



## Legislation Text

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**File #:** Res 0054-2004, **Version:** \*

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### Res. No. 54

Resolution calling upon the appropriate Committee of the Council of the City of New York to conduct an oversight hearing to review the campaign of the National Association for the Advancement of Colored People and the lawsuits brought forth by the City of New York and the New York State Attorney General regarding the need for gun-makers and wholesalers to be held more accountable for the sale and distribution of their products.

By Council Members Perkins, Barron, Boyland, Clarke, Comrie, Foster, Gerson, Gioia, Lopez, Monserrate, Reyna, Seabrook, Weprin, James, Moskowitz and Gennaro

Whereas, In the absence of strict national regulations regarding the sale and distribution of handguns, the public safety of our communities has been placed in grave jeopardy; and

Whereas, The death of Council Member James Davis in the Council Chambers of New York City Hall highlights the need for gun-makers and wholesalers to be held more accountable for the regulation and sale of their products; and

Whereas, According to a study released in April 2003 by Howard Andrews, a professor at Columbia University, of federal Bureau of Alcohol, Tobacco and Firearms data, ninety percent of the handguns found at New York City crime scenes are purchased from out-of-state gun dealers, primarily in the South, where it has been relatively easy to buy a handgun; and

Whereas, The handgun used in the act of violence against Council Member James Davis was purchased from a North Carolina gun dealer; and

Whereas, According to a study released in June 2003 by the University of California at Los Angeles, fifty percent of dealers questioned in an undercover survey are willing to allow buyers to make illegal sales that violate federal law; and

Whereas, The National Association for the Advancement of Colored People (NAACP) stresses that manufacturers must take great precautions to ensure that their products are not sold to dealers whose weapons are routinely used in crimes; and

Whereas, According to the NAACP, in the year 2000 alone, firearms killed more than 28,000 people in the United States, 3,012 of which, more than 10%, were children; and

Whereas, Although the NAACP's lawsuit brought against the gun industry to take meaningful steps to implement safer regulations was dismissed, United States District Court Judge Jack Weinstein in his decision stated that NAACP members "did suffer relatively more harm from the nuisance created by the defendants through the illegal availability of guns in New York;" and

Whereas, Judge Weinstein also stated that gun manufacturers are slow to take proper measures to “eliminate or even appreciably reduce the public nuisance they have created;” and

Whereas, Judge Weinstein’s remarks show promise for the City of New York and the New York Attorney General in pending cases against the gun industry; and

Whereas, the City of New York’s nuisance abatement suit against gun-makers and wholesalers calls for marketing, distribution and sales reform; and

Whereas, The New York State Attorney General’s suit charges that while defendant manufacturers and wholesalers were on notice through trace requests by the federal Bureau of Alcohol, Tobacco and Firearms, that their distribution mechanisms routinely channel guns to criminals, these entities continued providing weapons through the same means; and

Whereas, With the New York State Attorney General’s legal action, initiated in the year 2000, New York became the first state in the nation to bring suit against gun manufacturers; and

Whereas, Existing standards allow manufacturers and wholesalers to sell guns to criminals and allow for an increased presence of weapons even in cities that have some of the most strict gun laws in the nation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the appropriate Committee of the Council of the City of New York to conduct an oversight hearing to review the campaign of the National Association for the Advancement of Colored People and the lawsuits brought forth by the City of New York and the New York State Attorney General regarding the need for gun-makers and wholesalers to be held more accountable for the sale and distribution of their products.