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Testimony before
U.S. Senate Appropriations Subcommittee on Commerce, Justice,
Science and Related Agencies
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Chairman Shelby, Vice Chairman Mikulski, and members of the Senate CJS subcommittee, I am honored by your invitation to speak today about an issue of importance to all Americans – reducing gun violence while ensuring that the fundamental right of law-abiding citizens to bear arms is not infringed.

I wish to commend your subcommittee for convening this panel to explore how best to balance these goals. They are not mutually exclusive.

My duty as attorney general is to enforce the law. I don't have the ability to pick and choose which laws to uphold because of political pressure or personal preference. As the chief law enforcement official of the State of Alabama for the last five years, I have witnessed firsthand the challenge of safeguarding the gun rights of law abiding citizens while also working to deny law breakers the ability to use firearms to commit crimes.

And in those five years I have learned an important lesson. Further limiting the ability of responsible citizens to buy a gun will not keep criminals from getting one.

In fact, after I learned I would be testifying before this committee, I reached out to local police chiefs soliciting their advice on what is working and what is not in stopping gun violence on the street. I wanted to be able to carry their message, based on decades of

experience on the front lines of this fight, to this committee. Again and again, I heard the same thing.

- Enforce the laws already on the books
- Prosecute criminals for gun-related crimes
- Stop releasing violent criminals from jail before their sentences are completed

They directed their concerns squarely at a federal government which they see as failing to uphold its commitment to hold criminals accountable for gun crimes. And they have their doubts about the promises they hear coming out of Washington.

As one police chief put it, “If anyone of any political stripe was sincerely concerned about gun violence they would take a no-holds-barred approach to enforcing the seemingly endless laws relating to guns that are already on the books!”

I don’t think there is anyone in America whose heart doesn’t break over the news of mass shootings that take innocent lives. There is no one in this country who opposes making our streets safer. We all want to do everything we can to prevent more gun crimes. But we must also be sure that political actions taken in the name of solving the problem are grounded in facts. They must be vetted by representatives of the American people, and they must not undermine our constitutional rights.

Three weeks ago President Obama announced a series of executive actions he asserted would reduce gun violence. But while he may have the best of intentions, the law enforcement officers in my state tell me these actions will have not have a meaningful impact.

The centerpiece of the president’s order – expanding background checks to close what some call the gun show loophole – is not only an unwarranted assault on the Second Amendment, but it will also be

ineffective in making a significant contribution toward reducing overall gun crimes.

It will be ineffective because less than one percent of illegal gun purchases are determined to come from gun shows and fewer still are involved in violent crimes. If our goal is to reduce crime and make our streets safer, the President's actions will not accomplish it.

The only practical impact of the president's gun show provision will be to intimidate and frighten law abiding citizens so that they will refrain from selling their guns at all for fear they will be prosecuted for failure to register as a firearms dealer.

Instead of new rules and regulations, a better approach would be to enforce the laws we have by increasing the efficiency of and funding for the existing National Instant Check System. The NICS system is critical to ensuring that guns don't end up in the wrong hands. And yet we can do better. With more funding and support, states can ensure that every felony conviction is reported to the system. Because if the information isn't in the system, the system can't work. And just as importantly, when the system does work and we find felons attempting to buy guns, we must prosecute them.

Using the same laws which are on the books today, the Bush administration launched the Project Safe Neighborhoods initiative, a program piloted in Richmond by now FBI Director James Comey. That program had a zero-tolerance, must prosecute requirement for felons caught in possession of a firearm. Because of this program, the Bush Administration secured 35 percent more federal gun convictions in 2004 and 2005 than the Obama administration did in 2014. With the exception of a slight uptick in 2012, federal gun convictions have fallen every year President Obama has been in office.

There's a lesson there. If we are not enforcing our laws intended to keep criminals from getting guns, then adding new executive orders on top of those laws, even if well-designed, will accomplish nothing.

At the same time, the federal government must do more to provide law enforcement the tools they need to do their jobs. We need a federal-state partnership, whether it is through increased training, access to better equipment, or simply providing funding to prosecute crimes.

I recently heard from Calhoun County Sheriff Larry Amerson, former president of the National Sheriffs' Association and one of the finest law enforcement officers in Alabama. Too many times, he's had to visit officers in the hospital with gunshot wounds or attend funerals of officers killed in the line of duty. He knows the importance of this issue. And his message to this committee is give officers the tools they need to do their jobs. Recent actions here in Washington have prevented Sheriff Amerson from getting the equipment he needs to keep his officers safe. He wrote to me, "Now we have no protection. We cannot even get surplus military helmets."

Finally, we need to do more at the state and federal level to address issues related to mental health. While I may not agree with the approach, I was glad to see that President Obama made a focus on mental health a priority in his executive actions. There is no doubt that mentally ill individuals have been responsible for many violent gun crimes in our country and they represent a particular threat to law enforcement who often are unaware of their condition. I've seen it firsthand.

In 2012, I attended the funeral of a Baldwin County, Alabama Sheriff's deputy who lost his life in the line of duty. He had responded to a call in which a mentally ill man was acting aggressively toward family members. He pulled a gun and fired on two deputies, killing one and wounding the other.

But while mental illness is a serious concern, it is a problem that cannot be addressed through an executive order. There is no quick fix. We must ensure that while instituting any enhanced reporting requirements that we do not deny the constitutional rights of those who might not truly be mentally incompetent. Instead, there should be a procedure in place to protect the rights of the mentally ill while ensuring that they are not a danger to themselves or society.

And we must ensure that in focusing on mental illness, we do not inadvertently discourage people from seeking help for their problems. For instance, a soldier who returns home from war should not lose the right to bear arms that he fought to defend simply because he seeks help for PTSD or other psychological problems. A person on Social Security should not lose their right to bear arms simply because they decide to assign a family member or friend to handle their affairs. These are the subtle nuances that any attempt to address this problem will bring. And to handle them correctly will require a bipartisan effort, led and debated here in Congress.

In summation, Mr. Chairman, I join a majority of Americans in supporting legitimate efforts to curb gun violence in our land. I also follow the recommendations of law enforcement in my state that the most effective way to address gun crimes is to enforce the abundant existing laws we already have, while giving law enforcement the tools they need to do their jobs. As Sheriff Amerson has said, "Many people opposed to more gun laws support enforcing existing laws. Why not try it?"

Americans' right to bear arms should be protected and we can do that and protect Americans from gun crimes by enforcing the law.

Thank you.