

ALASKA LEGISLATURE

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321

# KIDS &

**T**oo Many Kids Are Getting A Real Bang Out of Life," announces a full-page ad in *The New York Times*—"Help Save The Next Generation."

The ad, purchased by Handgun Control, Inc., reflects the theme of the organization's latest push for the Brady bill. In a February press conference, Sarah Brady, Handgun Control's chairwoman, noted that nearly 4,000 Americans under the age of 20 had been murdered in 1991. That number, actually closer to 3,700, covers a lot of ground. It's based on arrests, so it includes 18-year-old armed robbers (not by their victims, it also includes 19-year-old crack dealers shot by competitors.)

Brady did not suggest how many lives the Brady bill might save. Nor did she cite studies showing how similar laws, enacted by more than 20 states, have reduced crime. That's because there are no such studies. All the scholarly research has found that laws like the Brady bill have no statistically significant impact on crime.

But the whole idea of asking people to "do it for our kids" is to avoid such analysis. Gun control advocates are hammering at the issue of children and guns as never before, in the hope that it will be easier to enact gun controls aimed at adults in an atmosphere of panic about children.

America does have a serious problem with children and guns, but it's a problem, quite different from the one described by American's gun prohibitionists and their Washington allies. Indeed, it's a problem that has been aggravated by anti-gun laws.

Consider how the repressive gun laws of cities such as Chicago, Washington, D.C., and New York drive responsible gun use underground. While a man who operates a codeg on the Lower East Side of New York City may keep an illegal pistol hidden under the counter in case of a robbery, he is not likely to take the gun to a target range for practice.

Even if the storekeeper managed to get a gun license, he could not take his teenage son to a target range to teach him responsible firearm use. Just to hold the gun in his hand under immediate adult supervision at a licensed range,

the teenager would have to obtain his own permit.

An airgun, which uses compressed air or carbon dioxide to propel a pellet, is safe enough to fire inside an apartment, yet New York City makes it illegal for supervised minors to touch one. The city thus closes off one more avenue for children to be taught proper firearm use and safety.

In this light, repressive gun laws are not merely ineffective. They actually foster misuse of firearms, including gun violence. By making firearm ownership illegal, or possible only for wealthy people with the clout to move through numerous bureaucratic obstacles, anti-gun laws render legitimate gun owners invisible. Children are left with criminals and violent television characters as their only models of gun use.

The experience with gun accidents shows the importance of teaching our children about proper firearm use.

Gun control advocates have sought to create the impression that firearm accidents involving children are a large and growing problem. Paradoxically, this impression has been reinforced by the very fact that such accidents are rare. Almost every time a child dies in a gun accident, the event is covered by the state's wire services, and sometimes by the national news. Many people mistakenly conclude that children die frequently in gun accidents and that sharp restrictions on gun ownership are necessary to address the problem. But gun accidents involving both children and adults have actually fallen dramatically in the last two decades, almost entirely because of private safety efforts.

In 1988, 277 children under the age of 15 were killed by accidental firearm discharges, according to the National Safety Council. That number represents a 48% drop from 1974, even as the number of guns per capita increased. From 1968 to 1988, the annual rate of fatal gun accidents fell from 1.2 per 100,000 Americans to 0.6. Thanks to private educational efforts, including programs sponsored by the N.R.A., the Boy Scouts, 4-H and other groups, the firearm accident rate has been cut in half.

Despite this impressive private-sector achievement, Sen. Howard Metzenbaum (D-Ohio) thinks that the government could do better. He proposes giving the Consumer Product Safety Commission authority over firearms, ostensibly to reduce accidents.

**Rather than addressing real social problems that contribute to gun violence among children, opponents of gun ownership promote irrelevant "solutions" with distortions and fabrications.**

**BY DAVID B. KOPEL**

# GUNS

This move could be an indirect way to achieve gun controls far more sweeping and restrictive than Congress is likely to pass. With jurisdiction over firearms, the CPSC could, by unilateral administrative action, ban the future production and sale of all firearms and ammunition. Congress has forbidden the CPSC to regulate guns precisely because of such fears.

Short of banning firearms, the CPSC might require features intended to prevent accidents, such as child-proof grips or indicators that show when a gun is loaded. But such technological fixes, favorites of the gun control lobby, do not address the main cause of firearm accidents.

A 1991 study by the General Accounting Office found that 84% of gun accidents involve deviations from basic safety rules. For example, accidents occur when people carelessly wave a gun around, thinking it is unloaded, or put their fingers on the trigger prematurely. Safety education is therefore the best way to continue reducing gun accidents. Unfortunately, children whose parents have no interest in firearms are unlikely to hear gun lessons. Firearm safety programs ought to be expanded to reach more children.

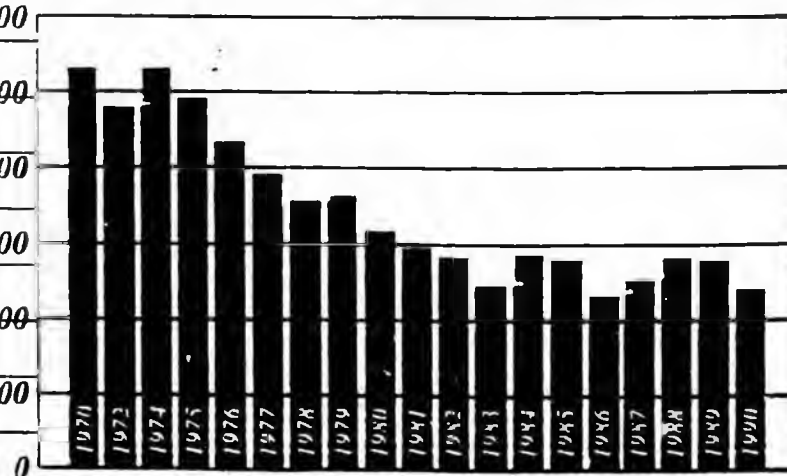
One successful effort to teach children about gun safety is the NRA's "Eddie Eagle" Elementary Gun Safety Education Program. The Eddie Eagle program offers curricula for children from kindergarten through sixth grade, using an animated video, cartoon workbooks, and play safety activities. The cartoon hero Eddie Eagle offers a simple safety lesson: "If you see a gun, Stop, Don't Touch, Leave the Area, Tell an Adult."

While schools and other social institutions have an im-

- Before completing sixth grade, the average American child watches 8,000 homicides and 100,000 acts of violence on television.—American Psychological Ass'n
- Two surveys of young American male violent felons found that 22% to 34% had imitated crime techniques they had watched on television programs.—M.S. Heller & S. Polsky, *Studies in Violence and Television*, p. 3059.
- Japan outlaws handguns and rifles and makes shotguns extremely difficult to obtain. Yet teenage suicide is 30% more frequent in Japan than in America.—L. Craig Parker, *The Japanese Police System Today: An American Perspective*, p. 149.
- While teenage suicide has remained stable in the U.S. in the last 15 years, teenage suicide has risen sharply in Europe, where gun control is much stricter. "Teenage deaths increasing across Europe."—*CJ International*, (Nov.-Dec. 1991), p. 4.
- In recent decades the American firearms supply has risen . . . but as the number of guns has risen, the number of childhood gun accidents has fallen sharply, declining by nearly 50% in the last two decades.—(see below)

## Decline In Accidental Childhood Gun Deaths

The number of gun accidents involving children has fallen by over 50% even as the number of guns has increased substantially. The anti-gunners seek to confuse the issues of accidental shootings with the deliberate violence among young people, ignoring the successful role by NRA and others in addressing the gun safety issue.



important role to play in gun safety. The primary responsibility rests with parents. A child who can, under parental supervision, invite a classmate to shoot a .22 rifle at a target range will be less intrigued by the possibility of surreptitiously playing with a pistol found in a closet.

In contrast to gun accidents, gun suicides do account for the deaths of many young people—more than 2,000 in 1990. From the mid-1980s to the late '70s, teenage suicide rose sharply, and most of the increase was due to gun suicides. But since then, the teenage suicide rate has remained stable, and so has the percentage of suicides involving guns. Teenagers are still less likely to commit suicide than any older age group.

Although the teenage suicide rate has been about the same since the late '70s, gun control advocates insist that immediate action is necessary to address this "crisis" as well. They often cite false statistics to justify their sense of urgency. In 1989, for example, the American Academy of Pediatrics told a congressional committee that "every three hours, a teenager commits suicide with a handgun." But this figure is valid only if one counts all suicides as handgun suicides, or if one calls every person under 25 a teenager.

In addition to exaggerating the extent of the problem, gun control supporters simply assume that fewer firearms would mean fewer suicides. One might speculate that the presence of a gun can turn a teenager's fleeting impulse into an irrevocable decision. If guns were less readily available, perhaps suicide would decline. This theory is intuitively plausible, but it is not consistent with the evidence.

In his 1991 book *Point Blank*, Florida State University criminologist Gary Kleck analyzes suicide rates and gun laws in every American city with a population over 100,000. He takes into account all the factors that might affect suicide, such as race (whites are more likely to commit suicide), religion (Catholics are less likely), economic circumstances and 19 gun control laws, ranging from waiting periods to handgun bans.

Kleck finds no evidence that any of the gun control laws had a statistically significant effect on suicide rates, while some gun control laws did affect the rate of gun sui-

cide; the total suicide rate remained the same. People who had decided to kill themselves simply substituted other, equally fatal methods.

Data from other countries appear to support Kleck's conclusion that gun control is not an effective way to reduce suicide. While teenage suicide has remained stable in the United States in the last 15 years, it has risen sharply in Europe, where gun control is much stricter.

In Great Britain, where gun laws are very strict and the gun ownership rate is less than one-tenth that in the U.S., adolescent suicide has risen by more than 25% in just five years. Similarly, in Japan handguns and rifles are illegal and shotguns very difficult to obtain. Yet teenage suicide is 30% more frequent in Japan than in the U.S.

Given the lack of evidence that gun control reduces suicide, anti-gun activists have resorted to "factoids" such as this one, reported by syndicated columnist Richard Reeves last September: "Teen-agers in homes with guns are 75 times more likely to kill themselves than teen-agers living in homes without guns. The story behind this claim illustrates how myths that support gun control are generated."

A 1991 article in the *Journal of the American Medical Association* discussed a study of several dozen homes in western Pennsylvania where a teenager had committed or attempted suicide or where a non-suicidal teenager who had been admitted to a psychiatric hospital lived. A home with a teenager who had committed suicide was twice as likely as the other homes to contain a gun.

In an editorial accompanying the article, three employees of the federal Centers for Disease Control incorrectly wrote: "The odds that potential suicidal adolescents will kill themselves go up 75-fold when a gun is kept in the home."

JAMA later published a retraction, noting that the 75-fold figure was incorrect: the increase was in fact twofold (and the number was merely a correlation, not proof of cause).

In his column, Reeves took the factoid one step further, telling his readers that it applied to all teenagers, even though all of the subjects in the study had serious psychological problems.

## DID YOU KNOW THAT:

**Myth** "One child under 14 is accidentally shot to death every day in the USA." (Center to Prevent Handgun Violence)

**\* Truth** True, if the year in question is 1979, when there were 364 such deaths. In 1990, the most recent year for which data are available, the number was 236, according to the National Center for Health Statistics. The number of fatal gun accidents among children has fallen by 36% since 1979, even as the gun supply has grown significantly.

**Myth** "In the past decade, more than 135,000 Americans were shot just by children under the age of 6." (Hartford Courant)

**\* Truth** No source is ever cited for this "factoid" because there is none. No government or academic agency even collects data to provide an estimate for the true figure.

**Myth** 135,000 children carry guns to school each day. (U.S. Sens. Biden and Chafee)

**\* Truth** The 135,000 figure, also sometimes given as

186,000, is often attributed to the Department of Justice (DOJ), but no specific DOJ study is identified. The number is a huge distortion from the plausible 16,000 to 17,000 nationally extrapolated from criminologist Gary Kleck's data.

**Myth** "Firearms are responsible for the deaths of 45,000 infants, children and adolescents per year." (American Academy of Pediatrics)

**\* Truth** Even if all persons 13-95 are considered "adolescents," this one can't be true. The 45,000 figure exceeds the total deaths in all ages from all causes related to firearms.

**Myth** "One million U.S. inhabitants die prematurely each year as the result of intentional homicide or suicide." (former Surgeon General C. Everett Koop)

**\* Truth** According to the National Center for Health Statistics, in 1988 there were about 30,000 suicides (by all methods) and about 22,000 homicides (by all methods, including legal self-defense). Thus, the "one million" claim is off by about 1800%.

**Myth** "Guns are the leading cause of death among older teenagers—white and black—in America." (Newsweek)

**\* Truth** True for black males, but not for females or for males of other races.



*Youngsters who learn about firearms in a constructive and responsible environment are less likely to have accidents, yet firearms education has a low priority with groups that claim to be concerned with firearms accidents.*

Factoids also play an important role in the debate about guns in school. Sen. John Chafee (R-Rhode Island) and Sen. Joseph Biden (D-Delaware) claim that "135,000 children carry a gun to school every day." Sen. Christopher Dodd (D-Connecticut) ups the figure to 186,000. The National Education Association puts the number at 100,000.

The only comprehensive data on this question come from a 1990 survey by the Centers for Disease Control that asked students if they carried weapons onto school grounds. Students who answered yes included all those who occasionally carried guns anywhere, such as in cars when driving at night in dangerous neighborhoods.

Interpreting the data realistically, Kleck, the FSU criminologist, estimates that one in every 800 high school students, which works out to 16,000 to 17,000 students nationally, carries a gun to school on a given day. Accordingly, guns play a relatively small role in the overall problem of violence in school.

Rather than address the real problem of discipline and security in many public schools, gun control advocates have argued for "gun-free school zones," which make possession of weapons within 1,000 ft. of school property a felony. Since the 1,000-ft. school zone encompasses over half the territory in most cities and towns, the school zone laws are frequently a backhanded way to outlaw the possession of firearms by adults on public property.

These laws can add to the regulatory obstacles that discourage people from using guns for protection. The crime of carrying without a permit is a misdemeanor in many jurisdictions, but gun-free school zones can turn it into a serious felony.

Even when narrowly drafted, school-zone laws are misguided. A comparison of the number of students carrying guns in school to the number of gun crimes committed in school indicates that the vast majority of students who carry firearms do so for noncriminal purposes.

Most students who carry guns are trying to protect themselves on the way to

and from school, as they pass through neighborhoods ruled by gangs, or in school itself. To focus on "guns in school" is to miss the larger picture of the violent conditions that make unarmed teenagers feel vulnerable.

While the claims of gun control advocates about a rising tide of gun accidents and gun suicides are false, there is no doubt that violent crime among teenagers is soaring. From 1985 to 1991, arrests of adults for murder declined, but arrests for murder of 17-year-old males rose by 121%, of 16-year-olds by 138%, of 15-year-olds by 217%, and of boys 12 and under by 100%.

Those figures conceal an even more serious problem. The murder arrest rate of whites between the ages of 10 and 17 was the same in 1989 as in 1980 (it dipped in the middle of the decade and then rose to its former level). Meanwhile, the black rate has skyrocketed.

Most of these homicides are carried out with handguns. Yet, if there is a relationship between gun density and homicide in the U.S., it is an inverse one. The regions with the most guns are the regions with the lowest homicide rates. And while whites have a higher rate of gun ownership than blacks, they have a much lower homicide rate.

continued on pg. 74

**S**USAN R. Lamson, director of NRA-ILA's Federal Affairs Division, recently told the U.S. Senate Subcommittee on Juvenile Justice: "It appears that society's failure to deal with crime in a meaningful way, embodied in our 'catch and release' criminal justice system, begins with and has its most deleterious effects on our youth.

NRA is working with Congress to solve the problems of violent crime committed by juveniles, at the same time making sure that the rights of the millions of law-abiding young people are protected.



# Southern States PBA Crime Control Landmark Law Enforcement Survey Shows Rank



*Southern States PBA President Jack Roberts answers reporters' questions about the survey at July 9 press conference at Southern States PBA headquarters in Atlanta, Georgia.*



*LEAA Operations Director Ted Gogol explains significance of Southern States PBA gun control survey to a state legislator during the Southern Legislative Conference luncheon titled, "Gun Control: Southern Style" held in Mobile Alabama on July 11. Before HCI's Sarah Brady spoke at the luncheon, LEAA made sure every legislator and guest in attendance received a copy of the survey. In addition, LEAA officials explained why rank-and-file officers do not support gun control, and answered questions from legislators and the media.*



*LEAA Member Todd Pipkin (far left), a law enforcement officer with the Alabama Department of Conservation, discusses the Southern States PBA gun control survey with LEAA Executive Director Jim Fotis (center) and Spectrum Resources, Inc. President Scott Maddox prior to LEAA press conference on July 11 in Mobile, Alabama during the Southern Legislative Conference.*



*LEAA Executive Director Jim Fotis explains why law enforcement does not support restrictive gun control laws to CBS affiliate News Center Five reporter Kristen McFann at LEAA press conference in Mobile, Alabama on July 11 during Southern Legislative Conference.*

# and Gun Control Survey Results

## Rank-and-File Officers DO NOT Support Gun Control

In a comprehensive effort to find out how its nearly 11,000 law enforcement members really feel about gun and crime control, Southern States Police Benevolent Association became the nation's first major law enforcement group to conduct a professional, scientific survey of its membership.

Southern States PBA has traditionally maintained a neutral position on gun control, but decided to poll its membership to resolve the controversy over claims by pressure groups on both sides of the issue as to the position of law enforcement.

"We simply had enough of every special interest group, including a number of national police organizations, claiming they spoke for rank-and-file officers on the subject of gun control," said Southern States PBA President Jack Roberts. "The only way to know how law enforcement feels about gun control is to ask them. And that's exactly what we did. What our members told us may be quite an eye-opener for some people, but it won't be to anyone who is in touch with street cops."

To ensure that the survey would accurately reflect its members views, a professional research firm—Spectrum Resources, Inc., of Tallahassee, Florida, was employed. "Our survey methodology was configured to preserve the objectivity of the Southern States PBA and to elicit accurate sentiments of the officers polled," Scott Maddox, president of the firm, said.

The results found that law enforcement officers resoundingly reject gun control laws as effective measures in deterring violent crime, and strongly support the right of citizens to own firearms.

*Editor's Note: The survey was conducted in June of 1993. Out of 10,614 surveys mailed, 3,824 total responses were received, which is a response rate of 36%. Copies of the entire analysis of the survey (nearly 100 pages) including charts, graphs, cross tabulations, etc., are available from either LEAA or Southern States PBA. To obtain a copy, write to either organization and enclose a note requesting the survey with your name and address and include a \$5.00 check to cover printing and postage. LEAA's address is on the table of contents page.*

|                                                                                                                 |            |                                      |                                                                                                                                                                                                                           |       |                              |
|-----------------------------------------------------------------------------------------------------------------|------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------|
| <p>1) In general, what do you think is the most pressing cause of violent crime in the United States today?</p> |            |                                      | <p>2a) How effective has the U.S. Congress been in dealing with violent crime? Has Congress been very effective, somewhat effective, only minimally effective, or not effective at all in dealing with violent crime?</p> |       |                              |
| No. of Resn                                                                                                     | Percentage |                                      |                                                                                                                                                                                                                           |       |                              |
| 3641                                                                                                            | 95.2%      | TOTALS                               | 3812                                                                                                                                                                                                                      | 99.7% | Totals                       |
| 1637                                                                                                            | 45.0       | Drugs                                | 3                                                                                                                                                                                                                         | 0.1   | Very Effective               |
| 386                                                                                                             | 10.5       | Family Values/ Decline Of Family     | 246                                                                                                                                                                                                                       | 5.6   | Somewhat Effective           |
| 151                                                                                                             | 4.1        | Courts, Inadequate Sentencing        | 1796                                                                                                                                                                                                                      | 47.1  | Only Minimally Effective     |
| 370                                                                                                             | 10.2       | Early Release/ Lack Of Punishment    | 1751                                                                                                                                                                                                                      | 45.9  | Not Effective At All         |
| 39                                                                                                              | 1.1        | Alcohol                              | 48                                                                                                                                                                                                                        | 1.3   | Not Sure                     |
| 62                                                                                                              | 1.7        | Punishment Does Not Fit The Crime    | 2b) Please indicate which of the following options would be least effective in reducing violent crime? (pick only one option)                                                                                             |       |                              |
| 139                                                                                                             | 3.8        | Breakdown Of Criminal Justice System | 3798                                                                                                                                                                                                                      | 99.3% | Totals                       |
| 35                                                                                                              | 1.0        | Lack Of Education/ Ignorance         | 435                                                                                                                                                                                                                       | 11.5  | Stop Early Release           |
| 38                                                                                                              | 1.0        | Federal Judges/ Politicians          | 230                                                                                                                                                                                                                       | 6.1   | The Death Penalty            |
| 51                                                                                                              | 1.4        | Television                           | 188                                                                                                                                                                                                                       | 4.9   | More Police On The Streets   |
| 72                                                                                                              | 2.0        | Crack Cocaine                        | 226                                                                                                                                                                                                                       | 6.0   | Tougher Judges And Sentences |
| 80                                                                                                              | 2.2        | Lack Of Religion/ Attention To God   | 2481                                                                                                                                                                                                                      | 65.3  | Stricter Gun Control Laws    |
| 28                                                                                                              | 0.8        | Money                                | 238                                                                                                                                                                                                                       | 6.3   | Not Sure                     |
| 31                                                                                                              | 0.9        | Youthful Offenders                   | 3a) There should be an immediate criminal background check on handgun purchases right at the gun shop.                                                                                                                    |       |                              |
| 21                                                                                                              | 0.6        | Racial/Ethnic Problems               | 3818                                                                                                                                                                                                                      | 99.8% | Totals                       |
| 40                                                                                                              | 1.1        | Guns/Firearms                        | 1813                                                                                                                                                                                                                      | 47.5  | Strongly Agree               |
| 117                                                                                                             | 3.2        | No Fear Of Being Caught Or Punished  | 1330                                                                                                                                                                                                                      | 34.8  | Agree                        |
| 156                                                                                                             | 4.3        | Unemployment/ U.S.. Economy          | 448                                                                                                                                                                                                                       | 11.7  | Disagree                     |
| 54                                                                                                              | 1.5        | Liberalism/ Criminal Rights Favored  | 141                                                                                                                                                                                                                       | 3.7   | Strongly Disagree            |
| 134                                                                                                             | 3.7        | Other                                | 86                                                                                                                                                                                                                        | 2.3   | Not Sure                     |

continued on page 32

## Southern States PBA Crime Control and Gun Control Survey Results Continued from Page 31

3b) Other than for police and military, all guns should be outlawed.

|      |       |                   |
|------|-------|-------------------|
| 3820 | 99.9% | Totals            |
| 69   | 1.8   | Strongly Agree    |
| 64   | 1.7   | Agree             |
| 1069 | 28.0  | Disagree          |
| 2591 | 67.8  | Strongly Disagree |
| 27   | 0.7   | Not Sure          |

3c) The entire criminal justice system needs major reform.

|      |       |                   |
|------|-------|-------------------|
| 3821 | 99.9% | Totals            |
| 2283 | 59.7  | Strongly Agree    |
| 1138 | 29.8  | Agree             |
| 313  | 3.2   | Disagree          |
| 25   | 0.7   | Strongly Disagree |
| 62   | 1.6   | Not Sure          |

3d) The U.S. Constitution guarantees every law-abiding citizen the right to own a gun.

|      |       |                   |
|------|-------|-------------------|
| 3820 | 99.9% | Totals            |
| 2249 | 58.9  | Strongly Agree    |
| 1190 | 31.2  | Agree             |
| 222  | 5.8   | Disagree          |
| 94   | 2.5   | Strongly Disagree |
| 65   | 1.7   | Not Sure          |

3e) People should have the right to own a gun for self-protection.

|      |       |                   |
|------|-------|-------------------|
| 3819 | 99.9% | Totals            |
| 2540 | 66.5  | Strongly Agree    |
| 1140 | 29.9  | Agree             |
| 91   | 2.4   | Disagree          |
| 19   | 0.5   | Strongly Disagree |
| 29   | 0.8   | Not Sure          |

3f) A waiting period to purchase handguns will only affect law-abiding citizens — criminals will still be able to obtain handguns illegally whenever they want.

|      |       |                   |
|------|-------|-------------------|
| 3798 | 99.3% | Totals            |
| 2201 | 59.5  | Strongly Agree    |
| 1024 | 27.0  | Agree             |
| 382  | 10.1  | Disagree          |
| 92   | 2.4   | Strongly Disagree |
| 29   | 1.0   | Not Sure          |

3g) The Federal government should take legal action to curb the amount of violence on television.

|      |       |                   |
|------|-------|-------------------|
| 3818 | 99.8% | Totals            |
| 962  | 25.2  | Strongly Agree    |
| 1468 | 38.4  | Agree             |
| 939  | 24.6  | Disagree          |
| 224  | 5.9   | Strongly Disagree |
| 225  | 5.9   | Not Sure          |

3h) A Federal law should be passed allowing qualified law enforcement officers to carry a concealed firearm anywhere in the United States.

|      |       |                   |
|------|-------|-------------------|
| 3814 | 99.7% | Totals            |
| 2852 | 74.8  | Strongly Agree    |
| 742  | 19.5  | Agree             |
| 129  | 3.4   | Disagree          |
| 27   | 0.7   | Strongly Disagree |
| 64   | 1.7   | Not Sure          |

3i) Based on my own experience, if the laws on handgun ownership were stricter than they are now, the overall number of violent crimes would be reduced.

|      |       |                   |
|------|-------|-------------------|
| 3817 | 99.8% | Totals            |
| 284  | 7.4   | Strongly Agree    |
| 653  | 17.1  | Agree             |
| 1380 | 36.2  | Disagree          |
| 1324 | 34.7  | Strongly Disagree |
| 176  | 4.6   | Not Sure          |

3j) A gun is not an assault weapon if it fires only one bullet each time the trigger is pulled.

|      |       |                   |
|------|-------|-------------------|
| 3807 | 99.6% | Totals            |
| 893  | 23.5  | Strongly Agree    |
| 981  | 25.8  | Agree             |
| 1039 | 27.3  | Disagree          |
| 734  | 19.3  | Strongly Disagree |
| 171  | 4.2   | Not Sure          |

4) All things considered, which of the following two options would you prefer — a bill requiring a five-day waiting period on the purchase of handguns, or a bill requiring an immediate criminal background check at the time of the sale?

|      |       |                      |
|------|-------|----------------------|
| 3811 | 99.7% | Totals               |
| 881  | 23.1  | Waiting Period       |
| 2430 | 63.8  | Instant Check        |
| 213  | 5.6   | Neither              |
| 80   | 2.1   | No Opinion/ Not Sure |
| 207  | 5.4   | Both                 |

5) Aside from your department-issued sidearm, do you have guns of any kind in your home?

|      |       |                  |
|------|-------|------------------|
| 3805 | 99.5% | Totals           |
| 3247 | 85.3  | Yes              |
| 329  | 3.6   | Refuse To Answer |
| 229  | 6.0   | No               |

6) How many years have you served in law enforcement?

|      |       |                  |
|------|-------|------------------|
| 3818 | 99.8% | Totals           |
| 248  | 0.5   | 0-2 Years        |
| 811  | 21.2  | 2-5 Years        |
| 1015 | 26.6  | 5-10 Years       |
| 1744 | 45.7  | 10 Years or more |

7) Are you a sworn or non-sworn employee?

|      |       |           |
|------|-------|-----------|
| 3806 | 99.5% | Totals    |
| 3687 | 96.9  | Sworn     |
| 119  | 3.1   | Non-Sworn |

8) In general, do you serve in a rural or in an urban area?

|      |       |                   |
|------|-------|-------------------|
| 3804 | 99.5% | Totals            |
| 1237 | 32.5  | Rural             |
| 2440 | 64.1  | Urban             |
| 127  | 3.3   | Mixed Urban/Rural |

## THE RIGHT TO KEEP AND BEAR ARMS

*continued from page 29*

1,000,000 times a year according to a report from Morgan O. Reynolds, University of Texas, "Crime in Texas". Violent crime strikes a Texan every 22 seconds. Are our 45,000 Texas peace officers going to stop that? Not hardly. How many Texans are you willing to allow to be victimized to prevent CCW?

Texas CCW will prohibit those with class B arrests and include Disorderly Conduct and Public Lewdness as disqualifiers. It will be valid for only two years as opposed to four and will require 15 hours of training. The background check will be conducted by DPS who will require \$130.00 non-refundable fee, who will then contact the local agency for input. Applicants must be registered voters, which by itself eliminates a lot of folks.

Do Police Officers really understand this bill? Most of them who disagree believe it is a blanket carry bill, but when it is explained to them, they tend to change positions. More Police Officers than you think support this bill. Texas Municipal Police Officers Association and Texas State Troopers Association have publicly supported it. *Police Magazine* polled its readers and as reported in their January 1993 issue, more than 85% support concealed carry.

This is why LEAA and I support CCW. You know, when I think of CCW, I stop to think about those law-abiding citizens who will back me up when the stuff gets deep. My Department just recently awarded seven civilians for coming to the aid of a police officer. There are many citizens who will help out a cop in a jam, more than we think. Some of them may be Rambo or John Wayne, but did you know that in Florida after they enacted their CCW that they have had 16 total arrests for weapons violations over a three year period-- and one of those was for a lady who carried her pistol into a library!

The supposition has not happened. The media hype has not occurred. CCW will probably not increase the number of weapons already on the street that much. Those who are predisposed to carry are already carrying. Those who aren't, won't. Besides, we should be treating

everyone we deal with as if they were armed. In every contact we make there is a gun involved, our own.


Also in considering this issue you might ask yourself these three questions that I now ask other officers who respond negatively to CCW.

1. Does your wife carry?
2. Will you carry when you retire?
3. Do you know someone, who is not a police officer that is carrying a handgun, that you as a police officer have done nothing about?

If you answer any of these questions with a yes, then you should support CCW!

If you have any questions or comments please feel free to contact me by phone or mail. I am usually available during the evenings. Also we solicit an invitation to address your area POA, FOP lodge or similar organization. I think I could find my way Ector County, Midland-Odessa.

Sincerely,  
John Chapman



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...Confident  
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\*ASK YOUR DEALER ABOUT A VOUCHER GOOD AGAINST THE NEW TRAINING.

TAKING A STAND

# Gun control can creep up on all Alaskans if they're not vigilant

It doesn't matter if you are male, female, white, black or Native — civil rights are important to all Alaskans. Because of this, I would encourage you to defend our most cherished and fundamental rights; the right to keep and bear arms.

This right could be jeopardized by the vague wording in the Alaska State Constitution. It states:

"A well-regulated militia being necessary to the security of a free state, the right of the people to bear arms shall not be infringed."

This article only says the people can bear arms, but makes no provision for keeping them. Because this language is so poorly written, the courts could interpret it to mean the people only have the right to bear arms while serving in the military reserve or national guard.

The Alaska attorney general's office confirmed our worst fears in a letter to Sen. Pat Rodey dated April 13, 1983. According to Assistant Attorney General Joseph Geldhof, "the modern judicial view has increasingly found that the guaranteed right to keep and bear arms is not an individually protected right, but rather a collective right which allows the people of the various states to serve



Gary Hammond

in a militia."

Because of this legal opinion, Sen. Rodey has tried to restore your rights for nine years. His resolution would clarify and reaffirm our commitment to the individual's right to keep and bear arms. It states:

"The individual right to keep and bear arms shall not be denied or infringed by the state or a political subdivision of the state."

The Senate was committed to restoring this right, so it passed the resolution without change. Since then, the anti-gun politicians serving on the House State Affairs Committee have rewritten the measure. The new version states:

"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 denied. The individual right to keep and bear arms shall not be unreasonably infringed by the state or a political subdivision of a state."

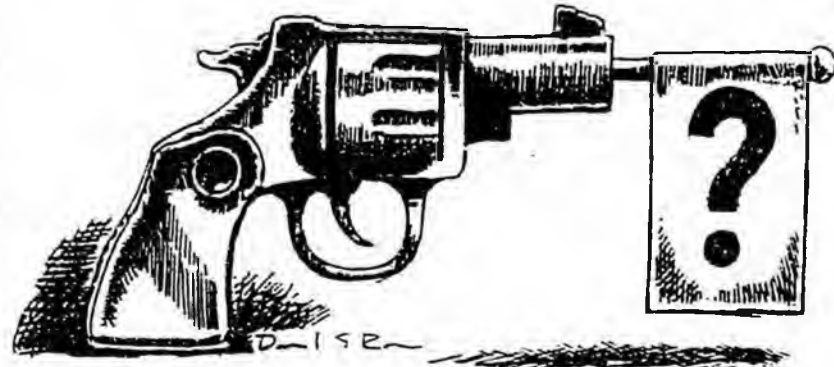
The word "unreasonably" is like a rubber band: It can be stretched to encompass any meaning the bureaucrats want. Because of this, your rights are in jeopardy. Those responsible for this new language are: Chairman Kubina, (D) District 6; Rep. Choquette, (R) District 6 8-B; Rep. Gruenberg, (D) District 11-B.

The only representative to stand up for your rights was Rep. Bruckman, (D) District 8-A.

The next obstacle in this fight is Rep. Dave Donley and his House Judiciary Committee. By inaction, Rep. Donley, (D) District 11-A, could let this resolution die in committee.

It is unfortunate these elected politicians do not believe in the individual right to keep and bear arms.

According to a recent article in the Fairbanks Daily News-Miner, the Hickel administration is also after your guns. Apparently, the



The Gun Control Act of 1968 explicitly prohibits "felons, fugitives from justice, people addicted to controlled substances, the mentally defective," and others from possessing firearms.

Despite overwhelming evidence against their argument, the lawyers at the Alaska attorney general's office continue their assault on your rights.

Let me conclude by saying this. Senate Joint Resolution 1, as introduced by Sen. Rodey, would preserve your right to keep and bear arms, but the anti-gun politicians have compromised the measure by inserting bad language.

We cannot afford to take this right for granted any longer.

Instead, let us re-affirm our commitment to civil rights by sending a message to Rep. Donley and the House Judiciary Committee. Tell them time is running out and you want action.

Vote for SJR1 as submitted by Sen. Rodey.

Gary Hammond is an accounting student at University of Alaska Fairbanks and president of the UAF Politics Club. Opinions expressed in Taking a Stand do not necessarily reflect the editorial position of The Anchorage Times.

appointed lawyers at the attorney general's office have been leading the fight. They claim the individual right to keep and bear arms would invalidate existing laws that prohibit criminals from owning guns.

Let's look at the evidence.

The state of Rhode Island has the most explicit constitutional provision regarding this right. It simply states: "the right of the people to keep and bear arms shall not be infringed."

During my recent conversation with Rhode Island Assistant Attorney General Mike Stone. I

asked this question: "Has the Rhode Island Constitution guaranteeing the right to keep and bear arms invalidated existing gun laws or allowed criminals the

legal right to own a gun in Rhode Island?"

He replied with a resounding "no." Chapter 1147 of the Rhode Island Statutes explicitly "prohibits mental incompetents, drunkards, aliens and people who have been convicted of a violent crime from possessing a firearm."

Here's the point. The Rhode Island Legislature has enacted many laws that prohibit criminals and other undesirable persons from possessing firearms. In fact, Rhode island has some of the most restrictive gun laws in the country.

Attorney Stone also said the right to keep and bear arms provision in the U.S. Constitution did not invalidate federal firearms laws.

# Gun-control provides primer on political philosophy

How can one best illustrate, to an inquiring youth, the differences between conservatives and liberals? Abstract principles — bloodless ephemeral — don't make a strong impression. It's best, perhaps, to use a single issue as an example — political philosophy by metaphor, so to speak.

As Congress and the Clintons prepare their next assault on the American people's right to keep and bear arms, let's try gun control as our primer.

Liberals are statist — collectivists who believe government control is the solution to society's ills. Are people shooting each other? The liberal's answer is for government to take all the guns away. Conservatives are individualists; they resent and resist the collective (the state) curtailing their liberty. Take guns away from violent criminals — not from me, they say.

Liberals are elitists; they don't trust common folk



**FRITZ  
PETTYJOHN**

with the power that comes with control of a deadly weapon. Conservatives are populists who have faith in average Americans and their ability to handle firearms.

Liberals are utopians; if properly managed and controlled, society, and mankind, can approach perfection. Thus, if you make a law against guns and hire a lot of police, people won't shoot each other any more! Conservatives are realists;

they know there will always be criminals (who are by definition scofflaws) who will manage to arm themselves. Disarming the law abiding will only embolden the lawless.

Liberals are fantasists; they are infatuated with gestures. No one seriously believes enactment of the Brady Bill, with its five-day waiting period, will have any real impact on violent crime in America. But, to liberals, it was important to do something, if for no other reason than to make oneself feel good and demonstrate that one really really cares. Conservatives believe in substance, not symbolism. To them, dealing with crime means putting criminals behind bars and keeping them there.

Liberals are inclined to a certain daintiness, or a kind of fecklessness when confronted with the brutality of thugs. The corollary, don't you know, is employed

to deal with such things. It is not a citizen's place to have to dirty one's linen in taking on criminals oneself. Conservatives believe in self-reliance. If confronted by an assailant, they prefer a .357 to 911.

Liberals are trendy, and naturally attracted to fads. Gun ownership is so passe. Gun control is so modern. Conservatives are traditionalists. Two hundred and 18 years ago the Shot Heard Round the World — precipitating the War of Independence — was fired because the Brits tried to confiscate a colonial armory. If keeping and bearing arms was good enough for our Founding Fathers, it's good enough for us.

To liberals, the foundation of American liberty — the Constitution of the United States — doesn't necessarily mean what it actually says. They argue that as our society evolves, the Constitution likewise changes with the times. Judges and law-

yers, trained at elite law schools, determine the pace and direction of the evolution of interpretation. Conservatives honor the Constitution, and every word of it, above all documents, save one. The framers knew precisely what they were doing when they wrote it, and it literally means what it says. The recognition, in the Second Amendment, that the people's right to bear arms themselves shall not be infringed upon is, and always shall be, the highest law of the land.

Liberals today are the establishment in this country, the powers that be, the elites who control most major American institutions. In the universities, the major newspapers and magazines, the television networks, the film and recording industries, the Congress, government bureaucracies, the law schools, the main-line churches, charitable foundations, in publishing and advertising — in all these and many more

positions of influence, liberals dominate American society. They like their power, and despise any threat to it, however remote. A well-armed citizenry contains the possibility of posing such a threat.

Conservatives are, at least potentially, revolutionaries. They take to heart the admonishments of the grandest document of them all — the Declaration of Independence. Thomas Jefferson's charge to the generations who succeeded him — that it is not only their right, but their duty, to throw off despotism — is taken quite seriously by American conservatives. If and when that time ever comes, they want to be armed.

□ Fritz Pettyjohn, an Anchorage lawyer, served in both the Alaska state Senate and the Alaska House of Representatives.

## Difference of opinion

In the slick insert from Arctic Power that appeared in the Fairbanks News-Miner last week, former Kaktovik Mayor Herman Aishanna is quoted as saying, "The people of Kaktovik ... are insulted when people try to tell us this (the coastal plain of the Arctic Refuge) should be a wilderness area. As if we don't exist and have no rights to live, hunt and work here."

Mr. Aishanna should know better, and I suspect maybe he does.

The difference between those who want to

great biological importance. Not unreasonably, the Arctic Slope Regional and Kaktovik Inupiaq corporations wish to pursue what they see as further economic development in their region. We understand that, but we also see that oil development on state lands has already brought the North Slope a strong economic base, including the highest per capita income in the United States, and a very large trust fund. In that context, our contention that the highest value of this one piece of Alaska's coastline lies in its wilderness and habitats, and that it deserves protection as an intact, unique

each one alive, and yet we send our young who have never committed a crime to a foreign country to be killed and to kill other young people who have never committed a crime either. This can't be true, can it?

I wish Howard Weaver would donate his brain to science ... soon.

— John J. Cowdery

## Wake up before it's too late

I find it hard to believe how much space you allotted to tell us the tobacco executives believe that their product is not harmful on Dec. 7. And on the front page even! How

in a talk show. Yes, a lot is said at a PTA meeting, however, I disagree with "no point and you come to your own conclusion." Our children's education is reliant on a system that has become political, which makes it ever more important for parents, teachers, principals and those concerned about the education of our children to attend these meetings and become involved.

Without Central Council PTA meetings, and those involved in them, we would not have positive programs for our children such as POPS (parents on playground), Child Watch, and an Earthquake Disaster

# HOUSE COMMITTEE REPORT

(7) Date Referred: March 4, 1994 FURTHER REFERRALS: Finance

Date of Committee Action: \_\_\_\_\_

The JUDICIARY Committee considered: SJR 39

**SENATE JOINT RESOLUTION NO. 39** **RIGHT TO KEEP AND BEAR ARMS**  
 Proposing an amendment to the Constitution of the State of Alaska to guarantee, in addition to the right of the people to keep and bear arms as approved by the voters at the time of ratification of the state Constitution, that the individual right to keep and bear arms shall not be denied or infringed by the state or a political subdivision of the state.

RECOMMENDATIONS:  
 be replaced with HOUSE CS SJR 39 (AM)  the same title  
 a new title

have attached amendments(s)

(3)  do pass

do not pass

(2)  no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) 35 (AST), elections

| SIGNING DO PASS       | DP                                  | OTHER RECOMMENDATIONS | DNP | NR                                  | AM                                  |
|-----------------------|-------------------------------------|-----------------------|-----|-------------------------------------|-------------------------------------|
| <i>Jennette James</i> | <input checked="" type="checkbox"/> | <i>Chipp ...</i>      |     | <input checked="" type="checkbox"/> |                                     |
| <i>Bryan Porter</i>   | <input checked="" type="checkbox"/> | <i>Paul ...</i>       |     |                                     | <input checked="" type="checkbox"/> |
| <i>Gail Phillips</i>  | <input checked="" type="checkbox"/> | <i>Joseph ...</i>     |     | <input checked="" type="checkbox"/> |                                     |
|                       |                                     |                       |     |                                     |                                     |
|                       |                                     |                       |     |                                     |                                     |
|                       |                                     |                       |     |                                     |                                     |
|                       |                                     |                       |     |                                     |                                     |
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|                       |                                     |                       |     |                                     |                                     |
|                       |                                     |                       |     |                                     |                                     |
|                       |                                     |                       |     |                                     |                                     |

*Bryan A. Porter*  
 CHAIRMAN'S SIGNATURE

**SJR**

**39**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/7/94

FURTHER:

DATE TURNED INTO OFFICE: 2-15-94

The Finance Committee considered **SENATE JOINT RESOLUTION NO. 39**

Proposing an amendment to the Constitution of the State of Alaska to guarantee, in addition to the right of the people to keep and bear arms as approved by the voters at the time of ratification of the state Constitution, that the individual right to keep and bear arms shall not be denied or infringed by the state or a political subdivision of the state.

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

| Department | Date    | Zero                                | Fiscal |
|------------|---------|-------------------------------------|--------|
| DPS        | 1-21-94 | <input checked="" type="checkbox"/> |        |
|            |         |                                     |        |
|            |         |                                     |        |
|            |         |                                     |        |
|            |         |                                     |        |

**PREVIOUS FISCAL NOTES**

| Department    | Date    | Zero | Fiscal |
|---------------|---------|------|--------|
| Gov/Elections | 1-14-94 |      | \$2.2  |
|               |         |      |        |
|               |         |      |        |
|               |         |      |        |
|               |         |      |        |

Appropriation No Fiscal Note

**DO PASS:**

*Bob Sharp*  
*Gene Parks*  
*Tim Kelly*

**OTHER RECOMMENDATIONS:**

*Alvin Rieger No Rec*

1. *Adopt Do Pass*

2. *True Verice. 6/29/94*

Co-Chair: Signature \_\_\_\_\_

# FISCAL NOTE

1/21/94  
SENATE RES, JUD  
FIN

**STATE OF ALASKA  
1994 LEGISLATIVE SESSION**

**BILL NO: SJR 39**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Proposing an amendment relating to the BRU: Alaska State Troopers  
individual right to keep & bear arms Component: Detachments  
 Sponsor: Senate State Affairs  
 Requestor: Senate State Affairs COMPONENT SERIAL NO. 799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

| OPERATING                   | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES           |       |       |       |       |       |       |
| TRAVEL                      |       |       |       |       |       |       |
| CONTRACTUAL                 |       |       |       |       |       |       |
| SUPPLIES                    |       |       |       |       |       |       |
| EQUIPMENT                   |       |       |       |       |       |       |
| LAND & STRUCTURES           |       |       |       |       |       |       |
| GRANTS, CLAIMS              |       |       |       |       |       |       |
| MISCELLANEOUS               |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b>      | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
| <b>CAPITAL</b>              |       |       |       |       |       |       |
| <b>REVENUE FUND SOURCE:</b> |       |       |       |       |       |       |

**FUNDING: (Thousands of Dollars)**

|                          |     |     |     |     |     |     |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts    |     |     |     |     |     |     |
| 1003 GF Match            |     |     |     |     |     |     |
| 1004 GF                  |     |     |     |     |     |     |
| 1005 GF/Program Receipts |     |     |     |     |     |     |
| 1006 GF/MHTIA            |     |     |     |     |     |     |
| Other                    |     |     |     |     |     |     |
| <b>TOTAL</b>             | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

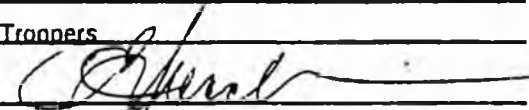
Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

**ANALYSIS: (Attach a separate page if necessary.)**

No fiscal impact upon the Alaska State Troopers anticipated.

Prepared By: Francis C. Allan Phone: (907) 269-5691  
 Division: Alaska State Troopers Date: 01/21/94  
 Approved by Commissioner:  Date: 01/21/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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SJR 39

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 1  
B) Bill Version: SJR 39  
(S) Publish Date: 1-24-94

Revision Date: \_\_\_\_\_ Dept. Affected: Office of the Governor  
Title: Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms BRU: Division of Elections  
Sponsor: Senate State Affairs Component: General and Primary Elections  
Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 22

**Expenditures/Revenues**

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 95       | FY 96    | FY 97    | FY 98    | FY 99    | FY 00    |
|------------------------|-------------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES      | 0           | 0        | 0        | 0        | 0        | 0        |
| TRAVEL                 | 0           | 0        | 0        | 0        | 0        | 0        |
| CONTRACTUAL            | 2.2*        | 0        | 0        | 0        | 0        | 0        |
| SUPPLIES               | 0           | 0        | 0        | 0        | 0        | 0        |
| EQUIPMENT              | 0           | 0        | 0        | 0        | 0        | 0        |
| LAND & STRUCTURES      | 0           | 0        | 0        | 0        | 0        | 0        |
| GRANTS, CLAIMS         | 0           | 0        | 0        | 0        | 0        | 0        |
| MISCELLANEOUS          | 0           | 0        | 0        | 0        | 0        | 0        |
| <b>TOTAL OPERATING</b> | <b>2.2*</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                             |   |   |   |   |   |   |
|-----------------------------|---|---|---|---|---|---|
| <b>CAPITAL EXPENDITURES</b> | 0 | 0 | 0 | 0 | 0 | 0 |
|-----------------------------|---|---|---|---|---|---|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

|                          |             |          |          |          |          |          |
|--------------------------|-------------|----------|----------|----------|----------|----------|
| 1002 Federal Receipts    | 0           | 0        | 0        | 0        | 0        | 0        |
| 1003 GF Match            | 0           | 0        | 0        | 0        | 0        | 0        |
| 1004 GF                  | 2.2*        | 0        | 0        | 0        | 0        | 0        |
| 1005 GF/Program Receipts | 0           | 0        | 0        | 0        | 0        | 0        |
| 1006 GF/MHTIA            | 0           | 0        | 0        | 0        | 0        | 0        |
| Other                    | 0           | 0        | 0        | 0        | 0        | 0        |
| <b>TOTAL</b>             | <b>2.2*</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

Estimate of any current year (FY94) cost: \$ 0

**POSITIONS**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

**ANALYSIS:** (Attach a separate page if necessary) \*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Joseph L. Swanson, Director  
Division: Division of Elections  
Approved by Commissioner: John B. Coghill  
Agency: Office of the Lt. Governor

Phone: 465-4611  
Date: 1/14/94  
Date: 1/14/94

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Official Business

# Alaska State Legislature

State Capitol  
Juneau, AK 99801-1182

## SPONSOR STATEMENT SJR 39

SJR 39: "Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms."

Article I of Alaska's Constitution declares the rights of Alaskans and each of the 23 sections is important in order to preserve our rights and civil liberties. The right to decide whether or not to own a firearm lies with each individual and most Alaskans believe this right to be protected in our State Constitution.

Article I, Section 19 of Alaska's Constitution reads: "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."

Although this language is common and currently does guarantee the individual the right to keep and bear arms, many have challenged it and will continue to do so. The language is ambiguous enough, that several attempts have been made in past Legislatures to clarify the right of the *individual* citizen to own a firearm, whether it be for hunting, recreation, liberty, or for defense of self, home, family or state.

There is no existing Alaska Supreme Court interpretation of this language as either assurance or prohibition of this right. There have, however, been numerous attempts to place restrictions on law-abiding citizens who own firearms, and the potential for unreasonable firearms restrictions is becoming more likely.

Thus, the Senate Committee on State Affairs, supported by eleven Senators, has introduced Senate Joint Resolution 39, which would place the issue of the right of the individual to keep and bear arms before the voters in the 1994 general election. This resolution would place the issue before the voters, so Alaskans can decide the issue.

The passage of this amendment will not abrogate the laws of the state restricting access of firearms by felons, juveniles, or the mentally incompetent. Although citizens have the constitutional right to free speech, they do not have the right to cry "fire" in a crowded theatre; they do not have the right to joke about hijacking an aircraft within earshot of airline security. When formulating public policy, it is necessary to balance the rights of the individual with the authority given to the state by its citizenry to protect the public. I believe this amendment will better ensure this balance in the future.

It is imperative that the state retain its authority to protect the safety of its citizens. It is neither my intent, nor my desire to interfere with the state's ability to reasonably protect the public from the misuse or inappropriate use of firearms. But, the individual right of Alaskans to own firearms for legal purposes should not be left open to potential unreasonable government intrusion, the potential erosion of that constitutional right, nor to uncertain court interpretation.

The Municipality of Anchorage recently passed a resolution endorsing the individual right to keep and bear arms constitutional amendment and resolutions are currently pending in Fairbanks and several other boroughs and cities throughout Alaska.

Bill Sheffield, Governor

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

April 13, 1983  
Redated 7/1/83 for printing purposes

The Honorable Pat Rodey  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

The Honorable Charlie Bussell  
Representative  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: Handgun Ban  
Our file No.: 366-444-83

Dear Senator Rodey and Representative Bussell:

You have asked this office whether a landlord, through a leasehold agreement, may prohibit a tenant from possessing handguns. We conclude that in certain circumstances a landlord may restrict or prohibit the use and/or possession of handguns on property which is leased to another individual.

Our initial inquiry regarding this matter commenced with a review of relevant Alaskan Constitutional provisions. The Alaska Constitution directly addresses a citizens ability to bear arms at Article I, Section 19 which states:

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 language embodied in Alaska's Constitution pertaining to arms is virtually identical, save for two changes in punctuation, to language found in Article II of the United States Constitution. Article II of the United States Constitution was proposed by the Congress on September 25, 1789 and became the law of the United States on December 15, 1791. During the one hundred and ninety two years since adoption of the Second Amendment to the United States Constitution and the twenty-four years since the Alaska Constitution has been in effect, numerous court cases have interpreted the constitutional language which establishes the right to bear arms.

ATTORNEY GENERAL  
LETTER 4/13/83

Hon. Pat Rodey, Senator  
Hon. Charlie Bussell, Representative  
Our File No.: 366-444-83

April 13, 1983  
Page 2

We note the period since the adoption of the Second Amendment has witnessed an ever increasing issuance of opinions from the judiciary of the various states and the federal courts which place limits on an individual's ability to bear arms. Some commentators have theorized that the legislative and judicial limitations increased significantly with the availability of inexpensive surplus weapons following the American Civil War. <sup>1/</sup> According to this theory, the increase in restrictive gun control measures and corresponding judicial interpretations was associated with increasing acquisition of firearms by recently emancipated Black Americans and immigrants coupled with the increased availability of firearms in the post Civil War industrial America. The right of 'bearing arms' is not a right granted by the Constitution nor is it in any manner dependant upon that instrument for its existence. U.S. v. Cruikshank, 92 U.S. 553 (D.C.La. 1875).

While offering no judgment on the propriety or effectiveness of the restrictive legislative and judicial measures, we observe that the current state of the law pertaining to the constitutional language holds that:

[The] purpose of this amendment, guaranteeing that the right of the people to keep and bear arms, was to preserve the effectiveness and assure the continuation of the state militia. U.S. v. Oakes, 564 F.2d, cert. denied 98 S.Ct. 1493 (C.A. Kan. 1977).

\* The modern judicial view has increasingly found that the guaranteed right to keep and bear arms is not an individually protected right, but rather a collective right which allows the people of the various states to serve in a militia./ \*  
The contemporary judicial view in the great majority of states interprets the constitutional language as posing no limitations on the legislature's power to regulate the ownership or control of firearms. Whatever the scope of any common-law or constitutional right to bear arms, it is not absolute and does not guarantee to individuals the right to carry weapons abroad at all times and in all circumstances. Application of Atkinson, 291 N.W.2d 396 (Minn. 1980). By analogy then, a landlord, too, could restrict

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<sup>1/</sup> Kates, Don B. Restricting Handguns, North River Press, pages 7-30 (1979)

Hon. Pat Rodey, Senator  
Hon. Charlie Bussell, Representative  
Our File No.: 366-444-83

April 13, 1983  
Page 3

the possession of handguns on property he or she owns and leases. If the State can restrict arms without running afoul of constitutional provisions, an individual almost certainly has similar abilities.

It is conceivable that a landlord's ban on handgun ownership could be challenged under constitutional doctrines which afford a right of privacy. The United States Constitution, while not containing an express provision guaranteeing privacy has been interpreted to afford an individual certain protections, Cf. Griswold v. Connecticut, 381 U.S. 479 (1965). "The Constitution extends special safeguards to the privacy of the home, including activities which might be prohibited in other contexts." Cf. U.S. v. Orito, 413 U.S. 137, 142 (1973).

While it is unlikely that a court would find that an individual's right to possess arms (for example a gun collection) is protected by the privacy shield of the U.S. Constitution, the argument could be maintained. We are unaware of this argument being successfully asserted in any anglo-american jurisdiction.

A more likely source of protection under the right to privacy doctrine may be afforded by the Alaska Constitution at Article I, Section 22 which states that:

The right of the people to privacy shall not be infringed. The legislature shall implement this section.

The Alaska Supreme Court has explicitly stated that the right of privacy guaranteed to Alaskans is broader in scope than that guaranteed by the federal constitution. Woods & Rohde, Inc., v. State, 565 P.2d 138 (1977). Even so, the meaning of privacy or necessity must vary depending on the factual context and the often compelling interests of society and the individual. State v. Glass, 583 P.2d 879 (1978). The test for what interests are protected under Alaska's constitutional right to privacy are, first, whether a person has exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as "reasonable". Hilbers v. Municipality of Anchorage, 611 P.2d 31 (1980).

The question of handgun ownership in Alaska and whether such ownership is "reasonable" in the context of a landlord tenant relationship is open ended. Probably the "expectation" and reasonableness of gun ownership in Alaska is different than the reasonableness of gun ownership in many other jurisdictions where actual firearm ownership and use is reduced. In any event,



Redated 7/1/83 for printing purposes

Hon. Pat Rodey, Senator  
Hon. Charlie Bussell, Representative  
Our File No.: 366-444-83

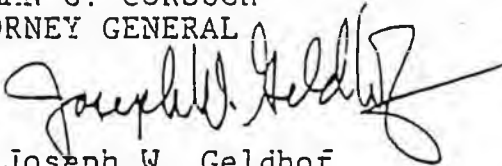
April 13, 1983  
Page 5

We trust this response answers your inquiry. If you have any additional questions, please let me know.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:



Joseph W. Geldhof  
Assistant Attorney General

JWG:vrh

cc: Norman C. Gorsuch  
Attorney General

Ronald W. Lorensen  
Deputy Attorney General

TO: PORTIA BABCOCK  
FROM: JANE WINEINGER, NRA ALASKA GRASSROOTS  
RE: STATE'S CONSTITUTIONAL PROVISIONS (CURRENT 1993)

ALASKA - "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."

ALABAMA - "THAT EVERY CITIZEN HAS A RIGHT TO BEAR ARMS IN DEFENSE OF HIMSELF AND THE STATE."

ARIZONA - "THE RIGHT OF THE INDIVIDUAL CITIZEN TO BEAR ARMS IN DEFENSE OF HIMSELF OR THE STATE SHALL NOT BE IMPAIRED, BUT NOTHING IN THIS SECTION SHALL BE CONSTRUED AS AUTHORIZING INDIVIDUALS OR CORPORATIONS TO ORGANIZE, MAINTAIN, OR EMPLOY AN ARMED BODY OF MEN."

ARKANSAS - "THE CITIZENS OF THIS STATE SHALL HAVE THE RIGHT TO KEEP AND BEAR ARMS FOR THEIR COMMON DEFENSE."

CALIFORNIA - NONE

COLORADO - "THE RIGHT OF NO PERSON TO KEEP AND BEAR ARMS IN DEFENSE OF HIS HOME, PERSON AND PROPERTY OR IN AID OF THE CIVIL POWER WHEN THERETO LEGALLY SUMMONED, SHALL BE CALLED IN QUESTION; BUT NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO JUSTIFY THE PRACTICE OF CARRYING CONCEALED WEAPONS."

CONNECTICUT - "EVERY CITIZEN HAS A RIGHT TO BEAR ARMS IN DEFENSE OF HIMSELF AND THE STATE."

DELAWARE - "A PERSON HAS THE RIGHT TO KEEP AND BEAR ARMS FOR THE DEFENSE OF SELF, FAMILY, HOME AND STATE, AND FOR HUNTING AND RECREATIONAL USE."

FLORIDA - "(a) THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS IN DEFENSE OF THEMSELVES AND OF THE LAWFUL AUTHORITY OF THE STATE SHALL NOT BE INFRINGED, EXCEPT THAT THE MANNER OF BEARING ARMS MAY BE REGULATED BY LAW. (b) THERE SHALL BE A MANDATORY PERIOD OF THREE DAYS, EXCLUDING WEEKENDS AND LEGAL HOLIDAYS, BETWEEN THE PURCHASE AND DELIVERY AT RETAIL OF ANY HANDGUN. FOR THE PURPOSES OF THIS SECTION, "PURCHASE" MEANS THE TRANSFER OF MONEY OR OTHER VALUABLE CONSIDERATION TO THE RETAILER, AND "HANDGUN" MEANS A FIREARM CAPABLE OF BEING CARRIED AND USED BY ONE HAND, SUCH AS A PISTOL OR REVOLVER. HOLDERS OF A CONCEALED WEAPON PERMIT AS PRESCRIBED IN FLORIDA LAW SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH. (c) THE LEGISLATURE SHALL ENACT LEGISLATION IMPLEMENTING SUBSECTION (b) OF THIS SECTION, EFFECTIVE NO LATER THAN DECEMBER 31, 1991, WHICH SHALL PROVIDE THAT ANYONE VIOLATING THE PROVISIONS OF SUBSECTION (b) SHALL BE GUILTY OF A FELONY. (d) THIS RESTRICTION SHALL NOT APPLY TO A TRADE IN OF ANOTHER HANDGUN." THE LEGISLATURE OF THE STATE OF FLORIDA, IN A DECLARATION OF POLICY INCORPORATED IN ITS "WEAPONS AND FIREARMS" STATUTE, RECOGNIZES THE LAWFUL OWNERSHIP, POSSESSION AND USE OF FIREARMS FOR THE DEFENSE OF "LIFE, HOME AND PROPERTY" AND FOR USE IN TARGET PRACTICE, HUNTING AND "OTHER LAWFUL PURPOSES."

GEORGIA - "THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED, BUT THE GENERAL ASSEMBLY SHALL HAVE POWER TO PRESCRIBE THE MANNER IN WHICH ARMS MAY BE BORNE."

HAWAII - "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."

IDAHO - "THE PEOPLE HAVE THE RIGHT TO KEEP AND BEAR ARMS, WHICH RIGHT SHALL NOT BE ABRIDGED; BUT THIS PROVISION SHALL NOT PREVENT THE PASSAGE OF LAWS TO GOVERN THE CARRYING OF WEAPONS CONCEALED ON THE PERSON, NOR PREVENT PASSAGE OF LEGISLATION PROVIDING MINIMUM SENTENCES FOR CRIMES COMMITTED WHILE IN POSSESSION OF A FIREARM, NOR PREVENT PASSAGE OF LEGISLATION PROVIDING PENALTIES FOR THE POSSESSION OF FIREARMS BY A CONVICTED FELON, NOR PREVENT THE PASSAGE OF LEGISLATION PUNISHING THE USE OF A FIREARM. NO LAW SHALL IMPOSE LICENSURE, REGISTRATION OR SPECIAL TAXATION ON THE OWNERSHIP OR POSSESSION OF FIREARMS OR AMMUNITION. NOR SHALL ANY LAW PERMIT THE CONFISCATION OF FIREARMS, EXCEPT THOSE ACTUALLY USED IN THE COMMISSION OF A FELONY."

ILLINOIS - "SUBJECT ONLY TO THE POLICE POWER, THE RIGHT OF THE INDIVIDUAL CITIZEN TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED."

INDIANA - "THE PEOPLE SHALL HAVE A RIGHT TO BEAR ARMS, FOR THE DEFENSE OF THEMSELVES AND THE STATE".

IOWA - NONE

KANSAS - "THE PEOPLE HAVE THE RIGHT TO BEAR ARMS FOR THEIR DEFENSE AND SECURITY; BUT STANDING ARMIES, IN TIME OF PEACE, ARE DANGEROUS TO LIBERTY, AND SHALL NOT BE TOLERATED, AND THE MILITARY SHALL BE IN STRICT SUBORDINATION TO THE CIVIL POWER."

KENTUCKY - "ALL MEN ARE BY NATURE, FREE AND EQUAL, AND HAVE CERTAIN INHERENT AND INALIENABLE RIGHTS, AMONG WHICH MAY BE RECKONED; THE RIGHT TO BEAR ARMS IN DEFENSE OF THEMSELVES AND OF THE STATE, SUBJECT TO THE POWER OF THE GENERAL ASSEMBLY TO ENACT LAWS TO PREVENT PERSONS FROM CARRYING CONCEALED WEAPONS."

LOUISIANA - "THE RIGHT OF EACH CITIZEN TO KEEP AND BEAR ARMS SHALL NOT BE ABRIDGED, BUT THIS PROVISION SHALL NOT PREVENT THE PASSAGE OF LAWS TO PROHIBIT THE CARRYING OF WEAPONS CONCEALED ON THE PERSON."

MAINE - "EVERY CITIZEN HAS A RIGHT TO KEEP AND BEAR ARMS AND THIS RIGHT SHALL NEVER BE QUESTIONED."

MARYLAND - NONE

MASSACHUSETTS - "THE PEOPLE HAVE A RIGHT TO KEEP AND BEAR ARMS FOR THE COMMON DEFENSE. AND AS, IN TIME OF PEACE, ARMIES ARE DANGEROUS TO LIBERTY, THEY OUGHT NOT TO BE MAINTAINED WITHOUT THE CONSENT OF THE LEGISLATURE; AND THE MILITARY POWER SHALL ALWAYS BE HELD IN AN EXACT SUBORDINATION TO THE CIVIL AUTHORITY, AND BE GOVERNED BY IT."

MICHIGAN - "EVERY PERSON HAS A RIGHT TO KEEP AND BEAR ARMS FOR THE DEFENSE OF HIMSELF AND THE STATE."

MINNESOTA - NONE

MISSOURI - "THAT THE RIGHT OF EVERY CITIZEN TO KEEP AND BEAR ARMS IN DEFENSE OF HIS HOME, PERSON AND PROPERTY, OR WHEN LAWFULLY SUMMONED IN AID OF THE CIVIL POWER, SHALL NOT BE QUESTIONED; BUT THIS SHALL NOT JUSTIFY THE WEARING OF CONCEALED WEAPONS."

MISSISSIPPI - "THE RIGHT OF EVERY CITIZEN TO KEEP AND BEAR ARMS IN DEFENSE OF HIS HOME, PERSON, OR PROPERTY, OR IN AID OF THE CIVIL POWER WHEN THERETO LEGALLY SUMMONED, SHALL NOT BE CALLED IN QUESTION, BUT THE LEGISLATURE MAY REGULATE OR FORBID CARRYING CONCEALED WEAPONS."

MONTANA - "THE RIGHT OF ANY PERSON TO KEEP OR BEAR ARMS IN DEFENSE OF HIS OWN HOME, PERSON, AND PROPERTY, OR IN AID OF THE CIVIL POWER WHEN THERETO LEGALLY SUMMONED, SHALL NOT BE CALLED IN QUESTION, BUT NOTHING HEREIN CONTAINED SHALL BE HELD TO PERMIT THE CARRYING OF CONCEALED WEAPONS."

NEBRASKA - "ALL PERSONS...HAVE CERTAIN...RIGHTS; AMONG THESE ARE...THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY OR DEFENSE OF SELF, FAMILY, HOME, AND OTHERS, AND FOR LAWFUL COMMON DEFFNSE, HUNTING, RECREATIONAL USE, AND ALL OTHER LAWFUL PURPOSES, AND SUCH RIGHTS SHALL NOT BE DENIED OR INFRINGED BY THE STATE OR ANY SUBDIVISION THEREOF."

NEVADA - "EVERY CITIZEN HAS THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY AND DEFENSE, FOR LAWFUL HUNTING AND RECREATIONAL USE AND FOR OTHER LAWFUL PURPOSES."

NEW HAMPSHIRE - "ALL PERSONS HAVE THE RIGHT TO KEEP AND BEAR ARMS IN DEFENSE OF THEMSELVES, THEIR FAMILIES, THEIR PROPERTY, AND THE STATE."

NEW JERSEY - NONE

NEW MEXICO - "NO LAW SHALL ABRIDGE THE RIGHT OF THE CITIZEN TO KEEP AND BEAR ARMS FOR SECURITY AND DEFENSE, FOR LAWFUL HUNTING AND RECREATIONAL USE AND FOR OTHER LAWFUL PURPOSES, BUT NOTHING HEREIN SHALL BE HELD TO PERMIT THE CARRYING OF CONCEALED WEAPONS. NO MUNICIPALITY OR COUNTY SHALL REGULATE, IN ANY WAY, AN INCIDENT OF THE RIGHT TO KEEP AND BEAR ARMS."

NEW YORK - NONE

NORTH CAROLINA - "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; AND, AS STANDING ARMIES IN TIME OF PEACE ARE DANGEROUS TO LIBERTY, THEY SHALL NOT BE MAINTAINED, AND THE MILITARY SHOULD BE KEPT UNDER STRICT SUBORDINATION TO, AND GOVERNED BY, THE CIVIL POWER. NOTHING HEREIN SHALL JUSTIFY THE PRACTICE OF CARRYING CONCEALED WEAPONS, OR PREVENT THE GENERAL ASSEMBLY FROM ENACTING PENAL STATUTES AGAINST THAT PRACTICE."

NORTH DAKOTA - "ALL INDIVIDUALS ...HAVE CERTAIN INALIENABLE RIGHTS, AMONG WHICH ARE...TO KEEP AND BEAR ARMS FOR THE DEFENSE OF THEIR PERSON, FAMILY, PROPERTY, AND THE STATE, AND FOR LAWFUL HUNTING, RECREATIONAL, AND OTHER LAWFUL PURPOSES, WHICH SHALL NOT BE INFRINGED."

OHIO - "THE PEOPLE HAVE THE RIGHT TO BEAR ARMS FOR THEIR DEFENSE AND SECURITY; BUT STANDING ARMIES, IN TIME OF PEACE, ARE DANGEROUS TO LIBERTY, AND SHALL NOT BE KEPT UP; AND THE MILITARY SHALL BE IN STRICT SUBORDINATION TO THE CIVIL POWER."

OKLAHOMA - "THE RIGHT OF A CITIZEN TO KEEP AND BEAR ARMS IN DEFENSE OF HIS HOME, PERSON, OR PROPERTY, OR IN AID OF THE CIVIL POWER, WHEN THEREUNTO LEGALLY SUMMONED, SHALL NEVER BE PROHIBITED, BUT NOTHING HEREIN CONTAINED SHALL PREVENT THE LEGISLATURE FROM REGULATING THE CARRYING OF WEAPONS."

OREGON - "THE PEOPLE SHALL HAVE THE RIGHT TO KEEP AND BEAR ARMS FOR THE DEFENSE OF THEMSELVES AND THE STATE, BUT THE MILITARY SHALL BE KEPT IN STRICT SUBORDINATION TO THE CIVIL POWER."

PENNSYLVANIA - "THE RIGHT OF THE CITIZENS TO BEAR ARMS IN DEFENSE OF THEMSELVES AND THE STATE SHALL NOT BE QUESTIONED."

RHODE ISLAND - "THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED."

SOUTH CAROLINA - "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."

SOUTH DAKOTA - "THE RIGHT OF THE CITIZENS TO BEAR ARMS IN DEFENSE OF THEMSELVES AND THE STATE SHALL NOT BE DENIED."

TENNESSEE - "THAT THE CITIZENS OF THIS STATE HAVE A RIGHT TO KEEP AND TO BEAR ARMS FOR THEIR COMMON DEFENSE; BUT THE LEGISLATURE SHALL HAVE POWER, BY LAW, TO REGULATE THE WEARING OF ARMS WITH A VIEW TO PREVENT CRIME."

TEXAS - "EVERY CITIZEN SHALL HAVE THE RIGHT TO KEEP AND BEAR ARMS IN THE LAWFUL DEFENSE OF HIMSELF OR THE STATE; BUT THE LEGISLATURE SHALL HAVE POWER, BY LAW, TO REGULATE THE WEARING OF ARMS, WITH A VIEW TO PREVENT CRIME."

UTAH - "THE INDIVIDUAL RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS FOR SECURITY AND DEFENSE OF SELF, FAMILY, OTHERS, PROPERTY, OR THE STATE AS WELL AS FOR OTHER LAWFUL PURPOSES SHALL NOT BE INFRINGED; BUT NOTHING HEREIN SHALL PREVENT THE LEGISLATURE FROM DEFINING THE LAWFUL USE OF ARMS."

VERMONT - "THAT THE PEOPLE HAVE A RIGHT TO BEAR ARMS FOR THE DEFENSE OF THEMSELVES AND THE STATE- AS STANDING ARMIES IN TIME OF PEACE ARE DANGEROUS TO LIBERTY, THEY OUGHT NOT TO BE KEPT UP; AND THAT THE MILITARY SHOULD BE KEPT UNDER STRICT SUBORDINATION TO AND GOVERNED BY THE CIVIL POWER."

VIRGINIA - "THAT A WELL REGULATED MILITIA, COMPOSED OF THE BODY OF THE PEOPLE, TRAINED TO ARMS, IS THE PROPER, NATURAL, AND SAFF DEFENSE OF A FREE STATE, THEREFORE, THE RIGHT OF THE PEOPLE TO KEEP AND BEAF ARMS SHALL NOT BE INFRINGED; THAT STANDING ARMIES, IN TIME OF PEACE, SHOULD BE MOIDED AS DANGEROUS TO LIBERTY; AND THAT IN ALL CASES THE MILITARY SHOULD BE UNDER STRICT SUBORDINATION TO, AND GOVERNED BY, THE CIVIL POWER."

WASHINGTON - ""THE RIGHT OF THE INDIVIDUAL CITIZEN TO BEAR ARMS IN DEFENSE OF HIMSELF OR THE STATE SHALL NOT BE IMPAIRED, BUT NOTHING IN THIS SECTION SHALL BE CONSTRUED AS AUTHORIZING INDIVIDUALS OR CORPORATIONS TO ORGANIZE, MAINTAIN, OR EMPLOY AN ARMED BODY OF MEN."

WEST VIRGINIA - "A PERSON HAS THE RIGHT TO KEEP AND BEAR ARMS FOR THE DEFENSE OF SELF, FAMILY, HOME, AND STATE, AND FOR LAWFUL HUNTING AND RECREATIONAL USE."

WISCONSIN - NONE

WYOMING - "THE RIGHT OF THE CITIZENS TO BEAR ARMS IN DEFENSE OF THEMSELVES AND THE STATE SHALL NOT BE DENIED."

# KIDS &

**T**OO Many Kids Are Getting A Real Bang Out of Life." announces a full-page ad in *The New York Times*— "Help Save The Next Generation."

The ad, purchased by Handgun Control, Inc., reflects the theme of the organization's latest push for the Brady bill. In a February press conference, Sarah Brady, Handgun Control's chairwoman, noted that nearly 4,000 Americans under the age of 20 had been murdered in 1991. That number, actually closer to 3,700, covers a lot of ground. It's based on arrests, so it includes 18-year-old armed robbers snatched by their victims. It also includes 19-year-old crack dealers shot by competitors.

Brady did not suggest how many lives the Brady bill might save. Nor did she cite studies showing how similar laws, enacted by more than 20 states, have reduced crime. That's because there are no such studies. All the scholarly research has found that laws like the Brady bill have no statistically significant impact on crime.

But the whole idea of asking people to "do it for our kids" is to avoid such analysis. Gun control advocates are hammering at the issue of children and guns as never before, in the hope that it will be easier to enact gun controls aimed at adults in an atmosphere of panic about children.

America does have a serious problem with children and guns, but it's a problem quite different from the one described by American's gun prohibitionists and their Washington allies. Indeed, it's a problem that has been aggravated by anti-gun laws.

Consider now the repressive gun laws of cities such as Chicago, Washington, D.C., and New York. In these cities, responsible gun use underground. While a man who operates a pizzeria on the Lower East Side of New York City may keep an illegal pistol hidden under the counter in case of a robbery, he is not likely to take the gun to a target range for practice.

Even if the storekeeper managed to get a gun license, he could not take his teenage son to a target range to teach him responsible firearm use. Just to hold the gun in his hand under immediate adult supervision at a licensed range,

the teenager would have to obtain his own permit.

An airgun, which uses compressed air or carbon dioxide to propel a pellet, is safe enough to fire inside an apartment, yet New York City makes it illegal for supervised minors to touch one. The city thus closes off one more avenue for children to be taught proper firearm use and safety.

In this light, repressive gun laws are not merely ineffective. They actually foster misuse of firearms, including gun violence. By making firearm ownership illegal, or possible only for wealthy people with the clout to move through numerous bureaucratic obstacles, anti-gun laws render legitimate gun owners invisible. Children are left with criminals and violent television characters as their only models of gun use.

The experience with gun accidents shows the importance of teaching our children about proper firearm use.

Gun control advocates have sought to create the impression that firearm accidents involving children are a large and growing problem. Paradoxically, this impression has been reinforced by the very fact that such accidents are rare. Almost every time a child dies in a gun accident, the event is covered by the state's wire services, and sometimes by the national news. Many people mistakenly conclude that children die frequently in gun accidents and that sharp restrictions on gun ownership are necessary to address the problem. But gun accidents involving both children and adults have actually fallen dramatically in the last two decades, almost entirely because of private safety efforts.

In 1988, 277 children under the age of 15 were killed by accidental firearm discharges, according to the National Safety Council. That number represents a 48% drop from 1974, even as the number of guns per capita increased. From 1968 to 1988, the annual rate of fatal gun accidents fell from 1.2 per 100,000 Americans to 0.6. Thanks to private educational efforts, including programs sponsored by the NRA, the Boy Scouts, 4-H and other groups, the firearm accident rate has been cut in half.

Despite this impressive private-sector achievement, Sen. Howard Metzenbaum (D-Ohio) thinks that the government could do better. He proposes giving the Consumer Product Safety Commission authority over firearms, ostensibly to reduce accidents.

**Rather than addressing real social problems that contribute to gun violence among children, opponents of gun ownership promote irrelevant "solutions" with distortions and fabrications.**

ARTICLE

# GUNS

This move could be an indirect way to achieve gun controls far more sweeping and restrictive than Congress is likely to pass. With jurisdiction over firearms, the CPSC could, by unilateral administrative action, ban the future production and sale of all firearms and ammunition. Congress has forbidden the CPSC to regulate guns precisely because of such fears.

Short of banning firearms, the CPSC might require features intended to prevent accidents, such as child-proof grips or indicators that show when a gun is loaded. But such technological fixes, favorites of the gun control lobby, do not address the main cause of firearm accidents.

A 1991 study by the General Accounting Office found that 84% of gun accidents involve deviations from basic safety rules. For example, accidents occur when people carelessly wave a gun around, thinking it's unloaded, or put their fingers on the trigger prematurely. Safety education is therefore the best way to continue reducing gun accidents. Unfortunately, children whose parents have no interest in firearms are unlikely to hear gun lessons. Firearm safety programs ought to be expanded to reach more children.

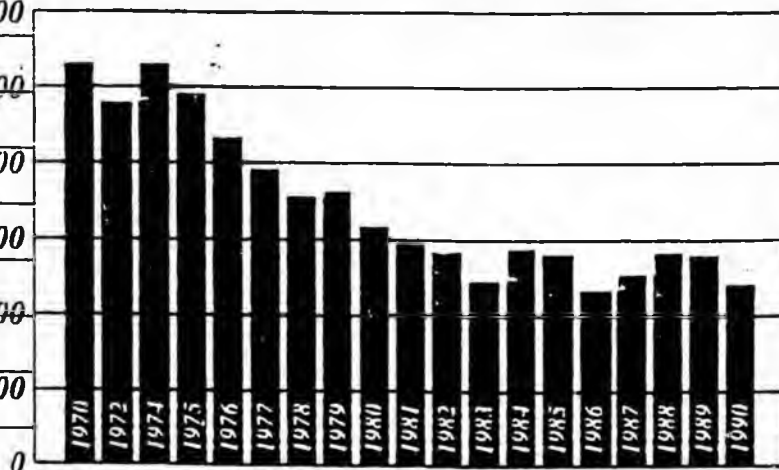
One successful effort to teach children about gun safety is the NRA's "Eddie Eagle" Elementary Gun Safety Education Program. The Eddie Eagle program offers curricula for children from kindergarten through sixth grade, using an animated video, cartoon workbooks, and play safety activities. The cartoon hero Eddie Eagle offers a simple safety lesson: "If you see a gun: Stop! Don't Touch. Leave the Area. Tell an Adult."

While schools and other social institutions have an im-

- Before completing sixth grade, the average American child watches 8,000 homicides and 100,000 acts of violence on television.—American Psychological Ass'n
- Two surveys of young American male violent felons found that 22% to 34% had imitated crime techniques they had watched on television programs.— M.S. Heller & S. Polsky, *Studies in Violence and Television*, p. 3059.
- Japan outlaws handguns and rifles and makes shotguns extremely difficult to obtain. Yet teenage suicide is 30% more frequent in Japan than in America.—L. Craig Parker, *The Japanese Police System Today: An American Perspective*, p. 149.
- While teenage suicide has remained stable in the U.S. in the last 15 years, teenage suicide has risen sharply in Europe, where gun control is much stricter. "Teenage deaths Increasing Across Europe."—*CJ International*, (Nov.-Dec. 1991), p. 4.
- In recent decades the American firearms supply has risen . . . but as the number of guns has risen, the number of childhood gun accidents has fallen sharply, declining by nearly 50% in the last two decades.—(see below)

## Decline In Accidental Childhood Gun Deaths

The number of gun accidents involving children has fallen by over 50% even as the number of guns has increased substantially. The anti-gunners seek to confuse the issues of accidental shootings with the deliberate violence among young people, ignoring the successful role by NRA and others in addressing the gun safety issue.



portant role to play in gun safety, the primary responsibility rests with parents. A child who can, under parental supervision, invite a classmate to shoot a .22 rifle at a target range will be less intrigued by the possibility of surreptitiously playing with a pistol found in a closet.

In contrast to gun accidents, gun suicides do account for the deaths of many young people—more than 2,000 in 1990. From the mid-1950s to the late '70s, teenage suicide rose sharply, and most of the increase was due to gun suicides. But since then, the teenage suicide rate has remained stable, and so has the percentage of suicides involving guns. Teenagers are still less likely to commit suicide than any other age group.

Although the teenage suicide rate has been about the same since the late '70s, gun control advocates insist that immediate action is necessary to address this "crisis" as well. They often cite false statistics to justify their sense of urgency. In 1989, for example, the American Academy of Pediatrics told a congressional committee that "every three hours, a teenager commits suicide with a handgun." But this figure is valid only if one counts *all* suicides as handgun suicides, or if one calls every person under 25 a teenager.

In addition to exaggerating the extent of the problem, gun control supporters simply assume that fewer firearms would mean fewer suicides. One might speculate that the presence of a gun can turn a teenager's fleeting impulse into an irrevocable decision. If guns were less readily available, perhaps suicide would decline. This theory is intuitively plausible, but it is not consistent with the evidence.

In his 1991 book *Point Blank*, Florida State University criminologist Gary Kleck analyzes suicide rates and gun laws in every American city with a population over 100,000. He takes into account all the factors that might affect suicide, such as race (whites are more likely to commit suicide), religion (Catholics are less likely), economic circumstances and 19 gun control laws, ranging from waiting periods to handgun bans.

**Kleck finds no evidence that any of the gun control laws had a statistically significant effect on suicide rates, while some gun control laws did affect the rate of gun sui-**

cide, the total suicide rate remained the same. People who had decided to kill themselves simply substituted other, equally lethal methods.

Data from other countries appear to support Kleck's conclusion that gun control is not an effective way to reduce suicide. While teenage suicide has remained stable in the United States in the last 15 years, it has risen sharply in Europe, where gun control is much stricter.

In Great Britain, where gun laws are very strict and the gun ownership rate is less than one-tenth that in the U.S., adolescent suicide has risen by more than 25% in just five years. Similarly, in Japan handguns and rifles are illegal and shotguns very difficult to obtain. Yet teenage suicide is 30% more frequent in Japan than in the U.S.

Given the lack of evidence that gun control reduces suicide, anti-gun activists have resorted to "factoids" such as this one, reported by syndicated columnist Richard Reeves last September: "Teen-agers in homes with guns are 75 times more likely to kill themselves than teen-agers living in homes without guns." The story behind this claim illustrates how myths that support gun control are generated.

A 1991 article in the *Journal of the American Medical Association* discussed a study of several dozen homes in western Pennsylvania where a teenager had committed or attempted suicide or where a non-suicidal teenager who had been admitted to a psychiatric hospital lived. A home with a teenager who had committed suicide was twice as likely as the other homes to contain a gun.

In an editorial accompanying the article, three employees of the federal Centers for Disease Control incorrectly wrote: "The odds that potential suicidal adolescents will kill themselves go up 75-fold when a gun is kept in the home."

JAMA later published a retraction, noting that the 75-fold figure was incorrect: the increase was in fact twofold (and the number was merely a correlation, not proof of cause).

In his column, Reeves took the factoid one step further, telling his readers that it applied to all teenagers, even though all of the subjects in the study had serious psychological problems.

## DID YOU KNOW THAT:

**Myth** "One child under 14 is accidentally shot to death every day in the USA." (Center to Prevent Handgun Violence)

186,000, is often attributed to the Department of Justice (DOJ), but no specific DOJ study is identified. The number is a huge distortion from the plausible 16,000 to 17,000 nationally extrapolated from criminologist Gary Kleck's data.

**\* Truth** True, if the year in question is 1979, when there were 264 such deaths. In 1990, the most recent year for which data are available, the number was 236, according to the National Center for Health Statistics. The number of fatal gun accidents among children has fallen by 56% since 1970, even as the gun supply has grown significantly.

**Myth** "Firearms are responsible for the deaths of 45,000 infants, children and adolescents per year." (American Academy of Pediatrics)

**\* Truth** Even if all persons 15-25 are considered "adolescents," this one can't be true. The 45,000 figure exceeds the total deaths in all ages from all causes related to firearms.

**Myth** "In the past decade, more than 128,000 Americans were shot just by children under the age of 6." (Hartford Courant)

**Myth** "One million U.S. inhabitants die prematurely each year as the result of intentional homicide or suicide." (Former Surgeon General C. Everett Koop)

**\* Truth** No source is ever cited for this "factoid" because there is none. No government or academic agency even collects data to provide an estimate for the true figure.

**\* Truth** According to the National Center for Health Statistics, in 1988 there were about 30,000 suicides (by all methods) and about 22,000 homicides (by all methods, including legal self defense). Thus, the "one million" claim is off by about 1800%.

**Myth** 135,000 children carry guns to school each day. (U.S. Sens. Biden and Chafee)

**Myth** "Guns are the leading cause of death among older teenagers—white and black—in America." (Newsweek)

**\* Truth** The 135,000 figure, also sometimes given as

**\* Truth** True for black males, but not for females or for males of other races.



*Youngsters who learn about firearms in a constructive and responsible environment are less likely to have accidents, yet firearms education has a low priority with groups that claim to be concerned with firearms accidents.*

Factoids also play an important role in the debate about guns in school. Sen. John Chafee (R-Rhode Island) and Sen. Joseph Biden (D-Delaware) claim that "135,000 children carry a gun to school every day." Sen. Christopher Dodd (D-Connecticut) ups the figure to 186,000. The National Education Association puts the number at 100,000.

The only comprehensive data on this question come from a 1990 survey by the Centers for Disease Control that asked students if they carried weapons onto school grounds. Students who answered yes included all those who occasionally carried guns anywhere, such as in cars when driving at night in dangerous neighborhoods.

Interpreting the data realistically, Kleck, the FSU criminologist, estimates that one in every 800 high school students, which works out to 16,000 to 17,000 students nationally, carries a gun to school on a given day. Accordingly, guns play a relatively small role in the overall problem of violence in school.

Rather than address the real problem of discipline and security in many public schools, gun control advocates have argued for "gun-free school zones," which make possession of weapons within 1,000 ft. of school property a felony. Since the 1,000-ft. school zone encompasses over half the territory in most cities and towns, the school zone laws are frequently a backhanded way to outlaw the possession of firearms by adults on public property.

These laws can add to the regulatory obstacles that discourage people from using guns for protection. The crime of carrying without a permit is a misdemeanor in many jurisdictions, but gun-free school zones can turn it into a serious felony.

Even when narrowly drafted, school-zone laws are misguided. A comparison of the number of students carrying guns in school to the number of gun crimes committed in school indicates that the vast majority of students who carry firearms do so for noncriminal purposes.

Most students who carry guns are trying to protect themselves on the way to

and from school, as they pass through neighborhoods ruled by gangs, or in school itself. To focus on "guns in school" is to miss the larger picture of the violent conditions that make unarmed teenagers feel vulnerable.

While the claims of gun control advocates about a rising tide of gun accidents and gun suicides are false, there is no doubt that violent crime among teenagers is soaring. From 1985 to 1991, arrests of adults for murder declined, but arrests for murder of 17-year-old males rose by 121%, of 16-year-olds by 158%, of 15-year-olds by 217%, and of boys 12 and under by 100%.

Those figures concern an even more serious problem. The murder arrest rate of whites between the ages of 10 and 17 was the same in 1989 as in 1980 (it dipped in the middle of the decade and then rose to its former level). Meanwhile, the black rate has skyrocketed.

Most of these homicides are carried out with handguns. Yet, if there is a relationship between gun density and homicide in the U.S., it is an inverse one. The regions with the most guns are the regions with the lowest homicide rates. And while whites have a higher rate of gun ownership than blacks, they have a much lower homicide rate.

continued on pg. 74

**S**USAN R. Lamson, director of NRA-ILA's Federal Affairs Division, recently told the U.S. Senate Subcommittee on Juvenile Justice: "It appears that society's failure to deal with crime in a meaningful way, embodied in our catch and release criminal justice system, begins with and has its most deleterious effects on our youth.

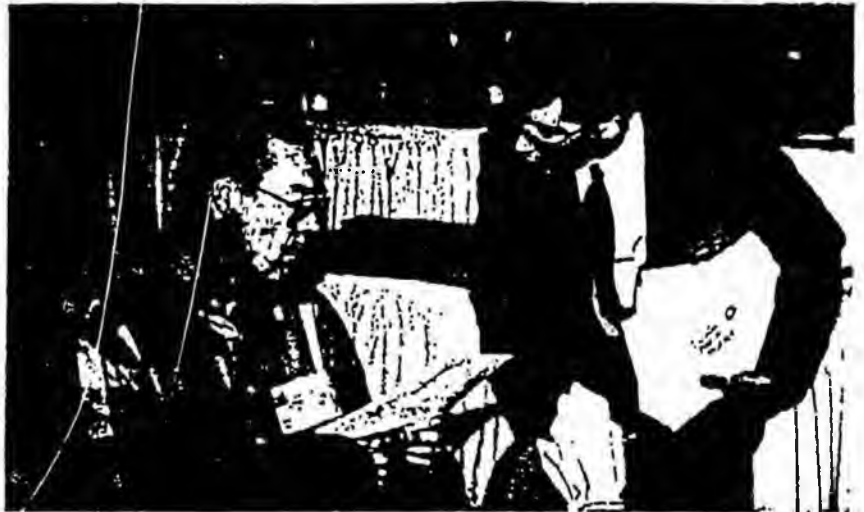
NRA is working with Congress to solve the problems of violent crime committed by juveniles, at the same time making sure that the rights of the millions of law-abiding young people are protected.



# Southern States PBA Crime Control Landmark Law Enforcement Survey Shows Rank



Southern States PBA President Jack Roberts answers reporters' questions about the survey at July 9 press conference at Southern States PBA headquarters in Atlanta, Georgia.



LEAA Operations Director Ted Gogol explains significance of Southern States PBA gun control survey to a state legislator during the Southern Legislative Conference luncheon titled, "Gun Control: Southern Style" held in Mobile Alabama on July 11. Before HCI's Sarah Brady spoke at the luncheon, LEAA made sure every legislator and guest in attendance received a copy of the survey. In addition, LEAA officials explained why rank-and-file officers do not support gun control, and answered questions from legislators and the media.



LEAA Member Todd Pipkin (far left), a law enforcement officer with the Alabama Department of Conservation, discusses the Southern States PBA gun control survey with LEAA Executive Director Jim Fotis (center) and Spectrum Resources, Inc. President Scott Maddox prior to LEAA press conference on July 11 in Mobile, Alabama during the Southern Legislative Conference.



LEAA Executive Director Jim Fotis explains why law enforcement does not support restrictive gun control laws to CBS affiliate News Center Five reporter Kristen McFann at LEAA press conference in Mobile, Alabama on July 11 during Southern Legislative Conference.

# and Gun Control Survey Results

## and-File Officers DO NOT Support Gun Control

In a comprehensive effort to find out how its nearly 11,000 law enforcement members really feel about gun and crime control, Southern States Police Benevolent Association became the nation's first major law enforcement group to conduct a professional, scientific survey of its membership.

Southern States PBA has traditionally maintained a neutral position on gun control, but decided to poll its membership to resolve the controversy over claims by pressure groups on both sides of the issue as to the position of law enforcement.

"We simply had enough of every special interest group, including a number of national police organizations, claiming they spoke for rank-and-file officers on the subject of gun control," said Southern States PBA President Jack Roberts. "The only way to know how law enforcement feels about gun control is to ask them. And that's exactly what we did. What our members told us may be quite an eye-opener for some people, but it won't be to anyone who is in touch with street cops."

To ensure that the survey would accurately reflect its members views, a professional research firm, Spectrum Resources, Inc., of Tallahassee, Florida, was employed. "Our survey methodology was configured to preserve the objectivity of the Southern States PBA and to elicit accurate sentiments of the officers polled," Scott Maddox, president of the firm, said.

The results found that law enforcement officers resoundingly reject gun control laws as effective measures in deterring violent crime, and strongly support the right of citizens to own firearms.

*Editor's Note: The survey was conducted in June of 1993. Out of 10,614 surveys mailed, 3,824 total responses were received, which is a response rate of 36%. Copies of the entire analysis of the survey (nearly 100 pages) including charts, graphs, cross tabulations, etc., are available from either LEAA or Southern States PBA. To obtain a copy, write to either organization and enclose a note requesting the survey with your name and address and include a \$5.00 check to cover printing and postage. LEAA's address is on the table of contents page.*

|                                                                                                                 |            |                                      |                                                                                                                                                                                                                           |       |                              |
|-----------------------------------------------------------------------------------------------------------------|------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------|
| <p>1) In general, what do you think is the most pressing cause of violent crime in the United States today?</p> |            |                                      | <p>2a) How effective has the U.S. Congress been in dealing with violent crime? Has Congress been very effective, somewhat effective, only minimally effective, or not effective at all in dealing with violent crime?</p> |       |                              |
| No. of Resn                                                                                                     | Percentage |                                      | 3812                                                                                                                                                                                                                      | 99.7% | Totals                       |
| 3641                                                                                                            | 95.2%      | TOTALS                               | 3                                                                                                                                                                                                                         | 0.1   | Very Effective               |
| 1637                                                                                                            | 45.0       | Drugs                                | 246                                                                                                                                                                                                                       | 5.6   | Somewhat Effective           |
| 385                                                                                                             | 10.6       | Family Values/ Decline Of Family     | 1796                                                                                                                                                                                                                      | 47.1  | Only Minimally Effective     |
| 151                                                                                                             | 4.1        | Courts, Inadequate Sentencing        | 1751                                                                                                                                                                                                                      | 45.9  | Not Effective At All         |
| 370                                                                                                             | 10.2       | Early Release/ Lack Of Punishment    | 48                                                                                                                                                                                                                        | 1.3   | Not Sure                     |
| 39                                                                                                              | 1.1        | Alcohol                              | 2b) Please indicate which of the following options would be least effective in reducing violent crime? (pick only one option)                                                                                             |       |                              |
| 62                                                                                                              | 1.7        | Punishment Does Not Fit The Crime    | 3798                                                                                                                                                                                                                      | 99.3% | Totals                       |
| 139                                                                                                             | 3.8        | Breakdown Of Criminal Justice System | 435                                                                                                                                                                                                                       | 11.5  | Stop Early Release           |
| 35                                                                                                              | 1.0        | Lack Of Education/ Ignorance         | 230                                                                                                                                                                                                                       | 6.1   | The Death Penalty            |
| 38                                                                                                              | 1.0        | Federal Judges/ Politicians          | 188                                                                                                                                                                                                                       | 4.9   | More Police On The Streets   |
| 51                                                                                                              | 1.4        | Television                           | 226                                                                                                                                                                                                                       | 6.0   | Tougher Judges And Sentences |
| 72                                                                                                              | 2.0        | Crack Cocaine                        | 2481                                                                                                                                                                                                                      | 65.3  | Stricter Gun Control Laws    |
| 80                                                                                                              | 2.2        | Lack Of Religion/ Attention To God   | 238                                                                                                                                                                                                                       | 6.3   | Not Sure                     |
| 23                                                                                                              | 0.8        | Money                                | 3a) There should be an immediate criminal background check on handgun purchases right at the gun shop.                                                                                                                    |       |                              |
| 31                                                                                                              | 0.9        | Youthful Offenders                   | 3813                                                                                                                                                                                                                      | 99.8% | Totals                       |
| 21                                                                                                              | 0.6        | Racial/Ethnic Problems               | 1813                                                                                                                                                                                                                      | 47.5  | Strongly Agree               |
| 40                                                                                                              | 1.1        | Guns/Firearms                        | 1330                                                                                                                                                                                                                      | 34.8  | Agree                        |
| 117                                                                                                             | 3.2        | No Fear Of Being Caught Or Punished  | 448                                                                                                                                                                                                                       | 11.7  | Disagree                     |
| 156                                                                                                             | 4.3        | Unemployment/ U.S. Economy           | 141                                                                                                                                                                                                                       | 3.7   | Strongly Disagree            |
| 54                                                                                                              | 1.5        | Liberalism/ Criminal Rights Favored  | 86                                                                                                                                                                                                                        | 2.3   | Not Sure                     |
| 134                                                                                                             | 3.7        | Other                                | <i>continued on page 32</i>                                                                                                                                                                                               |       |                              |

## Southern States PBA Crime Control and Gun Control Survey Results Continued from Page 31

3b) Other than for police and military, all guns should be outlawed.

|      |       |                   |
|------|-------|-------------------|
| 3820 | 99.9% | Totals            |
| 69   | 1.8   | Strongly Agree    |
| 64   | 1.7   | Agree             |
| 1069 | 28.0  | Disagree          |
| 2591 | 67.8  | Strongly Disagree |
| 27   | 0.7   | Not Sure          |

3c) The entire criminal justice system needs major reform.

|      |       |                   |
|------|-------|-------------------|
| 3821 | 99.9% | Totals            |
| 2283 | 59.7  | Strongly Agree    |
| 1138 | 29.8  | Agree             |
| 313  | 8.2   | Disagree          |
| 25   | 0.7   | Strongly Disagree |
| 62   | 1.6   | Not Sure          |

3d) The U.S. Constitution guarantees every law-abiding citizen the right to own a gun.

|      |       |                   |
|------|-------|-------------------|
| 3820 | 99.9% | Totals            |
| 2249 | 58.9  | Strongly Agree    |
| 1190 | 31.2  | Agree             |
| 222  | 5.8   | Disagree          |
| 94   | 2.5   | Strongly Disagree |
| 65   | 1.7   | Not Sure          |

3e) People should have the right to own a gun for self-protection.

|      |       |                   |
|------|-------|-------------------|
| 3819 | 99.9% | Totals            |
| 2540 | 66.5  | Strongly Agree    |
| 1140 | 29.9  | Agree             |
| 91   | 2.4   | Disagree          |
| 19   | 0.5   | Strongly Disagree |
| 29   | 0.8   | Not Sure          |

3f) A waiting period to purchase handguns will only affect law-abiding citizens - criminals will still be able to obtain handguns illegally whenever they want.

|      |       |                   |
|------|-------|-------------------|
| 3798 | 99.3% | Totals            |
| 2201 | 59.5  | Strongly Agree    |
| 1024 | 27.0  | Agree             |
| 382  | 10.1  | Disagree          |
| 92   | 2.4   | Strongly Disagree |
| 39   | 1.0   | Not Sure          |

3g) The Federal government should take legal action to curb the amount of violence on television.

|      |       |                   |
|------|-------|-------------------|
| 3818 | 99.8% | Totals            |
| 962  | 25.2  | Strongly Agree    |
| 1468 | 38.4  | Agree             |
| 939  | 24.6  | Disagree          |
| 224  | 5.9   | Strongly Disagree |
| 225  | 5.9   | Not Sure          |

3h) A Federal law should be passed allowing qualified law enforcement officers to carry a concealed firearm anywhere in the United States.

|      |       |                   |
|------|-------|-------------------|
| 3814 | 99.7% | Totals            |
| 2852 | 74.8  | Strongly Agree    |
| 742  | 19.5  | Agree             |
| 129  | 3.4   | Disagree          |
| 27   | 0.7   | Strongly Disagree |
| 64   | 1.7   | Not Sure          |

3i) Based on my own experience, if the laws on handgun ownership were stricter than they are now, the overall number of violent crimes would be reduced.

|      |       |                   |
|------|-------|-------------------|
| 3817 | 99.8% | Totals            |
| 284  | 7.4   | Strongly Agree    |
| 653  | 17.1  | Agree             |
| 1380 | 36.2  | Disagree          |
| 1324 | 34.7  | Strongly Disagree |
| 176  | 4.6   | Not Sure          |

3j) A gun is not an assault weapon if it fires only one bullet each time the trigger is pulled.

|      |       |                   |
|------|-------|-------------------|
| 3807 | 99.6% | Totals            |
| 893  | 23.5  | Strongly Agree    |
| 981  | 25.8  | Agree             |
| 1039 | 27.3  | Disagree          |
| 734  | 19.3  | Strongly Disagree |
| 160  | 4.2   | Not Sure          |

4) All things considered, which of the following two options would you prefer - a bill requiring a five-day waiting period on the purchase of handguns, or a bill requiring an immediate criminal background check at the time of the sale?

|      |       |                      |
|------|-------|----------------------|
| 3811 | 99.7% | Totals               |
| 881  | 23.1  | Waiting Period       |
| 2430 | 63.8  | Instant Check        |
| 213  | 5.6   | Neither              |
| 80   | 2.1   | No Opinion/ Not Sure |
| 207  | 5.4   | Both                 |

5) Aside from your department-issued sidearm, do you have guns of any kind in your home?

|      |       |                  |
|------|-------|------------------|
| 3805 | 99.5% | Totals           |
| 3247 | 85.3  | Yes              |
| 329  | 8.6   | Refuse To Answer |
| 229  | 6.0   | No               |

6) How many years have you served in law enforcement?

|      |       |                  |
|------|-------|------------------|
| 3818 | 99.8% | Totals           |
| 248  | 0.5   | 0-2 Years        |
| 811  | 21.2  | 2-5 Years        |
| 1015 | 26.6  | 5-10 Years       |
| 1744 | 45.7  | 10 Years or more |

7) Are you a sworn or non-sworn employee?

|      |       |           |
|------|-------|-----------|
| 3806 | 99.5% | Totals    |
| 3687 | 96.9  | Sworn     |
| 119  | 3.1   | Non-Sworn |

8) In general, do you serve in a rural or in an urban area?

|      |       |                   |
|------|-------|-------------------|
| 3804 | 99.5% | Totals            |
| 1237 | 32.5  | Rural             |
| 2440 | 64.1  | Urban             |
| 127  | 3.3   | Mixed Urban/Rural |

*continued from page 29*

1,000,000 times a year according to a report from Morgan O. Reynolds, University of Texas, "Crime in Texas". Violent crime strikes a Texan every 22 seconds. Are our 45,000 Texas peace officers going to stop that? Not hardly. How many Texans are you willing to allow to be victimized to prevent CCW?

Texas CCW will prohibit those with class B arrests and include Disorderly Conduct and Public Lewdness as disqualifiers. It will be valid for only two years as opposed to four and will require 15 hours of training. The background check will be conducted by DPS who will require \$130.00 non-refundable fee, who will then contact the local agency for input. Applicants must be registered voters, which by itself eliminates a lot of folks.

Do Police Officers really understand this bill? Most of them who disagree believe it is a blanket carry bill, but when it is explained to them, they tend to change positions. More Police Officers than you think support this bill. Texas Municipal Police Officers Association and Texas State Troopers Association have publicly supported it. *Police Magazine* polled its readers and as reported in their January 1993 issue, more than 85% support concealed carry.

This is why LEAA and I support CCW. You know, when I think of CCW, I stop to think about those law-abiding citizens who will back me up when the stuff gets deep. My Department just recently awarded seven civilians for coming to the aid of a police officer. There are many citizens who will help out a cop in a jam, more than we think. Some of them may be Rambo or John Wayne, but did you know that in Florida after they enacted their CCW that they have had 16 total arrests for weapons violations over a three year period— and one of those was for a lady who carried her pistol into a library!

The supposition has not happened. The media hype has not occurred. CCW will probably not increase the number of weapons already on the street that much. Those who are predisposed to carry are already carrying. Those who aren't, won't. Besides, we should be treating

everyone we deal with as if they were armed. In every contact we make there is a gun involved, our own.

Also in considering this issue you might ask yourself these three questions that I now ask other officers who respond negatively to CCW.

1. Does your wife carry?
2. Will you carry when you retire?
3. Do you know someone, who is not a police officer that is carrying a handgun, that you as a police officer have done nothing about?

If you answer any of these questions with a yes, then you should support CCW!

If you have any questions or comments please feel free to contact me home by phone or mail. I am usually available during the evenings. Also me solicit an invitation to address your area POA, FOP lodge or similar organization. I think I could find my way Ector County, Midland-Odessa.

Sincerely,  
John Chapman

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...Responsible  
...Confident  
...Prepared  
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SENATE STATE AFFAIRS COMMITTEE  
Anchorage, Alaska  
November 20, 1993  
6:34 P.M.

MEMBERS PRESENT

Senator Loren Leman, Chairman

MEMBERS ABSENT

Senator Mike Miller, Vice Chairman  
Senator Robin Taylor  
Senator Johnny Ellis  
Senator Jim Duncan

OTHER MEMBERS PRESENT

Senator Rick Halford  
Senator Dave Donley

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

SENATE JOINT RESOLUTION NO. 34

Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

PREVIOUS SENATE COMMITTEE ACTION

SJR 1 - See State Affairs minutes dated 9/17/93 and 10/23/93.

SJR 34 - See State Affairs minutes dated 9/17/93 and 10/23/93.

WITNESS REGISTER

Portia Babcock, Legislative Aide  
Senate State Affairs  
State Capitol  
Juneau, Alaska 99801-1182

POSITION STATEMENT: Commented on SJR 1 and SJR 34.

Senator Donley  
State Capitol  
Juneau, Alaska 99801-1182

POSITION STATEMENT: Sponsor of SJR 1.

Senator Halford  
State Capitol

Senate State Affairs

-1-

November 20, 1993

Juneau, Alaska 99801-1182  
POSITION STATEMENT: Sponsor of SJR 34.

Brian Judy  
National Rifle Association  
State Liaison  
555 Capitol Mall, Suite 455  
Sacramento, Ca. 95814  
POSITION STATEMENT: Supported SJR 34.

Chris Sullivan  
4155 McLean  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Aaron Shuler  
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POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

Lorraine Jones  
4810 Snow Circle  
Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Bob Brumlow  
3811 E. 84th

Anchorage, Alaska 99501  
POSITION STATEMENT: Supported SJR 34.

Gary Kuhn  
No address  
U.S. Citizen  
POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

Russell Kell  
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POSITION STATEMENT: Supported SJR 34.

David Rogers  
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Anchorage, Alaska 99508  
POSITION STATEMENT: Supported SJR 34.

Billy Toien  
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Anchorage, Alaska 99508  
POSITION STATEMENT: Supported SJR 34.

William Young  
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POSITION STATEMENT: Supported the right to bear arms.

Michael Nolen  
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Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

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P.O. Box 90432  
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POSITION STATEMENT: Supported SJR 34.

Kenneth Lower  
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POSITION STATEMENT: Supported SJR 34.

Daniel Stone  
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Anchorage, Alaska 99511  
POSITION STATEMENT: Supported SJR 34.

Ron Hamman  
1545 S. Hoyt, #29  
Anchorage, Alaska 99508  
POSITION STATEMENT: Supported SJR 34.

John Lawson  
1236 East 72nd Ave.  
Anchorage, Alaska 99508  
POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

Dan McKnight  
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Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

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1991 Fyfe Circle  
Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Jack Ivy  
P.O. Box 770025  
Eagle River, Alaska 99577  
POSITION STATEMENT: Supported SJR 34.

Jon Hodges  
P.O. Box 3991  
Alatak Bay, Alaska  
POSITION STATEMENT: Supported the right to bear arms and  
concealed carry.

Daniel Hawkins  
P.O. Box 210543  
Anchorage, Alaska 99021  
POSITION STATEMENT: Supported the right to bear arms.

Eric Grosch  
16300 Elizabeth Street  
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POSITION STATEMENT: Supported SJR 34.

John Aszmun  
7420 Augustine Dr.  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Gerald Klien

12311 Tarey Rd.  
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POSITION STATEMENT: Supported SJR 34.

Ben Clayton  
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Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Bear Claw  
HC 85, Box 9362  
Eagle River, Alaska  
POSITION STATEMENT: Supported SJR 34.

Kelly Smith  
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Anchorage, Alaska 99517  
POSITION STATEMENT: Supported SJR 34.

David Dorring  
2411 Bentern Circle, B-18  
Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Mike Pulis  
3945 Roundtop Circle  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Bruce Weisman  
P.O. Box 91643  
Anchorage, Alaska 99509  
POSITION STATEMENT: Supported SJR 34.

Wayne Watt  
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Elmendorf Air Force Base  
Alaska 99566  
POSITION STATEMENT: Supported SJR 34.

William Watson  
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POSITION STATEMENT: Supported SJR 34.

Walter Hargis  
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POSITION STATEMENT: Supported SJR 34.

Kristina Carlson  
1120 Norman, #6

Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Gary Carlson  
2439 Tulane  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Kevin Carlson  
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Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Jim Elsan  
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Anchorage, Alaska 99502  
POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

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POSITION STATEMENT: Supported SJR 34.

Marc Viens  
2080 Waldron Way  
Anchorage, Alaska 99507-1344  
POSITION STATEMENT: Supported SJR 34.

Kirby Brown  
11511 Targhee Loop  
Eagle River, Alaska 99577  
POSITION STATEMENT: Supported SJR 34.

Rebecca Long  
3436 Upland Dr.  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported SJR 34.

Aaron Hastings  
8401 Jupiter Dr.  
Anchorage, Alaska 99507  
POSITION STATEMENT: Supported SJR 34.

Jim Cann  
107 Stewart Street  
Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Ken Smith  
4705 E. 112th Ave.  
Anchorage, Alaska 99516  
POSITION STATEMENT: Supported SJR 34.

Charles Martin  
3440 Kachemak Circle  
Anchorage, Alaska 99511  
POSITION STATEMENT: Supported the right to bear arms.

Doug Becker  
3324 Dickson Dr.  
Anchorage, Alaska 99504  
POSITION STATEMENT: Supported the right to bear arms.

Johann Hamerski, President  
Bear Valley Community Council  
P.O. Box 110371  
Anchorage, Alaska 99511  
POSITION STATEMENT: Supported SJR 34.

Dave Wolfe  
8211 Pioneer Dr.  
Anchorage, Alaska  
POSITION STATEMENT: Supported SJR 34.

Jim Farr  
3945 Geneva Place  
Anchorage, Alaska 99508  
POSITION STATEMENT: Supported SJR 34 and concealed carry  
legislation.

Jerry Fogg  
5713 Jennifer Circle  
Anchorage, Alaska 99504-4341  
POSITION STATEMENT: Supported the right to bear arms.

Mark Phillips  
1314 Birchwood Street  
Anchorage, Alaska 99508  
POSITION STATEMENT: Supported the right to bear arms and the  
right to concealed carry.

**ACTION NARRATIVE**

TAPE 93-38, SIDE A  
Number 001

#SJR1

#SJR34

Chairman Leman called the Senate State Affairs Committee meeting to order at 6:34 p.m. Due to the lack of a quorum, he announced this meeting would be for the purpose of taking public testimony. He announced SJR 1 (RIGHT TO KEEP AND BEAR ARMS) and SJR 34 (RIGHT TO KEEP AND BEAR ARMS.)

PORTIA BABCOCK, Legislative Aide for Senate State Affairs, explained the difference between SJR 1 and SJR 34.

SENATOR DONLEY explained that there has been effort for the past 10 years to establish an individual constitutional right to keep arms in Alaska. This is part of the movement to strengthen state constitutions.

SENATOR HALFORD said that most political heads of police departments are for gun control and he thought the compromising language in SJR 1 wouldn't get them anywhere.

BRIAN JUDY, National Rifle Association, strongly supported clarifying the language of the Alaska Constitution and supported SJR 34.

Mr. Judy noted that the opposition came from law enforcement leaders, not the rank and file police who are afraid to express their opinions.

He said we do not need to regulate arms usage, but to penalize the criminal misuse of firearms. There is a need for clarification because federal laws regarding weapons are contradictory.

CHRIS SULLIVAN, NRA member, supported Mr. Judy's testimony. He added that even with our open carry law, it wouldn't mean much unless there were concealed carry permits available to those who reasonably need them. He supported SJR 34.

AARON SHULER, NRA member, supported Mr. Judy's testimony regarding concealed carry permits and supported SJR 34.

Number 275

STEVE LORD supported SJR 34. He thought that it was a right of a law abiding citizen to be able to carry a concealed weapon.

DOUG EISCHEN supported SJR 34. He said he might not be alive today if he didn't have a weapon concealed when his store was broken into.

LLOYD BARRUS supported SJR 34. He said we have a right to be

able to protect our families.

JACK RAMEY, testifying via teleconference, supported the right to bear arms.

LARRY SHOOSHANIAN, testifying via teleconference, supported SJR 34. He thought it was absolutely necessary. He said that guns protect him from his own government which is corrupt.

LORRAINE JONES, testifying via teleconference, supported SJR 34. She firmly believed in the 2nd amendment rights. Not only should you have protection for your family against outside danger, you also need it for protection against a hostile government.

BOB BRUMLOW, testifying via teleconference, said his students in Anchorage are very concerned about being able to protect themselves. He said weapons are necessary for defense of persons and country. He supported SJR 34.

Number 450

GARY KUHN, said the right to keep and bear arms by law abiding citizens needs to be preserved. He said people should talk to their friends about this issue.

SENATOR DONLEY supported that thought and added they should talk to the Governor's Office, the Department of Public Safety, and the Attorney General's Office.

TAPE 93-38, SIDE B  
Number 001

RANDY SMITH supported the language in SJR 34.

RUSSELL KELL thought the U.S. was becoming a police state and supported SJR 34.

DAVID ROGERS, urged Alaskans to make a statement and to support SJR 34.

BILLY TOIEN, Alaskan Libertarian, supported SJR 34. He said Libertarians believe in the Americans right to decide how best to protect themselves, their families, and their property. The police do not provide security in our homes.

WILLIAM YOUNG said he was raised where a gun was part of a families' tools. He supported the right to bear arms.

MICHAEL NOLEN, NRA member and certified instructor supported SJR 34. He said a defenseless citizen would be at the mercy of the criminal element. The police can't protect each

individual, so the individual must be able to defend himself and his family by armed force if necessary.

JEFF NOLEN, NRA member, supported SJR 34.

ROBERT RAPP, NRA member, said this country was established as a republic. The federal government should not have an army because it represents a power that could take over the country. The states should have militias. He supported SJR 34.

KENNETH LOWER supported SJR 34. He said the Bill of Rights gives citizens the right to bear arms against its government. The government can be trusted less now than when it was first started.

Number 200

DANIEL STONE said the Bill of Rights protects the states against the federal government. He said SJR 34 is extremely critical at this point.

RON HAMMAN, NRA member, supported SJR 34. He said when guns go the freedom to worship, which is why our forefathers came to this country, is going to go also.

JOHN LAWSON supported SJR 34. He used liquor prohibition as an example of what gun prohibition would do. It would create a commodity, he said, which wouldn't work. We need to look at the real problems which are moral and ethical.

Number 325

PAUL MOORE, NRA member, supported SJR 34. We need to send a message to the criminal element that we are not going to "sit there and roll over and die." Law enforcement can't be everywhere at once. It is our right to protect our property, he said.

DAN MCKNIGHT, NRA member, said gun control is one step closer to one world government. He said he will never give up guns.

Number 375

DEREK EDMONDSON, supported SJR 34 and opposed SJR 1. He said the law cannot protect you until after the crime has occurred. People need a method to protect themselves until the police arrive.

JACK IVY, NRA member, supported SJR 34.

JON HODGES supported the right to carry a concealed weapon.

The citizens of this country need the right to protect themselves. We can't count on the government to do it.

DANIEL HAWKINS supported the right to bear arms.

ERIC GROSCH pointed out that it is the right of citizens to bear arms. The reason there is crime is not the proliferation of weapons. It's because people don't know the difference between right and wrong. He strongly supported SJR 34.

SENATOR DONLEY clarified that the reason he left militia in his bill is because he was requested to preserve reference to it in the constitution to accommodate people in the state militia.

Number 490

JOHN ASZMUN, NRA member, said he fears danger from the government, if citizens are not allowed to have guns.

GERALD KLIEN supported SJR 34. He thought the 2nd amendment is the most important amendment of the constitution, because without it there is no constitution.

BEN CLAYTON, NRA member, supported SJR 34. He supported the 2nd Amendment to the Constitution of the United States.

TAPE 93-39, SIDE A  
Number 001

BEAR CLAW, Eagle River, Alaska, supported SJR 34. He has been a hunting guide and trapper for 20 years. He believes in the right to carry and conceal for all law abiding citizens.

KELLY SMITH said when the 2nd amendment was written so that the individual had the right to keep and bear arms. Only recent history has relegated that right to government militias. Citizens should have final recourse against a tyrannical government. He supported SJR 34.

DAVID DORRING supported SJR 34.

MIKE PULIS supported SJR 34 and not SJR 1. Our rights are not to be compromised, because then they become privileges granted by the state. Criminal misuse is the problem. He said many criminals would be created if there was a prohibition against guns.

BRUCE WEISMAN, NRA member, supported SJR 34. Citizens should have the right to carry concealed weapons.

Number 175

WAYNE WATT supported SJR 34.

WILLIAM WATSON said he has talked to thousands of people in his shop in Muldoon and has not met one who should really not have the right to keep and bear arms. She said he has talked to victims of a lot of crimes and not one of them had been armed. He has talked to people who have stopped rapes and other crimes and they were happy they had a fire arm to stop it. People need the opportunity to protect themselves and to protect others against criminals.

WALTER HARGIS supported SJR 34. He thought SJR 1 was ambiguous.

KRISTINA CARLSON supported SJR 34. She said an armed society is a respectable society. She said the right to bear arms is one of our constitutional rights. She said children are not taught in school that the Constitution gives them the right to bear arms.

GARY CARLSON strongly supported the SJR 34. He also supported a concealed weapons law. He noted that only 20% of the world is free. The rest of the people are under communism or tyranny or dictatorship and don't have the right to bear arms.

KEVIN CARLSON supported SJR 34. He said the government cannot be trusted which is why the Constitution supports the right to bear arms.

JIM ELSAN said he thought the reason people were taking more notice of crime is that it is being reported. He is not for any taxes or restrictions on fire arms or ammunition. He supports the right to carry concealed weapons.

Number 350.

ALLEN DUBORD supported SJR 34.

KEITH GASTFIELD said the judiciary is the strongest part of our government. The legal gun owner is defined by SJR 34 and he supports it. He said the biggest gun problem is with juveniles and juveniles who don't know how to handle guns and don't have the responsibility.

JOHN CARLI, Eagle River, supported SJR 34. He said the purpose of law enforcement is to enforce laws, not protect you.

MARC VIENS, President, Partners In Profit, said that a gun ban is a precursor to restrictions on the way you worship, where you meet, etc. He supported SJR 34.

Number 425

KIRBY BROWN, NRA member, supported SJR 34. because it's the clearest language he has seen so far. He would like it to be even clearer on individual rights.

JOHN DICKENS said nine years ago after his brother's murder, he had to draw a weapon twice to preserve his own life from the people who killed him. Because he carries a large amount of cash regularly from his lodge to the bank, he asked Talkeetna police for advice. They told him to get a gun and practice with it.

RON BROWN said he has seen too many liberties taken away from us. He thinks we should always be able to bear arms when we want to - the way it was in the beginning. He supported SJR 34.

REBECCA LONG supported SJR 34.

AARON HASTINGS, part-time employee at a gun shop, strongly supported SJR 34. He said when he was in the Marines he took an oath to protect the Constitution of the United States from enemies both foreign and domestic. He views that as anyone who is trying to take away his constitutional rights to keep and bear arms and any other freedoms he has.

JIM CANN, NRA member, fully supported SJR 34. He said that whenever a crime is committed the police can't stop it. The only person who can stop it is an individual if he has the fire arms available.

TAPE 93-39, SIDE B  
Number 001

MR. CANN explained that in Switzerland all males from the time they are 18 years old till 54, they are in a stand-by army. They have to keep, at least, a fire arm in their home. They have the lowest crime rate of any nation.

KEN SMITH supported SJR 34. He said all of our rights are god-given. The only ones we don't have are the ones our government has taken away from us.

CHARLES MARTIN said he was born and raised in New York City. He said gun laws do nothing to the criminal, but mostly affect law-abiding citizens. He supports any legislation that supports his right to defend himself.

DOUG BECKER said that recently he had the occasion to protect himself with a gun two months ago. He is very thankful he had the right to own and keep that fire arm.

JOHANN HAMERSKI, President, Bear Valley Community Council, said most of them support SJR 34. He said his wife had to fight back a violent rapist with a pistol a number of years ago. He has also stopped another rape with the use of a gun. He also saved himself from a car jacking in Florida when he pulled out a pistol.

DAVE WOLFE supported SJR 34.

JIM FARR, Attorney, pointed out the importance of the 2nd amendment. He supported legislation that would strengthen it. He also supported a concealed carry statute. He supported SJR 34. He also supported a habitual criminal statute in Alaska.

JERRY FOGG said the infringement on our rights to keep and bear arms is allowing the government to take over. People who commit crimes should be punished. It is not the guns that commit crimes.

MARK PHILLIPS supported the right to bear arms. He also thought we have a right to concealed carry.

SENATOR LEMAN thanked everyone for their participation and adjourned the meeting at 9:30 p.m.

#

SENATE STATE AFFAIRS COMMITTEE  
Soldotna, Alaska  
October 23, 1993  
3:00 P.M.

MEMBERS PRESENT

Senator Loren Leman, Chairman

MEMBERS ABSENT

Senator Mike Miller, Vice Chairman  
Senator Robin Taylor  
Senator Johnny Ellis  
Senator Jim Duncan

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 1  
Proposing amendments to the Constitution of the State of  
Alaska relating to the individual right to keep and bear arms.

SENATE JOINT RESOLUTION NO. 34  
Proposing an amendment to the Constitution of the State of  
Alaska relating to the individual right to keep and bear arms.

PREVIOUS SENATE COMMITTEE ACTION

SJR 1 - See State Affairs minutes dated 9/17/93

SJR 34 - See State Affairs minutes da ted 9/17/93.

WITNESS REGISTER

Brad Bradney  
P.O. Box 1601  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Wesley Jones  
P.O. Box 535  
Seward, Alaska 99664  
POSITION STATEMENT: Supported SJR 34.

Michael Mooter  
P.O.Box 1041  
Seward, Alaska 99664  
POSITION STATEMENT: Supported SJR 34.

Gordon Kessling  
P.O. Box 32  
Seward, Alaska 99664

Senate State Affairs

-1-

October 23, 1993

POSITION STATEMENT: Supported SJR 34.  
Amanuel Dabney  
P.O. Box 665  
Soldotna, Alaska 99664  
POSITION STATEMENT: Supported SJR 34.

Alvin Bayer  
P.O. Box 2822  
Homer, Alaska 99603  
POSITION STATEMENT: Supported SJR 34.

Tim Smith  
P.O. Box 4393  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Russ Morrison  
P.O. Box 4623  
Soldotna, Alaska 99664  
POSITION STATEMENT: Supported SJR 34.

Tom Vogel  
2707 Wildwood Dr., #32  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Richard Dubendorf  
P.O. Box 67  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Roland Cusson  
295 Riverside  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Vernon Thornton  
P.O. Box 16  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

May Alice Hopkins  
P.O. Box 2191  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Mike Mathews  
P.O. Box 3086  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Henry Moser

P.O. Box 697  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Thomas Eliason  
P.O. Box 703  
Seward, Alaska 99664  
POSITION STATEMENT: Supported SJR 34.

Steven H. Mussman  
373 West Vine Ave.  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Bob Benedict  
P.O. Box 3216  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Jeneane Benedict  
P.O. Box 3216  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Bill Boles  
HCS Box 911  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Jim Jenckes  
616 Maple Dr.  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Dave Bear  
P.O. Box 39283  
Ninilchik, Alaska 99639  
POSITION STATEMENT: Supported SJR 34.

Mike Denison  
44675 Wooded Lane  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Spencer Wyman  
2800 Beaver Lp., #9  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Jim Cooper  
248 W. Crest Dr.  
Soldotna, Alaska 99669

POSITION STATEMENT: Supported SJR 34.

Ralph Dillon, Sr.

P.O. Box 1023

Sterling, Alaska 99672

POSITION STATEMENT: Supported SJR 34.

Kenneth Roberts

P.O. Box 626

Sterling, Alaska 99672

POSITION STATEMENT: Supported SJR 34.

Bill Baucum

P.O. Box 1595-2

Kenai, Alaska 99611

POSITION STATEMENT: Supported SJR 34.

Robert Hensler

35860 Silver Ave.

Soldotna, Alaska 99669

POSITION STATEMENT: Supported SJR 34.

Lee Martin

P.O. Box 743

Homer, Alaska 99603

POSITION STATEMENT: Supported SJR 34.

Sterling Eide

P.O. Box 151

Kenai, Alaska 99611

POSITION STATEMENT: Supported SJR 34.

Michael Masters

HCR-1, Box 1480

Soldotna, Alaska 99669

POSITION STATEMENT: Supported SJR 34.

Jim Welborn

HC 01, Box 81

Kenai, Alaska 99611

POSITION STATEMENT: Supported SJR 34.

Bev Welborn

HC 01, Box 81

Kenai, Alaska 99611

POSITION STATEMENT: Supported SJR 34.

Greg Reser

44120 McLean Ct.

Soldotna, Alaska 99669

POSITION STATEMENT: Supported SJR 34.

Calvin Cary  
P.O. Box 4153  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

James Chapman  
HC 1, Box 1502  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Dianna Chapman  
HC 1, Box 1502  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

Gary Cadd  
P.O. Box 1995  
Kenai, Alaska 99611  
POSITION STATEMENT: Supported SJR 34.

Mimi Tolve  
P.O. Box 2117  
Homer, Alaska 99603  
POSITION STATEMENT: Supported SJR 34.

Shawn Roberts  
HC 1, Box 8225  
Soldotna, Alaska 99669  
POSITION STATEMENT: Supported SJR 34.

#### ACTION NARRATIVE

TAPE 93-34, SIDE A  
Number 001

CHAIRMAN LEMAN called the Senate State Affairs Committee meeting to order at 3:00 p.m. Due to the lack of a quorum the meeting was convened as a work session to take public testimony on SJR 1 (RIGHT TO KEEP AND BEAR ARMS) and SJR 34 (RIGHT TO KEEP AND BEAR ARMS) to be up for consideration.

BRAD BRADNEY, Kenai, asked if this was the exact language that would be adopted. Senator Leman said it was possible to amend it still, but that the language fits in with the Alaska Constitution.

PORTIA BABCOCK, staff for Senate State Affairs, explained the differences between the two bills. The first sections are identical, but SJR 1 has a second section which has ambiguous and risky language according to a legal opinion from LAA. SJR 34 has language that is clearer, she said, and is supported by Senator Leman, other Senators, and organizations.

MR. BRADNEY opposed SJR 1 and supported SJR 34. He agreed that the language in SJR 1 was unclear.

Number 175

WESLEY JONES, Seward, supported SJR 34.

MICHAEL MOOTER, Seward, supported SJR 34.

GORDON KESSLING, Seward, supported SJR 34.

AMANUEL C. DABNEY, Soldotna, supported SJR 34.

ALVIN BAYER, Homer, strongly supported SJR 34.

TIM SMITH, Soldotna, supported SJR 34.

RUSS MORRISON, Soldotna, supported SJR 34.

Number 217

TOM VOGEL, Kenai, supported SJR 34.

Number 370

RICHARD DUBENDORF, Soldotna, supported SJR 34. He asked why the language was needed for court support of law enforcement. MS. BABCOCK answered that at the time the leadership decided they would not go any further with the bill without the support of the Chief of Police, the Governor, and the Department of Law. They felt this language was needed.

ROLAND CUSSON, Soldotna, supported SJR 34.

Number 425

VERNON THORNTON, Soldotna, supported SJR 34.

MAY ALICE HOPKINS, Soldotna, supported SJR 34.

MIKE MATHEWS, Soldotna, supported SJR 34. He said the idea was to clarify the right to bear arms which SJR 34 does best.

Number 475

HENRY MOSER, Soldotna, supported SJR 34.

THOMAS ELIASON, Seward, supported SJR 34.

STEVEN H. MUSSMAN, Soldotna, supported SJR 34.

BOB BENEDICT, Kenai, supported SJR 34. He said that he has helped catch two burglars, and it was only because he had a gun. The bad guys have them and the good guys need them too. He suggested we enact laws like England has that give ten years at the start just for using a gun and then add on the penalty for the crime besides.

JENEANE BENEDICT, Kenai, supported SJR 34. She said she always carries a hand gun to protect her life.

TAPE 93-34, SIDE B  
Number 001

BILL BOLES, Soldotna, supported SJR 34.

JIM JENCKES, Kenai, supported SJR 34, because SJR 1 is not compatible with the federal constitution.

DAVE BEAR, Ninilchik, strongly supported SJR 34.

Number 100

MIKE DENISON, Soldotna, supported SJR 34.

SPENCER WYMAN, Kenai, strongly supported SJR 34.

JIM COOPER, Soldotna, strongly supported SJR 34.

RALPH DILLON, SR., Sterling, strongly supported SJR 34. He said he started taking his kids hunting when they were 5 years old and he taught them the right way to use a gun.

KENNETH ROBERTS, Sterling, strongly supported SJR 34.

BILL BAUCUM, Kenai, supported SJR 34.

ROBERT HENSLER, Soldotna, supported SJR 34. He said he sells firearms.

Number 200

LEE MARTIN, Homer, strongly supported SJR 34.

STERLING EIDE, Kenai, supported SJR 34.

MICHAEL MASTERS, Soldotna, strongly supported SJR 34.

JIM WELBORN, Kenai, supported SJR 34.

BEV WELBORN, Kenai, supported SJR 34. She said she wanted to be able to protect herself and her three daughters while her husband was gone.

GREG RESER, Soldotna, supported SJR 34 and opposed SJR 1.

Number 350

CALVIN CARY, Soldotna, supported SJR 34.

JAMES CHAPMAN, Soldotna, supported SJR 34.

DIANNA CHAPMAN, Soldotna, supported SJR 34.

Number 425

GARY CADD, Kenai, supported SJR 34. He said that our freedoms are under attack nationally. He noted that the Alaska State Constitution did not contain a legal description of the State and so the federal government could override state authority.

MIMI TOLVA, Homer, supported SJR 34 and opposed SJR 1.

Number 500

SHAWN ROBERTS, Soldotna, supported SJR 34.

TAPE 93-35, SIDE A

Number 001

JIM WELBORN said there would be a problem getting guns away from people if a law was passed against them. He was concerned that prohibiting arms contributed subtly to the concept of a "world order" which is explained in a book called The Order.

SENATOR LEMAN thanked everyone for their participation and adjourned the meeting at 5:00 p.m.

SENATE STATE AFFAIRS COMMITTEE

Fairbanks, AK

September 17, 1993

6:00 p.m.

MEMBERS PRESENT

Senator Loren Leman, Chairman  
Senator Mike Miller, Vice Chairman  
Senator Jim Duncan (participated  
via teleconference from Juneau)

MEMBERS ABSENT

Senator Robin Taylor  
Senator Johnny Ellis

OTHER MEMBERS PRESENT

Senator Mike Miller

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

SENATE JOINT RESOLUTION NO. 34

Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

PREVIOUS SENATE COMMITTEE ACTION

SJR 1 - No previous action to record.

SJR 34 - No previous action to record.

WITNESS REGISTER

Ms. Annette Kreitzer, Staff  
Senator Loren Leman  
State Capitol  
Juneau, AK 99801

Ms. Portia Babcock  
716 West 4th, Suite 540  
Anchorage, AK 99501-2133

Ms. Bonnie Williams  
Alaska Second Amendment Coalition  
1335 Sunnyslope Road  
Fairbanks, AK 99709

Mr. Gary Hammond  
P. O. Box 71136  
Fairbanks, AK 99707

Mr. Noel Napolilli, Chairman  
Alaska Second Amendment Coalition  
251 Napolilli Lane  
Fairbanks, AK 99812

Mr. Kenneth Maahs  
(no address)  
Anchorage, AK

Mr. Les Zerbe  
356 Louise Lane  
Fairbanks, AK 99709

Mr. Bruce Campbell  
Tanana Valley Sportmen's Association  
P. O. Box 82245  
Fairbanks, AK 99708

Miss Grace Maahs  
(no address)  
Anchorage, AK

Mr. Douglas Albright  
1084 Lakeview Terrace  
Fairbanks, AK 99701

Mr. Timothy Baumgartner  
2058 Lakeview Terrace  
Fairbanks, AK 99701

Mr. David Williams  
1335 Sunnyslope Road  
Fairbanks, AK 99709

Mr. Tom Gorham  
4369 Bishops Circle  
Fairbanks, AK 99709

Sue Wilken, Legislative Chair  
Fairbanks School Board  
2600 Riverview Drive  
Fairbanks, AK 99709

Mr. Steve Colboch  
823 Goldstream Road  
Fairbanks, AK 99712

ACTION NARRATIVE

TAPE 93-32, SIDE A

Number 001

#SJR1

#SJR34

CHAIRMAN LEMAN called the Senate State Affairs Committee meeting to order and advised the meeting was convened as a work session to review the resolutions although public testimony will be taken.

ANNETTE KREITZER, Staff to Chairman Leman, presented the sponsor statement on his behalf for SJR 4. She claimed that language contained in the Alaska Constitution is ambiguous and there have been numerous legislative attempts to clarify the right of an individual to own a firearm, regardless of the use of the firearm. Further, no Alaska Supreme Court interpretation has been done. In concluding her comments, she stated ". . . the individual right of Alaskans to own firearms for legal purposes should not be left open for unreasonable government intrusion or potential erosion of that right or to uncertain court interpretation."

CHAIRMAN LEMAN noted the differences between SJR 34 and SJR 1, also under consideration. SJR 1 contains a provision that the amendment would not change any municipal law related to firearms that is in effect on the date of ratification of the amendment (November, 1994).

Number 10.33

PORTIA BABCOCK, Committee Aide to Chairman Leman, speaking on her own behalf and the NRA, elaborated on the differences between the resolutions. The main difference being Section 2, added in SJR 2 (referenced above), and that the resolution does not effect the judicial standard of review.

CHAIRMAN LEMAN questioned MS. BABCOCK about existing borough or municipal laws that may be troublesome to firearm owners.

MS. BABCOCK responded that the concealed weapons laws and ordinances of municipalities were of most concern. With regard to the Municipality of Anchorage, if the state enacted a concealed weapons statute which would allow citizens to carry concealed weapons, it would be directly in conflict with a municipal ordinance currently in effect.

SENATOR LEMAN proceeded to call upon the following public witnesses.

MS. BONNIE WILLIAMS, Board of Directors of the Alaska Second Amendment Coalition (ASAC) testified on their behalf. She is also a life member of the National Rifle Association (NRA). She

supports SJR 34, and not SJR 1. She thought a conservation estimate would be twice as many firearms as people in Alaska; and in Fairbanks, probably 98 percent of households have at least one firearm. She commented on the high number of firearm-related activities, including people living by way of subsistence which includes all seasonal hunting, and recreational uses. She then addressed the constitutional rights and privileges regarding possession of firearms and the need to preserve that freedom. She supports the passage of SJR 34 so the issue will be placed on the ballot for vote.

CHAIRMAN LEMAN asked MS. WILLIAMS for clarification of the reason they do not support SJR 1. She responded that if the state constitution was amended, it should take precedence over local or municipal laws and ordinances; and she would prefer that nothing be left up to judicial review.

Number 20.21

MR. GARY HAMMOND testified in support of SJR 34 and in opposition to SJR 1. The reason for his opposition to SJR 1 is based on language in Section 29 concerning existing firearm laws, and difficulty with some other language contained in the resolution. He also questioned the provision of judges having the authority to interpret the law's intent; he prefers explicit language.

MR. NOEL NAPOLILLI, Chairman, Alaska Second Amendment Coalition, spoke in favor of SJR 34 and in opposition to SJR 1, for the same reasons stated by previous speakers. He commented on the need for the resolution such as the situation where the Attorney General's Office issued a letter instructing the state troopers not to sign Form Four for people who have applied for Class III weapons ownership. The reason he felt this was done was because the administration doesn't want the proliferation of those weapons among people. He has letters which have been circulated that bear this out. He commented that this example illustrated the unreasonable infringement by the administration, or any administration, which should not have the power to limit citizens' access to weapons just because they don't like them. SJR 34 would help protect the citizens from that kind of abuse of authority.

MR. KENNETH MAAHS, private investigator, was next to testify. Drawing from his experience in this area, he believes attempts to regulate gun ownership has not worked in reducing crimes. Rather, when you cut the ownership of firearms to citizens, the criminals have a larger chance to commit crimes. He felt that anytime you hinder people's right to defend themselves, it benefits the criminals. He felt the police are unable to adequately defend the citizens against criminals with weapons. Of the two resolutions, he favored SJR 34; and stressed the need for clear, concise language for the amendment.

Number 31.23

MR. LES ZERBE commented on the need for a state's constitution to be in agreement with the federal constitution which is clear to the individual's right to protect himself. He said the intent of the federal constitution, and framers of it, was for individuals to be able to protect themselves from their own government should it become necessary. So, provisions excluding certain kinds of firearms should not be included in any language of the state constitution as it was never intended for the military to become more powerful than its citizenry. He thought that if the law allowed everyone to carry a weapon, it would go a long way in protecting us from the criminal element in society.

MR. ZERBE supports SJR 34 which would put specific language guaranteeing firearm ownership in the state's constitution. The language should include latitude to allow concealed weapons for qualified individuals.

CHAIRMAN LEMAN asked his thought about limitations placed on children carrying firearms in school and what he would consider a "reasonable" restriction. MR. LES ZERBE responded that "reasonable" would include specific age, such as 18; and could contain other restrictions, such as having a clean record, and having firearms training.

MR. BRUCE CAMPBELL testified on behalf of the Tanana Valley Sportsmen's Association in support of efforts to clarify Section 19 of the Alaska Constitution. He referenced the opinion from the Attorney General's Office that "Section 19 'in the modern judicial view', only applied to the right of the state to form a national guard, possibly militia". They disagree with that opinion and find it extraneous and think it contributes to the reason why further clarification is needed. They favor the old language that was once SJR 1 (prior to new complicated language being added); and like SJR 34. It is his understanding, based on legal opinions from other states, that an individual right, such as this, does not restrict the police power of the state. As an instructor of firearms, he commented on the female's different attitude about safety and protection and increased interest in this area.

Number 40.20

CHAIRMAN LEMAN thanked him for testifying and asked about the Attorney General's opinion which he referenced. MR. CAMPBELL indicated it was from former Attorney General Norm Gorsuch and that he would provide a copy to the committee. CHAIRMAN LEMAN stated the committee would make whatever materials they have available to others upon request.

TAPE 93-32, SIDE B

SENATE STATE AFFAIRS

- 5 -

September 17, 1993

Number .02

MISS GRACE MAAHS expressed her thoughts about the appropriate use of firearms, including training, and retaining individual possession for personal protection.

MR. DOUGLAS ALBRIGHT, twenty-two year resident of Fairbanks, testified in support of SJR 34. He felt that SJR 1 contained fairly vague and ambiguous language which was open to interpretation. Regarding carrying firearms in schools, he stated that that action was covered by the federal Omnibus Crime Control Act, which made it illegal for anyone to carry firearms in school except for official purposes or school-sponsored activities. He expressed the need for a clear and simple state law in this area, such as that contained in SJR 34.

MR. TIMOTHY BAUMGARTNER, twenty-three resident of Fairbanks, spoke in favor of SJR 34. He travels in the wilderness and is concerned about retaining the ability to protect himself. Weapons in his home are used for several purposes: to hunt and provide food for families; to use them for protection from those that might harm them; and used as a means of teaching responsibility. He said that "having firearms is a traditional freedom" provided for by the Constitution.

Number 5.17

MR. DAVID WILLIAMS, also a resident of Fairbanks, addressed the historical perspective, especially as it related to the development of what was called (by British Jurist Sir William Blackstone) "the common law" which later became a part of American law in the form of the Bill of Rights. He paraphrased Sir Blackstone: "the right of self defense is an inherent right of man, older than states, and older than constitutions." So, the second amendment right is a right we have which cannot be taken away. He questioned whether the second amendment (U.S. Constitution) were inserted into the Alaska Constitution, if it would solve our problems.

CHAIRMAN LEMAN responded that the Alaska Constitution is written very similarly to the U.S. Constitution; therein lies the problem, as we no longer think in terms of militia charged with protecting citizens from government intrusion. Further, some state courts, but not Alaska at present, are dealing with the distinction between the individual and collective right.

MR. WILLIAMS referred to the language contained in Rhode Island law which states "the right of the individual to keep and bear arms shall not be infringed." He suggested that anyone interested call the Attorney General of that state as the law has worked quite well and they do not have problems controlling felons or anyone else from weapons ownership. Further, he said the Director of Public Safety mentioned that he was in favor of firearm ownership for

purposes of safety as it pertains to the concealed weapon law. He concluded that if we do not get this through, we may lose other rights, too.

CHAIRMAN LEMAN returned to the issue of using the language from the second amendment of the U.S. Constitution for Alaska. He commented that the language is the same; however, with various interpretations, it has led to the need for further clarification.

MR. WILLIAMS felt that the use of the collective term "people" (Bill of Rights) also referred to the individual, as interpreted by the Supreme Court.

Number 13.30

MR. TOM GORHAM spoke in favor of SJR 34 and not SJR 1 because SJR 34 eliminates much of the ambiguity and simplifies the law. He favors a concealed weapon plan and agrees it should be controlled to the point that the person applying for the permit should meet reasonable standards: meet age requirement, legally authorized to own a weapon, and training with weapons. He would like to see some restrictions removed, such as carrying a concealed weapon but not in public places; or carrying it in a vehicle if it is loaded. He felt if a person was deemed qualified to carry a weapon, it is arbitrary to limit it to certain locations or under special circumstances.

MR. GORHAM referred to the discussion of firearms for use by the militia versus individuals. He felt it was intended to address the individual need to carry firearms and that the language was dated and no longer pertinent in today's terminology or use. In response to Chairman Leman's question about firearms at schools, he reiterated that these problems are dealt with by other laws.

CHAIRMAN LEMAN discussed the previous legislative attempts to require training in firearms and water safety. MR. GORHAM said that given the misleading media exposure, he would like to see more attention given to providing training on the proper use of firearms.

Number 25.38

MS. SUE WILKEN, legislative chair, Fairbanks School Board, spoke on its behalf. She is also a thirty-eight year resident of Fairbanks and avid hunter and fisherwoman. The Board's main concern focusses on the political divisions of the state. The school board has designated the school and school ground as being gun-free zones. Parents are concerned with guns being carried across school grounds during hunting season and parents picking up children with gun racks in their cars. The schools are able to enforce laws prohibiting guns in school through the federal law. However, they are charged with the responsibility of assuring safety on school

grounds (not contained in federal law), so they support a gun-free designation in state law pertaining to the school grounds.

MS. SUE WILKEN described the situation in Fairbanks in which an armed parent was on school grounds in a truck, intending to threaten/harm a student. The board feels that the message needs to be clear that no weapons are permitted there; that school grounds, as well as the buildings, are safe.

MR. STEVE COLBOCH, a firearms dealer, fully supports SJR 34. He is opposed to restricting firearms, such as in the above situation, as a parent may pick up a child from school with plans of going hunting immediately. He felt the example was an isolated instance and that authorities should have been called if the man was posing a threat.

TAPE 93-33, SIDE A  
Number .01

MR. COLBOCH continued his testimony regarding the need to address this issue.

CHAIRMAN LEMAN talked about the committee's intent to get the resolution out and voted on.

MR. NOEL NAPOLILLI returned to the table to comment on the issue of weapons on school grounds. He felt that posting the school grounds was meaningless in this example. The only people who will pay attention to the restriction will be law-abiding citizens which pose no threat. He thought there were enough restrictions regarding the use of children using firearms.

MS. BONNIE WILLIAMS testified again on this issue. She commented on laws prohibiting carrying firearms on planes, and that the school board would not be prohibited from making a ruling about firearms on school grounds.

CHAIRMAN LEMAN thanked all the participants for their contributions, and talked about the distinctions between the resolutions. He stated further testimony would be forthcoming during the session. The committee plans to have additional work sessions, including Anchorage on November 21-22, and other locations.

CHAIRMAN LEMAN adjourned the meeting at 7:40 p.m.

#

Rec'd in Sen. Frank's office  
for distribution to all Sen. Finance  
members

Walter Hickel Governor  
P.O. Box 110001  
Juneau, Alaska 99811

RECEIVED FEB 14 1994

Governor Hickel,

The United States Constitution is often called "A Miracle Document" because it has proved so enduring while so many other attempts at self-governments have failed.

And the Bill of Rights is a distinct yet integral part of our Constitution. These ten provisions are to the Constitution what the ten Commandments are to the Jews-Christians.

Governor, this is why I am writing this letter. I am concerned about the actions within your administration which are trying to pass a bill which will deny us the citizens of the State of Alaska to keep and bear arms. To disarm the citizens of Alaska is not the solution to eliminate crime. If this law is passed, we the concerned citizens will become the victims, and know way to protect ourselves.

You Governor, have been the one person that has done more for the State of Alaska than any other Governor since I arrived in Alaska, over 23 years ago.

Governor, you not only served as our Governor,  
But also served the American People in Washington,  
and I have supported you and your Campaign since  
I have been in Alaska.

I have always been proud to be a Citizen of  
the State of Alaska & the United States.

I have served my Country during the Vietnam  
Conflict, and was placed on loan to the United  
Kingdom in Africa & South America. I have  
served my Country well as I know you have.

Governor Wicksel, I am totally for the House  
Bill No. 351 = "An Act relating to the issuance of  
Permits for carrying of a concealed weapon. And  
Senate Joint resolution No. 39, that the individual  
right to keep and bear arms shall not be denied or  
infringed by the state or a Political subdivision of the  
state.

My Family as well as myself must have the  
right to protect ourselves from the ~~onset~~  
onset of Crime in our Cities. There could  
Never be enough Police officers to protect every  
Citizen in our State.

Governor, we must have the freedom to  
protect our lives & property from the onset  
of Crime.

Governor, in closing, my years are coming over me, but my heart is as young and as ready as ever in the service of my Country. I stand faithful friend to my Country and State, its servant, its slave, if you will, I speak for my family. I ask you only for justice, will you, Can you, I will not say dare you refuse, because that would make you turn the other way. I implore you as Governor, to take this matter into consideration now, because you never had such an opportunity of Conciliating.

Respectfully,

Monroe Peterson  
Retired Air America Pilot.  
Received Air Medal from  
United States Air Force for service  
in Vietnam.

cc:

- Senator Tom Kelly
- State Rep. Bettie Davis
- Assemblyman Kevin Meyer
- Assemblyman Dick Tesini
- Rep. Joannette James
- Mayor Tom Fink
- Judicial Comm. Brian Paster
- State Affairs
- ✓ • Financial Comm.

Recd From: Monroe Peterson  
5354 E. 42nd  
Anchorage AK 99508

# SENATE COMMITTEE REPORT

*Am*

DATE: 1/24/94

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 2/7/94

JUDICIARY Committee considered SENATE JOINT RESOLUTION NO. 39

Proposing an amendment ~~to the Constitution of the State of Alaska~~ regarding the right of the people to keep and bear arms.

and recommends:

and a majority of the committee recommends do pass

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
|            |      |      |        |
|            |      |      |        |
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**PREVIOUS FISCAL NOTES**

| Department -             | Date           | Zero | Fiscal     |
|--------------------------|----------------|------|------------|
| <i>Div. of Elections</i> | <i>1-14-94</i> |      | <i>2.2</i> |
|                          |                |      |            |
|                          |                |      |            |
|                          |                |      |            |
|                          |                |      |            |
|                          |                |      |            |

Appropriation No Fiscal Note

**DO PASS:**

*Gen. Tolson*      *Jacko*  
*Theresa Douley*  
*Suzanne K. Lott*      *Lott*

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Rich Halford* *do pass*

Chair: Signature and Recommendation

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*Jan* DATE: 1/10/94

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 1-14-94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 1-21-94

State Affairs      Committee considered      SJR 39

Proposing an amendment to the Constitution of Alaska regarding the right of the people to keep and bear arms.

and recommends: ~~and a majority of the committee recommends do pass~~

replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

*FN*

FISCAL NOTE INFORMATION

| Department               | Date           | Zero     | Fiscal     |
|--------------------------|----------------|----------|------------|
| <i>Div. of Elections</i> | <i>1-14-94</i> | <i>—</i> | <i>2.2</i> |
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| Department | Date | Zero | Fiscal |
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|            |      |      |        |

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

*[Signature]*

OTHER RECOMMENDATIONS:

*(2) Duncan - No Rec.*

*Robin L. Taylor*

*[Signature]*  
Chair: Signature and Recommendation

**SJR**

**52**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/20/94

FURTHER:

DATE TURNED INTO OFFICE: 5-494

The Finance Committee considered **SENATE JOINT RESOLUTION NO. 52**

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund.

and recommends:

Replace with \_\_\_\_\_ CS SJR 52 (FINANCE)  
 or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_  
 attaches amendment(s)

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

*CS (Fin)  
coming*

**NEW FISCAL NOTES**

| Department            | Date           | Zero | Fiscal     |
|-----------------------|----------------|------|------------|
| <i>Gov. Elections</i> | <i>4/22/94</i> |      | <i>2.2</i> |
|                       |                |      |            |
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|                       |                |      |            |

**PREVIOUS FISCAL NOTES**

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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|            |      |      |        |
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Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
*Steve Lis*  
 \_\_\_\_\_  
*Scott May*  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
*Jerry Kautsky* **DO NOT PASS**  
 \_\_\_\_\_  
 \_\_\_\_\_

1. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SJR52

Revision Date: \_\_\_\_\_

Department Affected: Office of the Governor

Title: Amendment to the Constitution RE: BRU: Division of Elections  
THE BUDGET RESERVE FUND

Component: General and Primary Elections

Sponsor: (S) FIN

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

| OPERATING     | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|---------------|-------|-------|-------|-------|-------|-------|
| PERSONAL      | 0     | 0     | 0     | 0     | 0     | 0     |
| TRAVEL        | 0     | 0     | 0     | 0     | 0     | 0     |
| CONTRACTUAL   | 2.2*  | 0     | 0     | 0     | 0     | 0     |
| SUPPLIES      | 0     | 0     | 0     | 0     | 0     | 0     |
| EQUIPMENT     | 0     | 0     | 0     | 0     | 0     | 0     |
| LAND &        | 0     | 0     | 0     | 0     | 0     | 0     |
| GRANTS,       | 0     | 0     | 0     | 0     | 0     | 0     |
| MISCELLANEOUS | 0     | 0     | 0     | 0     | 0     | 0     |
| TOTAL         | 2.2*  | 0     | 0     | 0     | 0     | 0     |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

FUNDING:

|                 |      |   |   |   |   |   |
|-----------------|------|---|---|---|---|---|
| 1002 Federal    | 0    | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match   | 0    | 0 | 0 | 0 | 0 | 0 |
| 1004 GF         | 2.2* | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/Program | 0    | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTLA   | 0    | 0 | 0 | 0 | 0 | 0 |
| OTHER           | 0    | 0 | 0 | 0 | 0 | 0 |
| TOTAL           | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.) \*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Joseph L. Swanson, Director  
Division: Division of Elections

Phone: 465-4611

Date: 4/22/94

Approved by Commissioner: Lt. Governor John B. Coghlin  
Agency: Office of the Lt. Governor

Date: \_\_\_\_\_

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information call the Governor's Legislative Office

AN AMENDMENT  
IN THE SENATE FINANCE COMMITTEE  
TO: SJR 52

5/4/94

5/4/94  
Provided by  
Ann (SJR  
Budget)  
office  
She is working  
w/ Tom Cook

Section 1. Article IX, sec. 17(b), Constitution of the State of Alaska, is repealed and reenacted to read:

(b) The purpose of the budget reserve fund is to help stabilize state spending from year to year. Moneys in the budget reserve fund shall be treated as general funds except that they may not be used to increase the amount of appropriations from the general fund, including any appropriations from the budget reserve fund, over the prior year's amount. For purposes of this section, money from the budget reserve fund shall be considered to be the last used in a fiscal year. The legislature shall implement this subsection by law.

Section 2. Article IX, sec 17(c) is repealed and reenacted to read:

(c) Notwithstanding subsection (b), moneys in the budget reserve fund may be made for any public purpose, including purposes which would serve to increase general fund spending over the prior year's level, upon an affirmative vote of 3/4 of the members of each house of the legislature. The legislature shall implement this subsection by law.

Renumber following sections accordingly.

Ann has  
new language  
for this bill.

CS SENATE JOINT RESOLUTION NO. 52 (Fin)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 4/15/94
Referred: JUD, FIN

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
2 budget reserve fund.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. Article IX, sec. 17(b), Constitution of the State of Alaska, is repealed and
5 reenacted to read:

6 (b) An appropriation may be made from the budget reserve fund during a
7 calendar year upon the affirmative vote of a majority of the members of each house
8 of the legislature if the amount appropriated, when added to the amount of
9 appropriations made during that same year from unrestricted funds, is less than the
10 total amount of appropriations made during the immediately preceding calendar year
11 from unrestricted funds and from the budget reserve fund. For purposes of this
12 subsection, "unrestricted funds" means money in the State general fund that has not
13 been appropriated for a particular purpose or to a separate fund or account established
14 by law within the general fund.

15 \* Sec. 2. Article IX, sec. 17(d), Constitution of the State of Alaska, is repealed.

16 \* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of

**DIVISION OF LEGAL SERVICES**  
**LEGISLATIVE AFFAIRS AGENCY**  
**STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

May 4, 1994

**SUBJECT:** Budget Reserve Fund (CSSJR 52(FIN))

**TO:** Senator Drue Pearce, Co-Chair  
Senate Finance Committee

**FROM:** Tamara Brandt Cook  
Director *TBC*

Here is the CSSJR 52(FIN) requested. Since this is entirely new language, I have some observations and questions.

Subsection (b)

I have no reaction to the statement of purpose in the first sentence. It may not be legally significant. On the other hand, because it appears in the constitution it may be used in litigation in creative ways with unanticipated results.

The second sentence may conflict with the statement in art. IX, sec. 17(a): "Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund." The amendment language directs that the money in the budget reserve fund "be treated as general funds." To the extent that investment of general fund money differs from the goal of achieving competitive market rates, the two subsections may conflict. Also, it is possible that the amendment will require accounting or other treatment of the money that is used for the general fund now, but that might not be ideal for the budget reserve fund. Lastly, should the reference to "prior year's amount" be the "prior fiscal year's amount"?

The third sentence is confusing. It appears to address actual expenditure of the budget reserve fund money rather than appropriation of that money. Is it intended to prevent expenditure until all other appropriations have been spent? Will this mean that particular projects funded with budget reserve fund money may not be built until all other projects are finished? Or that state operations funded with budget reserve fund money may not go forward until all other appropriations have been used? Or perhaps this simply means that money from whatever funding source

SENATE AMENDMENT

TO: Senate Joint Resolution 52  
RE: Budget Reserve Fund  
DATE: April 25, 1994  
BY: \_\_\_\_\_

Page 1, line 9. After the word "unrestricted" delete all material through the end of Sec. 2 on page 1, line 15 and replace with the following:

revenue of the state is less than the total amount of appropriations made during the immediately preceding calendar year from unrestricted revenue of the state and from the budget reserve fund. For purposes of this subsection, "unrestricted revenue of the state" means money in the general fund from state sources that is not held in trust or has not been appropriated for a particular purpose or to a separate fund or account established by law within the general fund.

\* Sec. 2. Article IX, sec. 17(d), Constitution of the State of Alaska, is amended to read: (d) If an appropriation is made from the budget reserve fund, until the amount appropriated is repaid, the unreserved, undesignated balance in the general fund available for appropriation at the end of each succeeding fiscal year shall be deposited in the budget reserve fund. The legislature shall implement this subsection by law. [Amendment approved November 6, 1990. Effective January 2, 1991.]

SENATE FINANCE  
COMMITTEE  
Amendment Number: ~~52~~ ①  
Bill Number: SJR 53  
Sponsor: \_\_\_\_\_ Date: 4/25/94  
Logged In By: Bon

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450

FAX (907) 465-2029

Mail Stop 3101

130 Seward Street, Suite 409

Juneau, Alaska 99801-2105

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# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

CS SENATE JOINT RESOLUTION NO. 52 (Fix)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 4/15/94  
Referred: JUD, FIN

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the  
2 budget reserve fund.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. Article IX, sec. 17(b), Constitution of the State of Alaska, is repealed and  
5 reenacted to read:

6 (b) An appropriation may be made from the budget reserve fund during a  
7 calendar year upon the affirmative vote of a majority of the members of each house  
8 of the legislature if the amount appropriated, when added to the amount of  
9 appropriations made during that same year from unrestricted funds, is less than the  
10 total amount of appropriations made during the immediately preceding calendar year  
11 from unrestricted funds and from the budget reserve fund. For purposes of this  
12 subsection, "unrestricted funds" means money in the State general fund that has not  
13 been appropriated for a particular purpose or to a separate fund or account established  
14 by law within the general fund.

15 \* Sec. 2. Article IX, sec. 17(d), Constitution of the State of Alaska, is repealed.

16 \* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of