

Remarks by Senator Schumer from the Senate floor July 21, 2009

Mr. SCHUMER. Mr. President, I know we are not now on the Thune amendment. I know we have gone aside to other amendments and that we will be debating Thune tomorrow morning, but there are so many of my colleagues who want to speak, and I have a lot to say. So I will speak for 5 minutes tomorrow morning, but I will give the bulk of my speech this afternoon.

Mr. President, I rise in staunch opposition to the Thune amendment. I believe it is a dangerous amendment that would go far beyond authorizing gun possession for self-defense and not only create a serious threat to public safety but also severely undercut American federalism.

Amendment No. 1618, authored by Senator *Thune*, would force States and localities from across the Nation to permit individuals from other States to carry hidden and loaded handguns in public, even where the elected representatives of those States have chosen to bar these persons from possessing firearms. The legislation would require every State with concealed carry legislation to honor concealed carry licenses issued by any other State so long as they abide by the State's location restrictions for concealed carry.

This amendment is a bridge too far and could endanger the safety of millions of Americans. Each State has carefully crafted its concealed carry laws in the way that makes the most sense to protect its citizens. It is obvious what is good for the safety of people in New York City or Philadelphia or Chicago or Miami or Los Angeles is not the same thing that is needed in rural Idaho or rural Tennessee. Yet this amendment, in one fell swoop, says the protections some States feel they need to protect law enforcement, to protect its citizenry, would be wiped away.

The amendment will incite the dangerous race to the bottom in our Nation's gun laws. Let's examine the lineup of people who could carry concealed weapons in 48 States under this amendment. And I don't disparage each State for doing what it wants within its own borders, but why impose that on States outside their borders?

Arizona law allows a concealed carry permit to be issued to an applicant who is a known alcoholic. So alcoholics would be in the lineup. They could carry a concealed weapon in States outside of Arizona simply because Arizona allowed them to do so.

Texas, which is one of the top 10 sources of guns recovered in crimes in New York City, a city in which I reside, is obliged to issue a permit to a person who has been convicted repeatedly of illegally carrying a handgun. Therefore, we can place arms traffickers in this lineup.

Mississippi law leaves access to concealed carry permits for members of hate groups.

Alaska and Vermont allow adult residents of their States to carry a concealed weapon without a license or background check as long as they are allowed to possess a gun, even if they have committed violent misdemeanors, have committed misdemeanor sex offenses against minors or are dangerously mentally ill and have been voluntarily committed to a mental institution.

Again, each State has its own views. The State of Vermont is a beautiful State. It is different from New York State in many ways, and the laws that fit for Vermont don't necessarily fit for New York.

A 17-year-old Crip or Blood from New York--a member of a gang; dangerous, maybe violent--could head to Vermont, obtain a Vermont driver's license, buy a gun, and return to New York or he could buy a whole bunch of guns and return to New York. When law enforcement stops him, a loaded gun tucked in his pants or a whole bunch of guns in his backpack, all he would have to do is claim he is a Vermonter visiting New York, show his Vermont ID, and the New York Police Department would be unable to stop him. This runs shivers down the spines of New York police officers, of New York sheriffs, of New York law enforcement. And it doesn't just apply to New York. This could apply to any large State.

Imagine law enforcement stopping one of these characters with a backpack full of guns--a known member of a major gang--and having to let them go. Imagine how empowered gun smugglers and traffickers would feel. Their business would boom. These are people who make money by selling guns illegally to people who are convicted felons. They could go to the State with the weakest laws, get a concealed carry permit--if that State allowed it, and in all likelihood it might--and then start bringing concealed guns into neighboring States and States across the country. Their business would boom, but our safety would be impaired. Imagine routine traffic stops turned into potential shootouts.

Police officers in New York have the safety and the peace of mind in knowing that the only people who might legally have a gun are those who have been approved by the police department. That is how we do it in a city such as New York. We have had our problems with crime. Thank God it is much lower now, due to the great work of the New York City police. But now they would be totally unprepared, walking on tiptoe. And if the criminal simply said: I am from this State--wow. I shudder at the thought.

Beyond the very real threat this poses to law enforcement and the safety of our police officers and the safety of our citizens, it would create a logistical nightmare. A police officer making a stop of a car would have to have in front of him or her the laws of all 45 States that now allow or whose residents would now be allowed or even whose people had gotten carry permits who would now be allowed to carry concealed weapons in New York.

What about States rights? I have not been on the side--it is obvious--of the gun lobby for as many years as I have been here in the House and Senate. I have always believed, though, there is a right to bear arms and that it is unfair to say the second amendment should be seen through a pinhole and the first, third, fourth, fifth, sixth, seventh, and eighth amendments should be seen broadly. I don't think that is fair.

But every amendment has limitations. Through the years when I have been involved in this issue, the NRA and other gun groups have argued, frankly, that the States ought to make their own decisions. All of a sudden we see a 180-degree hairpin turn. Now they are saying that the States cannot make their own decisions. Why is it that every other issue should be resolved by

the States except this one? The amendment flies in the very face of States rights arguments and takes away citizens' rights to govern themselves.

I say to my colleagues who have laws and citizenry who probably want the laws not drawn as tightly as my State, if you open up this door, one day you will regret it. Because if you say that the Federal Government should decide what law governs, you are taking away States' right to govern themselves.

In the 1990s, after the passage of the Brady Act, the National Rifle Association funded multiple legal challenges to it, citing the 10th amendment, that the right to bear arms therefore resided in the States. Indeed, Mary Sue Falkner, who was then a spokesman for the NRA, said at the time:

This is not a case about firearms per se, but about whether the Federal Government can force States and local governments against their will to carry out Federal mandates.

Similarly, in reference to Brady, the NRA's chief lobbyist said that the Federal Government was getting too much involved in State affairs.

The gun lobby's rallying cry has always been, "Let each State decide." But with this amendment, again, a 180-degree flip.

Clearly, large urban areas merit a different standard than rural areas. To gut the ability of local police and sheriffs to determine who should be able to carry a concealed weapon makes no sense. It is wrong to take away any State's rights to make decisions about what can make a resident safer. A one-size-fits-all approach to community safety leads us down a very precarious road.

Make no mistake, this is a serious amendment. It is, even though not the intention of the author, a dangerous amendment. There will be needless suffering, injuries, and deaths if this amendment is agreed to.

I talked to my colleague Senator *Thune*. We are friends. We saw each other in the gym this morning. He said to me: What about truckdrivers who have the gun in the cab of their truck and ride across State lines? I am sympathetic to that. I supported laws that allow police officers in New York to carry their gun when they cross over into New Jersey to shop or whatever. But you do not need this law to deal with that problem, because it creates so many other issues. There are ways we can deal with the problem that the Senator from South Dakota brought up to me in the gym this morning, without decimating State laws that protect individual safety.

Make no mistake about it, this amendment would affect every State in the country, but I do not see the Governors on board. It would affect every city in the country. I don't see the mayors on board. It would affect every county in the country, but I don't see the sheriffs on board. It would affect every town in the country, but I don't see police chiefs on board.

Before we rush to judgment, shouldn't we ask our Governors, our mayors, our sheriffs, our police chiefs if this will make our communities safer or less safe? If this will put the men and women, the brave men and women who defend us and protect us on police forces, in jeopardy? Why don't we seek their guidance?

I urge my colleagues to give thoughtful and careful consideration to the consequences of the Thune amendment. I believe if they do, they will vote against it tomorrow at noon.

I yield the floor.

I suggest the absence of a quorum.