


NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse, et al. DATE: 03/03/2015 RESOLUTION # IL-038-15

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	_____	Approved: Ayes _____ Abs. _____ Noes <u>0</u>
		_____	Rejected: Ayes _____ Abs. _____ Noes _____
		_____	Referred: _____

RESOLUTION OPPOSING EXECUTIVE ACTION TO BAN WIDELY-USED COMMON .223/5.56 RIFLE AMMUNITION DESIGNATED M855/SS109 BY THE U.S. DEPARTMENT OF JUSTICE AND BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AND CONDEMNING ALL BACKDOOR GUN CONTROL VIA EXECUTIVE ACTIONS

WHEREAS the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed,” and

WHEREAS Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state,” and

WHEREAS the Legislature of the County of Niagara has repeatedly affirmed this county’s recognition of the individual right to keep and bear arms, as enshrined in the Bill of Rights, and

WHEREAS outgoing U.S. Attorney General Eric Holder did state, in a February 8, 2015 interview on MSNBC, “The single failure that I point to in my time as Attorney General, that I was not able to convince Congress to really follow the will of the American people — which was to enact ... gun safety measures. The gun lobby simply won”, and

WHEREAS the Bureau of Alcohol, Tobacco, Firearms and Explosives, an agency which falls under the U.S. Department of Justice, did, on February 13, 2015, promulgate a proposed “ATF Framework for Determining Whether Certain Projectiles are ‘Primarily Intended for Sporting Purposes’ within the Meaning of U.S.C § 921(a)(17)(C)”, and

WHEREAS U.S.C § 921(a)(17)(C) authorizes the regulation of handgun ammunition, and not rifle ammunition, and

WHEREAS said Executive Action would ban the civilian use of .223 Remington (5.56mm)-type rifle ammunition with a lead core designated M855 and SS109 by redesignating said rounds as “armor piercing” despite said rifle ammunition not meeting the definition of “armor-piercing” set forth in 18 USC § 921(a)(17), to wit: “(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile,” on the spurious grounds said rifle round may be fired from a so-called AR pistol, and

WHEREAS the M855 and SS109 rounds are the bullet most commonly used by hunters and target shooters firing .223 Remington/5.56 mm rifle platforms such as the AR15, Ruger Mini-14, Saiga 5.56, Remington 700, Savage Model 12, Browning A-Bolt 223, and other similar sporting rifles, and

WHEREAS the stated purpose of said Executive Action is to protect law enforcement, however, as the Honorable Bob Goodlatte, U.S. Representative from the Commonwealth of Virginia and Chairman of the House

of Representatives Committee on the Judiciary has noted, "the ATF has not even alleged," much less shown, an actual incident where the M855/SS109 round "has been fired from a handgun at a police officer", and

WHEREAS Representative Goodlatte has issued a letter to B. Todd Jones, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives that notes, "The Framework...establishes an unduly restrictive standard, does not comport with the letter or spirit of the law, and will interfere with Second Amendment rights by disrupting the market for ammunition that law abiding Americans use for sporting and other legitimate purposes", and

WHEREAS the ATF's rules could be expanded to include bans on other .223 Remington and 5.56 mm ammunition, a prospect this Legislature abhors, and

WHEREAS a ban on any ammunition constitutes backdoor gun control by rendering legally-owned guns useless, and

WHEREAS the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawandas Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, and This Legislature opposes such government interference in the practice of that right as shall increase costs to make a Constitutional right too costly to practice, now, therefore, be it

RESOLVED that the Legislature of the County of Niagara does hereby oppose the issuance of "ATF Framework for Determining Whether Certain Projectiles are 'Primarily Intended for Sporting Purposes' within the Meaning of U.S.C § 921(a)(17)(C)", and be it further

RESOLVED that the Legislature of the County of Niagara condemns executive actions that are designed to circumvent the people's will as enacted by their elected representatives in Congress, and be it further

RESOLVED that the Legislature of the County of Niagara calls upon its full Congressional delegation to take all necessary steps to block imposition of said Executive Action, including legislation, court challenges, and, shall it become necessary, defunding the Bureau of Alcohol, Tobacco, and Firearms, and be it further

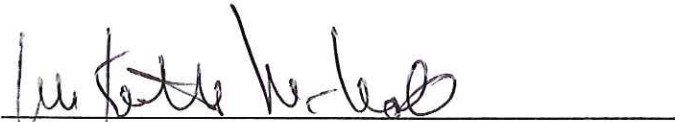
RESOLVED that the Legislature of the County of Niagara does fully support the position of House Judiciary Chairman Goodlatte, and be it further

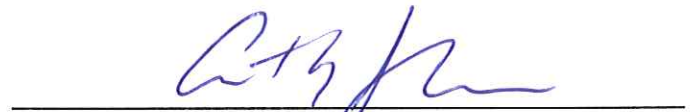
RESOLVED that the Legislature of the County of Niagara directs that a copy of this Resolution be transmitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as to the House and Senate Judiciary Committees, to be included in any public comment, and be it further

RESOLVED that the County of Niagara shall forward copies of this Resolution to President Barack Obama; the Attorney General of the United States; ATF Director Jones; U.S. Senator Charles E. Schumer; U.S. Senator Kirsten Gillibrand; U.S. Representative Chris Collins; U.S. Representative Bob Goodlatte; Ms. Denise Brown, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms and Explosives; Mr. Chris Cox, National Rifle Association Institute for Legislative Action; Mr. Jacob J. Rieper, New York State Rifle and Pistol Association; Mr. Bill Hilts Sr.; Mr. John Peracciny; Mr. Douglas Walk; Mr. John Butcher; and all others deemed necessary and proper.


LEGISLATOR JOHN SYRACUSE


LEGISLATOR RICHARD E. UPDEGROVE



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LEGISLATOR MICHAEL A. HILL


LEGISLATOR CLYDE L. BURMASTER



LEGISLATOR RANDY R. BRADT

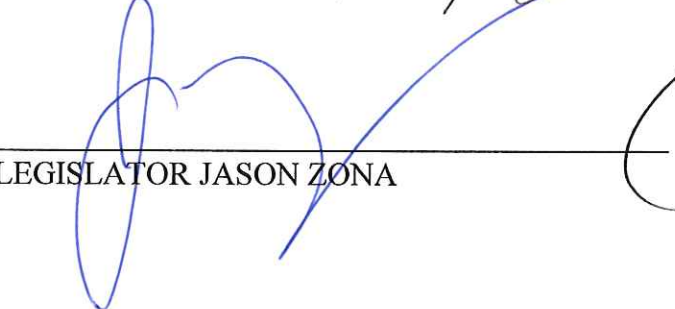

LEGISLATOR WILLIAM L. ROSS

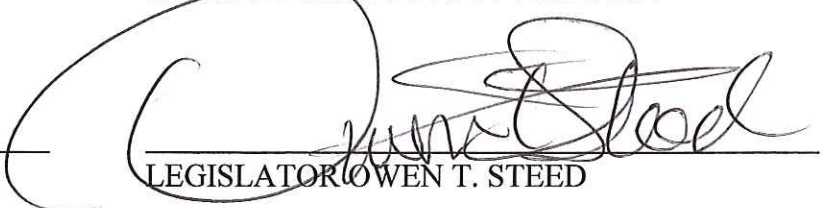

LEGISLATOR RICHARD L. ANDRES


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LEGISLATOR DENNIS F. VIRTUOSO

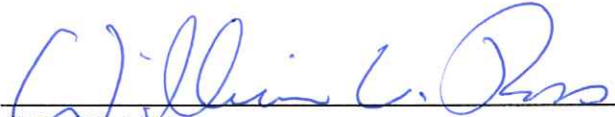

LEGISLATOR JASON ZONA


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LEGISLATOR MARK GROZIO

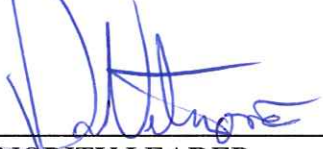
APPROVED FOR SUBMISSION:



CHAIRMAN



MAJORITY LEADER



MINORITY LEADER