

Guest Editor's Foreword

By Daniel L. Feldman

As far as I can tell, this issue of the *Government, Law and Policy Journal* presents the first major published symposium on firearms, public safety, and the law since the second issue of *Albany Government Law Review* in 2008. It brings together cutting-edge thoughts on these matters from some of the most prominent scholars, advocates, and government officials currently active in the field. They do not always agree with each other, but together they provide solid facts and analysis upon which judges, legislators and executives should be able to base sound and informed decisions. I am deeply grateful to the authors of these articles for their outstanding contribution to the public interest.



David D. Jensen, a prominent Second Amendment solo practitioner who often represents defendants accused of firearms possession violations, leads off our discussion of legislation with a masterful history of New York's Sullivan Law at its 100th anniversary. Jackie Hilly, executive director of New Yorkers Against Gun Violence, addresses the legislative picture in New York from what is of course the opposite perspective, explaining why and how gun control laws need to be strengthened, especially at the federal level. Laura Cutiletti and Julie Leftwich, of Legal Community Against Violence, experts in state gun control laws across the country, deem New York's gun laws relatively strong and effective, but suggest that New York could nonetheless benefit from the examples of some other states' initiatives. New York State Assembly Member Michelle Schimel (who happens to represent my own neighborhood, and quite well at that) and State Senator José Peralta lead the effort in our State to advance one legislative initiative strongly urged by Hilly, Cutiletti and Leftwich: requiring "microstamping" of bullets. They have each given us an article on the subject. Interestingly, they offer somewhat different rationales.

I asked my friend Tom King, president of New York's Rifle & Pistol Association, to find an appropriate expert who could represent the views of his organization. Stephen P. Halbrook, another prominent Second Amendment solo practitioner, who has also published extensively on the subject of gun owner rights, answered Tom's call with a fine submission in that regard on constitutional and statutory interpretation. Robert Spitzer, Distinguished Service Professor at SUNY Cortland and the author of *The Politics of Gun Control*, among other books, provides an equally fine opposing submission on the same subject.

Three leading attorneys at the Brady Center to Prevent Gun Violence's Legal Action Project, Daniel R. Vice, Jonathan E. Lowy, and Robyn Long have performed the impressive feat in their article of giving litigators a practical road map that may enable them to win civil lawsuits against culpable gun merchants despite the 2005 federal Protection of Lawful Commerce in Arms Act.

Philip Cook, Senior Associate Dean for Faculty and Research at Duke University's Sanford School of Public Policy and a leading national expert on the costs of gun violence, gives us answers to important questions on the basis of empirical and statistical research.

Richard Aborn, the president of New York's Citizens Crime Commission and a longtime gun control activist, with his associate at the Constantine Cannon law firm, Marlene Koury, offer an insightful overview of the current politics of firearms control. From a different but comple-

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We have a truly stellar group of contributors. We have contributors from the most prestigious gun control organizations: the Brady Center, New Yorkers Against Gun Violence, the Violence Policy Center, the Center to Prevent Youth Violence, and the Legal Community Against Gun Violence. The head of New York's Citizens Crime Commission has given us an article. We have a prominent contributor recruited for us by New York's premier gun rights organization, the New York Rifle and Pistol Association. Another of the most prominent gun-rights legal scholars has given us a history of New York's Sullivan Law. The Assembly Member and State Senator respectively leading the charge for the most cutting-edge gun control legislation in New York have each given us a contribution. One of the foremost experts on the overall costs of gun violence, another on the medical costs, and a third on the politics of gun control, have each authored articles for us. (That makes thirteen, and we will have only twelve articles, but I double-counted—one "foremost expert" is also a contributor from a "prestigious gun control organization.")

mentary perspective, centered on the massacre of fellow soldiers by Major Nidal Hassan at Fort Hood in 2007, using a high-capacity personal handgun, Tom Diaz does the same. Diaz, the author of *Making a Killing: The Business of Guns in America*, among other publications, serves as senior policy analyst at the Violence Policy Center.

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Finally, Dan Gross and Alison Dickin, of the Center to Prevent Youth Violence, suggest that if public safety advocates are frustrated by political and statutory barriers to gun control, they may nonetheless achieve important goals by employing appropriate messaging in social action.

With the publication of this issue of the *Government, Law and Policy Journal*, we have advanced the front lines of thinking about the relationships among firearms, law, and public safety. If our contributing authors reap the reward their efforts merit, they will have advanced the front lines of public policy as well.

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After practicing securities litigation at a major law firm, in 1974 he became executive assistant to then-Member of Congress Elizabeth Holtzman, and in 1977, he became investigations counsel to then-New York State Assembly Member Charles Schumer.

Elected to the State Assembly from the 45th district in Brooklyn in 1980, between 1981 and 1998, Mr. Feld-

man authored over 140 laws, including New York's Organized Crime Control Act and New York's Megan's Law. As Correction Committee chair for twelve years, he led some of the first efforts to repeal the Rockefeller drug laws.

From 1999 to 2005, on the senior staff of Attorney General Eliot Spitzer, he initiated or contributed significantly to litigation against handgun manufacturers, a major real estate fraud investigation, and significant settlements with prominent banking and insurance companies, while advising the Attorney General on criminal justice legislation and election reform. Subsequently, as Executive Director and General Counsel to the New York State Trial Lawyers Association, he oversaw research, lobbying, finance, legal education, business relationships, a \$5 million annual budget and a 22-member staff. Then, as Special Counsel for Law & Policy from 2007 to 2010, Mr. Feldman advised the New York State Comptroller, Thomas P. DiNapoli, on a wide range of issues including investment policy, economic development, supervision of outside counsel, Retirement System hearings, and the administration of the unclaimed funds program.

A graduate of Columbia College and Harvard Law School, since 1977 Mr. Feldman has taught law, government, and political philosophy at various prominent universities in the Northeast, and lectured on jurisprudence at Oxford University in 1982 and 1990. His first book, *Reforming Government*, was published in 1981, and his second, *The Logic of American Government*, in 1990, both by William Morrow & Company. He was Legislative Editor and co-author of a third book, *New York Criminal Law*, published by West Publishing Company in 1996. He wrote his fourth book, *Tales from the Sausage Factory*, with co-author Gerald Benjamin, published by the State University of New York Press in September 2010. Feldman's articles on American law and government have appeared in numerous scholarly and professional journals, and he served as a member of the Editorial Board of *Public Administration Review* from 1992 to 2000.

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