Murder in City Hall

by {ga=jvitullomartin}
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In the short time since Councilmember James Davis was murdered July 23rd in the City Council's chambers on the second floor of City Hall, New Yorkers have struggled to make sense of this homicide, to little avail. Our bafflement is in part due to the historical peculiarity of the crime. Until Wednesday, City Hall was, and always had been, one of the safest places in New York. Davis's murder was unprecedented. Historians have been unable to find any record of any other murder in City Hall itself.

Just as puzzling as Davis's brutal murder is his public persona that combined charm and coercion. He was an affable, charming, conscientious official who had fought powerful establishment organizations--the Brooklyn Democratic machine and the City Council leadership--but maintained friendships with his opponents. Indeed, his two most influential antagonists, City Council president Gifford Miller and Brooklyn Democratic boss Clarence Norman, both praised him lavishly after his death. Even his killer, Othniel Askew, was a political rival whom he had befriended and, he believed, won over. Yet Askew's rage was so great that he emptied his gun into Davis's body, shooting all seven bullets, according to Police Commissioner Ray Kelly. Kelly also said Askew was carrying more bullets in his sock.

The only mayor ever gunned down while in office was William Gaynor, who was shot across the river from City Hall, in Hoboken, New Jersey, in August 1910. James Gallagher, a former city employee who had been laid off during Gaynor's fiscally stringent administration, leapt to the podium where Gaynor was speaking and shot him in the back of his neck, just below his right ear.

Gallagher had repeatedly written the mayor and other officials and shown up at City Hall, asking to be reinstated in his job. After he was wrestled to the ground by a mayoral bodyguard, he was found to be carrying in his pocket a letter from the mayor's secretary: "He can do nothing for you in the matter in which you write."

The city was stunned. A mayoral aide said that "public office is no longer safe." State legislators apparently agreed, and passed the Sullivan law in 1911, which required that handgun owners apply for permits from the police department. This was the first step in the long process culminating in New York City's having the most stringent gun control procedures in the

country--procedures that were not successful, however, in keeping a gun out of the hands of Davis's killer. In fact, Askew had followed the well-worn path of thousands before him by buying a handgun in North Carolina, which has almost no gun regulation, and transporting it to New York, probably by truck. Commissioner Kelly told New York One that "we're plagued by guns bought elsewhere," naming such Southern states as Georgia and Alabama.

Councilmember Davis was himself armed. As a former police officer, he held onto his service weapon and to the permit that came with it. Acquaintances said he was proud of the gun and would sometimes whip open his coat to show it. One of the most sensible recommendations subsequently implemented at City Hall is a ban on all guns other than those carried by police officers on duty. Most New Yorkers are surely amazed to have found out that procedures were ever otherwise. After all, a gun permit does not entitle the holder to carry a gun everywhere.

Mayor Gaynor survived his shooting for three more years, but in great pain, with the bullet permanently lodged beneath his right ear. Councilmember Davis was dead on arrival at the hospital that afternoon. Both were murdered by angry men, perhaps deranged men, in circumstances in which they should have been safe. Gallagher was found to be suffering from paresis and was confined to the New Jersey Hospital for the Insane, where he died, according to Gaynor biographer Lately Thomas. Askew's life is now being investigated by the NYPD, though his family expressed surprise and shock at the killing.

Ironically, during a July 17 interview with Brooklyn-based freelance writer Carla Thompson, the late council member spoke of the importance of psychological testing in the issuance of gun permits. "We are failing across the board in psychological testing. People who have gun permits need to be screened," said Davis. He recommended screening for potential foster parents and cops on the beat. "[Cops] are screened at first, but who's to say he or she doesn't get burned out? They need to be re-screened." He added, "You can't check enough. When you have a wait-and-see attitude, tragedies happen."

And a tragedy did happen, though we do not know yet whether Askew--like his predecessor Gallagher--was mentally unstable. What we do know is that the ancient principle of assassinations still stands--a killer who is willing to die cannot easily be deterred. Add to that the oddity of Davis's having let his murderer bypass the gun-detection machines and we have a new scenario for the future: everyone, including the mayor and visiting dignitaries, will be required to go through security machines.

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What are we to conclude from this murder carried out in the very heart of City Hall? First, the NYPD performed flawlessly. A young plain-clothes officer shot and killed the assailant, without wounding any bystander. Second, the NYPD moved into a high terrorism alert, but calmly and methodically. As it uncovered the facts of the homicide, the department reopened the Brooklyn and Manhattan bridges and Lower Manhattan.

This murder did not represent a lapse in police judgment requiring punishment or reform, but rather a lapse in judgment by the promising politician who waved his killer past police barriers.

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