

P.O. BOX 6567, ALBANY, NEW YORK 12206  
(518) 438-9422



April 15, 2013

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol  
Albany, New York 12224

The Honorable Sheldon Silver  
Speaker, New York State Assembly  
Legislative Office Building, Room 913  
Albany, New York 12248

The Honorable Dean G. Skelos  
Temporary President  
New York State Senate  
Legislative Office Building, Room 909  
Albany, New York 12247

The Honorable Jeffrey D. Klein  
Temporary President  
New York State Senate  
Legislative Office Building, Room 913  
Albany, New York 12247

The Honorable Neil D. Breslin  
New York State Senator  
172 State Street Room 414, Capitol  
Albany, New York 12247

The Honorable Cecilia Tkaczyk  
New York State Senator  
Legislative Office Building, Room 311  
Albany, New York 12247

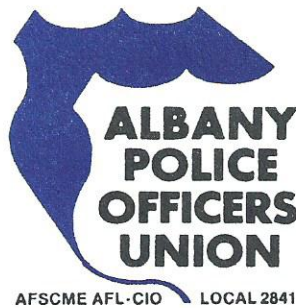
The Honorable John T. McDonald III  
New York State Assemblyman  
Legislative Office Building, Room 913  
Albany, New York 12248

The Honorable Patricia Fahy  
New York State Assemblywoman  
Legislative Office Building, Room 458  
Albany, New York 12248

The Honorable Phil Steck  
New York State Assemblyman  
Legislative Office Building, Room 819  
Albany, New York 12248

Honorable Ladies and Gentlemen:

The Albany Police Officers Union condemns and opposes the New York Secure Ammunition and Firearms Enforcement Act (the "SAFE Act"). Substantively, we believe that it violates fundamental constitutional rights, that it



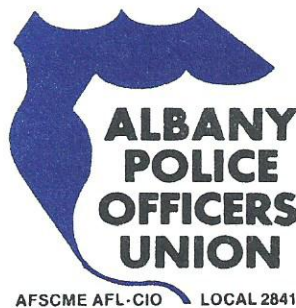
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is unduly and purposely burdensome on law-abiding citizens, and that it will not deter criminals or mentally ill individuals from plotting and carrying out bloodshed and violence. Procedurally, we believe that the way in which the bill was rammed into law via an unjustified and expedient "message of necessity", which circumvented the right and the ability of the citizens of this State to voice their concerns about the bill and have them addressed, is an outrage. This flawed law, and the way in which it was rushed and passed, shows the apparent contempt that those who govern have for the governed, and calls into question whether we truly have a representational government. Morally, we believe that this law is about ideology and politics and not about making anyone any safer. We respectfully demand that you do the right thing and repeal the law.

First, while we applaud and support your overall concern for public safety and your desire to improve it, the SAFE Act will not improve public safety. Criminals and the mentally ill will not abide by it, and it is either foolish or dishonest to think or suggest otherwise. While law-abiding citizens will abide by the law and not load a ten-round magazine with more than seven rounds, do you really expect a criminal or mentally ill individual intent on doing violence not load ten rounds into a ten-round magazine? While law-abiding citizens will abide by the law that previously legal thirty-round magazines must be sold within one-year to an out-of-state resident or turned in to local authorities, do you really expect a criminal or mentally ill individual intent on doing violence to sell or turn in his thirty-round magazines? While law-abiding citizens will abide by the law requiring that they register weapons which they already own and which have been deemed "assault weapons", do you really expect a criminal or mentally ill individual intent on doing violence to do so? Do you really expect a criminal or mentally ill individual intent on doing violence to be concerned about any increase in penalties for shooting first responders? Do you really expect that a mentally ill individual who owns firearms and who is intent on doing violence will voice his intentions to his or her mental health professional and thus put into motion the confiscation of his or her firearms? Do you really expect that a mentally ill individual will "safely store" his firearms? Of course you don't. Again, only law-abiding citizens, who are not intent on doing violence, will abide by the SAFE Act -criminals and the mentally ill who are intent





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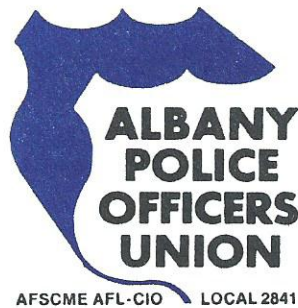
on doing violence will not do so. The public will not be any safer under this law. What then, have you accomplished?

Second, the SAFE Act carries with it unfair burdens on law abiding citizen gun owners. What is the point of making law-abiding citizens register their previously lawfully owned and lawfully used firearms which are now deemed to be "assault weapons"? What is the point of making law-abiding citizens who own affirmatively "opt into" protection from public identification that they hold permits or own firearms? What is the point of making law-abiding citizens renew their pistol permits or "assault weapon" registrations every five years? Why are you preemptively punishing those who have done nothing wrong?

Third, we firmly believe that the SAFE ACT broad prohibitions against will not withstand constitutional challenge and scrutiny. The Second Amendment to the U.S. Constitution provides and U.S. Supreme Court has repeatedly upheld the right of individuals to possess and carry firearms and to use them for lawful purposes. The SAFE Act, however, infringes on that right as it bans the possession and use of certain firearms that were heretofore possessed and used lawfully for the defense of life, liberty, and property, and as it bans the possession and use of certain firearms that were heretofore possessed and used lawfully for safe forms of firearms recreation, hunting, and shooting.

We as police officers are on the front lines of public safety. Respectfully, none of you are. We see, feel, work, and live with the effects of gun violence in ways that you do not. We believe that you see gun violence as a means to move your agenda and your ambitions forward. You know that the SAFE Act will not work in the way that you pretend it will. You know that this shameful SAFE Act was about ideology and politics and not about making anyone safer.

Regarding the reduction in violent crime this new legislation is proposed to have, in 2011, the most current year for which FBI crime statistics are available, New York State had 774 homicides, 445 were committed with a firearm, 394 of that 445 were committed with a handgun, 5 were committed with a rifle, 16 were committed with a shotgun, in 30 the firearm type was unknown, 160 were



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committed with a cutting instrument, 143 were committed with another type of weapon, and 26 were committed with bare hands. We believe based on these statistics that the SAFE Act will do nothing to reduce violent crime as the primary target of the legislation is the "assault rifle" which would be included statistically with standard rifles and were used in less than 1% of New York Homicides in 2011. These so called "Assault Weapons" were not used in the commission of one reported crime in Albany County in 2011.

For the reasons set forth above, the Albany Police Officers Union believes that the SAFE Act is wrong – substantively, procedurally, and morally. The SAFE Act infringes on the rights of law-abiding citizens, it will burden and negatively impact lawful firearms ownership by law-abiding citizens and it will not affect the willingness of criminals or those who are mentally ill from perpetrating violence. Again, we respectfully demand that each and all of you do the right thing and repeal the law.

Very truly yours,

Thomas Mahar  
President  
Albany Police Officers Union, Local 2841  
Council 82, AFSCME, AFL-CIO