

HUD OFFICE OF GENERAL COUNSEL

FACSIMILE TRANSMITTAL SHEET

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Final Talking Points

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NOTES/COMMENTS:

This incorporates the final changes. In the remedies section I used "current and prospective litigants" rather than limiting it to PHAs. I am assuming these are fine and we can send them out Monday – let me know if that is not the case. Thanks

Information Regarding Gun Litigation

- 29 cities, counties and the NAACP have sued the gun industry for its marketing, distribution and design practices. Litigants have asked the Clinton Administration to participate in negotiations to settle these legal claims. Courts in New York, California, Illinois and Georgia already have ruled favorably on these legal theories, while courts in Connecticut, Florida and Ohio have dismissed city suits at the trial court level.
- Various public housing authorities, with HUD's assistance, are prepared to file a lawsuit against the gun industry. Over the past many months, HUD has looked closely at the viability of a lawsuit that would be brought by public housing authorities, including those under Federal control, against the gun industry. HUD has concluded that a suit would indeed be viable, and the housing authorities are prepared to file if necessary.
- The Clinton Administration, including HUD, would prefer a strong, comprehensive settlement rather than litigation. Talks are under way between gunmakers and states, cities and counties, and there is an important role for the federal government to play in reaching a resolution. The Administration expects to work closely with these parties to help them reach a settlement.
- Any settlement should have strong remedies with teeth. This effort is not about the money – it's about saving lives. The Administration will join the cities, counties, states and NAACP in asking for a number of reforms including: 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. This effort is designed to make our communities safer – not to take away guns from responsible owners.
- The Administration will continue to do everything in its power to keep guns out of the wrong hands, even as Congress fails to act. We will continue to press for strong, common-sense gun legislation. The President and Vice President are determined to make progress on gun safety, with or without the help of Congress. A negotiated settlement can secure many public safety gains, but Congress still has a responsibility to close loopholes in our gun laws.

Gun-Related Injuries and Deaths in America.

- Every year in America guns are used to kill more than 30,000 people¹ and injure about 100,000 people.²
- Crimes, murders, suicides, accidents – all are avoidable gun-related tragedies. The numbers are compelling:
 - 670,500 crimes,³ including about 70% of all murders,⁴ are committed with guns each year;
 - 18,000 suicides committed with guns in one recent year alone;⁵
 - 1,300 accidental deaths caused by guns in one recent year alone.⁶
- Our children pay the heaviest price:
 - The rate of firearm deaths for American kids is higher than for any other country and is 12 times higher than the rate for children in the world's other 25 industrialized nations combined.⁷
 - From 1984 to 1994, the firearm death rate for 15-19 year olds increased 222%, while the non-firearm homicide death rate decreased almost 13%.⁸
 - Gunshot wounds have become the second leading cause of death for Americans between the ages of 10 and 24.⁹

Gun Violence and Murder in Public Housing.

- Gun violence is a community-wide problem that has taken a deadly toll on our nation's public housing community. Residents of many public housing projects – already disadvantaged by the negative effects of intense poverty – must endure constant fear of violent crime because of the widespread availability of unsafe guns.

¹ National Summary of Injury Mortality Data, 1987-1994. Atlanta, GA: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, November, 1996 ("National Summary").

² Annett JL, Mercy JA, Gibson DR, Ryan GW. National estimates of nonfatal firearm-related injuries: beyond the tip of the iceberg. JAMA 1995;283:1749-1754.

³ See 1998 National Crime Victimization Survey.

⁴ National Summary; and Federal Bureau of Investigation, Uniform Crime Reports, 1997.

⁵ See National Summary. In 1994, there were more than 18,700 suicides committed with guns in the United States.

⁶ National Summary (1994 figure used).

⁷ Centers for Disease Control, Rates of Homicide, Suicide and Firearm-Related Death Among Children – 26 Industrialized Countries, 1997.

⁸ See National Summary.

- In America's 100 largest Public Housing Authorities there are 10,000 crimes each year and an average of one murder each day committed with a gun.
- The individual tragedies suffered are overwhelming. Just a few examples include:
 - On July 21, 1999, one teenager was murdered and three others – including a 15 year old who was 9 months pregnant – were shot at a birthday party in the Easter Hill public housing complex in Richmond, CA – San Francisco Chronicle, "Richmond Teen Dies After Party Shooting" July 23, 1999
 - On June 21, 1999, grandmother Helen Foster-El was shot to death as she tried to shepherd neighborhood children to safety in the East Capitol Dwellings public housing complex in Washington, DC – Washington Post, "Renovation Planned at Slaying Site; Agency to Rebuild East Capitol Units" July 1, 1999
 - On June 13, 1998, 17 year old Antonio Taliaferro was killed and two friends were wounded in a drive-by shooting on the steps of the New Hope Apostolic Temple across the street from the Southside Terrace public housing development in Omaha, Nebraska – Omaha World-Herald, "One Dead in Shooting at Church Two Others are Injured After Shots are Fired From a Passing Car Early Saturday Morning" July 14, 1998
 - In May 1998, Melissa Stone, a 29 year old mother of 7, was abducted at gunpoint, then raped and killed in the Desire public housing complex in New Orleans, LA – The Times-Picayune "Body of Woman ID'd by Family; Mother of 7 Last Seen on Sunday" July 7, 1998

Economic Costs of Gun Violence in Public Housing.

- HUD spends approximately \$3 billion annually in Operating Fund grants to PHAs, a significant percentage of which is allocated to security costs.
- It is estimated that PHAs spend about \$1 billion per year on security and other costs related to gun violence.
- For example, in 1997 Chicago spent \$43,777,157 of its HUD Public Housing Comprehensive Grant -- 38% of the total -- on security.

⁹ National Summary.

- In 1998, HUD's Drug Elimination Program grants totaled \$243,736,400, of which about 46% was spent by Housing Authorities on security, law enforcement, investigators and tenant patrols.

Gun Industry's Problematic Behavior. The gun industry bears some responsibility for the flood of guns into public housing and the acquisition of guns by criminals, for example:

- Manufacturers have failed to address dealers who are repeatedly associated with guns that are recovered by Federal, State and local law enforcement agencies in connection with crimes.
- Manufacturers also market guns to criminals. For example, Intratec advertises its TEC-DC9 as an "assault-type pistol" with a coating that provides "excellent resistance to fingerprints."

Remedies for the Gun Industry's Practices. This isn't about money: it's about saving lives. The current and prospective litigants are interested in injunctive relief of the sort that has been proposed by many of the cities in their suits against the gun industry. This includes industry reforms that improve distribution controls to prevent firearms from reaching the illegal market (especially felons and children), changes to the design of firearms to improve safety and prevent accidents and unintended uses, and an end to the practice of marketing guns to criminals and juveniles. This could include cutting off supply to unscrupulous gun dealers, ending the marketing and manufacture of guns with criminal-friendly features such as fingerprint resistance or easily obliterated serial numbers, and requiring the incorporation of safety features into the design of firearms, such as trigger locks or chamber-loaded indicators. These are just some of the remedies need to be considered as part of a comprehensive settlement. Our goal is changes that truly make our communities safer.