COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE ON PUBLIC SAFETY

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 6, 2004
2:00 p.m.

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BILL 040312 - An Ordinance amending Chapter 10-800 of the Philadelphia Code, entitled "Safety," by adding a new section entitled "Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others."
BILL 040315 - An Ordinance amending Section 10-800 of the Philadelphia Code, entitled "Safety" by adding a new Section 10-821a entitled "Contraband Weapons, Accessories and Ammunition," providing for the prohibition and registration of certain assault weapons and imposing penalties.

PRESENT:

COUNCILWOMAN DONNA REED MILLER, Chair
COUNCILMAN DARRELL CLARKE
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN JUAN RAMOS
COUNCILMAN FRANK RIZZO
COUNCILWOMAN BLONDELL REYNOLDS BROWN

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04/06/04 - PUBLIC SAFETY - BILLS 040312, 040315

COUNCILWOMAN MILLER: Good afternoon.

We now want to convene the public hearing for the Committee on Public Safety. I will state the quorum for the record.

COUNCIL PRESIDENT VERNA: Madam Chair, for the purpose of a quorum I'm appointing Councilman Clarke for this hearing as a member.

COUNCILWOMAN MILLER: Thank you.

For the quorum we have to my right Councilman Darrell Clarke, Councilman Juan Ramos, to my left Councilwoman Jannie Blackwell, and Councilwoman Blondell Reynolds Brown. And shortly to arrive will be Councilman Frank Rizzo.

Will the Clerk please read the title of the first bill.

THE CLERK: Bill No. 040312, an Ordinance amending Chapter 10-800 of the Philadelphia Code, entitled "Safety," by adding a new section entitled "Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or

Others."

COUNCILWOMAN MILLER: You have a witness list, right?

THE CLERK: Yes.

COUNCILWOMAN MILLER: Will you please call those that are going to testify up to the witness table?

THE CLERK: I'd like to call Chuck Pennacchio and Chad Ramsey, Fred Kauffman, Mike Felker, and Dorothy Johnson-Speight from Mothers in Charge.

MR. PENNACCHIO: Councilwoman, I think everyone here would like to speak on behalf of both bills that are being considered today, if that is okay.

COUNCILWOMAN MILLER: That's perfectly fine.

You can actually go in the order that you were called, and spell your last name

MR. PENNACCHIO: Thanks so much for having us and I appreciate your considering our testimony today, Councilmembers. My name is Chuck Pennacchio and I'm a history professor right down the street at University

of the Arts.

COUNCILWOMAN MILLER: Excuse me. Can you spell your last name, please.

MR. PENNACCHIO: Sure, it's P-E-N-N-A-C-C-H-I-O, Chuck Pennacchio.

COUNCILWOMAN MILLER: Thank you. Proceed.

MR. PENNACCHIO: I appear before today wearing several hats, the first of which is that I'm a history and political science professor at the University of Arts and this is a topic that my students talk about quite a bit. We debate this topic in our classes. I also appear before you as the father of two small children, 5 and 7. I'm actually a resident of Bucks County, so I bring a little suburban perspective to you. And I'm also a former member of NRA, so I bring that perspective as well.

Let me just start by saying that in terms of the school debate with my students, there is virtually unanimity in support of the assault weapons ban, one of the two pieces that's before your Council today. Only 5

percent of my students raise questions about whether to support it or not, but none of them actually opposed it. I have four sections of students totaling 110 students. So it's virtually unanimous in support of the assault weapons ban. And specifically we spoke about the federal renewal which is due to lapse after a 10-year period this fall.

We consider all sides of the debate. I break my students up into discussion. They do research. They take a look at the topic and they discuss it at length, debate it at length. So from that perspective the students at the university, those that are under our tutelage, are in virtually unanimous support of this legislation before you.

As the father of two small children who -- my wife and I come into the City quite frequently, and there's always that concern about safety. There's always that concern, I think, for anybody who is traveling through the City in unfamiliar territory and even territory that we traverse quite a bit. But the idea that assault weapons can be gotten in

the hands of individuals is a great concern to us as parents, particularly coming in from the suburbs. So that's the second point.

The third is that when I was earlier a member of the National Rifle Association, the organization was presenting reasonable arguments on these questions. But in more recent years, the organization has gone to the extreme in defending against all limits, all efforts to control reasonably the access to weapons, especially assault weapons ban.

And finally, just as an individual, as a native of Pennsylvania, somebody who's live here off and on their entire life and has witnessed from a distance but also up close the tragedy of assault weapons, nationally as well as in our city centers, this is an issue that I sincerely hope you give the highest priority and I am deeply grateful that you've taken my testimony today. Thank you.

COUNCILWOMAN MILLER: Thank you. Thank you for coming in.

MR. PENNACHIO: I have to go and teach a class right now, so you'll forgive my

disappearing. Thank you so much.

COUNCILWOMAN MILLER: Please thank your students for their support.

MR. PENNACHIO: The University of Arts appreciates your help. Thank you so much.

MS. JOHNSON-SPEIGHT: Good afternoon. I'm here on behalf of an organization called Mothers in Charge. We've given testimony in the past few weeks on the gun bills legislation. And I'm just here today to let Council know that we continue to support any bills that can help take the guns off the street.

Mothers in Charge started back in May of last year with about three members. Today, it's over 50. Many of us have lost children to violence. My 24-year-old son, Kalik Jabar Johnson, was shot seven over a parking space. So I'm here today just to let Council know that Mothers in Charge is working around the City to garnish all types of support around gun legislation that will take guns off the street. We know that a lot of

our children are dying today because the availability of guns. There are far too many guns on the streets of Philadelphia. To open a Sunday paper and look and see 22 children murdered in the City of Philadelphia, most of them because of gun violence, is horrible.

There's a devastation with losing a child, but to lose a child to murder, it's the worst thing in the world. Far too many parents in this City are losing children that way. So we are working very hard. We just want you to know we are working very hard with all faith-based initiatives with the community, churches, other organizations to garner support for City and State legislation that will work to take the guns off the street.

Children should not be able to get the guns the way they do. To go to any corner and be able to get a gun or go to a barber shop, variety store and be able to purchase a gun or to have access to a gun that can take someone's life and cause a devastation that I've seen with so many mothers in our

organization, it's a terrible thing.

So I'm here today just to let you know that Mothers in Charge, although many of us aren't here this time to give testimony, we are in full support of Council and this legislation. I thank you.

COUNCILWOMAN MILLER: We want to thank you for coming in. We all certainly know that Mothers in Charge -- Dorothy, could you say your name again and spell it?

MS. JOHNSON-SPEIGHT: It's Dorothy Johnson-Speight J-O-H-N-S-O-N hyphen S-P-E-I-G-H-T.

COUNCILWOMAN MILLER: We know that you're working hard and we appreciate what you're doing. We also appreciate that you've offered to help us on our state-wide venture. So certainly, the fact that your numbers have grown and could grow, there's lot of other parents out there that could probably join and it's a sad -- it's very sad. But we do thank you for coming in and thank you for your courage and the courage of the other mothers and family members that are part of your

organization.

MS. JOHNSON-SPEIGHT: Thank you all.

MR. RAMSEY: Good afternoon. I'm Chad Ramsey I'm the East Regional Director for the Brady Campaign united with the Million Mom March. We have about 9 or 10,000 members in the State of Pennsylvania, and we work with chapters from the Million Mom March across the State. We have four chapters now, including several in this area.

I am sad to report that my colleague Barbara Montgomery can't be here today -- she had a death in the family -- because she has been a staunch advocate of one of these bills in particular, 040312. She has been working hard on this bill because has a personal story for her. And I think that she brought a picture of her daughter's friend Alexandria and showed it to the Council last time that she was here.

This is very important legislation. What it really does is provides a cooling-off period. It gets guns out of homes that they don't belong but they're the most likely to

cause damage. This is very important legislation that Philadelphia needs.

It's been shown across the country in other states and municipalities that this type of legislation works in preventing crime, preventing accidents, preventing suicides. So I wholeheartedly support 040312.

The major reason why I am here is to support 040315, which is the assault weapons legislation. As the Council, no doubt, knows, but unfortunately a lot of the American citizens don't know, the federal assault weapons ban will expire in September if the United States Congress doesn't act. And it's looking more and more likely that they will not act. So there's a bill that's been on the record or that was passed in 1994 at the federal level that has banned 19 types of assault weapons from importation or production in this country and all of their copy cats. Now, we're talking Uzies, AK-47s, Streetsweepers, all of these types of guns are poised to come back on the streets in September in Congress doesn't act.

The State of Pennsylvania does not have a law that governs assault weapons. So this type of legislation is crucial for the State and the City of Philadelphia to pass. If it doesn't pass, companies like Uzi are going to come -- and they've already made this announcement. Uzi says when the assault weapons ban lapses, they're going to come into this country and start producing these hand over fist. We're talking about guns that can hold upwards of 70 rounds of ammunition. That is a lot of killing power. The ATF has described these weapons as simply machines that are out to cause massive havoc and chaos. They're designed only to kill as many people as possible in as short a period as possible. They have no purpose, no legitimate purposes for hunters. They don't belong in duck blinds. You're not going to find them in the Olympics. These are not hunting weapons. In fact, it's illegal in every state to hunt with a weapon that has more than -- I believe it's 16 round clip. So this legislation is of crucial importance.

The federal ban has worked. Since it went on the books in 1994, there has been a 66 decline in assault weapons traced to crime. That is a staggering percentage, and that is going to lapse in September if Congress doesn't act. So I wholeheartedly suggest that Philadelphia City Council put this type of law into effect and save the citizens of Philadelphia from this type of tragedy.

The Brady Campaign united with the Million Mom March is strongly in favor of these two pieces of legislation.

COUNCILWOMAN BLACKWELL: What is the status of your legislation currently? Has it been introduced?

MR. RAMSEY: In the United States Congress?

COUNCILWOMAN BLACKWELL: Yes.

MR. RAMSEY: Yes. There are several pieces of legislation, but the one the best shot of passing will probably not get its own hearing in the Senate so it will have to be attached as an amendment. It was already attached once as an amendment to a larger

piece legislation and passed 52 to 47. That's a razor thin margin. The House, chances are much bleaker that it will get through. Tom DeLay has announced that this is a pro-gun House and they will not take up any legislation. So it will have to be in the form of an amendment that goes through on a must-pass bill, an appropriations bill or something like that. And really, the only chance of passage is if President Bush says "I want this bill passed." And we all know how likely that is to happen.

COUNCILWOMAN BLACKWELL: It's unbelievable that we can go backward after all these years.

MR. RAMSEY: Absolutely.

COUNCILWOMAN BLACKWELL: Councilman.

COUNCILMAN RIZZO: We have such a good relationship with Israel, we really do. Has the State Department -- I guess the philosophy is if Israel doesn't ship the Uzi the United States, somebody else will? Some other weapon, right?

MR. RAMSEY: It's illegal for Israel

to ship the Uzi because it is a banned weapon.

COUNCILMAN RIZZO: You just talked about that prohibition ending?

THE WITNESS: In September.

COUNCILMAN RIZZO: Explain to me how we ever enacted something that had a timeline associated with it.

MR. RAMSEY: The US Congress attached a sunset provision, a 10-year sunset provision because it was really the only way they could get the passed. It passed by one vote in the US Senate and one vote in the House. This was when the Democrats controlled both the house and the senate and with President Clinton in office. There was such strong opposition from the National Rifle Association and their cronies that it became very difficult to get the legislation through.

COUNCILMAN RIZZO: So the sunset provision was placed. Now with Republicans in charge, it's even going to be more difficult, I would assume.

MR. RAMSEY: That's right. The sunset was put in ostensibly to see if this

would work. There would be a 10-year experiment, so to speak. It has worked, a 66 percent decline we've seen in these weapons being used in crime. But there's fierce, fierce opposition.

COUNCILMAN RIZZO: Well, based on your lobbying effort, is this in serious jeopardy? Is this really potentially going to end?

MR. RAMSEY: Absolutely. In the House especially. It would be very unlikely for this piece of legislation to get through.

COUNCILMAN RIZZO: We're going to see again --

MR. RAMSEY: Uzies, Streetsweepers, AK-47s, AR-15s, they are just going to flood the market. And one of the most important pieces is the large capacity ammunition clip. Right now it's at 10. There will be 60-round clips that will be used.

COUNCILMAN RIZZO: Do you really believe that if the federal legislation worked, that goes away, do you believe that state legislation would prohibit guns still

coming into -- if they're coming into the United States but not Pennsylvania, don't you believe deep down that they'll still get into Pennsylvania?

MR. RAMSEY: Sure. I think it will be likely that there will be illegal gun trafficking that will result in more guns coming into the State. However, I think there are things that states and cities can do to crack down on this to limit their use, and this bill is a prime example.

California has the strongest assault weapons ban in the country. It's stronger than the federal ban. That will continue to be enforced by California law enforcement.

COUNCILMAN RIZZO: What do you suggest we do here locally and in the Commonwealth and New Jersey and Delaware, what do you suggest we do? Or do you think it's impossible to get that 10-year legislation back in place or even more stringent. Have you guys given up on that?

THE WITNESS: Absolutely not. Everybody in the Commonwealth should call

their members of Congress. Arlen Specter and Senator Santorum have voted against renewing the ban. So they may have another shot at it so I would give them a call and say, "Come on guys, let's save lives here."

COUNCILMAN RIZZO: Anybody ask Congressman Toumy.

MR. RAMSEY: He's opposed to renewing the law.

So there's a lot of work we can do.

The State is also considering an assault weapons ban. Representative Dan Frankel from Pittsburgh and Senator Connie Williams, as many of you know, are pushing this bill at the state level, but its prospects are not strong either.

COUNCILMAN RIZZO: This seems like the focus needs to get back at the federal level. But it amazes me that the two Pennsylvania Senators could be opposed to trying to protect us. Thanks.

COUNCILMAN CLARKE: I just want to say for the record to the members of the Committee, I circulated a picture with a

definition of a Glock. Too often when we think of assault weapons, we think if rifles and machine guns, but there are actually handguns that have the ability to essentially act as assault weapons. Here in the picture that we've circulated, this particular Glock has a magazine/clip that can accommodate 22 bullets. It's my understand that there are magazines that could accommodate upwards of 30-something bullets in a handgun. It's clearly, as evidence in the testimony earlier, that the only purpose for such a handgun with such a clip is for mass destruction of human life. You do not hunt with a Glock.

MR. RAMSEY: It's illegal with more than 20 rounds to hunt with that.

COUNCILMAN CLARKE: But here I have -- we pulled this off line and this one has 22 rounds in a clip and it basically tells you to contact Mr. Trip Williams in terms of how you can access this information and subsequently these clips that can enhance your ability to maim and kill.

First of all, I want to thank you

for your earlier testimony at a prior hearing. I want to thank you for your support in compiling the information the provided the amendments to prior bills, and they are in the hopper and ready to go in Harrisburg. Again, I want to say on the record that we would like your support on getting enabling legislation on the state level.

MR. RAMSEY: Absolutely. You have it and you will continue to have it.

COUNCILMAN RIZZO: Councilman Clarke?

COUNCILMAN CLARKE: Yes.

COUNCILMAN RIZZO: I watched family channel, one of those educational programs where there's an effort now -- and I didn't know this. That there are companies out there making semi-automatic kits that will make a semi-automatic a fully automatic weapon just by knocking out some pi that's there. And they tell me the manufacturer of these weapons make this weapon that way so that anybody chooses to get this kit to make the weapon from semi-automatic to fully automatic. And

20/20 or one of those shows went up against the manufacturer, and the manufacturer basically stood their ground. But can you imagine making a weapon that then they know that there are after-market organizations out there that make a kit to just within a half hour with someone with relatively little skill can change the way this weapon performs.

Are you aware of these kits?

THE WITNESS: Absolutely. This legislation does deal with some of the kits, and the federal legislation is working to deal with kits as well. It's a problem because, as you know, gun manufacturers are sometimes craven law abusers. And it's a type of thing that doesn't need necessarily to be legislated. It could be put into regulations by the Attorney General Office, for instance. John Ashcroft could tomorrow say that these kits are in violation of the 1994 crime bill and get them off, but he probably won't.

COUNCILMAN RIZZO: Thank you, Councilman.

COUNCILMAN CLARKE: Councilman, we

actually referenced the particular kits in the legislation that we've introduced, so hopefully that will be a prohibition on that if we get this passed also.

COUNCILMAN RIZZO: Good job.

MR. RAMSEY: I have a study that we did on target on the federal assault weapons bill. The study for some reason I just looked at this morning doesn't have a couple of the charts that would be instructive on how it's worked. But you can see, it has pictures of all the weapons and describes how effective the law has been. I brought copies for the Council. You probably don't want to hang them up on your wall back in your office, but it's interesting to look at.

COUNCILMAN CLARKE: Thank you.

COUNCILWOMAN BLACKWELL: I'd like to say thank you as well. I've been here a while and remember when the legislation started. And my late husband, former Congressman Lucien Blackwell was alive in those days. So we thank you for your commitment. It's a very important area.

COUNCILWOMAN BROWN: Is there anything we can or should do from where we sit with regards to this pending action or not?

MR. RAMSEY: Absolutely. Any type of resolution that you could pass in favor of the assault weapons ban and renewing the assault weapons ban would be helpful. And using any of the your personal contacts to influence members of Congress in your districts certainly would be very helpful. And drawing as much attention to the media -- in fact, people don't know that this ban is expiring. It shocks and stuns them every time they hear. So as much as you can do to get the word out on the assaults weapons ban expiration, that would be very helpful.

COUNCILWOMAN BROWN: Well, we will for sure in her absence -- Councilwoman Donna Reed Miller and Councilman Darrell Clarke who are actually the leaders on this issue, we'll encourage them to do just that, knowing that they will have full support from all the members of the two committees.

COUNCILMAN RIZZO: Could I add

something? Could you give me maybe a minute's worth. Who is influencing? Is it the National Rifle Association? Who is this obviously small but vocal group that's supporting the proliferation of destruction like this? Could you name some names for me?

MR. RAMSEY: There's the gun industry, for one, that stands to make a lot of money if this ban expires. They can sell a lot more weapons for the better price. And there's the National Rifle Association, as you suggest. This is their No. 1 issue. This is the No. 1 issue that the leadership of the NRA is pushing. They're trying to make their membership feel as though this is a step towards going after your guns. They play to their members' paranoia by making them think that they're going to go after their hunting rifles next. It's the slippery slope argument.

It doesn't hold a lot of water with the NRA members individually. I speak with people all the time. I go to conference and talk with NRA members and they say no one

should have these assault weapons, but the leadership has gone further to the right than their general membership. And the leadership has the pocketbooks, they control the spending, they control who is endorsed. And a lot of their members -- their four million members or so simply go by the NRA endorsement as to who they're going to vote for.

And then there's the perception that some Democrats have allowed to happen that the voting on the gun issue is bad for them politically, and that perception has been pervasive. You heard a lot of talk about this in 2000 with Al Gore. It's simply not true, but there's that perception out there that voting in favor of gun legislation has hurt them.

COUNCILMAN RIZZO: Again, there must be a sport somewhere associated with these types of weapons. Have you come up with any recommendation to the legislature on how that group could continue to do what they do with this type of weapon but limit to that? Or isn't that practical?

MR. RAMSEY: Well, these type of guns, there is no sporting event or purpose. A Streetsweeper is one of the -- in fact, it's on the cover here. You can see it. There would be no useful sporting purpose. It's not accurate. The bullets just fly out as fast as you can. There's no legitimate sporting, there's no target events or anything like that.

COUNCILMAN RIZZO: No contests?

MR. RAMSEY: No contests. These aren't in the Olympics. There's no legitimate sporting purpose for any of the weapons or their copy cats that are included in this ban.

COUNCILMAN RIZZO: Thank you.

Thank you, Madam Chair.

COUNCILWOMAN MILLER: Thank you, Councilman Rizzo.

Does any other Committee members have any questions of this witness?

(No response.)

COUNCILWOMAN MILLER: Thank you very much for your testimony.

Before you start, do you happen to

have any of the post cards? I know that the Million Mom March has a campaign going on where they're asking people to fill out that card in regards to the federal weapons legislation. Do you have any with you?

MR. RAMSEY: Unfortunately, Chuck Pennachio left with the cards, but I'll be happy to send a gross to the Councilwoman, if that's what you'd like. I'll do that tomorrow.

COUNCILWOMAN MILLER: All right. Thank you.

Please proceed.

DR. KAUFFMAN: My name is Dr. Fred Kauffman. I am here as a board member of an organization, Cease Fire PA. I am also here as an emergency physician, as a husband and father of four children. And I would like to speak to you about the issue of the assault weapon ban.

On March 23rd of this year, there was an opinion piece in the Philadelphia Inquirer authored by a gentleman by the name of John Lott, and he stated that the Bush

Master Rifle used in the D.C. sniper killings, quote, is such a low-powered rifle that most states ban it even for deer hunting precisely because of its low power, too frequently wounding and not killing deer.

My response to that quotation is simply, of the 13 D.C. sniper victims, 10 died.

I am not an expert on guns. I will say that up front right here at the beginning. I do not own a gun. And, as a matter of fact, I have never fired a gun in my life. But I'm an emergency physician who for 18 years served in the emergency department at Temple University Hospital in North Philadelphia. I ran that department for 10 years. I have cared for individuals who have been wounded. I have attempted to resuscitate individuals who have subsequently died. I have seen individuals with 10 and 11 gunshot wounds to their body. And I have notified family members of the death of their loved ones. And as such, I have direct clinical experience with the issue of firearm violence and

specifically with violence related to assault weapons. So I'm a very concerned professional and I'm a very concerned citizen, and that's why I'm here today.

There are a number of things that can distinguish firearms. And without going into the details of how one defines a specific assault weapons, it's important to understand that within this debate, the magazine capacity, as Chad mentioned before, is so vitally important. The more rounds that a gun can carry and fire, the more dangerous it will be. The barrel length of the weapon is important. It affects its conceal-ability, its accuracy and the velocity of the bullet. Its accuracy is also affected by something called boring the barrel of the gun which imparts a spin on the bullet, thereby making it more accurate over longer distances. These are things that are utilized in a number of assault weapons that we're discussing today.

From a medical perspective, the damage that can occur from any firearm is related to a number of factors. It's related

to the mass or the size of the bullet, and it's also related to the velocity of the bullet. There's something known as kinetic energy which equals one half MV squared. And what that means is that if you double the size or the mass of, bullet you will double its can kinetic energy, you will double the energy that is delivered when it strikes the individual. But if you double velocity you quadruple the kinetic energy. And again, as it pertains to assault weapons, this is incredibly important because these are truly high velocity weapons.

When caring for an individual who's been shot, a number of factors are very important. It's important to know where the bullet strike. It's important to understand how the bullets damage tissue. It's important to understand the extent of tissue damage that has occurred and how the injury from the weapon has been dissipated into the human. And from a medical perspective, I want to offer this statistic that is incredibly frustrating to me as a clinician. 72 percent

of individuals who are killed by gunshots die before they reach the hospital. So in essence, three out of every four people who are going to die from gunshot wounds, I have absolutely no ability to care for them once they get to the hospital.

It's very important to take a look at where the bullets strike. If one is shot in the brain or the heart or the large vessels of the body, those surgical attempts to resuscitate those individuals are made. They often times are very unsuccessful. If one is shot in the abdomen striking the liver, the kidneys, the intestines or shot in the lungs, these injuries are more amenable to surgical intervention but still can be highly lethal.

If one of us today were to develop chest pain from a heart attack and if we were to go directly to an emergency department, the emergency physician has minutes and actually several hours to reverse that process, to make it so that the heart will sustain no damage. In the setting of a gunshot wound, the pathophysiology occurs in between .1 and .2

seconds. There is no turning back once the bullet strikes the tissue.

And it is not just a matter of the path of the bullet, there's something known as a permanent cavity and then a temporary cavity surrounding that permanent cavity. When a bullet passes through human tissue, it damages the cavity that the path that it travels on, but also damages surrounding tissue where an expansion cavity is formed that rapidly comes back on itself. And this temporary cavity also causes tissue damage. So it's not just the path of the bullet where the tissue damage occurs.

So how much tissue is damaged is determined by the degree of the bullet penetration, the size of the bullet, the size of the wound track, whether or not the bullet has fragmented or expanded, and the total number of wounds.

When we look at the issue of assault weapons -- and actually in many situations handgun injuries or firearm injuries in general, it's difficult to accurately

determine how big the problem is. We do not have very good formal or uniform reporting mechanisms. We have insufficient databases. We have insufficient scientific study on these issues. All too often anecdotal reports are used to try to prove a point. It's very emotional -- there's a very emotional and at times irrational nature to the debate.

But what can we really say about assault weapons in our society today?

The Violence Policy Center in Washington, D.C., performed a study looking at police officers who were killed between 1998 and 2001. During that four-year period 211 police officers were killed from gunshot wounds, 20 percent of them, 41, were due to assault weapons. Victims who are killed by assault weapons sustain more gunshot wounds than victims of non-assault weapon violence. And mass shootings where assault weapons are involved inflict injuries to more victims than in mass shootings where non-assault weapons are involved. In fact, the criminal use and police confiscation of assault weapons since

1994 has significantly decrease, as have gun homicides.

So as a father, as a citizen, as a physician, why am I concerned about assault weapons? I am especially concerned about these weapon because of the capacity to inflict multiple wounds in a very short period of time and very concerned about the large magazine capacities for these weapons. I'm concerned about the high kinetic energy they can inflict on a human being. And most importantly, I'm concerned, as Chad mentioned, their reason for being. They're made to kill, pure and simple. There are many ways to reduce firearm injury in this country. One is to understand that people with guns kill people. People without guns injure people.

Product liability litigation, public education, improvements in engineering and technology, data collection and research, and as it pertinent today legislation dealing with these weapons is very, very important in moving forward to allow our society to remain safe.

I thank you for the opportunity to speak today, and I thank you for your courage and determination as it pertains to this issue.

COUNCILWOMAN MILLER: Thank you. Thank you for coming in.

Councilman Rizzo.

COUNCILMAN RIZZO: Thank you, Doctor.

My question is directed to anyone at the panel. Mr. Ramsey, even though we have this federal prohibition on assault weapons, and I quickly read the definition of an assault weapon, and I'm not asking you a question that I think is inappropriate. But how easy today is it for a bad guy to get what we classify as an assault weapon?

And the second part of the question: After the prohibition ends, you're telling me you can go to a sporting goods store and buy an assault weapon?

How difficult is it today to get one of these, and what will be the same scenario if this legislation goes away?

MR. RAMSEY: It would be very difficult to get your hands on an Uzi. It's banned weapon under the current law. If you were able to get one, if you're a bad guy, black market, gun trafficking, you might be able to get your hands on one. It would be old since none have been produced since '94 and they certainly haven't been imported. And it would be very, very expensive because it being on the black market.

COUNCILMAN RIZZO: Uzi doesn't make an assault weapon any longer?

MR. RAMSEY: Uzi doesn't make the assault that's imported into the United States. They make the military.

COUNCILMAN RIZZO: They make one for their military in Israel?

MR. RAMSEY: Absolutely.

COUNCILMAN RIZZO: And I guess other militaries?

MR. RAMSEY: I would assume.

COUNCILMAN RIZZO: Because I know at one time the Philadelphia Police Department, because it was such a military weapon, we had

a number of Uzies right here in our arsenal. You're talking about the one that is after market, for lack of a better word?

MR. RAMSEY: Right. We're talking semi-automatic Uzies. The fully automatic Uzies you couldn't buy as a civilian -- well, you could buy as a civilian but it's been prohibited since --

COUNCILMAN RIZZO: On the black market how much would someone have to pay for one of these?

MR. RAMSEY: It depends on the quality and condition of something like that, but you're looking at a thousand dollars.

COUNCILMAN RIZZO: Now, after this prohibition goes away, describe exactly what will occur.

MR. RAMSEY: Sure. You could go into Colosono's gun shop in Philadelphia and pick out from any number of semi-automatic assault weapons that they have in stock. You would go through the typical background check that you currently do but nothing more than that.

COUNCILMAN RIZZO: So you're telling me that after a certain day in September, you'll be able to walk in -- forget that gun shop -- one of the big department stores and actually purchase a weapon that is semi-automatic that has a capability of firing over 30 rounds in one operation without loading?

MR. RAMSEY: That's right.

COUNCILMAN RIZZO: Thank you.

COUNCILWOMAN MILLER: Thank you, Councilman Rizzo.

Are there any other questions from Committee Members of this witness?

(No response.)

COUNCILWOMAN MILLER: Seeing none, can we have the next witness?

MR. FELKER: My name is Mike Felker. I'm with the Philadelphia Chapter of Veterans For Peace. I was a medic with the US Marines in Vietnam from December '69 to December '70. I provided emergency first aid treatment to the casualties of war.

The young people of Philadelphia are

becoming the casualties of war. We must do everything we can to stop the carnage from the war of violence and gunfire. We must do everything we can to keep weapons off the streets of Philadelphia. Thank you.

COUNCILWOMAN MILLER: Thank you.

Do Committee Members have any questions of this witness?

(No response.)

COUNCILWOMAN MILLER: Seeing none, I believe we have one more witness.

THE CLERK: Yes.

COUNCILWOMAN MILLER: Thank you, gentlemen, for coming in.

I'm going to Reverend Robert Shine. But in the meantime we want to read Bill No. 040315 into the record.

Will the Clerk please read that bill into the record.

THE CLERK: Bill No. 040315, an ordinance amending Section 10-800 of The Philadelphia Code entitled "safety" by adding a new Section 10-821a entitled "Contraband Weapons, Accessories and Ammunition,"

providing for the prohibition and registration of certain assault weapons and imposing penalties, under certain terms and conditions.

COUNCILWOMAN MILLER: Thank you.

Please state your name and any other identifying information and proceed with your testimony.

REVEREND SHINE: Thank you, Madam Chair. And to all the Councilmembers present, thank you for the privilege of allowing me, Reverend Robert Shine, Pastor of the Berachah Baptist Church and President of the Pennsylvania State Black Clergy Coalition and Vice President of the National African American Ministers Leadership Conference, to speak.

I want to thank you for extending me the opportunity to appear here this afternoon in support of and to offer a proposal or a proposition regarding this very timely hearing and its proceedings. All of us in the City of Philadelphia and in every major urban area around the nation, and in particular cities such as Philadelphia who have been

experiencing tremendous violence by the use of handguns. It is a deplorable situation that we are facing, and this proposed legislation that is before City Council is very timely and we give our wholehearted support.

We believe that the religious community of our City does support and embrace the idea here, to curb the violence by the illegal use of handguns. I would add to this proposition that there be some consideration given towards the ammunition that is required for the use of these handguns, that a stipulated period of time be set aside from the purchase of the weapon to the purchase of ammunition for the weapon and that the same credentials be shown at the time of purchase of the ammunition as is required in the purchase of the weapon itself.

In addition to that, because of the extreme necessity to protect our children and every citizen, particularly those who are attending our public schools, it would seem, I think, appropriate for City Council to consider that when weapons are used in the

acts of violence in and around our City schools within a hundred yards or so in that proximity that any weapons found within a hundred yards of a school and that person or perpetrator is apprehended, that we exercise the law to its fullest extent.

The B portion of this hopeful presentation is that perhaps we could have court convening on the school site where an act of violence within that hundred yards, if not on the property itself, where a sitting judge in the criminal division could arraign the perpetrators and the victim, if available and if possible, and the subpoenaing immediately the perpetrator's family to be present at the school when this hearing is conducted. So that when it goes to the criminal department, enough facts would be borne out that would expedite a trial if we are, in fact, to deal with this crime situation and the use of guns in the street. This is not the wild west. This is a civilized, sane society that has been infiltrated by those who are using these

weapons.

I sat and listened to the physician before me who gave a very vivid accounting of how these bullets enter the human body and does irreparable damage to destroy human life. Young people, men and women, have access to these weapons on the street. I would urge City Council to give consideration that there be some way of random, I suppose, means or measures taken to prevent illegal weaponry from entering in our City parameters.

With regard to the youth of our City on school property and how it is that young people still avail themselves of these weapons, that more thorough and complete random locker search, and including classroom searches, be conducted for the purpose of confiscation and for the purpose of providing not only safe corridors, not only safe hallways, not only safe streets, but safe classrooms.

It is imperative, in my view, that the undertaking by City Council of this moment move forward and offer up a bill for signature

by the Chief Executive of the City, that strong measures be imposed in our City in order to further support the Safe Streets Initiative, in order to allow our parents, our homes to be more secure with safety measures.

So indeed, just to add our support of this legislation, and we're very happy to do so, we do so not only with passion near tears, but we do so because too many lives are at stake in our City limits. Whatever else is being done in other cities, I close by suggesting, I'd only hope that I could make a strong recommendation that whatever the NRA is about and whatever financial oppositions to such proposal as we make here that there been given by City Council some measures by which this City is excluded from any State regulation that our City have the sovereign right or near sovereign right to impose the kind of legislation. Whatever the NRA wants to do elsewhere, whatever the crime rate by handguns in other cities, Lancaster, Reading or Easton, Pittsburgh, or Erie, whatever is going in those cities is not the issue with

which I am mainly concerned for the life and safety for the people of the City of Philadelphia. Therefore, I would strongly urge that City Council and its proposition prepare legislation for approval that separates Philadelphia and its large citizenry from any other City, and that we have the exclusive right to impose these kinds of legislations.

Thank you, Madam Chair. Thank you City Councilmembers for the privilege of being heard before you today.

COUNCILWOMAN MILLER: Thank you, Reverend Shine, for taking time out of your busy schedule to come here today and testify in favor of these bills.

Does any Committee Members have any questions of this witness?

COUNCILWOMAN BLACKWELL: Madam Chair, I too would like to say thank you for all the issues you mentioned. And I wish we could separate ourselves out as the cities of the first class to get some of this. The late Lucien Blackwell fought this. We've been

fighting this so many years and yet it's gotten worse and worse.

I agree with all that you said, even with checking lockers et cetera, anything that further ensures the safety of everyone is a help. And I thank you for all the work you've done in this area and research you've done to try to take us someplace, to try to give us some direction on this very serious issue. Thank you, Reverend Shine..

REVEREND SHINE: Thank you, Madam Councilwoman.

COUNCILWOMAN MILLER: Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam Chair.

Reverend, I too would like to thank you for your strong testimony, your encouragement and your proposals. And we will look at what you recommended today and act upon it.

I want to say, a part of your testimony when you talked about ammunition, we actually currently have a bill pending as a

part of package of bills that we will forward to Harrisburg that requires registration of all purchase of ammunition with the Philadelphia Police Department so we can create a registry and know how much ammunition is being purchased and by whom.

Additionally, there's another bill pending that will limit the number of weapons that can be purchased during the course of a year. So we limit it to one a month because we don't see any reason for anybody to have to purchase more than one gun a month.

So there's a series of bills that address what you've talked about, and we would look forward to your support along with other clergy members as we get, hopefully, the State Legislature and the State Senate and our former Mayor Governor Rendell to support the much needed enabling legislation that authorizes us to do locally what we need to do to support our efforts to fight crime.

REVEREND SHINE: Thank you, Councilman.

COUNCILWOMAN MILLER: Councilman

Ramos.

COUNCILMAN RAMOS: Thank you, Pastor Shine for coming out this afternoon. It is very important for us at this time to see more of our religious leaders take a stand on this issue. Many of you have. And I know you use your influence in the different organizations that are religion based to get this message out there of how much we need you at this time. We have hospitals, as you heard, that are attending our children that are not just going there for coughs and colds but are going there because they've been shot. And the people in our society that have been able to bring a bigger group of people together around these type of issues is the religious community. So I commend you for taking time out today -- I see you have your friend John Hardy, your partner, back there -- that you continue to do this because we need you. And the community will follow when we have our church leaders involved. And a lot of what's going on in our community is fear and we have to get our people to break away from the fear

factor and be able to take a stand. It it's going to take many, many of us together. And the good legislation that's being proposed by my colleagues here, Donna Reed Miller and Councilman Clarke, is one big step in the right direction, but we're going to need your support and others to be able to get this done in Harrisburg as well.

REVEREND SHINE: Thank you, Councilman.

COUNCILWOMAN MILLER: Councilman Rizzo.

COUNCILMAN RIZZO: Pastor, I believe you heard me say thank when you finished, but I wanted to publically thank you for coming today. Thank you, sir.

REVEREND SHINE: Thank you.

COUNCILWOMAN MILLER: And we are going to need the support of everyone that we can gather because eventually we do want to be allowed, this is Philadelphia, City of the First Class, to enact our own legislation as it relates to weapons. So we want to thank you again for coming in.

Are there any other questions from Committee Members of this witness?

(No response.)

COUNCILWOMAN MILLER: Seeing none, thank you.

REVEREND SHINE: Thank you, Madam Chair.

COUNCILWOMAN MILLER: Are any other witnesses here to testify on these two bills?

(No response.)

COUNCILWOMAN MILLER: Seeing none, this concludes the public hearing. On the Committee Public Safety.

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE ON PUBLIC SAFETY

- - - -

Tuesday, April 6, 2004

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Public meeting conducted by the Committee on Public Safety, held in Room 400, City Hall, Philadelphia, Pennsylvania, on the above date, to consider action on the following:

BILLS 040312, 040315.

PRESENT:

COUNCILWOMAN DONNA REED MILLER, Chair
COUNCILMAN DARRELL CLARKE
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN JUAN RAMOS
COUNCILMAN FRANK RIZZO
COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILWOMAN MILLER: We will now move into our public meeting.

I want to recognize Councilman Clarke for an amendment to Bill No. 040315.

COUNCILMAN CLARKE: Thank you, Madam Chair. Madam Chair, I've circulated an amendment to Bill No. 040315. It changes two definitions. On Page 2, we delete "semi-automatic pistol." Elsewhere in the legislation it references limitations on the number of bullets that will be allowed in a clip so, therefore, we do not need to place a limit on the type of handgun that can carry such a clip.

And on Page 3-H, we changed the number on large capacity magazines. We deleted "10" and increased it to 16. This was done after consultation with a number of members who have Glocks which is a handgun that has been issued by the Philadelphia Police Department and is apparently the gun of choice among a number of the citizens and that number is currently 16 and we didn't want to limit the ability for individuals to continue

to have and its ownership that particular weapon, so we increased the number to 16. But anything above 16 bullets in a clip would be prohibited.

So I'd like to offer at this time this amendment to Bill No. 040315 and ask for a motion.

(Duly seconded.)

COUNCILWOMAN MILLER: All in favor.

(Aye.)

COUNCILWOMAN MILLER: Opposed?

(No response.)

COUNCILWOMAN MILLER: The motion ace proved.

The chair recognizes Councilman Clarke for a motion on Bill No. 040315, as amended.

COUNCILMAN CLARKE: Thank you, Madam Chair. I make a motion that Bill No. 040315, as amended be passed out of Committee with a favorable recommendation, and a request for a suspension the Rules as to allow reading at the next session.

(Duly seconded.)

COUNCILWOMAN MILLER: It has been moved and properly seconded that Bill No. 040315, as amended, be favorably reported out of this Committee with a Rules suspension so as to permit first reading at our next Session.

All in favor?

(Aye.)

COUNCILWOMAN MILLER: Opposed?

(No response.)

COUNCILWOMAN MILLER: The bill has been approved.

I'd like to call Councilwoman Blackwell for a motion on Bill No. 040312.

COUNCILWOMAN BLACKWELL: Thank you, Madam Chair. I move that Bill No. 040312 be reported out of Committee with a favorable recommendation and also a recommendation for a suspension of the Rules so as to permit first reading at our next Session of Council.

(Duly seconded.)

COUNCILWOMAN MILLER: It has been moved and properly seconded that Bill No. 040312 be reported out of this Committee with

a favorable recommendation, and further that the Rules be suspended so as to permit first reading at our next session.

All in favor?

(Aye.)

COUNCILWOMAN MILLER: Opposed?

(No response.)

COUNCILWOMAN MILLER: This bill has been approved.

Thank you. Thank you for coming.

(Council adjourned at 3:35 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing proceedings of the Council of the City of Philadelphia of Tuesday, April 6, 2004, were reported fully and accurately by me, and that this is a correct transcript of the same.

RE: COMMITTEE ON PUBLIC SAFETY

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Lisa C. Bradley, RPR