

Tanya Metaksa's Testimony to the House Judiciary Committee  
Transcript of Written Testimony by Tanya K. Metaksa

Executive Director of ILA, before the House Judiciary Committee  
April 25, 1994, submitted for Congressional record:

Mr. Chairman. My name is Tanya K. Metaksa. I am Executive Director of the National Rifle Association's Institute for Legislative Action. We directly represent the views of over 3.3- million voters, and indirectly represent the views of perhaps 20 times that many Americans who peaceably own and use firearms. The citizens who share our passion reside in every state in the Union. We are doctors, lawyers, teachers, farmers, construction workers, nurses, mechanics, housewives... we are men and women &gt;from across every professional, social, and political spectrum. Above all, we are peaceable people.

There is one thing we are not. We are not criminals. Our wish to pursue our individual right to own and bear small arms has nothing to do with criminal violence. Our wish to fight any further encroachment on our rights has nothing to do with crime and criminals.

With what this Congress is proposing -- a prohibition on firearms ownership -- we are angry.

We are angry, because the Federal government has steadfastly shirked its duty to use existing law to deal with criminal violence involving firearms. Tough laws are already on the books to deal with the kind of gun crime the public fears -- crime which we all fear.

We are angry because the media choose either to be totally ignorant of the law, or refuse their duty to inform the public as to existing law.

We have every right to be angry, because we, peaceable people, are being forced to pay the price for the violence of criminals. That is the crux of everything that is wrong about any further so-called gun control measures the Congress might attempt to enact. The issue is not good guns and bad guns. It is simply good people and bad people. Peaceable people versus criminals. None of the proposals before the Congress to ban private ownership of firearms; to create de-facto registration systems; or to license firearms ownership has anything to do with curbing crime or criminal behavior. These measures merely apply to the law abiding -- to

peaceable people.

Though proponents of such legislation would have the public believe that their proposals apply to such evil people as mass murderers, drug traffickers and the like, the truth is that ordinary citizens -- peaceful individuals -- are the target. Take the Feinstein amendment. Strip away the lists of what legislators are mandating as good guns and bad guns; strip away exceptions for individuals who Congress says can keep their semi-autos for now. What we have is a ban on the ownership of private property by law-abiding, peaceable private citizens. The black letter of the language says,

It shall be unlawful for a person to manufacture,  
transfer or possess a semi-automatic assault weapon.</UL>

It shall be unlawful for a person to own a weapon, that's what it really says. That's what's important. Nothing else. A PERSON ... That means every law-abiding citizen of the United States. Every innocent, peaceable soul who might want to own a certain kind of gun for any peaceable reason is banned from private ownership of that personal property.

That is not what the public is being led to believe Congress is doing here. The Senate debate over the issue of so-called assault rifles was built around the notion that its proponents were only after criminals -- drug traffickers and violent felons. They promised they were leaving innocent people alone. The proposed law says something quite different: the word person means everybody -- every individual in America.

Sen. Feinstein's amendment does not say,

It shall be unlawful for . drug traffickers, hate groups, drug king-pins, drug dealers, soldiers of drug dealers, violent criminals, crime bosses, armed cults, drive-by shooters, the triggerman, gangs, youth gangs, armed gangs, carjackers, crazies, warlords, and mass murderers ... to manufacture, transfer or possess a semi-automatic assault weapon.</UL>

All of those words were used by Senators during the debate to describe those who they claimed were the only people who would logically own a certain kind of firearm. ... drug traffickers, hate groups, drug king pins, drug dealers, soldiers of drug dealers, violent criminals, crime

bosses, armed cults, drive-by shooters, the triggerman, gangs, youth gangs, armed gangs, carjackers, crazies, warlords, and mass murderers ... All that makes it sound like the Congress is doing something to the bad guys. That's not the case.

The public is being deceived. And members of Congress are being deceived.

To say that such people could lawfully possess or use firearms in commission of crimes is a terrible misstatement.

There are already harsh Federal laws to deal with convicted criminals and those in the drug trade who possess, use, alter or trade in assault weapons. All such activities by these people are serious Federal felonies.

And that gets us to what can only be called the big lie. Sarah Brady of Handgun Control Inc. told the Women's National Democratic Club Luncheon on September 21, 1993:

I think people around the country are shocked when they realize we don't have Federal laws when it comes to guns.</UL>

She went on:

It is very, very apparent that we don't have Federal laws. We have the 1968 Gun Control Act and that's about it. All that does is say you have to be 18 to buy a long gun and 21 to buy a handgun and that you can't be a fugitive or felon or adjudicated mentally ill. That's it on the Federal level. </UL>

That is an obscene misstatement of the law.

Let me specifically address the question of so-called assault weapons and

how existing Federal law applies to criminals, drug users, and drug dealers.

Under the Gun Control Act of 1968 as amended in 1986, it is presently a Federal felony, punishable by a five year prison term and a \$250,000 fine, for a convicted felon to be in possession of an assault weapon. That law covers all felons -- convicted by a state, country, municipal or Federal court. It covers any firearm that any Member of Congress could possibly define as an assault weapon.

If a criminal in possession of an assault weapon is involved in the drug trade, or has three prior felony convictions on his record, the law calls for him to serve a mandatory 15 years in Federal prison, and pay up to a \$250,000 fine. That's for simple possession of an assault weapon. It is a crime for a felon or drug dealer to be in the same room with an assault weapon.

The use of an assault weapon by a convicted felon in commission of a crime is also a five year Federal felony, and could also bring a \$250,000 fine. It covers guns with large magazine capacities. The alteration of a semiautomatic assault weapon into a full-auto machine-gun is a ten year Federal felony with a \$250,000 fine. Possession of an untaxed, unregistered fully automatic firearm is a 10 year Federal felony, with a \$250,000 fine.

Congress can't make it any more illegal for a convicted felon, known drug user or a drug dealer to use an assault weapon in the commission of a crime. It's already the law.

Congress can't make it any more illegal for a convicted felon to buy assault weapons -- that's a five year Federal felony with a \$250,000 fine. Congress can't make it any more illegal for a convicted felon to sell assault weapons -- that's a five year Federal felony with a \$250,000 fine. It's a crime with a five year Federal felony and \$250,000 fine for a person to knowingly sell an assault weapon to a convicted felon, known drug user or drug dealer.

Congress can't make it any more illegal for a convicted felon or drug

dealer to falsify information to a licensed dealer for the purchase of an assault weapon. That is a five year Federal felony with a possible \$250,000 fine.

In fact, all of these things should mean long hard jail time for the criminals, drug users and drug dealers with assault weapons, and this holds true for criminals, drug users and drug dealers in possession or use of any kind of firearm -- shotgun, rifle, pistol, revolver -- single shot to machine-gun.

We don't have a handgun problem in America. We don't have an assault weapon problem in America. We have a criminal problem. And we already have laws to surgically remove criminals from the midst of their victims.

Why aren't these laws being enforced? Every victim of every violent crime in which a gun is used ought to demand the answer to that question. As their elected representatives, you ought to answer that question.

Assault weapons and criminals. Assault Weapons and drug users. Assault Weapons and drug king pins. The combinations of object and bad guy in any permutation you might want to devise are already covered by harsh, strict Federal law.

And yet, these laws are not enforced. They are not used. And there are some in this Congress who obviously do not know of their existence. There are others who do know and do not care. They want to remove firearms from the hands of peaceable people -- no matter what kind of police state it will take to do that.

And on that, we will fight you every step of the way. Congressman Steve Schiff recently asked the Justice Department how many criminals were prosecuted under the various provisions I have just cited. He was told that in the last three years the law was used in only 530 cases. There are hundreds of thousands of armed criminals out there who fall under the prohibited categories in current Federal law. There are thousands of Federal agents who could be enforcing that law. They are not. The United

States Attorney for Idaho during the Bush Administration said that only  
20  
percent of Federal prosecutors ever used the laws with respect to  
convicted felons in possession of guns. That is a crime.

By ignoring the strict Federal penalties now covering criminal use and  
possession of guns -- any guns, every gun -- prosecutors and Federal law  
enforcement authorities have blood on their hands. Victims of gun  
violent  
crime committed by previously convicted felons are victims of Federal  
nonfeasance, malfeasance and misfeasance. Police agencies of the Federal  
government are given charge and trust to enforce the law. Yet they  
refuse  
to do their jobs. And nice people are maimed and die because of that  
refusal, every day.

If Federal law enforcement agencies did their jobs with respect to guns  
and convicted violent felons -- using the only GCA `68, as reformed --  
gun  
control would be a dead issue and we would be a long way toward solving  
the violent crime problem everybody fears -- getting criminals off the  
street and into jail.

The FBI or the BATF now can go to any city in America and make wholesale  
Federal prosecutions of convicted felons who local police have already  
arrested for any crime in which they possessed any gun.

Think about that. Every convicted criminal in America who picks up a gun  
could now be in a Federal prison. Should now be in prison. That's the  
law now!

It's true for known drug users. Every known drug user who picks up a gun  
could be in a Federal penitentiary. That's the law now! It's true for  
drug dealers. Every drug dealer in every corner of America who even  
picks  
up a gun could be in a Federal penitentiary. That's the law now!

This law is not discriminatory as to kinds of guns in criminals' hands.  
For the convicted violent felon, for the known drug user, for those  
engaged in the illegal drug trade it means, Touch any kind of gun --  
expensive, cheap -- go to jail.

Congress can hardly make criminal possession and use of an assault rifle, or handgun, or any gun more illegal for those who commit criminal violence.

But it can make it illegal for peaceable people to own an assault rifle, a handgun or any gun. And it can make criminals of those innocent people. The first step is here.

All of these crimes I have mentioned are on the books now. They cover every fear the public has about criminals with guns. Other than these few existing statutes aimed at surgically removing armed criminals from the midst of their innocent victims, all other so-called gun control is a hoax, a fraud, a lie. In all of these gun-control proposals now pending before this Congress, the target for law enforcement is not criminals, but ordinary people.

We are talking about this Congress enacting laws that will create a whole class of unwitting criminals out of peaceable people who have nothing to do with violent crime.

We are talking about the architects of the massacre at Waco being given the tools to make innocent peaceable people victims of government prosecution -- the same government that refuses to deal with violent criminals. And we are talking about all of this being proposed based on fictional assumptions.

Try this one. A tiny spring, a piece of coiled tempered steel in the hands of a private citizen being a major threat to the public safety.

This Congress is considering laws to redefine the term firearm to mean individual parts of firearms. Thus a spring, a roll-pin, or a piece of sheet metal becomes something it is not. A firearm, broken down to its component parts, thus becomes many firearms. The BATF would love it. A gun collection owned by a peaceable citizen could thus become a huge arsenal of illegal firearms. A dealer's inventory, broken down, could become thousands of illegal crime-guns. Springs, pins, grips, barrels. What a statistical boon.

The spring on a ball-point pen is virtually identical to the return spring for a handgun firing pin.

Under this kind of newspeak legislation, that simple coil spring, thus declared a firearm, could not be brought into the halls of Congress. It is a Federal felony to attempt to bring a gun into the Capitol.

That simple coil spring, thus declared a firearm, could not be sent through the U.S. Postal Service. It is a federal felony to send a firearm through the mail.

That simple coil spring, thus declared a firearm, could not be carried into an airport or onto a commercial flight. That would be a Federal felony.

However, under virtually every state law now on the books, a criminal holding up a 7-Eleven convenience store with a ballpoint pen return-spring, would not be convicted of armed robbery. Not by any stretch of the imagination. It's funny, but it's not funny.

The Feinstein amendment declares ammunition feeding devices to be firearms. Clips, magazines are to become guns. Sheet metal. Springs. Pins. These parts will be firearms. This is truly Orwellian. Unlawful possession by peaceable law-abiding citizens of these objects -- objects that are not really guns, but legally defined as guns -- will be Federal felonies. Everything that applies to the ballpoint pen spring, applies to the parts of magazines and feeding devices as well. And the U.S. Senate has passed this insanity.

Someday, with this kind of thinking, images of firearms could be declared as firearms. Books, periodicals, photographs, videos, films could be declared by Congress as being firearms. Let me give you a quote on this: Assault weapons ... We have seen them. They are brought in the hearing rooms. We have looked at them. They look quite ominous. We have pictures of them. The pictures are not quite as ominous as the weapons themselves... That's Howard Metzenbaum during the Feinstein debate.

He's afraid of pictures. He's afraid of the published or broadcast image of a firearm.

Let me give you another example of insanity before this Congress: The notion of limiting the numbers of firearms peaceable people can purchase. It is a phony.

Since it is already illegal for criminals to purchase and possess even one gun -- why limit the number of guns honest people can own? I'll give you the answer: Arresting violent criminals is dangerous. Arresting nice, peaceable citizens is safe.

The Congress is considering legislation to force peaceable people to be federally licensed because they might own a certain number of guns. That has nothing to do with crime and criminals. Many millions of law abiding, peaceable Americans already own sufficient numbers of firearms to meet the arsenal license threshold. And if they fail or refuse to get such a license, their guns are going to be taken away from them. And if peaceable people do comply with such a requirement, there will be millions of new arsenal licensees for the BATF to regulate. This is the same BATF that keeps coming to Congress whining that it has too many Federally licensed dealers to regulate. They will surely say they have too many arsenal holders to regulate, and then what happens? Do these collectors lose their guns?

In gun control, Americans have been sold a big lie. The issue of assault weapons is the biggest lie of all.

Dianne Feinstein, during the Senate Floor debate over her amendment, flatly stated that such firearms as she would ban are not responsible for a large number of homicides... She later said they might become a problem, so they should be banned now.

This is like the Congress passing a law to eradicate cancer by forcing every healthy person to undergo chemotherapy, radiation and organ removal. It might cure cancer, but it surely would kill most of us in the process.

Again, gun control means making the innocent pay the price for the guilty.

The issue of assault weapons is an invention of a social engineer named Josh Sugarman. In March, 1989 Sugarman produced a paper called, Assault Weapons: Analysis, New Research and Legislation. It's a manifesto.

Sugarman -- a vehement partisan against all lawful private ownership of small arms -- concluded that the so-called handgun control movement was in trouble; that the public and media and politicians were tired of the issue. He concluded that people were not afraid of handguns, because so many people own them for their own peaceable reasons. Let me quote:

...handgun restriction consistently remains a non-issue with the vast majority of legislators, the press, and public.</UL>

So, some new symbol was needed to frighten people. Something sinister, terrifying and above all, unfamiliar. Enter the assault weapon.

Again, to quote Sugarman:

Assault weapons... are a new topic. The weapons' menacing looks, coupled with the public's confusion over fully-automatic machine guns versus semi-automatic assault weapons -- anything that looks like a machine gun is assumed to be a machine gun -- can only increase the chance of public support for restrictions on these weapons. In addition, few people can envision a practical use for these weapons.</UL>

It is all smoke and mirrors. Public relations. A hoax. I will quote again:

If police continue to call for assault weapons restrictions, and the NRA continues to fight such measures, the result can only be a further

tarnishing of NRA's image in the eyes of the public, the police, and NRA members. The organization will no longer be viewed as the defender of the sportsman, but as the defender of the drug dealer.</UL>

He goes on to predict that

Efforts to restrict assault weapons are more likely to succeed than those to restrict handguns.</UL>  
And why is this?

... many Americans do believe that handguns are effective weapons for home-defense and the majority of Americans mistakenly believe the Second Amendment of the Constitution guarantees the individual right to keep and bear arms. Yet, many who support the individual's right to own a handgun have second thoughts when the issue comes down to assault weapons. Assault weapons are often viewed the same way as machine guns and `plastic' firearms -- a weapon that poses such a grave risk that it's worth compromising a perceived constitutional right. </UL>

In Sugarman's 1989 paper, he proposes legislation -- precisely what was to become the Feinstein amendment. Practically word for word.

It is all snake oil. If we applied a truth in packaging law to this concept, it would be exposed as a fraud.

But everything he predicted about manipulating the public, politicians and the media has come true.

In the Senate debate over the Feinstein amendment, Senator Howard Metzenbaum talked about the menacing look of so-called assault weapons.

... We have seen them. They are brought in the hearing rooms. We have looked at them. They look quite ominous...</UL>

Straight out of Sugarman's instructions.

And the Washington Post commenting on the recent ban of so-called assault pistols in the state of Maryland after a media-feeding frenzy:

Gun-control supporters acknowledged they are far from restricting the ordinary types of handguns that most criminals favor, because they are the same weapons often purchased by law-abiding residents who want to safeguard their homes and businesses. (April 1, 1994)</UL>

Straight out of Sugarman.

The Washington Post also quoted one of the major supporters of the ban on private ownership of assault weapons as saying,

... gun control advocates could take pride in limiting access to weapons, even if the hard-fought measure applies only to 18 types of assault pistols, which are used in a fraction of violent crime. (April 11, 1994)</UL>

... Used in a fraction of violent crime... Washington D. C. is billed as the murder capital of the nation. Listen to its politicians and the media here and you get the impression assault weapons figure highly in the carnage.

But the FBI Uniform Crime statistics tell another story. In 1992, the last year for which there are FBI numbers, D. C. had 442 homicides. Of those, 368 were firearms homicides. And of these, 368 were with handguns. D. C. had zero homicides with long guns of any kind, no less assault rifles.

It's the same all over the country.

In California, the state's department of justice found that so-called assault weapons were involved in 4 percent of the state's assaults and homicides.

In New Jersey, rifles of any type (including those deemed semi-automatic assault weapons) were used in 1 percent of homicides in the period 1987 through 1992.

Yet, in those places such firearms have been banned from private ownership.

These laws have accomplished one thing -- massive civil disobedience by peaceful, formerly law-abiding citizens. There are millions of good, honest citizens in every state who own guns that some of you in this Congress would ban. And those millions of citizens are not going to give up their private property. Even if they did, their loss of their firearms would have nothing to do with violent crime.

I will leave you with a bit of wisdom from Sen. Dianne Feinstein concerning her ban on assault weapons:

This bill, unfortunately, will not stop most of the killings that we are now witnessing in horror and disbelief... </UL>

So what is this about? It is about disarming good people, peaceable people, innocent people. It is about making them pay a terrible price for those criminal predators who now go untouched by Federal laws already on the books.

Finally I would say, Yes, Sen. Feinstein, there is a gun law. And it will work, because it only deals with criminals. It is surgical. The NRA pressed for it's enactment in 1986, and some of you who are proposing gun-ownership prohibitions voted against its harsh new penalties for criminals.

I will tell Sen. Feinstein... I will tell you... and I will tell the American people that we have laws on the books now that will remove killers from our midst. If they are isolated in prison, their killing days will be over. For as long as such evil people are in jail, they cannot prey upon the innocent. To that end, the laws we have will do much to slow criminal violence. Demand the current law be used. If that happens, not one of you ever has to vote on the issue of gun control again. It becomes irrelevant. Because it is a hoax.

In closing, I want to state, NRA has a violence reduction agenda. It includes our Eddie Eagle program to teach our children that guns are not toys. It includes our Refuse to Be A Victim program to educate women in personal defense strategies. It includes our CrimeStrike Program that in 1993 went to Washington state and ensured the passage of Three Strikes, You're Out, which President Clinton has now claimed as his idea. It also includes our prison building initiative which started in 1993 in Texas where we helped pass a billion dollar prison building referendum and in 1994 where we worked with Congressmen to add billions for prison construction to the House Crime Bill. And Yes, there is a gun law. And it will work, because it only deals with criminals. It is surgical. The NRA pressed for it's enactment in 1986, and some of you who are proposing more gun ownership prohibitions voted against it's harsh new penalties for criminals.

And I am here to tell you and the American people that NRA and its members will keep on working to pass laws that truly ensure that all our citizens live without the fear of violent criminals and yes, we will defend the right of any law-abiding peaceable American to own a firearm.

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