

The Public Ought to Know: Congress, Council must act to stem gun violence

By Corey Bearak

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Along with thousands of other New Yorkers, I trekked to City Hall this summer to pay my respects to the late City Councilman James Davis, who was murdered in the council chambers on the building's second floor. I stood on a long line with my former co-workers, Kalman Yeger, who works for the Metropolitan Council on Jewish Poverty; Steve Presser, who is known at the Drum Major Institute for public policy; and Marisa Shorenstein, who works in public relations.



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The long wait allowed time not just to chat, but to reflect. I still remember watching NY1 and seeing the report on this tragic shooting and calling Tony Suber, senior aide to Nassau County Executive Thomas Suozzi, at his office in Mineola, L.I. as much to vent rage about what occurred as to make sure he knew. The National Rifle Association says guns don't kill, people do. Despite the machismo statement I make to folks about being able to duck a figurative shot at my back, I know a gun shot at close range offers little chance of seeing another day. We can't ask Jim Davis; but we can ask parents and siblings of shooting victims.

Despite a dramatic drop in firearm-related murders in the last decade, nearly 60 percent of all homicides in 2001 (the latest year in which figures are available) were firearm-related. Some 40 percent of American homes contain at least one gun. And 14 children die of gun-inflicted wounds each day; four of those 14 used a gun to commit suicide. The Federal Bureau of Alcohol, Tobacco and Firearms traced guns used in crimes to original purchases in nearly all 48 contiguous states.

About 20 percent of the guns used in crimes within the five boroughs were purchased in our state. And nearly 95 percent of guns used in city crimes changed hands at least once after the original purchase; this indicates gun trafficking. The ATF also found new guns represented 70 percent of illegally trafficked firearms. Of guns legitimately sold by licensed dealers within a span of three years, the ATF traced 30 percent to 40 percent to crimes committed by unauthorized owners.

Many groups organized around firearms safety, including a Million Moms March chapter in Queens headed by Joan Gold and New Yorkers Against Gun Violence (www.nyagv.org). In 1999 testimony to the Council's Public Safety Committee, then Bronx Borough President Fernando Ferrer said, "New York City needs a strategic plan to make our city safer from gun violence."

The Council has since committed to passing legislation to address gun violence and also as a memorial to its fallen colleague. Hearings were held earlier this month on the bills, which focus on strengthening existing restrictions and allowing victims to sue gun manufacturers. City Hall opposes authorizing citizens to sue; it expressed concern that gun makers would resist selling guns to the NYPD.

At the federal level, we need Congress to at least renew the 1994 ban on the production of semiautomatic assault weapons and high-capacity ammunition magazines that hold more than 10 rounds. U.S. Rep. Carolyn McCarthy (D-Mineola), who lost her husband in the Long Island Rail Road slaughter a few years back, proposes H.R. 2038 extend this law, which is set to expire Sept. 13.

During the 1990s, I sat through hearings on legislation to regulate and restrict firearms. As counsel to the Council's Public Safety Committee chairman, I worked on the laws that banned assault weapons in our city and required trigger safety locks on handguns (1998 Local Law 21).

Efforts to strengthen the latter — called Christopher's law after Staten Island youngster Christopher Murphy, a child of two NYC police officers and victim of an accidental shooting — followed but got enacted after I moved on to the Bronx. During that time, I testified at council hearings on a nine-point plan to address gun violence:

- 1) Deploy cops to take guns off the street and prevent trafficking in illegal guns. With proper training and supervision, this could be done without violating civil liberties.
- 2) Pass a strengthened "Christopher's Law" mandating handgun safety locks on all firearms at the federal level.
- 3) Establish gun safety zones around libraries, youth and day-care centers and public buildings, in addition to zones set around schools.
- 4) Require reporting — in the Mayor's Management Report — on gun safety and enforcement measures. The Social Indicators report and Preliminary MMR provide no data on gun crimes or ownership. (The mayor's Charter Revision Commission would eliminate the PMMR. We must oppose this.)
- 5) National photo licensing and safety testing for handgun buyers.
- 6) National registration of all handguns.
- 7) More gun case prosecutions by the U.S. attorneys.

8) Prosecute gun cases under federal law by designating assistant district attorneys as federal prosecutors.

9) Initiate and pursue lawsuits against gun makers.

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