

The Note

Live Updates: Senate Gun Hearing Features Gabrielle Giffords, NRA

By Z Byron Wolfe January 30, 2013

To open the Senate Judiciary Committee hearing on gun legislation, former Rep. Gabrielle Giffords gave a short, impassioned speech imploring Americans and Congress to act on gun violence. She read carefully from a script, a task she undertook very carefully and at times with difficulty.

Below is what Giffords said. She left the room shortly thereafter.

“Thank you for inviting me here today. This is an important conversation for our children , for our communities, for Democrats, and Republicans. Speaking is difficult but I need to say something important: Violence is a big problem too many children are dying. Too many children. We must do something. It will be hard, but the time is now! You must act! Be bold, be courageous, Americans are counting on you. Thank you!” Giffords said.

Mark Kelly’s Opening Statement : “We are Simply Two Reasonalbe Americans Who Have Said: Enough

We aren’t here as victims. We’re speaking to you today as Americans. We’re a lot like many of our fellow citizens following this debate about gun violence:

We’re moderates. Gabby was a Republican long before she was a Democrat.

We’re both gun owners, and we take that right and the responsibilities that come with it very seriously.

And we watch with horror when the news breaks to yet another tragic shooting. After 20 kids and six of their teachers were gunned down in their classrooms at Sandy Hook Elementary, we said, this time must be different. Something needs to be done.

We are simply two reasonable Americans who have said: Enough.

Kelly's Solution:

First, fix gun background checks. The holes in our laws make a mockery of the background check system. Congress should close the private sales loophole and get dangerous people entered into that system.

Second, remove the limitations on collecting data and conducting scientific research on gun violence.

Enact a tough federal gun trafficking statute. This is really important.

And finally, let's have a careful and civil conversation about the lethality of firearms we permit to be legally bought and sold in this country.

Leahy: 2nd Amendment Isn't At Risk, 'What is at Risk are Lives.'

The longtime Vermont Democrat and Judiciary Committee chairman is reliably liberal on most matters, but he has a more moderate view of gun control. He has spoken of the rifle range on his own Vermont property. In his opening statement, the Democrat was careful to point out Supreme Court cases that enshrine the 2nd amendment.

Now, at the outset of this hearing, I note that the Second Amendment is secure and will remain secure and protected. In two recent cases, the Supreme Court has confirmed that the Second Amendment, like the other aspects of our Bill of Rights, secures a fundamental individual right. Americans have the right to self-defense and, as the court has said, to have guns in their homes to protect their families. No one can take away those rights or their guns. Second Amendment rights are the foundation on which our discussion rests. They're not at risk.

But what is at risk are lives. Lives are at risk when responsible people fail to stand up for laws that will keep guns out of the hands of those who use them to commit murder, especially mass murders. I ask we focus our discussion on additional statutory measures to better protect our children and all Americans. I say this as a parent and as a grandparent.

Ours is a free society, an open society. We come together today to consider how to become a safer and more secure society.

Grassley: Obama Gun Argument Turns Constitution 'On Its Head'

Sen. Chuck Grassley, an Iowa Republican, offered his party's opening statement at the hearing. He noted the tragedies of Newtown and Tucson and praised Giffords. But he added: "Although Newtown and Tucson are terrible tragedies, the deaths in Newtown should not be used to put forward every gun control measure that has been floating around for years. The problem is greater than guns alone."

Grassley argued that mental health policy should be included in the discussion and so should an examination of pervasive violence in video games.

He argued that limiting the size of magazines would be ineffective and only hurt people seeking to protect themselves.

"We hear that no one needs to carry larger magazines than those that hunters use to shoot deer," he said. "But an attacking criminal, unlike a deer, shoots back."

But Grassley's most important argument was a refutation of President Obama's recent argument that the 2nd Amendment should not trump the right of Americans to safely assemble and he cited the shootings at churches and schools and shopping malls. Those people, the president said, were deprived of a more basic right to live, liberty and pursuit of happiness. (More: Read about Obama's gun control argument.)

Grassley took extreme issue with that argument, which he suggested perverts the Constitution.

I was taken aback when the President cited the Declaration of Independence and the Constitution as sources of government power to restrict gun ownership rights.

The Constitution creates a limited federal government. It separates powers among the branches of the federal government and it preserves state power against federal power. The Framers believed these structures would adequately control the government so as to protect individual liberty. But the American people disagreed. They feared that the Constitution gave the federal government so much power that it could be tyrannical and violate individual rights. So a Bill of Rights was added to the Constitution. Each of those rights, including the Second Amendment, was adopted to further limit government power and protect individual rights.

President Obama's remarks turned the Constitution on its head. He said, "The right to worship freely and safely, that right was denied to Sikhs in Oak Creek, Wisconsin.

"The right to assemble peacefully, that right was denied shoppers in Clackamas, Oregon, and moviegoers in Aurora, Colorado. That most fundamental set of rights to life and liberty and the pursuit of happiness – fundamental rights that were denied to college students at Virginia Tech, and high school students at Columbine, and elementary school students in Newtown..."

But this is not so. Except for its prohibition on slavery, the Constitution limits only the actions of government, not individuals.

So, for instance, the right to peacefully assemble protects individual rights to organize to protest or seek to change governmental action.

That right is trivialized and mischaracterized as protecting shopping and watching movies.

How the Supreme Court Views Guns – ABC's Supreme Court reporter Ariane de Vogue offers this:

Given Grassley's opening statement: "No wonder millions of Americans fear that the President might take executive action and Congress may enact legislation that could lead to a tyrannical federal

government.” It’s worth mentioning Justice Scalia’s words in Heller: (striking down DC’s strict handgun ban)

“Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, 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 arms. “

Leahy and LaPierre Tangle on Background Checks:’ “Please I’m Not Trying to Play Games Here.”

Sen. Patrick Leahy asked NRA head Wayne LaPierre about the universal background checks. LaPierre would not take the question head-on, arguing instead that circumstances had changed since the 1990s and he ultimately said the organization does not support them.

LaPierre argued that adding more background checks would be ineffective, because those failing the checks are not prosecuted.

“The fact is the law right now is a failure as it is,” LaPierre said.

But Leahy was not happy with the answer and accused LaPierre of evading the question. LaPierre responded heatedly and annoyed saying it might not address the question but he “honestly” believes that is the answer.

“Please I’m not trying to play games here,” Leahy said.

The Young Women are Safer With Guns Argument

When Gayle Trotter was advocating on behalf of arming women, even saying that young women say an AR-15 is their weapon of choice, she started to say I stand for millions of women across this country. There were audible hisses and moans from the audience and someone said “No you don’t!”

Trotter is a Washington lawyer and a fellow at the Independent Women's Forum.

“Guns make women safer,” said Trotter. “Over 90 percent of violent crimes occur without a firearm, which makes guns the great equalizer for women. The vast majority of violent criminals use their size and their physical strength to prey on women who are at a severe disadvantage. In a violent confrontation, guns reverse the balance of power. An armed woman does not need superior strength or the proximity of a hand-to-hand struggle.”

She later said the AR-15, an assault rifle, is the type of gun women should get.

Her argument was disputed by Baltimore County Police Chief James Johnson, who said a gun in the house can turn otherwise harmful violence deadly.

Watch Gayle Trotter's testimony here:

The Everyone is Safer With Guns Argument

David Kopel, an analyst at the Cato institute, gave numbers-laced testimony in favor of introducing more guns and against universal background checks.

“Mandating universal checks can only be enforceable if there is universal gun registration, and we know that universal gun registration in every country in the world where it's existed has been a serious peril to gun ownership,” he said.

“If we want to save lives right now, not with constructive reforms that might do some good in the future, there is only one thing that will stop the next copycat killer, and that is lawful armed self- defense in the schools, not only by armed guards but also by teachers. Utah provides the successful model,” said Kopel. “There, a teacher who has a permit to carry — after a background check and a safety training class — everywhere else in the state is not prohibited from carrying at the schools.”

Feinstein Welcomes Assault Weapons Ban Nemesis –

The top national spokesman for a new Assault Weapons Ban is California Democrat and Sen. Feinstein, who wrote the '94 version. There was a moment of levity when Feinstein welcomed the witnesses to the hearing... "Even Mr. LaPierre, it's good to see you...we tangled maybe 18 years ago...you were pretty good."

He smiled back at her. Leahy gave Feinstein back a few seconds of time to make up for the laughter in the hearing room.

Hearing Leans Against Gun Control -

ABC's Arlette Saenz notes from the hearing room: The makeup of the panel leans in the anti-gun control position. Wayne LaPierre of the NRA, Professor David Kopel of Denver University and Gayle Trotter of the Independent Women's Forum fall into the anti-gun control camp while Mark Kelly and Baltimore Chief of Police James Johnson favor gun control and specifically are advocating on behalf of strengthening background checks.

Durbin: The Problem is Too Many Guns

Illinois Sen. Dick Durbin, an advocate of tougher gun laws, pointed to urban violence in Chicago as a reason for tougher laws. He pointed to the slaying overnight of a 15 year-old Chicago honor student who was killed at a park. He argued the problem is there are too many guns in this country. And he said Chicago has more guns than just about anywhere. But Durbin argued the guns in Chicago are coming from places like Mississippi, where the laws are looser. He also asked Wayne LaPierre about the fear of some gun rights activists that fewer guns would mean they would be unable to rise up against the government. LaPierre said that is an argument with historical basis.

Kelly on High Capacity Magazines -

A heated argument erupted on high capacity magazines. Dick Durbin argued with Kopel about how many bullets should be allowed in a magazine. Kopel said a hundred round magazine would be silly and not function. But he defended 33 round magazines. Kelly interjected that that if Jared Loughner had had a 10 round magazine he probably would not have been able to shoot Christina Taylor Green, the nine year-old

girl he killed. She was killed, Kelly said, with the 13th round. And Loughner dropped his second magazine. Kelly has been clinical and direct in discussing the shooting.

Graham Says He's Not Unreasonable –

He wants the wrong people to have fewer bullets. And the right people to have more bullets. Graham pointed to the story of an Atlanta woman who was unable to drop an intruder with six bullets. He said she should have had more. But he said it should be the goal to keep bullets out of the hands of the wrong people. And he should not be disparaged for that opinion.

How Many Rounds are Constitutional? -

David Kopel, the lawyer and CATO analyst, argued that limiting magazines to 10 rounds would clearly be unconstitutional. He didn't seem so sure about a 19 round clip, say. He was referring to the Supreme Court's Heller decision. The Constitution has evolved, clearly, from a time before there were any magazines whatsoever. It was written when armies carried muskets and fired cannons.

Arming Women vs. Women in Combat -

One of the key moments in this hearing came when Gayle Trotter stared down Sen. Sheldon Whitehouse, the Rhode Island Democrat, and told him he couldn't understand what it felt like to be an unarmed new mother. She earlier in the hearing suggested women carry AR-15 rifles. But while Trotter supports arming more women, her group, the Independent Women's forum, does not support women in combat, another subject in the news. Why? In part, Trotter argued "chivalry will be dead."

ABC's Arlette Saenz points this posting from a different IWF staff-member, Charlotte Hays, on their website:

I would also like to add that I think women in combat will be harmful to men. What kind of man doesn't rescue a woman in distress? Our military took risks to rescue Jessica Lynch when she was captured in Iraq in 2003 that it might not take for a man. If we are to put women in the front lines, men

will be forced to learn to act more like the men on the Costa Concordia than the Titanic. Chivalry will be dead, and, unfortunately a lot of women will be harmed in a more directly physical manner.

Kelly on Armed School Guards -

Mark Kelly draws on his experience as a pilot being shot at and says the chaos of a firefight is an argument armed guards as a panacea.

LaPierre's World View –

NRA CEO Wayne LaPierre several times pointed to the fact that the powerful – members of Congress and titans of industry – have armed guards. They have security, he argued, but the normal American does not and so they need to be able to protect themselves. And that seems to be part of the essence of this argument. There are people who think the government should work to protect its citizens from people with guns. And there are those who think people should be empowered to protect themselves. It is a matter of divided perspective in this country.

Texas Sen. Ted Cruz Asks About Murder Rate Disparity –

Speaking to the Baltimore County Police Chief, Cruz asks why the murder rate is higher in Baltimore than it is in Houston. Baltimore, Cruz pointed out, has tougher gun laws. Cruz asked for empirical evidence that gun laws lower murder rates. Chief James dodged the question a bit and said there is no doubt background checks would cut down on murders.

Kelly Points to Phoenix Shooting -

Even as the hearing carries on there are reports of a shooting in Phoenix. Mark Kelly said details on that shooting are not in, but he pointed to its occurrence today. Read the latest on the Phoenix shooting.