

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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January 4, 2012  
Start: 10:06 a.m.  
Recess: 10:20 a.m.

HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:  
Erik Martin Dilan  
Helen D. Foster  
Daniel R. Garodnick  
James F. Gennaro  
Vincent J. Gentile  
Daniel J. Halloran III  
Eric A. Ulrich  
David G. Greenfield

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2 CHAIRPERSON VALLONE: Okay. Good  
3 morning, everyone. Please turn off your  
4 cellphones. Take your seats. - - large crowd  
5 that's here that you can't see on the camera right  
6 now, but they're on that side. Good morning,  
7 everyone. Today we'll be voting on Resolutions  
8 821-A, 1122-A and 1171, all of which are related  
9 to federal gun control laws. On December 15<sup>th</sup>,  
10 this Committee held a hearing to discuss these  
11 three resolutions and these respective pieces of  
12 legislation. During that hearing, we heard from  
13 Manhattan district attorney, Cyrus Vance and  
14 members of various different organizations  
15 dedicated to ensuring the safety of New Yorkers.  
16 All the testimony provided was in favor of these  
17 resolutions, specifically two of the resolutions  
18 on today's agenda call upon Congress to enact  
19 certain pieces of legislation.

20 First Resolution 821-A is in  
21 support of the Gun Show Loophole Closing Act of  
22 2011, which creates the requirement that all  
23 prospective buyers at gun shows undergo a federal  
24 background check prior to purchase. Additionally,  
25 this resolution has been amended to call upon

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2 Congress and the President to enact legislation  
3 that would require universal background checks for  
4 all sales of firearms regardless of the seller and  
5 location. That bill is sponsored by myself, and  
6 as I've said, that closes not just the gun show  
7 loophole, but the craigslist loophole.

8 The second resolution, 1171,  
9 supports the Gun Trafficking Prevention Act of  
10 2012, which creates the crimes of trafficking and  
11 firearms, a crime that especially affects New York  
12 City. I have a statement from Inez Dickens, who  
13 is the sponsor of that, which I'll briefly read.

14 Thank you, Chair Vallone and the  
15 rest of the Public Safety Committee for allowing  
16 me to state my reasoning. This piece of  
17 legislation covers five crucial aspects, which are  
18 to focus on entire criminal networks enacting  
19 tough penalties for criminals, cracking down on  
20 gun dealers, providing funding for the ATF and  
21 providing protection for responsible law abiding  
22 gun owners. In all almost every aspect of gun  
23 trafficking is penalized and covered by this  
24 legislation. We need to stop the gun violence  
25 occurring in the neighborhoods of our beloved

1  
2 city. This comprehensive legislation is a start  
3 in the right direction to eradicate illegal guns  
4 on our street. I'm asking my colleagues to  
5 support the resolution.

6           Alternatively, we're voting on one  
7 resolution today that voices our opposition to a  
8 piece of legislation. This resolution, 1122-A,  
9 sponsored by Gale Brewer, who I'll call on in a  
10 second, calls upon the U.S. Senate and President  
11 to oppose the National Right to Carry Reciprocity  
12 Act. This legislation should it pass will require  
13 to allow people who are licensed in other states  
14 to carry concealed weapons to do so within our  
15 city limits as well. While New York may be extra  
16 strict with its licensing requirements—and that's  
17 my own personal opinion—there are some cities and  
18 states that are too lax and give concealed permits  
19 to people who should not be allowed to have one.  
20 In fact in 2007, Florida gave 1700 permits to  
21 felons. New Yorkers should not be put in harm's  
22 way because of the low standards set in other  
23 jurisdictions. Public Safety Committee takes the  
24 issue of gun control and gun violence very  
25 seriously and we're aware of the federal

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2 regulations that have a direct impact on our  
3 ability to keep our city safe. For that reason,  
4 we hope to pass these resolutions and let our  
5 representatives in Congress know our stance on  
6 this important issue, and we have with us the  
7 sponsor of 1122-A, Gale Brewer, who I'd like to  
8 have an opening statement.

9 COUNCIL MEMBER BREWER: Thank you  
10 very much, Chair Vallone. I am the prime sponsor  
11 of 1122-A and as the Chair indicated, this is to  
12 oppose H.R. 822, known as the National Right to  
13 Carry Reciprocity Act of 2011. Actually that did  
14 pass—that legislation did pass the House of  
15 Representatives November 16<sup>th</sup>, 2011, and we don't  
16 want it to pass the Senate. I know that our  
17 members of the U.S. Senate are opposed to it, and  
18 many others are also. I hope we're successful.  
19 It does pose great risk to states like New York  
20 that have passed as we have more stringent gun  
21 regulations. Obviously this legislation has  
22 received a lot of attention recently due to the  
23 case of Meredith Graves, who was a tourist, a very  
24 esteemed individual I'm sure from Tennessee, who  
25 brought her gun to the 9/11 memorial, and she was

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2 arrested. I must have—and I don't know why she  
3 would bring her gun to New York, but everybody's  
4 different, and I think that she should not be  
5 arrested for what appears to be an innocent  
6 mistake, and she obviously indicated to everyone  
7 that she wanted to check it; whoever, it is  
8 important that visitors are aware that different  
9 states have different laws requiring concealed  
10 weapons. We do not want people walking into  
11 museums or anywhere else with loaded weapons and  
12 all gun owners must be aware of the laws in other  
13 jurisdictions when traveling. And by opposing the  
14 reciprocity act, New York City is making it clear  
15 that we want to make our own decisions when it  
16 comes to firearm regulation, not defer to the  
17 national lowest common denominator as the Chair  
18 indicated. Ms. Graves should receive a fine  
19 perhaps, which is at the discretion of a judge.  
20 This is all at the discretion of a judge. This  
21 case should not be seen as an excuse to pass  
22 dangerous, federal legislation essentially  
23 nullifying New York's existing regulations. New  
24 York is not Tennessee, and it should be up to the  
25 individual states to decide who can carry a

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2 concealed weapon within its borders. Of course,  
3 if I had my way, it would be more of a national  
4 effort. Thank you very much, and we look forward  
5 to passing this resolution.

6 CHAIRPERSON VALLONE: Thank you,  
7 Gale Brewer, and let me publically apologize. I  
8 did write an op-ed in the New York Post today on  
9 the very related topic of reforming our gun law so  
10 that people who come here with valid permits from  
11 another state who have gone through background  
12 checks and have no criminal record and attempt to  
13 turn their weapons in do not face three and a half  
14 years in jail and of course, I referenced your  
15 bill at the national level, and explained about  
16 how those type of scenarios hurt our efforts,  
17 which are led by you, but somehow in the 20  
18 minutes that it took me to write this up-'cause I  
19 had to do it quickly-I forgot to mention your name  
20 as being sponsor, so I apologize for that.

21 Council Member Halloran, just in time for the  
22 vote. We tried to get it done without him, but...

23 COUNCIL MEMBER HALLORAN: [off mic]

24 CHAIRPERSON VALLONE: Yeah. So,  
25 you didn't miss anything yet. We had some opening

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2 statements. We're about to take the vote. We'll  
3 start with 821-A, which is the Gun Show Loophole  
4 Closing Act, which calls on the federal government  
5 to do background checks on all sales of firearms,  
6 and I will go to Mr. Bill.

7 COMMITTEE CLERK: William Martin,  
8 Committee Clerk. Roll call vote in the Committee  
9 on Public Safety, Resolution 821-A. Council  
10 Member Vallone?

11 CHAIRPERSON VALLONE: I vote aye.

12 COMMITTEE CLERK: Foster?

13 COUNCIL MEMBER FOSTER: Aye.

14 COMMITTEE CLERK: Gentile?

15 COUNCIL MEMBER GENTILE: Aye.

16 COMMITTEE CLERK: Garodnick?

17 COUNCIL MEMBER GARODNICK: Aye.

18 COMMITTEE CLERK: Greenfield?

19 COUNCIL MEMBER GREENFIELD: Yes.

20 COMMITTEE CLERK: Halloran?

21 COUNCIL MEMBER HALLORAN: Yes.

22 COMMITTEE CLERK: By a vote of six  
23 in the affirmative, zero in the negative and no  
24 abstentions, Reso 821-A is adopted.

25 CHAIRPERSON VALLONE: Let's do 1171



1 since that's the least controversial next.  
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3 Resolution 1171 supports the Gun Trafficking  
4 Prevention Act of 2012, and that's sponsored by  
5 Inez Dickens.

6 COMMITTEE CLERK: Council Member  
7 Vallone?

8 CHAIRPERSON VALLONE: Aye.

9 COMMITTEE CLERK: Foster?

10 COUNCIL MEMBER FOSTER: Aye.

11 COMMITTEE CLERK: Gentile?

12 COUNCIL MEMBER GENTILE: Aye.

13 COMMITTEE CLERK: Garodnick?

14 COUNCIL MEMBER GARODNICK: Aye.

15 COMMITTEE CLERK: Greenfield?

16 COUNCIL MEMBER GREENFIELD: Yes.

17 COMMITTEE CLERK: Halloran?

18 COUNCIL MEMBER HALLORAN: Aye.

19 COMMITTEE CLERK: By vote of six in  
20 the affirmative, zero in the negative and no  
21 abstentions, Reso 1171 is adopted.

22 CHAIRPERSON VALLONE: okay, now  
23 1122-A, which is sponsored by Gale Brewer and  
24 calls on the U.S. Senate and the President to  
25 oppose the National Right to Carry Reciprocity

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Act.

COMMITTEE CLERK: Council Member  
Vallone?

CHAIRPERSON VALLONE: I vote aye  
and I also reference my op-ed in today's papers to  
explain the fact that I share Council Member  
Halloran's concern with the fact that people from  
other states who are law abiding citizens face  
some excessive consequences here when they bring a  
gun here and try to turn it in; however, my fix is  
that we require Albany to change to laws to  
provide an exception for that - - I'm sure Council  
Member Halloran explains that should be better  
done a federal level, but I will vote aye.

COMMITTEE CLERK: Foster?

COUNCIL MEMBER FOSTER: Aye.

COMMITTEE CLERK: Gentile?

COUNCIL MEMBER GENTILE: Yes.

COMMITTEE CLERK: Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK: Greenfield?

COUNCIL MEMBER GREENFIELD: I also  
vote aye and reference as well the Chair's  
terrific op-ed in today's New York Post.

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COMMITTEE CLERK: Halloran?

COUNCIL MEMBER HALLORAN: May I be excused to explain my vote?

CHAIRPERSON VALLONE: Absolutely.

COUNCIL MEMBER HALLORAN: Mr. Chairman, since the decision in Heller [phonetic] v. Washington and McDonald v. City of Chicago, the United States Supreme Court has recognized the particularized and individual second amendment right to keep and bear arms. Every amendment in the Constitution that's in the Bill of Rights receives full faith and credit protection in every state in the union. Citizens of other states who enjoy the privilege of driving are granted reciprocity in every other state. Driving is a privilege, not a right. The right to bear arms is a right. It is impossible to constitutionally argue that one can be given the privilege of driving across state lines, but not the right enshrined in the Constitution. While I appreciate the Chair's op-ed—I thought it was an interesting read—I submit that this Committee has first and foremost to take its oath of office into consideration, which is to support, defend and

1  
2 protect the Constitution of the united States of  
3 America, of which the second amendment is the  
4 second in the Bill of Rights. Our founders  
5 certainly thought it was important, the Supreme  
6 Court over the last five years has reiterated its  
7 individual and particularized importance, and I  
8 believe that the disparity we see in laws varying  
9 from state to state will have to change to create  
10 a uniform standard that prevents felons from  
11 obtaining weapons, people with psychological  
12 history from obtaining weapons; however, all other  
13 citizens have that right. Now, as for what the  
14 intention of the Chair is to keep New York safe, I  
15 ask the Chair to review the statistics. There is  
16 not a single piece of scientific evidence to  
17 demonstrate that gun control has any impact on  
18 crime. In fact, just the opposite. The three  
19 cities with the tightest gun control laws have the  
20 three highest homicide rates with firearms. We  
21 are passing the buck. We are taking the right of  
22 citizens to defend themselves away and putting  
23 guns solely in the hands of criminals. Clearly by  
24 my vote in the prior two issues, I am showing that  
25 I am not beholden to a particular interest in

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2 this, but I am being objection. I am attempting  
3 to straddle the line, but I don't understand how  
4 lawyers regardless of how difference of opinions  
5 we may have at times can read the Constitution in  
6 any other way than the way it was written, so I am  
7 voting no. I am urging my colleagues to  
8 reconsider and vote no at the full meeting of the  
9 Council, but in any event, it is clearly not the  
10 province of a local legislature to impede on the  
11 federal rights granted to our citizens and I think  
12 this is another example of the micromanagement and  
13 miss-sharing of powers that occurs in government  
14 on a daily basis. Again, Mr. Chairman, thank you  
15 for your indulgence. I appreciate your interest  
16 in this. I remind you that New York City has per  
17 capita the lowest number of gun permits issued  
18 anywhere except Washington D.C. and the city of  
19 Detroit, both of which have the highest homicide  
20 rates by guns of anywhere in the country.

21 CHAIRPERSON VALLONE: Thank you,  
22 Council member. As you know - - place on the  
23 record, I am a gun owner and I agree with much of  
24 what you said when it comes to the right to bear  
25 arms; however, the second amendment in the

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2 Constitution does allow reasonable restrictions to  
3 be placed on gun ownership and whether that should  
4 be done at the federal state level, I'm going to  
5 leave that up to others for today. Also, I'd just  
6 like to add that I've spoken to the offices of  
7 D.A. Brown and D.A. Vance regarding cases like  
8 Ms. Graves and the Marine case which you brought  
9 to my attention yesterday and while these articles  
10 all do say that they faced jail time—which is true  
11 and they should not—I don't know of any who have  
12 done jail time. I don't expect after speaking to  
13 these offices that either of these people will do  
14 any jail time. The Queens D.A. and both the  
15 offices tell me they use their discretion often  
16 and well, and that they look all circumstances  
17 including valid carry permits in other states,  
18 criminal records, how long they've been in the  
19 state and in fact, the Queens D.A. office often  
20 disposes of these airport type cases with  
21 disorderly conducts. I agree with you. I don't  
22 think they should even have faced this, but what's  
23 in the papers sometimes isn't actually accurate as  
24 to what's actually going on. So they are using  
25 the discretion. It doesn't mean that if we didn't

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2 have a bad D.A. one day, that discretion would  
3 not be used wisely. Are we done? Has everyone  
4 voted on that? Okay. So all three have passed,  
5 and we're going to keep it open for Council Member  
6 Gennaro. Dilan will be out ill today, so Gennaro  
7 hopefully will get here. We'll keep it open as  
8 long as we are legally allowed to. Thank you all.

9 [gavel]

10 COMMITTEE CLERK: Resolution 1122-A  
11 has been adopted by a vote of five in the  
12 affirmative, one in the negative and no  
13 abstentions. The vote is still held open by  
14 request of the Chair.

15 [background conversation]

16 COMMITTEE CLERK: Gennaro?

17 COUNCIL MEMBER GENNARO: Yes.

18 COMMITTEE CLERK: The vote stands  
19 at seven in the affirmative, zero in the negative  
20 and no abstentions. Resolution 1122 stands at six  
21 in the affirmative, one in the negative, no  
22 abstentions.

23 [long pause]

24 COMMITTEE CLERK: Ulrich?

25 COUNCIL MEMBER ULRICH: I vote aye

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2 on Reso 821-A. I vote no on Reso 1122-A. I vote  
3 aye on Reso 1171.

4 COMMITTEE CLERK: Final vote in the  
5 Committee on Public Safety. Eight in the  
6 affirmative, zero in the negative, no abstentions,  
7 except for Reso 1122-A, which was adopted by a  
8 vote of six in the affirmative, two in the  
9 negative and no abstentions.

10 MALE VOICE: That concludes the  
11 meeting on Public Safety Committee.

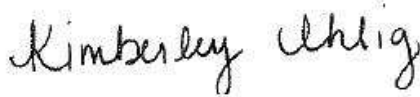
12 [gavel]



C E R T I F I C A T E

I, Kimberley Uhlig 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



Date \_\_\_\_\_ 1/14/12 \_\_\_\_\_