

My name is Paul Kemp.

First, I'd like to thank the committee chair and members for crafting SB 1551 that will benefit all Oregonians. Secondly, I'd like to thank the committee for letting me speak here today.

I was invited here today to speak on this panel for several reasons:

1. I am a gun owner, a hunter and supporter of the 2nd Amendment.
2. I am also a registered republican voter.
3. However, the primary reason I am here today is that my brother-in-law Steve Forsyth was one of two people murdered about 3:30 pm on Tuesday, December 11th, 2012 at the Clackamas Town Center Mall.
4. I received a frantic call from my sister who had just left her husband's Steve side, she told me that there had been a shooting at the mall and she could not reach Steve on his cell phone. She also couldn't find Steve outside the mall where hundreds of other shoppers and retail workers had evacuated too. My sister, her daughter and I spent the next 5 hours at the Clackamas County Sheriff's Public Safety Training Center waiting for word about Steve. About 8:30 pm Clackamas County Sheriff's detectives confirmed the worst case scenario; Steve was in fact a victim of the shooter. The first words out of my sisters mouth were "**did he suffer**"? The detectives said he did not and in fact the medical examiner later confirmed that Steve died instantly. The fact that Steve did not suffer is a small measure of comfort. Unfortunately, the worst was yet to come.
5. The absolute worst moment of my life was when we had to tell Alex, Steve's 13 year old son that his dad had been shot and killed at the mall. My sister Carla and her daughter Katie will be haunted by the gun shots they heard at the mall that day, we will all be haunted by the anguished cries and screams of disbelief from Alex when we gave him this awful news. I sincerely hope that none of you ever have to face a similar situation; otherwise you may be sitting here where I am now.
6. I also had to make the calls to family to tell them that Steve had been shot and killed at the mall. I will never forget those phone calls and the voices on the other end hearing the tragic news.
7. With firsthand experience how one of these senseless acts of gun violence turns a family's life upside down in a fraction of second, I've been driven to better understand our current

gun laws both at the state and federal levels.

8. The secondary reason I am here today is that over the past 14 months I've come to realize that I need to speak up about the need for stronger background check laws so other families will not suffer the tragic loss that we have.
9. What I've come to understand is that here in Oregon there is room to make our background check laws stronger. The Law Center for Gun Violence ranks Oregon 18th in the nation for strength of gun laws. SB 1551 will help close some of those remaining holes, while still allowing law abiding citizens to purchase guns. *The NRA and gun lobbyists share part of the blame for the systems we have in place now. However, the burden of blame for our poor system falls on our state and federal elected officials. Only our elected officials can write, vote and pass the laws that we all live by. Some elected officials have taken money from the NRA and gun lobbyists, who they are then beholden to. The NRA leadership is responsible for the intimidation and bullying of politicians to advance the misguided objectives of the gun manufacturers. These proposed background checks do not prevent a law abiding, mentally stable citizen from purchasing a gun.*
10. Based on a January 2014 poll across Oregon, 78% of those polled are in favor of requiring a background check for purchasing a gun. In that same poll 50% of those respondents said they would be less likely to support a candidate who opposed expanding background checks.
11. From 2001 through 2010 more people were killed with guns in Oregon than US soldiers killed in combat during the war in Iraq. 3,945 people were killed in Oregon in the last 10 years, versus 3,490 combat deaths in the Iraq war.
12. From 2001 to 2010, 552 people were murdered with guns in Oregon.

General Statistics

1. There have been fewer than 20 terror-related deaths on American soil since 9/11/2001. However, there have been about 364,000 American deaths in the US caused by privately owned firearms since 9/11/2001.
2. The gun murder rate is more than 20 times higher here in the US than other high income countries.

3. The USA annual gun violence death toll of 32,000 people is staggering considering that the general crime rate is 40% lower in the US today than it was in 1980.
4. 40% of gun sales in the country are considered private sales, in other words they are done without a background check. That means 4 out of every 10 gun sales have no background check. There were an estimated 6.6 million guns transferred this way, without any background check. That is more guns than there are seats in major league sports stadium in the United States combined.
5. During the last 50 years here in the US, there have been huge efforts to enforce speed limits, build cars with more safety features such as ABS brakes, air bag systems and safer passenger compartments, build safer highways and roads, and reducing the occurrences of driving under the influence of drugs or alcohol. The result of these efforts for reducing traffic accident injuries and deaths, is that by 2015, forecasters predict that for the 1st time the estimated 32,036 traffic deaths will be fewer than the estimated 32,929 deaths caused by firearms.
6. Number of Americans killed in war since the battle of Lexington to recent operations in Afghanistan is 1,171,177. This number is based on figures from the Congressional Research Services and statistics from icasalties.org. The number of Americans killed by firearms, including suicides since 1968 is 1,384,171. This number is based on data from the CDC and the FBI. The difference between these numbers is a staggering 212,994 deaths. For perspective, the city of Boise, Idaho is 99th largest US city according to 2012 data with a population of 212,303.
7. The battle of Lexington occurred on April 19th, 1775 and was the start of the American Revolutionary war. This Revolutionary war battle was fought 239 years ago. This equates to an annual average of 4,900 war deaths. In the last 46 years, the US has averaged over 30,000 annual deaths due to gun violence. More recently, the annual average has climbed to over 32,000 deaths.
8. Access to a licensed gun dealer who can perform a background check is more common than most would guess. With more than 58,000 licensed gun dealers in the US, which means 98.4% of Americans live within 10 miles of licensed gun dealer. There are more

licensed gun dealers in the US than there are US Post Offices, McDonalds and Starbucks combined.

9. According to a 2012 survey, by Republican pollster Frank Luntz, he found that 82% of gun owners and 74% of NRA members support criminal background checks for all gun sales.
10. In states that require background checks for private handgun sales, 39% fewer law enforcement officers are shot to death with handguns.
11. In states that require background checks for all handgun sales, there 17% fewer firearm aggravated assaults.
12. In states that require background checks for private handgun sales, 39% fewer law enforcement officers are shot to death with handguns.
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14. In the last year 5 additional states, Colorado, Connecticut, Delaware, Illinois and New York have enacted universal background checks.

Children

1. 1/3 of all US families with children also have guns. More than 40% of these families don't keep their guns locked up.
2. Children younger than 8 can't tell the difference between a real gun and a toy gun.
3. Children 3 years old are strong enough to pull a trigger on a real gun.
4. A toddler or child's thumb has twice the strength of the other fingers. When a toddler's

thumb “pushes” against a trigger, the barrel of the gun is usually pointing at the child’s face.

5. Children and teens commit more than half of all unintentional shootings here in the US.

Comments on Oregon’s Measure 5

1. *Since Measure 5 passed in 2000 here in Oregon all gun purchases at gun shows have been subject to same background check as purchases done with a Federally Licensed gun dealer. The Oregon State Police provides the Firearm Instant Check System (FICS) to permit fast checks on potential gun buyers both on-line and by phone.*
2. *Since this Measure 5 was passed the way guns are bought & sold has changed dramatically in Oregon. Hundreds of guns are available for sale on the internet on such sites as Armslist.Com and Gunbroker.Com. Many of these sellers require no identification, on cash to complete the transaction.*

NRA and new market place for selling guns

1. The NRA which once supported the NICS has recently opposed efforts to close the growing loophole of “private sales” or “private transfers”. These private sales often occur at gun shows and through on-line websites such as Armslist.com.
2. Mayors Against Illegal Guns conducted an investigation to measure the scale of the problem of avoiding background checks when purchasing a gun. 1 in 30 buyers on Armslist.com have a criminal record that bars them from purchasing and owning a gun. For perspective, if 1 in 30 passengers on a Boeing 747 airliner were on a terrorist watch list that plane would have 22 suspected terrorists aboard.

More than 25,000 guns may be transferred to criminals each year through Armslist.com alone. This is just one website, albeit a well know and large website on the vast online market place for firearms.

The share of criminals purchasing guns on Armslist.com is nearly 4 x times higher than the share attempting to purchase guns at licensed dealers.

3. These 13,000 want-to-buy adds examined on Armslist.com were adds where enough

information was provided to check against criminal records between February and May of 2013. This 1 to 30 ratio of buyers with felony and domestic abuse records, does not include those mentally adjudicated, immigration status or other serious criminal and non-criminal criteria. 25% of the gun sales blocked by the NICS in 2012 were because the buyer was mentally adjudicated, their immigration status or other erious criminal and non-criminal criteria.

4. Websites like Armslist.com have 10's of thousands of guns for sale at a time, where buyers can chose between licensed and unlicensed sellers. A snapshot of Armslist.com in December, 2012 found more than 85% of the listings were placed by private sellers, who are not required by federal law to conduct a background check on the buyer.

More information on the Clackamas Town Center Shooting

The first shooting victim murdered was Cindy Yuille, a hospice nurse with Kaiser Permanente. Even though two nurses and an ER doctor happened to be near Cindy when she was shot, all their medical training and knowledge could not save her.

Our two family's lives have been forever altered because of the careless and reckless storage of a Stag-15. The shooter easily took this gun with 1 full 30 round magazine as it was not in a locker or had a trigger lock. Then in the preceding 3 days purchased 4 more 30 round ammunition magazines and the rounds to fill them before going on a rampage through the Clackamas Town Center mall during the holiday shopping season last December.

I know my brother-in-law Steve Forsyth would have been here if I had been shot and killed, or if another person in our Portland family had been gunned down at the mall.

Shortly after Steve's death I contacted Mayors Against Illegal Guns (MAIG) and The Brady Center to Prevent Gun Violence. I have become involved with the Mayors group as have many of our family and friends. I have made two trips to Washington DC in recent months for MAIG. While in DC I was able to meet and talk with staff of Oregon Senators and Congressman. In addition to the meetings with legislative staff in Washington DC, I was able met and hear from many people who had a family member wounded or murdered at the shootings we've all heard about: Virginia Tech, Columbine High School, Aurora Colorado movie theater, Northern Illinois University, The nursing school at University of Arizona, Sandy Hook Elementary School and Gabby Gifford's event at a local Safeway grocery store in Arizona. These tragic shootings are becoming too common.

Some of you on the judiciary committee have been close to a school shooting before, so you have

personal experience to draw on.

I have met several times with Clackamas County Sheriff's officers to learn the details of the shooting, information about the shooter, the gun used and the sequence of events in the days leading up to Steve's murder. To set the record straight and stop the false report of a CHL holder confronting the mall shooter please read the following sentences. A young man told reporters he drew his weapon on the mall shooter, but did not fire for fear of hitting innocent bystanders. However, that same young man told a completely different sequence of events and actions he took. He hid his family in a jewelry store, and then he entered the Macy's home store. He peered out from the Macy's Home store; saw the shooter approaching but did not draw his weapon on the man. The shooter continued past Macy's Home Store, then entered a stairwell and went down to the first floor where he shot himself in a service corridor. The young man with the CHL stayed on the second floor of the mall and never even went down to the first floor before the shooter took his own life. Store surveillance video and other witnesses confirm this sequence of events which the CHL holder told sheriff's officers. The NRA likes to state that all it takes to stop a bad with a gun, is a good guy with a gun, well here is another case where it made no difference.

Additional General Comments

To help educate myself, I even went to a local gun show recently at the Portland Expo Center to see a show firsthand. A week before Steve was shot, I had purchased my 16 year old son his first rifle for a Christmas gift. That purchase gave me the opportunity to go through a background check at a retail store. The background check was painless, took less than 10 minutes and was inexpensive too.

As I said, I've used shotguns and rifles for hunting. There is absolutely no reason to use an assault style weapon coupled with a large capacity ammunition magazine while hunting. There is no sport using an assault weapon with that rate of fire and a 10 to 30 round magazine other than the simple goal of slaughtering animals.

While the ban on assault weapons was in place, from 1934 to 1994 mass shootings were rare. They occur too frequently now. That ban stood for 60 years and was never struck down by a single court in the United States. Then the NRA used their influence and intimidation to water down a 10 year extension of this assault weapons ban which expired in 2004. So, today we have this proliferation of guns that use large capacity ammunition magazines which often end up in the hands of folks that should never have them in the first place. If the NRA was serious about gun safety, and the safety of the general public they would be supportive of SB 1551. should be strongly advocating that anyone buying a gun must take and pass a weapons training course. Part of this course would require proving proficiency on a gun range. Additionally this should include a requirement to keep

your gun stored in a secure manner, so that a child or teenager has virtually no possibility of an accidental shooting or suicide. A securely stored gun would lessen the chance that it could be stolen in a home burglary too. Once stolen, the unsecured gun will be in the hands of a criminal, convicted or simply not yet caught and convicted.

Senate Bill 1551 comments

SB1551 – Requires universal background check before the sale or other transfer of every firearm, except for most transfers to immediate family members. Current Oregon law only requires licensed dealers and sellers at gun shows to run background checks.

1. This bill would allow the Oregon State Police to screen every gun sale, gift or lease and prohibit felons, fugitives, those adjudicated mentally ill and those with an active restraining order or those convicted of domestic violence from legally acquiring a gun. There are exemptions to screening for transfers to certain family members.
2. This bill does not create a gun registry. Oregon State Police FICS records for background checks that pass are destroyed in 10 days.
3. In 2012, 96% of background checks in Oregon took less than 5 minutes.
4. Over 81% of Oregonians support universal background checks according to a February 2013 Oregonian poll.
5. Jurisdictions with universal background checks show significantly lower rates of firearm homicides by intimate partners, gun suicides and incidence of gun trafficking.
6. A survey of prisoners in state and federal facilities who committed crimes with handguns found that 80% of them got those guns through private transfers.

7. States that require universal background checks have 38% fewer woman shot to death by their intimate partners.

8. States with universal background checks have 49% fewer firearm suicides than states that do not.

9. The few minutes of inconvenience and minor cost (\$10) to run a background check seems like a deal if it may prevent some deaths from occurring. How can any rational and responsible person argue with this?

10. If the NRA was serious about gun safety, and the safety of the general public as they are about the corporate profits of the arms industry they would be supportive of SB 1551.

WRAP UP

It is obvious that **today's** NRA leadership is focused on making guns easily available, rather than focusing on the safe use of a gun, the secure storage of guns and keeping them out of the hands of those with criminal backgrounds, those mentally adjudicated & those with a history of domestic violence. So it is now left to the overwhelming majority of Americans to demand that OUR elected officials correct the laws and regulations they and their predecessors wrote and passed which have left so many dead and wounded in schools, malls, college campuses, work places, grocery stores, movie theaters, etcetera.

Do background checks, yes! During 2013 here in Oregon according to state police statistics 1144 gun sales were blocked. Here is a breakdown of who was not allowed to buy a gun:

263 fugitives from justice were blocked from buying a gun.

80 convicted domestics abusers were blocked from buying a gun.

51 people subject to a restraining order were blocked from buying a gun.

750 convicted felons were blocked from by a gun.

These blocked sales are just from 60% of the guns sales that are subject to Oregon's FICS system. There would be hundreds more gun sales blocked for fugitives, domestic abusers, those under a restraining order and convicted felons with the passage of SB 1551.

Universal background checks are not a violation of the 2nd Amendment. They are part of commonsense efforts to reduce gun violence and are compatible with the right of law abiding citizens to own and purchase firearms. The US Supreme Court decision in Washington DC vs Heller makes that perfectly clear. Justice Antonin Scalia, writing for the majority stated: "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of firearms."

We also know that background checks alone will not solve the gun violence problem here in Oregon & throughout the nation, but they are one of easiest & most effective ways to reduce the numbers of gun violence victims.

Haven't there already been enough senseless acts of gun violence to get solid and profound action from our lawmakers?