

**Statement of Tom Mauser**  
**Before the House Subcommittee on Crime**  
**July 14, 2010**

Thank you, Mr. Chairman, for this opportunity to share my thoughts and experiences with you. My name is Tom Mauser, and I'm the father of Daniel Mauser, who was murdered along with 12 others at Columbine High School on April 20<sup>th</sup>, 1999.

Just two weeks before the massacre at Columbine, my son, who was on the debate team, asked me at the dinner table, out of the blue, "Dad, did you know there are loopholes in the Brady Bill?" I simply told him I didn't know about them and didn't discuss it with him.

Imagine my shock, then, when I discovered three of the four guns used at Columbine, including the one used to kill Daniel, were purchased through one of those loopholes. The Columbine killers went to a large gun show with their 18-year-old friend, Robyn Anderson. Once they spotted the firearms they wanted, they had Anderson purchase them. Anderson would have passed a background check, but the killers purposely chose to buy the guns from a private seller, knowing there would be no background check or paper trail. And Anderson didn't want any records of the purchase either, according to testimony from her.

My son's question motivated me into action. I wanted to honor him by working to close that loophole, so in 2000 I took a one-year leave of absence from my job to become a lobbyist for stronger gun laws. Early in 2000, the Colorado legislature failed to pass a bill that would have closed the gun show loophole. So, our organization, SAFE Colorado, decided to put it on the ballot! We collected over 110,000 signatures and got on the ballot as Amendment 22.

It was a simple bill—it required gun show operators to arrange to have at least one Federal Firearm Licensee to conduct background checks of people trying to buy firearms from private, unlicensed sellers.

I was the spokesman and "face" of the Amendment 22 campaign. Like my son, I debated, and in the process I heard every imaginable argument against closing this loophole, and none of them held water.

One common argument of our opponents was that, "Criminals don't buy their guns at gun shows." I responded that criminals and other prohibited purchasers clearly tried to purchase guns at gun shops—as evidenced by the tens of thousands of gun sales that were stopped thanks to the Brady Law—so why would criminals not also try to purchase at a gun show, where they could bypass a background check? And, as told my audiences, we didn't know how many times this was happening because these private sales were completely unregulated and "off the books"—that was the whole point!

Opponents often argued Amendment 22 was a violation of the Second Amendment rights of law abiding citizens. In response I asked how that could be, given that a law abiding citizen would pass a background check and be able to purchase a firearm. I told them it was like letting people bypass

airplane security. Besides, as I told them, the Second Amendment conveys a right to bear arms, it does not convey a right to recklessly transfer a firearm to a felon.

Opponents argued that criminals just wouldn't follow this law. Well, this is one law everyone would have to follow—**everyone** at gun show would have to undergo a background check, not just **some** people, and criminals wouldn't be able to purchase a gun.

Opponents said that criminals would try to get their guns somewhere else if not at the gun shows. I responded that we should make it hard for them, not easy. After all, we know that that some teens will manage to obtain alcohol and tobacco—but that doesn't mean we stop outlawing the sale of alcohol and tobacco to minors. We choose not to make it easy for them to gain access.

My opponents made dire predictions about what would happen to private sellers and gun shows if Amendment 22 passed. I assured my audiences I was simply trying to keep guns out of the wrong hands.

My opponents even tried to argue there was no loophole. I think my audiences understood the loophole very well when I brought it down to its' basics. I asked if they were okay with the fact that a criminal or deranged person could walk into a gun show and be denied a gun purchase at the table of a licensed dealer but then just walk across the aisle to the table of a private seller—the one with the sign saying “no paperwork, no background check here”—and purchase a gun.

The voters in Colorado made it clear they were not okay with that loophole. They closed the gun show loophole by a vote of 70% to 30%. That's an amazing margin of victory for **any** ballot measure, but especially for a gun bill in Colorado, a western, pro gun state. And lest you think that was a fluke or was a symbol of sympathy for Columbine—the voters in Oregon also closed the loophole that November, by a vote of 60% to 40%.

This November marks the tenth anniversary of the passage of Amendment 22. And what has changed? Amendment 22 stands as a statute, as it was written. The legislature has not amended its wording. And what about those dire predictions of what would happen to gun shows and private sellers? Gun shows are still thriving in Colorado, with private sellers. The only thing that's been “infringed” is the ability of criminals, wife beaters and the mentally deranged to easily buy guns in public, right under our noses.

But unfortunately the loophole still exists in most states. It is a loophole in federal law, and for that reason I think it should be closed at the federal level, not state by state. I think most Americans would say they're **not** okay with dangerous people being able to buy guns at gun shows right under our noses. That's why I'm here today. I'm here today, walking in my son's shoes—literally. I'm wearing the shoes he wore that fateful day. But I don't want other parents to have to do the same. Let's do something to close this insidious loophole, because we're **not** okay with it. Thank you.