

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Gun Litigation (4 pages)	n.d.	P5

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Anna Richter
OA/Box Number: 23735

FOLDER TITLE:

Gun Litigation [binder] [2]

2011-0638-S

ms337

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

WH Talking Points

TALKING POINTS
December 9, 1999

- **Various public housing authorities, under HUD's guidance, are seriously considering a lawsuit on behalf of public housing residents.** Every year, over 10,000 gun crimes, including hundreds of gun-related murders, take place in and around our nation's 100 largest public housing buildings alone. Moreover, every year, public housing authorities must spend \$1 billion dollars in security costs to address keep their tenants safe.
- **The Administration is asking HUD and the public housing authorities to hold off for now because the Administration would prefer to come to a voluntary agreement with the gun industry. The public housing authorities have agreed to hold off for now to determine whether a strong settlement can be achieved.** Over the past several months, HUD has looked closely at the viability of a lawsuit that would be brought by public housing authorities against the gun industry. HUD has concluded that a suit would indeed be viable, and the housing authorities are prepared to file if necessary. The Administration and HUD would prefer a strong comprehensive settlement, however. In the next several days, the Administration will engage the industry in an effort to spur a comprehensive settlement.
- **The Administration hopes to spur a settlement in ongoing talks between cities and states and the gun industry.** Talks are under way between gunmakers and states and cities that have brought suit against the industry, and there is an important role for the federal government to play in reaching a resolution. The Administration expects to work closely with these parties to help them reach settlement of lawsuits between the cities, states and industry.
- **Any settlement should have strong remedies with teeth.** This effort is not about the money; it's about saving lives. Instead, the Administration will join the cities and other parties in asking for a number of reforms to the gun industry. This would include industry distribution controls to prevent the leakage of firearms into the illegal gun market, and improvements in the design and safety of firearms to prevent accidents and unauthorized uses.
- **The Administration will continue to do everything in its power to keep guns out of the wrong hands, even as Congress fails to act.** We will continue to press for strong, common-sense gun legislation. The President and Vice President are determined to make progress on gun safety, with or without help from Congress. A negotiated settlement can secure many public safety gains, but Congress still has a responsibility to close loopholes in our gun laws.

Gun Remedies
Question and Answer
December 9, 1999

Q: What sort of remedies would you be seeking from the gun industry by engaging in settlement talks?

A: First of all, this isn't about money; it's about saving lives. We are interested in injunctive relief of the sort that has been proposed by many of the cities in their suits against the industry. In general, we would be interested in industry reforms that improve distribution controls to prevent firearms from reaching the illegal market, change the design and safety of firearms to prevent accidents and unintended uses, and halt the practice of marketing guns to criminals and juveniles. As the President said yesterday, this could more specifically include cutting off supply to unscrupulous gun dealers whose guns turn up in numerous crimes, banning the marketing and manufacture of guns with criminal-friendly features such as fingerprint-resistance or easily-obliterated serial numbers, and requiring the incorporation of safety features into the design of firearms, such as trigger locks or chamber-loaded indicators. These are just some of the remedies we would want to consider as part of a comprehensive settlement. Our goal would be remedies that truly make our communities safer.

Gun Litigation
December 8, 1999
Questions and Answers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HUD Talking Points

CONTENTS OF HUD TALKING POINTS

A. General Questions

B. Gun Industry's Culpability

C. HUD's Role

D. Gun Violence in Public Housing

E. Other Administration Initiatives/Legislation

F. Potential Remedies

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

A

Divider Title: _____

(HUD)
Privileged & Confidential
Draft of 12/6/99

Questions and Answers

A. General Questions About the Litigation

What is the legal theory of the case?

The legal principle behind this case is very simple: the gun industry should be held to the same basic liability standards that every other industry in America must observe. There are two overriding legal claims here. First, gun manufacturers irresponsibly distribute and market their products. For example, gun makers know that only 1% of dealers account for 50% of the guns that are used in crime and yet they do absolutely nothing to limit the sale of guns to those dealers. Some gun manufacturers even explicitly advertise to the criminal market. Gun maker Intra-Tec has advertised one of its weapons as an "assault-type" pistol that has "excellent resistance to fingerprints." In discussing this ad, Intra-Tec's sales director said, "Hey, it's talked about, it's read about, the media write about it. That generates more sales for me. It might sound cold and cruel, but I'm sales oriented."

Second, gun manufacturers have failed to put basic safety devices on their guns that would help prevent approximately 1300 accidental gun deaths that occur each year. Technology to make guns safer has been around since the late 1800s and the General Accounting Office says that these basic safety devices would have stopped all accidental shootings by children 0 to 6 years old. If aspirin is sold only in child-safe bottles, why shouldn't the gun industry make guns child-safe when technology to do this has been around for over 100 years? Child safety and other safety devices would save thousands upon thousands of lives – but the gun industry has failed to live up to this most basic obligation.

Isn't this an untested, novel theory?

No, these theories are sound and have been tested. Twenty-eight cities and counties across the country as well as the NAACP have filed suits making these same claims over the past year. Moreover, earlier this year, a federal district court judge ruled in favor of the negligent distribution theory and against the gun industry. Just last month, a Georgia court upheld the Atlanta city suit, finding that it could go forward. And again last week, an Illinois court ruled in favor of several families who have sued the gun industry.

It is important to understand that these theories of liability apply to every industry in our country. The law simply says that when you know your product may be misused by people you can't simply turn your back on the problem. Your responsibility as a good corporate citizen is to take

reasonable measures to reduce the chances that your product will be misused. This happens all the time.

One simple example is spray paint. We all know that graffiti is a problem. So paint companies do the responsible thing – they require any retailer that sells their products in areas where graffiti is a problem to lock them up and not sell them to kids. If dealers don't agree to these basic measures they don't get to sell spray paint. But gun makers – who sell deadly weapons – only care about the prices their retailers charge. Even when they know from law enforcement that a retailer repeatedly sells to criminals they let that retailer sell more guns. You don't even have to have a store and keep guns under lock and key like spray paint – gun makers will let you sell their guns out of the trunk of your car.

Similarly, product manufacturers in all sorts of industries (from makers of cigarette lighters to aspirin bottles to garage door openers) have been required to make their products safer by including reasonable design features. Why should gun manufacturers be treated different?

But haven't the city suits already failed, for example in Cincinnati?

No, there have been two decisions on motions to dismiss among the 28 lawsuits filed by cities and counties, and, so far, the cities are batting .500. The gun industry won the first round in Cincinnati but it lost in Atlanta. Moreover, the Cincinnati case is on appeal. And the same legal theories that are being used in these suits have also been upheld in New York and California.

Remember as well that it will take only one case to get beyond the motion to dismiss stage before we will begin to see some discovery in these cases. My guess is that the landscape will become much more difficult for the gun manufacturers once we learn what they have been up to – as happened in the tobacco litigation.

Isn't this really regulation through litigation?

Absolutely not. The courts provide a forum to hold bad actors responsible for their actions and keep them from repeating their offenses. That is all these suits ask. Other manufacturers have to live by the same laws. Take All Terrain Vehicles. Several companies that sell ATVs have entered into a Consent Decree – approved by a court – to limit sales of more powerful ATVs to adults. The Consent Decree also requires ATV manufacturers to monitor their retailers to be sure that these basic rules are followed. It is this basic monitoring function – making sure retailers act responsibly – that gun makers utterly fail to do.

Don't forget, this lawsuit is only one of many ways in which the Administration is addressing the epidemic of gun violence. The Administration has pushed for sensible legislative controls on guns and passed the Brady Bill, among other accomplishments. Recently, however, Congress

has simply failed to address this important issue. I expect the Administration will continue to push for new legislation and aggressively enforce the laws we have on the books.

How many Public Housing Authorities are party?

Housing Authorities from all across this nation support this suit against the gun industry. The suit that will be filed is a class action on behalf of every housing authority in the U.S. – 3,191 of them. As is usual in a class action, only a handful of the public housing authorities will have their names on the Complaint, but they will represent their brethren from across the nation.

What is HUD's role; Justice's role?

HUD's statutory mission of providing safe and decent housing to the Nation's neediest citizens has lead HUD to play two roles here. First, we have facilitated the public housing authorities in their efforts to organize against gun violence and work through this litigation. This includes providing expert assistance to the housing authorities in looking at their legal and other options. Second, HUD is the receiver for a small number of troubled housing authorities. These housing authorities will support the law suit.

The Department of Justice does not have a role in this action. The housing authorities are not part of the Federal Government, and they hire their own private counsel just like any other non-federal entity.

Is the lawsuit being brought by HUD or the Housing Authorities?

This suit will be a class action on behalf of all Housing Authorities, including those controlled by HUD. Although HUD, the federal agency is not suing, it has worked closely with Housing Authorities to develop this suit and HUD's Housing Authorities will be part of the nationwide class action.

Note: The Housing Authorities controlled by HUD are New Orleans, East St. Louis, Camden, and a few other smaller rural Authorities.

How much has/will the Federal Government/HUD spend?

This suit is not being brought by the federal government, and the federal government will not be paying for the litigation. Pursuant to its statutory mission, HUD will continue to provide technical assistance to the public housing authorities on this and a range of other efforts to combat gun violence and injuries. To date, HUD's expenditures on this issue have been very small and consist almost entirely of the time spent by staff.

It is important to remember that the federal government has an important mission and investment at stake. Each year, HUD provides billions of dollars for the operation of the housing authorities, much of which goes to security needs generated by guns. These grants are a huge investment that is being siphoned away from other critical areas -- making physical improvements and needed repairs to public housing. Indeed, public housing in this country already labors under a shortfall of about \$20 billion in needed repairs and infrastructure improvements [Confirm]. We would be ignoring our duties to make sure that the Federal Government's investment in public housing is protected if we didn't take the time and effort to explore every avenue to reduce gun violence in public housing.

How much of the amount PHAs spend for security is attributable to gun violence? How do you know?

Serious crime in housing authorities almost always involves guns. It is therefore not surprising that a large proportion of the money spent by public housing authorities on security is attributable to the epidemic of guns.

Of course, this is a question that ultimately will get fought out in the courts.

What remedies does the lawsuit seek? Money? Changes in gun manufacture?

The public housing authorities seek, first, to have the gun industry behave responsibly in the way they market and advertise their product and second, to make their products safer. Of course, the Housing Authorities have suffered very significant monetary damages resulting from the industry's misconduct and will make claims for these, but the increased safety of residents that can result from better industry practices is the primary goal. In more concrete terms, manufacturers should be required, among other duties, to monitor their retailers and cut-off the ones that consistently supply the criminal market. A mere 1% of gun retailers sell 50% of the guns used in crime. Just getting rid of the 1% of bad apples would dramatically reduce the number of guns in the hands of criminals. They should also limit the kind of retailer who can receive their product to ones that actually have retail establishments. Store owners will comply with the law because they have an investment to lose if they break it. The guy selling guns out of his trunk may have nothing to lose when he sells to criminals.

Second, guns should be made with safety devices. Guns can easily be made with combination or other locks to ensure that only the rightful owner can use the gun. Guns should also have child safety devices -- much like any medicine bottle does -- so that young children don't accidentally shoot themselves or others. And there should be warnings and safeties so that people won't accidentally shoot someone because they don't know a bullet is in the gun.

Third, gun makers should take responsibility for the huge human and economic losses that their products inflict in public housing. In just 100 of the larger housing authorities more than 500

people are murdered each year. And there are many more shootings and injuries that take place every day in public housing across the nation. Just last month, not far from here in East Capitol Dwellings, grandmother Helen Foster-El was struck down by a stray bullet while she tried to usher neighborhood children to safety from a gun fight. Two year-old children in public housing are learning how to yell "Hit the deck!" and dive to the floor when the shooting starts in their neighborhood. And we must spend billions of dollars to try to combat this awful toll on some of the most vulnerable members of our society. The gun industry's marketing and selling to the criminal market bears some responsibility for this.

Why do you want to enter into discussions with the gun industry before filing suit?

As you know this Administration had some fruitful discussions with the industry last year. It is our view that sitting down at the negotiating table may help the industry see the need to change its behavior. I believe we should negotiate first before taking the issue to the courts.

Does the Government target manufacturers or dealers or both?

The lawsuit will hold manufacturers liable for their negligent and harmful conduct. They could take reasonable measures to control the marketing, distribution and design of their products to make all of us safer, but they have failed to do so. That failure is the problem here. Marketing and selling guns to criminals is wrong. Making guns without safety devices is wrong. Manufacturers have control over these practices, but they fail to exercise that control in a responsible way. That is why liability ultimately rests with the manufacturers.

Isn't it fundamentally unfair for the Federal Government to weigh in on behalf of one party in a private lawsuit?

No. In fact this happens all the time. For example, the Department of Justice files numerous briefs in private lawsuits before the Supreme Court to express the Government's position on the issues in the suit. Plus, HUD has a mandate to aid Housing Authorities in solving the problems they face. This action should help Housing Authorities reduce gun violence in their projects – we think that is a good thing and our Mission says we should help.

Who is representing you in this suit? How were the lawyers selected? How are they being paid?

The lawyers have not yet been selected, and it will be up to the Housing Authorities to choose counsel. Presumably the Housing Authorities will have the option of retaining counsel on a contingent fee basis, as has been done by the cities and counties that have filed suit.

In August, the HUD General Counsel repeatedly testified that HUD had no plans to bring a lawsuit. This must obviously be false.

HUD's General Counsel was absolutely right. HUD is not bringing suit. Public Housing Authorities from all around the nation are bringing suit because they face tremendous costs from the epidemic of gun violence. What we have done is help Housing Authorities take this step – and that is exactly what three HUD employees told Congress.

We have 20,000 gun control laws already on the books – isn't the right answer to solving the problems of guns simply to enforce the laws we already have?

Strong enforcement of our gun laws is a critical component of addressing the problem of gun violence and this Administration has worked hard to punish those who break existing laws. For example, the President fought for and got 100,000 new police officers to protect our streets.

These efforts are working. The FBI's latest Uniform Crime Report shows a 7% drop in homicides in 1998, accounted for almost entirely by a decrease in killings by guns. Experts suggest that this drop is due to our efforts to place reasonable controls on the availability of guns, increased efforts to trace guns used in crime by ATF, and tighter federal restrictions on gun purchases by the Brady law.

The problem of gun violence is so difficult, however, that everyone must do their part before we will be able to master it. The gun industry has not yet met its responsibilities and that is why we need to sit down with them at the negotiation table.

[Note: the number of gun control laws bandied about by pro-gun activists is apocryphal.]

If 1% of the gun deals account for 50% of the guns going to criminals, why doesn't the Administration simply close down that 1%?

The Administration is working to close down gun dealers who break the law. While that process is ongoing, it does not absolve the gun manufacturers from meeting their responsibilities to distribute their product in a safe manner.

First it was tobacco, now it is guns – what's next? Alcohol? Automobiles? Chewing gum?

Unlike the gun industry, other industries such as automobile manufacturers have taken numerous steps to make sure that their products are reasonably safe and that they are distributed and marketed safely. The gun industry has not behaved responsibly and it does not deserve a pass but instead should be held accountable for its actions.

Isn't the real effort here simply to put the gun manufacturers out of business? Won't that hurt our ability to arm properly our police officers and military?

This is a classic red herring. The legitimate demand for guns, including the needs of the police and military, will always support a gun industry. The real question is whether that industry should be able to duck its responsibilities to design, distribute and market its products in a reasonably safe fashion.

It is worth noting that several of the junk gun manufacturers have openly stated their intent to use bankruptcy as a shield to avoid paying for any of their misconduct and to restart new companies once the litigation is over. So far, the courts have seen through this and not allowed them to get off scot-free.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

B

Divider Title: _____

B. Gun Industry's Culpability

What about the second amendment? Doesn't this lawsuit infringe Americans' basic constitutional rights to bear firearms?

This suit is not about the Second Amendment. This is about the negligent and harmful marketing and distribution of guns and the failure of the industry to incorporate basic safety devices into their products. No matter how you view the right to bear arms under the Second Amendment it plainly does not give gunmakers the right to ignore their basic responsibilities as corporate citizens. These companies know about the huge illegal trade in guns, but refuse to take simple actions to monitor how their guns are sold. In fact, they do just the opposite – they purposely bury their heads in the sand to avoid liability. Dr. David Stewart, a professor of Marketing at the University of Southern California, has analyzed the gun industry's practices and noted that they don't even do basic product sales tracking that is simply good business practice in other industries. He concludes that this "indicates either extraordinary managerial malfeasance with respect to shareholders or a marketing decision to sacrifice carefulness for increased revenues or market share even when some of these revenues or sales may be obtained from potentially identifiable abusers and misusers."

[Note: Second Amendment states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."]

Do you really think that going after the gun industry will reduce crime in public housing? Don't you have to stop the criminals?

It's not just criminals that we deal with every day. It's criminals with arsenals of guns including semi-automatic weapons that give them more firepower than the cops on the beat. Look at the behavior of the gun industry after the assault weapons ban was passed. As part of the Violent Crime Control and Law Enforcement Act of 1994 the manufacture of many guns including the TEC-9 was banned. Did the industry honor this Act of Congress? No. Gunmaker Intra-Tec made some tiny cosmetic changes to the TEC-9, renamed it the TEC-DC9 and kept right on selling it to the criminal market. Not only that, they advertise that gun directly to criminals. Their ads have said the gun provides "excellent resistance to fingerprints." Who cares if their fingerprint gets on their gun? Criminals – no law abiding citizen cares. But this is what we're up against – an industry that sells to the criminal market without regard for the 600,000 gun crimes committed in this Nation each year. There is no doubt in my mind, changing the availability of these weapons to criminals will have a dramatic effect – making it much easier for the cops to do their jobs.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

C

Divider Title: _____

C. HUD's role

What's the statutory authority for HUD's involvement in this issue?

Part of HUD's core mission – part of the Department's enabling legislation – is to “encourage the solution of problems of housing [and] urban development . . . through State, county, town, village or other local and private action, . . .” That is exactly what we have done here. Plus, the United States Housing Act of 1937 requires that one indicator by which HUD judges the performance of Housing Authorities is the extent to which each authority “implements effective screening and eviction policies and other anticrime strategies.” The Housing Act of 1949, reaffirmed in the Housing and Urban Development Act of 1968, formulates HUD's goal as providing “a decent home and suitable living environment for every American family.”

Today's action is just one part of an overall strategy to address the problem of crime and violence in our Nation's public housing. Other parts of this strategy include:

- We go after some of the root causes of crime through our Public Housing Drug Elimination Grant program.
- We have a gun buy back program that will be the largest effort of its kind.
- We have adopted a zero tolerance “One Strike and You're Out” policy in public housing.
- We work cooperatively with local law enforcement through our Operation Safe Home program.
- We have worked with the Centers for Disease Control to develop a Youth Violence Prevention Program.
- We have sponsored a Gang Abatement Conference and Healing Neighborhoods Conference
- We improve the lay out of grounds and buildings to deter crime through the Crime Prevention Through Environmental Design program.
- We have a Peacemaker Corps Initiative to help reduce violence among teenagers.
- We also provide training and assistance for violence and delinquency through our Safe Futures initiative.

I could go on and on – the point is that we are deeply engaged in trying to stem the tide of violence in public housing because it is part of our core mandate and is necessary to give residents a safe place to live.

You say that this was instigated by the Housing Authorities, but isn't this really your brainchild? And didn't HUD take the lead in pulling this together?

This is an idea that has many parents. We have all seen the awful tragedies. In April of last year, five year old Taquan Mikell was walking home with his mother in the Few Gardens public

housing complex in Durham, North Carolina when a stray bullet from a gunfight shattered his spine. We don't know if he'll ever walk again. In May of last year a New Orleans mother of seven, Melissa Stone, was abducted at gunpoint, raped, shot and left to die in an apartment in the Desire Public Housing development. In October of last year, 4 year old Javina Holmes of Frederick Douglass Dwellings was killed when her 8 year old brother found a loaded shotgun in their home and accidentally shot her. And just this past summer – not far from here in East Capitol Dwellings – grandmother Helen Foster-El was shot and killed by the crossfire as she tried to usher neighborhood children to safety. Tragedies like this occur every day and the gun industry needs to reform its ways to help make all of us safer.

I'll tell you – I wish that I could take all the credit for this idea because it is a good one. But HUD, Housing Authorities and concerned citizens across this Nation have all seen the violence and read about the city lawsuits filed by New Orleans and 27 others. All of us have recognized the need to change the bad actions of the gun industry and we have come together with our Housing Authorities to say that it is time to act.

What is a Public Housing Authority and what is its relationship to HUD?

Public Housing Authorities are State and Local creations that build and maintain public housing and act as landlords for public housing in their area. HUD provides a significant amount of the funding for these Authorities and works closely with them to help ensure that they provide safe, decent and affordable housing for their residents. For example, as part of HUD's Management Reform Plan, the Department now has a Real Estate Assessment Center that inspects the housing of every Housing Authority in the Nation each year. These comprehensive inspections – which were not performed under any previous Administration – identify any maintenance or repair problems that might require closer regulatory scrutiny by the Department. Then, HUD works intensively with below par Housing Authorities to make sure that they improve the quality of Housing to their residents. And, if necessary, HUD can take action against Housing Authorities that cannot or will not live up to their responsibilities to provide safe, decent and affordable housing.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

D

Divider Title: _____

D. Gun violence in public housing

Why is HUD interested in the issue of guns in public housing?

Three primary reasons:

- Statutory responsibility -- Stemming violence is a central part of HUD's and housing authorities' responsibility to provide "decent, safe and sanitary" housing as called for by the United States Housing Act of 1937.
- Cost to government -- Congress appropriates billions of dollars for public housing -- and expects HUD to ensure that the funds are spent effectively, and in ways that fulfill HUD's Congressional mandates. The possession and use of guns in and around public housing is imposing significant additional costs on public housing authorities -- costs that are limiting HUD's ability to ensure safe and decent housing for public housing residents.
- Risk to children -- A very high percentage of public housing residents are children -- an average of 60% nation-wide. For example, at Robert Taylor Homes in Chicago it's 67%. That means that kids in public housing are especially at risk of exposure to guns and gun violence.

What's the scope and scale of gun violence in public housing?

Each year there are thousands of incidents of gun violence in and around public housing projects. From 1994 to 1997 there were 500 murders in just the 100 largest public housing authorities, many involving guns.

Some examples: 177 murders in Washington DC public housing from 1995 to 1997 -- one murder for every 61 public housing units; 185 murders in New Orleans public housing from 1994 - 1997 -- one murder for every 70 homes. 454 murders in New York City public housing from 1994 to 1997. Almost 70% of all murders nationwide are committed with guns.

But this is about more than statistics. It's about the climate of fear that prevails in many of our public housing projects -- fear of assault, or of being caught in deadly crossfire. Barely a week goes by without a news story somewhere in America of innocent victims -- often children -- being hit by a stray bullet: Taquan Mikell -- hit by a stray bullet walking home from dinner with his mother in Durham NC; Grade school principal Patrick Daly -- caught in crossfire and shot to death while looking for a missing pupil in Brooklyn NY. Four-year old Javina Holmes -- killed when her eight-year old brother found a loaded shotgun inside their apartment and began shooting.

How many gun-related crimes occur in public housing? Do you have figures for all 3,200 authorities, as well as for the top 100?

Reporting of crimes involving guns in public housing varies considerably -- some housing agencies keep close track of such incidents; others do not. HUD monitors drug and violence in public housing through the Drug Elimination Grant program as mandated by Congress.

Housing authorities such as Washington, DC, Roanoke, VA, Charlotte, NC, Durham, NC, and Rockford, IL, report that :

- About one-quarter of all offenses involve guns.
- Reports of shots being fired are one of the most frequent calls for service to the police and their management offices.
- Shooting in the developments is a major problem. In Durham, NC, for example, shooting was the highest concern reported by residents, closely followed by drugs and drug sales.
- Arrests for discharging a firearm make up about 10 percent of the number of calls received by the police.

How much of this is youth violence? 18-20 year olds commit 23% of all gun murders. Is this the case in public housing as well?

We don't have a specific breakout of gun violence by age. But we suspect that it equals and most likely exceeds the national rate, given the high number of children in public housing.

What's the cost to HUD of gun violence? What percentage of HUD funds is used on crime prevention?

The costs to HUD derive from two sources, running into the billions of dollars.

Each year HUD awards about \$3 billion in grants to public housing. Many Housing Authorities are forced to spend huge portions of these funds on security, much of it gun related -- funds that would otherwise go for badly needed maintenance or repairs. Chicago, for example, spent 38% of its Comprehensive Grant funds -- \$43 million -- on security. That's not unusual for the larger housing authorities around the country.

A concentrated source of funding to combat violence in public housing is the Drug Elimination Grant program. We spend about \$250 million a year, \$1.7 billion since 1990. Almost half of these funds are being used for security, law enforcement, investigators and tenant patrols -- again, much of it gun related.

The funds spent on security reduce the funds available to carry out other functions. For example, there is a backlog of **\$20 billion** in unaddressed modernization needs in public housing. Removing the more immediate need for heavy security would allow housing authorities to direct more funds to these unmet needs.

How does crime in public housing compare to crime elsewhere? Is it higher, lower, or about the same? Has crime/gun violence come down in public housing at the same rate as in general population?

It's very hard to generalize. Most of the 3,200 public housing authorities are quite safe. Many, especially the smaller authorities, are crime free. Others, especially those in our larger cities, reflect the crime patterns of their surrounding communities – and crime rates are too high.

But in virtually every case where we have comparative data, we're seeing declines in crime rates that mirror the overall decline in crime rates. That's a result of the booming economy, community policing, and the effectiveness of our own crime prevention efforts in public housing.

What is HUD's record of success with previous policies and procedures regarding guns in public housing?

Many specific gun policies are the responsibility of local public housing agencies. But HUD has set out broad guidelines in the Lease and Grievance regulations (24 CFR 960-966) which requires housing agencies to adopt lease language stating that those engaged in serious criminal activities, drug-related criminal activities and activities which infringe on the rights on other residents to the peaceful enjoyment of their premises shall be evicted from their units following due-process proceedings.

Some agencies, such as San Francisco, have modified their leases and developed policies to specifically restrict the open display or carrying of weapons on their properties. These authorities report reductions in firearm violence as a result of these policies.

Besides this lawsuit, what other initiatives are underway in public housing to curb gun violence?

Since I took office, I have made safety one of my main priorities in public housing. We've made extraordinary progress through several initiatives:

One Strike You're Out – allows housing authorities to deny occupancy to evict residents if involved in alcohol abuse and illegal drug-related activities, including gun-related violence.

Drug Elimination Grants and Technical Assistance – provides funds and technical assistance to local housing authorities to combat drugs and related gun violence.

Gun Buy Backs – Provides funds through Drug Elimination Grants to allow cities to get guns off the streets.

Operation Safe Home – a joint initiative of the HUD Inspector General, Department of Justice and Treasury – first-time ever unified approach to address violent and drug-related crime in public housing.

Youth Violence Prevention – joined with Centers for Disease Control to train housing authorities in dealing with growing problem of youth violence, especially gun violence.

Crime Prevention Through Environmental Design – aimed at creating safe havens in public housing through safe design.

Peacemaker Corps – just announced joint initiative with the Friends of the United Nation, aimed at fostering racial tolerance among high school students, and positive alternatives to violence.

Safe futures – joint venture with DOJ to prevent violence and juvenile delinquency in public housing.

As a result of these programs, crime in public housing is down significantly and communities are much safer than they have ever been. But until demand for illegal drugs comes down, public housing will continue to see unacceptable levels of drug dealing -- and the violence and threats that accompany such activity. That's why this lawsuit is so important.

Are guns specifically covered under HUD's "One Strike and You're Out" policy?

No. But the One Strike and You're Out policy does allow local Housing Authorities to restrict eligibility for occupancy to applicants who do not have criminal histories. Weapons violations are among the offenses that can be used as the basis for restricting eligibility. Similarly, weapons offenses can be the basis for terminating the lease under the One Strike provisions and the Lease and Grievance Regulations in 24 CFR 960-966.

Aren't you filing this suit to mask the failure of these programs to stem gun violence?

No. In fact, these programs have been very successful. This suit is about finishing the job. But unless we do something about the quick and easy availability of guns, law enforcement authorities are going to be stymied, and the availability of funds to finish the job.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

E

Divider Title: _____

E. Other Administration initiatives/legislation

What has the Administration done so far to curb gun violence?

The centerpiece of the President's accomplishments has been the enactment of the Brady Law that put in place a five day waiting period to allow law enforcement agencies to review the criminal background an individual before the purchase of a handgun. In less than five years since the President's enactment, the Brady Law has denied guns to more than 470,000 felons, fugitives and stalkers. Also, the historic 1994 Crime Bill banned 19 of the deadliest assault weapons and their copies, keeping assault weapons off our streets. And, it is important to remember that The President kept his commitment to put an additional police on America's streets: ahead of schedule and under budget. Other initiatives include:

- banning juvenile possession of handguns;
- enforcing zero tolerance for guns and schools; and,
- combating illegal gun trafficking by tracking more crime guns to their source.

As a result, it should come as no surprise that the rate of violent crime is at its lowest level since 1973 -- violent crime rate fell 7 percent in 1997 and 21 percent since 1993. The murder rate is down more than 25 percent since 1993, its lowest point in 30 years.

What do you think of Vice President Gore's proposal for requiring gun purchasers to pass a safety test and apply for a gun license?

The Vice-President has been an energetic and thoughtful advocate for finding solutions to gun violence, and I support his recent proposals. We should also remember that the Vice President and this Administration have been fighting hard on this issue for many years. Last April, the President proposed common sense gun legislation to help keep guns out of the hands of criminals and children -- especially by closing the gun show loophole. He has repeatedly urged the Congress to pass these measures as part of the juvenile crime legislation and it is a shame that Congress did not act on it.

Overall, the Vice President has put forward a strong anti-crime plan. It builds on the many successful proposals put forward by the Clinton/Gore Administration over the last 7 years. The Vice President's plan also puts forth a number of bold new ideas, including new proposals on guns and gang, that will take the next steps to keep crime coming down into the 21st Century. The Vice President's plan contains many good initiatives, and I support his efforts as he begins to make his case to the American public for his new anti-crime agenda.

What do you think of Bill Bradley's gun control proposals?

Like Vice-President Gore, Senator Bradley has recognized the seriousness of the problem of gun violence and proposed effective measures for addressing the problem. I support both of these leaders' efforts.

What are the Administration's current gun control proposals?

The President challenged Congress to pass legislation that restricts youth access to guns by:

- permanently bans all violent juveniles from buying guns;
- raises the age of the youth handgun ban from 18 to 21 years of age;
- bans semiautomatic assault rifles;
- holds adults responsible for child access to guns;
- requires gun dealers to provide child safety locks with guns; and,
- increases penalties for transferring handguns to juveniles.

The President has also called on the Congress to require Brady background checks at all gun shows and flea markets; limit handgun sales to one per month per individual; require federal gun dealers to report to the ATF the manufacturer, model and serial number of all used guns sold; and, increase the penalties for illegal gun trafficking.

So far this term, however, Congress has abdicated its responsibilities and failed to pass any legislation to meet the challenges of gun violence.

What evidence is there that these initiatives are working?

This past week, the President released findings showing that the Brady Law has blocked over 470,000 illegal gun sales since taking effect in 1994. . Two-thirds of these potential purchasers had a previous felony conviction or current felony indictment.

During May, the FBI released preliminary figures for 1998 showing a 7% drop in violent and property crimes. These figures indicate a decline in serious crime for seven years in a row.

Gun related crime is down 25 percent since 1993, and the rate of violent crime is at its lowest level since 1973 -- violent crime rate fell 7 percent in 1997 and 21 percent since 1993. The murder rate is down more than 25 percent since 1993, its lowest point in 30 years.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

F

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Gun Litigation (4 pages)	n.d.	P5

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Anna Richter
OA/Box Number: 23735

FOLDER TITLE:

Gun Litigation [binder] [2]

2011-0638-S

ms337

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Accountability Plan

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

I. DISTRIBUTION CONTROLS

A. Code of conduct. Manufacturers and importers could be required to follow a code of conduct that would be established in the agreement that applies directly to their practices and actions as well as those that affect the dealers and distributors to whom they sell their products.

1. Manufacturers and importers could be required to:

- develop and complete continuous training programs for their own employees, as well as programs for their dealers and distributors covering topics such as security and "know your customer";
- computerize their inventory system to facilitate linkage with the ATF tracing system [with possible exception for manufacturers or importers that handle under a threshold volume];
- establish security procedures for their factories and shipping;
- verify the validity of licenses against a data base to be maintained by ATF before shipping firearms to any FFL;
- enter into partnerships with ATF and/or FBI to create a database for identifying crime guns through ballistics data. This would require manufacturers and importers to test shoot every gun before it is sold and record casing imprints and serial numbers on the database;
- forego sales to dealers or distributors under indictment;
- consent to up to three ATF compliance inspections annually without prior notice; and
- establish a director of compliance to ensure compliance with the agreement and firearms law.

2. Dealers and distributors. The code of conduct could also require manufacturers and importers to sell only to dealers and distributors that agree to:

- meet specific security standards;
- computerize their inventory, including all acquisition and disposition information, to help speed crime gun traces (with exception for dealers and distributors that handle under a threshold volume);

- postpone all gun transfers to non-licensees until the FBI issues an approval, even if this period exceeds the legal three-day period;
- verify that all employees undergo continuous training on subjects such as compliance with gun laws, identifying straw purchasers, and securing inventory;
- refrain from selling semiautomatic assault rifles to youth under age 21;
- refrain from selling large capacity ammunition feeding devices or other weapons with features that may facilitate criminal activity (e.g., easily obliterated serial numbers);
- refrain from selling firearms made or imported by companies that are not party to the agreement;
- refrain from selling more than one handgun to an individual within a 30-day period, or establish a waiting period for subsequent handgun purchases. This concept is consistent with the Administration's legislation;
- operate out of storefront business locations (dealers only);
- verify the validity of licenses against a data base to be maintained by ATF before shipping firearms to any FFL;
- require identification for the purchase of ammunition;
- consent to up to three ATF compliance inspections annually without prior notice; and
- complete annual inventories with reports on thefts.

B. System to monitor sales by dealers and distributors. The parties to the agreement could develop a system under which manufacturers and importers would monitor sales of their products by distributors and dealers.

Tracking compliance with code and/or crime gun traces. Under this system, manufacturers and importers would impose sanctions, including suspension and termination of supplies, on dealers and distributors that: (1) violate the code of conduct; or (2) are substantially associated with crime guns as determined by a measure based on ATF trace data. To determine which dealers and distributors are substantially associated with crime guns, dealers could be required to maintain records of all trace requests initiated by ATF and could be subject to audits and inventory checks by manufacturers, importers, and a third-party monitor. The measure (based on the number of trace requests

to a particular dealer or distributor and other indicators) would identify those dealers sufficiently associated with crime guns to warrant action by manufacturers and importers.

Third-party oversight. The monitoring system would be subject to third-party review and oversight and its findings would be available to federal law enforcement. The third-party monitor would be financed under the agreement with extensive oversight powers.

II. SAFETY MEASURES

A. Existing safety features. Manufacturers and importers could be required to ensure that guns sold in the United States have existing safety features such as internal trigger locks, magazine disconnect safeties chamber-loaded indicators, or that they have comparable features that accomplish the same purposes as these existing technologies. This would take the next step beyond the Administration's current legislative proposal to require dealers to sell child safety locks or other safety devices with guns.

B. Banning criminal-friendly features. Manufacturers and importers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers or ability to accept large capacity ammunition feeding devices designed for military use. They could also be prohibited from selling their firearms to dealers that carry any of these kinds of products in stock through the code of conduct

C. Safety standards. Manufacturers and importers could be required to make or import guns that conform to safety standards set forth in the agreement. These safety standards would need to be developed, but could include requiring guns to pass certain tests (e.g., drop and jam tests). In addition, guns manufactured in the U.S. could be subject to the same factoring test that currently governs guns imported into the United States. The factoring test measures a firearms' suitability for sporting purposes and screens out poor quality guns.

D. Personalized technology. Manufacturers and importers could be required to develop and employ safety features, such as smart gun technology, within a particular timeframe. Personalized technology has the potential to prevent nearly all unauthorized gun use. A more modest alternative could require manufacturers to provide resources for research and development of new gun safety technology.

III. ADVERTISING

Gun advertising. The firearms industry could be restricted from advertising on [cable television], and to develop advertising standards that prohibit the targeting juveniles or criminals. [The industry could also be restricted from advertising within a certain vicinity of public housing authorities, schools, high crime zones or other areas vulnerable to violence.]

Priority with rights

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

I. DISTRIBUTION CONTROLS

A. Code of conduct. Manufacturers and importers could be required to follow a code of conduct that would be established in the agreement that applies directly to their practices and actions as well as those that affect the dealers and distributors to whom they sell their products.

1. Manufacturers and importers could be required to:

- develop and complete continuous training programs for their own employees, as well as programs for their dealers and distributors covering topics such as security and "know your customer";
- computerize their inventory system to facilitate linkage with the ATF tracing system [with possible exception for manufacturers or importers that handle under a threshold volume];
- establish security procedures for their factories and shipping;
- verify the validity of licenses against a data base to be maintained by ATF before shipping firearms to any FFL;
- enter into partnerships with ATF and/or FBI to create a database for identifying crime guns through ballistics data. This would require manufacturers and importers to test shoot every gun before it is sold and record casing imprints and serial numbers on the database;
- —forego sales to dealers or distributors under indictment;
- consent to up to three ATF compliance inspections annually without prior notice; and
- establish a director of compliance to ensure compliance with the agreement and firearms law.

2. Dealers and distributors. The code of conduct could also require manufacturers and importers to sell only to dealers and distributors that agree to:

- meet specific security standards;
- computerize their inventory, including all acquisition and disposition information, to help speed crime gun traces (with exception for dealers and distributors that handle under a threshold volume);

- postpone all gun transfers to non-licensees until the FBI issues an approval, even if this period exceeds the legal three-day period ~~(dealers only)~~;
- verify that all employees undergo continuous training on subjects such as compliance with gun laws, identifying straw purchasers, and securing inventory;
- refrain from selling semiautomatic assault rifles to youth under age 21;
- refrain from selling large capacity ammunition feeding devices or other weapons with features that may facilitate criminal activity (e.g., easily obliterated serial numbers);
- refrain from selling firearms made or imported by companies that are not party to the agreement;
- refrain from selling more than one handgun to an individual within a 30-day period, or establish a waiting period for subsequent handgun purchases. This concept is consistent with the Administration's legislation;
- ~~operate out of storefront business locations (dealers only);~~
- verify the validity of licenses against a data base to be maintained by ATF before shipping firearms to any FFL;
- ~~require identification for the purchase of ammunition;~~
- consent to up to three ATF compliance inspections annually without prior notice; and
- complete annual inventories with reports on thefts.

Look into:

- ~~contact ATF to assure the validity of every FFL (distributors only)~~

B. System to monitor sales by dealers and distributors. The parties to the agreement could develop a system under which manufacturers and importers would monitor sales of their products by distributors and dealers.

Tracking compliance with code and/or crime gun traces. Under this system, manufacturers and importers would impose sanctions, including suspension and termination of supplies, on dealers and distributors that: (1) violate the code of conduct; or (2) are substantially associated with crime guns as determined by a measure based on ATF trace data. To determine which dealers and distributors are substantially associated

with crime guns, dealers could be required to maintain records of all trace requests initiated by ATF and could be subject to audits and inventory checks by manufacturers, importers, and a third-party monitor. The measure (based on the number of trace requests to a particular dealer or distributor and other indicators) would identify those dealers sufficiently associated with crime guns to warrant action by manufacturers and importers.

Third-party oversight. The monitoring system would be subject to third-party review and oversight and its findings would be available to federal law enforcement. The third-party monitor would be financed under the agreement with extensive oversight powers.

II. SAFETY MEASURES

A. Existing safety features. Manufacturers and importers could be required to ensure that guns sold in the United States have existing safety features such as internal trigger locks, magazine disconnect safeties chamber-loaded indicators, or that they have comparable features that accomplish the same purposes as these existing technologies. This would take the next step beyond the Administration's current legislative proposal to require dealers to sell child safety locks or other safety devices with guns.

B. Banning criminal-friendly features. Manufacturers and importers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers or ability to accept large capacity ammunition feeding devices designed for military use. They could also be prohibited from selling their firearms to dealers that carry any of these kinds of products in stock through the code of conduct

C. Safety standards. Manufacturers and importers could be required to make or import guns that conform to safety standards set forth in the agreement. These safety standards would need to be developed, but could include requiring guns to pass certain tests (e.g., drop and jam tests). In addition, guns manufactured in the U.S. could be subject to the same factoring test that currently governs guns imported into the United States. The factoring test measures a firearms' suitability for sporting purposes and screens out poor quality guns.

D. Personalized technology. Manufacturers and importers could be required to develop and employ safety features, such as smart gun technology, within a particular timeframe. Personalized technology has the potential to prevent nearly all unauthorized gun use. A more modest alternative could require manufacturers to provide resources for research and development of new gun safety technology.

III. ADVERTISING

Gun advertising. The firearms industry could be restricted from advertising on [cable television], and to develop advertising standards that prohibit the targeting juveniles or criminals.

[The industry could also be restricted from advertising within a certain vicinity of public housing authorities, schools, high crime zones or other areas vulnerable to violence.]

December 7, 1999

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

I. DISTRIBUTION CONTROLS

A. Code of conduct. Manufacturers and importers could be required to follow a code of conduct that would be established in the agreement that applies directly to their practices and actions as well as those that affect the dealers and distributors to whom they sell their products.

1. Manufacturers and importers could be required to:

- develop and complete continuous training programs for their own employees, as well as programs for their dealers and distributors covering topics such as security and "know your customer";
- computerize their inventory system to facilitate linkage with the ATF tracing system [with possible exception for manufacturers or importers that handle under a threshold volume];
- establish security procedures for their factories and shipping;
- enter into partnerships with ATF and/or FBI to create a database for identifying crime guns through ballistics data. This would require manufacturers and importers to test shoot every gun before it is sold and record casing imprints and serial numbers on the database;
- forego sales to dealers or distributors under indictment; and
- establish a director of compliance to ensure compliance with the agreement and firearms law.

2. Dealers and distributors. The code of conduct could also require manufacturers and importers to sell only to dealers and distributors that agree to:

- meet specific security standards;
- computerize their inventory, including all acquisition and disposition information, to help speed crime gun traces (with exception for dealers and distributors that handle under a threshold volume);
- postpone all gun transfers until the FBI issues an approval, even if this period exceeds the legal three-day period (dealers only);

- verify that all employees undergo continuous training on subjects such as compliance with gun laws, identifying straw purchasers, and securing inventory;
- refrain from selling semiautomatic assault rifles to youth under age 21;
- refrain from selling large capacity ammunition feeding devices or other weapons with features that may facilitate criminal activity (e.g., easily obliterated serial numbers);
- refrain from selling firearms made or imported by companies that are not party to the agreement;
- refrain from selling more than one handgun to an individual within a 30-day period, or establish a waiting period for subsequent handgun purchases. This concept is consistent with the Administration's legislation;
- operate out of storefront business locations (dealers only);
- require identification for the purchase of ammunition;
- complete annual inventories with reports on thefts.

Look into:

- contact ATF to assure the validity of every FFL (distributors only)

B. System to monitor sales by dealers and distributors. The parties to the agreement could develop a system under which manufacturers and importers would monitor sales of their products by distributors and dealers.

Tracking compliance with code and/or crime gun traces. Under this system, manufacturers and importers would impose sanctions, including suspension and termination of supplies, on dealers and distributors that: (1) violate the code of conduct; or (2) are substantially associated with crime guns as determined by a measure based on ATF trace data. To determine which dealers and distributors are substantially associated with crime guns, dealers could be required to maintain records of all trace requests initiated by ATF and could be subject to audits and inventory checks by manufacturers, importers, and a third-party monitor. The measure (based on the number of trace requests to a particular dealer or distributor and other indicators) would identify those dealers sufficiently associated with crime guns to warrant action by manufacturers and importers.

Third-party oversight. The monitoring system would be subject to third-party review and oversight and its findings would be available to federal law enforcement. The third-party monitor would be financed under the agreement with extensive oversight powers.

II. SAFETY MEASURES

A. Existing safety features. Manufacturers and importers could be required to ensure that guns sold in the United States have existing safety features such as internal trigger locks, magazine disconnect safeties chamber-loaded indicators, or that they have comparable features that accomplish the same purposes as these existing technologies. This would take the next step beyond the Administration's current legislative proposal to require dealers to sell child safety locks or other safety devices with guns.

B. Banning criminal-friendly features. Manufacturers and importers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers or ability to accept large capacity ammunition feeding devices designed for military use. They could also be prohibited from selling their firearms to dealers that carry any of these kinds of products in stock through the code of conduct

C. Safety standards. Manufacturers and importers could be required to make or import guns that conform to safety standards set forth in the agreement. These safety standards would need to be developed, but could include requiring guns to pass certain tests (e.g., drop and jam tests). In addition, guns manufactured in the U.S. could be subject to the same factoring test that currently governs guns imported into the United States. The factoring test measures a firearms' suitability for sporting purposes and screens out poor quality guns.

D. Personalized technology. Manufacturers and importers could be required to develop and employ safety features, such as smart gun technology, within a particular timeframe. Personalized technology has the potential to prevent nearly all unauthorized gun use. A more modest alternative could require manufacturers to provide resources for research and development of new gun safety technology.

III. ADVERTISING

Gun advertising. The firearms industry could be restricted from advertising on [cable television], and to develop advertising standards that prohibit the targeting juveniles or criminals. [The industry could also be restricted from advertising within a certain vicinity of public housing authorities, schools, high crime zones or other areas vulnerable to violence.]

December 10, 1999

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

I. DISTRIBUTION CONTROLS

A. Code of conduct. Manufacturers and importers could be required to follow a code of conduct that would be established in the agreement that applies directly to their practices and actions as well as those that affect the dealers and distributors to whom they sell their products.

1. Manufacturers and importers could be required to:

- develop and complete continuous training programs for their own employees, as well as programs for their dealers and distributors covering topics such as security and “know your customer”;
- computerize their inventory system to facilitate linkage with the ATF tracing system with possible exception for manufacturers or importers that handle under a threshold volume;
- establish security procedures for their factories and shipping;
- enter into partnerships with ATF and/or FBI to create a database for identifying crime guns through ballistics data. This would require manufacturers and importers to test shoot every gun before it is sold and record casing imprints and serial numbers on the database;
- forego sales to dealers or distributors under indictment; and
- establish a director of compliance to ensure compliance with the agreement and firearms law.

2. Dealers and distributors. The code of conduct could also require manufacturers and importers to sell only to dealers and distributors that agree to:

- meet specific security standards;
- computerize their inventory, including all acquisition and disposition information, to help speed crime gun traces (with exception for dealers and distributors that handle under a threshold volume);
- postpone all gun transfers until the FBI issues an approval, even if this period exceeds the legal three-day period (dealers only);

- verify that all employees undergo continuous training on subjects such as compliance with gun laws, identifying straw purchasers, and securing inventory;
- refrain from selling semiautomatic assault rifles to youth under age 21;
- refrain from selling large capacity ammunition feeding devices or other weapons with features that may facilitate criminal activity (e.g., easily obliterated serial numbers);
- refrain from selling firearms made or imported by companies that are not party to the agreement;
- refrain from selling more than one handgun to an individual within a 30-day period, or establish a waiting period for subsequent handgun purchases;
- operate out of storefront business locations (dealers only);
- require identification for the purchase of ammunition; and
- complete annual inventories and thefts.

B. System to monitor sales by dealers and distributors. The parties to the agreement could develop a system under which manufacturers and importers would monitor sales of their products by distributors and dealers.

Tracking compliance with code and/or crime gun traces. Under this system, manufacturers and importers would impose sanctions, including suspension and termination of supplies, on dealers and distributors that: (1) violate the code of conduct; or (2) are substantially associated with crime guns as determined by a measure based on ATF trace data. To determine which dealers and distributors are substantially associated with crime guns, dealers could be required to maintain records of all trace requests initiated by ATF and could be subject to audits and inventory checks by manufacturers, importers, and a third-party monitor. The measure (based on the number of trace requests to a particular dealer or distributor and other indicators) would identify those dealers sufficiently associated with crime guns to warrant action by manufacturers and importers.

Third-party oversight. The monitoring system would be subject to third-party review and oversight and its findings would be available to federal law enforcement. The third-party monitor would be financed under the agreement with extensive oversight powers.

II. SAFETY MEASURES

A. Existing safety features. Manufacturers and importers could be required to ensure that guns sold in the United States have existing safety features such as internal trigger locks, magazine disconnect safeties chamber-loaded indicators, or that they have comparable features

that accomplish the same purposes as these existing technologies. This would take the next step beyond the Administration's current legislative proposal to require dealers to sell child safety locks or other safety devices with guns.

B. Banning criminal-friendly features. Manufacturers and importers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers or ability to accept large capacity ammunition feeding devices designed for military use. They could also be prohibited from selling their firearms to dealers that carry any of these kinds of products in stock through the code of conduct

C. Safety standards. Manufacturers and importers could be required to make or import guns that conform to safety standards set forth in the agreement. These safety standards would need to be developed, but could include requiring guns to pass certain tests (e.g., drop and jam tests). In addition, guns manufactured in the U.S. could be subject to the same factoring test that currently governs guns imported into the United States. The factoring test measures a firearms' suitability for sporting purposes and screens out poor quality guns.

D. Personalized technology. Manufacturers and importers could be required to develop and employ safety features, such as smart gun technology, within a particular timeframe. Personalized technology has the potential to prevent nearly all unauthorized gun use. A more modest alternative could require manufacturers to provide resources for research and development of new gun safety technology.

III. ADVERTISING AND MARKETING

Gun advertising. The firearms industry could be restricted from advertising on cable television, and to develop advertising standards that prohibit the targeting of juveniles or criminals. The industry could also be restricted from advertising within a certain vicinity of public housing authorities, schools, high crime zones or other areas vulnerable to violence.

October 29, 1999

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

System to monitor sales by dealers and distributors. Manufacturers could be required to develop a system to monitor sales of their products by distributors and dealers, and determine when unsafe practices are occurring. The monitoring system would be linked to crime gun trace information, and would focus on both numbers of traces and models of firearms used in crimes. Dealers could be required to maintain records of all trace requests initiated by ATF, and could be subject to audits and inventory checks by manufacturers. Based on information from the monitoring system, manufacturers would cut off or suspend supply to dealers or distributors whose practices result in large numbers of crime gun traces or a threshold number of traces within a specified time period. (Enforcement mechanism issues would need to be resolved.)

Code of conduct/screening system for distributors and dealers. Manufacturers could be required to develop a code of conduct and screening system for the distributors and dealers to whom they sell their guns. For example, this code could require manufacturers to only sell to stocking gun dealers who agree to: (1) operate out of legitimate storefront business locations; (2) meet specific store security requirements; (3) computerize their inventory, including all acquisition and disposition information, to help speed crime gun traces; (4) postpone all gun transfers until the FBI issues an approval (even if it takes longer than the legal three-day period); (5) verify that all employees have undergone training on subjects such as compliance with gun laws and identifying straw purchasers [manufacturers could be required to develop and provide such training]; (6) agree not to sell assault weapons to youth under the age of 21; (7) forego sales to individuals under indictment; and (8) refrain from selling high capacity ammunition clips, fingerprint resistant guns or other weapons that facilitate criminal activity. Manufacturers would impose sanctions for violations of the code such as cutting off all sales of their product to the offending distributors or dealers.

Existing child safety features. Manufacturers could be required to employ existing safety features such as internal trigger locks, chamber-loaded indicators, and magazine disconnect safeties. This would take the next step beyond the Administration's current proposal to require dealers to simply sell child safety locks or other safety devices with handguns.

Banning criminal-friendly features. Manufacturers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers, fingerprint resistance, or ability to accept large capacity ammunition clips. They may also be prohibited from selling their firearms to dealers who carry any of these kinds of products in stock. Manufacturers could be required to produce weapons with features that assist law enforcement, such as serial numbers that are impervious to defacing.

Limiting multiple handgun sales. Dealers could be prohibited from selling more than one handgun to an individual within a 30-day period. This concept is consistent with the Administration's legislation, although a version of it could be implemented without legislation.

Other limits have been proposed to limit multiple sales, including enhanced waiting periods for subsequent purchases. This could be made part of a code of conduct for dealers.

Ballistics testing. Manufacturers should be required to enter into partnerships with the ATF and/or FBI to create a database for identifying crime guns through ballistics data. This would involve manufacturers to test shoot every gun before it is sold and record casing imprints and serial numbers into the database. This would give law enforcement a new tracing tool where only bullets and/or casings are left at the crime scene. ATF already has a voluntary ballistics testing system with Glock.

Gun advertising. The firearms industry could be restricted from advertising within a certain vicinity of public housing authorities, schools, high crime zones or other areas vulnerable to violence. The industry could also be required to develop standards that prohibit advertising that targets kids or criminals by directly or indirectly promoting gun violence or criminal use of guns. For example, ads that promote non-detectable guns such as fingerprintless weapons, would not be permitted. Product placements of firearms in violent movies would be prohibited as well.

Safety standards. Manufacturers could be required to make guns that conform to the safety standards already in effect in other areas, such as those applied to imported handguns. This could include prohibiting manufacturers from making guns from inferior materials and requiring guns to pass certain tests (e.g., drop and jam tests). This approach is similar to junk gun legislation that was not included in the Administration's gun bill. However, without participation by the Ring of Fire companies, this proposal may not have a broad impact.

Personalized technology. Manufacturers could be required to employ safety features, such as smart gun technology, as soon as they are technologically feasible. Personalized technology has the potential to prevent nearly all unauthorized gun use. Such a requirement would be strongly opposed by the industry if it was applied to all new guns. A more modest alternative could require manufacturers to provide resources for research and development of new gun safety technology.