

On Gun Control, Cuomo Trades Transparency For Results

by David Howard King
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ALBANY, N.Y. — The landmark package of gun control measures that Gov. Andrew Cuomo championed and signed into law yesterday was expedited through the state Legislature with little public review.

The governor used his executive powers to suspend a constitutionally mandated three-day waiting period between when a bill is introduced and voted on to get rank-and-file legislators to act quickly to pass the measures. In doing so, New York became the first state to pass gun

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control legislation since the school massacre in Newtown, Conn.

But Cuomo's move to accelerate passage of the legislation angered good government groups, elected officials and the National Rifle Association, all of whom blasted Cuomo for using a so-called "message of necessity" to get the job done.

During an over four-hour-long debate on the measures in the Assembly yesterday, Republican member Steve Katz called Cuomo's push for the bill a "misguided, egotistic notion that this will advance his presidential aspirations" and asked, "Why are we being bullied into voting on this bill without proper, responsible due diligence?"

Several elected officials in New York City praised the passage of the measures. Mayor Michael Bloomberg said state leaders "have shown that it's possible to act quickly — and in a bipartisan fashion — to enact gun laws that will make our communities safer."

Members of the New York state Senate received copies of the 78-page gun control package shortly before 11 p.m. Monday, and had little time to digest the measures before they were called to vote on them. It wasn't until yesterday that the Assembly got to pour over the measures.

Cuomo said that gun violence constituted an emergency, requiring fast action by legislators.

"It wouldn't make a heck of a lot of sense to announce a ban three days later and generate hundreds and hundreds of sales in the assault weapons in the state when we're trying to ban those sales," Cuomo told reporters on Monday. "If there is an issue that fits the definition of necessity in the state of New York today, I believe it is reducing gun violence."

Cuomo has commonly used messages of necessity to get major packages of legislation passed, allowing him to get a deal that was negotiated behind closed doors to a vote before rank-and-file legislators, the public or interest groups have a chance to react. Most notably, in 2012, he used four messages to push through a series of back-room deals overnight that came to be known as "The Big Ugly"

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"Three days of debate, everyone has an opinion, it's entirely transparent, we never reach resolution," Cuomo told The Associated Press in December 2011. "I get 100 percent for transparency. I get zero for results."

Russ Haven of NYPIRG, which also criticized how the measures were passed, said the governor had reduced the use of messages of necessity since taking office. "But for big packages and deals, messages are used to get bills over the goal line to make sure members don't get cold feet," Haven said.

Cuomo has used messages of necessity 35 times since taking office — 29 times during his first term in 2011, five times in 2012 and once so far this year.

But he isn't the only governor to rely on the practice, even though they are supposed to be used in the case of emergencies. In contrast, Gov. David Paterson issued 57 messages in 2010; Gov. Eliot Sptizer used 27 in his one full year in office; and Gov. George Pataki used 84 in 2004.

Haven said he believes the gun package could have used some debating. "This wasn't a bill where everything had been proposed and sitting around for months," he said. "There are some really novel pieces of this legislation that I do think should be debated."

An alliance of good government groups including League of Women Voters, Common Cause and Citizens Union (Gotham Gazette's sister organization) issued a statement questioning the need for such quick action on the measures.

"The desire to act swiftly on this controversial issue and put some aspects of it immediately into effect should not undermine democracy's need for an open and deliberative legislative process," the groups said. "An open process would have allowed for a full public discussion of the many new elements contained within the bill."

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The package includes measures that would require mental-health professionals to report patients who they think may harm themselves; another that would prevent public access to gun permit records; and an expanded ban on assault weapons.

The updated ban on assault weapons takes effect immediately.