

## **BACKGROUND MEMO ON BIPARTISAN GUN FORUM**

### ***“VICTIMS AND FIRST RESPONDERS: THE CRITICAL NEED FOR GUN TRAFFICKING LEGISLATION”***

On Tuesday, March 12, 2013, at 2:30 p.m., in room 340 of the Cannon House Office Building, Reps. Elijah Cummings (D-MD), Scott Rigell (R-VA), and Carolyn Maloney (D-NY) will convene a bipartisan forum to hear from a panel of victims of gun crimes that resulted from “straw purchasing” and other gun trafficking efforts, as well as law enforcement officials charged with combating these crimes.

The hosts of this forum are original co-sponsors of H.R. 452, The Gun Trafficking Prevention Act of 2013, which is intended to combat the flow of firearms to violent criminals, international drug cartels, and other dangerous people. The bill creates a dedicated federal firearms trafficking statute for the first time and imposes stringent criminal penalties for straw purchasers. This legislation now has 40 House co-sponsors and has been endorsed by law enforcement officials across the country.<sup>1</sup> On Thursday, March 7, 2013, the Senate Judiciary Committee adopted similar gun trafficking legislation on a bipartisan basis.<sup>2</sup>

Below are descriptions of the panelists who are expected to attend the forum.

#### **Theodore Scardino, Volunteer Firefighter from West Webster, New York**

On Christmas Eve, a convicted felon named William Spengler, who had served 17 years in prison for killing his 92-year-old grandmother with a hammer, sat down in his home in Webster, New York, and wrote a note vowing to torch his neighborhood and “do what I like doing best, killing people.”<sup>3</sup> Since Spengler was prohibited from buying guns himself, he reportedly asked a neighbor to buy them for him. He went with her to a gun store and picked out a 12-gauge shotgun and a Bushmaster rifle.<sup>4</sup> Then, after setting fire to his own house and several

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<sup>1</sup> H.R. 452, The Gun Trafficking Prevention Act of 2013 (online at [http://democrats.oversight.house.gov/index.php?option=com\\_content&view=article&id=5856&Itemid=131](http://democrats.oversight.house.gov/index.php?option=com_content&view=article&id=5856&Itemid=131)).

<sup>2</sup> *Senate Judiciary Committee Approves Gun Trafficking Bill*, Los Angeles Times (Mar. 7, 2013) (in addition to Ranking Member Charles Grassley, who voted in favor of the bill, original co-sponsors include Senators Patrick Leahy (D-VT), Susan Collins (R-ME), Dick Durbin (D-IL), Kirsten Gillibrand (D-NY), and Mark Kirk (R-IL)).

<sup>3</sup> *Gunman Who Killed 2 Firefighters Left Chilling Note*, New York Times (Dec. 25, 2012) (online at [www.nytimes.com/2012/12/26/nyregion/gunman-who-shot-firefighters-left-chilling-note.html?\\_r=0](http://www.nytimes.com/2012/12/26/nyregion/gunman-who-shot-firefighters-left-chilling-note.html?_r=0)).

<sup>4</sup> *Woman Helped Firefighters’ Killer Get Gun He Used in Ambush, Police Say*, New York Times (Dec. 28, 2012) (online at [www.nytimes.com/2012/12/29/nyregion/woman-helped-firefighters-killer-get-ambush-guns-police-say.html?\\_r=1&](http://www.nytimes.com/2012/12/29/nyregion/woman-helped-firefighters-killer-get-ambush-guns-police-say.html?_r=1&)).

others, Spengler ambushed the first responders by spraying them with bullets. Spengler murdered 19-year-old Tomasz Kaczowka, a young firefighter in training, and his mentor, Lt. Mike Chiapperini, a 25-year veteran, husband and father of three who was recently named Firefighter of the Year. Spengler also shot and injured firefighters Joseph Hofstetter and Theodore Scardino.<sup>5</sup> Mr. Scardino will discuss his personal experiences as a victim of gun violence, the injuries he sustained, and the legacy left behind by his fallen colleagues.

**Joseph Lawrence, Chief of Police, Plymouth Township Police Department, Pennsylvania**

On September 13, 2012, 34-year-old Plymouth Township Police Officer Brad Fox was directing traffic when Andrew Thomas, a convicted felon, swerved into oncoming traffic. After Officer Fox gave chase, Thomas rammed another car and abandoned the vehicle he was driving, which he had stolen. After lying in wait, Thomas fired his gun four times and killed Officer Fox before turning the gun on himself.<sup>6</sup> Although Thomas was prohibited from purchasing firearms, he obtained seven handguns and two rifles from a straw purchaser. Officer Fox, a former Marine and Iraq veteran, left behind his pregnant wife and daughter.<sup>7</sup> Chief Joseph Lawrence will discuss this incident, as well as Officer Fox's contributions as a member of the Plymouth Police Department.

**Greg Suhr, Chief of Police, San Francisco Police Department**

In 2009, Jeffrey Colon-Moore, a convicted felon, recruited his girlfriend and her father to buy more than 100 guns from licensed dealers and gun shows throughout the Atlanta area. They shipped the guns to addresses throughout California, including foreclosed, vacant homes in Vallejo.<sup>8</sup> Several guns were recovered in the San Francisco area, including guns in the possession of a juvenile, an armed robbery suspect on parole, a convicted felon, and multiple drug traffickers. Chief Greg Suhr will discuss this trafficking ring and similar incidents that have resulted in trafficked firearms being recovered at crime scenes.

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<sup>5</sup> *Gunman Who Killed 2 Firefighters Left Chilling Note*, New York Times (Dec. 25, 2012) (online at [www.nytimes.com/2012/12/26/nyregion/gunman-who-shot-firefighters-left-chilling-note.html](http://www.nytimes.com/2012/12/26/nyregion/gunman-who-shot-firefighters-left-chilling-note.html)).

<sup>6</sup> *Plymouth Township Officers Remember A Slain Colleague*, Philadelphia Inquirer (Nov. 26, 2012) (online at [http://articles.philly.com/2012-11-26/news/35348830\\_1\\_lynsay-fox-andrew-c-thomas-chief-joseph-lawrence](http://articles.philly.com/2012-11-26/news/35348830_1_lynsay-fox-andrew-c-thomas-chief-joseph-lawrence)).

<sup>7</sup> *Officer's Killer was Desperado in Stolen SUV, Authorities Say*, Philadelphia Inquirer (Sept. 16, 2012) (online at [http://articles.philly.com/2012-09-16/news/33864080\\_1\\_foot-chase-police-officer-ernest-station-road](http://articles.philly.com/2012-09-16/news/33864080_1_foot-chase-police-officer-ernest-station-road)).

<sup>8</sup> *Follow the Guns: From Georgia to Bay Area Streets*, Oakland Tribune (Jun. 27, 2102) (online at [www.mayorsagainstillegalguns.org/html/media-center/ot\\_062712.shtml](http://www.mayorsagainstillegalguns.org/html/media-center/ot_062712.shtml)).

**Charles Ramsey, Philadelphia Police Commissioner and President of the Major Cities Chiefs Association**

The Major Cities Chiefs Police Association is a professional organization of chiefs of police and sheriffs representing the largest cities in the United States and Canada and includes the 63 largest police departments in the country. The Association has endorsed H.R. 452 and “strongly supports” legislation to combat trafficking, including measures to impose harsher penalties on straw purchasers.<sup>9</sup> Commissioner Charles Ramsey will discuss this legislative proposal to provide law enforcement with the tools they need to keep guns out of the hands of criminals and deter gun crime.

**David LaBahn, President, Association of Prosecuting Attorneys**

The Association of Prosecuting Attorneys is a non-profit organization whose mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. It is the only national organization that includes and supports all prosecutors, including both appointed and elected prosecutors, city attorneys, city prosecutors, district attorneys, state’s attorneys, attorneys general, and federal prosecutors. Association President David LeBahn will discuss the large number of guns that “are diverted from legitimate commerce into the criminal marketplace every year” and the need for “a dedicated federal statute prohibiting illegal gun trafficking.”<sup>10</sup>

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<sup>9</sup> Letter from Major Cities Chiefs Police Association to Representatives Elijah E. Cummings, Patrick Meehan, Carolyn Maloney, and Scott Rigell (Feb. 1, 2013) (online at <http://democrats.oversight.house.gov/images/stories/Major%20Cities%20Chiefs%20Association%20Letter%20of%20Support.pdf>).

<sup>10</sup> Letter from Steven A. Jansen, Vice-President and COO, Association of Prosecuting Attorneys, to Representatives Elijah E. Cummings, Patrick Meehan, Carolyn Maloney, and Scott Rigell (Feb. 1, 2013) (online at <http://democrats.oversight.house.gov/images/stories/APA%20Letter%20of%20Support.pdf>).