

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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December 15, 2011
Start: 10:09 a.m.
Recess: 12:12 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer
Council Member Erik Martin Dilan
Council Member Helen D. Foster
Council Member Daniel R. Garodnick
Council Member David G. Greenfield
Council Member Daniel J. Halloran III
Council Member Letitia James
Council Member Ydanis A. Rodriguez
Council Member Eric A. Ulrich
Council Member Jumaane D. Williams
Council Member Ruben Wills

A P P E A R A N C E S (CONTINUED)

Cyrus Vance, Jr.
District Attorney
Manhattan County

Colin Weaver
Deputy Director
New Yorkers Against Gun Violence

Dominique Sharpton
National Director of Membership
National Action Network

Mel Wymore
(former) Chair
Community Board Seven

Alison Dickin
Program Director
Center to Prevent Youth Violence

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2 CHAIRPERSON VALLONE: Before we
3 start, I just want to say that Gale Brewer said
4 that my tie was horrible [laughter] and I had to
5 explain that I'm wearing it in protest of the DOT
6 today. They will not allow decorations down at
7 the Staten Island--so if anybody's distracted or
8 if it's too dangerous that I have the tie, you
9 know, just--thank you Tish. Tish thinks it's
10 lovely, so does Channel 7, so. [pause in audio]
11 [gavel] Okay, good morning, everyone. Welcome to
12 the Public Safety Committee hearing. Today we'll
13 be discussing three Resolutions, all relating to
14 various pieces of federal legislation that aims at
15 strengthening, strengthen the nation's gun laws.
16 Unfortunately, we sit here today with a very sad,
17 real reminder of the life altering effects of
18 these pieces of legislation. On December 12th,
19 New York City tragically lost one of its finest,
20 veteran Police Officer Peter Figoski, a highly
21 decorated member of the Service for 22 years and a
22 devoted father of four, was fatally shot by a
23 career criminal using an illegal semiautomatic
24 pistol. This gun should not have been in a
25 criminal's hands, and it should not have been in

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2 our City. But it was. It was because of, of
3 evaded background checks, and illegal gun
4 trafficking. It's because of that that the City
5 and the family of Officer Figoski mourn the loss
6 of a great man. The clear importance and impact
7 of these issues has prompted this Committee to
8 hold numerous gun show, gun control hearings in
9 the past. And this hearing's been planned for
10 well over a month. At these hearings, we've
11 discussed ways we could legislate at the City
12 level in an attempt to further tighten our gun
13 control laws. And we've done things such as
14 create a Gun Offender Registry Act, which is very
15 successful. While we worked tirelessly on this
16 issue with the NYPD and others, the unfortunate
17 truth is that federal regulations play an
18 important role in our ability to keep our streets
19 free of gun violence. It's for that reason that
20 we're here today to discuss Resolution 821 and
21 1122, and Preconsidered Resolution. Resolution
22 821, of which I'm a prime sponsor, calls upon the
23 United States Congress to close, to pass and the
24 President to sign, Law HR 591, known as the Gun
25 Show Loophole Closing Act. This legislation, if

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2 put in place, would amend the federal Brady Act to
3 ensure that all prospective gun buyers at gun
4 shows undergo a federal background check to
5 ensure their eligibility to own a firearm,
6 regardless of who they're buying from. As it
7 stands now, the loophole in our federal law allows
8 private sellers to sell firearms without having a
9 gun show--without having a background check. The
10 results are clear: those who would be unable to
11 pass a background check un--usually due to
12 criminal history--are provided an easy forum to
13 obtain weapons. You know, this opening was
14 written yesterday, prior to the Mayor's
15 announcements of his study, which found, which
16 proved again what we're saying here. When you buy
17 from private sellers, there are huge loopholes,
18 not just at gun shows, but everywhere. So this
19 loophole that exists should probably not be called
20 the Gun Show Loophole, it should be called the Gun
21 Show/Craig's List Loophole. And we are planning
22 to amend this resolution to include all private
23 sellers, not just at gun shows, but on the
24 internet, also. Because as the Mayor said,
25 perhaps 40 percent of these guns are sold on the

1 internet. And I understand the problems with
2 private people doing background checks, but you
3 know, if that problem exists, perhaps we should
4 not be allowing gun sales on the internet.
5 Perhaps they should be able to be sold straight,
6 only back to a legitimate gun dealer who can do a
7 background check. Resolution 1122, sponsored by
8 Gale Brewer who's with us and will have a short
9 opening soon, calls upon the Senate to--and the
10 President--to oppose HR 822, known as the National
11 Right to Carry Reciprocity Act. This legislation
12 has so far passed the House of Representatives,
13 and if it becomes law could create an exponential
14 increase in the amount of concealed weapons
15 present in New York City. And Preconsidered Reso
16 sponsored by Council Member Dickens, who's
17 provided a statement, calls upon Congress to pass
18 a law that would increase penalties available to
19 prosecute, for the crime of trafficking and
20 firearms. These bills, the bills supported and
21 opposed by these resolutions all would have direct
22 effects on the City, and it's therefore important
23 that we as a body let those in Washington hear our
24 concerns. I'm going to now read a quick statement
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2 from Council Speaker Christine Quinn, who could
3 not be here. But she says, "Today's Council
4 hearing on three important gun resolutions will
5 send a clear message to our federal government
6 that New Yorkers will no longer tolerate the
7 senseless violence caused by gun trafficking to
8 our City. Given Officer Figoski's death, we have
9 to look harder at controlling the flow of illegal
10 guns. New York has seen too many victims of gun
11 violence. How many more families need to suffer
12 before something is done? These two resolutions
13 will help, but there's more to do. I strongly
14 support these resolutions and thank my Council
15 colleagues for their support on this issue." I'm
16 now going to turn over the floor for a brief
17 opening to the sponsor of one of our Resolutions,
18 Gale Brewer.

19 COUNCIL MEMBER BREWER: Thank you
20 very much, Chair Vallone. My Resolution, 1122, as
21 the Chair mentioned, is in opposition to the
22 National Right to Carry Reciprocity Act of 2011,
23 or as the Brady Campaign calls it, "The Packing
24 Heat on Your Street Bill." It would allow a
25 person with a concealed carry permit from any

1 State in the United States to lawfully carry a
2 concealed weapon in any other State, in a State
3 like ours, New York, which has enacted very
4 stringent concealed carry requirements. This
5 represents a potentially drastic change in the
6 number of people who can legally carry a concealed
7 weapon. New York City has given out approximately
8 30,000 concealed carry permits, the vast majority
9 of which have gone to retired law enforcement
10 officers. In Florida, however, there are over
11 800,000 registered concealed carry permit holders.
12 There is obviously a tremendous difference of
13 opinion amongst our two States as to who should
14 carry a concealed weapon within our borders, and
15 this federal law, if it should pass, would
16 essentially render these opinions obsolete. It is
17 a core public safety power for localities to be
18 able to decide the conditions under which
19 individuals should be allowed to carry a gun
20 within the jurisdiction. As you can imagine, this
21 law, if ever passed, would, has been opposed by a
22 number of groups, including local Senators Schumer
23 and Gillibrand; also, including Senator Scott
24 Brown with Massachusetts; our Attorney General

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2 Eric Schneiderman; the Brady Campaign, as I
3 mentioned; Mayors Against Illegal Guns; and I
4 certainly want to thank our Mayor; the Police
5 Foundation; International Association of Chiefs of
6 Police and many, many others. And I join the
7 Chair and the Speaker in hoping that all of us
8 will support this Resolution. Thank you.

9 CHAIRPERSON VALLONE: Thank you,
10 Council Member Brewer. And I have to say, at most
11 of these gun hearings that we do, I do own a
12 rifle, and I'm well aware of the difference
13 between legal and illegal guns. Legal guns are
14 the ones that are almost never used to commit a
15 crime, but are often used to prevent them; while
16 illegal guns are the ones that are always used in
17 these horrific crimes that we hear about. And
18 without adequate regulations in place at the
19 federal level, it's obvious that both our
20 residents and our law enforcement officials will
21 continue to be the victims of senseless gun
22 violence. Officer Figoski dedicated and
23 ultimately gave his life so that we could all live
24 in a safer City. In his memory, we're here today
25 to all upon Congress and request that they show as

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2 much effort and dedication as he did in working to
3 keep our streets free of illegal guns. We are
4 lucky to have with us today our great DA here in,
5 in Manhattan County, Cy Vance. We thank him for--
6 I know that your testimony is extensive, but it's
7 a complicated topic and we look forward to hearing
8 it. Thank you DA Vance and the floor is yours.

9 [pause]

10 CYRUS VANCE: Can you hear me now?
11 Thank you. Mr. Chairman, thank you very--thank
12 you very much for having me here today. It's an
13 honor to appear before this Committee again. I
14 want to thank the individual Council Members with
15 whom I work on a daily basis for their service.
16 It's a pleasure to be here. I want to personally,
17 on behalf of my office, extend our condolences to
18 the Figoski Family, recognizing his extraordinary
19 service and the service of police officers every
20 day who put their lives on the line to protect us.
21 I'm particularly please, however, from the
22 position that I'm elected to hold, to have the
23 opportunity to comment on two important public
24 safety issues that are at the forefront of our
25 federal government's agenda: the Gun Show Loop--

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2 Gun Show Loophole and the Concealed Carry
3 Reciprocity Mandate that the Chairman referred to.
4 Put simply, there is no issue more important to me
5 as Manhattan District Attorney than the safety of
6 our residents in our County. And from the day I
7 took office, our office and I focused very heavily
8 on prosecuting violent offenders and getting guns
9 out of our communities and off our streets. So
10 let me begin, Mr. Chairman, by providing some
11 background regarding gun crimes in New York
12 County, as it frames our position on this issue.
13 This year, much like last year, more homicides
14 were committed with a gun in our county than any
15 other type of weapon. Since I took office in
16 January of 2010, through the end of November 2011,
17 62 people have been shot to death in Manhattan.
18 Every time an individual carries a loaded firearm,
19 there is obviously a heightened potential for
20 catastrophic outcomes. In 2010 alone, we
21 arraigned 378 individuals for criminal possession
22 of a weapon in the second degree, which is a Class
23 C violent felony, possessing a loaded firearm.
24 And let me tell you, as I think the Council
25 Members will understand from the jurisdictions

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2 they represent, what's among the most disturbing
3 facts in that number is about a third, or young
4 men and women under the age of 18 years old.
5 These are young men and women who should be going
6 to college, not prison. But the importance of
7 the issue that confront us, and that you are
8 addressing with your resolutions, speaks to
9 getting guns out of our streets, but also getting
10 guns out of the hands of young men and women who
11 lack the controls, the maturity, to deal with
12 this, with this terribly important problem. Our
13 office, just as by way of background, are involve-
14 -is involved in a myriad of programs that aim to
15 reduce the incidence of gun crimes. And before I,
16 we discuss our prosecutions, let me mention some
17 initiatives that I think are particularly relevant
18 to the Council Members here, because they speak to
19 preventive efforts, which are so important in this
20 fight. Just recently, we opened in Central Harlem
21 at the PAL Gym, and initiative we called Saturday
22 Night Lights, which has turned a previously closed
23 gym in Manhattan for the last five years on
24 Saturday night, at West 119th Street, into a
25 basketball training program open to neighborhood

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2 kids age 12 to 16 on Saturday and Friday nights,
3 between 5:00 and 9:00 p.m. This is the age group
4 we need to focus on, the time of day and the day
5 of the weeks that we need to focus on. The idea
6 obviously is to give our kids an alternative to
7 being on the street, at a time when they may
8 otherwise be idle, or otherwise unoccupied and
9 most at risk of encountering violence. There are
10 a number of other programs that our office is
11 involved in with our community partners,
12 representing a direct effort to reduce the number
13 of guns in circulation. Most recently, in a gun
14 buyback that we effected with the NYPD, in the
15 month of November we took 130 illegal firearms off
16 the streets of New York. Yet the reality is that
17 even with these types of efforts, illegal firearms
18 obviously remain a threat to public safety.

19 Besides preventive issues, we are also very much
20 engaged in enforcement. This past October, the
21 last five of 14 individuals who had been indicted,
22 and who were part of a 137th Street Crew in
23 Central Harlem, were convicted of a range of
24 crimes involving the possession and sale of crack
25 cocaine and possession of firearms. Now, these

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2 individuals who all now have been adjudicated and
3 found guilty, used violence, including shootings,
4 beatings and robberies to protect their narcotics
5 trafficking business to enhance their own status
6 within the gang and enhance the gang's street
7 credibility with rival street gangs. Most
8 disturbingly, the recruited children, particularly
9 girls, to carry their weapons, believe police were
10 less likely to stop them. The defendants
11 possessed nine millimeter semiautomatic [phonetic]
12 handguns with high capacity magazines, 380-- .380
13 caliber semiautomatic handguns, 25 caliber
14 semiautomatic handguns, and 32 and 30 eight caliber
15 revolvers. The sentences, they range, that have
16 been meted out in that case, have ranged from
17 rehabilitative programs to 20 years to life in the
18 case of the gang leader. But this was hardly an
19 isolated instance of gangs and guns intersecting
20 in our City. In early November, our office
21 charged 19 individuals with a range of gang
22 related crimes committed in the vicinity of 129th
23 Street and Harlem. The gang was known by the name
24 of, a variety of names, actually, "Goodfellas,"
25 "129" and "The New Dons." And they are charged

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2 with storing guns as their stock in trade, they
3 hid them in easy to access but hard to find, for
4 many of us, places where we would not likely look,
5 like storm drains, rooftops and mailboxes. And
6 their purpose was not primarily economic harm, but
7 violence. The guns were tools to protect their
8 turf against rivals. These case are troubling for
9 a number of reasons, not the least of which is the
10 fact that they are commuting in, they are
11 occurring in our communities, and among our youth.
12 But Chairman, there is good news. I believe this
13 year, thanks in large part to the leadership of
14 those, you know, in this Committee, and others,
15 with whom we partner in the communities, there's
16 been a groundswell of partnership among community
17 leaders, law enforcement and citizens, all coming
18 together to keep guns off our streets. For
19 example, youth summits are being held around the
20 City, and youth advisory groups are forming with
21 the aim of finding creative ways to end gun
22 violence. In the face of the efforts that I have
23 outlined, I'd like to tell you from my perspective
24 as district attorney of New York County, why it is
25 essential that Congress not undermine this

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2 groundswell of unity that is building across the
3 City with ill-advised laws that will frankly
4 hinder our efforts. And we only have to begin by
5 looking at HR 822, otherwise known as the
6 Reciprocal Right to Carry Bill, to see a glaring
7 example of federal legislation potentially
8 undermining our best efforts to keep guns off our
9 streets. This bill, while providing no benefit to
10 society, places law abiding citizens at
11 unnecessary risk of grievous physical harm. As
12 you mentioned, Mr. Chairman, HR 822 would require
13 every state to honor permits to carry concealed
14 weapons from any other state, overriding the laws
15 of New York and many other states. If this bill
16 were to become law, individuals who would not be
17 eligible for a permit in New York, would be
18 afforded the right to carry a concealed weapon
19 while in New York, solely because they hold
20 permits from their home states. Without any
21 discussion or any oversight, New York would be
22 forced to allow individuals to carry a concealed
23 weapon in clear violation of New York State law.
24 Let me be clear on this point: people who New
25 York deems too dangerous to be afforded the

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2 privilege of carrying guns would nevertheless be
3 free to stroll through Times Square, armed with
4 enough firepower to kill dozens of our residents
5 and visitors. Legislatures in each of the 50
6 states crafted their gun laws with careful
7 consideration for the safety of their
8 constituents. In our state, for instance, we
9 prohibit most convicted offenders from carrying a
10 firearm. Moreover, New York, among other things,
11 requires that prospective licensees demonstrate
12 good cause for carrying a firearm. It insists
13 that applicants otherwise be of good character and
14 establishes specific training protocols in order
15 to carry firearms. And there is good reason for
16 these requirements, including the fact that New
17 York has densely populated areas, major tourist
18 attractions, and thoroughfares that serve as a
19 main artery to other east coast destinations.
20 With due consideration to these factors, New York
21 has decided not to honor concealed carry permits
22 from other states, many of which do not have
23 similarly thorough screening and educational
24 elements as part of their permit process, let
25 alone the crowded metropolitan area in which we

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2 operate. Stripping New York of the discretion to
3 determine who can carry a concealed weapon, when
4 they are temporarily residing in or traveling in
5 New York State, would be a danger to New Yorkers.
6 It would be a danger to New Yorkers, to our
7 visitors, and to our law enforcement community.
8 HR 822 would encourage gun traffickers and other
9 criminals to pass through the State with loaded
10 weapons in their cars and on their person. It
11 would put police officers in the untenable
12 situation of having to know and understand the
13 concealed, carry permit process of each and every
14 other state an unrealistic requirement that would
15 make it impossible in my opinion for law
16 enforcement to know whether someone who was
17 carrying a concealed weapon is doing so legally.
18 Simply put, no justification, in my opinion,
19 exists for overriding states' laws and therefore
20 dramatically reducing public safety. HR 822 is a
21 bad idea. It's a bad idea all around. In stark
22 contrast, however, to HR 822, HR 591 would have
23 the direct effect of making New Yorkers safer. HR
24 591 is designed to close the so-called "gun show
25 loophole." Currently under federal law, as the

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2 Chairman indicated, only licensed gun dealers are
3 required to conduct background checks before
4 completing the sale of a firearm. Occasional
5 sellers, a term not defined anywhere in federal
6 law, are not required to perform such background
7 checks. It does not make much imagination to see
8 why sellers would call themselves "occasional
9 sellers" for the purpose of selling at gun shows.
10 New York State is in fact one of only six states
11 in the country that has already closed this
12 loophole at the state level by requiring universal
13 background checks on all firearm sales at gun
14 shows, including sales by unlicensed dealers. But
15 absent similar initiatives across the nation, gun
16 show loopholes are a very real threat to New York.
17 All we need to do is look at where the majority of
18 guns that are used in the commission of crimes
19 come from. In New York City, it is estimated
20 upwards of 90 percent of crime guns come from
21 other states. It's not hard to see why that's the
22 fact. Someone inclined to use a gun in a gun
23 crime would be wise to step out of state to
24 purchase that gun; they can avoid the background
25 check and be assured of securing a weapon, despite

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2 their criminal history and laws preventing them
3 from owning a firearm. And as long as there is
4 nothing to prevent them from doing so, New York
5 has no way to stem the flow of firearms purchased
6 without requisite background checks at gun shows
7 in surrounding states. In my opinion, HR 591
8 toughens penalties, holds gun show operators
9 accountable, and requires background checks for
10 all sales. Corrupt dealers would be subject to
11 license suspension, jail time and significant
12 fines. These pragmatic changes should be made
13 now. They should be made now. I don't know how
14 much longer we have to wait as a City, as a State,
15 and as a country, to see that the effects of gun
16 violence in our communities is simply
17 unacceptable. And so I hope you will join me by
18 taking this a step further, and I applaud the
19 Council for its resolutions. Now, recently you
20 have heard about Attorney General Schneiderman's
21 investigation into the flouting of New York gun
22 show laws over the past several months:
23 undercover investigators who frequently told
24 sellers that they had facts in their backgrounds
25 that would bar them from owning a firearm, were

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2 nonetheless sold firearms by sellers. The same
3 holds true for Mayor Bloomberg's announcement
4 yesterday, where undercover agents using the same
5 tactics were able to purchase guns over the
6 internet, in violation of federal law. In fact,
7 they were able to illegally purchase the same make
8 and model used in the murder of New York City
9 Police Officer Peter Figoski. Now we need to work
10 together to enforce New York's existing laws and
11 where necessary to enhance the laws so that this
12 type of activity does not continue. And that
13 leadership, as has been demonstrated, begins with
14 you. New York has benefited from a more than
15 decade long decrease in violent crime. We have
16 much to be thankful for. But together, we have
17 much work to do. We can continue to move forward,
18 I believe, by reducing gun crimes and giving all
19 our communities the same opportunity to flourish.
20 And I look forward to working with this Council,
21 with our State Legislature, and with our
22 congressional representatives to make that vision
23 a reality. And again, Mr. Chairman, I'm deeply
24 grateful to be able to talk with you about
25 something that is among the most high priorities

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2 of any prosecutor's office, let alone one in a
3 major metropolitan area like ours.

4 CHAIRPERSON VALLONE: Thank you, DA
5 Vance. We're very appreciative of your attendance
6 here to share your knowledge with us and answer
7 some of our questions. We've been joined by
8 Council Members James, Rodriguez, Garodnick,
9 Halloran, Greenfield and Foster, who were all here
10 on time, which is very rare, and that's how
11 important this issue is to, to have that many
12 Council Members here for a hearing, that's how
13 this issue is to us up here. And there are a lot
14 of questions to be asked. I'm going to be pretty
15 brief. Let's start with the Gun Show Loophole
16 Act. Are there gun shows in, within the confines
17 of the City or Manhattan?

18 CYRUS VANCE: Mr. Chairman, I'm
19 really not, I think I'm going to have to get back
20 to you on a more detailed answer to that, because
21 I don't want to give you an answer that's off the
22 cuff. But we can certainly provide an answer to
23 that if you'll give us a day or so to be able to
24 respond.

25 CHAIRPERSON VALLONE: Sure. Word

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2 of interest, because as you said, New York State
3 has closed that gun show loophole already. So I'm
4 assuming you're not doing any prosecuting of this
5 violation of this law since--

6 CYRUS VANCE: It's not something
7 that, that our office has been involved in, and
8 New York County certainly in the time that I have
9 been, become DA.

10 CHAIRPERSON VALLONE: Okay.

11 CYRUS VANCE: But--

12 CHAIRPERSON VALLONE: Yes.

13 CYRUS VANCE: --but, obviously, the
14 guns that are coming into New York City are coming
15 into New York County. So the whole issue of gun,
16 you know, of gun violence is, as we've indicated,
17 of predominant importance to us. And I would say
18 that we have some of the toughest gun laws in the
19 nation. And we enforce them.

20 CHAIRPERSON VALLONE: I should
21 hopefully soon have some statistics on the amount
22 of actual gun permits that we have here in New
23 York City. It's very few. Some would say too
24 few, in fact I know Dan Halloran is going to say
25 very soon, "Too few." And but with the gun show

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2 loophole, before we move onto that bill, as you
3 know, the bill at the federal level applies to gun
4 shows. What Attorney General Schneiderman did and
5 what the Mayor did was extend this to private
6 sellers outside of gun shows, on Craig's List and
7 other ways. How would you feel about extending
8 background checks to private sellers not at gun
9 shows?

10 CYRUS VANCE: I think it's a
11 sensible, a sensible requirement. I respect that
12 three are perhaps divergent opinions on this, but
13 at the end of the day, people who purchase guns
14 are, are given a, an instrument that is extremely
15 dangerous, and I think it's appropriate to, you
16 know, to provide reasonable restrictions. I think
17 the Supreme Court precedent does not prohibit it,
18 and I think we should encourage it.

19 CHAIRPERSON VALLONE: I happen to
20 agree. And we'll be amending, either amending the
21 Resolution before us or adding a separate
22 Resolution expanding what we're calling for here.
23 I understand the argument that private citizens
24 may have difficult doing background checks at gun
25 shows or actually, there's actually a stand where

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2 they can walk somewhere right up to and get that
3 background check done, which is why it's a no-
4 brainer to do this at gun shows. I understand a
5 private citizen outside of a gun show might have
6 some limitations, but hey, maybe we need to look
7 at banning the sale of guns by private citizens,
8 whether it be on the internet or in person. And
9 force that sale to go back to a, to a gun dealer
10 who can do a license, do a background check.

11 Because we cannot allow these illegal weap--we
12 cannot allow these weapons to get in the hands of
13 people with criminal backgrounds. So, thank you
14 for your support on that, also. The National
15 Right to Carry Reciprocity Act, you mentioned
16 something interesting in your testimony, I mean,
17 you were pretty forceful about it. But you said
18 it would encourage gun traffickers and other
19 criminals to pass through the State with loaded
20 weapons in their cars. Where does the other
21 criminals then come from. I would assume, and I'm
22 not positive, that other states would do
23 background checks regarding criminal, criminal
24 background. Am I wrong with that?

25 CYRUS VANCE: Well, Council Member,

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2 I think it just speaks to if, if, if you know that
3 New York State and New York City law enforcement
4 are going to have to now suddenly be in the
5 position of recognizing, or respecting the 50
6 states, residents from 50 states, coming into New
7 York City, it simply, it opens up the floodgate
8 for the volume of people who are going to come in
9 through our City; and when that floodgate, who
10 have weapons, and when that floodgate is opened,
11 you're also creating a, an opportunity for people,
12 you know, to simply be part of that number of,
13 number of individuals bringing guns into our City,
14 knowing that the increased volume is going to make
15 it harder for us to do our job, harder for police
16 with limited resources to do the background
17 checks, harder for prosecutors to assess these
18 cases when they come into the Complaint room. It,
19 it provides a increased flow of traffic through
20 which individuals who want to profit from it can
21 participate.

22 CHAIRPERSON VALLONE: All right.

23 If this bill passes on the federal level, do you
24 see any legal actions that we would have at our
25 disposal at a City level?

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2 CYRUS VANCE: Let me say that our
3 Appeals Department would work carefully and
4 cooperatively with the Council and its lawyers to
5 evaluate our legal position collectively in
6 protection of New Yorkers. You know, I, I don't
7 have a, I don't have a studied legal answer to
8 your question, but I do believe that the Supreme
9 Court precedent does not prohibit reasonable
10 restrictions. I think we should take every
11 advantage of that precedent to protect our
12 residents. We are a sovereign state, we have a
13 right to assert within the law the positions that
14 protect our residents. New York is not rural
15 Texas, and I have no dispute with the laws of
16 rural Texas; but we don't ask rural Texas to
17 assume that they should abide by the laws of New
18 York State.

19 CHAIRPERSON VALLONE: That's a very
20 good point. There are a completely different
21 concerns in a rural state, as opposed to a state,
22 a city, like ours, where you have eight-and-a-half
23 million people squashed together in very close
24 living conditions. And as you said, we don't
25 force them to follow some of our laws. And some

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2 of the more recent ones, which I've opposed, but
3 we don't force anyone else to follow ours, and
4 they shouldn't do likewise. I have a lot more
5 questions, but there are many Council Members with
6 questions. We've been joined by Council Member
7 Williams and we're going to go to ques--for
8 questions to Council Member Brewer.

9 COUNCIL MEMBER BREWER: Thank you
10 very much. Thank you for your strong statement
11 about the 822. My question is do you have a sense
12 that the Association Attorney--of District
13 Attorneys or other law enforcement groups are
14 really fighting in the same way that you are to
15 make sure that there's no concealed legislation on
16 the national front?

17 CYRUS VANCE: Yes, Council Member,
18 I'm a member of the, you know, the DA's
19 Association, obviously, for the State of New York,
20 the Elected Chair to succeed Janet DiFiore, who's,
21 who will be the Chair and President till 2013.
22 But I think law enforcement generally is, is
23 entirely in opposition to the right to carry
24 legislation.

25 COUNCIL MEMBER BREWER: Okay. And

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2 the other question I have is, god forbid that the
3 Senate isn't able to stop this or that it moves
4 forward, what in the world would we do in terms of
5 legal actions? What, what would we do here in New
6 York?

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CYRUS VANCE: Council Member, I
8 think, as I indicated to the, in response to the
9 last question, I think that what we need to do is
10 first of all act with unity, you know, act with a
11 unanimous voice. You know, I think that we need
12 to, the wisdom of the elected leaders, but also
13 their legal advisors to come together and develop
14 a legal strategy that we believe is consistent
15 with Supreme Court precedents, and so I don't want
16 to give a off the cuff answer, but I think if the
17 Senate were to exercise dim wisdom, and to pass
18 this, that we would want to act forcefully to
19 express our point of view as a City, directly to,
20 you know, to the White House and go up as high as
21 we have to.

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COUNCIL MEMBER BREWER: Okay. And
23 then just finally, on the broader scale, you've
24 talked eloquently here in the past about ways that
25 we need to get guns off the streets. Are there

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2 other kind of dreams that you would have in order
3 to do that? Obviously, we're working on issues of
4 other states and some of the trafficking that
5 comes into New York, we hear about that all the
6 time. But are there other sort of large picture
7 issues that you've been thinking of that you wish
8 would be part of the scene here in New York? Or
9 just nationally?

10 CYRUS VANCE: Well, the--clearly,
11 this, ultimately we look for federal leadership in
12 this area, which occasionally we find wanting.
13 But I, but let me just talk locally, even though
14 this is an issue that obviously deals with states,
15 other states around the country. You know, I just
16 want to applaud the Council Members that are here
17 today, for their work in their communities because
18 I think on the issue of awareness and cooperation
19 and making sure that we are providing all the
20 support to our local communities to support our
21 kids, so that they don't get involved with gun and
22 gang violence, I think this is--you know, quite
23 honestly this is where I look at, at a great
24 opportunity. I look at our Saturday Night
25 Program, for example, in Central Harlem, that I

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2 alluded to. I hope to take that program to scale
3 in the Lower East Side, East Harlem and Washington
4 Heights, by the end of, by the end of this year or
5 next. And what that means is, you know, providing
6 an opportunity for perhaps as many as 500-600
7 kids, 12 to 18 years old, on Friday and Saturday
8 nights to have someplace safe to be, great
9 mentoring, and great skill development. To me,
10 all the laws in the world are not as powerful as
11 what you have demonstrated in terms of your
12 leadership and getting your communities to care
13 about these issues. And ultimately, I think it's
14 in our hands as parents, as political leaders and
15 as community leaders, to bring our communities
16 together, to own the issue of safety in our homes
17 and on our streets. And I think that's where I
18 look for the greatest opportunity for the bill.

19 COUNCIL MEMBER BREWER: Thank you.
20 I just wanted to say that I agree, I've been with
21 your staff and I know what a great job you're
22 doing. Kids don't, sort of stay in their
23 neighborhood, so you do need to have it in every
24 single neighborhood. And I would agree with you,
25 more partnership with NYCHA would be really

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helpful.

CYRUS VANCE: And we, and I have met with Chairman Rhea several times and we look to, you know, we--money is the, money is an issue.

COUNCIL MEMBER BREWER: Money is the issue.

CYRUS VANCE: But where there's a will there's a way, and with your leadership, I think we're going to get there.

COUNCIL MEMBER BREWER: Thank you. Thank you, Mr. Chair.

CHAIRPERSON VALLONE: Thank you, and let me reiterate that your Appeals Department is, your Appeals Division is renowned, it's one of the best in the country, so we appreciate the help to our Law Department should this measure get passed. We'll now go to Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Thank you, Chairman Vallone. First, I would like to say that the loss of Officer Figoski is a loss for the whole City, and would like to send our prayers to his family. My first question is on the 62 people that have been shot in Manhattan, what is the breakdown per precinct?

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CYRUS VANCE: Per person?

COUNCIL MEMBER RODRIGUEZ: Per precinct, police precinct.

CYRUS VANCE: Ah. Council Member, I can get you the exact answers, but I think, but the reality is that the pro--we will find that the majority of those numbers are north of 96th Street, in Northern Manhattan.

COUNCIL MEMBER RODRIGUEZ: Northern Manhattan.

CYRUS VANCE: Yeah. And I think that while there has been violence, there has been fatal shootings, in the Financial District, and fatal shootings in all parts of our County. The predominant risk, if you were to put pushpins on a map, you'd see that the majority of, of the fatal shootings are in Northern Manhattan, and predominately the 2-3 the 2-5, the 2-8, 3-2, and 3-4 precincts.

COUNCIL MEMBER RODRIGUEZ: What about on those shooting, how many people, how many of those shootings involve legal or weapons that were purchased illegal in--legal in another state?

CYRUS VANCE: Council Member, I

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2 don't have an exact number. The NYPD in each of
3 these, you know, in each case, I think does
4 tracing on guns. Let me just give you, though, as
5 an example. In two cases that I know we've been
6 involved in, among many others, most recently in
7 the case involving 129th Street, recent
8 indictment, one of the, one or more of the
9 defendants had previously been stopped en route up
10 from Virginia, with illegal weapons. So, that's
11 an indication, just in that case alone, of
12 movement of guns from outside into New York State,
13 and we have previously, in earlier indictments in
14 2010 and '11, indicted individuals for gun
15 trafficking, bringing guns in from out of state.
16 So, the answer to your question is I can't, I can
17 ask Mr. Frasier to give you more detailed answers,
18 but the truth is that, as I indicated, the vast
19 majority of guns coming into New York City are
20 coming in from out of state. And as to whether
21 each of them was illegally sold or not, I can't
22 answer right here. But certainly it speaks to a
23 national problem.

24 COUNCIL MEMBER RODRIGUEZ: What
25 about like, can you elaborate a little bit more

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2 about ho if Intro--Resolution 821 get approved at
3 the federal level, how can they, how can he help
4 to take illegal weapons out of the street?

5 CYRUS VANCE: Well, simply by
6 requiring more background checks on individuals
7 who purchase weapons, beyond federally licensed
8 sellers. I think we are going to make sure that
9 before weapons get in the hands of individuals,
10 there are background checks that make sure that
11 they're not getting in the hands of dangerous
12 individuals. Dangerous individuals with, with the
13 kinds of background that would clearly indicate
14 they shouldn't have a weapon. So, you know, if
15 you put the hand, if you put a gun in the hand of
16 someone who is unstable, or with a prior criminal
17 record for violence, doesn't take brain, you know,
18 doesn't take a lot of imagination to understand
19 that that's a risky proposition. So we should
20 have, we should have, I believe, background checks
21 that make sure that we're doing all we can to
22 minimize the chance that guns are going to get in
23 the hands of people who shouldn't have 'em.

24 COUNCIL MEMBER RODRIGUEZ: And I'd
25 just like to end saying that this is so important

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2 for, as we say, the whole City. We want to be
3 safe, irregardless of where we go, which borough
4 we go, but especially to a community such as ours,
5 the one that I represent is so important, because
6 even when we have like only like three homicide or
7 four in one of my precinct, Police Precinct 34,
8 two years ago, like as you know, this year have
9 been like more than 12 or 15, I don't have the
10 accurate number, but it's more than 12. And, and
11 even when Mayor's saying that crime has been going
12 down in the City, regardless is that in certain
13 community that's not our reality. And we have
14 particular community that I think more affected
15 when it comes to illegal weapons. Thank you.

16 CHAIRPERSON VALLONE: Thank you.

17 Council Member Halloran.

18 COUNCIL MEMBER HALLORAN: Thank
19 you, Mr. Chair. Mr. District Attorney, I
20 appreciate you being here, I appreciate your hard
21 work. And please do not take my vociferous
22 advocacy for the Second Amendment of the United
23 States Constitution negatively when I ask you some
24 of these questions. But you brought out some
25 statistics which I just don't think are factually

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2 strong. You said that Florida has over 800,000
3 concealed [background comment] Oh, I'm sorry, Gale
4 said Florida had over 800,000 concealed carry
5 permits. And you cited the number of homicide
6 related to guns in the City of New York.

7 CYRUS VANCE: In New York County.

8 COUNCIL MEMBER HALLORAN: New York
9 County. And I think we need to start about
10 talking about context. Florida in 1987 passed a
11 concealed carry law. Homicides are down 36
12 percent on average in the State of Florida. They
13 issued 1,845,143 permits in total in the State of
14 Florida, 800,000 of which were concealed carry
15 permits. There have only been 18 crimes committed
16 with registered, licensed firearms. That's .00009
17 percent. The number of deaths by firearm per
18 100,000 persons is under 2.1, which is below the
19 national average. The City with the tightest gun
20 control laws in the United States, the City of
21 Washington, D.C., has 6.1 per 100,000. Can you
22 honestly sit here and tell the citizens of the
23 City of New York that in states that have right to
24 carry laws, crime statistics are better than those
25 with stringent gun control laws?

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2 CYRUS VANCE: Well, Council Member,
3 first of all I ... welcome your strong advocacy
4 and your--

5 COUNCIL MEMBER HALLORAN: I
6 appreciate it.

7 CYRUS VANCE: --your strong
8 opinions. We're not Florida, and we, as I say,
9 aren't Texas. You bring an entirely--person who
10 has a legitimate right to carry a gun in Florida,
11 comes to New York City on a trip.

12 COUNCIL MEMBER HALLORAN: Mm-hmm.

13 CYRUS VANCE: And for whatever
14 reason, they ill-advisedly bring their gun with
15 them. They find themselves in a circumstance in a
16 major metropolitan area where they reach for gun,
17 ill-advisedly thinking that they should protect
18 themselves. Now, in Florida, it may take, you
19 know, 30 minutes for 911 to show up. In New York
20 City, I think it probably takes hopefully--

21 COUNCIL MEMBER HALLORAN: Three.

22 CYRUS VANCE: Three minutes.

23 COUNCIL MEMBER HALLORAN: Yeah, I
24 agree.

25 CYRUS VANCE: So if you're in

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trouble--

COUNCIL MEMBER HALLORAN: [laughs]

CYRUS VANCE: --you call the police and 911 shows up. My point simply being this: there are, my statistics are that Florida has about 500,000 permits to carry, Texas 650,000 permits. Now I'm not suggesting that all those people are themselves criminals, but I am suggesting that if you permit people to bring their guns into New York City, in high volume, and have to respect their permits, what you do is you increase the likelihood that people are going to get shot and killed in an area where we rub up against each other in the subway, in traffic. It's just a risk we should not have to accommodate. It's a risk that we try to minimize by having some of the strongest gun laws in the nation. We got here because we understand that guns in a city of 8+ million people, that don't, that aren't licensed, based upon our decision of what licensing should be, different licensing requirements in New York State and New York City, that that's, that's--you know, that enhances, increases our danger level. We should not have

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2 to, we should not have to accommodate that. The
3 Second Amendment I believe doesn't prohibit it.

4 COUNCIL MEMBER HALLORAN: Okay.

5 Speaking of the Second Amendment, as you're aware,
6 in the Heller decision and the McDonald which
7 applies it to the states, the government of the
8 United States basically, the Supreme Court rather,
9 basically said that there is an individual and
10 particularized right to keep and bear arms, and
11 that it does apply to the states. We now have,
12 and this is, this is actually a legal question, so
13 I'm kind of asking you to put on your attorney
14 hat, and not the advocate hat that you have on
15 right now. We allow reciprocity for drivers
16 licensing. Drivers licenses are a privilege not a
17 right. The Supreme Court has now found a right,
18 an individual and particularized right. You don't
19 see that there is a potential issue in the full
20 faith and credit clause of the Constitution, with
21 regards to just that argument, if there is
22 permissive use of privilege and not permissive use
23 of right. And, and while I appreciate my
24 colleagues' difference of opinion on this matter,
25 the fact is the Supreme Court has weighed in, has

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2 found a particularized right that is enshrined in
3 the Constitution, it's amazing that individuals
4 who revere the Bill of Rights, always forget to
5 revere the Second Amendment. And that includes
6 our advocacy groups like the ACLU. But
7 nonetheless, the Supreme Court has spoken and
8 that's all that matters, because that's the law of
9 the land. As an attorney, as a law enforcement
10 officer, you don't see a problem in the conflict
11 inherent in allowing reciprocity for a privilege
12 and not reciprocity for a right, under the full
13 faith and credit clause of the Constitution?

14 CYRUS VANCE: As a lawyer,
15 recognizing that lawyers disagree from time to
16 time. [laughter]

17 COUNCIL MEMBER HALLORAN: Of
18 course. No! [laughs]

19 CYRUS VANCE: I would simply say
20 that I do not believe Supreme Court precedent,
21 under Heller, and its progeny, prohibits
22 reasonable restrictions for possession of a
23 firearm. Now, clearly, in the Heller case it
24 found Washington, D.C.'s restrictions were too
25 onerous in the Supreme Court's opinion.

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2 COUNCIL MEMBER HALLORAN: And that
3 was also the jurisdiction with the highest number
4 of homicides by gun in the United States. That's
5 correct, right? So, so, strict licensing does not
6 equate to protection from firearms deaths, does
7 it? And that's quod erat demonstrata [phonetic],
8 is it not counselor?

9 CYRUS VANCE: I don't know what
10 quod erat demonstrata means, but I think if you're
11 trying to say does it prove the point, I--Council
12 Member, I actually have got to say I got to
13 disagree with you. We can't look to other states
14 to identify how we need to solve our problem. I
15 will just tell you that I believe that the
16 proposal to limit the right to carry in New York
17 State, to those who have licenses in New York
18 State, is going to be consistent with the Supreme
19 Court's decision in Heller, and I personally
20 believe, while recognizing that you may have a
21 different point of view, that in my view, this is
22 a strong public safety measure, that I support. I
23 support it unswervingly, and my, my belief is that
24 we are going to continue to fight this as far as
25 we have to go.

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2 COUNCIL MEMBER HALLORAN: I apprec-
3 -I appreciate, Mr. District Attorney, I think you
4 do a hell of a job, and I am a very--the Public
5 Safety Committee is always impressed with the work
6 you guys have done across the boards. Again, just
7 the statistics seem a little different to me.
8 When we look at the total number of deaths by
9 firearms, intentional deaths by firearms, we can
10 talk about accidents, which it's even smaller,
11 every City with significant gun control laws has a
12 disproportionately large death by firearms number.
13 It's, that's a fact, there's no getting around
14 that. And you brought up the great State of Texas
15 and obviously we're all New Yorkers, so there's a
16 reason we're here and not there, I'm sure, but
17 Dallas has a population of almost 3 million
18 people. And they have 276,000 concealed carry
19 permits. Their crime rate with guns is the second
20 lowest in the United States. Again, quod erat
21 demonstrata, the thing that speaks for itself,
22 seems to be the case. It does not empirically
23 demonstrate what you've asserted, and I understand
24 that some people have a difference of fundamental
25 opinion here. Death by accident, 39 percent by

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2 car, 18 percent by poison, 16 by trip-and-fall, 12
3 percent by knife, .6 percent by guns. I
4 appreciate it, thank you, Mr. Chairman. I will
5 get off my soapbox.

6 CHAIRPERSON VALLONE: Allowed a
7 little leeway because I assume you're going to be
8 the only person taking that position. [laughs]
9 So, I wanted to make sure you had ample time. And
10 your facts are facts, that's the English way to
11 say the demonstrata thing, I think. But I'm, I'm
12 interested in this coming out of a state's rights
13 guy. Usually, it's, it's all about state's
14 rights. - -

15 COUNCIL MEMBER HALLORAN:
16 [interposing] Not where the Bill of Rights is
17 concerned, and federal constitutional law.

18 CHAIRPERSON VALLONE: We're now
19 going to go to Council Member James.

20 COUNCIL MEMBER JAMES: So, I've
21 been to Florida, I have friends in Florida,
22 Florida's a great state, but this is not Florida
23 or Texas. And when it, and, and as an attorney,
24 and as someone who is a defender of the
25 Constitution and the Bill of Rights, when you have

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2 to hold a mother and/or a grandmother at a
3 funeral, as I have done, on numerous occasions,
4 one of the worst things about being a City Council
5 Member is I have to go to too many funerals.
6 Funerals of victims who unfortunately are victims
7 of senseless gun violence. And District Attorney,
8 you alluded to it in your comments, and the fact
9 is, is that it affects a certain demographic, both
10 the victim and the perpetrators. And they happen
11 to be people of color. And as you indicated in
12 your statement, if you look, if you did a pushpin,
13 if you did a mapping in Manhattan, it would be
14 Northern Manhattan; if you did in Brooklyn, it
15 would be Central Brooklyn; if you did in Queens,
16 it would be Southeast Queens; if you did in Bronx,
17 it would be certain parts of The Bronx. You know
18 where the crime is happening, and unfortunately
19 the vast majority, over 90 percent of the firearms
20 used in gun crimes within the City come from out
21 of state. And 90 percent of these guns are
22 illegal. And it's time that we impose some
23 reasonable restrictions on gun use and possession,
24 not only in the City and in this country, because
25 the laws that have been proposed, particularly the

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2 laws that, as it relates to these ... the
3 individuals who have these gun shows, are not only
4 a threat to the safety of New York City residents,
5 and State residents, but they're a threat to our
6 nation as a whole. And obviously, we need some
7 reasonable restrictions, which includes, but is
8 not limited to the definition of a term, which I
9 find rather interesting term called "occasional
10 seller," which is a term which is not defined
11 anywhere in federal law. And the, this term does
12 not require individuals to perform such background
13 checks and individuals who call themselves
14 occasional sellers, sellers for the purposes of
15 selling gun, selling at gun shows, they are not
16 required to perform background checks. And so,
17 District Attorney, is this something, a definition
18 that really should be restricted and/or should be
19 subject, should we close the loophole with respect
20 to performing background checks for those sellers
21 who define themselves as occasional sellers?

22 CYRUS VANCE: Yes, Council Member,
23 I think we should. I think if you are, it's, if
24 you are selling firearms, and I think it is, it is
25 not an unreasonable restriction, that there be

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2 some inquiry that you are required to make, before
3 you make that sale, and I think obviously we need
4 to define more carefully what an occasional seller
5 is, a, a cousin who wants to, you know, a cousin
6 who wants to give a gun to another cousin, is
7 something different than someone who, on a
8 frequent basis, actually sells firearms as an
9 income generating operation. So, the bottom line
10 is, guns are dangerous, guns kill people, and if
11 you're in the business of selling guns regularly
12 or occasionally, it's incumbent upon you and my
13 personal opinion, to make some inquiry to make
14 sure that your sale is responsible. And to do, do
15 otherwise I think is irresponsible.

16 COUNCIL MEMBER JAMES: And I know
17 you are a District Attorney. The Attorneys
18 General, they have an association. Do you know if
19 they are planning on taking any legal action or
20 what is their position with respect to the
21 National Right to Carry Reciprocity Act?

22 CYRUS VANCE: I can't speak to the
23 National Association of Attorneys General. And
24 I'd be happy to get back to you, Council Member,
25 on that issue, but I can't, I don't know what

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their national position is.

COUNCIL MEMBER JAMES: And with regards to the National Right to Carry Reciprocity Act again, which is a threat to the safety of not only New Yorkers but to this nation as a whole, what's the basis for this legislation? Why did it come up? Did something happen which caused, which prompted the introduction of this legislation?

CYRUS VANCE: I can't imagine what, what would have prompted this other than just there is a group of advocates who believe that they wish to push the, the Second Amendment to its, as far as they can, and I, and sometimes that's what's motivating legislators to introduce legislation.

COUNCIL MEMBER JAMES: And I know working with my District Attorney, Mr. Hynes, we have done, as you know, he has done a number of innovative approaches to crime in the Borough of Brooklyn: the gun buyback program, Safe Surrender, late night basketball, boxing matches, community courts--and the list goes on and on and on. He's done, done a number of initiatives. But one initiative that was put forward by members of

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2 the State Legislature was an initiative which was
3 funded when the Democrats controlled Senate,
4 controlled the State Senate, and they funded a
5 significant number of community based
6 organizations who were basic, who basically
7 intervened and tried to speak to individuals who
8 were engaging in gun violence--

9 CYRUS VANCE: Yeah.

10 COUNCIL MEMBER JAMES: --in
11 communities all throughout the City of New York.
12 And they were rather effective. When the
13 Republicans took back the Senate, they defunded
14 that program. And based on the statistics that I
15 have been provided, that program was highly
16 affected because some of these individuals who had
17 committed crime in their past, and who decided to
18 turn their lives around when they were released
19 from prison and thought that the best way to deal
20 with crime was to deal with individuals who
21 committee, who had committed crime, and now wanted
22 to provide some benefits to the public that they
23 had once terrorized. And this program was
24 defunded by the Republicans in the State Senate.
25 Do you have a position with respect to that

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program? I believe it was called SNUG.

CYRUS VANCE: Well, I am respectful of the financial constraints we all have to face. And, and yet, let me just say that as a general proposition, it is, I believe, very cost effective and a public safety and pro you know, crime prevention measure to fund preventative measures.

COUNCIL MEMBER JAMES: Right.

CYRUS VANCE: It's why I respect the work Joe Heinz has done, it's why I, it's why I support those measures in our county. It's--and this area, these interrupter type programs--

COUNCIL MEMBER JAMES: Right.

CYRUS VANCE: --where you are trying to address people who are confronted by violence either in the commission of it themselves or the victim of it, you're--the programs to catch those people at these important decision points is so important. So, obviously, I don't want, I don't want funding restricted from any of these crime prevention measures. And so I support the funding of them. That said, I think what the reality is, is we are recognizing that we are, we are going to have to come together as communities,

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2 do private fundraising, community groups that I
3 know you were deeply involved with, are going to
4 have to step up and simply do more. That said, if
5 you want to have an effective crime, public safety
6 strategy, it includes enforcement, what we do in
7 the courtroom, and it's also got to include
8 prevention. They are hand in hand, they are
9 opposite sides of the same coin, one without the
10 other is irresponsible, and I completely disagree
11 with critics who don't look at crime prevention as
12 a public safety measure. It's essential.

13 COUNCIL MEMBER JAMES: It is
14 essential, and it's not only a public safety but
15 also a public health crisis that we are dealing
16 with in the City of New York and throughout this
17 nation. And I thank you for funding these
18 prevention programs, and I hope that the State
19 Legislature would find some resources to fund
20 these interveners and individuals who obviously
21 have been successful not only in this State but
22 across the nation. And I, too, would argue, that
23 there is no overriding or public benefit or
24 purpose for passing the National Right to Carry
25 Reciprocity Act of 2011. And my thoughts and my

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2 prayers also go to the Police Officer Figoski and
3 may he rest in peace, and thank, thank him for his
4 bravery. And I know a number of my colleagues are
5 going to be contributing to the fund, and the
6 scholarship fund for his daughters. Thank you,
7 District Attorney, for all that you do.

8 CYRUS VANCE: Thank you, Council
9 Member.

10 CHAIRPERSON VALLONE: Thank you,
11 Council Member. Council Member Greenfield.

12 COUNCIL MEMBER GREENFIELD: Thank
13 you, Mr. Chairman, and thank you, Mr. District
14 Attorney. I have to tell you, by the way, it's
15 always enjoyable sitting next to my colleague Dan
16 Halloran at these hearings, it just brings me back
17 to the good old days in law school, where you used
18 to moot issues back and forth in class. But I got
19 to tell you, Dan, talking about the reciprocity
20 issue on the driver's license, I'm not really
21 convinced. I see someone with an Idaho plate
22 trying to get through Manhattan, it's a scary
23 sight. Imagining that guy bringing his whole
24 arsenal into Manhattan with his car [laughter]
25 with the Idaho plate, I don't know if it's such a

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2 good idea, honestly. So, you know, Mr. District
3 Attorney, I want to applaud your efforts on gun
4 control, especially your efforts to get illegal
5 guns off the streets, and your work to make
6 carrying and using illegal guns punished even more
7 seriously under the law. You know, here in New
8 York City, we have the greatest police officers in
9 the NYPD, and we have excellent prosecutors at the
10 District Attorneys' offices, and here in New York
11 County led by yourself, but I really, I really
12 have just basically one question, and that is, you
13 know, what good is it to have the best cops and
14 the best prosecutors when you have judges who
15 simply let convicted criminals go free without
16 bail. What do we do about the irresponsible
17 judges who counter all of the good work that the
18 NYPD and the District Attorney's Office do?

19 CYRUS VANCE: Council Member, what
20 happened to Officer Figoski is--tragedy doesn't
21 begin to describe it the word. What I, what I
22 think your issue speaks to is how important the
23 decisions are that we make at every stage of the
24 criminal process, including arraignment. And, and
25 so everybody in the criminal justice system, I

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2 know works in good faith, to do their job. But we
3 are reminded that the decisions that are made are
4 important ones and, and why coming off this, this
5 incident, it's a reminder to all of us that, how
6 important it is to make the careful decisions that
7 we are asked to make at every stage of the
8 process.

9 COUNCIL MEMBER GREENFIELD: You
10 know, I appreciate that and I understand the, the
11 sensitive position that you're in as someone who
12 tries cases all the time in front of judges, that
13 I just would like to reiterate, and this is really
14 the only point I want to make: it's terribly
15 frustrating for us as legislators who sit down and
16 we try to come up with innovative methods of, "Oh,
17 okay, if someone does a crime, we're going to
18 throw them in jail. And if someone uses an
19 illegal gun, we're, they're going to have you in a
20 longer jail term." And then we have police
21 officers who risk their lives and district
22 attorneys who, by the way as we've discussed in
23 many other cases, worked for very little sums of
24 money to try to do the right thing and to make the
25 City better. And the DAs and the prosecutors work

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2 very closely together, along with legislators who
3 pass good laws, and then you come in front of a
4 judge where this convicted criminal, who gets
5 arrested for crack cocaine, and having a gun, and
6 the judge says, "No bail, go free." Come on, it's
7 outrageous. And, you know, and I understand that
8 your position and that you have to be more
9 measured about this. But I just want to stress
10 that as a legislator it's terrible frustrating for
11 us that every single thing that we do, and the
12 billions of dollars that we spend, both with the
13 NYPD and the DA's office and legislators passing
14 laws, gets undermined by irresponsible judges.
15 And I want to be clear, most judges are good
16 judges. But judges should not be above public
17 reprimand and reproach, or the law. And it is
18 perfectly appropriate for those of us in positions
19 of public office to hold irresponsible judges, the
20 minority of judges who are irresponsible, to hold
21 them publicly accountable, and to send the message
22 to judges that "If you do these kinds of actions
23 in the future, that endanger the lives and the
24 welfare of our citizens, we are going to publicly
25 call you out." Because that's all we can do. And

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2 that's, I think, our obligation. And so, I want
3 to thank you once again for your leadership, I
4 know that you're working hard on these issues, I
5 know how frustrating it must be for you when you
6 go into court, when you send your ADAs into court
7 to try to throw someone who really deserves it,
8 behind bars, and a judge just turns around and
9 sets them free. Thank you, District Attorney.

10 CHAIRPERSON VALLONE: Thank you,
11 Council Member. I agree completely, and what's
12 interesting is that holding them accountable
13 publicly is basically the only option we have.
14 I've called [background comment] for an
15 investigation and when I called for an
16 investigation into what happened, it was more
17 along the lines of what we knew from Carolina, why
18 wasn't Carolina's warrant a, an extradition
19 warrant, which I've never seen in my thousands of
20 arraignments when it comes to a violent crime like
21 that; what, what happened in court regarding
22 communication. But when it comes to the judges,
23 you know, ridiculous decision, there's nothing
24 that can be done. It falls within discretion,
25 it's not misconduct. And so there's no, if the

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2 police officer makes a mistake, there are going to
3 be all sorts of hearings and trials. The judge
4 makes a mistake like this, there's nothing that
5 can be done other than elected officials publicly
6 holding them accountable. And hopefully people
7 remembering when it comes time for reappointment
8 or reelection. So that's why we do these things,
9 because it's the only option we have at this
10 point, when it comes to horrendous decisions made
11 by judges who completely ignore the law as it
12 relates to bail decisions. Council Member
13 Williams.

14 COUNCIL MEMBER WILLIAMS: Thank
15 you, Mr. Chair, and thank you to the DA for what
16 you're doing and for being here. I also want to
17 recognize Dominique Sharpton from National Action
18 Network, Alison Dickin from Center to Prevent
19 Youth Violence, and Colin Weaver from New Yorkers
20 Against Gun Violence, who are also on the Anti-Gun
21 Taskforce, newly formed, and at the City Council
22 level. And I'm assuming they're going to testify
23 at some point. So, obviously, these laws, except
24 for I guess one of us, it seems to be very good
25 laws that we should be pushing, and I'm hoping has

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2 some kind of effect on what's going on, as a
3 person whose community is directly affected by the
4 gun violence. And it's usually--no offense to my
5 colleague, the people who represent communities
6 who are not as affected, who are pushing the other
7 side, whether it's from people from Texas or
8 people are such that don't really see what's
9 happening and not going to the funerals, and not
10 holding the mothers, and not holding no word for
11 the mothers to explain their child missing. It's
12 very, very difficult, and I suggest even if you
13 don't represent those communities, when those
14 funerals are happening, perhaps you should come by
15 and see the aftermath of what happens, 'cause you
16 can't get the full effect from a news media clip.
17 Obviously, I want to give my prayers for peace and
18 comfort to the police officer who was doing his
19 line of duty. Sometimes we forget there are human
20 beings on the other side of the shield that are
21 answering the 911 calls, who have families, and I
22 hope to support the, the fund that's put together.
23 I hate to see anyone being killed by gun violence,
24 nonetheless a police officer and also people like
25 Zoranda Horton [phonetic], that also has a

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2 scholarship fund for her twelve kids, who died
3 heroically saving other people's children in
4 Brownsville. But my, my problem is these things
5 seem to be done and discussed in a silo. So, I'm
6 very concerned, when we have these discussions,
7 but don't discuss what's happening locally in
8 terms of funding cuts to programs that can give
9 our young people better choices. So, these crimes
10 aren't limited to, they haven't historically been
11 limited to black and Latino, they've been
12 geographically oriented, they've been oriented to
13 people who are poor and didn't have the ability to
14 move up, Italians and immigrants, I'm sorry,
15 Italians and Irish before them, dealt with the
16 same kind of issues, although guns weren't as
17 prevalent. But there was a lot of gang activity,
18 there was a lot of thievery, there was a lot of
19 thuggish behavior to people who were concentrated
20 in poverty without access to move up. So I don't
21 think color is the, is the issue here, I think
22 there are a lot of other things at hand. And I
23 always get troubled when these things are
24 discussed independently. So, what, if these
25 things weren't done, do you think we're doing

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2 enough locally to prevent people from making these
3 poor choices? I believe, even if a gun wasn't
4 there, there was something else that would be
5 picked up, that would cause bodily harm to another
6 person.

7 CYRUS VANCE: First, we can always
8 do more. But I will say that in my 20 months, or
9 22 months as District Attorney, I see a, a closer
10 collaboration between community, law enforcement,
11 and not-for-profits, than ever before. And let me
12 just give you an example, just one example. In
13 the aftermath of the hundred--the case that I
14 referred to in my remarks, 137th Street, a gang
15 that, that was operating in the shadow of the
16 Abyssinian Church. What we did after that case
17 was to come to the City Council, and the City
18 Council provided money for internships for local
19 men and women, young boys and girls, to be able to
20 have a stipend to get summer employment. In other
21 words, when you do an enforcement action, Council
22 Member, I think it's incumbent upon prosecution to
23 then make sure that we don't lose the block that
24 we just got back. My point is that we, I think,
25 are making progress, we are working more closely

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2 than ever, I believe, with the communities that we
3 are privileged to serve. I see the involvement of
4 the communities at the grassroots level, working
5 with law enforcement as being frankly the answer
6 to this question. It is an increasing emphasis on
7 prevention measures, at every stage, whether it's
8 reentry or keeping kids who are teens out of
9 trouble. So, I am optimistic. Now, on a day like
10 today, after a homicide that's occurred which is
11 tragic, we tend to look at the glass as half
12 empty; but I will tell you that I believe with the
13 leadership of the group that's here in this room,
14 and around the City, I think we are making
15 progress, the glass is half full, and I don't
16 think we should be despairing about the progress
17 that we are making. Every day, in our
18 communities, around the City, I think, I think
19 there's optimism, despite that the day is such a
20 sad one.

21 COUNCIL MEMBER WILLIAMS: I like to
22 call myself an optimistic realist. But so I do
23 believe that there's great optimism there. I'm
24 not going to belabor the point too much, 'cause I
25 think these are good bills, but I for one take

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2 some measure of offense with a Mayor I think is
3 taking one step forward and two steps back. On a
4 national level he's pushing great measures to try
5 to curb illegal guns, but locally he's not doing
6 the same when it comes to getting to the root of
7 the problem, why people are making poor decisions
8 to begin with. And I find that very challenging,
9 'cause both of those things are tugging at each
10 other, and they should be working together, to
11 achieve the same goal. Thank you.

12 CYRUS VANCE: Thank you.

13 CHAIRPERSON VALLONE: Thank you,
14 Council Member. Council Member Halloran believes
15 that his policy will result in less funerals for
16 cops and kids. So, we all--you know, we're all
17 trying our best here to figure out the best way
18 to, to prevent these sorts of deaths. I think we
19 all believe that New York City has a right to
20 place its own restrictions, but the disagreement
21 here is the best way to save lives. But I'm going
22 to go back to him now for as a point of personal
23 privilege since he was mentioned twice.

24 COUNCIL MEMBER HALLORAN: Thank
25 you, Mr. Chairman. And I appreciate my

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2 colleagues' who are deeply impassioned about this
3 issue. Yes, in my particular community, gun
4 violence is not a prevalent issue, and I believe
5 that's a function of economics. I agree with you
6 that it's not a function of, of ethnicity or
7 demog--or racial demographic. I would suggest to
8 my colleague that I have been to many police
9 officers' funerals, and I've been to many public
10 servants funerals, including members of my own
11 family who've died serving this City. So, I am
12 certainly no stranger to losing life in the
13 pursuit of the City of New York's justice. My
14 father served, my grandfather served in the Police
15 Department, my great grandfather served in the
16 Police Department. Very long history of having my
17 family give their lives in service to this City.
18 So, that's the reason I asked for the point of
19 personal privilege from the Chairman. And I have
20 been to the funerals, regrettably, of citizens who
21 have died at the hands of gun violence. I would
22 suggest that as a matter of fact, looking at the
23 statistics, an armed society is a polite society.
24 I understand that the DA disagrees with me. And I
25 appreciate it, he does an incredible job, in a

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2 very difficult City, that is very populated. But
3 none of the statistics I have seen have ever
4 demonstrated anything to suggest there's a
5 correlation between tight gun control laws and
6 public safety. In fact, just the opposite if one
7 is going to be sociologically honest about the
8 data. And so, I would thank the Chair for the
9 point of personal privilege. I suggest to my
10 colleagues that I, I am with you on gun buyback
11 programs, like every other regulatory scheme I
12 believe that only 21 year olds should have
13 weapons, only after they've been trained,
14 fingerprinted and scrutinized to some degree. The
15 degree is something we can have a discussion
16 about, but I believe the Heller and McDonald cases
17 made it very clear that the Second Amendment is a
18 personal liberty and I cannot imagine anyone would
19 say, "I'm going to dispose of your right to vote"
20 in so careless a manner as which we have done that
21 with the Second Amendment, which is in, the Second
22 Amendment to the Constitution of the United
23 States. Our framers put it there in that location
24 for a reason. And regardless of what's happened
25 to this point, I think there are only 10,000 carry

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2 permits to non-law enforcement officers, issued in
3 the entire City of New York; that represents
4 .000006 percent of the population. If it's, if
5 it's the City's position that there are only
6 10,000 good citizens in the City of New York, I
7 think we have a problem. There are certainly
8 hundreds of thousands of homeowners, and tens of
9 thousands who have been denied permits. And I
10 don't see any negligible impact on public safety
11 by denying good citizens the right to have a
12 firearm, and in fact all the sociological data
13 suggests just the opposite. But thank you for the
14 point of privilege, Mr. Chairman.

15 CHAIRPERSON VALLONE: Thank you,
16 Council Member Halloran. And again, you know,
17 your facts are, are--well, Letitia James says
18 "your facts" but they're actually true, when it
19 comes to legal guns in other states, so I
20 personally accept that position. However, I also
21 agree with my colleagues that each state has its
22 own concerns and should be able to set its own
23 reasonable, constitutional restrictions on who is
24 able to carry guns in that state. Ydanis
25 Rodriguez has one last question. We were also

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joined by Council Member Wills and Ulrich.

COUNCIL MEMBER RODRIGUEZ: Thank you, Chair. I think that I hope to see one day a New York City that we can say it is safe, crimes is completely down. And I think that we've been working hard and - - with all the agencies, all elected officials, to make this happen. And still I just hope that in my daughter's generation I hope that she can make that a reality. Because the reality is that there's a lot of big shots involved in this. And, and when I look at communities such as our, like even my wife remember everything, it's like, you got to be careful when you go up in the community, because people have been there and we've been doing great work. But it's like a open secret citywide, where are those big shot located? How they been controlling our streets? And I know that you've been doing, we are so lucky that we have so many DA like you, we got a lot of leadership. People that you dedicated big time to this cause. But still, it's like the movie "Syriana" [phonetic], it's like we go and it's like, this weapon trafficking illegal is so powerful, that I don't

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2 know it, honest I do. I don't know if in our
3 generation we will be able to take most of those
4 illegal weapons from the street. And, and I think
5 that it take, I hope that we will accomplish a
6 goal, I hope that we will never give up, and we
7 should know, we have not, and would not, do it.
8 And--but when I look and say, "Many of our
9 streets" in our community, I am so frustrated and
10 disappointed, one how we have not been able to
11 really eradicate those illegal weapons and drugs
12 from the community. And again, we have made a lot
13 of progress, - - the DAs and the NYPD, to decrease
14 crimes and drops and illegal weapons from the
15 streets, in communities such as the one that I
16 repre--such as the one that I represent. But
17 still the level of frustration is there. And as
18 you have say, like, you would take a lot of
19 prevention, and you did it like it very initially
20 when you brought the, the drugs czar [phonetic] to
21 the Armory, talking about the important on
22 investing on prevention. Especially our own young
23 people. My question is, where are those other
24 money that get confiscated from drugs activities
25 go? CYRUS VANCE: [laughs]

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2 COUNCIL MEMBER RODRIGUEZ: Can we
3 use, can we replicate what is going on in The
4 Bronx, on using some of those money? CYRUS VANCE:
5 There--Council Member, I'm going to have to get
6 back to you with sort of the statistical
7 breakdown. But there is a forfeiture or our
8 narcotics proceeds, exists. A certain percentage
9 of that is able to be returned to local law
10 enforcement, among other things. In fact, it is
11 the use of our drug forfeiture moneys that is,
12 that is funding out of our office, our Harlem
13 basketball. And, and so there are, there is a
14 limited percentage that is, is, be able to be put
15 back into law enforcement crime prevention
16 measures. But in terms of the total dollars, I
17 don't have the answer as I sit here today, but we
18 can get you the federal statistic and the State
19 statistic by tomorrow morning, if you'd like.
20 Yeah.

21 CHAIRPERSON VALLONE: I'm going to
22 go to one final comment from Jumaane Williams.

23 COUNCIL MEMBER WILLIAMS: Thank
24 you. I just wanted to say publicly I made some
25 assumptions about my colleague, Dan Halloran, in

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2 attending some funerals, and I should not have
3 done that. And I just wanted to apologize. Even
4 though we disagree on the fundamentals of it, but
5 I did, shouldn't make those kind of assumptions.

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COUNCIL MEMBER HALLORAN: Thank
you, I appreciate that Council Member.

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CHAIRPERSON VALLONE: Okay, thank
you both. DA Vance, your testimony has been very
informative. We're going to follow up with you on
many of the things you said and some of the
statistics you're going to get us. If you--let me
make my last question to you. Is there anything
else we can do as a legislature, to help you in
your fight against illegal guns?

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CYRUS VANCE: What, how New York
City speaks on this issue, is going to continue to
get national attention. Because it is New York
City, and because of the unique nature of, of our
communities and crime in our communities. So, I
encourage the Council Members to continue to lead
vocally, as they have, and to show the, you know,
the great leadership and to continue that great
leadership that you've been exhibiting. We have,
on preventative measures, I think there is just an

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2 extraordinary amount of opportunity for our office
3 and other prosecutors' offices to work with you,
4 on preventative measures. And, and that is where
5 I continue to see an unlimited potential for
6 cooperation amongst our two bodies. And where I,
7 you know, I think on enforcement we kind of know
8 where we're going, and how to get there. But it's
9 on the prevention side where it is better
10 communication, with families, with kids, with
11 teens, and how we can partner together to get that
12 message out where I think the potential is. And
13 so, it's continued leadership in that area, Mr.
14 Chairman, that I, that I would hope that we will
15 have more conversations. And I thank you, for
16 inviting me, and for your patience in listening to
17 my remarks.

18 CHAIRPERSON VALLONE: Thank you.

19 And this Committee will continue to work with you
20 and in memory of Officer Figoski, and all who lost
21 their lives to senseless gun violence, to make
22 sure we can do whatever we can to prevent that.
23 The next and final panel, will, will be, Colin
24 Weaver, from New Yorkers Against Gun Violence;
25 Alison Dickin from the Center to Prevent Youth

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2 Violence; Dominique Sharpton, from the National
3 Action Network; and Mel, it's hard to read this,
4 but it could be Weimore [phonetic] from Community
5 Board Seven. Thanks. [background noise] Guys,
6 guys, there's a hearing going on. [pause,
7 background noise] All right, thank you. Why
8 don't we start from the left and go that
9 direction. So, please introduce yourself for the,
10 for the record, and be, begin, thanks.

11 COLIN WEAVER: Is this thing on?
12 Yes. My name's Colin Weaver, I'm the Deputy
13 Director at New Yorkers Against Gun Violence. You
14 all have copies of our testimony, I will--a lot of
15 what was discussed with the District Attorney is
16 included in my testimony. But I'd just like to
17 start with Resolution 821. The, and I do think it
18 would be a great step for an amendment to be added
19 to require background checks on all gun sales,
20 with very limited exceptions, including for law
21 enforcement, inherited, and so on and so forth.
22 Background checks are a vital line of defense in
23 the effort to keep guns out of the hands of
24 criminals, and have stopped more than 1.5 million
25 prohibited purchasers from buying guns since 1994.

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2 The federal law states that only federally
3 licensed firearm dealers are required to conduct
4 these background checks. Criminals and terrorists
5 who know they would fail a background check, at an
6 FFL, just need to attend a gun show and purchase a
7 gun from the private seller. We make it too easy
8 for criminals to circumvent the law. In fact,
9 criminals and terrorists know full well how and
10 where to buy these firearms easily. In fact, an
11 American member of Al Qaeda recently sent out a
12 message telling followers in the United States to
13 go to gun shows and then use those guns to commit
14 "jihadi terrorist acts against Americans because
15 of our lax gun laws." New York City and New York
16 State are arguably more adversely affected by
17 these deadly gaps in federal law than any other
18 city or state. Approximately, 85 percent of the
19 guns recovered in crime come from out-of-state.
20 The gaps and loopholes in federal laws mean that
21 New York is relying upon and punished because of
22 the lax gun laws in other states. States that
23 don't require a background check on handgun sales
24 at gun shows are nearly two-and-a-half times more
25 likely to have guns recovered in--excuse me--to

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2 export crime guns than those states that do
3 require the background checks. In states with the
4 lowest gun death rates in America, are the states
5 with the strongest gun laws. And New York is one
6 of those states. And despite what you might hear
7 from the gun industry, the vast majority of gun
8 owners actually do support this type of
9 legislation. 85 percent of gun owners nationwide
10 support closing the gun show loophole, and that
11 poll was done by a Republican polling firm,
12 conducted by the Mayor's Against Illegal Guns.
13 But these loopholes are about more than
14 statistics, they have real life consequences that
15 we've seen time and again, and which families are
16 losing mothers and fathers and brothers and
17 sisters on a daily basis. The truth is, when
18 anyone can buy a gun at a gun show, no matter how
19 dangerous the person, no matter how dangerous the
20 gun, no one is free from the threat of gun
21 violence. In regards to HR 822 and Resolution No.
22 1122, which would call on Congress to defeat
23 legislation that would force New York to recognize
24 concealed carry permits from out-of-state, even if
25 they were unable to qualify under New York law.

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2 As was stated previously, New York does not
3 recognize permits from out-of-state. And as, to
4 just address an issue that was brought up
5 previously as to why this is extremely dangerous
6 for law enforcement and for, and a dream come true
7 for, for gun traffickers is currently it's black
8 and white here in New York. If you have a permit
9 for a handgun, you are legal. If you don't have a
10 permit for a handgun, that is a crime. Under HR
11 822, it would become much less clear. No national
12 database exists, unlike with drivers licenses, to
13 recognize these permits quickly and efficiently.
14 Many permits are simply pieces of paper and are
15 easily forged. Again, this is a gun trafficker's
16 dream come true and a nightmare for law
17 enforcement. Law enforcement from around New York
18 oppose this dangerous bill because it would create
19 nightmare scenarios for police on a daily basis.
20 The permit systems in other states are seriously
21 flawed, especially when in comparison with the
22 system set up here in New York. And let me give a
23 few quick examples. Over just a six month period
24 of time, in 2007, an investigation by the Florida
25 Sun Sentinel Newspaper, found that the State of

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2 Florida issued permits to more than 1,400
3 convicted felons. These permit holders include
4 murderers, armed robbers and child molesters.
5 These flawed systems in other states have real
6 life deadly consequences. A Missouri man who was
7 erroneously reissued a concealed carry permit,
8 after pleading guilty to domestic violence in
9 2009, turned around and used that gun to kill his
10 six year old son. In Idaho, in 2006, a man who
11 was convicted of strangling his girlfriend, a
12 domestic violence offense. The Idaho man was
13 still able to obtain a permit to carry a handgun,
14 which he used in 2007 to kill his wife, a police
15 officer, and a church official. New York should
16 not be forced to allow murderers, armed robbers,
17 and other convicted felons to carry in this State.
18 All New Yorkers deserve the right to be safe and
19 free from gun violence, but allowing criminals to
20 carry guns in New York threatens that freedom.
21 Thank you.

22 CHAIRPERSON VALLONE: Thank you,
23 that's some very useful information. We'll save
24 questions for the end of the entire panel.
25 Dominique?

DOMINIQUE SHARPTON: Good

afternoon, everyone, I am Dominique Sharpton, I'm the National Director of Membership for National Action Network. And National Action Network is a [background comment] oh, sorry. Thank you, you got, you can all hear me anyway. National Action Network is a leading civil rights organization that promotes nonviolence and also encourages dialogue on how to address violent actions in communities of color. And we are vehemently opposed to first of all HR 822, otherwise referred to National Right to Carry Reciprocity Act of 2011. HR 822 would allow residents from one state who have license to carry concealed weapons to carry their weapon to another state, regardless of the state's licensing standards. Not only does this bill trample on a right, a state's right to set their own guidelines on who should be able to carry a concealed gun, but it puts communities where gun violence is already prevalent at more of a risk. And this bill fails to take into consideration states with strict concealed carry gun laws, and in effect this bill makes the state the, with the weakest licensing standard, the new

1 national law for all states, excluding Illinois.
2 But National Action Network believes that it is
3 irresponsible and it is unsafe to allow this bill
4 to pass through the Senate. And as, as it is
5 written, HR 822 will all but eliminate a state's
6 right to regulate how and who should receive a
7 concealed gun's license. And this presents a bit
8 of an irony because the Republicans strongly
9 support this bill, and Republicans have argued
10 that HR 822 does not infringe on the rights of a
11 state to regulate; however, we disagree strongly.
12 Under the current system, states have the right to
13 enter reciprocity agreements with other states.
14 If a state does not agree with another state's
15 license requirement, they do not have to enter
16 into an argument or if a reciprocity agreement,
17 scuze me, has been made, they can opt out. Under
18 H\$ 822, states will be forced to honor all states
19 concealed gun licenses, no matter how paper thin
20 the licensing standards are for that state.
21 States who do not offer reciprocity like New York,
22 New Jersey, Connecticut, Maryland, Massachusetts,
23 Rhode Island, California and Hawaii, will be
24 severely affected by HR 822 if passed. And the
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2 only way to escape HR 822 is to become a state or
3 a territory that does not issue concealed guns
4 licenses, such as Illinois or the District of
5 Columbia. So standards and requirements vary
6 between states, with certain states mandating more
7 stringent background checks and gun training than
8 others. For, example, the State of New York
9 requires all gun licensing appliance, applicants,
10 to undergo a background check and a mental health
11 review. Well, in New York in order to receive a
12 concealed gun license, the applicant must be a
13 resident of New York, and also be 21 years of age.
14 And it was never, never convicted of a misdemeanor
15 or crime on domestic violence. Another state with
16 strong concealed gun license laws in Maryland,
17 Maryland primarily limits concealed gun permits
18 for occupation, or occupational reasons. Business
19 owners or their employees who make large cash
20 deposits, doctors, pharmacists, private
21 detectives, and security guards. If not for
22 occupational reasons, a resident can only apply
23 for a concealed gun permit if they provide
24 evidence of recent death threats that have been
25 documented by the police. However, if HR 822 is

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2 passed, lower standards will be allowed for people
3 wanting to carry a gun in those states. Some of
4 the lower standards include minimum age of 18,
5 minimum or no training requirements, if the lower
6 standard is in fact implicated, or taking a class
7 online, so such as Virginia. No review of a
8 person's mental health, limited background checks,
9 with only, which only includes felony convictions,
10 and in the case of two states, so Florida and
11 Utah, you do not have to be a resident of the
12 state to acquire a license. If HR 822 is passed,
13 states will not be able to regulate the laws that
14 they created to control who was in possession of
15 the public. The bill punishes states with strict
16 concealed gun standards and forces the state to
17 comply with states that may have a much lower
18 standard. If the passage of HR 822 is passed, it
19 will compromise public safety in many cities, such
20 as New York, by stifling the work cities have done
21 to control gun violence. Allowing untrained or
22 emotionally unstable, physically and mentally
23 individuals the right to walk the streets of New
24 York City with a concealed gun will inevitably
25 lead to more gun violence. Arguments will

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2 escalate faster, since there's a higher
3 probability of a gun being present. And in
4 situations where deadly or violent force was not
5 necessary, claims of using a gun in self-defense
6 will rise because once again, there was a gun
7 present. Since HR 822 does not have a provision
8 for all individuals with the concealed gun
9 license, or a uniform national law, or a concealed
10 gun licenses, law enforcement officials' jobs will
11 be much more difficult. Not only will law
12 enforcement officials have to know authentic
13 licenses from his or her state, but additionally
14 they would have to know valid licenses from 48
15 other states. And this will lead to, this will,
16 this will lead the way to individuals forging
17 documents which state that they are allowed to
18 carry the concealed gun. And this per--
19 predictably outcomes can be prevented if HR 822 is
20 voted down. And this is why NAN urges the Senate
21 to oppose it. Now, for HR 591, we actually
22 support that passage, otherwise known as the Gun
23 Law, Gun Show Loophole Act, which will require
24 criminal background checks on all persons
25 purchasing firearms at gun shows nationwide.

1
2 Currently, there's no federal law which regulates
3 unlicensed gun sales at gun shows. However, some
4 states have been proactive and passed legislation
5 which requires background checks on all handgun
6 purchases at gun shows. Whether they are sold by
7 a licensed or unlicensed dealer. Without laws
8 regulating unlicensed gun sellers, it allows easy
9 access for criminals, mentally unstable
10 individuals and gun traffickers to purchase guns.
11 National Action Network believes that the passage
12 of HR 591 will result in gun violence decreasing
13 because there is less untraceable and illegally
14 purchased guns on the street. So we reiterate our
15 strong support for HR 591. It will also address a
16 loophole with allows unlicensed sellers to operate
17 outside of the federal laws which govern licensed
18 gun sellers. Currently, all companies in the
19 business of selling guns, must operate under a
20 federal firearm license, FLL [phonetic]. And
21 under the FLL, when selling firearms to a
22 prospective purchaser, you must perform a criminal
23 background check and maintain records of serial
24 numbers for each firearm sold, which helps trace
25 guns sold. Unlicensed sellers are not required to

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2 follow those regulations and thus are not held
3 accountable for the guns that they sell. When
4 selling at gun shows, an unlicensed seller is not
5 required to perform a background check, nor do
6 they have to keep the records of a person they
7 sold the gun to. Allowing private sellers the
8 ability to create black markets at national gun
9 show events is unacceptable. These gun show black
10 markets provide felons, the mentally unstable, and
11 people prohibited by law from purchasing a gun,
12 the ability to evade background checks and
13 purchase nearly untraceable guns. And according
14 to the Bureau of Alcohol, Tobacco, Firearms and
15 Explosives, ATF, 30 percent of all trafficked guns
16 are purchased at gun shows. Some states have
17 tried to prevent the selling of guns at gun shows
18 without proper background checks. Seven states:
19 New York, California, Rhode Island, Connecticut,
20 Oregon, Illinois and Colorado, require background
21 checks on all gun sales at gun shows. Four
22 states: Hawaii, Maryland, New Jersey and
23 Pennsylvania, require background checks on all
24 handgun sales at gun shows. But the majority of
25 the states fail to address the loophole. The

1
2 repercussions of allowing a loophole like this are
3 dangerous to all communities across the United
4 States. There is nothing preventing a person who
5 was able to get a gun at a New York gun show
6 because of a criminal background check, from going
7 to an Ohio gun show and purchasing a gun from a
8 private seller who is not required to do a
9 background check. This is why we ask for
10 congressional action. If passed, HR 591 will at a
11 bare minimum require all gun show vendors,
12 companies and private sellers in all states to
13 perform a criminal background check which will
14 verify if a purchaser can legally possess a gun.
15 This bill does not hinder constitutional rights
16 granted by the Second Amendment, it only provides
17 an additional safeguard to prevent people who
18 cannot legally own a gun from purchasing one. And
19 when talking about keeping guns out of the hands
20 of criminals, young people and the mentally
21 unstable, every bit of it counts. And National
22 Action Network has sent letters to gun
23 manufacturers asking them to partner with us in an
24 effort to remove illegal guns from our
25 communities. We have attended countless funerals

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2 of victims killed by an illegally obtained gun; we
3 have marched and rallied to stop gun violence; and
4 we are outraged by the deteriorating conditions of
5 our communities at the hands of gun violence.

6 This bill is a step in the right direction by
7 making it more difficult to own a gun if you
8 cannot legally possess one. So, National Action
9 Network urges Congress to pass HR 591.

10 CHAIRPERSON VALLONE: Thank you,
11 Dominique. Very helpful if you put both of your
12 testimony together, you can get a out-of-state
13 permit in Florida, which is the same state that
14 over a six month period gave 1,400 felons
15 licenses, interesting. We'll take, we'll ask some
16 questions at the end, so now we'll go to Mel,
17 Community Board Seven, and then to Alison, and
18 then we'll ask questions then.

19 MEL WYMORE: Hi. My name is Mel
20 Wymore, I'm former Chair of Community Board Seven,
21 and I thank you for the opportunity to speak. I
22 also thank you for putting your attention to this
23 important question and thank you to our Council
24 Member Gale Brewer for bringing forward the, this
25 resolution. We have never seen such a fast

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2 response from a community board as we did in
3 Community Board Seven regarding the conceal and
4 carry resolution. We passed it unanimously, I
5 believe, or very close to unanimously, right as
6 soon as we heard about the resolution going
7 through the House of Representatives, which
8 unfortunately it passed there. And so we have
9 been in a hurry to garner support against the
10 resolution as it goes through the Senate, on the
11 conceal and carry. Recently, we've managed to
12 pass the opposition to conceal and carry at the
13 Borough Board, where several community boards also
14 acted very quickly to, to vote reservation--on a
15 resolution opposing conceal and carry, and we
16 continue to work with all of you in the Council to
17 support that. I myself am from Arizona,
18 originally, and I can tell you that the gun
19 acquisition laws are very, very lax there. Kids
20 carry guns, it's a gun culture because of the lax
21 licensing requirements, in fact you can
22 practically pick up a gun at the local 7--7/11 in
23 Arizona. And if we were to implement such lax.
24 Lax rules here in New York, it would just create
25 an incredibly untenable culture around gun

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2 violence. It's very important that New York City
3 has a very strong voice on this issue, and I, I
4 understand that Senator Schumer was instrumental
5 in defeating this in the Senate, this Reciprocity
6 Act in the Senate a couple of years ago, and it's
7 important for us to give him as much support and
8 pressure as possible to continue to do that,
9 again. So, thank you very much and we'll do
10 anything we can to work with you to make this
11 issue continue.

12 COUNCIL MEMBER HALLORAN: Thank
13 you. Chair Vallone is out. I'm the ranking
14 remaining member of the Public Safety Committee.
15 He asked me to just let our next speaker introduce
16 herself and give her testimony. Thank you. Boy,
17 I never got to do that before as a Republican.
18 [laughter]

19 ALISON DICKIN: Good morning,
20 Members of the Committee. Thank you for taking
21 the, thank you for the opportunity to speak to you
22 today about gun violence affecting our city and
23 our nation. My name is Alison Dickin and I'm the
24 Program Director at the Center to Prevent Youth
25 Violence, also known as CPYV. At CPYV we work to

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2 end the crisis of youth violence in the United
3 States by creating public health and safety
4 campaigns that promote the simple steps that
5 parents, kids and others can take to prevent youth
6 violence, youth gun violence. We believe laws
7 such as those under consideration today can be
8 very important, but to be most effective these
9 laws must be accompanied by fundamental changes to
10 the cultural norms that perpetuate a cycle of gun
11 violence, in New York and the United States.

12 Firearms are responsible for an average of 87
13 American deaths and an additional 270 injuries
14 every day. Firearms are particularly dangerous
15 when they're accessible to children and young
16 adults. In 2008, approximately 13 percent of all
17 deaths of one to 19 year olds were the result of
18 firearm injuries. New York State actually fares
19 significantly better than the rest of the country
20 in terms of firearm deaths; however, there are
21 still about 1,000 firearm deaths in New York each
22 year. This number may not be shocking on its own,
23 but each of these deaths represents a tragedy,
24 that most likely could've been prevented.

25 According to the Centers for Disease Control and

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2 Prevention, in 2008 there were a total of 31,593
3 firearm related deaths in the United States. Of
4 these, approximately 58 percent, excuse me, 58
5 percent were suicides, 40 percent were homicides,
6 and two percent were unintentional shootings.

7 While the media often depicts gun violence in this
8 country as the result of random acts of violence,
9 these statistics show that the majority of firearm
10 deaths are actually the result of suicides and
11 accidents which almost never make national
12 headlines. The fact is that the vast majority of
13 gun deaths are not the result of crazed gunmen
14 firing randomly into crowds, or on school
15 campuses, as we often read about in the news. The
16 reality is less sensational but it's equally
17 tragic. Most gun deaths are suicides, accidents
18 and homicides that could have been prevented
19 through greater public awareness of the risks of
20 guns in the home. Numerous hard fought
21 legislative battles over specific policy measures
22 have led the national conversation about guns to
23 be dominated by partisan political debate. Gun
24 legislation is historically difficult to pass,
25 however, and some believe the odds of any

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2 meaningful legislation passing into law in the
3 current climate are slim. This can seem like a
4 mystery to gun control advocates as research has
5 shown that the overwhelming majority of New
6 Yorkers and Americans, including most gun owners,
7 favor virtually every piece of gun control policy
8 proposed. The truth is that while far too many
9 people have experienced gun violence firsthand,
10 many have not. And as a result, not nearly enough
11 people see gun violence as "their" issue. Even
12 the most significant national tragedies eventually
13 fade from the headlines and the related public
14 outcry for policy change eventually dissipates.
15 At CPYV, we believe that in order to have
16 meaningful and lasting impact on gun violence in
17 our City and in this country, we must find a way
18 to resonate more deeply and sustainably with the
19 public. We must demonstrate to New Yorkers and
20 Americans that they have a personal connection to
21 the issue, whether or not they have experienced
22 gun violence firsthand, and whether or not there
23 are guns in their homes. We believe that by
24 making people aware of the preventable health
25 hazards associated with firearms in an honest,

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2 fair and realistic way, we can motivate them to
3 take action to protect their families and children
4 from firearm injury. To this end, my organization
5 has developed three public education campaigns
6 that work to educate and inspire parents and youth
7 to keep their communities safe. The Ask campaign
8 is based on the fact that in the--that about one-
9 third of homes with children have a gun and more
10 than half of those guns are stored unsafely,
11 either loaded or unlocked, resulting in roughly 12
12 million children under the age of 18 in homes with
13 unsafely stored guns in the United States. Ask
14 inspires people simply to begin asking if there
15 are guns where their children play. The Ask
16 campaign sparks a chain reaction of attitudes and
17 behaviors leading to awareness of the dangers of
18 guns in home with kids and peer-to-peer
19 intolerance of unsafe behavior. This ultimately
20 motivates parents to store guns safely or move
21 them altogether, diminishing or eliminating the
22 possibility that these guns will cause an
23 accident, murder or suicide. The Suicide Proof
24 You Home campaign focuses on suicide protection,
25 prevention through lethal means restriction. This

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2 approach is based on research showing that the
3 method a person uses to attempt suicide plays a
4 key role in whether he or she lives or dies.
5 While many of the widely used suicide attempt
6 methods such as overdose have fatality rates below
7 five percent, about 85 percent of attempts,
8 suicide attempts with a firearm are fatal. Since
9 nine out of ten of those attempts, of those who
10 attempt suicide and survive do not go on to die by
11 suicide, restricting access to firearms in the
12 home is crucial to lowering suicide rates and
13 saving lives. Focusing on individual behavior
14 change to suicide proof your home initiative
15 educates parents directly about the simple steps
16 they can take to keep guns safely away from
17 children. We are proud to say that our third
18 program, which focuses on what young people can do
19 to prevent gun violence in their communities, is
20 currently supported by Speaker Quinn and the New
21 York City Council. The program is built around a
22 hotline, 1-866-SPEAKUP, which is available 24
23 hours a day, for young people to call or text
24 reports, to report threats of violence. The
25 program's goals to empower youth to use what they

1
2 know to safely take action against gun violence on
3 our streets. I realize that the goal here today
4 is to discuss legal efforts aimed at placing
5 restrictions on individual's ability to purchase
6 or carry firearms under certain circumstances.
7 While important, I want to take this opportunity
8 to emphasize that such laws are only one tool we
9 have at our disposal to prevent gun violence. To
10 focus on these laws alone would not be doing
11 justice to the full opportunity that exists to
12 keep Americans safe from firearm injury. In the
13 end, if we're going to effectively end firearm
14 related injuries and deaths in this country, we're
15 going to need to do it on a cultural level. In
16 addition to legal limits on gun ownership and
17 usage, you must educate New Yorkers and Americans
18 about the very real risks involved with keeping
19 guns in homes, especially those where children
20 live. And we must inspire them to make safer
21 choices for their families. Thank you again for
22 the opportunity to address you today and for your
23 clear commitment to preventing gun violence, and
24 your continued support and leadership.

25 CHAIRPERSON VALLONE: Well, thank

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2 you all for your very informative testimony.
3 Before I get to the question I have, I just want
4 to recognize that we have, we have Rochelle Kelly
5 from the Attorney General's Office in the back, I
6 want to thank him and you for your leadership on
7 this issue, and we have a letter that you've
8 written to the government, basically the same
9 positions we have here today. I have one
10 question, because your testimony's very, very
11 clear, and we agree on most of it. And I think
12 it's a no-brainer the gun show thing, I think you
13 all think that, too. Extending that to all
14 private sellers, as you saw yesterday, with the
15 Craig's List thing, and they sell 'em outside of
16 the internet, also. Would you be in favor of
17 that? And do you see any unintended consequences
18 of something like that? Like maybe pushing people
19 underground that would be above ground? So I just
20 want to get your position on extending the gun
21 show loophole closure to the entire--to the
22 Craig's List loophole. Let's start with you.

23 COLIN WEAVER: Yeah, absolutely. I
24 mean, I think that, you know, universal background
25 checks serve two purposes: one, obviously, is to

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2 keep the guns out of the hands of the criminals in
3 the first place; but also, universal background
4 checks will serve as a deterrent for sellers, as
5 well, you know, which will help reduce the supply
6 of these guns getting into the hands of criminals,
7 as well. If you know that the gun, possibly being
8 traced back to you, or the person could say they
9 bought it from you, it would result in criminal
10 prosecution. That is a very large deterrent. And
11 you know, that would only apply when you start to
12 do these background checks on all gun sales. And
13 in terms of New York, you know, while we have
14 closed the gun show loophole, for long guns, which
15 are, you know, shotguns and rifles here in New
16 York, there are no requirements for background
17 checks on long gun sales here in New York. That,
18 you know, and for, in most of the State, that's
19 just, it does not apply, it is for, for handguns
20 only, and for long gun sales, at gun shows only.
21 So, they'll--

22 CHAIRPERSON VALLONE: Can you
23 restate that? I got confused.

24 COLIN WEAVER: Sure. So, sales of
25 long guns, which are rifles and shotguns, not sold

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2 at gun shows or at an FFL, in New York, are not
3 subject to a background check. And so, you know,
4 not only would this help reduce the number of guns
5 coming in from other states, but also help here in
6 New York, as well. You know, there is more that
7 we can do. While we do have strong gun laws,
8 there is a lot more that we can do, and this bill,
9 and that legislation would, would help. And I
10 just want to add, the federal legislation
11 regarding this is the Fix Gun Checks Act. And
12 part of this is not only requiring the background
13 check, but is also, you know, a background check
14 is only as good as the records contained in the
15 system. And New York, - - they, by and large does
16 a terrible job of uploading records to the
17 background check system. That has been shown time
18 and time again. And so, that requires money,
19 technology, and legislation to try and solve that,
20 and we're, we have worked and we had a big success
21 this year in the State Legislature to upload
22 misdemeanor domestic violence records, which we
23 had uploaded zero prior to November. And so, you
24 know, there's a lot that needs to be done. And I
25 do agree that this is not just about legislation,

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2 it's about so much more, and prevention and
3 education. But, but yeah, so, long story short,
4 we would support universal background checks.

5 CHAIRPERSON VALLONE: Before we get
6 to the rest of you, that's the Schumer bill, has
7 that been reintroduced?

8 COLIN WEAVER: Yeah, yeah.

9 CHAIRPERSON VALLONE: Okay. And
10 I'm amazed, though, that we still have to upload
11 things to a database in order to get the
12 information. You know, you'd think they'd do a
13 Google search on a name, it would come up whether
14 somebody has a, you know, criminal record in the
15 State or something like that. So there's got to
16 be a way to make that database better, where
17 people, we don't rely on states, who has, who as
18 you said, are not doing a good job of uploading
19 this information. Dominique, why don't we go to
20 you next. Do you support--?

21 DOMINIQUE SHARPTON: Yep.

22 CHAIRPERSON VALLONE: Okay, great
23 [laughs] anybody else have a position?

24 MEL WYMORE: I can only speak for
25 myself, not on behalf of the Community Board, I

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would absolutely support that extension.

CHAIRPERSON VALLONE: Alison,
extending gun background checks to all private
citizens, not just gun shows?

ALISON DICKIN: The Center to
Prevent Youth Violence, we don't take a stand on
policy as a, as a policy of ours. But you know,
we certainly believe that common sense gun laws
are, can be important preventing gun violence.

CHAIRPERSON VALLONE: Okay. Dan,
you had a question? Dan Halloran has some brief
questions, please.

COUNCIL MEMBER HALLORAN: Sure.

CHAIRPERSON VALLONE: No
constitutional debates, and keep it in English,
please.

COUNCIL MEMBER HALLORAN: I will
try, Mr. Chairman. First, I'd like to ask Mr.
Weaver, who testified and pointed out in his
written remarks, that in Florida there were 1,400
convicted felons who were erroneously issued
permits. Do you know what the rate of gun
violence is in the State of Florida?

COLIN WEAVER: I don't know the

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rate off the top of my head, no.

COUNCIL MEMBER HALLORAN: Would it surprise you that it's less than 2.1 per 100,000 which is almost a point-and-a-half below the national average of 3.5 per 100,000?

COLIN WEAVER: If you look at the, the states with the strongest gun laws, which include you know, states like Connecticut, New York, New Jersey, Hawaii, those states have the lowest gun death rates according to the CDC. And if you look at the states with the--and I don't know, you know, where Florida ranks, to be perfectly honest--

COUNCIL MEMBER HALLORAN: 25th.

COLIN WEAVER: --but - - with the--

COUNCIL MEMBER HALLORAN: 25th.

COLIN WEAVER: --right. And the problem is you only have about seven states with good gun laws, so it's not surprising that, you know, there's not much difference between the states that are, you know, probably 15 to states that are, that are 50. Because there are such, such lax gun laws.

COUNCIL MEMBER HALLORAN: The CDC

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report your alle--you're using, is a 2004 report?

COLIN WEAVER: No, it was just, I just did a search about ten minutes before we got here, it's 2008 data.

COUNCIL MEMBER HALLORAN: Okay. From, is it 2008 data or 2004 data that they released the report in 2008?

COLIN WEAVER: It's 2008 data.

COUNCIL MEMBER HALLORAN: Okay. And in the CDC report, does it indicate the difference between intentional violence, accidental violence and suicide?

COLIN WEAVER: It does and you can break it down, it's a system called WISQARS, W-I-S-Q-A-R-S, you can break it down yourself by state, by age, demographic, intent, firearm, non-firearm, it's for all fatal injury reports. And no matter how you break it down, states with the stronger gun laws have among the lowest gun death rates, so that'd be murder or suicide or all combined.

COUNCIL MEMBER HALLORAN: That's not accurate. I'm sitting here looking at the FBI Unified Crime Report - -

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COLIN WEAVER: [interposing]

Unfortunately, the Unified Crime Report does not include all homicides, 'cause not all jurisdictions report to, to that, so which is why you'll see the total numbers of fatal deaths, is far greater--

COUNCIL MEMBER HALLORAN: All

deaths are fatal, that's - -

COLIN WEAVER: [interposing] You're

correct, it was redundant. Appreciate you pointing that out.

[background comment]

COUNCIL MEMBER HALLORAN: That's

it. [laughter]

COLIN WEAVER: But actually, but if

you look at the, the CDC data, it is more complete than the FBI data, and the FBI states in their UCR reports that the data should not be used and-- excuse me, not, that's not true--the FBI states that you should understand that not all jurisdictions report to--

COUNCIL MEMBER HALLORAN: The same

way.

COLIN WEAVER: --to the FBI, and

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not all data's recorded, included in those UCR data reports.

COUNCIL MEMBER HALLORAN: Okay.

With regards to what you just alleged, what is the City with the highest gun violence rate in the United States?

COLIN WEAVER: I believe, and the answer you're looking for, is going to be Washington, D.C.

COUNCIL MEMBER HALLORAN: And it is the City with the tightest gun control laws which were actually struck down by a federal court, they were so egregious.

COLIN WEAVER: I do agree that the law that was in place, the gun ban, was--

COUNCIL MEMBER HALLORAN: What was the second highest city?

COLIN WEAVER: --was not, not effective, but I will say that, you know, Washington, D.C., like New York, is punished by being in close relation to states with weak gun laws, like Virginia, which is where most of the guns come from. And so, Washington, D.C., is being punished for the lax gun laws of other

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2 states, because criminals know how easy it is to
3 drive over the Potomac to go to Virginia, go do a
4 background check, and then come back to Washington
5 with a trunk full of guns.

6 COUNCIL MEMBER HALLORAN: Okay.

7 In, since you bring out the State of Virginia,
8 what is the rate of crime of, with illegal guns in
9 the State of Virginia?

10 COLIN WEAVER: I don't know.

11 COUNCIL MEMBER HALLORAN: Would it
12 surprise you that it's 48th of the 50 states?

13 COLIN WEAVER: I have no idea.

14 COUNCIL MEMBER HALLORAN: Okay. In
15 turning to the CDC, it lists deaths, cause of
16 deaths, "Accident by car, 39 percent; Accident by
17 poison, 18 percent; Accident by trip-and-fall, 16
18 percent; Accident by stab or other form of
19 impalement, point [laughs] .9 percent; Guns, .6
20 percent." So you'd agree with me that accidental
21 discharge of firearms is not a significant cause
22 of death in the United States, right?

23 COLIN WEAVER: I would say that
24 it's, it's not insignificant, in terms of the
25 effect that it has on families around the country,

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2 but in terms, you know, is it far less than
3 accidents involving vehicles and cars, yeah,
4 absolutely.

5 COUNCIL MEMBER HALLORAN: Are you
6 advocating the ban of vehicles and--

7 COLIN WEAVER: I've ne--we--

8 COUNCIL MEMBER HALLORAN: Just
9 asking.

10 COLIN WEAVER: We do not and we do
11 not advocate for the ban of firearms.

12 COUNCIL MEMBER HALLORAN: Okay.
13 And with regards to intentional homicides, and
14 again, I'm using the FBI statistics because the
15 Unified Crime Report is considered the standard
16 for law enforcement to look at its data. I'm not
17 going to disparage the CDC and its collection
18 methods, or venture an opinion. But according to
19 the Unified Crime Report, intentional homicide
20 with a gun rate is 3.16 per 100,000; however,
21 homic--intentional homicide by stabbing,
22 strangulation, or other form of manual means is
23 4.64 per 100,000. So, in effect, the FBI is
24 saying, "You're far more likely, if you're going
25 to be intentionally killed," which is I presume

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2 what we're all talking about here, since we're
3 talking about gun violence as it relates to
4 intentional crime, it's almost 50 percent higher
5 to be stabbed or choked or punched to death than
6 it is to be shot to death. Does that statistic
7 bother you at all?

8 COLIN WEAVER: I think any death
9 bothers me, no matter the weapon or tool used. I
10 will also say that you know, one gun death, you
11 know, whether illegal gun or it's owned by a legal
12 purchaser, homicide is one too many. And I also
13 think that, you know, firearms present a different
14 problem than, you know, far, you're far more
15 likely to be involved in a shooting of, or excuse
16 me, a death involving two more people with a
17 firearm than you are with, with a knife or with
18 any other weapon, or strangulation. You know,
19 whether it be two, three or four or 34, people
20 killed at one time, it's far more likely for it to
21 have mass death with a firearm than with a knife.
22 There aren't drive-by knifings, there are drive-by
23 shootings.

24 COUNCIL MEMBER HALLORAN: The
25 largest number of deaths, statistically,

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intentional deaths, has to do with bombings, and that would be our terrorists, that, not our firearms users. But, that's okay.

COLIN WEAVER: Who have direct access to guns without background checks, at gun shows and private sale around the country.

COUNCIL MEMBER HALLORAN: Okay. You would, at least, agree with me that after the Supreme Court decision in Heller and McDonald, that a particularized individual right to keep and bear arms, is something we have to do a balancing test with, just like we would with any other right?

COLIN WEAVER: Absolutely.

COUNCIL MEMBER HALLORAN: Okay. I'd just like to just brie--

COLIN WEAVER: Which is why, I apologize for interrupting, which is why Justice Scalia stated that, you know, while it is an individual right, it is--

COUNCIL MEMBER HALLORAN: States may take reasonable measures--

COLIN WEAVER: --it is, and it does not mean anyone can have any gun at any time or

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anywhere.

COUNCIL MEMBER HALLORAN:

Absolutely. But certainly we don't want to start a litmus test of, of qualification beyond what are obvious categories, like prior criminal conviction, mental status. Because if we did that with other constitutional rights, say the right to vote, we could find ourselves in very difficult positions if we gage freedom of press based on a litmus test that somebody else decided to promulgate. If your right to counsel in the Sixth Amendment was suddenly abridged by the fact--you know, you've been a bad guy, you've committed a lot of crimes, we're going to abridge your Sixth Amendment rights based on, on an obvious factor like you're a recidivist.

COLIN WEAVER: There are actually restrictions on other, you know, you cannot scream fire in a crowded place.

COUNCIL MEMBER HALLORAN: A crowded theater, right.

COLIN WEAVER: Absolutely.

COUNCIL MEMBER HALLORAN: 'Cause you're endangering someone else.

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COLIN WEAVER: Absolutely.

COUNCIL MEMBER HALLORAN: But a lawful gun owner who follows the rules, doesn't endanger other people as a matter of course. He's exercised his constitutional right. But I appreciate your, I appreciate your position, I certainly want to get guns off the streets and out of the hands of people who shouldn't have them. Everyone on this Committee is committed to that. I don't think there's any question. Just one, one final question with regards to NAN's position. Since you mentioned the Republican Party, and I'm the only one in the room--

DOMINIQUE SHARPTON: I knew it.

COUNCIL MEMBER HALLORAN: I just have to respond. I think I'm very much for closing the loopholes at gun shows. Very much for it. I'm very much against opposing this National Right to Reciprocity Act simply because I don't believe, when we elevate something to a federal right that under the 14th Amendment it is applicable, or what we call incorporated, into the rubric of obligational rights, as we do with the First Amendment, as we do with the Fifth

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2 Amendment, as we do with the Sixth Amendment, as
3 we do with the Fourth Amendment, that it changes,
4 I think it changes the playing field. And I can't
5 speak for all Republicans, just as I would never
6 assume that one person speaks for all Democrats.
7 Mr. Vallone is certainly a far more conservative
8 Democrat than some. I am far more libertarian
9 than most Republicans. But I would say that
10 there's no irony in a Republican supporting the
11 defense of a constitutional right. And we may
12 disagree as to the extent of background checks,
13 and I'm fine with that. I think there, there
14 should be some, and I think it should be
15 nationalized, so we don't have disparate treatment
16 between 50 states. I'm agreeing with you there.
17 What I don't want to see is what happens in New
18 York, where you could be a law abiding citizen
19 who's never committed a crime, be perfectly sane,
20 and still not get a permit. Because they only
21 issue 10,000 in a population of 8.5 million. And
22 that's the problem. So, from a Republican
23 perspective, states' rights are very important.
24 What's more important is the Bill of Rights, of
25 which the Supreme Court has spoken and said that

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2 this is an incorporated right. So, I would simply
3 ask the National Action Network in its advocacy,
4 which is great, for protecting our young people,
5 especially in communities of color, where it's
6 disproportionate, and I agree with Council Member
7 Williams when he says it's not about color, per
8 se, but economics and socioeconomic disparities
9 that are there. The solution isn't taking the
10 guns away from the law abiding citizens, it's
11 empowering those people who don't have them, and
12 that's the problem. Thank you.

13 CHAIRPERSON VALLONE: Thank you,
14 Council Member. It's actually a very interesting
15 debate and as you said, we're all just trying to
16 figure out the best way to prevent, prevent gun
17 violence with illegal weapons. So I like that.
18 We're going to go to Gale Brewer for the final set
19 of questions. I do have to step out, so if I'm
20 not here by when we're done--Oh, and I want to
21 mention Eric Dilan is here, - - then I want to
22 thank you all for your very informative testimony
23 and for that very interesting exchange. But Gale,
24 thank you for being here since the second we
25 started until now. And so was Council Member

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2 Halloran. Thank you.

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4 COUNCIL MEMBER BREWER: Thank you
5 very much. I have the more general question which
6 is in addition to your great testimony, do you
7 have any other effective ways to try to just stop
8 the use of guns in New York? Obviously, the
9 District Attorney talked about finding ways to do,
10 involve young people. But I just didn't know if
11 there are any other suggestions that you might
12 have. That's something that with all of our talk
13 about guns, it's really the only way to get at the
14 root of the problem.

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16 COLIN WEAVER: Sure, so I'll just
17 speak really quickly to some of the programs that
18 we run as a organization. We run three
19 afterschool programs: one in Brooklyn, one in The
20 Bronx, and one in Washington Heights in Manhattan.
21 And it's you know, there is a general theme of gun
22 violence prevention, but it is more about teaching
23 kids to become advocates and peer-to-peer leaders,
24 to become role models for other peers. And there
25 is an element of, you know, informing them of what
the realities of gun violence are that they
experience too often on a daily basis. And I

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2 think that, you know, if nothing else, giving kids
3 a safe place to be after school, as mentioned
4 before, to reduce idle time, is a, is very, is
5 very important and we feel that our program does a
6 very good job of addressing that, and to, to pat
7 ourselves on the back a little bit, our program at
8 the High School for Public Service in Brooklyn, is
9 the most popular afterschool program at the
10 school.

11 COUNCIL MEMBER BREWER: And how are
12 you funded? Congratulations, but how are you
13 funded? Do you know, or--?

14 COLIN WEAVER: I do, I do know. We
15 are funded through a variety of means, it's
16 largely small. individual donations.

17 COUNCIL MEMBER BREWER: Okay.
18 Thank you. Anybody else?

19 DOMINIQUE SHARPTON: I just wanted
20 to touch on, in addition to all of the youth
21 components of obviously that what we need to
22 address, we should also continue to have forums
23 and dialogues on the mental health component, as
24 it relates specifically to gun violence and why
25 people are picking up guns. So, National Action

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Network has definitely taken that stance where we're having more health and wellness forums, to really delve into that mental health component. So, that's also important, as well.

COUNCIL MEMBER BREWER: Couldn't agree more. Anybody else?

MEL WYMORE: I agree about youth programs and afterschool programs are amazing for keeping kids engaged in other, productive and constructive activities. But also, I think just awareness around this issue, just my experience as a community board chair, the community board would have never known this if it wasn't for a random kind of interaction with someone from New Yorkers Against Gun Violence, and we would not have known that the House of Representatives was about to pass a law that was going to have a huge impact on New York. And so any way that we can keep spreading information, I think community boards are a very effective way to reach out to communities and keep communities informed on what's happening politically, not just locally, but statewide and nationally. And I encourage all efforts to keep people informed.

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2 ALISON DICKIN: And I guess I
3 really just want to echo what's already been said.
4 I think youth programs, getting youth off the
5 streets and giving them a--allowing them to voice
6 their opinions and be heard on various subjects,
7 whatever their interest is, really, is something I
8 think is really important. And also, in terms of
9 awareness, I think especially in New York City and
10 the neighborhoods that are less affected by
11 violence, people don't, often are not aware of
12 what's going on, they feel disconnected from it,
13 and any awareness to them that these issues are
14 being considered, that maybe more people in their
15 community have guns, and then they believe in
16 those kinds of issues are I think really important
17 as well.

18 COUNCIL MEMBER BREWER: Thank you.
19 I, too, have to go vote in another committee.
20 [laughter] Thank you.

21 PANEL: Thank you.

22 COUNCIL MEMBER HALLORAN: I guess
23 the Committee will now stand in recess. Thank you
24 for your testimony. This meeting is adjourned.
25 [gavel] Wow, I never got to do that either.

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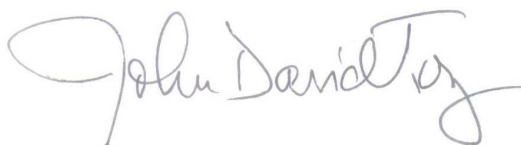
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C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a light blue or grey ink and is positioned to the right of the printed word "Signature".

Date January 16, 2012