

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

Tuesday, September 8, 2008

House of Representatives,

Committee on Oversight and

Government Reform,

Washington, D.C.

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**Committee Hearings**

of the

**U.S. HOUSE OF REPRESENTATIVES**



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9 Government Reform,

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:09 a.m., in  
12 Room 2154, Rayburn House Office Building, Hon. Henry A.  
13 Waxman [chairman of the committee] presiding.

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

19 Staff Present: Kristin Amerling, General Counsel;  
20 Michelle Ash, Chief Legislative Counsel; Caren Auchman, Press

21 Assistant; Phil Barnett, Staff Director and Chief Counsel;  
22 Jen Berenholz, Deputy Clerk; Stacia Cardille, Counsel;  
23 Zhongrui "JR" Den, Chief Information Officer; Miriam Edelman,  
24 Special Assistant; Ali Golden, Investigator; Earley Green,  
25 Chief Clerk; Ella Hoffman, Press Assistant; Davis Leviss,  
26 Senior Investigative Counsel; Karen Lightfoot, Communications  
27 Director and Senior Policy Advisor; Jennifer Owens, Special  
28 Assistant; David Rapallo, Chief Investigative Counsel; Leneal  
29 Scott, Information Systems Manager; Mitch Smiley, Special  
30 Assistant; John Williams, Deputy Chief Investigative Counsel;  
31 Lawrence Halloran, Minority Staff Director; Jennifer  
32 Safavian, Majority Chief Counsel for Oversight and  
33 Investigations; Ellen Brown, Minority Senior Policy Counsel;  
34 Jim Moore, Minority Counsel; Christopher Bright, Minority  
35 Senior Professional Staff Member; John Cuaderes, Minority  
36 Senior Investigator and Policy Advisor; Howie Denis, Minority  
37 Senior Professional Staff Member; Adam Fromm, Minority  
38 Professional Staff Member; Patrick Lyden, Minority  
39 Parliamentarian and Member Services Coordinator; and Brian  
40 McNicoll, Minority Communications Director.

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

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

52 H.R. 6691 is called the "Second Amendment Enforcement  
53 Act," but that title is a ruse. The provisions in this  
54 legislation bear no relationship to the carefully crafted  
55 Supreme Court decision recognizing a second amendment right  
56 to possess a handgun in the home. Instead, the bill is a  
57 wholesale evisceration of the District's gun laws. It is  
58 extreme legislation being pushed by the NRA that goes way  
59 beyond what the court required in the Heller decision.

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

63 The District is a target-rich environment for  
64 terrorists. The President and the Vice President live here.  
65 The Congress and the Supreme Court are located here. Most

66 Federal departments have their headquarters in Washington.  
67 And hundreds of foreign dignitaries travel to Washington D.C.  
68 each year.

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

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

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

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

89 Yet under this bill, there would be no registration  
90 requirement for 50-caliber sniper rifles. There would be no

91 | limitations on carrying them in public. And armored  
92 | limousines traveling across the District would face a  
93 | perilous new threat.

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

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

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

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

111 |         We are fortunate to have some of the Nation's top  
112 | experts at today's hearing to explain to us the impact of  
113 | repealing D.C.'s gun laws. Cathy Lanier is the Chief of the  
114 | Metropolitan Police Department. It is her officers who clear  
115 | the way for official motorcades and shoulder much of the

116 | burden of protecting Federal and foreign officials.

117 |       Phillip Morse is the Chief of the Capitol Police. His  
118 | officers are primarily responsible for the security of this  
119 | building and the rest of Congress.

120 |       Kevin Hay is the deputy chief of the U.S. Park Police.  
121 | His officers maintain security in and around the National  
122 | Mall and the extensive Federal parklands in the Nation's  
123 | capital.

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

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

133 |       The Secret Service told committee staff that they didn't  
134 | want their officials to testify for, quote, political  
135 | reasons.

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

140 |       Today's hearing will be followed by a committee business

141 meeting tomorrow. The bill I intend to call up will be  
142 Congresswoman Norton's bill. Undoubtedly, there will be an  
143 effort to amend her bill with the text of the NRA bill. The  
144 purpose of today's hearing is to assure that when members  
145 vote on these two radically different approaches they have a  
146 full understanding of the impacts of these bills.

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

152 [Prepared statement of Chairman Waxman follows:]

153 \*\*\*\*\* INSERT 1-1 \*\*\*\*\*



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

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

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

170 When I became Chairman of the Subcommittee on the  
171 District, at that point the city was bankrupt. That crisis  
172 was fueled in no small part by congressional failure to  
173 exercise appropriate oversight in our own backyard.  
174 Successive Republican Congresses, working with a Democratic  
175 President, helped save the District, put the city on the road  
176 to recovery. But on issues ranging from D.C. schools, the  
177 child welfare system, multimillion-dollar embezzlements from  
178 the tax department, failing fire hydrants and more, this

179 Congress has had little time for pressing local matters that  
180 I and others believe the committee should examine.

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

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

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

204 I was on the amicus brief to overturn the Heller  
205 decision--to support Heller. But the two shouldn't be in  
206 conflict. Like the States and counties we represent, the  
207 District has self-governing authority to write the laws under  
208 which its citizens live. But the District, as a Federal  
209 city, also has Congress as its legislature of last resort,  
210 and we should exercise that power thoughtfully, surgically,  
211 and sparingly. Hearings on this don't necessarily overturn  
212 the opinion or absolve the city from its obligations to  
213 operate under gun laws that pass constitutional muster, but  
214 it is important that we hear from the District officials and  
215 others on how they will approach the important public safety  
216 problems in the post-Heller world.

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

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

228 [The information follows:]

229 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

230 Chairman WAXMAN. I want to recognize Mr. Danny Davis,  
231 chairman of the subcommittee that has jurisdiction over the  
232 District of Columbia.

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

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

248 [The information follows:]

249 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

250 Mr. DAVIS OF ILLINOIS. Now I would like to yield to  
251 Delegate Norton, whose bill we are going to be discussing  
252 tomorrow in the business meeting. And I would yield the  
253 balance of my time to Delegate Eleanor Holmes Norton.

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

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

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

275 | adjourned for recess.

276 |         In light of H.R. 6691, the chairman and his able staff  
277 | and my staff and I have investigated what Federal interest,  
278 | if any, might be implicated by the D.C. Council's work in  
279 | progress to revise the city's gun safety laws as required by  
280 | the Supreme Court decision in District of Columbia v.  
281 | Heller.

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

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

297 |         H.R. 6691 cannot have been filed because the District  
298 | has shown it will not comply with the Heller decision.  
299 | Indeed, H.R. 6691's fraternal twin, H.R. 1399, was introduced

300 | on March 8th, 2007, a year and a half before the Supreme  
301 | Court invalidated D.C.'s gun safety laws. Nor is the second  
302 | House bill, H.R. 6691, a reaction to the District's failure  
303 | to comply with Heller. The District is complying with  
304 | Heller, not only with the temporary measure which has allowed  
305 | Dick Heller himself to register his 22-caliber revolver, the  
306 | temporary D.C. provision has been in the process of change  
307 | well before this hearing today.

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



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

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

329 [The information follows:]

330 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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

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

344 Is this broadly permissive bill that would allow  
345 high-capacity Tec-9s and Uzi handguns and military-style  
346 semiautomatic rifles, such as 50-caliber armor-piercing  
347 sniper rifles, AK-47s, and the Bushmaster XM-15 used by the  
348 D.C. sniper, to be carried downtown and throughout our  
349 neighborhoods responsive to Justice Antonin Scalia's narrow  
350 5-to-4 opinion permitting guns in the home for self defense?

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

354 Would the H.R. 6691 repeal of the minimum age of 21 for  
355 possession of an assault rifle enhance or risk the safety of

356 dignitaries and other federally protected individuals in a  
357 city experiencing an upsurge in juvenile gun violence and  
358 gang gun violence?

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

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

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

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

379 We welcome Metropolitan Police Department Chief Cathy  
380 Lanier, who has a unique role in the Nation's capital as the

381 chief of police for the largest police force in the region,  
382 and in her former position as the first commanding officer of  
383 the department's Office of Homeland Security and  
384 Counterterrorism; Chief Phillip Morse, Sr., of the Capitol  
385 Police, whose jurisdiction, of course, covers the Capitol and  
386 its grounds; Chief Kevin Hay, whose jurisdiction at the  
387 United States Park Service covers the entire National Capital  
388 Region; and Bob Campbell, Director of Security, Washington  
389 Nationals, and a former Secret Service agent.

390 [The information follows:]

391 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

392 Ms. NORTON. I thank you, Mr. Chairman.

393 Chairman WAXMAN. Thank you very much, Ms. Norton. In  
394 the absence of the Ranking Member of the subcommittee, the  
395 Chair wishes to recognize Mr. Sali.

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

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

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

417 indisputably an individual right.

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

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

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

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

435 [The information follows:]

436 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

437 Chairman WAXMAN. Well, we do have four witnesses today  
438 with us. I want to introduce them. Cathy Lanier is the  
439 Chief of the District of Columbia Metropolitan Police  
440 Department. Phillip D. Morse, Sr., is the Chief of the  
441 United States Capitol Police. Kevin C. Hay is Deputy Chief  
442 of the United States Park Police. And Robert Campbell is the  
443 Security Director for the Washington Nationals, and is a  
444 former Secret Service agent.

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

449 [witnesses sworn.]

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

454 We would like to ask each of you, if you would, to try  
455 to limit the oral presentation to 5 minutes. We will have a  
456 clock in the center there. It will be green for 4 minutes,  
457 yellow for 1, and then when the time is up it will turn red.  
458 When you see that it is red, we would like you to summarize  
459 and conclude your testimony.

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

461 STATEMENTS OF CATHY LANIER, CHIEF, DISTRICT OF COLUMBIA  
462 METROPOLITAN POLICE DEPARTMENT; PHILLIP D. MORSE, SR., CHIEF,  
463 UNITED STATES CAPITOL POLICE; AND KEVIN C. HAY, DEPUTY CHIEF,  
464 UNITED STATES PARK POLICE; AND ROBERT CAMPBELL, DIRECTOR OF  
465 SECURITY, WASHINGTON NATIONALS BASEBALL CLUB

466 STATEMENT OF CHIEF CATHY LANIER

467 Chief LANIER. Good morning. Good morning, Chairman  
468 Waxman, members of the committee, staff, and guests. My name  
469 is Cathy Lanier, and I am the Chief of Police for the  
470 Metropolitan Police Department, Washington, D.C.

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

475 Thank you for the opportunity to present this statement  
476 on the likely impact of H.R. 6691 on public safety in the  
477 Nation's capital. To begin with, I would like to briefly  
478 share with you what has happened in Washington, D.C. since  
479 the U.S. Supreme Court issued its decision in District of  
480 Columbia v. Heller. The District of Columbia, both the  
481 executive and legislative branches, fully respect the Supreme  
482 Court's decision. We have demonstrated that respect by



483 taking actions quickly to pass legislation and emergency  
484 regulations to enable the registration of handguns to ensure  
485 that residents already possessing unregistered handguns could  
486 register them without fear of criminal liability under the  
487 District law. The current legislation and regulations are  
488 only temporary, valid for 90 and 120 days respectively, and  
489 remain works in progress.

490 The Council of the District of Columbia will be holding  
491 a hearing next week to continue to elicit comment from the  
492 public, and will amend temporary legislation on September  
493 16th, and enact permanent legislation soon thereafter.

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

506 Turning to H.R. 6691, I have grave concerns about the  
507 proposed bill, which would prevent the District of Columbia

508 | from registering firearms or taking many other reasonable and  
509 | commonly used steps taken by other States and municipalities  
510 | across the country to regulate or limit possession and use of  
511 | firearms. In layman's terms, this means that anyone not  
512 | prohibited by Federal law from possessing a firearm could  
513 | legally own a small, easily concealed semiautomatic handgun,  
514 | or could carry a semiautomatic rifle on the street, either of  
515 | which could be capable of firing up to 30 rounds of  
516 | ammunition without reloading.

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

524 |         As Representative Norton mentioned, after September 11th  
525 | I served as the Commander of the Special Operations Division  
526 | for 4 years, and was the first commanding officer of the  
527 | department's Office of Homeland Security and  
528 | Counterterrorism. In that capacity, I worked extensively  
529 | with multi-agency task forces of local and Federal law  
530 | enforcement agencies to plan and implement security for  
531 | critical events like the Presidential inauguration. In  
532 | short, I have spent a great deal of time working with

533 national experts to analyze terror threats and develop ways  
534 to combat them, especially here in the Nation's capital.

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

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

550 In addition, any Federal building or career public  
551 servant is a potential target. We have seen this in numerous  
552 attacks, from the Oklahoma City bombing to the 1993 shootings  
553 outside of CIA headquarters in Langley. And overseas, even  
554 the families of high-profile leaders and public servants are  
555 frequently targets of terrorists. I hope that we never see  
556 that here in the United States, but with the many more  
557 important U.S. officials and foreign dignitaries here in this

558 | city, it is a possibility that we need to recognize.  
559 | Moreover, it is not just well-coordinated terrorist attacks  
560 | we need to secure our city against. We must also consider  
561 | the unsophisticated lone wolf terrorist, angry at the U.S.  
562 | Government for seemingly a small matter such as a tax return.

563 |         The second key vulnerability is due to the sheer volume  
564 | of secure motorcades traveling in Washington, D.C. on any  
565 | given day. Given the daily movements around the city of the  
566 | President, the Vice President, and their families, and the  
567 | fact that almost 3,000 foreign dignitaries spend time in the  
568 | city each year, the routes for their movements cannot be shut  
569 | down as they are in other cities. As you know from your own  
570 | districts, when the President and Vice President travel  
571 | outside of Washington, the roads are cleared of all traffic,  
572 | parked cars and such, and spectators are often cleared or  
573 | kept behind barricades. We don't do this in D.C., because  
574 | shutting the routes for every motorcade would make it  
575 | virtually impossible to navigate much of the city on a  
576 | continuous basis. And we don't want the Nation's capital to  
577 | take on the character of an armed fortress.

578 |         This freedom, however, comes with the cost of higher  
579 | vulnerability both for the officials and dignitaries and the  
580 | general population. In attempted and successful  
581 | assassinations around the world, the first step in attacking  
582 | a motorcade is frequently an attack on the security detail

583 | with semiautomatic and automatic firearms. This forces the  
584 | motorcade to stop, at which point terrorists can use  
585 | explosives to attack the armored vehicles carrying the  
586 | targeted individual.

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

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

606 |         As another example, I would remind the committee of the  
607 | 8,000 delegates who come to Washington, D.C. from around the

608 | world each fall for the meeting of the Board of Governors of  
609 | the International Monetary Fund and World Bank. These  
610 | delegates stay at 16 different hotels around the city. Even  
611 | under current law, new challenges to protecting these  
612 | delegates from terrorist threats arise each year. That risk  
613 | would grow exponentially if we also had to protect them from  
614 | legally armed lone wolf gunmen staying or working in or  
615 | around one of the hotels.

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

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

632 |         Providing easy access to deadly semiautomatic firearms

633 and high-capacity ammunition clips, and allowing them to be  
634 carried in a large number of places outside the home will  
635 make my job much more difficult. It is clear to me and  
636 others engaged in everyday securing D.C. against terrorism  
637 that our city is unique. The Federal Government already  
638 acknowledges that authorizing the general public to carry  
639 firearms in certain places is not in the general interests.  
640 For instance, as a law enforcement officer, I can carry my  
641 gun almost anywhere in this country. I can carry it in  
642 schools, on airplanes, and in most public buildings. But  
643 ironically, upon entering the Supreme Court to hear arguments  
644 in the Heller case, I learned that even as the Chief of  
645 Police of the Metropolitan Police Department I had to  
646 surrender my gun when I entered the Supreme Court. The  
647 Federal Government considers the Court building to be so  
648 sensitive that no matter who you are, you cannot wear your  
649 firearm in the building.

650 I would argue that similar caution should apply to the  
651 District of Columbia. Supreme Court Justice Scalia, writing  
652 the majority decision for the Court, acknowledged that laws  
653 forbidding the carrying of firearms in sensitive places such  
654 as schools and government buildings are constitutional. The  
655 District of Columbia, as the seat of the Federal Government,  
656 with its multitude of critical official and symbolic  
657 buildings, monuments, and events, and high-profile public

658 officials traversing our streets every day, is a city filled  
659 with sensitive places. Our laws should reflect that reality.

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

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

664 [Prepared statement of Chief Lanier follows:]

665 \*\*\*\*\* INSERT 1-2 \*\*\*\*\*



666 Chairman WAXMAN. Mr. Morse?

667 STATEMENT OF CHIEF PHILLIP D. MORSE, SR.

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

673 The mission of the United States Capitol Police is to  
674 protect the Congress, its legislative processes, Members,  
675 employees, visitors and facilities from crime, disruption, or  
676 terrorism. We protect and secure Congress so it can fulfill  
677 its constitutional responsibilities.

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

684 We all remember the sacrifice of Officer Chestnut and  
685 Detective Gibson at the Capitol in 1998. Just this year, our  
686 officers confronted two individuals in our jurisdiction who  
687 were armed with heavy weapons, one carrying a loaded shotgun,

688 and the other, who was arrested just last Friday, had a  
689 loaded AK-47 in his vehicle.

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

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

707 I believe that that level of coordination between the  
708 local and Federal law enforcement agencies, and the  
709 retraining our personnel that will be necessitated by the  
710 passage of H.R. 6691 will be substantial. Therefore, I would  
711 encourage the formation of a task force of representatives of  
712 the law enforcement agencies represented here today to be

713 | established to fully consider the impacts, proposed  
714 | provisions of H.R. 6691, and to address the issues of  
715 | implementation and coordination throughout the District of  
716 | Columbia.

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

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

720 |       [Prepared statement of Chief Phillip D. Morse, Sr.

721 | Follows:]

722 | \*\*\*\*\* INSERT 1-3 \*\*\*\*\*

723 Chairman WAXMAN. Mr. Hay?

724 STATEMENT OF KEVIN C. HAY

725 Mr. HAY. Thank you, Mr. Chairman, for the opportunity  
726 to address the members of the committee today regarding H.R.  
727 6691 and its effect on homeland security and safety within  
728 the Nation's capital. The United States Park Police operate  
729 primarily in the urban areas of the National Park Service in  
730 Washington, D.C., New York, San Francisco, California. We  
731 have been serving the Nation's capital since 1791. We have  
732 worked in Federal parklands in New York and San Francisco  
733 since 1974. In 1883, the United States Congress granted the  
734 U.S. Park Police the same jurisdiction and authority as the  
735 Metropolitan Police of Washington, D.C.

736 In 1948, Congress passed the Environs Act, which granted  
737 the force arrest authority on all Federal reservations in the  
738 nine counties in Maryland and Virginia that surround the  
739 District of Columbia. Under Title 16 U.S.C. 1(a) through 6,  
740 we have the same arrest authority as National Park Service  
741 rangers in all areas of the national park system. In  
742 addition, we have been granted State peace officer authority  
743 in Virginia and New York, California, and a more limited  
744 version in Maryland and New Jersey. These authorities are

745 necessary to allow us to safeguard over 125,000 acres of  
746 Federal parkland in the Golden Gate National Recreation Area  
747 in California, the Gateway National Recreation Area in New  
748 York and New Jersey, and of course here, the parklands in  
749 Washington, D.C. and the parkways.

750       The United States Park Police work closely with Federal,  
751 State, and local enforcement agencies to maintain the peace  
752 on Federal parklands and in areas of our jurisdictional  
753 borders. For example, in Washington, D.C. Area, the five  
754 Federal parkways leading into the Nation's capital were in  
755 some cases built to connect the Federal facilities with the  
756 Nation's capital.

757       Most of these are now designated as critical  
758 infrastructure. They include on the George Washington  
759 Memorial Parkway areas such as CIA, the Pentagon, and Reagan  
760 National Airport. The Suitland Parkway, we have  
761 responsibilities out at Andrews Air Force Base and the  
762 Southeast Federal Center. We also patrol the borders of  
763 Bolling Air Force Base and the Naval Research Laboratory. On  
764 the Clara Barton Parkway, there is the Naval Surface Warfare  
765 Center. On the Baltimore-Washington Parkway, there is Fort  
766 Meade, NSA, NASA, and the Agricultural Research Center.  
767 Finally, on Rock Creek, we often use the Rock Creek Parkway  
768 for Presidential motorcades and foreign dignitaries going out  
769 to the various embassies on Massachusetts Avenue, which

770 | occurred most recently during the Pope's visit. Pope  
771 | Benedict.

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

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

782 |         We maintain over 60 MOUs with allied agencies to enforce  
783 | the law and keep the peace not only in these NPS areas, but  
784 | to assist our neighbors in protecting critical infrastructure  
785 | and key resources required under homeland security  
786 | Presidential directives. We make over 4,000 arrests and deal  
787 | with over 10,000 special events and demonstrations per year.  
788 | We work closely on a daily basis with local, State, and  
789 | Federal law enforcement agencies in the Washington  
790 | metropolitan area. Our officers and those of other agencies  
791 | coordinate activities, in many instances provide backup to  
792 | each other. We work closely with the Metropolitan Police and  
793 | U.S. Capitol Police during these special events and  
794 | demonstrations, which occur on our areas of contiguous

795 | jurisdiction. We also work closely with the United States  
796 | Secret Service and their dignitary protection mission,  
797 | primarily around the White House complex, or while their  
798 | protectees are visiting National Park Service locations.

799 |       Currently, we are already planning our part in the  
800 | inauguration of the next President. As a uniformed agency,  
801 | the U.S. Park Police serve a unique and active role in  
802 | Federal law enforcement. Since the 1930s, 10 force members  
803 | have been killed in the line of duty, eight here in the  
804 | District of Columbia, and two on the parkways of Virginia and  
805 | Maryland.

806 |       The Department of Justice's annual report on Law  
807 | Enforcement Officers Killed and Assaulted, also known as  
808 | LEOKA, reveals that per capita we are one of the most  
809 | assaulted agencies within the Federal law enforcement  
810 | community. On average we seize 87 firearms annually in  
811 | Washington, D.C.

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

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

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

826 [Prepared statement of Mr. Hay follows:]

827 \*\*\*\*\* INSERT 1-4 \*\*\*\*\*



828 Chairman WAXMAN. Mr. Campbell?

829 STATEMENT OF ROBERT CAMPBELL

830 Mr. CAMPBELL. Good morning, Mr. Chairman.

831 Chairman WAXMAN. There is a button on the base of the  
832 mike. Give it a press.

833 Mr. CAMPBELL. Good morning, Mr. Chairman.

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

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

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

844 Following are some of the factors behind this policy.  
845 There have been instances where players have been the victims  
846 of fan violence, most from projectiles and bodily attacks.  
847 Games, by their nature, can be emotional, and some overly  
848 aggressive fans can be volatile based on the prospects of  
849 their teams. Insofar as alcohol is served, there are

850 occasions when fan behavior is influenced accordingly. The  
851 ballpark is densely populated, with up to 42,000 people in a  
852 confined space. Given our location in the Nation's capital,  
853 our fans often include dignitaries, to include heads of  
854 foreign governments, and high ranking U.S. officials, whose  
855 security could be compromised if they were in a situation  
856 where there might be firearms present.

857         Depending upon attendance, there could be as many as  
858 1,000 employees in the ballpark, many of whose duties involve  
859 dealing with customers in fast-paced and sometimes hectic  
860 environments. Their ability to secure firearms safely would  
861 be compromised more than most any other work environment.

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

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

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

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

878 [The information follows:]

879 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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

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

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

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

899 Chief MORSE. Yes, I do.

900 Chairman WAXMAN. Mr. Hay, do you agree?

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

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

904 Mr. HAY. Okay.

905 Chairman WAXMAN. I was talking about the vulnerability,  
906 special vulnerability of Washington, D.C., unlike other  
907 cities.

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

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

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

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

928 If you remove all of those barriers, for example a no  
929 registration process, allowing large capacity semiautomatic

930 weapons, those are the hallmarks of detection, deterrence,  
931 and our goal of prevention. So I think that would have a  
932 significant impact.

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

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

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

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

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

950 Chairman WAXMAN. Thank you.

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

953 Chief MORSE. Well, with regard to your question about  
954 proliferation of guns, one of the tools or one of the

955 | advantages that the law enforcement officer has is, you know,  
956 | knowing--is being able to discern who is good and who is bad.  
957 | Here in the District of Columbia with the gun laws, you  
958 | know, when we see a weapon it can only be one of two people,  
959 | a law enforcement officer or someone who is in possession of  
960 | a firearm illegally. So that is an advantage for us. If you  
961 | have a proliferation of guns, it simply makes that job more  
962 | challenging. And that becomes an officer safety issue, as  
963 | well as a public safety issue.

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

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

978 | But if that restriction was removed for the automatic  
979 | firearms and someone were able to, for example, walk down the

980 street with a semiautomatic firearm, whether it be a rifle or  
981 a handgun, those checkpoints are fairly useless. You still  
982 have a very large crowd on the Mall. There is no physical  
983 barrier to protection. Snow fencing. And just the backdrop  
984 of that being the Independence Day celebration in the  
985 Nation's capital makes it an extremely attractive target.

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

992 Chairman WAXMAN. Thank you. Mr. Davis.

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

998 Chief LANIER. Well, the old law allowed for protection,  
999 self-protection in the home. You are allowed to register  
1000 shotguns and rifles, and now you are allowed to register  
1001 revolvers. Our concern really has been with the  
1002 high-capacity semiautomatic weapons because of the ability  
1003 for them to do a large amount damage in a short period of  
1004 time. And particularly with semiautomatic handguns, which



1005 are easily concealed. They can be taken into a public place  
1006 very quickly. But the District laws never prohibited you  
1007 from having self-protection in your home.

1008 Mr. DAVIS OF VIRGINIA. Do you know what is the current  
1009 status in the city today? If I move into the city today, can  
1010 I have a gun? I mean just today, what is the current status?

1011 Chief LANIER. Yes, you can register a handgun in the  
1012 District, a handgun, a shotgun, or a rifle in the District of  
1013 Columbia. In fact, we have--

1014 Mr. DAVIS OF VIRGINIA. How many people--how can I  
1015 register that? I was reading there was one guy you had to  
1016 register it with, and that he wasn't always available. How  
1017 easy is it for me to register?

1018 Chief LANIER. It is not that difficult. In average,  
1019 our turnaround time for the registration process has been a  
1020 matter of just a couple of days. We have registered so far  
1021 in the District 25, 23, 24 handguns already. There are other  
1022 applications in process. And there is now a Federal  
1023 firearms--

1024 Mr. DAVIS OF VIRGINIA. Twenty-three handguns in the  
1025 last month. That is it?

1026 Chief LANIER. There are others that are in process.  
1027 There is a process to go and purchase the firearms and have  
1028 them transferred.

1029 Mr. DAVIS OF VIRGINIA. What if I am being stalked?

1030 What if I am being stalked, let's say, by a boyfriend or  
1031 something like that? How long is it going to take me to  
1032 register?

1033 Chief LANIER. If you can legally register a firearm,  
1034 you can register the firearm and have the background complete  
1035 in just a matter of 2 or 3 days. I think the turnaround time  
1036 has been about 2 days in the District since we started  
1037 registering. And there are other protective measures in the  
1038 District as well, from the courts and protective orders.

1039 Mr. DAVIS OF VIRGINIA. Have any of the witnesses today  
1040 had a chance to talk with the mayor or the Council about the  
1041 proposed gun legislation or new emergency rule that is in  
1042 place? When are they going to come up with their permanent  
1043 fix on this?

1044 Chief LANIER. That is underway as we speak. There has  
1045 been a period of comment during the temporary legislation.  
1046 It is temporary, as are the registration regulations that we  
1047 have issued. They are both temporary. And during that time  
1048 we have taken comment from--

1049 Mr. DAVIS OF VIRGINIA. Chief, any idea when they expect  
1050 to send that to the Hill?

1051 Chief LANIER. They are having hearings beginning on the  
1052 16th of September. And they will be done shortly thereafter.

1053 Mr. DAVIS OF VIRGINIA. Can you give me any idea of what  
1054 the Council is going to do?

1055 Chief LANIER. I can't answer that question.

1056 Mr. DAVIS OF VIRGINIA. Let me ask Mr. Morse, do you  
1057 have a clear understanding of what violates the current gun  
1058 law in effect within the District?

1059 RPTS MERCHANT

1060 DCMN BURRELL

1061 [11:05 a.m.]

1062 Chief MORSE. I do.

1063 Mr. DAVIS OF VIRGINIA. Could you explain it to me?

1064 Chief MORSE. What currently violates? Well, within my  
1065 jurisdiction, as I stated in my opening statement, under  
1066 Title 405.104, you cannot possess a firearm, explosive or  
1067 incendiary device within the Capitol complex. So that is the  
1068 law that I enforce within the Capitol complex.

1069 Mr. DAVIS OF VIRGINIA. Okay. How about outside the  
1070 Capitol complex? Because my question asked you about the  
1071 D.C. Gun laws applying not just within the Capitol complex.

1072 Chief MORSE. Well, as Chief Lanier stated, she stated  
1073 that you could possess, if registered, a firearm, a rifle or  
1074 a shotgun.

1075 Mr. DAVIS OF VIRGINIA. Chief, let me ask you this. How  
1076 many handguns were registered in the city prior to the  
1077 decision?

1078 Chief LANIER. I believe 66,000, is that correct, ever  
1079 since the beginning of the law.

1080 Mr. SHELTON. Prior to Heller, 21,900.

1081 Chief LANIER. 21,900. And your question about the  
1082 existing gun laws, as you asked Chief Morse, is that you can  
1083 legally, under the current laws you can have a revolver, a

1084 | shotgun or a rifle registered in your home. You cannot carry  
1085 | it on public space. You cannot have a high capacity  
1086 | semiautomatic firearm.

1087 |         Mr. DAVIS OF VIRGINIA. It's clear that complying with  
1088 | the Constitution is going to cause some changes on law  
1089 | enforcement in the city. In preparing for this eventuality  
1090 | have you undertaken any effort to learn how other  
1091 | metropolitan areas handle the existence of firearms in their  
1092 | jurisdictions? Have you talked to New York and Baltimore and  
1093 | the like?

1094 |         Chief LANIER. Absolutely.

1095 |         Mr. DAVIS OF VIRGINIA. And the Council members are in  
1096 | concert with them?

1097 |         Chief LANIER. Absolutely.

1098 |         Mr. DAVIS OF VIRGINIA. Do you think your law that comes  
1099 | forward will be consistent with what other metropolitan  
1100 | jurisdictions have done?

1101 |         Chief LANIER. I think the Council has put quite a bit  
1102 | of effort into not only accepting comment and reaction from  
1103 | the public locally, but also from other major cities around  
1104 | the country. I think they will put forth reasonable  
1105 | expectations for gun laws in the District of Columbia.

1106 |         Mr. DAVIS OF VIRGINIA. And you've seen the proposed  
1107 | Childress bill? Have you had a chance to examine that or  
1108 | your staff?

1109 Chief LANIER. My staff, yes.

1110 Mr. DAVIS OF VIRGINIA. And what's your opinion of that?

1111 Could you support that? You have no position on it?

1112 Chief LANIER. I have no position.

1113 Mr. DAVIS OF VIRGINIA. All right. Thank you.

1114 Chairman WAXMAN. Thank you, Mr. Davis.

1115 Mr. Davis.

1116 Mr. DAVIS OF ILLINOIS. Thank you very much, Mr.

1117 Chairman. Chief Lanier, in your written statement you

1118 described a chilling scenario in which terrorists use

1119 semiautomatic firearms to stop motorcades, after which they

1120 use explosives to assassinate the target. You also said this

1121 scenario has been attempted and has been successful around

1122 the world. How likely is it that something like this might

1123 happen in the District of Columbia?

1124 Chief LANIER. I can tell you from attending numerous

1125 dignitary protection courses and running dignitary protection

1126 here in the District that the Secret Service can give you a

1127 multitude scenarios. But the most likely scenario for an

1128 attack on a dignitary and motorcade about 80 percent I

1129 believe occur at departure or arrival areas of the motorcade.

1130 And the most successful attacks are by causing a chokepoint

1131 or stopping the motorcade. Typically that is done through

1132 the use of firearms to stop the motorcade by assassinating or

1133 targeting the security detail with firearms which will stop

1134 | the motorcade and then make the dignitary typically in an  
1135 | armored vehicle vulnerable to an explosive threat.

1136 |         Mr. DAVIS OF ILLINOIS. Let me ask you, when we talk  
1137 | about semiautomatic weapons we're talking about both rifles  
1138 | and pistols. For example, the AK-47, which has been called  
1139 | the terrorist weapon of choice, is a semiautomatic assault  
1140 | rifle. That is the gun that was used in the 1989 schoolyard  
1141 | shootings in Stockton, California that killed six and wounded  
1142 | 30. There's also the SKS assault rifle, which in a 2002 ATF  
1143 | report called the rifle most frequently encountered by law  
1144 | enforcement officers. In 2004 SKS rifles were used to kill  
1145 | police officers in both Indiana and Alabama. Then there are  
1146 | the semiautomatic handguns. For example, there is the  
1147 | TEC-DC9 assault pistol. That's the gun that the Columbine  
1148 | high school killers used in their rampage, is that correct?

1149 |         Chief LANIER. Yes.

1150 |         Mr. DAVIS OF ILLINOIS. Semiautomatic handguns were used  
1151 | at the Virginia Tech massacre last year as well, which killed  
1152 | 33 people and wounded 20 more. Chief, let me ask you, why  
1153 | are you so concerned about these semiautomatic weapons?

1154 |         Chief LANIER. It is literally the ability to do massive  
1155 | amounts of destruction in a very short period of time. And  
1156 | in the case of the smaller firearms, the handguns, the  
1157 | ability to conceal them; walk into a school or other  
1158 | sensitive place, building undetected is what makes it that

1159 | much more dangerous in terms of the carnage that can be  
1160 | created. Obviously with a revolver which fires six shots  
1161 | versus a semiautomatic pistol that you can shove in your  
1162 | waistband that can fire 20, 30 rounds with a high capacity  
1163 | magazine very quickly is a big concern for response time for  
1164 | law enforcement.

1165 |         Mr. DAVIS OF ILLINOIS. Chief Morse and Chief Hay, do  
1166 | you share these same concerns?

1167 |         Chief MORSE. Well, with respect to protecting the  
1168 | Capitol, the existing law which prohibits firearms is one  
1169 | that allows us to do our job without some of the challenges  
1170 | that the District Chief or the Park Police would do. Because  
1171 | as I mentioned before, and just to clarify, we're talking  
1172 | about not weapons in persons' homes, but vehicles and  
1173 | outdoors in the public space around the Capitol complex. And  
1174 | currently that is prohibited. With respect to outside that  
1175 | jurisdiction, outside our jurisdiction it makes it more  
1176 | challenging to prevent those types of incidents that the  
1177 | Chief was referring to because of not being able to discern  
1178 | very quickly an incoming threat. So the proliferation of  
1179 | guns in that respect to be carried freely about in the public  
1180 | space would make it more challenging for the officers to  
1181 | discern that threat and certainly prevent it.

1182 |         Mr. DAVIS OF ILLINOIS. Okay.

1183 |         Mr. HAY. On the 6,000 acres of National Park Service



1184 | land within the District it's roughly 16 percent of the  
1185 | District. There are other National Park Service laws that  
1186 | would prevent the carrying of loaded firearms. Title 36 of  
1187 | the Code of Federal Regulations, Section 2.4, is a petty  
1188 | offense. And regardless of whether you were in Yosemite or  
1189 | Yellowstone you still couldn't have a firearm or here on the  
1190 | National Park Service lands of the District. So we would  
1191 | continue to enforce that law.

1192 |         Mr. DAVIS OF ILLINOIS. So the bottom line is that these  
1193 | semiautomatic weapons, especially the handguns, are going to  
1194 | make it far more difficult for all of you to carry out your  
1195 | duties and responsibilities with the high level of security  
1196 | that you're actually able to protect all of the individuals  
1197 | that you're trying to protect?

1198 |         Chief MORSE. Well, it certainly has impacts, and that's  
1199 | what we're here to tell you about today. And the impact is  
1200 | it makes it more challenging for us to do our jobs with  
1201 | respect to protecting, for me anyway, protecting buildings  
1202 | and people. And those are some of the challenges that I just  
1203 | told you about.

1204 |         Mr. DAVIS OF ILLINOIS. Thank you very much, and thank  
1205 | you, Mr. Chairman.

1206 |         Chairman WAXMAN. Thank you, Mr. Davis.

1207 |         Mr. Burton.

1208 |         Mr. BURTON. First of all, I want to say that the

1209 Capitol Police and the police in Washington, D.C. Do an  
1210 outstanding job. So what I'm about to say is no reflection  
1211 on you, okay. So now you know where I'm coming from already.

1212 Mr. DAVIS OF VIRGINIA. That's the novocaine before the  
1213 needle.

1214 Chief LANIER. That's never a good start.

1215 Mr. BURTON. I had a lady that worked for me that lived  
1216 about 5 or 6 blocks from the Capitol. A guy shimmied up the  
1217 drain pipe and came in through the window and stabbed her  
1218 about 5 or 6 times. And the only way she could get away from  
1219 him was to beat him off with a pan. And we checked and found  
1220 out we had very restrictive gun laws. And had she been able  
1221 to have a gun in her home she may have been able to protect  
1222 herself when she saw him coming through the window. I don't  
1223 believe that a terrorist or a person who is going to try to  
1224 do harm here in the Capitol is going to go try get a gun in  
1225 Washington, D.C. They're probably going to get it someplace  
1226 else illegally and bring it into the Capitol and start  
1227 shooting people. And the people that live in and around the  
1228 Capitol up until now and in Washington, D.C. Could not have a  
1229 gun. You couldn't carry a gun. You couldn't get a license  
1230 to carry a gun for your own protection.

1231 Now, right across the river in Alexandria, Virginia you  
1232 can get a permit to carry a gun. Now, let me just give you  
1233 some statistical data. In Alexandria per 100,000 people they

1234 | have 5.1 murders. In Washington it's 29.1. Forceable rapes,  
1235 | 19.75 in Alexandria and 31 in Washington, D.C. Robberies,  
1236 | 150 in Alexandria, 619 in Washington, D.C. Aggravated  
1237 | assaults, 152 in Alexandria, 765 in Washington. Burglaries,  
1238 | 278 to 658. Larcenies, 1,784 to 2,602. And vehicle thefts  
1239 | 274 to 1,213. They have a law in Alexandria which allows you  
1240 | to have a gun in your home without any notification to the  
1241 | law, and you can get a permit to carry a gun with you. And  
1242 | as a result the statistical data shows very clearly that  
1243 | right across the river per 100,000 people you're a heck of a  
1244 | lot safer. Because the criminal knows if he comes into your  
1245 | home and tries to attack you you've got a way to respond.

1246 |         Now, this young lady I talked about a few minutes ago  
1247 | that worked for me she had nothing she could do. She would  
1248 | be dead today if she hadn't hit him in the head with a pan.  
1249 | It would have been a tragic thing. She lives down in  
1250 | Florida, she's got a family, and she's doing very well I  
1251 | might add.

1252 |         If you look at the national statistics, I think this is  
1253 | important, too, nationally, let me get this here real  
1254 | quickly, Washington as compared to nationally. Washington is  
1255 | 5.75 times the national average for murder; almost six times  
1256 | as much. Forceable rapes is 1.33 times worse. Robberies is  
1257 | 3.11 times worse. Aggravated assault is 2.19 times worse  
1258 | than the national average. And all violent crimes is 2.63

1259 | times the national average.

1260 |       So I really appreciate the hard work that the law  
1261 | enforcement officers do for us. But I will tell you this,  
1262 | when I leave the Capitol, as 500 other Members of the  
1263 | Congress, you protect the leaders, the leaders have  
1264 | protection all the time. When we leave and drive one block  
1265 | off this Capitol we're on our own; 500 Members. You talk  
1266 | about terrorists. One of the targets of opportunity for  
1267 | terrorists would be Members of Congress. And when we leave  
1268 | this Capitol we have no security. If you live in Maryland,  
1269 | you live in Virginia, wherever, you go home alone. And if a  
1270 | terrorist wants to target you, you're dead meat because you  
1271 | have no way to defend yourself. You cannot have a permit to  
1272 | carry a gun. And so as a result you're on your own. And I  
1273 | just think that's wrong. I think law abiding citizens ought  
1274 | to be able to if they feel it's in their interest and their  
1275 | family's interest to carry a weapon they ought to be able to  
1276 | apply for and get a permit like they can in Virginia right  
1277 | across the river. And especially people of high profile who  
1278 | have a reason to carry a gun who carry large sums of money or  
1279 | whose lives are at risk because they work in this place, they  
1280 | ought to be able to protect themselves.

1281 |       We had a Senator, who one of his aides came in and had a  
1282 | gun with him, and the Senator, as I understand it, has a gun  
1283 | permit in Virginia. And I think the reason he had that gun

1284 | with him all the time was because he felt there might be a  
1285 | threat to his life. And I think every Member of Congress if  
1286 | you asked them individually they would say they do worry once  
1287 | in a while about being attacked by a terrorist or somebody  
1288 | else. And so I think they ought to have the right to protect  
1289 | themselves once they leave this Capitol, and right now they  
1290 | can't. You do a great job while we're here, you do a great  
1291 | job in Washington, D.C., but individual citizens who abide by  
1292 | the law ought to be able to protect themselves, and  
1293 | especially elected officials in this Capitol.

1294 | Chairman WAXMAN. Thank you, Mr. Burton.

1295 | Mr. Tierney. Ms. Watson.

1296 | Ms. WATSON. Thank you so much for this very, very  
1297 | necessary and important hearing, Mr. Chairman. I understand  
1298 | the bill, as it's currently drafted, individuals could buy  
1299 | and own firearms without registering with the Metropolitan  
1300 | Police. And I'm addressing this to Chief Lanier. In your  
1301 | written statement you said you have grave concern, also your  
1302 | verbal statement. And can you explain why you have this  
1303 | grave concern and related to this building that we're in  
1304 | right now?

1305 | Chief LANIER. Again, I think that the hallmarks of  
1306 | trying to prevent any crime from happening, including a  
1307 | terrorist attack, is having some layered measures of  
1308 | protection. For most terrorists the risk of failure is worse

1309 | for them than the risk of dying and carrying out an attack.  
1310 | So each level of security measures we have in place that they  
1311 | have to go through that may cause them to be detected is a  
1312 | security measure that serves as somewhat of a deterrence. By  
1313 | having to register a firearm you typically would have to come  
1314 | in and prove your identity, so that adds another layer of  
1315 | risk for a terrorist. If you remove that registration  
1316 | process and the other laws around gun possession and carrying  
1317 | in the District you now have removed a lot of the illegal  
1318 | acts that a potential terrorist would have to go through,  
1319 | elevating the risk of detection and being caught, thus  
1320 | deterring their attack long before they get to that attack.  
1321 | So I think that those are necessary measures to send the  
1322 | message that there is layered security in terms of  
1323 | Washington, D.C. As the Nation's capital, and the  
1324 | registration process and some laws with gun control are  
1325 | necessary.

1326 |         Ms. WATSON. Now, this is what I understand in your  
1327 | current firearms registration process. Your department, and  
1328 | I'm just repeating, also performs a ballistic identification  
1329 | procedure during which it fires the weapon and retrieves a  
1330 | spent ammunition to obtain a ballistic fingerprint of the  
1331 | gun. This allows you to identify and track guns used in  
1332 | crimes, is that correct?

1333 |         Chief LANIER. Yes.

1334 Ms. WATSON. So how would eliminating--and I want to ask  
1335 this of my colleagues too that are in support of the current  
1336 bill--how would eliminating the ballistics fingerprinting  
1337 process affect the work of your officers? And would you  
1338 lose--if you lose that resource would it endanger all of us  
1339 that are in sensitive places?

1340 Chief LANIER. Very much the ballistics fingerprint of a  
1341 firearm has assisted us in tracking down, locating and  
1342 solving numerous violent crime cases. But it is--essentially  
1343 what it is described as is a ballistic fingerprint of that  
1344 weapon. So when a firearm is discharged, whether the firearm  
1345 is actually recovered or not, we can tell from the expended  
1346 shell casing or the round that's fired from that gun, if that  
1347 gun is preregistered with a ballistic fingerprint on file,  
1348 which gun fired that round. So yes, it is important for us,  
1349 not only for prosecution of cases which is the ultimate goal,  
1350 but also for us to identify potential suspects that may have  
1351 used that firearm in the commission of a crime.

1352 Ms. WATSON. In addition to the ballistics  
1353 fingerprinting, the department has a process which includes a  
1354 background check. Now, you'll hear arguments that the law  
1355 abiding citizen needs to have a gun. You're not a criminal  
1356 until you break a law. And so how do we know if a person is  
1357 mentally ill but walking the streets, has an intention to  
1358 come in here and shoot at one of us because they didn't like

1359 a piece of legislation that we introduced or supported, and  
1360 this person has no record? We have Members of Congress that  
1361 are in prison today, and they certainly were law abiding  
1362 until they broke the law. So how do we know who registers to  
1363 get a gun and to use the gun unless we have everyone register  
1364 the gun? Can you comment?

1365 Chief LANIER. That's exactly why we have the  
1366 registration process that we have. And those who have been  
1367 convicted of a crime of violence or have prior weapons  
1368 charges, those who have been voluntarily or involuntarily  
1369 committed to a mental hospital within the past 5 years, those  
1370 that have been not convicted--convicted of a crime of  
1371 violence, to include domestic violence, all those things are  
1372 looked at in our background process for exactly that reason,  
1373 to try and eliminate potential persons from registering  
1374 firearms that have potentially used them illegally. And in  
1375 the scenario given just a moment ago, you can register a  
1376 firearm legally if you do not have that, if you pass that  
1377 background in the District of Columbia. So you do have the  
1378 right to even possess a handgun in your home right now under  
1379 the current laws to protect yourself in your home if you pass  
1380 that background.

1381 Ms. WATSON. Well, you know, without registration we  
1382 don't know who is prohibited from driving because they need  
1383 glasses. And I'm wearing glasses right now to see you. And



1384 | if we don't do a background check he might not have the  
1385 | sufficient vision to obtain a driver's license and be driving  
1386 | a car. So we operate in the blind.

1387 |         And in closing, I just want to say that the only purpose  
1388 | in eliminating the registration system seems to reduce--is to  
1389 | reduce the visibility and control of a firearm in the  
1390 | District. I just think it's a bad idea. In protection of  
1391 | all of us in sensitive places, we need to know who has a  
1392 | weapon.

1393 |         Thank you very much.

1394 |         Chairman WAXMAN. Thank you, Ms. Watson.

1395 |         Mr. Issa.

1396 |         Mr. ISSA. Thank you, Mr. Chairman. I'm going to try  
1397 | and narrow very quickly what we're talking about here. Mr.  
1398 | Campbell, the Supreme Court decision didn't affect you in any  
1399 | direct way, did it?

1400 |         Mr. CAMPBELL. No, sir.

1401 |         Mr. ISSA. Mr. Hay, the Supreme Court decision did not  
1402 | affect you in any direct way, did it?

1403 |         Mr. HAY. No.

1404 |         Mr. ISSA. Okay. Mr. Morse, the Supreme Court decision  
1405 | did not affect you in any direct way, did it?

1406 |         Chief MORSE. It has not.

1407 |         Mr. ISSA. Ms. Lanier, Chief, it did affect you. You  
1408 | had a law that was found to be unconstitutional that for

1409 | decades had violated an American's second amendment right,  
1410 | isn't that true?

1411 | Chief LANIER. It impacted my capacity because I have to  
1412 | implement new regulations.

1413 | Mr. ISSA. You were implementing the law. Your  
1414 | department had arrested, convicted and jailed people for a  
1415 | law that now is unconstitutional as it was.

1416 | Chief LANIER. The District has already revised those  
1417 | regulations in the temporary process.

1418 | Mr. ISSA. Let's make sure we keep it narrow. The  
1419 | Supreme Court struck down a law you were implementing on the  
1420 | day they struck it down. So you were held that for four  
1421 | decades you had violated people's second amendment rights by  
1422 | both, I believe, arbitrarily and capriciously limiting  
1423 | registration and by outright limiting the people's ability in  
1424 | their own home to protect themselves with a handgun.

1425 | Now, is that your understanding of the Court decision or  
1426 | are you not familiar with the Court decision?

1427 | Chief LANIER. I'm familiar with the Court decision. I  
1428 | understand the changes that are required by the Court, and we  
1429 | are in the process--

1430 | Mr. ISSA. So all this discussion today about heavy  
1431 | weapons, assault rifles, all of this, is the usual anti-gun  
1432 | stuff. The Supreme Court said in no uncertain terms that  
1433 | Americans, both in States and in the District of Columbia,

1434 continue to enjoy the constitutional right under the second  
1435 amendment in their own homes to protect themselves, including  
1436 with the use of handguns. They held that you were able to  
1437 have registration as long as it was not arbitrary or  
1438 capricious, which I question the 23 registrations. But  
1439 having said that, we're going to assume that it's not  
1440 arbitrary and capricious. So this entire hearing here and  
1441 all the discussion and discussions about assault rifle, and  
1442 repeatedly the statement about how AK-47s with large  
1443 magazines and attacking motorcades, isn't it true that what  
1444 we're really talking about as the City of Washington, D.C.  
1445 Has to do is simply to structure a reasonable ability for  
1446 people to purchase, register and keep in their own home  
1447 handguns? That is the immediate effect of the Supreme Court  
1448 decision, and that is what we have oversight over, isn't that  
1449 true?

1450 Chief LANIER. Yes.

1451 Mr. ISSA. And are you prepared today to ensure that  
1452 that process goes forward, and are you able to protect the  
1453 citizens of Washington, D.C. Every bit as well if law abiding  
1454 citizens in their own home have registered weapons?

1455 Chief LANIER. Law abiding citizens in the District of  
1456 Columbia have been able to register weapons in their home for  
1457 many, many years and currently are registering firearms and  
1458 handguns in their home for self-protection.

1459 Mr. ISSA. Ma'am, we were only talking handguns, and  
1460 handguns were what the Supreme Court said you had violated  
1461 people's second amendment rights in the District of Columbia  
1462 by eliminating that ability.

1463 Chief LANIER. And that's been rectified.

1464 Mr. ISSA. Okay. Now, I'm just going to just take one  
1465 more thing, because I think you should be held to task. I  
1466 know people love to talk about how great the police are, and  
1467 I could do that too. But this is the murder capital of  
1468 America off and on.

1469 Chief LANIER. That's not true.

1470 Mr. ISSA. This is the murder capital of America off and  
1471 on. You have years in which you are, years in which you're  
1472 not. This is an area in which gun violence has been a  
1473 problem for four decades, isn't that true?

1474 Chief LANIER. Gun violence is an issue in every major  
1475 city in the United States.

1476 Mr. ISSA. But isn't the District of Columbia among the  
1477 cities in the top three-quarters, let's say, in any given  
1478 year of people who are using guns to kill other people?

1479 Chief LANIER. I don't know that statistic off the top  
1480 of my head.

1481 Mr. ISSA. Well, I guess my question to you is if the  
1482 District of Columbia, as I will say here, has been a place in  
1483 which gun violence has been a big problem for those four

1484 decades in which law abiding citizens never were allowed to  
1485 have pistols in their house, then isn't it just possible that  
1486 allowing the law abiding citizens to protect themselves with  
1487 pistols in their own home could actually do you help, not  
1488 harm, when it comes to reducing gun violence by those who  
1489 have already been carrying these guns illegally and using  
1490 them in the District of Columbia? And hopefully you will go  
1491 back and do the research to realize that the problem is that  
1492 people with handguns, as was said earlier, they're all the  
1493 bad guys or they're law enforcement, but there's been a lot  
1494 of them here while the law abiding citizen hasn't been able  
1495 to have one.

1496 Chief LANIER. I was asked to come here and talk about  
1497 the implications of the bill on homeland security in the  
1498 Nation's capital. If you want to have a discussion about  
1499 what's behind violent crime in Washington, D.C. And other  
1500 cities around America, it's a much different discussion and  
1501 there's a lot of other factors besides gun ownership. But  
1502 you can register a firearm in the District of Columbia for  
1503 self-protection in your home.

1504 Mr. ISSA. Thank you, Chief. And since the limit of our  
1505 jurisdiction is the District of Columbia and not homeland  
1506 security, that's why I was trying to narrow on that. And  
1507 thank you, Mr. Chairman.

1508 Chairman WAXMAN. Thank you, Mr. Issa.

1509 Ms. Norton.

1510 Ms. NORTON. That is the limit of our jurisdiction. And  
1511 H.R. 6691 of course does not focus on gun violence in big  
1512 cities like the District of Columbia. And that's the work of  
1513 this Chief, not your work, not this member's work. And I  
1514 want to focus on what 6691, which is the bill filed by  
1515 members on the other side, would do with respect to  
1516 jurisdiction that we are accountable for. I would like to do  
1517 it the old-fashioned way, going back to my former profession,  
1518 through hypotheticals and ask you some hypotheticals. They  
1519 turn out not to be so hypothetical because Chief Morse and  
1520 Chief Hay have just talked about confiscating guns that they  
1521 found in public. Now, under current law it's illegal to  
1522 carry a loaded weapon in public in the Nation's capital  
1523 without exceptions, isn't that correct?

1524 Chief LANIER. Correct.

1525 Ms. NORTON. Now, if H.R. 6691 becomes legal, forget for  
1526 a moment what effect it will have on a high crime city like  
1527 the District of Columbia, like big cities in California, like  
1528 big cities throughout the United States, think for a moment  
1529 through this hypothetical what effect it will have right here  
1530 in the Nation's capital where these officers are charged with  
1531 protecting federally protected people. I want to ask you  
1532 what you can do now and what you would be able to do if 6691  
1533 is passed concerning carrying loaded guns in public. You

1534 mentioned, Chief, the serious issue you always face in the  
1535 President's inaugural parade. Now, if 6691 passed you could  
1536 have a long rifle, a semiautomatic SKS rifle with you, or  
1537 let's take an AK-47. Now, what could you do now and what  
1538 could you do to someone simply standing with that long rifle  
1539 to view the parade?

1540 Chief LANIER. Right now they would be placed under  
1541 arrest, and it's legal to possess in the District of  
1542 Columbia.

1543 Ms. NORTON. Well, suppose a person has a long rifle  
1544 after 6691 passes; what would you do with an SKS and an AK-47  
1545 visible for you to see at the President's inaugural parade?

1546 Chief LANIER. It's legal to possess. There's not much  
1547 that we can do.

1548 Ms. NORTON. How could you secure that inaugural parade,  
1549 I'm asking you?

1550 Chief LANIER. It's going to be very difficult.

1551 Ms. NORTON. Let's take a large protest we have here.  
1552 They're so common. We had them with the International  
1553 Monetary Fund. I don't pick them out, or the World Bank  
1554 protest, because they are any more likely to have guns than  
1555 anybody else. I have no information, but because it was so  
1556 huge. I would like to ask you about those. I know they were  
1557 hard to control.

1558 You have spoken about concealable weapons, concealable

1559 | weapons. Let's take TEC-9s. That's concealable, Uzis,  
1560 | concealable. Or for that matter the long guns, such as the  
1561 | ones I previously asked about. Under 6691 is it conceivable  
1562 | that you would have at such a large protest both AK-47s in  
1563 | full view and conceivable Uzis or TEC-9s that you couldn't  
1564 | even see but which today are illegal in the District of  
1565 | Columbia?

1566 | Chief LANIER. That's possible, yes.

1567 | Ms. NORTON. Is there anything you could do in one of  
1568 | these mass protests? I'm leaving aside the almost always  
1569 | peaceful meetings at Labor Day or July 4th, but one of those  
1570 | protests where people are moving about. Could you secure the  
1571 | World Bank, the Monetary Fund, the nearby Federal facilities  
1572 | or the District of Columbia itself if people were able to  
1573 | carry concealable fully loaded semiautomatic guns or fully  
1574 | loaded unconcealed military assault weapons at these large  
1575 | protests?

1576 | Chief LANIER. It would be extremely difficult. I can't  
1577 | imagine.

1578 | Ms. NORTON. Mr. Chairman, I just want to point out,  
1579 | there's a first amendment right to be at these protests, just  
1580 | as the second amendment right has been cited. Here we give  
1581 | the police an impossible dilemma.

1582 | Thank you, Mr. Chairman.

1583 | Chairman WAXMAN. Thank you very much, Ms. Norton.



1584 Mr. Souder.

1585 Mr. SOUDER. Thank you, Mr. Chairman. And I guess I'd  
1586 kind of be the unpopular person in many people's eyes as the  
1587 author of the amendment overturned the D.C. Limitation on the  
1588 right to bear arms in the District and as also having worked  
1589 the broker agreement that I believe will once again protect  
1590 those rights.

1591 I didn't get a chance to make an opening statement, so I  
1592 want to make a few comments here.

1593 Home rule does not give an area the right to overturn  
1594 constitutional rights. That's what the Supreme Court  
1595 determined. It doesn't give Washington, D.C. Or any city the  
1596 right to overturn free speech, it doesn't give them the right  
1597 to overturn freedom of religion, it doesn't give a city the  
1598 right to overturn the right to bear arms or any civil right.  
1599 This was much the argument that southern States had. When  
1600 they didn't like a Supreme Court ruling they tried to  
1601 reinstitute around the ban, as D.C. Did in this case, come up  
1602 with a law that went around the Supreme Court restriction.

1603 Now, the most important thing in the Supreme Court  
1604 decision was something we've debated in the United States for  
1605 years, and that's what's a militia. A militia is not the  
1606 military. The militia are individuals' right to bear arms.  
1607 The court has permanently decided that. They gave  
1608 flexibility for cities to work in different areas and

1609 | explicitly said in the court case that there are some things  
1610 | that cities can continue to do. But when D.C. Came back with  
1611 | a law that says you have to be under imminent danger, what  
1612 | does that mean; the gun is blazing, that the gun is pulled,  
1613 | that somebody has busted your door down, that you just live  
1614 | in the city? I mean, what an absurd standard and an insult  
1615 | to the rights of the Court--the rights of the American  
1616 | people. Now, we had a little bit of fencing a little bit ago  
1617 | about how bad D.C. Crime is. Murder capital seven of the  
1618 | last nine years. You can state whether it's improved. Yes,  
1619 | some of the murders have gone down. Murders have gone down  
1620 | all over the United States pretty much in every city because  
1621 | we've locked criminals up. Now as they come back out some  
1622 | rates are moving again. But there are multiple things, and  
1623 | what is clearly proven is that the cities that have the gun  
1624 | laws haven't had any impact on it. In fact, the cities with  
1625 | the gun laws generally have higher rates of murder. It's  
1626 | counterintuitive. Why? Because if you disarm the citizens,  
1627 | if you tell them, as the D.C. Ban says, that you have to have  
1628 | your gun locked up so when a criminal comes into your house  
1629 | under imminent danger you've got to go find the key, unlock  
1630 | it, put your gun together, then go find the bullets, how in  
1631 | the world are you supposed to protect your family? And that  
1632 | is a clear violation of the rights, and that's what the Court  
1633 | tried to address. And, in effect, you have armed criminals

1634 | in neighborhoods and roaming this city because citizens they  
1635 | know haven't been able to protect themselves. And the  
1636 | Washington Post had a very interesting article years ago when  
1637 | I was on staff working with juvenile delinquency. Nobody  
1638 | bought their guns even in the gun stores. They robbed  
1639 | people. A couple of them in the juvenile center took guns  
1640 | from police officers. Unless you're going to have some kind  
1641 | of an international U.N. Law restricting this I don't know  
1642 | how you can isolate and claim all the things you're claiming  
1643 | about, oh, if we just had this gun law we wouldn't have the  
1644 | people doing assassinations. Reagan got shot during your gun  
1645 | law. But we wouldn't have all this type of threats to  
1646 | everybody if all we did was banned it here in D.C. It's an  
1647 | absurd principle. You can't.

1648 |         And by the way, there's another assumption here. We're  
1649 | talking here like, well, these guns kind of walk into a home  
1650 | all by themselves and start firing. The best way to control  
1651 | terrorists are through FISA, through intelligence tracking,  
1652 | through what they do at the Nationals stadium. Quite  
1653 | frankly, one of my friends and a company in my District helps  
1654 | provide and plan security for stadiums. The most critical  
1655 | thing is having intelligence. Yes, you have cameras, you  
1656 | have police officers around to scare them off, but you need  
1657 | to know where the risks are and plan as much as you can.  
1658 | It's not clear that the laws work. As we heard Mr. Issa say

1659 a little bit ago, three of you aren't even impacted this.  
1660 This shows what a political hearing this is. Three of you  
1661 aren't impacted. And the fourth, the Chief, quite frankly,  
1662 aren't you a political appointee?

1663 Chief MORSE. I am not. I went through a selection  
1664 process.

1665 Mr. SOUDER. Not the Park Police. I mean Chief Lanier,  
1666 aren't you a political appointee?

1667 Chief LANIER. I've been a member of the Metropolitan  
1668 Police Department for 18 years appointed by the Mayor.

1669 Mr. SOUDER. Pretty much that's what it should be. When  
1670 a mayor wins an election they pick somebody who reflects  
1671 their views. But you're a political appointee reflecting the  
1672 political views. And police officers by the way disagree on  
1673 the subject, I'm not suggesting they don't, but that you're  
1674 reflecting the political views.

1675 This is a political hearing today. This isn't about  
1676 protecting constitutional rights, it's not about legislation.  
1677 I mean, if we're going to have a bill, as I'll point out,  
1678 that looks into whether or not we're more secure clearly this  
1679 gun law has failed in Washington, D.C. We should be looking  
1680 to figure out how to work it and how to make citizens safe,  
1681 not how to reinstitute one of the most failed laws in  
1682 America. It's tough to have a law that can fail more than  
1683 being a leader year after year in murders. As former Mayor

1684 Barry said, it's a pretty safe place other than the murders.

1685 Chairman WAXMAN. Thank you, Mr. Souder. Your time has  
1686 expired.

1687 Mr. Sarbanes.

1688 Mr. SARBANES. Thank you, Mr. Chairman. Thank you all  
1689 for your testimony. Chief Lanier, what could people do  
1690 before the Supreme Court's decision? What could D.C.  
1691 Residents do to protect themselves in their homes?

1692 Chief LANIER. D.C. Residents have always had the  
1693 ability to register firearms for self-protection in the home.  
1694 They could register a shotgun or a rifle for self-protection  
1695 in the home prior to the Heller case.

1696 Mr. SARBANES. Prior to the Supreme Court decision. So  
1697 it's not like they were completely without any protection as  
1698 has been suggested?

1699 Chief LANIER. That's correct.

1700 Mr. SARBANES. What can they do to protect themselves if  
1701 you were to simply do what's required to comply with the  
1702 Supreme Court's decision?

1703 Chief LANIER. That is what's under way now and  
1704 currently in place. You can now register a handgun for  
1705 self-protection in the home as well. I think the City  
1706 Council and the administration has been working hard to come  
1707 up with final legislation. What is in place right now is  
1708 only temporary, and I think when that final legislation is

1709 | proposed it will be in full compliance with the Heller  
1710 | decision.

1711 |         Mr. SARBANES. In your professional judgment, how much  
1712 | additional protection would be available to people in their  
1713 | homes if the current limitations were completely wiped away?  
1714 | In other words, how much extra do you get? I mean do you  
1715 | view it as providing a lot of extra protection if you can  
1716 | keep a semiautomatic weapon, for example, in your possession  
1717 | in your home?

1718 |         Chief LANIER. I think the ability to have a handgun in  
1719 | your home for self-protection or shotgun or rifle is  
1720 | sufficient for self-protection in the home.

1721 |         Mr. SARBANES. It sounds from the testimony like you'll  
1722 | be able to pretty much effectively do the job of handling the  
1723 | special dimensions that the District of Columbia presents in  
1724 | terms of the dignitaries and Federal officials and others,  
1725 | you'll be able to do that job pretty effectively even as you  
1726 | comply with the Supreme Court's decision, right?

1727 |         Chief LANIER. Absolutely.

1728 |         Mr. SARBANES. And I've also heard that you have high  
1729 | anxiety about whether you could do that job effectively if  
1730 | the provisions of 6691 were implemented?

1731 |         Chief LANIER. Yes, sir.

1732 |         Mr. SARBANES. Can you just describe, I mean take a  
1733 | rally or some other event, and let's assume that 6691 went

1734 through, because you know we assume that things that drastic  
1735 and ill-advised won't happen, but sometimes they do. So how  
1736 would your department have to kind of reorient itself around  
1737 a particular kind of event or special circumstance that you  
1738 deal with now if you were operating under those kinds of  
1739 conditions?

1740 Chief LANIER. I think it was alluded to earlier by  
1741 Chief Morse, the first and most significant step is the  
1742 average member of the Metropolitan Police Department, there's  
1743 4,000 of us, there's about 15 years on, 15 years of training  
1744 the same way, policing the same way, same laws, significant  
1745 undertaking in completely revising the way our officers  
1746 train, think and perform out on the street, which is a  
1747 concern for all of us, because it does change for all of us.  
1748 But for any large event, as I said, the easiest thing to kind  
1749 of relate to is the large special events that happen here all  
1750 the time. There are things from marathons all the way to  
1751 just annual celebrations like the Fourth of July. We  
1752 typically will secure those events with perimeters that are  
1753 snow fencing, bike racks. And we try to use the checkpoint  
1754 process to eliminate the explosive threat from getting into a  
1755 large crowd, 100,000 people on the Mall for the Fourth of  
1756 July. The change in that security is drastic because an  
1757 automatic firearm, an AK-47, the snow fencing and the  
1758 checkpoints are useless because someone outside that

1759 | perimeter could shoot into the crowd. And just by mere  
1760 | nature of the backdrop as Washington, D.C. I think that that  
1761 | is a potential reality.

1762 |         Mr. SARBANES. If 6691 were implemented and sort of  
1763 | wiped away the current restrictions, how would that compare  
1764 | to the restrictions that exist in other cities across the  
1765 | country?

1766 |         Chief LANIER. Well, actually, it would make it less  
1767 | restrictive. From what I understand it, you can purchase a  
1768 | weapon in another jurisdiction and bring it into the District  
1769 | of Columbia. So that in itself is less restrictive and I  
1770 | think a huge concern for us in terms of trafficking of  
1771 | firearms and being able to know what it is that is on our  
1772 | streets.

1773 |         Mr. SARBANES. Okay. Thank you.

1774 |         Chairman WAXMAN. Thank you, Mr. Sarbanes.

1775 |         Mr. Sali.

1776 |         Mr. SALI. Thank you, Mr. Chairman. Chief Lanier, we're  
1777 | talking today about homeland security risks, so we're talking  
1778 | about really a terrorist type event, correct? That's what  
1779 | you came prepared to talk about?

1780 |         Chief LANIER. Yes.

1781 |         Mr. SALI. I want to talk about four different  
1782 | categories of people. Every day when I walk between my  
1783 | office and the Capitol building I see lots of people carrying



1784 | guns. They're your police officers. And you're not worried  
1785 | about any of them being involved in a terrorist attack,  
1786 | correct?

1787 | Chief LANIER. No.

1788 | Mr. SALI. And the law abiding citizens in the District  
1789 | of Washington, D.C., you're not really concerned about them  
1790 | being involved in a terrorist attack, is that correct?

1791 | Chief LANIER. Correct.

1792 | Mr. SALI. And then we have common criminals who are  
1793 | involved in all manner of criminal activity that we've talked  
1794 | about today. Your level of concern about them being involved  
1795 | in a terrorist type attack is not typically really great, is  
1796 | it?

1797 | Chief LANIER. Well, it depends but it's not what I was  
1798 | testifying about today.

1799 | Mr. SALI. Okay. But if we have a real live legitimate  
1800 | person who is intent on committing a terrorist act, that's a  
1801 | person that you're really concerned about?

1802 | Chief LANIER. I think there's two categories of those  
1803 | types of person. The lone wolf person who maybe wasn't  
1804 | committed to committing a terrorist attack and somebody who  
1805 | is under the influence of drugs or alcohol.

1806 | Mr. SALI. Let's group those together. These are the  
1807 | people you're worried about. And you don't have any  
1808 | expectation whatsoever that any of the people in that last

1809 | group would go and register a handgun of any type, I don't  
1810 | care if you prohibit or include what firearms. None of them  
1811 | are going to come register anything under the law as it  
1812 | exists today and the law as we pass it here or the law as it  
1813 | has existed, that's correct, isn't it?

1814 |       Chief LANIER. I can only tell you that from what I  
1815 | understand even the al Qaeda training manual recommends that  
1816 | those planning to carry out a terrorist attack do everything  
1817 | they can to avoid detection by violating laws. So they're  
1818 | encouraged strongly to not violate laws from traffic laws to  
1819 | any other law that would raise a level of suspicion.

1820 |       Mr. SALI. So your testimony before this committee is  
1821 | that you do have an expectation that terrorists will come  
1822 | register their guns?

1823 |       Chief LANIER. I didn't say that. I said that the level  
1824 | of detection that is recommended and that is trained in  
1825 | terrorists, that we are aware of, is to not raise the  
1826 | suspicion of law enforcement by violating laws. I think to  
1827 | remove any kind of process to raise that level of suspicion  
1828 | would be ill advised.

1829 |       Mr. SALI. Well, if that's the case, isn't the--I mean  
1830 | we have a lot of activity going on in Iraq and Afghanistan  
1831 | and Pakistan. Is the answer there not to engage in all of  
1832 | the intelligence work that we're doing, spending an awful lot  
1833 | of effort there and the military effort, just go pass some

1834 | gun registration laws and that will get the job done, you're  
1835 | not suggesting that?

1836 | Chief LANIER. Certainly not.

1837 | Mr. SALI. So the point is really there's no real  
1838 | expectation that terrorists are going to come and register  
1839 | any weapons of any kind no matter what the law is for the  
1840 | District of Columbia, correct? That's really what we're  
1841 | getting to.

1842 | Chief LANIER. I think by removing the process and  
1843 | having no visible deterrent, again not the hallmarks of what  
1844 | the terrorist prevention motto of this country is; detect,  
1845 | deter and prevent. And I think by removing that registration  
1846 | process you really are removing one of those barriers or  
1847 | levels of security.

1848 | Mr. SALI. Well, let me ask you this. The overwhelming  
1849 | majority of even common criminals when they commit crimes,  
1850 | those guns are not registered with the District of Columbia  
1851 | are they?

1852 | Chief LANIER. That's correct.

1853 | Mr. SALI. So once again, if the common criminals don't  
1854 | generally do that, there's no real expectation that  
1855 | terrorists would register any weapons?

1856 | Chief LANIER. Many of those guns fortunately for us are  
1857 | taken off the streets when they're arrested before they  
1858 | commit a crime.

1859 Mr. SALI. Well, let me ask you this. If we're not  
1860 concerned for terrorist events, or even just generic criminal  
1861 events, with law abiding citizens committing those acts,  
1862 because they obey the law, what efforts is your department  
1863 taking to get at those criminals and those terrorists beyond  
1864 registration?

1865 Chief LANIER. We can spend hours discussing the impact  
1866 of what my department has been doing for the past several  
1867 years, along with all these other departments here, to get at  
1868 the terrorist threat through those same measures; detection,  
1869 prevention and deterrence.

1870 Mr. SALI. Okay. But the rate of murders in the capital  
1871 city for our Nation is quite high compared even with most  
1872 other big cities across the Nation, do you agree with that  
1873 statement?

1874 Chief LANIER. Our rate of murder is on average with  
1875 many of the large cities in the United States.

1876 Mr. SALI. It's one of the highest in the Nation, you  
1877 would agree with that, correct?

1878 Chief LANIER. Currently we are I believe tenth behind  
1879 nine other major cities in the United States.

1880 Mr. SALI. So I guess my point is, if you're worried  
1881 about terrorists and you're worried even about common  
1882 criminals to some degree, how is it that a registration law  
1883 in the District of Columbia is really going to make a

1884 significant difference when you've testified today that even  
1885 for common crimes most of the guns that are involved there  
1886 are not even registered with the city?

1887 Chief LANIER. I don't think I suggested that the  
1888 registration process is going stop a terrorist attack.

1889 Mr. SALI. Well, I'm not saying that you suggested that  
1890 it would stop a terrorist attack. But you've expressed  
1891 concerns about the need to make sure that the types of  
1892 weapons you talk, semiautomatic weapons, that somehow those  
1893 are going to increase the risk of a terrorist attack if  
1894 they're in the hands of law abiding citizens.

1895 Chief LANIER. My testimony today is that there should  
1896 be some reasonable measures put in place for the District of  
1897 Columbia that is unique to other jurisdictions. With those  
1898 measures being in compliance with the Heller decision, I  
1899 think there should be some measures to regulate that within  
1900 the District of Columbia because of the unique threat that is  
1901 faced here.

1902 Mr. SALI. Mr. Chairman, I see my time is up.

1903 Chairman WAXMAN. Thank you very much, Mr. Sali.

1904 Ms. McCollum.

1905 Ms. MCCOLLUM. Thank you, Mr. Chair. I would just like  
1906 to go back and just remind people that the Supreme Court, and  
1907 on the decision I'm primarily citing from pages 54 and 55.  
1908 Like most rights, the second amendment right is not

1909 unlimited. It is not a right to keep and carry weapons  
1910 whatsoever in any matter whatsoever and for whatever purpose.  
1911 And it goes on also to state that the Court finds support in  
1912 historical traditions of prohibiting and carrying of  
1913 dangerous and unusual weapons.

1914 Chief Lanier, I would like to ask you about a particular  
1915 lethal type of weapon. It's a long range high powered  
1916 50-caliber rifle that's used by military snipers. These  
1917 weapons can penetrate armor and bullet proof glass, they can  
1918 bring down helicopters or low flying planes, and they are  
1919 used by the armed forces at 35 different countries. These  
1920 weapons are so lethal to human targets over enormous  
1921 distances. A few years ago in Afghanistan, for example, a  
1922 Canadian sniper killed a Taliban soldier from a mile and a  
1923 half away. And I've been told that that's the distance  
1924 between the Capitol building and the Lincoln Memorial.

1925 Chief, there are currently many restrictions on owning  
1926 weapons in Washington, D.C. They have to be registered and  
1927 they can't be carried in public. And semiautomatic models  
1928 are completely banned, for example, like the 50-caliber rifle  
1929 I just described, is that correct?

1930 Chief LANIER. That's correct.

1931 Ms. MCCOLLUM. And under the NRA bill 6691 these  
1932 safeguards are repealed. There would be no registration,  
1933 these weapons could be carried in public and they could be

1934 | carried fully loaded with semiautomatic clips. I ask Chief  
1935 | Lanier and Chief Morse and Mr. Hay, are you concerned about  
1936 | this?

1937 | Chief LANIER. Obviously that would be a concern for any  
1938 | law enforcement officer.

1939 | Ms. MCCOLLUM. Mr. Morse?

1940 | Chief MORSE. I would be concerned that someone would  
1941 | have that type of weapon and be adverse to our security.

1942 | Ms. MCCOLLUM. Mr. Hay?

1943 | Mr. HAY. Yeah, the 50-caliber rifle brings up all kinds  
1944 | of concerns for us as well.

1945 | Ms. MCCOLLUM. There's a picture up here right now, and  
1946 | they're from a company, a company that's advertising  
1947 | 50-caliber sniper rifles on the Internet. As you can see,  
1948 | this company is promoting a product and it's demonstrating  
1949 | the destructive force of this weapon. In this picture the  
1950 | company is showing how the weapon can pierce the window of an  
1951 | aircraft cockpit. In fact I would like to read some of the  
1952 | supporting advertisement that goes along with it.

1953 | So we took the 50-AE and the AR-15 to a range to make  
1954 | some pudding out of some fairly formidable targets, a  
1955 | McDonnell Douglas DC-9. That is what they chose to show what  
1956 | they could make pudding out of.

1957 | So I ask the witnesses again, what do you think about  
1958 | this? Does it concern you that a 50-caliber sniper rifle

1959 | could be used to bring down an aircraft, let alone in H.R.  
1960 | 6691 it would be perfectly legal to carry this fully loaded in  
1961 | the District?

1962 | Chief LANIER. Yes.

1963 | Chief MORSE. Yes, that's a concern.

1964 | Mr. HAY. Yes, we too would be concerned about firearms.

1965 | As I mentioned earlier, we would still have Title 36  
1966 | prohibition against any firearms, to include the 50-caliber.

1967 | Ms. MCCOLLUM. The State of California has also recently  
1968 | recognized the destructive force of these weapons and has  
1969 | banned them. According to Governor Arnold Schwarzenegger,  
1970 | who supported the bill, the 50-caliber rifle is a military  
1971 | type weapon that presents a clear and present danger to the  
1972 | general public. I would ask you, do you agree with Governor  
1973 | Schwarzenegger?

1974 | Chief LANIER. I think a weapon of that caliber in the  
1975 | general public is a danger, yes.

1976 | Chief MORSE. A weapon of that caliber certainly in the  
1977 | hands of someone who intends to do harm is of grave concern  
1978 | to me.

1979 | Mr. HAY. Yeah, it's really the same answer as the last  
1980 | time. We're going to take enforcement action on firearms  
1981 | regardless of the caliber.

1982 | Ms. MCCOLLUM. Well, Mr. Chair, I would like to thank  
1983 | you for holding this hearing today. H.R. 6691, supported by



1984 | the National Rifle Association, would prohibit the District  
1985 | of Columbia from doing exactly what the State of California  
1986 | has done by banning these weapons. It's not only an insult  
1987 | to the people in the District, it is a potential danger to  
1988 | anyone who lives or works or visits the city.

1989 | Mr. Chair, I yield back.

1990 | Chairman WAXMAN. Thank you very much.

1991 | Ms. Foxx.

1992 | Ms. FOXX. Thank you, Mr. Chairman. I think the level  
1993 | of hyperbole here has reached a new high in terms of the  
1994 | suggestions about what would and would not be allowed under  
1995 | H.R. 6691. I would really like for somebody to show me in  
1996 | the legislation where they can point to what is being alleged  
1997 | here. I think that what my colleague Mr. Burton said needs  
1998 | to be repeated over and over and over again in this hearing.  
1999 | Clearly the D.C. Gun law has failed in terms of trying to  
2000 | hold down the crime in this city, since it is one of the  
2001 | highest crime cities in the country. And I find it really  
2002 | astonishing that the elected officials and appointed  
2003 | officials here would continue--want to continue practices  
2004 | that clearly do no good for the citizens and in fact create  
2005 | harm. You are appointed and elected to protect the citizens.  
2006 | And when you continue to do things that clearly don't bring  
2007 | that result it's hard for me to understand.

2008 | I think it was Einstein who said stupidity is continuing

2009 | to do the same thing and expecting a different outcome. So  
2010 | continuing to try to ban citizens from owning the guns that  
2011 | the Constitution says they can own and expecting a different  
2012 | outcome, I really find that unbelievable.

2013 |         And the comment by the Chief that it is sufficient  
2014 | self-protection to have a handgun, what an arrogant comment  
2015 | to make about what the citizens of this country ought to be  
2016 | doing. The D.C. City Council should decide and this Congress  
2017 | should decide what is sufficient self-protection when we have  
2018 | a Constitution that clearly states the right of the citizens  
2019 | to keep and bear arms shall not be impinged by the Congress  
2020 | of the United States. I find that incredible.

2021 |         What I would like to know is what else are you doing to  
2022 | try to hold down the crime rate or to cut down the crime rate  
2023 | in the District of Columbia other than banning guns, which  
2024 | has clearly not worked? And my question is only to the  
2025 | Chief. Because as somebody else has pointed out, the three  
2026 | gentlemen here are simply window dressing for this event.  
2027 | It's only the Chief who should be answering this.

2028 |         So would you please tell us, is the District of Columbia  
2029 | doing anything else to try to reduce the crime rate here?

2030 RPTS JOHNSON

2031 DCMN SECKMAN

2032 [12:02 p.m.]

2033 Chief LANIER. First I would like to clarify one point.

2034 I would like to clear up misunderstandings. I don't write

2035 law. I enforce it. That is my job. Political appointee,

2036 designee, career law enforcement officer. My job is to

2037 enforce law. I don't make it.

2038 Secondly, I would like to say, in terms of using the gun

2039 ban or whether guns are allowed or not allowed as the sole

2040 measure of what is behind crime or violent crime in America I

2041 think is absent additional thought that is needed. There are

2042 a lot of things that go into violent crime. Any one factor,

2043 whether we have a gun law or don't have a gun law, is not

2044 going to turn around people who carry out violent crimes

2045 overnight. It is a variety of factors that impact violent

2046 crime in this city and every other jurisdiction in the United

2047 States. So I just want to make sure that you understand

2048 that, 18 years in policing, there is a lot of things that

2049 impact why somebody would carry out a violent crime. It is

2050 not just whether they have access or don't have access to a

2051 firearm.

2052 In terms of addressing what else we are doing to deal

2053 with crime in the District of Columbia, there is--again, I

2054 could spend hours discussing all of the things that we are

2055 | doing in the District of Columbia from a variety of different  
2056 | agencies other than law enforcement. Much of the puzzle of  
2057 | what needs to be solved to deal with violent crime in the  
2058 | city is not solely law enforcement. There is a variety of  
2059 | social issues that have to be dealt with as well. And I  
2060 | think the administration has put the effort behind that  
2061 | through the rest of the agencies in the District. So I think  
2062 | that will require a separate hearing for me to sit and  
2063 | discuss all the things that we are doing to combat violent  
2064 | crime.

2065 |         Ms. FOXX. Well, I would be satisfied if you just gave  
2066 | me two that are in your department.

2067 |         Chief LANIER. Give you two? As a government, the mayor  
2068 | has put forth in the focus improvement areas in the city  
2069 | where we are taking out social services, drug and alcohol  
2070 | treatment, some of those other things that are actually  
2071 | driving crime issues around the city, taking those out in the  
2072 | neighborhoods where those crimes are occurring. And it is  
2073 | having a huge impact on violent crime.

2074 |         In fact, I should at least get my own commercial in:  
2075 | Armed robberies are down 15 percent this year, and shootings  
2076 | are down 12 percent. We are right now below our homicide  
2077 | rate for the previous year. And I think we are starting to  
2078 | have some impact with some of our crime strategies and  
2079 | initiatives around the District of Columbia and throughout

2080 the region.

2081 We also are doing multiple programs within the police  
2082 department to seek out those who are repeat violent offenders  
2083 and target those repeat violent offenders. So I assume that  
2084 would be sufficient, giving you a government-wide strategy as  
2085 well as a department-wide strategy.

2086 Chairman WAXMAN. The gentlelady's time has expired.

2087 I am impressed you are able to figure out things to do  
2088 that the Congress didn't tell you to do right here at the  
2089 self-government of the District of Columbia. I commend you  
2090 on it.

2091 Mr. Lynch.

2092 Mr. LYNCH. Thank you, Mr. Chairman. I want to thank  
2093 you for holding this hearing.

2094 I think it would be fair to articulate the difference  
2095 between the sides here by saying that we on this side do not  
2096 believe that the protection of constitutional rights of  
2097 citizens to be safe in their homes necessarily requires or is  
2098 served by a law that allows all citizens to be able to carry  
2099 loaded AK-47s in public within the District. That is not a  
2100 fine point, but that is the one we are discussing here.

2101 Chief Morse and Chief Lanier, I would like to ask you  
2102 about security right here on Capitol Hill. And it is my  
2103 understanding that there is a Federal law that prohibits  
2104 people from carrying firearms on the Capitol grounds, section

2105 | 5104 of Title 44 of the U.S. code. So regardless of the law  
2106 | off the Capitol grounds, this Federal law does in fact create  
2107 | a prohibition so that if you come into the area near the  
2108 | Capitol or the House and Senate office buildings with a gun,  
2109 | you are breaking the law. Is that correct?

2110 | Chief MORSE. That is correct.

2111 | Mr. LYNCH. Okay. I am going to ask you some obvious  
2112 | questions, and I apologize for that, but I think, in light of  
2113 | the previous questions, it is necessary. We all know that  
2114 | the threat of gun violence on Capitol Hill is not a  
2115 | theoretical question. As a matter of fact, I know that  
2116 | several weeks ago I joined both of you in a 10-year  
2117 | anniversary. Back on July 24th, 1998, an assailant stormed  
2118 | the Capitol and shot and killed two of your brave men, Chief  
2119 | Morse, Detective John Gibson and Officer Jacob Chestnut. And  
2120 | just to point out the difficulty that your folks face, the  
2121 | Capitol Police as well as all of our law enforcement here,  
2122 | last Friday, we had another incident, a gun incident here at  
2123 | the Capitol. And I have some--you could look at the screen  
2124 | here. Your officers, it is my understanding, arrested a man  
2125 | with an AK-47 and a grenade and other materials on the corner  
2126 | of Second Street and Independence Avenue, right outside the  
2127 | Capitol. I know that all my colleagues in Congress received  
2128 | multiple alerts on our BlackBerry devices here, and the area  
2129 | was cordoned off. And it was an excellent job on the part of

2130 | all of law enforcement up here on the Capitol, and we really  
2131 | appreciate it. But what I am trying to do is use this  
2132 | incident as an illustration of the difficulty in  
2133 | administering the law that the NRA and my colleagues on the  
2134 | other side of the aisle there proposed.

2135 |         Now, there is also a diagram that I have, this is  
2136 | obviously at the foot of the Capitol--let's see, no, that is  
2137 | not it. How about the map? There is a map. There you go.  
2138 | Okay. That red dot that you see is the area of the incident  
2139 | that occurred on Friday, where the gentleman was grabbed with  
2140 | the AK-47 and the grenade. That is right on the border of  
2141 | what we would call in this case the federally administered  
2142 | Capitol grounds. That yellow line that you see underneath  
2143 | the red dot is actually the border. So, correct me if I am  
2144 | wrong, under the law that is being proposed by the NRA, an  
2145 | individual could stand on one side of the street off of the  
2146 | Capitol grounds with an AK-47 legally, a loaded AK-47, and  
2147 | not be in violation of the law. Is that right, Chief Lanier?

2148 |         Chief LANIER. That is correct.

2149 |         Mr. LYNCH. Chief Morse, you got the same read on that?

2150 |         Chief MORSE. That would be correct.

2151 |         Mr. LYNCH. Okay. Now I want to ask you an obvious  
2152 | question. How does that create difficulty for you? And how  
2153 | does that put your folks at risk in trying to administer, you  
2154 | know, a regulation or a law like that in the circumstances

2155 | that we find ourselves here in the Capital City of the United  
2156 | States?

2157 | Chief LANIER. Obviously, there are a lot of events that  
2158 | occur on the grounds of the Capitol. There are protest  
2159 | marches and concerts and other things that occur on the  
2160 | Capitol grounds. So, technically, to be outside of that line  
2161 | and standing outside, if this was passed, you would not be in  
2162 | violation of the law but still in direct relationship to the  
2163 | Capitol grounds.

2164 | Mr. LYNCH. Okay.

2165 | Chief Morse?

2166 | Chief MORSE. One of the impacts or implications to my  
2167 | agency would be that our officers would need to enforce or be  
2168 | vigilant about two different laws. So, in one instance,  
2169 | under the Title 40, 5104, they would be able to make an  
2170 | arrest in that case, and then--and certainly see that perhaps  
2171 | as a threat, depending upon the actions of the subject. With  
2172 | regard to outside our jurisdiction, or just outside our  
2173 | jurisdiction, or within the extended jurisdiction zone the  
2174 | Capitol Police has responsibility in, we would in fact honor  
2175 | a different law. So there would be a training implication  
2176 | and certainly one that we would have to be very proficient in  
2177 | because it is an officer safety issue as well as a public  
2178 | safety issue. So we would have to be well versed on the, as  
2179 | we are, on the primary jurisdiction and where that starts and



2180 stops as well as the, you know, requirements of the law.

2181 Mr. LYNCH. Okay. Thank you.

2182 Mr. Chairman, I am going to yield back, but I do want to  
2183 say thank you to all of you for the work that you do and the  
2184 people that you serve on behalf of all the Members of  
2185 Congress and of all of our families.

2186 So thank you very much.

2187 Chief LANIER. Thank you.

2188 Chairman WAXMAN. Thank you, Mr. Lynch.

2189 Now to Mr. Bilbray.

2190 Mr. BILBRAY. Thank you, Mr. Chairman.

2191 Mr. Chairman, I appreciate and thank you for holding  
2192 this hearing.

2193 As a former mayor of a small town and a chairman of a  
2194 county of 3 million, I supervised law enforcement for small  
2195 and large jurisdictions. And it is interesting to see how we  
2196 have reached this day.

2197 I think, Chief, what year was it that the gun ban was  
2198 implemented in Washington, D.C.?

2199 Chief LANIER. 1976, 33 years ago.

2200 Mr. BILBRAY. 1976? And the Supreme Court ruled it was  
2201 unconstitutional. And I think that the concern was now the  
2202 response by the city on this was unconstitutional, because it  
2203 basically took a whole category of firearms and outlawed  
2204 them. And now trying to respond to the fact that as the

2205 Constitution gives local control to other cities, does not  
2206 give local control to this city, Congress has delegated that  
2207 authority. Can't delegate the responsibility for the  
2208 results, so that is why we are here today.

2209 Chief, what is the most powerful handguns available to  
2210 the general public in the United States today?

2211 Chief LANIER. I would have to defer to my gun expert.  
2212 Semiautomatic handguns?

2213 Mr. BILBRAY. No, I said what are the most powerful  
2214 handguns generally? Would you agree that the 44-Magnum--

2215 Chief LANIER. 44, 45.

2216 Mr. SHELTON. I would say the 44-Magnum.

2217 Mr. BILBRAY. 357-Magnum?

2218 Mr. SHELTON. Very close.

2219 Mr. BILBRAY. Are most of those revolvers?

2220 Mr. SHELTON. Yes.

2221 Mr. BILBRAY. And that has traditionally been the fact.

2222 Chief, what is the difference when you pull the trigger  
2223 of a double-action revolver and you pull the trigger of a  
2224 semiautomatic pistol?

2225 Chief LANIER. A single-action releases, fires--

2226 Mr. BILBRAY. Double-action, I am sorry.

2227 Chief LANIER. The difference is firing one round with a  
2228 single action of the trigger versus firing multiple rounds  
2229 with the action of a trigger.

2230 Mr. BILBRAY. In other words, if I had a Beretta or a  
2231 Colt 45, and I pull the trigger once on one of those, it  
2232 would continue to fire, or would it only discharge one round?

2233 Chief LANIER. No, it would only discharge one round.

2234 Mr. BILBRAY. And what would be the results of the  
2235 44-Mag or the 357 if I pulled the trigger once with a double  
2236 action?

2237 Chief LANIER. One round.

2238 Mr. BILBRAY. One round. So it is basically the same.  
2239 Every time you pull the trigger, you get one round out there.  
2240 You don't spray the neighborhood with bullets, right?

2241 Chief LANIER. Correct.

2242 Mr. BILBRAY. Okay. Your concern was the fact that with  
2243 the semiautomatic is the issue of how large a clip may be  
2244 legally produced or may be possessed to be able to go with a  
2245 semiautomatic, right?

2246 Chief LANIER. Correct.

2247 Mr. BILBRAY. You were how many years in law  
2248 enforcement, Chief?

2249 Chief LANIER. 18.

2250 Mr. BILBRAY. 18. Maybe because I have been around  
2251 doing this for over 30, I may be dating myself now. In those  
2252 18 years, did you carry a revolver as your side arm?

2253 Chief LANIER. No.

2254 Mr. BILBRAY. Okay.

2255 |           Gentlemen, any of you?

2256 |           Chief MORSE. I did.

2257 |           Mr. BILBRAY. Okay.

2258 |           Mr. HAY. I did as well.

2259 |           Mr. BILBRAY. Do you have experience with the use of a  
2260 | speed loader with the revolver?

2261 |           Chief MORSE. Yes, I did.

2262 |           Mr. BILBRAY. How long does it take you to reload a  
2263 | revolver with a speed loader?

2264 |           Chief MORSE. I was pretty proficient, so--

2265 |           Mr. BILBRAY. A couple seconds?

2266 |           Chief MORSE. A couple second, I would say, yes.

2267 |           Mr. BILBRAY. Couple seconds. My point is that the  
2268 | assumption that a revolver somehow can fire so many bullets  
2269 | continuously over a period of time as opposed--I mean that an  
2270 | automatic, semiautomatic can continue to spray bullets when a  
2271 | revolver, if it has a speed loader system available, can do  
2272 | not only that but probably more only because they have got  
2273 | the ability to continue the rotation in a very fast way.

2274 |           And Chief, I appreciate the fact that you are at a  
2275 | disadvantage because you weren't trained in the use of a  
2276 | revolver with a speed loader, but I think the argument  
2277 | against the semiautomatic pistol really gets neutralized when  
2278 | you realize there is--the availability of a speed loader  
2279 | neutralizes that whole thing.

2280           So what we are talking about is in D.C., Washington is  
2281 talking about having the most powerful handguns available, is  
2282 a revolver, but not if they are semiautomatic.

2283           The question, Ronald Reagan's shooting, what kind of  
2284 firearm was used to shoot Ronald Reagan?

2285           Chief LANIER. That was a revolver, 38.

2286           Mr. BILBRAY. It was a revolver.

2287           At that time, was it illegal to possess handguns in  
2288 D.C.?

2289           Chief LANIER. It was--illegal to carry.

2290           Mr. BILBRAY. How did that happen within the  
2291 jurisdiction of the Federal District if it was outlawed and  
2292 legal possession was denied within D.C.? How did the  
2293 Hinckley situation occur? Where did he get his gun? How did  
2294 he perform this while this law was in effect?

2295           Chief LANIER. He violated the law. He was a criminal.

2296           Mr. BILBRAY. Okay.

2297           How many murders have been committed with handguns since  
2298 the ban was put in? Anybody know?

2299           Chief LANIER. I don't know off the top of my head.

2300           Mr. BILBRAY. I think we are talking about roughly about  
2301 6,000, I think.

2302           Ms. NORTON. [Presiding.] The gentleman's time has  
2303 expired.

2304           The gentleman's time has expired.

2305 Mr. Van Hollen.

2306 Mr. VAN HOLLEN. Thank you, Madam Chairman.

2307 Thank you all for your testimony here today. You know,  
2308 everybody on this committee and this Congress is for giving  
2309 people more local control and local decision-making until it  
2310 comes to the District of Columbia, when everybody decides to  
2311 substitute their judgment for the people of the District of  
2312 Columbia based on the recommendations of those who are  
2313 charged with law enforcement authority in the District of  
2314 Columbia.

2315 Now, I don't think anybody on this panel would dispute  
2316 the fact that the District of Columbia now has to conform its  
2317 law to the recent ruling of the Supreme Court based on this  
2318 provision. No one disputes that, right?

2319 Okay. So the issue here, and I think it is important  
2320 for people around the country to understand, is the District  
2321 of Columbia understands it has to have a new law that  
2322 conforms to the Supreme Court ruling. The question is  
2323 whether or not they have the ability, the people of this  
2324 city, based on recommendations of law enforcement, to enact  
2325 that law based on democratic principles. And what we have  
2326 got today is a bill that says, no, you can't do that; the  
2327 people of this city cannot exercise their democratic rights  
2328 in this area because we are going to big foot them, and the  
2329 Congress is going to come in. And in fact, we are going to

2330 | prohibit you from passing laws to regulate guns that have  
2331 | been adopted by the surrounding States, including my State of  
2332 | Maryland and including the State of Virginia. Because there  
2333 | is a provision in this bill that reads the District of  
2334 | Columbia shall not have the authority to enact laws or  
2335 | regulation that discourage or eliminate the private ownership  
2336 | or use of firearms. And the word "discourage" there is  
2337 | obviously very ambiguous. And I don't know if you have had a  
2338 | chance to have your lawyers look at it, but in the State of  
2339 | Virginia, as in the State of Maryland, we have limitations.  
2340 | For example, we have a one-gun-a-month limitation. We say  
2341 | that you can't purchase more than one gun a month.

2342 |         Under your reading of this law, would that prohibit the  
2343 | District of Columbia from enacting a statute to limit guns to  
2344 | one gun a month? Have you had a chance to look at that issue  
2345 | yet?

2346 |         Chief LANIER. From what my legal advisers tell me, it  
2347 | is very broad language.

2348 |         Mr. VAN HOLLEN. Right. I mean, you could easily read  
2349 | "discourage" to say well, that would discourage people from  
2350 | getting as many guns as they want, right? It would.

2351 |         Chief LANIER. Right.

2352 |         Mr. VAN HOLLEN. And so you wouldn't have that  
2353 | authority. Then there is the provision in here that says we  
2354 | are going to eliminate the anti-gun trafficking laws, the

2355 | laws in this country that prohibit transport of guns across  
2356 | State lines. Do you know of--is there any other jurisdiction  
2357 | in this country for which that prohibition, Federal  
2358 | prohibition, would be eliminated?

2359 | Chief LANIER. Not that I am aware of.

2360 | Mr. VAN HOLLEN. All right. So now if you are a  
2361 | resident of the District of Columbia you can cross the line  
2362 | into my State of Maryland or the State of Virginia, you can  
2363 | buy a gun there and bring it across the state--the D.C. State  
2364 | line without any limitation. Isn't that right?

2365 | Chief LANIER. Correct.

2366 | Mr. VAN HOLLEN. Okay. So let me ask you, with respect  
2367 | to registration, we know that is expressly prohibited here.  
2368 | Assault weapons, expressly prohibited. From a law  
2369 | enforcement perspective, is there any reason you can see why  
2370 | the District of Columbia would be denied the ability to enact  
2371 | local laws that it thought were important to protect its  
2372 | citizens, deny it the opportunity that other States and  
2373 | jurisdictions are given? And in fact, won't it make your job  
2374 | that much harder to do what you have got to do?

2375 | Chief LANIER. From a law enforcement perspective, that  
2376 | significant change in the law would make my job much more  
2377 | difficult.

2378 | Mr. VAN HOLLEN. Right. Would it make it harder for you  
2379 | to protect the citizens of the United States and visitors



2380 | here in the Nation's Capital?

2381 | Chief LANIER. It would.

2382 | Mr. VAN HOLLEN. Thank you, Madam Chairman.

2383 | Let me just close by saying that again, there is no  
2384 | dispute here the District of Columbia has to conform its laws  
2385 | to the United States Constitution. The question is, you  
2386 | know, what process do we use to go about making those  
2387 | changes? And you got a lot of people here in Congress that  
2388 | all of a sudden have decided to substitute their judgment.  
2389 | And the question is the rights of the citizens to enact the  
2390 | laws to protect themselves and the safety of this city. This  
2391 | is a mistake, this piece of legislation.

2392 | Thank you, Madam Chairman.

2393 | Ms. NORTON. Before I call on my friend, Mr. Mica, I  
2394 | would like to correct a factual error that has been made  
2395 | throughout this hearing, not by the prior speaker. There has  
2396 | been some, perhaps not deliberate, attempt to belittle the  
2397 | presence of Federal officers here. I would like to make  
2398 | clear that the Capitol Police enforce D.C. law in the  
2399 | extended jurisdiction; that the Park Police enforce D.C. Law  
2400 | throughout the District of Columbia. These are Federal  
2401 | police who have been called precisely because they enforce  
2402 | both Federal law and D.C. law.

2403 | I am pleased to recognize Mr. Mica.

2404 | Mr. MICA. Well, thank you. And I am glad that you made

2405 that clear.

2406 And no one here has a vote on the D.C. Council, do they?

2407 Yeah. You are executing policy. And I am sorry that you  
2408 are being subjected to some of this, but you know, it is show  
2409 time in Washington right now. But beyond show time, there  
2410 are some basic fundamental questions that need to be  
2411 resolved. And irrespective of what one of my colleagues  
2412 said, what is Congress doing here, he just needs to look at  
2413 Article I, Section A, Clause 17, which does give the Congress  
2414 of the United States jurisdiction to oversee the District.

2415 When I first came to Congress, the District was in total  
2416 disarray. One of the things that I will remember best as a  
2417 Republican is that we took the District over. We put a  
2418 control board in, brought in a chief financial officer. I  
2419 have kept the articles of the disarray of the District.  
2420 Sometimes you couldn't drink the water. One of my favorite  
2421 stories is the Washington Post did a little test, and you  
2422 could dial 911 or you could order a pizza. And the pizza  
2423 actually came before the emergency vehicles. The District  
2424 building looked like a third world outpost. The mayor I  
2425 guess had been arrested I guess for doing drugs. It was  
2426 shameful that the Nation's capital had fallen into such  
2427 disrepair.

2428 But we took responsibility then, and I am very proud of  
2429 the District. The boarded-up buildings are gone. They were

2430 | running three-quarters of a billion dollar deficit. Now they  
2431 | have done much better. And the District is a totally  
2432 | different place. And we gave it back.

2433 |         But I have a fundamental question. And the only thing  
2434 | that gets in the way, again, is the Constitution. I  
2435 | remember, too, a young man who worked for one of my  
2436 | colleagues who came here and had a handgun, and his apartment  
2437 | was broken into. He brought it in, didn't realize there was  
2438 | a ban in the District, and someone broke in, robbed the  
2439 | thing. He shot him. He was charged, and the burglar was let  
2440 | off. And we have come a long way from that to the Heller  
2441 | decision, which again would allow people to defend  
2442 | themselves. Does anyone know of an instance in which a gun  
2443 | was registered someplace else and the person who was  
2444 | registered came in and committed a crime in the District?

2445 |         Chief Lanier?

2446 |         Chief Morse?

2447 |         Do you have any--

2448 |         Chief LANIER. I would have to research that. Not that  
2449 | I am aware of. It is not something that would be brought to  
2450 | my attention.

2451 |         Mr. MICA. How many murders have there been in the  
2452 | District this year?

2453 |         Chief LANIER. 129.

2454 |         Mr. MICA. How many?

2455 Chief LANIER. 129.

2456 Mr. MICA. How does that go to last year?

2457 Chief LANIER. It is below last year.

2458 Mr. MICA. It is? This is a great city. Incredible  
2459 people. It has an incredible history. We don't want one  
2460 murder in this District. But the fundamental question is the  
2461 constitutional question, do the citizens have the right to  
2462 bear arms? And you know, some folks want to limit that.  
2463 Some folks want to expand those rights that are given by the  
2464 Constitution. And I am sorry, again, you are subjected to  
2465 this. Most of the murders, though, are done with guns that  
2466 are illegally obtained, is that not correct? Are you aware  
2467 of that?

2468 Chief LANIER. Correct.

2469 Mr. MICA. Correct. And no one knows of an instance  
2470 where one weapon has come in which is legally registered  
2471 where they have committed. Most of the crimes revolve around  
2472 drug trafficking. Is that not true?

2473 Chief LANIER. I would say the majority of violent  
2474 crimes, yes.

2475 Mr. MICA. Yeah. Well, I served--one of the  
2476 subcommittees is Criminal Justice Drug Policy, and I saw the  
2477 slaughter here and Baltimore and other places. And the only  
2478 thing that makes it change is zero tolerance. I admire what  
2479 you did in blocking off some neighborhoods. But I think if

2480 | you just look at what Giuliani did in Washington, you could  
2481 | still walk almost anywhere in D.C.--I mean, in New York City,  
2482 | day or night in New York City with a tough enforcement  
2483 | policy. And that is going to be what is going to make a  
2484 | difference, not what you do--not what we do with prohibiting  
2485 | or restricting law-abiding citizens from having weapons.

2486 | Yield back the balance of my time.

2487 | Ms. NORTON. Thank you, Mr. Mica.

2488 | And the last member to speak is Ms. Speier.

2489 | Ms. SPEIER. Thank you, Madam Chairwoman.

2490 | You know, I find this bill to be preposterous. And to  
2491 | go from a Supreme Court decision that says to the District,  
2492 | you have to amend the existing law to this particular measure  
2493 | is beyond comprehension. And I think as one of the few  
2494 | Members in the House that has actually been shot five times,  
2495 | I can say that I think anything like this particular bill is  
2496 | going to do nothing but harm in the District.

2497 | Let me ask Chief Lanier this question, you testified  
2498 | that there are more than 40 dignitary motorcades a month here  
2499 | in the District. Is that correct?

2500 | Chief LANIER. Thirty-five to 40 on average. Foreign  
2501 | dignitaries, heads of state that we are responsible for  
2502 | protecting, yes.

2503 | Ms. SPEIER. So, over the course of a year, there is  
2504 | more than 500 of these motorcades, some of them not of

2505 domestic dignitaries but of foreign diplomats and  
2506 dignitaries. Is that correct?

2507 Chief LANIER. That is correct.

2508 Ms. SPEIER. So my understanding is that this NRA bill  
2509 would allow the District of Columbia residents to legally own  
2510 and possess unregistered firearms, including high capacity  
2511 handguns and semiautomatic rifles in their homes and in their  
2512 businesses, and allow them to hold these guns along motorcade  
2513 routes, for instance, legally. Is that correct?

2514 Chief LANIER. That is correct.

2515 Ms. SPEIER. How would this particular bill affect your  
2516 ability to protect these motorcades?

2517 Chief LANIER. If you have seen a motorcade proceed  
2518 through the District, the lead of all motorcades, the  
2519 majority of the motorcades are led by motorcycle officers  
2520 from the Metropolitan Police Department. Sometimes Capitol  
2521 Police, Park Police, Secret Service. The motorcycles are  
2522 used in the lead of that motorcade because of their agility  
2523 to move through and stop traffic to keep the motorcade  
2524 moving. It would be--in cases that, again, that I cited  
2525 earlier where attacks on motorcades had occurred, it is the  
2526 use of a firearm to attack those lead motor officers, those  
2527 lead security detail officers in an effort to just cause a  
2528 choke point and slow that motorcade just long enough to use  
2529 another type of weapon to attack typically the motorcade or

2530 | armored vehicle that the dignitary is in. That is our  
2531 | biggest concern with motorcade routes and what is known to  
2532 | have happened in terms of attacks on motorcades.

2533 |         Ms. SPEIER. So it is safe to say that it would make  
2534 | your job more dangerous and endanger those dignitaries as  
2535 | well?

2536 |         Chief LANIER. As well, yes.

2537 |         Ms. SPEIER. Let me ask you this basic question that is  
2538 | posed by the hearing. Now, after 9/11 we became extremely  
2539 | conscious and aware of the kinds of threats that terrorists  
2540 | can create, particularly here in Washington, D.C. There is  
2541 | no question that this city is a target for terrorists. Do  
2542 | you think that this bill will help Homeland Security efforts  
2543 | in this Nation's Capital or make it more difficult?

2544 |         Chief LANIER. I think it will make it more difficult  
2545 | for my job as the police chief.

2546 |         Ms. SPEIER. Thank you.

2547 |         I yield back.

2548 |         Ms. NORTON. Thank you very much.

2549 |         I want to thank today's witnesses, the Federal witnesses  
2550 | who enforce Federal and District law, Chief Lanier, who is a  
2551 | member of the team, the Homeland Security team of the Federal  
2552 | Government, as well as, of course, the Chief of the  
2553 | Metropolitan Police force. We appreciate your coming to  
2554 | describe the effect of H.R. 6691 on Federal security and law

2555 enforcement. This hearing is adjourned.

2556 [Whereupon, at 12:32 p.m., the committee was adjourned.]