance. Senator Blumenthal has expressed his desire to demand background checks for not only firearms purchases, but also ammunition sales and pistol permit renewals. Many are proposing background checks for private sales to close the so called "gun show loophole". If the NICS system does not contain a meaningful number of records because most federal agencies are non-compliant along with many states including Rhode Island and Massachusetts why propose more background checks as a fix to the problem when the problem is the system itself.

Here are a couple of very unfortunate examples.

In 2007, an individual, whom I will not name, shot and killed 32 people at Virginia Tech before taking his own life. More than a year earlier, a judge had found him to be mentally ill—a determination that should have barred him for life from possessing a firearm. But the records documenting his profound mental illness were never submitted to NICS, and he was able to pass **several** background checks before buying the guns he used in the mass shooting.

On January 8, 2011, another individual, shot and killed six people and critically wounded 13 others in Tucson, Arizona, including Congresswoman Gabrielle Giffords. Reports indicated that he had a troubled past that included a drug-related arrest, an admission of drug use to the U.S. Army and suspension from community college for a pattern of disturbing behavior. He nevertheless passed background checks and bought firearms on **two separate occasions**, including the handgun he used in his alleged attempt to assassinate Congresswoman Giffords.

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Again I challenge you as legislators to lead as a state example – not to have draconian gun bans like some are proposing, but to be an example to challenge all states and agencies to have 50 million records in NICS by 2015. I arrived at that number with the following logic. There are 7 million people incarcerated in this country.

According the National Alliance on Mental Illness (NAMI) about 17 million Americans that are diagnosed with a serious mental illness, including major depression, schizophrenia, bipolar disorder, obsessive compulsive disorder (OCD), panic disorder, post-traumatic stress disorder (PTSD) and borderline personality disorder.

There are also close to 22 million people in this country who use illegal drugs according to the Substance Abuse and Mental Health Services Administration (SAMSHA.gov). That's about 44 million potential records within only three of the twelve prohibited categories that NICS searches for. I have no doubt the remaining 9 categories can produce 6 million records in the next two years.

I stated earlier that the NICS denial rate after appeals is approximately 0.52%. That still puts the actual denied applications over 800,000. In 2009, the Federal Bureau of Investigation referred approximately 71,000 such cases to ATF, but U.S. Attorneys ultimately prosecuted only 77 of them. I could not find any data on actual convictions. I have some notional data that stated between 0 and 5, but I could not substantiate those numbers. However, the point I am trying to make is the system still produced 800,000 denials, but again there seem to be no consequence to breaking the law. Prosecuting and convicting these offenders is a goal broadly supported by legal and lawful gun owners.

Some states require that the local police department visit anyone who has been denied by NICS. A policy such as this would allow the police department to help the potential purchaser determine the reason for denial and help resolve any issues if an appeal is filed. It would also allow the law enforcement agency to make an arrest if criminal intent is determined. Granted this burdens the local and state police with increased responsibility and increased cost, but what if just one life is saved or if another massacre is prevented?

Also, if potential gun buyers know they will be approached by law enforcement, this alone may stop that person from attempting to make that purchase. I have to wonder if the Newtown gunman would have been stopped after his failed attempt to legally buy a gun if a policy like this was in place.

2. If gun safety is part of the equation to preventing gun violence then I offer that education is part of the solution. We teach drug and alcohol awareness, and we teach sex education in our schools because these things can change lives forever if careful and educated decision are not made. I suggest that firearms awareness and safety is part of the curriculum. This is **NOT** every teacher has a gun. This is teaching kids at every level of education what to do if they come across a gun – in school, on the street, at a friend's house, in their own house. This may not be palatable to everyone, especially at this time, but I think it needs to be part of a long term solution. My wife who is an educator in this state suggested this idea to me so that I might present it to you here today. How many times have we heard stories that parents starting wearing seatbelts when their young children asked them to wear a seatbelt after learning about safety items in kindergarten. The National Rifle Association (NRA) has successfully taught a gun safety curriculum to school children for decades. It is called the Eddie Eagle program.

There is one more idea I have to promote gun safety. It can be created as an outreach program through the local police departments. This program could be set up similarly to current car seat safety and inspections. We also advertise hazardous waste disposal in the local newspaper, town websites. I offer that the police departments

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can communicate in a similar way for gun turn ins, and times and locations for safety classes and training. The classes and training can be conducted by local instructors through a variety of public and private sportsman's clubs. The training aspect is no different than the Department of Environmental Protection advertising boater safety classes through various private and public organizations

I urge you to consider these proposals as common sense actions that can be done almost immediately with little resistance from either side of the 2nd amendment argument. Keeping guns out of the hands of criminals and seriously mentally ill people is the goal of everyone. The acts of terror and crime certain individuals carry out, are not only a serious threat to civilized society, but also give every law abiding gun owner a bad name.