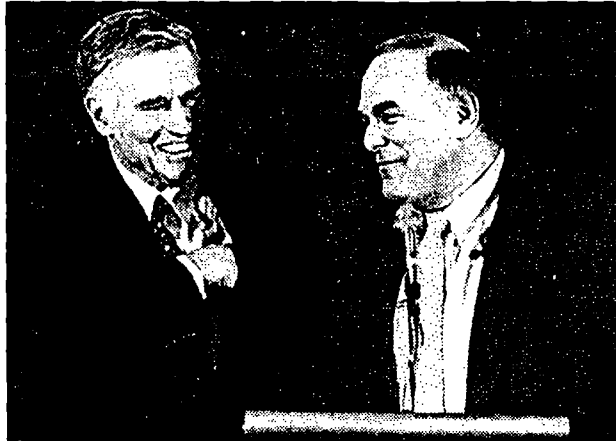


NATIONLINE



By Dan Loh, AP

In Philadelphia: National Rifle Association President Charlton Heston and Mayor Ed Rendell unveil 'Operation Cease Fire.'

Gun critic, NRA agree on a common strategy

The city of Philadelphia launched a crackdown on gun violence Monday with a \$2.25 million program dubbed "Operation Cease Fire," backed by the National Rifle Association and touted as a model for big cities nationwide.

Mayor Ed Rendell unveiled a special task force of local and federal agents whose sole job will be to prosecute crimes involving guns. Rendell, a sharp critic of the gun industry, heads a national task force of mayors scheduled to meet Wednesday in Washington to discuss a new round of lawsuits against firearms manufacturers. But Monday, he spoke with NRA President Charlton Heston at his side.

The NRA and city officials say the federally funded program could have a big effect in Philadelphia, where someone is killed with a gun nearly every day. A similar program in Richmond, Va., was credited by some with cutting the gun-related homicide rate by more than 30%.

Officials said the task force will announce its first indictment this week. Heston said the program will catch on elsewhere if it works: "And if it does, it will make the largest difference in the crime problem in 20 or 30 years."

WELFARE-TO-WORK: President Clinton unveiled a package of welfare-to-work proposals meant to continue a push that has left welfare rolls at a 30-year low. Clinton said he will ask Congress to expand programs aimed at encouraging businesses to hire people off welfare and helping people get to those jobs. "This is not charity," Clinton said. "It's good for families, but it's also good for the bottom line." Clinton said he also will ask for \$1 billion to continue a program aimed at long-term welfare recipients and low-income fathers. Slightly fewer than 8 million people were on welfare at the end of September, down 44% from 1994.

GURU SACKED: An infomercial con artist and his wife each were sentenced in Orlando to 24 years in prison for swindling customers with a get-rich-quick real estate scheme promising no debts, lower taxes and early retirement. William and Chantal McCorkle were sentenced for



Census

Ruling out 'sampling' a blow to plan

By Haya El Nasser
USA TODAY

WASHINGTON — Rather than resolve the long-running battle over the use of "statistical sampling" in the 2000 Census, Monday's Supreme Court decision is setting off a new round of political infighting.

In a 5-4 decision, the court rejected the Census Bureau's plan to statistically estimate up to 10% of the U.S. population. The court said sampling violates a 1976 federal Census law and cannot be used for apportionment, the allocation of congressional seats to each state.

The court's decision is a blow to the Clinton administration, civil rights groups and big cities. It is widely assumed that a more accurate count would benefit Democrats, because the segments of the population who are now missed tend to vote Democratic.

But because the ruling is so narrow, the administration is not giving up on plans to use sampling methods to correct a

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By Tony
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Hand tran

New Jersey man is first patient in the USA

By Maria Puente
USA TODAY

A New Jersey man has a new left hand today — and new fingerprints — after surgeons performed the first hand transplant in the USA, giving him the limb of an anonymous cadaver.

The operation, if successful, makes it more likely that more transplants of external body parts will take place.

UNIVERSITY OF LOUISIANA

1-26-99
JC -
from
today's
VSAT.
LS

From: Julia M. Payne on 06/19/98 08:45:42 AM

Record Type: Record

To: Michelle Crisci/WHO/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: philly inq. story -- front page.

Rendell, NRA want Phila. as 'test city'

Their ideas differ, but the mayor and the NRA want to figure out ways to stop gun violence.

By Craig R. McCoy
INQUIRER STAFF WRITER

Mayor Rendell and the National Rifle Association have decided they have something in common after all: They both would like to make Philadelphia a test city for muzzling gun violence.

Rendell this week wrote the gun owners' group "to extend an invitation for the NRA to join in partnership with the City of Philadelphia" to crack down on gun criminals -- and the NRA is jubilant about the prospect.

Wayne LaPierre, the NRA chief executive officer, said yesterday that his organization, a well-funded, perennially powerful force on Capitol Hill, would lobby hard with the GOP leadership in Congress to give Philadelphia money to make it a test city.

New NRA president Charlton Heston first floated the idea at the recent NRA convention here, asking for President Clinton to designate one city in America for zero tolerance of gun violence. The idea is to demonstrate the rifle group's long-held view that lack of enforcement of existing gun laws lies at the root of gun violence, not failures in the gun-control laws.

LaPierre urged Rendell to lobby Clinton.

"If he'll get the White House, I've got Congress," LaPierre said yesterday. "That's the historic opportunity here."

LaPierre added that he has already been lobbying Congress:

"Whatever the Justice Department needs to do this, they will appropriate it. I've been working this thing because I'm dead serious."

At the convention and in appearances since, Heston has been vigorously selling the idea. He wasn't available for comment yesterday. On Sunday, he appeared on NBC-TV's Meet the Press and talked up a program in Richmond, Va., that has cut murders in half.

"We would like to do that in Philadelphia," Heston said then.

Now, Rendell has taken the idea and run with it.

In a Monday letter to Heston, the mayor summarized the NRA position as calling for "a model program in which increased federal resources would be made available to allow the Justice Department to prosecute every federal gun law violation in one major city. I agree that such an initiative would produce dramatic results."

Even as the Democratic Rendell was forging a link with the conservative NRA, he continued his drive against gun violence on another front -- pressuring gunmakers to take steps to curb sales to criminals. In the campaign so far:

Rendell said Chicago Mayor Richard M. Daley has agreed to join Rendell in a task force talking with key gun firms about firearms violence. Daley, like Rendell, has instructed lawyers to prepare a potential lawsuit against the gun trade. Daley joins Rendell and the mayors of St. Louis and Gary, Ind., among other officials, in the task force. A Daley spokesman said yesterday he couldn't reach Daley to confirm Rendell's remarks.

On Sunday in Reno, Nev., at the annual meeting of the U.S. Conference of Mayors, Rendell is scheduled to make the case for gun control, such as limiting buyers to one gun a month. The mayor is to discuss the issue before 300 mayors in a forum with the the head of the gunmakers' trade organization.

Heston, on "Meet the Press," changed the subject when asked whether he would support Rendell in any lawsuit.

It's unclear how much money would be at stake. But the dimensions of the city gun problem are huge. Among the top U.S. cities, Philadelphia has the highest proportion of murders and robberies committed by gun. Last year, a record 82 percent of 409 homicides were by firearms. By contrast, the rate in New York was 62 percent.

City courts already handle roughly 7,500 cases yearly of gun stickups, assaults and other lesser firearms arrests. More than half result in acquittal or dropped charges, and only a relatively few of those convicted receive serious jail time in a city with cells for just 6,000 inmates.

In an interview this week, Rendell said the proposals to crack down on gun offenders would require "significant increases in funding."

LaPierre, however, suggested the price tag might be modest: the matter of hiring perhaps 10 additional federal prosecutors and support staff. The U.S. Attorney's office now has 75 prosecutors. The local office of the U.S. Bureau of Alcohol, Tobacco and Firearms has about 15

agents focused on guns.

Assistant U.S. Attorney J. Huntley Palmer Jr., head of firearms prosecutions, noted yesterday that the feds already pick up prosecutions of about 80 Philadelphians each year on gun-related charges. Palmer said he has been working to drive up that number.

These defendants, sometimes dubbed "armed career criminals," face a different world from the city criminal justice system. They often are jailed while they await trial, which takes place more quickly. And they can receive long sentences in far-away institutions.

Still, Palmer noted, not every gun arrest can be made "a federal case" -- in part because federal crime statutes limit prosecutors to the selection of suspects with previous criminal convictions for felonies.

On "Meet the Press," Rahm Emanuel, White House senior adviser, had at best a tepid response to Heston's test-city idea, suggesting that the choice facing Americans was not either/or -- tough law enforcement or gun control.

Emanuel said that the President had supported both, and that the NRA had resisted the three major gun-control measures passed under Clinton: the waiting period for buying handguns, the ban on certain so-called "assault weapons," and the banning of guns to people with records of domestic abuse.

Julia Payne, a White House spokeswoman, said yesterday the president preferred an approach that extended aid to many cities, not just one. She said a pending White House-backed crime bill, modeled in part on Boston's successful attack on juvenile homicide, would do just that.

Christina Martin, spokeswoman for House Speaker Newt Gingrich, also seemed cautious in her remarks. She said Gingrich would refer the proposal to a Kentucky congressman who is chairman of a panel that reviews Justice Department spending.

Attacking Crime by Making Federal Case of Gun Offenses

By MICHAEL JANOFSKY

RICHMOND — Here on the streets of Virginia's capital, Melvin Douglas Smith was known for his luck as much as his troublemaking. For all the charges brought against him in state courts over a decade, from larceny and resisting arrest to illegal firearms and murder, none stuck. He never served a day in prison.

Then Mr. Smith's luck ran out. When a patrol officer pulled him over for a traffic violation in 1997, the officer looked in the car and found 12 grams of crack cocaine, a 12-gauge shotgun and a 9-millimeter semiautomatic pistol. The combination of guns and drugs was his undoing. Under a new program aimed at gun offenders called Project Exile, prosecutors were able to charge Mr. Smith in the tougher Federal system. He is serving 16½ years in a Federal prison.

As cities across the country sue the gun industry or buy back handguns as last resorts to get them off the streets, Project Exile is being credited for helping reverse a decade of rising crime rates in Richmond by moving gun offenses into the Federal system, where bond is less available, sentences are longer and convicts are sent out of state to serve their terms.

Officials in Richmond concede that other factors are contributing to an overall drop in violent crime. But as an experiment testing whether violent crime can be reduced by aggressively enforcing existing gun

laws, Project Exile is expanding to other cities, while the National Rifle Association is promoting it as the best alternative to more restrictive gun laws.

The Justice Department, long an adversary of the rifle association over gun control, has held back from recommending Project Exile as a cure-all, and a panel of Federal judges in Richmond has criticized it as a Federal intrusion into state matters. But Philadelphia and Rochester have adopted the program, and more than a dozen other cities are considering it.

While Project Exile's precise contribution has yet to be studied, the authorities in Richmond say it helped cut their rate of homicides by

Continued on Page A12

CLINTON LIBRARY PHOTOCOPY

PHOTOCOPY
PRESERVATION

New Program in Richmond Is Credited for Getting Handguns Off Streets

Continued From Page A1

firearms by 36 percent last year, to 78 homicides from 122 in 1997, one of the steepest declines in any city, when homicide rates are falling across the country.

The program has also helped the authorities solve older cases. Once Mr. Smith was sentenced, for example, witnesses no longer afraid of him came forward with enough information to charge him with six murders, including two that could bring the death penalty.

"In Richmond, there has been an intense need for people to become believers in their own community," Mayor Timothy M. Kaine said. "High crime has been our psychological downer. But Project Exile is driving the crime rate down, and that is starting to make Richmonders believers again."

Patterned after Federal efforts to fight illegal drug activities, the program evolved from a determination by the United States Attorney's office in Richmond to prosecute gun charges in Federal courts, where the consequences are more severe than in state courts, even though Federal courts generally regard gun violations as low-level crimes.

Many gun offenses can be prosecuted in Federal or state courts. But Project Exile officials in Richmond have decided that certain gun offenses, like those involved with drugs or when the person arrested is a convicted felon, will be tried in Federal court.

As another key element of Project Exile, business and civic leaders have cooperated with the Richmond police by saturating the area with radio and television messages, billboards and posters, warning that anyone caught with an illegal weapon faces a jail term of five years.

Project Exile is so well known on the street, said David E. Boone, a criminal defense lawyer here, that "the first thing I hear now when I talk to a client is, 'Can you keep this from going Exile?' A lot of them can't add two and two, but they know a gun plus drugs equals five."

Some do, anyway. S. David Schiller, an assistant United States Attorney here who conceived the program, said the first two years of Project Exile have led to the recovery of 475 illegal guns, indictments against 404 people on gun charges — more than six times the annual average — a conviction rate of 86 percent



Photographs by Dean Hoffmeyer for The New York

Two Richmond police officers above, arrest a driver and a passenger under a program to get guns and drugs. The program called Project Exile, was conceived by S. David Schiller, left, assistant United States Attorney.



through trials and plea bargains, and an average prison term of more than four and a half years.

And Richmond police officers say the program is convincing some would-be criminals to leave their weapons at home. "We're now finding more guns in houses than on the street," said Michael J. Shamus, an

acting lieutenant on the police department's Rapid Mobilization Team. "The streets are safer."

Still, not everyone is convinced that Project Exile is the appropriate means to attack the gun problem. In a recent court opinion, all three judges of the Federal District Court here characterized the program as

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PHOTOCOPY
PRESERVATION

\$125,000 to Richmond's efforts for advertising and marketing programs, and has lobbied Congress to get \$2.3 million for programs in Philadelphia and Camden, N.J.

Mr. Schiller's boss, Helen F. Fahey, the United States Attorney for the Eastern District of Virginia, said, "I can't answer that as a fact, but I suspect it is true."

Wayne R. LaPierre Jr., the association's executive director, minced no words. "They consider these nuisance cases, and the last thing Federal judges want are armed felony cases in their courts," he said. "That's shameful. Killing people is wrong, and regardless of the N.R.A., it needs to be changed. Every cop on the street knows it."

In Philadelphia, Mayor Edward G. Rendell led the effort to establish a Project Exile after a challenge last summer by the N.R.A. to "give us one major American city" to prove that aggressive law enforcement can make a bigger difference than more laws that restrict gun ownership. Several additional investigators and Federal prosecutors enabled city officials to announce 15 indictments just days after the program, called Operation Ceasefire, began.

In Rochester, after a gun task force of the local, state and Federal authorities began a program in September to supplement other new crime-fighting initiatives, no homicides were reported in November and just two in December.

"I can't say that everything is attributable to our Project Exile — it's a little early for that," said Denise E. O'Donnell, the United States Attorney for the Western District of New York. "But we're very enthusiastic about the program. We are seeing our crime rates come down."

Virginia lawmakers have been so impressed with Richmond's success that they are considering legislation that would bring state gun statutes more in line with Federal laws.

Police officers on Richmond's streets seem thankful for the help, no matter who provides it. When Jerry A. Oliver was hired as Chief of Police in 1994, Richmond had had a decade of increasing numbers of homicides, peaking that year at 160.

"We desperately needed a home run, something to celebrate," he said. "As police chief, I see Project Exile as one of those programs that is working."

"a substantial Federal incursion into a sovereign state's area of authority and responsibility."

And the Justice Department has remained reluctant to promote it as a national solution to gun violence.

Deputy Attorney General Eric Holder said recently that department officials "take issue with the notion that there is a cookie-cutter approach to reducing gun violence."

Mr. Holder also said the department had sent additional Federal marshals, agents and prosecutors "to make Exile a successful program."

Mr. Schiller conceded that more Federal agents had been sent to Richmond. But he insisted that the only Federal participants dedicated to Project Exile outside of the United States Attorney's office were two agents on loan from the Bureau of Alcohol, Tobacco and Firearms and one from the Federal Bureau of Investigation.

Others say the involvement of the N.R.A., which has opposed Federal gun control laws, has tempered the Justice Department's interest. The rifle association has contributed

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PHOTOCOPY
PRESERVATION



CITY OF PHILADELPHIA
OFFICE OF THE MAYOR

cc: B. Reed
Jose C.
Lyn C.

FAX TRANSMITTAL

DATE: 2/8/99
TO: John Podesta 456-1967
COMPANY: _____
FROM: DAVID YARKIN (215) 686-6212
PRESS SECRETARY (215) 686-2170 FAX
PAGES: 3 (including this cover sheet)

NOTES:

John,
Hester's letter to the Mayor

re: Project Exile is attached

David

CHARLTON HESTON

DP3

February 4, 1999

Dear Mayor Rendell:

I returned from an out of town trip to find your warm and generous letter waiting for me. I'm delighted to see how vigorously you have begun to implement Operation Cease Fire. It was a courageous and admirable thing for you to do. I agree with your conviction that it will be successful.

I'm sorry you were disturbed by the NRA's mention in their ad that neither the White House nor the Attorney General's office had approved our undertaking. While that was certainly our understanding, you seem to've had some success in your lobbying efforts with the Administration ... you're to be applauded yet again if either the President or the Attorney General has joined us. Indeed, that would be the ideal situation.

In any event, you are certainly the hero of the day. I'm proud to stand by you.

With warm congratulations,





CITY OF PHILADELPHIA

OFFICE OF THE MAYOR
ROOM 215 CITY HALL
PHILADELPHIA, PENNSYLVANIA 19107-3295
(215) 686-2181
FAX (215) 686-2170

EDWARD G. RENDELL
MAYOR

January 27, 1999

Mr. Charlton Heston
President
National Rifle Association
11250 Waples Mill Road
Fairfax, Virginia 22030-7400

Dear Charlton:

Many thanks again for joining us on Monday in launching Operation Cease Fire in Philadelphia. There is little doubt in my mind that working together with you and law enforcement officials at all levels, Philadelphia will be a safer place thanks to our partnership. The event of the day went wonderfully well.

Later that evening, I read the advertisement that you took out in Monday's Philadelphia Inquirer in which you congratulated the City of Philadelphia for undertaking Operation Cease Fire. I thank you for your kind words, but I do want to set the record straight on one point in your advertisement which was incorrect. The ad stated that the President and the Attorney General were not supportive of Operation Cease Fire. This is simply not true. U.S. Attorney Mike Stiles, the official who assumes the lion's share of the responsibility for implementing Operation Cease Fire, is acting with the authority and the blessing of President Clinton and Attorney General Reno.

That point notwithstanding, my optimism for the success of Operation Cease Fire is enormously high. We have all seen the dramatic success that it has had in reducing incidents of gun violence in Richmond and I am certain that within a few months, we will be able to talk about another great success story in Philadelphia.

Sincerely,

A handwritten signature in dark ink, appearing to be "Ed", written over a horizontal line.

EDWARD G. RENDELL

cc: The Honorable William Jefferson Clinton
Attorney General Janet Reno

THE NATIONAL RIFLE



ASSOCIATION OF AMERICA

Mayor Rendell is making history. By making armed felons history.



Philadelphia Mayor Ed Rendell:

Ten months ago we challenged you to make Philadelphia a model city for Project Exile, an iron-fisted strategy proven to cut gun crime.

Project Exile simply enforces existing federal law. Felons caught carrying a gun get 5 years in federal prison. No deals, no discussion.

You have accepted our challenge, and we thank you. We think your citizens will thank you, too, if your first-year results are even close to these:

- Gun murders cut by 65%
- Armed robberies cut by 30%
- Number of felons carrying guns cut by 60%

These are the remarkable results after just one year in Richmond, Virginia, where Project Exile began as a noble experiment. As we have advocated for decades, no other crimefighting policy can deliver such dramatic social dividends.

Philadelphia's results may be different, but we predict violent crime will decrease in direct proportion to the number of gun-toting felons prosecuted. Which means fewer deaths, safer streets and happier citizens.

Despite lack of support from the White House or the Attorney General, we expect other mayors and governors to adopt the Project Exile model city by city over the next few years.

Your courageous leadership on this issue is evidence of Americans' capacity to put aside political differences in favor of solutions that truly offer a better quality of life.



Charlton Heston

CHARLTON HESTON
President



Wayne LaPierre

WAYNE LAPIERRE
Executive Vice President



James J. Baker

JAMES J. BAKER
Executive Director
Institute for Legislative Action

August 6, 1998

The Honorable Bill Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20050

Dear Mr. President:

As you may be aware local government officials (representing The U. S. Conference of Mayors, National Association of Counties, and the National League of Cities) and the American Shooting Sports Council (representing the firearms industry) have formed a task force to find ways to significantly reduce the level of gun violence in America. We have been meeting for several months and yesterday in St. Louis we discussed what appears to be a problem that has occurred which might negatively impact on the FBI's ability to go forward with the instant background check program.

We want you to know that the task force strongly believes that mandatory background checks, as required by the Brady law, are a foundation for efforts to keep guns out of the hands of criminals and that there must be an effective mechanism for criminal records checks on gun buyers. As you are aware, adequate funding for continuing the implementation of a mandatory background check system is now in doubt.

Therefore, we are strongly urging Congress to ensure that the FBI check system is implemented with adequate funding and can go forward in November.

Sincerely,



Edward Rendell
Mayor of the City and County of Philadelphia
Chair, Task Force on Gun Violence



Richard J. Feldman
Executive Director
American Shooting Sports Council

cc: The United States Senate
The United States House of Representatives

August 6, 1998

The Honorable Bill Clinton
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20050

Dear Mr. President:

As you may be aware local government officials (representing The U. S. Conference of Mayors, National Association of Counties, and the National League of Cities) and the American Shooting Sports Council (representing the firearms industry) have formed a task force to find ways to significantly reduce the level of gun violence in America. We have been meeting for several months and yesterday in St. Louis we discussed what appears to be a problem that has occurred which might negatively impact on the FBI's ability to go forward with the instant background check program.

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Therefore, we are strongly urging Congress to ensure that the FBI check system is implemented with adequate funding and can go forward in November.

Sincerely,



Edward Rendell
Mayor of the City and County of Philadelphia
Chair, Task Force on Gun Violence



Richard J. Feldman
Executive Director
American Shooting Sports Council

cc: The United States Senate
The United States House of Representatives

FACSIMILE COVER SHEET
DEPARTMENT OF THE TREASURY
OFFICE OF POLICY DEVELOPMENT
(ENFORCEMENT)

Phone: (202) 622-0300

Fax: (202) 622-7301

Date:

Page 1 of 4

TO:

Jose Cerda

FAX:

456-7028

FROM:

Susan Ginsburg

SUBJECT:

Philadelphia

MESSAGE:

- ① Craig amendment
- ② Philadelphia meeting on Exile
- ③ Rubin - Wendell letter

AMENDMENT NO. _____

Purpose: To require increased efforts for the prosecution of offenses in connection with the unlawful possession, transfer and use of firearms, particularly in connection with a serious drug offense or violent felony.

AMENDMENT N^o 3261By CraigBill/Res. No. S. 2260

Making appropriate and related agency purposes.

ate, the Judiciary, 9, and for other

2 Page(s)

AMENDMENT intends

GPO: 1994-25-001 (mao)

ant in the nature

of a second degree to amendment number _____, proposed by M. _____

Viz: *At the appropriate place, insert the following:*

~~Strike all that follows after "Sec.", and insert the following:~~

“___ INTENSIVE FIREARMS ENFORCEMENT INITIATIVES.

(a)(1) The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative, as enhanced in this section, (and referred hereafter to as "YCGII/Exile") to 50 cities or counties by October 1, 2000, to 75 cities or counties by October 1, 2002, and to 150 cities or counties by October 1, 2003.

(2) Cities and counties selected for participation in the YCGII/Exile shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials. Not later than February 1, 1999, the Secretary shall deliver to the Congress, through the Chairman of each Committee on Appropriations, a full report, empirically based, explaining the impact of the pre-existing youth crime gun interdiction initiative on federal firearms related offenses. The report shall also state in detail the plans by the Secretary to implement this section and the establishment of YCGII/Exile program.

(b)(1) The Secretary of the Treasury shall, utilizing the information provided by the YCGII/Exile, facilitate the identification and prosecution of individuals—

(A) illegally transferring firearms to individuals, particularly to those who have not attained 24 years of age, or in violation of the Youth Handgun Safety Act; and

(B) illegally possessing firearms, particularly in violation of 18 U.S.C. §922 (g)(1)-(2), or in violation of any provision in 18 U.S.C. §924 in connection with a serious drug offense or violent felony, as those terms are used in that section.

AS MODIFIED

(3) Within funds appropriated in this Act for necessary expenses of the Offices of United States Attorneys, \$1,500,000 shall be available for the Attorney General to hire additional assistant U.S. attorney and investigators in the City of Philadelphia, Pennsylvania, for a demonstration project to identify and prosecute individuals in possession of firearms in violation of federal law.

(3) The Attorney General, and the United States Attorneys, shall give the highest possible prosecution priority to the offenses stated in this subsection.

(4) The Secretary of the Treasury shall share information derived from the YCGII/Exile with State and local law enforcement agencies through on-line computer access, as soon as such capability is available.

(c)(1) The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII/Exile.

(2) Grants made under this part shall be used—

(A) to hire additional law enforcement personnel for the purpose of enhanced efforts in identifying and arresting individuals for the firearms offenses stated in subsection (b); and

(B) to purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.”.

Technical Modification of Craig Amendment No. 3261 as Modified

I ask unanimous consent that the Craig Amendment No. 3261 as modified, which was adopted yesterday, be further modified on page 2, line 3, by striking "attorney" and inserting "attorneys".

This modification clears up a typographical error which made the intended plural a singular noun.

Explanation of Modification

The amended paragraph would now read:

"(2) Within funds appropriated in this Act for necessary expenses of the Offices of United States Attorneys, \$1,500,000 shall be available for the Attorney General to hire additional assistant U.S. attorneys and investigators in the City of Philadelphia, Pennsylvania, for a demonstration project to identify and prosecute individuals in possession of firearms in violation of federal law."

Gregg
for

AMENDMENT NO. 3261

By Craig

Bill/Res. No. 5. 2260

GPO: 1982 50-182 (a)

As Modified
previously agreed to



U. S. Department of Justice

Office of Intergovernmental Affairs

→ TO JOSE CERDA
phc

Office of the Director

Washington, D.C. 20530

August 1, 1998

MEMORANDUM

TO: Mickey Ibarra
Assistant to the President and
Director of Intergovernmental Affairs

Thurgood Marshall, Jr.
Assistant to the President and
Cabinet Secretary

FROM: Nicholas M. Gess
Director of Intergovernmental Affairs
Department of Justice

NMG

SUBJECT: Hate Crimes

Enclosed please find a copy of a Memorandum of Understanding executed by Attorney General Janet Reno and the President of the National District Attorneys Association (NDAA) regarding "color of law" and hate crimes cases. This document is described by NDAA as "historic." Please call me if you have any questions.

Enclosure

cc: Jonathan Jennings, Cabinet Affairs

CC: Maria Echaveste
Judy Winston
Marsha Scott
Richard Socarrides
Mae Smith

JRT

05-01-95 SAT 12:07 FAX 202-514-1004

MEMORANDUM OF UNDERSTANDING
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
AND
DEPARTMENT OF JUSTICE

INTRODUCTION

This Memorandum of Understanding is intended to foster a more cooperative approach by local, state and federal authorities in the investigation and prosecution of criminal deprivation of rights by law enforcement officers acting under the color of law and of hate crimes. It seeks to require early communication among local, state and federal prosecutors to explore the most effective way to investigate a specific "coordination-sensitive" case (defined below) and to utilize the best investigative resources or combination of resources available. As federal authorities are obliged to investigate all incidents that may be federal civil rights crimes, and local and state authorities have independent jurisdiction over such cases under their own criminal statutes, this MOU also should improve the reporting of all such violations to local, state and federal authorities; improve the mutual enforcement effort; and increase public confidence in this critical law enforcement area.

II. GOALS

A. PRIMARY GOALS

1. Improve coordination among local, state and federal prosecutors in coordination-sensitive cases from the beginning of the investigative process, so as to promote better investigations and to minimize the possibility that parallel investigative activities might compromise any resulting prosecution.
2. Ensure that all criminal deprivation of rights by law enforcement officers acting under color of law (hereinafter, "color of law") and hate crime allegations are promptly reported to local, state and federal prosecutors.
3. Ensure that the special circumstances presented by allegations of color of law violations are properly addressed by our enforcement programs.

B. ANTICIPATED BENEFITS

1. Encouraged use of coordinated or joint local,

state and federal investigations of color of law and hate crime matters in those instances where coordinated or joint investigation is in the best interest of justice.

2. Decreased time delay between notification to parties to this MOU and their involvement in or declination of color of law and hate crime matters.

3. Increased public confidence in the criminal justice system as it relates to the enforcement of civil rights.

4. Fewer incidents of real or perceived institutional bias, conflict or prejudice that could impact the integrity of color of law investigations.

III. PARTIES TO THIS MEMORANDUM

This MOU has been negotiated by the National District Attorneys Association, on behalf of state District Attorneys, hereinafter referred to as ("DAs"), the Criminal Section of the Civil Rights Division ("Criminal Section"), and the United States Attorneys Offices ("USAOs").

The parties to this agreement understand that nothing in this MOU is intended to require either local, state or federal investigative agencies to depart from or disregard the existing policies of those agencies.

This memorandum is not mandatory in its application but is a recommended and preferred approach to conducting investigations covered by this MOU. Each sovereign must determine whether these recommendations are appropriate on a case by case basis.

IV. COORDINATION-SENSITIVE INCIDENTS DEFINED

Some incidents have implications that warrant immediate communication and coordination among local, state and federal prosecutors at the beginning of the investigative process. Those coordination-sensitive incidents include incidents where:

1. A serious injury to person or damage to property has occurred, and there are substantial relevant differences between applicable federal law and state or local law, such as the law of one jurisdiction would permit the introduction of critical evidence, while the other would not; or the sentence most reflective of the seriousness of the crime is available in only one of the jurisdictions; or a federal prosecution or investigation can preclude a local prosecution or investigation;

2. An important public policy consideration is presented or foreign policy is implicated, such as violence by organized militia or racist supremacists or the killing of a foreign national by a law enforcement officer;

3. The incident itself, regardless of its potential prosecutive merit, may provoke or has provoked instability in the community or substantial negative community reaction, such as a controversial police beating that has attracted significant media attention in the community;

4. The investigative and prosecutive resources required by the case appear to the parties to this agreement to be greater than resources available to local and state authorities, such as a series of violent acts in different jurisdictions or one violent act with a large number of witnesses from other jurisdictions, or where a need for extensive forensic analysis exists; or

5. A potential color of law violation or hate crime is perceived by a local, state or federal prosecutor to be a coordination-sensitive case for some reason not indicated above.

V. COORDINATION AMONG LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AUTHORITIES

A. COORDINATION AND DESIGNATION OF POINTS OF CONTACT

1. The USAOs, working with the FBI through its field offices should establish closer relationships with local law enforcement and relevant community groups to assure that potential color of law violations and hate crimes are promptly identified and investigated. The Attorney General of the United States has asked all United States Attorneys to create or expand existing Hate Crimes Working Groups in their federal districts to involve local, state and federal law enforcement, as well as community leaders, in the development of a comprehensive approach to hate crimes. This MOU supports this new federal initiative and seeks to improve the coordination among local, state and federal authorities in the investigation and prosecution of color of law cases, as well as hate crimes.

2. Each DA should designate an attorney point of contact ("POC") for criminal civil rights matters and provide the name, telephone number and pager number to the USAO.

3. Each USAO should provide the name, telephone number and pager number of its designated attorney POC for criminal civil rights matters to all DAs within that federal district, the FBI field office, and the Criminal Section.

4. The Civil Rights Division, Criminal Section deputy chiefs and duty attorneys will be available to provide immediate assistance concerning substantive and legal issues in color of law and hate crime matters and should be immediately contacted by USAOs concerning criminal civil rights matters. The Criminal Section will provide to the USAOs the names of the deputy chiefs and the federal circuits for which they have responsibility. Criminal Section staff can be contacted at 202-514-3204 or after hours through the Justice Command Center at 202-514-5000.

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OFFICE INTERCOMUNICATION

B. REPORTING SYSTEMS

All incidents that may present a criminal violation of the federal deprivation of rights under color of law and hate crime statutes are covered by this MOU and should be reported to local, state and federal prosecutors. As to all such incidents, reporting systems, compatible with the uniqueness of the local, state and federal law enforcement resources in each federal district, should be developed that:

1. Ensure that all incidents covered by this MOU are reported to law enforcement authorities and that members of the public know how and where to report allegations;
2. Ensure that all allegations of incidents covered by this MOU are properly recorded, reported and preserved by the law enforcement agency receiving the information.
3. Ensure that all reports of allegations of incidents covered by this MOU are shared among local, state and federal authorities as soon as possible.

For potential color of law violations, reporting systems should:

4. Ensure that all color of law incidents covered by this MOU are reported to all POCs, regardless of the perceived seriousness or merit of the allegation;
5. Ensure that local law enforcement departments have mechanisms to solicit, accept, record and report to DAs and to federal law enforcement all color of law allegations. This may include, but should not be limited to, a proper logging system for complaints or a special phone number/hotline for complaint intake.

C. CONSULTATION ON COORDINATION-SENSITIVE MATTERS

1. In the case of coordination-sensitive incidents as defined by this MOU, when either a local, state or federal authority learns of a coordination-sensitive incident, that party should contact the designated POC for the other parties to this MOU as soon as feasible, ideally within 24 hours after learning of the incident, identifying the subjects of the investigation, the factual allegations to be investigated, and possible statutory violations.
2. The Criminal Section, USAO and DA, upon learning of a coordination-sensitive incident should consult within the first 24 to 48 hours of learning of the incident to discuss investigative and prosecutive strategies.
3. Following this consultation, the Chief of the Criminal Section, the United States Attorney and the District Attorney should consult or meet with local, state and federal investigative agencies and conduct a "case assessment" to determine the usefulness of a coordinated or joint investigative strategy. From this consultation should emerge agreement

about whether or not to conduct a coordinated or joint investigation. During the "case assessment," consideration should be given to the factors set forth in sections VII and VIII below.

VI. IMPORTANCE OF PROMPT INVESTIGATIVE DECISION-MAKING

In coordination-sensitive cases, it is essential that investigations not be delayed. After the consultation required for coordination-sensitive incidents by Section V.C. above, the local, state and federal prosecutors should promptly advise each other of their intention to either decline prosecution, conduct an investigation independent of the other prosecutive authorities, or adopt an agreement to conduct a coordinated or joint investigation.

VII. SUGGESTED OPTIONS FOR COORDINATED OR JOINT INVESTIGATIONS

A. CONSIDERATIONS

If a coordinated or a joint investigation will be conducted, certain issues regarding the conduct of such investigations should be resolved before an investigation is begun. No two cases are alike, and local, state and federal resources vary considerably from area to area. Accordingly, there is no single model for a joint investigation. A variety of possible cooperative or joint investigative measures may be appropriate in a specific case.

For example, local law enforcement investigators could work jointly with federal investigators, reporting to one or the other of the prosecutive authorities or both. It might be appropriate for them to investigate as joint teams or more useful to divide areas of responsibility between law enforcement entities. Federal forensic assistance to the local investigation may be all that is required of federal authorities in a given case. A federal grand jury could be used to investigate the incident with local and federal investigators assisting the investigation. A local or state prosecutor could be cross-designated to work with the federal grand jury. Or, the local or state grand jury could be utilized with federal assistance to that effort. The best arrangements will vary with each case and each law enforcement community.

B. SEPARATE INVESTIGATIONS

If circumstances indicate that a real or perceived conflict, prejudice or institutional bias could compromise the integrity of the investigation, or if the best interest of justice is served, either the local authorities or the USAO and Criminal Section may decide that separate investigations are appropriate.

C. DUAL SOVEREIGNTY

Prosecutive autonomy should be retained by each sovereign to preserve, when possible, the option of successive prosecutions under the dual prosecution doctrine.

Mere cooperation between federal agents and state agents does not raise a bar, under federal law, to dual prosecution unless a court finds that the cooperation was improper collusion, operating as a "sham" to support a second prosecution. See Bartkus v. Illinois, 359 U.S. 121 (1959). Instead, federal courts encourage cooperation between different sovereigns in a nationwide effort against criminality. A variety of cooperative efforts can work, as long as one sovereign is not dominated by another or their functions are so blurred and intertwined that distinctions between the two sovereigns can no longer be made. State laws vary on this issue and should be consulted as well.

VIII. CONDUCTING COORDINATED OR JOINT INVESTIGATIONS: SUGGESTED PROCEDURES

A. GENERAL

If a coordinated or joint investigation is warranted, prosecutors and investigators promptly should reach agreement regarding how to conduct the investigation, including designating who are subjects and who are witnesses; determining the order in which witnesses should be interviewed; deciding how to staff, conduct and document interviews; selecting areas or topics to be addressed in interviews; identifying investigative leads to be developed; handling forensic evidence, and using a grand jury.

Examples of the issues that may be pertinent to a coordinated or joint investigation and suggestions to resolve those issues are:

1. It may be useful for efficiency and effectiveness to designate one investigative agency as the lead agency for the investigation.
2. Witness interviews can be jointly conducted to avoid duplication of efforts and the creation of additional and possibly conflicting discovery material.
3. Documenting witness interviews is extremely important not only to avoid duplication that may impair a potential prosecution, but also to insure that an accurate record exists of every interview. All reports of investigation can be drafted by a single investigative agency if multiple agencies are involved in any particular investigative activity. The agency designated, by agreement, to write the report of an interview can submit a draft copy of the proposed report to all other investigative agencies that were involved in the interview to review in order to insure that the final report of the interview is complete and accurate.
4. All notes taken by investigative agents and officers should be retained.
5. The prosecutors and investigators should discuss and agree upon the manner in

which interviews will be conducted. There should also be an agreement concerning the collection, preservation and scientific analysis of physical evidence. Special consideration should be given to the procedures for handling physical evidence which may later be submitted for scientific testing.

6. Periodic briefings should be held by the lead investigators/agents for the benefit of the DA, the USA, and the Criminal Section as often as necessary or as agreed to by the parties.

B. COLOR OF LAW

Incidents of alleged color of law violations present additional and unique investigative and prosecutive considerations.

1. Often an administrative investigation by the subject officer's agency precedes a criminal investigation. To prevent the adverse impact upon a potential criminal prosecution of exposure to compelled statements, it is recommended that whenever an administrative investigation is in progress, the agency conducting the investigation should immediately suspend its investigation so that no further compelled statements are taken without the approval of the prosecutors. If compelled statements have already been obtained, measures should be implemented to prevent those statements from tainting the continuing criminal investigation.

2. Because institutional knowledge of practices and procedures relevant to color of law investigations often resides within the subject's own agency, the participation of investigators from the subject's own agency is frequently important. At the same time, however, the investigation must be conducted in a manner that avoids the reality or public perception that the investigation is biased in favor of the subject officer.

C. PREVENTION OF COMMUNITY UNREST DURING INVESTIGATION

The Community Relations Service (CRS) should be contacted by either the USAO or the Criminal Section as soon as possible after the investigation is under way to determine whether CRS' immediate or long-term participation could be useful to ease tensions within the community.

IX. CONCLUSION OF COORDINATED OR JOINT INVESTIGATION: PROSECUTIVE DECISION

At the conclusion of the coordinated or joint investigation, the USAO, the Criminal Section and the DA should consult concerning the need for additional investigation, the strength of the evidence, the appropriate prosecution venue, charging options and possible range of punishment. Consideration should also be given to staffing issues, including cross-designating prosecutors, where appropriate. Since federal law will permit a subsequent federal prosecution after a state prosecution arising from the same facts, but the law of some states will not permit state prosecutions following federal ones, that factor should be a consideration as well.

1. The existence of a joint investigation does not presume that a joint prosecution will occur. Instead, a decision to undertake separate prosecutions or to conduct separate additional investigation may result. Further, where there are multiple subjects of an investigation, it may be appropriate that one or more subjects be prosecuted in local or state prosecutions, while one or more other subjects be prosecuted federally.

2. When considering plea strategies, where a subject can be charged under both local or state law and federal law, it can be useful to approach the subject and his attorney before charges are brought to discuss the possibility of a plea in only one jurisdiction.

3. If there is no agreement among the local, state and federal prosecutors concerning the prosecution, separate state and federal prosecutions may result if the evidence warrants such action and if such action is in the best interest of justice.

4. The joint prosecution decision should be announced as soon as feasible. A coordinated press release or news conference should be considered.

5. If it is agreed that state prosecution is appropriate and that federal prosecution should be initiated only if federal interests are not vindicated by local action, the USAO and the Criminal Section should remain in contact with the DA to continue to evaluate the vindication of federal interests and/or the need for additional FBI assistance.

6. The CRS representative should be notified prior to any public announcements concerning prosecution decisions or other information which may heighten community tensions.

X. COLOR OF LAW REMEDIAL/PREVENTIVE EFFORTS

1. When appropriate, the USAO, the Criminal Section, or the DA should ask CRS to offer on-site cultural and diversity training, and other relevant programs, at police departments, schools, religious institutions and other sites.

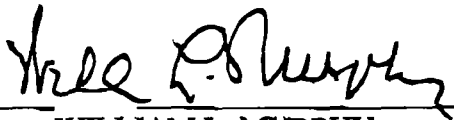
2. The parties to this agreement should help promote dialogue between the community and state and local law enforcement. The dialogue should explore, among other things, the role of the community in preventing and investigating allegations of color of law incidents.

3. The parties to this agreement acknowledge that increased training, effective complaint intake, improved investigations, more aggressive preventive and disciplinary actions by law enforcement agencies and criminal prosecution, when appropriate, can reduce incidents of color of law violations. Accordingly, the parties will work to strengthen preventive, investigative and prosecutive measures related to color of law cases. When additional assistance might be helpful, prosecutors should contact the Criminal Section and request consultation on these issues. Should any prosecutor find that the above areas are lacking to a degree that impacts their ability to investigate and prosecute color of law matters, the prosecutor should notify the Criminal Section.

4. The parties to this agreement should ensure that all color of law complaints are recorded and ultimately reported to the FBI for both investigative and data collection/analysis purposes.



JANET RENO
ATTORNEY GENERAL
OF THE UNITED STATES



WILLIAM L. MURPHY
PRESIDENT
NATIONAL DISTRICT
ATTORNEYS ASSOCIATION

JULY 27, 1998

Office of Division Counsel
United States Custom House, Room 603
2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106

CC:PH
JKW

July 20

MEMORANDUM TO: Special Agent in Charge
Philadelphia Field Division

FROM: Division Counsel
Philadelphia

SUBJECT: Meeting with Philadelphia Mayor
Edward G. Rendell and United States Attorney
Michael R. Stiles Regarding Firearms
Initiative

This memorandum outlines the major points discussed at the meeting held today in Philadelphia Mayor Edward G. Rendell's Office. In addition to Mayor Rendell, the following people attended: from the City of Philadelphia, Richard Zapille, Deputy Mayor; Michael Di Berardinis, Commissioner of Recreation; John F. Timoney, Police Commissioner; from the United States Attorney's Office for the Eastern District of Pennsylvania, Michael R. Stiles, the United States Attorney; Ronald Levine, Chief, Criminal Division; Huntley Palmer, Chief, Firearms and Arson; and from the Bureau of Alcohol, Tobacco and Firearms, Larry Duchnowski, Special Agent In Charge, Philadelphia Field Division; J. Kevin White, Division Counsel, Philadelphia.

The meeting began with a discussion of Project Exile, an anti-crime initiative employed in the City of Richmond, Virginia, in 1997. This initiative involved Federally prosecuting any firearms case that could be brought in Federal Court. Although the initiative greatly increased the Federal case load, no additional Federal prosecutors were added to the existing staff. However, several local assistant district attorneys were cross-designated as Federal prosecutors. From all accounts, the program was extremely successful.

Special Agent in Charge
Philadelphia Field Division

Category 1

- a) The defendant has been convicted of 2 or more crimes of violence;
- b) The defendant has been convicted of 2 or more felony drug convictions; or,
- c) The defendant has been convicted of a combination of a and b.

Category 2

- a) The defendant has one felony conviction and used the firearm in the instant case in a crime of violence.

Since such a defendant would receive a minimum sentence of 5-7 years imprisonment under the Federal Sentencing Guidelines, the defendant should be motivated to take the State plea.

A number of details need to be worked out with respect to Mr. Palmer's proposal. He will be conducting a survey of the potential number of cases which would fall into these categories. The survey will track Philadelphia cases from July 1 until August 15. He will then use this number to predict the number of such cases for the year.

Both the Mayor, a former Philadelphia District Attorney, and the United States Attorney, a former Pennsylvania judge, expressed concern about the reaction of the judges in the Court of Common Pleas to the proposed guilty plea agreements and the 2 1/2 year minimum sentences. They noted that judges may think such agreements overly restrict their discretion at sentencing or contravene State sentencing guidelines. However, the Mayor predicted that the length of prison sentences will increase overall as a result.

The United States Attorney was concerned about the Justice Department's petit policy. This policy restricts the ability of the United States to prosecute a case which has already been prosecuted in State court. The Federal prosecution of a defendant who takes a State plea and is sentenced to less than 2 1/2 years imprisonment may be potentially curtailed by this policy.

Special Agent in Charge
Philadelphia Field Division

The availability of sufficient resources was another source of concern. There was talk of a 1.5 million dollar appropriation for 5 Federal prosecutors and 10 ATF Special Agents, but no one was clear on the details. However, Mayor Rendell will be travelling to Washington, D.C., at the end of the month and he plans to discuss funding with various members of Congress.

The Mayor suggested that the group meet again after Mr. Palmer has completed his impact survey. He also thought that the District Attorney should attend the next meeting. In closing, he described ATF's efforts in reducing firearms related crimes in Philadelphia to date as champion.

Should you need any additional assistance, please contact us.

J. Kevin White

cc: Chief Counsel



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

SECRETARY OF THE TREASURY

May 14, 1998

The Honorable Edward G. Rendell
Mayor of Philadelphia
Philadelphia, Pennsylvania 19107-3295

Dear Ed:

Thank you for your letter on the problems the law enforcement community faces in dealing with the issues of handgun violence. I share your goal of maximizing Federal, State and local resources dedicated to providing for the safety of our communities.

In Philadelphia, you have implemented a number of creative and innovative measures to address the problems of handgun crime. Clearly, you are addressing this troubling problem at every level possible through new programs, enhancements to existing programs, and proposed legislation. As you state, however, despite the most impressive and innovative of measures, the number of gun-related crimes and homicides are at record levels.

The Bureau of Alcohol, Tobacco and Firearms (ATF) plays a key role in stemming the violent handgun crimes throughout the United States. Your positive comments on ATF's efforts in the City of Philadelphia confirm that our initiatives in areas such as firearms trafficking and firearms tracing are both successful and worthwhile. Unfortunately, as ATF's initiatives have developed and expanded, the Bureau's nationwide criminal investigator strength has been significantly decreased because of attrition. While ATF is in the process of hiring approximately 150 criminal investigators, ATF does not expect to be able to staff all of its field divisions at the desired levels. Nine new criminal investigators will be assigned to the Philadelphia Field Division, four of which will be assigned in the City of Philadelphia. The investigative work throughout the field division will assist the State of Pennsylvania and the City of Philadelphia in combating firearms trafficking.

-2-

In addition to the criminal investigators ATF is currently hiring, ATF has requested six new criminal investigator positions in its fiscal year 1999 budget. These positions, which are currently pending before Congress, will be used to support the Bureau's Youth Crime Gun Interdiction Initiative (YCGII) in the Philadelphia area.

I regret that, at the present time, ATF is unable to provide more than four positions to staff the ATF offices in the City of Philadelphia. ATF, however, will continue to look for ways to provide additional criminal investigator support to your efforts. ATF will continue to consult with the City of Philadelphia in order to identify other ATF programs whereby the Bureau and the City of Philadelphia can pool resources in a joint effort to stem handgun crime.

Thank you again for writing.

Sincerely,



Robert E. Rubin



Violence Policy Center

1350 Connecticut Avenue, NW
Suite 825
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

August 5, 1998

Jose Cerda
Special Assistant to the President
for Domestic Policy
Old Executive Office Building
16th & Pennsylvania Avenue, NW
Room 224 OEOb
Washington, DC 20502

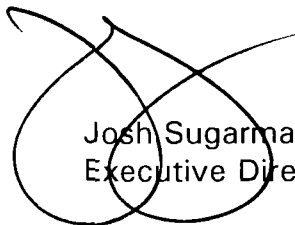
Dear Mr. Cerda:

Enclosed please find a letter recently sent by the Violence Policy Center to Philadelphia Mayor Ed Rendell detailing our very strong concerns regarding his promotion of "smart" gun technology. Knowing of the President's commitment to reducing gun death and injury, I wanted to make you aware of the controversy surrounding this proposal and the limited effect it would have on gun violence.

If you have any questions about the enclosed, please do not hesitate to have your office contact me or Kristen Rand, our director of federal policy, at 202-822-8200.

Thank you for your time and attention.

Sincerely,



Josh Sugarmann
Executive Director



Violence Policy Center

1350 Connecticut Avenue, NW
Suite 825
Washington, DC 20036

202.822.8200 voice
202.822.8205 fax
www.vpc.org web

August 3, 1998

The Honorable Ed Rendell
Office of the Mayor
Room 215 City Hall
Philadelphia, PA 19107-3295

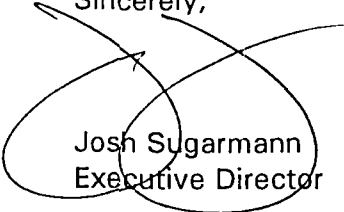
Dear Mayor Rendell:

The Violence Policy Center (VPC) is a national non-profit organization dedicated to reducing firearms violence in America. We share your concerns regarding gun violence and appreciate your efforts to decrease it, but we believe "personalized" or "smart" guns are an ineffective and most likely dangerous idea. Our concerns include the following:

- Personalized guns would have little positive effect on the vast majority of gun death and injury in America: suicides and homicides.
- Like the "Star Wars" missile defense system, personalization technology as envisioned by its proponents does not presently exist and may never be feasible.
- Survey data shows that the vast majority of gun owners have more than one firearm. Therefore, there would almost always be an alternative non-personalized gun available to children and thieves unless gun owners disposed of all of their other firearms.
- Handgun sales are down because of market saturation. Personalization will allow the gun industry to not only resell the old market, but also expand to new markets. This would also increase the lethality of the private gun stock since gun owners who switch to personalized guns would in most cases be trading up to a weapon of higher caliber and capacity.
- Personalization alone would not address more basic handgun safety issues for which technological solutions are already available, such as load indicators, magazine disconnect devices, and "drop tests" to identify guns that are prone to unintentional discharge.

Efforts to allocate federal tax dollars for personalized gun "research" amount to nothing less than a taxpayer-funded bailout for America's ailing gun industry. We strongly oppose this idea. I have enclosed a VPC backgrounder detailing our concerns regarding personalized guns. If you would like additional information, please contact VPC Director of Federal Policy Kristen Rand or me at 202-822-8200. Thank you for your time and attention.

Sincerely,



Josh Sugarmann
Executive Director



Violence Policy Center

1350 Connecticut Avenue, NW
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The False Hope of the "Smart" Gun

The concept behind "smart" or "personalized" guns is to design and market a firearm that may only be fired by an "authorized" user. Proponents argue that such technology, also known as "safe" guns, would stop the misuse of firearms by children and render stolen weapons useless. By definition, such an approach would have very little effect on the majority of gun death and injury in America: suicide by gun owners (the leading cause of firearm-related death in the United States) and homicide (most homicides occur between people who know one another, most frequently as the result of arguments). Advocates of "personalized" guns who portray such technology as a solution to gun violence display a lack of understanding of the nature of firearms violence in America. And although the idea of a handgun that can only be fired by its owner sounds like a panacea for unintentional firearm-related injuries, "personalized" guns may prove to be more of a boon for the gun industry than for America's children and parents.

Furthermore, new survey data calls into question how effective efforts to make handguns operable only by their owners can be in reducing death and injury. *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use*, published in 1997 by the Police Foundation, offers detailed information on the types of guns in circulation and who owns them.

The survey data from *Guns in America* finds that only one quarter of American adults own a gun. However, those who have one gun usually have several. In fact, 74 percent of gun owners have two or more guns. Furthermore, 68 percent of handgun owners also own at least one rifle. Since the vast majority of gun owners have more than one firearm, there would almost always be an alternative non-"personalized" gun available to children unless gun owners disposed of all of their other firearms.

Other practical problems could be presented by the advent of "personalized" gun technology even if gun owners did choose to trade in their currently owned handguns for "personalized" guns. The *Guns in America* survey finds that more than 77 percent of handguns now possessed by private individuals hold less than 10 rounds of ammunition—reflecting the fact that most of these handguns are revolvers. Should these gun owners choose to trade their weapons in for "personalized" guns, they would in most cases be trading up to a pistol of higher caliber and capacity (most guns produced today are pistols with 10-round magazines). Therefore, "personalized" guns may result in an increase in the lethality of the private gun stock.

The technology would also help the gun industry boost lagging handgun sales. This concern is affirmed by a survey done in March 1997 by the National Opinion Research Center and the Johns Hopkins Center on Gun Policy and Research which found that of respondents who were "unlikely to buy a gun in the future," *35 percent* would "consider buying a handgun that would only fire for the owner of the gun." If the device added only \$100 to the price of a handgun *more than 21 percent* would be either "somewhat likely" (13.3 percent) or "very likely" (eight percent) "to purchase a personalized handgun."

Other concerns surrounding the introduction of "smart" guns that have not been adequately addressed include:

No empirical data exists estimating the number of gun-related deaths and injuries that might be prevented by the implementation of a requirement that guns be "personalized."

The very existence and feasibility of such technology is speculative at best. The Violence Policy Center is aware of no working, reliable model of such technology, much less any "personalization" component envisioned by "smart" gun supporters which has actually been in use.

Because of the experimental nature of the technology, gun control advocates would be forced to rely to a great extent on the firearms industry for analyses of the feasibility, cost, and effectiveness of "personalization" technology. In the Violence Policy Center's experience, the firearms industry (like most other industries) will always place profit and reducing its exposure to liability well ahead of consumer and/or public safety.

"Personalization" may offer benefits to the firearms industry by giving it the opportunity to open new markets. Certain segments of the population—such as women—who now fear the risks of having a handgun in the home may feel that a "personalized" gun is safe and that would serve to open new markets to the firearms industry.

"Personalization" alone would not address more basic safety issues. For example, many firearms currently in the hands of consumers are prone to "drop-fire" or "bump-fire," in that such guns are likely to fire without the trigger being pulled when they are dropped or struck. Manufacturers should be required to meet minimal safety standards, including withstanding a drop-fire test, before moving on to the issue of "personalization."

"Personalization" may cause many people to believe that such guns are "safe" and therefore lead them to discount the risks of homicide, suicide, and unintentional discharge associated with any firearm, and especially handguns.

Furthermore, a focus on "personalization" implies that handguns in the hands of authorized users provide some significant societal benefit. The reality is that aside from target shooting and use by police and military, handguns have virtually no utility. They are poor self-defense tools and are seldom used by the general public to stop crime or kill criminals.

In addition to these basic concerns about the feasibility of "personalized" gun technology, many concerns arise regarding the implementation of such an approach. For instance, what regulatory entity would take responsibility for oversight and enforcement? What agency would be responsible for ensuring that any given "personalization" technology is adequate?

"Personalization" would address only one aspect of a handgun's many design characteristics that make the product hazardous to users and bystanders. While some have argued that "personalizing" handguns is an example of applying to handguns the health and safety standards we apply to other consumer products, nothing could be further from the truth. If handguns were held to the same standards we hold other consumer products—does the utility outweigh risk—they would be banned because of their high risk and low utility. "Personalization" in fact, represents the exact opposite of applying a consumer product approach to handguns in that, by definition, it accepts the industry's false argument that handguns have some utility. (The cost/benefit equation may, however, be different in the case of weapons intended for use by law enforcement since a significant percentage of officers killed or wounded in the line of duty are shot with their own or their partner's service weapon.)

The bottom line is that *any handgun is unsafe in any hands*. It makes little sense to develop expensive technology of dubious effectiveness solely to preserve access to a hazardous consumer product that offers no benefit to the user.

Date: 07/24/98 Time: 14:06

New pistol with fingerprint identifier to stop wrong user

BONN, July 24 (AFP) - A German company, TWM, is perfecting a pistol with a "smart" fingerprint identifier which can prevent anyone but its owner using it, the engineering giant Siemens said Friday.

A statement said the pistol would be provided with a pick-up system developed by Siemens and already used in the identification of owners of portable telephones, credit cards and computers.

The gadget would be fitted to the butt.

The fingerprint of anyone picking up the pistol would be immediately compared with that of the owner, stored in a computer chip. If they differed, the weapon would disarm itself and be unusable.

Siemens said the German police are interested in the idea, which could be used to prevent service weapons going off if they fell into the hands of children or were stolen.

The weapon is being developed by the TWM company at Tuttlingen in south Germany, Siemens said.

ha/da/jly

Identification of gunrunners hasn't cut flow

Critics cite shortage of ATF agents

By William Kleinknecht
STAR-LEDGER STAFF

The ambitious campaign launched two years ago by President Clinton to track illegal handguns has succeeded in identifying probable gun traffickers — but few have gone to jail as a result.

A Star-Ledger review of federal firearms data shows that gun traces generated a computer database containing the names of hundreds of suspects, yet the number prosecuted has continued to sharply decline.

Between 1992 and 1996, the firearms-trafficking cases that the U.S. Bureau of Alcohol, Tobacco and Firearms referred for federal prosecution dropped to 3,643 from 7,458, according to figures supplied by the bureau. That number kept falling after Clinton launched the tracing initiative, to 3,134 last year.

And yet the number of guns traced by ATF agents has increased substantially, going from 51,210 in 1992 to 116,349 in 1996, according to

federal figures. During that same period, the number of ATF field agents dropped more than 10 percent.

The ATF's inability to build more firearms cases has been a disappointment to supporters of gun-tracing, who say federal lawmakers refuse to give the ATF enough agents to go after traffickers.

"I think it's a scandal," said David Kennedy, a professor at Harvard University's Kennedy School of Government, who helped design Clinton's initiative. "There are all these pieces of gold scattered on the ground waiting to be picked up. But there aren't enough people to do the picking."

The lack of money for enforcement and Congress' unwillingness to make gun-trafficking a law enforcement priority have long been a concern for New Jersey and the Northeast, said Sen. Robert Torricelli.

"The laws may be comprehensive, but there are simply not enough resources being given to the

Guns

Prosecutions lag despite more data

problem," said Torricelli. The New Jersey Democrat said he favors legislation that would limit the number of guns any individual could buy in a single state to one per month.

Officials at the ATF, the lead agency in the President's initiative, declined requests to be interviewed about the program. Members of the U.S. Attorney's Office in New Jersey, which prosecutes gun-trafficking cases, also declined to be interviewed.

Beth Weaver, a spokeswoman for the Treasury Department, which oversees the ATF, acknowledged that the agency's firearms enforcement efforts have been hampered by a lack of funding.

Weaver said the President's program was given only \$1 million for its first year of operation, in fiscal 1997. But she said the wealth of data and suspects produced by the program has persuaded lawmakers to earmark \$28 million for it for fiscal 1999, which begins Oct. 1. That is enough to add 162 agents and intensify prosecution efforts, she said.

It still leaves the ATF with fewer agents than it had in 1994, when its staffing began to drop.

Different standards

New Jersey has been a national leader in gun-tracing for several years as the state copes with a continuing inflow of illegal handguns from Southern states that have more lenient firearms laws.

Like most Northeastern states, New Jersey requires handgun purchasers to possess a permit and undergo an extensive background check. But in states like Florida, a person needs only to display a driver's license to purchase an unlimited number of handguns. Gun traffickers take advantage of the difference by buying guns in the South and illegally transporting them to New Jersey, where they are kept or sold unregistered.

In 1995, U.S. Attorney Faith Hochberg, New Jersey Attorney General Deborah Poritz and the state's 21 county prosecutors made New Jersey the first state to confront the problem of smuggled handguns. They agreed to submit the serial number from every gun seized after a crime to the ATF office in Fairfield for tracing, an effort that became known as Project LISA. The acronym stands for locate, identify, seize, apprehend.

From 1992 through June of this year, the ATF traced 15,966 firearms that had been seized in New Jersey, building up a sophisticated computer

database that showed exactly which states and even which stores supply the bulk of the illegal weapons that end up here.

In part because of the state's track record in gun-tracing, Jersey City was one of the 17 cities that the ATF chose for the federal gun-tracing program launched by Clinton during his re-election campaign in July 1996. It is known formally as the Youth Crime Gun Interdiction Initiative. It was expanded to 27 cities last year.

In announcing the program, Clinton said he envisioned gun-tracing as the centerpiece of "a national campaign to cut off the flow of guns to teens who commit crimes."

But the reality has been far different. In Jersey City, the program has yielded no significant trafficking prosecutions, even though hundreds of guns have been traced during its two years.

Project LISA has fared a little better, but still has produced fewer than two dozen trafficking cases since it started in 1994.

New Jersey's ATF office in Fairfield has a plethora of investigative leads, yet the office has made fewer than two dozen trafficking cases since 1995. Dominick Polifrone, the resident agent in charge, said his investigations have been hampered by a shortage of manpower.

While Polifrone declined to say how many agents are assigned to his office, he said his office is stretched so thin that he is forced to rely on National Guard personnel to actually handle the computer tracing.

In a recent interview in his office, Polifrone pointed out 22 blue sheets of paper pinned on a bulletin board. Each of them, he said, represents a promising trafficking investigation that is not even close to having agents assigned to it.

"We could be making a lot more cases if we had the manpower," he said. "If the National Guard were pulled out of here, we'd have to close down Project LISA. It's that simple."

Large purchases

A senior Treasury Department official who asked not to be identified said factors other than manpower may have played a role in the declining number of firearms cases. The official said the ATF has increasingly emphasized the longer, more complex trafficking investigations. There are fewer of them, but they involve larger numbers of firearms.

The ATF is the only law enforcement agency with the ability to trace the origins of a firearm. Federal law requires gun dealers to record the name and address of anyone who purchases a firearm. If given the serial number of a weapon from a local police agency, ATF agents can enter it into a nationwide computer database and learn within seconds where the gun was first sold and to whom.

If the traces show an instance of large numbers of weapons being bought by one person, it is considered a good indication that the purchaser is involved in gun-trafficking, ATF officials say.

Only in recent years has ATF begun working with state and local police departments to trace weapons seized in street crimes. Firearms that traditionally would be stored away in police evidence rooms have become the theoretical starting points for federal gun-trafficking investigations.

Supporters of the ATF have long complained that the agency is denied sufficient funding for firearms enforcement because of pressure from anti-gun control lobbyists.

Rep. Donald Payne (D-10th Dist.), who represents Newark, said the gun lobby has always tried to block funding for ATF firearms enforcement and has found a sympathetic ear in Congress' Republican majority.

"The ATF is just one of those agencies that the Republican majority dislikes," he said. "The NRA and that crew are just such an overpowering lobby."

After ATF agents bungled the 1993 raid on the Branch Davidian compound in Waco, Texas, the National Rifle Association sent out a fund-raising letter calling ATF agents "jack-booted thugs" wearing "Nazi helmets."

Amid the controversy over the ATF's performance at Waco, the agency's \$366.4 million budget appropriation for 1994 was given no increase and the number of agents dropped from 1,939 to 1,884, according to ATF figures. That number was down to 1,664 by 1996, although it rose last year to 1,770.

"The ATF has been doing some very innovative things with gun-tracing, but they are kept on a very short leash for funding," said Tom Diaz, a senior policy analyst with the Violence Policy Center, a Washington gun-control organization. "And that, quite frankly, is the effect of the gun lobby."

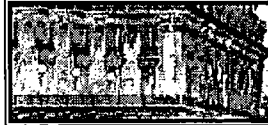
Paul Blackman, a research coordinator with the NRA, said his organization supports strong action against gun traffickers and has never stood in the way of funding for enforcement.

The NRA supports gun-tracing as a tool for identifying traffickers, he said, but believes it is useless for the gathering of statistics on trafficking because a small percentage of illegal weapons are successfully traced.

"We aren't keeping any money away from the ATF," he said. "The NRA has been complaining longer than the Violence Policy Center about the government's failure to crack down on gun-wielding criminals."


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Updated 4:08 PM ET August 14, 1998

Rendell, Lautenberg back gun crackdown

PHILADELPHIA, Aug. 14 (UPI) Philadelphia Mayor Ed Rendell and U.S. Sen. Frank Lautenberg, D-N.J., are calling for an extension of the National Rifle Association-sponsored idea of a federal crackdown on gun trafficking to Camden, N.J.

The U.S. Senate has already approved \$1.5 million in funding to prosecute gun offenses in Philadelphia. The new move will add \$800,000 to target gun enforcement in the Garden State city across the Delaware River.

The proposal still has to be approved by the House of Representatives and President Clinton.

NRA spokesman Bill Powers tells United Press International that the lobby first got involved in the fight against gun violence in Richmond, Va., which at the time was the No. 2 murder capital in the country. The NRA held its national convention in Philadelphia in June and challenged the White House to try the program in a major metropolis. They chose the City of Brotherly Love.

Now, nearby Camden, N.J., is poised to become part of the program and Powers says: "We're happy about it.... We're tickled pink. The more the merrier."

The program, dubbed Project X-File, relies on a rarely utilized federal law that says a convicted felon who handles a weapon faces five years in prison. According to Powers, that cut Richmond, Va.'s murder rate by 60 percent and the NRA's role included funding promotions.

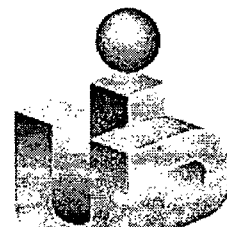
He says, "We're not surprised if by the end of the year, another 10 to 20 cities (participate)."

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Front Page

The Gun Debate

A high-powered crusade reducing gun homicides

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▶ [GRAPHIC: Gun homicides](#)*One in an occasional series.*

By Jeff Gammage
INQUIRER STAFF WRITER

RICHMOND, Va. -- When city police stopped Andre Hunter for a minor traffic violation, it wasn't bad driving or even the cocaine stashed in his pants that got him in real trouble.

It was the gun the officers found hidden in his jacket.

In this city, under an innovative law-enforcement program called Project Exile, routine gun cases now are being treated as federal weapons offenses -- ensuring quick prosecutions and longer sentences.

Hunter, 24, a passenger in a Nissan Maxima when he was arrested on Feb. 10, pleaded guilty to possessing cocaine with the intent to distribute and to being a felon in possession of a firearm -- a stolen Star 9mm pistol, loaded with seven rounds. At his sentencing hearing Wednesday, he asked the court for another chance, saying he had found the Lord and spends every night reading the Bible.

"I'm willing to change my life and do some great things for this community," Hunter told U.S. District Judge James Spencer.

Maybe so. But first Hunter is going to do serious time: The judge sentenced him to five years in prison.

If Hunter had been tried in the city courts, his attorney said afterward, he probably wouldn't have gotten a day.

That's the essence of Project Exile, a high-energy, high-volume crusade to get illegal guns and criminal gun users off the streets of Richmond. Backers say the program has powered a startling drop in gun-related homicides in a city consistently ranked among the nation's murder capitals.

The results are so encouraging that Mayor Rendell and the National Rifle Association have proposed re-creating the Richmond experiment in Philadelphia, which has the highest proportion of gun homicides among major U.S. cities.

In Richmond, 140 people were slain in 1997, 122 of them with guns. In the first six months of last year, 62 people were shot to death. During the same time this year, 22 were killed -- a 65 percent decrease. Partial July figures are equally encouraging: nine dead last year, two this year.

"We have a huge problem," said S. David Schiller, a senior counsel in the U.S. Attorney's Office in Richmond and an architect of Project Exile, so named because it "exiles" gun users from the community. "I believed it would make a difference. We're two years ahead of my most wild, optimistic projections."

Gun suspects face a harsher world in the federal system: Prosecutions move faster, defendants often are jailed while awaiting trial, sentences are lengthier, and there's no parole.

Since Project Exile began early last year, 259 suspects have been arrested and nearly 80 percent have been convicted or pleaded guilty. Their average prison term is nearly five years.

Meanwhile, local law-enforcement officials say the program is producing a myriad of positive side effects: Gun seizures are up; armed robberies are down; more citizens are calling police with tips about gun crimes.

Now, other cities, Philadelphia among them, are exploring whether Project Exile should be the model for their own attacks on gun violence.

Rendell and the NRA have proposed making Philadelphia -- seven times larger and far more diverse than Richmond -- a test site for a similar crackdown, in which federal officials would prosecute gun-possession violations. The NRA believes weak enforcement, not weak laws, fuels firearms violence.

Sen. Arlen Specter (R., Pa.) has obtained preliminary approval of \$1.5 million to hire federal agents and prosecutors who would handle only gun crimes. If the plan is endorsed by President Clinton, the city would get the money in October. Rendell is going to Washington today to lobby for White House support for the federal aid.

Philadelphia leads the nation's 10 largest cities in the percentage of homicides that are gun slayings. In 1996, that figure was 82 percent, compared with 62 percent in New York. Huntley Palmer Jr., chief of the

U.S. attorney's firearms-prosecution unit, told City Council that Philadelphia was "the leading major city in the nation with respect to firearms violence," mostly because of the "easy availability of firearms and resulting rise in the number of handguns on the streets."

Last year, about 1,500 adults were brought into Municipal Court and Common Pleas Court on gun charges. Half went free through acquittals, dismissals or dropped charges. A third received probation. Less than one-fourth were convicted, and of those, only 7 percent were sentenced to more than two years.

Moving some of these cases into the federal system could bring more convictions and tougher sentences. "It could be used successfully in the city of Philadelphia," said U.S. Attorney Helen Fahey in Richmond.

Possession of a gun by a convicted felon, carrying a gun while selling drugs, and having a gun with an obliterated serial number are federal crimes. The laws are not new -- they date from the 1960s -- but now they are being aggressively enforced by Richmond authorities.

"Something we need to be concerned about is we don't declare victory too early," Richmond Deputy Police Chief Fred Russell said. "The numbers are promising. They sound good. But a lot of hard work needs to be done to continue the progress."

A central component of Project Exile is a saturation advertising campaign that trumpets a single, potent message: "An illegal gun gets you five years in prison." Billboards, newspapers, handbills, television ads and even a big black city bus have been splashed with the message, and police officers say word is getting around.

Richmond Police Sgt. Steve Owenby said he stopped three men last month because they matched the description of suspects who had threatened people with guns. He searched one of the men, asking if he had a weapon.

"Right out of his mouth," Owenby said, "he goes, 'Exile will give you five years. I'd be an old man when I got out.' " None of the three was armed.

Richmond is one of a few cities -- Boston is another -- that have mounted experimental strikes against gun crimes by strengthening enforcement of laws. The idea is to get guns away from those who carry them illegally, the people most likely to use them to commit new crimes. Motivating people against carrying guns also reduces the number of impulse killings -- committed by angry spouses or reckless drug dealers, for example -- because no weapon is at hand.

"It's one element to discourage them from routinely carrying firearms, not to say they might not have the . . . thing under their mattresses," said former New York Police Commissioner William Bratton, now a law-enforcement consultant. "In Boston it was used very effectively to target the gangs, both from a practical as well as a psychological standpoint."

In Richmond, the so-called gun-carry rate, the percentage of times an officer confiscates a weapon during an arrest, has been cut in half.

Project Exile has been endorsed by both poles of the gun debate, Handgun Control Inc. and the NRA, which donated \$10,000 to the advertising campaign.

Still, some critics, including Bratton, have accused the NRA of hypocrisy -- endorsing a federal crackdown while lobbying for weaker search-and-seizure laws and against more money for federal firearms agents. Virginia is one of three states that restrict buyers to one handgun purchase a month, a limit opposed by the NRA.

People in Richmond say gun violence touches every facet of city life, and not just in the number of dead, grieving and wounded it leaves behind. It also exacts a psychic toll from fearful residents, and no one has enjoyed seeing this genteel Southern city portrayed as a modern-day Wild West.

Businesspeople say a violent image also has a very real economic cost, driving away tourists and businesses. They see the success of Project Exile as crucial to the city's plans to expand its convention center and open a new, visitor-friendly canal park.

"We were in a bad situation before Exile," said William Baxter, president of the Retail Merchants Association of Greater Richmond. "It became a marketing issue for us: How do we portray a safer environment? Exile has been the key driver in that."

But not everyone in the capital of the Confederacy is so admiring. Some defense lawyers say basic fairness is violated when people caught with guns receive longer terms than offenders who actually hurt someone.

Local attorney Bradford Johnson, who represented Andre Hunter in federal court last week, said defendants were being hit with so much time that it amounted to cruel and unusual punishment. "I think at some point it's going to be declared unconstitutional," he said. "It turns the federal court into a police court."

Philadelphia firearms prosecutor Palmer, who visited Richmond to study Project Exile, wonders how readily the program can be adapted to a much larger city. "In Richmond, given the smaller scale, you're going to be able to have a much quicker and dramatic impact," he said.

Philadelphia is not just bigger -- 1.5 million people compared with 204,000 -- but significantly more diverse. Ninety-eight percent of Richmond's residents are black or white; the number of Hispanics and Asians is minuscule. Philadelphia has significant populations of Latinos, Chinese, Koreans and other nationalities, making it harder to reach vast numbers of people with a single message.

U.S. prosecutor Schiller shrugs off that worry.

"Does Coca-Cola have a problem advertising in Philadelphia? Does Circuit City? Or Sears?" he asked. "You take the system we've got here, and blend it to what's going on locally."

Inquirer staff writer Craig R. McCoy contributed to this article.

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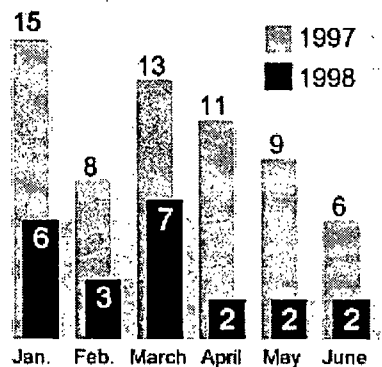
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NEWS

Graphic

A Good Start

Richmond's Project Exile is credited with a dramatic drop in gun homicides since it went into effect in February 1997.

Gun Homicides in the First Six Months



62
total in 1997

22
total in 1998

SOURCE: U.S. Attorney's Office in Richmond

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MEETING WITH MAYOR RENDELL

- **Philadelphia.** Want to help Philly as much as possible. Already have request for more ATF agents and prosecutors to work with you. Want to base what we do on Boston model -- improving coordination between Feds and locals on what the most important gun cases are; helping promote targeted deterrence through increased federal prosecutions; cracking down on traffickers. We recognize the need to take on more gun cases, but don't want to fall into NRA's trap of federally prosecuting every gun case.
- **NRA Challenge.** Don't see the need to give the NRA any credit or credibility by working directly with them. Working in one city only gets them off the hook too easily you know we need more resources than that. Moreover, your decision to appoint a new Police Chief that could replicate New York's success would be undermined. You and your Police Chief should be getting the credit, not some deal with the NRA.
- **Administration Focus.** Our focus before Congress goes out -- and prior to the recent shooting -- has been to get the \$28 million we need for YCGII and take it to scale next year; to pass juvenile Brady, CAP legislation and extend the 5-day waiting period; and to fight amendments overturning the ban on modified assaults weapons, allowing hundreds of thousands of military surplus firearms, and undermining Brady implementation; and long-term development of a child-proof gun (currently working with Colt and NIJ to develop and make widely available by 1999).
- **ASSC Partnership With Mayors.** What is the focus of ASSC collaborative effort? What do they want and can we live with it. It is not our understanding that, besides child safety locks, they are supportive of anything else we are doing (i.e., child proof gun). Are they interested in federal legislation to preempt certain efforts by states to establish standards, liability, etc. How do efforts by Chicago, Philly and LA to suit gun manufacturers comport with this new partnership. Have you put these legal challenges on hold for now? Do the Mayors plan to report out a joint set of recommendations with the ASSC anytime.
- **Possible Responses.** USCM and Administration could propose a reasonable alternative to the NRA. It could include taking YCGII to scale; increasing resources for cities based on the Boston model; and other things that ASSC may or may not support -- new penalties for traffickers, gun show crack downs (secondary market), child-proof gun and strengthening of Brady. Also, how about a YCGII strategy document?

- Handwritten notes:*
- have all serious drug + gun cases in (styler)
 - JOICES ANORE on increases in cases.
 - LAURENBERG ONE GUN A MONTH... EARLY SEPTEMBER HEARING
 - \$1.5 million / 400,000 per Camden
Per Philly
 - ATF Agents + US Attorneys.
 - Kennedy Bill - Research
→ Philly article today.
- Handwritten list:*
- ① TECHNOLOGY
 - ② one gun-a-month
 - ③ straw purchasers
 - ④ CAP LEGIS.
 - ⑤ 5-Day Waiting Period.

not emailed
faxed

From: Susan Ginsburg *SG*
 To: EX.MAIL."Cerde_J@a1.eop.gov"
 Subject: Rendell Meeting

FYI some information and thoughts on this meeting.

Phila tells us that the Mayor will not be specific about resources for Phila. It appears that the USAtty and ATF SAC are working out a plan for Phila. This is not yet done. It will come to us for review.

I had a preliminary meeting with the Conf of Mayors staff today. From them I gained the impression that they have no fixed agenda yet, they are interested in ensuring that they and the ASSC have joint recommendations, that Mayor Rendell may ask Rahm about one gun a month, about regulating gun shows, personalized guns, and resources in general. This appears to be a fluid situation where concepts are still being shaped.

Preliminarily, we can certainly support (1) enforcement against armed career criminals/felons in possession (Triggerlock, Achilles, tailored Exile); and (2) comprehensive tracing (YCGII cities, and "universal" as a goal). (Combined, these two approaches represent a balanced strategy.) I would also suggest we (3) move toward the goal of ensuring Brady checks and the ability to trace guns for all gun transfers (including gun show sales by non-FFLS). (4) Continued commitment to effective background checks (Brady implementation continues to be an important effort, given records availability). (5) Appropriate penalties for FFLs that traffick or aid traffickers to criminals and juveniles (6) Juvenile Brady.

In general these measures represent some of the much more we can do to curtail the gun supply to criminals and juveniles before the issue of restricting firearms sales (one gun a month) is reached. Though it may be that proposing this would get us more of the above list.

It is unclear what the ASSC will want in exchange for supporting such measures (and other measures). For example, they may want to change the 1968 factoring test for imported firearms, to create one standard (domestic and imports) to reflect the fact that domestic manufacturers now have distribution interests, and also perhaps insulation from liability in exchange for incorporating safety standards into such a standard. They are likely to want preemptive federal legislation on design issues where the states are beginning to act, such as obliterated serial number measures. Also, as you know, the ASSC is not pressing the personalized gun, as is Colt.

These are my thoughts, not intended to be comprehensive.

At this point, I think we need to wait for the Mayors group to thrash out their views.

The staff at the Conference invited me and someone from ATF to attend. I am inclined to go as an observer.

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TO:

Rahm Emanuel 456-2930
Lyn Cutler 456-2889
Jose Cerda 456-7028

FAX:

FROM:

Susan Ginsburg

SUBJECT:

Conf of Mayors

MESSAGE:

- This article reflects some highlights. A report to follow.
- Brady had not been on their agenda, however, they were receptive - but not to the waiting period.
- ~~Early~~ We have been contacted about Sen. Lautenberg's Sept 2 field hearing.

Mayors set deadline for gun industry

A task force organized by Mayor Rendell urged the industry to support sales limits by early September.

By Craig R. McCoy
INQUIRER STAFF WRITER



Mayor Rendell, with St. Louis Mayor Clarence Harmon, answers questions after the bargaining session. (AP Photo / James A. Finley)

ST. LOUIS -- A task force of mayors organized by Mayor Rendell to curb gun violence has given the firearms trade a deadline to decide if it can take the bold step of endorsing limits on sales of its own product.

In a four-hour bargaining session here yesterday with leading gun executives, including the chief executive of Smith & Wesson, Rendell urged the gun makers to join him in early September in backing a national limit restricting buyers to one handgun a month.

The executives reacted skeptically, but did not reject the proposal out of hand.

Members of Rendell's team said later that the industry's pledge to consider the idea seemed more than a formality. Georgia Nichols, an executive of O.F. Mossberg & Sons who is president of the industry's main trade group, said that solid language exempting gun collectors from the sales restriction may be enough to win industry support. Mossberg, based in Connecticut, makes shotguns and other firearms.

The mayors also pressed the industry to say by the end of the year whether it could back federal funding for research on so-called "personalized" handguns -- high-tech weapons that would only fire while in the hands of an authorized user. Some gun-control advocates want to limit future sales to such guns.

The same deadline was imposed, Rendell said, for the industry to say whether it would back tighter controls on sales of weapons at gun shows, currently freewheeling affairs that critics say draw criminals avoiding records checks. If the talks should fizzle at the end of the year, Rendell has said, he might then file a lawsuit against the gun industry, contending that its products constitute a public nuisance.

At least eight mayors have said their cities would join in such a lawsuit, including Gary, Ind., Mayor Scott King.

The National Rifle Association recently said in its national newsletter that mayors should drop plans for any such lawsuits -- and "stop attacking lawful businesses and start attacking violent criminals."

At a news conference following the bargaining session, Rendell again vigorously stumped for a one-handgun-per-month limit. He imposed a Sept. 2 deadline for the gun trade to endorse the restrictions because he expects to testify that day in Washington in support of a measure by U.S. Sen. Frank Lautenberg (D., N.J.) that would impose a one-gun-per-month limit nationwide.

"We think that 12 guns a year is enough for the average American citizen," Rendell said. "The Second Amendment is not unlimited."

Kennelly bill
\$100 m.

Blagojevich
bill

Treas - DOS
also invited

Citing figures from Philadelphia, Rendell said that at least one-fifth and perhaps as many as half of all guns used in crimes originally are bought by "straw purchasers" with clean criminal records who buy guns in bulk for traffickers to sell on the black market.

Richard Feldman, executive director of the American Shooting Sports Council, the main trade group for gun makers and firearms wholesalers, told reporters that the industry, too, wanted to block sales to such traffickers.

"Our task," he said, "is to figure out how to go after the bad guys without interfering with the rights of legitimate citizens."

Feldman also downplayed the potential impact of the "smart guns," which Rendell touted as a key to cutting gun suicides and accidents.

"You have to understand that there are 225 million guns [now] owned by the American people," Feldman said. "No one has suggested that those guns would be retrofitted."

* In one area of concrete agreement yesterday, Rendell and Feldman signed a joint letter urging Congress to make sure that the start of a national "instant-check" system of criminal records of gun buyers takes place Nov. 30 as scheduled. Funding for the system is in doubt because the NRA has criticized plans to finance it with a buyer fee of up to \$16 per check.

Rendell was joined yesterday by St. Louis Mayor Clarence Harmon and Gary's Mayor King, as well as by mayors from Little Rock, Ark., and Portland, Ore.

-The industry contingent numbered about 10 people, including Ed Shultz, chief executive of Smith & Wesson, the world's largest manufacturer of handguns -- 400,000 a year.

The two sides met in a second-floor room inside the ornate St. Louis City Hall, a century-old building of jutting gables and dormers that looks something like an out-of-scale French chateau.

Yesterday's meeting was the first substantive negotiation since Rendell, in an April 20 speech in Washington to Feldman's trade group, first appealed to the gun makers to join in discussions. The two sides met June 9 in Philadelphia, but the session was basically a get-acquainted meeting.

HR 3895 IH

105th CONGRESS

2d Session

H. R. 3895

To provide grants to improve firearms safety, and to provide for the study of the effects of developing firearms technology on firearms safety.

IN THE HOUSE OF REPRESENTATIVES

May 19, 1998

Mrs. KENNELLY of Connecticut introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to improve firearms safety, and to provide for the study of the effects of developing firearms technology on firearms safety.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the '21st Century Firearm Technology and Safety Act of 1998'.

SEC. 2. FINDINGS.

The Congress finds that--

- (1) the National Institute of Justice Science and Technology program has played a critical role in improving law enforcement technology;
- (2) the National Institute of Justice Science and Technology program has successfully developed standards for soft body armor which have been critical to saving the lives of law enforcement personnel;
- (3) the National Institute of Justice Science and Technology program is assisting in the successful development of personalized firearms to improve firearms safety; and
- (4) the National Institute of Justice should continue to focus its resources on improving technology to assist law enforcement in reducing crime, and on making technological improvements in the safety of firearms.

SEC. 3. GRANTS TO IMPROVE GUN SAFETY.

(a) IN GENERAL- The Director of the National Institute of Justice, in consultation with appropriate personnel of the National Institute of Justice who are involved in firearms technology and weapons technology matters, shall make grants to reduce firearms violence through improvements in firearms safety technology, weapons detection technology, and other technology.

(b) 3-YEAR GRANTS- A grant awarded under this section shall be paid over a period not exceeding 3 years.

(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS- For grants under this section, there are authorized to be appropriated not more than \$20,000,000 for each of fiscal years 1998 through 2002.

SEC. 4. INDEPENDENT PANEL ON FIREARMS SAFETY.

(a) ESTABLISHMENT- There is established in the Department of Justice the Independent Panel on Firearms Safety (in this section referred to as the 'Panel').

(b) DUTIES-

(1) IN GENERAL- The Panel shall--

(A) research how technology can be used in the area of weapons safety improvements to reduce violence; and

(B) direct, oversee, and review the work of the Technical Study Group on Firearms Safety.

(2) REPORTS-

(A) REPORT TO CONGRESS ON THE FINDINGS OF THE TECHNICAL STUDY GROUP ON FIREARMS SAFETY- Within 90 days after receipt of the report submitted pursuant to section 5(b)(2), the Panel shall submit to the Congress a report on the findings of the Technical Study Group on Firearms Safety. If the report submitted pursuant to such section contains a recommendation for standards governing the design of firearm safety locks, the Panel shall forward the recommendation to the National Institute of Justice.

(B) ANNUAL REPORTS- Within 1 year after the Panel is duly organized and annually thereafter, the Panel shall submit to the Congress a written report detailing the findings of the Panel and making recommendations on such firearms safety improvements as the Panel considers appropriate.

(c) MEMBERSHIP- The Director of the National Institute of Justice, in consultation with the Attorney General, shall appoint to the Panel at least 1 individual from each of the following categories:

(1) Representatives from the National Institute of Justice.

(2) Law enforcement experts.

(3) Representatives from consumer product safety organizations.

(4) Representatives of firearms manufacturers.

(5) Injury prevention specialists.

(6) Firearms technology experts.

(7) Experts in other relevant areas.

(d) TERMS-

(1) IN GENERAL- Each Panel member shall be appointed for the life of the Panel.

(2) VACANCIES- A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(e) COMPENSATION-

(1) RATES OF BASIC PAY- Panel members shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES- Members of the Panel who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Panel.

(3) TRAVEL EXPENSES- Notwithstanding paragraphs (1) and (2), each Panel member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) PROCEDURE-

(1) CHAIRPERSON- The Director of the National Institute of Justice shall designate a Panel member who is a representative of the National Institute of Justice to be the Chairperson of the Panel (in this Act referred to as the 'Chairperson').

(2) ACTING CHAIRPERSON- The Panel members, by majority vote, shall select a Panel member to serve as the acting Chairperson when the Chairperson is unable to so serve.

(3) MEETINGS- The Panel shall meet at the call of the Chairperson.

(4) QUORUM- A majority of Panel members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(g) PROFESSIONAL, ADMINISTRATIVE, AND TECHNICAL SUPPORT- The Attorney General shall provide the Panel with the administrative, professional, and technical support required by the Panel to carry out the duties of the Panel under this Act.

(h) POWERS-

(1) HEARINGS AND SESSIONS- For the purpose of carrying out this section, the Panel may, with the advice and consent of the Attorney General and the Director of the National Institute of Justice, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate.

(2) OBTAINING OFFICIAL DATA- Subject to other law, the Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. On request of the Chairperson, the head of that department or agency shall furnish that information to the Panel.

(3) MAILS- The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) PRESERVATION OF CONFIDENTIALITY- Section 6 of the Cigarette Safety Act of 1984 shall apply to information provided to the Panel in the same manner in which such section applies to information provided to the Interagency Committee on Cigarette and Little Cigar Fire Safety.

(j) TERMINATION-

(1) IN GENERAL- The Panel shall terminate 5 years after the date the Panel is duly

organized.

(2) INAPPLICABILITY OF TERMINATION RULE IN THE FEDERAL ADVISORY COMMITTEE ACT- Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Panel.

SEC. 5. TECHNICAL STUDY GROUP ON FIREARMS SAFETY.

(a) ESTABLISHMENT- There is established in the Department of Justice the Technical Study Group on Firearms Safety (in this section referred to as the 'Technical Study Group').

(b) DUTIES-

(1) IN GENERAL- Subject to the oversight and review of the Independent Panel on Firearms Safety, the Technical Study Group shall undertake such studies and activities as the Technical Study Group considers necessary to determine the technical and commercial feasibility, economic impact, and other consequences of developing improvements in firearms safety technology. A main focus of the Technical Study Group shall be to reduce deaths and injuries resulting from the unintended or inappropriate discharge of firearms. The initial research conducted by the Technical Study Group should be a study of the reliability of firearm safety locks and a determination as to whether the locks prevent the unintended discharge of firearms.

(2) REPORT- Within 9 months after the date the Technical Study Group is duly organized, the Technical Study Group shall submit to the Independent Panel on Firearms Safety a report on the findings of the Technical Study Group. If the Technical Study Group determines that firearm safety locks can prevent the unintended discharge of firearms, the report shall include a recommendation for standards governing the design of firearm safety locks.

(c) MEMBERSHIP-

(1) APPOINTMENT-

(A) NIJ EXPERTS- The Director of the National Institute of Justice shall appoint to the Technical Study Group personnel and agents of the National Institute of Justice with technical or scientific expertise.

(B) NIST EXPERTS- The Director of the National Institute of Standards and Technology shall appoint to the Technical Study Group personnel of the National Institute of Standards and Technology with technical or scientific expertise.

(C) BATF EXPERTS- The Director of the Bureau of Alcohol, Tobacco and Firearms shall appoint to the Technical Study Group personnel of the Bureau with technical or scientific expertise.

(D) CPSC EXPERTS- The Director of the Consumer Product Safety Commission shall appoint to the Technical Study Group personnel of the Commission with technical or scientific expertise.

(E) HHS EXPERTS- The Secretary of Health and Human Services shall appoint to the Technical Study Group personnel of the Department of Health and Human Services with technical or scientific expertise.

(F) DOJ EXPERTS- The Attorney General, shall appoint to the Technical Study Group personnel of the Department of Justice with technical or scientific expertise.

(G) INDEPENDENT EXPERTS- The Chairperson of the Independent Panel on Firearms Safety shall appoint to the Technical Study Group 4 individuals who are not officers or employees of any government, each of whom have scientific or technical expertise in law enforcement, firearms manufacturing, weapons detection technology, injury prevention, and consumer safety, respectively.

(d) PROCEDURE- With the advice and consent of the Independent Panel on Firearms Safety, the Technical Study Group may designate, from among the Technical Study Group members, such persons to serve as team leaders, coordinators, or chairpersons, as the Technical Study Group deems necessary or appropriate to carry out the functions of the Technical Study Group.

(e) PRESERVATION OF CONFIDENTIALITY- Section 6 of the Cigarette Safety Act of 1984 shall apply to information provided to the Technical Study Group in the same manner in which such section applies to information provided to the Technical Study Group on Cigarette and Little Cigar Fire Safety.

(f) APPLICABILITY OF CERTAIN RULES GOVERNING THE INDEPENDENT PANEL ON FIREARMS SAFETY- Subsections (d), (e), (g), (h), and (j) of section 4 shall apply to the Technical Study Group in the same manner in which such subsections apply to the Independent Panel on Firearms Safety.

END

Rendell appeals to gun makers for help

He used statistics to illustrate the city's plight. He asked the group to support a weapons-buying limit.

By Craig R. McCoy
INQUIRER STAFF WRITER

WASHINGTON — In a stark and emotional speech to gun makers, Mayor Rendell yesterday challenged the industry to help limit the sale of guns to curb "the carnage" that he said was killing America's cities.

His voice grew low and husky as he itemized the toll of gun violence in Philadelphia and spoke of "16-year-olds who take an assault weapon with a clip and pump 25 bul-

lets into the very image of themselves."

Rendell's speech — jammed with information about the cost and extent of gun violence in Philadelphia — was delivered to executives of an industry that he has threatened to sue. The audience in the ballroom of Loew's L'Enfant Plaza Hotel included leaders of some of the biggest names in the gun trade: Smith

& Wesson, Beretta, Mossberg, American Derringer, Interarms and Lorcin.

"Safe in the context of any big American city today is a joke," Rendell said.

"I want you to understand," the mayor said, "what guns are doing to the heart and soul and very fabric of a great American city."

Last year, Rendell pointed out, 82 percent of the city's slayings were by gun — the highest rate of gun-shot deaths in America's largest cities. In lives, he said, "337 people died at the other end of a firearm."

In the last three years, he said, 15 percent of all murders by gun were carried out "with a kid at the other end of that trigger." Each year, he said, about 25 victims age 17 or younger died of gunshots.

The problem, Rendell said, was not limited to murder. Last year, of 11,900 city robberies, 53 percent were at gunpoint, Rendell said. Again, this is the highest rate of robbery with guns among America's largest cities.

For Philadelphians, it all adds up to a climate of fear, Rendell said.

"They are frightened, frightened beyond even what reality would dictate. They are depressed, they are saddened, and they are scared. For the people of Philadelphia, guns aren't used for sport, guns aren't used for recreation, guns aren't even very successfully used for protection. Guns are used for killing people."

The gun makers applauded Rendell politely when he finished, pledged to work with him on his proposed gun-issues task force — and then rejected one of his proposals: an invitation to travel with him to Harrisburg to support legislation to limit buyers to one gun a month.

His host, Richard Feldman, executive director of the trade group, the American Shooting Sports Council, said he feared that a limit on monthly gun buys would one day lead to an annual restriction of just a gun a year.

"I'd go to Harrisburg," Feldman declared, "to testify against that particular issue."

Rendell, who nearly a year ago set a legal and research team to work preparing a possible lawsuit against

gun manufacturers, has taken other steps in his campaign against gun violence. He recently appointed a "gun czar" to oversee the city's efforts to curb gun violence, and backed an ambitious effort to interrogate all crime suspects about guns and to trace all seized firearms.

Yesterday, he disclosed that the city was prepared to launch a major public-relations offensive this summer in neighborhoods to drive down gun violence. Its slogan: "What are you shooting for?"

As for the lawsuit, if filed, it would demand that the industry pay back the municipal treasury for money spent coping with gun violence. Its legal theory would be that the industry had shirked a responsibility to block sales to suspected criminals and thereby created a public nuisance.

Some political analysts have suggested that such a suit could win for Rendell a national reputation similar to that attached to Mississippi Attorney General Michael Moore, who pioneered a national lawsuit against the tobacco industry. Others say a suit could badly damage any Rendell run for governor.

"I am here," he told the manufacturers, "because I don't want to sue. I don't want to be Michael Moore. I don't want to be a hero. I want to protect the people of Philadelphia, but the burden that gun violence places on the city of Philadelphia is enormous."

"If you compute that burden on our courts, our health services, our prisons, our police, our sheriffs, our pension system, our workmen's compensation system, our schools and our social services, we believe we could prove that gun violence costs Philadelphia \$58.8 million each and every year."

His key challenge was for the industry to accept one-gun-a-month sales limits, a control in place in Maryland, Virginia and South Carolina.

During 1996 and the first three months of 1997, 38,000 handguns were sold in Philadelphia and its suburbs to 26,000 different buyers, Rendell said. Of these buyers, just 9 percent accounted for 30 percent of the sales.

A group of 103 purchasers bought 13 or more handguns at a time, he

said. This group alone accounted for 6 percent of all purchases.

"They are purchasing in multiple-purchases for one reason," Rendell said. "Because that person intends to illegally resell them on the streets of Philadelphia to put them into the hands of criminals and kids. You can argue with me until the cows come home, but I know that's what they are doing."

Rendell ended with a warning.

"I hope you will be our ally," he said. "One way or another in Philadelphia, we will do anything, we will try anything to reduce the carnage."

The industry reaction was cool, if cordial. Ken Jorgensen, a spokes-

man for Smith & Wesson, the nation's largest manufacturer of handguns, said monthly sales limits would not reduce gun crime.

"In the states that have done it," he said after the speech, "I don't think it has solved any problems."

Patrick M. Squire, vice president and general counsel of Interarms, the importer of the Walther PPK handgun ("James Bond's gun," said Squires), said he went to college near Philadelphia and had watched the gun-control debate in the city at that time.

"Philadelphia has had gun-control laws since at least 1964," Squire said. "They should know that these laws don't work."