

Approved: 2-23-94
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on February 16, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Phill Kline, Excused
Representative Rand Rock, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Lynne Holt, Legislative Research Department
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Sheila Hockhauser
Colonel Terry Scott, Kansas Highway Patrol
Brian Farley, President, Douglas County Rifle and Pistol Club
Larry Fisher
Gilbert Hammond, State NAACP, Junction City
Matte Greene, Executive Director, The Wichita Coalition
Against Gun Violence
Cary Scott, Fully Informed Jury Association

Others attending: See attached list

The Chairperson stated that Representative Cox had legislation he would like introduced as a committee bill.

Representative Ray Cox stated he would like legislation relating to motor vehicle insurance; prohibiting insurance companies from specifying companies or locations for motor vehicle glass replacement.

Representative Smith moved and Representative Gilbert seconded to introduce legislation prohibiting insurance companies from specifying companies or locations for motor vehicle glass replacement. The motion carried.

The Chairperson opened the hearing on HB 2875.

Representative James E. Lowther testified in support of HB 2875, stating it would make it illegal to knowingly carry a concealed firearm in a vehicle within reach of the driver or passenger. Under current law, it is illegal to carry a concealed firearm on one's person, so this bill would simply extend the law to apply to firearms concealed and within reach in a vehicle. (See Attachment #1)

Lieutenant Colonel Terry Scott, Kansas Highway Patrol, testified in support of HB 2875. It is commonplace for troopers and other law enforcement officers to encounter concealed firearms during routine car stops. The fact the officer cannot be aware of the intent of the individual possessing the weapon creates a potentially dangerous situation for both the officer and the citizen. The Kansas Highway Patrol supports HB 2875 which prohibits concealed firearms. (See Attachment #2)

Representative Smith stated the bill does not go far enough; could be narrowed to hand guns.

The Chairperson appointed a Sub-Committee to study HB 2875. The members are as follows:

Representative Robinett, Chairperson, Representatives Lahti, Ruff, Wilk and Smith, members.

The Chairperson asked if there was an opponent that wished to speak for that group.

Phil Journey, Legislative Director, Kansas State Rifle Association stated the bill will give nebulous effect. (See Attachment #3)

The Chairperson stated the hearing was closed on HB 2875 and would turn it over to the Sub-Committee.

Representative Garner not being present no action was taken on HB 2916.

The Chairperson opened the hearing on HB 2962.

Representative Sheila Hockhauser testified before the committee as prime sponsor to HB 2962, stating the bill is basically in 4 parts. The first part lists 18 assault weapons that people in this state would be prohibited from selling, manufacturing, purchasing, or possessing. The second bans describing copycat models of the previously named 18 assault weapons by describing their characteristics. The third part sets out types of firearms the ban would not apply to, including bolt, pump, lever or slide action rifles and semiautomatic rifles or shotguns with 5 rounds or less. The fourth part lists by name 650 firearms to which the ban does not apply. These are firearms with hunting or other legitimate uses. (See Attachment #4)

The Chairperson appointed a Sub-Committee to study HB 2962. The members are as follows:

Representative Cox, Chairperson, Representatives Empson, Sebelius, Boston and Wiard, members.

The Chairperson asked if there was anyone wishing to speak for the opposition.

Brian Farley, President, Douglas County Rifle and Pistol Club, Lawrence, told the committee about his mother, who grew up in Germany after the Nazis came to power. His mother buried the handguns of her great-grandfather in the forests of Germany rather than turn them over to the liberating Americans, and he asserted, "She will not bury her handguns on the prairie of Kansas." (See Attachment # 5)

The Chairperson stated the bill is controversial and all are aware of that. A Sub-Committee has been appointed. It is felt the Legislature's point of view needs to be addressed and we are going to look at it.

A person from the audience asked if the public would be able to attend the Sub-Committee meetings and give input.

The Chairperson stated, yes.

Matt Greene, Executive Director, The Wichita Coalition Against Gun Violence, Wichita, Kansas, stated the coalition recently ended a one-year campaign to bring sanity and reason to the issue of guns and gun violence in Wichita. (See Attachment #6)

Gilbert Hammond, State NAACP, Junction City, testified as a proponent for HB 2962 stating the violence has to end.

Representative Cox stated if anyone wished to testify during the Sub-Committee hearings, please stop by his office and leave their telephone number and whether they are a proponent or opponent and they would be notified when the meeting would take place.

It was stated the Highway Patrol would cooperate with the Sub-Committee.

Cary Scott, Fully Informed Jury Association, stated he had a Proclamation by the Governor which stated the Sixth and Seventh Amendments are included in the Bill of Rights to preserve the right of trial by jury, which in turn conveys upon the jury the responsibility to defend all other individual rights enumerated in or implied by the U.S. Constitution and its Amendments, along with all the rights which attend that responsibility. (See Attachment #7)

The Chairperson closed the hearing on HB 2962.

Time would not permit for all persons attending that wanted to testify but their testimony is attached. (See Attachments #8 - 24)

The meeting adjourned at 3:10PM.

The next meeting will be February 21, 1994.

Date: 2/16/94

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Jim Hadel	Self JoCo AAA	O.P. KS
Ann Hadel	JoCo AAA	O.P. KS
Theron E Wilson	self	RR 2 Beloit KS
Charles F. Jordan	Self	RR 4 Beloit KS
Augustus Dale Sanders	Self	9920 SE Paulen Rd. BERRYTON, KS 66409
John A. Maize Jr.	Self Firearms Dealer	Rt 2 Box 152 Alma KS 66401
John Maize	National Sporting Clays Assn.	3107 SW Randolph Topeka KS 66611
James Scott	RHP	Topeka
RICHARD BODEWAUD	TAXPAYERS	FEIDORN
LINDA MCGILL	KSTA	TOPEKA
Larry C. Schroeder	KDOT	TOP
MTJ	NAACP	JC Ry
Gary Andrew Hansen	Self	9424 W. 24th D.P. P. KS
Jim McHenry	KCSL	Topeka
MATT GREENE	WICHITA COALITION AGAINST GUN VIOLENCE	201 E 13TH WICHITA, 67214-1809

JAMES E. LOWTHER
REPRESENTATIVE, 60TH DISTRICT
LYON COUNTY
1549 BERKELEY ROAD
EMPORIA, KANSAS 66801



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: LEGISLATIVE POST AUDIT COMMITTEE
SUBCOMMITTEE CHAIRMAN: APPROPRIATIONS
MEMBER: EDUCATION
TAXATION

Testimony before the
House Federal and State Affairs Committee
HB 2875

Mr. Chairman and members of the committee:

HB 2875 is really a simple bill. It would make it illegal to knowingly carry a concealed firearm in a vehicle within reach of the driver or passenger. Under current law, it is illegal to carry a concealed firearm on one's person, so this bill would simply extend the law to apply to firearms concealed and within reach in a vehicle.

It would be okay to carry firearms not concealed, but out in the open - across the seat or in a gun rack for example. It would be okay to carry guns in the car trunk - not within reach. And it would be okay to carry guns unloaded in cases, concealed or not.

This change in the law would enable someone to be charged under the law in a case where they remove the gun from their pocket or shoulder holster, when being stopped by police and hide it under the seat or a newspaper or garment on the seat. Police pulling over drivers carrying guns cannot charge them with carrying a concealed weapon under current law because it is so easy to avoid. Yet, the firearm is even handier to them.

The way the bill is drawn, I can't see it imposing any hardship on honest citizens who are carrying firearms in their vehicles. There are plenty of ways to do so legally under the bill.

Representative James E. Lowther

February 16, 1994

FUSA
2-16-94
Atch # 1

Kansas Highway Patrol
Summary of Testimony
1994 House Bill 2875
before the
House Federal & State Affairs Committee
February 16, 1994

Good afternoon Mr. Chairman and members of the committee. I am Lieutenant Colonel Terry Scott and I appear for you today on behalf of Colonel Lonnie McCollum to offer the Patrol's support for House Bill 2875.

House Bill 2875 The patrol would prohibit carrying concealed firearms in any land water or air vehicle. Exceptions are provided for transportation of firearms which are unloaded and in a closed package box or case.

It is common place for troopers and other law enforcement officers to encounter concealed firearms during routine car stops. The fact the officer cannot be aware of the intent of the individual possessing the weapon creates a potentially dangerous situation for both the officer and the citizen.

Additionally, law enforcement authorities receive numerous public inquiries concerning the transportation of firearms. The Patrol currently recommends that firearms be transported as stated in HB 2875.

The safety of the public and police officers is of primary concern and we respectfully request your favorable consideration of HB 2875.

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FUSA
2-16-94
Atch #2

BRIEF REVIEW OF SECOND AMENDMENT LAW

"A well regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed." The NRA and Phil Journey believe that the above language of the Second Amendment prohibits any regulation of firearms. Their view of the Second Amendment is that its purpose was to guarantee the ability of the citizenry to overthrow an oppressive government. This interpretation has never been adopted by a federal court. In fact, the NRA recently lost a case in which they specifically urged the United States Supreme Court to define "Militia" in a manner that would make it synonymous with "all private citizens". The United States Supreme Court squarely rejected this proposed interpretation in Perpich v. Dept. of Defense, 110 S.Ct. 2418 (1990). Indeed, Talbot D'Alemberte, past President of the American Bar Association, commented in 1991 that "not a single U.S. Supreme Court or lower federal court decision in the [last] 200 years has sustained the absolutist view of the Second Amendment argued by some opponents of regulation of firearms - that no regulation of firearms is constitutional." In United States v. Miller, 307 U.S. 174 (1939), the Supreme Court explicitly held that the United States Constitution guarantees no right to keep a bear a firearm that does not have "some reasonable relationship to the preservation or efficiency of a well-regulated Militia." This ruling was reaffirmed in Lewis v. United States, 445 U.S. 55, 65 N. 8 (1980). In Stanley v. Georgia, 394 U.S. 557 (1969), the Supreme Court expressly rejected the argument that a private right to possess handguns or other firearms for the purpose of defending one's home is protected by the constitutional right to privacy. In Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), Cert. Denied, 464 U.S. 863 (1983), a federal appeals court upheld the right of a municipality to ban the possession of handguns, and another federal court in Farmer v. Higgins, 907 F.2d 1041 (11th Cir. 1990), Cert. Denied, 111 S.Ct. 753 (1991) held that a federal law banning civilian possession, manufacture or sale of new machine guns was valid. In both of these cases, the Second Amendment was argued to have been violated by these types of laws. The Supreme Court in both cases refused to review the decisions. Finally, the Kansas Supreme Court in City of Junction City v. Lee, 216 Kan. 495 (1975) ruled that section 4 of the Kansas Bill of Rights ("the people have the right to bear arms for their defense and security") is not a limitation on legislative power to enact laws to provide for public safety.

In short, there is no such creature as a federally-guaranteed right to keep and bear arms. What we enjoy as gun owners is a privilege to use weapons in a manner consistent with the law. This is similar to our privilege to use automobiles. The design, manufacture, sale, and operation of automobiles has always been subject to a great deal of "safety" legislation and regulation. As long as we comply with the law we are free to buy and use these machines. The same is true of firearms. Reasonable regulation in these areas has always been considered an appropriate exercise of the power of governments to provide for the public welfare and safety.

F-15A
2-16-94
Atch #3

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TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY BEFORE HOUSE
FEDERAL AND STATE AFFAIRS COMMITTEE
ON HOUSE BILL 2962

February 16, 1994

Mr. Chair and Members of the Committee:

Thank you for the opportunity to appear before you today as the prime sponsor of HB 2962. Statistics like the following, set out by the former Surgeon General of the United States, C. Everett Koop, M.D. in the Journal of the American Medical Association led me to draft and introduce this bill to ban assault weapons in the State of Kansas:

- From 1960 to 1980, the population of the United States increased by 26%; the homicide rate due to guns increased 160% in the same time period.
- The leading cause of death in both black and white teenage boys in America is gunshot wounds.
- The number of deaths due to firearms is 7 times greater in the United States than in the United Kingdom.
- Armed assaults in California schools are on a sharp increase.

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The Federal Bureau of Alcohol, Tobacco, and Firearms says that assault-style weapons constitute about 1.5% of the nation's estimated 211 million guns. However, according to the bureau, the use of these guns account for 7% of the guns used in crimes that the bureau traces. Jack Killorin of the bureau states "that disproportion backed up by our anecdotal experience with gangs, drug traffickers and other dangerous offenders, indicate the higher interest in these firearms by criminals than by legitimate owners and collectors."

The bill you have in front of you today is built in what are basically 4 parts. The first is on Page 1, Line 20, of the bill, and lists 18 assault weapons that people in this state would be prohibited from selling, manufacturing, purchasing, or possessing. The second is Line 40 on Page 1 through Line 17 on Page 2 and bans describing copycat models of the previously named 18 assault weapons by describing their characteristics. The third part begins on Line 24 on Page 2 and continues through Line 35 on Page 2. This sets out types of firearms the ban would not apply to, including bolt, pump, lever or slide action rifles and semiautomatic rifles or shotguns with 5 rounds or less. The fourth part begins on Line 36, Page 2, and continues through Page 18. Those pages of the bill also list, by name, 650 firearms to which the ban does not apply. These are firearms with hunting or other legitimate uses.

The measure is not about rights of responsible people who hunt. This legislation is geared solely toward stopping semiautomatic assault weapons - which can fire 30 to 50 rounds of ammunition within seconds and without warning - from flooding onto our streets and to reduce their numbers over time.

The question is whether assault weapons serve any legitimate purpose, and the answer is clearly that they do not. No hunter, sportsman, or firearms competitor has indicated to me that assault weapons are necessary to the pursuit of their sport. In fact, in the words of Col. Lonnie McCollum, Superintendent of Highway Patrol, "no one needs a machine gun." The purpose of assault weapons is only to kill human beings.

The assault weapons measure you see before you today was directly taken from a measure passed by the U. S. Senate in November 1993. The ban was approved by a 56 to 43 vote by the United States Senate as part of the 1993 Senate Crime Bill.

My understanding from discussions with the Kansas Bureau of Investigation and the Kansas Highway Patrol is that each of those organizations will be offering friendly amendments to this bill, including an exemption for law enforcement officials.

As prime sponsor and supporter of this bill, I would urge you to seriously consider the amendments offered by those agencies, as I believe they will, for the most part, strengthen the bill and address the needs of prosecutors and law enforcement personnel responsible for implementing the provisions of the bill in the field. Although HB 2692 may need amendments, I urge you not to lose sight of the fact that assault weapons have no redeeming social value and that moving to limit the availability of these guns is a reasonable restriction on rights and has broad support in the State of Kansas and across the country. This is shown by public opinion polls and by the broad range of interests represented by the supporters of this bill appearing before you today.

I would be happy to stand for questions from committee members. In addition, I would like to offer my help, and the aid and assistance of my intern, John Pruner, from Kansas State University, who has been involved in research on this bill. We would be happy to assist any members of the subcommittee wishing help in analyzing the bill or in working the bill.

Chairman Clyde D. Graeber
and Members of the
Kansas House of Representatives
Federal and State Affairs Committee

RE: Criminal Possession of Assault Weapons Pursuant to H.B. 2962

Dear Chairman Graeber and Committee Members:

As the reference to this letter indicates, it is indeed written concerning the issue of gun control, and in particular, the pending bill in the Kansas House of Representatives criminalizing the simple possession of a class of firearms that have been designated as "assault weapons" by gun control advocates. I write this letter as an owner of "assault weapons" who responsibly possesses such firearms, and who would, through passage of this act, be forced to choose between obeying a law that violates the Constitution and disobeying the law, with all of the attendant consequences of criminality.

My parents came to Kansas in 1953. My mother is an American citizen by birth, born of a German mother and an American father in Berlin, Germany in 1927. On April 12, 1928, Germany, under President Von Hindenburg, passed its first gun control act, entitled the Law on Firearms and Ammunition. This law was substantially similar to the United States Gun Control Act of 1968 (GCA). The German National Socialist Worker's Party (Nazi) legally obtained power in March, 1933, through the legitimate electoral process. A coalition government between the Nazi party and the Nationalist party resulted in a majority government that installed Adolph Hitler as Chancellor. He was then granted emergency powers, and remained as the unelected leader of the German nation until his death in May, 1945.

The German government enacted a new gun control act on March 18, 1938, one day after my mother's eleventh birthday and five years after the Nazi victory. This act, entitled the Weapons Law of 1938, is substantially similar to gun control legislation currently being proposed at the Federal and state levels in the United States. Among the various provisions are requirements for licenses to possess firearms, strict limitations on handguns, restrictions on ammunition by type and quantity, and elimination of firearms found by the government to be "beyond the common limits of hunting and sporting activities."

My mother was 6 years old when the Nazi party came to power with the promise of a new Germany. She was 18 years old when the last Nazi surrendered, Europe lay in ruins, and the people were freed from tyranny. She came to America after the war as a refugee, attended college, married, raised a family, became a social worker, and retired after 25 years of civil service to the Kansas Department of Social and Rehabilitation Services. My mother owns a handgun and is a member of the National Rifle Association.

She has spoken only rarely about the war and the Nazis. When she has spoken, she has told me that the Nazis were welcomed by many Germans, including members of her own family. She has told me about the gradual loss of freedom, and the unwillingness of the people to oppose it. She has told me about living without hot water or toilet paper for years on end. She has told

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me about eating grass to survive. She has told me about being ordered to the police station for deportation to a concentration camp. She has also told me about a solitary German policeman who helped her escape by refusing to obey his orders to deport her, even though disobedience meant death. And she has told me about her escape from Germany to the Allied front, carrying for protection the illegal handgun that her family had hidden from the Nazis, only to be ordered to turn in the weapon upon reaching the American zone.

In 1945, my mother buried my great-grandfather's handgun in the forests of Germany rather than turn it over to the Americans. She will not bury her handgun on the plains of Kansas. She knows, as do I, and millions of other average citizens, that America truly is the last, best hope for mankind. As an American, I understand that I am free and have rights simply because I exist, and that rights cannot be granted, they can only be taken away. The Bill of Rights was enacted to insure that an enumeration of these rights would exist in perpetuity, without question by future generations, so that no government could ever take them away.

Patrick Henry, the chief critic of the proposed Constitution, expressed the sentiments of free men and women for posterity when he warned that "You will sip sorrow if you give away your rights. Congress, by the power of taxation and by their control over the militia, have the sword in one hand and the purse in the other. Shall we be safe without either? When did freedom exist when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and purse. There must be a Bill of Rights. Why not? They should be written down and solemnly subscribed to. Why leave anything to chance? . . . If you will in the language of freemen stipulate that there are rights which no man under heaven can take from you, you shall have me going along with you - not otherwise."

As an attorney licensed in the State of Kansas and the United States of America I have sworn before God to uphold the Constitution and the Bill of Rights. As an assistant District Attorney for Douglas County, Kansas, I have again taken the oath. It is now up to you to preserve, protect, and defend our Constitution. My voice is but a small candle to light the path of freedom, yet I have faith that together, we will find the way from which we have strayed.

Respectfully,

A handwritten signature in cursive script, appearing to read "B. Farley".

Brian M. Farley
1609 Rhode Island
Lawrence, Kansas 66044
(913) 841-3783

Clinton calls for study on gun licenses

WASHINGTON — President Clinton, in a speech to a nation's single shooting sport school in New York yesterday, called for a study whether a national registration and licensing system for handgun owners should be developed.

Clinton asks for study on tightening gun laws

Clinton is scheduled to return to New York today in a meeting with Senator Hubert H. Humphrey and Attorney General James C. McGrath to discuss anti-crime measures.

Clinton's remarks are part of a broader effort to address the growing problem of handgun violence. He emphasized the need for a national study to determine the feasibility of a registration and licensing system for handgun owners.

The president also called for a study on tightening gun laws, particularly in light of the recent Long Island Rail Road slayings. He stated that the current laws are insufficient and that a comprehensive review is necessary.

Clinton's speech was part of a larger address to a shooting sports school in New York. He expressed his concern over the increasing number of gun-related deaths and injuries across the country. He noted that while the Second Amendment is a fundamental right, it must be balanced against the public's right to safety.

In another development, the American Medical Association adopted a resolution favoring tighter curbs on the sale and ownership of firearms. The AMA's position is based on the growing evidence of the link between gun violence and public health problems.

The resolution, adopted by the AMA's 435-member House of Delegates at a meeting in New Orleans, reflects a growing conviction among physicians that gun violence has become one of the nation's most serious public health problems.

Among provisions endorsed by the AMA are a ban on possession and use of firearms by unaccompanied youths under age 18, higher licensing fees for firearm dealers and higher taxes on guns and ammunition.

Handgun registration has long been considered a key measure by the National Rifle Association and the gun lobby, which say such a system would lead to confiscation of weapons and violate the constitutional right to bear arms.

Clinton's plan to study the idea represents a striking contrast with the positions of Presidents Reagan and Bush, who were generally supportive of the gun lobby and intransigent toward gun control.

In comments to reporters outside the White House, Clinton called the New York slayings a "terrible human tragedy" and suggested that banning certain types of weapons, especially those with high-capacity magazines, could have saved lives.

He later said he found it interesting that Americans have to meet certain requirements before they can get a license to operate an automobile, but that this thinking does not "apply to the use of guns."

"When I was a boy and first learned to hunt, one of the first things I was told was that you

Reichsgesetzblatt

Teil I

Jahrgang 1938



Herausgegeben vom Reichsministerium des Innern

Berlin 1938 • Reichverlagsamt

Reichsgesetzblatt

Teil I

1938	Ausgegeben zu Berlin, den 21. März 1938	Nr. 31
	Inhalt	Seite
18. 3. 38	Waffengesetz	265
19. 3. 38	Verordnung zur Durchführung des Waffengesetzes	270
21. 3. 38	Ausführungsbestimmungen zu § 9 Abs. 2 Satz 2 und § 11 Satz 2 der Verordnung zur Durchführung des Waffengesetzes	276

Waffengesetz.

vom 18. März 1938.

Die Reichsregierung hat das folgende Gesetz erlassen, das hiemit verkündet wird:

Abchnitt I Allgemeines

§ 1

(1) Schusswaffen im Sinne dieses Gesetzes sind Waffen, bei denen ein feuerbetriebl. durch was. oder Luftdruck durch einen Lauf getrieben werden kann.

(2) Als Munition im Sinne dieses Gesetzes sind alle Munition zu Schusswaffen sowie Schusswaffen jeder Art.

(3) Feuert. oder verarbeitete wertvolle Teile von Schusswaffen oder Munition stellen feuerw. Schusswaffen oder feuerw. Munition gleich.

§ 2

Sich oder Zielscharen im Sinne dieses Gesetzes sind Waffen, die ihrer Natur nach dazu bestimmt sind, durch sich, Stoß oder Stich Verletzungen herbeizuführen.

Abchnitt II

Herstellung von Schusswaffen und Munition

§ 1

(1) Wer gewerbetätig Schusswaffen oder Munition herstellen oder instand setzen will, bedarf dazu des Erlaubnis. Als Hersteller von Munition gilt auch der Wiederladen von Patronenladungen.

(2) Die Erlaubnis darf nur erteilt werden, wenn der Antragsteller die deutsche Staatsangehörigkeit besitzt und im Reichsgebiet einen festen Wohnsitz hat.

(3) Der Reichsminister des Innern kann im Einvernehmen mit den beteiligten Reichsministern Ausnahmen von den Vorschriften des Abs. 2 zulassen.

(1) Die Erlaubnis darf erteilt werden, wenn der Antragsteller und die für die kaufmännische oder für die technische Leitung seines Betriebes in Aussicht genommenen Personen die für den Betrieb des Gewerbes erforderliche persönliche Zuverlässigkeit und wenn der Antragsteller oder die für die technische Leitung seines Betriebes in Aussicht genommenen Personen die für den Betrieb des Gewerbes erforderliche fachliche Eignung besitzen.

(2) Die Erlaubnis darf nicht erteilt werden, wenn der Antragsteller und die für die kaufmännische oder für die technische Leitung seines Betriebes in Aussicht genommenen Personen oder einer von ihnen Jude ist.

§ 1

(1) Bei der Erteilung der Erlaubnis kann eine Zeit bis zu Dauer eines Jahres bestimmt werden, innerhalb deren das Gewerbe begonnen werden muß, widrigenfalls die Erlaubnis erlischt. Ist eine Zeit nicht bestimmt, so erlischt die Erlaubnis, wenn das Gewerbe nicht innerhalb eines Jahres nach Erteilung der Erlaubnis begonnen wird. Die Fristen können verlängert werden, wenn ein wichtiger Grund vorliegt.

(2) Die Erlaubnis erlischt ferner, wenn der Gewerbetreibende das Gewerbe seit einem Jahr nicht mehr ausgeübt hat, ohne daß ihm darüber hinaus eine Frist angesetzt worden ist, innerhalb deren das Gewerbe wieder aufgenommen werden muß. Diese Frist beträgt höchstens ein Jahr, sie kann verlängert werden, wenn ein wichtiger Grund vorliegt.

(3) Der Gewerbetreibende hat binnen einer Woche schriftlich anzuzeigen, daß er das Gewerbe begonnen hat oder nicht mehr ausübt.

WEAPONS LAW

18 March 1938

The German Government has adopted the following law, which is herewith announced:

SECTION I. General Points

§ 1

- (1) Firearms, as defined in this law, are weapons from which a solid object may be driven through a barrel, by gas or air pressure.
- (2) Ammunition, as defined in this law, is ready-made firearms ammunition, as well as gun powder of any type.
- (3) Finished - or almost-finished - major components of firearms or ammunition are the same as ready-made firearms or ammunition.

§ 2

Truncheons or stabbing weapons, as defined in this law, are weapons which by their nature are definitely intended to produce wounds through beating, stabbing, or puncturing.

SECTION II. Manufacture of Firearms and Ammunition

§ 3

- (1) Whoever desires professionally to manufacture, modify, or repair firearms or ammunition requires a license. The re-loading of cartridge cases is considered to be the same as the manufacture of ammunition.
- (2) The license will only be granted if the applicant is a German citizen and has a permanent residence in Germany territory.
- (3) The Minister of the Interior is permitted to make exceptions to the requirements of Section II, with the consent of other concerned government ministries.
- (4) The license will also only be granted if the applicant - and the persons proposed for the commercial or technical management of the business - have the requisite trustworthiness, and if the applicant - or the persons proposed for the technical management of the business - have the requisite technical qualifications.
- (5) The license must not be issued if the applicant - or if one of the persons proposed for the commercial or technical management of the business - is a Jew.

§ 4

- (1) With the granting of a license a grace period of up to one year can be allotted, during which the business must be started, failing which the license expires. If a grace period is not specified, then the license expires if the business is not begun within a year of the granting of the license. The one-year grace period may be extended for a valid reason.
- (2) Furthermore, the license expires if the entrepreneur is inactive in this trade for a year, unless he has been granted an extension - which is not to exceed one year - within which he shall have resumed his trade. This grace period can be extended for a valid reason.
- (3) An entrepreneur has one week to give written notice that he has begun his business or that he has ceased to be active.

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§ 5

(1) Die Erlaubnis zur Ausübung des Gewerbes ist grundsätzlich, wenn in der Person des Gewerbetreibenden oder des Leiters des Betriebes die Voraussetzungen nicht mehr vorliegen, die für die Erteilung der Erlaubnis erforderlich sind.

(2) Soll die Erlaubnis zurückgenommen werden, so kann die Weiterführung des Gewerbebetriebes mit sofortiger Wirkung vorläufig untersagt werden. Diese Maßnahme tritt außer Kraft, wenn nicht innerhalb einer Woche der Antrag auf Rücknahme der zurückgelegten Bewerbe vorzulegen wird, die über die vorläufige Untersagung verhandelt werden kann. Gegen diese Entscheidung ist eine Beschwerde nicht zulässig.

§ 6

In die Erlaubnis verfaßt oder zurückgenommen werden, so darf innerhalb zweier Jahre eine neue Erlaubnis nicht erteilt werden, wenn folgende Umstände dies rechtfertigen:

Abteilung III

Handel mit Waffen und Munition

§ 7

(1) Wer gewerbetätig Schusswaffen oder Munition erwerben, feilhalten oder anderen überlassen oder wer gewerbetätig den Export oder das Überlassen solcher Gegenstände vermitteln oder sich gewerbetätig zu ihrem Export oder Überlassen erziehen will, bedarf dazu der Erlaubnis.

(2) Die Vorschriften des § 1 Abs. 2 bis 5 und des § 4 bis 6 achten entsprechend.

(3) Eine nach § 1 Abs. 1 erteilte Erlaubnis umfasst zugleich die Erlaubnis, Schusswaffen und Munition gewerbetätig zu erwerben, feilhalten oder anderen zu überlassen.

§ 8

Die Erlaubnis nach § 7 darf Erwerb nicht erteilt werden.

§ 9

(1) Verboten ist der Handel mit Schusswaffen oder Munition sowie mit Stiel- oder Stosswaffen

- 1. im Umbezirken,
2. auf Jahrmärkten, Schussfesten und Messen mit Ausnahme der Musikwaffen

(2) Nicht unter das Verbot des Abs. 1 Nr. 2 fällt das Feilhalten und Überlassen bei einem Schützenfest auf dem Schießstande beweglicher Munition.

§ 10

(1) Schusswaffen, die gewerbetätig feilgehalten oder anderen überlassen werden, müssen die Firma des Herstellers und eine feilhaltende Geschäftsnummer tragen.

(2) Schusswaffen, die nicht die Firma eines inländischen Herstellers tragen, müssen außer den nach Abs. 1 vorgeschriebenen Angaben die Firma oder das eingetragene Warenzeichen eines im Ausland wohnenden Herstellers tragen.

Abteilung IV

Erwerb, Auhren, Besitz und Einfuhr von Waffen und Munition

§ 11

(1) Kaufverträge von Schusswaffen gegen Rückzahlung eines Waffenwertbetrags überlassen oder erworben werden.

(2) Der Waffenwertbetrags gilt für die Dauer eines Jahres, vom Tage der Ausstellung an gerechnet.

(3) Abs. 1 gilt nicht für:

a) die Überlassung von Schusswaffen auf einen vorzeitlich abgemachten Zahlungstermin im Rahmen der Zahlung auf diesem Zahlungstermin,

b) die Verleihung von Luftkammerwaffen unmittelbar in das Ausland;

c) die Übermittlung von Luftkammerwaffen durch Personen, die gewerbetätig Güterverladungen betreiben oder ausführen, insbesondere durch Expediente, Adressführer, Verschreiber eines Zertifikates, die Deutsche Reichspost oder die Deutsche Reichsbahn,

d) den Export von Lebereisen.

§ 12

Einige Waffenwertbeträge bedürfen nicht:

1. Behörden des Reichs oder der Länder, die Reichsbank und das Unternehmen „Reichsautobahnen“,

2. Gemeinden (Gemeindevorstände), denen die oberste Landesbehörde den Export ohne Wertschein gestattet hat;

3. die vom Stellvertreter des Führers bestimmten Dienststellen der Nationalsozialistischen Deutschen Arbeiterpartei und ihrer Gliederungen;

4. die vom Reichsminister der Luftfahrt bestimmten Dienststellen des Luftschutzes und des Nationalsozialistischen Luftkorps;

5. die vom Reichsminister des Innern bestimmten Dienststellen der Technischen Reichshilfe;

6. die in den §§ 3, 7 bezeichneten Gewerbebetriebern, die sich durch eine behördliche Bescheinigung ausweisen;

7. Inhaber von Waffenscheinen und Jahresschießscheinen.

§ 13

(1) Jugendlichen unter 18 Jahren dürfen Schusswaffen und Munition sowie Stiel- oder Stosswaffen nicht entgegenlich überlassen werden.

(2) Die zuständige Behörde kann Ausnahmen zulassen.

§ 14

(1) Wer außerhalb seines Wohn-, Dienst oder Geschäftsräumens oder seines befriedeten Besitzums eine Schusswaffe führt, muß einen Waffenschein bei sich tragen. Als Führung einer Schusswaffe gilt nicht der Gebrauch auf vorzeitig genehmigten Schießständen.

§ 5

(1) The license to do business is revoked if either the entrepreneur himself or the management of the business, no longer satisfy the prerequisites required for the granting of the license
(2) If the license is revoked, the conduct of the business may at once be temporarily prohibited. This measure may be rescinded if in no more than a week - an application for re-acceptance is made to the competent authorities, who have first of all to decide on the temporary prohibition, against this decision no complaint is permissible

§ 6

If the license is denied or revoked, a new license may only be granted within two years, if special conditions justify it

SECTION III Dealing in Weapons and Ammunition

§ 7

(1) A license is required by anyone who professionally acquires, has for sale or otherwise transfers, or who professionally acquires or transfers such items, or who professionally wants to offer to acquire or to transfer, firearms or ammunition
(2) The provisions of § 3 (2) through (5) and of §§ 4 through 6 apply accordingly
(3) A license granted under § 3 (1), includes the license to acquire, to sell or otherwise to dispose of firearms and ammunition

§ 8

The license under § 7 will not be granted to dealers in second-hand goods

§ 9

(1) It is forbidden to trade in firearms or ammunition - as well as truncheons or stabbing weapons
1. as an itinerant
2. at yearly fairs, shooting matches, and trade fairs with the exception of sample fairs
(2) The prohibition of (1), No. 2, does not apply to the sale or to the receiving of ammunition necessary at a shooting match on a rifle range

§ 10

(1) Firearms, professionally sold or otherwise transferred, must bear the manufacturer's name and a consecutive manufacturer's number (serial number - trans)
(2) Firearms which do not have the name of a domestic manufacturer, must bear - besides the prescribed information in (1) - the company name or the registered trade mark of a domestic dealer

SECTION IV Acquisition, Carrying, Possession, and Importation of Firearms and Ammunition

§ 11

(1) Handguns may only be received or transferred in exchange for a firearms acquisition permit
(2) The firearms acquisition permit is valid for a year, counting from the date of issue
(3) (1) does not apply to
a) The transfer of handguns to a police-approved shooting range for use only at the shooting range,
b) The direct exportation of handguns abroad
c) The delivery of handguns through professional exporters, specifically shipping agents, freight forwarders, ship charterers, the German postal system, or German railways,
d) acquisition in consequence of a death.

§ 12

A firearms acquisition permit is not needed by
1. Officials of the central government, the states, the German Central Bank, and the German Super-highways (Autobahnen) Company;
2. Communities (united communities) whom the highest government authority has permitted acquisition without an acquisition permit.
3. Departments of the National Socialist German Workers' Party and their offices as specified by the Führer's deputy.
4. Air Defense Departments and the National Socialist Aviator's Corps, as specified by the Minister for Air Travel.
5. Departments of the Technical Emergency Services as designated by the Minister of the Interior,
6. the business owners designated in §§ 3, 7 who can produce an official certificate
7. Holders of firearms carry permits and annual hunting permits

§ 13

(1) Juveniles under 18 years of age are not permitted to buy firearms, ammunition, as well as truncheons or stabbing weapons.
(2) The competent authority may make exceptions.

§ 14

(1) Whoever carries a firearm outside of his home, office, or place of business, or his fenced property, must have on him a firearms carry permit. A permit is not needed to carry a firearm on a police-approved firing range.

(2) Der Waffenschein ist, sofern seine Geltung nicht ausdrücklich auf einen bestimmten engeren Bezirk beschränkt wird, für das ganze Reichsgebiet gültig. Seine Geltung kann auf bestimmte, ausdrücklich bezeichnete Gelegenheiten oder Festlichkeiten beschränkt werden.

(3) Der Waffenschein gilt für die Dauer von drei Jahren vom Tage der Ausstellung an gerechnet, je weit nicht eine kürzere Geltungsdauer auf ihm vermerkt ist.

§ 15

(1) Waffenerwerbsscheine oder Waffenscheine dürfen nur an Personen, gegen deren Zuverlässigkeit keine Bedenken bestehen, und nur bei Nachweis eines Bedürfnisses ausgestellt werden.

(2) Die Ausstellung hat insbesondere zu unterbleiben:

1. an Personen unter 18 Jahren;
2. an Einmündigte und geistig Minderwertige;
3. an Säugern oder nach Säugernart umherziehende Personen;
4. an Personen, gegen die auf Zulässigkeit von Polizeiaufsicht oder auf Verlust der bürgerlichen Ehrenrechte erkannt worden ist, für die Dauer der Zulässigkeit der Polizeiaufsicht oder des Verlustes der bürgerlichen Ehrenrechte;
5. an Personen, die wegen Vandeneverrats oder Hochverrats verurteilt sind, oder gegen die Urkunden vorliegen, die die Annahme rechtfertigen, daß sie sich staatsfeindlich betätigen;
6. an Personen, die wegen vorläufigen Antriffs auf das Leben oder die Gesundheit, wegen Verstandes- oder Geisteskrankheiten, wegen Vergehens gegen einen strafbaren Handlung, wegen des Erantens, wegen eines Jagdvergehens oder wegen eines Jägervergehens zu einer Arbeitsstrafe von mehr als zwei Wochen rechtskräftig verurteilt worden sind, wenn seit Verbüßung der Strafe drei Jahre noch nicht verstrichen sind. Der Verbüßung der Arbeitsstrafe steht ihre Verbüßung, ihr Erlaß oder ihre Umwandlung in eine Geldstrafe gleich; in diesem Falle beginnt die dreijährige Frist mit dem Tage, an dem die Freiheitsstrafe verbüßt oder erlassen oder in eine Geldstrafe umgewandelt worden ist. Ist die Strafe nach einer Probezeit ganz oder teilweise erlassen, so wird die Probezeit auf die Frist angerechnet.

(3) Ausnahmen von Abs 2 Abs 1 und 6 können auf Antrag bewilligt werden.

§ 16

Für die Ausstellung eines Waffenerwerbsscheins oder eines Waffenscheins werden nach näherer Bestimmung in der Durchführungsvorschrift die Behörden erhoben.

§ 17

Der Waffenerwerbsschein oder der Waffenschein ist zu widerrufen und einzuziehen, wenn die Voraussetzungen für die Erteilung des Scheines nicht gegeben waren oder nicht mehr vorliegen.

§ 18

Eines Waffenerwerbsscheins oder eines Waffenscheins bedürfen hinsichtlich der ihnen dienlich gerichteten Schusswaffen nicht:

1. die Angehörigen der Wehrmacht;
2. die Polizeibeamten einschließlich der Bahnpolizeibeamten, die Bahnschubanggehörigen im Bahnschubdienst und die Postschubanggehörigen im Postschubdienst;
3. die Angehörigen der SS-Verfügungstruppe und der SS-Totenkopfverbände;
4. die Beamten der Volksgenossenschaften des Reichsministeriums;
5. die im Wienaufsicht (Wienabfertigungs- und Vollzugsdienst) verwendeten Amtsträger der Reichsjustizverwaltung;
6. die Bediensteten des Unternehmens „Reichsautobahnen“, zu deren Aufgabengebiet die Überwachung der Kraftfahrbahnen gehört;
7. die im Forst-, Feld- und Jagdschutz verwendeten Beamten und Angestellten, die entweder einen Dienstgrad innehaben oder auf Grund der gesetzlichen Vorschriften als Forst-, Feld- oder Jagdschutzbedienstete eidlich verpflichtet oder amtlich befristet sind, sowie die Fischereibeamten und die amtlich verpflichteten Fischereiaufsichter.

§ 19

(1) Eines Waffenerwerbsscheins oder eines Waffenscheins bedürfen hinsichtlich der ihnen dienlich gerichteten Schusswaffen ferner nicht:

1. im Dienste des Reichs, der Länder, der Reichsbank oder des Unternehmens „Reichsautobahnen“ verwendete Personen, denen von der zuständigen Reichs- oder Landesbehörde, der Reichsbank oder dem Unternehmen „Reichsautobahnen“ das Recht zum Führen von Schusswaffen verliehen ist;
2. Unterführer der Nationalsozialistischen Deutschen Arbeiterpartei vom Sturmschwärmer bis zum Sturmführer sowie der Hitlerjugend vom Mannführer aufwärts, denen von dem Stellvertreter des Führers oder der von diesem bestimmten Stelle das Recht zum Führen von Schusswaffen verliehen ist; ferner die Angehörigen der SA-Wachmannschaften, die in den Fällen, in denen es der Führer bestimmt;
3. Führer der Technischen Reichsliste, denen vom Reichsminister des Innern das Recht zum Führen von Schusswaffen verliehen ist;
4. Personen im Postschubdienst, denen vom Reichsminister der Post und Fernmeldewesen das Recht zum Führen von Schusswaffen verliehen ist; der Reichsminister der Post und Fernmeldewesen mit dem Reichsminister des Innern, welche Gruppen von Personen hierfür in Frage kommen;
5. Führer im Nationalsozialistischen Fliegerkorps vom Sturmführer und selbständigen Truppführer aufwärts und selbständige Leiter von

- (2) The firearms carry permit is valid for all of Germany, as long as its validity is not expressly confined to a definitely restricted area.
- (3) A firearms carry permit has a validity of three years from the date of issue, unless a shorter period of validity is marked on it.

§ 15

- (1) Firearms acquisition permits or firearms carry permits are only to be granted to persons of undoubted reliability, and only if a demonstration of need is set forth.
- (2) Issuance should not take place:
 1. to persons under 18 years of age,
 2. to persons under trusteeship and the mentally retarded,
 3. to Gypsies, or to persons who are itinerant like Gypsies,
 4. to persons under police supervision or known to have lost their civil rights, for the duration of police supervision or the loss of their civil rights,
 5. to persons convicted of high treason, or against whom facts are presented which give reason to suppose that they are actively subversive,
 6. to persons, who on account of deliberate attacks on life or health, public disorderly conduct or trespassing, resistance to hunting or fishing offense legally punishable by more than two weeks imprisonment, if three years have not elapsed since the sentence was served. The punishment of imprisonment may stand as prescribed, be reduced or commuted into a fine, in these cases the three-year period begins with the day on which imprisonment ends, or is reduced or is converted into a fine, in this punishment is wholly or partly imposed after probation. The probation period should be added to the time period.
- (3) Exceptions to (2) Nos. 1 and 6 may be permitted upon application.

§ 16

The fees to be charged for the issuance of a firearms acquisition permit or a firearms carry permit will be defined in the implementing regulations.

§ 17

The firearms acquisition permit or the firearms carry permit is to be cancelled and confiscated if the conditions under which the permit was granted were not met or no longer obtain.

§ 18

- A firearms acquisition permit or a firearms carry permit is not needed for service-related firearms for:
1. Members of the Armed Forces,
 2. Police officials including the Railway Police, Railway Protective Service employees, and employees of the Postal Protection Service,
 3. Members of the SS-Reserves and the SS Deathhead units (the SS, or Schutzstaffel [literally "protection detachment"] was the elite Nazi Party militia and also battlefield combat force -trans),
 4. Officials of the Executive Office of the German Justice Administration,
 5. Nazi Party officials employed in the German Finance Ministry in frontier surveillance, customs clearances, or customs inspection services,
 6. Employees of the German Super-highways (Autobahnen) Company, in whose field of endeavor belongs the supervision of highways,
 7. Officials and employees in Forest, Field, and Hunting protection service who have either sworn an official oath or who are authorized by reason of a legal regulation as Forest, Field, or Hunting protection authorities as bound by legal oaths, as well as Fisheries officials, and officially sworn Fisheries supervisors.

§ 19

- (1) Those to whom a firearm is supplied for official purposes do not require a firearms acquisition permit or a firearms carry permit.
2. Deputy-leaders of the Nazi Party from Ortsgruppenführer (Head of Local Nazi Party Organization -trans) (Autobahnen) Company, (Nazi para-military group -trans), the SS, and the National Socialist Motor Corps from Sturmführer (Captain -trans) upwards, the S.A. as well as Hitler Youth from Banführer (Regiment Leader -trans) upwards, to whom the Führer's deputy - or to those in specified positions to whom the Law - gives the right to carry firearms. Further the members of the S.A. Guard Regiment at the S.A. Memorial (the Feldherrnhalle, burial site of S.A. members who died in Hitler's failed coup of 1923 -trans), and in cases authorized by the Führer.
3. Leaders of the Technical Emergency Services, to whom the Minister of the Interior has granted the right to carry firearms.
4. Persons in the Air Defense Service, to whom the Minister of Air Transport - or his designee - has granted the right to carry firearms, the Minister for Air Transport should concur with the Interior Ministry as to which groups of persons are involved.
5. Leaders in the National Socialist Aviator Corps from Captain upwards, and independent company leaders, and independent leaders of

Schulen, denen vom Reichsminister der Luftfahrt oder bei von diesem bestimmten Stelle das Recht zum Führen von Schusswaffen verliehen ist

(2) An die Stelle des Waffenscheins tritt bei ihnen eine entsprechende Bescheinigung, die für die im Abs. 1 Nr. 1, 3 bis 5 bezeichneten Personen von der vorletzten Dienst- oder der Aufstellungsstelle, für die im Abs. 1 Nr. 2 bezeichneten Personen von dem Stellvertreter des Führers oder bei von diesem bestimmten Stelle ausgestellt wird

§ 20

Werden den in den §§ 18, 19 bezeichneten Personen Schusswaffen dienstlich nicht geliefert oder ist das Führen anderer als der dienstlich gelieferten Waffen verboten, so ist die vorerwähnte Dienst- oder die Aufstellungsstelle, bei der im § 19 Abs. 1 Nr. 2 bezeichneten Personen der Stellvertreter des Führers oder die von diesem bestimmte Stelle beauftragt, ihnen eine Bescheinigung auszustellen, aus der das Recht zum Erwerb oder zum Führen einer Schusswaffe ersichtlich ist

§ 21

Der Inhaber berechtigt den Inhaber zum Führen von Jagd- und Sportwaffen

§ 22

(1) Der Erwerb von Kriegsmaterial ist nur mit Erlaubnis des Oberkommandos der Wehrmacht oder bei von ihm bestimmten Stellen zulässig

(2) Der Beginn des Kriegszustands bestimmt sich nach den Bestimmungen des Gesetzes über Aus- und Einfuhr von Kriegsmaterial vom 6. November 1935 (Reichsgesetzblatt I S. 1337)

§ 23

(1) Im Einzelhandel kann eine Person, die sich staatsfeindlich betätigt hat oder durch die eine Gefährdung der öffentlichen Sicherheit zu befürchten ist, Erwerb, Besitz und Führen von Schusswaffen und Munition sowie von Gift- oder Zirkonwaffen verboten werden

(2) Waffen und Munition, die sich im Besitz der Person befinden, gegen die das Verbot ausgesprochen ist, sind einschlagsunfähig einzurichten

§ 24

(1) Die Einfuhr von Schusswaffen und Munition oder die Zollabgabe bedarf der Erlaubnis. Die Erlaubnis ist zu verweigern, wenn gegen die Zuverlässigkeit des Einführenden Bedenken bestehen. Am die Erlaubnis und den Widerruf der Erlaubnis gelten hinsichtlich der Vorschriften des § 15 Abs. 2, 3 und des § 17

(2) Abs. 1 findet keine Anwendung auf die Einfuhr durch Behörden des Reichs oder des Landes sowie durch die in den §§ 3, 7 bezeichneten Gewerbebetriebe, die industriell-erwerbliche Wirtschaft ausüben

(3) Die Vorschriften des Gesetzes über Aus- und Einfuhr von Kriegsmaterial vom 6. November 1935 (Reichsgesetzblatt I S. 1337) bleiben unberührt

(1) In den Zollausfuhren und Zurechtlegen werden Schusswaffen und Munition nach Maßgabe der vom Reichsminister der Finanzen im Einvernehmen mit dem Reichsminister des Innern zu erlassenden Vorschriften überwacht

§ 25

(1) Verboten sind Verstellung, Handel, Führen, Besitz und Einfuhr

1. von Schusswaffen, die zum Zusammenklappen, Zusammenziehen, Verlegen oder zum Jäten nach Zeigern über den für Jagd und Sport wurde abgemacht und/oder Munition, die anders eingekleidet oder die in Stoffen, Leder, Korken oder in anderer Weise verpackt sind;

2. von Schusswaffen, die mit einer Vorrichtung zur Dämpfung des Schussknalles oder mit Feuerlöschvorrichtungen versehen sind; das Verbot erstreckt sich auch auf die bezeichneten Vorrichtungen allein;

3. von Patronen Kaliber 22 (3,8 mm) bis 12,7 mm oder längere für Patronen Kaliberpatronen mit Nachtriebsbohrer (Vech oder Nerharfbohrer)

(2) Am die Ausfuhr können Verstellung, Handel und Besitz bei im Abs. 1 bezeichneten Schusswaffen, Vorrichtungen und Patronen getätigt werden

Abteilung V

Strafbestimmungen

§ 26

(1) Wer Gefährdung bis zu drei Jahren und mit Geldstrafe oder mit einer dieser Strafen wird bestraft, wer verächtlich oder fahrlässig den Bestimmungen dieses Gesetzes zuwider

1. Waffen, Munition oder die im § 25 Abs. 1 Nr. 2 bezeichneten Vorrichtungen herstellt, bearbeitet, instand setzt, einwirft, festhält, anderen überläßt, kriegt oder einführt, den Erwerb oder das Überlassen solcher Gegenstände vermittelt oder sich zu ihrem Erwerb oder Überlassen einbeißt;

2. Schusswaffen führt.

(2) Neben der Strafe können die Waffen, die Munition oder die Vorrichtungen, auf die sich die strafbare Handlung bezieht, ohne Rücksicht darauf, ob sie dem Täter gehören, eingezogen werden. Kann keine bestimmte Person verhaftet oder verurteilt werden, so kann auf die Einziehung selbständig erkannt werden, wenn im üblichen die Voraussetzungen hierfür vorliegen

§ 27

(1) Wer Geldstrafe bis zu einhundertfünfzig Reichsmark oder mit Haft wird bestraft,

1. wer die nach § 1 Abs. 3 erforderliche Anzeige verächtlich oder fahrlässig nicht oder nicht rechtzeitig erstattet;

2. wer den zur Durchfuhrung oder Erlangung dieses Gesetzes erlassenen Rechtsvorschriften (§ 21 Abs. 1, § 31) verächtlich oder fahrlässig zuwiderhandelt

schools, to whom the Minister for Air Transport - or his designee - has granted the right to carry firearms (2) In place of the firearms carry permit, the ministries should agree on an appropriate certificate which will be issued to the designated persons of the listed Services or Surveillance offices, as in (1) Nos. 1, 3-5, and to the persons designated in (1), No. 2, which will be issued by the Führer's deputy or by whomever that authority shall specify

§ 20

Should a person designated in §§ 18, 19 not be officially furnished with a firearm, or if the carrying of a weapon other than the one officially furnished is required, the Service or Surveillance office - by the persons designated in § 19, (1), No. 2 of the Führer's deputy, or by whomever that authority shall authorize - shall issue a permit, from which the right to acquire or to carry a firearm is evident

§ 21

A hunting license entitles the holder to carry firearms and handguns

§ 22

(1) Dealing in war material is only permissible with a permit from the Army High Command or the authority designated by him (2) The term "war materiel" is defined in the provisions of the law on Export and Import of War Material of 6 November 1935 (Reichsgesetzblatt, Volume I, p. 1337)

§ 23

(1) In particular cases, a person hostile to the government - or who it is feared may endanger public security - will be prohibited from acquiring, possessing, and carrying firearms and ammunition, as well as truncheons or stabbing weapons (2) Weapons and ammunition found in the possession of such a person against whom a prohibition has been issued, are to be confiscated without compensation

§ 24

(1) A permit is required for the import of firearms or ammunition across customs frontiers. The permit is to be denied if any doubts exist as to the trustworthiness of the importer. For the granting and revocation of the permit, the provisions of § 15, (2), (3), and § 17 apply (2) (1) does not apply to imports by the central government or the states, as well as to the businesses designated in §§ 3 and 7, who possess an official permit (3) The provisions of the Law on the Export and Import of War Material of 6 November 1935 (Reichsgesetzblatt, Volume I, p. 1337) are not affected (4) In customs duty exempt areas and free zones, the Minister of Finance in accord with the Minister of the Interior shall take measures to supervise firearms and ammunition, according to the regulations issued

§ 25

(1) It is forbidden to manufacture, to deal in, to carry to possess, and to import 1. Firearms which fold down, break down, are collapsible, or are speedily dismantled - beyond the common limits of hunting and sporting activities - or which may, in similar ways, be concealed in canes, umbrellas, or pipes 2. Firearms equipped with a sound-suppressing device, or with a searchlight, the prohibition also extends to the specified devices themselves. 3. Cartridges of 22 caliber (= 5.6mm), short, long, or long for rifles (small-caliber cartridges) with hollow-point bullets (hollow cavity or notched bullets) (2) The manufacture, dealing in, and possession of firearms, devices, and cartridges designated in (1) may be permitted for exportation

SECTION V Penalties

§ 26

(1) With imprisonment up to three years and a fine - or with one of these sanctions - will be punished anyone who - willfully or negligently - violates the provisions of this Law and who 1. manufactures, processes, assemblies, acquires, sells, otherwise turns over, possesses, imports, facilitates the acquisition or the turning over of such devices, or offers to acquire or to turn over, the weapons, ammunition or the devices specified in § 25, (1), No. 2 2. carries firearms (2) Besides the punishment, the weapons, the ammunition, or the devices involved in the punishable dealings will be confiscated, without regard to whether or not they belong to the violator. The confiscation will take place even if no specific person is prosecuted or convicted, if, however, the provisions of the law are satisfied

§ 27

(1) With a fine of up to 150 Marks or with imprisonment will be punished 1. whoever, willfully or negligently, does not deliver - at all or in a timely fashion - the report required under § 4, (3) 2. whoever, willfully or negligently, infringes the provisions of this Law (§ 24, (4), § 31) in order to oppose the execution or completion of this Law

(2) Wer den in Abs. 1 Nr. 2 bezeichneten Verordnungen... nach dem er wegen einer Verurteilung oder... Strafen bestraft... keine Anwendung, wenn seit der Rechtskraft der letzten Verurteilung bis zur Beendigung der neuen... mehr als drei Jahre verstrichen sind.

Abchnitt VI
Schluß- und Übergangsbestimmungen

§ 28
Auf die in den §§ 3, 7 bezeichneten Gewerbebetriebe... Anwendung, als nicht in diesem Gesetz besondere Bestimmungen getroffen sind.

§ 29
(1) Wer beim Inkrafttreten dieses Gesetzes zum Betrieb eines der in den §§ 3, 7 bezeichneten Gewerbebetriebe berechtigt ist, bedarf seiner neuen Erlaubnis auf Grund dieses Gesetzes... Weitergehende landesrechtliche Bestimmungen der Verfassung, des Handels, des Gewerbes, des Fuhrverkehrs oder des Besitzes von Gek oder Strohmaschinen... Weitergehende landesrechtliche Bestimmungen der Verfassung, des Handels, des Gewerbes, des Fuhrverkehrs oder des Besitzes von Gek oder Strohmaschinen...

(2) Die auf Grund des § 5 des Gesetzes über Schusswaffen und Munition erteilte Genehmigung zum Handel mit Schusswaffen oder Munition kann bis zum 31. März 1939... wenn ein Bedürfnis für die Aufrechterhaltung dieser Genehmigung vorliegt nicht besteht.

(3) Im Falle des Abs. 2 tritt die Strafbarkeit nach § 26 Abs. 1 Nr. 1 erst mit dem Ablauf eines Monats nach dem Inkrafttreten dieses Gesetzes oder, falls der Antrag innerhalb dieses Zeitraums ist, mit Ablauf eines Monats nach einer entsprechenden Ablehnung ein.

Berlin, den 18. März 1938

Der Führer und Reichkanzler
Adolf Hitler
Der Reichsminister des Innern
Frick

Reichsgesetzblatt 1938 I

(2) whoever deliberately violates the specific regulations of (1), No. 2 - after having twice been legally convicted of deliberate or negligent violation - will be punished with up to one year's imprisonment and with a fine - or with one of these punishments. This provision will not be used, if more than three years have elapsed since the conviction for the last violation and the commission of the new act

SECTION VI Concluding and Transitional Provisions

§ 28
The specified business regulations - in so far as they are not specially defined in this Law - will be found in §§ 3, 7

- § 29
(1) Whoever on the effective date of this Law is authorized to carry on a business as specified in §§ 3, 7, requires no new permit as a result of this Law. However, authorization granted under the provisions of the Law on Firearms and Ammunition of 12 April 1928 (Reichsgesetzblatt I, p. 143), may be revoked up to 31 March 1939, if by this time the specific prerequisites of § 3 (2) of this Law he has continuously been in business for at least five years. However, authorization to deal in firearms or ammunition of this authorization does not exist.
(2) If the owner of a business previously needed no authorization because the business concerned firearms and ammunition, which permit under §§ 3, 7 should be requested within a month of the effective date of this Law.
(3) In the case of Section 2, the liability for punishment according to § 26, (1), begins one month after the effective date of this Law, or, in the case when an application is filed within this time, it begins one month after its definite rejection.

- § 30
(1) Firearms which do not bear the mark described in § 10, may be professionally sold or otherwise transferred within one year after the effective date of this Law, if the mark conforms to the requirements of § 9 of the Law on Firearms and Ammunition of 12 April 1928 (Reichsgesetzblatt I, p. 143), or if it is not subject to these requirements.
(2) Firearms which are not subject to the requirements of § 9 of the Law on Firearms and Ammunition of 12 April 1928 (Reichsgesetzblatt I, p. 143), and on which the manufacturer's name cannot be confirmed or is obliterated, or expires in the year after the effective date of this Law, must bear the manufacturer's name or the registered trade mark of a German-based firearms dealer, as required by § 10 of this Law.

§ 31
The Minister of the Interior issues the necessary legal and administrative regulations for the implementation and fulfillment of this Law. He is permitted to exempt from the terms of this Law specified types of weapons or ammunition.

§ 32
Provincial limitations on the manufacture, trade, acquisition, and carrying or possession of truncheons or stabbing weapons - with valid provisions for exceptions for Gypsies or persons itinerant like Gypsies - will become invalid no more than six months from the effective date of this Law.

- § 33
(1) This Law takes effect on 1 April 1938.
(2) At the same time the following become ineffective:
1. The Law on Firearms and Ammunition of 12 April 1928 (Reichsgesetzblatt I, p. 143).
2. The implementing regulations of The Law on Firearms and Ammunition of 13 July 1928 (Reichsgesetzblatt I, p. 196), in the form of the Regulations of 2 June 1932 (Reichsgesetzblatt I, p. 253).
3. The Law against Weapons Abuse of 28 March 1931 (Reichsgesetzblatt I, p. 77) in the form of § 10 of the Regulations of the President for the Maintenance of Domestic Peace of 19 December 1932 (Reichsgesetzblatt I, p. 548).
4. Chapter I (Measures Against Weapons Abuse) of the 8th Part of the President's Fourth Regulations for the Security of the Economy and Finance and for the Protection of Domestic Peace of 8 December 1931 (Reichsgesetzblatt I, p. 699, 742).
5. § 56 (2), No. 8 of the Trade Regulations.
(3) The effective date of this law for Austria is withheld.

Berlin, 18 March 1938

The Führer and Chancellor
Adolf Hitler

The Minister of the Interior
FRICK

werden, wenn ihre Kennzeichnung den Vorschriften des § 9 des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzblatt I S. 143) entspricht oder wenn sie diesen Vorschriften nicht unterliegen.

(2) Wer Schusswaffen, die nicht den Vorschriften des § 9 des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzblatt I S. 143) unterliegen und bei denen die Firma des Herstellers nicht mehr festzustellen ist, erloschen ist oder bis zum Ablauf eines Jahres nach dem Inkrafttreten dieses Gesetzes erloschen ist, genügt statt der im § 10 dieses Gesetzes vorgeschriebenen Kennzeichnung die Angabe der Firma oder des einmännlichen Warenzeichens eines im Inlande wohnenden Händlers auf der Schusswaffe.

§ 31
Der Reichsminister des Innern erläßt die zur Durchführung und Geltung dieses Gesetzes erforderlichen Rechts- und Verwaltungsvorschriften. Er kann für bestimmte Arten von Waffen oder Munition Ausnahmen von den Vorschriften dieses Gesetzes zulassen.

§ 32
Weitergehende landesrechtliche Bestimmungen der Verfassung, des Handels, des Gewerbes, des Fuhrverkehrs oder des Besitzes von Gek oder Strohmaschinen mit Ausnahme der für Agrar- oder nach Agrarart umherziehende Personen geltenden Vorschriften, treten spätestens sechs Monate nach Inkrafttreten dieses Gesetzes außer Kraft.

- § 33
(1) Dieses Gesetz tritt am 1. April 1938 in Kraft.
(2) Gleichzeitig treten außer Kraft:
1. das Gesetz über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzblatt I S. 143),
2. die Ausführungsverordnung zu dem Gesetz über Schusswaffen und Munition vom 13. Juli 1928 (Reichsgesetzblatt I S. 198) in der Fassung der Verordnung vom 2. Juni 1932 (Reichsgesetzblatt I S. 253),
3. das Gesetz gegen Waffenmißbrauch vom 28. März 1931 (Reichsgesetzblatt I S. 77) in der Fassung des § 10 der Verordnung des Reichspräsidenten zur Einhaltung des inneren Friedens vom 19. Dezember 1932 (Reichsgesetzblatt I S. 548),
4. Kapitel I (Maßnahmen gegen Waffenmißbrauch) des 8. Teils der Verordnungen des Reichspräsidenten zur Sicherung von Wirtschaft und Finanzen und zum Schutze des inneren Verkehrs vom 8. Dezember 1931 (Reichsgesetzblatt I S. 699, 742),
5. § 56 Abs. 2 Ziffer 8 der Gewerbeordnung.

(3) Die Inkraftsetzung dieses Gesetzes für das Land Österreich bleibt vorbehalten.

“GUN CONTROL”

Gateway to Tyranny

THE NAZI WEAPONS LAW, 18 MARCH 1938

*Original German Text and Translation,
with an Analysis that Shows
U.S. “Gun Control” Laws Have Nazi Roots.*

By
JAY SIMKIN and AARON ZELMAN



JEWS FOR THE PRESERVATION OF FIREARMS OWNERSHIP
America's Aggressive Civil Rights Organization

COVER PHOTO

Unarmed Jewish women and children in Warsaw's Ghetto being rounded-up for train trip to gas chambers at Auschwitz concentration camp, April 1943.

THE WAR ON GUN OWNERSHIP STILL GOES ON!

LETHAL LAWS

Military rifles are society's "life preservers." Without them gun control can ultimately lead to mass murder.

By Jay Simkin,

Jews for the Preservation of Firearms Ownership

The Down-Side of Gun Control

Advocates cannot see any harm in gun control, but it has a nasty downside. Its victims number in the tens of millions. The law that is genocide the mass murder of civilians on account of religion, language or political views. Since 1900, at least seven major genocides have occurred worldwide involving 50 to 60 million victims (see table).

Gun-control laws are usually enacted in a crisis, be it war, economy, etc. Citizens then put personal security above all else. This deal—disarming in exchange for government "protection"—often amounts to committing suicide for fear of death. Even if protection is given, the laws remain after the crisis ends.

Gun control has a fatal flaw: It can promote personal security, but to do so, it must be ruthlessly enforced. Governments with such powers can easily commit genocide. This flaw—that for

gun control to work the government must be given the power to commit genocide—is the reason for the high price ultimately paid for temporary gains in security arising from gun control.

Government Officials: The Largest Mass Murderers

Government officials, not common criminals or hate-group members, committed these genocides, but only the Nazi mass murderers have been prosecuted. In every case, gun-control laws were in force before the genocide began. In five genocides, the lethal law—the gun-control law—was in force before the "genocide regime" took power.

Despite four decades since 1945, the link between gun control and genocide has gone unrecognized. Jews for the Preservation of Firearms Ownership has published the authentic original texts of the gun-control laws as issued by the governments concerned, with English translations (*Lethal Laws*, JPFO, Inc., 2872 South Wentworth Ave., Milwaukee, WI 53207. \$24.95 post paid). These laws cleared the way for 50 to 60 million murders. This book is a powerful tool in fighting gun control.

Preventing Genocide in America

Every government can become genocidal. Your best life preserver is personal ownership of a military-type semi-automatic rifle. Sadly, few Americans see any risk of genocide. Those who urge gun control suggest government forces are invincible or claim criminal abuse of firearms justifies regulation. These views often appear as, "It couldn't happen here" or "Assault weapons are the drug dealer's weapon of choice."

Genocide Almost Happened in America...Recently

On December 7, 1941, Japan smashed the U.S. fleet at Pearl Harbor in a surprise attack. Subsequently, 125,000 Japanese-

Americans were confined to concentration camps by the U.S. government. These victims were citizens, but President Roosevelt signed an executive order that they be imprisoned, Congress agreed, and the Supreme Court upheld the law.

These inmates, though ringed with barbed wire and armed guards, were not murdered like those in Nazi camps. In June 1942, American flyers sank four Japanese aircraft carriers at Midway. Japan could not hit U.S. territory again, and these inmates were freed after the war.

The Armed Civilian: Proof Against Genocide

Some feel the government is all-powerful. They forget that government officials comprise a tiny minority of the population (about two percent in America in 1991). In 1991, there were 3.1 million federal civilian employees (Congress, all executive branch agencies and the judiciary)—equal to 1.23 percent of the population. The armed forces (active duty Army, Navy, Marines, Air Force, Reserves and National Guard) totaled 1.986 million, about 8 percent of the population.



Moreover, America's police forces are small. In 1991, state and local governments employed 706,584 police officers. America's law-and-order forces—military and police—totaled 2.7 million persons (in 1991), about 1.1 percent of the whole population. Ordinary civilians outnumber these forces about 100 to one. (*Statistical Abstract of the United States*, 1993, U.S. Department of Commerce, Bureau of the Census, Government Printing Office, Washington, D.C.)

Moreover, America is the third most populous nation (258 million people in 1993) and the fourth largest (3.6 million square miles). Size limits a government's power. Because U.S. government forces are small, U.S. law has never imposed on a police force a duty to protect the average person (JPFO Special Report, *Dad 911 and Die!*, available from JPFO). In short, if most Americans do not want to obey a law or an illegal government order and they own military-type rifles, no one can make them do so.

When rioting erupted in Los Angeles in 1992, the police fled to avoid being overrun by mobs of looters. After the looters wrecked their neighborhoods, several days passed before the police returned, backed by Army and Marine troops.

Heavy weapons—tanks, artillery, helicopters—are of limited use in cities. A tank crew on city streets is in peril from a simple homemade weapon—a Molotov cocktail—a gasoline-filled bottle with a wick in the top, lit just before use. In short, civilians armed with military-type rifles, by weight of numbers if by nothing else, can at least cripple an attacking military force.

Genocides can be prevented if civilians worldwide own military-type rifles.

and plenty of ammunition. Amnesty International, an organization aimed at freeing political prisoners, could prevent such threats if it promoted civilian ownership of military-type firearms.

Armed Afghan Civilians Prevent Genocide

An armed citizenry is close to being genocide-proof, and there is hard evidence at hand. In December 1979, the ex-Soviet Union invaded neighboring Afghanistan. Most of the 16 million Afghans are devout Muslims. They reject-

"Universal firearms ownership by the law-abiding is the only way to stop genocide."

ed the atheism of their Soviet-backed government. Afghanistan has never been "governed" by whomever held power in the capital, Kabul. Afghans look after themselves. Most adult males are armed. Armed Afghan civilians attacked the Afghan and Soviet armies. Afghanistan, a country about the size of Texas, is mountainous and has vast deserts. Of 13,000 miles of roads, only main ones are paved.

Afghanistan had no gun control before the Soviet invasion. Thus, armed Afghan civilians put the Afghan and Soviet armies on the defensive. These civilians' grit moved other countries, including America, to supply heavier arms (anti-aircraft missiles). In 1989, the war-weary Soviets withdrew their 115,000 troops.

The Afghans offer a shining example

MAJOR 20TH-CENTURY GENOCIDES: THE COST OF GUN CONTROL

PERPETRATOR GOVERNMENT	YEARS	TARGET	# MURDERED (ESTIMATED)	DATE OF GUN-CONTROL LAW	GENOCIDE DOCUMENT
Ottoman Turkey	1915-1917	Armenians	1-1.5 million	1866 1911	Art. 166 Penal Code Art. 166 Penal Code
Soviet Union*	1929-1953	Anti-Communists Anti-Stalinists	20 million	1929	Art. 182 Penal Code
Nazi Germany** & Occupied Europe	1933-1945	Jews Gypsies Anti-Nazis	13 million	1928 1938	Law on Firearms & Ammunition April 12 Weapons Law March 18
China*	1948-1952	Anti-Communists	20 million	1935 1966-1976	Articles 186-187 Penal Code Pro Reform Group
Guatemala*	1960-1981	Mayan Indians	100,000	1871 1964	Decree #36 Nov 25 Decree #283 Oct 27
Uganda*	1971-1979	Christians Political Rivals	300,000	1955 1970	Firearms Ordinance Firearms Act
Cambodia	1975-1979	Educated persons Total Victims:	1 million 88.9 million	1954	Articles 327-328 Penal Code

* The law(s) mentioned are part of an older and/or wider body of law on and regulation of private firearms ownership.
** For a complete translation of these laws, including regulations specifically banning Jews from owning any weapons and a side-by-side comparison of the Nazi Weapons Law with the U.S. Gun Control Act of 1968, see *Gun Control, Gateway to Tyranny*, J.E. Simkin & A. Zelman, 1992, available from JPFO.

Continued from page 7

of how armed civilians without heavy weapons can wreck armies. The Afghans undoubtedly saved themselves from genocide.

Military-Type Firearms: Your Life Preserver

Some argue that criminals' abuse of firearms justifies gun control, especially control of military-type firearms. While hard data prove that criminals rarely abuse military-type rifles, it is nevertheless unclear why criminal activity should define the civil rights of the law-abiding.

"Your best life preserver is personal ownership of a military-type semi-automatic rifle."

The Chicago Police Department (CPD) has backed gun control for at least 30 years. CPD published data documents 21,204 known murders in Chicago from 1965 to the end of 1992. No more than nine of these murders (four-hundredth of one percent) involved rifles that, by bullet size, could have been military-type rifles (Chicago Police Department, *Murder Analysis Report*, 1965-1992).

Some of these nine likely were not military-type rifles. It is clear that military-type rifles are not criminals' favorite firearms. This proof has long been known to those who make public policies (See "Control Criminals, Not Guns," J.E. Simkin, *Wall Street Journal*, March 25, 1991, P. A10). Even if criminals abused military-type firearms, this should not justify robbing the law-abiding of the only defense against genocide.

An End to Gun Control: An End to Genocide

To prevent further genocides, we must destroy gun control. Genocide has increased in the 20th century. Universal firearms ownership by the law-abiding is the only way to stop genocide. There are many ways to minimize abuse of firearms by criminals and the negligent. The vast law-abiding majority of Americans should put an end to regulation set forth by the standards of the criminal minority. The evidence set forth above proves that gun-control laws are the key to genocide. No stone should be left unturned to uproot gun control in America. Tens of millions of lives will be lost if we do not destroy gun control.

One final question: What should you do? What will you do about those who are trying to seize your life preserver?

Holocaust Survivor Denounces Anti-Gun- Ownership Movement

'Gun control is a prelude to totalitarian rule'...

© 1990 By Aaron Zelman

Unlike many interviews with Holocaust survivors, this one conducted by Aaron Zelman, founder, Jews for the Preservation of Firearms Ownership (2872 S. Wentworth Ave., Milwaukee, WI 53207; (414) 769-0760; membership \$20) with Theodore Haas, a JPFO member and a former prisoner of the infamous Dachau concentration camp, is a clear warning to all freedom-loving peoples to keep our guard up against arrogant politicians who are hell bent to create governments that control our lives. In pre-Nazi Germany, the good, law-abiding citizens dozed while government passed laws (all purported to be for the public good) that paved the way for tyranny to flourish. Haas, who survived years of Nazi persecutors, is speaking out to Americans who are now dozing while our government, at the strong urging of leftists in the media and others in society they influence, passes laws (again supposedly for the public good) to ban and severely restrict firearms ownership. Theodore Haas believes gun control is a prelude to totalitarian rule - The editors.



Q. How did you end up at Dachau? How old were you?

A. November 9th, 1938 was Kristalnacht — The Night of Broken Glass — The night synagogues were ransacked and burned, Jewish owned shops destroyed; I guess you could call it the night the fires of hell engulfed the soul of humanity.

I was arrested November 10th, "for my own personal security." I was 21 years old. My parents were arrested and ultimately died in a concentration camp in France. I was released from Dachau in 1941, under the condition that I leave Germany immediately. This was common procedure before the "Final Solution."

Q. What did you think when you were sent to Dachau? What did you know about Dachau beforehand?

A. My first thoughts were those of many others: "The world has gone mad."

I knew that the life expectancy at Dachau was relatively short. I knew beforehand that inmates were abused. The horror of Dachau was known throughout Germany. People (Germans) use to frighten their children, "If you do not behave, you will surely end up at Dachau." A famous German comedian, Weiss Ferdl, said "Regardless how many machine gun towers they have around K. Z. Dachau, if I want to get in, I shall get in." The Nazis obliged him; he died at Dachau.

Q. How did you accept the fears of Dachau?

A. Due to the constant hunger and the extreme cold weather, one becomes

too numb to even think of fear. A prisoner under these conditions becomes obsessed with survival; nothing else much matters.

Q. What were the living conditions like in Dachau?

A. We were issued one-quarter of a loaf of bread. That was to last three days. In the morning, we picked up, at the kitchen, a cup of roasted barley drink. There was no lunch. At dinnertime, sometimes we got a watery soup with bits of tripe or some salt herring and a boiled potato.

Our prison clothes were a heavy, coarse denim. They would freeze when they got wet. We were not issued hats, gloves or underwear.

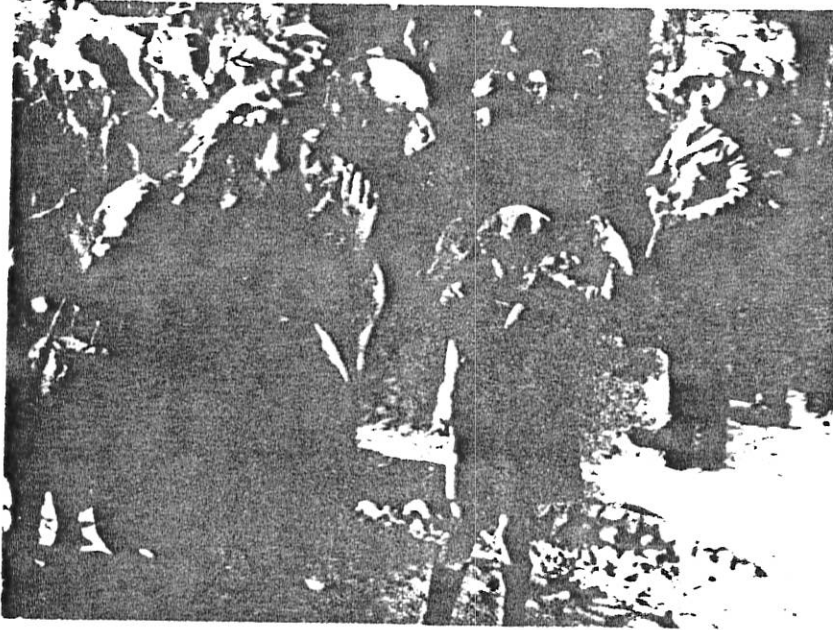
The first night, about 500 prisoners were stuffed into a room designed to hold 50 (Believe me, it is possible). Later on, we were forced to sleep on straw. As time went on, the straw dis-

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Anti-Gun-Ownership Movement

(Continued from page 62)



integrated and we became louse infested. The guards delighted in making weak and ill-clothed prisoners march or stand at attention in rain, snow, and ice for hours. As you can imagine, death came often due to the conditions.

Q. Do you have residual fears? How do you feel about German re-unification?

A. I have nightmares constantly. I recently dreamed that a guard grabbed me. My wife's arm touched my face, and I unfortunately bit her severely.

German re-unification, in my opinion, will be the basis for another war. The Germans, regardless of what their present leadership says, will want their lost territories back, East Prussia, Silesia, and Danzig (Gdansk). My family history goes back over 700 years in Germany. I understand all too well what the politicians do not want the people to be thinking about.

Q. You mentioned you were shot and stabbed several times. Were these experiments, punishment or torture?

A. They were punishment. I very often, in a fit of temper, acted "while the brain was not in gear." The sorry results were two 9 mm bullets in my knees. Fortunately, one of the prisoners had a fingernail file and was able to dig the slugs out. In another situation, I was stabbed in the washroom of Room #1, Block 16. Twice in a struggle where I nearly lost my right thumb. A German prisoner, Hans Wissing, who

after the war became mayor of his home town, Leinsweiler, witnessed the whole situation. We stayed in touch until a few months ago, when he died.

Q. Do you remember some of the steps taken by the Nazis to de-humanize people and to make them feel hopeless? How were people robbed of their dignity?

A. If you had treated an animal in Germany the way we were treated, you would have been jailed. For example, a guard or a group of them would single out a prisoner and beat him with canes or a club. Sometimes to further terrorize a prisoner, the guards would form a circle around a prisoner and beat him unconscious. There were cases of a prisoner being told to report to the Revier ("Hospital") and being forced to drink a quart of castor oil. Believe me, this is a lousy, painful, wretched way to die. You develop extreme diarrhea, vomiting, nausea, and severe dehydration. If the Nazis wanted you to live and suffer more, they would take measures to rehydrate the victim.

Q. What was the routine like at Dachau?

A. Three times a day, we were counted. We had to carry the dead to the square. Each time, we had to stand at attention in all kinds of weather. We stood wearing next to nothing, had weak bladders, while our tormentors had sheepskin coats and felt boots. The bastards really enjoyed watching us

suffer. I remember how the guards had a good laugh when one of them "accidentally" let loose with a machine gun, killing about 30 prisoners.

Q. What did people do to try to adjust to Dachau? Keep their spirits up?

A. There were some actors, comedians, and musicians among us. Sometimes they would clandestinely perform. One of the musicians got hold of a violin and played for us. To this day, it remains a mystery how he got his hands on a violin. I still keep in touch with other prisoners. I am a member of the Dachau Prisoners Association. Each year I go back to Germany to visit.

Q. Did people ever successfully escape? Do you remember acts of bravery?

A. Nobody escaped, only in the movies does the "hero" escape. Guards received extra leave time for killing prisoners that got too close to the fence.

I do, however, think all prisoners were heroes in their own way. Especially the German prisoners, for they would not acquiesce to the Nazis. They suffered greatly too.

'If Only We Were Armed' — Q. Did the camp inmates ever bring up the topic, "If only we were armed before, we would not be here now"?

A. Many, many times. Before Adolf Hitler came to power, there was a black market in firearms, but the German people had been so conditioned to be law abiding, that they would never consider buying an unregistered gun. The German people really believed that only hoodlums own such guns. What fools we were. It truly frightens me to see how the government, media, and some police groups in America are pushing for the same mindset. In my opinion, the people of America had better start asking and demanding answers to some hard questions about firearms ownership, especially, if the government does not trust me to own firearms, why or how can the people be expected to trust the government?

There is no doubt in my mind that millions of lives could have been saved if the people were not "brainwashed" about gun ownership and had been well armed. Hitler's thugs and goons were not very brave when confronted by a gun. Gun haters always want to forget the Warsaw Ghetto uprising, which is

Anti-Gun-Ownership Movement



a perfect example of how a ragtag, half-starved group of Jews took up 10 handguns and made asses out of the Nazis.

Q. Did you have any contacts with the White Rose Society (mostly German students against Hitler)? Did anyone try to hide you from the Nazis?

A. I did not, but my local friend, Richard Scholl, had two cousins or nephews who were members. Both were executed in Munich (I believe) for standing up for decency and freedom. Not enough people knew about the White Rose Society. There were many non-Jews who were not anti-Semitic and were very much opposed to Hitler.

It was impossible to hide people from the Nazis in Germany — it is so densely populated and food was rationed. Another point that many people fail to understand is that in Germany, you had a situation where the children were reporting to their teachers if their parents listened to the BBC on the short wave radio, or what they were talking about at home. If a German was friendly to a Jew, he was warned once. If he failed to heed the warning, he would disappear and never be heard from again. This was known as "Operation Night and Fog."

Q. Do you think American society has enough stability that Jews and other minorities are safe from severe persecution?

A. No. I think there is more anti-Semitism in America (some of it caused by leftist Jewish politicians and organizations who promote gun control

schemes) than there was in Germany. This may stun some people, but not all Germans hated Jews. My best and devoted friends in Germany were Christians.

I perceive America as a very unstable society, due to the social tinkering of the Kennedy/Metzenbaum-type politicians. When I first came to this wonderful country after World War II, America was a vibrant, dynamic and promising society. There really was an American dream, attainable by those who wanted to work. Now, due to the curse of Liberalism, America is in a period of moral decline. Even worse, corrupt criminals hold high political office, and you have police officials who don't give a damn about the *Bill of Rights*. They just want to control people, not protect and serve. When you study history, you see that when a country becomes an immoral manure heap, as America is rapidly becoming, all minorities suffer, and ultimately, all the citizens.

Q. What words of warning would you like to give to young people who will soon be eligible to vote?

A. Vote only for politicians who trust the people to own all types of firearms, and who have a strong pro-Second Amendment voting record. Anti-gun-ownership politicians are very dangerous to a free society. Liberty and freedom can only be preserved by an armed citizenry. I see creeping fascism in America, just as in Germany, a drip at a time; a law here, a law there, all supposedly passed to protect the public. Soon you have total enslavement. Too many Americans have forgotten that tyranny often masquerades as doing good. This is the technique the Liberal politicians/Liberal media alliance are using to enslave America.

Q. What message do you have for ultra-Liberal organizations and individuals who want Americans disarmed?

A. Their ignorance is pitiful — their lives have been too easy. Had they experienced Dachau, they would have a better idea of how precious freedom is. These leftists should live in the tradition of America or they should leave America. These Sarah Brady types must be educated to understand that because we have an armed citizenry, that a dictatorship has not yet happened in America. These anti-gun fools are more dangerous to Liberty than street criminals or foreign spies.

Q. Some concentration camp survivors are opposed to gun ownership. What message would you like to share with them?

A. I would like to say, "You cowards; you gun haters, you don't deserve to live in America. Go live in the Soviet Union, if you love gun control so damn much." It was the stupidity of these naive fools that aided and abetted Hitler's goons and thugs. Anti-gun-ownership Holocaust survivors insult the memories of all those that needlessly perished for lack of being able to adequately defend themselves.

Q. It appears the Liberal left in America is tolerating, and sometimes espousing anti-Semitism. Why do you think so many Jews still support the leftist form of Liberalism?

A. It is for this very reason that I firmly believe that we harbor more stupid and naive people in our midst, than any other group of people. It amazes me how Liberal Jews have such short memories that today, they would be so supportive and involved in setting up the mechanics of gun control, so that a Holocaust can happen again. All they're doing is playing into the hands of the very clever communists who are masters at conning Americans.

Q. Why did you join JPFO?

A. I feel every Jew should be armed to the teeth, as should every American. I joined JPFO because as a group, we can stand up to Liberal Jewish gun haters and also to Gestapo-minded anti-gun police who want total control of the people. I wish JPFO was in existence years ago. I believe the Jewish involvement in gun control would not be anywhere close to what it is today, but better now than never. ●

Theodore Haas.



THE WICHITA COALITION AGAINST GUN VIOLENCE

MEMBER ORGANIZATIONS

AFRICAN AMERICANS AGAINST GUN VIOLENCE
THE GREATER WICHITA PEDIATRIC SOCIETY
INTER-FAITH MINISTRIES OF WICHITA
MOTHERS AGAINST GUN & GANG VIOLENCE [MAAG-V]
THE WICHITA MINISTERIAL LEAGUE
PAX CHRISTI
THE PEACE CENTER OF SOUTH-CENTRAL KANSAS
THE WICHITA CHAPTER, PHYSICIANS FOR SOCIAL RESPONSIBILITY

INDIVIDUAL

Dr. Mary Ann Beattie M.D.
Robert Beattie, Attorney at Law
Dr. Linda Francisco M.D. F.A.C.P.
Kelly W. Johnston, Attorney at Law
Dr. Manfred Menking M.D.
Dr. Susan Menking M.D.
Dr. Howard Johnston, Ph.D.
Matt Greene, Executive Director

February 16, 1994

Mr. Chairman, Members of the committee and staff,
I am Matt Greene, Executive Director of the Wichita Coalition Against Gun Violence. The coalition recently ended a one-year campaign to bring sanity and reason to the issue of guns and gun violence in our city. Our opponents are still smarting from the licking laid on them by the thousands of Wichita citizens who wrote, called and signed petitions favoring more, not less gun controls. The Wichita ordinance, like this proposed legislation, spoke to the increasing use of assault weapons on the nation's street. Where the Wichita ordinance predominately spoke to machine *pistols*, the Wichita ordinance is broad enough to speak to assault weapons in general.

The brief biographical sketch of me in your packets tells of a person who at 17 fired the most glamorous war weapons (*if war weapons can be glamorous*) in the world: The M1 Garand, The Browning Automatic Rifle (*BAR*) and the M1911 .45ACP. Pistol. I fired in competitions for the U.S. Army against other divisions and corps, All-service teams, NATO forces and competed in two National Rifle Matches. If there is any person who can remember with a certain fondness the smell of gunpowder and the absolute joy that comes to a marksman when he fires twenty rounds at a target 500 meters distance and is notified that he scored twenty bullseyes-it is me and all those like me who fired military and civilian weapons for a living or sport. If there was one weapon I could legally own it would be a B.A.R., if nothing else than for the awesome terror it must have posed for enemy infantrymen caught in my sights just a mere 400 meters away. I cannot and will not hold on obsessively to the glamour or the memories...that time has passed.

The nation's streets run with blood from the indiscriminate sale and use of firearms. In Wichita there are nearly 1,00 persons who hold Federal Firearms

Licenses (FFL). Wichita can count itself fortunate that more citizens have not died from the thousands of weapons sold by the many "kitchen table" and "shadow" dealers in Wichita and Sedgwick County. The kitchen table dealers and adult "shadow buyers" and their kind have been the main source of the firearms explosion in our state, especially in Wichita. While the NRA, KRA and their affiliates insist that the youth of this country are stealing most of the weapons being used on the streets, the coalition asked the telling question: "From whom do relatively unsophisticated youths of 14 and 15 steal them, and have youths begun to specialize in stealing .380s, 9mms and machine pistols to the exclusion of all others?"

No. As the NRA and others try to move the argument to the "criminals", the coalition noted that in any given year it is ordinary, hard working-tax paying citizens who commit most of the "criminal" mayhem with AK-47s and other assault weapons, spraying shopping centers, restaurants, offices and innocent bystanders alike. As black youths rampage through their turf, white males deliberately and just as surely kill strangers and co-workers alike. In 1990, more than half of the "criminal" use of firearms was by ordinary citizens who, for whatever reason, committed suicide, many of them killing family members or supervisors before turning the firearm on themselves. Also in 1990, 41% of the murders by firearms were committed by family members on families, neighbors killing neighbors-friends executing friends. It is clear by the 1990 statistical table in your packet that of the more than 91% of the 37,200 persons killed, most who died were *ordinary* citizens who either committed suicide (51%) or were murdered by someone else other than a "Criminal".

While the NRA misdirects the nation's attention away from the real problem of too many guns in a violent nation by shouting that the justice system should jail and retain more "criminals", they also call for reductions in taxes, call for safer streets and good government but refuse to tell from where all these things will come without the revenues to operate them. While they insist that a person with a "rock" of Cocaine serve 3 to 5 years, they bellyache the loudest when the non-violent Cocaine addict is sent to prison for the mandatory term they asked for, at the same time, squall loudly because soemtimes a murderer is pushed out the back door because the prison is overcrowded with non-violent addicts. The NRA wants America to believe that "criminals" commit most of the violence in this nation, at the same time, discounting the violence committed by God-fearing people on their wives, children & parents. The NRA wants you to look at alleged "criminals" while the NRA and others sell more firearms in one year than all the other world-wide arms manufacturers combined. The lucrative trade in assault weapons feeds upon the dastardly practice of scaring the hell out of the ordinary citizen then selling them a gun. The NRA calls them "criminal" but in insuring the supply of guns, makes them the best armed youths in the world.

You have a daunting task before you. The gun lobby will inundate you with distorted figures and outright lies while they attempt to persuade you that this law is unnecessary, not needed. They will remind you that there are more than 22,000 gun laws already on the books. True. But they will fail to tell you that they themselves (the gun lobby) have subverted most of the gun laws. They will bombard you with the notion that the Second Amendment is immutable, that the founding fathers intended for every citizen to "keep and bear arms". The gun lobbyists refuse to remember that the founding fathers had restrictions on who could own firearms even before the Second Amendment was adopted. The original common law from which it was taken, and the real intent of the Amendment was for "gentlemen of property" to bear arms because-"he who has property has a need and a right to guard it"..whereas slaves and those men without property "had nothing to guard, therefore needed no arms." The NRA and fellow travelers will insist that present gun laws have failed and point to Washington D.C. and New York City as examples. At the same time they will fail to note or admit that shadow buyers, many of them holding down a FFL *and an* NRA membership, and legal and illegal gun merchants-themselves prey on locations with strict gun laws.

Your task has been made somewhat easier by the passage of the Wichita ordinance and the decision by Secretary of the Treasury Lloyd Bensen to raise the fees for the FFL to six-hundred dollars, thus eliminating the many shadow buyers and kitchen table dealers reducing the total of FFL dealers by some 80% by 1995-6. This proposed Kansas law will empower the hunter and persons seeking a modicum of self protection while outlawing the unneeded and truly unnecessary "assault weapon" from the average home, thereby making the ordinary citizen and the nation safer. One question: Why is the venerated M1 Garand not among the list of approved semi-automatic rifles? A case can be made for the rifle that won WWII. I think it deserves a special exemption. As for the proposed list of approved and banned weapons: I can only commend you on your thoroughness and honesty in your approach to bringing ethics and morality to the question of gun safety. In the end it is just that; a question of "doing the right thing" when the right thing is moral and ethical.

In your packets are materials from the American Academy of Pediatrics. Pediatricians are in the forefront in treating the tens of thousands of juveniles who suffer from the trauma caused by firearms. We noted that the cost of a firearms trauma is \$13,600 in the emergency room whether the patient lives or dies. The dollar figure is much higher for children. It is for them the children that die and them, the children who kill, that we ask you to support this needed legislation.

With regards and wishes for your health,

Matt Greene,
For the organizations and members of
The Wichita Coalition Against Gun Violence

THE WICHITA COALITION AGAINST GUN VIOLENCE

THE COST OF GUN VIOLENCE IN THE UNITED STATES

FACTS AND FIGURES

Firearms deaths by cause-1990

* In 1990, guns killed 37, 184 people in the United States

Justified civilian homicides <-1% (self Defense)

Police shootings <-1% (manslaughter)

Accidents (all) 4%

Criminal civilian homicides 44% [15,377]

[12,489] by handgun

Suicides 51% [18,885]

[13,030] by handgun

The Centers For Disease Control (CDC) estimates the lifetime economic costs hospitalization, rehabilitation, and lost wages of firearms violence was \$14.4 *Billion* in 1985, making it the third most expensive injury category.

* Every 2 minutes someone-somewhere in the U.S. is shot

* Every 14 minutes someone dies from a gun wound

* Each gun injury involving emergency room treatment costs more than \$13,000

* Each gun injury involving hospitalization costs at least \$33,159 whether the victim lives or dies

* The average lifetime cost per person for each firearms fatality-\$373,520-was the highest of any injury category

* Every 10 seconds sees another gun roll off an American assembly line, every 11 seconds a gun is imported

* There are 246,984 gun dealers.


* For the first time ever, a majority (52%) of Americans favor a ban on handgun sales

* 101 Americans will be killed by guns today

* There are no federal safety standards for the domestic manufacture of guns

* Keeping a gun in your home makes it three times more likely that someone will be killed there

* Worst [sadly] of all, three more Wichitans died as a result of gun violence *last night [Jan 11]*



PROCLAMATION BY THE GOVERNOR

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, 1993 is the 202nd anniversary of the Bill of Rights; and

WHEREAS, September 5, 1993, marks the 323rd anniversary of the day when jurors in the William Penn trial refused to convict him for preaching what was then an illegal religion (Quakerism) to what was then an unlawful assembly (his congregation), gathered on a London street after being locked out of their meeting house; and

WHEREAS, The Penn jury, in refusing to convict, provided a basis for the U.S. Constitution's First Amendment rights of freedom of speech, religion, and peaceable assemble; and

WHEREAS, September 5 also commemorates the day when four of those jurors began nine weeks of incarceration for finding Penn innocent, after which their release and exoneration forever established as English and American legal doctrine that it is the right and responsibility of the trial jury to decide both on matters of law and fact in the case before it; and

WHEREAS, The Sixth and Seventh Amendments are included in the Bill of Rights to preserve the right of trial by jury, which in turn conveys upon the jury the responsibility to defend all other individual rights enumerated in or implied by the U.S. Constitution and its Amendments, along with all the rights which attend that responsibility; and

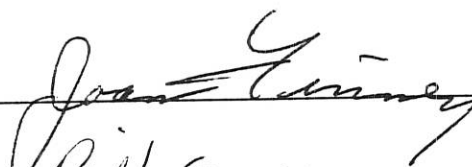
WHEREAS, The State of Kansas recognizes these rights as true and inalienable:

NOW, THEREFORE, I, JOAN FINNEY, GOVERNOR OF THE STATE OF KANSAS, do hereby proclaim September 5, 1993 as

JURY RIGHTS DAY

DONE at the Capitol in Topeka
Under the Great Seal of the
State this 20th day of
August, A.D. 1993

BY THE GOVERNOR



Secretary of State



Assistant Secretary of State



F&SA
2-16-94
Atch #7



ROBERT B. DAVENPORT
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL

STATE OF KANSAS

1620 TYLER

TOPEKA, KANSAS 66612

(913) 296-8200

FAX: 296-6781



ROBERT T. STEPHAN
ATTORNEY GENERAL

TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
IN SUPPORT OF HOUSE BILL 2875
February 16, 1994

Mr. Chairman and Members of the Committee:

I appear today on behalf of the over 3,000 members of the Kansas Peace Officers Association in support of HB 2875.

Briefly, this statute amends the prohibition against carrying concealed weapons contained in K.S.A. 22-4201 to include the situation where the weapon is concealed in a vehicle and available to the driver. The problem faced by law enforcement in making vehicle stops and the danger involved is much the same whether the person has a gun concealed in their waistband or under the seat. Close proximity can result in sudden escalation with lethal results for one or both parties.

I don't believe this bill would affect legitimate needs of hunters as it would apply only to concealed weapons and not even those if they are unloaded and placed in some form of case.

We believe that HB 2875 is another good step towards demilitarizing our streets and would ask for your support. I would be happy to stand for any questions.

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2-16-94
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THE CITY OF
EMPORIA

Civic Center / 522 Mechanic / P.O. Box 928 / Emporia, KS 66801-0928 / 316-342-5105

HB 2875

Raymond A. Toso, Mayor
Dale Davis, Vice-Mayor
John R. Webb, Commissioner
Tom Myers, Commissioner
Elvin Perkins, Commissioner
Steve Commons, City Manager

TO: Federal and State Affairs Committee

It has come to my attention that the change in Kansas Statutes Annotated K.S.A. 21-4201(d) could be more encompassing than as currently written. The change would not alter the meaning of the statute, but would strengthen the enforcement ability of the intent of the statute.

As the statute now reads, a person can legally carry a handgun concealed under the seat of his automobile, with easier access to it than he would have if the handgun were concealed under his coat in a shoulder holster. The latter, of course, is in violation of K.S.A. 21-4201(d) for obvious reasons.

The proposed change in this section of the statute would not, of course, hinder or infringe upon any actions of the "sportsman" or legitimate user of any firearm. Hunters and fishermen are already exempt from this statute by sub-Section (9)(4)(2). The requested change in the statute would not affect that exemption.

Based upon my experience as a police officer for the City of Emporia, Kansas, I have seen several instances in the past where the intent of an individual was the same as if he were carrying a concealed weapon on "his person." However, he was conducting himself within the scope of K.S.A. 21-4201(d).

One example of this was an instance where an individual was stopped for driving under the influence. This individual was subsequently arrested for the offense and was very cooperative throughout the arresting procedure. During the procedure, however, an individual who had been a passenger in the vehicle during the stop had re-entered the vehicle and proceeded to the area of the driver's seat. After the officer had secured the driver, as he was now under arrest, he contacted the passenger, who was now behind the wheel of the vehicle, for the sole purpose of advising him not to drive due to his state of intoxication and to inform the passenger he would be assisted in finding transportation. When the officer made contact with the passenger, the officer observed him reaching with his right hand under the driver's seat and reaching with his left hand toward a jacket laying on the back seat. This area of the back seat had previously been occupied by the passenger prior to the stop.

The officer continued to observe the passenger reach under the jacket and take possession of a loaded, cocked, .45 caliber automatic revolver with the safety off. The officer subsequently

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pointed his weapon at the passenger and ordered him to drop the weapon. After some conversation between the officer and the passenger, the .45 caliber automatic revolver was left on the back seat and the passenger exited the vehicle.

A short time later another weapon was found in the vehicle. This weapon was a cocked and loaded .44 magnum revolver and was located out of view under the driver's seat, approximately eight inches (8") from where the passenger's right hand had been located.

In this instance, the passenger was not in violation of any statute. He did not actually point a weapon at anyone and was not what one would consider a criminal. He was merely a "good ol' boy" who had had too much to drink and liked to clown around with loaded guns. The potential for true tragedy did exist, however, and could have ended in the death or injury of the officer and/or the death, injury or prison term for the passenger. If the passenger had been a true criminal, only speculation could tell us the possible outcome of this incident.

It should also be noted that in recent years the trend of society is for people to buy more and more weapons. Since the discreditation and abandonment of most major "flower child" type peace movements and the increase in gang activity, our society has become more violent in nature. This can be ascertained by reviewing statistics, observing more favorable attitudes toward military and survivalistic type behavior. The most recent example of our violent tendencies can be illustrated by the increase in drive by shootings.

The proposed revision would read as follows: "or concealed in any land, water or air vehicle, where such firearm would be accessible to the operator or any passenger of such vehicle, unless such firearm is unloaded and in a closed package, box or case."

I am not so naive to believe the revision in the statute will change the course of society. But I do believe it will aid law enforcement in its ability to fulfill its basic prime mission, to protect life and property. Not only would it aid in protecting the lives of law enforcement personnel, but the lives of everyday citizens. The revision would also give law enforcement another tool in combating the proven criminal element.

It should be stated that it is certainly not my intent to infringe upon the rights or restrict the legitimate users of

firearms. It is also not my intent to enter into the debate of the "Right to Bear Arms" versus "Gun Control" legislation. I do not believe the proposed revision would carry any relevancy in this debate.

Any assistance you can give in accomplishing a possible change in this statute would be greatly appreciated not only by myself, but by all law enforcement personnel and supportive citizens.

Sincerely,



Lane K. Ryno, Sgt.
Emporia Police Department

LKR:jh

In regard to House Bill No. 2916, it is a waste of resources that State agencies are currently allowed to take advantage of. Denying Wildlife & Parks or the KBI access to firearms confiscated from criminals nor allowing them to be sold in a legal manner from which the State &/or its agencies can profit seems to be pointless. The current system of using or selling applicable firearms and indeed destroying the ones which do not conform to the usages of State agencies or the legalities of reselling seems to be the most equitable way of handling this resource. The only thing accomplished by Bill No. 2916 is to extract vengeance on inanimate objects which in & of themselves are neither evil nor harmful.

In regard to House Bill No. 2875, anyone who watches the news today must be aware of an increase in the numbers of attacks (for robbery &/or car theft) on our roadways outside the municipal areas. (Michael Jordan's late father is a particularly apt example.) It has long been legal to have a loaded firearm in a vehicle as long as you were outside a municipality. In certain parts of our state you can be a long way from any sort of help or protection. To deny the law-abiding citizen the ability to protect his or her self when traveling long distances in unpopulated areas is not only an injustice but counter-productive to the goal of reducing crime.

In regard to House Bill No. 2962, it is difficult to know where to begin. In trying to carve out a class of firearms that can be labeled so-called "assault weapons" the Bill has taken arbitrary features of these firearms and created a sort of point system. In this system, there are firearms that do not have too many "points" (and so are legal) and there are firearms which do have too many "points" (and will be illegal) yet as far as function & capability they are identical. This, to me, shows a lack of preparation and/or understanding of the subject matter being discussed. It is an established fact (federal government statistics) that less than 1% of the firearms used in crimes are so-called "assault weapons." This means that we are spending a lot of time & money to control a poorly defined "class" of firearms, most of which are obviously owned by law-abiding citizens.

It also becomes clear, when reading the list of exemptions included in this bill, that a concerted effort has been made to avoid upsetting the hunter & shooting sports enthusiast. Unfortunately, this issue is not about hunting or shooting sports, nor is it about violent crime, it is about the constitutional right to keep and bear arms - a right that is spelled out in both the Constitutions of the United States of America and the State of Kansas. For those of us whose forefathers fought in the American Revolution, as well as those who, living in a more repressive country, decided to adopt America as their home of choice, the ability to defend (and please notice I use the word defend) against a repressive government is perhaps the most important right we have...because when a government knows that its people do not have the ability to revolt then it becomes just that much more

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unfeeling to the wishes and the rights of those people. It is all too easy to say this will never happen here but how many of us would have predicted 5 years ago that the U.S.S.R. would have fallen apart so decisively and so quickly.

It has been said that this type of anti-firearm legislation is meant to send a message to criminals. If that is true, I'm afraid that the message is that we will only enact "feel-good" legislation that does not affect the underlying problems but only sounds good for the 6 o'clock news. The only message it sends to law-abiding citizens (the majority of the owners of so-called "assault weapons") is that our government does not trust us and so, perhaps, we should not trust our government. Obviously, I still trust my government more than mistrust it or I would not be speaking here today.

However, the complete disregard of the constitutional issues involved is frightening even to the average American who last studied the constitution in public school. Also, the appearance that our government is willing to do anything to address the crime problem, regardless of results or lack thereof, indicates little regard for real solutions by lawmakers. Usually the quick solution brings more problems in the long run than it was meant to solve in the first place. Please take the time to look at all the options before settling on the easy way out.

Darrell Montei
Legislative Liaison
Wildlife & Parks

TESTIMONY
John P. Murray, Ph.D.
Manhattan, Kansas

before the
Federal and State Affairs Committee

Hearing, 16 February 1994

Mr. Chairman and Members of the Federal and State Affairs Committee, I would like to thank you for giving me the opportunity to testify in support of House Bill No. 2962 concerning criminal possession of weapons.

I am John P. Murray, Professor and Head of the Department of Human Development and Family Studies at Kansas State University. My professional interest in this area stems from almost 25 years of research and teaching about violence in society. Although my principal interest has been focused on the impact of media violence on the aggressive behavior of children and youth, I have become aware of the harmful effects of easy access to lethal weapons. It is in this regard, therefore, that I would like to express my support for H.B. 2962 as a means of reducing the lethal consequences of the use of weapons.

Table 1, overleaf, is a summary of Centers for Disease Control statistics on Firearm deaths during the period 1984 to 1990. It can be noted that there were over 37,000 firearm-related deaths recorded in one year (1990). Also, Table 2 is a summary of FBI Uniform Crime Reports on the types of firearms used in murders during 1988-92. Here, it can be noted that the numbers of murders have increased from around 11,000 to over 15,000 during that five year period using handguns, rifles, shotguns and other unspecified firearms. While there is not clear historical data on assault weapons, because the FBI did not identify this class, they are likely to be implicated in these escalating deaths. Finally, in Table 3, it can be noted that among the various causes of firearm deaths in 1990, police shootings or self defense by citizens account for less than 1% of these 37,000 deaths.

Clearly, easy access to lethal weapons is part of the reason for the ever expanding number of firearm deaths in the United States. And, as we know from almost daily news reports, access to assault weapons produces the shocking multiple murders and mass injury that we have witnessed in recent years. In addition to the 37,000 deaths in 1990, there were 240,000 nonfatal injuries in the previous year. The CDC estimates that firearm injuries and deaths in 1985 cost over \$14 billion and that 80% of these costs were paid for by taxpayer dollars. I would urge you to take action to reduce both the social and economic costs of firearm injury and death and increase the safety of the citizens of Kansas by enacting House Bill No. 2962.

Thank you for your consideration of these comments. I would be happy to answer any questions.

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Table 1
Firearm Suicide, Homicide and Total Deaths for
All Races and Both Sexes, 1984-90

Year	Suicide	Homicide	Total Deaths
1984	17113	11815	31331
1985	17363	11836	31566
1986	18153	13029	33373
1987	18136	12657	32895
1988	18169	13645	33989
1989	18178	14464	34776
1990	18885	16218	37155

Source: Centers for Disease Control, 1993.

Table 2
Murder by Type of Firearm, 1988-92

Year	Handguns	Rifles	Shotguns	Other/DK	Total
1988	8147	753	1105	890	10895
1989	9013	865	1173	784	11832
1990	10099	746	1245	945	13035
1991	11497	745	1124	1007	14373
1992	12489	698	1104	1086	15377

Source: FBI Uniform Crime Reports, 1992.

Table 3
Firearm Deaths by Cause, 1990

Suicide	51%
Criminal Homicide	44%
Accidents	4%
Self Defense	1% (less than)
Police Shootings	1% (less than)

Source: Centers for Disease Control, 1993.



KCSDV

**KANSAS COALITION AGAINST
SEXUAL & DOMESTIC VIOLENCE**

820 Quincy Suite 416 Topeka, KS 66601 (913) 232-9784

Federal and State Affairs Committee
February 16, 1994
Re: HB 2962

Representative Graeber and Members of the Committee :

My name is Patricia Bledsoe. I am the Executive Director of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV).

The Kansas Coalition Against Sexual and Domestic Violence is comprised of 28 programs across the State of Kansas. My purpose in being here today is to represent KCSDV in its support of HB 2962 which makes possession of assault weapons a criminal offense.

All of the counties in Kansas are served by one of the KCSDV member programs. It might be helpful to some of you to know that when I am making reference to member programs, I am including shelters in Kansas which provide a safe location for victims of sexual assault and domestic violence. I use the word "programs" as a way of identifying the broad range of services beyond just shelter available through KCSDV members. In 1992, the coalition programs responded to more than 35,000 crisis calls and sheltered 2,920 women and 3,208 children. In addition, the programs provided 12,039 women and 6,311 children services other than shelter. Of all of these incidents, 1,015 involved weapons. (Statistics compiled by the Attorney General's Victims' Rights Program from information obtained through a survey of 26 domestic violence programs.)

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Injuries to women and children are nearly twice as likely to take place if the perpetrator is a husband or boyfriend than if the attacker is a stranger (Bureau of Justice Statistics between 1990 and 1991). In 1992, more than 3,384 women received some type of physical injury. These injuries included various types of sexual and/or physical assaults ranging from bites, bruises and broken bones, gun and knife wounds and in some cases even death. That same year, there were 146 victims of homicides in Kansas alone. Of the 146 incidents resulting in homicides, thirty of these homicides occurred in domestic situations, most of them took place in the victim's home. Of 27 domestic violence-related murders, nine victims were male and 18 victims were female.

I have presented to you today an overview of the real presence of domestic violence in our state. I hope through my testimony each of you has become more aware of the real threat that a weapon in the hands of an abuser can be to the women and children in our society. I have worked time and time again with women who have come into a program fearing that their abuser will attempt to kill them or their children. I have sat by the bedside of women who have been shot by their husbands or boyfriends and I know their fear, I have witnessed their physical and emotional pain. Please know that members of KCSDV will support any attempt to eliminate violence in our society. It is our opinion that HB 2962 is one such attempt.

Thank you for giving me this opportunity to speak to you today.

Respectfully,

Patricia A. Bledsoe, LSCSW
Executive Director, KCSDV



Bringing lifetimes of experience and leadership to serve all generations.

KANSAS STATE LEGISLATIVE COMMITTEE

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Wichita, KS 67202
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CAPITAL CITY TASK
FORCE COORDINATOR
Mr. Frank Thatcher
215 SE Willow Way
Topeka, KS 66609
(913) 862-4833

FEDERAL AND STATE COMMITTEE

RE: HOUSE BILL NO. 2962

An Act concerning Crimes and Punishment: Creating the crime of criminal possession of assault weapons.

All types of crime has increased, the criminal when apprehended is usually released after serving only a fraction of the sentence time, allowing them to commit further crimes. Every evening we watch on the news a segment on a recent murder or some other serious crime.

These crimes are in most case against the elderly and those with disabilities. This type of crime is a different type of crime than what is inflicted on the general population. Senior citizens have the right to be safe in their homes and their neighborhoods. Only a small number of abused senior citizens ever report the crime inflicted upon them, due to fear of reprisal.

Every Kansan has the right to be free from crime and fraud. Citizens must have their protection assured. The police and public must work together to stop the crime wave, that has continued to grown for the last 20 years.

We need House Bill No.2962 to limit the possession of assault weapons. To aid the law enforcement agencies in their efforts to keep the criminals off of the streets.

Cordially

George G. Schnellbacher
Capital City Task Force, AARP

F & SA
2-16-94
Atch #13

THE NATIONAL ORGANIZATION FOR WOMEN

KANSAS CHAPTER
P O BOX 3089
WICHITA, KS 67201

As Kansas Coordinator for the National Organization For Women I ask for your attention today in support of the bill presented by Representative Hochhauser.

NOW is an organization pledged and dedicated to equality for women. In that pursuit, we believe in lawful means, peaceful means. We are devoted to non-violent means in securing our goals. We agree with Coretta Scott King and Dr Martin Luther King, Eleanor Roosevelt, Jane Adams and many other Americans that weapons of mass destruction have no place in our society.

Assault weapons are constructed only for human destruction. Their use is epitomized in the many violent, gory, murderous movies currently in vogue which sanctify the killing of innocent women and children. They are used to kill thousands, wantonly with no regard for human concern in Bosnia and Northern Ireland. They are the weapons of choice of guerrilla groups such as the IRA, the Ulster Defense Forces, Red October, Islamic Jihad and other bands of killers bent on the taking of life simply for terrorism.

There is no legitimate rationale presented by the NRA or other affiliated groups that can adequately defend the manufacture, sale or possession of such weapons to non-military or non-law enforcement personnel. We hesitate to insult your intelligence by mentioning that the use of such weapons for so-called hunting purposes is to ludicrous as to be only for the purposes of casting a smoke screen before the legislature. Assault weapons would blow away wildlife legitimately hunted, by license, for sport.

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Assault weapons are only manufactured for their use against humans and this must not be allowed. We ask your support for this bill and urge you to vote positively to send it on for full debate and passage.

Thank you.

COLLEEN KELLY JOHNSTON
COORDINATOR
KANSAS CHAPTER
THE NATIONAL ORGANIZATION
FOR WOMEN

KANSAS HIGHWAY PATROL
TESTIMONY BEFORE
THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
REGARDING 1994 HB 2962

Mr. Chairman and Members of the Committee:

I am Lt. Colonel Terry Scott and I appear before you today on behalf of Colonel Lonnie McCollum, Superintendent of the Patrol in support of HB 2962.

This bill as you are aware, is intended to deal with the issue of "Assault Weapons". The position of the Patrol in this matter is simply that there are certain weapons which have little, if any, practical value for sportsman, hunters, target shooters or for an individual's personal or property protection.

As an agency, we have found it necessary in the past to deal with this very issue. As law enforcement officers, our troopers have over the years been given permission to carry a "second" firearm as a back-up to their issued pistol. On at least two occasions, these back up weapons have been credited with saving the trooper's life or at least preventing injury. Certain restrictions have always been established concerning these weapons, such as providing a description including the serial number of the weapon and the caliber of the weapon.

A few years back, the issue of whether a Trooper should be carrying an "assault-type" weapon as a back up was raised. At that time it was decided by Patrol management the back up weapons were not intended as a defensive weapon and assault weapons were inappropriate for the intended, stated purpose. That decision has continued to today. However, in attempting to define an "assault" weapon, our agency encountered the same difficulty that you find in this bill, i.e. prohibiting some without compromising others that were not obviously intended.

The principal concerns that we find with this bill as it is written are:

#1. Law enforcement agencies, including the Patrol, currently issue to their personnel weapons which would be forbidden by this bill. Our agency issues the Ruger Mini-14 both with and without the folding stock. Other agencies commonly use the Colt AR15 which would be prohibited as a semi-automatic version of a fully automatic weapon (the military M-16).

FvSA
2-16-94
Atch #15

#2. The listing of guns which are permitted would result in confusion and difficulty for law enforcement officers simply due to the numbers involved.

#3. Many legitimate handguns have been purchased with magazines which exceed the ten (10) round limit in this bill. It would appear to be unfair to those owners who own those firearms to now prohibit them from owning same.

In conclusion, as a public safety agency, we are extremely concerned about the safety of the citizens we serve. As Colonel McCollum stated, "You don't hunt deer with a machine gun". Assault weapons are designed for one purpose--shooting people, and as such, fill no legitimate space in the firearm family tree.



Because all children need someone who cares...
**Kansas Action
 for Children, Inc.**
 A non-profit, tax-exempt organization.

715 SW 10th Suite 215
 PO Box 463
 Topeka, Kansas 66601-0463
 Phone: (913) 232-0550
 Fax: (913) 232-0699

Johannah Bryant
 Executive Director

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TESTIMONY TO: HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

RE: H.B. 2962

BY: SYDNEY HARDMAN

FEBRUARY 16, 1994

I am here today on behalf of two organizations — Kansas Action for Children, Inc., and the Children’s Coalition. Both organizations strongly recommend H.B. 2962 and urge favorable action on the bill.

H.B. 2962 is one part of the vision that child advocates have for all children in our state. Think of your own child, grandchild, or another child who is important to you.

— DO YOU WANT THAT CHILD TO HAVE ACCESS TO HEALTH CARE?

11% of the children in this state don’t have health care coverage.

— DO YOU WANT THAT CHILD TO HAVE ACCESS TO QUALITY CHILD CARE?

There are currently waiting lists all over this state for child care assistance while parents work.

— DO YOU WANT THAT CHILD TO HAVE ACCESS TO ALCOHOL AND DRUGS?

In a recent survey of youths grades 5-12, 11.9% use alcohol regularly, and over 27% say they have used drugs.

— DO YOU WANT THAT CHILD TO BE FREE FROM VIOLENCE AT HOME AND IN THE COMMUNITY?

Our rates of child abuse continue to increase, and the teen violent death rate in Kansas increased 17% in 1992 over the average of the preceding five years.

These are only a few of the elements of a vision for all of our children, but they are an important beginning. H.B. 2962 is a first step in decreasing access to weapons by our young people and decreasing the violence surrounding our children. Even one assault weapon in the hands of a juvenile in Kansas is one too many; even one child in Kansas who must face such a weapon is one too many. I can think of no use of such a weapon or no right of an adult to own such a weapon which is worth the life of a child. I urge the passage of H.B. 2962.

F+SA
 2-16-94
 Atch #16

I DEFINE PROBLEM too much murder/violent crime

II DEFINE CAUSE :

A Bad family situations

① Abuse: physical, sexual, drug, mental

② No values: parents too busy; in jail; or criminals themselves IE
16 kids of welfare mother in Illinois crack house

③ Welfare; promotes low self-esteem

④ Unemployment; promotes low self-confidence

⑤ Boredome; idle mind is devils workshop

B Desperation / Frustration / Anger

D Find a vehicle to get to an outlet; Guns / weapons

C Outlet; Crime

Note: Crime is like a snake; If you cut-off the tail end, it can still bite you. If you cut-off its' head, you're safe.

III

SOLUTIONS

(A) ① INSTANT Background checks: NO guns for previous felons or mental cases

this is a compromise

② No gun licenses or registration but since a hunting license requires a hunters safety course then gun ownership requires gun safety (which is covered in hunters safety). ③ Course could be of 3 classes ie handgun, rifle, shotgun. ④ Course could include legalities of the use of deadly force, trespassing

Compromise because NO other right in the Bill of Rights requires a license to enjoy

③ Similar to South Dakota's current law, make available to non-felons & mentally unstable, concealed carry permits.

(C) ① Pass "Three Strikes and You're Out"

② Reinstate the Death Penalty

③ No Parole - "Truth in Sentencing"

④ No Parole without ① graduation ② trade skill ③ counseling (provided in prison)

⑤ build more prisons

⑥ Expand prison capacity - low cost - 2 or 3 rotating shifts in current prisons

⑦ Make it a crime with mandatory minimum sentence for committing ANY crime with ANY firearm

A+B

① No welfare: replace with 100% tax credits for donations to churches + charities (Even if $<$ the amount required to itemize deductions. Prevent fraud; if $>$ X% goes to administration, X+ goes to state. Layoff SRS can work for private charities - government is smaller and money is saved

② Instead of welfare have workfare: for every X dollars, you serve X hrs on community service or you don't get it - recipients get multiple choice (hrs + jobs). ACLU and U.S. Federal mandates / bribes can be lived without.

③ Keep school buildings open after school hrs - low cost - ^{helps} solves juveniles crime and welfare problems simultaneously

④ For extra credit, kids could ^{informally} teach adults/welfare recipients

⑤ Welfare recipients could earn community service hrs as janitors, teachers - etc (SRS could be shopworkers)

Informal, short term classes: ie computers, basic math, refresher

⑥ Gyms/classrooms open for student recreation

⑦ keeps bored people constructively busy - not destructively criminal

Thankyou for killing this Bill

Sincerely,

Craig Korth

TO: House Fed & State Com(tee



From: Craig Korth
3969 Deep Creek Rd
Manhattan, KS 66502
(913) 537-4239

CRIME IN KANSAS 1992

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STATISTICAL ANALYSIS CENTER



Rifles 70

MURDER AND NON - NEGLIGENT MANSLAUGHTER
TYPE OF WEAPON
1992

TYPE OF WEAPON	NUMBER	PERCENT OF TOTAL*
HANDGUN	79	54.1
RIFLE	5	3.4
SHOTGUN	3	2.1
KNIFE	16	11.0
BLUNT OBJECT	8	5.5
PERSONAL WEAPON	15	10.3
STRANGULATION	4	2.7
OTHER OR UNKNOWN	16	10.9
TOTAL	146	100.0

MURDER AND NON - NEGLIGENT MANSLAUGHTER
RELATIONSHIP OF VICTIM TO OFFENDER
1992

RELATIONSHIP	NUMBER	PERCENT OF TOTAL*
FAMILY		
HUSBAND	2	1.4
WIFE	5	3.4
COMMON-LAW HUSBAND	1	0.7
COMMON-LAW WIFE	1	0.7
EX-WIFE	2	1.4
MOTHER	1	0.7
SON	1	0.7
DAUGHTER	3	2.1
BROTHER	2	1.4
IN-LAW	1	0.7
STEPDAUGHTER	1	0.7
OTHER FAMILY	3	2.1
FAMILY TOTAL	23	15.8
OTHER		
ACQUAINTANCE	32	21.9
BOYFRIEND	3	2.1
GIRLFRIEND	4	2.7
EX-GIRLFRIEND	2	1.4
EMPLOYEE	1	0.7
FRIEND	5	3.4
STRANGER	30	20.5
CANNOT BE DETERMINED	46	31.3
OTHER TOTAL	123	84.2
TOTAL	146	100.0

*All percentages rounded.

SOURCE: 1992 Kansas Bureau Of Investigation Statistical Analysis
(obtained From Kansas' Capital Library)

17-5

RAPE
RELATIONSHIP OF VICTIM TO OFFENDER
1992

RELATIONSHIP	NUMBER	PERCENT OF TOTAL*
WIFE	36	3.5
COMMON-LAW WIFE	12	1.2
EX-WIFE	22	2.1
DAUGHTER	6	0.6
STEP-DAUGHTER	11	1.1
MOTHER	2	0.2
SISTER	7	0.7
IN-LAW	3	0.3
OTHER FAMILY	15	1.4
GIRLFRIEND	37	3.5
EX-GIRLFRIEND	54	5.2
FRIEND	72	6.9
NEIGHBOR	1	0.1
ACQUAINTANCE	346	33.2
EMPLOYEE	4	0.4
STRANGER	274	26.3
UNKNOWN	141	13.3
TOTAL	1,043	100.0

RAPE
TYPE OF WEAPON
1992

WEAPON	NUMBER	PERCENT OF TOTAL*
KNIFE	58	5.6
HANDGUN	63	6.0
SHOTGUN	6	0.6
PERSONAL WEAPON	409	39.2
OTHER	68	6.5
NO WEAPON INVOLVED	438	42.0
UNKNOWN	1	0.1
TOTAL	1,043	100.0

5.6
6.0
0.6
39.2
6.5
42.0
0.1

NON-FIREARM
93.3%

IE; Bat, hammer →

*All percentages rounded.

good reason for
Firearms—home protection

ROBBERY
LOCATION OF OFFENSE*
1992

LOCATION	NUMBER	PERCENT OF TOTAL**
STREET	1,147	35.1
RESIDENCE	377	16.4
COMMERCIAL	536	4.1
GAS STATION	133	17.5
CONVENIENCE STORE	572	11.6
BANK	66	2.0
OTHER	433	13.3
TOTAL	3,264	100.0

ROBBERY
WEAPON USED*
1992

WEAPON	NUMBER	PERCENT OF TOTAL**
FIREARM	1,387	42.5
KNIFE OR OTHER CUTTING INSTRUMENT	281	8.6
PERSONAL WEAPON (HANDS, ETC.)	1,113	34.1
OTHER WEAPONS	483	14.8
TOTAL	3,264	100.0

Non gun

*Total includes all reporting agencies.

**All percentages rounded.

SOURCE: Kansas Bureau Of Investigation Statistical Analysis
 (obtained from Kansas' Capital Library)

SIMPLE ASSAULT / BATTERY
 LOCATION OF OFFENSE*
 1992

LOCATION	NUMBER	PERCENT OF TOTAL**
STREET	3,944	13.7
SINGLE RESIDENCE	12,468	43.3
MULTIPLE RESIDENCE	4,759	16.6
COMMERCIAL	1,121	3.9
GAS STATION	135	0.5
CONVENIENCE STORE	331	1.2
PHARMACY / DOCTOR OFFICE	24	0.1
PUBLIC BUILDING	1,183	4.1
RESTAURANT	297	1.0
STORAGE / WAREHOUSE	18	0.1
TAVERN / BAR / LIQUOR	1,347	4.7
VEHICLE	601	2.1
BANK	8	0.1
OPEN AREA (PARK, FIELD, ETC.)	1,468	5.1
OTHER	1,071	3.8
TOTAL	28,785	100.0

SIMPLE ASSAULT / BATTERY
 WEAPON USED*
 1992

WEAPON	NUMBER	PERCENT OF TOTAL**
NO WEAPON	1,575	5.5
HANDGUN	204	0.7
SHOTGUN	31	0.1
RIFLE	30	0.1
KNIFE	199	0.7
PERSONAL WEAPON (HANDS, ETC.)	24,588	85.4
OTHER WEAPONS	2,158	7.5
TOTAL	28,785	100.0

} Firearms < 1%

*Above location and weapons profile can only be obtained from those agencies that report on Incident Based Reporting System. Therefore, the numbers given in this table do not match the total number reported in a combined table.

**All percentages rounded.

ASSAULTS ON LAW ENFORCEMENT OFFICERS
OCCURRENCE OF INJURY BY WEAPON
1992*

WEAPON	WITH INJURY	WITHOUT INJURY	TOTAL
FIREARM	5	35	40
KNIFE	3	6	9
OTHER WEAPON	13	57	70
PERSONAL WEAPON	146	946	1,092
TOTAL	167	1,044	1,211

NON-Firearm

ASSAULTS ON LAW ENFORCEMENT OFFICERS
WEAPON USED BY CIRCUMSTANCES
1992*

CIRCUMSTANCE	FIREARM	KNIFE	OTHER WEAPON	PERSONAL WEAPON	TOTAL
DISTURBANCE	17	7	26	401	451
BURGLARY	1	0	2	5	8
ROBBERY	3	0	0	2	5
OTHER ARREST	4	0	13	222	239
CIVIL DISORDER	0	0	2	8	10
PRISONERS	0	0	5	94	99
SUSPICIOUS	7	0	5	61	73
AMBUSH	0	0	0	1	1
MENTALLY DISTURBED	1	0	0	10	11
TRAFFIC	4	2	12	157	175
ALL OTHER	3	0	5	131	139
TOTAL	37	9	70	1,092	1,211

$3\% = \frac{40}{1211}$

*Totals include all reporting agencies.

17-9

SOURCE: Statistical Profile of the FY 1990 Offender Population
 K.D.O.C. Nov 90.

Prepared by Div. of Mgt. Services Planning & Information - Analysis Unit

Table 5

Yearly Admissions and Releases: FY 1980 - FY 1990*

***** Admissions *****

Types of Admission

Admissions by Court Action	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<u>Court Commitments:</u>											
New Court Commitment	1107	1296	1451	1588	1535	1303	1503	1537	1723	2113	2295
Aggravated Juvenile Delinquency	6	4	12	13	11	11	8	7	9	0	3
Probation Violator, No New Sentence	82	143	180	178	221	217	240	256	237	264	207
Probation Violator, New Sentence	56	73	97	107	103	114	93	153	121	65	81
Parole Violator, New Sentence	144	221	212	236	246	148	155	186	191	212	216
Conditional Release Vio., New Sent.	4	7	6	4	3	10	7	11	13	26	38
Subtotals: Court Commitments	1399	1744	1958	2126	2119	1833	2006	2150	2294	2680	2840
Presentence Evaluation	63	70	56	48	22	31	25	34	32	31	17
Return from Court Appearance	30	28	30	29	27	37	37	42	57	50	57
Subtotals: Admissions by Court Action	1492	1842	2044	2203	2168	1951	2068	2226	2383	2761	2914
<u>Returns by Dept. of Corrections Action</u>											
Parole Violator, No New Sentence	160	215	183	202	241	249	319	379	514	640	872
Conditional Rel. Violator, No New Sent.	0	0	2	0	1	5	15	14	50	75	82
Escapee Returned	12	11	14	8	15	8	9	15	13	14	26
Subtotals: Returns by D.O.C. Action	172	226	199	210	257	262	343	408	577	729	980
<u>Inter-jurisdictional Transfers</u>											
Interstate/Federal Compact Received	14	12	17	21	21	17	21	29	25	17	17
Kansas Inmate Ret. from Another Juris.	8	12	6	14	11	13	11	12	15	16	18
Subtotals: Inter-juris. Transfers	22	24	23	35	32	30	32	41	40	33	35
Totals: All Types of Admission	1686	2092	2266	2440	2457	2243	2443	2675	3000	3523	3929

16

17-10

letting them out faster than they're going in. How's that possible if crime is going up?!

?

Table 5 (cont.)

***** Releases *****

Types of Release	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Parole											
Parole In-state	1019	955	1103	1072	747	774	913	933	1153	1697	2358
Parole Out-of-state (Compact)	206	184	189	251	181	220	247	196	257	357	375
Parole to Detainer	3	8	32	69	49	57	91	64	96	122	238
Reparole	6	21	20	7	20	12	5	0	14	5	3
Subtotals: Parole	1234	1168	1344	1399	997	1063	1256	1193	1520	2101	2974
Conditional Release											
Expiration of Sentence	51	58	43	46	90	86	101	146	287	273	500
Commutation or Pardon	0	1	1	1	5	0	7	21	50	77	99
	0	0	0	0	2	1	1	0	0	0	0
Inter-jurisdictional Transfers											
Kansas Inmate Released for Housing	17	11	22	21	18	27	16	13	18	16	17
Interstate/Fed. Inmate Returned	7	10	2	16	16	14	23	14	24	14	14
Subtotals: Inter-juris. Transfers	24	21	24	37	34	41	39	27	42	30	31
Court-ordered Releases											
Probation	323	290	324	405	455	340	380	332	321	533	525
Returned Parolee Placed on Probation	12	6	7	3	0	0	0	0	0	1	0
Released on Appeal Bond	10	4	4	4	5	6	5	12	27	11	12
Presentence Returned to Court	53	63	46	41	22	28	22	31	29	25	14
Released for Court Appearance	35	107	129	112	216	149	187	229	339	224	257
Other Final Release by Court Order	7	6	4	8	7	4	4	11	14	7	9
**Subtotals: Court-ordered Releases	440	476	514	573	705	527	598	615	730	801	817
Escape											
Death (All Causes)	17	18	10	15	5	13	15	15	17	32	7
	4	11	5	5	7	6	10	9	18	14	11
	****	****	****	****	****	****	****	****	****	****	****
Totals: All Types of Release	1770	1753	1941	2076	1845	1737	2027	2026	2664	3408	4439
Difference: Admissions Over Releases	(84)	339	325	372	612	506	416	649	336	115	(510)

Note: A number in parentheses is a negative value.

*The data represent "total admissions" and "total releases" as defined in Table 4 footnotes.

17

17-11

- Nearly half (44%) of the population was serving minimum terms of three years or less.

[SEE Table 16: Distribution of the Inmate Population by Felony Class and Criminal Offense: Comparison of Fiscal Years 1983 - 1990 -- page 45; and

Table 17: Structure of Controlling Sentences: June 30, 1990 Inmate Population (Comparison with Previous Years) -- page 51]

Average Length of Stay

- Average length of stay for FY 1990 parolees (all cases):

see class definitions on pages 45-47

<u>Felony Class</u>	<u>Average Stay in Months</u>
A	193.3
B	63.8
C	28.1
D	15.7
E	8.7
All Classes	25.1

- Again, due in part to the effects of Senate Bill 49, the average length of stay of parolees was shorter by 3.2 months or 11% from last year.

<u>Fiscal Year,</u>	<u>Average Stay in Months (All Felony Classes Combined)</u>
1983	16.2
1984	18.2
1985	19.3
1986	21.0
1987	22.9
1988	24.9
1989	28.3
1990	25.1

- For the FY 1990 admissions population, the overall projected average time to serve to earliest possible release, all felony classes combined, is 18.2 months. This represents a slight increase (0.8 months or 5%) from the average of 17.4 months previously projected for FY 1989 admissions.

580 → Three Strikes → Life (OR Really 16 Years — See Page 53)

Table 10 (cont.)

**Characteristic	Facility of Confinement													
	Totals	LCF	HCF	NCF	ECF	TCF	WCF	OCF	TCWF	EDCHF	WRF	LSH	FSWRC	CJP
Number of Previous Felony Convictions														
None	2945	811	755	326	268	399	120	35	39	60	47	63	1	21
1	1186	355	351	104	95	103	61	21	16	23	14	30	3	10
2	664	224	171	64	55	56	38	3	9	8	14	11	1	10
3	313	139	77	17	24	22	15	5	1	4	4	3	0	2
4 or more	267	129	73	13	16	15	5	1	3	3	5	4	0	0
Unknown	302	182	65	15	9	15	4	1	2	1	1	5	0	2
Totals	5677	1840	1492	539	467	610	243	66	70	99	85	116	5	45
Number of Previous Incarcerations														
None	3692	1016	958	403	338	475	161	51	49	78	57	79	3	24
1	866	307	238	64	65	71	45	8	13	9	11	23	0	12
2	421	171	118	36	27	25	21	2	3	4	6	4	0	4
3	152	70	35	9	11	9	7	4	1	0	5	0	0	1
4 or more	103	49	31	5	7	5	0	0	1	2	1	2	0	0
Unknown	443	227	112	22	19	25	9	1	3	6	5	8	2	4
Totals	5677	1840	1492	539	467	610	243	66	70	99	85	116	5	45
Felony Class of Most Serious Current Offense														
A	445	235	131	24	27	14	1	0	2	2	3	4	0	2
B	1271	499	400	83	101	59	33	3	8	25	16	30	0	14
C	1579	424	424	162	121	190	72	26	33	43	32	32	0	20
D	1359	383	350	134	125	159	74	22	19	24	25	35	4	5
E	813	210	145	119	74	159	55	15	8	4	8	13	0	3
Unavail. or Unknown	210	89	42	17	19	29	8	0	0	1	1	2	1	1
Totals	5677	1840	1492	539	467	610	243	66	70	99	85	116	5	45

*The population includes, in addition to inmates actually housed in correctional facilities on June 30, 1989, all offenders in the following physical locations: state hospital, contract jail placement, contract work release, out for medical care, and out on furlow. Excluded from the population are offenders out for court appearances, inmates serving Kansas sentences while housed in out-of-state facilities under compact agreement, inmates serving in absentia (inmates housed in other jurisdictions while serving Kansas sentences concurrently with sentences of other jurisdictions), escapees, offenders confined in local detention facilities, and all offenders on parole or probation status.

**All characteristics reflect status on June 30, 1990 (or time calculated from that date) except "Education Level" which is as reported upon admission. The total number of inmates for which information was available varies with the type of characteristic assessed.

Note. See Preface, pages vi and vii, for list of facility abbreviations.

17-13

Table 16

helps define Table 18 crimes

Distribution of the Inmate Population
by Felony Class and Criminal Offense:
Comparison of Fiscal Years 1983 - 1990*

Kansas Statute	Offense Description	1983	1984	1985	1986	1987	1988	1989	1990
Number of Inmates (June 30)									

Class A Felonies									

21-3401	**Murder, First Degree	204	232	247	260	280	301	304	325
21-3421	Aggravated Kidnapping	70	79	91	100	107	110	114	117
65-4127A3	Drug Offense	0	0	0	0	1	1	1	3
Total Class A Felonies		274	311	338	360	388	412	419	445
Class B Felonies									

21-3401	Murder, First Degree (A/C/S)	2	3	5	8	12	11	17	17
21-3402	**Murder, Second Degree	121	144	141	158	171	178	183	170
21-3415	Aggravated Battery on a Law Enforcement Officer	6	9	8	12	11	13	14	14
21-3420	Kidnapping	123	136	149	155	174	189	181	157
21-3421	Aggravated Kidnapping (A/C/S)	0	1	1	1	0	1	2	2
21-3427	**Aggravated Robbery	486	530	574	617	662	687	603	528
21-3502	***Rape	105	128	145	166	188	205	207	197
21-3504	Agg. Indecent Liberties with a Child (and Indecent Liberties with a Ward)	1	3	11	13	14	13	11	10
21-3506	Aggravated Sodomy	58	72	89	105	114	126	135	129
21-3719	Aggravated Arson	8	9	10	12	15	17	20	23
65-4127A	Drug Offense	4	3	4	5	2	6	13	24
Total Class B Felonies		914	1038	1137	1252	1363	1446	1386	1271
Class C Felonies									

21-3401	Murder, First Degree (A/C/S)	4	4	4	3	7	7	5	6
21-3402	Murder, Second Degree (A/C/S)	2	7	7	6	6	5	4	5
21-3403	Voluntary Manslaughter	68	67	67	71	74	75	72	68

45

17-14

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)							
		1983	1984	1985	1986	1987	1988	1989	1990

Class C Felonies (cont.)									

21-3411	Aggravated Assault on a Law Enforcement Officer	28	23	23	31	34	38	33	29
21-3414	Aggravated Battery	125	155	183	202	224	228	207	196
21-3415	Aggravated Battery on a Law Enforcement Officer (A/C/S)	0	0	0	0	0	0	1	1
21-3420	Kidnapping (A/C/S)	2	3	2	4	7	7	10	5
21-3421	Aggravated Kidnapping (A/C/S)	2	2	4	5	3	3	2	1
21-3426	Robbery	184	222	226	244	234	242	249	210
21-3427	Aggravated Robbery (A/C/S)	12	22	26	30	28	37	37	32
21-3502	***Rape	22	30	32	36	38	48	50	42
21-3503	Indecent Liberties with a Child	58	86	130	186	238	265	269	266
21-3504	Agg. Indecent Liberties with a Child (and Ind. Lib. with a Ward) (A/C/S)	0	0	2	2	2	1	0	0
21-3506	Aggravated Sodomy (A/C/S)	2	4	6	11	14	14	17	12
21-3716	Aggravated Burglary	41	48	76	83	95	113	100	93
21-3718	Arson	33	38	47	61	62	60	60	59
21-3719	Aggravated Arson (A/C/S)	0	1	1	2	4	2	3	3
21-3753	Grain Embezzlement	0	0	0	0	0	0	1	0
21-38051	Perjury (Made in Felony Trial)	3	2	1	2	1	0	0	0
65-41261	Drug Offense	1	0	0	0	0	0	0	0
65-4127A	Drug Offense	0	0	0	0	0	0	0	0
65-4127A1	Drug Offense	36	50	74	75	94	161	250	337
65-4127BB	Drug Offense	66	84	133	142	193	204	212	214
Total Class C Felonies		689	848	1044	1196	1358	1510	1582	1579

Class D Felonies									

21-3401	Murder, First Degree (A/C/S)	1	1	1	2	1	2	2	0
21-3420	Murder, Second Degree (A/C/S)	0	0	0	0	0	0	0	1
21-3403	Voluntary Manslaughter (A/C/S)	0	0	0	1	1	2	2	1
21-3404	Involuntary Manslaughter	4	15	23	30	31	37	35	28
21-3405A	Aggravated Vehicular Homicide	0	0	0	0	0	0	0	1
21-3410	Aggravated Assault	71	91	110	121	130	127	116	126
21-3411	Aggravated Assault on a Law Enforcement Officer (A/C/S)	0	0	0	2	2	5	7	5

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)							
		1983	1984	1985	1986	1987	1988	1989	1990
----- Class D Felonies (cont.) -----									
21-3414	Aggravated Battery (A/C/S)	8	14	18	21	24	25	26	25
21-3422	Aggravated Interference with Parental Custody	0	0	0	0	0	0	2	1
21-3426	Robbery (A/C/S)	12	13	17	23	34	29	39	37
21-3503	Indecent Liberties with a Child	2	3	10	24	28	30	36	36
21-3506	Aggravated Sodomy (A/C/S)	0	0	0	0	1	1	1	1
21-3509	Enticement of a Child	3	7	8	8	10	11	6	8
21-3516	Sexual Exploitation of a Child	0	0	0	0	0	1	1	0
21-3518	Aggravated Sexual Battery	0	2	18	33	46	68	86	78
21-3603	Aggravated Incest	6	6	8	15	25	46	66	58
21-3609	Abuse of a Child	0	0	1	7	8	13	13	14
21-3701	****Theft	375	417	400	287	245	191	139	83
21-3704	****Theft of Services	0	2	2	0	0	0	1	1
21-3708	****Habitual Giving of Worthless Checks	7	10	7	5	3	1	1	2
21-3710	****Forgery	104	126	111	66	62	52	61	21
21-3711	Marking a False Writing	3	5	3	4	2	9	13	12
21-3715	****Burglary	550	673	720	738	850	899	854	663
21-3716	Aggravated Burglary (A/C/S)	2	6	10	14	18	19	18	14
21-3718	Arson (A/C/S)	1	1	1	1	8	11	12	5
21-3805	Perjury (Made in Felony Trial)(A/C/S)	0	0	0	0	2	2	0	1
21-3901	Bribery	0	0	1	2	1	1	1	0
21-4105	Inciting a Riot	0	0	0	1	1	1	0	0
21-42041	Unlawful Possession of Firearms	13	14	16	18	27	23	20	18
21-4209A	Possession of Explosives	0	0	0	1	1	2	0	0
65-4127A1	Drug Offense	1	1	3	3	10	23	50	57
65-4127B	Drug Offense	9	7	6	3	3	5	11	11
65-4127BA	Drug Offense	14	10	18	20	34	33	22	14
65-4127BB	Drug Offense	2	7	8	14	20	26	43	37
		-----	-----	-----	-----	-----	-----	-----	-----
	Total Class D Felonies	1188	1431	1520	1464	1628	1695	1684	1359

Life For Murder Really means Just 16 years

Table 18

Average Length of Stay in Correctional Facilities, by Felony Class of Offense and Sentence Minimum: Offenders Paroled During Fiscal Years 1983 - 1990*

Cases in Which Neither the Habitual Criminal Nor Mandatory Sentence Statute Was Imposed

Felony Class and Minimum	FY 1983		FY 1984		FY 1985		FY 1986		FY 1987		FY 1988		FY 1989		FY 1990	
	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)
Murder → Class A Life = 16 yr	1	180.00 **	2	180.00 **	2	180.00 **	1	180.00 **	1	180.00 **	1	180.00 **	0	206.86	6	195.50
→ Class B 10 Year = 6 yr	6	58.24	7	34.82	1	52.30	1	108.40	4	12.34	1	63.70	16	80.28	24	74.36
4-5 Year	40	31.39	29	41.03	29	34.84	23	40.16	22	46.68	52	55.05	80	53.42	101	47.51
Other Minimums	6	69.03	5	53.88	3	45.92	4	38.82	1	39.00	13	73.41	17	79.55	35	78.99
All Class B	52	38.83	41	41.54	33	36.37	28	42.41	27	43.16	66	58.79	113	61.16	160	58.43
Assault Battery	Class C															
5 Year	18	30.57	14	32.20	11	34.07	24	43.47	25	43.22	44	49.19	50	48.23	56	43.57
4 Year	2	36.82	3	24.03	4	35.18	4	41.19	13	42.23	19	37.02	25	39.34	41	34.62
3 Year	27	25.17	27	21.13	47	24.67	78	29.33	117	30.96	108	31.33	170	28.19	205	23.45
2 Year	42	16.08	56	17.69	10	17.21	10	12.37	3	22.21	8	23.98	7	13.20	3	7.79
1 Year	89	9.19	23	11.09	20	21.83	11	12.58	10	15.15	11	25.92	9	13.42	14	8.20
All Class C	178	15.71	123	19.02	92	24.82	127	29.59	168	32.56	190	35.41	261	32.18	399	26.76
Rape Sodomy	Class D															
3 Year	76	21.48	61	20.67	79	24.13	116	25.84	72	29.62	76	23.35	100	26.30	123	20.71
2 Year	151	17.19	188	15.62	216	17.91	207	19.49	141	19.17	151	18.61	149	17.96	236	14.22
1 Year	421	10.14	146	11.61	161	11.28	144	12.60	123	12.98	140	12.60	144	11.99	157	10.16
All Class D	648	13.11	395	14.91	456	16.64	467	18.94	336	19.14	367	17.30	393	17.89	516	14.53
Class E																
2 Year	0	--	10	14.90	28	17.08	18	22.52	10	29.08	3	18.44	3	13.94	1	9.63
1 Year	189	9.90	132	9.07	133	10.04	191	10.65	212	11.90	267	12.84	328	11.68	381	8.70
All Class E	189	9.90	142	9.48	161	11.27	209	11.67	222	12.67	270	12.90	331	11.70	382	8.70
Total (All Classes)	1068	14.38	703	16.55	744	17.00	832	19.72	754	21.30	894	23.07	1106	25.20	1463	21.89

Rape & Sodomy means only 3 years!

1991

Table 18 (cont.)

Cases in Which Habitual Criminal or Mandatory Sentence Statute or Both Imposed***

Felony Class and Minimum	FY 1983		FY 1984		FY 1985		FY 1986		FY 1987		FY 1988		FY 1989		FY 1990	
	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)	No.	Avg. Stay (Months)
Class A (All Min.)	0	--	0	--	0	--	1	180.00 **	0	--	1	180.00 **	0	--	1	180.00 **
Class B (All Min.)	30	57.70	29	54.41	29	52.64	12	52.54	15	59.47	27	69.26	74	67.55	74	75.43
Class C (All Min.)	46	28.28	21	22.64	13	28.65	22	40.41	25	48.54	19	41.63	40	34.75	30	45.77
Class D (All Min.)	16	23.09	16	19.31	16	22.47	19	25.66	7	27.97	16	21.19	26	40.44	31	34.65
Class E (All Min.)	3	11.83	6	14.25	3	15.03	3	15.17	0	--	8	25.50	10	19.85	10	9.25
Total (All Classes)	95	36.17	72	34.00	61	37.80	57	39.18	47	48.98	71	47.66	150	50.92	146	56.86

All Cases (With and Without Imposition of the Habitual Criminal or Mandatory Sentence Statutes)

Class A (All Min.)	1	180.00 **	2	180.00 **	2	180.00 **	2	180.00 **	1	180.00 **	2	180.00 **	8	206.86	7	193.29
Class B (All Min.)	82	45.73	70	46.87	62	43.98	40	45.44	42	48.98	93	61.83	187	63.69	234	63.81
Class C (All Min.)	224	18.29	144	19.54	105	25.29	149	31.19	193	34.63	209	35.98	301	32.52	429	28.09
Class D (All Min.)	664	13.35	411	15.08	472	16.84	486	19.20	343	19.32	303	17.46	419	19.29	547	15.67
Class E (All Min.)	192	9.93	148	9.68	164	11.35	212	11.72	222	12.67	278	13.26	341	11.94	392	8.71
Grand Total (All Classes, All Min.)	1163	16.16	775	18.17	805	19.32	889	20.97	801	22.92	965	24.88	1256	28.27	1609	25.06

*Excluded from the parolee population are those with sentence structures which involved consecutive sentencing and those paroled from in absentia status. The length of stay is the period of time from the date of admission to the date of release (thus excluding any jail credit or other credits applied to the sentence). The felony class of offense is the most serious offense associated with the offender's most recent admission and the minimum sentence is the minimum term associated with this same offense. Source of information: PGM-AVSTAS run 6-30-90.

**The number of parolees in the group is too small for the average stay to be representative. For purposes of calculating the overall average (all classes combined) an average length of stay of 15 years (180 months) was used for Class A cases in these instances.

***In these cases the average length of stay for each felony class was estimated from a frequency distribution consisting of the number of offenders falling within each category of range of months served.

HOUSE OF REPRESENTATIVE
Federal and State Affairs

February 16, 1994

Honorable Chair and Members of the Committee,

My name is Larry Fischer. I am a Topeka resident and lifelong Kansas resident. I stand before you today against HB 2962. I submit the following testimony in defense of my position....

Our nation was established on the premise that "all men are created equal, that they are endowed by the Creator with certain unalienable Rights..." (i.e., rights which were to non-terminable and non-transferable.) Our Nation's founding father intended these Rights be forever secured for Americans via the Constitution and its first 10 Amendments--the Bill of Rights.

I am sure you have heard many similar arguments before. I will attempt a slightly different approach by perhaps relating verifiable facts that you may not know.

First, the issue of assault weapons is really being discussed because of abuse.

Second, the Constitution does not guarantee that any citizen can be protected from harm.

Third, there may be a long term design to disarm all people.

Fourth, power offset by power is the only way to assure freedom.

The only statistics I have on the abuse of assault weapons comes from the Wall Street Journal:

Since police started keeping statistics, we now know that assault weapons are\were used in an underwhelming .026 of 1% of crimes in New Jersey. This means that my officers are more likely to confront an escaped tiger from the local zoo than to confront an assault rifle in the hands of a drug-crazed killer on the streets.

Joseph Constance, deputy chief of Trenton, N.J. police department, Wall Street Journal, "The Assault on Assault Weapons," January 6, 1994

If this statement is true, the media has done it's job well. They have sensationalized isolated cases of crazies doing illegal acts. The question always has been and always will be why punish the extreme majority for the acts of a few? And, will the law herein considered stop such violent acts? Of course HB 2962 will not stop criminals and if we punish the majority for the acts of few we should stop all newspapers because of damages caused by faulty reporting.

Secondly, protection from criminals in a free society is up to the individual. Of course we have police but they cannot be everywhere at once. The first 5 to 10 minutes you and I are on our own. In Bowers v. Devito, U.S. Court of Appeals, Seventh Circuit, 686F.2d616 (1982) the statement is made that

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there is no constitutional right to be protected by the state against being murdered by criminal or madmen. It is monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment, or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties: it tells the state to let people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order.

This may be hard for us to understand but it becomes apparent that our Constitution is unique. It protects the rights of the people by telling government what it cannot do <negative liberties>. The new Russian Constitution enumerates the powers their government has and is therefore a positive document. Ours is superior because government is limited.

So far we have only talked about the federal government. Under Home Rule, local governments can make more restrictive gun laws. It remains to be legally challenged whether or not states can. In his book, *That Every Man Be Armed*, Stephen P. Halbrook says:

In *United States v. Cruikshank* (1876)..the Court asserts the fundamental character of the right to bear arms...Justice Bradley reasoned "The 14th Amendment declares that no state shall by law abridge the privileges or immunities of citizens of the United States. Grant that this prohibition now prevents the states from interfering with the right to assemble..<or> to interfere with certain citizens in their right to bear arms.." Thus, Justice Bradley, sitting on the circuit court, upheld incorporation of the Second with the Fourteenth Amendment...The Cruikshank attorney conceded that "The right of self defense is a natural right; and the right to keep and bear arms for that purpose cannot be questioned."

I realize other states have passed laws banning certain type of weapons. I also know the issue has never been challenged to the level of the U.S. Supreme Court.

The third issue is an apparent planned disarmament of the United States citizenry. In 1945, the United States Senate, via article 56 of the United Nations Charter, unilaterally committed the U.S. to "take joint and separate action" to pursue U.N. policies even if in violation of Constitutional intent. In 1962 the U.S. Congress passed Public Law 87-297 requiring the "General and Complete Disarmament" of the U.S. and the transfer of its military forces to the United Nations. State Department Publication 7277 sets the implementation of PL 87-297. In stage 3 of the document we find:

"the manufacture of armaments would be prohibited except for those of agreed types and quantities to be used by the U.N. Peace Force and those required to maintain internal order. All other armaments would be destroyed or converted to peaceful

purposes."

All can be construed to be inclusive of private weapons. If you pass a positive law banning the ownership of "assault" weapons, you will be conforming with the apparent master plan.

It is difficult to see how such things might occur and the concepts I have mentioned might be discounted except for history. The first thing a dictator wishes is general disarmament of the population. The Nazi Weapons law of 1938 is a good example. Five years after taking power the Nazis used this law to register firearms, outlaw handgun ownership, except to Nazi party members and other "reliable" people, and barred Jews from businesses involving firearms. I hope you will not be a willing participant in passing such laws which represent the erosive effects of "gradualism."

The last point is that of "force." Our country is not a democracy--it is a republic. We are reminded of this every time we pledge allegiance to the flag, i.e. "and to the Republic for which it stands. The meaning of this is **limited government under rule of law**. David A. Noebel, a minister writing in the October 1992 Summit Journal states:

The rule of law, the supremacy of law, a government of laws and not of men--different ways of saying the same thing--is not the result of words written on pieces of paper. The Magna Charta was not accepted because King John thought it was a good idea but because the amount of military power lined up against him by his barons left him no choice. Power offset by power has remained the key to freedom through the rule of law.

The ability to fight tyranny and oppression ultimately requires force. To unilaterally begin disarmament is political suicide. It has nothing to do with hunting--it has everything to do with liberty. It has nothing to do with security--it has everything to do with freedom. Benjamin Franklin said it best:

They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

In closing, I submit to you that we do not have a firearms or "assault weapon" problem--we have a morality problem. If you really want to make a safer place to live in, do the following:

1. Support the family unit
2. Remove violence from television
3. Establish and enforce mandatory sentencing when firearms are abused.
4. Put prayer back in schools.

Wow! You probably disagree. That is OK because these are not my ideas. They come from our founding fathers such as John Adams: We have not government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a

net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.
<Presidential Address to the Military, October 1798>

Respectfully submitted,



Larry Fischer, DVM
1132 SW Wanamaker
Topeka, KS 66604

The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms.

Samuel Adams, During Massachusetts' U.S. Constitution ratification convention, 1788

To disarm the people is the best and most effectual way to enslave them.

George Mason, During Virginia's ratification convention, 1788

Section 311, Title 10 of the United States Code says:

"(a) The militia of the United States consists of all able-bodied males at least 17 years of age..and under 45..who are..citizens of the United States...

(b) The classes of the militia are: (1) the organized militia...; and (2) the unorganized militia, which who are not members of the National Guard or the Naval Militia."

That which might have been easily performed when the people was armed..is made difficult, now they are disarmed.

Algernon Sidney, Discourses Concerning Government, p. 527

No free government was ever founded, or ever preserved its liberty, without uniting the characters of the citizen and soldier in those destined for the defence of the state...Such are a well regulated militia, composed of the freeholders, citizen and husbandman, who take up arms to preserve their property, as individuals, and their rights as freemen.

M.T. Cicero
The Citizens of America

Why dost thou make me see wrongs
and look upon trouble?
Destruction and violence are before me;
strife and contention arise.
So the law is slacked
and justice never goes forth.
For the wicked surround the righteous,
so justice goes forth perverted.

Habakkuk 1:3-4

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Committee on Federal and State Affairs
Kansas House of Representatives
Hearing on H.B. 2962

Chairman Graeber and members of the Federal and State Affairs Committee, I am Elaine Mann, Lobby Corps Co-coordinator for the League of Women Voters of Kansas. I am here today to speak on the League's behalf in favor of H.B. 2962, which would ban the manufacture, sale, and possession of assault weapons in the state of Kansas.

Our national organization, the League of Women Voters of the United States, has lobbied Congress for the passage of federal legislation banning semi-automatic assault weapons and large capacity magazines. The League believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. Consistent with this stance, we support enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

The weapons enumerated in HB.2962 are, as one law enforcement professional has described semi-automatic assault weapons, "weapons of war . . . designed to maximize lethal effects through a rapid rate of fire." (Statement of Philip C. McGuire, Law Enforcement Adviser, Handgun Control, Inc., July 25, 1991, reprinted in Gun Control, The Information Series on Current Topics, ed. Carol D. Foster, Mark A. Siegel, Nancy R. Jacobs, 1993 ed., p.111.) They are not the sportsman's friend, they are the criminal's friend, and they do not belong in a civilized community. Moreover, there is ample protection in H.B. 2962 for the legitimate interests of sportsmen and hunters.

Admittedly, H.B. 2962 would not solve the crime problem in Kansas; it would not magically restore safety to our streets. It would, however, be a first step in making our citizens safer in public places and in injecting a little sanity into our public policy toward private ownership of lethal weaponry.

A ban on assault weapons would in fact reduce access to these dangerous guns and thereby increase public safety. After President Bush banned importation of 43 assault weapons in 1986, we saw a 45% decrease in the number of imported assault weapons traced to crimes and, in 1989-90, a decline in murders, assaults, drug, and property crimes linked to assault weapons. (Statistics gathered by Firearms Tracing Branch of the Bureau of Alcohol, Tobacco and Firearms, cited in Gun Control, supra, p.68.)

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LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Moreover, polls show that the American public favors a ban on assault weapons. In 1989, more than seven out of ten of those interviewed by the Gallup poll said yes to a proposed government ban on the manufacture, sale, and possession of semi-automatic assault guns. In 1990 72% of Gallup's respondents favored a ban, and in 1992 a New York Times/CBS News poll found that 79% of the general public and 76% of gun owners favored a ban on assault weapons. (Polls cited in Gun Control, supra, pp.78-79.)

The League of Women Voters of Kansas agrees that assault weapons should be banned in this state, as proposed in H.B. 2962, and urges your passage of this legislation. Thank you for your attention.

February 16, 1994

Dear Committee Members:

I wish to make a statement to you supporting HB 2962 which would ban assault weapons from the state of Kansas.

Assault weapons, a firearm that is capable of discharging more than ten (10) rounds with the squeeze of a trigger, are built for one purpose -- assault. They have been developed for use in military combat and have now found their way into the street combat in the cities of our state. These are not weapons of self-defense but weapons of mass destruction. They are especially useful for drive-by shootings which are growing in numbers in Wichita where I live and work. They cause a high percentage of random fatalities when they are used because of the number of rounds fired at once and the inability to control where those bullets are going. These firearms are not a sport or target-shooting weapon.

We have, as a country, made a lot of money arming the world, now a lot of money is made arming our own citizens, especially our young people for whom possession of an assault weapon is a sign of power. In reality, it is a symbol of needless and violent death. The atmosphere of violence in our state and society calls for some reasonable and strick action. Assault weapons have no place in a civilized society. I urge you to support the ban on ~~the over~~ 700 assault weapons inventoried on Rep. Hochhauser's bill.

Thank you.

The Rev. Michael Poage

The Rev. Michael Poage, pastor
Fairmount United Church of Christ
1650 Fairmount St.
Wichita, KS 67208

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February 15, 1994

Rep. Clyde Graham, Chair
Committee on Federal and State Affairs
Kansas House of Representatives
Topeka, KS 66612

Dear Rep. Graham and Committee Members:

On behalf of the Peace and Social Concerns Committee of the Western District Conference, General Conference Mennonite Church, I want to register our committee's support for House Bill No. 2962, prohibiting the criminal possession of assault weapons.

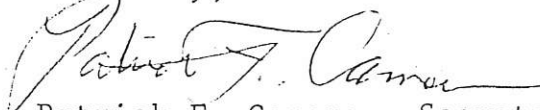
The General Conference Mennonite Church's historic commitment is to nonviolent resolution of conflict. Our committee seeks to support any legislative initiatives, nationally and within Western District states, which promote and encourage that commitment. House Bill No. 2962 is such an initiative, as it would prohibit the possession and use of weapons which escalate the violence that is gripping our nation.

Just as the intensity of war is fueled by the proliferation of armaments, especially weapons of mass destruction, so the destructive power available to armed citizens increases geometrically with weapons which this bill seeks to ban. It seems a reasonable and modest requirement that citizens who manufacture, distribute, or have in their possession, weapons which hold more than 10 rounds of ammunition should be prosecuted as criminals with the capability, if not the intent, of using such weapons beyond their capacity for mere self-defense.

I urge you to carefully consider this bill as one piece of the puzzle of curbing violence in our nation. We believe that people kill people, and that human hearts must be changed if the violence is to be stopped. But we also believe that people of ill will, when possessing assault weapons, are far more dangerous when faced with a conflict which they attempt to resolve violently. These guns also kill people, and they must be stopped.

House Bill No. 2962 is a step in the right direction.

Sincerely,



Patrick F. Cameron, Secretary
Peace and Social Concerns Committee
Western District Conference,
General Conference Mennonite Church

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THE WICHITA COALITION AGAINST GUN VIOLENCE

MEMBER ORGANIZATIONS

AFRICAN AMERICANS AGAINST GUN VIOLENCE
THE GREATER WICHITA PEDIATRIC SOCIETY
INTER-FAITH MINISTRIES OF WICHITA
MOTHERS AGAINST GUN & GANG VIOLENCE [MAAG-V]
THE WICHITA MINISTERIAL LEAGUE
PAX CHRISTI
THE PEACE CENTER OF SOUTH-CENTRAL KANSAS
THE WICHITA CHAPTER, PHYSICIANS FOR SOCIAL RESPONSIBILITY
INDIVIDUAL

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Mr. Chairman, Members of the committee and staff,
I am Matt Greene, Executive Director of the Wichita Coalition Against Gun Violence. The coalition recently ended a one-year campaign to bring sanity and reason to the issue of guns and gun violence in our city. Our opponents are still smarting from the licking laid on them by the thousands of Wichita citizens who wrote, called and signed petitions favoring more, not less gun controls. The Wichita ordinance, like this proposed legislation, spoke to the increasing use of assault weapons on the nation's street. Where the Wichita ordinance predominately spoke to machine *pistols*, the Wichita ordinance is broad enough to speak to assault weapons in general.

The brief biographical sketch of me in your packets tells of a person who at 17 fired the most glamorous war weapons (*if war weapons can be glamorous*) in the world: The M1 Garand, The Browning Automatic Rifle (BAR) and the M1911 .45ACP. Pistol. I fired in competitions for the U.S. Army against other divisions and corps, All-service teams, NATO forces and competed in two National Rifle Matches. If there is any person who can remember with a certain fondness the smell of gunpowder and the absolute joy that comes to a marksman when he fires twenty rounds at a target 500 meters distance and is notified that he scored twenty bullseyes-it is me and all those like me who fired military and civilian weapons for a living or sport. If there was one weapon I could legally own it would be a B.A.R., if nothing else than for the awesome terror it must have posed for enemy infantrymen caught in my sights just a mere 400 meters away. I cannot and will not hold on obsessively to the glamour or the memories...that time has passed.

The nation's streets run with blood from the indiscriminate sale and use of firearms. In Wichita there are nearly 1,00 persons who hold Federal Firearms

Licenses (FFL). Wichita can count itself fortunate that more citizens have not died from the thousands of weapons sold by the many "kitchen table" and "shadow" dealers in Wichita and Sedgwick County. The kitchen table dealers and adult "shadow buyers" and their kind have been the main source of the firearms explosion in our state, especially in Wichita. While the NRA, KRA and their affiliates insist that the youth of this country are stealing most of the weapons being used on the streets, the coalition asked the telling question: "From whom do relatively unsophisticated youths of 14 and 15 steal them, and have youths begun to specialize in stealing .380s, 9mms and machine pistols to the exclusion of all others?"

No. As the NRA and others try to move the argument to the "criminals", the coalition noted that in any given year it is ordinary, hard working-tax paying citizens who commit most of the "criminal" mayhem with AK-47s and other assault weapons, spraying shopping centers, restaurants, offices and innocent bystanders alike. As black youths rampage through their turf, white males deliberately and just as surely kill strangers and co-workers alike. In 1990, more than half of the "criminal" use of firearms was by ordinary citizens who, for whatever reason, committed suicide, many of them killing family members or supervisors before turning the firearm on themselves. Also in 1990, 41% of the murders by firearms were committed by family members on families, neighbors killing neighbors-friends executing friends. It is clear by the 1990 statistical table in your packet that of the more than 91% of the 37,200 persons killed, most who died were *ordinary* citizens who either committed suicide (51%) or were murdered by someone else other than a "Criminal".

While the NRA misdirects the nation's attention away from the real problem of too many guns in a violent nation by shouting that the justice system should jail and retain more "criminals", they also call for reductions in taxes, call for safer streets and good government but refuse to tell from where all these things will come without the revenues to operate them. While they insist that a person with a "rock" of Cocaine serve 3 to 5 years, they bellyache the loudest when the non-violent Cocaine addict is sent to prison for the mandatory term they asked for, at the same time, squall loudly because soemtimes a murderer is pushed out the back door because the prison is overcrowded with non-violent addicts. The NRA wants America to believe that "criminals" commit most of the violence in this nation, at the same time, discounting the violence committed by God-fearing people on their wives, children & parents. The NRA wants you to look at alleged "criminals" while the NRA and others sell more firearms in one year than all the other world-wide arms manufacturers combined. The lucrative trade in assault weapons feeds upon the dastardly practice of scaring the hell out of the ordinary citizen then selling them a gun. The NRA calls them "criminal" but in insuring the supply of guns, makes them the best armed youths in the world.

You have a daunting task before you. The gun lobby will inundate you with distorted figures and outright lies while they attempt to persuade you that this law is unnecessary, not needed. They will remind you that there are more than 22,000 gun laws already on the books. True. But they will fail to tell you that they themselves (the gun lobby) have subverted most of the gun laws. They will bombard you with the notion that the Second Amendment is immutable, that the founding fathers intended for every citizen to "keep and bear arms". The gun lobbyists refuse to remember that the founding fathers had restrictions on who could own firearms even before the Second Amendment was adopted. The original common law from which it was taken, and the real intent of the Amendment was for "gentlemen of property" to bear arms because-"he who has property has a need and a right to guard it"..whereas slaves and those men without property "had nothing to guard, therefore needed no arms." The NRA and fellow travelers will insist that present gun laws have failed and point to Washington D.C. and New York City as examples. At the same time they will fail to note or admit that shadow buyers, many of them holding down a FFL *and an* NRA membership, and legal and illegal gun merchants-themselves prey on locations with strict gun laws.

Your task has been made somewhat easier by the passage of the Wichita ordinance and the decision by Secretary of the Treasury Lloyd Bensen to raise the fees for the FFL to six-hundred dollars, thus eliminating the many shadow buyers and kitchen table dealers reducing the total of FFL dealers by some 80% by 1995-6. This proposed Kansas law will empower the hunter and persons seeking a modicum of self protection while outlawing the unneeded and truly unnecessary "assault weapon" from the average home, thereby making the ordinary citizen and the nation safer. One question: Why is the venerated M1 Garand not among the list of approved semi-automatic rifles? A case can be made for the rifle that won WWII. I think it deserves a special exemption. As for the proposed list of approved and banned weapons: I can only commend you on your thoroughness and honesty in your approach to bringing ethics and morality to the question of gun safety. In the end it is just that; a question of "doing the right thing" when the right thing is moral and ethical.

In your packets are materials from the American Academy of Pediatrics. Pediatricians are in the forefront in treating the tens of thousands of juveniles who suffer from the trauma caused by firearms. We noted that the cost of a firearms trauma is \$13,600 in the emergency room whether the patient lives or dies. The dollar figure is much higher for children. It is for them the children that die and them, the children who kill, that we ask you to support this needed legislation.

With regards and wishes for your health,

Matt Greene,
For the organizations and members of
The Wichita Coalition Against Gun Violence

THE WICHITA COALITION AGAINST GUN VIOLENCE

THE COST OF GUN VIOLENCE IN THE UNITED STATES

FACTS AND FIGURES

Firearms deaths by cause-1990

* In 1990, guns killed 37, 184 people in the United States

Justified civilian homicides <-1% (self Defense)

Police shootings <-1% (manslaughter)

Accidents (all) 4%

Criminal civilian homicides 44% [15,377]

[12,489] by handgun

Suicides 51% [18,885]

[13,030] by handgun

The Centers For Disease Control (CDC) estimates the lifetime economic costs hospitalization, rehabilitation, and lost wages of firearms violence was \$14.4 *Billion* in 1985, making it the third most expensive injury category.

* Every 2 minutes someone-somewhere in the U.S. is shot

* Every 14 minutes someone dies from a gun wound

* Each gun injury involving emergency room treatment costs more than \$13,000

* Each gun injury involving hospitalization costs at least \$33,159 whether the victim lives or dies

* The average lifetime cost per person for each firearms fatality-\$373,520-was the highest of any injury category

* Every 10 seconds sees another gun roll off an American assembly line, every 11 seconds a gun is imported

* There are 246,984 gun dealers.

* For the first time ever, a majority (52%) of Americans favor a ban on handgun sales

* 101 Americans will be killed by guns today

* There are no federal safety standards for the domestic manufacture of guns

* Keeping a gun in your home makes it three times more likely that someone will be killed there

* Worst [sadly] of all, three more Wichitans died as a result of gun violence *last night [Jan 11]*

My name is Mary Harren. I am a native Kansan, have lived most of my life in Wicita and raised my family of 7 children there. I am here speaking for myself, my children and grandchildren as well as Women's International League for Peace & Freedom. ^{Three} Some of six sons are hunters and thus own sporting weapons. They feel their lives are complete without assault weapons.

We all know that violence is big business in this country. We wallow in it, saturate ourselves in gore and mayhem. Toy guns, including assault weapons are hot Santa items. Violence is as American as apple pie and we have become a fortress. And there are those who claim that the road to security is to add more to the arsenal. We will have to destroy it in order to save it.

I really didn't want to come here today and speak to this issue. One would think our intellect and common sense would demand some immediate remedial action by our elected representatives. Why in the name of God should we have to beg and plead for something which seems so painfully obvious?

Our arms merchants are laughing all the way to the bank while jail and prison contractors line up for new jobs. Crime escalates and we fill up our prisons. Yet there are those who scream for more guns, more jail, more laws.

I can only believe that since our nation spends more on prisons than education that we don't give a tinker's dam about our kids. It's all lip service. One has only to read the list of weapons in HB 2962 to understand how really profitable the manufacture and sale of weapons and ammo is. American does indeed find its manhood and sexual prowess in it's weapons.

We can do better. We can take the toys away from the boys. ^{Heath} I support
HB 2969

FVSA
2-16-94
Atch #23

TESTIMONY CPPCSING

KANSAS HOUSE

HB 2962

FEDERAL & STATE AFFAIRS

An act concerning crimes and punishment; creating the crime of criminal possession of assault weapons; penalties.

1. The weapons listed on page 1 of HB 2962 are not assault weapons, but merely semi automatic look alikes of assault weapons.
2. Federal law already restricts the sale of fully automatic, true assault weapons, to federally licensed individuals, law enforcement, and military.
3. There are already numerous laws against killing another human being, but the average killer in the United states is only being confined for an average of 5 years. (Rapists average 3 years and robbers 2 years.) I SUGGEST THAT HERE IS YOUR PROBLEM.
4. Ask YOUR SHERIFF OR CHIEF OF POLICE about how they keep arresting the same individuals over and over again and about how these "career criminals" are often back on the street again before the arresting officer has completed the paper work for booking them into jail. (Over 80% of all crime is done by between 5% and 7% of the population.)
5. Are you going to amend this law each time that a new sporting rifle is introduced to the market, so that KANSANS CAN LEGALLY OWN ONE, BY adding it to the list of legal firearms? What about custom made firearms?? I believe that you are looking at a bill that could make criminals out of many honest sportsmen.
6. WOULD THIS LAW EVEN BE CONSTITUTIONAL??
That could cost the state a lot.
7. Final suggestion: GET TOUGH ON MURDERERS, ROBBERS, RAPISTS, KIDNAPPERS, CHILD MOLESTERS, SUBSTANCE ABUSERS, AND LAST BUT CERTAINLY NOT LEAST, DRUG TRAFFICERS AND DEALERS.

Thank you for the opportunity to share my views with you today!

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