

December 10, 1999

MEMORANDUM FOR HILLARY RODHAM CLINTON

**CC: MELANNE VERVEER
MARSHA BERRY**

**FROM: ANN O'LEARY
RUBY SHAMIR**

**SUBJECT: YOUTH VIOLENCE POLICY UPDATE FOR RHODE ISLAND
EVENT**

The purpose of Monday's youth violence event is to focus on ways to combat youth violence by bringing all sectors – parents, teachers, community leaders, kids, and others – together. Since the format of the session will be a reverse town hall, in that you will be asking questions of the mostly student-populated audience, you could also refer to the many people you have met in communities all over the country, who are thinking about this issue, and working to reduce youth violence. Attached are suggested questions that you, and the Members of Congress joining you on stage, may want to use when addressing the audience.

Below you will find brief updates on the activities of the National Campaign Against Youth Violence, the progress of White House policy initiatives on youth violence, and guidance on recent legal actions against the gun industry.

National Campaign Against Youth Violence

Formally launched by the President in August, the National Campaign has been working on developing a large-scale media campaign, inaugurating a community-by-community violence reduction campaign, and improving the delivery of non-violence resources nationwide.

- **Media Campaign:** For the media campaign, the National Campaign has received commitments from several media sources to run PSAs and potentially co-brand its programs. The PSAs and trailers should be ready for release by February 2000. Additionally, the National Campaign is developing major "Athletes for Non-Violence" press events to support the ad campaign, as well as concerts and events, is approaching television networks to organize a day of media non-violence, and is developing on-line and video in-school and after-school programs.
- **City-by-City Campaign:** The City-by-City campaign has four components. First, the National Campaign is identifying the communities in America that are most at need and working with local youth violence services to identify where gaps in services exist. Second, the National Campaign is reaching agreements with several national youth organizations to identify people who can best develop multi-disciplinary programs in their communities.

Third, the National Campaign is identifying corporate sponsors that can “adopt” communities, or their multi-disciplinary programs. Fourth, the National Campaign is identifying corporations to sponsor a town hall meeting and nationally covered kick-off event in a different community every two weeks in 2000 to launch these efforts.

White House Youth Violence Council

The White House Council on Youth Violence is the Federal government’s response to developing more effective ways to prevent youth violence. This Council will ensure that parents, teachers, and community leaders are able to benefit from the Federal Government’s many anti-violence initiatives by more effectively coordinating and collaborating among the Federal agencies. The tasks of the Council include developing a citizen’s information hub on youth violence, producing reports on youth violence, expanding effective models of collaboration such as the Safe Schools/Health student grants, providing tools for parents to deal with the issue, and coordinating the Federal research agenda on youth violence.

Guns: Lawsuits Against the Gun Industry

As you know, on Wednesday, the New York Times reported that the Department of Housing and Urban Development was prepared to sue gun manufacturers, however, the story missed some important nuances of the situation.

Each year, over 10,000 crimes are committed with guns in the nation’s 100 largest public housing authorities (PHA’s) and each year all of the nation’s over 3,000 PHA’s spend \$1 billion in security costs. The PHA’s had decided to file class action lawsuits against the gun manufacturers rooted in the same legal theories as lawsuits filed by 28 cities. While they have not fully developed their legal strategy, many of the cities are suing on the basis of product liability, saying that the gun industry has failed to make a safe product, and on the basis of nuisance and negligence, saying that the industry has been negligent in marketing and distribution of its product, that it has made it easy for criminals to obtain guns, that it has marketed criminal-friendly features on its guns and that it advertises to juveniles. HUD’s public housing mission is to maintain safe and sanitary conditions in the public housing it oversees and it also consults PHA’s on all lawsuits, even though the agency does not have individual litigating authority. HUD checked with legal experts and determined that a lawsuit by the PHA’s would be viable and they are ready to recommend that the PHA’s file when necessary.

In addition to the cities suits, two states, New York and Connecticut, are threatening lawsuits as well, while at the same time, a number of states are passing laws that would provide gun industry immunity from these lawsuits. The lawsuits filed by cities, threatened by the states, and now by the PHA’s, have brought some industry representatives and cities together to work towards a settlement. Please see the attached Q and A on the subject.

TV: melanne From: Ann O'Z.

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The Detroit News

January 20, 2000, Thursday

SECTION: Metro; Pg. Pg. D1

LENGTH: 1158 words

HEADLINE: Filers of gun lawsuits plan more White House talks: City, county efforts have not yet passed crucial court test.

BYLINE: David Shepardson / The Detroit News

BODY:

DETROIT -- Gun industry executives and leaders from many of the cities and counties that sued seeking millions to recoup the costs of gun violence will return to the White House late this month for a new round of settlement talks.

Deputy Wayne County Executive Mike Duggan, who was at the first round of White House negotiations two weeks ago, said he isn't sure the talks will lead to anything productive. But it can't hurt to negotiate, he said.

"I think the only way the gun manufacturers will get serious is for one of these suits to go to a jury. Until then, I think they're going to delay," Duggan said. "I hope Wayne County is the first to go to trial."

The talks, for which a date has not been set, were inspired by the announcement in December that the U.S. Department of Housing and Urban Development would sue gun makers on behalf of 3,000 public housing authorities if the 27 municipal suits were not settled.

"I've talked to (Housing) Secretary (Andrew) Cuomo, and I think there is a limited window to settle these suits, or HUD's going to go forward," Duggan said.

As talks progress, Wayne County and Detroit's lawsuits against 30 gun makers, dealers and suppliers face their first critical test.

After the lawsuits were filed in April seeking \$800 million, they were held up in federal court for months and recently were returned to Wayne County Circuit Court. Now, Judge Jeanne Stempien will hold a hearing Feb. 10 to decide if the lawsuits should go forward.

The \$2-billion-a-year U.S. gun industry faces similar lawsuits from 29 cities and counties, including New Orleans, Chicago, Atlanta, Los Angeles and Cleveland.

The lawsuits are seen as an attempt to reform gun makers, to force the industry to implement safer guns and to have stricter controls on the sales of weapons. As an added incentive to force a settlement, the federal government has threatened to sue the gun makers.

So far, none of the cases has made it past the first big hurdle: a motion for summary judgment, when a judge decides a lawsuit is without merit and shouldn't be allowed to go to trial.

Judges in Cincinnati; Bridgeport, Conn.; and Miami-Dade County have dismissed suits against gun makers. No new cases have been filed since the first judge tossed out a government gun lawsuit.

But gun-control advocates also can applaud some legal decisions. Recently, a California appeals court judge reinstated a lawsuit filed by office workers who were the target of a 1993 mass shooting. The judge ruled they could sue Navegar Inc., the company that made the TEC-9 used in the shooting.

The judge cited a Michigan Supreme Court decision as his basis for the decision.

"Guns have become the next tobacco," said Brian Siebel, a senior attorney at the Center to Prevent Handgun Violence, which is co-counsel to nearly every city's and county's lawsuit. "The lawsuits seek to reform a secretive industry that has too long been able to get away with reckless and irresponsible behavior."

Gun makers and dealers contend they are selling a legal product and are being harassed by the lawsuits that are costing them hundreds of thousands of dollars in legal bills.

"Why are they picking on me?" asked General Laney of Detroit, who is one of the gun dealers named in the suit. Laney, who was caught on videotape allegedly selling weapons to convicted felons, faces a March 9 criminal misdemeanor trial in 36th District Court.

"All I'm doing is making a living, selling a legal product," he said.

Gun control backers claim manufacturers and dealers are endangering public safety by allowing guns to end up in the hands of criminals. Wayne County ran undercover videotaped sting operations, including on Laney, that showed dealers selling weapons they knew would end up in the hands of gang members or convicted felons.

It's unclear how Stempien in Detroit will rule next month, say attorneys on both sides. She did give the gun makers and dealers a victory in a hearing last week when she delayed the gathering of evidence for the lawsuits until after she rules on whether they will go forward.

"I think it's dangerous to try to read the tea leaves in the discovery decision," said Robert Holt, an attorney for four of the gun manufacturers.

Stempien is a former teacher, member of the Schoolcraft College Board of Trustees and a Detroit College of Law graduate who lives in Livonia and has been on the court since 1993.

One of her largest contributors to her 1998 campaign was Cy Weiner, the lead attorney in Wayne County's gun lawsuit. Weiner and his wife donated \$1,000 to her campaign that raised about \$25,000.

Weiner called his donation to Stempien a nonissue and said he didn't even remember making it. His law firm donated to "about 90 percent of the judges in Wayne County."

Stempien declined to comment on the donation. But her boss, Michael Sapala, the chief judge of the Circuit Court, defended her.

"This happens all the time. Who do you think donates to judicial campaigns? It isn't Aunt Susie -- it's lawyers," Sapala said.

State Bar ethics rules don't spell out when a judge should disclose donations, said Thomas K. Byerley, association's regulation counsel.

Clementine Barfield of Detroit praised the lawsuits.

She lost a son, Derrick, in 1986, when he was shot and killed by a classmate near Northwestern High School. Her younger son, Roger, was wounded in the incident.

"This is big business. The gun makers make an enormous amount of money off the illegal trade of weapons," said Barfield, who founded and is president of Save Our Sons and Daughters, a Detroit-based victims' advocacy group. "Too many disputes end in death because it's too easy to get a gun, pull a trigger and end two lives."

Debate over lawsuits

Proponents say:

* The gun industry purposefully ignores illegal sales of guns used in crimes that have cost cities and counties, and their taxpayers, millions of dollars for health care and law enforcement.

* Gun makers let some dealers order far more handguns than the local legitimate market would need.

* Some dealers allow obvious "straw purchases" by patrons acting for buyers who can't pass background checks.

Opponents say:

* Sellers of a legal product are being harassed by gun-control advocates who'd like to put the manufacturers out of business.

* Federal laws regulate gun makers and dealers, who must keep detailed records, check backgrounds and enforce a waiting period.

* Manufacturers and dealers can't be held liable for the harmful use of their products by criminals, any more than car sellers can be blamed for drunk driving crashes.

What's next

Washington, D.C.: Negotiators from the gun industry and municipalities that filed damage suits will meet at White House again this month in a final effort to settle the cases.

Detroit: A Wayne County judge is scheduled to decide next month whether the lawsuits go forward.

GRAPHIC: 1: Seth Hardwick sights a muzzle loader at South Street Tackle & Sporting Goods in Belleville. Shops have been targeted in suits to recoup costs of violence. Morris Richardson II / The Detroit News

2: Wayne County Judge Jeanne Stempien will hold a hearing Feb. 10 to decide if the lawsuit should go forward. David Coates / The Detroit News

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HEADLINE: Gun Talks Stall as Industry Shuns Clinton; Lawsuit: Meeting is called off as manufacturers' representatives push to exclude White House from their negotiations with cities.;
[Home Edition]

DATELINE: LAS VEGAS

BODY: Talks aimed at settling the wave of anti-gun lawsuits by major cities have hit a snag because handgun manufacturers are refusing to admit Clinton administration officials to the negotiations.

The White House announcement last month that it would throw its weight behind the cities and join them at the bargaining table had been widely seen as boosting chances for a settlement. Cities and counties involved in the litigation had welcomed the increase in their leverage, and industry officials said White House participation might improve prospects for an agreement.

But a meeting scheduled here for Friday, which was to be the first negotiating session attended by administration officials, was called off early this week when industry negotiators, in a shift in strategy, told the cities they would not show up if the White House took part. The cities then balked at resuming talks on Friday by themselves.

"Those are the terms," an official for one city involved in the talks said of White House involvement. "They [the industry] may be pursuing a divide-and-conquer strategy," but "we believe we are stronger if unified."

"We've got a few manufacturers who are standing in the way of making progress," said Los Angeles City Attorney James Hahn, who filed one of the suits.

"It's unfortunate that a few hard-line voices in the industry are delaying this effort and playing politics," said Bruce Reed, President Clinton's domestic policy advisor.

The announcement of a White House alliance with the cities had been coupled with the threat by the Department of Housing and Urban Development to help public housing authorities plagued by gun violence to file another big lawsuit if settlement talks weren't productive.

*|| It later emerged that few of the nation's 3,400 public housing authorities had agreed to join in. Other housing authorities since have questioned the need for the suit and voiced frustration at not being consulted in advance.

Many in the firearms industry have criticized the White House move as election-year politics, and the industry has responded in kind. Pinning their hopes on a Republican victory in November's presidential and congressional elections, industry officials do not want the Clinton administration to be able to take credit should a peace accord be reached.

The industry's strong embrace of the GOP had been clearly evident this week at the annual SHOT (Shooting, Hunting, Outdoor Trade) show, a giant trade fair in Las Vegas that has attracted 30,000 people, including makers and retailers of all manner of guns and ammo, accessories and apparel.

At a "state of the industry" briefing Monday night, Robert Delfay, executive director of the National Shooting Sports Foundation, which sponsors the show and has led gun manufacturers in settlement talks, blasted away at White House officials, vowing not to "allow the most anti-gun administration in history to bully our industry."

He called on all members of the firearms industry to support a new political action committee that he said will become heavily involved in the upcoming elections.

"The stakes could not be higher," Delfay said. "The next president could appoint up to five Supreme Court justices, who could decide the future of the 2nd Amendment. A Democratic House and Senate would blaze through a myriad of gun-control measures that have been stymied to date."

Keynote speaker Alan Simpson, a former Republican senator from Wyoming, echoed the theme. "You will not hear any gun-control cry from George Bush or John McCain," Simpson said, "so remember that when you waddle off to the polls, for gosh sakes."

Robert Ricker, an industry consultant who represents a new group of large firearms dealers that held its organizational meeting here Tuesday, said the National Rifle Assn. had had much to do with the hard-line stance. "The NRA is adamant that they won't deal with this president, and the NRA carries a lot of clout," Ricker said.

It was not immediately clear if gun makers were unanimous about excluding the White House from the talks. Some firms, such as Smith & Wesson and Colt's Manufacturing Co., have been seen as particularly open to a deal, while others, such as Sturm, Ruger & Co., are thought to be more unyielding and inclined to fight in court.

For their part, the cities also have not been of one mind. Chicago, for example, has not taken part in settlement talks, preferring to take its chances in court.

New Orleans filed the first suit 15 months ago, and 28 cities and urban counties, including Los Angeles city and county, Inglewood, San Francisco and Sacramento, have joined the fray.

They are trying to force manufacturers to add safety features to guns aimed at preventing accidental shootings and the firings of guns by anyone but their owners. They are also demanding that manufacturers monitor the sales practices of dealers and cut off supplies to those failing to take steps to reduce access to guns by juveniles and crooks.

So far, the industry has had the best of pretrial skirmishes. Four courts have ruled on dismissal motions and three cases--those of Cincinnati, Miami and Bridgeport, Conn.--have been thrown out. An Atlanta judge refused to dismiss that city's case.

Stung by criticism that it has done too little to enforce gun-control laws, the administration on Tuesday unveiled a plan to add 500 agents and inspectors to the federal Bureau of Alcohol, Tobacco and Firearms. The plan, which requires congressional approval, also calls for hiring 1,000 more federal, state and local prosecutors to focus on gun crimes.

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* GUN CONTROLS

President Clinton proposes to crack down on illegal firearms and improve handgun safety. A8

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HEADLINE: U.S. to join suits against gunmakers

BYLINE: Martin Kasindorf

BODY:

A defiant gun lobby on Wednesday denounced as "reckless harassment" the Clinton administration's decision to ally itself with municipalities suing handgun makers. City and state officials welcomed the federal intervention, saying it was likely to speed a nationwide settlement of litigation aimed at keeping guns from criminals and children.

Since October 1998, 29 cities and counties have sued gunmakers, claiming negligence in making and marketing firearms. President Clinton confirmed Wednesday that the Department of Housing and Urban Development (HUD) is organizing a separate class-action lawsuit that the nation's 3,200 public housing authorities would bring unless gunmakers agree in current settlement talks to change the way they design and sell weapons.

Housing officials are "not trying to bankrupt any company," Clinton said at a State Department news conference. "They're trying to make their living spaces safer, and I think it's a legitimate thing." The 100 largest public housing authorities report a total of 10,000 gun crimes every year and are forced to spend \$1 billion on security, Clinton said.

The National Rifle Association, whose political clout persuaded Congress not to pass sales restrictions this year, said the administration's threat to go to court was "reckless harassment" and risked setting a dangerous legal precedent. "No lawful industry is safe," the NRA said. "If some deviant person misuses your lawful product, this administration will sue you, rather than hold the criminal responsible."

Stephen Sanetti, vice president and general counsel of firearms maker Sturm, Ruger & Co., said the government's plan is "legally and factually wrong, and we will fight them with all of our resolve."

The government's goal is to step up pressure on the gun industry to reach a settlement, HUD Secretary Andrew Cuomo said. "We don't want to go to court, but we do want a resolution," he said.

The cities want manufacturers to equip guns with state-of-the-art safety devices. Under the cities' settlement proposals, gunmakers would blackball retailers who consistently sell to criminals and would tone down advertising that might attract criminals.

"You all remember that one company advertised an assault weapon by saying that it was hard to get fingerprints from," Clinton said, referring to Miami-based Navegar Inc., maker of the Tec-9 assault pistol. "You don't have to be all broke out with brilliance

to figure out what the message is there."

Los Angeles City Attorney James Hahn, who filed suit in May, said negotiations have been moving at a glacial pace and that the weight of federal lawyers would make a difference. "It's like the U.S. Coast Guard sending in an icebreaker," Hahn said. "That's what we need. The industry has yet to take these lawsuits seriously."

Plaintiff cities include Los Angeles, Chicago, Boston, Atlanta, Cleveland, Detroit, San Francisco and New Orleans. The attorneys general of Connecticut and New York say they'll file the first suits by states if negotiations fail.

"The intervention of the feds strengthens our side," New York Attorney General Eliot Spitzer said. "It makes it more likely that we'll get to our objective: safer schools and safer streets. This is not about money. This case is about changing behavior."

White House press secretary Joe Lockhart said the administration also wants to send a message that it will act on its own despite congressional defeat of gun-control and anti-smoking legislation.

"I think we have enormously important public policy goals, and if the Republican-controlled Congress wants to block sensible gun control and if they want to block tobacco policy that the American public supports, we're going to find a way to do it," Lockhart said.

Contributing: Gary Fields
LANGUAGE: ENGLISH

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October 13, 1999, Wednesday, Late Edition - Final

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LENGTH: 557 words

HEADLINE: Holding Up the Gun Makers

BODY:

It is too early to say whether the settlement talks between leading gun manufacturers and the cities that are suing them will be an important turning point in the battle to improve gun safety and stem the flow of weapons to juveniles and criminals. What seems obvious, however, is that it was not sudden pangs of conscience that led companies like Smith & Wesson, Colt's Manufacturing, Glock and Beretta to decide to pursue these negotiations.

Rather, their new willingness to talk stems in large measure from lawsuits that seek to hold the manufacturers liable for negligent marketing practices that allow guns to fall into the wrong hands, and for making their products "unreasonably dangerous" by failing to incorporate safety devices to prevent the weapons' unauthorized use. Some of these cases are now reaching the discovery phase, when the plaintiffs may well uncover damaging corporate documents of the kind that played such a critical role in the tobacco litigation.

In addition, a California appeals court has recently reinstated a lawsuit against the maker of semiautomatic pistols used to kill eight people in 1993. This was the first ruling by an appeals court to allow a gun maker to be held responsible for a criminal shooting. The Attorneys General of New York, Eliot Spitzer, and Connecticut, Richard Blumenthal, gave the companies another incentive to talk by threatening to file the first state lawsuits against them.

Indeed, pressure from the gun lawsuits may well have been a factor in a recent decision by Colt's, the producer of the storied Colt .45, to sharply cut back its consumer-handgun business. The company has tried to downplay the significance of the move. But according to a senior company executive quoted in The Times on Monday, the 144-year-old company -- already in some financial trouble -- had found it increasingly difficult to finance its operations because lenders were afraid that the lawsuits could produce crippling judgments, impairing Colt's ability to repay.

The negotiations center on demands submitted to the gun makers by Jim Hahn, the Los Angeles City Attorney. His proposals would bring useful, common-sense changes to the gun trade that Congress refuses to entertain, much less approve. He and his colleagues want every gun personalized so that only its owner can fire it -- a technology that Colt's has helped advance. He also wants the companies to supply only those retailers who agree to limit customers to one handgun purchase a month, to stop selling handguns at gun shows and on the Internet and to halt advertisements asserting that handguns enhance home safety.

The companies that make most of the cheap handguns used by criminals are not attending the talks. As Mr. Spitzer notes, however, nothing forecloses state and municipal litigation against these companies.

Even with a settlement between the cities and the gun companies, Congress would still need to pass a sensible system of gun registration and licensing. Moreover, it is too early to say if the gun makers are negotiating in good faith or merely stalling for time. But Mr. Spitzer and his colleagues need to keep in mind that they are in a strong position. With tough bargaining, they could force the gun makers to adopt safety measures they and the National Rifle Association have long resisted.

<http://www.nytimes.com>

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LENGTH: 1437 words

HEADLINE: SAFETY AND CRIME AT HEART OF TALKS ON GUN LAWSUITS

BYLINE: By FOX BUTTERFIELD

BODY:

In their first major meeting with officials from cities that are suing the firearms industry, the nation's leading gun manufacturers, trying to get the suits dropped, have agreed to begin negotiations to improve gun safety and reduce the flow of weapons to criminals.

Gun executives who attended the meeting said they would quickly respond to a list of the cities' demands, including mandatory safety devices on weapons and a crackdown on corrupt gun retailers.

If an agreement can be reached, municipal officials said, they will withdraw their suits, which demand hundreds of millions of dollars in compensation for the cost of gun violence on their streets.

The firearms industry had previously resisted talks with its opponents, insisting that it could prevail in court against any lawsuits, as it almost always has. So the very meeting of the two sides, which was held in Washington on Monday, was seen as highly significant by the participants.

"There were some manufacturers on our side," one industry executive said, "who two or three months ago would never have expected to go to such a meeting."

Pressure had been growing on the gun makers, however, as the first several of the lawsuits filed by 28 cities and counties moved into or near the discovery phase, which the plaintiffs maintained might well uncover damaging corporate documents. Such documents proved crucial in producing settlements between the states and the tobacco industry last year.

More pressure came later this week, as a California appeals court cleared the way for a trial in which a gun maker, Navegar Inc., could be held liable for a murderer's use of its product. In addition, the Colt's Manufacturing Company, one of the nation's oldest gun makers, trying to lessen its own risk from litigation, acted this week to reduce its role in producing handguns for the consumer market.

The participants at the Washington meeting cautioned that the talks were preliminary and that many obstacles to a settlement remained. Some gun makers, most notably the so-called Ring of Fire companies that encircle Los Angeles and produce cheap guns favored by criminals, were not invited. Also uninvited was a leading opponent of the industry, John Coale, a Washington lawyer whose legal team is representing five cities, including New Orleans and Newark. And several other cities, including Chicago and Detroit, which feel they have very strong cases against the industry, did not attend.

But one reason for optimism, some participants said, is that Robert Delfay, president of the National Shooting Sports Foundation, the industry's major trade organization, was behind a carefully developed framework that provided common ground for both sides in the talks.

Mr. Delfay, who has close ties to the National Rifle Association, stressed that the discussions should focus on ways to reduce accidental shootings and curb the flow of guns to criminals. Agreement on that focus, along with a willingness on the part of most cities to drop their demand for money, led one industry lawyer to remark, "I don't think I've ever been at such a meeting where both sides want the same thing."

The municipalities' demands were presented by Jim Hahn, the City Attorney of Los Angeles, an easygoing man who is said to have made a good impression on the industry officials.

Perhaps the most important and far-reaching of the demands was that the gun companies establish tighter contractual control over their chain of distribution to wholesalers and then retailers, and so curb the supply of handguns to criminals and juveniles through corrupt dealers. Any dealer who was found by Federal tracing to be providing a sizable number of guns used in crimes would lose his supply of products from the manufacturer. Until now, the gun makers have denied that they bear any responsibility for what happens to a gun after it leaves the factory.

To enforce the agreement, the cities would require that it be entered as a consent decree by courts in the states where the cities suing the gun industry are situated. An independent monitor, picked by the cities and approved by the gun makers, would be appointed with authority to oversee the agreement. The gun companies would pay for the monitor, who could be removed only for serious breach of duties, lawyers involved in the talks said.

The idea for the monitor came from Eliot J. Spitzer, New York State's Attorney General, who helped get the talks started by threatening to file the first state suit against the gun makers but then delayed it to give them a chance to negotiate. Mr. Spitzer attended the Washington meeting, as did Richard Blumenthal, Connecticut's Attorney General, who has also threatened to sue.

The most prominent gun company executive in attendance was Ed Shultz, the chief executive of Smith & Wesson, the nation's largest firearms manufacturer. Also present were officials from Sturm, Ruger & Company, Colt's Manufacturing, O. F. Mossberg & Sons, Taurus, Glock and Beretta.

Among other steps that the companies would have to take under the demands put forward by Mr. Hahn would be agreement to stop selling handguns at gun shows or on the Internet, a halt to advertisements claiming that handguns increase safety in homes and support for limiting customers to one handgun purchase a month, a way to try to stop illegal traffickers and straw purchasers who buy guns to resell to criminals or juveniles.

The one-gun-a-month idea, which is now law in Virginia and California, has been strongly opposed in the past by industry executives, who describe it as profit-compromising interference that will do little to stop criminals. Gun executives at the Washington meeting asked the cities instead to agree to lobby Congress for an increase in the budget of the Bureau of Alcohol, Tobacco and Firearms so that the agency can better monitor dealers and trace more guns used in crimes, and to push the Justice Department to get United States attorneys to prosecute gun traffickers more vigorously. The cities are happy to support those proposals but hardly find them sufficient.

As for gun safety, the cities said the companies should be required to provide by next year external locks on all guns and to incorporate by 2004 new technology, still under development, that would personalize a gun so that only its owner could fire it.

One city attorney who took part said Mr. Hahn had presented the proposals as a wish list but had told the gun companies that if they did not agree to almost everything on the list, the cities would go ahead with their lawsuits.

"We regard this as a sweet deal" for the gun makers, this lawyer said, because the cities would be giving up the potential for hundreds of millions of dollars in claims.

Detroit and Chicago did not take part, a lawyer familiar with their thinking said, "because the tobacco companies only made concessions when they realized they could lose, and the gun companies don't yet believe they will lose."

"Right now," the lawyer said, "they are just putting up a smokescreen."

Mr. Coale, whose group of lawyers represent New Orleans, Atlanta, Cleveland, Cincinnati and Newark, said he too felt that the gun companies were not yet ready to negotiate seriously. He held earlier talks with Robert Ricker of the American Shooting Sports Council, another industry group, only to see Mr. Ricker fired for daring to meet with him.

"I think Spitzer and Blumenthal are being used," Mr. Coale said, "to make it look like the gun industry is reasonable."

On the other side, Bruce Jennings, who owns B. L. Jennings Inc., a large gun wholesaler in Nevada, and has close ties to the group of handgun makers around Los Angeles, said none of those California companies had been invited to attend, or even informed about the talks by Mr. Delfay, breeding suspicion that any agreement would be reached at their expense.

The exclusion of the California companies from the talks underscores one of the major differences between this latest development and the negotiations that eventually produced a settlement between the states and the tobacco industry. There are only a handful of cigarette companies, and, while competitive, they had a largely unified negotiating stance. But the gun industry is made up of many small, often barely profitable companies that are characterized by different cultures and dislike one another.

One of the California gun makers, Davis Industries, in part to avoid the municipal suits, has filed for Federal bankruptcy protection, a tactic that the others in the Ring of Fire group may copy.

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HEADLINE: Some housing officials question plans to sue gun makers

DATeline: WASHINGTON

BODY:

Cities across the nation are joining the Clinton administration's plan to sue gun manufacturers over violence in public housing projects, but Kansas City, Mo., is among several who won't.

Crime has dropped significantly with the on-site presence of police officers, said Edwin Lowndes of the Housing Authority of Kansas City, Mo, and joining the litigation would cost money already budgeted for drug elimination and security programs.

"It would be robbing Peter to pay Paul," said Lowndes, the authority's general counsel and deputy executive director. He added that joining the White House's efforts might have a negative impact on the public's perception of public housing.

"Our crime rate has actually been going down," he said Friday. "The stereotype would be re-emphasized that criminals live in public housing, when the overwhelming majority of our residents are very good citizens."

The White House and the Department of Housing and Urban Development hope the specter of a suit will force manufacturers to respond meaningfully to 28 states and cities already seeking to recover the public costs of gun violence.

Last month, the administration threatened a new, national class-action lawsuit, to be filed through HUD's public housing projects, accusing gun makers of negligently allowing firearms to fall into the hands of criminals.

Local housing authorities in several major cities are on board, including Baltimore, Boston, New Orleans, Atlanta, Chicago, Washington, San Francisco, San Antonio, Texas, and Denver. Also supporting the action are authority officials in Dade County and Clearwater, Fla.; Newark and Camden, N.J.; Hawaii and Puerto Rico.

"HUD has consulted extensively with public housing authorities around the country on reaching a settlement with the gun industry to reduce gun violence and save lives," agency spokesman David Egner said Friday.

"The real issue is that every year in America, guns are used to kill more than 30,000 people and injure about 100,000," Egner added.

Concerns in Kansas City echo the worries of the 1,710-member Public Housing Authorities Directors Association, whose president wrote Housing Secretary Andrew Cuomo to raise concerns about the lawsuit.

Statements from HUD "create the impression that there is broad support for this legal action when there is no consensus industry position on this issue," association president James R. Tabron wrote last month.

His letter was provided by Sen. Christopher Bond, chairman of the Senate Appropriations subcommittee with jurisdiction over HUD. Bond accuses Cuomo and HUD of chasing politically appealing issues rather than focusing on the mission of providing safe, affordable housing.

"When are they going to focus on the problems that are their responsibility?" Bond, R-Mo., said Thursday during a monthly meeting with Missouri reporters.

Bond, who is engaged in a separate battle with HUD over homelessness in New York, wrote Cuomo last month demanding that HUD justify its legal authority to threaten gun makers.

The National Rifle Association calls the threats a desperate act by the Clinton administration after it failed to persuade the GOP-led Congress to pass more gun-control laws last year. The NRA-led gun lobby spent \$7.2 million on Capitol Hill over the past six years and gave Bond \$9,900 in each of his last two races.

Egner, the HUD spokesman, said officials "respectfully disagree" with Bond "that no effort should be made to reduce this terrible toll of death and injuries."

Bond said the issue is not about the merits of whether the gun industry should be sued but whether HUD is taking time and money away from efforts to provide more housing.

Administration officials are pressing for agreement on a code of conduct that includes cracking down on disreputable dealers and making safer guns. The administration also wants gun makers to agree to end practices such as marketing firearms that are impervious to fingerprints.

LANGUAGE: ENGLISH

LOAD-DATE: January 9, 2000

The Associated Press

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December 15, 1999, Wednesday, PM cycle

SECTION: Business News; Washington Dateline

LENGTH: 454 words

HEADLINE: Officials threaten to sue gun makers if they won't deal

BYLINE: By PAUL SHEPARD, Associated Press Writer

DATELINE: WASHINGTON

BODY:

Housing Secretary Andrew Cuomo says a possible lawsuit against gun makers is a step to make communities safer.

A top lobbyist for the National Rifle Association calls the threatened suit an act of desperation by the Clinton administration.

It's under the haze of those divergent views that leaders of the nation's gun industry and a group of federal and local leaders will search for mutually acceptable ways to making guns safer.

"This is a problem that can no longer be ignored," Cuomo said Tuesday after a meeting with representatives of 19 local jurisdictions and the National Association for the Advancement of Colored People.

The White House and the Department of Housing and Urban Development want gun makers to agree to a code of conduct that includes cracking down on disreputable dealers and making safer guns. The administration also wants gun makers to agree to end practices such as marketing firearms that are impervious to fingerprints.

Last week, the administration threatened a new, national class-action lawsuit, to be filed through HUD's public housing projects, that would accuse gun makers of negligently allowing guns to fall into the hands of criminals.

The administration hopes the threat of a suit will force manufacturers to respond meaningfully to 28 states and cities already seeking to recover the public costs of gun violence.

A National Rifle Association official said the threatened lawsuit smacks of desperation after the administration failed to persuade the Republican-led Congress to pass additional gun-control laws this year.

"I think it's a show of desperation on their side that they would still be talking about heavy-handed legal tactics that have been thrown out in courtrooms in Florida, Connecticut and Cincinnati," said James J. Baker, director of the NRA's Institute for Legislative Action.

Whether cities and counties can sue gun makers depends on where the suit is filed. Thus far, a hodgepodge of state court decisions have muddled the question.

In Ohio, a state judge threw out the city of Cincinnati's case against gun makers in October. But that same month, in a Georgia decision, a judge allowed Atlanta's suit to proceed and ordered the industry to open its files. A Chicago judge did likewise.

In the two most recent rulings, a Connecticut judge rejected a suit against gun makers last week, and a Florida judge ruled that Miami-Dade County officials lacked standing to sue but made no decision on the merits of the suit.

"We've had good days and we've had bad days in court, but this issue won't go away," said Bruce Reed, the White House domestic policy adviser. "I think it's in their interest to stay at the (negotiating) table."

LANGUAGE: ENGLISH

LOAD-DATE: December 16, 1999

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Gun Litigation
December 8, 1999
Questions and Answers

Q: Why are the public housing authorities threatening to sue gun manufacturers?

A: We are determined to do everything we can to keep guns out of the wrong hands. My Administration has worked hard to make public housing safer, but gun violence remains a serious problem in many of these communities. Every year, thousands of gun-related incidents and hundreds of gun-related murders take place in and around public housing buildings. So I think it makes sense for the housing authorities – which bear the costs of this violence – to consider filing suit against the gun industry. Of course, it's my preference that the industry and housing authorities can work toward a negotiated settlement before anyone has to go to court. I know there are talks already underway between some of the manufacturers and the cities that have sued them. I want to spur those talks along, and encourage the industry to do all it can to address gun violence – in public housing and in all our communities.

Q: What would the public housing authorities be seeking from the gun industry by filing a lawsuit?

A: My understanding is that the plaintiffs [wouldn't be seeking monetary damages; they] want injunctive relief of the sort that has been proposed by many of the cities in their suits against the industry. This would include industry distribution controls to prevent the leakage of firearms into the illegal gun market, and improvements in the design and safety of firearms to prevent accidents and unauthorized uses. Their goal – which of course we share-- will be remedies that truly make our communities safer.

Q: Didn't HUD testify to Congress that they were not going to file a lawsuit? What is their role in the lawsuit? And what is the Justice Department's role?

A: As HUD's general counsel testified, HUD is not bringing a lawsuit. Instead, public housing authorities from across the nation are considering filing a class action lawsuit on behalf of the over 3,000 public housing authorities nationwide. HUD has helped housing authorities to take this step – which is exactly what three HUD employees told Congress. But let me say: I believe the goals of this lawsuit would be entirely consistent with HUD's mission and with my Administration's efforts to help make this the safest big nation on earth.

HUD has a statutory mandate to provide safe and decent housing to the nation's neediest citizens. That's why they have helped the public housing authorities in their efforts to organize against gun violence and to work through some of the technical aspects of this possible litigation. The Justice Department would not have a role in this suit, since the housing authorities are not part of the federal government and hire their own private counsel.

Q: On the heels of the tobacco litigation, isn't this just ushering in the era of big lawsuits? And does this mean that you've given up on passing legislation?

A: Not at all. I am absolutely committed to passing common sense gun legislation – and it remains among my top legislative priorities for next year. There is tremendous public support for reasonable gun measures like closing the gun show loophole, and we will keep the pressure on Congress. Having said that, I am absolutely committed to doing all we can to keep guns out of the wrong hands. A dozen American children die every day due to gunfire. We owe it to them to look into every available avenue to make our streets and schools safer. Just because Congress refuses to act doesn't mean that everyone else should give up on their responsibility to make this country safer. And, I believe that those who bear the costs of gun violence should have a chance to make their case in court.

Q: Why is the possibility of the lawsuit coming out now?

A: The public housing authorities have been reviewing the possibility of a lawsuit for the past several months. After consulting widely with private attorneys, the housing agencies and HUD have concluded that a suit would be viable, and I understand that the public housing authorities are prepared to move forward with a case. The string of violent gun incidents in recent months only underscores the urgency of this issue. But again, my belief is that we can avoid more litigation if the industry works in good faith toward a meaningful and comprehensive settlement – and my Administration stands ready to engage them on those terms.

Q: What about the NRA's charge that you could do more to reduce gun violence by simply enforcing the law against criminals than by passing legislation or filing a lawsuit?

A: I agree that effective enforcement of our gun laws is a critical part of any crime-fighting strategy. This Administration has boosted assistance to state and local law enforcement – who carry out most gun-related enforcement activities – by over 500 percent. Total prosecutions are up, and federal prosecutions of the most serious gun offenders are up by over 34 percent since 1992. We've also funded 100,000 more police for our streets and we've proposed funding to add more police and local community prosecutors to help fight crime at the local level.

But ultimately, what you enforce matters too. We know that laws that keep guns out of the wrong hands can make a difference. Take the Brady Law. Since it took effect, over half a million guns have been kept from felons, fugitives, stalkers, and other prohibited persons through common sense Brady background checks – saving countless lives and averting countless crimes.

Let me say too that while we have made significant strides in reducing gun violence over the past several years, we could do even more with the cooperation of the industry. When gun manufacturers, distributors and dealers don't share records on crime guns with

law enforcement in a timely fashion; when manufacturers continue selling guns to dealers who are the source of large numbers of crime guns; when most of the roughly 100,000 gun dealers in this nation aren't subject to more than one inspection a year; and when guns are marketed to criminals and juveniles – then our enforcement efforts are hindered. These are some of the practices that need to be remedied.

**PRESIDENT CLINTON ANNOUNCES NEW REPORT ON
GUN VIOLENCE IN PUBLIC HOUSING**
February 16, 2000

At a press conference today, President Clinton will announce that the Department of Housing and Urban Development (HUD) will release the first-ever comprehensive analysis of gun-related violence in and around public housing. The report shows that, consistent with national crime trends, crime has decreased in public housing since 1993 – sometimes at a greater rate than in its surrounding community. Despite reductions in crime and gun violence, persons receiving housing assistance remain twice as likely to be victims of gun violence. And on average, nearly one person is killed a day by gunfire in the nation's largest 100 public housing authorities. To help address this problem, the President will call upon Congress to make the passage of stronger gun laws a top priority this year, and to enact both his \$280 million national gun enforcement initiative and HUD's \$30 million gun violence reduction initiative.

THE MOST COMPREHENSIVE ANALYSIS OF GUN VIOLENCE IN PUBLIC HOUSING EVER RELEASED. More than 2.6 million residents live in public and assisted housing, including one million children and 360,000 elderly residents. Today's report, "In the Crossfire: The Impact of Gun Violence on Public Housing Communities," examines the scope and magnitude of gun-related violence in public housing, as well as the costs associated with gun violence – both the financial costs of administering effective security measures, and the social costs borne by residents. Using newly available data from both HUD and the Justice Department's Bureau of Justice Statistics, the report's key findings include:

- **Similar to crime trends across the nation, many public housing authorities have experienced significant reductions in crime.** Some housing authorities have experienced even greater reduction in crime rates than in the cities in which they are located: of 55 housing authorities analyzed in the report, two-thirds found a reduction in their crime rate, and about half (28) had their crime rate decline faster than their surrounding municipality. Despite this progress, in 1998, there were an estimated 360 gun-related homicides, an average of nearly one per day, in the nation's 100 largest public housing authorities.
- **Persons receiving housing assistance are over twice as likely to be victims of gun violence.** Based on data from the National Crime Victimization Survey, the report shows that between 1995 and 1997, the rate of victimization for residents of public and assisted housing was 10 per 1,000 persons, as compared to 4 per 1,000 for persons not receiving housing assistance. There is a strong correlation between income and violent crime victimization; thus, the low-income population in public housing is especially vulnerable to gun violence.
- **Gun violence poses a threat to public housing residents in cities of all sizes, with the highest gun violence rates for those in mid-sized metropolitan areas.** Public housing residents in metro areas with less than 100,000 total population experienced a gun victimization rate of 14 per 1,000; public housing residents in metro areas with populations of 1,000,000 or more had the lowest rate of 11 per 1,000; and residents in mid-sized metro areas with populations between 100,000 and 499,000 had the highest rate of 27 per 1,000.

- **The damage imposed by gun violence goes beyond the lives lost and injuries inflicted.** In large public housing communities, one in five residents reported feeling unsafe in their neighborhood, a higher rate than the general population.
- **Public housing authorities have spent over \$4 billion on crime reduction and prevention efforts since 1990.** By 1998, annual housing authority expenditures for safety and security measures, including additional police officers, tenant patrols, fencing, lighting, security cameras, had grown to well over \$500 million per year.

WORKING TO REDUCE GUN VIOLENCE IN PUBLIC HOUSING. To address the problem of gun violence, both criminal and accidental, in our nation's public housing and communities, the President's FY 2001 budget includes a \$30 million Community Gun Safety and Violence Reduction Initiative. This HUD initiative will fund: 1) improved local crime analysis, such as crime mapping that uses Geographic Information Systems technology, to enable local responses targeted to at-risk areas; 2) education and outreach initiatives using a variety of media to educate the public and housing residents of the risks posed by firearms; and 3) innovative performance-based local crime reduction and prevention strategies.

FIGHTING FOR PASSAGE OF COMMON SENSE GUN LEGISLATION AND THE MOST AGGRESSIVE FIREARMS ENFORCEMENT INITIATIVE IN HISTORY. The President will highlight additional proposals to keep guns out of the wrong hands, including the Administration's proposal to create a state-based licensing system for all handgun purchasers to ensure that all buyers have passed a background check and know how to safely handle and store their gun. In addition, the President will emphasize that it is long past time for Congress to pass common-sense gun measures to close the gun show loophole, ban the importation of large capacity ammunition clips, and require child safety locks for handguns. And finally, the President will urge enactment of his unprecedented \$280 million gun enforcement initiative to hire 500 new ATF agents and inspectors, over 1,000 new federal, state and local gun prosecutors, and fund comprehensive crime gun tracing and increased ballistics testing to catch and prosecute more gun criminals.