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THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

CM 010

INCOMING

DATE RECEIVED: JANUARY 05, 1988

NAME OF CORRESPONDENT: MR. JERALD R. VAUGHN

SUBJECT: EXPRESSES CONCERN ON THE ISSUE OF EFFECTIVE
FIREARMS MANAGEMENT AND ENCLOSES A POSITION
PAPER IT HAS PREPARED

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
DONALD DANNER		ORG	88/01/05		C 88/1/05
MARIAM BELL	PLBELL	A	88/01/06		C 88/1/11
Dept. of Justice		R	88/01/11		A 88/02/11

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES:

PL MAIL USER CODES: (A) (B) (C)

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                        *                        *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL *           OF SIGNER  *
*D-DRAFT RESPONSE      *C-COMPLETED        *           CODE = A   *
*F-FURNISH FACT SHEET  *S-SUSPENDED        *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                        *           OUTGOING *
*R-DIRECT REPLY W/COPY *                        *                        *
*S-FOR-SIGNATURE       *                        *                        *
*X-INTERIM REPLY       *                        *                        *
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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.



U.S. Department of Justice

Office of Liaison Services

Director

Washington, D.C. 20530

February 11, 1988

Dear Jerry:

Just a short note to advise you that the President of the United States, Ronald Reagan, forwarded to the Department of Justice a copy of your letter to him, together with the International Association of Chiefs of Police position paper on Effective Firearms Management.

You can be sure that the position paper is getting careful attention here.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Morris", written over a horizontal line.

Joseph A. Morris

Mr. Jerald R. Vaughn, Director
International Association of Chiefs
of Police
Thirteen Firstfield Road
P.O. Box 6010
Gaithersburg, Maryland 20878.

T H E W H I T E H O U S E O F F I C E

REFERRAL

JANUARY 21, 1988

TO: DEPARTMENT OF JUSTICE

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 537507

MEDIA: LETTER, DATED DECEMBER 23, 1987

TO: PRESIDENT REAGAN

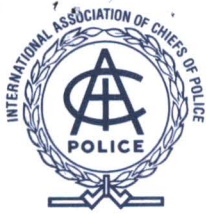
FROM: MR. JERALD R. VAUGHN
EXECUTIVE DIRECTOR
INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE
POST OFFICE BOX 6010
GAITHERSBURG MD 20878

SUBJECT: EXPRESSES CONCERN ON THE ISSUE OF EFFECTIVE
FIREARMS MANAGEMENT AND ENCLOSES A POSITION
PAPER IT HAS PREPARED

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE



Thirteen Firstfield Road
P.O. Box 6010
Gaithersburg, Maryland 20878
Phone (301) 948-0922
Cable Address IACPOLICE

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Farmingdale, NY

✓ Jerald R. Vaughn
Executive Director

December 23, 1987

M. Danner
President Ronald Reagan
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Reagan:

The issue of effective firearms management is one of paramount concern to the International Association of Chiefs of Police. In 1908, our Executive Board and general membership passed the first resolution supporting uniform laws governing the sale and use of dangerous and deadly weapons. Since that time, our association has been actively involved in legislative matters, on both federal and state levels, concerning this issue.

During the 100th Congress, we have followed with interest the legislation, hearings, and general debates which have occurred on issues of firearms management. To facilitate our role in that debate, we have prepared the enclosed position paper on effective firearms management.

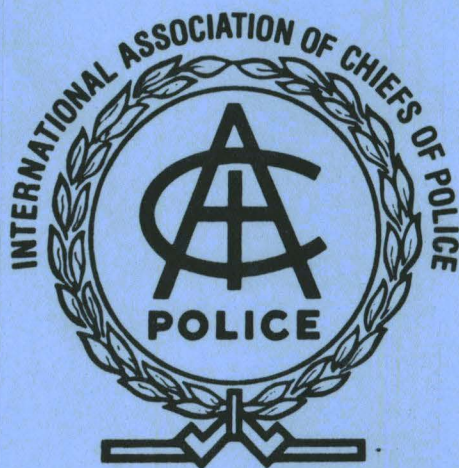
I am pleased to provide you with a copy of IACP's position paper. Do not hesitate to contact me if you have questions or comments on any of these issues.

Sincerely,


Jerald R. Vaughn
Executive Director

Enclosure

**Position of the
International Association of the Chiefs of Police
on
Firearms Management**



**Position of the
International Association of the Chiefs of Police
on
Firearms Management**



EFFECTIVE FIREARMS MANAGEMENT

A compilation of formal resolutions approved and adopted by the membership in accordance with the constitution of IACP.

For further information contact

Jerald R. Vaughn
Executive Director
(301) 948-0922

The level of violence associated with the illegal use of firearms, mishaps, and other events with equally tragic consequences has escalated dramatically over the past few decades as the availability of guns has increased. This phenomenon creates serious problems for law enforcement officials who must cope daily with the carnage perpetrated by armed criminals on innocent victims, accidental shootings, and suicides carried out through the use of firearms. This level of violence has served to undermine the quality of the American way of life and is disproportionately high in comparison to other democratic nations. The problem of guns and violence is multi-faceted and defies simplistic solutions. Gun control in and of itself would likely be ineffective. Rational and reasonable firearms management as part of a comprehensive strategy to reduce violence in America is in our judgement appropriate and would be effective. The International Association of Chiefs of Police has studied the problem carefully and has adopted positions through formal resolution on issues that, combined, represent the IACP's position on matters relating to guns.

Effective firearms management is an issue fraught with emotionalism due to our country's historical perspective on citizens' possession and use of firearms. However, the issue's difficulty does not relieve police, public safety officials, and other elected representatives charged with protecting the public's welfare from the task of balancing the people's right to bear arms with the society's right to be free of senseless violence.

IACP's position on firearms management stands parallel with our philosophical support for the right of law-abiding Americans to have firearms for legitimate sporting and recreational, law enforcement, and private security uses. We *do not* believe, however, that the right to bear arms guaranteed by the Second Amendment to the United States Constitution, implies or compels the unfettered proliferation of firearms among our citizens. Indeed, prudence, common sense, and wisdom dictate otherwise.

Unfortunately, crime is only part of the total problem with guns. Consider for a moment that every year there are over one million "gun incidents" in the United States. This includes nearly 11,000 murders involving firearms, 15,000 suicides, 1,900 accidental deaths, 175,200 criminal assaults committed with firearms, 221,000 armed robberies, 90,400 forcible rapes, and over 200,000 gun related injuries. All told, an estimated 130 million firearms exist in America today. That is one for every two households. Nearly 70 million of these firearms are handguns, the type used in three-fourths

of all of the gun incidents. Nearly 5.5 million firearms are manufactured and 750,000 more are imported each year. Unlike products that wear out, guns last almost indefinitely and actually increase in value. Each year in the state of Florida alone, over 350,000 guns are assembled from imported parts and sold for less than \$100 each. Almost all of the weapons manufactured are sold initially by over 200,000 firearms dealers, some of whom operate gun shops, but many others sell weapons in service stations and country stores. Most gun dealers are individuals who get the \$10 federal license to qualify for discounts and mail purchases. Gun thefts from gun manufacturers, dealers, and private citizens now exceed one-half million annually. Weapons acquired for self-defense by private individuals are prime targets for thieves and often are stolen because of inadequate security measures.

HANDGUNS

The ubiquitous use of handguns in our society presents the most pressing challenge for law enforcement at this time. Although many states have enacted laws that automatically increase the penalty for an armed crime, the incidence of such criminal activity increases. We strongly support these laws but also recognize the reality of jail and prison overcrowding which renders those laws almost ineffective. The cost associated with resolving the prison problem is staggering and, even if funded, would be years away from implementation. We believe that several national policies must be established to curtail the violence perpetrated by the criminal use of handguns.

NATIONAL SCREENING PROGRAM FOR HANDGUN PURCHASERS

Since 1981, the members of the IACP have urged the Congress to enact a nationwide screening program for handgun purchasers. IACP recommends the following features to be included in this screening program:

- (1) A waiting or "cooling off" period
- (2) Positive verification of the identity of a perspective purchaser or permit applicant
- (3) Mandatory fingerprint/criminal record check at the state and federal level of all applicants by local police agencies
- (4) The issuance of a photo-identification card to approved handgun purchasers
- (5) The mandatory sentencing of persons convicted of crimes involving handguns
- (6) The total costs related to this system be wholly supported by an appropriate fee charged to each applicant

In addition, IACP believes some provision must be made for mandatory training and demonstrated proficiency in the safe use and security of firearms. We feel the need for such a screening program at the national level is evident. The piece-meal approach we currently take with the myriad of gun laws at the various levels of government has simply not worked. Other democratic nations with strong national laws regulating firearms experience a significantly lower level of violence. Other evidence within the United States points to the effectiveness of such measures.

Mark Moore of Harvard University reports that a review, by the Bureau of Alcohol, Tobacco and Firearms, of the activities of licensed dealers in three major cities found a high rate of illegal handgun sales and questionable purchases. Moore calculates that up to 90,000 handgun transfers involving proscribed persons, such as convicted felons or fugitives from justice, occur each year in the United States.

A recent study by the Department of Justice, "The Armed Criminal in America," found that at least 21 percent of criminals nationwide obtain their handguns from handgun dealers. An equal

number purchase their weapons from private citizens.

The John Hinckley case provides the most well-known example of how a waiting period and background check would reduce crime and violence. Hinckley lied on the federal form by using a fake address when he purchased his handgun. He was not a Texas resident. Had police been given the opportunity to discover his lie—a felony offense—Hinckley might well have been in jail instead of on his way to Washington to attempt to assassinate the President.

The record compiled in states who have instituted a waiting period argues strenuously for a national policy:

- In the nineteen years that New Jersey has required a background check for handgun purchases, 10,000 convicted felons have been caught trying to buy handguns, according to the superintendent of the New Jersey State Police.
- Police in Palm Beach County, Florida, credit an ordinance enacted in 1984 requiring a 7- to 14-day waiting period for handgun purchases with reducing homicides by 60 percent in the first quarter of 1985.
- The chief of police in Columbus, Georgia, says that the city's three-day waiting period catches two felons a week trying to buy handguns.
- A police sergeant in Memphis, Tennessee, reports that the state's 15-day waiting period screens out about 50 applicants a month, most of whom have criminal records.
- In the first six months after enactment of a 10-day waiting period in Broward County, Florida, 37 applicants who were found to have past felony convictions, arrests, and outstanding warrants were rejected.
- The California attorney general's office says that the state's 15-day waiting period caught 1,200 prohibited handgun buyers in one year alone.
- In 1984, according to local police, an Atlanta, Georgia ordinance requiring a fingerprint check for handgun purchasers found that 10 percent of all prospective purchasers lied about their criminal record or mental health.
- In Maryland, the state police report that every year, hundreds of individuals with criminal records are caught attempting to purchase handguns through gun dealers.
- In South Carolina, where there is no waiting period, police estimate that 300 to 350 guns each year are sold to people convicted of serious crimes, those who have been treated for mental disorders, or those who are otherwise proscribed from handgun ownership.

A 1981 Gallup Poll found that 91 percent of Americans want a 21-day waiting period and background check for handgun purchases. The law enforcement community, including the Fraternal Order of Police, the National Troopers' Coalition, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the Police Foundation, and the National Association of Attorneys General, all support a waiting period as a prerequisite to handgun purchases.

The Reagan Administration's 1981 Attorney General's Task Force on Violent Crime recommended a waiting period for handgun purchases, stating that "since drug addicts, felons, mental defectives, and the like are not the best risk for the 'honor system,' a waiting period between the time of signing the presently required forms and delivery of the handgun to the purchaser, to verify the purchaser's eligibility is sensible and necessary...."

The International Association of Chiefs of Police believes that, although hardly a panacea for all of our society's concerns with the use of handguns, a national screening program incorporating

a waiting period and mandatory background check will undoubtedly keep some handguns out of the hands of proscribed persons. Such a program will also provide a "cooling off" period for those who would purchase a handgun in the "heat of passion" when a period of reflection might uncover a nonviolent solution to any existing problem.

The members of the IACP urgently request officials of the United States Government to enact these measures with a view of providing the law enforcement officers of federal, state, and local governments a reasonably uniform and comprehensive law governing the sale of dangerous and deadly handguns.

NONDETECTABLE FIREARMS

The IACP believes that there is a need to prohibit the manufacture, sale, importation, and distribution of plastic guns—that is, those guns that, due to their composition, can escape detection by standard metal-detectors and x-ray machines found in airports and other high security areas. This term is used because, in most instances, these firearms are made of high impact plastic or some combination of metal and plastic. A few nondetectable firearms are made totally of metal, but their aggregate mass is so small (they can be held in child's palm) that they still may elude detection.

Our biggest concern with these kinds of weapons is their potential use by terrorists and political assassins. If they can escape detection, terrorists can board airplanes while carrying a virtual arsenal of weapons, and hijacking can become a routine occurrence. Political candidates and incumbents will become even more vulnerable. Buildings such as courthouses, the White House, and other public facilities that currently utilize standard detection devices would be easily penetrated by nondetectable firearms. Public safety advocates and law enforcement groups are gravely concerned about the threat posed by these weapons. All firearms not detectable by existing security detection devices and x-ray equipment should be banned until detection capabilities are developed and in place. Firearms technology has far surpassed the limits of our weapon detection systems and unless that gap is closed, law enforcement will be waging a losing battle against additional armed criminal activity.

The IACP believes that a national policy concerning nondetectable firearms should include the following elements:

(1) Proscribe as unlawful the manufacture, importation, sale, possession, transfer, receipt, shipment, or delivery of any nondetectable firearm.

We strongly feel the necessity for proscribing the above conduct. It is, of course, absolutely essential to ban the manufacture, sale, and delivery of these weapons. The law enforcement community presently contends with a huge blackmarket business in firearms. If it is lawful to produce these weapons, we can be assured that the manufacturers will reap whatever profits they can while turning a deaf ear to the havoc wreaked by those who bear responsibility for selling and distributing their products.

Transfer and importation must be banned to prohibit those lawfully in possession, perhaps foreign nationals, from illegally depositing their products in our country. Receipt, shipment, or delivery must be banned to prohibit the proliferation of an international mail-order market in these weapons. Possession must be banned in order to prosecute those who would use these weapons in contravention of the law. If possession is not outlawed, police and prosecutors would have to locate and document the points of manufacture and shipment of these weapons. This is much more difficult to do when possession is not outlawed. There would be no incentive for one caught in possession to divulge the identities of the sources of the weapons.

(2) Define these weapons in terms of "detectability" and not composition. Set a standard of detectability by which all weapons are to be judged; those falling beneath this standard should be banned.

To define these weapons in terms of composition of plastic or polymer would allow large loopholes in the law, thereby providing the opportunity for creative manufacturers to subvert the "spirit" of the law while remaining within the "letter" of the law. For instance, if these weapons are defined as being composed entirely of plastic, the introduction of a small metal pin or attachment could render a weapon beyond the reach of this law while still being undetectable by metal detectors and scanners. Such a solution is cosmetic in nature and does nothing to avert the problem we now face.

(3) Classify violations of this law as a felony.

Nondetectable firearms present a grave concern to the law enforcement community. Any law prohibiting and/or regulating these weapons should reflect the seriousness with which we view this threat to our country.

Those sectors of our society who must directly contend with the use of these weapons are unanimous in their support for legislation controlling nondetectable firearms. The Airline Pilot Association, representing 40,000 pilots on 43 airlines testified before the House of Representatives their support for legislation in this area and stated, "It is important that we keep well ahead of those who would use technological developments for purposes of extortion, murder, or destruction of property.

The Association of Flight Attendants, representing 21,000 flight attendants at 12 U.S. carriers also testified in support of legislation in this area. The association predicted a "long window of vulnerability" to terrorists before screening devices sophisticated enough to detect plastic and ceramic weapons are installed at U.S. airports, and expressed concern that widespread sales of these weapons could eventually lead to a situation where "passengers may all have to go through extensive searches, including frisks or patdowns, whenever they fly."

The Airport Operators Council International also supports immediate legislation banning the manufacture, distribution, and importation of nondetectable firearms. The AOCI is the association of governmental bodies that own and operate the principal airports served by scheduled airlines in the U.S. and throughout the world. The membership enplanes over 90 percent of U.S. air passengers and 75 percent of the world's air passengers throughout 800 airports worldwide. "The time to take preventive action is not after such plastic firearms are fully in production and have gained a foothold in the United States and in the arsenal of terrorists, but before they are produced and distributed in such numbers that there would be no feasible way of turning back the threat," the association stated in testimony before the House of Representatives.

The Air Transport Association, representing all the major airlines in the U.S., supports legislation banning the manufacture and importation of firearms that modern screening cannot readily detect. The ATA has noted that over the past 14 years, nearly 8 billion people have been screened at U.S. airports, with more than 36,000 firearms detected, resulting in roughly 16,000 related arrests and the prevention of an estimated 117 hijackings. It seems quite logical to extrapolate from these figures to arrive at a picture of what we can expect if nondetectable firearms are allowed to proliferate among our citizens. The picture is quite bleak.

Raymond A. Salazar, director, Office of Aviation Security, Federal Aviation Administration, U.S. Department of Transportation, has stated that it will be years before the detection systems employed in airports can be upgraded to detect these types of weapons. Secret Service officials have testified

that they would have to close the White House to tourists if standard magnetometers are unable to detect weaponry available to citizens.

The IACP feels that there is no question that the technology exists to produce nondetectable firearms. The Office of Technology Assessment conducted a study and issued a report stating that the "materials technology does not exist to produce nonmetallic firearms whose only metal components may be some small springs." The Austrian manufacturer of the Glock 17 has informed the antiterrorism agency of the State Department that he can produce an all-plastic weapon but has not done so "in the interest of international security." A military historian at the Smithsonian Institution in Washington, D.C., found that a completely plastic "assassin's gun", the Troyka, was produced by the Soviet KGB and has been available since at least 1979. David Byron, a gun manufacturer in Florida, testified before the House of Representatives that he has developed a plastic firearm that can be produced within six months. He also told a reporter, "If we don't do it [market the gun], someone else will." The technology is clearly available. For all we know, nondetectable weapons could be available in this country next year — or tomorrow.

The IACP urges the Congress to adopt legislation that stringently regulates the possession, sale, distribution, importation, and manufacturing of nondetectable firearms, thereby taking a proactive stance against the proliferation of these dangerous weapons. The president of the IACP, in conjunction with the Center for International Policing, urges all countries of the world to work toward the enactment of similar legislation in the governing bodies of each country.

MACHINE GUNS

The IACP believes that the restriction on private ownership of machine guns established by Public Law 99-308 are necessary to ensure the safety of the American citizens. The provision to ban the private purchase or sale of newly manufactured machine guns — those not already registered with the federal government — was added to the McClure/Volkmer gun decontrol law in the final minutes of House debate on this issue through the Thurman amendments. The ban has the effect of limiting the number of machine guns in legal circulation to about 127,000. However, gun lobbyists have stated that they are lining up support to repeal this ban. IACP, joined by the other members of the Law Enforcement Steering Committee will resist repeal of this provision with all the force we can muster.

Machine guns were not created for lawful sporting or hunting purposes. Machine guns are highly powerful, destructive weapons that exist for one reason only: to destroy human beings in large numbers in short periods of time. They are designed to destroy life as efficiently and effectively as possible. They pose an extraordinary threat to the safety of the public and to law enforcement.

The nation's police officers are facing an ever-increasing number of criminals armed with machine guns — drug traffickers, robbers, assassins for organized crime families, and members of extremists groups who have established armed survivalist camps in rural areas of the country. They are the weapons of choice of drug traffickers in transporting and guarding illegal narcotics. The police are outgunned. They do not carry machine guns. Fifteen percent of weapons seized in clandestine laboratory operations by the DEA are fully automatic machine guns, according to the DEA. This year to date, DEA has seized 249 machine guns in drug transactions.

The Bureau of Alcohol, Tobacco and Firearms has stated that more criminals, particularly drug traffickers and extremist groups, appear to be using machine guns. The agency seized 2,042 illegal machine guns in fiscal 1985, up from 530 the previous year.

The source of the problem with illegal machine guns has been the availability of the materials with which to make them. Before McClure/Volkmer, a person could mail-order bits and pieces

and convert a legal weapon. Under the new law, the availability of key components will be severely restricted. Also, the end to production of machine guns for private use results in fewer numbers of these powerful weapons to be stolen from licensed owners.

Gun lobbyists claim that the restriction on private machine gun ownership is an infringement on the constitutional right of United States citizens to bear arms. The IACP does not believe that our Founding Fathers intended to confer on every citizen the right to own a machine gun. The logical extension of this "constitutional" argument is that every citizen also has the right to own a bazooka or a Stinger missile that can be fired from the shoulder to bring down a civilian airliner. We feel that such a position cannot be justified, legally, morally, or constitutionally. Society has to place limits on individuals to protect the rights of the whole.

IACP feels that 127,000 licensed machine guns are enough! Possession of machine guns by private citizens has not been outlawed completely, but transactions involving these weapons are limited to the 127,000 that were legally in circulation before McClure/Volkmer was passed. Only police departments and the military are now allowed to buy newly manufactured machine guns or parts that can be used to convert other firearms into machine guns. Such a policy can only aid law enforcement in its fight against the illegal use of machine guns.

As we indicated earlier, the IACP supports the right of all law-abiding citizens to keep and have arms, and the legitimate sporting, recreational, law enforcement, and private security uses of firearms. However, machine guns do not have a legitimate sporting use, but are the referred weapon of narcotics traffickers, terrorist, and extremist groups. Therefore, by resolution the International Association of Chiefs of Police will "...take all necessary measures to correct any public and legislative misinformation, and will actively promulgate the facts regarding the life-threatening impact upon the public and law enforcement officers that would result from any legislative action making these dangerous weapons more accessible to the general public."

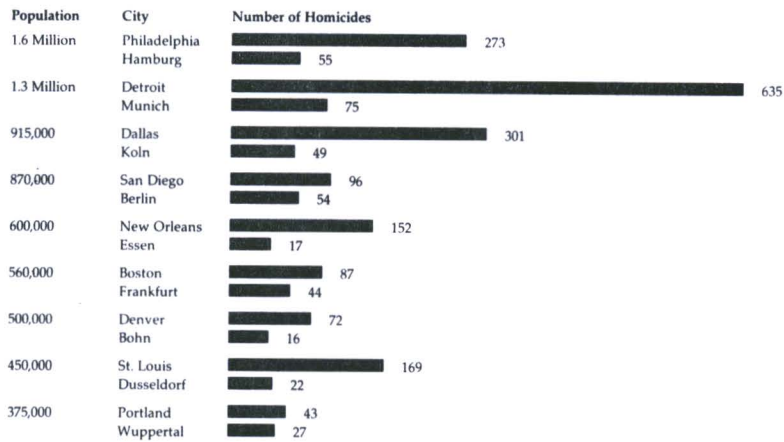
Do Gun Laws Work?

Police officials in other democratic nations believe they do and have supplied the information illustrated below. In each of the nations identified, they have a strong national firearms law that requires:

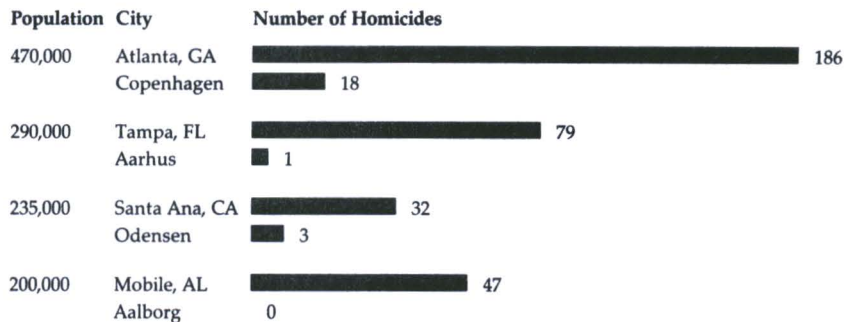
- A waiting period
- An extensive background investigation by the local police authority
- Issuance of a permit to acquire the weapon and to possess it
- Stiff penalties that are actually carried out for violation of firearms laws

Each nation has separate provisions for shotguns and long guns that allow for legitimate sporting and recreational uses.

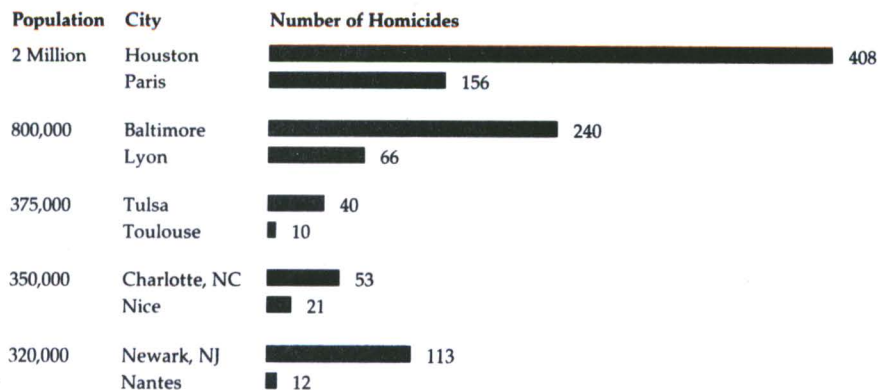
Comparison of Homicide Rates—U.S. and West Germany



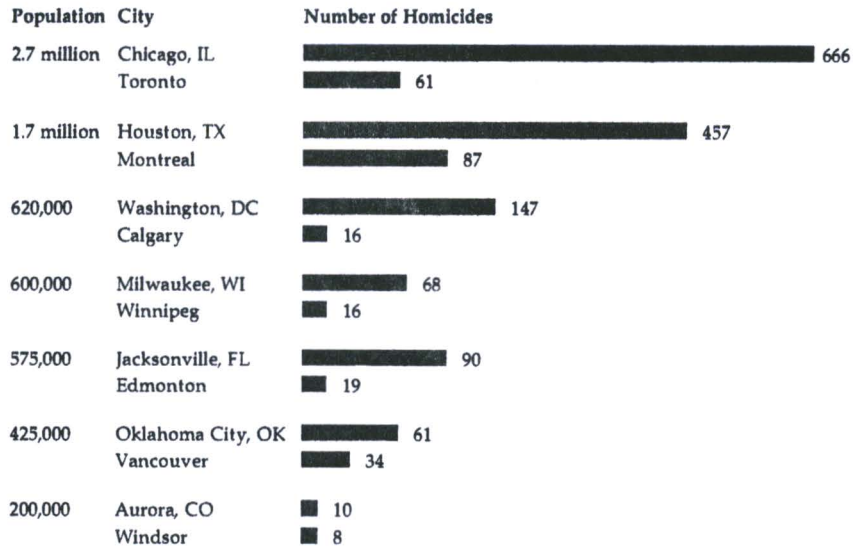
Comparison of Homicide Rates—U.S. and Denmark



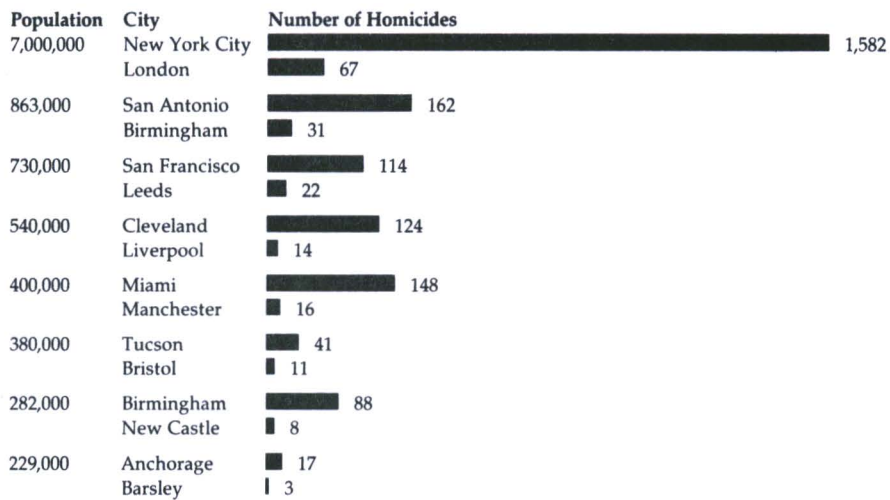
Comparison of Homicide Rates—U.S. and France



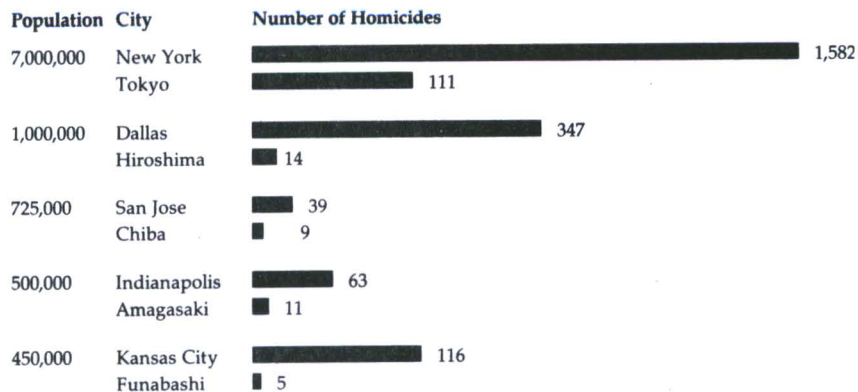
Comparison of Homicide Rates—U.S. and Canada



Comparison of Homicide Rates—U.S. and Great Britain



Comparison of Homicide Rates—U.S. and Japan

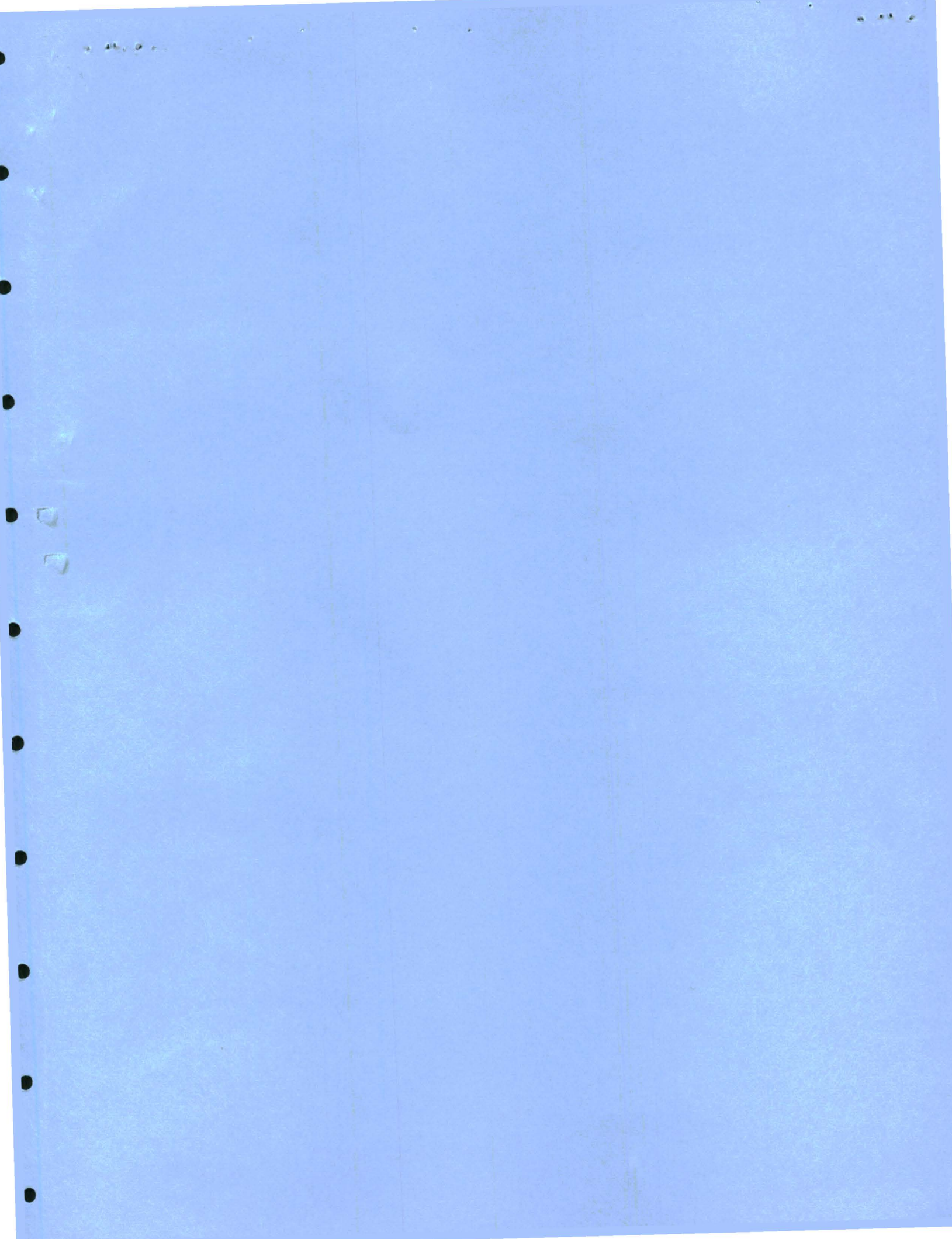




The International Association of Chiefs of Police is a professional organization comprised of over 14,500 top law enforcement executives from the United States and 68 nations. IACP members lead and manage several hundred thousand law enforcement officers and civilian employees in international, federal, state and local governments. Members in the United States direct the nation's largest city police departments including New York City, Los Angeles, Chicago, Detroit, Houston and others, as well as suburban and rural departments throughout the country.

Since 1893, the IACP has facilitated the exchange of important information among police administrators and promoted the highest possible standards of performance and conduct within the police profession. This work is carried out by functionally oriented committees consisting of police practitioners with a high degree of expertise that provide contemporary information on trends, issues and experiences in policing for development of cooperative strategies, new and innovative programs and positions for adoption through resolution by the association.

Throughout its existence, the IACP has been devoted to the cause of crime prevention and the fair and impartial enforcement of laws with respect for constitutional and fundamental human rights.



564274-

ID # _____ CU

CMD10

Box

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

sg

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) _____

Name of Correspondent: James C. Thur

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: S. 2051 - "Prohibition of Undetectable Firearms Act"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>Culloh</u>	ORIGINATOR	<u>88 10 25</u> <i>PY</i>		<u>88 03 09</u>
<u>cust 35</u>	Referral Note: <u>R</u>	<u>88 10 26</u> <i>PY</i>	<u>NAN</u>	<u>88 10 31 09</u>
	Referral Note: <u>see comments</u>			
		<u>1 1</u>		<u>1 1</u>
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		<u>1 1</u>		<u>1 1</u>
	Referral Note:			
		<u>1 1</u>		<u>1 1</u>
	Referral Note:			

ACTION CODES:

- A - Appropriate Action
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FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: Mooted by new Administration bill.

Keep this worksheet attached to the original incoming letter.
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 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 0 Individual Codes: _____

Prime Subject Code: CM 010 Secondary Subject Codes: FG 006-11

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

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- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

237511



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 24, 1988

LEGISLATIVE REFERRAL MEMORANDUM

564274C4
SPECIAL

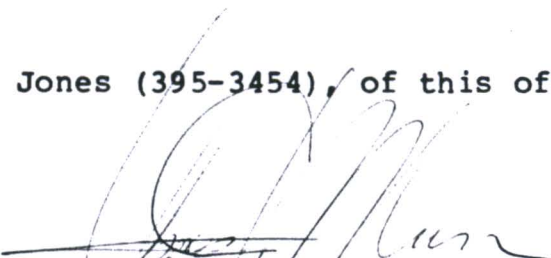
TO: Department of the Treasury - Carole Toth (566-8523)
Department of Justice - Jack Perkins (633-2113)
Department of Health & Human Services - Fran White (245-7750)
Department of Defense - Sam Brick (697-1305)
Department of Transportation - Tom Herlihy (366-9293)
Department of State - Bronwyn Bachrach (647-4463)

SUBJECT: S. 2051 -- "Prohibition of Undetectable Firearms Act."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than March 9, 1988.

Direct your questions to Gregory Jones (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: A.B. Culvahouse, Jr.
Bob Damus
Karen Wilson
Bill Hannon

100TH CONGRESS
2D SESSION

S. 2051

Entitled the "Prohibition of Undetectable Firearms Act".

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, FEBRUARY 2), 1988

Mr. MCCLURE (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

Entitled the "Prohibition of Undetectable Firearms Act".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND CONGRESSIONAL FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the "Pro-
5 hibition of Undetectable Firearms Act".

6 (b) **CONGRESSIONAL FINDINGS.**—The Congress finds
7 that—

8 (1) heightened concerns regarding airport security,
9 international terrorism, and evolving small arms tech-
10 nology require legislation to address perceived gaps in
11 security at our Nation's airports; and

1 (2) detection technology, though more advanced
2 than nonmetallic small arms technology, is not being
3 fully utilized at our Nation's airports; and

4 (3) an interim measure may be required to ensure
5 the continued effectiveness of our security efforts.

6 **SEC. 2. DEFINITION.**

7 Section 921 (a) of title 18, United States Code, is
8 amended by adding at the end thereof a new paragraph as
9 follows:

10 "(25) The term 'plastic firearm' means a firearm, as de-
11 fined in section 921(a)(3)(A), the frame or receiver, and slide,
12 or the frame or receiver, and cylinder of which is each con-
13 structed entirely of polymer or ceramic, or any combination
14 thereof".

15 **SEC. 3. PROHIBITION.**

16 Section 922 of title 18, United States Code, is amended
17 by adding at the end thereof the following:

18 "(p) It shall be unlawful for any person to manufacture
19 or import a plastic firearm unless:

20 "(1) the barrel of such firearm is constructed, in
21 whole or in part, of a metallic substance susceptible of
22 being detected by a magnetometer; or

23 "(2) the identifying information required to be en-
24 graved, cast, or stamped on the frame, barrel, or re-
25 ceiver of a firearm by section 923(i) of title 18, United

1 States Code, is engraved, cast, or stamped in a metal-
2 lic substance susceptible of being detected by a magne-
3 tometer; and

4 "(3) the polymer portions of the frame or receiver,
5 barrel, and slide or cylinder of the firearm have been
6 infused with quantities of barium sulfate or other such
7 compound sufficient to render such firearm capable of
8 being detected through the use of a cabinet x ray
9 system as defined in regulations prescribed by the Food
10 and Drug Administration (21 CFR 1020.40(b)(3)) de-
11 signed for inspection of carry on baggage.".

12 **SEC. 4. EXEMPTION.**

13 No provision of this Act shall apply to any firearm man-
14 ufactured, imported, or possessed prior to the date of enact-
15 ment of this Act; nor shall this Act affect, in any way, the
16 possession, transfer, acquisition, or receipt of any firearm
17 model manufactured or imported prior to the date of the en-
18 actment of this Act.

19 **SEC. 5. EFFECTIVE DATE AND DURATION.**

20 These provisions shall take effect ninety days after the
21 date of enactment of this Act and shall be effective for ten
22 years from the date of enactment, provided that the Secre-
23 tary shall declare an earlier termination of the effectiveness
24 of this Act if equipment is available which is capable of de-
25 tecting a plastic firearm.

sg

ID # 565603 CU
CM010

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

Information only

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Mrs. James S. Brady

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Public safety and pending firearms legislation

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>cu hall</u>	ORIGINATOR	<u>88102129</u>		<u>088103102 PY</u>
	Referral Note:			
<u>cu hall</u>	<u>I</u>	<u>8803102</u>		<u>088103102 PY</u>
	Referral Note:			
		<u> / / </u>		<u> / / </u>
	Referral Note:			
		<u> / / </u>		<u> / / </u>
	Referral Note:			
		<u> / / </u>		<u> / / </u>
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Prime Subject Code: CM 010 _____ Secondary Subject Codes: LE _____
SA _____

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 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

8
Mrs. James S. Brady

565603cu

A.B. Culshaw
(FBI)

Dear Friend:

I've been privileged to work closely with law enforcement over the past two years.

When my husband Jim was shot in 1981, I became acutely aware of the handgun violence epidemic in this country. As Vice Chair of Handgun Control, Inc., I had the opportunity to work with many law enforcement officials in lobbying Congress for stronger handgun laws.

We are now set to work together as partners with law enforcement at the federal, state and local levels to ensure passage of violence-prevention measures which will protect the public and police officers alike.

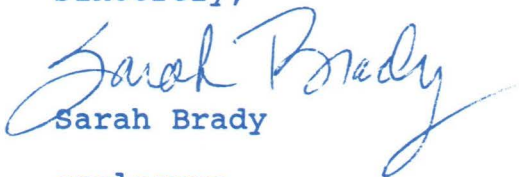
Our newly created Law Enforcement Relations Department is ready to work closely with you on these critical issues. The department is directed by David Doi, assisted by Jane Clarenbach and Carol Smith, and advised by Richard Boyd, the past National President of the Fraternal Order of Police.

The enclosed inaugural edition of the Law Enforcement Bulletin contains information on what your colleagues are saying and doing about the issues of public safety and pending firearms legislation. We plan to make it a forum for presenting new ideas and information on handgun violence in America.

We hope you will find the Bulletin useful and informative; we plan to publish it quarterly and welcome your comments and suggestions.

I hope to see you personally in the coming year.

Sincerely,


Sarah Brady

enclosure

LAW ENFORCEMENT

BULLETIN

VOLUME 1 • NUMBER 1 • 1988

Plastic Handgun Legislation Wins Bipartisan Support

All-plastic handguns, which cannot be detected by security devices in use at airports and public buildings, could be on the shelves of gun stores within the year. Florida gun maker David Byron testified before Congress that he now has the technology to produce a totally plastic pistol. However, the Director of Civil Aviation Security for the Federal Aviation Administration reports that it could be two to ten years before detection equipment for these weapons is developed and operational.

The firearms industry sees opportunity for huge profits in these weapons. According to the president of the National Association of Federally Licensed Firearms Dealers, "[t]he American plastic gun will shortly make its appearance...What this does is make everything produced in this country obsolete. That is exactly what our industry desperately needs. This will give us a whole new, and real reason to resell every hunter and shooter in America." To preempt the threat of these tools of terrorism, bills (H.R.1002/S.465) have been introduced in both the House and Senate to outlaw the sale, manufacture, importation and possession of plastic handguns. Led by the U.S. Secret Service, every major law enforcement organization has endorsed the legislation (see box). The only opposition to this legislation comes from the gun lobby. Representative William Hughes (D-NJ), Chairman of the House Judiciary Subcommittee on Crime, expects to move the legis-

lation to the full committee in early 1988.

According to Stephen Garmon, Deputy Director of the Secret Service, if the production of plastic firearms is allowed, protection of presidential candidates would be extremely difficult and some buildings, including the White House, may have to be closed to the public.

Existing detection equipment has been critical in preventing terrorism within our own borders. Since screening procedures have been in effect in our nation's airports, about 1000 persons have been arrested each year on firearms charges. And, in 1986 alone, the Secret Service found 74 handguns concealed on persons attempting to enter the White House. Darrel Stephens, Executive Director of the Police Executive Research Forum testified "[the legislation] would preempt unnecessary risk to the public while we race to upgrade our detection capabilities. It is obvious that a two-pronged approach is necessary; weapons that

cannot be identified using standard equipment must be banned while adequate technology is tested and universally installed."

Late last year, Senator Paul Simon (D-IL), a cosponsor of S.465, attempted to hold a Judiciary Subcommittee markup of the bill. Markups are routine meetings to vote on specific legislation. This time, however, the markup of S.465 was objected to by Senator James McClure (R-ID). Undaunted, Senator Strom Thurmond (R-SC) offered the bill on December 4, 1987, as an amendment to the Veterans' Benefits and Services Act.

In a compelling floor statement, Senator Thurmond, Ranking Republican of the Senate Judiciary Committee, said "[t]he arguments against enactment of this vital legislation are simply smokescreens that should not defeat this amendment."

Although the amendment was narrowly defeated (47-42), seven Senators who were either cosponsors of the bill, or who had indicated their support for the measure were absent for the vote. The strong showing of support by Senators who have previously been in the pro-gun camp, demonstrates the clout of the law enforcement community.

The Thurmond-Metzenbaum amendment will be offered again as an amendment to pending legislation when the Senate reconvenes.

As Jerry Vaughn, Executive Director of the IACP said, "[t]his is an area in which we do not want to have to play 'catch up' because the ramifications are far too serious. We should not have to present a pile of dead or injured bodies to prove there is a problem."☆

LAW ENFORCEMENT SUPPORT FOR PLASTIC HANDGUN BAN

- U.S. Secret Service
- Fraternal Order of Police
- International Assn. of Chiefs of Police
- International Brotherhood of Police Officers
- Major City Chiefs of Police
- National Assn. of Police Organizations
- National Organization of Black Law Enforcement Executives
- National Sheriffs' Assn.
- National Troopers Coalition
- Police Executive Research Forum
- Police Foundation
- Police Management Assn.

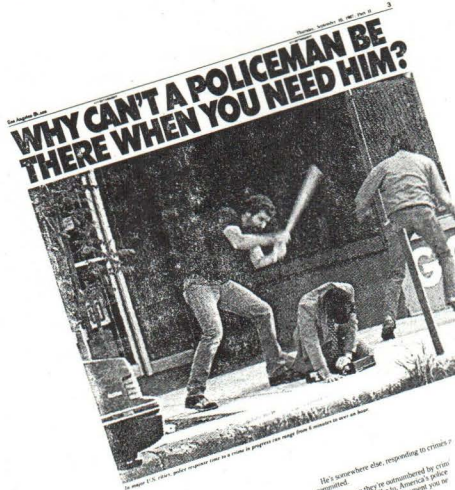
Law Enforcement vs. NRA: Ad Campaigns Fuel Debate

As a way to mobilize citizen support for law enforcement measures in Congress, a series of full-page ads featuring law enforcement officials and Sarah Brady, Vice Chair of Handgun Control, Inc. began appearing in major newspapers and magazines across the country in May, 1987.

San Jose Chief of Police Joseph McNamara appeared in the initial ad which asks if the leadership of the NRA has "gone off the deep end?" He points to NRA opposition to a seven-day waiting period for handgun purchases, to a ban on armor-piercing ammunition and a ban on the sale of new machine guns as proof that "the NRA's leaders seem to have lost any sense of responsibility."

Chief McNamara has been joined in similar ads by chiefs Anthony Bouza of Minneapolis and Robert Wadman of Omaha. According to Wadman, "[t]he NRA has been the bully in the schoolyard on political issues...I'm trying to take a leadership position." He has received favorable attention to his appearance in the ad. "As a police chief, Wadman is responsible for the safety of the public and that of his officers...His position is intelligent and sensible," according to the *Omaha World Herald*.

Chief Bouza has received a similar response to his ad. "The efforts of...Chief Tony Bouza and other law enforcement officials to develop public support for tighter handgun controls in the United States are most laudable," according to the *St. Paul Pioneer Press Dispatch*. Chief Bouza's appearance in the ads resulted from his outspokenness on the issue of handgun violence. "I was once a voice in the wilderness. Now I am in a very large chorus" says Bouza, referring to the increasing numbers of law enforcement officials who are breaking with the NRA over issues of



"Cop-killer bullets, mail-order handguns, machine guns..."

has the N.R.A. gone off the deep end?"

—Joseph McNamara, Police Chief
San Jose, California



...to still enforce the law and help the police.
I don't see more cops. I need to see that all the responsible citizens...
...the NRA's leaders seem to have lost any sense of responsibility.
...the NRA's leaders seem to have lost any sense of responsibility.
...the NRA's leaders seem to have lost any sense of responsibility.



DEFEND YOUR RIGHTS

public safety. "It's my duty to promote public safety, and that's what I'm doing." Other law enforcement officials will be appearing in ads in 1988.

In response to the increasing momentum of law enforcement-backed legislation on Capitol Hill, the pronounced decline in handgun sales over the past three years, and the success of HCL's ads, the NRA launched a new print ad campaign

bluntly promoting handgun sales and criticizing the ability of law enforcement to adequately protect the public.

Last September, the NRA ran a series of six graphic ads promoting handgun ownership as the best way to fight crime. A number of police officials have been outspoken in their opposition to the NRA ads. One ad in particular rankled many of them. The ad, which reads "Why can't a policeman be there when you need him?" has been called "irresponsible" and "reprehensible" by Jerald Vaughn, Executive Director of the IACP. Chief Joe McNamara has charged "[the ads] are despicable. They're exploiting the fear of crime to sell guns. It's a chilling vision of America, one where to survive you have to be ready at all times to whip out a gun, turn and fire."

According to Jim Baker, chief lobbyist for the NRA, "[o]ur ads are hard-hitting and scary. They're meant to be. One of the purposes was to get things back on our turf." The NRA ads, however, have generated new criticism. According to the *Arizona Daily Star*, "[the] NRA's answer to violence is violence itself. The message in the National Rifle Association's full-page newspaper ad was powerful — and misleading."★

CALL TO ACTION

Votes will be taken soon on the Senate floor and in House committee on both the Handgun Violence Prevention Act (the "Brady Bill") and the Plastic Handgun Bill. Write your Senators and Representative TODAY to urge their support for S.466/H.R. 975 and S.465/H.R.1002.

Honorable _____
U.S. Senate
Washington, D.C. 20510

Honorable _____
U.S. House of Representatives
Washington, D.C. 20515

EXCERPT

December 4, 1987

CONGRESSIONAL RECORD — SENATE

Here is the important speech made by Senator Thurmond on the amendment to ban plastic handguns. Check the roll call to see how your Senators voted-- and let them know how you feel!

Mr. THURMOND. Madam President, I am pleased to cosponsor an amendment to this bill designed to protect the citizens of this country. This important amendment will outlaw the importation, manufacture, distribution, and possession of firearms that are not readily detectable by standard airport equipment. The prohibition on these dangerous weapons will not only provide for greater security in airports, it will also increase safety in our Federal court-houses and other buildings in which metal detectors are used to protect the public.

As well as protecting the general public, passage of this bill could save the lives of the President and other high-level officials of the United States. In its testimony before the Constitution Subcommittee of the Senate Judiciary Committee, the Secret Service expressed concern over its reliance on metal detection equipment at the White House and at other events attended by the President, because this equipment can be circumvented by firearms with insufficient metal. As a result, the lives of the President and other high-level officials who depend on this equipment are at great risk—a risk which will be reduced by adoption of this amendment.

Despite these dangers, some have argued that this amendment is not necessary because no firearm yet exists which is made solely of plastic or other nonmetallic substances. Therefore, they argue that all firearms is existence can be detected by standard metal detectors. However, one company claims to have the technology to create nonmetallic firearms. Although this company promises not

to use its technology to produce a non-detectable firearm, others who develop a nonmetallic firearm may not be so honorable. We must take steps to protect the public from the misuse of this firearms technology.

Madam President, some say that this amendment violates the constitutional rights of gun owners and will interfere with the development of new firearm technology. That is clearly not the purpose of this amendment. Firearms owners can still own, trade, and purchase detectable firearms. This bill only outlaws any guns manufactured after the passage of this bill that are designed to circumvent standard airport security devices. Persons lawfully possessing undetectable firearms prior to the enactment of this amendment will not be in violation of its provisions.

As well, this bill does not prohibit the development or use of new firearm technology. An "all-plastic gun" could easily satisfy the prohibitions of this amendment by containing an unremovable metal implant sufficient to alert standard metal detection equipment. This weapon of the future would then contain all the benefits of polymer construction without the risks to public safety; this is the best of both worlds.

The arguments against enactment of this vital legislation are simply smoke-screens that should not defeat this amendment. The need to protect the public from terrorists and others who would commit violent acts with nondetectable firearms outweighs the minor restrictions imposed by this amendment. Before closing, it is important to note that the following organizations strongly support undetectable firearm prohibition legislation.

Madam President, I want to repeat and I want the Senators to know this and the staffs who are listening on the loudspeakers, I want them to know that these organizations that I am now going to list support this amendment, and these are the chief law enforcement organizations in the United States.

First, the International Association of Chiefs of Police. They strongly favor this amendment, as others I shall mention.

Second. The Fraternal Order of Police.

Third. The International Brotherhood of Police Officers.

Fourth. The National Association of Police Organizations.

Fifth. National Organization of Black Law Enforcement Executives.

Sixth. National Sheriffs' Association.

Seventh. National Troopers Coalition.

Eighth. Police Management Association.

Ninth. The Police Executive Research Forum.

Tenth. The Police Foundation.

Eleventh. The Airline Pilots Association.

Twelfth. The Air Transport Association.

Thirteenth. The American Associa-

tion of Airport Executives.

Fourteenth. The Association of Flight Attendants, and.

Fifteenth. The Airport Operators Council International.

Madam President, I just want to say that the International Association of Chiefs of Police, the National Sheriffs Association, the Airline Pilots Association, and these other organizations I have mentioned would not favor this amendment if they did not consider it in the public safety. They consider this in the public safety. Here are your pilots, they want this protection. Here are your sheriffs, they want this protection. Here are your chiefs of police, they want this protection.

All of these law enforcement officers I mentioned favor this amendment. There is really no excuse not to pass this amendment. This amendment does not hurt anybody. It merely protects the public.

Finally, it is sometimes difficult to balance the rights of lawful gun owners and the need to protect the public. However, I believe this measure demonstrates this appropriate balance. Therefore, I urge the adoption of this vital amendment.

A YEA vote tables the amendment and thus, is a vote against the ban on plastic handguns.

YEAS—47

Armstrong	Grassley	Murkowski
Bentsen	Hatch	Nickles
Bond	Hatfield	Pressler
Burdick	Hecht	Quayle
Cochran	Heflin	Roth
Cohen	Heinz	Sasser
Conrad	Helms	Shelby
Danforth	Humphrey	Simpson
DeConcini	Johnston	Specter
Dixon	Karnes	Stennis
Dole	Kasten	Stevens
Domenici	Lugar	Symms
Durenberger	McCain	Trible
Ford	McClure	Wallop
Garn	McConnell	Warner
Gramm	Melcher	

A NAY vote supports HCI and law enforcement in calling for a ban on plastic handguns.

NAYS—42

Adams	Glenn	Moynihan
Biden	Graham	Nunn
Boren	Harkin	Packwood
Boschwitz	Hollings	Fell
Breaux	Inouye	Proxmire
Bumpers	Kennedy	Pryor
Byrd	Kerry	Reid
Chafee	Lautenberg	Riegle
Chiles	Leahy	Rockefeller
Cranston	Levin	Rudman
D'Amato	Matsunaga	Sarbanes
Daschle	Metzenbaum	Stafford
Exon	Mikulski	Thurmond
Fowler	Mitchell	Weicker

NOT VOTING—11

Baucus	Evans	Simon
Bingaman	Gore	Wilson
Bradley	Kassebaum	Wirth
Dodd	Sanford	

FROM RICHARD BOYD

Communicating with the diverse leadership of law enforcement is my new role at Handgun Control, Inc., a citizens' group formed by handgun victims to help keep handguns out of the wrong hands. My goal is to forge and strengthen important partnerships between peace officers and citizens to prevent handgun violence.

As National President of the Fraternal Order of Police, I joined with other law enforcement leaders to lobby Congress to protect and strengthen existing federal law. I was outraged to find that our legislation was opposed each step of the way by the National Rifle Association. Despite this bitter struggle with the NRA, the voices of law enforcement were heard. We were successful in passing a ban on armor-piercing bullets and maintaining the centerpiece of the federal law—the ban on the interstate sale of handguns. In addition, we closed a loophole on the importation of Saturday Night Special parts and we gained a ban on the sale of new machine guns. Law enforcement made the difference!

During this time, I found only one citizens group willing to work with and support law enforcement on the issue. I believe HCI is truly concerned about the safety of our officers



Richard Boyd

as they do the toughest job in this country. This organization is led by two courageous people: Pete Shields, whose son was murdered with a handgun in 1974, and Sarah Brady, whose husband Jim was shot and seriously injured in the 1981 attempted assassination of President Reagan. Now that I have completed my tenure with the FOP, I am pleased and honored to be working with them.

Make no mistake, I believe that it is the responsibility of law enforcement to TAKE THE LEAD in the fight against handgun abuse. It is time to

go on the offensive, to actively promote measures which will have an impact on violence in this country. Specifically, we need to require a seven-day waiting period for handgun purchases. This will provide law enforcement time to determine eligibility for handgun ownership, as outlined in current federal law. We also need to slam the door on a potentially greater threat — plastic “undetectable” handguns by passing legislation to close the technology “gap” between manufacturers and security equipment.

I hope you will contact your elected officials on these public safety issues. They look to law enforcement for the leadership necessary to make a difference. I know we can count on you. ★

Richard A. Boyd

(Richard Boyd was National President of the FOP from 1983-87. He is a retired lieutenant from the Oklahoma City, OK, Police Department.)

LEGISLATIVE ROUNDUP

State Activity

- Legislation to weaken Pennsylvania's concealed weapons law introduced in the House. Measure removes local police discretion and expands eligibility criteria by eliminating requirement for permit applicants to show “good cause.”
- In Florida, law preempting local handgun ordinances and enacting a loose, state-level, permit-to-carry concealed weapons system went into effect October 1. Loophole allowing open carrying of handguns was closed on October 5 after law enforcement across the state protested the provision.

Federal Activity

- The AFL-CIO and the AMA adopted resolutions supporting waiting period legislation. The AMA also endorsed legislation banning the manufacture, sale, and importation of undetectable handguns.
 - At least three state police chiefs' associations (CA, MN & PA) adopted resolutions supporting Brady Bill. Resolutions have also been passed in support of plastic handgun ban and in support of continuing the ban on the sale of new machine guns.
- (**Editor's Note:** *If other state associations have passed similar resolutions, please let me know.*)

National FOP Urges Domestic Arms Control

By Dewey Stokes

The rank-and-file membership of the Fraternal Order of Police strongly supports legislation requiring a waiting period for handgun purchases — “domestic arms control” would be an appropriate term for the concern of law enforcement.

The FOP is firmly committed to the “right of the people to keep and bear arms,” but “waiting periods” prior to the purchase of a handgun do not infringe upon that very important right. Instead, legislation pending before the House and Senate (H.R.975/S.466) has been carefully designed for a specific problem. It does not prohibit law abiding citizens from purchasing handguns. It will not affect the vast majority of hunters, because it does not involve rifles or shotguns. Instead, it addresses itself to handguns, the principle firearm used in crime. The legislation simply allows time to determine whether the purchaser of the handgun is permitted by law to do so, and, equally important, to allow the person pur-



Dewey Stokes

chasing a handgun some time to reflect upon that purchase.

Our newspapers are replete with the tragic results of the lack of waiting periods. We read with horror about the Florida stockbroker who was murdered by a disturbed investor who had obtained the handgun he used only 45 minutes prior to the shooting. Passage of this legislation will not totally eliminate handgun violence, but it will make a significant difference.

The FOP and other law enforcement organizations are asking Congress to bring some sanity to the sale

of handguns. Police officers continue to fall victim to handgun violence and thousands of other Americans die each year in handgun shootings. We cannot afford to do nothing.

This legislation does not constitute a gun ban or gun confiscation, but it does provide an opportunity to avoid tragedy before the handgun leaves the gun store. A waiting period provides the sanity that we believe will save lives and prevent personal injury.

We in law enforcement believe the benefit to be derived from a seven-day waiting period is far greater than our critics will admit. The current federal law lends itself to the indiscriminate sale of handguns to all persons without those persons submitting to a waiting period or a background check. It seems only a rational and reasonable response for the law to be amended to address this serious problem. It is the responsibility of Congress to assist law enforcement in their ability to do what is a tough job. A waiting period law would help all our officers and citizens. *Let's all get behind it!* ★

(Dewey Stokes was elected National President of the Fraternal Order of Police in August, 1987. He is also a 15-year veteran patrolman in the Columbus, OH, Police Department.)

JOIN US!

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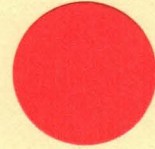
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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET



- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: James Murr

MI Mail Report User Codes: (A) (B) (C)

Subject: DOJ draft bill -- "Undetectable Firearms Act of 1988."

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>cu hall</u>	ORIGINATOR	<u>880422</u>			<u>@ 8810426</u>
	Referral Note:				
<u>cuat 35</u>	<u>R</u>	<u>880422</u>			<u>@ 8810426</u>
	Referral Note:	<u>Apr 26 88 PMB memo to James Murr</u>			
		<u> / / </u>			<u> / / </u>
	Referral Note:				
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ACTION CODES: DISPOSITION CODES:

A - Appropriate Action	I - Info Copy Only/No Action Necessary	A - Answered	C - Completed
C - Comment/Recommendation	R - Direct Reply w/Copy	B - Non-Special Referral	S - Suspended
D - Draft Response	S - For Signature		
F - Furnish Fact Sheet to be used as Enclosure	X - Interim Reply		

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Type of Response = Initials of Signer
Code = "A"
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO A.B. Culvahouse, Jr. ✓	Take necessary action	<input type="checkbox"/>
Ken Cribb	Approval or signature	<input type="checkbox"/>
Gary Bauer	Comment	<input type="checkbox"/>
Ralph Bledsoe	Prepare reply	<input type="checkbox"/>
Boyden Gray	Discuss with me	<input type="checkbox"/>
	For your information	<input type="checkbox"/>
	See remarks below	<input type="checkbox"/>
FROM Greg Jones (x3454) <i>(MJS)</i>	DATE 4/22/88	

REMARKS

We have referred out for agency comment Justice's latest "plastic gun" proposal. (Justice staff advises that the current plan is for Justice, DOT, and Treasury to send the bill jointly, along with various representatives of the State and local law enforcement community. This could happen next week.)

Please let me know if you have any comments by April 26th.

Thank you.

cc: Jim Murr

THE WHITE HOUSE

WASHINGTON

April 26, 1988

*Kim
All file in
a personal
Green Counsel
file
97*

MEMORANDUM FOR JAMES C. MURR

CHIEF

ECONOMICS-SCIENCE-GENERAL GOVERNMENT BRANCH

LEGISLATIVE REFERENCE DIVISION

OFFICE OF MANAGEMENT AND BUDGET

FROM: PATRICIA MACK BRYAN *PMB*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: DOJ Draft Bill -- "Undetectable
Firearms Act of 1988"

Pursuant to your request, Counsel's Office has reviewed the above-referenced Department of Justice draft bill and accompanying transmittal letter. While we have no objection to the overall approach taken by this draft bill, as a general matter we find that as presently drafted it is confusing in some places. While we have provided some edits directly on the draft itself which we hope will alleviate some of the confusion, we suggest that the Department of Justice do a thorough review and edit of the draft before submitting it to the Congress. As a matter of presentation, it would help greatly if the various related sections and subsections were appropriately and uniformly indented.

We have the following specific comments which we have communicated orally to Cary Copeland at the Department of Justice:

Page 3, subsection (e): This section does not make sense to us as presently drafted. Cary Copeland informed us that the Justice Department is aware of that confusion and to alleviate it will delete the words "the existing" in line 5.

Page 5, subsection (j): We are concerned that this provision may raise issues of unconstitutional takings. We have requested that the Office of Legal Counsel specifically review this provision.

Page 6, section 4: It appears to us that, by adding the phrase "other than a firearm" after the words "deadly or dangerous weapon" to section 111 of title 18 as well as an entire new subsection requiring a mandatory 5-year prison term for use of a firearm in the commission of a crime, an anomalous result is achieved: If a crime is committed with a firearm a convicted criminal will receive 5 years (but no more than 5 years) in addition to the prison sentence for the underlying crime, but if the crime is committed with a dangerous weapon other than a

firearm a convicted criminal might receive up to 10 additional years in prison. To avoid this anomaly of a perhaps greater prison sentence for the use of a nonfirearm dangerous weapon, we suggest that consideration be given to deleting from the bill the addition of the words "other than a firearm" after the words "deadly or dangerous weapon." That way a criminal convicted of a crime committed with a firearm would receive a mandatory 5 additional years in prison and could receive up to 10 additional years.

Page 11, subsection (e): We are troubled by the possible due process issues that might be raised if this provision actually revokes eligibility for parole for offenses committed after November 1, 1987 and before the effective date of enactment of this Act. We have asked OLC to look specifically at this provision.

Attachment



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

579230 CK

SPECIAL

April 21, 1988

LEGISLATIVE REFERRAL MEMORANDUM

TO: Department of Transportation - Tom Herlihy (366-9293)
Department of the Treasury - Carole Toth (566-8523)
Department of State - Bronwyn Bachrach (647-4463)
Department of Defense - Sam Brick (697-1305)

SUBJECT: Department of Justice draft bill -- "Undetectable
Firearms Act of 1988."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than April 26, 1988.

Direct your questions to Gregory Jones (395-3454), of this office.

James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Karen Wilson
Bob Damus
Eric Hampl

Dear Senators and Representatives:

We join together as Federal, State, and local leaders of law enforcement to write to you to lay before you a legislative proposal.

Attached to this letter is a bill that we have drafted in consultation with each other. It makes a very serious effort to deny terrorists, drug traffickers, and other criminals access to undetectable weapons; to protect the traveling public and other Americans from the dangers of undetectable weapons; and to promote advances in the technology of weapons detection. At the same time, it avoids the banning of any firearm that is now lawfully manufactured in the United States and it imposes no burden on the future evolution of firearms technology, with all of the promise for safety and effectiveness that such technological developments present, provided that all firearms made or imported into the United States, whether made of metal, plastic, or any other substance, are detectable when law enforcement needs to detect them.

Key features of this bill call for Congress to establish a minimum exemplar standard tied to the detectability of 3.5 ounces of stainless steel, a level that captures all weapons now lawfully manufactured; and to grant authority to the Secretary of the Treasury to modify that standard, through formal rulemaking procedures, when technological changes so suggest. The bill provides stiff penalties for making, possessing, or using an undetectable weapon (with a reasonable, limited exception to allow a gun to be made or imported, under tightly-controlled circumstances, for purposes of testing whether or not it meets the legal detectability standard).

New crimes are also defined for the use of an undetectable weapon in the course of narcotics trafficking and for a variety of other gun-related offenses properly punished under Federal law.

Provisions of the bill also focus on the improvement and use of weapons detection technology, calling for interagency study and coordination of magnetometer practices. We believe that the American public has the right to expect law enforcement to detect existing threats at public security checkpoints such as airline terminals and we are resolved to meet that expectation.

The signers of this letter do not repudiate or withdraw any prior expression of support for other similar bills but, rather, believe that this draft bill represents an optimum balance between the interests of public safety and individual liberty involved in this issue, providing maximum support to the former while occasioning minimal intrusion upon the latter. As law enforcement professionals we also believe that it takes a sound approach to a law enforcement problem, striking an appropriate balance between enforcement by prohibition and enforcement by detection.

We hope that you will introduce this bill on behalf of the law enforcement community.

Sincerely,

A BILL

Entitled the "Undetectable Firearms Act of 1988".

1 Be it enacted by the Senate and House of
2 Representatives of the United States of America in Congress
3 assembled,

4 **Section 1. Short Title.**

5 (a) Short Title. This Act may be cited as the
6 "Undetectable Firearms Act of 1988".

7 **Section 2. Undetectable Firearms.**

8 (a) Section 922 of title 18, United States Code,
9 is amended by adding at the end thereof a new
10 subsection (p) as follows:

11 "(p)(1) It shall be unlawful for any person to
12 manufacture, assemble, import, sell, possess,
13 transfer, receive, ship, or deliver any firearm that--

14 "(A) is not as detectable as the Minimum
15 Security Standard Exemplar, after removal of
16 grips, stocks, and magazines, by walk-through
17 metal detectors calibrated and operated to detect
18 the minimum security standard exemplar; or

19 "(B) is not detectable by cabinet x-ray systems,
20 as defined in regulations prescribed by the Federal
21 Aviation Administration (14 CFR 108.17) designated for
22 inspection of carry-on baggage. Nothing in this
23 section shall be construed as requiring that the
24 Federal Aviation Administration utilize the Minimum

1 Security Standard Exemplar as a Federal Aviation
2 Administration detection standard.

3 "(2) For purposes of the section --

4 "(A) the term 'firearm' does not include a
5 firearm described in subsection 921(a)(3)(B) of this
6 title; and

7 "(B) the term 'Minimum Security Standard Exemplar'
8 means a firearm substitute used for testing that
9 resembles a revolver, is made of material type 17-4 PH
10 stainless steel and weighs 3.5 ounces: *Provided, That*
11 nothing in this bill should be construed to require
12 that a firearm be made of any particular material or be
13 of any particular weight so long as the detectability
14 standard is met.

15 (b) Section 925 of title 18, United States Code, is
16 amended by adding at the end thereof a new subsection (f) as
17 follows:

18 "(f) The Secretary shall not authorize, under
19 subsection (d) of this section, the importation or bringing
20 in of any firearm that is unlawful under subsection 922 (p)
21 of title 18, United States Code.

22 (c) The first sentence of section 925(d) of title
23 18, United States Code, is amended by striking out "The
24 Secretary" and inserting in lieu thereof "Except as
25 provided in subsection (f) of this section, the
26 Secretary".

such

1 (d) The Administrator of the Federal Aviation
2 Administration shall conduct such research and development
3 as may be necessary to improve the effectiveness of airport
4 security metal detectors and airport security x-ray systems
5 with respect to detection of firearms prohibited by
6 subsection 922(p) of title 18, United States Code.

7 (e) When appropriate because of changed technology, the
8 Secretary of the Treasury shall promulgate regulations to
9 amend the definition of the term 'Minimum Security Standard
10 Exemplar' contained in the amendments made by this Act if
11 the effect of ~~the existing~~ regulation would be to render the
12 provisions of subsections 922(p) and 925(f) of title 18,
13 United States Code, or any previous regulation issued under
14 this subsection pertaining to those subsections,
15 inapplicable to one or more types of firearms.

16 (f) This subsection shall not apply to the manufacture,
17 possession, transfer, receipt, shipment, or delivery of a
18 firearm, under such rules and regulations as the Secretary
19 shall prescribe, by a licensed manufacturer or anyone acting
20 pursuant to a contractual arrangement with a licensed
21 manufacturer, for the purpose of examining and testing such
22 a firearm in connection with the making of a determination
23 of whether the provisions of paragraph (1) of subsection 922
24 (p) apply to such firearm. The Secretary shall ensure that
25 rules and regulations adopted pursuant to this paragraph do

1 not impair the manufacture of prototype firearms or the
2 development of new technology.

3 (g) The Secretary shall permit the conditional
4 importation or bringing in of a firearm by a licensed
5 importer or licensed manufacturer, for examination and
6 testing in connection with the making of a determination as
7 to whether the importation or bringing in of such firearm
8 will be allowed under this subsection if the importation or
9 bringing in of such firearm is not prohibited under
10 subsection 925(d) of title 18, United States Code.

11 (h) The Attorney General, in consultation with the
12 Secretary of the Treasury and the Secretary of
13 Transportation, shall conduct such study as required to
14 identify available state-of-the-art equipment capable of
15 detecting the Minimum Security Standard Exemplar while
16 distinguishing innocuous metal objects likely to be carried
17 on one's person sufficient for reasonable passage of the
18 public.

19 (i) Section 922 of title 18, United States Code, is
20 further amended by adding at the end of subsection (p) as
21 added by this Act, a new subsection (q) as follows:

22 "(q) Whoever, during and in relation to the commission
23 of a crime of violence or drug trafficking crime (including
24 a crime of violence or drug trafficking crime which provides
25 for an enhanced punishment if committed by the use of a
26 deadly or dangerous weapon or device) for which he may be

1 prosecuted in a court of the United States, uses or carries
2 a firearm the manufacture or importation of which is
3 prohibited by the provisions of subsection 922(p) as added
4 by this Act, shall, in addition to the punishment provided
5 for the commission of such crime of violence or drug
6 trafficking crime, be sentenced to a term of imprisonment
7 for not less than five years. For purposes of this
8 subsection, the term 'drug trafficking crime' has the
9 meaning set forth in subsection 924 (c) of this title.

10 (j) This Act and the amendments made by this Act shall
11 become effective thirty days after the date of enactment of,
12 this Act but it shall be a bar to prosecution under this act
13 that the firearm was manufactured on or before March 1,
14 1988.

15 Section 3. Clarification of Definition of Drug Trafficking
16 Crimes in which Use or Carrying of Firearms and Armor
17 Piercing Ammunition is Prohibited. Paragraph (2) of
18 subsection 924 (c) of title 18 of the United States Code and
19 paragraph (2) of subsection 929 (a) of title 18 of the
20 United States Code are both amended to read as follows:

21 "(2) for purposes of this subsection, the term
22 'drug trafficking crime' means any felony punishable
23 under the Controlled Substances Act (21 U.S.C. 801 et
24 seq.), the Controlled Substances Import and Export Act
25 (21 U.S.C. 951 et seq.), or the Maritime Drug Law
26 Enforcement Act (46 App. U.S.C. 1901 et seq.)."

*Added
Clause*

1 Section 4. Mandatory Penalty for Using or Carrying a
 2 Firearm in Committing Assaults on Federal Officers. Section
 3 111 of title 18 of the United States Code is amended by
 4 adding "other than a firearm," after the words "deadly or
 5 dangerous weapon," in the second paragraph and by adding a
 6 new paragraph at the end thereof as follows:

7 "Whoever, during and in relation to the commission of
 8 any such acts, uses a firearm shall be imprisoned for five
 9 years (which term shall not run concurrently with any other
 10 term of imprisonment) and may be fined in accordance with
 11 the provisions of this title, or both."

12 Section 5. Possession of a Firearm in a Federal Courtroom.

13 (a) Chapter 44 of title 18 of the United States Code is
 14 amended by adding at the end thereof a new section 930 as
 15 follows:

16 "Section 930. Possession of firearms in Federal courtrooms.

17 "(a) Except as provided in subsection (b), whoever
 18 knowingly possesses or causes to be present any firearm in
 19 a Federal courtroom during any official proceeding therein,
 20 or attempts to do so, shall be sentenced to imprisonment for
 21 not more than five years, or fined in accordance with the
 22 provisions of this title, or both.

23 "(b) Subsection (a) shall not apply to any act
 24 performed in the lawful performance of official duties by
 25 an officer, agent or employee of the United States, a State,
 26 or a political subdivision thereof, authorized by law to

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 or
 5000
 dollars
 or
 both
 if
 you
 use
 a
 firearm
 you
 get
 5
 years*

1 engage in or supervise the prevention, detection,
2 investigation, or prosecution of any violation of law.

3 "(c) Nothing in this section shall interfere with or
4 prevent the exercise by any court of the United States of
5 its power to punish for contempt; nor shall anything in this
6 section interfere with or limit in any way the power of a
7 court of the United States to promulgate rules or orders
8 regulating, restricting, or prohibiting the possession of
9 weapons within any building, or upon any grounds appurtenant
10 thereto, housing any such court or any of its proceedings.

11 "(d) As used in this section --

12 (1) the term 'Federal courtroom' means that part
13 of a building in which is conducted a proceeding before
14 a judge or court of the United States, a United States
15 Magistrate, a bankruptcy judge, or a Federal grand
16 jury; and

17 "(2) 'during any official proceeding' includes, in
18 addition to periods when a proceeding as described in
19 the preceding paragraph is in progress, any time in
20 which spectators at such a proceeding are allowed to be
21 present in the courtroom."

22 (b) Notice to the effect of subsection (a) shall be
23 posted conspicuously by the United States Marshal at one or
24 more public entrances to each Federal courtroom, but the
25 failure to so post or maintain such notice shall not be a

1 defense to any violation of the provisions of subsection
2 (a).

3 (c) The analysis ^{under} at the beginning of chapter 44 of
4 title 18 of the United States Code is amended by adding at
5 the end thereof the following:

6 "930. Possession of firearms in Federal courtrooms."

7 Section 6. Permitting Consideration of Pretrial Detention
8 for Certain Firearms and Explosives Offenses. Paragraph (1)
9 of subsection 3142(f) of title 18 of the United States Code
10 is amended by --

11 (1) striking out "or" before subparagraph (D);

12 (2) redesignating subparagraph (D) as subparagraph
13 (E); and

14 (3) inserting a new subparagraph (D) as follows:

15 "(D) an offense under 18 U.S.C. 844(a) that is a
16 violation of 18 U.S.C. 842(d), (h), or (i), or an
17 offense under 18 U.S.C. 924(a) that is a violation of
18 18 U.S.C. 922(d), (g), (h), (i), (j), or (o); or".

19 Section 7. (a) Expansion of Possession of Explosives Offense
20 to Certain Airports and Strengthening of Penalty.
21 Subsection 844(g) of title 18 of the United States Code is
22 amended --

23 (1) by inserting "in an airport that is subject to
24 the regulatory authority of the Federal Aviation
25 Administration or" after "possesses an explosive";

*"for the
Bills
before"*

1 (2) by inserting "or airport" after "such
2 building"; and

3 (3) by striking out "not more than one year, or
4 fined not more than \$1,000, or both" and inserting in
5 lieu thereof "not more than five years, or fined under
6 this title, or both".

7 (b) Strengthening Offense of Using or Carrying an
8 Explosive in the Commission of a Federal Felony. Subsection
9 844(h) of title 18 of the United States Code is amended --

10 (1) by striking out "unlawfully" in paragraph (2);
11 and

12 (2) by striking out "shall be sentenced" and all
13 that follows through the remainder of the subsection
14 and inserting in lieu thereof the following:

15 "including a felony which provides for an enhanced
16 punishment if committed by the use of a deadly or
17 dangerous weapon or device, shall, in addition to the
18 punishment provided for such felony, be sentenced to
19 imprisonment for five years. In the case of a second
20 or subsequent conviction under this subsection, such
21 person shall be sentenced to imprisonment for ten
22 years. Notwithstanding any other provision of law, the
23 court shall not place on probation or suspend the
24 sentence of any person convicted of a violation of this
25 subsection, nor shall the term of imprisonment imposed
26 under this subsection run concurrently with any other

1 term of imprisonment including that imposed for the
 2 felony in which the explosive was used or carried. No
 3 person sentenced under this subsection shall be
 4 eligible for parole during the term of imprisonment
 5 imposed herein."

6 Section 8. Prohibition Against Transferring Firearms to
 7 Nonresidents. Paragraph (5) of subsection 922(a) of title
 8 18 of the United States Code is amended by striking out
 9 "resides" and all that follows through "(or other than that
 10 in which its place of business is located if the transferor
 11 is a corporation or other business entity);" and inserting
 12 in lieu thereof: "does not reside in (or if the person is a
 13 corporation or other business entity, does not maintain a
 14 place of business in) the State in which the transferor
 15 resides;"

16 Section 9. (a) Commerce Nexus for Trafficking in Stolen
 17 Firearms. Subsection 922(j) of title 18 of the United
 18 States Code is amended by striking out the words "or which
 19 constitutes," and inserting in lieu thereof "which
 20 constitutes, or which has been shipped or transported in,".

21 (b) Commerce Nexus for Trafficking in Firearms Without
 22 Serial Numbers. Subsection 922(k) of title 18 of the United
 23 States Code is amended by inserting "or to possess or
 24 receive any firearm which has had the importer's or
 25 manufacturer's serial number removed, obliterated, or

1 altered and has, at any time, been shipped or transported in
2 interstate or foreign commerce" after "altered".

3 Section 10. Technical and Conforming Amendments.

4 (a) Subparagraph (1)(B) of subsection 923(d) of title
5 18 of the United States Code is amended by striking out
6 "(h)" and inserting in lieu thereof "(n)".

7 (b)(1) Paragraph (1) of subsection 925(a) of title 18 ✓
8 of the United States Code is amended by inserting
9 "possession," before "or importation".

10 (2) Subsection 925(c) of title 18 of the United States
11 Code is amended by striking out the word "conviction" and
12 inserting in lieu thereof the word "disability". *everytime
it appears
in this
subsection*

13 (c) Paragraph (3) of subsection 922(g) of title 18 of
14 the United States Code is amended by inserting "who" before
15 the words "is an unlawful user".

16 (d) Subsection 923(a) of title 18 of the United States
17 Code is amended by striking out the period after the word
18 "licensing" in the second sentence.

19 (e) Subsection 924(a) of title 18 of the United States
20 Code is amended by striking out ", and shall become eligible
21 for parole as the Parole Commission shall determine" both
22 places those words appear. This amendment shall be
23 effective with respect to any offense committed after
24 November 1, 1987.] ?

25 (f) Paragraph (1) of subsection 924(c) of title 18 of
26 the United States Code is amended by striking out the second

1 comma following the words "drug trafficking crime" the first
2 time those words appear, by striking out the comma following
3 the words "drug trafficking crime" the second time those
4 words appear, and by striking out the second comma following
5 the words "drug trafficking crime" the third time those
6 words appear.

7 (g) Paragraph (1) of subsection 929(a) of title 18 of
8 the United States Code is amended by striking out the comma
9 following the words "drug trafficking crime" the second time
10 those words appear, and by inserting a comma following the
11 "device" the first time that word appears.

12 (h) Paragraph (5) of subsection 842(d) of title 18 of
13 the United States Code is amended to read as follows:

14 "(5) is an unlawful user of or addicted to any
15 controlled substance (as defined in section 102 of the
16 Controlled Substances Act (21 U.S.C. 802)).".

17 (i) Paragraph (3) of subsection 842(i) of title 18 of
18 the United States Code is amended to read as follows:

19 "(3) who is an unlawful user of or addicted to any
20 controlled substance (as defined in section 102 of the
21 Controlled Substances Act (21 U.S.C. 802)); or".

*Proposed
by the
Working
Group*