HEARING
BEFORE THE
SUBCOMMITTEE ON CRIMINAL LAW
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-EIGHTH CONGRESS
SECOND SESSION
ON
S. 555
A BILL TO STOP THE PROLIFERATION OF "COP-KILLER" BULLETS
MARCH 7, 1984
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### PROPOSED LEGISLATION

- S. 506, a bill to stop the proliferation of "cop-killer" bullets

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ARMOR-PIERCING AMMUNITION

WEDNESDAY, MARCH 7, 1984

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CRIMINAL LAW, Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room 226, Dirksen Senate Office Building, Hon. Paul Laxalt, chairman of the subcommittee presiding.

Present: Senators Biden and Kennedy.

Staff present: John F. Nash, Jr., chief counsel and staff director, Bill Miller, general counsel, Beverly McKittrick, counsel, and Frederick D. Nelson, counsel.

OPENING STATEMENT OF HON. PAUL LAXALT, A U.S. SENATOR FROM THE STATE OF NEVADA, CHAIRMAN, SUBCOMMITTEE ON CRIMINAL LAW

Senator LAXALT. The subcommittee will be in order. On behalf of the Subcommittee on Criminal Law, I welcome all of you to this hearing on armor-piercing ammunition and in particular on the legislation introduced by Senator Moynihan, S. 555. Identical legislation was introduced in the House last year by Congressman Biaggi, who is also with us today. I want to welcome both of these distinguished Members of Congress to the hearing and invite them to participate as long as their schedules will permit.

The Reagan administration has also been actively interested in this issue and has recommended legislation that was recently passed by the Senate in the Comprehensive Crime Control Act of 1984. That, of course, is S. 1762. Representatives from both the Department of Justice and the Department of the Treasury are here this morning to testify on the general issues surrounding armor-piercing ammunition, as well as on the legislation proposed by Senator Moynihan and Congressman Biaggi and by the administration.

We are fortunate to have with us representatives from three municipal police departments to lend their expertise and experience to our deliberations. These are the men and women whose lives are daily on the line in the fight against crime. The provisions in S. 555 and in the Comprehensive Crime Control Act are intended to benefit directly the police of our Nation.

We shall also hear from spokesmen from several organizations who have been extremely interested in this legislation since it was first introduced. The National Rifle Association and the California Wildlife Federation speak for many of the sportsmen and gun owners in America. The Fraternal Order of Police and the New...
York City Patrolmen's Benevolent Association represent the largest organizations of policemen in the Nation and in the Nation's largest city. I welcome you all to be with us this morning.

I shall also place into the record written statements from Congressman Norman D'Amours, from the Citizens Committee for the Right to Keep and Bear Arms, and from other organizations. I should note at this time the subcommittee will keep the record open until March 23 for written statements submitted by other qualified, interested parties and organizations.

I would like to take a moment to outline what I believe are the main issues presented to the subcommittee by S. 555. S. 555 contains provisions for mandatory prison sentences for criminals convicted of using or carrying armor-piercing ammunition during the commission of Federal felonies.

This approach to the problem is similar to the approach taken by the administration and recently approved by the Senate in S. 1762, the Comprehensive Crime Control Act. This approach, to my knowledge, is not controversial.

S. 555 also prohibits the manufacture, importation, and sale of certain armor-piercing handgun ammunition, and it is on this proposal and more specifically on the question of defining the ammunition in question that there is vigorous debate and disagreement.

Some ammunition, when used in the handguns that criminals often carry, will penetrate the soft body armor that is worn by more and more police officers today. Body armor is generally made of multiple layers of Kevlar fabric, which eliminates much of the bulkiness associated with older types of body armor.

The purpose of this legislation is to keep this handgun ammunition from the hands and guns of the criminals by making it unavailable to the general public. This prohibition approach assumes that the ammunition in question can be defined to an acceptable degree of precision so that ammunition that is legitimately used by sportsmen, hunters, and target shooters and that is made by hundreds of large and small manufacturers here and abroad will not be affected.

This problem of avoiding an overly broad sweep in the scope of the bill is a difficult one, to say the least, and one on which the subcommittee needs the assistance of our witnesses who are here this morning.

With this brief introduction in mind, I turn very happily to the first witness this morning, my good friend from the Empire State, Senator Pat Moynihan. Senator Moynihan, welcome.

Senator Moynihan. Mr. Chairman, could Representative Biaggi join me?

Senator Laxalt. Of course.

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, A U.S. SENATOR FROM THE STATE OF NEW YORK; AND, HON. MARIO BIAGGI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Senator Moynihan. Mr. Chairman, I want first to thank you, sir, for your great courtesy in making these hearings possible. It was very thoughtful of you to propose this hearing last month when the issue arose in connection with the omnibus crime control bill.

I have a statement, Mr. Chairman, which I would like to put in the record at this point and then briefly summarize the purposes.

Senator Moynihan. Mr. Chairman, it seems to me that in your opening statement you made the essential case. I will speak briefly and then my colleague and friend, Mario Biaggi, will make some remarks. He is a former police officer who was shot 10 times in the course of his active duty and speaks with an authority in this matter that few Members of Congress can summon.

It is the case, Mr. Chairman, that about a decade ago the Du Pont Co. developed soft body armor from a fiber which, in multiple layers, effectively stops a lead bullet slug of the kind that is normally used for target shooting, for hunting, or self-defense purposes.

This body armor began to be used by police in the mid-1970's and now is worn regularly by about half the Nation's 552,000 law enforcement officers. One of the positive aspects of the increased use of body armor has been the involvement of entire communities in efforts to provide police with access to these protective devices. Citizens across the country have raised money to buy bullet-resistant vests for their local police at bake sales, raffles, and other fundraising events. It's a very common thing.

And it gives a sense of security to the police, in association with the community, that is important to them. But this security is threatened by bullets that have one single purpose, to kill cops. These bullets serve no purpose, but to penetrate body armor. The police do not need them and, further, do not use them. These bullets have no use in handgun sports, typically target practice. They also are not cheap. No one in a firing range would fire these rounds. Some of them cost $1.50 apiece.

The only reason to have a round like this is to kill a cop. Mr. Chairman, the purpose of our legislation is very simple: to prevent their manufacture, sale, or importation. Some are domestically manufactured. Others are manufactured in Czechoslovakia and other foreign countries and are imported into the United States. Thirteen million rounds of Czechoslovakian 9-millimeter ammunition have already been distributed in this country.

And we feel that you can define these bullets. They are so elemental in their purpose. One type has a Teflon covering, which was developed by the Du Pont Co. When Du Pont found what the Teflon-coated bullets were being used for, they refused to continue to sell it to munitions manufacturers. The Teflon is a lubricant
that makes it possible to use an armor-piercing bullet without ruining the barrel of the gun.

The problem of defining such a bullet, it seems to us, is elemental. The Department of Justice has been provided funds to do so. We think it can be done.

And with that, Mr. Chairman, I would like to conclude and await questions from this distinguished and honorable committee and my colleague, Mario Biaggi.

[The prepared statement of Senator Moynihan and the text of S. 505 follow:]
bullets and have urged Congress to act on this legislation. While some individual law enforcement officers may advocate the use of armor-piercing handgun ammunition, they do not speak for the overwhelming number of police who are outraged about the lack of restrictions on cop-killer bullets.

Armor-piercing handgun ammunition is of no use to hunters and sportsmen. Standard ammunition can be used to achieve the same objectives, and in a safer and more certain fashion. Animals shot with armor-piercing projectiles die slow deaths, usually from loss of blood, because the bullets typically pass through the body cavity without fragmenting on impact. Indeed, for this reason, many States explicitly forbid the use of such bullets for hunting game.

The legislation Congressman Biaggi and I proposed in the 97th Congress, and introduced in this Congress as S. 555 and H.R. 953, would direct the Department of the Treasury to determine which bullets, when fired from a handgun with a barrel 5 inches or less in length, are capable of penetrating the equivalent of 18 layers of Kevlar, the standard composition of most police vests. The Department then would publish its findings in the Federal Register, and 60 days after publication those bullets so identified would be banned from further manufacture, import, sale, and use—except when authorized by the Secretary of the Treasury for public safety or national security purposes. The Secretary of Treasury could allow domestic manufacturers to continue testing armor-piercing bullets, and authorize the sale of such bullets to local law enforcement agencies or foreign governments.

A licensed importer, manufacturer, or dealer who violated this act would be subject to a fine of not more than $10,000, imprisonment for not more than 10 years, and the revocation of his Federal license. In addition, a person using or carrying an illegal bullet during the commission of a Federal felony would be subject to a mandatory sentence of not less than 1 year nor more than 10 years for a first offense, and not less than 2 years nor more than 25 years for a second or subsequent offense.

The stipulation in the testing procedures, to focus on bullets for handguns with a barrel length of five inches or less, was not
arbitrary. In 1981, Joseph Albright of Cox Newspapers studied data on some 14,268 handguns confiscated from criminals. His study, widely acknowledged as the most comprehensive of its kind, revealed:

Two out of every three handguns used in murders, rapes, robberies, and burglaries were ... handguns with the cylinder.

Mr. Albright also found that the 15 handguns predominantly used by criminals all had barrel lengths of four inches or less.

The vest thickness prescribed in the testing procedures of my legislation was carefully chosen. The vast majority of police vests worn today consists of 10 layers of Kevlar. This is the same vest thickness used in the FBI’s 1982 demonstration project, a study which showed these vests capable of stopping any conventional handgun bullets (including the .44 magnum, the most powerful standard handgun ammunition), but unable to defeat eight types of specially-designed armor-piercing ammunition.

Let me make clear what this bill does not do. Our legislation would not limit the availability of rifle ammunition with armor-piercing capability. We recognize that soft body armor is not intended to stop high-powered rifle cartridges. Tino and again, Congressman Biaggi and I have stressed that only bullets capable of penetrating body armor and designed to be fired from a handgun would be banned; rifle ammunition would not be covered. To further clarify this intent in our legislation, both Congressman Biaggi and I would favor an amendment explicitly to exclude rifle ammunition.

In addition, our bill would not limit the availability of conventional handgun ammunition to law-abiding citizens for self-defense and sporting purposes. The legislation has been drafted so as to apply only to the narrow class of bullets capable of penetrating bullet-resistant armor when fired from a handgun. Gun owners who already have armor-piercing handgun ammunition in their possession would not be subject to criminal sanctions. Our sole objective is to keep those handgun bullets specially designed to pierce soft body armor out of the hands of criminals. Nothing more is intended; nothing less will suffice.

In the spring of 1982, the House Subcommittee on Crime conducted hearings on our legislation. At that time, the Administrati-
There has been little significant progress in the development of a regulatory definition for armor-piercing ammunition that would not also include a wide range of ammunition commonly used for sporting purposes.

This letter, an almost exact reiteration of Mr. Powis's testimony before the House Subcommitte in 1982, was sent the same day that Robert A. McConnell, Assistant Attorney General, wrote to Mr. Donald E. Fraher, Legislative Director of Handgun Control, Inc. to inform him that,

In an effort to develop a precise legislative definition of armor-piercing bullets, the Department of Justice has funded a research project now being carried out by the National Institute of Justice and the National Bureau of Standards. It is hoped that this research effort will produce a workable definition of armor-piercing ammunition. Once the results are in, we expect to offer legislation banning armor-piercing handgun ammunition.

Was Mr. Powis unaware of the Justice Department's work on a legislative solution, or simply uninterested in its results?

Mr. Powis also asserted in his letter to the NRA that the Department of the Treasury was controlling the distribution of specially designed armor-piercing ammunition, through voluntary compliance agreements. How, I must ask, could the Department of the Treasury limit the availability of armor-piercing handgun ammunition, if it considered it impossible to differentiate such bullets from standard ammunition? I might add that the NRA also sent a second letter to members of the House, dated June 16, 1983 in which it averred,

Federally licensed firearms dealers no longer stock armor-piercing bullets for purchase by police officers as they once did. There are no importers that the Treasury Department does not have a voluntary compliance agreement with limiting the sale directly to police departments.

I, for one, have doubts about the existence of any such "voluntary compliance agreements" with domestic manufacturers, Federally licensed firearms dealers, and importers. Last week I wrote Mr. Powis, requesting documentation of all these voluntary compliance agreements before today's hearing. I have not received a response. Several police witnesses will appear before the Subcommittee this morning to respond to the Treasury Department's assurances about controls allegedly placed on the distribution of cop-killer bullets. In particular, Detective Richard Janelli, of

the Nassau County Police Department, will testify to the availability of armor-piercing hand-gun ammunition in gun shops throughout his Department's jurisdiction. Permit me to mention that last September the Nassau County Police arrested a suspected bank robber in his residence. During a search pursuant to the arrest, police discovered both domestically-manufactured and imported armor-piercing handgun ammunition.

Some opponents of our legislation, primarily the NRA, contend there is no need to restrict the availability of armor-piercing handgun ammunition. This type of bullet, it is argued, poses no danger to law enforcement officers. Could the NRA be unaware that a Canadian police officer and a Florida Highway Patrolman were shot and killed with .45 caliber ammunition in Broward County, Florida in 1976? Had not the NRA spoken with law enforcement officers who are well aware of stocks of armor-piercing handgun ammunition available in local gunshops?

Writing in the August 15, 1983 edition of The Firing Line, the official publication of the California Rifle and Pistol Association, Inc., Warren Cassidy, Executive Director of the NRA stated,

Clearly, ammunition designed to cut through armor is not used by hunters or competitive shooters. The ammunition is for specialized law enforcement and military uses only. The NRA understands this.

The NRA, then, does recognize the distinction between specially designed armor-piercing bullets and standard ammunition. Nevertheless, the NRA seems unable to go one step beyond, and recognize that a legislative definition can encompass one type of bullet without including the other. Instead Mr. Cassidy charges in his article that the legislation sponsored by myself and Congressman Biaggi

Would ban virtually all types of sporting ammunition.

Yet Mr. Cassidy and other NRA representatives cannot document what types of standard handgun ammunition would be outlawed by our bill. When pressed for specifics, they argue that our legislation would ban 90 percent of all rifle ammunition, a type of ammunition not addressed by our legislation. Even if the NRA were able to identify standard handgun bullets that would be outlawed under S. 555, I would contend, as did former Associate
Attorney General Rudolph W. Giuliani, in his letter to Congressman Biaggi on February 1, 1983, that:

...any further delay is a tragic mistake. If legislation bans some bullets which are not strictly armor-piercing -- if it is in some sense overinclusive -- that is a small price to pay when the safety of law enforcement officers and others hangs in the balance.

Let there be no mistake. Any effort to ban armor-piercing handgun ammunition will be opposed by the NRA on narrow ideological reasons, no matter how carefully we define the ban. The NRA would have us wait to enact such a ban until dozens, perhaps hundreds, of law enforcement officers wearing vests are shot dead by these wholly unnecessary bullets. In the meantime, domestic manufacturers and importers and Federally licensed firearm dealers would continue to peddle cop-killer bullets, at the potential expense of every law enforcement officer wearing a vest. My question is, "why must we wait until then?"

I would like to mention and commend the efforts of Handgun Control, Inc., an organization that has assisted local officials here in Washington, D.C., as well as elsewhere in providing soft body armor to police officers who previously had no access to these vests. Handgun Control has joined with law enforcement organizations in vigorously supporting legislation to ban cop-killer bullets, and in so doing has performed an important public service.

While the Congress has yet to act upon this legislation I am encouraged by the response our bill has elicited from State legislatures. Since we first offered our legislation nine States (Kansas, Oklahoma, Alabama, Rhode Island, Illinois, California, Florida, Texas, and Indiana) and the District of Columbia have outlawed cop-killer bullets. Six more States (Minnesota, Louisiana, Montana, New Jersey, Maine and Virginia) have increased existing penalties for criminal possession or use of such bullets, and many others currently have legislation pending. The Administration also included, in the crime package approved by the Senate last month, criminal sanctions for the use of armor-piercing ammunition.

In addition, Winchester-Western, one of the Nation's largest ammunition manufacturers, has stopped producing armor-piercing bullets, and the DuPont Company has stopped selling Teflon to manufacturers of the KTW bullet, after determining the ammunition was being distributed to the general public.

Unfortunately, these efforts cannot provide law enforcement officers the protection they so deserve. We must do everything possible at the Federal level to prevent the criminal use of armor-piercing handgun ammunition. Certainly, on Mr. Howard Murphy, Legislative Counsel to the International Brotherhood of Police Officers, pointed out in his testimony before the House Subcommittee on Crime, there is ample precedent for Federal legislation to ban this type of lethal ammunition.

The Congress has adopted a policy of restricting the availability and use of certain types of firearms and weapons in order to assist police officers in fighting crime. Congress has outlawed the sale of the short-barreled rifle, the sawed-off shotgun, machine guns, and classes of weapons known as "destructive devices." Congress has provided a stiff deterrent to the sale or possession of such weapons as the means of controlling their availability. This method, while not completely effective, has at least provided officers with an instrument to combat their availability and use.

Police officers are pleading for this additional protection. How long can we ignore these pleas?

As sentiment against cop-killer bullets continues to build across the country, it is incumbent on the U.S. Congress to address the issue.
A BILL
To stop the proliferation of "cop-killer" bullets.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE
Section 1. This Act may be cited as the "Law Enforcement Officers Protection Act of 1983".

Sec. 2. (a) Whoever, being a licensed importer, manufacturer, or dealer under chapter 44 of title 18, United States Code, imports, manufactures, or sells a restricted handgun bullet, except as specifically authorized by the Secretary of the Treasury for purposes of public safety or national security, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and the license of such person shall be subject to revocation under such chapter.

(b) Whoever—
(1) uses a restricted handgun bullet to commit any felony for which he may be prosecuted in a court of the United States; or
(2) carries a restricted handgun bullet unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States;
shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a conviction of such person under this subsection or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

Sec. 3. (a) The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this Act, including regulations requiring appropriate persons to provide samples of bullets for testing under this Act.
SEC. 4. As used in this Act, the term—

(1) "body armor" means a commercially available, soft, lightweight material with penetration resistance equal to or greater than that of eighteen layers of Kevlar;

(2) "handgun" means a firearm originally designed to be fired by the use of a single hand; and

(3) "restricted handgun bullet" means a bullet that, as determined by the Secretary of the Treasury, when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor.
for handguns but could be fired from rifles and that will penetrate the armor of police officers and peace officers and kill cops, we are against, that is what this is for.

And that kind of round would not ordinarily be used by a sportsman. You have handled rifles in your day, so have I. You do not fire steel cased cartridges at game. It does not stop them, and with other things. It goes right through them. It goes right through game, as it goes right through police officers.

Senator LAXALT. True. Senator, do you have any questions to ask Senator Moynihan before we go on to Congressman Biaggi.

Senator Kennedy. Just to be the devil's advocate, there are those who say in terms of hunting that this is really a humane missile, you want to add to that, because we will hear that argument made for handguns but could be fired from rifles and that will penetrate in the game, as it goes right through police officers. The job, so to speak, and therefore puts the animals out of their misery and does it quick.

I think you have answered it, but if there is anything further you want to add to that, because we will hear that argument made again. And I would just like to hear your response.

Senator Moynihan. Well, Senator, I live in Delaware County, NY, where more deer are shot each year than in any other county in the State and more, I think, than in many other States in the Nation. And we know something about deer hunting in that part of the world, which is the main big game hunting that we do. What would you do with a steel-jacketed round of that type which does not stop the deer, but just puts a bullet through him so he cannot bleed to death 24 hours later?

Now, I do not know that you get very far in the discussion of the humane way to kill animals, and I am not trying to get into that. But if you want to be specific, if you were a deer hunter in Delaware County, the last thing in the world you would ever do is put in your rifle an armor-piercing round because it will pierce the deer without stopping him. Now, it is just as simple as that. I do not want to speak to the relative humanity of the matter, but if you are trying to bring home some venison, a sportsman would never do so in that manner.

Senator Kennedy. I just have a final question. As I understand it, there have been at least two police officers who have been killed by those bullets.

Senator Moynihan. Yes, sir.

Senator Kennedy. And I think their families have some interest in being protected and I think their colleagues—I do not know the numbers that have been wounded, but I know that it has been significant, and I think that their families are entitled to have some protection, as well and some consideration as these other interests which we hear so much about.

I thank the Senator.

Senator LAXALT. All right Congressman Biaggi, we would be pleased to hear from you.

STATEMENT OF REPRESENTATIVE MARIO BIAGGI

Mr. Biaggi. Thank you very much, Mr. Chairman. I have a lengthy statement, which I would ask the permission of the Chair to have included in the record.

Senator LAXALT. Without objection, it will be so ordered.

Mr. Biaggi. And I would like to make some observations. With relation to the humane aspect, I share the sentiments of my colleague from New York, Senator Moynihan. That is another question. But really the same thing applies to a police officer. We do not need armor-piercing bullets for law enforcement. We emphasize that.

What the police officer requires is a bullet that will stop the felon, and an armor-piercing bullet will not stop the felon. Moreover, it will pierce him quite readily and pose a danger to the civilians in the area. Often we have seen innocent bystanders killed in this kind of exchange.

Before I go into my written comments, I have been involved in this thing for 4 years and some of the comments we get from representatives of the NRA is that no police officer has been killed. Let us assume that none have been, even though we know that two have been killed, both in Florida. One was a Florida highway patrolman. The other was visiting a Canadian police officer, who was killed in the same incident.

Is it necessary to wait until a police officer is killed before we pass legislation or do we share the horrible experience and oft-times hypocritical experience of participating in memorial services for law enforcement officials and wait for them to die before we shed those crocodile tears.

I say an ounce of prevention is worth considerably more than those fraudulent expressions. I have been in law enforcement over 23 years. I have attended many a policeman's funeral. And I am familiar with the entire process. I am at odd's end to understand why the NRA takes the position that it does.

But hopefully this committee—and forgive me, Mr. Chairman, I am a little upset, specific, because I am passionately involved with this issue. There is a responsibility on the part of government, on the part of society at large to protect the police officer when possible.

Here we have an opportunity and it is not being done and it is being resisted by the very same people who should be out there in the vanguard and not be the main obstacle to the enactment of this legislation.

With relation to the question of using rifle ammunition in handguns, the bill would only affect ammunition that is originally designed for handguns. And again I agree with the Senator from New York; it is a rare occasion when a sportsman would take a rifle cartridge and put it in a handgun. This legislation deals with the rule, not the exception. Frankly, there is no legislation that perfectly applies in all cases.

But if it deals effectively with the problem at large, then it is worth enacting. As I said before, it was nearly 4 years ago that I authored legislation to address the problem of cop-killer bullets. I did so at the request of the law enforcement community. In 1979,
the then president of the New York City Patrolmen’s Benevolent Association brought this to my attention saying that New York City had become the dumping ground for this type of bullet.

And as a 23 year veteran police officer, I understand the critical problem can be talked about by so many and acted on by so few. And hopeful that today’s hearing will allow us to overcome the obstacles.

First, let me emphasize that armor piercing handgun bullets are not used for legitimate purposes. Even the National Rifle Association signed to cut through armor is not used by hunters or competitive shooters.

My legislation seeks to ensure these bullets are not used for unlawful purposes. Actually, these high powered cartridges, which the police community fear, were originally made to protect police, particularly when shooting at automobiles. The notorious Teflon coated KTW armor-piercing cartridge was developed by three men in Ohio for that very purpose.

But we have witnessed a change in the policy of law enforcement over the years. Police officers today are generally restricted from firing at fleeing cars. Now, the KTV bullet and other armor-piercing ammunition no longer serves any special law enforcement purpose. I have brought a KTV bullet to show the committee because it is unique. It has the green apple Teflon coating. The Du Pont

And, in fairness to Du Pont and to their everlasting credit, we had their representatives in several years ago and pointed this out and they agreed to discontinue the sale of Teflon to ammunition manufacturers for this purpose. But there are still at least a half a dozen manufacturers who have the same armor-piercing ability, and do not have the Teflon coating.

Adding to the irony is the fact that the law enforcement community considers this ammunition too dangerous for police use. According to the International Association of Chiefs of Police, “We in our own law enforcement, either for police use only is ludicrous.” The problem is really quite simple. More than half of our Nation’s 528,000 law enforcement officers wear bullet resistant body armor on a daily basis. And the armor-piercing bullet was developed. So, initially, the armor-piercing bullets did not pose any special threat to police.

Now, we have the soft body armor and the police officers who wear it have every right to expect that they will be afforded the kind of protection that it allegedly represents.

For the purpose of the record, Congressman, what was the reason why we had the policy change restricting police officers from using this on vehicles?

Mr. BRAGG. Most police departments, including New York City’s, restrict their officers from firing at fleeing fugitives; the theory being we have the means to pursue and capture them later rather than jeopardizing innocent bystanders, who have too often been infelons.

The problem is really quite simple. More than half of our Nation’s 528,000 law enforcement officers wear bullet resistant body armor on a daily basis. The U.S. Justice Department reports that more than 400 lives have been saved by these vests, and that is reason enough for wearing them.

In fact, during the 10 years that bulletproof vests have been in use, handgun related police deaths have declined by 45 percent. Al­most that most police officers wear will stop conventional handgun ammunition, including the powerful .44 Magnum.

As a result, more and more police are looking to soft body armor for protection. Just last year, in fact, I joined in the effort to raise $624,000 to furnish more than 3,000 District of Columbia police officers with a bulletproof vest identical to the one displayed here by ability to stop conventional handgun ammunition, soft body armor made for maximum penetration.

And, there has been demonstration after demonstration in the city of New York and other places around the country that there were a film shown this morning when Senator Moynihan appeared on the “Today Show,” which demonstrated how these bullets can rip through a police vest and Senator MOTHERWELL.

5 different telephone books.

Mr. BRAGG. These bullets can penetrate both sides of the vest, go through several thick telephone books. What Officer Harper is doing is giving you what a Teflon coated KTV bullet looks like. As you can see, the KTV bullet easily penetrated the front and back panels of this vest.

Significantly different from other handgun ammunition, the armor-piercing handgun bullets are made of extremely hard metals, usually steel, which allow the bullets to retain their shape and impact. In addition, they travel at exceptionally high speeds. Contrary to the popular image of the apple green Teflon coating, which is the unique to the KTV bullet, is not the key ingredient to armor-piercing ammunition, although it does increase the penetrability by some 10 to 20 percent.

My initial research identified eight different manufacturers, both penetrating the most popular police vest. The current vest availability is quite small.

However, we do know they have been easily obtained by criminals through local gun shops and we know that criminals have used jerry-rigged improper and illegal guns in their attempts to shoot and kill police officers.

Mr. BRAGG. The New York City police have been involved with a number of incidents in which officers were threatened with the use of a handgun cartridge capable of piercing armor.

Mr. BRAGG. The current vest availability is quite small. And as a 23 year veteran police officer, I understand the critical problem can be talked about by so many and acted on by so few. And hopeful that today’s hearing will allow us to overcome the obstacles.

First, let me emphasize that armor piercing handgun bullets are not used for legitimate purposes. Even the National Rifle Association signed to cut through armor is not used by hunters or competitive shooters.

My legislation seeks to ensure these bullets are not used for unlawful purposes. Actually, these high powered cartridges, which the police community fear, were originally made to protect police, particularly when shooting at automobiles. The notorious Teflon coated KTV armor-piercing cartridge was developed by three men in Ohio for that very purpose.

But we have witnessed a change in the policy of law enforcement over the years. Police officers today are generally restricted from firing at fleeing cars.

Now, the KTV bullet and other armor-piercing ammunition no longer serves any special law enforcement purpose. I have brought a KTV bullet to show the committee because it is unique. It has the green apple Teflon coating. The Du Pont

And, in fairness to Du Pont and to their everlasting credit, we had their representatives in several years ago and pointed this out and they agreed to discontinue the sale of Teflon to ammunition manufacturers for this purpose. But there are still at least a half a dozen manufacturers who have the same armor-piercing ability, and do not have the Teflon coating.

Adding to the irony is the fact that the law enforcement community considers this ammunition too dangerous for police use. According to the International Association of Chiefs of Police, “We in our own law enforcement, either for police use only is ludicrous.” The problem is really quite simple. More than half of our Nation’s 528,000 law enforcement officers wear bullet resistant body armor on a daily basis. And the armor-piercing bullet was developed. So, initially, the armor-piercing bullets did not pose any special threat to police.

Now, we have the soft body armor and the police officers who wear it have every right to expect that they will be afforded the kind of protection that it allegedly represents.

For the purpose of the record, Congressman, what was the reason why we had the policy change restricting police officers from using this on vehicles?

Mr. BRAGG. Most police departments, including New York City’s, restrict their officers from firing at fleeing fugitives; the theory being we have the means to pursue and capture them later rather than jeopardizing innocent bystanders, who have too often been infelons.

The problem is really quite simple. More than half of our Nation’s 528,000 law enforcement officers wear bullet resistant body armor on a daily basis. The U.S. Justice Department reports that more than 400 lives have been saved by these vests, and that is reason enough for wearing them.

In fact, during the 10 years that bulletproof vests have been in use, handgun related police deaths have declined by 45 percent. Almost that most police officers wear will stop conventional handgun ammunition, including the powerful .44 Magnum.

As a result, more and more police are looking to soft body armor for protection. Just last year, in fact, I joined in the effort to raise $624,000 to furnish more than 3,000 District of Columbia police officers with a bulletproof vest identical to the one displayed here by ability to stop conventional handgun ammunition, soft body armor made for maximum penetration.

And, there has been demonstration after demonstration in the city of New York and other places around the country that there were a film shown this morning when Senator Moynihan appeared on the “Today Show,” which demonstrated how these bullets can rip through a police vest and Senator MOTHERWELL.

5 different telephone books.

Mr. BRAGG. These bullets can penetrate both sides of the vest, go through several thick telephone books. What Officer Harper is doing is giving you what a Teflon coated KTV bullet looks like. As you can see, the KTV bullet easily penetrated the front and back panels of this vest.

Significantly different from other handgun ammunition, the armor-piercing handgun bullets are made of extremely hard metals, usually steel, which allow the bullets to retain their shape and impact. In addition, they travel at exceptionally high speeds. Contrary to the popular image of the apple green Teflon coating, which is the unique to the KTV bullet, is not the key ingredient to armor-piercing ammunition, although it does increase the penetrability by some 10 to 20 percent.

My initial research identified eight different manufacturers, both penetrating the most popular police vest. The current vest availability is quite small.

However, we do know they have been easily obtained by criminals through local gun shops and we know that criminals have used jerry-rigged improper and illegal guns in their attempts to shoot and kill police officers. Just last September a bank police during a search of the suspect’s home, the police found a
When the Congressional gun lobby, to which most senators belong, seems to have reached its limits of reason, consider, for example, an article written by Evan Marshall for the Gun Owners of America, which stated: 

'The National Rifle Association has wisely recognized that the killer bullet controversy represents a gun control issue. If the antigun people can begin to restrict ammunition, they can get gun control through the back door. Simply put, the issue my bill seeks to address is police protection, not gun control. For nearly 2 years the Justice and Treasury Departments have offered assurances that they share my deep concern about the serious threat armor-piercing ammunition poses to our law enforcement community. They have given assurances that they would work with me in developing appropriate legislative remedies. Yet they refuse to endorse the legislation before the subcommittee today to ban armor-piercing bullets, and they have failed to develop alternative legislation of their own. Simply stated, this administration, which has long prided itself on a strong law and order stance, for which I am grateful, notwithstanding the fact I am a Democrat, has used bureaucratic double-talk to effectively stonewall the most important police protection initiative in recent years, a ban on cop-killer bullets. It appears that at least part of the reason for these mixed signals we are getting from the administration stems from a bureaucratic squabble between the Departments of Justice and Treasury. While both Departments have pledged their willingness to work toward a legislative ban against armor-piercing handgun bullets, only the Justice Department appears to have followed through on that pledge, and their constructive efforts have met continued resistance from Treasury officials. In a letter dated January 31, 1984, Assistant Attorney General Robert McConnell informed me that: 

'Please be advised that the Treasury Department has just recently forwarded a draft armor-piercing bullet package to the Office of Management and Budget for review within the administration. I remain optimistic that we have now resolved the definitional problems which have plagued this legislation in the past.' 

And the question of definition has been the plague, but apparently Mr. McConnell feels that the Justice Department's proposal resolves that problem and that we will have a legislative proposal for submission to the Congress in the near future. Although the Justice Department proposal has not been made available for my review, I have been informed by a Justice official that the general thrust is very similar to the Biaggi-Moynihan legislation. The major differences are that the Justice proposal would require testing to be conducted by the industry rather than by the Government, and the standard of penetration would consist of a certain number of aluminum plates rather than the 18 layers of Kevlar. For the record, I would have preferred the Treasury Department to order the guns.'
While State laws and voluntary restrictions are encouraging, they are far from satisfactory. Only 10 States have restricted the availability of these high powered projectiles and the laws that do exist vary from one State to the next. Voluntary efforts are unenforceable and have already proven unsuccessful in keeping armor piercing bullets out of the hands of cop killers.

Suffice it to say that without a Federal ban on armor-piercing handgun ammunition, there will be nothing to stop the money hungry businessmen from making an easy dollar at the risk of police lives. Whether it is the Blagg-Moynihan legislation, the Justice Department proposal, or some other alternative is really quite insignificant. No matter what the legislative vehicle, we cannot afford to wait any longer to impose a Federal ban on armor-piercing cop-killer bullets.

Simply put, cop killers do not wait for others to act. So, why should we? We must try to prevent police deaths rather than respond to them.

[The prepared statement of Mr. Biaggi follows:]

Mr. Chairman, it was nearly four years ago that I first authored legislation to address the problem of armor-piercing enforcement community. They came to me because I served 13

announced 15 times in the line of duty ... because I was recognized the need for better police protection. With good allowed easy access to a special type of handgun ammunition that could penetrate their soft body armor.

It is unthinkable to me that such a critical problem can be talked about by so many and acted on by so few. I appreciate will allow us to overcome the obstacles that have stalled this vital police protection measure for so long.

Significantly, armor-piercing "cop killer" bullets are not used for legitimate purposes. In fact, the Bureau of Alcohol, Tobacco and Firearms, informed me in a report dated July 22, 1983, armor-piercing bullets ... preclude the legitimate use of pyramids to shoot and kill police officers. The most alarming the manufacture, sale or importation of these awesome projectiles.

Currently, more than half of our nation's 28,000 law enforcement officers wear bullet resistant body armor on a daily basis. The U.S. Justice Department reports that more than 100 law enforcement officers have been killed by these vests. In fact, during handgun-related police deaths have declined by 13 percent (93 to 53 in 1983).

Our newspapers tell the story. For instance, on December 1, how effective bulletproof vests can be:

"William Johnson struggled for his chest. He watched his gun as his bullet struck. He felt its crushing force. And because a bulletproof vest, he was alive yesterday to help convict the man accused of trying to kill him."

Soft body armor, first started being used by law enforcement officers around 1974. The vests became popular with police officers because they are comfortable—weighing only about three pounds—most criminals. The government bulletproof vest used by police costs about $150 and includes 18 layers of Kevlar—a bullet resistant fiber produced by Du Pont. Although not designed to stop handgun bullets, including the powerful .44 magnum. As a result, more and more police are looking to soft body armor for protection. In 1983, the District of Columbia police officers with a bulletproof vest.

Yet, despite its ability to stop conventional handgun ammunition, soft body armor is totally useless against a small class of handgun bullets specially made for police penetration. For example, the Teflon-coated SW bullet, which is generally regarded as the most powerful of these armor-piercing bullets, can penetrate the equivalent of four bulletproof vests in a single shot.

Significantly different from other handgun ammunition, the armor-piercing handgun bullets are made of extremely hard metals—usually steel or brass—which allow the bullets to retain...
their shape on impact. In addition, they travel at exceptionally high speeds. The more conventional handgun bullets are slower and they create a bigger impact to the target. Airsoft and BB pellets, the Executive Director of the National Rifle Association's Institute for Legislative Action, Warren Cassidy, has written that the airsoft pellets are designed to travel through the human body and are not the key ingredient to armor-piercing ammunition. In fact, it is responsible for no more than about 10 to 10 percent added penetration.

My initial research identified eight different manufacturers, both foreign and domestic, that make a handgun cartridge capable of penetrating the most popular police vests. The current availability of armor-piercing handgun ammunition is difficult to assess in precise terms. However, we do know they have been easily obtained by civilians through local gun shows and that we know that criminals have used them to shoot and kill police officers.

For example, on February 20, 1976, Florida Highway Patrolman Phillip A. Black and a visiting Canadian police officer, Donald H. Irwin, were shot and killed by ETV armor-piercing ammunition in Brevard County, Florida. The manufacturer's representatives were arrested shortly after the shooting and were served with several boxes of the ETV bullets. Interestingly, the manufacturer of ETV bullets claim their ammunition is made and sold "For Police Use Only," and is not available to the public.

More recently, on the night of September 13, 1983, David Schenck was arrested by Nassau County (NY) police on bank robbery charges. During a search of his home, police found a stockpile of weapons and ammunition, including 32 armor-piercing handgun cartridges.

A report prepared by the U.S. Bureau of Alcohol, Tobacco, and Firearms states that "approximately 30 million rounds" of a Czechoslovakian 9mm handgun bullet, that will easily penetrate the vests worn by police, were imported during the 1970's for commercial sale. Recent reports from law enforcement officials in my home state of New York indicate KTW armor-piercing "bullet resistant" bullets are still being sold in large quantities at local gun shops.

Beyond these facts, however, it is virtually impossible for anyone to determine the precise availability and use of these so-called "cop killer" bullets because statistical data do not show whether a bullet used in a crime is armor-piercing or otherwise. Consequently, however, tells us that as the number of police officers wearing bullet resistant vests continues to grow, criminals will have more reason to seek out and use armor-piercing handgun ammunition.

These alarming facts have led individual police departments and major police organizations across the country to endorse a ban on armor-piercing "cop killer" bullets. These police organizations include the International Union of Police Officers, the National Association of Police Organizations, and the International Union of Police Associations.

Public support has been equally overwhelming, as demonstrated by the fact that over 140 editorial boards from across the nation have called for a federal ban on armor-piercing handgun ammunition. Further, H.R. 153 has 184 House cosponsors and S. 555 has 17 Senate cosponsors.

Further, 10 states, as well as a number of localities, have enacted laws banning armor-piercing handgun bullets. They include, Alabama, California, Florida, Illinois, Indiana, Kansas, Maine, Oklahoma, Rhode Island, and Texas.

Even the manufacturers agree that these awesome projectiles should not be available to the public. In fact, as stated previously, the manufacturers of the notorious ETV armor-piercing bullet have labeled their product for "Police Use Only."

Raising serious questions about their fierce opposition to a ban on "cop killer" bullets, the Executive Director of the National Rifle Association's Institute for Legislative Action, Warren Cassidy, has written that the ETV armor-piercing ammunition did not kill the patrolman, but they are designed to penetrate armor.

"How ironic," I thought, after learning that the armor-piercing "cop killer" bullets the police community feared were made originally to help police. Adding to the irony was the fact that the law enforcement community--for whom the bullets were intended--considered the armor-piercing handgun ammunition too dangerous ever for police use. In fact, the International Association of Chiefs of Police, Inc., commented in a letter to me in February 1982 that "we can find no legitimate use for (armor-piercing) ammunition, either in or out of law enforcement. The manufacturer's position that it is "for police use only" is ludicrous."

Mr. Schenck's case is further substantiated by Remington Arms and Winchester, two of our nation's largest ammunition manufacturers. Remington began making a special metal penetrating load for police in 1938. However, it was discontinued in 1965. In 1982, the President of Remington, H.B. Blaine, issued the directive that the metal-piercing cartridges no longer be manufactured. With these facts in mind, it was certainly no surprise, then, to learn that both the Treasury and Justice Departments shared concerns about the use of armor-piercing bullets. As of September 1979, the Treasury Department informed me that "we share your concern and that of all law enforcement agencies with the availability of the ETV load other ammunition capable of going through the body armor used by officers. We sincerely regret the confusion that has surrounded misuse of this ammunition." In February of 1982, the Treasury and Justice Departments reiterated their position in a letter to me stating that the Department shares your concern that armor-piercing bullets "pose a danger to the law enforcement community."

In testimony nearly two years ago before the House Subcommittee on Crime, then-Assistant Attorney General Rudolph W. Giuliani was even more specific in stating Justice Department concerns.

He stated, "We see no legitimate reason for private use or possession of handgun bullets, such as the ETV, that are designed to penetrate armor."

Acting with what appeared to be consensus support from the police community, the Administration, and even the manufacturer of armor-piercing handgun ammunition, I first authored a bill in February 1981 to ban these so-called "cop killer" bullets except when needed for police or military use (my earlier bill had merely called for a study). In an identical bill, H.R. 935, was reintroduced this Congress, and a companion bill, S. 555, has also been introduced in the Senate by my distinguished colleague from New York, Pat Moynihan.
Contrary to what some critics might want to believe, H.R. 555-S 55 is not some drastically conceived gun control measure which I fully support. Instead, it is an approach to handgun bullets that benefit only one element of our society--the criminal.

Specifically, this legislation would direct our federal law enforcement community to consider banning armor piercing handgun ammunition, the NRA has chosen to ignore this challenge and, instead, mislead the American public by making totally inaccurate statements. In fact, they recently attempted to stir the emotions of their membership by saying the current firearms violation laws. Under the provisions of this restricted bullets would be subject to the law enforcement community. They have given assurance that they share my deep concern about the serious threat armor-piercing ammunition poses to our law enforcement community.

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handgun bullets, only the Justice Department appears to have followed through on that pledge, and their efforts have met continued resistance from Treasury officials.

Consider, for example, that when testifying on March 30, 1982, before the House Subcommittee on Crime, Deputy Assistant Treasury Secretary Robert E. Powell stated, “We are continuing to explore with the Justice Department other legislative alternatives. We will, of course, report to the committee, if and when we are better able to deal with this issue by means of legislation.” Since that statement, as best as I have been able to determine, the Treasury Department has not conducted any further studies or attempted in any other way to develop legislation aimed at restricting the availability of armor-piercing handgun ammunition.

The Justice Department, while far from expediency in their handling of this serious problem, has at least lived up to the spirit of their pledge of May 12, 1982, “to develop a workable definition of (armor-piercing) bullets.” In a letter to me dated January 31, 1984, Assistant Attorney General Robert M. McCulloch stated, “The Department of Justice has just recently forwarded a draft armor-piercing bullet package to the Office of Management and Budget for review within the Administration. I must caution . . . that this proposal is still subject to review (particularly by the Departments of Treasury and Commerce which have substantial expertise concerning firearms and body armor). Therefore, it may yet be found technically deficient in some respect. Nevertheless I am satisfied that we have now resolved the definitional problems which plagued this legislation in the past and that we will have a proposal for submission to the Congress in the near future.”

The fact that this proposal has not been formally proposed to Congress prior to today’s hearing lends me to reach a very disturbing conclusion—the Treasury Department has blocked the Justice proposal, which was developed after months of careful study and deliberation. If that conclusion is accurate, the Congress in all likelihood will be left to act on the “Cop Killer” bullet issue without an official Administration endorsement. I hope I am proven wrong on this assessment.

Although the Justice Department proposal was not made available for my review, I have been informed by Justice officials that its general thrust is very similar to the Biaggi/Moynihan legislation. For example, it supposedly contains a ban on armor-piercing handgun ammunition based on a standard of penetration, and it would provide enhanced mandatory penalties for criminals who use such ammunition. Major differences are that the Justice proposal would require testing to be conducted by the industry, rather than by the Treasury Department, and the standard of penetration would consist of a certain number of aluminum plates, rather than the 18 layers of Kevlar. For the record, I would have no problem with either change. In fact, I find the Justice approach rather appealing, and an hopeful the Congress will have an opportunity to give it the prompt and careful consideration it deserves.

While state laws and voluntary restrictions are encouraging, they are far from satisfactory. Only 10 states have restricted the availability of these high powered projectiles and the laws that do exist vary from one state to the next. Voluntary efforts are unenforceable and have already failed in keeping KTV bullets out of the hands of “cop killers.”

The president of one U.S. company that manufactures armor-piercing handgun ammunition has been quoted as saying, “It’s not up to me to regulate who gets the bullets.” An importer of the “cop killer” bullets has attempted to shift the blame to the vest manufacturers, saying, “(the armor-piercing bullets) penetration speaks less of bullet design than of the inherent limitations of the vest.”

Senator LAXALT. I thank you, Congressman, for an excellent statement. I guess you heard, Congressman, during part of my opening statement that we will have representatives of Justice and Treasury—as a matter of fact they are going to testify right after we are completed here. And if you would like, you are welcome to stay on to hear that testimony to see where we are at the present time in terms of policy positions coming out of both those agencies.

Let me ask you one question, and it has been submitted by staff, which I guess reaches some of the concerns that have been expressed to the committee.

Is it if your understanding that only a few types of cartridges, perhaps no more than a dozen, would be affected by this bill? Is that what we are talking about, essentially about a dozen or so? Is that ballpark?

Mr. BIAGGI. That is correct.

Senator LAXALT. OK. What if many types of ammunition, including ammunition that is presently being used for legitimate sporting uses would be banned by the bill? I gather from your testimony you do not intend to attain that result, do you?

Mr. BIAGGI. Absolutely not, Mr. Chairman. Absolutely not.

Senator LAXALT. But what if that would be the effect of it?

Mr. BIAGGI. Well, I do not see how it could, but let us deal with the hypothetical, for example the sportsman who might want to use a rifle bullet in a handgun. I would support placing additional limitations in the language in the bill that would further clarify that rifle ammunition is not to be affected in any way by this legislation. If this legislation is passed, it will, in my judgment, do the job well. And for those sportsmen or hunters who would like to use the rifle ammunition into the handgun, we have no problem with that.

Senator LAXALT. I thank the Congressman. At this point I would like to welcome to the hearing the distinguished ranking member of the full Committee on the Judiciary, Senator Biden of Delaware.

The chairman would be pleased to hear any statement that the Senator would like to make or any questions that he wants to address to the panel.
OPENING STATEMENT OF HON. JOSEPH R. BIDEN, A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator Biden. I will not take an unnecessary amount of time from my colleagues. I would ask that my statement be put in the record. I am a cosponsor of the Senator's legislation. And let me proceed to questions.

Welcome, Congressman, by the way. Let me ask you fellows, if you would, each of you, to respond. Obviously, there are not a lot of animals that wear bullet proof vests. So we are not really trying to work out how we can keep competitive and sportsmenlike conduct under way in the forests of America.

But there is, as one well known, Southern police officer who appeared in several James Bond movies stated, we have a communications problem here. And that problem relates to—is a definition one. And really all I would like to ask you gentlemen is whether or not you are willing to work out the details of the definition of what constitutes an armor-piercing bullet. We will hear testimony shortly from opponents of this legislation, that there are a whole range of bullets that would fall into the category of being banned if your legislation passed. And rather than go into much detail with you right now before I hear all their testimony, do I understand you both to be in a position that you are prepared to work on and work out a clear definition of what constitutes such a bullet to be covered by your legislation?

Senator MOYNIHAN. If I could just speak, Senator Biden, as far as we know that definition has already been worked out; it is in the Office of Management and Budget and we cannot get it out.

I said earlier—

Senator BIDEN. We have trouble getting a lot of things out of that office.

Senator MOYNIHAN. On the subject of big game hunting, I live in Delaware County, New York where more deer are shot each year than in any other county in New York. And I think I know something about deer hunting. I can tell you, no deer hunter in Prosses Hollow would use one of these bullets. Senator BIDEN. Yes.

Senator MOYNIHAN. This has come up. Nobody wants these damn things. Du Pont will not have anything to do with producing them. The police do not want them. The people do not want them. The only people making any money are the Czechs who have sold some 30 million rounds of this particular cop-killer bullet. Nobody wants these things.

An issue has been raised by the National Rifle Association about whether this somehow impinges on constitutional rights. This is not so. The only issue is, are you in favor of safety for your police officers? That is all. No respectable American corporation should want to make a penny out of these things.

Senator LAXALT. Are the Czechs presently manufacturing these bullets?

Senator MOYNIHAN. Yes, sir, buy all you want.

Mr. BAGG. 30 million rounds last year.

Senator LAXALT. Are we talking about big dollars in these items? Are these big dollars?

Mr. BAGG. There is a premium—

Senator BIDEN. On the sale of Communist bullets to kill American people.

Mr. BAGG. To kill Americans.

Senator BIDEN. I think this is an issue of communism versus democracy here.

Senator MOYNIHAN. I think you may have just gotten the Treasury Department.

Mr. BAGG. Senator, in relation to Du Pont, I acknowledged their public interest attitude. We had their representatives in almost 2 years ago, a year and a half ago. And when we put the questions to them, I said tell them what the consequence was of this. Teflon, they agreed to discontinue sale to the ammunition manufacturers.
Now, as far as the definitional question is concerned, that is one that has been troublesome. The Justice Department’s proposal, I think, resolves that. That is now languishing before the OMB and we are hoping that unlike many other proposals that sit there this one will be reviewed and—

Senator Biden. One last question, Mr. Chairman. Do we have any idea what the financial stake is that ammunition manufacturers in this country have in the sale of these bullets? Is it an economic question?

Senator MOYNIHAN. I would say almost zero. There is one corporation in Michigan that manufactures them. Yes, there is some money being made out of killing police officers. But it is not the money you and I would want to have anything to do with. And no respectable ordnance manufacturer would do so either.

Senator LAXALT. Are you telling us that most of these kinds of bullets are being imported?

Mr. BAGGI. Most of them.

Senator LAXALT. Are we importing from any other country other than Czechoslovakia?

Mr. BAGGI. Yes, we are, with Czechoslovakia providing the largest supply at this point. We have some small companies in America that produce the armor-piercing bullets and it is a fair percentage of their—well, relatively small portion of their business.

Senator LAXALT. Congressman, in view of the changed policies apparently of the police departments around the country not to use these armor-piercing bullets for their own purposes, what market is there for them currently?

Mr. BAGGI. Criminal market.

Senator MOYNIHAN. Criminals, that is all, and seriously no respectable ordnance company wants anything to do with these things.

Senator Biden. These things cost $1.50 apiece?

Senator MOYNIHAN. Oh, yes, they do not come cheap.

Senator LAXALT. Now, what would a cartridge of similar—

Senator MOYNIHAN. Around 40 cents. You would never use a pistol for target practice, so you would never use them.

Senator LAXALT. OR. I think that is all we have. As I indicated before, you are both welcome to stay on. Thank you very kindly.

Mr. BAGGI. Thank you.

Senator MOYNIHAN. Thank you. You have been very gracious.

 Senator LAXALT. All right. Let us hear from the Government. Our next witnesses will be Jay B. Stephens who is Deputy Associate Attorney General of the Department of Justice, and we also have with us Robert Powis, who is the Deputy Assistant Secretary of Enforcement from Treasury.

We will hear first the presentation from Justice; as we previously indicated, because of the multitude of witnesses we have on these various panels, I would appreciate it greatly if you can limit your formal testimony. We are going to take your written testimony, of course, and file it for the record for the edification of our colleagues.

Mr. Stephens, will you please proceed.
Mr. Stephens. We would look at the enforcement aspects on the criminal use side. Treasury would look at the enforcement aspects arm ammunition. OMB, of course, is the umbrella to harmonize those positions and develop a position for the administration on this.

Senator Laxalt. Congressman Biaggi in his testimony or in response to a question, I do not recall which, made reference to the bureaucracy for a couple of years. Is that the case? Have you the last couple of years in terms of coming forward with policy progress. I can only speak for the Department of Justice, but we have made some significant progress.

Mr. Stephens. Senator, I think we have made some significant for the Department of Justice, but we have made some positive steps in dealing with the issue.

First of all, with respect to use of armor-piercing ammunition, we have proposed legislation as part of the administration’s legislative agenda. Last year we worked with the committee to develop a set of mandatory minimum sentences as a way of addressing the issue. We believe in the proposed legislation.

Second, we have provided test procedures which can shed light on the effectiveness of the armor-piercing ammunition. We believe these test procedures are a significant step forward.

Third, the Department of Justice has undertaken a significant research and development project through the Bureau of Justice Standards. We have developed some test procedures that we believe will help identify the effectiveness of armor-piercing ammunition.

Senator Laxalt. You mean to help us on the definitional problem?

Mr. Stephens. That is correct, Senator. As the Senator pointed out in his opening statement, we believe this is really one of the fundamental issues that the committee is trying to resolve. And we would expect the committee to resolve the definitional issues.

While there is some concern that may be expressed about certain aspects of the test by Treasury or others, we believe the test procedures provide a significant step forward.

It uses aluminum plates which are fixed test plates. It uses fixed test fixtures from which to fire certain types of ammunition and you can develop a scale, much as if you would test various aspects of automobile safety or any other kind of safety standard that you might want to test, in a fixed set of circumstances.

Senator Laxalt. Have you discussed that approach, Mr. Stephens, with the private sector?

Mr. Stephens. We have on some occasions discussed that with manufacturers of some of the ammunition. Indeed, I think in one case that I’m familiar with, the manufacturer did not find that particular approach overly onerous and indeed it would suggest we could better define the technological aspects that were outlined in that test.

Senator Laxalt. How about the gunowner groups?

Mr. Stephens. To my knowledge, the Department of Justice has not discussed that specific issue with the gunowner groups. I believe the Treasury Department may have.

Senator Laxalt. I see.

Mr. Stephens. I would just like to take a moment with the chairman’s consent to have special agent Pisante demonstrate to the committee a couple of the different types of body armor that are available. And we would like to point out, Senator, that the reason we are doing this is to show that the type of body armor that is most prevalently worn by officers in the field is body armor II-A and that body armor is intended and designed and in fact stops most small arms ammunition that they would encounter under most circumstances.

It would also like to point out that the Department of Justice through the National Institute of Justice is currently developing a new set of soft body armor, what we refer to as III-A, and that now 5-year minimum sentence for the first such offense and a 10-year minimum sentence for the second such offense. I think that is a substantially greater penalty than is in S. 555.

Second, and Treasury will want to speak to this more specifically, we have— the administration has developed a number of voluntary agreements with the importers and manufacturers of so-called armor-piercing ammunition. As I indicated, Treasury will want to speak to this more specifically.

We would look at the enforcement aspects on the Treasury side. And at Treasury we would want to speak to this more specifically.

Mr. Stephens. Senator, with the private sector?

Senator Laxalt. With the private sector?

Mr. Stephens. Yes, Mr. Laxalt. We have on some occasions discussed that with the private sector.

I would just like to take a moment with the chairman’s consent to have special agent Pisante demonstrate to the committee a couple of the different types of body armor that are available. And we would like to point out, Senator, the reason we are doing this is to show that the type of body armor that is most prevalently worn by officers in the field is body armor II-A and that body armor is intended and designed and in fact stops most small arms ammunition that they would encounter under most circumstances.

We would also like to point out that the Department of Justice through the National Institute of Justice is currently developing a new set of soft body armor, what we refer to as III-A, and that now 5-year minimum sentence for the first such offense and a 10-year minimum sentence for the second such offense. I think that is a substantially greater penalty than is in S. 555.

Second, and Treasury will want to speak to this more specifically, we have— the administration has developed a number of voluntary agreements with the importers and manufacturers of so-called armor-piercing ammunition. As I indicated, Treasury will want to speak to this more specifically.

We would look at the enforcement aspects on the Treasury side. And at Treasury we would want to speak to this more specifically.
cens were to wear type III-A body armor, they would probably be protected from most kinds of handgun ammunition; those types that would penetrate that would be banned. And those that would be banned would not really be legitimate recreational type of ammunition.

So we realize this is a difficult problem, as you can tell, I think, and we would like to have you understand that we have been working on it from an expert technical point of view. We are trying to arrive at a solution here that protects police officers in those circumstances where they need protection beyond what they have now.

And in that regard I would like to emphasize—

Senator LAXALT. Before you proceed to that, you saw the various bullets that were displayed here this morning. Apparently, they were over-the-counter sales or purchases. Based upon this standard that you are now adopting or attempting to adopt, would all these bullets be banned or do you know?

Mr. STEPHENS. Senator, I cannot really address that issue because I am not sure of the specific type of the bullets that were here, whether they are over the counter; they may indeed be—I do not know what the specific model, type, velocity, brand of these particular bullets were. But we are clearly talking about banning the KTW type of bullet and certain types of imported 8-millimeter rounds that are not viewed as having any legitimate—

Senator MOYNIHAN. Mr. Chairman, would you allow me to make one clarifying point?

Senator LAXALT. Surely, all yours.

Senator MOYNIHAN. Mr. Stephens responded to your question about the specifications contained in the legislation before you, whether they were too broad, and I believe Mr. Stephens said that they were too broad.

Mr. STEPHENS. That is correct, Senator.

Senator MOYNIHAN. Well, now that is not correct, sir. There are no specifications in our bill. Our bill directs the Secretary of the Treasury to make such specifications. Mr. Stephens. The Senator is correct on that point. The bill does refer the matter to the Treasury.

Senator MOYNIHAN. We do not want the Congress to do this. We asked the executive, which has the Institute of Justice and the National Bureau of Standards and the FBI at its disposal, to make the judgment.

Senator LAXALT. What in the bill then caused you to express the concern you have in your statement, that the bill itself is too broad, Mr. Stephens?

Mr. STEPHENS. Senator, I think the concern would better be expressed in that we believe this is a significant policy issue which the legislative branch should address. We in the executive branch have attempted to develop an effective test so that the Congress can make an informed decision on this matter.

We believe that this decision can be drawn in such a way as to provide for legitimate use of certain types of ammunition and certain types of firearms and it also can be drawn in such a way as to protect police officers. We are essentially saying we believe this is a decision which should be made by the Congress because it is a sig-

significant policy decision and it should be made that way rather than through a set of regulations which may vary.

Senator LAXALT. Let me ask the Senator from New York a question, then. The approach that is now being adopted by Justice in order to develop an acceptable standard, is that consistent with the thrust of the legislation?

Senator MOYNIHAN. Exactly. And this legislation would simply require that it be done. But we are not asking the Congress to make the judgment about what is, or is not, such a bullet, but we are asking the executive branch, where it properly belongs as a judgment.

Senator LAXALT. And that requires, I guess necessarily, the proper definition; and that is precisely, I gather, what Justice is attempting to pursue.

Senator MOYNIHAN. Mr. Chairman, we appropriated money a year ago for this purpose. They have done the job. It is in the OMB, but OMB will not let it out.

Senator LAXALT. What are the dollars involved? Do you know off-hand?

Mr. STEPHENS. I think we spent approximately $80,000.

Senator LAXALT. $80,000.

Mr. STEPHENS. Senator, I would point out there is some concern that even if you have a test, how enforceable is it in terms of the various types of ammunition that is available?

And I cannot speak to that as well as Treasury and would defer to Treasury on their concerns about once you have a piece of legislation that is designed like this, how enforceable are those standards and can we really have a significant impact on the problem given the enforcement problem.

Senator LAXALT. Do you have any questions, Senator?

Senator MOYNIHAN. Thank you, Mr. Chairman. Would you agree that a ban on importation would have a significant impact?

Mr. STEPHENS. Indeed. I understand from Treasury that they have achieved essentially a ban through their voluntary agreements with manufacturers. But a ban on importation of the bullets from Czechoslovakia that are flooding our markets, if that is indeed the case, and I think Treasury would disagree that this is indeed the case, a ban on importation of a limited class of bullets that have no legitimate use would certainly assist in that narrow category of situations where we have ammunition that can penetrate body armor of the III-A level, for example.

I think with the consent of the chairman that we can demonstrate briefly the differences between the two categories and what we can protect from normal handgun ammunition and those types of body armor which are available to protect against substantially greater velocity and caliber of ammunition, which would be used more in siege situations or in SWAT team situations where you have snipers, that kind of thing.

I would like to have Special Agent Fisante to show the committee the two particular types of body armor, III-A and then also body armor IV, soft body armor.

Senator LAXALT. Surely, please. Before we proceed to that, based upon these tests that you are now conducting, have you got any
ide, Mr. Stephens, how many types of ammunition are going to be banned? Do you have any handle on that yet at all?
Mr. Stephens. How many?
Senator Laxalt. Types, yes.
Mr. Stephens. How many types. I do not, but I think we are talking about a small number of types. I mean, we are not talking about a vast—we are not talking about 100 or 200 types of ammunition, although there is an infinite variety of ammunition out there in terms of casings, caliber, loadings, so that that number may be larger than I currently believe it is. But I think it is a relatively small number.

Mr. Pisante. Mr. Chairman, this vest that you see here is referred to as a level II-A ballistic protective undergarment, which is designed to defeat projectiles comparable to low-velocity .357, 9 millimeter threats. The material inside the garment is constructed with a Du Pont aramid fiber called Kevlar.

This vest was originally designed for use in law enforcement to protect police officers when they least expect to be shot, during daily activity, to be worn constantly through a tour of duty. In previous times police officers have worn in the past rigid body armor, which is classified at level IV and will expand the threat level protection up to 30-caliber armor-piercing ammunition. Because this armor is so heavy and roughly can range from anywhere from 12 to 60 pounds, it is not practical to consider an officer carrying this around on a daily basis. Therefore, this armor designed to protect against handgun bullets is worn on a daily basis by the police officer.

Senator Laxalt. Does the level IV have military application currently or do you know?
Mr. Pisante. Yes, it does, sir. Its original application was military.

Senator Laxalt. But as a practical matter, it has very little, if any, police application because of its weight and bulkiness.

Mr. Pisante. It does have application in police work when the threat level exceeds the handgun. This was designed for special raid-type operations when higher than handgun threats are expected.

Senator Laxalt. You mean a terrorist type of situation, perhaps?
Mr. Pisante. Possibly so or an armed barricade situation.

Senator Laxalt. We thank you. Senator, do you have any questions?

Senator Moynihan. No.

Mr. Stephens. Senator, I would like again to emphasize the results of the test and the test procedure has been provided to the committee staff and that is available to assist the committee in its deliberations.

Senator Laxalt. It will be very helpful.

Mr. Stephens. Thank you. Just to emphasize to summarize, then, we believe we really have made some strides over the last year, 18 months on this particular problem. There is no doubt the Department of Justice stands behind the law enforcement officers of this country. We believe they deserve the protection. We believe they deserve to have those concerns expressed here and to have the committee address those.

There are competing concerns. We have, we believe, to date made some significant strides. As I indicated, the use of armor-piercing ammunition would be a 5- or 10-year mandatory minimum the Senate and which we hope will pass the House expeditiously. And we believe we really have made some strides over the last year, 18 months on this particular problem. There is no doubt the Department of Justice stands behind the law enforcement officers of this country. We believe they deserve the protection. We believe they deserve to have those concerns expressed here and to have the committee address those.
Mr. Chairman, it is a pleasure to appear here today on behalf of the Department of Justice to discuss the issue of armor-piercing handgun ammunition and the threat which such ammunition poses to law enforcement officers and others who use soft body armor. We support the thrust of legislation restricting the availability of armor-piercing bullets while recognizing that such restrictions in themselves do not provide a panacea to the dangers faced by law enforcement officers.

To understand the vital interest of the Department of Justice in this issue, it is important to understand our concern about protecting law enforcement officers and our role in the development of soft body armor to assist in that effort. In 1971, Lester Shubin of the Department's technology development program became aware of a new synthetic fiber, marketed under the trade name "Kevlar", originally developed for use as a replacement for steel cords in automobile tires. Recognizing the potential of this fiber, the Department of Justice pioneered the development of a prototype vest made from "Kevlar" and, following extensive laboratory work, conducted field tests of this new type of body armor in fifteen cities. Results exceeded expectations. In addition to offering exceptional ballistics resistance, the new vests were light, flexible and could be worn unobtrusively under normal street clothes and uniforms.

By 1975, dozens of manufacturers had entered the body armor market producing a wide range of soft, lightweight body armor. Because few state or local agencies had the resources to test the quality of such body armor, the National Institute of Justice of the Department of Justice, in concert with the National Bureau of Standards of the Department of Commerce, developed a body armor standard published in December of 1978. This standard established procedures for testing body armor and created five different armor categories: Type I, Type IIA, Type II, Type III and Type IV.

These body armor categories protect against increasing threat levels. For example, the Type I armor is the lightest weight providing protection against designated handgun ammunition when fired from a distance of five meters under specified conditions; the Type IV armor is the heaviest providing protection against designated armor-piercing rifle ammunition. Types I, IIA and II are soft body armor. Types III and IV incorporate metallic or ceramic materials and are normally used by special weapons teams in sniper or siege situations.

With the Chairman's consent, we would like to show the Subcommittee the different types of body armor now used by law enforcement officials and to explain the various uses and characteristics of each.

(Demonstration)

An estimated 50% of the nation's law enforcement officials use body armor such as that you have just seen, primarily due to the efforts of the Department of Justice and the International Association of Chiefs of Police, both of which strongly advocate its use. Soft body armor has saved the lives of an estimated 400 police officers during the past eight years. We have, therefore, been concerned over the availability of handgun ammunition capable of defeating soft body armor and have devoted substantial efforts in recent months to development of an appropriate and workable legislative remedy to the problem.

Our technicians have known from the beginning that soft body armor, like all other forms of armor, can be pierced by particular types of handgun rounds. The standards used for testing different classes of body armor require that the armor be able to stop specific types of bullets posing particular threat levels in order to receive a rating. It is for this reason that body armor is referred to by technicians as "ballistics-resistant" apparel. The fact that body armor is more commonly referred to by the public as "bullet-proof" has created the mistaken impression that body armor can or should be able to stop any bullet. Rather, soft body armor
is designed to stop the most common threats that police officers face.

With this background, experts were not at all surprised by a network television news program in early 1982 on the "KTW" bullet and its ability to penetrate multiple thicknesses of soft body armor. Our technicians were, however, disturbed that such information was so widely distributed to the public, in essence creating a shopping list for criminals.

Our concern over the publicity surrounding the "KTW" bullet is two-fold. First, we fear that publicity surrounding the availability of handgun ammunition capable of defeating body armor could encourage assassins and other criminals to search out those particularly dangerous classes of ammunition to use in their endeavors. Although our technicians have known about the "KTW" bullet for many years, this and other forms of armor-piercing ammunition were not felt to constitute a substantial threat because most criminals are not so sophisticated as to realize that the protection afforded by body armor is limited and that there are varieties of ammunition available which will penetrate it. Although we are unaware of any instance in which an armor-clad police officer has been shot with armor-piercing handgun ammunition, the publicity surrounding the "KTW" bullet has, in our view, increased the likelihood of such attacks.

Secondly, we are concerned that the publicity over armor-defeating ammunition may discourage police officers from wearing body armor. In this regard, although the new soft body armor is comfortable to wear by comparison with earlier types of armor, it is a constant problem for police administrators to ensure that body armor issued to officers is indeed worn. Too often, officers to whom body armor was issued have been killed or severely wounded because the armor was left in a dressing room locker or the trunk of a squad car. By discouraging the use of armor, the publicity surrounding the availability of armor-piercing handgun ammunition could result in more deaths and crippling injuries than the actual use of armor-piercing bullets against officers wearing body armor.

In order to provide law enforcement officers with some measure of additional protection, we have continued to try to develop appropriate and enforceable restraints upon the manufacture and importation of armor-piercing handgun bullets which would not be unduly onerous to gun owners or ammunition manufacturers. In this regard, we believe that we should do all we can to encourage police departments to equip their officers with body armor, for in the last analysis this is a more effective way of reducing injuries to law enforcement officers than an effort to restrict the availability of certain ammunition which could defeat some types of armor.

In early 1982, the Department of Justice commenced work on legislation to ban the manufacture or importation of certain armor-piercing handgun ammunition. Our initial efforts produced a draft bill very similar to S. 555 and other bills currently pending before the Congress. Careful review of these proposals, however, revealed that they were overbroad in their reach inadvertently banning ammunition with legitimate recreational uses. In fact, early proposals would have inadvertently deprived thousands of citizens of the use of their firearms by banning all ammunition being manufactured for certain handguns. Moreover, our early efforts at a legislative definition of "armor-piercing" bullets were imprecise with the result that they did not give adequate notice to manufacturers and importers as to precisely which bullets are legal and which are prohibited. S. 555 and other similar bills now before the Congress suffer from these same grave defects.

During the time we have been considering this broader issue we have taken steps to protect law enforcement officers. First, we have supported enactment of mandatory-minimum penalties for the criminal use of such ammunition during the course of a federal crime of violence. With respect to creating criminal sanctions for the criminal use of armor-piercing handgun ammunition, absolute...
precision from a technical standpoint is not as crucial as in the area of restricting production or importation as law enforcement officials will often be in possession of both the suspect ammunition and the handgun in which it was loaded thereby facilitating testing to ensure that the ammunition is armor-piercing when fired from the weapon in possession of the felon. Our proposal of minimum-mandatory penalties for criminal use of armor-piercing bullets was recently approved by the Senate as Part E of Title X of the Comprehensive Crime Control Act, S. 1762.

We believe the mandatory-minimum penalty proposal governing criminal use of armor-piercing bullets constitutes a substantial contribution to reducing the threat to officers posed by armor-piercing bullets. We hope that this important measure will be enacted by the Congress this year.

Second, in early 1982, the Department of the Treasury met with ammunition manufacturers and importers and secured voluntary agreements to halt importation, manufacture or public sale of the most dangerous armor-piercing bullets. This was an important step toward reduced availability of bullets which were already rare. These voluntary agreements reflect great credit upon the Department of the Treasury and upon ammunition manufacturers and importers. I understand that a Treasury representative will discuss these voluntary agreements more fully later today.

To assist the Subcommittee in its consideration of this issue, we have furnished to Subcommittee staff copies of the test procedure we developed in an effort to distinguish among different types of bullets based upon penetration capability. This test procedure is a "complete" one in that it recognizes that the penetration potential of ammunition cannot be precisely evaluated without reference to the system from which it is fired. Barrel length, the type of handgun used (i.e., pistol or revolver), the tolerances to which the weapon is manufactured, and the amount of wear to which the weapon has been subjected affect the velocity at which projectiles emerge from weapons. The test procedure, therefore, provides for firing of test ammunition from test fixtures used by manufacturers to test velocity of ammunition. Detailed written standards exist for these test fixtures. Furthermore, rather than using layers of "Kevlar" as the test medium, the NIJ test procedure provides for use of a series of aluminum plates to determine penetration. Metal plate is much more uniform than fabric in its composition and penetration resistance and thus yields more precise and predictable results. The use of metal plates rather than fabric as the test medium also reduces costs associated with performing penetration tests. In short, our test procedure eliminates many of the variables in S. 555 and yields predictable results. We have also provided your staff with a summary of our test results for about 100 different handgun bullets showing the number of plates the various bullets will penetrate. We hope that the test procedure and test results will be useful to you in your consideration of this issue.

In sum, we believe we have made significant progress in addressing this issue. We have developed mandatory-minimum penalty legislation for the use of armor-piercing bullets, and we have obtained voluntary agreements to restrict the availability of such ammunition. We have also developed a feasible test procedure which can provide a base from which to work to develop restrictions on the availability of certain armor-piercing handgun ammunition without imposing undue burdens on manufacturers or legitimate gun owners. We recognize that these additional efforts do not provide an easy panacea to the protection of our law enforcement personnel and that in the last analysis increased use of body armor by police officers provides the best line of defense. We will continue to work to take those additional steps that could provide some added measure of safety for those who are on the front line in our fight against crime.
The first documented saving of a life by the use of one of these vests was recorded in December 1975 in Seattle. Some vests, made of Kevlar, and provide the police officer today with a considerable amount of protection from bullets. Assistant vests have a much shorter history and information regarding protective vests was not known by the general public or indeed by many law enforcement officers until a television program highlighted this situation in 1981.

The so-called KTW has been relatively well known in the domestic ammunition industry for the last 15 years. It did not just come on the market at the same time that bullet proof vests did. While information about armor-piercing ammunition was known in the industry, this information was not known by the public or indeed by many law enforcement officers until a television program highlighted this situation in 1981. Thereafter, there has been a great deal of publicity about armor-piercing ammunition, which, in my view, has served to generate a lot of apathy and complacency in the industry. This is alarming when one considers the probability of assault that officers face; 82 percent of assaults on police officers involve firearms. At the present time, roughly one-half of the Nation's police officers have bullet resistant vests as part of their protective equipment.

Unfortunately, only about 15 percent of the officers who have these vests wear them regularly. This is alarming when one considers the probability of assault that officers face; 82 percent of assaults on police officers involve firearms. At the present time, roughly one-half of the Nation's police officers have bullet resistant vests as part of their protective equipment.

There are a number of fallacies connected with the whole issue of legislation regarding armor-piercing ammunition. Some of these fallacies concern the issue of Teflon coating. People seem to think that it is the Teflon coating which confers upon the material some sort of magical property. It is not. This is the most important fallacy of all. Teflon coating is only an infinitesimal amount of added weight and a infinitesimal amount of added cost. The real advantage of Teflon is that it reduces the amount of friction and wear on the material. Protective vests or vests composed of soft body armor, which are commonly worn by many police officers today, have a much shorter history. Tests by the Department of Justice in the early seventies led to a significant breakthrough in the development of bullet resistant vests, made of Kevlar, and provide the police officer today with a considerable amount of protection from bullets.

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One of the main misconceptions connected with the entire issue of armor-piercing handgun ammunition legislation is an assumption that the armor vests were designed to stop just about every kind of handgun ammunition. This is false. The design was to protect against the most frequently encountered handgun ammunition while at the same time being comfortable, convenient, and concealable to encourage its everyday use.
The armor-piercing qualities depend upon the type of jacket, the shape of the bullet, the amount of the propellant, the barrel length, muzzle velocity and a number of other factors.

Another misconception deals with the use of vests by police officers who have been killed by armor-piercing bullets. To the best of our knowledge, no police officer has ever been shot and killed by a bullet from an armor-piercing round which has penetrated a soft body armor vest.

Another fallacy, which I have heard here this morning, and I want to correct on the record, has to do with Czech ammunition. This ammunition was made in Czechoslovakia particularly between the period 1949 and 1952. It is not armor-piercing ammunition. I repeat, it is not armor-piercing ammunition. It was not designed as such.

It will, however, penetrate a type II or a type II-A Kevlar vest under certain circumstances. Not 50 million rounds were imported into the United States, but 13 million rounds. The importation occurred in the early seventies, and it was ammunition that was located in England and owned by a citizen.

The State Department under those circumstances made an exception and allowed for the importation of the ammunition. It is not presently manufactured. It is not presently imported, and any information to the contrary I just do not know where it comes from. It is also very cheap. It goes for about 15 cents a cartridge.

The legislative proposal contained in S. 555 has a number of amendments, and hence we are not able to support it. In the first instance, the regulation would restrict handgun bullets rather than complete cartridges. This is impractical because the performance of a bullet is dependent upon a large number of factors, including the quantity and type of propellant power used to assemble the bullet into a cartridge.

The performance of a bullet which will not penetrate armor on a test can be easily changed by varying the quantity and/or type of propellant so that the same bullet will indeed penetrate armor. This regulation would theoretically require testing of an infinite variety of cartridges, each having a slightly different quantity and/or type of propellant. In any event, the regulation or regulations which attempt to address the problem should deal with complete cartridges rather than mere bullets or projectiles.

Another problem is that many handguns currently produced do not fire ammunition, which is likely to be much sporting rifle ammunition. In the United States, below S. 555 all rifle cartridges for which handguns are made have to be tested. This would be a monumental task. Many sporting rifle cartridges would end up being restricted by the bill.

Even though regulations may be prescribed under S. 555 which will list certain restricted ammunition, the physical identification of the restricted ammunition as opposed to similar cartridges which are not restricted, would be very difficult.

The testing of ammunition contemplated by the bill would be burdensome because virtually all domestically produced ammunition would need to be tested.
that there are situations where you can go out and buy armor-
vests is expedited to the greatest extent possible.

We think that the steps we have taken in this area are reasona-
ble and indicate our concern for the safety of police officers by
positive action and not by cumbersome legislation and regulatory proc-
cesses which may not in the long run produce the desired results.

As indicated previously, only one-half of the police officers in this
country are currently issued soft body armor as part of their equip-
ment. Recent information indicates that only 15 percent of these
officers regularly wear this body armor. Statistics further indicate
that more lives of police officers could be saved if they had Kevlar
vests and used them.

It is our intention to encourage police administrators, police asso-
ciations, and local governments to both procure the existing stan-
dard body armor and to take whatever measures are necessary to
ensure that police officers wear this protective material.

A significant increase in the number of officers who are issued
protective vests and even more importantly, a significant increase
in the number of officers who regularly use these vests would be
the greatest single factor in saving more lives right now.

The Department of Justice is in the process, as they testified, of
developing standards for a so-called type III-A Kevlar vest which
will offer considerable more protection than that offered by the
current type and type II-A. The administration intends to ensure
that the development of this standard and the utilization of these
vests is expedited to the greatest extent possible.

Along with this I would like to suggest the possibility that
additional research might be conducted to explore the possibility of
developing an even better soft body armor than is currently avail-
able. Perhaps there is something out there which will do the job
better than Kevlar and give police officers better protection than is
presently available.

In conclusion, Mr. Chairman, I must state that the administra-
tion is opposed to S. 555 for the reasons laid out above. Important
questions are raised by the legislation as to whether the regulatory pro-
posal envisioned here or any regulatory scheme devised pursuant
to other legislation might produce the desired result of saving
the lives of police officers.

We believe that this legislation contains a cumbersome, impre-
cise and costly regulatory process which would be extremely dif-
cult to enforce and in the long run would have little or no impact
on police officer safety, but would in effect create an imprecise, in-
effective regulatory framework and would be extremely difficult to
enforce.

That concludes my statement, Mr. Chairman. We will attempt to
answer questions which you or the committee members may have.

[The prepared statement of Mr. Powis follows]
Protective vests or vests composed of soft body armor which are commonly worn by many police officers today have had a much shorter history. Tests by the Department of Justice in the early or middle 1970's led to a significant breakthrough in the development of bullet resistant vests made of Kevlar which provided the police officer with a considerable amount of protection from bullets. The first wide scale test of these vests under the auspices of the Department of Justice occurred in 1975 when 5,000 vests were worn by police officers in 15 different cities. The first documented "saving of life" by use of one of these vests was recorded in December 1975 in Seattle. Since that time it is estimated that approximately 400 police officers have been saved from firearms attacks and another 200 have been protected from other injuries including those caused by auto accidents because they wore the vests.

A study mentioned in a recent article in Law and Order Magazine, shows that most assaults on police officers (approximately 82 percent) involve the use of hands, feet and fists. Only about 5 percent of assaults on police officers involve firearms. At the present time roughly one-half of the nation's 570,000 sworn police officers have bullet resistant vests as part of their protective equipment. Unfortunately only about 15 percent of the officers who have the vests wear them regularly. This is alarming when one considers the probability of assault that officers face. Eighty-two law enforcement officers were killed by firearms in 1982. It is estimated that one-half of these deaths could have been prevented if they were wearing a Type II-A Kevlar vest. Of the eighty-two killed, sixty were shot with handguns and fifty-five were hit in the torso. The main reason why police officers do not wear soft body armor has to do with the amount of body heat retained by the material. Several new types of vests have been developed to allow for greater moisture absorption and air movement. It is hoped that these new styles will increase usage of the vests.

The Type II vest is the most commonly used today. It will stop nearly all of the handgun rounds that were used to kill officers in the last ten years. The Type II-A vest is gaining wider use because it is lighter and somewhat cooler than the Type II. The Type II-A vest will stop more than 90 percent of the handgun bullets used in criminal attacks. The cartridges used in these attacks will likely be standard non-armor-piercing type ammunition.

There are a number of fallacies connected with the whole issue of legislation regarding armor piercing ammunition. Somehow these fallacies keep getting repeated by the media and by others as if they were fact. One of the main misconceptions connected with the entire issue of anti-armor-piercing handgun ammunition legislation is an assumption that soft armor vests were designed to stop just about every kind of handgun ammunition. This assumption is inaccurate. The design was to protect against the most frequently encountered ammunition while at the same time being comfortable, convenient and concealable to encourage its every day use.

Another fallacy has to do with the question of Teflon coating. People seem to think that it is the Teflon coating on the ammunition which confers upon it its armor-piercing qualities. This is inaccurate. Teflon is little more than a cosmetic additive. It adds only an infinitesimal amount of velocity to an armor-piercing bullet, and provides some protection to the gun bore. The armor-piercing qualities depend upon the type of jacket, the shape of the bullet, the amount of propellant, barrel length, muzzle velocity and other factors. Another misconception deals with the use of vests by police officers who have been killed by armor-piercing bullets. To the best of our knowledge no police officer has
ever been shot and killed by an armor-piercing round which has penetrated a soft body armor vest being worn by the officer.

The legislative proposal contained in S. 555 has a number of problems which leads us to believe that it will be unenforceable and hence we are not able to support it. In the first instance the regulation would restrict handgun bullets rather than complete cartridges. This is impractical because the performance of a bullet or projectile is dependent upon a number of factors including the quantity and type of propellant power used to assemble the bullet into a cartridge. The performance of a bullet which will not penetrate armor on a test can be easily changed by varying the quantity and/or type of propellant so that the same bullet will indeed penetrate armor. The regulation would theoretically require the testing of an infinite variety of cartridges, each having a slightly different quantity and/or type of propellant. In any event the regulation or regulations which attempt to address the problem should deal with complete cartridges rather than mere bullets or projectiles.

Another problem is that many handguns currently produced fire rifle type ammunition. It is likely that many sporting rifle ammunition when fired from a 3-inch barrel would penetrate soft body armor. Therefore, under S. 555 all rifle cartridges which are made would have to be tested. This would be a monumental task. Many sporting rifle cartridges would end up being restricted by this bill.

Even though regulations may be prescribed under S. 555 which will list certain restricted ammunition, the physical identification of the restricted ammunition, as opposed to similar cartridges which are not restricted, would be very difficult. The testing of ammunition contemplated by the bill would be burdensome because virtually all domestically produced ammunition would need to be tested. Additionally, the bill would require the testing of all foreign ammunition imported into the United States. The changing of ammunition designs would create an additional burden by mandating continuous testing.

The purpose of this bill may be thwarted if ammunition, which although tested and determined to be non-armor-piercing, is used in firearms having a barrel length exceeding that of the test weapon. A longer barrel can cause increased muzzle velocity, which in turn, can give a projectile from a non-restricted cartridge the ability to penetrate soft body armor.

In addition to the rifle ammunition which could be used in certain handguns, there is a variety of other readily available handgun cartridges presently in commercial channels which are not designed or intended to be armor-piercing or to penetrate soft body armor, but which would probably cause penetration and which would be banned.

For all of the above reasons it is our belief that the legislative definition of armor-piercing bullets is imprecise and results in a situation whereby manufacturers and importers will not be given adequate notice to decide which bullets are legal and which are prohibited.

Mr. Chairman, this Administration shares the Committee’s concern about the safety of police officers. We will not take a back seat to anyone regarding this concern. We have taken several steps and wish to propose others which underscore and highlight this concern. First, the Administration has proposed legislation as part of the Comprehensive Crime Control Act of 1984 which would impose a mandatory prison sentence of not less than five nor more than ten years for an individual who uses or carries a handgun loaded with armor-piercing ammunition during or in relation to the commission of a crime of violence. This is an important legislative remedy. We feel very strongly that an enhanced, mandatory penalty is the way to discourage the utilization of armor-piercing ammunition by criminals. We are in effect saying to the criminal, “If you commit a violent
crime you will be prosecuted and sentenced. If in addition you use a deadly or dangerous weapon in the commission of this crime you will be faced with an enhanced punishment. Furthermore, if the weapon which you used or carried was a handgun loaded with armor-piercing ammunition, you will face an additional sentence of not less than five years which must run consecutive to a sentence imposed for the felony committed. I would urge that all of the members of this Committee support this mandatory penalty and the entire Comprehensive Crime Control Act of 1984 as a demonstration of concern and support for the safety of police officers.

Another action taken by this Administration deals with contacts made with manufacturers and importers of certain specifically designated types of armor-piercing ammunition. In these contacts, we have requested voluntary compliance by the manufacturers and importers for a proposition whereby they would only sell this type of ammunition to the U.S. military; to official Federal, state and local law enforcement agencies and/or to foreign governments as authorized by law. We think that these contacts have been significant. To the best of our knowledge all of the manufacturers and importers have either agreed to our proposition or have gone out of the business of importing or producing armor-piercing ammunition. We do not believe that this type of ammunition is readily available in the market place. We have asked various individuals and groups to bring to our attention any indication that this kind of ammunition is readily available. We have stated that we would take follow-up action if this situation exists. To this date no one has come forward with information about the ready availability of armor-piercing ammunition. We think that this is a very reasonable step and indicates our concern for the safety of police officers by positive action and not by cumbersome regulatory processes which may not in the long run produce the desired results. As indicated previously only one-half of the police officers in this country are currently issued soft body armor as part of their equipment. Recent information indicates that only 15 percent of these officers regularly wear body armor. Statistics further indicate that many more lives of police officers could be saved if they had Kevlar vests and used them. It is our intention to encourage police administrators, police associations and local governments to both procure the existing standard body armor and to take whatever measures are necessary to ensure that police officers wear this protective material. A significant increase in the number of officers who are issued protective vests and even more importantly a significant increase in the number of officers who regularly use these vests would be the greatest single factor in saving more lives right now.

The Department of Justice is in the process of developing the standards for a so-called Type III-A Kevlar vest which will offer considerably more protection than that offered by the current Type II and Type II-A vests. This Administration intends to ensure that the development of this standard and the utilization of these vests is expedited to the greatest extent possible. Along with this action, I would like to suggest the possibility that additional research might be conducted to explore the possibility of developing an even better soft body armor than is currently available. Perhaps there is something out there which will do the job better than Kevlar and give police officers better protection than is presently available.

In conclusion, Mr. Chairman, I must state that the Administration is opposed to S. 555 for the reasons stated above. Important questions are raised by the legislation as to whether the regulatory proposal envisioned here or any regulatory scheme devised pursuant to other legislation might produce the desired result of saving the lives of police officers. We believe this legislation contains a
last year, and so forth, there is an implication that officers are killed, either wearing or not wearing a bullet proof vest.

Mr. POWIS. Well, certainly, Mr. Biaggi, we do not know that because we do not know the circumstances. And so we understand that specially designed armor-piercing rounds will penetrate a vest, but what we do not know—and I do not know about that particular situation—is what was the range of the shooting, and so forth.

So I do not think I or anyone else can answer that question with respect to the case in Florida.

Mr. BIAGGI. Mr. Powis, we have seen demonstration after demonstration where these armor-piercing bullets go through the front panel, the back panel, a substance equivalent to the human body and several telephone books after that. I am sure you do not mean to tell us or imply that if they were wearing a bullet-proof vest they would have survived?

Mr. POWIS. As a general proposition, Mr. Biaggi, I do not question at all that specially designed armor-piercing rounds and a number of other rounds that are not designed to pierce armor will penetrate a bullet proof vest.

What I am saying is that I do not know the facts and circumstances, regarding the shooting in Florida, the distance away that the people were, and so forth. So I do not know that anybody can tell us whether or not a bullet-proof vest would or would not have saved the lives of those officers.

Mr. BIAGGI. I do not think it serves any purpose to belabor the question. But I think the record speaks for itself and the demonstration speaks for themselves.

You opened your remarks by saying that prior to all this publicity criminals did not know about the armor piercing bullets and we, the NRA has been putting forth, that is one of the very special arguments that the NRA has been putting forth.

The fact is, Mr. Powis, the KTW bullets have been publicized since around 1980 when they were created in Ohio. And they have been publicized in all of the sports publications and the munitions publications. So clearly the argument that the NRA offers or you offer, Mr. Powis, is not true.

And, moreover, if you think that the criminals—and I know you know better, Mr. Powis—given your experience—need a television because frequencies, my friend, the criminals know more about the inventory, I am not talking about the leadership, but law enforcement at large.

Now, you make reference to the amount of foreign importations into the country; the fact is we have importation from France, from Finland, from West Germany, and from Sweden; as a matter
of fact the arrest that was made out in Nassau County, we found some armor-piercing bullets from Sweden. And you also make reference to the long barrel. From my experience as a police officer, and it has been fairly extensive in some of the more difficult places in the city of New York, most criminals You said you speak for the administration, including the Department of Defense. I heard the Department of Justice take a contrary position. You speak for the Department of Treasury. Is that correct?

Mr. Powis. Mr. Biaggi, I think we have to sort out what we are talking about. I think very clearly the administration, including the Department of Treasury and the Department of Justice, are opposed to S. 555. I do not know if there is any question about that. I did not hear anyone in Justice say that they were for S. 555. Mr. Stephens is still here. Would you like him to reaffirm the Justice Department position for the record?

Mr. Powis. I certainly would.

Mr. Biaggi. Mr. Stephens.

Mr. Stephens. Congressman, I think when I testified I indicated that the number of cases where armor-piercing so that we can get at this category of ammunition which can defeat body armor which we would hope would be worn by most police officers. As to the way S. 555 is now drafted, we, as Treasury and as the administration, have opposed that bill. But the idea behind it and the thrust we did support.

Mr. Biaggi. Well, that was my understanding.

Mr. Powis, you said you have taken some initiative with relation to this problem by proposing enhanced penalties. That is not in division. I go even further and you were here when I testified that we should enhance the penalties for any crime committed with a firearm.

But aside from that, what have you done? What has Treasury recommended with relation to this problem?

Mr. Powis. Well, as I indicated, Mr. Biaggi, we are recommending very, very strongly and we intend to get something off the administration, that we ought to try and do something about it. And I think that is very significant. I think that is very important.

Mr. Biaggi. I could not agree with you more.

Mr. Powis. Another thing that we have done, recognizing—and that the KTW-type bullet does create a problem. I do not believe, recognizing or have any argument with you on the number of telephone books it will penetrate or on the number of layers of Kevlar it will go through.

We have gone to the manufacturers and to the importers and we have said, because of our concern, we would not want to see you selling that kind of ammunition to dealers or to individuals. We would want you to restrict your sales to law enforcement agencies and/or the military and/or foreign sales pursuant to the law.

Mr. Powis. If you do not see it as a problem, sir, we would not have done this contact with the manufacturers and importers. We see it as a problem.

Mr. Biaggi. Now, let me see if I understand you; what you are saying here is we should have more vests. If we have more vests it would not be a question—are we not back where we started from, square one, where we have vests that can be penetrated by armor-piercing bullets?

Mr. Powis. Well, if we have more vests, we are going to save more lives; I do not think there is any question about that and I think that is very significant.

Mr. Biaggi. That is not the question.

Mr. Powis. We are dealing with a situation here of a very, very small amount of ammunition that could create the problem, and we are dealing with a real life situation where only very rarely is armor-piercing ammunition being used in crimes. That is a fact.

The incident in Florida happened in 1976.

Mr. Biaggi. Suppose it never happened, Mr. Powis. Suppose it never happened. As long as we know we have the capacity out there, those criminals have the capacity to use armor-piercing ammunition. Why do you think that is not any problem, why do you not want to give the police officer comfort in the knowledge that his vest will protect him?

Mr. Powis. Mr. Biaggi, I think if we can come up with something that does not impose a cumbersome, unenforceable type of situation that our effort in the voluntary compliance area has been an effort to try and do something short of this kind of legislation in S. 555.

Senator LAXALT. Senator BIDEN. Thank you very much. I am not sure what point you are trying to make. I am probably missing something.

Senator BIDEN. Thank you very much. Let me ask you a couple of questions. First of all, on page 4 you cite that there are a number of fallacies connected with the whole issue of legislation regarding armor-piercing bullets. The first fallacy you point out is that the misconception that the entire issue of armor-piercing handgun ammunition legislation is an assumption that soft armor vests were designed to stop just about every kind of handgun ammunition.
Mr. POWIS. Well, I am trying to make the point that soft body armor came along at a time when there was a lot of ammunition out there of all kinds, including armor-piercing ammunition. That is armor-piercing ammunition that was definitely designed for that purpose, but also a wide variety of other ammunition that while not specifically designed to be armor-piercing would in fact and does in fact penetrate the commonly used vest that we have now.

Senator BIDEN. But is it not true—

Mr. POWIS. But the point I was trying to make was that it was not a situation where soft body armor came along and suddenly you had an arrival on the scene of armor-piercing ammunition, which was designed to defeat it.

Senator BIDEN. I see. Well, as a matter of fact, if they could design to defeat it, they would try to do it. It is not that they did not design it to defeat armor-piercing bullets. It is designed to defeat the penetration of any projectile as much as they could do that. I mean, that was the purpose.

They did not sit down and say, now we are going to design a vest that will stop most bullets. They sat down and said, we are going to design a vest that will stop as much as we can stop.

Mr. POWIS. And still be worn and still be comfortable.

Senator BIDEN. They want to stop any kind of projectile they can and still be able to be worn in some mildly comfortable manner and still be able to get policemen to get them on.

Mr. POWIS. I think we are on the same wavelength.

Senator BIDEN. OK. Good. Now, the second fallacy you point out is that only an infinitesimal amount of velocity of an armor-piercing bullet is provided by Teflon. Again, what is the point of that? I mean, what are you trying to get at?

Mr. POWIS. Well, the point is, and you hear it over and over again and you hear it in the media. I think the New York Times did an editorial and the point seems to be that the Teflon is the bad thing here, that the Teflon confers some kind of invulnerability on this bullet.

Senator BIDEN. So, you are suggesting that if you are going to do anything about bullets that can pierce armor that we are capable of producing now, that we have to do something more than deal with Teflon?

Mr. POWIS. Teflon is a negligible factor.

Senator BIDEN. OK. The third misconception is that you mentioned about how many officers were or were not killed wearing vests by armor-piercing bullets.

Mr. POWIS. I mentioned a fourth, Senator, and I do not think you were here.

Senator BIDEN. All right. What is the fourth?

Mr. POWIS. It is very significant. It has to do with the Czech ammunition that there was information given about. I think it is worth repeating. The Czech ammunition that we are referring to was made in Czechoslovakia between the period of 1949 to 1952. It is not armor-piercing ammunition. It was not designed to be armor-piercing ammunition. But it does fall into the category of nonarmor-piercing that will indeed penetrate a type II and a type II-A vest.

And the circumstances surrounding the importation—and it was 13 million, not 30 million—was that a U.S. citizen owned the bulk of this ammunition in Great Britain. He applied for and was granted permission by the State Department to bring it into the country and he did bring it in. So we are not currently importing this type of ammunition. What we have is the residue of the 13 million rounds, which came in in the early seventies.

Senator BIDEN. All right, now—

Senator LAXALT. So the record is clear on this, so your testimony is, Mr. Powis, that in point of fact that the Czechs are not presently manufacturing this kind of ammunition. Am I correct in that?

Mr. POWIS. I guess I would feel most comfortable with the fact that this kind of ammunition is not being imported into the United States at this time. I would have to check; I have information indicating that, but I would want to be more positive about the manufacture.

Senator BIDEN. Now, you then go on on pages 6 and 7 and beyond to point out the cumbersomeness of an attempt to in a regulatory fashion determine what bullet constitutes an armor-piercing bullet.

But then you say, and I find it interesting, you indicate in both the essence of your testimony and a letter to Senator Moynihan in response to questions, you said that, “The difficulty in attempting to define projectile type ammunition is it invariably includes a wide range of ammunition commonly used for hunting, target shooting, or other legitimate and long established sporting purposes.”

You go on to say in a letter dated April 7, 1983: “There has been little significant progress in the development of regulatory definition for armor-piercing ammunition that would not also include the wide range of ammunition commonly used for sporting.”

And yet in that same letter, as I read the letter, you said, and I quote: “That we have made additional progress in our contacts with manufacturers who specifically designed armor-piercing ammunition such as KTW. We are now in a situation where all manufacturers of this type of ammunition have either agreed to restrict their sales to legitimate enforcement agencies or have gone out of business.”

Now, I am a little confused. You say you cannot define it, but you are confident that you have gotten the manufacturers to stop manufacturing what you could not define.

Mr. Powis. The difference, Senator, lies between that ammunition which is clearly designed and advertised and meant to be armor piercing. These are the people we have gone to and said restrict your sales, and a wider range of sporting ammunition that is not designed to be armor piercing, that is not in a true sense armor piercing, but which will in effect penetrate the type II and type II-A vest.

Senator BIDEN. As I said before, what we have here is a communications problem. Why do you not just give us the definition that you use to get the manufacturers to voluntarily stop manufacturing what you have just defined as clearly designed as armor piercing and we will just put that in the legislation.

If you would send that up we can really save a lot of time at the hearing here.
Mr. Pows. Well, it might be a difficulty because we basically go at are the people who advertise and claim and who have designed their ammunition to be armor piercing. Now, let me say Senator Biden. I am confused again now. I am looking for some precision here. Should we then have legislation—I know you do not timely, should we then write the legislation relating to advertising? I would like you to send us with precision what you ask manufacturers to do; how you determine who the manufacturers are, No. 1, and No. 3, what you ask them not to do once you determine who they are and what they are doing.

Then we might be able to incorporate that in the legislation and we will be a long way toward our goal here.

Would you do that for the record?

Mr. Pows. We will attempt to do that. The basic thing we looked at is that ammunition that is specifically designed, marketed, and advertised as—

Senator Biden. How do you determine that? What are those?

Mr. Pows. We go after people who advertise;

Senator Biden. And say this is armor piercing.

Mr. Pows. That is right. This will pierce armor.

Senator Biden. All right. Well, we can start there, then. OK.

Mr. Pows. Thank you very much, Mr. Chairman.

Senator Laxalt. Thank you, Senator. We thank you, Mr. Pows, and members of the panel. There probably will be some followup written questions, I would assume, from the subcommittee.

Mr. Pows. Thank you, Mr. Chairman.

Senator Laxalt. Thank you.

Mr. Janelli. Good morning, gentlemen. I would like to read a prepared statement. Upon completion of that statement, I would like to explain briefly and in detail the work that I was assigned to do regarding the penetration of soft body armor. I would like to point out at this particular point the word "armor" in reference to the work that was done would be regarding the soft body armor, not the armor you would find on a tank.

When I mention armor piercing, please bear with me, that I am making reference to in the majority of the cases ammunition that will penetrate not only this body armor, but the material I had placed behind it.

Senator Laxalt. What was that, Detective, the last of that statement?

Mr. Janelli. That the bullet not only penetrated the soft body armor, but the material that I had placed behind the soft body armor.

Senator Laxalt. All right.

Mr. Janelli. Good morning distinguished Members of the Senate, ladies and gentlemen. My name is Richard Janelli and I am a detective and senior firearms examiner for the Nassau County Police Department.

I have been a member of the Nassau County Police Department for 28 years and have been assigned to the scientific investigation bureau for the past 23 years. I am also the past president of the Nassau County Police Association of Firearm and Tool Mark Examiners.

As part of my duties as the senior firearms examiner, I am responsible for the examination, testing, and testifying regarding evidence which has been submitted on crimes involving firearms. I am also responsible for evaluating the ammunition and soft body armor used by the police department in the County of Nassau.

On behalf of the Nassau County Police Department, I would like to thank the committee for providing the opportunity for the department to relate its experiences with armor-piercing ammunition.

As the result of a search warrant executed last fall in conjunction with a bank robbery investigation, a quantity of Teflon coated bullet and armor-piercing rounds were recovered from the premises of a subject wanted for the robbery. This discovery prompted the department to send me out to the firearms dealers in the area to ascertain whether it was possible to obtain other armor-piercing handgun ammunition.

As a result of this inquiry, I found that armor-piercing handgun ammunition was available in the normal channels of commerce and that it could be obtained with little difficulty. I then proceeded to set up a procedure to test the department's soft body armor against eight different types of armor-piercing handgun ammunition which had been procured.

In all eight cases the ammunition penetrated the soft body armor with ease. Since the armor-piercing handgun ammunition is pro-
duced and distributed across the country and in some cases imported from foreign countries, there appears to be a need for a national legislative action to adequately deal with the sale and possession of armor-piercing ammunition. Enforcement officers across America will remain in jeopardy. The balance of 16 layers of Kevlar. The manufacturing specifications state: "When you wear the red unit alone, it has no protective power whatsoever." When the white unit is worn simply within this outer canvas or covering it will stop a .357 magnum jacketed soft point, 158 grain bullet, having a muzzle velocity of 1,230 feet per second with a plus or minus of 50 feet per second. It will stop a 9-millimeter FMJ, which is a full metal case bullet, 124 grain or 1,080 feet per second, plus or minus 50 feet per second and all lesser threats. By lesser threats they are making reference to a lesser caliber, 3,225, which has a lesser velocity. When the red and white are worn together, again we use the .357, 158 grain, it will now stop a muzzle velocity of 1,295 feet per second plus or minus 50 feet. It will stop a 9 millimeter full metal case, 124 grain of 1,175 feet per second plus or minus 50 and all lesser threats.

Regarding the ammunition from Marietta, GA, I have here in their brochure how they refer to it. For example, the one that I had tested, the .380 auto, they refer to it here as armor piercing. This particular cartridge has a muzzle velocity of 1,250 feet. The 9-millimeter, cut side that I fired, which they refer to as armor piercing, has a three and a velocity of 1,650 feet per second. The .45 ACP armor piercing has a muzzle velocity of 1,450. Part of the job as the examiner for the police department is to test every group of vests that are submitted to be worn by our members. One is select- ed at random, and I test fired using a .38, a .357, and a 9-millimeter cartridge, using standard ammunition that has been normally bought through the normal avenue of trade.

The vests that we wear will stop any .38 special—excuse me—.357 or 9-millimeter as so designed by the manufacturer and any lesser threats. We use a duct seal. When I used this armor-piercing ammunition, I took the forward panel, and I stripped it around a box, which is approximately 18 inches square, 9 inches in depth, and contained 40 pounds of duct seal. The duct seal would give you an idea of basic trauma that would strike the body after the bullet has gone into or been stopped or penetrated the vest.

I have found with all this ammunition that was tested that every round penetrated the front of the vest, went to the back of the duct seal, and was contained in the back. The only two exceptions were the .357 magnum and the .45. They not only penetrated the front of the vest, the 40 pounds of duct seal, but also a half inch of plywood in the back and they came to rest in the back of the second panel or the back panel.

If you have any questions that you would like to ask pertaining to this, I would be happy to answer them if possible.

[The prepared statement of Mr. Janelli follows]
PREPARED STATEMENT OF RICHARD JANELLI

On September 13, 1985, a bank robbery investigation, jointly conducted by the Garden City, New York Office of the Federal Bureau of Investigation and the Nassau County Police Department, culminated with the issuance of a Search Warrant for the residence of David Schwartz. The execution of this Search Warrant resulted in the confiscation of a cache of weapons and ammunition, including two homemade round; which were commercially produced, six teflon coated rounds which were homemade, and twenty-four steel jacketed armor piercing rounds.

The discovery of this ammunition prompted the Nassau County Police Department to conduct an inquiry into the availability of teflon coated, armor piercing and metal piercing handgun ammunition in the normal channels of commerce, and to test the potential lethal capabilities of such ammunition.

With little trouble at all, I was able to purchase from a commercial firearms and ammunition dealer, 380 and 45 caliber armor piercing ammunition. This dealer happened to be out of 9 millimeter armor piercing ammunition, but stated he would call me when it came in. In the interim, however, I obtained a quantity of 9 millimeter armor piercing rounds from another laboratory technician who had purchased them from a dealer. I was also able to buy a quantity of 38 special caliber metal piercing rounds. What is ominous about the last purchase is that the ammunition was obtained from American Outdoor Sports Inc., a company which bills itself as "Long Island's largest field and stream sports store," and the ammunition has no legitimate purpose in sport or recreational shooting.

After this ammunition had been obtained, I proceeded to test fire the following eight different types of handgun ammunition:

1. 380 caliber rounds containing a low carbon steel and teflon coated, manufactured by the American Ballistics Company of Marietta, Georgia;
2. 9 millimeter rounds containing a low carbon steel and teflon coated, manufactured by the American Ballistics Company of Marietta, Georgia;
3. 45 caliber rounds containing a low carbon steel and teflon coated, manufactured by the American Ballistics Company of Marietta, Georgia;
4. 38 caliber special metal piercing rounds with a truncated bullet design and copper coated, manufactured by the Winchester Western Company of the Olin Corporation in East Alton, Illinois;
5. 357 magnum metal piercing rounds with a truncated design and copper coated, manufactured by the Winchester Western Company of the Olin Corporation in East Alton, Illinois;
6. 38 caliber special JOW rounds made of solid brass with a teflon coating, manufactured by the North American Ordinance Company of Pontiac, Michigan;
7. 9 millimeter rounds with a copper jacket and lead core, manufactured in Norse, Sweden;
9 millimeter rounds with a cupro-nickel jacket and soft steel core, manufactured in Czechoslovakia and imported by Interarms of Alexandria, Virginia.

These eight different types of ammunition were then fired by me into the soft body armor manufactured by the Protective Apparel Corporation of America in Englewood Cliffs, New Jersey. This is the same soft body armor which is presently being issued to members of the Nassau County Police Department. This soft body armor consists of two panels. The first panel is a red one, consisting of five layers of kevlar. The second panel is a white one, consisting of sixteen layers of kevlar. When worn together under manufacturer's specifications, these twenty-one layers of protective kevlar are designed to stop the penetrating force of a 357 Magnum, a 9 millimeter and all lesser threats. The soft body armor was placed around a half-inch thick plywood box which was upon at the front and filled with forty pounds of ductile. Each test firing was conducted from a constant distance of fifteen feet. In each and every instance, the eight types of ammunition which were tested, penetrated through the front panels of the soft body armor and into the ductile. In the case of 357 Magnum metal piercing ammunition and the 44 caliber armor piercing ammunition, the rounds continued through the ductile and half-inch plywood, and were found resting against the rear panel of the soft body armor.

The role of the law enforcement officer is one fraught with danger. With the development of soft body armor, the law enforcement officer is provided with some measure of success in dealing with one aspect of this danger. The availability of the teflon coated ammunition, the armor piercing ammunition and metal piercing ammunition which is readily available in the marketplace today has once again made the police officer vulnerable to the threat posed by the violent criminal. As these tests demonstrated, the soft body armor was rendered completely ineffective for its intended purpose.

With this ammunition being distributed throughout the country and coming into the United States from foreign countries, it appears that a rational answer to the problem is needed. For this reason, it is recommended that Congress favorably consider legislation which will effectively deal with this clear and present danger to the safety and well being of law enforcement officers across America.

Senator LAXALT. Thank you very much, Detective. I assume as you gather evidence showing this apparent availability of this ammunition, that that is being transmitted to Treasury. At least I would hope so.

Mr. JANELLI. Senator, I was just informed of this situation to do this work about 9 days ago. I was not aware of any legislation, to be very honest with you, regarding armor-piercing ammunition. If my department was aware of it, I was not made aware of it. However, upon hearing Treasury talk at this meeting, I am sure when I report back to my Commissioner any information that would be forthcoming will be sent by him to the Treasury Department.

Senator LAXALT. I think it would be very helpful.

Mr. JANELLI. Yes, sir.

Senator LAXALT. Senator Biden.

Senator BIDEN. Sir, two questions. One, to the extent that you can answer it, are there any bullets available on the market that you are aware of, for whatever purpose, whatever stated purpose, that could pierce the vests that you tested that do not also do damage to the barrel of the gun?

Mr. JANELLI. No, sir; the ammunition that I have tested here, especially the steel, the Teflon coating, coating in my opinion serves two purposes. It protects the interior of the barrel because the steel bullet itself would damage the interior of the barrel. By Teflon coating it creates a lesser friction of the long axis of the barrel, of the bearing surface of the bullet on the interior of the barrel.

Plus, I have heard—I have not read the report—that the Teflon adds about 14-percent increase in penetrating power into soft body armor. So, basically, it is serving two functions, protecting the interior of the barrel and increasing the ability to penetrate the soft body armor.

Senator BIDEN. Well, I guess, just so you understand our problem—and I think the Senator from Nevada and I share the same concern to this extent—and that is that testimony from Treasury
implied or directly stated there are armor-piercing bullets on the market that are in fact legitimate for hunting purposes.

And that some of those bullets are capable of piercing the vest in question by either using them in a different gun, rifle, or pistol, or by changing the configuration. That is what we are trying to get at, this definition question.

Mr. JANELLI. Well, in a rifle caliber, .35 Remington caliber, .3006 caliber, of course, with the muzzle velocity of those weapons, the cartridges, rather, produce, they would penetrate any soft body armor. But I know of no .3006 caliber handgun. There might be a .30 caliber put out by Center Firearms, but they are not, in my opinion, a very popular handgun.

Senator BIDEN. Are the bullets interchangeable?

Mr. JANELLI. The bullet configuration from a .3006, you might be able to neck it down and place it into a lesser caliber, but as far as changing it into a handgun, no. The only interchangeable cartridges that I am aware of at this point, for example, your .45 ACP cartridge here, this is capable of being fired in a semiautomatic pistol, a fully automatic weapon, such as a small machine gun, a revolver with the use of a half moon clip. So it is interchangeable, the same with the .44 magnum, for example. You can fire a .44 magnum handgun and the same cartridge that goes into the magnum goes into the rifle.

The 9 millimeter could be fired in a revolver, a semiautomatic pistol.

Senator BIDEN. Now, in a rifle would that cartridge have a legitimate hunting purpose in terms of how you would define it?

Mr. JANELLI. All right. If we are talking about now the armor-piercing.

Senator BIDEN. What I am trying to get at is what is armor-piercing. That is what we are trying to get at here.

Mr. JANELLI. To me the—and I have not researched the true definition, but I think the word is self-explanatory. Could this particular bullet penetrate a piece of armor. And during the military during the wars they have found that certain types of steel such as this will penetrate armor. But the purpose of my being here, the word "armor," as I prefaced my statement, I was making reference to the soft body armor. We are concerned with what will kill a police officer on the street, not what is going to stop a tank running down 42d Street.

We are more concerned with the individual life. It is the bullet configuration, in my opinion, not the caliber that would be the source of your problem. If you can define what is an armor-piercing bullet, there are other bullets in .45 caliber or any other caliber for the man who wants to do any kind of shooting that are presently on the market.

I have a thing here from Winchester Western that certainly lists everything from a .25 automatic up to a .45 Winchester Magnum and everything in between. The only two-bullet configurations here that are metal piercing, both in the .38 special and the .357, that had a truncated bullet. So there is nothing else here that can be used in a handgun.

Senator BIDEN. So to put it another way, of the—among the major manufacturers of cartridges, if we pass the legislation as it is presently drafted, the definition relating to its ability to pierce those vests, how many, in your opinion, how many types of cartridges would have to be taken off the market?

Mr. JANELLI. Maybe 10.

Senator BIDEN. Out of how many, roughly?

You can submit it for the record, but give me a rough idea.

Mr. JANELLI. Maybe I have 50 to 60 different calibers here that would be involved.

Senator BIDEN. OK. Thank you very much.

Senator LAXALT. Thank you. We will now proceed to Mr. Butler.

STATEMENT OF JOHN BUTLER

Mr. BUTLER. Thank you, Senator. It is a distinguished honor to be here.

My name is Cpl. John Butler from the city of Newark Police Department, Newark, DE. I have been a police officer there for 15 years. Currently, I am a street supervisor, the firearms instructor for the department, and also the firearms repair officer.

The department does consist of approximately 45 police officers, including our staff. I have graduated from firearms programs, both from the Smith and Wesson gun manufacturer as well as the Ruger Firearms Co. I presently am a life member of the National Rifle Association for approximately 20 years. I am currently a certified police firearms instructor for that organization. And I presently hold master pistol shooters classification with the National Rifle Association, which allows me to compete nationally in police combat pistol matches.

I would like to say that, first of all, that we as officers on the street, from previous testimony, are not concerned with which came first, the chicken or the egg, the bullet or the vest. The fact is right now we have both. I was fortunate enough to obtain from one of the major manufacturers some test panels.

And the majority of the people on our department that are wearing the vest have the type of vest that I have the panel for. Unlike Detective Janelli, I did not have the funds to go out and purchase the ammunition. Being a small community, I put out word of mouth to different officers, different people throughout the community and what you see displayed on the bullet board, the armor piercing and the other specialized ammunition that we are confronted with, came to me. I did not go out and actively try to purchase those particular rounds.

They came to me from the street, from other police officers, from civilians. They came to me. This was our concern. I did actively try to purchase the armor-piercing rounds as well as some of the specialized rounds and was not successful in New Castle County in the State of Delaware on purchasing armor-piercing rounds.

None of our dealers in that area carry them. Thank God. All my testing was done with a 4-inch duty revolver that the members of our department carry. The testing was done at a distance of 21 feet, 7 yards.

I used both of the panels; the first panel which consists of 18 layers of Kevlar; the second panel consists of 26 layers of Kevlar. The two panels were backed together. Again, a telephone book
saturated to give a resemblance of the human body was placed behind that and then secured to a maple log so that I may be able to retrieve the projectiles.

The KTW in the center, the .357 Magnum round penetrated both pieces of vest material, a total of 44 layers, which is definitely uncommon for the average street officer to wear. It penetrated 44 layers, the wet telephone book, and went 4 inches into the maple log, which I was able to retrieve. This was alarming to me as a street officer. It is alarming to my supervisors to know that we are out there daily with this possibility coming from the street.

I then proceeded to test ammunition that we carry, other ammunition that was comparable to be fired in our weapons. And no matter what I threw at these panels at the same distance with the same weapons, it did not penetrate, except for the armor-piercing rounds.

The three armor-piercing rounds listed on top, the Remington, KTW, and the Winchester round, is my understanding at present the KTW is the only one being manufactured. Winchester has ceased their manufacture, as well as Remington, but the stockpile that is in the stores and in the warehouses, that ammunition is still available on the shelves today.

And it is our understanding that there may be up to a 5-year stockpile of ammunition. They will defeat the soft body armor that both Detective Janelli and myself have worked on.

That concluded our testing and it did create quite a concern for our city and for our State legislators. Both the city of Newark and the State of Delaware have drafted resolutions which will be made available to the panel for their consideration.

Senator Biden. They were passed by the legislature?
Mr. Butler. Pardon?
Senator Biden. Was the resolution passed by the State legislature?
Mr. Butler. Yes, sir.
Senator Biden. By what margin? We look at numbers.
Mr. Butler. I think it was unanimous.
Senator Biden. Unanimous.
Mr. Butler. Yes, sir.
Senator Biden. We have a lot of hunters in Delaware. Mr. Butler. Yes, but there is some information will be made available to your panel.
Senator Biden. Thank you.
Mr. Butler. Thank you.

Senator Laxalt. Let me ask, you say that you are a member of the NRA and I assume you are a hunter and a sportsman.
Mr. Butler. Yes, sir.
Senator Laxalt. Would this kind of ban, in your estimation, create any kind of threat upon your liberty as a gun owner?
Mr. Butler. None whatsoever, sir. The ammunition that I tested, I would not use. The ammunition that I want to use both as a police officer and as a hunter is transferring a maximum amount of energy into the body of the perpetrator or the animal to create a hydrostatic shock to that system, to put that perpetrator or animal down instantly where these projectiles would penetrate, and as pre-

vious testimony stated, a slow bleeding to death type atmosphere would be constructed.

Senator Laxalt. Do you share the concern of a number of people in NRA that imposing a ban of this kind would be a door opener, a wedge to lead to gun control in some fashion later?
Mr. Butler. With the proper wording of the definitions, no, sir, it would not.
Senator Laxalt. Of course, the definition is the problem.
Mr. Butler. Yes, sir.

Senator Biden. With the definition as the definition being anything that could pierce that vest, do you have any problem with that? Would that in any way impact on you as a sportsman?
Mr. Butler. You are talking about anything that would pierce the vest or are you talking about handgun?
Senator Biden. What we are talking about is the bullet, any bullet. That is the argument that Treasury makes and NRA makes. They say, look, there are so many bullets, you make the definition what the bullet can pierce, since you can put it in different guns and different rifles, that you can change its capability.

Therefore, you would have to take so many of them off the market that you would impact upon the ability of sportsmen to engage in sport.
Mr. Butler. Senator, you are talking about a bullet now. My experience with a bullet is the actual projectile or missile that comes out of the casing.
Senator Biden. Right.
Mr. Butler. We offered to Senator Moynihan's personnel and to the Senator yesterday a definition that we thought would be acceptable.

Senator Biden. Please give us that definition.
Mr. Butler. We want any projectile to be fired from a firearm, including but not limited to a pistol, shotgun, or revolver, fixed ammunition, driven by a propellant explosive, composed entirely of a ferrous alloy or coated with any substance or any truncating capability of the projectile.
Senator Biden. I see. Thank you. That is a help.
Senator Laxalt. Corporal, did you listen to the testimony of Justice here this morning to see the approach that they are using in order to try to reach some kind of objective standard out there to satisfy all these competing interests. Did you hear that testimony?
Mr. Butler. Yes, sir.

Senator Laxalt. What was your reaction to it.
Mr. Butler. Kind of walking the fence.
Senator. Butler. None whatsoever, sir. The ammunition that I tested, I would not use. The ammunition that I want to use both as a police officer and as a hunter is transferring a maximum amount of energy into the body of the perpetrator or the animal to create a hydrostatic shock to that system, to put that perpetrator or animal down instantly where these projectiles would penetrate, and as pre-
Senator LAXALT. Yes.

Mr. BUTLER. I do not wear aluminum, sir. I wear Kevlar.

Senator LAXALT. But for the purposes of adopting a standard, are you saying that you do not think it is all that valid?

Mr. BUTLER. I do not see how you could argue it because we are not wearing aluminum; we are wearing Kevlar.

Mr. JANELLI. You have to base your standard against what is being worn out on the street, not what might be a better substitute if we have been testing our ammunition against aluminum.

Senator LAXALT. So your point is if we are going to look at a standard, we look at the standard and apply it against the product that is in place and presently being used. Is that what you are saying, the two of you?

Mr. JANELLI. Yes, sir.

Mr. BUTLER. Yes, sir.

Senator LAXALT. All right. Let us proceed now with the testimony of Mr. Robinson of Des Moines, Iowa.

STATEMENT OF KANE ROBINSON

Mr. Robinson. Thank you, Senator Laxalt. I am lieutenant of police, chief firearms instructors, armor, legislative liaison for the department, legislative liaison for the Iowa Chiefs of Police Association, and the State chairman of a police commanding officers group known as IMPAC.

First, I would like to say that our analysis of this overall situation corresponds very closely to that—

Senator BIDEN. I am sorry. Excuse me 1 minute. You are representing your police department.

Mr. Robinson. I am here as the legislative representative of the police department and all those other organizations. The police department took a position on this legislation in the Iowa Legislature.

Senator BIDEN. It is the same as what you are going to give?

Mr. Robinson. Yes.

Senator BIDEN. So you do represent the view—

Mr. Robinson. I am not speaking for the chief of police at the moment. He happens to be in Florida, but he is aware that I am here speaking on this issue.

Senator BIDEN. No; does he support you being here? Are you here as an individual or are you here in your official capacity representing the view of your police department?

Mr. Robinson. I am here in both capacities.

Senator BIDEN. Good.

Senator LAXALT. Please proceed, Lieutenant.

Mr. Robinson. A KTW law was proposed in the Iowa legislature a year ago, and that law was not passed primarily due to the opposition of police organizations which were—and police officers and departments united in their opposition to that legislation.

Senator LAXALT. But for the purposes of adopting a standard, are you saying that you do not think it is all that valid?

Mr. Robinson. Yes, sir.

Senator LAXALT. Limited purely to KTW?

Mr. Robinson. No; it had to do with penetration and there were definitional problems with the penetration and the essential problem was the same, that many rounds that are legitimately used, including much rifle ammunition that is shot commonly today through pistols, would be banned. And it is not an occasion thing. It is a very common thing. We in our own police department have quite a number of people who are metallic silhouette shooters, for example, that use pistols that employ rifle ammunition, which would be banned by the definitions that are floating around here today.

Senator LAXALT. You are hitting at the heart of the problem. Senator BIDEN. Does your testimony include specifically what those rounds are?

Mr. Robinson. It does not. No. There are—almost all rifle ammunition, there are now, Thompson Co., for example, has handguns chambered for virtually all rifle ammunition that is commonly used, not some old, obscure calibers that may not be available anymore.

For example, 30/30, one of the most common deer rifle cartridges in the United States is available in pistol form and is very commonly used. It is not an obscure thing that no one ever encountered.

Senator BIDEN. You do not hunt with a pistol, though, do you?

Mr. Robinson. Well, I do not hunt with a pistol, but there are many rounds that do. But if you ban the ammunition based on that standard, sir, then you will ban the ammunition, period.

Senator BIDEN. No; I am a little concerned. Will the same cartridge as the 30/30 that goes in a rifle, will that same exact cartridge be able to be placed in a pistol, same size, same shape?

Mr. Robinson. Yes, sir.

Senator BIDEN. OK. That is what I wanted to check. Thank you.

Mr. Robinson. And it applies to quite a variety of other cartridges.

Senator BIDEN. Would you list as many as you can for us, just for our benefit, not now, but for the record.

Mr. Robinson. OK.

Senator LAXALT. Thank you.

Senator BIDEN. So, essentially, what happened in Iowa was that there was a finding of interchangeable use and an outright ban then infringed, I guess, rather substantially on recreationalists, whether hunters or target shooters or whatever.

Mr. Robinson. That is correct.

Senator LAXALT. Including members of your own police department.

Mr. Robinson. That is correct.

And I would like to deal with three issues, I guess. First of all is the overall issue and the setting that we find ourselves in law enforcement regarding this issue. I sense that I am rather unpopular here today, but I am going to take a position that is probably different than most of the police officers from the eastern seaboard...
that are here. And they all have rights to their opinions and the rest of us do also.

For many years those people that have been desiring to ban firearms have falsely claimed that police officers are in league with them and they are doing that for the benefit of police officers. Yet any analysis of that issue nationwide, particularly the largest single incident that has happened in that regard in California recently will show that police officers have been the backbone of the campaign to preserve private firearms ownership, not to ban private firearms ownership.

Some people have seized on this proposal, which is very well intentioned—and I do not imply that the people that authored the proposal—and I repeat—I do not imply that those people have this goal in mind.

But others have seized upon it as a method of driving a wedge and disorganizing those people that have been opposed to the banning of private firearms. That is the name of the game. That is exactly what is being done. As an example you see right here in this room being passed around an organization known as Handgun Control, Inc. that wants to ban handguns, support, pamphlets designed to support this legislation, which of course is their right. I am putting it in perspective. It was said before that it did not have anything to do with the issue of banning handguns. It has a great deal to do with that issue.

Senator Biden. Does that mean if you oppose the banning of handguns you are in league with some criminal organizations that also oppose it? I think this kind of discussion gets us off the issue of whether or not there are certain bullets that are specifically designed to kill people.

Mr. Robinson. That may be, but that is—I feel it is an important issue, that the people that are supporting it as part of a continuum toward their goal, which is the elimination of private handguns and perhaps other guns in the country. And their own advertising, for which they pay a great deal of money to supply, shows that. And they have been trying to use the method of advertising in police magazines to accomplish that and they have stirred up a lot of tumult in the police business.

And then a lot of officers we find when they consider both sides of the issue, they change their view. But at first reaction it sounds like a lot of tumult in the police business.

And then a lot of people find when they consider both sides of the issue, they change their view. But at first reaction it sounds great. Let us ban firearms. Let us have no knock search warrants. Let us have a lot of knee jerk things that do not really represent thoughtful law enforcement after you have once taken a serious look at an issue. That is my point.

Senator Biden. I assume you are going to tie it into the bullets and why these guys up here have been duped.

Mr. Robinson. Well, Senator, I have not suggested that anyone is being duped, and that is not my point in making the statement, I do not think. I think there is a difference of opinion and I hope I could have an honorable right to my opinion.

Senator Biden. Fire away. That is why we are here.

Mr. Robinson. Yes, sir. There are many, commonly available rounds that can defeat vests. Some of those that were presented here today as armor-piercing rounds, it was suggested that they were manufactured for armor piercing, yet we heard the Czech controversy did not turn out exactly as it was presented originally. We have old ammunition manufactured in Czechoslovakia, not for the purpose of penetrating armor, but that incidentally can penetrate armor and that would of course be banned if the penetration of armor was the standard that we were going to be become involved in.

Now, in my prepared remarks I mentioned something that has been beat to death here, I guess. We are aware of no police officer that has actually been killed by one of these rounds that has been shot through a vest.

Implicit in that statement certainly is not the desire that any police officer be killed, but I think it helps to put it in perspective.

The impression is being presented that police officers are being slaughtered by this ammunition. That is unmistakably the impression. It is the impression the media has given and some of the other supporters. And so I think it is legitimate to point out that that has not happened. We hope it will not, but it has not in fact happened.

Another factor that presents one with some bad choices, but is nevertheless a fact, if you are going to be shot—we do not desire that anyone is shot, but if you are going to be shot, about half of the cops in the United States do not wear vests—you are better off, albeit you have bad choices, but you are better off if you are shot with an armor-piercing round than if you are shot with a round that will deform.

And I would repeat, albeit those are very bad choices, but it is not a panacea to saving lives just because we are going to ban that particular round. Armor-piercing ammunition—and I hope the news media will use some restraint in how they repeat what I am going to say—armor-piercing ammunition can be made by any competent person. And I do not mean a firearms expert.

In testing our own vests in the Des Moines Police Department, we manufactured—here are some samples of bullets. It took us about 15 minutes apiece to modify commonly available, ordinary, everyday police type ammunition that would shoot through our vests with no difficulty at all and penetrate our bullet catching device. It is the common one that is used, but it nevertheless absorbs energy to capture the bullet.

The point is that it is very easy for anyone to make this ammunition in his own basement. It is very, very easy to do. It is going to be extremely difficult to define that kind of a situation in the law.

That ammunition obviously was not originally manufactured for that purpose. Yet it was very easy to modify it. Needless to say, that is cheaper and more readily available than some of the highly restricted ammunition like the KTW that would leave a more dramatic trail, certainly, with regard to the person who bought it.

So as regards the specific proposals that I have read, the one that is before the committee, it will ban many sporting cartridges. It will ban cartridges like some of those standing before you that were not designed to be armor piercing cartridges, and that is a serious problem.

Another problem is that although we may have a great deal of confidence in the honorable people that are before us in various bureaucracies today, the fact is that by changing definitions tomor-
row's crop of bureaucrats may come up with an entirely different standard and definition. And that is not an idle and frivolous statement. We remember some years ago when the Consumer Products Safety Commission attempted to usurp its authority and define ammunition as a hazardous material which should not be used.

We recall definitions of handguns as Saturday night specials in some previous legislation and proposed regulations pursuant to it that would have banned the revolvers carried by the guards in this building. And so these definitional things tend to get out of hand. And that could be a problem with definitions proposed here.

So the legislation has unfortunately been captured by people that perhaps are taking it beyond its intent. It may very easily be summed up by what Bryant Gumble, I believe it is, on NBC said last night in introducing Today's program, which was designed to promote this legislation. And it was to the effect that we are going tomorrow to examine Teflon-coated, cop-killer bullets that explode on impact. Is that not a wonderful piece of hysteria, that that kind of hysteria is being presented around the United States. And I hope that we can stick to the realistic issue, the future of private firearms ownership, and if there is a problem that can be solved with legislation, that whatever it is it be so surgically done that it deals perhaps with penalties. We can do something to protect police officers' lives. It is not a miracle. It is not a secret if we just keep dangerous felons in prison a little bit longer.

Anybody that knows anything about law enforcement knows that if you look at the people who kill cops, they are invariably dangerous, repeat felons that have been released on a sentence that was such that had they been serving a meaningful part of it they would have been in prison on the day they shot the cop.

Now, there is a meaningful suggestion for saving police officers' lives and I would applaud those and I know Senator Biden is one to support it and Senator Laxalt has also. But that kind of legislation might produce some meaningful results. Thank you.

[The prepared statement of Mr. Robinson follows]
The value of body armor will disappear as criminals become aware of its use. Publicity about body armor is far more dangerous to officers than a theoretical problem with ammunition.

Armor piercing ammunition can be made by any competent person with simple home tools (I hope the news people won't repeat this). I modified these cartridges in a few minutes in my basement and tested them on our vest—which was easily penetrated.

Needless to say, these home modified cartridges are cheaper and more difficult to describe than the highly restricted commercial KTW rounds.

REGARDING THE PROPOSED LAW

Many sporting and defense cartridges will become illegal.

Some have questioned whether there is a legitimate use for armor piercing ammo—I hope we aren't seriously proposing "legitimate use as a standard for allowing Americans to own an object or the police will be busy indeed!"

Next year's crop of bureaucrats could easily misuse the law to attack private firearms by adding to the list of "BAD" bullets. We all remember the attempt to ban bullets by the Consumer Product Safety Commission a few years ago.

There is no practical way to identify armor piercing ammo and establish knowledge and intent on the part of the criminal.

The kind of people who commit robbery, terrorism, and murder won't worry about a comparatively minor penalty concerning the ammo in their gun when they set out to kill someone.

This legislation, regardless of the intent of its authors, has been gleefully adopted by the ban firearms people as their leading issue.

The law will do nothing to help police.

NBC and Handgun Control, Inc. are strangely silent on efforts to keep dangerous criminals in prison a little longer—a measure which can be clearly shown to save police lives without treading on the rights of law abiding Americans.
Mr. JANELLI. Senator, may I ask a question, sir?
Senator LAXALT. Surely.

Mr. JANELLI. I have been listening to testimony all morning from everybody concerned and possibly Lieutenant Robinson can answer this question. I have only been a cop for 28 years and I know of no legitimate reason regarding handgun ammunition—I am not talking about riot—why a person needs an armor-piercing projectile in a handgun cartridge.

Possibly you could enlighten me.
Senator LAXALT. Please.

Mr. Robinson. The answer to the question is that the difficulty that I have is not so much with the KTW round or something like that. The difficulty that most people opposed to this legislation have, one difficulty is that it embraces much other ammunition and gives a present friendly bureaucracy, but perhaps future hostile bureaucracy, the power to use that legislation to ban more and more ammunition. But there is much ammunition that would be embraced by this kind of a definition if it has to do with what it can penetrate.

Senator LAXALT. Do you think it is capable of solution through a restrictive definition, Lieutenant?
Mr. Robinson. I do not honestly know if it is.

Senator Biden. How about the definition my friends from Newark came up with? Maybe you could look at that and for the record tell us.

Mr. Robinson. I am not sure this lends itself to reading this and giving you an answer.

Senator Biden. No, no. I am not suggesting that, but I would like it for the record because you are a very articulate fellow, and your arguments are fairly—I have a few questions, if I may, Mr. Chairman.

Senator LAXALT. They fought the battle in Iowa, apparently, on this very ground. So it is very helpful testimony.

Senator Biden. And speaking of Iowa's battles, there is an assistant chief of police who says you do not speak for the department. I guess he is your assistant chief. We just got him on the phone.

Mr. Robinson. Senator, may I ask a question, sir?

Senator Robinson. OK.

Mr. Robinson. Is that right?

Senator Biden. Yes. He says specifically you do not speak for the department.1

Mr. Robinson. OK.

Senator Biden. Is that right? Did you think you did? I mean, I am confused here.

Mr. Robinson. I am not going to debate you about what Assistant Chief Zinzer has to say, sir.

Senator Biden. Does that surprise you, that he would say that? Mr. Robinson. I do not have any way of knowing what he said.

Senator Biden. I tell you what, you could make it in the State Department. [Laughter.]

You might be able to make it in politics. I am going to ask a couple of questions. The bullets that you suggest that you tested,

which I assume will be submitted for the record, that can be made at home, I assume that you are not suggesting that notwithstanding they can be altered at home to become armor piercing should not be banned.

Let me put it another way: the KTW bullet, how would you feel if we just said nothing else in the legislation but the KTW bullet, which I guess even you would acknowledge is specifically designed to pierce armor.

Mr. Robinson. Not to kill cops.

Senator Biden. I do not only care if it kills cops. I am worried about the difficulty that most people opposed to this legislation have, one difficulty is that it embraces much other ammunition and gives a present friendly bureaucracy, but perhaps future hostile bureaucracy, the power to use that legislation to ban more and more ammunition. But there is much ammunition that would be embraced by this kind of a definition if it has to do with what it can penetrate.

Mr. Robinson. Which is clearly designed for the purpose of being able to pierce armor. Would you have any objection to that particular bullet, the KTW bullet being banned?

Mr. Robinson. I am not sure I can answer that question.

Senator Biden. Why can't you?

Mr. Robinson. Because I would have to look at the implications, if you are going to—

Senator Biden. By name. The KTW bullet.

Mr. Robinson. Ban a brand of ammunition—

Senator Biden. That is right.

Mr. Robinson. That would be a rather singular piece of legislation.

Senator Biden. I understand that. Would you object to it?

Mr. Robinson. I do not think I have any answer for that. I really do.

Senator Biden. Well, why don't you?

Mr. Robinson. You are trying to get me to say something, Senator.

Senator Biden. I am trying to get you to answer a question.

Mr. Robinson. [continuing]. That will not accurately represent my view.

Senator Biden. Well, now, wait a minute. The KTW—I promise you I will draft such legislation that says you ban that brand name, nothing else. Would you object to that?

Mr. Robinson. Probably.

Senator Biden. Why?

Mr. Robinson. Because it is—you are not banning that particular bullet. You are doing it as a speaking technique, a debating technique, and you are not really trying to ban that bullet. Honestly, that is not your real purpose.

Senator Biden. You know what I honestly intend and do not intend. You are a pretty smart guy.

Mr. Robinson. I think that is obvious to everyone in the room. You are not trying to simply do that.

Senator Biden. What I am trying to do is, I agree that the points you have made make some sense and I agree that the points made by the Treasury Department made some sense. And what I am sug-

1See letter from Donnie C. Westover on page 146.
gesting to you is if we cannot find a perfect solution, let us start with what we can do.

And if we all agree that that bullet is one that has no legitimate hunting purpose, why do we not start there. Let us agree on what we can agree on. In this committee, the way it works, we share a vast difference of philosophic background, from Strom Thurmond, the chairman, to me the ranking member, from Paul Laxalt to Ted Kennedy. It goes on down the line. Probably we have the most diverse committee in the Senate.

Now, prior to my taking over as the ranking member, we tended to argue a lot. I have a view. Maybe you ought to check my record a little bit so you know I am being serious with you. I like to start with where we can agree on agreeing. We spent 12 years debating the kind of legislation you just complimented.

And I am going to say something very self-serving. None of it happened until I came on this committee for one reason: The chairman and I said, let us not argue about what we disagree on. Let us start with what we can do. And if it is 2 percent of the field, we will pass 2 percent. If it is 50 percent, we will pass 50. If it is 100 percent, we will pass 100. That is how we got the legislation through. Now, I am sincere when I say to you, let us start off on what we can at a minimum define and at a maximum, and it may only represent 1 percent of the universe of bullets, the KTW bullet. Why can we not just, if that is the only thing we agree on, eliminate that one?

Now, what is your objection to that?

Mr. Robinson. The objection, I guess, is that I think in the United States of America that is a very poor reason to ban an object because it does not have a legitimate use. I think the police would be busy indeed across America if we begin banning things that we feel are unsafe to have an illegitimate use.

Senator Biden. Well, if it is by definition an illegitimate use.

Mr. Robinson. Or that have no legitimate use.

Senator Biden. That have no legitimate use—Mr. Robinson. That covers a lot of territory. There are a lot of other things that we could include in there. I am not sure I would want to subscribe to that policy.

Senator Biden. Well, we understand that probably you and I could never agree on anything. But that is a good start. That probably helps you and it helps me, too.

Senator Laxalt. I do not think he is saying that. I think essentially, if I understand him, he is saying that if there is no legitimate purpose for a piece of legislation, we should not indulge in the exercise. There has been a hell of a lot of that around here in years past.

Senator Biden. Again, with all due respect, Mr. Chairman, that is a bit of sophistry, too. The catch here is if there is not legitimate purpose for a thing that can do great harm and we all agree there is no legitimate purpose for it, is that an irresponsible legislative activity to eliminate it? It seems to me that is a legitimate field of activity for responsible U.S. Senators and Congresspersons and Presidents and police officers.

That is what I am talking about.
Mr. Robinson. Well, yes, I think that is a relevant—it is crude to say it, but it is certainly relevant. Otherwise, we would ban automobiles. We could ban a lot of things.

Senator Biden. I think that is preposterous, but I understand what you are saying.

So let me ask you another question because it really gets down to what the basic position of you and others who share your view have. And that is—and you may be right for all I know. But let me ask you, do you think there is anything wrong with us having banned sawed off shotguns? Now, we are reducing the field from Stinger missiles, you know, in terms of the field of devastation that can be done.

Was that a mistake to do?

Mr. Robinson. I have no objection to the law. I seriously question whether it has had any real effect. We encounter sawed off shotguns all the time. But I do not think it has really changed that situation very much. But I have no objection to the law. I am not standing here on a crusade to have it repealed.

Senator Biden. Gotcha. OK. Thank you.

Mr. Butler. Senator, one thing in sort of rebuttal to what the senator said. He referred to making the projectiles out of already manufactured ammunition capable of piercing the soft body armor. We have laws and regulations against machineguns, but yet you can go on the market and buy a weapon today and take it down in your basement and work with it a little bit and make it a machinegun.

Senator Biden. Well, I do not imagine he would object to machineguns, though, being sold over the counter, would you?

Mr. Robinson. Yes.

Senator Biden. Why?

Mr. Robinson. I think for the

Senator Biden. You can kill a lot more deer with a machinegun, and for a guy like me who does not have very good

Senator Biden. OK. Thank you.

Mr. Robinson. I do not find anything humorous about it, so—

Senator Biden. I am serious. I mean, why would you be opposed to machineguns being sold over the counter? I do not understand. I seriously do not understand based upon the philosophy you have set out. Why do you object to machineguns being sold?

Mr. Robinson. For the same reason that I cited with regard to the missiles. The potential is somewhat greater and I think the experience in Miami and what we have recently has shown that there is a consensus that there was a significant danger to large numbers, a meaningful, realistic thing that was actually happening. It could be demonstrated that it was happening and would seem to be a responsible thing to do.

Senator Biden. OK. Thank you.

Senator Laxalt. Thank you all. It has been a very stimulating panel.

Mr. Ricker. Senator, could I add just one closing comment that has not been brought up, but I think it bears mentioning? I am thinking about it as I am sitting here is that one other thing that certainly ought to be of consideration to everyone that is considering this legislation and that is the fact that those armor-piercing

slugs that we see on display here are made of a compound that is so hard that when it leaves the weapon, assuming that it does strike and kill a person, there are no identifying characteristics on that bullet that can identify the gun from which it was fired.

So if a round of that nature goes through the bullet proof vest and kills the police officer or if it just strikes a politician and kills him, you cannot identify even though you recover that bullet to the weapon which it came from because the metal is so hard. I think that should be considered.

Senator Laxalt. Thank you, chief, very much.

We have two more panels and in the interest of time, I would hope that the remaining panelists perhaps would not have any objection to coming to the table together and we will try to coordinate that activity.

We have Robert Ricker, who is the executive director of the California Wildlife Federation. We have Warren Cassidy, who is the executive director of the Institute for Legislative Action of the National Rifle Association. Then we have Gilbert Gallegos, who is legislative chairman of the Fraternal Order of Police. And finally Phil Caruso, who is the president of the New York City Patrolmen's Benevolent Association.

Let us start with Mr. Ricker.

STATEMENTS OF ROBERT A. RICKER, EXECUTIVE DIRECTOR, CALIFORNIA WILDLIFE FEDERATION, WARREN CASSIDY, EXECUTIVE DIRECTOR, INSTITUTE FOR LEGISLATIVE ACTION, NATIONAL RIFLE ASSOCIATION; GILBERT GALLEGOS, FRATERNAL ORDER OF POLICE; AND PHIL CARUSO, PRESIDENT, NEW YORK CITY PATROLMEN'S BENEVOLENT ASSOCIATION

Mr. Ricker. Mr. Chairman and Senator Biden, I am happy to be here today to help shed some light on the proposed legislation. S. 355, I represent the California Wildlife Federation, which is the wide sportsmen's organization representing over 150,000 sportsmen and over 100 sportsmen's clubs in the State of California.

Unlike the State of Iowa, the State of California has passed legislation dealing with armor-piercing ammunition.

Senator Laxalt. They did or they did not pass it?

Mr. Ricker. They did pass.

Senator Laxalt. The Iowa testimony, as you probably heard, was to the effect that they and some of the other places recently has shown that there is a consensus that there was a significant danger to large numbers, a meaningful, realistic thing that was actually happening. It could be demonstrated that it was happening and would seem to be a responsible thing to do.

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Let us start with Mr. Ricker.
Senator Laxalt. Are there criminal penalties attached in this piece of legislation also?

Mr. Ricker. Yes; there are. It is basically a criminal statute.

Senator Laxalt. I see.

Mr. Ricker. As Lieutenant Robinson testified earlier, there is a great deal of leeway and uncertainty as to what ammunition would in fact be banned should S. 555 be enacted.

Lieutenant Robinson mentioned the modification of commercially manufactured ammunition, which under the proposed bill would not normally be banned. Such ammunition however, could be hand modified and therefore prohibited under S. 555. I would like to cite some examples of how hand modification is widely practiced in California as well as by other States in the union. Most sportsmen and hunters or a large segment of sportsmen and hunters participate in what we call hand loading. This is done in order to save money on purchase of ammunition. Hunters and target shooters purchase types of ammunition which can be reused by taking the cartridge and adding a new projectile with new propellant; they can reuse the component parts of the ammunition for their hunting or target shooting purposes.

This is done on a large scale throughout the United States. We also heard earlier the testimony of the Treasury Department where Mr. Fowis stated that by modifying the amount or the type of propellant in a particular form of ammunition a person can easily enhance its armor-piercing capabilities. I would submit that for the average handloader, the average licensed hunter and law abiding gun owner in California, and likewise in every other State, would have a difficult time determining exactly how much propellant or what type of propellant would make a particular piece of ammunition armor piercing.

In California in 1980 approximately 67,300 licensed hunters spent more than $9 million on handloading equipment and accessories. If S. 555, in its current form, were adopted, I submit that we would have a law enforcement nightmare on our hands. We would have hunters and target shooters possessing ammunition with armor-piercing capabilities who do not know that they would be breaking the law.

Another point I think that has not been mentioned yet in this hearing is that the sportsmen and the hunters of this country pay their own way. By that I mean the money that they spend on firearms and ammunition is taxed, and that tax money is then applied to wildlife restoration programs throughout the country.

This was initially set up in the Dingell-Johnson-Pittman-Robinson Act of California, which is somewhere in the neighborhood of $4 million, which is used strictly for wildlife restoration programs, and hunter safety projects, would be severely and drastically reduced if this legislation were passed.

Senator Laxalt. What about the approach that was considered a moment or so ago by Senator Biden, that we take a known armor-piercing piece of ammunition by brand name and exclude it?

Mr. Ricker. That is basically a criminal statute. Senator Biden, that we take a known armor-piercing piece of ammunition by brand name and exclude it?

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PREPARED STATEMENT OF ROBERT A. RICKER

Mr. Chairman and Members of the Subcommittee:

It is my pleasure to appear before you today to describe the threat posed by S. 555 and its companion bill, HR. 953, to the American sporting community and Federal, State and local wildlife programs already underway in this country.

The California Wildlife Federation is a statewide sportsmens organization representing over 150,000 sportsmen and 100 sportsmens clubs. The Federation strongly believes that hunting and fishing are valuable game management tools and, when the state's game resources are properly managed, the state as a whole benefits.

The California Wildlife Federation shares the concern of the Committee and a large number of people who have expressed concern following the recent publicity regarding the dangers of "armor piercing" ammunition. The immediate reaction of most people after the publicity was that armor piercing ammunition must be banned. In California the State legislature enacted a provision directed specifically at "handgun ammunition designed primarily to penetrate metal or armor". However, many lessons were learned through the legislative process in California, and I would submit for the Subcommittee's consideration that the issue is far more complex than meets the eye and that there are no easy answers.

A number of practical problems arise in attempting to legislate against the importation, manufacture or sale of armor-piercing ammunition. I would like to apprise you of the significant problems we see in this effort.

Any attempt to define projectile-type ammunition, as S. 555 would attempt to do, invariably includes a significant number of commonly used hunting and target shooting ammunition, such as the common .30-30 Winchester. The .30-30 cartridge is currently factory chambered for certain hunting and silhouette competition handguns. It is commonly known that, when fired from one of these handguns with a barrel of five inches or less, the .30-30 Winchester will penetrate 18 layers of bullet-resistant Kevlar.

It is also likely that most all sporting rifle ammunition, when fired from a 5-inch barrel, would penetrate soft body armor. Under S. 555 therefore, all cartridges for which a handgun is made would have to be tested. As pointed out in testimony given by the U. S. Department of Justice before the House Subcommittee on Crime of the Committee on the Judiciary on May 12, 1982, this would be a monumental and costly task.

The definitional problems with S. 555 are even further compounded when you consider that literally millions of hunters and competitive shooters hand load their own ammunition. It is commonly known in the sporting community that the performance of a bullet or projectile is dependent upon a number of factors, including the quality and type of propellant powder used to assemble the bullet into a cartridge. The performance of a bullet which will not penetrate 18 layers of Kevlar can be changed by varying the quantity and/or type of propellant so that the same bullet will then penetrate the soft body armor.

In California alone, approximately 67,300 licensed hunters spent more than $9,178,500 on handloading equipment and accessories. If S. 555 in its current form were to be adopted, a law enforcement nightmare would be created. Every time an unsuspecting hunter or target shooter were to handload a cartridge he would first have to determine, under penalty of a federal felony, whether the cartridge is a 'restricted handgun bullet'. That determination can only be made by the Secretary of the Treasury using very sophisticated equipment.

Federal, State and local wildlife restoration programs would be severely affected by the passage of S. 555. Currently, hunters and sportsmen in this country pay their own way by financing fish and wildlife programs through excise taxes levied on the purchase of firearms and ammunition. This taxing
procedure, which was established under the Dingell/Johnson and Pittman Robertson Federal Aid for Fish and Wildlife Restoration Acts, would be severely undermined by a large number of currently manufactured types of ammunition being banned. Of course, once ammunition is prohibited a certain number of firearms will then become obsolete. This would greatly reduce the number of sporting firearms and ammunition sold and thereby severely impact on the availability of Pittman Robertson funds. In 1982-83, the State of California received $4.2 million from Pittman Robertson funds generated by firearm and ammunition sales nationwide. These funds are now used for wildlife habitat development, wildlife studies and mandatory hunter safety courses.

According to the 1980 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, prepared by the U.S. Department of Interior, there are over 4 million licensed resident hunters of the age 16 or older in California. Of those 4 million hunters, approximately 1 million regularly hunt animal species which require the use of ammunition outlawed by S. 555. The 1980 survey also states that in California over 38 million dollars were spent on guns and rifles and 17 million dollars on ammunition. It is therefore clear that S. 555 and its companion legislation would have a drastic effect on all tax revenues not only in California but in all other states.

This now brings me to my final point which is that S. 555 cannot accomplish the purposes for which it was intended. As stated earlier, non-armor piercing ammunition can be easily modified by hand to achieve armor piercing results. It has also been brought out in earlier Justice Department testimony that the purposes of S. 555 can be thwarted by firing non-armor piercing ammunition from firearms with longer barrels. The longer barrel can cause increased muzzle velocity, which in turn can give a projectile from a non-restricted cartridge the ability to penetrate soft body armor.

Testimony has also been given in earlier hearings that soft body armor is not designed to repel any or all types of armor-piercing bullets. Most law enforcement agencies do not not view protective armor as the only answer to the dangers associated with their law enforcement duties. It is merely a tool used to help reduce the incidence of injury when all other security measures fail.

The concern that has been expressed on a nationwide scale over armor piercing ammunition is well founded and the goals to be set by S. 555 are noble goals. However, to take such a simplistic approach to the real problem, which is not sporting ammunition which is capable of piercing soft body armor but is, in fact, rampant crime in our city streets, is a grave injustice. The people of this country are tired of hearing simple answers being proposed to complex problems.

The millions of sportsmen and law-abiding firearms owners of this country are also tired of being held responsible for the actions of a small criminal population which is virtually holding our society hostage. This fact was borne out in 1982 when the informed voters of California soundly rejected Proposition 15 (the anti-handgun initiative), which was nothing more than another well-intentioned, simplistic approach to our complex social problem of crime.

Mr. Chairman, the California Wildlife Federation believes that firearms and armor piercing ammunition should be kept out of the hands of criminals. There are now thousands of statutes on the books which make it illegal for convicted or even accused felons to own, possess or acquire firearms or ammunition. We also believe that those persons who use firearms or ammunition in violation of the law should be swiftly and severely punished. S. 555, on the other hand, would do nothing more than confuse the real issue of crime in our city streets. It would virtually outlaw most current sporting arms and ammunition which would result in nothing more than the loss of much needed revenues for fish and game restoration projects.

Thank you for providing me with this opportunity to present the views of the California Wildlife Federation.
Senator LAXALT. Thank you very much. Let us proceed now to Mr. Cassidy from the NRA. And if we have to leave, Mr. Cassidy and the rest of the panel, it is not out of any measure of disrespect, but because these hearings have gone much longer than anybody expected. We have a rather important vote on the floor and as soon as you hear five buzzers, I am afraid you are going to lose two U.S. Senators. But in lieu thereof, the remainder of the hearing will be completed by our chief counsel, Jock Nash.

Senator RINNEN. With your permission, Mr. Chairman, I have questions, too, so I would like to be able to ask my staff to participate.

Senator LAXALT. Surely. Of course. That will be just fine. We will make certain we have transcripts of this, and they will be provided, of course, for our use and the other members of the subcommittee.

STATEMENT OF WARREN CASSIDY

Mr. CASSIDY. Thank you very much, Mr. Chairman, Senator Biden, Senator Moynihan.

I would have had much more to say, but I enjoyed the Treasury Department's report refuting the sponsors' contentions. So I will limit my remarks to my prepared ones. I do appreciate being permitted to testify on behalf of our 2,200,000 members in opposition to S. 555 as introduced by Senator Moynihan.

Initially, I would point out there is no demonstrated need for this legislation; since the NRA testified on this identical proposal 2 years ago in the House of Representatives, there has been no rash of criminal misuse of armor-piercing handgun ammunition. In fact, it is our belief and fear, a fear shared by all police, that the high profile media campaign orchestrated by the proponents of this legislation and gun control groups is far more likely to endanger police lives than armor-piercing handgun ammunition.

Senator LAXALT. You heard Congressman Biaggi when this general point was raised, and essentially he says, "Do we have to wait for someone to get killed before we take preventive action". Do you agree with that statement?

Mr. CASSIDY. No, sir. But what has happened, the two officers that are being used here as an example of being killed by armor piercing, those were head shots or shots on parts of the body that would never be protected by any sort of ammunition. And the more this type of proposal is broadcast, the more the criminal element will go for the head if they think the officer is protected that way. Most certainly they will do that with shotguns or anything that will cover a greater area than just one bullet.

I might point out that the NRA has been a much better friend of police than most of the proponents of this type of legislation. Almost all police officers are trained by NRA certified instructors.

Senator LAXALT. Surely. Of course.

Mr. CASSIDY. Further, S. 555 would be unenforceable as the physical identification of restricted handgun ammunition, as opposed to similar unrestricted ammunition, is virtually impossible. There is no simple penetration indexing test which will define armor piercing ammunition or any law which would preclude ordinary, nonrestricted handgun ammunition from being fired from handguns with barrels over 5-inches in length. Additionally, private handloaders and small ammunition manufacturers, of which there are tens of thousands, would be placed in a particularly difficult position by this bill.

Each time an individual handloads a cartridge to be used in a handgun, he would be forced to determine under penalty of a Federal felony whether the cartridge is a restricted handgun bullet. That determination can under this bill only be made by the Secretary of the Treasury with very sophisticated testing equipment.

The National Rifle Association does not believe that legislation which attempts to control criminal behavior through the control of firearms and/or ammunition will ever be effective. Rather, we believe that stiff, sure, fair, mandatory penalties for misuse of firearms and/or ammunition are the only effective deterrents to criminal behavior. It is already against the law to shoot police officers. It is against the law for convicted criminals to possess firearms. Still another law will have no effect, particularly since the law is designed to solve a nonexistent problem. In that regard, the U.S. Senate recently passed by a vote of 91 to 1 a comprehensive crime control bill which included just such a mandatory minimum sentence for the criminal misuse of armor-piercing handgun ammunition.

The NRA commends and thanks the Senate for that appropriate, courageous action.

Mr. Chairman, the specific problems with S. 555 and H.R. 953 are many. The definitional section which attempts to create a class of "restricted handgun ammunition" is severely flawed. If passed, the result would be the banning of many conventional handgun and rifle cartridges. The U.S. Treasury Department, which would have to administer S. 555, has previously testified, and I have a copy of that testimony here.

The bill would be likely to include other ammunition readily available in commercial channels which are not designed or intended to penetrate soft body armor. Many handgun currently produced fire rifle-type ammunition. It is likely that such sporting rifle ammunition, when fired from a 5-inch barrel would penetrate soft body armor. Many sporting rifle cartridges would end up being restricted by this bill.

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The简单事实是，某些子弹与合法使用目的不符。然而，使用这些子弹的任何努力都会适得其反，例如，使用这些子弹会导致软体装甲的禁用。许多运动用子弹，射程远达5英寸直火，但是，如果该子弹被禁用，那么，使用这些子弹的人将会面临更加严重的处罚。
In short, S. 555 and H.R. 953 are riddled with technical inaccuracies, unenforceable provisions, and is legislation drafted in response to a nonproblem.

Three further points I think bear consideration. First, despite the claim of the bill’s proponents and gun control groups, armor-piercing handgun ammunition is not available on the civilian market. The officer from the Nassau County Police Department specifically stated that he identified himself as a police officer when he went in and purchased that ammunition.

Manufacturers and importers of AP ammunition sell their handgun ammunition only to law enforcement agencies. They do not sell to intervening FFL dealers, and regardless of whether that fact was reached by some law or voluntarily arrived at with the assistance of the Treasury Department, it is a fact.

In other words, you cannot simply walk into your local gun shop and purchase armor-piercing handgun ammunition as many would have you believe.

Second, it should be noted that many law enforcement organizations have concerns regarding S. 555 and similar bullet-ban legislation. I quote the chairman of the Firearms and Explosives Committee of the International Association of Chiefs of Police in a letter to the president of the International Association of Chiefs of Police:

Partial information, faulty logic, and emotionalism were found to exist in public deliberations. We urge you, as president of the IACP, to suspend any official association until a rational and informed study of the problem has been conducted. This committee believes that this is necessary to avoid potentially damaging legislative overreactions.

Third and finally, 37 States allow hunting with handguns. The various State fish and game departments specify certain calibers and energy levels below which you are not allowed to hunt with a handgun. And I guess this example is going to be wasted now.

But, Nevada, as an example, requires either .357 magnum or .44 magnum handgun with barrel length over 4 inches long. S. 555 would outlaw many of these cartridges mandated for big game hunting by State fish and game departments, not only in Nevada, but across the country.

The answer to the issues this hearing raises are not to be found in ill-conceived and poorly defined legislative proposals such as S. 555, but rather in swift, sure, and comprehensive action against those who would attempt to commit such abominable acts.

I commend to the attention of all concerned the minimum responsible solution to this issue. Thank you for providing me with your comments.

Mr. CASSIDY. Yes, I am.

Mr. Green. Nevada is not wasted. I am from Nevada. Nevada recently passed the armor-piercing bullet legislation. Are you familiar with that legislation?

Mr. CASSIDY. I believe in the State of Nevada they amended the legislation so that, I think, two or three specific named pieces of ammunition were specifically excluded.

Mr. Nash. Has the National Rifle Association come up with a list of ammunition that would not fall within the ambit of armor-piercing or vest-piercing ammunition that would probably be taken off the market should legislation be passed at the Federal level?

Mr. CASSIDY. No. We have not. We do not believe it can be defined because there is so much more involved than just the primer, the powder, the brass, the bullet, the length of the barrel, and the posed throughout the country and proposed here in its desire sporting ammunition used, as has been testified to here earlier today.

Mr. Nash. Are there groups who alleged that when they cannot get gun control, they will instead try to do it through the back door, by ammunition control? Could you give the committee a likely worst case that would be affected through that strategy?

Mr. CASSIDY. I think there is an excellent example, sir, very close trustee that seems to have nothing else to do in his life but to almost, he attempted to ban the sale of ammunition within his country. He has been defeated on every level. He makes no pretense about what he will get the ammunition banned and therefore they will have nothing to shoot and I will eventually get to the guns.

This gentleman has been defeated on every level so far. He is using his county’s funds to appeal. He has lost the appeal so far. I think he still has one left. But Montgomery County has an example of a declared antigen official stating that if I cannot get the guns, I will get the ammunition.

We feel that in the particular bullets that we are discussing here today, there has been a rash of specific cases where criminals were running around shooting at police officers with armor-piercing and vest-piercing ammunition and killing those police officers with armor-piercing because of the proponents of the legislation. That is not the case.

Mr. Green. Thank you, Mr. Cassidy.

Mr. Green. Just a couple of questions. Mr. Cassidy, do you know of any groups that are police officers or law enforcement officers?

Mr. CASSIDY. The majority of our total members who are police officers, I do not have any—

Mr. Green. Or a percentage figure.

Mr. CASSIDY. No, I would suspect it would be a large percentage out in the United States. They have been asked for, example, to put on a course for the Washington, DC Police Department.

They have put one on recently in Chicago. It intrigues us because of course both of those cities are noted for their strict handgun
law. But I could not give you a number. I suspect many, many police officers are members of the National Rifle Association.

Mr. Green. The reason I ask is because to our knowledge, there is no major law enforcement group that has come out in opposition to this bill. And I was wondering if there had been a polling of some sort or an opinion taken of police officers who are members of the NRA as to their position and whether they are siding with the NRA on this position or whether they are siding against it—

Mr. Cassidy. Yes; we have inquired and we have hundreds of responses from different members of the International Association of Chiefs of Police, for example. I do not have them here with me, supporting our side of this issue.

I believe there are police organizations in this room today, representatives of organizations who do represent a great number of police officers. I think one of the reasons some of them may not go public is in any police department of course you do have different points of opinion. You have the commanding officers. You have the officers. You have the patrolmen. They are represented by internal orders of police, patrolmen's association, the international association, and national association of the chiefs.

Their opinions may differ on many subjects, not just what we are talking about this morning and this afternoon, and I suspect it is uncomfortable for them. In our Morton Grove appeal before the Illinois State Supreme Court, we have now obtained two police organizations that have filed amicus curiae briefs in our behalf. They were unable to buy that type of ammunition as you have said and as Treasury also indicated, through compliance agreements that no longer available. Has that, to your knowledge, filtered down to individual licensed dealers, that they are no longer to sell over the counter any type of ammunition?

Mr. Cassidy. I would believe so.

Mr. Green. Given the fact it was already in stock is what I am referring to.

Mr. Cassidy. I think the officer from Delaware stated that he was unable to buy that type of ammunition he needed for his testing in his particular community because they were not sold. I think that is generally the case. That is not to say there is no ammunition that is not entitled armor piercing that could be sold. And that is also not to say there may not be a residue of some of that foreign ammunition in marketplaces throughout the country. I do not know that.

I would simply like to end on one statement because a question was asked by Senator Biden that sounded to—that it should be so easily answered and I think it is a very difficult question to answer. He asked of one of the officers, Robinson, if we simply named one, KTW, by name, would you agree with it. And I am sure it is easier on hindsight sitting back in the audience to form an opinion than it is sitting up here and responding directly to a question firsthand. The problem with that is simply that if we did that, how long do you think it would take some manufacturer to produce an identical round and call it the ABC round and then sell it because it was not entitled KTW. Then we would be back before this committee to ban the ABC round and the EFG round and the XY round.

And I submit for your review again that it is not a question of the number of armor piercing or otherwise rounds in the perpetrators cylinder, in his magazine, in his pocket. It is the repetition, the repeating criminal out on the street constantly that is causing the crime. If you study the uniform crime reports of the Federal Bureau of Investigation, you will see that the officers shot at, killed, assaulted, kicked, punched are in almost every instance the victims of a repeat felon, four or more arrests or convictions.

That is why the NRA feels as strongly as it does, not because we want to help a criminal or hurt a police officer. We feel just the opposite. But we feel the entire argument has been framed in a way that will never help the police officer. And that is why we speak so strongly on this subject as we do. Thank you very much.

Mr. Nash. Thank you, Mr. Cassidy. I think our next witness is Mr. Gallegos.

STATEMENT OF GILBERT GALLEGOS

Mr. Gallegos. Mr. Chairman and members of the subcommittee, I am Gilbert Gallegos. I am the national legislative committee chairman of the Fraternal Order of Police. I am also a police officer with the Albuquerque Police Department, which is in New Mexico, and I have 20 years of law enforcement experience.

If you do not mind, Mr. Chairman, I would also like to introduce Mr. Richard Boyd, our national FOP president, and Mr. Richard...
Lis, our national vice president. Mr. Boyd is with the Oklahoma City Police Department, and Mr. Lis is a police officer in Chicago. So my point being is that this is not an eastern seaboard police bill. This bill that we are talking about reflects the views, I feel, of law enforcement officers across the country.

The Fraternal Order of Police with its 167,000 members supports this legislation. We are the largest law enforcement organization in the United States. Our organization is composed of law enforcement officers of all ranks from chiefs on down to the street officer, of all agencies, from Federal agencies down to the one man police department.

But the bulk of our membership is comprised of the street officers who make up the front line of society's fight and battle against crime. And I think that is what we are talking about here is protecting that street officer who is out there trying to do the best job that he can and she can to protect the lives in their own community.

Let me say this: the FOP does not support, will never support, as far as I am concerned—and I would speak for the President of our organization—we are not an antigun organization. We would vehemently be against any legislation which would limit the lawful possession of firearms by United States of American citizens.

Also I would like to bring a point; we have been talking about the fact that you cannot get these bullets anywhere or only law enforcement agencies can do it. The gentleman from the NRA has testified to this. The Treasury Department has testified to this. This is wrong. I purchased this type of bullet myself, not on behalf of the Albuquerque Police Department, not on behalf of the State of New Mexico, on my behalf. Now, I must admit that I did show my badge, but I did not show any other identification. I did not—

Mr. Nash. Why did you show your badge? Was that requested?

Mr. Gallegos. They requested it; except that here I have some .357 magnum, 158 grain metal piercing ammunition. I inquired about this and they told me that anybody could buy this. It did not have to be a law enforcement officer. This is a reputable company in Albuquerque.

I also bought some devastator bullets which blow up when they hit a human being or anything else. This is what the President was shot with, not this round, but this type of round.

I also bought 9 millimeter ammunition and I also bought some .357 ammunition. And if they are saying that you need to be a law enforcement agency to purchase this, they are wrong. And I would like that to go on the record.

So I wonder, Mr. Chairman, just how many other people can go out and buy this type of ammunition. I do not think the Treasury Department knows what it is talking about because I did it. I have the receipts to prove that I purchased these, dated March 1, 1984, which is last week.

Mr. Nash. Could we have copies of those for the record?

Mr. Gallegos. Yes, you can.

[The material referred to follows:]
<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
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<tr>
<td>1</td>
<td>5555 AR</td>
<td>5.50</td>
<td>17.50</td>
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<td>2</td>
<td>7777 AR</td>
<td>2.50</td>
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<tr>
<td></td>
<td>TOTAL</td>
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<td>24.50</td>
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**TAX:** $1.15

**TOTAL:** $25.65

All claims and returned goods must be accompanied by this bill.
Mr. GALLEGOS. Therefore, I guess by my statements, you gather that we support the control of manufacture, distribution, and the use of armor-piercing ammunition. And this goes beyond the Teflon or the Teflon-coated bullet. I think it goes to the regular armor piercing; it goes beyond the Teflon to the devastating type of bullet, which has no legitimate law enforcement use. I think that has been testified to.

Except for military purposes, I imagine they could use it, but law enforcement, who these bullets were supposedly designed for, has no use for them. I have not heard any testimony that says that. It is the opposite.

In the 1970's the bullet-proof vests were developed for law enforcement. As a matter of fact, the Law Enforcement Assistance Administration at that time, LEAA, went to great lengths to furnish money to police departments so that they could buy these vests. But in reality most of the vests that were bought—and I know that for a fact in Albuquerque, under the LEAA grants, most of those are obsolete because they are not even the ones that are being sold now. Across the country citizen groups, the communities have been gathering money and trying to help their law enforcement agencies.

So I think that the citizens in the individual communities are keenly aware that the officers need the protection. I heard the Justice Department talk about the types III, type II-A and all these other numbers that they talk about. I do not know really what it is all means except that most of the officers now wear the type II. So type II vest is what a lot of people is using; we have not it to control the standard use of vests and that is being used now, not in something that is going to come out 2, 3, 4, 5 years from now, something that officers are wearing today.

So I think that the importance of the vest is self-evident. But basically we have to look at it that, armor piercing ammunition makes these vests impotent. Their usefulness goes away. In reality, they have a tactical police use. When the people made this ammunition, they did not do it according to their testimony in previous hearings on this, they said it was made for police use.

I do not know of any police department that uses this. I checked with our SWAT team people; they say it has no use. They do not use it. They have people who use them in tactical situations. They do not do it for sport or they do not do it for sport or for sport. And I do not feel that the average sportsman is willing to abide by the law enforcement, but it is law enforcement. And I do not know why the NRA has taken an antilaw enforcement stance on this issue.

The Treasury Department has taken the stance that this ammunition is not a threat to law enforcement officers. And I submit that it is a threat to law enforcement officers. And as a police officer, I resent that threat because they are supposed to represent me, the Treasury Department. It is an actual threat against law enforcement officers.

The FOP strongly disagrees with the department's position. We feel that the potential threat is just as important as an actual threat. And it seems like the Treasury Department is trying to minimize that threat.

Mr. NASH. If I might ask a few questions at this point. There has been much said over the years that many crimes are becoming more violent, not only the possession of ammunition, but the use of a crime, of certain weapons or certain ammunition should be penalized. What do you think the appropriate penalty would be for someone who sold you those, given no other criminality? How long would you put them in prison?

Mr. GALLEGOS. Well, I do not know that you would have to put them in prison. I think the problem is that the dealers are not really being told by the Treasury Department exactly what they should or should not sell. It is obvious that the dealer sells it to me. I do not think necessarily that the dealer in this case should go to prison because what I submit is that the Treasury Department is not doing its job, and it is reluctant to do its job.

Mr. NASH. Has New Mexico passed a bill to prevent that from occurring? You have mentioned the Treasury Department has not done their job. Has your New Mexico State Legislature passed legislation to prevent this?

Mr. GALLEGOS. We have attempted to do so, and we have been lobbied against by the NRA in this issue in New Mexico.

Mr. GREEN. Excuse me one second. Do you know how many States have passed legislation like this?

Mr. GALLEGOS. The testimony varies but I think 8, 12, something like that have this type of law. I think the Treasury Department makes the wrong decision. This portion of the Moynihan-Biaggi legislation which was non-conditional, that which enhanced the penalties of someone who would use such ammunition during the commission of a felony, passed easily in the Senate and is now awaiting action in the House. Unfortunately, I think the legislation has such a rigidity over there, not because of that particular provision, but because of many others.

But if you do not have someone using this ammunition in a crime of violence and if the evil to be remedied is the criminal who uses this—all other people, we will assume, are not going to use it. Then further protection would be ammunition, sale or possession give the policeman? In essence, an otherwise law abiding person might have this ammunition or might sell it, but who would never intend to use it in a crime. What would this legislation do? Congress do? Please let the subcommittee know how this legislation is going to protect you. Even more importantly how it would be enforced.

Mr. GALLEGOS. Well, I think that the unentenioned citizen could be really protected. We support that legislation which is pending.
before the House that would have enhanced penalties and we agree that that is a good law. But that is a reactive approach rather than a proactive approach. And we feel that the threat is very real. And we feel that if you ban and you can define the ammunition, that the sportsman will probably take their own steps to get rid of it or the dealers would. But the idea is to let them know. And I do not think that the mere possession is going to cause anyone or should cause anyone to go to prison.

I think the people we are focusing on are the ones that do use it in a crime or have it in possession when using it in a crime. And those are the people that we want to have put away.

But the individual sportsman who just by mere possession—I think that we could work something like that out and we would not be putting the average citizen away in prison.

So I think that would be my answer to that.

Mr. NASH. Thank you.

Mr. GALLEGOS. Just one quick question, Gil. You as a representative of the FOP, can you summarize for the committee so it is on record what the police officers, having to face this threat every day with the availability of this ammunition. What has it meant to the morale of the police officers or their ability to do their job. Have there been any changes? Have there been things that have been expressed, that knowing that this ammunition is out there and available and in fact can penetrate the body armor that they wear, if in fact they are wearing it.

Mr. GALLEGOS. I have not spoken to one officer that does not worry about it. When you are a police officer, there are certain things that you realize, certain dangers that you realize are going to confront you. But where the officers are resentful, at least the ones that I have talked to, about the fact that these are available. It is on their mind. I am not saying they worry about it. They worry about it 24 hours a day.

But the idea is that they do not know what is going to face them when they walk into a darkened alley or into a building. And what I am saying is if we can at least give them one small measure, perhaps it will ease their minds, and that the officers are definitely affected by the fact that there are people out there who are out to kill them.

We are not deer and we are not animals that are hunted down like other animals. These bullets are designed to kill human beings, not designed to kill deer.

And that is on our mind, the fact that if one officer dies, or if one officer’s life—just one officer’s life can be saved by enacting this legislation, then we feel the legislation is worth it. It is worth the controversy if just one life, one human life can be saved.

Mr. NASH. Of your membership, what percentage would you say, wear the vest?

Mr. GALLEGOS. I would say based on personal knowledge, I would say 50 percent of the street officers is a safe assumption. And it is an assumption.

Mr. NASH. Thank you very much.

Mr. GREEN. Is that based on availability, 50 percent of the total that have it available to them or does it include all police departments including those that do not have it available to them?
PREPARED STATEMENT OF GILBERT GALLEGOS

Mr. Chairman and members of the Subcommittee, I am Gilbert Gallegos, National Legislative Committee Chairman of the Fraternal Order of Police. I am also a police officer with the Albuquerque Police Department, and have 20 years of law enforcement experience.

I also would like to introduce Richard Boyd, our National FOP President, and Richard Lis, our National Vice-President. Also present is Tom Tague, President of the Washington, D.C. Lodge.

The Fraternal Order of Police appreciates the opportunity to express our views on the "cop-killer bullet" issue. The Fraternal Order of Police, with its 167,000 members, is the largest law enforcement organization in the United States. Our organization is comprised of law enforcement officers of all ranks from all types of law enforcement agencies. The bulk of our membership is comprised of the street officers who make up the front line in society's battle against crime.

We support legislation which controls the manufacture, distribution, and use of armor-piercing ammunition. This issue goes beyond the "teflon-coated" bullets. Devastator and regular armor-piercing ammunition must be included in this issue. Any citizen can purchase armor-piercing ammunition, which can also penetrate our lifesaving vests. In my view, there is no legitimate use, except for military purposes, for any type of handgun armor-piercing ammunition.

Since the early 1970's, many law enforcement officers have been wearing bullet-proof vests. Officers view them as a tool to possibly prevent their death. Many police departments issue the vests as standard equipment, and many officers buy personal vests if they are not issued. Across the country, citizen groups have supported law enforcement by raising money to purchase these vests for the protection of officers in their communities. The importance of a vest is self-evident. Armor-piercing ammunition makes these vests impotent. Our vest gives us that "second chance" on life, which can be taken away by the squeeze of a trigger.

In reality, armor-piercing handgun ammunition does not even have a tactical police use in the capture of barricaded suspects. I have spoken to SWAT team members who have been in many tactical situations, and based on their experience, ammunition of this type is not practical for police purposes. Therefore, the alleged law enforcement need does not exist. This ammunition is not practical for the regular officer on the street either. Additionally, this ammunition is not practical for the average sportswoman who hunts or does target shooting. If these bullets are banned, I feel, the average citizen or sportswoman will not be affected. They would still have the right to hunt wild game and target shoot with other types of more practical ammunition. The persons who would be affected would be that law enforcement officer on the street, because the ammunition in question has only one function—which is to kill a human being.

The Treasury Department has also taken a stance that this ammunition is not a threat to law enforcement officers. The FOP strongly disagrees with the Department's position. We feel that the potential threat of an officer getting killed or wounded is just as important as an actual threat. It appears that the Department has minimized the threat.

There are an average of 100 law enforcement officers killed each year, and of this number it is unknown if any have been killed with armor-piercing ammunition. The number of officers killed or wounded by this ammunition is not at issue. The issue is the potential threat that does in fact exist. The media has been accused of creating the issue, however, I feel they pointed out the existence of a problem. I feel they have been the brunt of undeserved criticism as a means of diverting attention away from the real issue.

As a means to deal with the issue, some states enacted laws which created enhanced criminal penalties when this type of ammunition is used in the commission of a crime. This is admirable, however it creates a false sense
of security. It is after the fact, and is not a very proactive approach in dealing with the issue. We believe in a positive approach rather than a negative approach.

Our approach is simple and direct. "HEV" type, armor piercing, and devastator handgun ammunition should not be manufactured except for specific military purposes. As I stated before, there are no legitimate or practical uses for this ammunition by either law enforcement officers or sportmen. If only one life can be saved, the enactment of this legislation will be worth the present controversy.

Again, I wish to thank the Subcommittee for giving the Fraternal Order of Police the opportunity to provide input on the present issue.

Mr. Nash. Thank you. Our last witness is Mr. Phil Caruso. He is the president of the New York City Patrolmen's Benevolent Association.

STATEMENT OF PHIL CARUSO

Mr. CARUSO. Thank you, Mr. Chairman. It has been a long day and I have heard a lot of discussion, some of which was quite stimulating, very interesting.

I represent 20,000 rank and file New York City police officers. And I think it is very important that I establish the tone, sort of characterize the climate of crime and violence that we are subject- ed to each and every day on the streets of New York.

In the first 2 months of this year, we have had 2 police officers killed and 10 others lay wounded and grievously injured as a result of gunshot wounds. And miraculously we have not sustained further losses.

I set this tone not to create panic or hysteria, but merely to establish the reality of what we are confronted with each and every day, not only in New York City, but in every major urban center of the United States. Consequently, we are concerned about the fate of this legislation, which we deem to be very important toward the protection of life and limb of the police officers.

The New York City PBA was at the forefront of the movement toward providing bullet proof vests for police officers, not because we needed embellishment, some of an aesthetic nature, but because we were confronted with a real threat of instant, violent death.

It is a very sad commentary on the quality of life, not only in New York City again, but throughout the country. We created the focus, the attention, and it caught on nationwide to a point where the majority of police officers now find it necessary to wear vests.

And what we are confronted with now is kind of a very perverse dilemma, a technological paradox, because the same space age technology that created the innovation of soft body armor has also created another instrument of death, killer bullets. And we can listen to pros and cons and it is very disturbing to me personally and to the people I represent to know that there are certain people who find it objectionable that the Congress of the United States would seek to provide us with another element of safety by restrict­ ing the sale, the manufacture, and distribution of instruments of death that have no valid place in this society. And I want to clarify something and make it very clear because the gentleman from the NRA is here; that I am a sportsman; I am a hunter; I enjoy the shooting sports; and I would say the vast majority of the people I represent are NRA members that also enjoy outdoor activities and shooting sports.

And by no stretch of the imagination do we imply or advocate the infringement of the right to keep and bear arms by any law abiding citizen in this country. We will aggressively and vigorously ensure that our citizens have that right. But somewhere, somehow common sense has got to prevail. And all these accusations that we often hear directed toward NRA, that they have people who border on the lunatic fringe finds expression in their resistance to this type of legislation.

There is no rhyme or reason why these bullets have to be out there circulating in the society. We have 2 million illegal handguns in the city of New York. This is an estimate made by certain ex­ perts. I say it is probably higher than that. Police officers have to deal with that reality. Police officers now have to deal with the reality that the criminal element with its profound deviousness now are wearing bullet proof vests of a higher quality than police offi­ cers have while they perpetrate their dastardly crimes.

And they are equipping themselves with bullets that can pene­ trate police armor. Now, let me give you this analogy and ask you if you would like to be placed in this kind of a combat situation as a police officer. You confront an armed suspect perpetrating, let us say, a robbery. You find to your dismay that the individual is in­ vulnerable to your shot, your fire. You think he is some kind of a superman. No, he is not superman. He is wearing a bullet proof vest that is better than yours.

It would be more than shocking and dismaying if the officer in that analogy situation would be shot and killed with a round that penetrated his vest and laid him to sleep. This can happen and I do not think we should wait until such a gross analogy becomes a reality.

We are looking for the ounce of prevention that will lead to not a panacea, because no amount of armament and protection will make our job 100 percent safe. Indeed, if you were to give us Sher­ man tanks, you would still suffer casualties and losses. We do not want Sherman tanks. We want a measure of concern and interest in giving us the edge of protection, the psychological lift that we need to perform a very difficult and complex function in this soci­ ety. That is all we are asking for.

And I keep hearing about definitional problems and how insur­ mountable they are. Well, I suggest to you that they are not insur­ mountable and do not defy resolution. And I know that Washin­ gton is deep with a profundity of knowledge. It is a font of wisdom. And it is beyond my comprehension that the people from...
Treasury cannot come up with an applicable definition of what is needed to give us the edge.

And I will say this, I will bring a couple of New York City street cops here and we will give you the definition that is needed and we will not have to resort to law books and scholarly seminars given by some academicians. We will give you a definition if that is what is needed.

I am a sportsman, as I said. And I will reiterate that we do not advocate infringement of our constitutional guarantee as I view it. I have hunted throughout this country. Never have I come across the need for armor-piercing bullets of the type that you have seen exhibited here today. I have never run into a bull rhinoceros in the woods in this country. Consequently, there is no need for any sportsman to engage in the use of these bullets. The people we do fear, the people we do come to grips with are the people within the criminal element who, whether through televised scenarios of this nature or otherwise, will come to find that if they are going to commit crimes and gun down police officers more effectively, they will place this instrument of death within their arsenal and make our life a little more miserable.

And I suggest for the sake of promoting the best interests of NRA and all the legislators and the Congress, that something be done to reverse this pernicious trend, to minimize the risk factor. It has to be done on the Federal level. Thank you very much for listening and I appreciate the opportunity.

[The prepared statement of Mr. Caruso follows:]
OF OUR NUMBERS WHO SUSTAINED FATAL CHEST AND BACK WOUNDS IN
CONFLICT Situations WITH A VIOLENT BREED OF CRIMINAL.

Since the introduction of the vests, the incidence of
fatalities has [been seemingly] alleviated. Police lives are being
served because otherwise fatal shots are stopped or sufficiently
slowed down by the protective gear now worn by police officers.

Mr. Nash. I think Mr. Caruso's statement is a very strong and
eloquent one. One of the problems that is always faced by the—not
only the Criminal Law Subcommittee, but indeed I guess by any
subcommittee of the Congress is to, No. 1, remedy the evil that is
out there; No. 2, to do it in a way that can be enforced; and No. 3,
draft a law in which people can be aware of its provisions and can
thereby follow it, and that if they do not, those people can be iden-
tified and brought to justice.

I think some of those problems might be involved in this
situation here. Suppose such a bill was passed that would ban the dis-
tribution, importation, and sale of this type of cartridge, and suppose
policemen were still being killed by ones that were either available
in current inventory or indeed made by the millions of people out
there who handload their cartridges. How do we go about reaching
that segment?

It seems that the criminal element in the drug area has far supe-
rior resources, more money, better roads, better boats, better air-
planes than does the Government. And I would think that if there
were a demand for cop-killer bullets, there would be a demand for
people to handload those bullets for them.

How do you get at that problem? I think it is a problem here
that is of concern to Senator Moyhnan. It is a concern, I think, of
all of the members of our committee. But they have to do it in a
way that the law will not be flaunted, that indeed we can go and
remedy that evil out there.

Mr. Caruso. Mr. Chairman, we will never create a paradise here
on Earth. But we must minimize the risk factor not only to police
officers, but also to decent citizens. You know, you have people,
merchants, New York City. I will look at New York City because
that is my bailiwick; merchants who have to wear bullet proof
vests, merchants who are carrying weapons because they have to.
It is a way of doing business in the city. And if we can save the life
of one police officer, minimally, or one decent, honest citizen—we
place a high premium on human life.

And if this legislation can accomplish that, then we will have ac-
complished something.

Mr. Nash. Mr. Caruso, I spent 1 year of my life in Vietnam;
during one period, the platoon which I commanded was given the
responsibility for testing a new type of body armor. And it was
truly body armor. It had a heavy ceramic plate that covered the vital
areas of the upper body. Had we been forced to continue to
wear it for the expected duration of the test, it may have saved
some lives. However, the problem with that body armor was that it

was so heavy in the front that it kept hitting us in the back of the
neck. As a consequence virtually every member of the platoon suf-
fered headaches. Since marines in combat must walk everywhere
because we do not have as many helicopters as does the Army, our
combat effectiveness was hurt. So we had to get rid of them.

While there is no one on this subcommittee that would not sup-
port your position relative to saving every possible life—unfortu-
nately, tradeoffs have to be made in a real world. I cannot tell you
how much we appreciate your testimony.

Mr. Caruso. Mr. Chairman, one more point, incidentally, be-
cause it was raised as a question here as to how many police offi-
cers wear bullet proof vests. And I will say unequivocally in New
York City 99.9 percent of the patrol officers, people on the line,
wear those vests. And that includes summertime.

Mr. Nash. Does that change your rates for your insurance?

Mr. Caruso. No, it absolutely has no impact whatsoever on the
insurance.

Mr. Nash. There is no way of saying that the insurance compa-
ies will give you a break on your insurance rates if you wear it?

Mr. Caruso. No, absolutely not. It has no bearing on the insur-
ance coverage. The city of New York does not mandate the wearing
of the vest, primarily because we went out and purchased our own
vests.

Mr. Nash. The two men that you testified were recently wound-
ed, were they shot through the vests or was that—

Mr. Caruso. Ironically, the two who were wounded—actually
more than two. We have had 10 wounded recently, two killed. The
policemen who were killed, one was off duty and did not have a
vest. The other officer was shot in the head and killed instantly. So
no vest or armament would have protected him.

The other officers, ironically, were injured in areas that were not
protected by the vest.

So, I will make another statement about the value of the vest. In
recent years we have seen a reduction in the number of fatalities
and I can document clearly instances where the vests have saved
lives.

Mr. Green. It has been a long day and I think Phil has pretty
well summarized why we had the hearing today and I think we can
just end on that.

Mr. Nash. I want to apologize again to the members of this par-
cular panel for the exigencies of the legislative process and unfor-
tunately having staff conduct the last part of this hearing. It is un-
comfortable for us, as I am sure it is for you.

Thank you.

[Whereupon, at 1:30 p.m. the subcommittee was adjourned.]
APPENDIX

ADDITIONAL STATEMENTS AND VIEWS

Testimony of Rep. Norman E. D'Amours

Mr. Chairman, I want to thank you for this opportunity to testify today on Senator Moynihan's bill, S. 595, which would restrict the sale of certain types of ammunition.

As a former criminal prosecutor, Assistant State Attorney General, and instructor at the New Hampshire State Police Training School, I can well understand the need for a criminal justice system that is efficient, fair, and just. Therefore, I am here today to discuss the potential impact that the legislation would have on violent crime in our nation, and the need for a better criminal justice system so that criminals know that if they commit a crime, they will be caught, prosecuted, and forced to serve time.

Banning certain types of ammunition is ineffective because experience has shown that such legislation would be easy to evade. It would also be ineffective because the types of ammunition that are banned would be replaced by other types that are not banned. This would simply shift the problem to another area.

Banning certain types of ammunition is also inappropriate because it is a solution that is not based on sound principles. It is a solution that is not based on a thorough understanding of the problem. It is a solution that is not based on a thorough understanding of the science of bulletproof vests. It is a solution that is not based on a thorough understanding of the science of bulletproof vests.

Banning certain types of ammunition is not constitutional because it infringes upon the people's Second Amendment rights to keep and bear arms. It also sets a precedent for the federal government to engage in prior restraint by banning items that are not banned by the Constitution.

Banning certain types of ammunition is also inappropriate because it is difficult, if not impossible, to define with any precision what types of ammunition should be banned.

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Banning certain types of ammunition is ineffective because experience has shown that such legislation would be easy to evade. It would also be ineffective because the types of ammunition that are banned would be replaced by other types that are not banned. This would simply shift the problem to another area.

Banning certain types of ammunition is also inappropriate because it is a solution that is not based on sound principles. It is a solution that is not based on a thorough understanding of the problem. It is a solution that is not based on a thorough understanding of the science of bulletproof vests. It is a solution that is not based on a thorough understanding of the science of bulletproof vests.

Banning certain types of ammunition is not constitutional because it infringes upon the people's Second Amendment rights to keep and bear arms. It also sets a precedent for the federal government to engage in prior restraint by banning items that are not banned by the Constitution.

Banning certain types of ammunition is also inappropriate because it is difficult, if not impossible, to define with any precision what types of ammunition should be banned.

Banning certain types of ammunition is unconstitutional because it infringes upon the people's Second Amendment rights to keep and bear arms. It also sets a precedent for the federal government to engage in prior restraint by banning items that are not banned by the Constitution.
STATEMENT OF NORMAN DAVIES, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) WOULD LIKE TO THANK THE SUBCOMMITTEE ON CRIMINAL LAW FOR INVITING US TO EXPRESS OUR VIEWS ON S. 555, LEGISLATION TO BAR AMMUNITION SPECIFICALLY DESIGNED TO PENE­TRATE BULLET-RESISTANT APPAREL.

THE IACP IS A VOLUNTARY PROFESSIONAL ORGANIZATION ESTABLISHED IN 1893. IT IS COMPRISED OF CHIEFS OF POLICE AND OTHER LAW ENFORCEMENT PERSONNEL FROM ALL SECTIONS OF THE UNITED STATES AND MORE THAN SIXTY NATIONS. COMMAND PERSONNEL WITHIN THE UNITED STATES CONSTITUTE MORE THAN SEVENTY PERCENT OF THE MORE THAN 14,000 MEMBERS. THROUGHOUT ITS EXISTENCE, THE IACP HAS STRIVED TO ACHIEVE PROPER, CONSCIENTIOUS AND RESOLUTE LAW ENFORCEMENT. IN ALL OF ITS ACTIVITIES, THE IACP HAS BEEN CONSTANTLY DEVOTED TO THE STEADY ADVANCEMENT OF THE NATION'S WELFARE AND WELL-BEING. WE ADDRESS THIS SUBCOMMITTEE TODAY ON BEHALF OF OUR MEMBERS AND THE THOUSANDS OF LAW ENFORCEMENT OFFICERS WHOSE LIVES ARE THREATENED BY THE AVAILABILITY OF BULLETS CAPABLE OF PENETRATING THEIR SOFT-BODY ARMOR.

BULLET-RESISTANT VESTS HAVE BEEN AVAILABLE FOR QUITE SOME TIME; HOWEVER, BECAUSE THE EARLY VERSIONS WERE SO BULKY AND UNCOMFORTABLE, OFFICERS DID NOT WEAR THEM ROUTINELY. THE RAPID INCREASE IN POLICE INJURIES AND DEATHS DURING THE PERIOD FROM 1960 TO 1970 PROMPTED THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (NOW THE NATIONAL INSTITUTE OF JUSTICE) TO SPONSOR A PROGRAM TO DEVELOP LIGHTWEIGHT BODY ARMOR WHICH AN OFFICER COULD WEAR CONTINUOUSLY WHILE ON DUTY. THIS PROJECT HAS BEEN VERY SUCCESSFUL.

IT IS RECOGNIZED THAT IN ORDER TO PRODUCE A VEST THAT OFFICERS WILL WEAR CONTINUOUSLY, IT IS IMPOSSIBLE TO COMPLETELY PROTECT THEM FROM ALL THREATS. IN ORDER TO AID POLICE AGENCIES IN SELECTING GARMENTS APPROPRIATE FOR THEIR PARTICULAR SITUATIONS, THE FOLLOWING CRITERION SHOULD BE CONTINUOUSLY DEVOTED TO.

- Uses only lightweight, protective material called "KEVLAR" (a registered trademark of E. I. DU PONT DE NORMES AND COMPANY). OFFICIAL TESTS HAVE SHOWN THAT CERTAIN CALIBERS OF THE TELFON-COATED 24 TH W.BULLETS CAN PENETRATE UP TO SEVENTY-TWO LAYERS OF KEVLAR. THE MOST POPULAR SOFT-BODY ARMOR WORN BY POLICE OFFICERS IS COMPOSED OF ONLY EIGHTEEN LAYERS OF KEVLAR.

LAW OFFICERS, IACP IN 1978 COMPLETED A COMPREHENSIVE REPORT ENTITLED "A BALLISTIC EVALUATION OF POLICE BODY ARMOR." IN THIS STUDY, BULLETHOLE ARMOR WAS CLASSIFIED ACCORDING TO FIVE THREAT LEVELS. AT EACH THREAT LEVEL, THE BULLETS AND CALIBERS WHICH THE ARMOR WAS CAPABLE OF PROTECTING AGAINST WERE IDENTIFIED. EACH DEPART­MENT COULD THEN DECIDE WHICH VESTS WERE NEEDED TO PROVIDE FULL-TIME PROTECTION AGAINST THE THREAT MOST LIKELY TO BE FACED BY ITS OFFICERS.

AS A RESULT OF ALL OF THIS RESEARCH, APPROXIMATELY FIFTY PERCENT OF ALL LAW ENFORCEMENT OFFICERS IN THIS COUNTRY CURRENTLY WEAR BULLET-RESISTANT VESTS. IF LEGISLATION INTRODUCED IN THE HOUSE BY CONGRESSMEN I. T. VALENTINE IS PASSED, ALL OFFICERS WILL BE PROVIDED WITH VESTS. THE BILL, H.R. 4346, AUTHORIZES FEDERAL FUNDS FOR THE PURCHASE OF SOFT-BODY ARMOR FOR POLICE OFFICERS.


HOWEVER, THE SECURITY THAT BULLET-RESISTANT ARMOR PROVIDES IS BEING VIOLATED. A REAL AND IMMEDIATE THREAT HAS BEEN POSED TO THE LIVES AND SAFETY OF PERSONS RELYING ON SUCH PROTECTIVE EQUIPMENT.

IN ORDER TO PROTECT THEMSELVES AGAINST SUCH A MENACE, OFFICERS WOULD HAVE TO WEAR EXTREMELY BULKY, HEAVY PROTECTION. AS EXPERIENCE HAS SHOWN, THESE VESTS WOULD NOT BE WORN EXCEPT IN EXTRAORDINARY CIRCUMSTANCES WHEN THE OFFICER REALIZES THE SEVERITY OF THE DANGER HE IS ABOUT TO FACE.

Currently, federal law does not restrict the sale of any type of ammunition. Despite the fact that manufacturers of ammunition specifically designed to penetrate bullet-resistant apparel claim their bullets are for police and military use only, there has not been any attempt to legally prevent their availability to the public. Indeed, these packaging labels are merely a lucidious plot to gain market acceptability, since no enforcement of the regulation is possible. Furthermore, these bullets are not used by either law enforcement or the military because of their incredible penetrability and the great risk that they may ricochet and strike an innocent bystander, as well as their lack of stopping power. These bullets have been found unacceptable for use by law enforcement agencies. Right here in Washington, D.C., the Metropolitan Police Department has expressly prohibited officers from carrying armor-piercing ammunition either on or off duty. When armor-piercing ammunition was offered to the United States military, it was not interested.

Two years ago, Norman Darrow, the Executive Director of IACP, appeared before the House subcommittee on crime to testify in support of legislation similar to that before this subcommittee. Much of what he said then is repeated here. However, since that time the position of the association has grown stronger.

At a meeting of the IACP board of officers which was held on February 18, 1984, the board voted unanimously to support S. 555 and its companion bill in the House, H.R. 945. In the past, we voiced concern over the definition that will be used to identify those bullets that will be banned. We feel that those reservations must be put aside so that legislation can be passed to protect the lives of the dedicated police officers who daily risk their lives for the welfare and protection of our citizens. This bill will prove that protection. Not only does it establish mandatory minimum prison sentences for persons who use armor-piercing bullets during the commission of a felony, but it also imposes penalties on persons who import, manufacture or sell restricted bullets. An exception is provided for those specifically authorized to do so for purposes of the military or law enforcement.

The international association of chiefs of police can find no legitimate use, either in or out of law enforcement, for this type of ammunition. As long as the manufacture and sale of armor-piercing ammunition remains unregulated, the possibility that a police officer will be killed or seriously wounded remains unacceptably and unnecessarily high. We urge you to take immediate action and pass S. 555.

Thank you.
The International Brotherhood of Police Officers (IBPO) is pleased to have this opportunity to present our views on the Law Enforcement Officers’ Protection Act of 1983 (S-555). This legislation would stop the proliferation of the certain restricted bullets, the so-called “cop-killer” bullets.

The International Brotherhood of Police Officers is one of the largest police unions in the country. We are part of the National Association of Government Employees, and an affiliate of the Service Employees International Union (AFL-CIO). We represent police officers employed in federal, state and local governments throughout the country. Our organization has long supported legislation which improves the working conditions of our nation’s police officers. We have played an active role in such legislation as Public Law 94-430, the Public Safety Officers’ Benefit Act of 1976.

Police officers with the mission of protecting public safety and the arrest of criminals are on the front lines of our judicial system. Increasingly, police officers have become a target of violent crimes. The number of police officers killed in the line of duty has more than tripled in the last two decades. Many of these deaths were accomplished through the unlawful use of handguns. The growing numbers of police officers killed or injured in the line of duty indicates that their profession is one of our nation’s most dangerous.

The cost of these injuries and deaths to the taxpayers and to the officers and their families is staggering. The cost of injury to the officer and his family needs no elaboration. At a time when all levels of government suffer budgetary restraints, these injuries are a severe handicap to government’s ability to fight crime.

The IBPO has long supported efforts to improve the health and safety of our nation’s police officers. Realistic measures must be taken to protect the safety of our police if they are to continue to fight crime effectively.

Actions can be taken by local governments to improve the health and safety of our nation’s police officers.

Local governments can improve the safety of police work through the use of modern equipment and through proper training and supervision. Under certain conditions however, there are limitations on the ability of local governments to protect their police and fight crime. Congress has long recognized that the federal government has an important role to play in fighting crime, and in protecting those who are on the front lines of that endeavor.

Many deaths and injuries to police officers were accomplished by means of a handgun. The frequency which police officers have been killed or wounded has convinced many federal, state and local governments to supply their police officers with bullet-proof vests. These vests have provided a measure of protection to police officers against criminals who would use guns to further their unlawful ends. Most police-issued vests are made of a material called Kevlar and is generally effective against the bullets fired by handguns and submachine guns. Our organization has supported the issuance of vests as a method of improving the safety of a police officer’s job.

Recently, it has come to the widespread public attention that bullet-proof vests provided by government are totally ineffective against a Teflon-coated green tipped bullet called KTN. The bullets are made of machine steel and nonferrous alloy which are harder than conventional lead slugs. These bullets do not deform much on impact and because they are coated with Teflon, they encounter less friction. According to literature printed by the manufacturer, a KTN slug fired from a .357 Magnum can pierce 1-3/4 inches of cold rolled steel. Firearms specialists report that the bullet can shoot through concrete blocks, an
automobile engine block, barricades or an armor plate. Most bullet proof vests used by police officers are made of 16-18 layers of Kevlar. A KTW fired from a .357 magnum will fly through 72 layers of Kevlar.

The penetrating power of this and similar bullets makes it a danger to the public safety. The primary practical use of this bullet is to penetrate bullet proof vests. The bullets appear to have no practical use for hunters or sportsmen. Except in the hands of law enforcement personnel, the sole purpose of this type of bullet appears to be as an instrument to achieve an unlawful end.

This bullet with such horrifying destructive potential is readily available to the general public and can be purchased over the counter in gun shops. There have been reports that sales of the KTW are growing rapidly following national publicity about the bullets' destructive capabilities and easy accessibility.

The IBPO believes that the KTW bullet presents significant danger to the safety of our nation's police officers and to the public at large. The bullet provides criminals with a legal instrument of destruction whose primary purpose is to penetrate a police officer's protective armor. The easy accessibility provides a threat nationally to the public safety. The issue needs to be addressed comprehensively by this Congress.

The IBPO strongly supports S-555 as a comprehensive and necessary step to protect the safety of our nation's police officers and insure their continued capacity to fight crime.

This legislation introduced by Senator Moynihan prevents the manufacture, importation, sale or use of certain classes of restricted bullets such as the KTW. The Secretary of the Treasury is authorized to determine which bullets are restricted in accordance with the guidelines established by Congress. Basically, a restricted bullet is one which, when fired from a handgun with a barrel five inches or less in length, is capable of penetration body armor. Stiff penalties in this legislation serve as a strong deterrent to the production, sale or use of this bullet or others with its destructive potential. There is no intention on the part of the sponsors, or supporters of the legislation, of which we are aware, to limit the availability of conventional ammunition to law abiding citizens for self defense and sporting purposes. This legislation is designed solely to exclude as bullets which have one purpose and only one purpose --- to kill police officers.

The Congress has already adopted a policy of restricting the availability and use of certain type of firearms and weapons in order to assist police officers fight crime. In Article 18, Section 922 of the United States Code, the Congress outlawed the sale of the short barrelled rifle, the sawed off shotgun, machine guns and classes of weapons known as "destructive devices". Congress has provided a stiff deterrent to the sale or possession of such weapons as a means of controlling their availability. This method has provided the best method for combating availability and use.

Police officers have a very difficult and dangerous job. They are exposed to unseen dangers every day. If we are serious about fighting violent crime, we must take steps to protect those who are on the front lines of this battle. We must provide protection for our police against known and preventable dangers. We, therefore, urge your favorable consideration of S-555, which protects police from the dangers of the Teflon bullet.

Finally we would like to thank Chairman Laxalt and members of the Sub-Committee for focusing national attention once again on this important problem. We would also like to thank Senator Moynihan for his leadership on this issue.
Handgun Control, Inc., is a national citizens organization of over 200,000 Americans concerned about handgun violence. We are the wrong hands. HCI strongly supports the Law Enforcement Officers Protection Bill (S. 555) and applauds the tireless efforts of Senator Daniel Patrick Moynihan and Congressman Mario Biaggi to achieve passage of this vital legislation.

The proliferation of cop-killer bullets is of great concern to us and many other Americans. Handguns account for over 75% of police line of duty deaths. The National Rifle Association states that police officers are the largest users of non-lethal bullets. The production of handgun bullets designed specifically to defeat those vests should be stopped immediately.

When the Law Enforcement Officers Protection Bill was first introduced, Handgun Control, Inc., supported it and assumed it would pass the Congress virtually unopposed. Before long, National Rifle Association leaders joined the law enforcement campaign to urge the bill's passage. The basis for our intervention was the compelling nature of the letters we've received. We are the wrong hands.

As the mother of a local police officer I urge you to ban the cop-killer bullet. I'm tired of the NRA having control over police. Aside from police officers one of you gentlemen or the President may well be the next target of one of these bullets. Our law enforcement has made a good job. According to the Department of Justice, approxi­mately 400 police lives have been saved by the vests, and in the declined 31%.

There is why cop-killer bullets are such a terrible threat. When fired from an ordinary handgun, these bullets negate any benefit any legitimate use. Opponents of the cop-killer bullet ban are refu­ded to use them, despite any contention by their manufacturers that they are designed for police. Aside from the penetrating walls, concrete blocks and steel, the bullets are simply too dangerous to use. If they hit their target, they are lethal.

Responding to the widespread opposition to continued sale of cop-killer bullet sales, at least 10 state legislatures and the City Council of the District of Columbia have outlawed them. Kansas, moved the way in 1992. In 1983, Florida, Indiana and Texas joined. These states represent every geographical area of the United States, and the margins by which their legislatures enacted cop-killer bullet bans were universally overwhelming.

The problem is that state laws and state statutes that have acted on this threat are subject to national legislation. We need a uniform law to stop the cop-killer bullet. The Reagan administration failed to address the National Rifle Association's national legislation ever year.

Despite its broad-based support, the Law Enforcement Officers Protection Bill has still to be enacted three years after its partial enactment. The Reagan administration must accept full responsibility for this failure. The Department of Justice has officially endorsed the ban for identifying continually delayed. However, the National Rifle Association, whose sole concern is the Congress about the true impact of this legislation.
mandatory sentencing for using cop-killer bullets in crime, which passed the Senate last month. This alternative is a means of stopping cop-killer bullets, the central issue: saving police lives. S. 555 would impose mandatory sentences for using cop-killer bullets in crime while taxing the crucial step of stopping their manufacture and sale. It is of the slightest consolation to the spouses, families, and friends of a slain police officer to know that if the few that is caught, convicted, and sentenced. Those who endorsed the mandatory sentencing proposal have simply stopped short of a real answer. If the Royal-Hiatt bill saves even one life, it will have done a far better job than mandatory sentencing alone ever can.

There is only one objective for which we should all be working: protecting our police. The nation's largest police organizations, newspapers from across America, thousands of rank legislators are asking the Congress to stop cop-killer bullets. 158 senators and 182 Congressmen have responded by urging this Committee to take action as well and favorably report the bill. A large majority of police officers, even our President himself, can feel some interest, would impose on criminals who carry bullets that could penetrate a bulletproof vest if fired from the handgun used in the particular crime in question.

Many well-meaning legislators agree that this idea may be the answer. It evades the question of definition while focusing on the central issue: saving police lives. S. 555 would impose mandatory sentences for using cop-killer bullets in crime while taxing the crucial step of stopping their manufacture and sale. It is of the slightest consolation to the spouses, families, and friends of a slain police officer to know that if the few that is caught, convicted, and sentenced. Those who endorsed the mandatory sentencing proposal have simply stopped short of a real answer. If the Royal-Hiatt bill saves even one life, it will have done a far better job than mandatory sentencing alone ever can.
Statement By
The Wildlife Legislative Fund of America

In Opposition to
S. 555

The Wildlife Legislative Fund of America, on behalf of hunting and shooting sportsmen, takes strong objection to S. 555 in its present form, by which "restricted handgun bullets" as defined by the Secretary of the Treasury may not be imported, manufactured or sold in this country.

We object because the potential breadth of prohibition by the bill will make types of bullets illegal which are used by hunters and target shooters, and which have posed no problem to law enforcement officers of the sort to which the bill is directed.

What will be prohibited by the bill will depend upon the regulations adopted by the Secretary of the Treasury. The only standards given him by the bill are a five-inch barrel and that the bullet must be "capable of penetrating body armor", which is defined as "a commercially available, soft, lightweight material with penetration resistance equal to or greater than that of eighteen layers of Kevlar".

The bill leaves variables to the discretion of the Secretary of the Treasury that will have a significant effect on the coverage of the law, and thus whether it will unnecessarily and adversely affect innocent users.

We respectfully call the committee's attention to the statement of Rudolph Giuliana, Associate Attorney General, U.S. Department of Justice, before the Subcommittee on Crime, Committee on Judiciary, House of Representatives, on May 12, 1982, pointing out that the Department had been unable to describe armor-piercing handgun ammunition in a way that reaches all rounds capable of defeating soft body armor without including a number of popular handgun bullets which have long been widely used for legitimate sporting and recreational purposes.

Also, as noted by Robert E. Powis, Department of the Treasury, in criticizing a similar bill, the performance of a bullet is dependent upon a number of factors including the quantity and type of propellant power used to assemble the bullet into a cartridge. The bill before this committee totally overlooks this fact. Mr. Powis stated: "Many sporting rifle cartridges would end up being restricted by this bill"--because the cartridges are usable in a handgun, and thus would fall under the bill's prohibition.

The National Rifle Association has called this bill a "Trojan horse". We find this a most fitting description for a bill that on its face offers much, but in its effect will result in something very different and undesirable.
Statement of John M. Ehrler
Director of Publications and Public Affairs
Citizens Committee for the Right to Keep and Bear Arms

Mr. Chairman and Members of the Subcommittee:

Please accept my thanks for this opportunity to present my views on legislation pending before this Subcommittee.


While these proposals to outlaw all handgun bullets capable of generating the 18-layer Kevlar vest except those for military and police use have been hailed in some quarters as great humanitarian initiatives designed to eliminate so-called "cop-killer" bullets from the general public, this really is not the truth of the matter.

The truth is that the "cop-killer" bullet argument is a bogus argument. Passage of the Moynihan-Biaggi measure would be: the vast majority of the ammunition currently available to the general shooting public, including jacketed cartridges and military-type cartridges.

Available evidence suggests that the so-called "cop-killer" bullet designation given certain ammunition by certain individuals and groups is in reality a phony designation since there is in fact no such thing as a "cop-killer" bullet in the first place.

Proponents of the legislation in question have not demonstrated that the designated ammunition is necessarily the ammunition of choice of criminals who murder police officers - the real "cop killers." Nor have they shown that, even if that were the case, its elimination from the general shooting public would result in a reduction in murders of police officers.

The truth of the matter is that ammunition subjected to the "cop-killer" designation is legitimate ammunition used by millions of law-abiding American shooters.

The legislative attempt to ban so-called "cop-killer" ammunition must be seen for what it really is - a cheap political attempt to trick members of this body into denying Americans the right to keep and bear arms by denying them the right of access to the ammunition used in many of those arms.

If proponents of this legislation really want to stop the murder of police officers, they should get after the real cop-killers, criminals who murder police officers, and not ammunition currently on the market to tens of millions of law-abiding American gun owners.

It's important to see the KTW-bullet ban movement for what it really is, an attack on legitimate shooting in general under the guise of humanitarian argument of protecting police officers from criminals.

I commend the Citizens Committee for the Right to Keep and Bear Arms for its effort to thwart what I believe is a gross misrepresentation of the issue.

As aRunnable analysis of the entire subject was prepared last summer as a monograph by Douglas Simeir, Public Affairs Director of the Second Amendment Foundation. For the benefit of the Members of the Subcommittee, I respectfully request that the full text of Mr. Simeir's monograph be included in the record of these proceedings.

KTW Bullets: Deadly Controversy or Media Hype?

Introduction

A great deal of controversy has been generated recently over the existence of KTW-type "super bullets" with plastic-coated tips capable of slipping through police body armor as though it were cheese. Cries for the banning of such "cop-killer" bullets echo through the halls of government, yet government agencies such as the Justice and Treasury Departments have called for a blanket ban in a blanket ban in a blanket ban that proposed bans would be unworkable, unenforceable and impractical.

Unfortunately, due to the smoke screen created by the media, many Americans do not fully understand this highly complex and often confusing issue.

In January of 1982, NBC Magazine aired a program depicting in a spectacular fashion how specialized bullets can penetrate soft body armor of the type currently worn by many policemen. The sensationalistic program left a false impression that such bullets could not be made available to criminals.

Not to be outdone, CBS devoted broadcast time to the subject in June and again did a Sixty Minutes segment on it. Both programs depicted the existence of high-generation ammunition and implied that it was easily available to criminals as well as the general public. Both suggested that by banning bullets capable of penetrating Kevlar-type vests, communities would be safeguarding the lives of their policemen without depriving sportmen of legitimate sporting ammunition. The programs left the impression that bullets capable of penetrating soft body armor served no sporting purpose or, indeed, any purpose except to kill policemen.

The truth of the matter is that the existence of such bullets is not new information to either police or knowledgeable gun enthusiasts. Bullets capable of piercing the Kevlar vests existed long before the vests themselves did. It may, however, have been new news to criminals.

During the month following the networks' first programs about KTW-type bullets and their effect on police body armor, four vest-wearing officers -- two in Chicago, one in Detroit and one in Columbus, Ohio, were killed by head or neck shots. Informed by the media that police were wearing secured vests, criminals responded not by using exotic ammunition, but simply by shooting at exposed, non-secured, portions of the body.

Military forces have been using arena-piercing ammunition since the turn of the century and police forces have been using such bullets since the 1930s to stop suspects fleeing in vehicles. The KTV bullet is was developed over a dozen years ago by two policemen and a county coroner in Ohio because they...
of the coating adds primarily on the KTWs and other armor-piercing rounds is a lubricant used for high-velocity and penetration. In fact such a ban on handgun ammunition, since there are body armor.

What is an Armor-Piercing Bullet?

Many of these colorful rounds when fired from a short-barreled gun, but not when fired from one with a longer barrel which has disintegrated. Even using the same gun, certain brands of ammunition achieve greater penetration than others.

The problem that becomes clear, then, is that bullets cannot be simply divided into classes that will or will not pierce body armor. Any attempt to define armor-piercing on the basis of stopping power and much greater velocity most many types of standard pistol ammunition. Only a few extremely heavy bullets stop standard rifle ammunition using hunting ammunition.

Most vests are sold with a chart showing what types of ammunition they will withstand. Some will absorb certain types of rounds when fired from a short-barreled gun, but not when fired from one with a longer barrel which has disintegrated. Even using the same gun, certain brands of ammunition achieve greater penetration than others.

The military "hard-ball" surplus ammunition used by many target shooters would go right through a target without causing any damage. The military "soft-ball" surplus ammunition used by many target shooters is considered a humanitarian stroke in the terrible field of civilized warfare.

In the latter part of the 19th century, with the advent of smokeless powder, manufacturers discovered that the increased temperatures and speeds of the new ammunition were literally melting the lead bullets as they raced through the gun barrel. 20 years later, a general ban on coated bullets began exponential.

As a matter of fact, armor-piercing rounds, since that is what a KMW really is, are not new at all. Nor are the fully jacketed rounds that drive straight through all but the heaviest body armor. Oddly enough, they were once thought of as a "humanitarian" advance in the art of warfare.

History of Armor-Piercing Bullets

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Unfortunately, an attempt to ban "coated bullets" would also end up outlawing the plastic-coated bullets now used on indoor target ranges to decrease the amount of lead fumes released into the atmosphere. In fact such a ban in the past, shooters have become seriously ill from ingesting lead bullets in enclosed spaces. Some manufacturers have even begun coating their targets with plastic to reduce these fumes as well as decreasing the "leading" of the bore from fine target guns.

Many bench shots in pursuit of pin-point accuracy have begun using super-hard, plastic-coated bullets both for greater ballistic stability and reducing the barrel wear on their expensive rifles. These shooters also would be denied their sport by a general ban on coated bullets.

Ironically, KMW bullets are probably among the least threatening to police officers because of their small production numbers, high cost and limited distribution. Also their enhanced penetration makes them less likely to cause death or maiming unless they hit a specific vital area, such as the heart. Otherwise through a chest wound channel they create tends to be much smaller and the hydrostatic shock to the victim is much less than that created by soft standard soft-nosed ammo.

To counteract this unsatisfactory state of affairs, several nations experimented with experiments in such matters had taken place at the Dum-Dum arsenal experiment. The military soon discovered, would go right through a target without causing any damage. The military "soft-ball" surplus ammunition used by many target shooters is considered a humanitarian stroke in the terrible field of civilized warfare.

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both sides had a tendency to arbitrarily execute any prisoners
found to be carrying soft-nosed bullets.

As the world progressed into World War I and developed more
sophisticated methods of making the other fellow die for his
country, a military philosophy arose that declared it was more
effective to wound your enemy than to kill him, since wounded men
carry on care -- often taking as many as nine men out of combat
to care for one casualty. Jacketed bullets, now called "hard-ball,"
because the accepted "human" cartridge for military purposes. In
fact, they were certified as such by the famous Geneva Convention.

World War I also saw the advent of armored vehicles on the
battlefield and it didn't take long for the armorers of both
sides to realize that by reinforcing the jackets of the bullets
just a bit, they could be made to penetrate much of the so-called
armor plate. By the end of World War II, such "armor-piercing"
bullets were so common that they made up about one in four of the
rounds fired in battle.

With the cessation of hostilities, millions of military
firearms, no longer needed by the belligerent nations, became
available to the civilian population along with millions of
rounds of military ammunition. Because of their condition and
the condition of the people, these weapons were sold at half price
often through the mail, and found their way into the hands of
thousands of Americans across the nation.

Although armor-piercing ammunition was of little interest to
many civilian shooters because its over-penetration made it
unsuitable for hunting, many target shooters picked up on it
because of its accuracy and especially because of its low price
as the military dumped large stocks of aging ammo on the civilian
market. Much of this hard-ball ammo was picked up by weekend
shooters and plinkers for recreational target shooting. More was
purchased by shooters who favor self-loading handguns because
many auto-loading's will not function properly with soft-nosed
ammo. For years, surplus "hard-ball" ammo was a bargain bonanza
for economy-minded shooters.

At the same time, police generally deplored the use of soft-
nosed ammo as inhumane and used hard-nosed rounds specifically
for humanitarian reasons.

Crime Control and Armor-Piercing Bullets

Unfortunately, the American criminal is more enterprising
than humane and with the development of heavier and stronger
handgun cartridges and high-impact hollow-point bullets, police
began to find themselves outgunned and firing markedly inferior
bullets. Many departments slipped back into using soft-nosed or
hollow-point bullets to increase bullet impact on suspects and
decisively wound officer injuries. This, in turn, created more problems
as the soft-nosed low-velocity bullets were incapable of penetrat­
ing barriers such as car doors and garbage cans -- allowing
criminals safely unencumbered behind their garbage cans with
their superior magnum-granted firepower to shoot and kill officers with
near impunity.

The result was the increased use of body armor by police,
beginning as attempts by individual officers to protect them­
seves and increasing to the point where nearly half the police
in the country are wearing some form of bullet-resistant body
armor. The lives of hundreds of policemen have been saved
using vest absorbing rounds from suspect's firearms. Yet no officer
has been killed with an armor-piercing round. There is no
evidence that criminals have sought out such exotic ammunition
with criminal intent. There is evidence, however, that they have
responded to the broadcasts in a different way.

With the increased publicity about body armor and the
bullets required to penetrate it, created by the media's anti-KTW
campaign, police deaths have begun to rise again. Not from the
use of armor-piercing rounds, or the failures of vests to perform;
 neither of these have ever occurred. Alarmed by the media that
many policemen wear body armor and that their bullets might not
pierce it, criminals have begun to shoot at areas of the body not
protected by the vest-type armor. Thus shot began perhaps as a
well-intentioned crusade by the media to aid police has become a
serious problem to sportsmen and a deadly horror to police
officers.

Conclusion

Although it is clear that criminals do not seek out armor-
piercing bullets to counter police body armor, and although the
experts all agree that banning jacketed ammunition would not be a
workable solution, some politicians and members of the media
come to call for totally needless and unenforceable bullet
bans.

Richard C. Davis, president of one of the nation's largest
body armor manufacturers, got the whole KTW controversy in
perspective in his testimony before Congress in March of 1982: Davis
was testifying against KTW-ban proposals although his customers
are the best-selling police ban proponents say are most threatened
by the ammo.

"I am probably in a position to be more sensitive than any­
to reports of KTW or other armor-piercing ammo being used by
criminals to penetrate vests," Davis said. "In spite of neat stories -- it just hasn't happened."

Davis went on to point a finger at the real problem in the
whole issue. "My general feeling," Davis said, "is that
anyone who is seeking out exotic armor-piercing ammo and then
deliberately shooting a policeman with it, everybody in law
enforcement has to realize that vest publicity of any kind kills
cops! Somebody talks, somebody else dies."

Douglas Zimmer
Public Affairs Director
Second Amendment Foundation
June 14, 1983

Second Amendment Foundation
RESEARCH REPORTS #5

SUGGESTED READING


Wrighter, P.G. "Armor Piercing Ammunition...Friend or Foe?" Police Marksman, March-April 1983.

The National Association of Police Organizations (NAPO) is an organization which represents some 65,000 working police officers nationwide, and is primarily concerned with national legislation which affects the well-being of public safety officers throughout the United States.

Of all the legislation concerning public safety officers it would seem that this bill, S. 355, and H.R. 953, introduced by Congressman Biaggi in the House, is one upon which all segments of the law enforcement community and the executive and legislative branches of government could agree. We frankly do not understand the opposition to this bill, nor the foot-dragging that has blocked the passage of this legislation for over two years.

As an organization which represents "line" police officers we know only too well the statistics which point up the cases of death and serious injury to officers who might be unfortunate enough to be the targets of a criminal weapon without the light body armor which many of our police officers now wear. We also know the statistics which show the high incidence of lives saved and serious injuries avoided as the result of the use of protective vests. This alone should be enough "evidence" to support the ban on the manufacture, importation, and sale of ammunition which can penetrate the most common protective vests.

But the statistics alone can never tell the whole story. The personal tragedy of losing a police officer in the line of duty is one which we unfortunately live with on a daily basis. When police officers are killed by criminals, it is a loss to their family and friends, to their colleagues, and to the community as a whole. For it is the community which has lost an individual who has said he will risk his life to insure public safety and order. The United States Congress has the opportunity, through the passage of this legislation, to affirm that it values the sacrifice of its public safety officers, and that it will not allow even one life of policemen to be lost if it could have been saved.

This is not an anti-sportsman bill nor is it an anti-gun bill. We have precise enough knowledge of what kind of ammunition pierces light body armor and what kind does not. The time for debate has now passed. We ask for action on this bill now.
TESTIMONY OF MICHAEL E. BARD, PRESIDENT, THE NATIONAL COALITION TO BAN HANDGUNS, REGARDING S.555, THE "LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1983"

America must do everything it can to ensure the safety of its police officers. Because of this, the National Coalition to Ban Handguns (NCBH) strongly urges that the Subcommittees on Criminal Law act favorably on S.555, the "Law Enforcement Officers Protection Act of 1983."

Founded in 1975, The National Coalition to Ban Handguns consists of 31 national organizations, including such groups as the National Urban League, the U. S. Conference of Mayors, and the American Association of Suicidologists. The combined membership of these groups is over 10 million. NCBH also has over 126,000 individual members.

NCBH's goal is to ban the private possession of handguns in America (with the exception of military and law enforcement personnel, target shooters, and collectors whose handguns have been rendered inoperable). NCBH focuses on state and local police, and is not concerned with long guns. Because the Coalition recognizes the legitimate sporting use of rifles and shotguns, a salient concern of NCBH was that S.555 would not have any undue impact on rifle ammunition. After analysis of the bill, and assurances from its sponsors that every effort would be made to ensure that it would not, NCBH fully supports S.555.

Since 1974, over 950 police officers have been killed in the line of duty--two-thirds of them by handguns. Were it not for the availability of police body armor this number would have been much higher. Over the past ten years, over 400 police lives have been saved by these vests, and since then half of America's 528,000 policemen now wear them.

These vests can stop the majority of handgun bullets. But there are armor-piercing handgun bullets, specially designed, that can cut right through them. These bullets are commonly known both to the police and public as "cop killer bullets."

Handgun bullets that can shoot through concrete block, an automobile engine block, or armorer plate have no legitimate hunting or target shooting purpose. Even police have found no use for armor-piercing bullets because of their low stopping power and tendency to ricochet unpredictably. Three bullet holes are usually required for one thing though--shooting through body armor.

Arthur M. Kassel, chairman of the California Addict Evaluation Authority has stated that "Anybody that's using this bullet is out to kill a cop and that's just what it's used for. Nothing else. Nothing else is it good for." The gun lobby's response to statements like this has been predictable. Neal Chu, testifying at the Kings County, California, Senate Hearing, February 10, 1983. Mr. Chairman, I would also like to submit for the record the following list of national organizations and the National Coalition to Ban Handguns: They are: The American Association of Chiefs of Police; the International Brotherhood of Police Officers; the National Association of Police Officers; The Fraternal Order of Police; the New York Police Department's Remediation Council; and the Los Angeles Police Department have all called for this assistance to be banned.

The gun lobby is aware of these facts, but will not acknowledge them. And even if they did, it is unlikely that they would view these assertions as anything other than a threat to the gun lobby's efforts to stop gun control legislation. The gun lobby's efforts to stop S.555 are based on neither reasoned analysis of the facts, nor concern for human life. Their actions are based on fear--the fear of establishing banning as a precedent in national legislation. They have made their choice. It is now the responsibility of Congress, with the support of the police and public, to pass this legislation and increase the safety of our nation's policemen.

Mr. Chairman, I would also like to submit for the record the following list of national organizations and the National Coalition to Ban Handguns: They are: The American Association of Chiefs of Police; the International Brotherhood of Police Officers; the National Association of Police Officers; The Fraternal Order of Police; the New York Police Department's Remediation Council; and the Los Angeles Police Department have all called for this assistance to be banned.

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America must do everything it can to protect its police. To this end, the National Coalition to Ban Handguns strongly urges that this committee act favorably on S.555.
The Honorable Paul Laxalt
Chair, Criminal Law Subcommittee
United States Senate
SD-148 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator Laxalt:

The National Association of Counties' Justice and Public Safety Steering Committee has closely followed Senate Bill S. 555 and the companion House Bill H.R. 953 that would prohibit the manufacture, importation, and sale of the armor-piercing handgun bullet, except as specifically authorized for the purposes of public safety or national security. The Committee was very pleased to learn that the Criminal Law Subcommittee will be holding hearings on S. 555 on March 7, 1984, and wishes to commend you for providing an opportunity for discussion of this important legislation.

At their January 24, 1983 meeting, the Justice and Public Safety Steering Committee passed a resolution that encourages Congress to enact legislation that would ban the future manufacture, importation, and sale of armor-piercing handgun bullets, except as specifically authorized for the purposes of public safety or national security. This resolution was approved by NACo's membership at their July 1983 Annual Conference in Milwaukee, Wisconsin. A copy of the resolution is enclosed for inclusion in the hearing record.

NACo fully supports S. 555 and urges that your Committee give it full consideration. Donald Murray of my staff will be happy to answer any questions regarding this issue.

Sincerely,

[Signature]

NACo Executive Director

Enclosure
Des Moines Police Burial and Protective Association

20 March 1984

Mr. Bill Miller
U.S. Senate Judiciary Committee
Subcommittee on Criminal Law
Washington, D.C. 20510

Dear Mr. Miller:

On 14 March 1984, a special meeting of the Des Moines Police Burial Association was held and the following is the resolution which passed unanimously:

1. The Des Moines Police Burial Association opposes Senate Bill 35 because of the provisions in this particular bill which will ban most sporting rifle ammunition and much legitimate pistol piercing bullets.

2. We support the testimony of Lt. Kayne Robinson before the U.S. Senate. We endorse the proposal outlined by the Treasury and Justice Departments for strong mandatory sentences without parole or probation for use of firearms or armor piercing bullets.

3. Since most police officers are killed by dangerous criminals on early release from a previous conviction, we believe police lives can be saved by keeping such persons in prison longer.

4. We will support legislation which prevents criminal misuse of armor piercing ammunition without interfering with lawful private firearms ownership.

Sincerely,

Dennis C. Westover, President
Des Moines Police Burial Association
END