



Testimony

New York State Rifle & Pistol Association, Inc.

Testimony

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City Council Hearing
Committee on Cultural Affairs,
Libraries and International Intergroup Relations

March 3, 2004
1:00 p.m.
City Hall, New York City

I am pleased to testify today on behalf of the New York State Rifle & Pistol Association, Inc. ("Association"). The New York State Rifle & Pistol Association is the New York State affiliate of the National Rifle Association of America ("NRA").

RES. 11 – A RESOLUTION TO DEMONIZE REPUTABLE FIREARMS OWNERS AND THEIR NATIONAL RIFLE ASSOCIATION

The Association opposes Res. 11.

Res. 11 is a continuation of the ignorant and inflammatory strategy and tactics of those whose ultimate intent presumably is, like that of Sen. Diane Feinstein,¹ or the founders of the group now known as the Brady Campaign,² the elimination of lawful

¹ "If I could have gotten 51 votes in the Senate of the United States for an outright ban, picking up every one of them, Mr. and Mrs. America turn them all in, I would have done it."
Dianne Feinstein, U.S. Senator: Feb. 5 1995, Interview on CBS television's "60 Minutes."

² "We're going to have to take one step at a time, and the first step is necessarily -- given the political realities -- going to be very modest... So we'll have to start working again to strengthen that law, and then again to strengthen the next law, and maybe again and again. Right now though, we'd be satisfied not with half a loaf but with a slice. Our ultimate goal -- total control of handguns in the United States -- is going to take time... The first problem is to slow down the increasing number of handguns being produced and sold in this country. The second problem is to get handguns registered. And the final problem is to make possession of all handguns and all handgun ammunition -- except for military, policemen, licensed security

private ownership of firearms. Assaultive homicide is overwhelmingly the work of a relatively small number of aberrant, deviant individuals with existing criminal records, and this fact is well known to criminologists including our very own NYPD.³ But illogically, either ignorant of or in spite of that reality, the most sanctimoniously minded critics of prejudice when applied to other groups deem it acceptable to vilify law-abiding gun owners (who are the enormous majority of gun owners):

[a]s barbaric and/or deranged ("Gun Lunatics Silence [the] Sounds of Civilization" [24]), "gun nuts", "gun fetishists", "anti-citizens" and "traitors, enemies of their own patriae" [25], as sexually warped [26] "bulletbrains" [27] who engage in "simply beastly behavior" [28] and represent "the worst instincts in the human character" [29]; or to traduce pro-gun groups as the "pusher's best friend" [30] and their entire membership as "psychotics", "hunters who drink beer, don't vote and lie to their wives about where they were all weekend" [31]; to characterize the murder of children as "another slaughter co-sponsored by the National Rifle Association" [32] and assert that "The assassination of John Lennon has been brought to you by the National Rifle Association" [33]; and to cartoon gun owners as thugs and/or vigilantes, intellectually retarded, educationally backward and morally obtuse, or as Klansmen[.] [34]⁴

The present resolution continues that intellectually bankrupt and morally debased approach to important public policy.

Our Association, and the NRA, are proud of our long-standing support for, and support from, the men and women of law enforcement in New York. As the official New York State Affiliate of the NRA, we proudly take this moment on behalf of our Association to make this Committee and Council aware of some of the recognition and commitment to law enforcement flowing from our members and leaders. The Association has annually recognized excellence in law enforcement at its annual meeting, and recently, in 2002, was proud to have among its honorees one of New York City's

guards, licensed sporting clubs, and licensed gun collectors -- totally illegal." Pete Shields, Chairman Emeritus, Handgun Control, Inc., n/k/a/ Brady Campaign to Prevent Handgun Violence; Interview appearing in *The New Yorker*, July 26, 1976.

³Talcott J. Franklin, TEN YEARS LATER: AN ANALYSIS OF THE EFFECTS OF NEW YORK CITY'S MANDATORY SENTENCING LAW (1990)(Available at http://www.saf.org/journal/4_Franklin.htm) ("Studies also show the proportion of 'previously law-abiding' murderers in New York City is extremely small. In their analysis of homicide in Harlem, Swersey and Enloe found: 'that the great majority of both perpetrators and victims of assaultive homicides had previous arrests, probably eighty percent or more.'" 101). The original endnote to the quoted text is set forth herein as an endnote, with its original numbering.

⁴ Don B. Kates, Jr., GUN CONTROL: A REALISTIC ASSESSMENT (1990) (PUBLISHED BY THE PACIFIC RESEARCH FOUNDATION, 177 POST ST., San Francisco, CA 94108, available in printed form for \$10.00 under the title GUNS, MURDERS AND THE CONSTITUTION.) The original endnotes to the quoted text are set forth herein as endnotes, with their original numbering.

Finest, Det. Steven Albanese, whose energetic and creative work has improved the opportunities for advanced, lifesaving firearms training for NYPD officers.

The NRA's Jeanne E. Bray Memorial Scholarship Awards Program, named for the late Columbus, Ohio, police officer, shooting champion, and NRA Director, offers college scholarships of up to \$1,000 per semester (up to \$2,000 per year for a maximum of four years) to dependent children of any public law enforcement officer killed in the line of duty who was an NRA member at the time of death, and to dependent children of any current or retired law enforcement officers who are living and have current NRA membership. NRA Law Enforcement Officer Felonious Death Benefits provides a \$25,000.00 insurance benefit to the widow or survivors of any NRA-member law enforcement officer who is feloniously killed in the line of duty. Coverage is automatic for all law enforcement officers who are NRA members. NRA offers, and our Association supports, superior opportunities for training and competition for law enforcement, with the aim of giving our brave officers every life-saving edge on the job.

NRA Immediate Past President Charlton Heston has lived a lifelong commitment to civil rights, and not just the right to keep and bear arms. When marching with Dr. Martin Luther King was not a good career move in Hollywood, Charlton Heston was marching for justice with Dr. King. In the years leading up to those troubled times, NRA members were assisting Black Americans in Monroe, North Carolina to defend by force of arms their lives, homes and dignity against night riding Klansman. Those freedom loving Black Americans formed a 60 member, *proudly NRA chartered* rifle club – *proudly* chartered by the NRA when the encouragement of Blacks in their full rights was not a popular move in North Carolina. The NRA tradition on civil and human rights, starting with the right to defend life, remains proudly and universally inclusive.

Congress of Racial Equality founder and Chairman Roy Innis has a lifelong commitment to civil rights that is second-to-none. He also knows – to his unending pain – the loss of loved ones to violent criminals armed with guns. He lost two beautiful sons to criminals armed with guns. Government could not protect them and they could not protect themselves. He knows the added pain of his sons' killers having never being brought to justice, in some measure because government could not or would not protect the community against the killers in their midst, and the good people of the community could not protect themselves. Losing two sons to urban gun violence influenced Innis' views on crime and victims' rights so dramatically that he became one of the most vocal and active advocates of the Second Amendment rights⁵ – especially citizens' right of self-

⁵ There is no longer a genuine debate among scholars that the Second Amendment does anything other than guarantee an individual right to keep and bear arms ("The broad principle that there is an individual right to bear arms is shared by many Americans, including myself. I'm of the view that you can't take a broad approach to other rights, such as First Amendment rights, and then interpret the Second Amendment so narrowly that it could fit in a thimble." U.S. Senator Charles Schumer, Press Release, May 8, 2002). There is room for reasonable minds to disagree regarding the extent to which the individual right is subject to forfeiture and regulation. However, the preposterous 1960s-born heresy that the Second Amendment only reserves a guaranteed right of states to exercise martial authority was recently rejected in an extensive, authoritative opinion of the Fifth Circuit U.S. Court of Appeals, United States v. Emerson, 270 F.3d 203 (5th Cir. 2001) and also by the Bush Administration (thus rejecting a doctrine first enunciated on behalf of

defense. He knows hate will never have a home in the NRA, on whose Board of Directors he proudly serves.

NRA Board Member and highly decorated Marine Corps combat veteran of WWII and the Korean War Jeff Cooper, tacitly slandered in Res. 11 as a racist, is nothing of the kind. The words of his that the resolution recites out-of-context in fact conveyed the very opposite of racism. Cooper objects to the worship of the diversity mantra not out of disdain for anyone or any group, but because he believes that neither any person nor our nation can become or remain its best by thinking of enjoying rights within any group smaller than that of “Americans.”⁶ It is not racist to oppose the Balkanization of America; indeed, it is, at the least, *more* race conscious to endorse it as so many liberals do.

NRA has proudly supported effective crime control measures, such as Project Exile, the National Instant Check provisions of the Brady Law, and the Our Lady of Peace Act to tighten up mental health record inclusion in the background check system. The Instant Check provisions are sufficient to protect against unauthorized purchasers being able to buy firearms from federally licensed dealers. Legislating gratuitous delays, and allowing the government to make registration lists⁷ from the background check records, would not make the background checks more effective.

The NRA has led the way in the development of effective, life-saving safety training for children and grown-ups alike. NRA’s content-neutral message of firearms safety for children, the Eddie Eagle program, has won awards and commendations from the National Safety Council, the American Legion, other independent groups and numerous elected officials, Democrat and Republican.⁸ That program was developed by former NRA President Mrs. Marion P. Hammer, recently vilified by the (not-even-close-to-one) Million Mom March for having the temerity to point out that a government that has no business confiscating guns has no business knowing whether and which citizens own them. NRA and Association members give of their time to make sure that New York’s Department of Environmental Conservation prescribed mandatory hunter safety classes have the knowledgeable instructors needed to make our courses the success that they are in preventing hunting accidents of every sort.

the federal government by Pres. Johnson’s Attorney General Nicholas deBy Katzenbach in 1965), as well as by the overwhelming majority of scholars writing on the subject.

⁶ Amy L. Heath, one of the authors of this written testimony, is *very* proud to be the granddaughter of Jeff Cooper. People who falsely accuse others of racism to score political points should be both ashamed, and questioned for the emptiness of the arguments that bring them to such discreditable tactics.

⁷ Which historically have become confiscation lists, lately as in Australia, the U.K., and in mid-1930s Germany years after the enactment of registration laws by the earlier, benign Weimar Republic government.

⁸ <http://nracentral.com/eddie-eagle-awards.php> .

When the gun control crowd isn't dehumanizing good people for having the gumption to stand up for their rights, they are scaring the daylights out of less-informed folks. The so-called "assault weapon" issue gives several clear examples. No one with a studied knowledge of the facts and a room-temperature I.Q. to go along with it ever believed that the Clinton "assault weapon" ban would do a thing about crime. It was never really meant by the people pushing it to have such an impact. The Washington Post's conservative advocate for advanced European-style gun prohibition, Charles Krauthammer, wrote in 1996 that the crime prevention rationales offered in support of the ban were "laughable," and that the "only real justification . . . is not to reduce crime but to desensitize the public to the regulation of weapons in preparation for their ultimate confiscation."⁹ Again, this comment was from a supporter of ultimate gun prohibition.

Josh Sugarman, the spokesman for the anti-Second Amendment group Violence Policy Center, proudly acknowledges taking advantage of the public's wide streak of ignorance regarding firearms. "In a September 1988 report on 'assault weapons' that he prepared for the Education Fund to End handgun Violence, gun control advocate Josh Sugarman candidly observed: 'The weapons' menacing looks, coupled with the public's confusion over fully automatic machine guns versus semi-automatic assault weapons - anything that looks like a machine gun is assumed to be a machine gun - can only increase the chance of public support for restrictions on these weapons.'"¹⁰ In fact, none of the firearms covered by the 1994 ban was a machine gun, all such firearms having been practically banned by the NRA-supported 1934 National Firearms Act.

Two CNN broadcasts in May of 2003, reported that firearms banned under the Clinton gun ban are more powerful than similar, legal weapons of the same caliber. They are not. The kinetic energy of any simple projectile is equal to one half the mass of the projectile times the velocity squared.¹¹ Whether a model of any rifle is semi-automatic or fully automatic does not impact that equation. CNN went on to falsely report that fully automatic weapons were included in the Clinton ban that is set to expire later this year and implicitly, that they would be back if the ban were not extended. False again. Fully automatic weapons were not covered by the Clinton gun ban because they were previously regulated to an effective ban by the 1934 National Firearms Act, which had been enacted with NRA support. CNN also showed footage of a Broward County deputy using a fully automatic machine gun to obliterate a cinder block, and then do apparently no damage to another cinder block while firing a currently legal semi-automatic firearm. It was observed, but not reported by CNN, that the deputy did no damage to the second block because, in fact, he did not fire at it while shooting the semi-automatic rifle. When the deceptions in the programs were caught by viewers, many belonging to the NRA, CNN subsequently admitted that the reports were not true.¹²

⁹ C. Krauthammer, "Disarm The Citizenry, But Not Yet," *Washington Post*, April 5, 1996.

¹⁰ William R. Tonso, *Shooting Blind*, Reason (June 2000) (<http://reason.com/9511/GUNSfeat.shtml>)

¹¹ Pick your favorite high school or college physics text.

¹² Robert Stacy McCain, "CNN Rapped Over Gun Segment," *The Washington Times*, May 20, 2003.

The 1994 “assault weapon” ban did not have any discernable impact on crime. From the study mandated by the 1994 law we learn that “[a]t best, the assault weapons ban can have only a limited effect on total gun murders, because the banned weapons and magazines were never involved in more than a modest fraction of all gun murders.”¹³ Moreover, by the time that study was published in 1997, its authors “were unable to detect any reduction to date in two types of gun murders that are thought to be closely associated with assault weapons, those with multiple victims in a single incident and those producing multiple bullet wounds per victim.”¹⁴ To oppose, as NRA and NYSRPA have, the extension of a law that infringes on a Constitutional right and delivers no discernable benefit, cannot fairly be said to be in any way irresponsible.

Much as we are concerned with the Second Amendment, we greatly value all of the rights guaranteed in the Bill of Rights. So we are appalled at the attempt, through Res. 11., to use the resources of this legislative body to ostracize speakers who stand for over three million Americans¹⁵ and to chill political speech.

We note the unpleasant irony in the resolution’s indignation over NRA support for the S. 659/S. 1805, a bill to prohibit reckless lawsuits against America’s law-abiding firearms industry. The irony is unpleasant because this Council expressly exempted the City from lawsuit liability when it enacted Local Law 65 of 1999, requiring gun owners to use trigger locks or similar locks which can endanger life if used on a loaded firearm, or when causing a defensive firearm to be inoperable when urgently needed.¹⁶

Finally while the Republican National Committee can doubtlessly speak for itself, we note the absence of any provision in Res. 11 calling for pro-Second Amendment Democrats to repudiate the support they have received from political committees associated with either the NRA or NYSRPA. Many such Democrats have enjoyed NRA political committee support. Indeed, RPA-PAC, the registered political committee recognized by the New York State Rifle and Pistol Association as the state and local political action committee for the reputable New York gun owner, disbursed

¹³ Roth, Koper, et al., Urban Institute, “Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994,” March 13, 1997, p. 2. (www.urban.org/UploadedPDF/aw_final.pdf)

¹⁴ *Id.*

¹⁵ About three million more than the exceedingly deceptively self-proclaimed “Million” Mom March, or million anyone march for that matter.

¹⁶ “The police commissioner is authorized to promulgate rules setting forth the types of safety locking devices which will comply with this section in accordance with subdivision a of this section. *The city of New York and its agencies, officers or employees shall not be liable to any party by reason of any incident involving, or the use or misuse of, a safety locking device that may have been purchased in compliance with such rules promulgated by the commissioner.*” Local Law 65/1999.

approximately half of its contributions in each of the 2002 and 2003 election cycles to Democrats.¹⁷

Conclusion

The New York State Rifle & Pistol Association, Inc. respectfully opposes the Resolution on the agenda. Again, we appreciate the opportunity to present testimony on behalf of the Association, and will be happy to answer any questions you may have.

¹⁷ RPA-PAC filing statements with the New York State Board of Elections can be viewed here: http://www.elections.state.ny.us/plsql_browser/getfiler2?filerid_in=A13320. Patrick W. Brophy, one of the authors of this testimony, is its Treasurer.

Original Endnotes from Quoted Material

Talcott J. Franklin, *TEN YEARS LATER: AN ANALYSIS OF THE EFFECTS OF NEW YORK CITY'S MANDATORY SENTENCING LAW* (1990)(Available at http://www.saf.org/journal/4_Franklin.htm)

101. Swersey and Enloe (1975), *supra*. An analysis by the New York Police Department found that 77.2 percent of perpetrators had prior arrest records in 1976 and 70.3 percent of perpetrators had prior arrest records in 1977. (Office of Management Analysis, Crime Analysis Section, NYCPD, Homicide Analysis, 1977).

Don B. Kates, Jr., *GUN CONTROL: A REALISTIC ASSESSMENT* (1990) (*PUBLISHED BY THE PACIFIC RESEARCH FOUNDATION, 177 POST ST., San Francisco, CA 94108, available in printed form for \$10.00 under the title GUNS, MURDERS AND THE CONSITUTION.*)

24. Braucher, *MIAMI HERALD*, July 19, 1982; see also his Oct. 29, 1981 column "Handgun Nuts are Just That -- Really Nuts."

25. Wills, "John Lennon's War", *CHICAGO SUN TIMES*, Dec. 12, 1980, "Handguns that Kill", *WASHINGTON STAR*, Jan. 18, 1981 and "Or Worldwide Gun Control", *PHILADELPHIA INQUIRER*, May 17, 1981.

26. The psychiatric evidence for and against this aspersion is discussed *infra*. Its advocates include Harriet Van Horne (*N.Y. POST* magazine, June 21, 1976, p. 2), Dr. Joyce Brothers, Harlan Ellison ("Fear Not Your Enemies", *HEAVY METAL*, March, 1981), *U.S. CATHOLIC* magazine (editorial "Sex Education Belongs in the Gun Store", August, 1979).

27. Grizzard, "Bulletbrains And the Guns That Don't Kill", *ATLANTA CONSTITUTION* Jan. 19, 1981.

28. Gun Toting: A Fashion Needing Change" in 93 *SCIENCE NEWS* 613, 614 (1968).

29. *WASHINGTON POST* editorial, "Guns and the Civilizing Process", Sept. 26, 1972.

30. Guest editorial by Senator Edward Kennedy, "Pusher's Best Friend, the NRA", March 22, 1989 *NEW YORK TIMES*. See also P. Hamill, *NEW YORK POST*, "A Meeting of NRA's Harlem Branch", April 4, 1989, *LOUISVILLE COURIER-JOURNAL MAGAZINE*, Aug. 7, 1988, p. 6 ("The National Rifle Association, its propagandists and it supporters work day and night to make sure that every hood in the country can get his hands on a gun. They couldn't be more guilty if they stood there slipping pistols to the drug dealers and robbers. If justice were done, they would be in prison."). In fact . . . , the NRA has consistently supported, indeed is the principal architect of, laws comprehensively barring gun ownership by anyone who has been convicted of a felony. Cf. 82 *MICH. L. REV.* 209-210 (citing state laws

dating from the early 20th Century and federal laws from the 1930s through the present day).

31. A remark by N.Y. Governor Mario Cuomo who subsequently wrote the NRA to apologize because it is unintelligent and unfair" to "disparage any large group." TIME, May 27, 1985.

32. Editorial cartoon, MILWAUKEE JOURNAL, Jan. 22, 1989, p. 12J.

33. Ironically, the assassin, who was himself a gun control advocate, was legally licensed in one of the highly restrictive states that . . . require licensure to purchase a handgun. Moreover he obtained his license as a security guard, a status that would carry legal entitlement to a handgun under even the most stringent anti-gun proposals. Jacobs, "Exceptions to a General Prohibition on Handgun Possession" 49 LAW & CONTEMP. PROB. 5, 6-7 (1986).

34. Morin (Miami Herald) cartoon, ARIZONA REPUBLIC, March 21, 1989 (showing gun store with sign "drug dealers, gangs, welcome), Herblock cartoon, WASHINGTON POST, March 21, 1989 ("these guys who want to spray the streets with bullets"); SAN JOSE MERCURY-NEWS, March 3, 1989 ("I.Q.-47"), LOS ANGELES HERALD EXAMINER, January 31, 1989 (showing "Crips, Bloods and NRA" as "Three Citizen Groups Opposed to Outlawing Assault Rifles"), Interlandi cartoon, LOS ANGELES TIMES, Dec. 16, 1980.

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