

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE COUNCIL COMMITTEE ON PUBLIC SAFETY

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, 11/15/00
9 4:04 p.m.
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11 BILL 000659 - An ordinance amending Title 10 of the
12 Philadelphia Code, entitled "Regulation of
13 Individual Conduct and Activity" by adding Section
14 10-828 entitled Reporting Requirements Upon the
15 Application or Renewal of a License to Carry a
16 Firearm," by requiring upon the application or
17 renewal of a license to carry a firearm concealed in
18 a vehicle or one about the person of an individual,
19 certain reporting requirements, under certain terms
20 and conditions.

21 PRESENT:

22 COUNCILMAN ANGEL L. ORTIZ, Chairman
23 COUNCILMAN DARRELL L. CLARKE
24 COUNCILMAN DAVID COHEN
25 COUNCILWOMAN JOAN KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS-BROWN
COUNCILMAN FRANK RIZZO

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2 P R O C E E D I N G S

3 COUNCILMAN ORTIZ: Anyone who is here
4 for the lead in the water hearing, because the
5 Mayor announced a briefing at 4 o'clock this
6 afternoon and we're beginning this hearing on a
7 very specific issue that is very important, we
8 are not going to have time. And given the
9 importance of the lead in the water hearing,
10 we're recessing that hearing until Monday at
11 3 o'clock. We figured that we could not
12 adequately question and get information of the
13 School Board and the EPA in 45 minutes or an
14 hour. And so to act responsibly and to be able
15 to really bring out all of the information that
16 parents, such as myself that have kids in the
17 public school system, need to know about lead in
18 the water, we are recessing the hearing until
19 3 o'clock on Monday. We have very important
20 issues that we're taking on at 4 o'clock, and the
21 Mayor has called for a briefing of City Council.
22 So that is the reason we are recessing the
23 hearing on lead in the water until Monday.

24 Now we have before us Bill No. 000659
25 in this City Council Committee meeting on Public

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2 Safety. Darrell Clarke is present and Frank
3 Rizzo, Blondell Reynolds-Brown, Joan Krajewski,
4 and the Clerk will please read the title of the
5 bill.

6 THE CLERK: Bill No. 000659, an
7 ordinance amending Title 10 of the Philadelphia
8 Code, entitled "Regulation of Individual Contact
9 and Activity," by adding Section 10-828 entitled
10 "Reporting Requirements Upon the Application or
11 Renewal of a License to Carry a Firearm," by
12 requiring upon the application or renewal of a
13 license to carry a firearm concealed in a vehicle
14 or one about the person of an individual, certain
15 reporting requirements, under certain terms and
16 conditions.

17 COUNCILMAN ORTIZ: Thank you. It
18 seems that periodically this Council and this
19 legislative body has tried to advance the issue
20 of safety in our streets and safety for our
21 children. Every time we go through these things,
22 something happens that really brings everything
23 into a picture and clarifies the issue for those
24 of us who believe that guns kill people and that
25 we need to be able to have an understanding of

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2 what society needs to do to begin stopping the
3 proliferation of all types of guns in our
4 streets.

5 Obviously, this bill will confront
6 the most extreme pressures against it. We will
7 legislate it, and those individuals that do not
8 believe in the issue that guns have to be brought
9 under control will take it to court or take it to
10 the State House and the State Senate and we have
11 to be resolute that at one point in time
12 Philadelphia has to be made safe for all of the
13 citizens, especially our kids. Yesterday's
14 headlines really bring this into tremendous
15 focus. We need to do something about this. And
16 this time I think Councilman Clarke whose
17 district and our neighbor suffers through this, I
18 think is an idea whose time has come and an idea
19 that this Council has to wrestle and pass.

20 Councilman Clarke.

21 COUNCILMAN CLARKE: Thank you, Mr.
22 Chairman.

23 First I'd like to thank my colleagues
24 and members of the committee for considering Bill
25 000659. I'd like to thank the many people in the

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2 that in any way affects guns is preempted by
3 current State laws on this subject. In reference
4 to this bill, there are three provisions that
5 those who make that argument cite:

6 First, Pennsylvania state law states
7 in Chapter 18, Section 6120 of the Pennsylvania
8 Consolidated Statutes that no county,
9 municipality, or township may in any manner
10 regulate the lawful ownership, possession,
11 transfer or transportation of firearms. The
12 ordinance in front of this Committee does not
13 prohibit or restrict ownership or possession.
14 What this bill simply requires is simple
15 reporting what guns that a person has or
16 permitted to carry a concealed weapon. A person,
17 even in violation of this law, could still own,
18 transport, or transfer a firearm.

19 Second, Pennsylvania state law in
20 Section 6111.4 entitled Registration of Firearms
21 also prohibits any government or law enforcement
22 agency to create, maintain, or operate any
23 registry of firearm ownership within this
24 Commonwealth. This provision has not been
25 litigated since its enactment. It is entirely

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2 possible that this provision will prevent a
3 complete registry of all gun ownership. This
4 bill, even interpreted in the most contradictory
5 way, would only list guns owned by those who
6 apply for permit to carry those same concealed
7 weapons on Philadelphia streets.

8 Third, some have suggested that the
9 Uniform Firearms Act needs to be uniform. In
10 support of this contention, they cite Section
11 6109 of the Pennsylvania Consolidated Status
12 Title 18. However, the provision immediately
13 prior specifically creates provision for carrying
14 firearms on public streets or public property in
15 Philadelphia. This provision which was inserted
16 into state law many years ago underscores the
17 importance of the problem in Philadelphia as
18 opposed to other areas of the state. Further,
19 the ordinance does not add any more requirements
20 to current State law. The reporting requirement
21 is concurred with the application of a permit to
22 carry a concealed weapon. The application for a
23 permit is not contingent upon the reporting
24 requirement.

25 What this ordinance simply seeks to

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2 accomplish is to find out information regarding
3 those who have purchased guns and applied for a
4 permit to carry a concealed weapon. The current
5 Pennsylvania State Police form does not even
6 inquire as to what guns will be carried with this
7 permit. This information is critically important
8 as we help stop the serious problem of gun
9 violence.

10 The 1999 Firearms Trace Results
11 Report produced by the Philadelphia Police
12 Department and Bureau of Alcohol, Tobacco and
13 Firearms confirms that for the last three years
14 of the survey, identifies Philadelphia as the
15 major source area for acquisition of illegal
16 guns. Over 260 of the guns used in crimes
17 committed in Philadelphia were committed by
18 people under the age of 18. Worse yet, guns
19 purchased lawfully in Philadelphia are also
20 major contributors to crime throughout the
21 Delaware Valley region.

22 I hope that this bill will help to
23 solve the serious problem that gun violence
24 creates in our neighborhoods. I look forward to
25 your support in this issue.

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2 I also, by no means, feel that this
3 is the panacea. This is just one piece of the
4 puzzle. We have a long way to go as it relates
5 to firearms in our communities, and hopefully,
6 this bill today will spread a dialogue that will
7 ultimately end up into solving this very, very,
8 very bad problem.

9 Thank you, Mr. Chairman.

10 COUNCILMAN ORTIZ: Wayne Jacobs.

11 Wayne, Steven, come up, okay?

12 (Witnesses come forward.)

13 MR. BLACKBURN: Good afternoon,
14 Councilmembers. My name is Steven Blackburn.
15 I'm representing an organization X-Offenders for
16 Community Empowerment. It is an honor for
17 X-Offenders for Community Empowerment to have the
18 opportunity to testify about reducing the flow of
19 illegal guns into the hands of the unauthorized.
20 In 1998, the Philadelphia Police recovered 5,504
21 illegal guns; In 1999, 4,773.

22 In 1998, the Philadelphia Firearms
23 Trafficking Task Force initiated traces on 3,108
24 firearms which could be directly associated with
25 an arrest. 1,810 firearms could be traced to

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2 their sources. Another 1,298 firearms could not
3 be traced due to either serial numbers being
4 removed or for other reasons.

5 In 1999, the task force traced 2,886
6 firearms with 92 percent of these involved in the
7 top five crime categories: Violation of the
8 Uniforms Firearms Act, assault, narcotics,
9 robbery and murder. 1,906 of these firearms were
10 traced to their sources. 980 were unsuccessful
11 tracers. In these two years, 1998 and 1999,
12 2,278 untraceable firearms were confiscated
13 during arrests for crimes. 834 untraceable
14 firearms or 36 percent of the total had their
15 serial numbers obliterated. These firearms have
16 entered hands of the criminal element through
17 straw purchases or street dealing. Firearms with
18 obliterated serial numbers represent the
19 conscious attempt to conceal original ownership.

20 Firearms, unlike drugs, start legal
21 and become illegal. Drugs begin illegal and they
22 end illegal. Since firearms start legal, the
23 proliferation of illegal firearms can be
24 controlled.

25 The ordinance introduced by

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2 Councilman Clarke is a preventive action that
3 will reduce legal firearms from becoming illegal
4 by making it a requirement that all licensees be
5 accountable for all firearms purchased. This
6 ordinance is aimed at reducing straw purchases.

7 My support for this ordinance
8 amending Title 10 if the Philadelphia Code comes
9 from my personal experience of the harm that can
10 caused by the proliferation illegal guns. I am a
11 commuted lifer, convicted nearly 25 years ago for
12 a murder in which an illegally obtained handgun
13 was used in a senseless act of violence. The
14 circumstance of case is a perfect testimony of
15 what this ordinance is meant to eliminate. What
16 started as a fistfight between two young men,
17 myself and the victim, escalated into a senseless
18 killing when my accomplice, a juvenile at the
19 time, brought to bear the illegally obtained
20 weapon in his possession.

21 Although the gun lobbyists are quick
22 to assert that guns don't kill and that people
23 kill, because of my knowledge of the people
24 involved in this case, I know for the fact that
25 the presence of the illegal weapon and the ease

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2 at which the weapon was obtained was a major
3 contributing factor in this crime.

4 X-Offenders for Community Empowerment
5 uses life experiences of X-Offenders in
6 supporting campaigns to reduce the flow of
7 illegal firearms into our communities and to give
8 our youth a chance at a life free of fear. In
9 most cases such as this, the community loses,
10 too, the victim and the perpetrator for crimes
11 that could be prevented. Our platform is
12 prevention, understanding that it takes three
13 elements to commit a crime: The will, the
14 ability, and the opportunity. By removing
15 illegal firearms in our communities we are in
16 effect taking the opportunity away for crime to
17 happen.

18 As a former lifer who has been given
19 a second chance at life, I am dedicated to
20 creating safer community environment for all
21 children to go grow into responsible adulthood.

22 X-Offenders for Community Empowerment
23 wishes to thank Councilman Darrell Clarke for
24 taking this courageous initiative and introducing
25 an ordinance that will prevent crime and not just

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2 deal with the effects of crime. We pray that
3 this ordinance will gain unanimous support in
4 Council. Thank you.

5 COUNCILMAN ORTIZ: Councilman, do you
6 have a question?

7 COUNCILMAN CLARKE: Yes. I just want
8 to state for the record that this bill was
9 cosponsored by Councilman Ortiz and myself.
10 Thank you, Councilman Ortiz.

11 COUNCILMAN ORTIZ: One question.
12 When you say that it was easily accessible and
13 easily obtainable, when that happened, where did
14 the gun come from?

15 MR. BLACKBURN: It purchased from a
16 person that was selling guns out of a bar, a
17 local bar.

18 COUNCILMAN ORTIZ: Mm-hmm. And where
19 did he get the gun from, do you know, the guy who
20 was selling it at the bar?

21 MR. BLACKBURN: It was a gun that --
22 I don't know where got it from.

23 COUNCILMAN ORTIZ: He had obtained it
24 legally?

25 MR. BLACKBURN: He obtained in

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2 legally, yes -- illegally.

3 COUNCILMAN ORTIZ: He had obtained it
4 legally and then sold it?

5 MR. BLACKBURN: Yes.

6 COUNCILMAN ORTIZ: Like many of the
7 guns in the neighborhood usually are gotten.

8 MR. BLACKBURN: Either a gun was
9 stolen or could have been sold by the original
10 owner and the serial numbers obliterated or it
11 could have been stolen and serial numbers erased
12 and then sold again on the street.

13 COUNCILMAN ORTIZ: Do you see this
14 legislation as an infringement on a right.

15 MR. BLACKBURN: We're not trying to
16 prevent people from owning guns, but if they have
17 purchased guns, we want them to be accountable
18 for the ones that they have purchased. If they
19 owned it, we want them to know where their guns
20 are. If they're stolen, that should be reported.
21 We don't want people to just buy guns and to be
22 able to sell it by straw purchases and not be
23 held responsible if they buy them legally.

24 COUNCILMAN ORTIZ: Do you have
25 anything to say? Do you have a question?

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2 Councilmember Rizzo.

3 COUNCILMAN RIZZO: Thank you. So I
4 can better understand the process, I know when I
5 look at a permit to carry, it has the description
6 of the weapon on the permit and it also states on
7 some permits the specific weapon .38 Colt and
8 others. When you purchase a gun today legally,
9 isn't there a paper trail to the owner at that
10 point? Don't we know when a gun is legally
11 purchased who purchased it?

12 MR. BLACKBURN: Yes.

13 COUNCILMAN RIZZO: Maybe the sponsors
14 of this legislation have to jump in here if
15 that's appropriate.

16 COUNCILMAN CLARKE: Councilman, on
17 the permit to carry, there is no reference to any
18 gun whatsoever. It simply states the name, the
19 address, and the signature of Police
20 Commissioner. At the time of the request or the
21 issuance of the permit to carry at no time are
22 you asked what guns you are asking for a permit
23 to carry.

24 COUNCILMAN ORTIZ: You don't put the
25 serial number of the gun, you don't do that.

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2 COUNCILMAN RIZZO: On the permit that
3 I personally know about, there is a description
4 of the weapon, not the serial number, but it will
5 describe the gun that you're supposed to carry at
6 least.

7 COUNCILMAN ORTIZ: No.

8 COUNCILMAN RIZZO: Well, at one time
9 it did because --

10 COUNCILMAN ORTIZ: But it doesn't.
11 Not now.

12 COUNCILMAN RIZZO: Not now? When did
13 that stop?

14 COUNCILMAN ORTIZ: My gentleman in
15 the back will tell you later on, my expert in
16 guns, my adversary of years on this issue.

17 COUNCILMAN RIZZO: Then at one time
18 the description of the weapon was on the permit,
19 why did that stop?

20 COUNCILMAN ORTIZ: That's just
21 because we have the NRA, we have the lobbying
22 groups that are present that cross the United
23 States and they have put pressure of legislative
24 bodies to end -- I mean, right now there's a
25 battle being fought in the country about gun

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2 shows. And you can go to a gun show and just buy
3 whatever guns you want, and the NRA and groups
4 like that are just saying -- because we want
5 registration of those guns.

6 COUNCILMAN RIZZO: So you're telling
7 me that the NRA was lobbied and had what was once
8 on our permit, the description of the gun,
9 removed?

10 COUNCILMAN ORTIZ: Well, the gun
11 lobbying groups of this country that are pro-gun
12 really feel that guns can be bought whenever they
13 want to get bought and there should be pretty
14 much no restrictions on the ownership and buying
15 of guns in this country, very little of that,
16 because they feel that that's a constitutional
17 right and that government cannot regulate that
18 right.

19 COUNCILMAN RIZZO: My point. I love
20 the sponsors of the bill to show me where the
21 police department who issues the permit was
22 forced to do take the description --

23 COUNCILMAN ORTIZ: We will have the
24 police department testify and you can ask the
25 police department when they come on.

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2 Wayne, do you have anything?

3 MR. JACOBS: Yes, I'd just want to
4 speak mostly on in reference to --

5 COUNCILMAN ORTIZ: Could you identify
6 yourself?

7 COUNCILMAN RIZZO: You need to give
8 your name.

9 MR. JACOBS: My name is Wayne Jacobs.
10 I'm a cofounder of X-Offenders for Community
11 Empowerment. Basically, what I wanted to speak
12 on is the fact that how gun owners can easily
13 sell guns and never have to be accountable for
14 the guns that they sell because there is no
15 follow-up. In reference to what I'm saying, it's
16 like right now there is no law that clearly
17 states that if a gun owner loses his gun that he
18 must report his gun missing. What most gun
19 owners do is voluntarily report that information.
20 What that do is give the unscrupulous gun owners
21 the ability to sell guns under the table and
22 never have to report them missing. You know,
23 they can walk away from that responsibility.

24 Also, this legislation here would
25 address the ones that is trying to hide their

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2 identity by erasing the serial numbers off the
3 guns. This way the guns cannot be traced back to
4 them if it's committed in a crime. But this
5 legislation here will make that particular gun
6 owner responsible because at the time of renewal
7 he'd have to account for them guns. And this
8 will be a way to prevent unscrupulous gun owners
9 from selling guns that they can get away with it.

10 COUNCILMAN ORTIZ: I will read what
11 it says, the legislation, so that -- just in
12 addition it says that require the applicant to
13 provide the following information prior to the
14 processing of an application, the name, address,
15 occupation, place of birth of the applicant, date
16 and hour of the application, the caliber, length
17 of barrel, make, model, an manufacturer's number
18 of all guns registered with the Commonwealth of
19 Pennsylvania at the home, business, or any other
20 property leased, owned the by the applicant or
21 under the control or access of the applicant at
22 the time of the application.

23 This information is not now required.
24 We believe that if the police department had this
25 information, those guns that are utilized in

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2 crimes will be much better traceable, help in
3 solving the crimes, and be an aid to police work.
4 And I believe that one of the biggest supporter
5 we have is really the police departments of the
6 Commonwealth and the country.

7 Wayne, do you have anything else?

8 MR. JACOBS: No.

9 COUNCILMAN ORTIZ: Thank you very
10 much.

11 COUNCILMAN CLARKE: Mr. Chairman, I
12 would just like to state for the record I hold
13 before me a permit to carry --

14 COUNCILMAN ORTIZ: Could you put it
15 on the record what it says? What is the
16 information required?

17 COUNCILMAN CLARKE: For the record,
18 permit to carry, the name of the individual who
19 has the permit to carry is Darrell Clarke -- I
20 think I know him -- 1959 Myrtlewood Street. It
21 tells my age -- I'm not going to say that on the
22 record -- my height, my weight -- I don't want to
23 talk about weight either today -- date of
24 registration, reason for issuance of permit, it
25 says self-defense, signed by Police Commissioner

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2 Neal and myself. And at the bottom it says
3 license to carry firearms. No place on this
4 permit --

5 COUNCILMAN ORTIZ: And they never
6 asked you a question as to what guns you own, how
7 many, and what caliber, whatever?

8 COUNCILMAN CLARKE: Never asked me a
9 question about what guns I own, what guns I plan
10 on carrying as a result of the issuance of this
11 permit.

12 COUNCILMAN RIZZO: For the record,
13 could we report that at one time on a permit to
14 carry there was a line that indicated the type of
15 weapon, but even at that it was very loose because
16 it was open ended. They said that .38-caliber
17 weapon and others, so others kind of --

18 COUNCILMAN CLARKE: Right.

19 COUNCILMAN RIZZO: But still there
20 was at least the description of a weapon that
21 that individual carried.

22 COUNCILMAN CLARKE: Exactly.

23 COUNCILMAN ORTIZ: Bilal Qayyum, my
24 friend.

25 (Witness comes forward.)

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2 COUNCILMAN ORTIZ: Bilal, you know
3 the drill. Identify yourself for the record.

4 MR. QAYYUM: Good afternoon,
5 Councilman Clarke, Councilman Rizzo, and
6 Councilperson Ortiz. My name is Bilal -- and
7 Councilwoman Miller. I'm sorry. My name is
8 Bilal Qayyum, that's B-I-L-A-L; Qayyum is
9 Q-A-Y-Y-U-M. I'm the president of the Father's
10 Day Rally Committee.

11 A little over 12 years ago, a group
12 of African-American men came together in the City
13 of Philadelphia to form an organization around
14 promoting positive images of African-American
15 men, and the first project that we took on was to
16 deal with the outlandish violence level taking
17 place in the City of Philadelphia. In 1989 there
18 was 501 murders in the City of Philadelphia. Out
19 of 501 murders, 385 of them were
20 African-Americans with 365 being African-American
21 males. The next year, there was 526 murders in
22 the City of Philadelphia. It was the highest
23 number ever witnessed in this city for murders.
24 And out of that 526, 400 of them were
25 African-American males. So we kicked off a

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2 campaign to bring to the conscious levels of the
3 citizens of the City of Philadelphia the high
4 murder rate taking place, and we probably have
5 organized more marches and rallies than anyone
6 else in the City of Philadelphia to reduce
7 violence in this city over the last ten years.
8 And we have seen homicides drop from those years
9 of 501 murders to last year I think it was 596
10 (sic) murders, but out of that last year, the
11 lowest rate in 10 years out of the 296, 211 of
12 them were African-American males.

13 So our position has been very clear
14 over the last 10 years that, one, there's been
15 too many homicides in the City of Philadelphia
16 and too many in particular as it relates to the
17 African-American community and the
18 African-American male community. Eighty percent
19 of these homicides have been committed by
20 individuals with the instrument of guns as the
21 instrument used in homicides. So we take a very
22 strong and proactive position to support any
23 legislation that calls for any kind of
24 restrictions or gun control. We see the bill
25 that Councilman Clarke and Councilman Ortiz has

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2 introduced, Bill 000659, as a step. We don't
3 necessarily see it, as Councilman Clarke stated,
4 as a solution, but we see it as a step that is
5 needed.

6 Every murder that's committed in this
7 country, there are a hundred other acts of
8 violence. And if you take the national
9 statistics between 60 and 70 percent of all
10 homicides are committed by acts of violence where
11 a gun is the instrument and you start multiplying
12 that, there are thousands and thousands of
13 citizens in this country that are victims of gun
14 violence in this country. So once again, any
15 kind of legislation that would help to reduce the
16 availability of guns to the tracking of guns so
17 we can figure out how many guns there are out
18 there, we support. So wholeheartedly, Father's
19 Day Rally Committee is in support of Bill 000659
20 introduced by Councilman Ortiz and Councilman
21 Clarke.

22 COUNCILMAN ORTIZ: Bilal, you and I
23 have been -- I don't know how many corners of
24 this city. We began the process of trying to
25 legislate against assault weapons in 1987. We

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2 finally passed it. It wasn't in '96, it was in
3 '92. The Supreme Court case was finally heard in
4 '96, finally. But part of the problem that we
5 have had in trying to deal with this problem is
6 that as we begin to act as a responsible body to
7 look out for the health and welfare of the
8 citizens of Philadelphia, more powerful political
9 forces come into play. And what happened with
10 the assault weapon is that once they lost,
11 because they lost in court and they found out
12 that the bill was legal, at least the court said
13 so at that point, then they went to the
14 legislature and had a preemption clause put into
15 the Uniform Firearms Act that specifically was
16 directed at the assault weapons ban and
17 specifically directed at Philadelphia.

18 I think this bill can pass legal
19 muster. But I have no illusions that once this
20 bill passes that the scenario will shift to
21 Harrisburg to specifically put legislation in
22 Harrisburg that will prevent Philadelphia
23 specifically from passing legislation that
24 regulates guns in this manner. I have no
25 illusions that that will happen. But I hope that

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2 by that time that the people of Philadelphia, and
3 I think this is what Councilman Clarke and I
4 would hope, is that we are so prepared for that
5 that there's really an uproar, really that it
6 against to take place, that it begins the message
7 to go out across because we've shown in this
8 election that we can come out and vote but we
9 have to show it in every election because the
10 only way we can prevent the legislature from
11 doing that to us is by us putting people in the
12 legislature in the executive House that really
13 responds to these interests.

14 Councilman Clarke?

15 COUNCILMAN CLARKE: Just for the
16 record I just wanted to state -- thank you, Mr.
17 Chairman -- that I, too, have walked with streets
18 with Mr. Qayyum and you have done a great job in
19 your work out in the community in creating a
20 positive role model for the many youth out in our
21 communities. I want to thank you for your work.

22 One other thing I wanted to say with
23 respects to this particular bill, I want to say
24 while Mr. Jacobs was here, the basis for us
25 drafting this bill started on a corner at 25th

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2 and Sergeant and I was talking to Mr. Jacobs at a
3 function over at a church and he alerted me to
4 the fact that you having these problems with the
5 inability to trace these numerous illegal
6 weapons. I heard what he said and later on that
7 night I thought about it and I asked Mr. Brown on
8 my staff to research some information and draft
9 it and talk to Councilman Ortiz about his
10 experiences as it relates to the prior
11 legislation, and I thought this was the
12 appropriate way to address this issue and get
13 that dialog started, so I want to thank you, Mr.
14 Jacobs, for bending my ear that day. Thank you.

15 COUNCILMAN ORTIZ: Thank you, Mr.
16 Qayyum.

17 MR. QAYYUM: One more statement.

18 COUNCILMAN ORTIZ: Yes.

19 MR QAYYUM: If I'm allowed to do
20 that, Mr. Chairman. In your comments about it
21 probably will be challenged, forward movement
22 there are forces that challenge it, but I think
23 also on the state level, I agree with you, there
24 needs to be continued dialogue and I think that
25 there's now continued dialogue going on now that

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2 I'm aware of across this state of forces who are

3 calling for some kind of control. I think the

4 problem -- and I think this what we all have to

5 articulate is that it's seen as an urban problem

6 more so than a rural problem and some way or

7 another we have to convince our brothers and

8 sisters in the rural communities and our brothers

9 and sisters on our side of the aisle, Councilman

10 Rizzo, that it's a problem that affects one

11 community but it's a problem that affects all

12 communities. I really believe until you witness

13 it -- and I would ask you just say to the Council

14 folks that I had a very unpleasant opportunity.

15 One evening me and my wife went to the Olive

16 Garden in Jenkintown to eat and we were coming

17 back home on Old York Road, I live in east Oak

18 Lane section of the city, and when we were coming

19 back we came down 13th Street and I saw this body

20 laying in the middle of the street and a young

21 man over the top of the body hollering and

22 screaming. So I pulled over, got out my car, and

23 the young man laying in the middle of the street

24 had been shot. He was still alive. He was

25 bleeding from his neck. My wife got out the car

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2 and took scarf off and wrapped the scarf around
3 his neck. We tried to stop the bleeding. I had
4 my cell phone so I called the police. And within
5 five to ten minutes, the police officer and the
6 police did come and took the man to Einstein.
7 This young man was 23 years old. He died. The
8 young man who did the shooting was 16 years old
9 and it was over an argument. The gun -- I talked
10 to the police a few days later. The gun used was
11 a gun that was stolen and it was a register gun
12 but it was a stolen gun. So I say this to say
13 that until you witness -- we can all hear about
14 tragedies, but until you witness and a lot of
15 folks in a lot of communities in the City of
16 Philadelphia do witness what I'm saying, but
17 until you personally witness to see someone die
18 right in front of you that had been a victim of
19 gunshot, it's another level, Councilman Ortiz.
20 And I guess our tragedy, you know, there's also
21 positive things and I think that incident has
22 constantly renewed my strength to continue to
23 fight to bring some kind of sense to this madness
24 that's going on in our communities.

25 COUNCILMAN ORTIZ: There was a

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2 shoot-out right in front of my door. I think a
3 lot of us, I think, if you go around this table
4 here -- I don't know about Frank, but when you
5 say urban problem, to me urban problem as those
6 people see it out there means African-American
7 and the Latino, and this is not just an urban
8 problem. But I believe that if you go down this
9 table, each one of us has an experience very
10 similar to the one you had, probably more than
11 one, and I think that's the reality that we have
12 to change, that we cannot just say, well, you
13 know we talk about this and this reality is so
14 commonplace among our folk.

15 MR QAYYUM: Mm-hmm.

16 COUNCILMAN ORTIZ: Kids four and five
17 years old do not find it strange and they are
18 able to identify -- I have gone to schools in the
19 barrio and in North Philadelphia and other places
20 where kids are able to identify -- usually when
21 you hear the boom boom, a kid is able to tell you
22 what almost the caliber of the gun. When a
23 4th-grader or 3rd-grader is able to tell that,
24 you know that we have problems in our
25 neighborhood that go way beyond what some other

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2 people say.
3 Thank you.
4 MR QAYYUM: Thank you.
5 COUNCILMAN ORTIZ: Bill Owens and
6 Anthony Holloway and Sheena Robinson.
7 (Witnesses come forward.)
8 COUNCILMAN ORTIZ: Mr. Owens.
9 MR. OWEN: Good afternoon.
10 COUNCILMAN ORTIZ: You can begin
11 identifying yourself for the record.
12 And you're Miss Sheena Robinson,
13 right?
14 MS. ROBINSON: Yes.
15 COUNCILMAN ORTIZ: And your Anthony
16 Holloway?
17 MR. HOLLOWAY: That's right.
18 COUNCILMAN ORTIZ: Thank you.
19 MR. OWEN: Who goes first?
20 COUNCILMAN ORTIZ: You, Mr. Owens.
21 MR. OWEN: For the record, my name
22 doesn't have an S on the end of it. Bill Owens
23 is the governor of Colorado where I just moved
24 from and I'm really glad to get away and have a
25 separation on that issue, but I see I still have

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2 it here.

3 I am the Executive Director of --

4 COUNCILMAN ORTIZ: There were two
5 states that passed legislation by vote in the
6 western part of the country November 7th, right?

7 MR. OWEN: That's correct.

8 COUNCILMAN ORTIZ: Is Colorado one of
9 them?

10 MR. OWEN: And Oregon, yes. I come
11 from the organization in Colorado that put the
12 initiative together to close the gun show
13 loophole there. I'm very proud of that election
14 and the people of Colorado and Oregon for
15 standing up for what we believe is right.

16 My remarks will be rather brief today
17 because I've been on the job three days and in
18 that time I found that I can't get my arms
19 completely around party politic of Pennsylvania,
20 so I'll try to confine my remarks to this one
21 issue today.

22 Pennsylvanians Against Handgun
23 Violence was organized, it's been around the
24 state about ten years, it's a statewide
25 grassroots organization and it's organized to

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2 promote and support gun safety laws and programs
3 that will make our community safer and keep
4 weapons from falling into the hands of people who
5 should not have them. Most Pennsylvanians, and
6 indeed I think most Americans, are concerned
7 about the level of firearm violence in society
8 today. The last figures I've seen reflect that
9 some 33,000 people die in America from firearm
10 violence. Of those, more than 10 a day are under
11 the age of 19. Also, the last figure I saw that
12 there were 391,000 crimes that involved firearms
13 in the United States, and I believe that was from
14 the year 1997. The last year figures are
15 available.

16 We come here today in support of
17 000659 because we believe that one way to address
18 the issue of gun violence in society is by
19 passing ordinances that require additional
20 responsibility from those who ask society to
21 allow them for whatever reason to carry
22 potentially lethal weapons in our midst.
23 Congressman John McCain in the last election
24 taped a spot for people of Colorado and Oregon in
25 which he talked about rights and

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2 responsibilities, the right of Americans to own
3 firearms, but the responsibilities that go along
4 with it, and I think that's what 000659 addresses
5 in part.

6 A recent poll by the Violence Policy
7 Center indicates that 60 percent of
8 Pennsylvanians favor more restrictive concealed
9 carry laws. Those of us in that 60 percent,
10 including the members of Pennsylvanians Against
11 Handgun Violence want our public officials to
12 have as much information as possible available to
13 help them solve crimes committed with both
14 illegally and legally purchased weapons and to
15 help stop the flow of weapons into the hands of
16 people who should have not them, criminals,
17 children, people with mental histories, histories
18 of violence, domestic restraining orders.

19 We believe 000659 is a good step in
20 that direction, and we encourage its passage.
21 Thank you.

22 COUNCILMAN ORTIZ: You talk about
23 responsibility and obviously let us assume that
24 there is a right to own a gun in this country.
25 It's a right I don't believe is there, but let's

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2 assume that there is. And no one is saying that
3 you don't have the right to own it, but at least
4 you should have the right to report that you have
5 a gun, you're a citizen that is responsible.
6 When all of car that's stolen, you report it
7 immediately. When you buy a gun and it's
8 registered and reported and it is stolen, you
9 should report that immediately. Many of the
10 crimes that are committed today are in essence
11 with guns that are stolen that were bought
12 legally and the owners for one reason or the
13 other never reported it stolen or whatever. I
14 just do not see a reporting regulation as an
15 infringement in the most remote way of any
16 constitutional right to own and bear a gun. Do
17 you agree with that?

18 MR. OWEN: Absolutely, I agree, and I
19 think an ordinance of this type helps. I think
20 you've already purchased the weapon. This is a
21 societal issue now about you've come to society
22 and you've said, I want to carry this, and in
23 order to do that in exchange for that right, I
24 think you should divulge the material, the
25 information about whatever weapons you're going

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2 to carry; and if it's multiple, I think those
3 should be on the documents. So if any of those
4 guns turn up in crime scenes later on, it's going
5 to be easier for police and the officials to
6 track them down and to find the rightful owners.
7 Even if they are stolen from that individual, at
8 least a track that goes there and you can work
9 from there. So I don't think it infringes on
10 that argument at all, and it's something that
11 society needs.

12 COUNCILMAN ORTIZ: The two issues
13 that were approved in Colorado and Oregon,
14 they're both very similar.

15 MR. OWEN: Mm-hmm.

16 COUNCILMAN ORTIZ: Could you just
17 give us a very brief description of what they
18 were? Because these are two western states.
19 Colorado is a cowboy country, the Marlboro man.
20 Can you give us just a very short aspect of those
21 two initiatives?

22 MR. OWEN: Yes. Both initiatives
23 centered on activities that take place at
24 organized gun shows. Prior to the passage of
25 this initiative, you could go into a gun show and

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2 you could buy weapons with very few questions
3 asked and walk out. There are federal licensed
4 dealers that operate at these gun shows and they
5 must operate under federal requirements and
6 perform background checks for their sales, but
7 there's an equal or greater number of private
8 dealers who also operate tables at these shows
9 and they have no restrictions.

10 COUNCILMAN ORTIZ: You could actually
11 go in and buy and load up the trunk of your car
12 with guns?

13 MR. OWEN: That's correct.

14 In some instances, we would have
15 dealers who would have placards made up set up on
16 their table next to a federally licensed dealer,
17 an FFL, that would say "No background checks, no
18 waiting." So people could just move over to that
19 table and buy their weapons unrestricted.

20 The four weapons that were used in
21 the Columbine High School shooting in Colorado
22 all immigrated through gun shows. Three of those
23 weapons, by the way, were purchased by an
24 18-year-old girl for the two 16 and 17-year-old
25 shooters who were with her at the show. She

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2 showed her driver's license and purchased -- she
3 later testified at the state legislature that had
4 she had to fill out a background check
5 requirement, she would not have done so.

6 COUNCILMAN ORTIZ: If she had to
7 actually register the gun?

8 MR. OWEN: If there had been a paper
9 trail that would have led to her, she would not
10 have purchased the weapons, that's correct.

11 COUNCILMAN ORTIZ: Any questions for
12 Mr. Owen?

13 COUNCILMAN CLARKE: I just want to
14 make a statement. For the life of me, I don't
15 understand how anyone could have a problem with
16 the verification of a firearm. You know, you
17 have the right to purchase a firearm. You have
18 the right to sell the firearm, right. You have
19 the right to give the firearm to somebody, but
20 all we're asking for is a verification of that
21 conveyance as a person who has a firearm and who
22 has a permit to carry. I welcome the fact that a
23 form will come to my house once a year asking me
24 do I still have the guns that I had when I got
25 the permit to carry. I don't see why that's a

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2 problem.

3 Recently, we had an abandoned vehicle
4 problem and we found out in that discussion that
5 there was a problem of individuals selling
6 vehicles without properly reporting the sale of
7 the vehicles and they ultimately ended up as a
8 junker on the street. We amended legislation to
9 require and made stiffer penalties to require the
10 individual to report sale of or conveyance of
11 abandoned vehicles. I don't understand how
12 somebody in the state legislature can tell us we
13 can't do that for guns. I just don't understand
14 it.

15 COUNCILMAN RIZZO: I don't think you
16 have to look as far as the state legislature to
17 have a respectful disagreement with this
18 legislation. I just really need to know
19 personally, and again, I'm not going to pretend
20 that I've read every sentence in this. Maybe if
21 I had, I'd understand better. But I just can't
22 understand asking a person that has a permit to
23 carry -- first of all, no one in Columbine High
24 School had a permit to carry a gun that was
25 involved in the shooting.

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2 COUNCILMAN ORTIZ: Because you didn't
3 need to.

4 COUNCILMAN RIZZO: What I'm trying to
5 understand, by a person listing the number of
6 weapons that they have if they have a permit,
7 what that will accomplish in preventing a gun
8 from being stolen and used in the submission of a
9 crime?

10 COUNCILMAN CLARKE: I didn't get that
11 question.

12 COUNCILMAN RIZZO: If a person sends
13 the form in that they have three guns they have a
14 permit to carry, if that gun is stolen --

15 COUNCILMAN ORTIZ: Then you report
16 it.

17 COUNCILMAN RIZZO: I think any
18 responsible person that has a permit to carry --

19 COUNCILMAN CLARKE: That's not true.

20 COUNCILMAN RIZZO: Especially if
21 their responsible for the gun.

22 COUNCILMAN CLARKE: Councilman, I
23 disagree with you. I know people who have lost
24 guns. I know people who had guns stolen from
25 them. They do not report them. All I'm doing is

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2 encouraging the individual to be a responsible
3 gun owner. That's all I want to do.

4 COUNCILMAN RIZZO: When the person --
5 again, I'm trying learn something also, not just
6 be argumentative.

7 COUNCILMAN CLARKE: That's okay.

8 COUNCILMAN RIZZO: When the person
9 bought the gun, at the time they purchased a gun
10 at the local gun dealership, was there a process
11 which made them the record owner of that weapon.

12 COUNCILMAN CLARKE: Yes.

13 COUNCILMAN RIZZO: I believe so.

14 COUNCILMAN CLARKE: On a federal
15 level. There's a federal background check and
16 there's a state registry.

17 COUNCILMAN RIZZO: And our police
18 department uses that federal record to determine
19 the ownership of weapons every day.

20 COUNCILMAN CLARKE: But they don't
21 verify the possession of the ownership of the gun
22 on a consistent basis.

23 COUNCILMAN RIZZO: But if you buy a
24 gun today, pick it up next week, and that gun is
25 used in the commission of a crime anywhere in its

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2 life, you as the purchaser of that gun are
3 responsible, at least hypothetically you're
4 responsible for that weapon. What would this
5 legislation do?

6 COUNCILMAN CLARKE: Before you ask
7 that question. What happens when they find out
8 that you're the registered owner of that gun?

9 COUNCILMAN RIZZO: Well, I would
10 assume --

11 COUNCILMAN CLARKE: And it's used in
12 a commission of a crime.

13 COUNCILMAN RIZZO: I assume -- and
14 again, this is only an assumption. I would
15 assume the investigators would come make a visit
16 or bring you in say, "You bought this gun a year
17 ago. What happened to it?"

18 COUNCILMAN CLARKE: Right.

19 COUNCILMAN RIZZO: You say it was
20 stolen.

21 COUNCILMAN CLARK: And then what
22 happens?

23 COUNCILMAN RIZZO: "When was it
24 stolen? Why isn't there a police report?" And
25 then I think a sharp investigator, at least if I

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2 were, I would absolutely question a person that
3 had a deadly weapon stolen from them that
4 ultimately they can be responsible for or be
5 associated with a crime and not report a gun -- I
6 mean, people get panicky when they lose their
7 pager or cell phone. I can't imagine any person
8 that has a permit to carry a gun, I mean, they're
9 real -- the people that are carrying a gun and
10 you had it for protection that would lose a gun
11 and not report it lost or stolen. A person --
12 again, I'm talking about a person that has a
13 permit to carry normally is a responsible person.

14 COUNCILMAN CLARKE: There are
15 currently records that show 35,000 them in the
16 City of Philadelphia. That's a lot of people.

17 COUNCILMAN ORTIZ: Councilman, ask
18 that question of the Police Commissioner's
19 assistant when he comes up.

20 COUNCILMAN RIZZO: As a matter of
21 fact, I asked former deputy police commissioner
22 the question. He didn't think anyone should have
23 a right to even have a permit to carry a gun
24 because they are victims of gunfire.

25 COUNCILMAN ORTIZ: You can ask him

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2 why this type of legislation makes sense at this
3 time.

4 COUNCILMAN RIZZO: I just want to
5 understand what this legislation will do to make
6 it a better situation.

7 COUNCILMAN CLARKE: Let me ask your
8 question with respects to and where I think
9 you're going as it relates to an individual who
10 has gotten a legal permit to carry a gun. And
11 people will say and have said that the City of
12 Philadelphia is preempted by state law to be
13 involved in the registry, the regulation of any
14 guns sale, ownership, or permits, right. But the
15 State has determined three or four years ago that
16 it is now legal for the City of Philadelphia,
17 City of Philadelphia police officers who are
18 employees of the City in a municipal building at
19 Third and Race that is owned by the City of
20 Philadelphia on a form that in the interview that
21 is done by a municipal employee on typewriters
22 that done by municipal employees that are typed
23 by municipal employees, right, they have inserted
24 us into the process. Now, my preference would be
25 to have all guns verify, but because we are

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2 preempted by state law, we do not have the
3 ability to be involved in individuals who do not
4 have permits to carry. When they gave us
5 authorization to issue a permit to carry, the
6 City of Philadelphia, they have inserted us into
7 the process. So therefore, I am requesting an
8 alteration of the form that the municipal police
9 officer in the municipal building on the
10 municipal typewriter by the municipal clerk has
11 the ability to ask that information. So that's
12 why this is tailored the way it is.

13 COUNCILMAN ORTIZ: It would be very
14 good if we had all guns registered at a national
15 level, state level. We don't have that now. It
16 would be very good if we could identify the
17 ownership of every gun in the hands of people.
18 We don't have that right now. In fact, that's
19 one of the tenets of the NRA. They want to know
20 who has the guns so that they can come and get it
21 from you when the time comes. I heard Charlton
22 Heston say that. They have put every obstacle in
23 the way in terms of people being responsible, in
24 terms of knowing who, how, and when they buy and
25 how many guns you have. And all we're saying is

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2 you can own them, you can sell them, you can have
3 them; all we want to know is what make you have
4 and if the crime is committed and you haven't
5 reported it stolen, you haven't reported it lost,
6 you'll have to answer for that. That's it.

7 Yes, sir.

8 MR. OWEN: Just to finish answering
9 your question, I'm afraid I got my soapbox out
10 and distracted myself. But the initiatives in
11 the west, both of them centered on requiring that
12 background checks are run on all individuals
13 purchasing weapons, long rifles and handguns, at
14 gun shows. So it leveled the playing field
15 between federally licensed dealers and private
16 dealers.

17 COUNCILMAN ORTIZ: Why is this
18 necessary, right?

19 MR. OWEN: Good question.

20 COUNCILMAN ORTIZ: Good question.

21 Mr. Holloway.

22 MR. HOLLOWAY: Good afternoon,
23 Councilpersons. My name is Anthony Holloway, and
24 I'm the director of special projects for the
25 Philadelphia Anti-drug Anti-violence Network.

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2 One of the projects that I oversee is a firearms
3 reduction initiative primarily centered in North
4 Philadelphia. One of our main jobs in dealing
5 with reducing firearms is to change the attitude
6 about guns because guns are as prevalent in the
7 communities in which we work as Timberlin boots
8 that the kids wear. So what we're trying to do
9 is really work with young people to change
10 attitudes about guns so that they don't feel that
11 there's a need to do it. This legislation is
12 helpful in dealing with responsible adults, but I
13 think it's another voice that needs to be heard
14 so the young people that you see here are a part
15 of this program. They are call Youth Educators
16 for Safety. And beside me is one of them. Her
17 name is Robeson, and she's going to speak to you
18 briefly.

19 MS. ROBESON: Good afternoon.

20 COUNCILMAN ORTIZ: Identify yourself
21 for the record.

22 MS. ROBESON: My name is Sheena
23 Robeson. I'm 16. I live in North Philly.

24 COUNCILMAN CLARKE: Strawberry
25 Mansion?

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2 MS. ROBESON: Yes.

3 COUNCILMAN CLARKE: I used to go
4 there in the old days.

5 COUNCILMAN ORTIZ: Speak into the
6 microphone.

7 MS. ROBESON: I'm coming before you
8 today basically on behalf of myself and the rest
9 of the Youth Educators. I don't have a lot of
10 numbers, I don't have facts for you, but I just
11 wanted to let you know that I am behind Bill
12 000659, I believe it is. Is that it? 000659
13 because I live -- like I said, I grew up in North
14 Philadelphia so I'm exposed to a lot of the
15 effects of gun violence and I think it is way too
16 easy for people to get guns because I can as of
17 right now go home and purchase one myself from
18 somebody that I know or somebody who knows
19 somebody because of the fact that there are guns
20 in straw purchases being used and I just wanted
21 to tell you about something that happened to me
22 so maybe that it would make you more into doing
23 more to help Bill 000659 get processed or
24 legislated so it will make some type of effect.

25 A cousin of mine was -- we grew up

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2 together. We were really close. We did a lot of
3 things together. He was getting ready to go to
4 Temple soon. He had been in trouble as a
5 juvenile before, but he had just started getting
6 hissself back together as far as disciplinary
7 actions. He had started working, had been
8 holding a steady job for the past eight months
9 and he and another young man were not at good
10 terms at the time. And the young man and a
11 couple of his accomplices saw my cousin somewhere
12 in his car and they shot him on site three times
13 in the head, twice in the chest, and then they
14 set the car on fire. Now, I had just spoken to
15 him the day before which made it all the more
16 worse because he was just telling me, you know,
17 we got to go do this, we got to get ready, I got
18 to get ready to go to school, and we were
19 actually planning on going to look for things for
20 his dorm room and help him basically just get
21 ready to get adjusted to going to college and
22 actually settling down and doing something
23 productive with hissself. And for something like
24 this to happen, I don't think anybody knows
25 exactly how much it affects you until it happens

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2 to you personally. And as many people tell me
3 that they're trying to help and they're trying to
4 do something about it and they want guns off the
5 street and they want to stop it, nobody knows how
6 bad -- nobody wants it as bad as me. I even
7 personally got involved in the program called the
8 Yes Program. The people behind me with the
9 colorful signs, they are part of the Yes Program,
10 some of them up from Kensington High, and we got
11 together and we started -- it's call Youth
12 Education for Safety. We started a program
13 basically to reduce the amount of gun violence in
14 our neighborhoods. That was the program, that's
15 what we were based on. We've done rallies.
16 We've done marches. We've done youth speakouts.
17 We've gone to middle schools. We've gone to high
18 schools. We've done skits. We've done plays.
19 We've done a lot of things and we try to get the
20 message. We make flyers. We do block parties.
21 We do everything. We try to get to the people.
22 We thought that as youth we could relate to them
23 better and we thought that being as though we
24 were younger and they were our allies and they
25 were people that we saw every day maybe in school

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2 that they would listen to us more than they would
3 listen to you, but we can only do as citizens and
4 as young people so much which is why I'm here
5 today for you as people of some type of power and
6 some people who have some type of pull to
7 actually try to do something about this. And I
8 know that the bill is to help trace where the
9 guns are coming from; am I correct? They're
10 supposed to help where the guns are coming from.
11 But I personally don't feel as though they need
12 to be on the street at all because there's no use
13 for a gun. And even registered or not, the gun
14 that killed my cousin was registered also, it
15 doesn't mean anything. So I just feel as though
16 that the bill is a good idea, but after it is
17 passed or after it goes on up, I think you should
18 make another one trying to soon outlaw the
19 bill -- I mean, outlaw the guns and not allow
20 them to be carried by any Tom, Dick, or Harry
21 because registered guns kill people too. It's
22 not like there's a difference in the gun. I
23 mean, it still shoots people. That's what
24 they're for; they're made to kill people. And if
25 you keep them on the streets, then that's what

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2 they'll do. You can't put a gun in somebody's
3 hand and allow them to have it and then not
4 expect them to do anything with it. They got it
5 for a reason one way or another. So I just hope
6 that, you know, it gets passed. Thank you.

7 (Applause.)

8 COUNCILMAN ORTIZ: Councilwoman
9 Miller?

10 COUNCILWOMAN MILLER: Thank you.
11 What is the name of your organization
12 again?

13 MS. ROBESON: We're called the YES
14 Program. It stands for Youth Educators for
15 Safety.

16 COUNCILWOMAN MILLER: Youth Educators
17 Speak?

18 MS. ROBESON: For Safety.

19 COUNCILWOMAN MILLER: And you're part
20 of Philadelphia anti-drug anti-crime?

21 MS. ROBESON: Yes.

22 COUNCILWOMAN MILLER: And you go out
23 in the community, you said, and do plays and
24 other kinds of things?

25 MS. ROBESON: Mm-hmm.

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2 COUNCILWOMAN MILLER: Okay because
3 maybe I might want to get in touch with you, with
4 the group, to do something in our neighborhood.

5 MS. ROBESON: That would be good. We
6 appreciate it.

7 COUNCILWOMAN MILLER: How long have
8 you been doing your outreach?

9 MS. ROBESON: How long have I been in
10 the program?

11 COUNCILMAN MILLER: Yes.

12 MS. ROBESON: YES has been around for
13 about three years now.

14 COUNCILWOMAN MILLER: Do you think
15 you made a difference or you're making a
16 difference?

17 MS. ROBESON: I think we're making a
18 difference because, to me, one person is a
19 difference in any situation. If I can prevent
20 somebody from doing something, then I feel I made
21 a difference. But I feel we've touched several
22 youth and -- I hope we've touched several youth.
23 I hope we're making a difference. Over the years
24 I've seen it reduced and I've seen that I myself
25 can control situations better as opposed to --

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2 because before I got into the program, I was more
3 or less a person who would be not so able to talk
4 things out. I feel as though now that I'm in the
5 program, I feel as though we know how to talk
6 things over and we know how to work situations
7 out better. So, yeah, I think we do make a
8 difference.

9 COUNCILWOMAN MILLER: You're doing
10 some conflict resolution and those kinds of
11 things?

12 MS. ROBESON: Yes.

13 COUNCILWOMAN MILLER: I just want to
14 agree with not just what you said about taking
15 guns off the street, but I'm a big, big advocate
16 too of not even having them on the street because
17 I think more and more our neighborhoods and
18 communities and city is turning into like a
19 six-gun territory, wild wild west, everybody in
20 the world is trying to get guns.

21 I, too, have a nephew who at 14 was
22 shot in the head with a gun. And he has not
23 walked, talked, he's blind. He's alive, but the
24 quality of his life, you know, is questionable.
25 He's in an institution and we don't think he will

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2 ever walk, talk, see or anything again. So he's
3 now 17 years old, and my family has personally
4 felt the tragedy of young people and the violence
5 that's happening out here in neighborhoods. And
6 he happened to live in Mt. Airy at the time. So
7 you talked about North Philly, but it happens all
8 over the City.

9 When I'm driving in cars or riding in
10 cars, I'm very careful about whether I want to
11 say anything to another driver or even beep the
12 horn. Particularly, you look at the Daily News,
13 the front page of the Daily News today is road
14 rage and this killing that took place in Center
15 City yesterday. So more and more we as a society
16 are becoming very aware of the fact that there
17 are just too many people traveling in this city
18 carrying guns.

19 I just want to say to Councilman
20 Rizzo that many times people have weapons that
21 are taken, sometimes they're taken and in a lot
22 of cases they're taken by other family members,
23 particularly if you have teenagers. I have lots
24 of teenage cousins. I had a gun that disappeared
25 out of my bedroom and I knew one of my teenage

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2 nephews or cousins had to take it. We were
3 having a block party so people were just kind of
4 roaming around. You want to report it, but do
5 you want to get your family members in trouble?
6 Well, you really couldn't pinpoint anybody. So
7 when you have these weapons, even though you're
8 trying to be responsible and it's hidden and put
9 away, people take advantage of opportunity and
10 just -- my gun disappeared years ago and we did
11 ultimately report it. It wasn't really my gun,
12 it was my husband's gun. I wouldn't have a gun.
13 I wouldn't own a gun. But I want to thank you
14 for testifying and we'll probably be in touch
15 with your group.

16 MS. ROBESON: Okay, thank you.

17 COUNCILMAN ORTIZ: Thank you all,
18 thank you very much.

19 We have Sharif T. Street and Angelica
20 Matos.

21 (Witnesses come forward.)

22 COUNCILMAN ORTIZ: Mr. Street, you
23 know the drill.

24 MR. STREET: Yeah.

25 COUNCILMAN ORTIZ: Identify yourself

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2 for the record. You're representing the Senator,
3 the State Senator?

4 MR. STREET: Yes, I am. Good
5 afternoon, Councilpeople. I'm Sharif T. Street,
6 Chief Legislative Adviser to Pennsylvania State
7 Senator Shirley M. Kitchen of the 3rd District.
8 I would start first with the senator supports the
9 Councilman's measure and believes that any
10 measures that can be taken to reduce the
11 proliferation of guns in our district and
12 throughout this Commonwealth is needed. I think
13 there was some talk about -- I'm not going to
14 bombard folks with statistics because I'm sure
15 you all have the same access that. But just some
16 statistics from the Philadelphia Firearms
17 Reduction Task Force which includes ATF and some
18 others, because there's some talk about
19 Pennsylvania and Philadelphia.

20 Juveniles. Once Pennsylvania was
21 determined to be the primary source state, the
22 Philadelphia Firearms Reduction Tax Force -- and
23 I'm talking about Pennsylvania's the primary
24 source state for weapons committing crimes
25 associated with crimes in Philadelphia. Force

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2 analyzed individual counties to determine more
3 specific source areas. Of the 260 firearms
4 traced to juveniles, 11 out of the 156 firearms
5 traced, 71 could be traced to do a Pennsylvania
6 county. The top five counties for Philadelphia
7 firearms associated with Philadelphia crimes, 49
8 percent come from Philadelphia, 20 percent
9 Delaware, 10 percent Montgomery, 6 percent Bucks,
10 and 5 percent Chester. That's 90 percent of the
11 firearms associated with crimes in Philadelphia
12 are sources in and around the Philadelphia area.
13 That's for juveniles. The numbers are fairly
14 consistent for adults and youth. And that is to
15 say that this Council can as a unilateral body,
16 along with the mayor, have significant impact on
17 the firearms associated with crimes in the City
18 of Philadelphia without action by the entire
19 Commonwealth. That's not to say that this isn't
20 a problem that affects communities throughout
21 this Commonwealth. But it's going to be more
22 difficult, as you all are well aware, because of
23 many of the factors that Councilman Ortiz pointed
24 out to get legislation through the Commonwealth
25 to deal with these issues, and the senator is

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2 committed to working on those kinds of tasks.

3 But I want to paint a little picture
4 of how firearms are associated with
5 Philadelphia -- Philadelphia firearms are
6 associated with Philadelphia crime.

7 As we know, unlike drugs it's been
8 said before, firearms start legal and become
9 illegal, so the regulation of legal firearms by
10 lawful owners, and I'm not here to undermine the
11 second amendment, is important because it's
12 important in curbing the illegal violence that
13 occurs because of illegal firearms.

14 I think the comment was made that a
15 sharp investigator could ascertain the location
16 of a gun used in a crime. I agree with that; a
17 sharp investigator could. But I think that we
18 need not rely on every investigator being sharp.
19 I think we should create a system where we make
20 it as easy for our police as we can to ascertain
21 the source of a gun. I don't know -- the police
22 are already have a difficult enough time trying
23 to deal with crime. I don't know that we need to
24 make it unnecessarily difficult if Councilpeople
25 have come up with provision that would make it

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2 more easy for investigators to identify the
3 sources of firearms.

4 Therefore, the senator would ask that
5 Councilpeople support the police and the
6 community by passing this ordinance in the law
7 and requiring folks who are lawful gun owners who
8 have a permit to carry to register those
9 firearms.

10 Another anecdotal piece. And we
11 talked about this automobile stuff and the
12 senator was very involved in the vehicle titling
13 process and the registry. In Pennsylvania
14 currently we are one of the strictest states in
15 the country about registering automobiles. I
16 actually found out through personal experience
17 that my wife cannot even put a vehicle in my name
18 unless she has title to that vehicle. She can't
19 even if she has documentation proving owns it,
20 she must have title because we are so strict in
21 registering vehicles. We trace vehicles -- I've
22 talked with officials at PennDOT. We have a
23 point of life and death in tracing a vehicle
24 throughout its life. However, we have almost no
25 such requirement for guns. It just would seem

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2 common sense to me that if the City of
3 Philadelphia can take measures to make a system
4 which is one of the most rigorous in the country
5 for tracing automobiles more rigorous in this
6 city that we can take a system which probably one
7 of the more lenient ones in the country on guns
8 and make it just a little bit more easier for
9 police to be able to determine who owns a gun and
10 what the life history of a gun was like we can
11 trace a vehicle.

12 Finally, I will say this because
13 there's been some talk and testimony about gun
14 violence affecting families. I want folks in
15 this room and everyone at the sound of my voice
16 and who reads the record to know that the First
17 Family of Philadelphia has also been affected by
18 gun violence. A couple years ago before we were
19 the First Family my cousin Milton's son was shot
20 in a random act of gun violence in Southwest
21 Philadelphia. They lived in North Philadelphia
22 but happened to be visiting his grandmother in
23 Southwest Philadelphia. And because there was
24 drug shoot-outs in the streets, he happened to be
25 just coming out of the store, literally buying

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2 some candy I think at about the age of 9 and was
3 shot, and an even younger relative was also shot.
4 Fortunately, both of the young men lived and
5 recovered, but the mental traumatic still affects
6 him to this day.

7 I would hope that not every family
8 has to be affected because this can affect people
9 of any walk, shape, size, color, creed, religion,
10 in any part of the city because you never know
11 when you might find yourself in a situation where
12 someone senseless and irresponsible act of gun
13 violence affects you. And I would just leave
14 that as something for Councilmembers to think
15 about. And I thank you for a moment of your
16 time.

17 COUNCILMAN ORTIZ: Thank you. Just a
18 message to the senator that as soon as we pass
19 this, the issue will be put into their court in
20 the Senate. So I know that this issue is going
21 land squarely over there very soon.

22 MR. STREET: I know we can count on
23 the Councilman and others to come and help us and
24 we may need testimony in Harrisburg.

25 COUNCILMAN ORTIZ: Miss Matos,

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2 identify yourself for the record, please.

3 MS. MATOS: My name is Angelica
4 Matos, I'm from Kensington High School and I'm
5 public safety. At this moment I have a
6 criminology class, second period, and we're
7 talking about gun control at this moment. And
8 some students are against it and some students
9 are for it. I'm in between because I have had
10 violence of gun act upon my family and that has
11 hurt me dearly. But also, there are things that
12 I'm open minded to. For instance, that's why I'm
13 here today, to understand the ruling and how
14 everything is done in the court system. But I
15 will go for gun control because of what happened
16 to my family also. I live, you can say, in the
17 Badlands 11th and Cambria.

18 COUNCILMAN ORTIZ: Never refer to it
19 as the Badlands, never. That's a term that the
20 newspapers are trying to get us to use, and we
21 cannot. That's our neighborhood, not the
22 Badlands. It's the Promised Land.

23 MS. MATOS: All right, the Promised
24 Land, 11th and Cambria. They said it's a bad
25 street, but I have lived there for 13 and a half

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2 years, almost all of my life, and there was no
3 violence on my street never happened, but I have
4 as a child noticed things. And like I said, it
5 hurt me mentally. And for y'all to pass this
6 act, I will be for it, I'll even help y'all vote.
7 But like Mr. Sharif said and the rest of 'em who
8 said they are for it, you could see us like we're
9 hurt, like the young lady said that things
10 happened to her family, so did Mr. Street. So if
11 y'all going to think about it, don't even think
12 twice, do it.

13 (Laughter.)

14 COUNCILMAN ORTIZ: Thank you. I'm
15 glad that you're doing this at Kensington High.

16 MS. MATOS: There's a lot of
17 organizations out there that's not being heard.
18 Like she said, she's in the YES program. I think
19 if more of the youth will go out there and speak
20 upon this, that we will be heard. There's a lot
21 of youth that do care about situations like this.
22 And some people don't want to hear it. We're
23 standing up and we're standing tall for y'all to
24 hear us, and we're speaking loud and clear for
25 y'all to hear us.

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2 (Applause.)

3 COUNCILMAN ORTIZ: Well, let me tell
4 something. We hear you, but you if you want, I
5 know that every Councilperson here, if you want
6 us, invite us and we can talk, we can talk.
7 We're listeners, but we also like to, you know,
8 talk so invite to us Kensington High to talk
9 about these things, all right? Invite to us
10 Kensington High.

11 MS. MATOS: All right.

12 COUNCILMAN ORTIZ: Okay? Thank you
13 very much.

14 Brad and Dr. Harris and Mr. McLees,
15 please come up.

16 (Witnesses come forward.)

17 COUNCILMAN ORTIZ: I'm going to ask
18 you to make the points that are needed to do
19 made, Dr. Harris and Mr. McLees. We have a
20 4 o'clock briefing, and it is 3:20 and I want to
21 get all of the testimony done. And I know that
22 my friend John is back there, John Morawitz, and
23 I want to get him at the table so that we can
24 hear his testimony.

25 Brad, you can begin, you know the

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2 drill already, so identify yourself for the
3 record.

4 And Mr. McLees, you know the drill.

5 MR. RICHMOND: My name is Bradford
6 Richmond, Special Assistant to the Police
7 Commissioner. I'd like to thank -- first of all,
8 the Police Commissioner should be on an airplane
9 returning from California right now, so I'd like
10 to thank you for this opportunity on his behalf
11 to participate in these proceedings.

12 Before I even begin the remarks,
13 there were a couple of things that were stated by
14 speakers before me that I think can be put into
15 perspective. One is that -- I think, Councilman
16 Clarke, you mentioned that there were over 30,000
17 permits in Philadelphia. I think the number is
18 now in the area of 38,000 permits in
19 Philadelphia. And just for comparison purposes,
20 the City of New York has approximately 16,000
21 permits and that includes 11,000 retired police
22 officers.

23 COUNCILMAN ORTIZ: How many people in
24 New York?

25 MR. RICHMOND: Well, we had the 7 to

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2 1 rule when Police Commissioner Timoney came
3 here, that there were 7 times the population. So
4 when we asked him from resources, he
5 automatically divided New York by 7. And that
6 includes retired police. There's 5,000 civilian
7 permits in New York.

8 COUNCILMAN ORTIZ: And we have
9 38,000?

10 MR. RICHMOND: We have in excess of
11 38,000.

12 In New Jersey that number is
13 somewhere between 450 and 500 for the entire
14 State of New Jersey.

15 COUNCILMAN ORTIZ: In New Jersey how
16 much?

17 MR. RICHMOND: 450 to 500 carry
18 permits. And we have in excess of 38,000, so
19 that puts that into perspective a little bit.

20 COUNCILMAN ORTIZ: Come to Philly.

21 MR. RICHMOND: Come to Philly. I
22 want to thank Councilman Clarke and Councilman
23 Ortiz for introducing this bill, in large part
24 because important to keep this issue of gun
25 violence in the forefront, and we need ideas and

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2 creative idea to be brought forward. If there
3 are problems with those ideas, we can deal with
4 them, but we need to have constructive discussion
5 on this topic. Gun violence is an epidemic in
6 Philadelphia; that is well known. Philadelphia,
7 if it doesn't lead the nation, it's close to
8 leading the nation in homicides by gun; that is,
9 that a larger percentage of our murders are
10 committed with firearms. We're somewhere around
11 80 percent. New York, again by comparison, is in
12 the 60 percent range. So that by far, if you're
13 murdered in Philadelphia, it's more likely to
14 happen by a firearm.

15 In addition, a statistic was turned
16 out this afternoon that 5,000 --

17 COUNCILMAN ORTIZ: You know, Brad,
18 we've had comments here, right, about some of my
19 colleagues have, and they've stated here that
20 they were afraid to go to New York because of all
21 the violence that was going on there. And the
22 thing is that we never put it into perspective.
23 There are 8 million people over there, 1.4 here,
24 and the things that you're saying are really,
25 really very revealing.

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2 MR. RICHMOND: The other statistic
3 you might find interesting in that regard is that
4 the number which was thrown out by Councilman
5 Clarke which is correct number, that 5,000
6 approximately illegal guns were seized off the
7 streets of Philadelphia, that number compared to
8 New York, again, overwhelms the number in their
9 best year. New York doesn't seize 5,000 illegal
10 firearms off the streets, and that's a number
11 that got Commissioner Timoney's attention as
12 well, why there are so many guns being recovered
13 in Philadelphia.

14 There are many things that need to be
15 done to curb the tide of these illegal guns.
16 Certainly, the straw purchasers have a
17 significant impact on the flow of guns. They
18 have a profit motive to operate in Philadelphia
19 providing guns to minors, to people who have
20 criminal records who can't otherwise buy guns.
21 And the one gun a month legislation which is
22 proposed would certainly go far in eliminating
23 the profit margin.

24 COUNCILMAN ORTIZ: Brad, in order to
25 get to the point -- and I think Councilman Rizzo

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2 asked a question before. Why is this bill a step
3 forward in this war that we are waging? Why is
4 it important to you as the police department for
5 this bill -- for this permit to have this
6 information within it? Why not the federal
7 government to do it? Why not somebody else do
8 it? Why is it important for you as the City of
9 Philadelphia Police Department to have this
10 information?

11 MR. RICHMOND: All right, I have
12 rephrase your question so that I can answer it
13 properly.

14 COUNCILMAN ORTIZ: All right.

15 MR. RICHMOND: Number one is that our
16 job as the police department is to enforce the
17 law, and the police department has very serious
18 reservations about the legality of this law and I
19 think that the City of Philadelphia Law
20 Department needs to review this and offer an
21 opinion and see whether or not it's consistent
22 with state law.

23 COUNCILMAN ORTIZ: We understand
24 that.

25 MR. RICHMOND: If you're asking how

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2 the police department could use this
3 information --

4 COUNCILMAN ORTIZ: Exactly.

5 MR. RICHMOND: If in fact this law
6 were not preempted, there are a number of ways we
7 could use it. I probably couldn't even
8 anticipate all of them. But one way, for
9 example, would be if a person comes into the
10 police department gives us a list of a hundred
11 guns that they one an year after year that list
12 stays essentially the same, maybe they buy a
13 couple, they sell a couple, but essentially the
14 same, that would be one thing the person's a
15 collector. But if that list of 100 guns changes
16 dramatically from year to year where this person
17 going through an inventory of guns, that's going
18 to be an indicator to the police department that
19 we have someone who is dealing and, obviously, if
20 they're not a federal firearms licensee. Does
21 that mean the person is immediately arrested? Of
22 course not. But the police department follows
23 leads, looks for indicators, and that would be a
24 clear indicator.

25 Another thing that is what I think so

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2 remarkable in terms of solving crimes is if a car
3 accident occurred where a person was injured and
4 a description was an unusual model car, for
5 example, a pink old Cadillac, we could find out
6 in a matter of ten minutes every pink older model
7 Cadillac in the City of Philadelphia, we would
8 know of almost instantly. Yet, if somebody is
9 shot by an unusual caliber weapon or described a
10 weapon that is of unusual caliber, we can't even
11 begin to determine where that weapon is in the
12 City of Philadelphia. So I think there would be
13 an unlimited number of ways that investigators
14 could use this information in order to solve
15 crimes and account for weapons.

16 COUNCILMAN ORTIZ: So this
17 information right now, a gun is used and you have
18 really very little way of tracing that gun to who
19 owns it?

20 MR. RICHMOND: Very difficult. In
21 fact, at best, we frequently will get the
22 original purchaser of a gun, and it takes an
23 extensive amount of work generally by the federal
24 government to actually trace. You know how long
25 it took in Columbine to trace those weapons

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2 because the federal forms are maintained in
3 individual gun shops where the transfers are
4 being done. It's not a matter of putting it in a
5 computer knowing the history of a weapon, you'd
6 have to trace it individually. So that
7 information is not readily available to us.

8 COUNCILMAN RIZZO: Can I follow up on
9 that?

10 COUNCILMAN ORTIZ: Yes, go ahead.

11 COUNCILMAN RIZZO: Thanks, Mr.
12 Chairman.

13 Mr. Richmond, could you -- I'd like to
14 go back. You threw statistics out about New York
15 and New Jersey. Could you tell me how many police
16 officers are employed by the New York Police
17 Department?

18 MR. RICHMOND: A considerable about
19 amount.

20 COUNCILMAN RIZZO: What's the number?

21 MR. RICHMOND: 49,000 something, in
22 that area.

23 COUNCILMAN RIZZO: 49,000 police
24 officers. How many do we have here in
25 Philadelphia?

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2 MR. RICHMOND: Approximately 7,000
3 sworn.

4 COUNCILMAN RIZZO: What would you get
5 that motivated 38,000 Philadelphians to go out
6 and get permits for protection? What do you
7 think motivated those 38,000 people? What do you
8 think the perception of our city based on that
9 38,000 people wanting permits to carry?

10 MR. RICHMOND: I could only
11 speculate.

12 COUNCILMAN RIZZO: Well, what do you
13 speculate?

14 MR. RICHMOND: There are people who
15 feel that they have to protect themselves, as is
16 their right.

17 COUNCILMAN RIZZO: How many, again,
18 police officers in New York, 49,000?

19 MR. RICHMOND: Roughly.

20 COUNCILMAN RIZZO: 49,000 police
21 officers versus our -- how many again.

22 COUNCILMAN ORTIZ: They have 8
23 million people.

24 MR. RICHMOND: Approximately 7,000.

25 COUNCILMAN RIZZO: So perception --

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2 we speculate, and I can say it's more than
3 speculation, that the 38,000 people that went out
4 and bought a gun and went through the process,
5 they don't feel like they're safe here and went
6 out and got a gun.

7 I heard something that astonished me,
8 the number of women applying for permits. Do you
9 have any idea how many female versus male?

10 MR. RICHMOND: No. I know that it's
11 not uncommon. I don't know the exact numbers.

12 COUNCILMAN RIZZO: So, obviously,
13 people are getting permits, legal permits, to
14 carry a gun in Philadelphia because they don't
15 think they're safe and they might not think they
16 have enough police department or the response
17 time isn't good enough. There's reasons why
18 people have applied for permits to carry a gun in
19 the City of Philadelphia. And I'm just having a
20 tough time going after those folks that have
21 legally -- and you even have reservations and the
22 Law Department may whether this is even legal to
23 do this. And I want to be cooperative, but also
24 as a member of this committee, I want to give it
25 a little bit of a balance, also. Thank you.

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2 COUNCILMAN ORTIZ: Thank you.

3 Mr. McLees?

4 MR. MCLEES: Yes, sir. John McLees,
5 Executive Director for School Safety for the
6 School District of Philadelphia. I have a very
7 short prepared statement.

8 Good afternoon, Mr. Chairman and
9 members of the committee. Thank you for inviting
10 me here today to discuss firearm confiscations in
11 our public schools. During '93-'94 school year
12 when I was first appointed executive director for
13 school safety, 45 firearms were confiscated in
14 our schools. I'd like to think that because of
15 strategies that the district has implemented over
16 the past years, we have experienced a decline in
17 the number of firearms coming into our schools.
18 From a high of 45 firearms in the '93-'94 school
19 year to 15 in the '99-2000 school year. And thus
20 far in school year 2000-2001, only one firearm
21 has been found inside our schools.

22 During the '99-2000 school year, 15
23 firearms were confiscated. No firearms were
24 recovered from elementary schools. Three were
25 confiscated from our middle schools, and 12 from

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2 our high schools.

3 During '98-'99 school year 19
4 firearms were confiscated, 3 from our elementary
5 schools, 8 from middle schools, and 8 from high
6 school.

7 Additionally, in the '97-'98 school
8 year, 22 firearms were confiscated; 1 firearm was
9 confiscated from our elementary school, 3 from
10 the middle schools, and 18 from our high schools.

11 The type and caliber of firearms
12 confiscated ranged from revolvers of .22-caliber
13 through .45-caliber and semiautomatic pistols
14 ranging from .22-caliber to .40-caliber including
15 two tech nine auto pistols.

16 We believe that one of the many
17 reasons for the consistent decline in
18 confiscation of firearms over the past few years
19 is directly attributable to the School District's
20 deployment and implementation of its Safe School
21 Entry Program. That program includes
22 walk-through metal detectors, X-ray scanning
23 machines, and personal student identification
24 card system which all the children have in the
25 high schools. And it's being expanded, as a

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2 matter of fact, this year to our middle schools.

3 The Board of Education mandated that
4 the above systems be installed in all high
5 schools as well as their annexes. This new safe
6 school scanning program is designed to deter
7 violence and serious physical injury in schools
8 by inhibiting the access of weapons and other
9 contraband into our schools. The School District
10 of Philadelphia has made a strong and determined
11 effort to maintain its schools as safe and secure
12 places where students and staff can pursue the
13 educational endeavors our children deserve.

14 The use of firearms in conjunction
15 with indifference for the respect of human life
16 are draining the resources of our city, the
17 children, of course, being our most importance
18 resource.

19 The Philadelphia School District
20 Office for School Safety has maintained a
21 long-standing commitment to depleting the number
22 of firearms and weapons entering our schools.

23 Thank you.

24 COUNCILMAN ORTIZ: Thank you, Mr.
25 McLees.

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2 You have a question, Councilman

3 Rizzo?

4 COUNCILMAN RIZZO: First of all, I
5 want to let you know that I personally believe
6 that the School District police under your
7 leadership do a great job. I know it's a tough
8 situation.

9 I want to follow up on a request to
10 the Chair of this committee. This police
11 department does a great job in compiling
12 statistics. I'd be curious, just for my own
13 knowledge, and again, if you can provide this to
14 the Chair, when you track gun violence, I'd like
15 to know how many guns, Mr. Richmond, were used in
16 the commission of a crime that were purchased by
17 a person that has a permit to carry a gun?
18 Because I'd like to know how many people, how
19 many guns came from people that have permits to
20 carry a gun. You say that all the gun violence
21 in the City, so I'd like to know how many guns
22 were stolen either from a person who had a permit
23 or sold a gun. I'd be just curious. Darrell
24 looks like he's got that already.

25 COUNCILMAN CLARKE: I'm glad you

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2 asked that question. I think you'll be
3 surprised.

4 COUNCILMAN RIZZO: Are you straight,
5 man?

6 MR. RICHMOND: If I understand your
7 question, you want to know what traces bace to an
8 original purchaser by a permitted --

9 COUNCILMAN RIZZO: I'd be curious
10 since we're dealing with legislation that's going
11 to affect people that have a permit to carry, I'd
12 be curious to know how many gun crimes were
13 committed with guns that link back to a person
14 that has a permit to carry. Is that clear?

15 .

16 MR. RICHMOND: Yes.

17 COUNCILMAN RIZZO: Thank you.

18 MR. RICHMOND: And I will provide
19 that.

20 COUNCILMAN ORTIZ: Thank you very
21 much. We're running very close. Mr. John
22 Mirowitz.

23 COUNCILMAN CLARKE: One quick
24 question. With respect to some of your earlier
25 testimony. I just want to be clear that the

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2 numbers associated with New York are running
3 essentially at the 7 to 1 ratio to the City of
4 Philadelphia and I believe the population is
5 approximately 7 to 1 versus the City of
6 Philadelphia. In addition, with respect to this
7 whole self-defense issue, I think on average
8 people probably -- I'm just throwing this out of
9 my head based on people that I know. Probably
10 have multiple guns. I know of instances where
11 individuals had 50 guns and had permits to carry
12 50 guns. You do not need to have 50 guns for
13 self-defense. So I just wanted to put that on
14 the record.

15 MR. RICHMOND: The only caveat on
16 those number is I'm a homegrown boy so I didn't
17 come down from New York so I'm relying on
18 statistics.

19 COUNCILMAN ORTIZ: Is that it?

20 Mr. Mirowitz, you've been to this
21 Council before.

22 MR. MIROWITZ: Yes. I hope
23 Councilman Cohen is feeling much better. Last I
24 heard, he was feeling rather ill.

25 Two things remind me about today.

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2 One, thank you for allowing me to testify. When
3 I left the house this morning, I wasn't planning
4 on being here, so I apologize, I don't have
5 written presentation for you, although I will
6 prepare one and supply it to the committee.

7 Secondly, the issue before the
8 committee seems to be one specific bill, which
9 everyone seems to concede probably violates
10 Section 6120 State preemption, probably
11 violates --

12 COUNCILMAN ORTIZ: No, no, no. We
13 don't concede.

14 MR. MIROWITZ: Well then I can tell
15 you, Councilman Ortiz, it violates Section 6120.
16 We went to the Pennsylvania State Supreme Court
17 and they agreed --

18 COUNCILMAN ORTIZ: Sir, sir, excuse
19 me. Sir, sir. Excuse me, please. I am the
20 chair. You will testify and you will listen.
21 But if you're not going to respect the rules of
22 this Council, you will not be able to do that.
23 Okay?

24 MR. MIROWITZ: Councilman Ortiz --

25 COUNCILMAN ORTIZ: Like I said, you

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2 may have your opinion as to what the legality is.
3 This Council legislates. The courts either
4 decide that it is ir it isn't. You are not a
5 judge. You have an opinion. You can state that
6 opinion and we will listen.

7 MR. MIROWITZ: Councilman Ortiz --

8 COUNCILMAN ORTIZ: You will do it
9 with the respect that we're giving you. So you
10 go ahead and you testify and you give your
11 opinion as to the legality of the bill or the
12 illegality of the bill and refrain from any other
13 colorations as to motivations or whatever. Thank
14 you.

15 MR. MIROWITZ: I wasn't making any
16 colorations, Councilman. I was making a simple
17 statement of the fact. The last time I told you
18 a gun bill was unconstitutional and violated
19 Section 6120 State preemption. We took the issue
20 up to the Pennsylvania State Supreme Court and
21 you lost then. I am making that same statement
22 as to this bill; you will lose again. The
23 provisions for the issuance of a concealed
24 weapons carry permit are set forth by the Uniform
25 Firearms Act.

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2 As you well know, I sat on the State
3 select committee that wrote or rewrote the
4 provisions whose work led to the revisions since
5 it came out of the State legislature. The
6 statute calls for the state police to provide for
7 the basis for that. It doesn't provide for City
8 Council in Philadelphia to provide that.

9 Now, going back to following City
10 Council's rules, your rules call for witnesses to
11 alternate pro and con. I have sat here since 1
12 o'clock this afternoon, actually earlier, I am
13 the first opposed witness. You've had numerous
14 witnesses --

15 COUNCILMAN ORTIZ: You're the only
16 opposed witness.

17 MR. MIROWITZ: Then I should have
18 been first or second.

19 COUNCILMAN ORTIZ: Sir, there are no
20 rules of Council that says pro and con. Sorry,
21 that's not the way it is handled.

22 MR. MIROWITZ: You changed the rules
23 since last time?

24 COUNCILMAN ORTIZ: The rules have not
25 changed.

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2 MR. MIROWITZ: In any event, may I
3 finish my statement?

4 COUNCILMAN ORTIZ: You can finish
5 your statement.

6 MR. MIROWITZ: Thank you. As far as
7 confiscated firearms, since that issue has come
8 up, let me tell you about a gentleman whose
9 firearm was confiscated and took us three years
10 to return it or recover it. He had the
11 misfortune to come out of his home -- he was an
12 employer and an employee here in Philadelphia.
13 He owns a business, he has numerous employees.
14 He also works for the business. It was here in
15 Philadelphia. He came out of his home one
16 morning to discover that there had been a
17 shooting that was in the process a shooting. A
18 person had been killed; horrible situation. He
19 tried to give first aid. He tried to observe the
20 perpetrator. He was able to get a partial
21 license plate. He called the Philadelphia Police
22 Department. The Philadelphia Police Department
23 responded. Unfortunately, the victim was dead on
24 the street. Philadelphia police then proceed to
25 do take this gentleman, bring him in for

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2 questioning, confiscate his carry permit,
3 confiscate his handgun, take his information. It
4 took us three years to get his gun back for him.
5 They finally went after the drug dealer who shot
6 the other drug dealer in this guy's front yard or
7 front porch. Just because a firearm was
8 confiscated and being held by the City of
9 Philadelphia's Police Department doesn't mean it
10 is being involved in a crime. Perfectly
11 legitimate; you've got a --

12 COUNCILMAN ORTIZ: I don't think
13 anyone has made that statement here.

14 MR. MIROWITZ: Pardon?

15 COUNCILMAN ORTIZ: I don't think
16 anyone has made that statement.

17 MR. MIROWITZ: That was the
18 impression you were giving. You were asking
19 about confiscated firearms. I was trying to give
20 you an example of one particular instance.

21 Now, as far as some of the violations
22 that this bill constitutes, we have Section
23 6111.4 which is no registration. We have Section
24 6109C which provides for the format for the
25 investigation. Nowhere in Section 6109 which

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2 governs of issuance of carry permit is there a
3 requirement that the applicant be a gun owner.
4 You don't need to own a gun to get a carry permit
5 in the State of Pennsylvania. Actually, in the
6 State of Pennsylvania our constitution which
7 predates, not just the federal constitution, not
8 just the second amendment, but also the United
9 States, the right of the Commonwealth citizens to
10 bear arms in defense of themselves and the
11 Commonwealth shall not be questioned.

12 Now, Councilman Ortiz, you and I have
13 gone around in circles a lot. We disagree
14 whether there's a constitutional right for an
15 individual to own guns. I will tell you, if this
16 bill passes, I will take it to court. I will
17 take it to court as a government action and
18 denigration of a civil right.

19 COUNCILMAN ORTIZ: I expect that this
20 bill -- as we said, we expect any bill that deals
21 with the ownership of guns to be fiercely opposed
22 by the constituted lobbying bodies across this
23 nation. We expect this bill to be taken to court
24 and to -- and I imagine that you will also go to
25 the legislature and see if there is any loophole

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2 in the preemptive acts that prevent us from
3 legislating for the health and safety of our
4 citizens. And you will then -- if that loophole
5 is there, you will then try to close that
6 loophole so that we are prevented from
7 legislating for the health and safety of our
8 citizens just because you believe that the right
9 to carry a gun, that the right to own a gun, is
10 unassailable, it is written in stone that that is
11 a constitutional right that the state has no
12 right to regulate --

13 MR. MIROWITZ: Don't put words in my
14 mouth. I'm perfectly capable of putting my own
15 words in my own mouth. I am not here for any
16 lobbying group. I am not authorized to act on
17 behalf of any of the groups, even the ones which
18 I am either a director or president of. I am not
19 here on behalf of the NRA, the Unified Sportsmen
20 of Pennsylvania, Pennsylvania State Fish and Game
21 Protective Association, Philadelphia Federation
22 of Sportsman Clubs. I am here as a
23 Philadelphian. I am not a second-class
24 Pennsylvanian. I will not let you make me one.
25 By you, I mean City Council in Philadelphia.

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2 Now, I had a young man -- I live
3 across the street from Olney High School. We had
4 a young man who was shot and I found him in my
5 backyard. And we summoned the police and waited
6 for them to respond while I gave him first aid.
7 He was shot with an illegal gun because the gun
8 was handled by minor. It's illegal for a minor
9 to have a gun. When they go out and prosecute
10 the young individual who shot him -- by the way,
11 that was a dispute over who gets to sell drugs in
12 the Olney High School football field. When they
13 prosecute the young man who shot him, I will let
14 you know. That was several years ago.

15 COUNCILMAN ORTIZ: Councilman Clarke.

16 COUNCILMAN CLARKE: Thank you,
17 Mr. Chairman.

18 Sir, I've heard your testimony and I
19 am a person who believes in the right to bear
20 firearms. As I said earlier in my testimony, I
21 have a firearm. I'm a person that lives in a
22 neighborhood 33rd and Berks that too frequently
23 in the middle of the night I hear gunshots going
24 off. You know what I mean? I'm laying there in
25 the bed and --

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2 MR. MIROWITZ: I do too.

3 COUNCILMAN CLARKE: Sir, will you let
4 me talk, please?

5 Frankly speaking, I'm not going to
6 allow, continue to allow some state legislator
7 from Lackawanna County or East Gibley County
8 continue to tell us what we can do in the City of
9 Philadelphia. These are the same people who tell
10 us that we can't move an abandoned vehicle from
11 the middle of a street until we go there with
12 same regulation. These are the same people that
13 in parts of my district that I have properties
14 that have been vacant for 30 years, the owner's
15 long gone dead, they say we can't acquire the
16 property and get it into some sort of productive
17 re-use because of state law. And I'm telling
18 you, sir, I'm sick and tired of the State
19 dictating to the City of Philadelphia because
20 people say there's Philadelphia, there's
21 Allegheny County, and the rest of the state
22 happens to be called Alabama because some of
23 these antiquated laws associated with some of
24 these state legislators.

25 So, I mean, you said that you want to

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2 take us to court. The last time I checked, the
3 City of Philadelphia Law Department has around
4 150 lawyers; am I correct, Councilman?

5 COUNCILMAN ORTIZ: Correct.

6 COUNCILMAN CLARKE: So, you know, if
7 that's what we got to do, then that's what we got
8 to do, sir. But we're going to spur the debate
9 because I'm telling you I'm not going to continue
10 to go home to my constituents and tell them
11 because of some state law we can't do something
12 to stem the tide of these guns.

13 (Applause.)

14 MR. MIROWITZ: If you want to do
15 something about the violence in the City of
16 Philadelphia, do something about the,
17 quote/unquote, known drug locations that exist
18 for decades and get passed from one generation of
19 drug dealer to the next. Do something about the
20 80,000 plus outstanding bench warrants in this
21 city where you have repeat violent offenders.

22 If I remember correctly, when Senator
23 Spector ran for D.A., the comment was that if you
24 took between 800 and a thousand career criminals
25 off the street, you took care of 80 percent of

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2 Philadelphia's violence. Now I believe the
3 figure is up to 1500. Those are the people with
4 the outstanding bench warrants. If you take the
5 career criminal off the street, you'll take care
6 of the crime problem. If you take the repeat
7 drug offender off the street, you will take care
8 of that problem. Whether you'd have an
9 intersection where you have drug dealers day in
10 and day out, whether Fred, Joe, Larry, Hillary,
11 Bernice, whoever, when they're all do the same
12 thing at the same location, you want to end the
13 problem? Do something about busting them.
14 Taking the firearms away from a firearms owner,
15 to a legitimate gun owner, doesn't do anything to
16 end that crime.

17 COUNCILMAN CLARKE: Have you read the
18 bill?

19 MR. MIROWITZ: Can I finish?

20 COUNCILMAN CLARKE: Have you read the
21 bill, sir? Can I ask you a question with
22 respects to your testimony? Have you read the
23 bill?

24 MR. MIROWITZ: Can I finish my
25 statement?

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2 COUNCILMAN CLARKE: I asked you a
3 question, sir. Have you read the bill?

4 MR. MIROWITZ: Yes.

5 COUNCILMAN CLARKE: I'm going to
6 allow you to respond. I mean, you're making
7 statements that are not relevant to the bill.
8 We're not talking about confiscating anybody's
9 firearms.

10 MR. MIROWITZ: You were saying that
11 the justification for the bill is to do something
12 about the crimes and the violence in the City of
13 Philadelphia.

14 COUNCILMAN CLARKE: And what I'm
15 trying to do --

16 MR. MIROWITZ: I'm saying if you want
17 to do something about the crimes and violence in
18 the City of Philadelphia, take the drug dealers
19 off the street, take the criminals off the
20 street.

21 COUNCILMAN CLARKE: Sir, what we're
22 attempting to do is to create an environment that
23 will allow the police adequately trace the
24 illegal guns, that's all. If you have illegal
25 guns, sir --

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2 MR. MIROWITZ: What it said on the
3 State --

4 COUNCILMAN ORTIZ: Excuse me. Sir,
5 you will talk to the bill. You have said that
6 you're going to take it to court if we pass it.
7 That's fine, that's your prerogative, that's your
8 right. You will relate your testimony to the
9 bill. We've heard all of the sermons. We have
10 jails that we keep on filling with criminals,
11 sir, so we don't need to hear. We understand
12 very clearly. What we are trying to do here is
13 exercise our legislative duty to look at --

14 MR. MIROWITZ: Councilman, can I
15 answer the question that the other Councilman put
16 to me?

17 COUNCILMAN ORTIZ: -- the health and
18 safety. Have you finished testifying about the
19 bill?

20 MR. MIROWITZ: I was trying to answer
21 a question the Councilman put to me. Do you want
22 me to answer his question?

23 COUNCILMAN CLARKE: I asked you a
24 question. You said you read the bill.

25 MR. MIROWITZ: Yes, I said I've read

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2 the bill. You then asked me how it related --

3 how my statement related --

4 COUNCILMAN CLARKE: You mentioned
5 confiscation of guns. Our bill does not address
6 that. It does not speak of confiscation.

7 MR. MIROWITZ: That was a prefatory
8 remark and that was comment that I made before I
9 made my statement because there seemed to be some
10 confusion --

11 COUNCILMAN ORTIZ: Have finished your
12 testimony as to the bill, the legality or
13 illegality of the bill?

14 MR. MIROWITZ: I'd like to discuss
15 with Councilman Clarke his question and respond
16 to it.

17 COUNCILMAN ORTIZ: This is not a bill
18 about confiscation.

19 COUNCILMAN CLARKE: You answered the
20 question. I'm satisfied with your answer.

21 MR. MIROWITZ: Councilman, you have a
22 4 o'clock appointment. I see you still you don't
23 respect your own rules. Life's like that.

24 COUNCILMAN ORTIZ: Sir, we respect
25 our rules. Thank you, sir.

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COUNCILMAN CLARKE: Thank you.

COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE ON PUBLIC SAFETY

- - -

Wednesday, November 15, 2000

- - -

Public Meeting conducted by the
Committee on Public Safety, held in Room 401,
City Hall, Philadelphia, Pennsylvania, on the
above date, to consider action on the following:
BILL NO. 000659

- - -

PRESENT:

COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN DAVID COHEN
COUNCILWOMAN JOAN KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS-BROWN
COUNCILMAN FRANK RIZZO

- - -

1 PUBLIC SAFETY PUBLIC MEETING

2 COUNCILMAN ORTIZ: The Committee on
3 Public Safety will now have a public meeting on
4 Bill -- there are some amendments to the bill.
5 Could you please read the amendments to the bill,
6 Clerk.

7 THE CLERK: Under Title 10, second
8 section, reporting requirements Subsection A, the
9 new amended version shall read in total The
10 police department upon receiving an application
11 shall in a form designed by the police department
12 insert the word "shall" require the applicant to
13 provide the following information prior to
14 processing of an application.

15 On Subsection 2, this would be 2A,
16 sub 2, delete 2; insert B. Underneath that same
17 section, which is now numbered as A, renumbered
18 as 1 and the section shall read In the event that
19 the applicant no longer owns the firearm, the
20 applicant shall, delete "sixty, (60) days," and
21 insert "one year," so that the section would
22 read, "In the event that the applicant no longer
23 owns a firearm, the applicant shall within one
24 year of the date of the original application for
25 a concealed weapon update the information in a

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2 form provided by the police department.

3 The last amendment in the Subsection
4 4, Penalties, the amendment shall be any --
5 delete "applicant." Insert "person" who violates
6 any provision of this section shall, in addition
7 to other penalties provided, delete "shall be"
8 insert "pay" a fine of not more than \$300.

9 COUNCILMAN ORTIZ: Do I hear a motion
10 for the acceptance of the amendment?

11 COUNCILMAN CLARKE: So moved.

12 (Duly seconded.)

13 COUNCILMAN ORTIZ: All those in
14 favor, say aye.

15 All those against?

16 COUNCILMAN RIZZO: No.

17 COUNCILMAN ORTIZ: One no. The ayes
18 have it.

19 Could I hear a motion to move the
20 bill out of committee, 000659 with a favorable
21 recommendation? Councilman Clarke.

22 COUNCILMAN CLARKE: Thank you, Mr.
23 Chair. Mr. Chair, I make a motion that Bill No.
24 000659 be voted with a suspension of the rules be
25 moved out of committee with a favorable

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2 recommendation.

3 (Duly seconded.)

4 COUNCILMAN ORTIZ: Those in favor say
5 aye?

6 Those against?

7 COUNCILMAN RIZZO: No.

8 COUNCILMAN ORTIZ: One no. Let the
9 record say that Frank Rizzo voted no the Bill.
10 The Bill 000659 will be reported to
11 City Council in the next session with a
12 suspension of the rules asking for first reading
13 in the next Session of City Council. It has been
14 so moved and proved by the Committee on Public
15 Safety.

16 I want to make announcement that
17 Resolution 000635 that was supposed to be heard
18 today on lead water poisoning in the public
19 school system of Philadelphia has been recessed
20 until 3 o'clock on Monday. That's Monday the
21 20th at 3 o'clock in the afternoon.

22 This meeting now recessed until
23 Monday at 3 o'clock in the afternoon.

24 (Applause.)

25 (Adjourned at 4:00 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, November 15, 2000, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON PUBLIC SAFETY
BILL NO. 000659

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter