

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL
ASSOCIATION, INC.; WESTCHESTER
COUNTY FIREARMS OWNERS
ASSOCIATION, INC.; SPORTSMEN'S
ASSOCIATION FOR FIREARMS EDUCATION,
INC.; NEW YORK STATE AMATEUR
TRAPSHOOTING ASSOCIATION, INC.;
BEDELL CUSTOM; BEIKIRCH AMMUNITION
CORPORATION; BLUELINE TACTICAL &
POLICE SUPPLY, LLC; BATAVIA MARINE &
SPORTING SUPPLY; WILLIAM NOJAY,
THOMAS GALVIN, and ROGER HORVATH,

Plaintiffs,

-v.-

ANDREW M. CUOMO, Governor of the State of
New York; ERIC T. SCHNEIDERMAN, Attorney
General of the State of New York; JOSEPH A.
D'AMICO, Superintendent of the New York State
Police; LAWRENCE FRIEDMAN, District
Attorney for Genesee County; and GERALD J.
GILL, Chief of Police for the Town of Lancaster,
New York,

Defendants.

13-cv-00291-WMS

DECLARATION OF WILLIAM J. TAYLOR, JR.

WILLIAM J. TAYLOR, JR., an attorney duly admitted to practice before this Court,
declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN,
Attorney General of the State of New York, attorney for defendants Andrew Cuomo, Governor
of the State of New York; Eric T. Schneiderman, Attorney General of the State of New York;

and Joseph A. D'Amico, Superintendent of the New York State Police (collectively, the "State Defendants") in the above-captioned action.

2. I submit this declaration in support of the State Defendants' Cross-Motion to Dismiss and/or for Summary Judgment and in Opposition to the Plaintiffs' Motion for a Preliminary Injunction, for the limited purpose of providing the Court with true and accurate copies of the following documents contained in the annexed Appendix, and referenced in the accompanying Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of State Defendants' Motion to Dismiss and/or for Summary Judgment, dated June 21, 2013, State Defendants' Statement of Undisputed Material Facts in Support of State Defendants' Motion for Summary Judgment, submitted herewith in support of the State Defendants' motion:

Exhibit	Exhibit Description
1	Amended Complaint, <i>New York State Rifle and Pistol Association, Inc. v. Cuomo</i> , Case No. 13-cv-00291 (W.D.N.Y.), ECF No. 17 (" Am. Cmpl. ")
2	Law Center to Prevent Gun Violence, <i>Introduction to Gun Violence Statistics</i> , Nov. 18, 2012 (" LCPGV Statistics ")
3	United States Centers for Disease Control, <i>2005-2010 United States Homicide Firearm Deaths and Rates per 100,000</i> (" CDC 2005-2010 ")
4	United States Centers for Disease Control, <i>2010 United States Firearm Deaths and Rates per 100,000</i> (" CDC 2010 ")
5	Governor's Program Bill, 2013, <i>Memorandum in Support of the Secure Ammunition and Firearms Enforcement Act</i> , 2013 N.Y. Laws, ch. 1 (the "SAFE Act") (" 2013 Governor's Mem. ")
6	New York State Assembly <i>Memorandum in Support of the SAFE Act</i> (" 2013 Assembly Memo ")
7	New York State Senate <i>Introducer's Memorandum in Support of the SAFE Act</i> , 2013 (" 2013 Senate Mem. ")

Exhibit	Exhibit Description
8	Violent Crime Control and Law Enforcement Act of 1994 (“ federal assault weapons ban ”), Public Law 103-22-Sept. 13, 1994,
9	House of Representatives Committee on the Judiciary Report 103-489, Public Safety and Recreational Firearms Use Protection Act, May 2, 1994 (“ Judiciary Comm. Report ”)
10	United States Bureau of Alcohol, Tobacco and Firearms (“ATF”), Firearms and Explosives Industry Division, <i>Study on the Importability of Certain Shotguns</i> , January 2011 (“ 2011 ATF Study ”)
11	ATF, <i>Report and Recommendation on the Importability of Certain Semiautomatic Rifles</i> , July 6, 1989 (“ 1989 ATF Study ”)
12	ATF, <i>Study on the Sporting Suitability of Modified Semiautomatic Rifles</i> , April 1998 (“ 1998 AFT Study ”)
13	Laws of New York, Chapter 189, Text (“ 2000 Assault Weapons Ban ”)
14	Governor’s <i>Program Bill Memorandum</i> , 2000 Assault Weapons Ban (“ 2000 Governor’s Mem. ”)
15	New York State Senate Introducer’s Memorandum in Support, 2000 Assault Weapons Ban (“ 2000 Senate Mem. ”)
16	New York Assembly Debate Excerpt, pp 161-168, June 23, 2000 (“ 6/23/2000 Assembly Debate ”)
17	New York Senate Debate Excerpt, pp. 6137-6152, June 22, 2000 (“ 6/22/2000 Senate Debate ”)
18	<i>Governor Proposes Five Point Plan to Combat Gun Violence</i> , Mar. 15, 2000 (“ Gov. 2000 Press Release ”)
19	ATF, <i>Report on the Importability of Certain Shotguns</i> , July 2, 2012 (“ 2012 ATF Study ”)
20	City of Buffalo, Chapter 180. Firearms, Arrows and Other Weapons (“ Buffalo Ordinance ”)
21	City of Rochester, Chapter 47. Dangerous Articles (“ Rochester Ordinance ”)
22	City of Albany, Chapter 193. Firearms and Ammunition (“ Albany Ordinance ”)
23	New York City Administrative Code, §§ 10.301, 10.303.1, 10.305, 10.306

Exhibit	Exhibit Description
24	Laws of New York, 2013, Chapter 1 (“ SAFE Act ”)
25	Governor’s Press Release, <i>Governor Cuomo Signs NY SAFE Act in Rochester</i> , January 16, 2013
26	New York State Assault Weapon Registration Form (“ Reg. Form ”)
27	New York State Assembly Debate Excerpt, pp. 65, 127, January 15, 2013 (“ Assembly Debate 1/15/13 ”)
28	Prepared Testimony by Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School, <i>Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment</i> , Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights. February 12, 2003, (“ 2013 Tribe Testimony ”)
29	Testimony of Brian J. Siebel, Senior Attorney, Brady Center to Prevent Gun Violence, before the Council of the District of Columbia, Oct. 1, 2008, Exhibit to Appellees’ Statutory Addendum, <i>Heller v. District of Columbia</i> , 10-7036 (“ Brady Center Testimony ”)
30	<i>The Return of the Assault Rifle; High-Powered Weapons Seem to be Regaining Their Deadly Role in WNY Crime and Violence</i> , The Buffalo News, Nov. 21, 2010, Lou Michel. (“ Buffalo News ”)
31	<i>Assault Weapons: Mass Produced Mayhem</i> , Brady Center to Prevent Gun Violence, October 2008 (“ 2008 Brady Report ”)
32	<i>Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003</i> , Christopher S. Koper, July 2004 (“ Koper 2004 ”)
33	<i>Banning Assault Weapons – A Legal Primer for State and Local Action</i> , Legal Community Against Violence, April 2004 (“ LCAV 2004 Primer ”)
34	<i>America’s Experience with the Federal Assault Weapons Ban, 1994-2004, Key Findings and Implications</i> , Christopher S. Koper (chapter in <i>Reducing Gun Violence in America: Informing Policy with Evidence and Analysis</i>) (“ Koper 2013 ”)
35	<i>Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report</i> . The Urban Institute, March 13, 1997 (“ Koper 1997 ”)

Exhibit	Exhibit Description
36	Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation, January 3, 2013 (“ Professors’ Statement ”)
37	“ <i>Officer Down</i> ”: <i>Assault Weapons and the War on Law Enforcement</i> , Violence Policy Center, May 2003 (“ VPC 2003 ”)
38	<i>More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines</i> , Mother Jones, Feb. 27, 2013, Follman, Aronson, Lee (“MJ 2/27/13”), available at http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein
39	<i>Analysis of Recent Mass Shootings, January 2009 – January 2013</i> , Mayors Against Illegal Guns (“ Mayors Analysis ”)
40	ATF, <i>Assault Weapons Profile</i> , April 1994 (“ ATF AW Profile ”)
41	Declaration of Mark Overstreet, <i>Heller v. District of Columbia</i> , 10-7036 (D.C. Cir.), ECF No. 23-7 (“ Overstreet Heller II Decl. ”)
42	<i>Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use: An Analysis of Federal Bureau of Investigation and National Crime Victimization Survey Data</i> , Violence Policy Center, 2013 (“ VPC 2013 Self-Defense ”)
43	<i>Private Guns, Public Health</i> , David Hemenway (U. Mich. Press 2007) (“ Hemenway 2007 ”)
44	The Gun Debate’s New Mythical Number: How Many Defensive Uses Per Year? Philip J. Cook; Jens Ludwig; David Hemenway, <i>Journal of Policy Analysis and Management</i> , Vol. 16, No. 3, Special Issue: The New Public Management in New Zealand and beyond. (Summer, 1997) (“ Hemenway, Cook 1997 ”)
45	Images of Rifles that are Not Classified as Assault Weapons (“ Non-AW Rifles ”)
46	Images of Pistols that are Not Classified as Assault Weapons (“ Non-AW Pistols ”)
47	Images of Shotguns that are Not Classified as Assault Weapons (“ Non-AW Shotguns ”)
48	New York Assembly Debate Excerpts, pp. 282-284, 297, 342, Mar. 28, 2013, (“ 3/28/13 Assembly Debate ”)
49	<i>The Police Department’s 9-Millimeter Revolution</i> , The New York Times, Feb. 15, 1999, Raymond W. Kelly (“ NYT Opinion 1999 ”)

Exhibit	Exhibit Description
50	Brief for Professional Historians and Law Professors Saul Cornell, Paul Finkelman, Stanley N. Katz, and David T. Kong As <i>Amici Curiae</i> in Support of Appellees, <i>Heller v. District of Columbia</i> , 10-7036 (D.C. Cir.), ECF No. 1266982 (“ Heller Historians Brief ”)
51	<i>On Target: The Impact of the 1994 Federal Assault Weapon Act</i> , Brady Center to Prevent Gun Violence, March 2004 (“ Brady 2004 Impact Study ”)
52	New York State Assembly Debate Excerpt, pp. 13-14, 18-19, May 24, 2005 (“ 5/24/05 Assembly Debate ”)
53	New York State Assembly Debate Excerpt, pp. 62-72, Jan. 9, 2006 (“ 1/9/06 Assembly Debate ”)
54	<i>United States of Assault Weapons, Gunmakers Evading the Federal Assault Weapons Ban</i> , Violence Policy Center, July 2004 (“ VPC July 2004 U.S. of AW ”)
55	<i>A Further Examination of Data Contained in the Study On Target Regarding Effects of the 1994 Federal Assault Weapons Ban</i> , Violence Policy Center, April 2004 (“ VPC 2004 Further Exam. of On Target ”)
56	<i>In Virginia, high-yield clip seizures rise</i> , Washington Post, Jan. 23, 2011 (“ WaPo 1/23/11 ”), available at http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452.html
57	<i>High-capacity magazines saw drop during ban, data indicate</i> , Washington Post, Jan. 13, 2013, available at http://articles.washingtonpost.com/2013-01-10/news/36272948_1_magazines-and-assault-weapons-33-round-magazine-high-capacity-magazines
58	<u>Collected Articles</u> : <i>Heroes of the Tuscon Shooting: “Something Had to be Done,”</i> ABC News, Jan. 10, 2011; <i>Texas Capitol Gunman Was Reloading When Troopers Tackled Him</i> , 10KWTX, Jan. 22, 2010; <i>Church Gunman Brought 76 Shells and Expected to Use Them</i> , ABC News, July 28, 2008; <i>Shootings in a Schoolhouse: The Hero; A Wounded Teenager</i> , NY Times May 23, 1998; <i>Death on the L.I.R.R.: The Rampage; Gunman on a Train Aisle Passes Out Death</i> , NY Times Dec. 9, 1993.
59	Testimony of Chief Jim Johnson, Baltimore County, Maryland, Chair, National Law Enforcement Partnership to Prevent Gun Violence, Senate Judiciary Committee Hearing, Jan. 30, 2013 (“ Baltimore Police Chief Testimony ”)
60	Excerpts from Amended Complaint New York State Rifle and Pistol Association, Inc. v. City of New York, 13-2115 (S.D.N.Y)

Exhibit	Exhibit Description
61	Images from SAFE Act website, Pictures of Rifles – Banned Features (“ Banned Rifles ”)
62	Images from SAFE Act website, Pictures of Shotguns – Banned Features (“ Banned Shotguns ”)
63	Images from SAFE Act website, Pictures of Pistols – Banned Features (“ Banned Pistols ”)
64	<i>The Criminal Purchase of Firearm Ammunition</i> , Injury Prevention, 2006 (“ Criminal Purchase ”)
65	Images from SAFE Act website, Listing of Rifles that Are Classified as Assault Weapons (“ AW Rifles ”)
66	Images from SAFE Act website, Listing of Shotguns that Are Classified as Assault Weapons (“ AW Shotguns ”)
67	Images from SAFE Act website, Listing of Pistols that Are Classified as Assault Weapons (“ AW Pistols ”)
68	Bureau of Justice Statistics, <i>Selected Findings: Guns Used in Crime</i> , July 1995 (“ Guns in Crime BJS 1995 ”)
69	SAFE Act Amendment
70	<i>Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation</i> , January 3, 2013 (“ Professors’ Statement ”)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in New York, New York, this 21st day of June, 2013.

Dated: New York, New York
June 21, 2013

/s/ William J. Taylor, Jr.
William J. Taylor, Jr.



**IMAGES OF PISTOLS THAT
ARE NOT CONSIDERED
ASSAULT WEAPONS**



Pistols Not Assault



Ruger LCR 22 LG



Ruger GP 100



Pistols Not Assault



Ruger Redhawk



Ruger Super Blackhawk

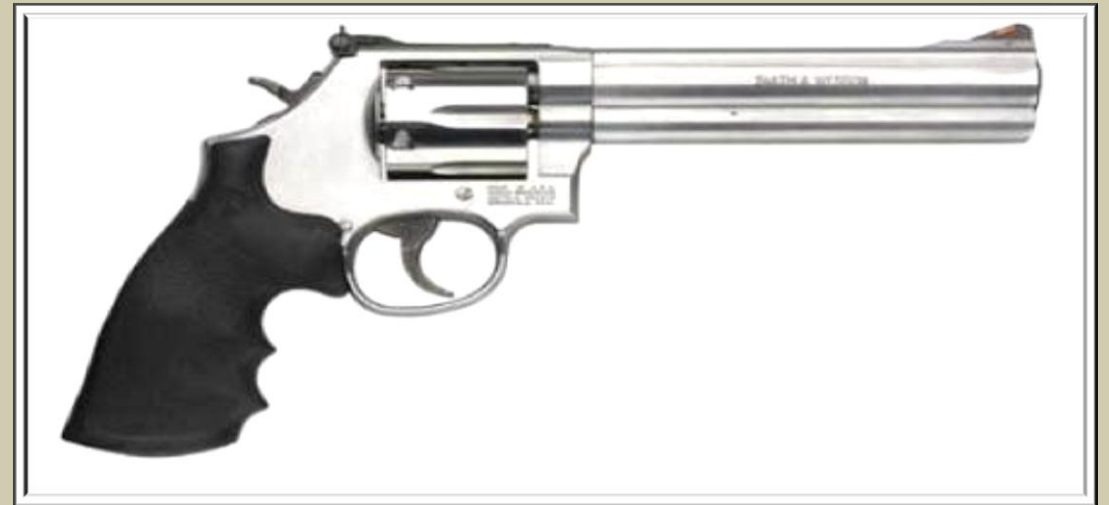


Pistols

Not Assault



Ruger SP101



S&W 686



Pistols Not Assault



**Charter Arms Model
53840**



Charter Arms Pathfinder



Pistols Not Assault



Colt King Cobra



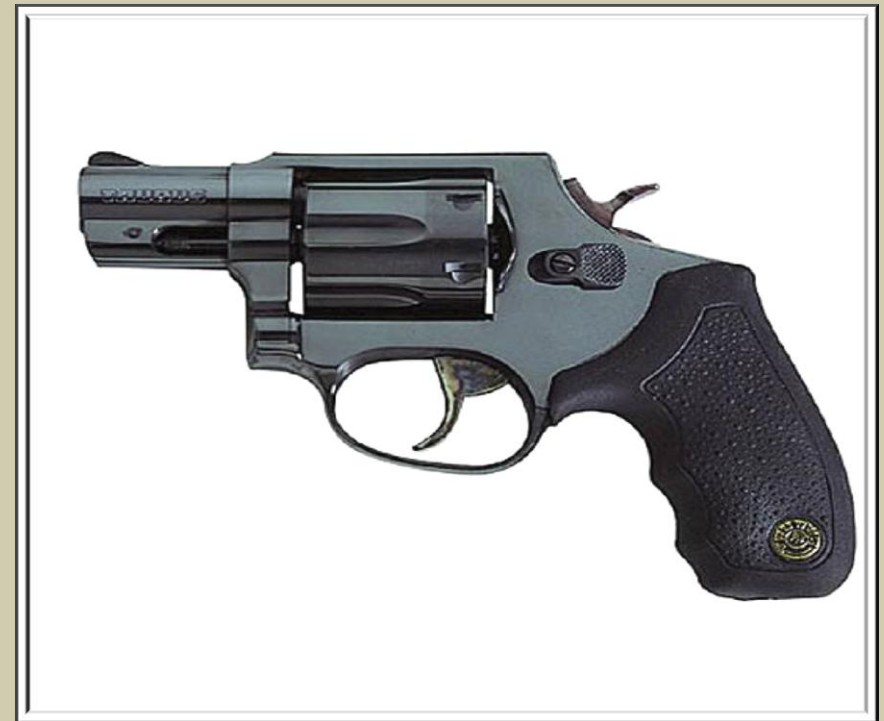
Rossi R35102



Pistols Not Assault



Taurus Tracker



Taurus Model 617



Pistols Not Assault



S & W Model 36



Pistols Not Assault



ATI FX45



Beretta BU9



Pistols Not Assault



Colt Series 70



Pistols Not Assault



Glock 36



Kahr MK9



Pistols Not Assault



Kahr PM40



Kahr PM45



Pistols Not Assault



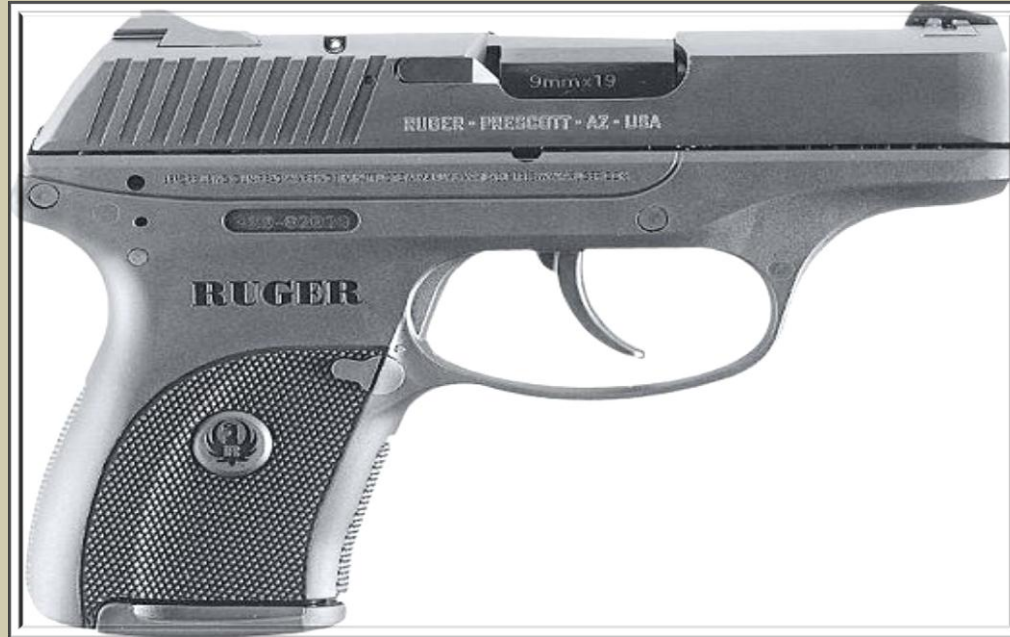
Kel Tec P32PK



Kimber Solo Carry



Pistols Not Assault



Ruger LC9



Pistols Not Assault



S&W 1911



Sig Sauer P239



Pistols Not Assault



Sig Sauer P290



Colt 380 Mustang



**IMAGES OF SHOTGUNS THAT
ARE NOT CLASSIFIED AS
ASSAULT WEAPONS**



Pump Action Shotguns Not Assault



Mossberg 500



Ithaca 37



Pump Action Shotguns Not Assault



Mossberg 535



Winchester SXP Turkey



Pump Action Shotguns Not Assault



Browning BPS 12 GA



Winchester 1300



Pump Action Shotguns Not Assault



Browning BPS Stalker



IAC Hawk 982



Pump Action Shotguns *Not Assault*



Winchester Model 12



Remington Model 870



Side by Side Shotguns Not Assault





Side by Side Shotguns Not Assault



Charles Daly Model 306



Winchester Model 24



Side by Side Shotguns Not Assault





Side by Side Shotguns Not Assault



Saxton 12 GA



Side by Side Shotgun Not Assault





Over/Under Shotguns Not Assault



Ruger Red Label



Mossberg Silver Reserve



Over/Under Shotguns Not Assault





Semiautomatic Shotgun Not Assault



Beretta 3901



Browning Maxus

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you rise?

MR. LENTOL: I just wonder if Mr. Farrell would suffer an interruption or Mr. McLaughlin would suffer an interruption and allow me to answer the question?

MR. MCLAUGHLIN: Yes, absolutely, Joe.

MR. LENTOL: If you would restate the question, I'd be happy to answer it, Mr. McLaughlin.

MR. MCLAUGHLIN: When we passed the SAFE Act 50-something days ago and we brought up then the flaws that we are addressing now, all of it was brought up by this Chamber, this side of the aisle, all of it. So originally, when we passed the bill there was the exemption -- there was no restriction on somebody shooting at a range. Ten rounds was always the limit, right?

MR. LENTOL: Yes.

MR. MCLAUGHLIN: Okay, that remains the case right now.

MR. LENTOL: Yes.

MR. MCLAUGHLIN: Right. And I believe it was you and I that had a nice spirited debate and when I said, *What would you say to somebody in their home that was under, attack*, your answer was, *Change the clip*. Even those it's a magazine, change the clip. With this amendment today none of that changes.

MR. LENTOL: I can amplify that answer and I did after you brought it up because I didn't think about it as quickly as I should have on my feet, but the very best answer to the question is if I

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were afraid for my safety and I owned a gun and I thought that seven rounds were not enough for the gun that I owned, I would have another gun or another gun after that. I would have two guns so to protect my family --

MR. MCLAUGHLIN: So just line the guns up.

MR. LENTOL: -- to protect my family I would do what it takes in order to protect my family and, at the same time, try to comply with the law because I know, as well as you know, the gun owners of this State -- my brother is an NRA member and he is very, very interested in what goes on in this Legislature and we have a spirited discussion all the time about this issue and I believe, I believe that most of the gun owners, if not 99 percent of the gun owners, are law-abiding citizens.

MR. MCLAUGHLIN: Well, they were until you passed this act.

LENTOL: They would want to abide by a law that was passed by this Legislature to protect the people of the State and if that meant seven rounds in a clip or a magazine or whatever you want to call it, they would abide by that ruling and if they thought it wasn't enough to protect their family they would take measures to do so.

MR. MCLAUGHLIN: They were law-abiding. They remain law-abiding.

MR. LENTOL: Yes, they do.

MR. MCLAUGHLIN: This act made them not be law-abiding if they choose to protect their family with commonly-used

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firearms and commonly-used magazines, but we'll be debating that in court shortly, Joe. You are seriously telling me, after the debate we previously had, where you said, *Change the clip*, even though it's a magazine, you are seriously now telling me that somebody should line the guns up and that would give them seven, seven, seven, seven, however many guns they have lined up rather than the commonly used ten round magazine?

MR. LENTOL: That's not in this bill. I was just suggesting that answer as another answer and maybe I didn't say it artfully enough. Not being a gun owner, maybe *Change the clip* was not the right thing to say. Maybe replacing the magazine. And I have seen my brother replace the magazine in his 9-millimeter and he can do it pretty quickly.

MR. MCLAUGHLIN: So can a criminal. So can a criminal.

MR. LENTOL: Absolutely.

MR. MCLAUGHLIN: So you're expecting the law-abiding citizen, rural Upstate New York, I have got Washington County, Rensselaer County, Columbia County. Washington County, Rensselaer County, Columbia County late at night, two sheriffs on duty, maybe a Trooper or two, they might be busy on a DUI call, domestic dispute, something else, but you're expecting them -- what we have been told is that -- I mean, this has just gone from bad to worse, but we have been told that you should wait for them to stop shooting and then charge them. That was one of the suggestions. The

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MR. GRAF: I believe she has 15 bullets.

MR. FARRELL: No. How much did it hold then?

Do you remember?

MR. GRAF: I don't know.

MR. FARRELL: Just to remind you --

MR. GRAF: I'm told it's 15.

MR. FARRELL: No. That's what it carried. They didn't carry those in those days. When we passed the bill that gave them the guns, what we said was they had to stay below -- they carried 9 in there at the time, instead of the 16. And you didn't go -- you didn't go up to the 16 until Giuliani became the Mayor and then he reversed it. But to point out that that magazine could be used and locked with a block that allowed it to carry a lesser amount.

MR. GRAF: Okay.

MR. FARRELL: I just thought you might have carried one of those. Okay. Your question.

MR. GRAF: No, I had a Smith & Wesson, unfortunately.

MR. FARRELL: Old-fashioned.

MR. GRAF: My problem with this is the retirees, the retired cops are not exempt here. We're not doing anything with the retired cops, right?

MR. FARRELL: Yes; we're not.

MR. GRAF: Okay. Now, I've talked to a lot of members. The New York City Police Department has what they call a

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world that do that. So, I wouldn't say that Hollywood specifically glorifies violence, I would say it's more glorified in, you know, the "Grand Theft Auto" and all of the discs that you can buy, especially kids can buy.

MR. MCLAUGHLIN: But not "Die Hard" and "Rambo?"

MR. LENTOL: Well, I think that's normal. Those type of movies have been produced for a long period of time now.

MR. MCLAUGHLIN: Okay. Earlier you had said that you thought the answer might be rather than to allow the people of New York ten rounds to defend themselves in rural Upstate New York, you said that the answer may be to buy another gun; is that accurate?

MR. LENTOL: No. I said that, you know, somebody who wanted to protect themselves and thought that they had, you know, difficulty in their lives where they needed the security of a weapon may want to have more than one. And they may have more than one now, for all I know.

MR. MCLAUGHLIN: Many, many people do have more than one. In Texas that's called a gun collection.

MR. LENTOL: So, I know that -- people I know who own guns have several guns.

MR. MCLAUGHLIN: Right. In Texas they call it a gun collection, in New York they call it an arsenal, so... So, they can own, right now, plenty of guns, so that's not really the issue. The issue

The New York Times**Opinion****The Police Department's 9-Millimeter Revolution**

By Raymond W. Kelly
Published: February 15, 1999

The tragic death of Amadou Diallo in a barrage of police gunfire requires us to look back at how New York City police officers went from carrying virtually any weapon they wanted to the current high-capacity, semi-automatic pistols that allowed 41 shots to be fired at Mr. Diallo in a matter of seconds.

When I was New York Police Commissioner, I sat at the same desk Theodore Roosevelt used when he held the job in the 1890's. It served to remind me of the reforms he brought to American law enforcement, including the standardization of weapons. Before Roosevelt insisted that they be issued the same revolvers, individual New York City police officers carried any weapon they liked, regardless of firepower or reliability.

As a result of Roosevelt's reforms, New York City police officers were required to carry a six-shot, .38-caliber revolver as their on-duty weapon for most of the 20th century. It was reliable and easy to maintain. It also provided better or equal firepower in most gunfights. Most criminals were armed with cheap, easily concealed, small-caliber guns -- "Saturday night specials" that were no match for superbly manufactured Smith & Wesson or Colt police revolvers.

Things changed, however. By the mid-1980's, the streets of most American urban centers were awash in narcotics, cash and "nines," or 9-millimeter semi-automatic pistols that became the weapon of choice for drug dealers. They were light and accurate and carried a capacity of up to 16 rounds. For more firepower, street criminals relied on machine pistols and other high-capacity, high-velocity guns. Their use in drive-by shootings killed or wounded scores of innocent bystanders, including children, whose mounting fatalities prompted the Dinkins administration to hire thousands of new police officers in the early 1990's.

Semi-automatics in the hands of criminals posed another problem. They outgunned the police. Criminals not only had the advantage of greater bullet capacity, but they could also reload much faster after they emptied their guns. Officers with revolvers faced the choice of reloading one bullet at a time or using a so-called speed loader, which involved the insertion of five or six bullets at a time if done just right. But neither method could compete with the speed and ease of dropping a magazine from a semi-automatic pistol and replacing it with another 16-bullet clip. The difference was demonstrated most dramatically during a 1986 gunfight in which an outlaw executed Scott Gadell, a New York City police officer who was in the process of reloading his revolver.

Most other major police departments and Federal law enforcement agencies had already switched to semi-automatics by the time I authorized their use by New York City police officers in September 1993. I approached the decision slowly and deliberately -- and after careful testing -- because more was at stake in densely populated New York than in smaller cities. The semi-automatic's capacity, and the potential for overshooting, still concerned me. So I directed that the guns' magazines be reconfigured to limit capacity to 10 rounds. The decision was not popular in the Police Department, but I thought the precaution necessary given the vagaries of policing New York.

After I left the Police Department, in 1993, that restriction was lifted. Now may be the time to re-impose it and to intensify training that teaches police officers to hold their fire until they know why they are shooting.

Raymond W. Kelly was the Police Commissioner of New York City in 1992 and 1993.

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