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Nickels in 2006: "our hands are tied" on gun ban

Emily Heffter

In 2006, Seattle Mayor Greg Nickels wrote a letter to House Speaker Frank Chopp, asking him to pass stricter gun laws.

"We cannot accomplish anything without your personal leadership in Olympia," Nickels wrote. "State law preempts any and all local regulations related to firearms. Our hands are tied at the local level and we are unable to adopt any local laws to protect our residents from gun crime."

The letter is now an exhibit in a lawsuit against the city, challenging Nickels' ban on any firearms in certain Seattle park facilities.

When Nickels issued his firearms ban this summer, he said a municipal property owner can impose limits on firearms in some places, especially places where children are likely to be.

State Attorney General Rob McKenna disagreed, saying in 2008 that local authorities can't adopt firearms regulations.

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Gregory J. Nickels
Mayor of Seattle

May 4, 2006

The Honorable Frank Chopp
Speaker of the House
444 Ravenna Blvd Suite 106
Seattle WA 98115

Dear Representative *Frank* Chopp:

Last week I traveled to New York to attend the National Summit on Illegal Guns with 14 other mayors from around the country. We all share the same concerns about gun violence in our cities. When gun violence erupts, mayors and their police chiefs are on the front lines dealing with the problem.

Seattle is, by any measure, a very safe large city. At 4 murders per 100,000 population in 2004 & 2005, our homicide rate is the lowest of any large city in America. However, gun violence in Seattle is escalating rapidly. In 2005, Seattle police saw a 25 percent increase over the previous year in the number of assaults committed with firearms. In the last three months of 2006, there has been a 35 percent increase in firearm assaults in Seattle over the same time last year. In just the last two months, 10 people have been killed in Seattle by gun violence. Almost 60% of the homicides in Seattle and over half the suicides in King County are the result of gun violence.

We have waited too long for reasonable gun regulations. The gun lobby has spent hundreds of millions of dollars to ensure that sensible gun laws are never passed, even when those laws are vital for public safety. The debate has always focused only on the Second Amendment and an individual's rights to possess guns. However, as elected officials, we must also protect our citizens' right to life, liberty and the pursuit of happiness, without the constant threat of gun violence.

In order to prevail it will take strong leadership and a willingness to stand up to those who want unrestricted access to dangerous weapons no matter what the cost in human life. For too long leadership in Olympia on this issue has been lacking and Washington State is lagging far behind other states in the protections it affords its citizens.

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We cannot accomplish anything without your personal leadership in Olympia. State law preempts any and all local regulations related to firearms. Our hands are tied at the local level and we are unable to adopt any local laws to protect our residents from gun crime.

I propose working together this year to ensure that four simple, basic, commonsense actions are taken. Our proposals are as follows:

Use Crime Gun Trace Data to Stop Illegal Gun Trafficking

I am proposing that the State work with cities and counties to share information to identify and prosecute businesses and individuals that illegally distribute guns to criminals. Gun trafficking is a statewide problem requiring a statewide solution. Seattle has started to collect data to identify potentially problematic dealers as well as straw purchasers (those who legally purchase large quantities of firearms and then distribute them to convicted felons and other criminals). However, in order to use the data most effectively, we must develop a statewide database on crime gun traces and combine that information with data currently being collected by the State Department of Licensing on firearms dealers. If local, state and federal law enforcement agencies work together to share and use this information, we will be able to effectively reduce the illegal flow of firearms to criminals.

While the Bureau of Alcohol, Tobacco and Firearms (ATF) is responsible for overseeing and regulating the nation's 104,000 licensed gun dealers, it only inspects 4.5% of gun dealers each year. This means that the average gun dealer will only be inspected once every 22 years. Federal studies have shown that 1% of the nation's gun dealers supply up to 80% of the guns that are used in crimes and most of Seattle's crime guns were sold by dealers in Washington state. We cannot rely upon this level of weak national enforcement to solve our local public safety issues.

Pass the Assault Weapons Ban

We must eliminate the most dangerous weapons from our streets. In 2004 the federal assault weapons ban expired. People are now free to purchase and possess these weapons which pose a significant threat to both the public and to police officers. In the last five years Seattle Police have confiscated over 140 assault weapons. Many of these weapons were used in violent crimes or were possessed by convicted felons. Seven states have passed their own ban on assault weapons including California and New York. Washington should be the 8th state to pass an assault weapons ban.

Close the Gun Show Loophole

During the last ten years over 1.2 million convicted felons and other ineligible persons have tried to buy firearms but have been prevented from doing so because of a background check requirement.

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However, unlicensed dealers sell guns at gun shows without conducting a background check. In Washington State last year, there were at least 42 gun shows which provide ample opportunity for convicted felons to buy weapons without a background check. Gun shows are also a major source of illegally trafficked firearms. According to a 2000 report from the Bureau of Alcohol, Tobacco and Firearms, 30% of illegally trafficked firearms came from gun shows. Eighteen states have closed the gun show loophole including Oregon, California, Colorado and Texas. There is no good reason not to close the loophole in Washington State.

Pass the Whitney Graves Bill (Safe Storage and Gun Locks)

According to a 1993 study in the *New England Journal of Medicine*, the risk of homicide in the home is three times greater in households with guns and the risk of suicide is five times greater in households with guns. Reasonable safe storage laws protect children and prevent guns from being stolen and used by criminals. Safe storage is as much a public health issue as it is a public safety issue. Let's pass this bill and keep our children healthy and safe.

At the summit, the Mayors agreed that national laws, designed to keep guns out of the hands of criminals and prevent gun violence, are needed. Unfortunately Congress and the President are headed in the opposite direction. Two bills are being discussed in the House, H.R. 5005 and H.R. 5092, which would weaken the federal government's ability to enforce existing gun regulations and limit the ability of state and local governments to obtain information on crime gun traces. The mayors at the Summit pledged to work together to fight these senseless bills.

I look forward to your leadership to bring the protections afforded by Washington State's gun laws up to par with other states such as California. By working together at both the state and local level, I believe we can significantly reduce gun crime while protecting the rights of law abiding residents in our state.

Sincerely,



GREG NICKELS
Mayor of Seattle

- cc: Washington State Legislature
- Association of Washington Cities
- Washington State Association of Counties
- Washington State Association of Sheriffs and Police Chiefs