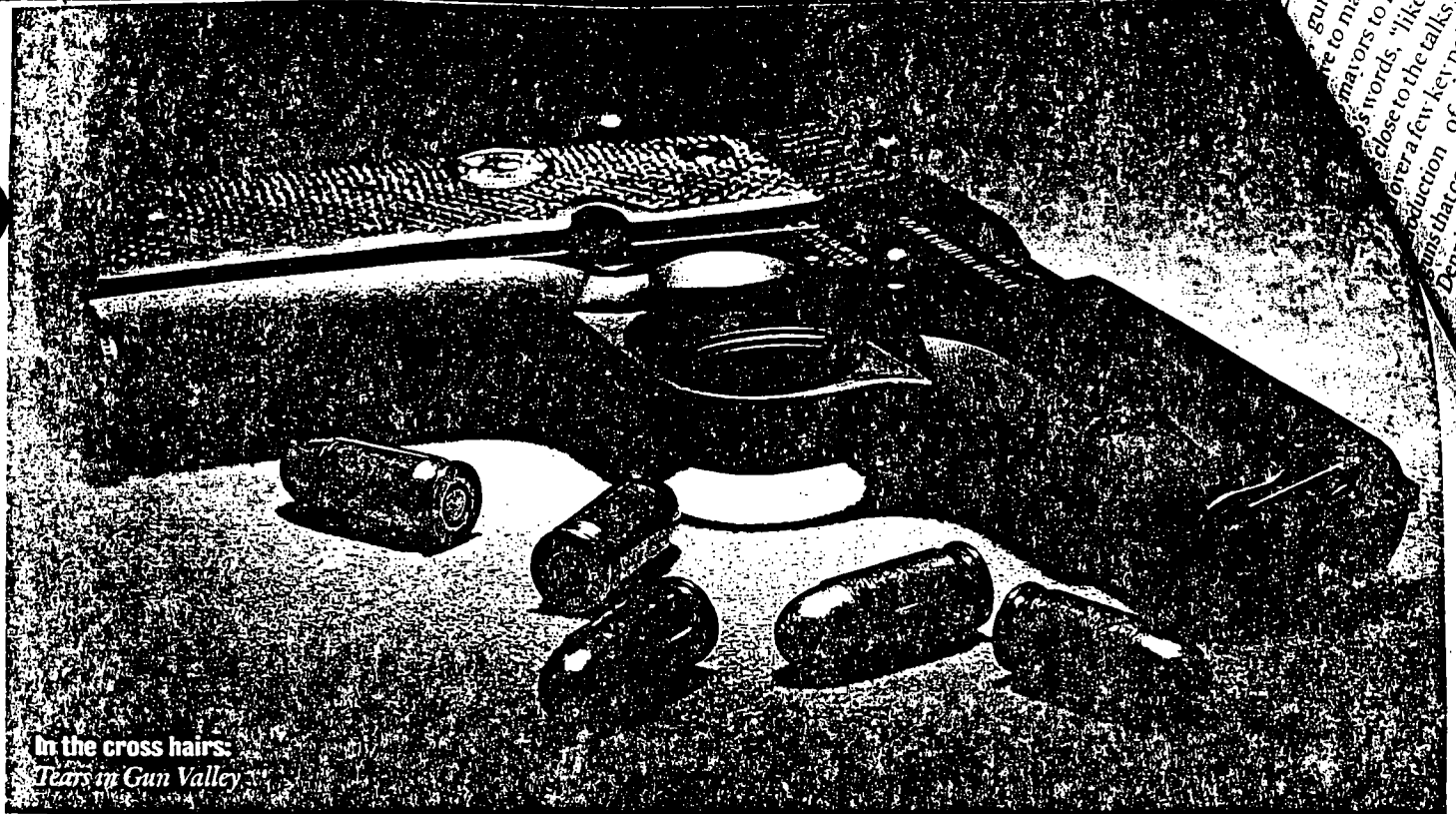


## Press Stories

DECEMBER  
1999



In the cross hairs:  
Tears in Gun Valley

G U N S

# The Feds Fire a Round

Washington's new tactic: target gunmakers with litigation

BY MATT BAI

IT WAS AN UNSEASONABLY WARM December Friday, and managers at Colt were already looking ahead to a week-end of Christmas shopping as they arrived at the plant in West Hartford, Conn. Instead, they were handed lists of employees and told to let them go. An engineer who had been with the nation's oldest gunmaker for almost 20 years wept openly in disbelief; another man went outside and vomited. The sun was setting by the time the executives realized that they, too, were on the list. The "furloughs" brought the number of layoffs at Colt this holiday season to more than 300, slowing production of new guns to a crawl as management scrambles to save the company.

From Connecticut's "Gun Valley" to California's "Ring of Fire," gunmakers are starting to buckle under the weight of mounting legal bills. "Without the lawsuits," says Donald Zilkha, one of Colt's owners, "none of this would have happened." Twenty-eight municipalities and the NAACP have already sued, and two states—New York and Connecticut—are threatening to do the same. And last week the federal government vowed to file a monster class-action lawsuit against the industry if it doesn't agree to sweeping changes. The administration's real aim is to push both sides to



A steep toll: A vigil for Chicago victims

make concessions, and some gun execs are privately hopeful that it will do just that. But the Feds' bullying tactic also raises the stakes considerably. It may now be impossible for gunmakers to have their day in court without going bankrupt defending themselves. Having failed to beat the gunmakers in Congress, the White House and its allies now seem bent on litigating them to death.

Behind the scenes, administration officials have been trying to broker peace in the gun wars from the start. But having failed to make an impact that way, the White House is prepared to coordinate a suit on

behalf of some 3,300 public-housing authorities, for whom gun violence is costly. Like the cities, the Feds would claim that the gun companies design unsafe products and knowingly distribute them to criminals. Although Ohio and Connecticut judges have now thrown out the municipal suits, courts in four states have let similar suits go forward. Before it gets to that point, government lawyers are looking for a settlement that would allow Clinton—and Al Gore—to claim a victory on guns. The administration would rather avoid a costly suit that couldn't possibly be resolved before Clinton leaves office. "We have strong litigation if it comes to that," says Housing Secretary Andrew Cuomo, "but I don't think it comes to that."

He may turn out to be right. While the mighty National Rifle Association and its archenemy, gun-control groups, are nowhere near compromise, more moderate factions on either side aren't really that far apart. Most of the companies that have been meeting in Washington with lawyers for the cities and New York's attorney general, Eliot Spitzer, are willing to accept some new restrictions, including background checks at gun shows. Glock, for one, has proposed a modified "one gun a month" system, whereby anyone who buys multiple guns could take only one home right away and pick up the others after a thorough background check. What gunmakers need most now is a negotiator on the other side who wants a deal as badly as they do, and who can sell it to the mayors—a role the White House can play.

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gunmakers aren't the only ones who have to make some compromises. Getting 28 mayors to negotiate in union is, in Cuomo's words, "like trying to herd cats." Sources close to the talks say the cities are divided over a few key points, most notably the introduction of high-tech "personalized" guns that could be fired only by their owners. Henigan, the chief lawyer for Jim and Sarah Brady's Center to Prevent Handgun Violence, a co-counsel in many of the suits, wants to force gun companies to make only personalized guns by a fixed date. That's not a popular position among other plaintiffs' lawyers, who think Henigan's position will get in the way of an agreement.

That debate is likely to get more heated next month, when Sigarms, Inc., a Swiss-owned company, begins shipping the first-ever personalized handgun. The \$900 pistol—about \$150 more than the regular version—won't fire unless the owner enters a pin code into a keypad under the barrel. Others will surely follow. Colt had been banking its future on a start-up company that would make an even more sophisticated "smart gun," but Steven Sliwa, Colt's former CEO, left the project when he was unable to attract investors. Another gunmaker, Mossberg and Sons, has set up a new venture to introduce the first personalized shotgun as early as next year.

Clinton's point man on guns, Bruce Reed, will begin meeting with plaintiffs' lawyers next week to sort out the government's position on personalized guns and other key issues. But even if he gets a deal that everyone can live with, this latest gambit raises deeper questions about a government's role in the courts. After all, unlike Big Tobacco, the \$2 billion gun industry can scarcely afford to defend so many lawsuits, and several insurance carriers are already refusing to pay the costs. "The industry's already in court—we didn't put them there," Reed says. "We're offering them a way out." With so many enemies taking aim, it's likely to be the best offer they get. ■

# Watching for Warning Signs

## Is there a way to spot troubled kids before it's too late?

**S**ETH TRICKEY WAS, BY almost all accounts, a model student. On the honor roll at his middle school in Ft. Gibson, Okla., the 13-year-old attended church and had lots of friends—not the kind of kid who would open fire on his classmates. And yet, police say that is exactly what Trickey did on the morning of Dec. 8: moments after arriving at school, he pulled his father's 9mm semiautomatic handgun out of his backpack, then shot and wounded five students.

The attack highlights the tremendous difficulties school officials face in identifying students most likely to join the terrible fraternity that includes Kip Kinkel, Eric Harris and now, apparently, Seth Trickey. Kinkel, who killed his parents and two schoolmates in Springfield, Ore., and Harris, the purported instigator of the Columbine killings, both fit a common profile of troubled youths. They were alienated, angry and had a history of emotional problems. But so far at least, there's no outward indication that Trickey had anything more violent on his mind than football.

Experts say there's no fool-

proof way to spot potential killers, but early next year the FBI will release a report listing problematic traits to help educators and parents identify the seriousness of a student's threat. The report details warning signs in four areas of a student's life:

personality, family, school behavior and other factors, such as drugs or alcohol.

That should help teachers and principals who usually don't have the training to differentiate between normal



**No warning:** Trickey (above) was popular

adolescent angst and genuine mental illness. Some indicators of a potential for violence: social withdrawal, excessive feelings of isolation and persecution, a history of aggressive behavior. "Teachers need to develop a lower threshold

for concern" and alert a trained professional, says Dr. Frank Ochberg, a Michigan State University psychiatrist who helped prepare the report.

That's a good plan, but what's the next step? School

psychologists—traditionally the first line of defense—are now often preoccupied in assessing kids who need help with learning disorders. Community mental-health networks have suffered budget cutbacks and there's a shortage of facilities to treat disturbed adolescents. As a result, many schools are adopting "zero tolerance" policies, pulling out kids who do anything suspicious. This works—sometimes. Expelling a student for violent imagery in creative writing "is an over-reaction," says Julie Underwood, an attorney for the National School Boards Association, but a kid who brings a gun to school "should be removed, period."

Vigilance is the best defense. "There are always kids in the school who have heard unsettling comments and are wondering: is this kid safe?" says Underwood, and they should be urged to use hot lines to report threats from classmates. Teachers should also share information. "There may have been five people who saw part of the warning signal, but if administrators hear only one warning signal, they're not going to react the same way they would if they heard five," Underwood says. In other words, the more talking, the less shooting.

BARBARA KANTROWITZ with PAT WINGERT in Washington and DIANE STRUZZA in Chicago



**Aftermath:** An investigator collects evidence outside the school

## Some Local Officials Say White House Wouldn't Be Tough Enough in Gun Suits

By PAUL M. BARRETT  
And SHAILAGH MURRAY

*Staff Reporters of THE WALL STREET JOURNAL*

Some local officials say they are worried that the Clinton administration is trying to grab control of the municipal law-suits that have been filed against the gun industry. The concern emerged after a strategy meeting in Washington between administration representatives and local officials from some of the 28 cities and counties that have filed suits, seeking to force reform of the way handguns are made and distributed.

Specifically, some local officials say they are worried that the White House might be too eager to strike a quick deal with the industry so that President Clinton can claim a political victory before the November 2000 election.

The administration last week threatened to file its own suit on behalf of 3,200 public-housing authorities plagued by gun violence, but White House officials made clear that they preferred to participate in negotiations aimed at forging a national settlement. Housing Secretary Andrew Cuomo and White House Domestic Policy Adviser Bruce Reed led yesterday's meeting with municipal officials from San Francisco, New Orleans and other cities.

While public statements after the session were cooperative and upbeat, people familiar with the meeting said the municipal officials had warned their hosts that they didn't intend to turn over control of the litigation to the administration.

Some gun-industry executives have privately expressed hope that President Clinton, eager for political victories as he enters his last year in office, might be more flexible than local officials and their outside plaintiffs' lawyers. Alternatively, some gun executives have mused privately about holding out to see if progun Republican George W. Bush is elected president.

Some of the local officials stressed in a news conference after the meeting that the White House is only one player in a large coalition. "Administrations may come and go, but we at the local level are always there," said Louise Renne, city attorney for San Francisco.

Officials from other cities were more blunt. Chicago didn't send anyone to the session because "we don't think they are going far enough, and they aren't seeking the kind of relief we would like," said Jennifer Hoyle, spokeswoman for Chicago's law department. For example, Ms. Hoyle said Chicago officials want gun dealers to stop selling weapons to any city resident because laws there are very restrictive—a step that the administration isn't likely to seek.

The White House has endorsed the main goals of the suits: to force the industry to make safer guns and supervise their distribution more aggressively by, for example, limiting purchasers to one gun a month. Some lawyers involved with the suits were more optimistic about working with the White House. Stanley Chesley, an outside lawyer for Cincinnati, says federal involvement "brings more unity and more strength to our suits."

There have been preliminary rulings in four of the suits, with judges dismissing suits filed by Miami-Dade County in Florida, Bridgeport, Conn., and Cincinnati. A Georgia state judge has allowed a suit by Atlanta to move ahead. Rulings in other cases are expected soon.

Gun-industry executives have said they make and distribute lawful products and shouldn't be held responsible when others misuse them. Nevertheless, some executives have expressed willingness to try to negotiate a settlement of the lawsuits.

—Vanessa O'Connell  
contributed to this article.

# Tobacco checks in the mail

States wonder what to do with their windfall

BY MARIANNE LAVELLE

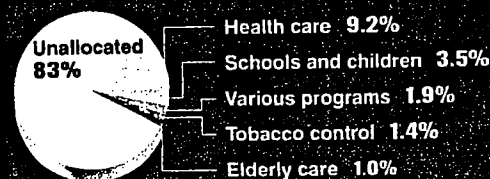
**P**ayday has finally arrived for 46 states that sued tobacco makers and walked off with a \$206 billion settlement more than a year ago. The first \$8.8 billion installment will begin flowing to the states this week. Among the planned beneficiaries: a flood-prevention project in North Dakota, roads in Virginia, and sidewalk upgrades in Los Angeles. The cigarette company cash will back BadgerCare, Wisconsin's health-insurance program for low-income families. Schools, scholarships, and juvenile-offender boot camps also share in the newfound wealth.

Until now, the money has been held in escrow awaiting the end of lawsuits and political wrangling over the deal. The manufacturers gave their final nod to release of the funds last month. And this week, barring unforeseen auditing glitches, Citibank of New York will begin cutting the checks on the first of 25 years of payments. The only question now, says Pat Johnson of the National Conference of State Legislatures, is what to do with "the largest windfall of money most states have ever gotten with no strings attached." The group says states have yet to decide how to spend more than 80 percent of the



## Sharing tobacco wealth

States, so far, have allocated only 17 percent of their tobacco-settlement funds.



Note: For 1999-2000.

Source: National Conference of State Legislatures

money. The main reason: By last May, when Congress beat back a Clinton administration effort to claim up to half of the settlement, most legislative sessions had already ended for the year. Since then, states have formed task forces, hosted community meetings, and unveiled grand plans. But so far, 23 states have yet to enact laws that appropriate the funds.

**Half for health.** Of the \$1.5 billion that has been budgeted, about half will go to health programs such as subsidizing insurance

## Tobacco sales not expected to dip.

● "Demand... should continue."

for the working poor and hospital construction. Much to the chagrin of antismoking advocates, so far only 8 cents of every dollar will go toward programs designed to stop smoking.

Settlement critics, like Michael Horowitz of the conservative Hudson Institute, argue that the deal makes states "parties in interest to the long-term health of the industry," because their payments will decline if tobacco sales slide. Some local governments, like New York City and Tulare County, Calif., have decided to "securitize" that risk by selling bonds backed by their future tobacco settlement proceeds: They'll get cash up front and the bond buyers will be left holding the bag if tobacco sales drop. But the bond rating firms have concluded they have nothing to fear. Says Standard & Poor's: "Demand for the product should continue." ●

## TRIGGER HAPPY?

# The U.S. targets gun makers

**G**un makers beware. The Clinton administration has you in its sights, next. Only months ago, the Justice Department announced a massive federal lawsuit against tobacco companies to recover the costs of treating tobacco-re-

lated illnesses. Now, the Department of Housing and Urban Development (HUD) will sue gun companies on behalf of nearly 3.3 million public-housing residents. With gun reforms stymied on Capitol Hill, the suit is an ultimatum intended to

force the industry to the negotiating table with 29 cities and counties that already have filed suits or are threatening suits to recover the public costs of gun violence. The administration wants significant concessions. Among them: that manufacturers put child-safety locks on all weapons, personalize guns so that only their owners can fire

them, stop making guns that won't show fingerprints, and bar gun makers from selling firearms to so-called straw purchasers who can resell them to convicted felons. Gun makers say they've conceded enough. Says the National Rifle Association: The lawsuit is "a frightening holiday greeting from Bill Clinton and Al Gore." —Chitra Ragavan

family. Craig Scott, Rachel's 16-year-old brother, who was kneeling next to Isaiah Shoels and Matt Kechter when they were shot to death in the library, has had the hardest time. Though he has on occasion joined groups with Darrell, he refuses to go to Columbine High and is being schooled by a county home-tutoring program. "Some days he can't get out of bed," says his mother Beth.

It was Craig who first identified Cassie Bernall as the girl in the library who said she believed in God just before she was shot. When police later took Craig back to the library, he pointed forward, to the place where he had heard the question asked. His face turned ashen when he realized that Cassie had been sitting at a table behind him. One policeman said he thought Craig was going to vomit. The girl who actually said the words Craig heard, according to witnesses interviewed by police, was Valeen Schnurr.

Members of the Scott family say every atom of their lives has been rearranged since Columbine. "Things I did before, like shopping or going to movies or eating out, seem frivolous now," says Bethanee. Beth says, "Things don't mean much anymore. They bring no joy or comfort. It's only people now. And even my friends have changed." Darrell spends hours at Rachel's grave when he is not on the road, indulging in the tears he can't afford to shed on the podium. "The biggest thing I do for him is just listen to him cry and talk about her," says Beth. And Wayne Worthy of Springfield, Mo., helps with the new ministry.

Darrell is also pushing ahead with his vision of a large youth ministry based on his daughter's life and journals. He has become a prominent advocate of reinstating prayer in schools. He has stepped up his fund raising—he earns about \$1,500 for the ministry each time he speaks—and in December brought out the first issue of a magazine called *Rachel's Journal*. He wants to build a combined Columbine memorial and Christian youth center that would focus on teaching and training young people from around the country. And he wants to build a 200-ft.-high cross somewhere in the area.

The big question is whether the Columbine tragedy has spiritual legs. "We all realize that at some point the Columbine story is not going to be as strong as it was," says Pastor Billy Epperhart of Littleton, a close friend of the Scotts. "There has to be something that is bigger than Columbine. The question is, What does it look like for Darrell's life?" Right now it just looks busy: he has speaking engagements booked through the end of the year 2000. —With reporting by Timothy Roche/Littleton

## THE POLITICS

# ENTER THE BIG GUNS

The feds threaten gunmakers with a huge lawsuit, and most can't afford not to talk settlement

**E**IGHT MONTHS AFTER COLUMBINE—AND only one day after the small Oklahoma town of Fort Gibson became the latest stage for an apple-cheeked boy to open fire on his schoolmates—the gun industry faced its biggest threat, the one that could finally force major changes in the way firearms are made and marketed.

On Tuesday, the Clinton Administration said it was preparing to file a class action on behalf of the nation's 3,191 public-housing authorities. Twenty-nine cities and counties have already filed suits against the manufacturers since October of last year,

if there's no a settlement, the feds will be asking for compensation. The public-housing authorities spend about \$1 billion a year trying to keep their 3.3 million residents safe from gun violence, according to the Department of Housing and Urban Development. The department hasn't decided how much to ask for in damages, but the number would be hefty—and added to what the 29 cities and counties are seeking in their lawsuits, the gunmakers face potential exposure running into the billions. Their pockets are not really as deep as those of the tobacco industry, which has faced a similar

siege, and many of their insurers have said they won't pay to defend the lawsuits.

The attack on the gunmakers, is patterned closely on the tobacco campaign and even involves some of the same lawyers. But the federal role is different this time. When the government finally sued the tobacco companies last September, it was more than a year after the states had concluded a far-reach-

## What Governments Want Gunmakers to Do

- **BUILD SAFETY LOCKS** into guns as a component, not an optional extra
- **DEVELOP "SMART" GUNS** that only owners can fire
- **CUT OFF GUN SHOWS** by refusing to deal with distributors who sell at the shows
- **WRITE NEW CONTRACTS** with dealers that require them to sell only one gun a month per buyer
- **REFUSE TO SUPPLY** dealers who sell a disproportionate number of guns that authorities have linked to crimes
- **CHANGE ADVERTISING** so that it appeals less to criminals



NOT AGAIN: Seth Trickey, 13, is accused of wounding four

seeking to recover the public costs of gun violence, force the design of safer firearms, and restrict the flow of guns to illegitimate buyers. As the suits have made their way through the courts, the industry and plaintiffs have held sporadic settlement talks, to little effect. But that could change dramatically with the arrival of the feds, who will throw their weight behind the plaintiffs' demands. The plaintiffs want gunmakers to distribute only to dealers who won't sell at gun shows, to require that dealers sell only one gun a month per buyer, to cut off those who sell a disproportionate number of guns linked to crimes, and to make the industry develop "smart" guns that only their owners can use.

The feds and the plaintiffs say they're not after big money, not yet anyway. And that's one reason the gunmakers might yield:

ing settlement with the industry. This time the feds are jumping in when they can make a difference, even after a year when Congress did nothing to further gun control. Some manufacturers, like Glock, said last week they would consider meeting with the Clinton Administration, while others—notably Sturm, Ruger & Co., the largest gunmaker—indicated they plan to fight it out.

In any case, the lawsuits have caused a rift between some gunmakers and the National Rifle Association, which cares more about the principles involved than the economics. Gunmakers point out that they are the ones being sued, not the N.R.A. Says Robert Delfay, head of the manufacturers' trade group: "If the day comes when we have to do something the N.R.A. doesn't approve of, we'll tell them and so be it." —By Viveca Novak/Washington

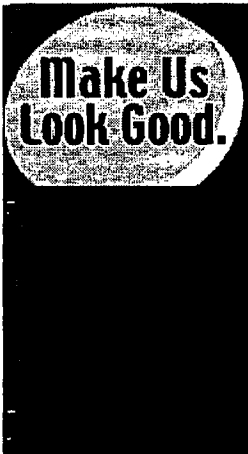


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## Clinton To Act on Gun Safety

By Sonya Ross

Associated Press Writer

Wednesday, Dec. 15, 1999; 5:26 p.m. EST

WASHINGTON — President Clinton will take action on gun safety next year, the White House said Wednesday, contending Congress has "frustrated the American public" by failing to tighten firearms restrictions in a year of mass shootings.

Clinton's chief of staff, John Podesta, convened a brainstorming session of administration officials to come up with various actions Clinton could take, either through executive authority, federal regulations or new legislation beyond the bill now stuck in Congress.

"We're not going to rely on Congress. We're going to find other avenues," White House spokesman Joe Lockhart said. "It's our overall sense that this is something the American public is demanding."

The group Podesta brought together included Bruce Reed, Clinton's domestic policy adviser; Stuart Eizenstat, the deputy treasury secretary; Eric Holder, the deputy attorney general; and Housing Secretary Andrew Cuomo.

They spent about 90 minutes discussing strategies they could use to force Congress to pass gun legislation, or at least take up the issue, during its election-year session beginning in January, according to a senior administration official speaking on condition of anonymity.

"Hopefully, that will cause the Congress to get off the dime," the official said.

Lockhart said administration officials are counting on the sense that a majority of Americans want some type of action on gun restrictions, after an outbreak of violent shootings in schools, workplaces and even churches that have killed dozens of Americans.

Officials do not want to lose the momentum for change that was touched off by the shootings at Columbine High School in Littleton, Colo., in which 12 students and a teacher were killed by two teen-age boys who then killed themselves.

"We believe that Congress has frustrated the American public on the issue of gun safety, that we have more than enough evidence that we need to take steps," Lockhart said.

Wednesday's meeting came after the Clinton administration threatened to file suit against gun manufacturers in a bid to pressure



them to negotiate with cities and states seeking to recover the costs of gun violence.

The administration would act on behalf of 3,100 local housing authorities seeking recompense for gun violence.

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## White House Draws a Bead on Guns

### Top Clinton Aides Will Plan 'Offensive' for Control Measures

By Charles Babington

Washington Post Staff Writer

Wednesday, December 15, 1999; Page A10

The Clinton administration, convinced that Congress has badly underestimated the public appetite for new gun regulations, will convene a meeting of top aides today "to prepare an all-out offensive on guns in the coming year," a senior White House official said last night.

The plan will include extra spending by the Justice and Treasury departments for various gun control measures, the official said. It underscores a growing fervor for gun regulation in the administration, which last week announced it was joining forces with several cities that have sued or threatened to sue the gun manufacturing industry over safety and distribution issues.

Administration sources said the goal is either to force the Republican-controlled Congress to adopt new gun control measures--including several it rejected this fall--or pay a heavy price in the 2000 House and Senate elections.

"We believe if we keep the pressure on, we can bring the industry to an agreement and make it as difficult as possible for Congress to go home without doing anything," the White House official said.

Today's meeting will be run by Chief of Staff John D. Podesta and include White House domestic policy chief Bruce N. Reed, Deputy Treasury Secretary Stuart E. Eizenstat, Deputy Attorney General Eric H. Holder Jr., vice presidential counsel Charles W. Burson, presidential adviser Joel Johnson and Housing and Urban Development Secretary Andrew M. Cuomo. Podesta "is going to ask them to come up with a series of actions to build pressure on the gun industry for an agreement and intensify the pressure on Congress to break the logjam on the gun bill and provide the president with a series of executive actions he can take in the weeks and months to come," said the official, who declined to offer specifics.

In the wake of the April school shooting in Littleton, Colo., the Senate passed gun legislation that called for child safety locks on new handguns and criminal background checks on prospective buyers at gun shows. But the House, which includes several leaders who strongly support gun ownership rights, rejected the package.

Since the Littleton tragedy, several highly publicized shootings at schools and other sites have kept the gun issue before the public.

Today's Man

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White House officials believe congressional Republicans have misread the electorate's feelings about regulating firearms.

"The country is tired of waiting for Congress to respond to the tragedy in Littleton," Reed said in an interview. "The administration is going to do everything in its power to make progress on guns."

Republican leaders have said most Americans still support the constitutional right to own guns, and they argue that the answer to gun violence is tougher enforcement of existing laws.

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# DOJ Reined in Cuomo on Gun Litigation

By SAM SKOLNIK

Top Justice Department officials helped scuttle the federal government's original plan to sue gun manufacturers, forcing the Clinton administration to scale back its prospective legal attack.

Secretary of Housing and Urban Development Andrew Cuomo announced Dec. 7 that his agency is preparing to assist with a class action that may be filed by the country's public housing authorities (PHAs) on behalf of more than three million residents of housing projects, who apparently have been disproportionate victims of gun violence.

Cuomo, who has been working closely with the White House for the last couple of months on a legal strategy, said that the administration's primary hope is to pressure

the gun industry to come to a settlement and avoid protracted litigation. The goal, government officials say, is to force a range of gun control and safety measures on the industry, not to reap a financial windfall.

These measures could include new mandates prohibiting people from buying more than one gun at a time, and limiting individual purchases to one per month. They'd also like rules requiring safety locks for new guns.

Initially, Cuomo wanted the federal government to sue gun manufacturers directly, says one DOJ official who asks not to be named. But that idea repeatedly stalled, says the official—in large part because within the department "there was unanimous opinion that the federal government did not have a legal basis to sue."

Justice officials say HUD and the White House came up with the idea of suing on behalf of the PHAs. Since October 1998, several cities have sued the gun industry, making product liability and negligence claims. In the push for a long-term settlement, the federal effort could merge with that of the states.

## RENO, HOLDER SKEPTICAL

"There's a little bit of a split within the department," says the DOJ official. "There are those who think [HUD's possible suit] is based on a totally bogus argument, and there are those who say while it's bogus for the federal government to sue, there's a colorable argument that the PHAs could sue."

According to two Justice officials, Attorney General Janet Reno and her chief deputy, Eric Holder Jr., remain skeptical of the administration's current legal rationale.

Justice spokeswoman Gretchen Michael says the department will be strictly limiting its involvement to a sidelines policy advisory role.

Michael and two other Justice officials note that the department officially will not comment on the matter because the PHAs, while largely funded by HUD, are not federal entities. Michael adds that Justice shares HUD's hope that a settlement can be reached.

White House domestic policy adviser Bruce Reed, who has worked closely with Cuomo on the issue, would not confirm whether Cuomo initially proposed

having the federal government bring the suit. But he did say that "since the summer, the only serious discussions about this have been about PHAs bringing the suit."

HUD officials dispute the notion that some at Justice doubt the merits of the possible suit. They add that no federal lawyers would be involved in any potential suit—despite the fact that several PHAs are under HUD receivership, making them even more directly linked to the agency.

National Rifle Association chief lobbyist James Baker says the planned suit "is

the height of hypocrisy, as far as we're concerned."

Baker says the feds should concentrate on increasing the number of prosecutions based on existing gun laws, instead of "trying to usurp legislative prerogatives" by forcing new laws through any settlement or suit.

Conversely, Josh Horwitz, director of the Educational Fund to End Handgun Violence, says that "the PHAs' damages are easy to articulate." In addition to damaging the viability of the PHAs themselves, he says, guns have significantly diminished the safety of the residents. ■



PHOTO BY AP/WIDEWORLD

**SHOT DOWN:** HUD Secretary Andrew Cuomo wanted government to sue gun industry directly.

3RD STORY of Level 1 printed in FULL format.

The Associated Press State & Local Wire

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December 14, 1999, Tuesday, AM cycle

SECTION: State and Regional

LENGTH: 542 words

HEADLINE: Officials threaten suit against gun makers if they won't discuss deal

BYLINE: By PAUL SHEPARD, Associated Press Writer

DATELINE: WASHINGTON

BODY:

Despite recent setbacks to the gun lawsuit cause in Florida and Connecticut, federal and local officials are still threatening to bring a national lawsuit against the gun industry if manufacturers fail to enter negotiations designed to increase firearm safety.

"This is a problem that can no longer be ignored," Housing and Urban Development Secretary Andrew Cuomo said after meeting Tuesday with representatives of 19 local jurisdictions and the NAACP.

Characterized by participants as a productive session, the gathering at HUD headquarters was the first step by national and local officials to persuade gun makers to negotiate or face a federal class action suit from public housing authorities.

"We don't want to spend years in courts when we can save lives now," said Bruce Reed, the White House domestic policy adviser who attended the meeting.

A National Rifle Association official said the threatened federal lawsuit smacks of "desperation" on the part of the Clinton administration after it failed to persuade the GOP-led Congress to pass additional gun control measures this year.

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

On Monday, a Florida state judge threw out a suit filed by Miami-Dade County alleging guns created a public nuisance and threatened residents' safety. Last Friday, a Connecticut state judge dismissed a similar suit brought by the city

The Associated Press State &amp; Local Wire December 14, 1999

of Bridgeport. And in October, an Ohio judge dismissed Cincinnati's suit. At the same time, another judge in October allowed Atlanta's suit to proceed and ordered the industry to open its files.

Reed said the gun industry should not rely on the negative rulings as protection from future decisions and avoid negotiating how to make guns safer with new technology and how to change distribution, marketing and advertising practices in ways the cities are seeking.

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

Bridgeport Mayor Joseph Ganim said his city would appeal Friday's ruling and said the federal response on the gun issue would give local suits more weight in the court of public opinion if not the courtrooms of state judges.

"Getting HUD to join us is big because we can get in under one umbrella without waiting to see what happens in 20 different verdicts," Ganim said.

Cuomo said that in the coming weeks, representatives from HUD and other federal agencies including the Justice and Treasury Departments would huddle with state, county and city government officials "to get a better sense of where we are going."

Baker of the NRA said gun makers would likely talk with the group that emerges from HUD's efforts, but said he feared other suits might arise even if a settlement were reached.

"They won't be able to bind the whole world to one settlement," Baker said. "They could get a settlement with the housing authorities and there could still be 50 or 100 other lawsuits out there,"

LANGUAGE: ENGLISH

LOAD-DATE: December 15, 1999

# Gun Industry Wins Round in Battle, As Judge Dismisses Bridgeport Lawsuit

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

The gun industry won a round in its legal battles, as a Connecticut state judge dismissed a suit filed against handgun manufacturers and retailers by the city of Bridgeport, Conn.

Superior Court Judge Robert McWeeny said in a 35-page ruling Friday that the city lacked authority to file such a suit. The judge didn't address the merits of whether the industry has been negligent in the manufacture or distribution of handguns. But he indicated that individual victims of gun violence would be more appropriate plaintiffs to make these legal claims.

Although judges considering similar suits filed by 27 other municipalities around the country aren't bound by Judge McWeeny's decision, gun-industry lawyers said they would try to use Friday's ruling to bolster efforts to kill the other suits.

"These issues are universal in all of the municipal cases," said James Dorr, a lawyer representing two of the biggest manufacturers, Smith & Wesson Corp., a unit of Britain's Tomkins PLC, and Sturm, Ruger & Co., Southport, Conn.

The Bridgeport defeat puts the early score at 2-1, favoring the gun business. In October, Cincinnati's suit was dismissed, while Atlanta's was allowed to proceed. More preliminary rulings are expected in coming weeks.

Brian Siebel, an outside attorney for Bridgeport, said the city will appeal. "This is just one step in the process," said Mr. Siebel, who is a senior attorney with the legal arm of Handgun Control Inc., a Wash-

ington group coordinating much of the litigation against the industry.

Judge McWeeny observed that lawsuits filed by state attorneys general against the tobacco industry had inspired the municipal gun suits. But he noted that a number of states had enacted statutes specifically authorizing such suits. In contrast, he said, "a municipality has no inherent powers of its own; it is merely a creation of the state and its actions must be authorized by the state."

The attorneys general of Connecticut and New York have threatened to file their own gun lawsuits, but so far haven't done so. Richard Blumenthal, Connecticut's attorney general, filed a "friend-of-the-court" brief supporting Bridgeport's authority to litigate on its own.

## State Farm Cancels Contracts of 5 Agents Who Seek U.S. Probe

Dore Jones Newsires

BLOOMINGTON, Ill. — State Farm Mutual Automobile Insurance Co. terminated its contracts with five insurance agents who called for a federal inquiry into what they allege is a companywide pattern of consumer abuse at the largest U.S. auto and home insurer.

In identical letters dated Dec. 8, State Farm told the agents that they were being dismissed because they "refused to provide" information or documentation to substantiate their charges.

In October, all five agents signed a letter to Sen. John McCain (R., Ariz.), chairman of the Senate Commerce Committee, alleging that State Farm forces agents to sell life insurance to people who don't need it, avoiding sales in certain areas and overcharging on homeowner insurance, among other improper practices.

The State Farm letters state that the agents, who are involved in a lawsuit in federal court in California stemming from a new employment contract, "claim your own litigation against State Farm prohibits you from discussing the matter, even though you made these charges publicly and they go well-beyond your litigation regarding your agency relationship with State Farm."

The letters also state that the agents have "breached" the trust that is "fundamental to your ability to represent State Farm to customers."

A spokesman for the five denied that the agents had refused to provide evidence, adding: "They have the evidence. They know these problems exist. They are terminating these people because they spoke too loudly."

# White House and Gun Industry May Discover Some Talking Points to Reach Deal on Lawsuit

By PAUL M. BARRETT  
And VANESSA O'CONNELL

Staff Reporters of THE WALL STREET JOURNAL  
Just what might a settlement of the gun lawsuits look like?

The White House jolted the firearm controversy last week by threatening to add its own class-action suit to legal actions by 28 municipalities against gun companies. The surprising thing about the gun-foe wish list is that it contains a number of demands that industry officials concede they would be willing to agree to. Other proposals, however, have sparked ferocious industry opposition.

While many gun executives condemn the new White House threat to sue on behalf of violence-ridden public housing projects, others tentatively welcome the administration joining nascent settlement talks.

That is because they see President Clinton and federal officials as more likely than antigun activists to cut a deal. Housing Secretary Andrew Cuomo has invited municipal officials to a strategy session in Washington tomorrow but insisted that outside attorneys be excluded.

"If they are doing it in earnest, maybe it will be good in the long run," says John Rigas, a partner in the New York investment group that owns Colt's Manufacturing Co.

No one is predicting an imminent truce—and the National Rifle Association remains a powerful roadblock. But here are some of the negotiating points and the odds on compromise:

## • Fingerprint Resistance

In demanding that gun companies stop marketing to potential criminals, President Clinton last week highlighted one gun manufacturer's advertising its wares as resisting fingerprints. "You don't have to be all broke out with brilliance to figure out what the message is there," Mr. Clinton said at a news conference.

Major gun manufacturers say they could easily promise not to run such ads, which, in fact, aren't common. "I would suspect everybody would agree not to market to criminals, because I don't know anybody who does right now," says Paul Jannuzzo, vice president of the U.S. unit of Austria's Glock GmbH. (Navegar Inc., a Miami manufacturer, says that its fingerprint ads were a misunderstood reference to a coating that protected against gun rust; in any event, the company says it dropped the ads years ago.)

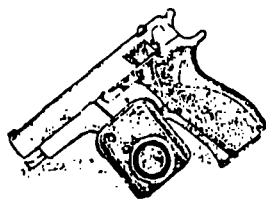
A related demand that manufacturers are prepared to grant is making it tougher to obliterate serial numbers that are used to trace guns linked to crime. Indeed, the industry is already working on this issue with the Bureau of Alcohol, Tobacco and Firearms, executives say.

## • Policing Dealers

President Clinton echoed the suling municipalities in demanding that manufac-

## Gun-Foe Wish List

Demands being made of the firearm industry:



### COMPROMISE POSSIBLE

- Mandate trigger locks
- Ban 'fingerprint-resistant' ads
- Regulate all gun-show-sales

### HARDER TO RESOLVE

- Limit buyers to one gun a month
- Cut off dealers based on gun-crime statistics
- Empower 'monitor' to police industry

turers take steps to bar their guns from being sold by shady retail dealers. He cited a study concluding that only 1% of federally licensed gun shops sell 50% of the guns linked to crime and traced by the ATF.

Firearm executives say they would discuss bad-apple dealers, but only if the ATF takes the initiative and provides a list of such retailers—information the agency, surprisingly, now doesn't offer. Some executives, such as Robert Morrison, executive vice president at the Brazilian handgun maker Forjas Taurus SA, say that statistics wouldn't be enough; they would cut off only those dealers whose licenses the ATF revoked. "You tell me someone loses his license for illegal sales, of course I'll stop selling to him," says James Garrison, head of H&R 1871 Inc., a Gardner, Mass., gun manufacturer.

The so-called gun-show loophole—a gap in the law that allows unlicensed sellers to operate at loosely run shows and flea markets—presents a potentially less thorny problem. A number of major manufacturers already require that their products be sold only by licensed dealers; most companies would support the further mandate that all sellers at guns shows have licenses and perform buyer background checks.

## • One-Gun-A-Month

This gun-foe favorite is a potential deal breaker because it cuts immediately into sales volume. Firearm company executives vow never to agree to a national requirement that consumers may purchase just a single handgun each month—a curb that is already in place in four states: California, Maryland, South Carolina and Virginia. The executives argue that one-a-month would slide down the "slippery slope" toward more stringent restrictions.

## • Multiple Sales

There is more give in the industry on the notion of preventing buyers from leaving the store with more than one gun on the day of purchase. Gun foes maintain that the industry could slow "straw purchasers"—people with clean records who shop for criminals—by banning multiple sales.

A counteroffer that has at least some industry support is that buyers be allowed to

make multiple purchases but, after the usual background check, leave the store with only one gun. The remaining weapons could be collected 48 or 72 hours later. In the interim, the dealer would alert the ATF to the transaction, giving the authorities time to check whether the buyer has made suspicious purchases in the past. "I would say 50% [in the industry] agree with me" on this compromise, says Mr. Jannuzzo of Glock, who has promoted the idea.

But on this issue—as on many other settlement proposals—the National Rifle Association has already indicated its disapproval. The NRA's chief lobbyist, James Baker, has warned the gun industry that compromising will inhibit the gun owners' rights to which his group is primarily dedicated. Gun companies often listen to the NRA, at least partly because the organization has influence with many gun consumers.

## • Safer Guns

The call for trigger locks to thwart curious or suicidal children is almost certain to yield compromise. More than 90% of handgun manufacturers say they are already shipping their weapons with some sort of lock.

But mandating high-tech "smart gun" safety devices—that allow only authorized users to fire—will encounter powerful resistance from some gun makers, such as Sturm, Ruger & Co., Southport, Conn., the nation's largest. The middle ground could be an agreement that the industry as a whole will step up research and development—hardly a concession for Swiss-owned pistol maker SIG Swiss Industrial Co. Holding Ltd., which says it will put a smart gun on the market next month, or for Colt's or Smith & Wesson Corp., a unit of Britain's Tomkins PLC, which have done considerable work on their own variations of "personalized" pistols.

## • Industry Monitor

New York state's attorney general, Elliot Spitzer, has proposed that gun companies submit to the supervision of an independent "monitor" with authority to enforce marketing and design curbs. The New York official hasn't sued the industry but has gained considerable influence by threatening to make his state the first to go to court.



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The Stuart News/Port St. Lucie News (Stuart, FL)

December 10, 1999, Friday

SECTION: Editorial; Pg. A8

LENGTH: 405 words

HEADLINE: AN ABUSE OF POWER

BODY:

National gun lawsuit amounts to bullying

No doubt, people in the Clinton administration think they are on the side of angels when they dream up something like a national lawsuit against gun manufacturers. But they are not, not unless angels endorse bully-boy tactics. Not unless angels have no respect for the Constitution. Not unless angels think the end justifies any means.

The phoniness of the national intervention becomes especially apparent when you note that the class-action lawsuit would be brought by the local authorities running housing projects under the direction of the Department of Housing and Urban Development. There's a rationale - a very thin one - for having these authorities act as the plaintiffs, namely that large numbers of residents in this housing are gunshot victims. What's next? A federal suit against auto manufacturers because federal workers are among those killed in auto accidents?

With this gambit, the executive branch hopes to persuade gun makers to stop a number of practices and initiate others in order to make it less likely that criminals will get their hands on weapons.

The manufacturers are already being sued by a number of cities. With federally financed lawyers descending on them as well, it is thought, they just might settle and do as the administration wants. Although these government plans could render their businesses less profitable, or even unprofitable, trying to fight this suit in court could cost still more.

The fact is, however, that the practices to which the government objects are legal. And what do administrations ordinarily do after concluding that some form of legal conduct is harmful to the public? Why, administrations try to persuade Congress to pass laws making this conduct illegal. That is what the Clinton administration did, but Congress wasn't having any, thank you.

It does not follow that the administration therefore has the right to achieve its objectives by any other method it happens to land on. This is supposed to be a constitutional republic, and that means there are certain rules of the game. If the administration can ignore those rules any time it believes in the righteousness of the outcome it seeks and the validity of its polls, no one is safe.

The power of the federal government is awesome to behold. As the founders of

this nation concluded a couple of hundred years ago, that power must stay bridled.

LOAD-DATE: December 10, 1999

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National Post  
(formerly The Financial Post)

December 10, 1999 Friday NATIONAL EDITIONS

SECTION: FINANCIAL POST; Pg. C02, Spotlight on Manufacturing

LENGTH: 106 words

HEADLINE: Colt's says gun lawsuits could cost jobs

DATELINE: WEST HARTFORD, Conn.

BODY:

WEST HARTFORD, Conn. - Colt's Manufacturing Co., inventor of the legendary six-shooter handgun 'that won the West,' said yesterday lawsuits against gun makers could cost jobs and may force some companies out of business. 'If these lawsuits continue I fear that not only will this legacy disappear, but so will the jobs of hard-working Americans in this industry if we are forced out of business,' said William Keys, Colt's chief executive. Mr. Keys was responding to White House plans to organize a massive lawsuit against the gun industry in a bid to force gun makers to accept restrictions on how their products are made and sold.

LANGUAGE: ENGLISH

LOAD-DATE: December 10, 1999

LEVEL 1 - 6 OF 41 STORIES

Copyright 1999 Federal Document Clearing House, Inc.  
Congressional Press Releases

December 9, 1999, Thursday

SECTION: PRESS RELEASE

LENGTH: 385 words

HEADLINE: BARR CALLS FOR INVESTIGATION OF HUD GUN LAWSUIT

BYLINE: BOB BARR , REPRESENTATIVE , HOUSE

## BODY:

FOR IMMEDIATE RELEASE DECEMBER 8, 1999 BARR CALLS FOR INVESTIGATION OF HUD GUN LAWSUIT WASHINGTON, D.C. -- U.S. Representative Bob Barr (GA-7) today wrote the following letter to Secretary of Housing and Urban Development Andrew Cuomo regarding a HUD threat to sue the gun industry: "As you are surely aware, the notion that the federal government can sue companies for negligence for simply manufacturing a legal, extensively regulated product is the worst kind of legal quackery. There is no basis in precedent or law for the suit you are planning, and one is left to conclude your only goal is to bully gun manufacturers into making changes that are the exclusive responsibility of the legislative branch. In other words, not only is your suit based on a frivolous legal theory; it aims to undermine the separation of powers that lies at the heart of our republic. "Of course, your latest threats are all the more troubling in light of recent statements by your top officials. On August 4, 1999, Gail Laster, HUD's top lawyer, testified that 'HUD, however, and I repeat, HUD does not plan to bring any action on its own against the gun industry.' Ms. Laster went on to add that 'HUD has no authority on its own to bring litigation.' "In light of these recent assurances, your statement that HUD will 'bring a class action suit' against gun manufacturers is quite amazing. It leaves room for only two possibilities. Either your General Counsel lied to Congress four months ago, or she had no idea of your plans, which were in the works for 'months,' according to The New York Times. Clearly, the first possibility is the most likely. "Since Congress frequently relies on your Department to provide accurate testimony, I would like to know whether this is an isolated incident of one employee acting on her own, or whether it is Department policy to lie to Congress when it suits your political goals. I have also asked Chairman John Mica, of the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, before whom Gail Laster testified on August 4, 1999, to consider taking action against her for misleading, if not lying to, the Subcommittee. I await your response." Barr, a former United States Attorney, serves on the House Banking, Judiciary, and Government Reform Committees.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999

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Financial Times (London)

December 9, 1999, Thursday USA Edition 2

SECTION: WORLD NEWS: THE AMERICAS; Pg. 4

FT-ACC-NO: A199912091DA-119-FT,0,XML,FTI 19991209U204.066

LENGTH: 431 words

HEADLINE: WORLD NEWS: THE AMERICAS: Clinton backs legal moves on handguns

BYLINE: By ANDREW EDGECLIFFE-JOHNSON

DATELINE: NEW YORK

BODY:

President Bill Clinton threw his weight behind efforts to sue the US handgun industry yesterday, but officials on both sides indicated that the threatened federal lawsuit would be used primarily as a bargaining tool to force a settlement.

The White House plans to use the Department of Housing and Urban Development (HUD) to bring a class action lawsuit early next year on behalf of about 3m people in 3,200 public housing authorities, which suffer from high rates of gun violence.

"We are going to press hard to see if we can get the gun industry to agree to a strong settlement, and if we can't, we're prepared to file suit," Bruce Reed, Mr Clinton's domestic adviser, said yesterday.

The administration's move came as lawyers for the 28 US cities and counties to have lodged suits against the gun industry began discussions with manufacturers on how to make firearms safer.

The Centre to Prevent Handgun Violence, which has advised several cities on their gun lawsuits, said: "The administration's intervention in these settlement talks should help the gun industry see the light more quickly and more clearly."

Gun manufacturers disputed claims that the threatened lawsuit would increase pressure on them to introduce safety features and to reform handgun distribution.

Paul Jannuzzo, general counsel for Glock, an Austrian gun manufacturer, said: "I don't believe you can change the (industry's) perspective at all. A settlement decision would still be based on the common goals of stopping the accidental or criminal use of firearms."

He added, however: "I guess (the federal intervention) is leverage, but that also sounds a lot like blackmail to me."

Other industry lawyers argued that any federal intervention should be channelled through the Bureau of Alcohol, Tobacco and Firearms, rather than through Hud. They also noted the lawsuit's fortunes could depend on who next occupies the White House.

Anne Kimball, who represents manufacturers including Sturm Ruger and Smith & Wesson, said that from a legal perspective, the industry remained in a "very good position".

Lawyers from both sides said there was progress in settlement talks in Washington on Tuesday, but cautioned that the discussions were still at early stages and that no firm agenda had been agreed.

Industry officials, meanwhile, said US gun manufacturers' sales continue to grow rapidly.

Estimating annual growth in handgun sales of 20 per cent this year, Mr Januzzo said: "Bill Clinton has probably been more of a prime mover for gun sales than any president since wartime."

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999

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USA TODAY

December 9, 1999, Thursday, FINAL EDITION

SECTION: NEWS; Pg. 3A

LENGTH: 645 words

HEADLINE: U.S. to join suits against gunmakers

BYLINE: Martin Kasindorf

BODY:

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

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

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

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

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

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

The cities want manufacturers to equip guns with state-of-the-art

USA TODAY, December 9, 1999

safety devices. Under the cities' settlement proposals, gunmakers would blackball retailers who consistently sell to criminals and would tone down advertising that might attract criminals.

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

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

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

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

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

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

Contributing: Gary Fields

LANGUAGE: ENGLISH

LOAD-DATE: December 09, 1999



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Copyright 1999 Gannett Company, Inc.  
USA TODAY

December 9, 1999, Thursday, FINAL EDITION

SECTION: NEWS; Pg. 13A

LENGTH: 1376 words

HEADLINE: All in all, Clinton says 1999 was 'productive'

BODY:

Excerpts from President Clinton's news conference Wednesday:

President Clinton: Before I take your questions, I have a statement to make. We are at a pivotal moment in the Middle East peace process. . . . I am pleased to announce that Prime Minister (Ehud) Barak and President (Hafez) Assad have agreed that the Israel-Syrian peace negotiations will be resumed from the point where they left off. The talks will be launched here in Washington next week. . . . Israelis and Syrians still need to make courageous decisions in order to reach a just and lasting peace. But today's step is a significant breakthrough, for it will allow them to deal with each other face to face, and that is the only way to get there.

Cuban boy's future

Q: As a father, do you sympathize with the demand of (Juan Miguel) Gonzalez for the return of his 6-year-old son to Cuba now that the boy's mother and stepfather were drowned . . . on the way to Florida?

A: I think all fathers would be sympathetic. The question is -- and I think the most important thing is -- what would be best for the child? And there is a legal process for determining that. And I personally don't think that any of us should have any concern other than that, that the law be followed. I don't think that politics or threats should have anything to do with it, and if I have my way, it won't.

Q: Are you saying, sir, that you can envision a circumstance where in your mind it would be appropriate to return this young boy to Communist Cuba?

A: I do not know enough about the facts. So you can draw no inference as to what I might or might not do because it's not a decision for me to make.

[Gun lawsuit]

Q: On another legal matter, your threat of a class-action

USA TODAY, December 9, 1999

(lawsuit) against gun manufacturers. Is this an attempt, through either coercion or ultimately the judicial branch, to get accomplished what you couldn't get accomplished through legislation?

A: I've always tried to use the executive authority in areas where I thought it was important. We're doing it on medical privacy. Yesterday, we had the press conference on prevention of medical errors. We're doing it with the paid family leave initiative we offered to the states. We did it when we set aside the roadless areas and the forests. And so I think this is an appropriate thing to do.

#### Trade talks

Q: Some of your critics have suggested that the reason that you pressed issues of the environment and labor at the World Trade Organization meeting in Seattle was to benefit the presidential candidacy of Vice President Gore, knowing that there might be a backlash from the developing nations. How do you respond to that?

A: I have always had what I guess you would call a "third way" position on trade. I think the position of Americans -- including some in my party -- that trade is bad for America and bad for the world is just dead wrong. I think that the world is more prosperous, and I know America is more prosperous because of the continuing integration of the world's economy and the mutual interdependence of people and people being able to produce what they produce best in a competitive environment. Including cost.

#### Man of the century

Q: I'd like to know what your pick of the man of the century would be.

A: Well, if it were the millennium, it might be someone different. This century produced a lot of great men and women, but as an American, I would have to choose Franklin Roosevelt. Because in this century our greatest peril was in the Depression and World War II, and because he led us not only through those things and laid the building blocks for a better society with things like Social Security and unemployment insurance.

#### The good and the bad

Q: You're ending a tumultuous year that began with impeachment, and it closed with tear gas in Seattle. Could you tell us what you're proudest of this year, and what events or accomplishments of yours that you're the least proud of?

A: I'm proudest that it turned out to be a very productive year. . . . We passed the financial modernization bill. We passed an historic 60,000 housing vouchers to move people from welfare to work. We passed the bill to give disabled people the

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The Washington Times

December 09, 1999, Thursday, Final Edition

SECTION: PART A; NATION; Pg. A5

LENGTH: 452 words

HEADLINE: Clinton defends gun lawsuit

BYLINE: Andrew Cain; THE WASHINGTON TIMES

BODY:

President Clinton is perfecting the end run as the clock ticks on his presidency.

In September, the Justice Department sued cigarette manufacturers, a year after the U.S. Senate rejected the \$568 billion tobacco bill President Clinton backed.

Now the White House is organizing a class-action suit against gun manufacturers after Congress refused to enact Mr. Clinton's proposals for child-safety locks and gun-show crackdowns.

The class-action lawsuit by 3,200 public housing authorities is patterned after lawsuits 29 cities and counties have filed against gun makers to recoup costs of gun violence.

"I'm continuing to work with Congress, and I will do so vigorously," Mr. Clinton said yesterday during a news conference at the State Department. "But I think this was an appropriate thing to do on the merits."

Earlier yesterday, White House spokesman Joe Lockhart said Mr. Clinton has no compunction about circumventing Congress.

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

But critics of Mr. Clinton's policies say he is suing legitimate industries instead of holding people responsible for their behavior.

"Who will they sue next?" said James J. Baker, executive director of the National Rifle Association's Institute for Legislative Action. "Automobile makers? The distiller industry? Manufacturers of baseball bats and kitchen knives?"

"If some deviant person misuses your lawful product, this administration will sue you, rather than hold the criminal responsible," he said.

Todd F. Gaziano, a senior fellow in legal studies at the Heritage Foundation, said the class-action suit "has nothing to do with justice and everything to do with political posturing and sucking up to the trial lawyers who fund Vice President Al Gore's campaign.

"When will citizens understand that if the administration can demagogue and pick off legal businesses one at a time, then none of us are safe from manipulation of the law for political purposes."

The White House is trying to heighten pressure on gun manufacturers to settle lawsuits filed by cities and counties.

Mr. Clinton said the housing authorities are not "trying to bankrupt any companies."

"They're trying to make their living spaces safer, and I think it's a legitimate thing," he said.

Mr. Clinton said housing authorities want gun makers to scrutinize the dealers with whom they do business, to "stop irresponsible marketing practices," and to make "some safety-design changes."

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999

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National Journal's CongressDaily

December 8, 1999 5:55 pm Eastern Time

EDITION-1: pm

SECTION: POLITICS

LENGTH: 163 words

HEADLINE: Lockhart Speaks Out About Firearms Litigation

BODY:

On the heels of the announcement today that the administration intends to participate in litigation against firearms makers, White House Press Secretary Joe Lockhart said he is not aware of any plans to launch actions against other industries. The administration is already suing cigarette makers for recoupment of federal Medicare costs. Lockhart indicated the gun lawsuit is a separate track of a "multi-pronged" effort to reduce gun violence. "We don't believe Congress lived up to their responsibility this year in not finishing gun control, but that doesn't mean that even if they'd done that we wouldn't be looking at these efforts," he said. Nevertheless, he also indicated the move was partially prompted by GOP opposition to Clinton's gun and tobacco policies. "If the Republican-controlled Congress wants to block sensible gun controls ... (and) tobacco policy that the American public supports, we're going to find a way to do it," Lockhart asserted.

LANGUAGE: ENGLISH

LOAD-DATE: December 8, 1999

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Newsday (New York, NY)

December 8, 1999, Wednesday HOME EDITION

SECTION: NEWS; Page A50

LENGTH: 280 words

HEADLINE: CLINTON TO WEIGH IN ON GUN SUITS

BYLINE: By Ellen Yan and Liam Plevin. STAFF WRITERS

BODY:

Washington-Adding its weight to the gun debate, the Clinton administration plans to help settle lawsuits filed by more than a score of local governments against gun makers and use the threat of another suit to bring changes in gun distribution, advertising and safety.

President Bill Clinton is expected to announce today that the weapons manufacturers in the suits should be given a chance to make changes voluntarily, administration and congressional sources said.

In their court filings, more than two dozen cities and counties have laid much of the responsibility for crime at the feet of gun makers. Neither New York City nor the state has filed such suits.

That argument is echoed by housing officials as they point to 10,000 gun crimes and 500 fatalities annually in housing projects.

The Department of Housing and Urban Development seemed ready to recommend administration approval of a lawsuit local housing authorities are itching to file. But that plan seems to be on hold with Clinton's expected announcement.

"The public housing authorities across the country have expressed a desire to follow the lead of the cities and to file suit if need be," said a HUD spokesman. "HUD believes it is a viable suit and housing authorities are prepared to file. If we can resolve this at the negotiating table, that's our preferred solution." The administration's expected announcement would come two days after an Oklahoma school shooting Monday in which five students were injured, and one day after the sixth anniversary of the Long Island Rail Road massacre, which killed the husband of Rep. Carolyn McCarthy (D-Mineola) and partially paralyzed her son.

LANGUAGE: English

LOAD-DATE: December 8, 1999

WEDNESDAY, DECEMBER 8

**Federal Government May Join Assault on Gun Manufacturers**  
**By Myron Levin and Alissa Rubin**  
**Los Angeles Times**

The federal government may soon throw its weight behind the legal assault on gun manufacturers, intensifying pressure on them to adopt sweeping changes in their business practices by settling lawsuits already filed against them by 29 cities and counties.

Clinton administration officials said the Department of Housing and Urban Development is considering joining public housing authorities in a nationwide class action seeking reimbursement for security and other costs of gun violence.

HUD, which provides funding to more than 3,000 local housing authorities, would coordinate the action and might appear as a plaintiff on behalf of housing authorities that are in receivership, an official said.

Although the case could be filed by early next year, administration officials cautioned that the timing was uncertain and that no final decision had been made to go forward.

But the mere threat of U.S. involvement is sure to inject a note of urgency in nascent settlement talks between the gun makers and cities.

Bruce Reed, President Clinton's chief domestic policy adviser, acknowledged that the White House is "trying to spur along" settlement talks between the industry and the cities.

"We hope the prospect of a lawsuit by the public housing authorities will intensify the pressure the cities and states are already putting on the industry to reach an agreement," Reed said.

Moreover, Reed said, administration officials "are planning to join the negotiations in an effort to help speed them along."

"I think it's a very positive development," said Los Angeles City Attorney James Hahn, adding that federal involvement would help "get some real meaningful reforms from the manufacturers."

"This substantially ups the ante for the industry," said Dennis Henigan, legal director for the Center to Prevent Handgun Violence and co-counsel to many of the cities and counties that

have sued industry. "I think it is a watershed development."

Industry representatives said the government has no grounds for an anti-gun suit. "The federal government licenses people to make and sell guns," industry lawyer James P. Dorr told *The Washington Post*. "To sue someone they have authorized to sell those products has no basis in the law," according to Dorr, whose clients include Smith & Wesson Corp. and Sturm, Ruger & Co.

The Second Amendment Foundation, a gun rights group that has sued the cities accusing them of trying to make firearms unavailable or unaffordable has likened anti-gun litigation to blaming the National Weather Service for storm damage.

Beginning with New Orleans 14 months ago, 29 municipalities, including the city and county of Los Angeles, have sued handgun makers, accusing them of promoting sales to juveniles and criminals by flooding the market with more firearms than legitimate buyers could possibly absorb.

The suits have also accused the companies of failing to incorporate safety features, including technology that could prevent guns from being fired by curious children or by crooks who obtain them by theft. A similar case has been filed against the industry by the National Association for the Advancement of Colored People, citing the disproportionate harm to African-Americans from what it termed the industry's "hear no evil, see no evil" approach to firearms sales.

While arguing they are not responsible for criminal misuse of firearms, the companies have entered settlement talks with municipal representatives. However, a meeting held Tuesday in Washington D.C. was the first since talks began in late September, and negotiators for cities have chafed at the slow pace of negotiations.

The prospect of federal involvement is likely to change the dynamics of the talks because the industry consists of mostly small to mid-size companies that may be unable to resist a protracted legal siege.

A federal attack on gun makers would parallel the massive lawsuit filed earlier this fall by the Justice Department against the tobacco industry. But Big Tobacco is many times larger than the handgun industry.

The threat of federal action "puts just enormous new pressure on the (handgun) industry" to settle the pending cases, Henigan said.

The cities have been joined in settlement talks by New York Attorney General Eliot Spitzer and Connecticut Attorney General Richard Blumenthal, who have threatened to sue if the companies don't settle.

As the price for peace, the cities are calling on manufacturers to adopt a code of conduct requiring them to actively resist the flow of guns to juveniles and crooks.

One settlement proposal calls on the manufacturers to deal only with retailers who agree to limit sales to one gun per person per month. Another would require manufacturers to cut off supplies to dealers whose names frequently show up in tracing data as the source of guns used in crimes.

The plaintiffs are also demanding an end to advertising that promotes or suggests criminal use of guns for example, by emphasizing the concealability of firearms. They are also calling for an end to ads stating that having a firearm in the home increases personal safety.

In the safety area, negotiators are seeking a deadline for the industry to implement "smart" gun technology to keep weapons from being fired by unauthorized persons.

# U.S. Moves to Sue Gun Makers In Push for Weapons Safeguards

## Government Cites the Violence in Public Housing

AI

By DAVID STOUT with RICHARD PÉREZ-PEÑA

WASHINGTON, Dec. 7 — In a move to force the firearms industry to adopt safer ways of making and selling weapons, the federal government said today that it was preparing to file its first lawsuit against gun makers.

The White House and the Department of Housing and Urban Development have been laying the groundwork in recent months for the suit on behalf of the three million people who live in public housing projects, where shootings have taken a heavy toll for years. The move is being undertaken in the hope that the threat of federal action will intensify pressure on the gun industry.

In preparing the suit, the administration is throwing its weight behind those filed by more than two dozen cities against gun companies in the hope that a far-reaching settlement might be achieved, said Housing Secretary Andrew M. Cuomo and Bruce Reed, President Clinton's domestic-policy adviser.

The suit would accuse the arms industry of marketing and selling weapons irresponsibly so that they often fall into the hands of criminals and of failing to make firearms as safe as possible. But Mr. Cuomo said the federal goal was a settlement, not a drawn-out lawsuit. "If all parties act in good faith, we'll stay at the negotiating table," he said. "If not, we are prepared to litigate. We feel we're in a strong position."

Mr. Cuomo said that if no settlement was reached, the government's suit would be filed in Federal District Court. Technically, the suit would be lodged by the nation's 3,200 public-housing authorities. They have an enormous stake in the issue, Mr. Cuomo said, because of violence in the projects, where the government spends \$1 billion a year on security, but where many children are so afraid of stray bullets that they sleep in bathtubs.

"Enough is enough," he said.

Two representatives of the firearms industry said tonight that the threat of a federal suit would not improve prospects for a settlement.

"My initial reaction is one of frustration and surprise," said Robert T. Delfay, president of the National Shooting Sports Foundation, who said his group had been meeting with the Bureau of Alcohol, Tobacco and Firearms on ways to make weapons safer. "To be working with one arm of the federal government and then have another arm of the federal government say they're going to sue you is very frustrating."

Paul Jannuzzo, general counsel for the Glock gun company, said better enforcement of gun laws would do more good than more lawsuits. Mr. Jannuzzo is a former prosecutor in Monmouth County, N.J.

Mr. Delfay's group has been conferring with Attorney General Elliot L. Spitzer of New York on a gun-industry code of conduct in the hope of heading off a lawsuit that Mr. Spitzer has threatened.

Mr. Spitzer said tonight that he welcomed the federal intervention. "This is a tremendous boost to the effort," he said, "and should lead to

substantial additional pressure being put on the industry." He compared the threat of his lawsuit to a dagger, saying, "The Feds' is a meat ax."

Mr. Reed said that more than 500 murders were committed in a typical year among the 100 largest housing projects, with 70 percent of those involving firearms. These statistics, as well as accidental shootings involving children who find hidden guns, give the housing authorities strong legal standing to sue, he asserted.

Mr. Reed said the federal government, like the cities that have sued the firearms industry, sought curbs on advertising; compulsory child-safety locks on handguns and stricter rules on sales and distribution.

"One percent of the gun dealers sell 50 percent of the guns that turn up in crimes," he said.

A lawyer for the housing department said he had talked to Mr.

Spitzer; Richard Blumenthal, the Connecticut attorney general who has also been involved in the campaign against the firearms industry, and most of the mayors of cities that have sued gun makers. "Unanimously, they were enthusiastic about our coming in," the lawyer said.

Mr. Cuomo and Mr. Reed said their goal was a "global settlement" not unlike that reached with the tobacco industry. And like the tobacco settlement, a general settlement with the firearms industry would not preclude smaller settlements involving particular companies and cities, they said.

The officials said that lawyers for the housing agency had been conferring with their counterparts in the White House, the Justice Department and the Treasury Department, whose firearms bureau regulates segments of the gun industry.

Any wide-ranging settlement — or lawsuit, if an agreement cannot be reached — would almost inevitably involve such familiar names as

Sturm, Ruger & Company, Smith & Wesson, Colt's Manufacturing, Beretta, Glock and Mossberg & Sons.

Those companies have been in discussions with Mr. Spitzer.

In a situation not unlike the tobacco negotiations, two big gun makers were said last summer to be negotiating with Mr. Spitzer. That might have broken the solidarity of the gun interests — much as cigarette manufacturers disagreed on their strategy — but the gun companies have since closed ranks.

Any federal settlement talks probably would cover limits on how many guns could be bought at one time; better record-keeping, an independent monitor to see that safety regulations are enforced and better protection for children.

"You have safety caps on aspirin bottles, but not on guns?" Mr. Cuomo said. "Where's the logic?"

If a federal settlement does produce significant new gun controls, the executive branch would accomplish through legal pressure

what the legislative branch could not accomplish through politics. Both houses of Congress agonized for weeks over gun control proposals after the school shootings in Littleton, Colo., but were unable to agree on anything of substance.

The cities that have sued gun makers include Atlanta, Boston, Cincinnati, Cleveland, Newark, New Orleans, St. Louis and San Francisco.

As with the tobacco industry, there is an uneven history of litigation involving gun interests. Often, the firearms makers and dealers have won, but not always.

New York is not among the two dozen cities that have sued, but in February, a Federal District Court jury in Brooklyn found 15 firearms makers negligent in a case involving illegally obtained handguns. Chicago also filed a suit last year, accusing 12 suburban stores and several gun makers and wholesalers of creating a public nuisance by selling guns to people who used them to commit crimes in the city.



# Gun-Industry Leader Backs Clinton Bid for Pact

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

The leader of the gun industry's main trade group voiced striking receptivity to the Clinton administration's desire to forge a settlement of municipal litigation against firearms makers and distributors.

But some individual gun-company executives, as well as the National Rifle Association, condemned the White House for threatening to file a federal class-action lawsuit on behalf of 3,200 public-housing authorities.

During a broad-ranging news conference yesterday in Washington, President Clinton reiterated his decision to use the threat of a massive federal suit to pressure the gun industry to accept marketing and manufacturing restrictions demanded by 28 cities and counties that have already sued the industry.

Mr. Clinton said his goal wasn't to "bankrupt" gun companies, but to reform them. Still, a threat of additional litigation also entails the possibility of more legal expenses, as well as possible court judgments down the line. Industry representatives have held tentative talks with the municipalities that are suing, but there hasn't been any substantive agreement.

Robert Delfay, head of the National Shooting Sports Foundation, the main industry trade group, said in an interview that Mr. Clinton's threat "probably turns the heat up a little bit, puts a little more of a spotlight nationally on our [settlement] discussions, and might even play a role in accelerating the discussions."

Mr. Delfay, who has been coordinating the industry's discussions with various municipal and state officials, quickly added that his comments applied only "if the [federal] lawsuit isn't filed, but is used to spur discussion. If it is filed, it would be

a very burdensome and unwelcome addition to the equation."

Some firearms-industry executives reacted much more vehemently. Stephen Sanetti, vice president and general counsel of Sturm, Ruger & Co., Southport, Conn., the largest U.S. gun maker, said his company wouldn't negotiate with the administration. Mr. Sanetti said in a faxed response to written questions: "We will fight this and other factually and legally baseless lawsuits. It is absurd that one portion of the administration is seeking to sue us for transparently political ends, while we work closely with [the Bureau of Alcohol, Tobacco and Firearms] and other law enforcement agencies, and have seen both the firearms accident rate and violent crime rate plummet."

Other companies named in the municipal suits that have exhibited a more conciliatory approach include Smith & Wesson Corp., a unit of Britain's Tomkins PLC, and the U.S. unit of Austria's Glock GmbH. Paul Jannuzzo, Glock's vice president and general counsel, said in an interview yesterday that his company is willing to talk to the administration. Smith & Wesson didn't respond to requests for comment.

The National Rifle Association, which officially represents gun owners but in effect lobbies on behalf of the interests of the industry as well, castigated the administration. "This is a frightening holiday greeting from Bill Clinton and Al Gore," NRA chief lobbyist James Baker said in a written statement. "Hard-working Americans don't want their tax dollars spent to harass a lawful industry."

Gun companies pay attention to the NRA at least partly because of the group's influence with gun consumers. The NRA has discouraged settlement of the litigation, warning that the rights of gun owners

would be curtailed in the process.

The White House made it clear yesterday that it issued the lawsuit threat at least partly in response to the success of the NRA and its congressional allies in thwarting passage of any national gun-control legislation this year. Presidential spokesman Joe Lockhart, in a briefing before Mr. Clinton's press conference, said: "The legislative branch certainly has enough authority [to pass laws]. Should they choose not to exercise that, we have other ways of doing it."

Mr. Delfay said that he expected the next round of face-to-face settlement talks—presumably with administration officials at the table—to take place later this month or in January.

THE WALL STREET JOURNAL  
THURSDAY, DECEMBER 9, 1999

# Gunmakers, wholesalers are allowing ATF direct access to firearms records

By Gary Fields  
USA TODAY

WASHINGTON — Gun manufacturers and wholesalers are giving the federal Bureau of Alcohol, Tobacco and Firearms direct access to gun records so agents can more easily trace guns used in crimes.

At a time when manufacturers are at the center of the legal battle over firearm violence, five of the nation's larger manufacturers and wholesalers have created various computer links that allow the ATF to track weapons directly from manufacturer to retailer. A sixth company, Beretta USA, is creating a link.

"It's about the technology," says Bryan Tucker, president and owner of Davidson's Supplier in Prescott, Ariz., a wholesaler that has made available nearly 1 million records in its system.

Tucker says lawsuits filed by cities against the industry — charging that the industry has not done enough to stem gun violence — have "nothing at all to do with the decision to give ATF computer access."

"It only made more sense to do traces in a more efficient way if it's available."

The practice began in 1996, when H&R 1881 Inc., a gun manufacturer based in Gardner, Mass., established a link for the ATF.

Four others have created similar links, including Davidson's, Smith and Wesson Inc., Taurus, and RSR Group Inc., a wholesaler in Winterpark, Fla.

In addition to Beretta, 10 other manufacturers or wholesalers are expected to give ATF direct access to

their gun serial numbers and trace records within the next year.

ATF Director John Magaw says the links have several advantages, including speed.

ATF agents can begin tracing guns used in crimes as soon as the firearms are found and the serial numbers are identified.

In addition, the computer links relieve companies of the responsibility of running the traces themselves, the director says.

Before the links were created, the ATF would fax a serial number to the manufacturer and ask for a record search. The company would then look through its records and fax back the serial number, a description of the firearm, when it was sold and what wholesaler bought it.

The ATF then had to repeat the process with the wholesaler, the retailer and "on down the line," says Robin Sharpless, senior vice president of H&R.

"The problem is if it happened at 5:30 p.m. on Friday, everyone was gone and nobody would be here until 8 a.m. Monday," Sharpless says.

Now, the ATF has a telephone line and computer link to the serial numbers every hour of every day.

"The fresher the evidence, the quicker you can get on the trail of the bad guy and the better off you are," Sharpless says.

The records that ATF can use are limited by federal law. They include the weapon's serial number, a brief description of the weapon to insure that the serial number hasn't been altered and information on whom it was sold to and when.

The records of wholesalers and

manufacturers do not include the names of individual gun buyers.

"This is not a national registry," Magaw says. "There are no names in the system, and to run a trace it has to be a crime gun. We could not run your name in our system to find out if you have a firearm or not."

Gun rights groups say the system sounds good, but they don't trust the federal authorities.

"The problem is the trust, or lack of, we have in government agencies not to misuse it," says Alan Gottlieb, founder of the Second Amendment Foundation. "By and large, nobody has any real problem with the records," but "we can't jump up and down and say it's a great program, even if it is."

Larry Pratt, executive director of Gun Owners of America, says the history that federal agencies have had on the gun issue makes it difficult to accept that the records won't be stored somehow and used against law-abiding gun owners.

The ATF "is at least as ethically challenged as the FBI," he says. "When they're getting all that information from the manufacturer, that is a registration system, and it's a centralized one."

Gun manufacturers have been embroiled in a legal battle for the past year with at least 23 cities and counties that have filed lawsuits holding manufacturers responsible for gun violence.

Gun rights groups, in turn, have filed lawsuits against the cities claiming that the mayors are conspiring to interfere with interstate commerce and are violating the constitutional rights of the gun-buying public.

Several state legislatures, prodded by gun rights activists, have passed laws to keep even more lawsuits from being filed by cities.

"It's one of the aggravations of the industry that we are, along with hunters and other law-abiding citizens, portrayed in such a negative light," says Gary Mehalik, marketing manager of Taurus, which makes revolvers, pistols, rifles and shotguns.

# J.S. Plans Role In Gun Lawsuits

## Pressure Focuses on Sales, Safety

By CHARLES BABINGTON  
Washington Post Staff Writer **A1**

The Clinton administration plans for the first time to intervene in litigation against the gun industry, a move to pressure manufacturers to help keep guns out of the hands of criminals and to reduce accidental shootings, officials said yesterday.

The decision could dramatically strengthen the hand of numerous cities that have sued or threatened to sue firearms manufacturers, seeking redress for the public costs of gun violence. Federal officials will begin pressing the manufacturers to settle those lawsuits by making a variety of concessions, such as preventing "straw purchasers" from buying large quantities of firearms—a popular method for convicted felons to obtain new guns.

If the gunmakers don't agree, the administration says it is ready with a powerful weapon similar to one it is using against the tobacco industry: a massive lawsuit on behalf of the nation's 3,191 public housing authorities and their 3.25 million residents.

"If we cannot come up with a satisfactory resolution" through negotiations, "HUD would bring a class action suit on behalf of public housing authorities," Housing and Urban Development Secretary Andrew M. Cuomo said in an interview yesterday. "I think it's a clear signal to the manufacturers that enough is enough. The status quo is unacceptable."

To some degree, the threatened litigation could allow the Clinton administration to use the courts to achieve gun control measures that have failed in Congress. The architects of the current wave of litigation against gun manufacturers are openly seeking quasi-legislative remedies: They want gunmakers to agree to distribute their products only to dealers who will not sell at gun shows; not to sell an individual

more than one gun at a time; not to sell more than one gun a month to a buyer; and to cut off any dealers who have a disproportionate number of guns traced to crimes.

Other concessions being sought include manufacturers including safety locks on new guns; mechanisms that keep a gun from firing when the magazine is removed; and technology that personalizes guns so that only the owners may fire them.

Gun ownership advocates say there already are plenty of laws on the books, including bans on gun sales to minors and convicted felons, and further litigation is unnecessary and unfair.

"The federal government licenses people to make and sell guns," said James P. Dorr, an attorney for several gun companies. "These are products that are regulated by the government. To sue someone they have authorized to sell those products has no basis in the law."

However, some manufacturers have been involved in periodic, so far unsuccessful negotiations to settle such lawsuits out of court.

Lawyers for the cities say several courts have ruled that makers of "inherently dangerous products," such as guns, can't ignore what hap-

pens once the products leave their plants and go to retailers.

"Because the industry and manufacturers take no action to curb irresponsible sales by retailers, you have a situation by which the distribution system itself aids and abets criminal conduct," said Dennis Henigan, legal director for the Center to Prevent Handgun Violence, a party in the ongoing negotiations with manufacturers.

The federal government is basing its intervention on its association with the nation's public housing authorities, some of which are directly controlled by HUD. Cuomo said public housing residents suffer disproportionately from handgun violence, and "our primary motivation is to stop the harm, stop the pain and suffering. We would be looking for design changes that would make guns safer. . . . We want the manufacturers to stop dealing with gun agents who are known to be selling guns used in crimes."

Pressure on the gun manufacturers has been mounting in recent weeks on various fronts. Last week in New York, the gun companies asked that a lawsuit filed against them by the NAACP be stayed until there is a decision on whether to overturn what is known as the Hamilton case. Hamilton is the landmark case in which a jury held

some gun companies responsible for negligent marketing. The judge denied the stay. In addition, many insurers of gun companies have notified their clients that they will not pay for their legal defense.

The administration's intervention in the cities' cases will quicken the pace for settlement," said Josh Horwitz, director of the Firearms Litigation Clearinghouse, which is supporting the lawsuits against the companies.

While Attorney General Janet Reno has been an outspoken advocate of tougher federal gun laws, a Justice Department official said yesterday that department officials have not been involved in discussions regarding a possible lawsuit by the housing authorities against gun manufacturers. Even though senior HUD officials are convinced that the housing authorities across the country have a viable legal case, they are being encouraged to continue their negotiations with gun manufacturers because "a comprehensive negotiated settlement would be far superior to any protracted litigation," a Justice official said.

Staff writers Sharon Walsh and David A. Vise contributed to this report.

The Washington Post

WEDNESDAY, DECEMBER 8, 1999

LEVEL 1 - 27 OF 41 STORIES

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SECTION: A SECTION; Pg. A01

LENGTH: 869 words

HEADLINE: U.S. Plans Role In Gun Lawsuits; Pressure Focuses on Sales, Safety

BYLINE: Charles Babington, Washington Post Staff Writer

BODY:

The Clinton administration plans for the first time to intervene in litigation against the gun industry, a move to pressure manufacturers to help keep guns out of the hands of criminals and to reduce accidental shootings, officials said yesterday.

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To some degree, the threatened litigation could allow the Clinton administration to use the courts to achieve gun control measures that have failed in Congress. The architects of the current wave of litigation against gun manufacturers are openly seeking quasi-legislative remedies: They want gunmakers to agree to distribute their products only to dealers who will not sell at gun shows; not to sell an individual more than one gun at a time; not to sell more than one gun a month to a buyer; and to cut off any dealers who have a disproportionate number of guns traced to crimes.

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The Washington Post, December 8, 1999

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Staff writers Sharon Walsh and David A. Vise contributed to this report.

LANGUAGE: ENGLISH

LOAD-DATE: December 08, 1999

LEVEL 1 - 16 OF 41 STORIES

The Associated Press State & Local Wire

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December 8, 1999, Wednesday, PM cycle

SECTION: State and Regional

LENGTH: 585 words

HEADLINE: Are judges becoming more receptive to lawsuits against gunmakers?

BYLINE: By MARTHA IRVINE, Associated Press Writer

DATELINE: CHICAGO

BODY:

The judge was firm in her refusal to dismiss a private lawsuit alleging that gunmakers' marketing tactics contributed to the deaths of three Chicagoans, including a police officer.

The "plaintiffs' complaints sufficiently allege that the citizens of Chicago have a public right to be free from disturbance and reasonable apprehension of danger to themselves and their property," Cook County Circuit Court Judge Jennifer Duncan-Brice wrote in her ruling last week.

She called the lawsuit, filed on behalf of the three victims' families, "significantly different" than earlier attempts to hold manufacturers responsible for the damage guns do.

At least one legal expert who is monitoring the gun cases is wary of the ruling.

"State judges are politicians; on the Circuit Court of Cook County ... it's what relationship they have to the Daley family," said Dan Polsby, a law professor at George Mason University.

Chicago Mayor Richard Daley announced his city's \$433 million lawsuit against gunmakers and shops last year.

Polsby predicts that even if the families or the city of Chicago do prevail in Cook County court, their cases will fall on appeal.

But gun opponents are hailing Duncan-Brice's strongly worded refusal to dismiss the lawsuit as yet another signal that courts are becoming more receptive to such cases.

The Associated Press State &amp; Local Wire December 8, 1999

"This is a home run," says Lawrence Rosenthal, a lawyer for the city of Chicago, which is among at least 28 U.S. cities and counties that have filed their own separate lawsuits against gunmakers. "We now have a neutral party in a black robe with no ax to grind and this is what she sees looking at Illinois law."

In fact, Duncan-Brice's ruling is one of several to go against gunmakers this year.

In February, a federal court jury in New York ordered three gun companies to pay an unprecedented \$4 million in damages to a gunshot victim and the families of six other victims. And in September, a California state appeals court reinstated a suit against the maker of the gun used in 1993 killings at a San Francisco law firm.

The city suits - which, like the private Chicago suit, allege that gunmakers have created a "public nuisance" by flooding the market with high-powered handguns - are getting mixed responses. In October, a state judge allowed Atlanta's lawsuit to proceed, while an Ohio judge dismissed Cincinnati's lawsuit.

A lawyer for at least one gunmaker named in the private Chicago lawsuit still hopes Duncan-Brice's ruling doesn't mean a verdict against them in that case is a done deal.

Anne Kimball argues that Smith & Wesson, which made the gun that killed Chicago Police Officer Michael Ceriale, couldn't possibly be held responsible for a shooting that happened years after the gun was sold legally.

"The law is clear, and to the extent that we didn't make it clear (to the judge), we will," Kimball said Tuesday.

Meanwhile, Rosenthal says he's hopeful that the ruling is a sign that another Cook County judge, Stephen Schiller, will rule similarly next month on a motion to throw out the city's lawsuit.

Columbia University law professor John Coffee says it will take more than one or two state court judges' rulings to set a trend. But, he adds, enough of those decisions may cause gunmakers to think twice - as tobacco companies and some drug makers have.

"This litigation - once it starts to linger - creates this cloud that eventually has to be faced as a business problem, as well as a legal problem," Coffee said.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



LEVEL 1 - 17 OF 41 STORIES .

The Associated Press

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December 8, 1999, Wednesday, PM cycle

SECTION: Domestic News; Business News

LENGTH: 536 words

HEADLINE: Gun opponents hail judge's refusal to dismiss gun industry lawsuit

BYLINE: By MARTHA IRVINE, Associated Press Writer

DATELINE: CHICAGO

BODY:

A judge has refused to throw out a lawsuit alleging that gun makers' marketing tactics contributed to three Chicago deaths, a decision gun opponents hope is part of a trend.

"This is a home run," said Lawrence Rosenthal, a lawyer for the city of Chicago, which is among at least 28 U.S. cities and counties that have filed their own separate lawsuits against gun makers. "We now have a neutral party in a black robe with no ax to grind and this is what she sees looking at Illinois law."

In a ruling last week, Cook County Circuit Court Judge Jennifer Duncan-Brice rejected the gun industry's attempt to have the lawsuit dismissed. The suit was filed by the families of three Chicago residents killed by guns, including a police officer.

The judge said the complaints "sufficiently allege that the citizens of Chicago have a public right to be free from disturbance and reasonable apprehension of danger to themselves and their property."

She called the lawsuit "significantly different" than earlier attempts to hold manufacturers responsible for the damage guns do.

The ruling is one of several to go against gun makers this year.

In February, a federal court jury in New York ordered three gun companies to pay \$4 million in damages to a gunshot victim and the families of six others. In September, a California appeals court reinstated a lawsuit against the maker of the gun used in 1993 killings at a San Francisco law firm.

Columbia University law professor John Coffee says it will take more than one

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or two state court judges' rulings to set a trend. But, he adds, enough of those decisions may cause gun makers to think twice - as tobacco companies and some drug makers have.

"This litigation - once it starts to linger - creates this cloud that eventually has to be faced as a business problem, as well as a legal problem," Coffee said.

The Clinton administration confirmed this week that it is helping prepare a class-action suit against gun makers, alleging that guns and how they are marketed have contributed to violence in public housing. The move is an attempt to pressure the industry to negotiate with cities that have filed lawsuits against it.

The city suits - which, like the private Chicago suit, allege that gun makers have created a "public nuisance" by flooding the market with high-powered handguns - are getting mixed judicial responses. In October, a state judge allowed Atlanta's lawsuit to proceed, while an Ohio judge dismissed Cincinnati's lawsuit.

Chicago's lawsuit against gunmakers and shops seeks \$433 million.

Rosenthal said he hopes last week's ruling is a sign that another Cook County judge, Stephen Schiller, will rule similarly on a motion to throw out the city's lawsuit.

A lawyer for a gun maker named in the private Chicago lawsuit said Duncan-Brice's ruling doesn't guarantee a courtroom loss.

Anne Kimball argues that Smith & Wesson, which made the gun that killed Chicago Police Officer Michael Ceriale, couldn't possibly be held responsible for a shooting that happened years after the gun was sold legally.

"The law is clear, and to the extent that we didn't make it clear (to the judge), we will," Kimball said Tuesday.

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LEVEL 1 - 40 OF 41 STORIES

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December 1, 1999, Wednesday, AM cycle

SECTION: Business News; Washington Dateline

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HEADLINE: Gun rights group sues mayors over gun ownership issues

BYLINE: By CASSANDRA BURRELL, Associated Press Writer

DATELINE: WASHINGTON

BODY:

A string of lawsuits cities have filed against gun makers is nothing more than an attempt to erode Americans' right to bear arms, a gun advocacy group said Wednesday, a day after it struck back with its own suit.

The Second Amendment Foundation said it suspects the mayors of 23 cities and the U.S. Conference of Mayors are trying to drive gun manufacturers out of business.

"Now, they are being sued while their meritless and frivolous lawsuits are being dealt serious blows in the courts," said Alan Gottlieb, founder of the group based in Bellevue, Wash.

Countered Mayor Shirley Dean of Berkeley, Calif., one of the mayors named in the foundation's suit: "Their arguments seem to be specious at best. I am very firm in my commitment to what we're doing."

The U.S. Conference of Mayors declined comment Wednesday, saying its lawyers had not yet seen the suit. "We're just waiting to be served some papers here," said spokesman Tony Iallonardo.

Gottlieb said that within hours of filing the suit in federal court Tuesday, the foundation had received nearly \$2,000 in donations, dozens of e-mails, hundreds of telephone calls and requests for more information.

"We're just inundated," Gottlieb said. "People are telling us that it was about time someone did this. ... They're asking where they can send their money."

The foundation's suit targets the U.S. Conference of Mayors and the mayors of cities that have sued or are considering suing gun manufacturers. The city

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lawsuits accuse the gun makers of selling defective products or marketing them in ways that increase the likelihood they will fall into the hands of criminals.

The cities' suits already have forced several gun makers into bankruptcy or prompted them to downsize their product lines, decrease advertising and raise prices, the suit said.

The recent history of the cities' suits is mixed. A judge dismissed Cincinnati's suit in October, and city officials have appealed. Another judge, meanwhile, ruled that Atlanta's suit can proceed and ordered the industry to open its files.

The larger cities whose mayors are named in the foundation's lawsuit are Atlanta, Boston, Chicago, Cincinnati, Cleveland, Detroit, Los Angeles, Miami, Newark, N.J., New Orleans, San Francisco and St. Louis.

Also named are the mayors of seven other California cities - Berkeley, Compton, East Palo Alto, Inglewood, Oakland, Sacramento and West Hollywood - as well as Bridgeport, Conn; Wilmington, Del.; Gary, Ind.; and Camden, N.J.

The suit contends the cities are conspiring to violate civil and constitutional rights and accuses them of creating an undue burden on interstate commerce. It alleges the mayors and the conference have conspired to file lawsuits "for the purpose of bankrupting and otherwise harming" the gun industry through "the litigation costs of defending such civil actions."

Manuela Albuquerque, Berkeley's city attorney, disagreed, saying the foundation's suit was "patently frivolous. It's clearly designed to intimidate local officials. Filing a suit challenging an unfair business practice is a constitutional right, not an illegal conspiracy."

Gottlieb said the foundation has about 550,000 members and contributors from all 50 states. He said it helps defend individuals prosecuted after using weapons to defend themselves and it has lobbied against gun bans.

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# A bad idea returns

**OUR VIEW** Selling extra guns makes money, but it's not worth the price.

In the pantheon of bad ideas that just will not die, few rank as highly as the decision by police departments to sell or recirculate used and confiscated weapons, thus expanding the armory available to criminals and nut cases.

In the latest case, officials in Miami-Dade County are scrambling to investigate a report this month by CBS that guns formerly owned by the county police have been used in violent crimes in Illinois. The guns were among 1,100 traded to a firearms dealer for \$82,000.

Miami-Dade's mortified officials are not alone. When hatemonger Buford Furrow killed postal worker Joe Iletto during his August rampage in Los Angeles, he used a handgun once owned by the police department in Cosmopolis, Wash. The gun had been traded to a private dealer for a larger one, then sold, and then sold again at least once before Furrow bought it at a gun show.

On the other side of the country, a 1996 investigation by the New York State inspector general found that weapons originally used by officers in the New York State Department of Environmental Conservation had been employed in crimes in at least two states. Earlier, a gun originally used by New York State police was traced to two California murders.

The International Association of Chiefs of Police passed a resolution last winter against the recirculation of confiscated firearms, warning that such sales increase "the availability of firearms that could be used again to kill." And *The Wall Street Journal* has reported that of

193,200 firearms traced by the Bureau of Alcohol, Tobacco and Firearms in 1998, "at least 1,100" were former police weapons.

Still, police officials cite two reasons for the practice: The guns represent a hefty source of revenue, and with 200 million guns in private hands already, the addition of a few more won't make an appreciable difference.

There is big money at stake. In Detroit, officials acknowledge sales have earned \$800,000. New Orleans officials traded almost 10,000 weapons to a gun maker in exchange for a \$400,000 credit. And despite the additional guns in the marketplace, firearm homicides, nevertheless, fell 7.1% last year.

But firearms still account for almost 11,000 murders a year. And if the risk is slight that a cop's gun will be used in a crime, the notion that police departments are to compromise public safety for easy cash is bleakly ironic and deeply disturbing.

Some police departments try to buffer the effect of selling their weapons by demanding that the guns not be resold in their states. But merely shipping guns someplace else — even to Thailand — is no solution. And even the tightest controls fall apart the minute the guns enter the unregulated secondary market.

The alternative need not be the destruction of unwanted weapons. In Baton Rouge, officials are contemplating a program to use some of their surplus firearms for training, and to break down others and sell them for parts.

Such plans won't realize the guns' full market value. But in this case, supplementing public coffers means supplementing private coffers, too. Is that a reasonable trade-off? The victims and their survivors vote no.

## Selling old guns makes sense

**OPPOSING VIEW** And it is a good way for police to raise funds.

By Edward J. Connor

As a professional law enforcement official, I am in full agreement with those who propose keeping firearms out of the hands of criminals. To prevent a law enforcement agency from taking advantage of a legitimate market for used equipment, however, is absolutely preposterous. Why should the fact that firearms are the used equipment make a difference?

To those who say it should, I ask whether you would prevent me from stretching the tax dollar as far as I can by selling or trading in my outdated or obsolete vehicles? I submit that as long as the end user does not abuse that vehicle by driving it recklessly or under the influence, then it makes good common sense to get as much value for that piece of equipment as I can.

It should be the same with a firearm. My department has upgraded its sidearms twice in the past 10 years by selling or trading old or outmoded firearms at a cost savings of thousands of dollars to our residents. We actually received more trade-in value for two of those firearms

than we did for most of the police cruisers we have traded in. They happened to be very desirable as collector's pieces and were simply gathering dust in an arms locker.

These two weapons completely funded the transition from old but very serviceable revolvers to modern semiautomatic pistols. It is very unlikely that my officers currently would be carrying up-to-date sidearms if we were prevented from taking advantage of the market as we did.

This issue, like many of the issues relative to firearms, is fueled by emotion and politics. The abuse of firearms, like the abuse of many other items, from alcohol to prescription drugs to vehicles, will not be addressed by eliminating or prohibiting the items, but by a return to traditional values, morals and standards, and that means punishing the abuser.

Eliminating a source of revenue for fiscally challenged police departments, large or small, would be playing to political and emotional hype, resulting only in more feel-good but ineffective legislation; it would not address the problem of violent crime at its source.

*Edward J. Connor is chief of police of the Ferguson Township, Pa., Police Department.*

# Here's the Turnoff In the Market for Guns, The Customers Aren't Coming Back for More With Hunting on the Wane And Stigma on the Rise, The Pool Is Shrinking 'You Feel Like a Smoker'

By VANESSA O'CONNELL  
And PAUL M. BARRETT

Staff Reporters of THE WALL STREET JOURNAL

Michael Maul doesn't have anything against guns; he owns six. But the Houston radio-station engineer hasn't hunted for eight years, and he doubts that he will ever buy another gun. When he wants to shoot animals these days, Mr. Maul, 40 years old, uses a camera.

"It's a lot easier in the city to go to a nature trail or an arboretum," he says.

The gun business is losing customers. Hunters and target shooters — the industry's core market — are gradually walking away from those sports. Subdivisions have encroached on land once used for hunting. Bicycling, kayaking and other hobbies are luring people away from firing ranges.

Most ominously, gun companies' efforts to cultivate new buyers among women and teenagers have failed to stem the erosion. And gun manufacturers face a dramatic shakeout, as recent high-visibility killings have made guns less socially acceptable in many people's eyes.

"Our future is rather tenuous," says Paul Jannuzzo, vice president of the U.S. unit of Austrian handgun maker Glock GmbH.

Mr. Jannuzzo's industry has attracted public attention lately as it attempts to fend off a legal assault by 28 cities and counties across the country. But however that courtroom fight ends, gun companies face the peril of a shrinking consumer market. U.S. gun production and imports have fallen more than 20% since the late 1970s, and despite an unusual buying surge this year, industry analysts predict little to no overall growth in the decade ahead.

Retail giants such as Wal-Mart Stores Inc. and Kmart Corp. recently have reduced their gun and ammunition displays in favor of other sporting goods. The ranks of gun wholesalers — the middlemen between the factory and the store — have thinned by 16%, to about 160, since 1996.

A consolidation wave among manufacturers is already under way. Colt's Manufacturing Co. just this month eliminated its less expensive civilian-handgun lines and is negotiating a possible merger with rival Heckler & Koch Inc. Three small California makers of inexpensive handguns have either shut down or sought bankruptcy-court protection this year. Smith & Wesson Corp., the largest U.S. handgun manufacturer, is diversifying into everything from police bikes to car parts to clothing.

With more than 200 million guns already in civilian hands, industry officials

worry that the market is nearing saturation. Just 10 million people own roughly half the national stock, which translates into about 10 guns per owner.

In the 1980s, the proportion of men who said they personally owned a gun held steady at 52%, but by 1998, the figure dropped to 38%, according to regular surveys by the National Opinion Research Center at the University of Chicago. Female ownership has hovered around 11% since 1980.

The lurid massacres of the past two years are statistically an aberration; violent crime has dropped nationally for seven straight years. But round-the-clock reports of gun killings have created a "much broader negative perspective, a tainting" of firearms, says Douglas Painter, executive director of the National Shooting Sports Foundation, the main industry trade group. In the wake of the Littleton bloodshed, his group dropped its first-ever mainstream-magazine advertising campaign, what would have been a \$3 million effort to create a wholesome image for shooting sports.

Shooting traditionally has relied on family relationships and word-of-mouth promotion to attract neophytes. But fear of social disapproval is muffling veteran participants, Mr. Painter says. "Does that have a negative impact? You bet it does."

Lory Ambriz bought a new gun every year for more than four decades, displaying his favorites, including an assault rifle, above the fireplace in his La Mirada, Calif., home. But following this year's school shootings, his grandchildren and other house guests questioned why he kept such a potentially dangerous arsenal.

"I began to think I don't need them anymore," says the 68-year-old retired truck driver, who hadn't fired a gun for years. He says he has moved his 40 weapons to a neighbor's safe and has begun to sell them.

To be sure, there are tens of millions of loyal gun users who still raise their children to hunt or target shoot. Mark Anderson, an insurance agent in Columbia, Mo., for example, was taught to shoot by his father and today owns more than 20 guns. A recent purchase was a .22-caliber rifle for his 12-year-old son, who is interested in target shooting. His next purchase is likely to be a quail-hunting shotgun for the boy, Mr. Anderson says.

But in many gun-owning families, these traditions aren't being passed to the next generation. Mr. Maul of Houston learned to hunt with his older male relatives, but they are back in rural Illinois, where he grew up, and as an adult, he hasn't found new hunting buddies. He doesn't plan to encourage his own son, now three years old, to take up the sport. "I expect he'll develop other interests, as I have," Mr. Maul says.

The upshot is that each of the industry's key markets is eroding. Hunting, which accounts for about 60% of consumer gun sales, has declined steadily for decades. The number of adults who hunt tumbled 17% from 1990 to 1998, according to Media-mark Research Inc., a market-research firm. The number of hunting licenses issued annually by states fell 11%, to 14.9 million, from 1982 to 1997, the most recent year for which statistics are available from the U.S. Fish & Wildlife Service.

Target shooting, which accounts for 25% of sales, is slowly fading, too. From 1971 to 1997, participation fell 5%, to 18.5 million people, according to a survey by the National Sporting Goods Association.

As their ranks thin, hunters and shooters are graying. At last month's New Jersey State Outdoor Pistol Championship, in the town of South River, 66 mostly grandfatherly types fired at paper bull's-eyes. Competitor James Phillips, 72 years old and clad in surgical stockings and orthopedic shoes, describes his fellow shooters as "a bunch of old men." Lone spectator Bill Nolan recalls that in the 1950s and 1960s, the parking lot overflowed with the recreational vehicles of 200 young and middle-age shooters and their families. "Boy, have times changed," says Mr. Nolan, 58.

People who buy firearms for self-protection, mostly handguns, make up the remaining 15% of the market. In an anomaly, sales in this area increased this year, partly because of the threat of stiffer gun-control measures and fear of social breakdown related to year-2000 computer problems. But the larger trend, as crime rates have fallen, is a drop in demand for self-protection guns. In any event, this isn't particularly fertile ground for gun makers because consumers buying only for protection tend to tuck a handgun away in a closet and not return to the gun store for more purchases.

Attitudes toward guns vary from region to region. They are more popular in the South, less in the Northeast. But there is growing anecdotal evidence from around the country that some gun enthusiasts are viewed — and view themselves — as pariahs with an unseemly habit, akin to cigarette smoking. Indeed, the danger for the industry would be that gun ownership could become as unfashionable and frowned upon as chain-smoking, a habit that as recently as a decade ago wouldn't have raised eyebrows.

Fred Cunnings, a gun owner in Holiday, Fla., felt like such "an outsider" that he sold the pistol he had kept for years in a closet. "You almost feel like a smoker in a restaurant," says the 48-year-old landlord.

Most gun makers seem resigned to the erosion of their core customer base and are focusing on finding new faces. "The No. 1 challenge facing the gun industry is finding nontraditional consumers — women, young people, and suburbanites — to make up for the gradual decrease in traditional male hunting customers," says Ronald Stewart, who was chief executive of Colt's from 1996 through late last year.

Neither Colt's nor the industry at large is succeeding.

Since the late 1980s, handgun makers such as Colt's, Smith & Wesson and Italy's Beretta SpA have tried to convince women that they need to protect themselves and their families. Smith & Wesson, for example, pitched its LadySmith revolver, with pearl handles, as a "personal security plan" for women. But as crime rates eased in the late 1990s, the portion of women who personally own a gun dropped to 10.7% in 1998 from its recent high of 13.8% in 1993, according to the National Opinion Research Center.

Paxton Quigley, a handgun advocate who endorses Smith & Wesson products, recalls a "frenzy of interest" in her all-women handgun self-defense classes following the Los Angeles riots in 1992. Held at gun ranges nationwide, the classes now typically draw only 15 students, down from 35 in the early 1990s, she says.

For years, Dawn Brachmann, a home-

maker in Holiday, Fla., kept her husband's .25-caliber Sterling pistol loaded and in a bread box on top of her refrigerator. But she asked him to get rid of it last month after a church sermon on gun violence at schools caused her to worry that her three-year-old son might stand on a chair and get at it. "I don't want to own any more guns," she says, "but I wouldn't mind finding something else to use in my self-defense."

In addition to problems recruiting women, gun makers acknowledge that they are failing to win over enough young people to replace aging shooters and hunters.

In recent years, the gun industry has aggressively courted kids, getting nearly three million a year to participate in rifle programs sponsored by the NRA and groups such as the farming-oriented 4-H clubs and the U.S. Junior Chamber of Commerce. Some manufacturers have tried to capitalize on this activity. H&R 1871 Inc., Gardner, Mass., says that by lending firearms to these programs, among other promotions, it has doubled annual sales of youth guns since 1995, to more than 50,000.

But aside from such small pockets of success, overall efforts to recruit younger customers aren't working, gun executives say. People between the ages of 18 and 24 made up only 8% of all hunters in 1995, down from 17% in 1986, according to the National Shooting Sports Foundation. In one major hunting state, Pennsylvania, sales of junior hunting licenses have dropped 40% during the past three decades, to roughly 98,000.

At a time when participation in scholastic sports is at an all-time high, riflery drew just 2,966 participants in the 1998-99 school year, 47% fewer than in 1974-75, according to a survey of 17,000 schools by the National Federation of State High School Associations. More than four times as many students played on badminton teams.

Robert Soldivera, who coaches shooting teams at three private high schools in Staten Island, N.Y., says that at first, many children "want to learn to shoot because it is the forbidden fruit." But that curiosity tends to wear off quickly, as students conclude that "making holes in paper targets gets boring really fast," Mr. Soldivera says. He estimates that fewer than 20% of his students remain active through their senior year; most quit after just a few months.

Like schools, many summer camps are phasing out shooting programs. Kent

Meyer, who oversees Camp Chief Ouray in the Colorado Rockies, suspended its 92-year-old rifle program in response to this spring's school shootings in Littleton and Conyers, Ga. Scott Brody, who owns Camps Kenwood and Evergreen in Potter Place, N.H., dropped rifle programs in June and added more woodworking and dance. "They don't have the dangers of the riflery program," says Mr. Brody.

Worried about a stagnant gun market, some major manufacturers are putting more emphasis on military and law-en-

forcement sales or diversifying into other products altogether. Sturm, Ruger & Co., Southport, Conn., the largest U.S. gun manufacturer, makes golf equipment. Ed Shultz, Smith & Wesson's chief executive, says he is steering his 147-year-old company, which once made only firearms, toward a 50-50 balance of gun and nongun products.

Other companies are trying more exotic niche-marketing strategies. Smith & Wesson, Springfield, Mass., Colt's, based in West Hartford, Conn., and Mossberg & Sons Inc., North Haven, Conn., are scrambling to be the first to offer a "smart gun" to women and people generally who otherwise wouldn't buy a firearm because of safety concerns. Smart-gun prototypes rely on microchip technology to allow only authorized users to pull the trigger. But the cost and reliability of smart guns are very much in doubt.

Savage Arms Inc., Westfield, Mass., aims to boost sales among aging diehards by designing new guns for older, arthritic hands. Savage reduced the weight of some of its rifles to 5½ pounds from eight pounds by using plastic parts rather than wood and added devices to reduce the sometimes-painful recoil that comes with firing a gun.

Both modifications appear to be hits with Savage's maturing customer base, says company President Ronald Coburn. But the problem, he adds, is that "as our audience matures, the younger generation isn't coming up behind them."

# Smith & Wesson promotes gun ethics

By Martin Kasindorf  
USA TODAY

The makers of Smith & Wesson handguns have moved toward meeting one of the major demands in damages suits by cities against the gun industry: clamping down on dealers to prevent criminals and juveniles from buying firearms.

Springfield, Mass.-based Smith & Wesson Corp., a defendant in lawsuits by 29 municipalities, is asking 3,500 storefront retailers handling its products to sign a "code of responsible business practices."

Dealers must agree, among other things, not to knowingly sell to a "straw purchaser," someone who buys a gun for a person not legally allowed to own it.

The company's action marks a first break from gunmakers' contentions that they have no control over how weapons are marketed or used after wholesalers buy them, said lawyer Brian Siebel of the Center to Prevent Handgun Violence, a Washington group that is advising cities and counties suing the gun manufacturers.

The Smith & Wesson pledge may catch on.

"If there's anything in it that suggests something that we haven't thought of yet, we're always receptive to any reasonable safeguard to help protect against the wrongful distribution of firearms," said Jeff Ray, general counsel for Beretta USA Corp.

"It's an encouraging step forward by one of the major gun manufacturers," said Scott Brown, spokes-

man for New York Attorney General Eliot Spitzer. New York has threatened to file the first suit by a state against the industry.

Smith & Wesson spokesman Ken Jorgensen said the ethics code doesn't stem from the lawsuits, which allege negligence, fraud or deceptive business practices in makers' failure to curtail a shady "secondary market." Letters asking dealers to accept the code went out in mid-July after a year of planning. Three-quarters of the dealers have signed so far, Jorgensen said.

Smith & Wesson didn't mention its new ethics code during a Sept. 27 meeting in Washington between gunmakers and cities that could lead to a nationwide legal settlement, lawyers who were present said.

But Siebel reads the Smith & Wesson action as a veiled defensive response to the lawsuits. "There's no question that these lawsuits have forced this industry to reconfigure itself," he said.

Earlier this month, Colt's Manufacturing Co., citing litigation costs, said it will stop selling most of its handguns to non-military buyers.

Smith & Wesson isn't threatening to blacklist dealers who won't take the pledge. Those who don't comply risk losing company help with advertising and promotion.

"There's no real teeth," Siebel complained. What's needed, he said, is for manufacturers to train and monitor dealers. Also, gunmakers must command wholesale distributors to stop doing business with irresponsible gun stores, he said.



**T**he parents of Dylan Klebold, one of the killers at Columbine High, intend to sue the sheriff of Littleton, Co. The parents of Isaiah Shoels, the only black student killed in the Colorado massacre, will sue the parents of Eric Harris and Dylan Klebold. Parents of other victims say they'll sue school officials.

Questions proliferate. Who knew what and when? Could anyone have prevented the massacre? The parents of Dylan Klebold say that if the sheriff had told them about Eric Harris' hateful Internet site, they would have broken up the friendship between Dylan and Eric. The Shoels say the parents of the murderers failed to act when their stockpiled guns and bombs. Other parents question the inadequate security at the school and

*Suzanne Fields, a columnist for The Washington Times, is nationally syndicated. Her column appears here Monday and Thursday.*

## Rebels with a violent cause

### Lawsuits follow shootings at Columbine

ask whether school officials were aware of the damage caused by student cliques.

Colorado law requires anyone who wants to sue the government to file a notice of intent within six months of a litigious incident. Last week the deadline passed. Many parents say their suits are not about money, but about finding out everything they can. Maybe such teen violence can be avoided in the future.

Litigation offers no solace (except to the lawyers) but such suits may uncover overlooked clues leading to the violence. With 20/20 hindsight inves-

tigators may find links in the chain of inevitability.

One of the terrible psychological spillovers from the school massacres is the way the massacres prey on a teenager's imagination and anxieties. In a poll of 1,038 teen-agers between 13 and 17, more than half said they believed a similar rampage of killing could take place in their school. That's a distorted expectation of possibility, but the kids believe it.

The poll, conducted by the New York Times and CBS News, also found that social critics (like myself) who worry that parents are not paying enough attention to sons and daughters aren't neces-



**Suzanne Fields**

sarily right when it comes to parents knowing where their children are. Nearly all the Generation Y children polled said they must routinely tell their parents where they're going before they leave the house. Nearly 90 percent have rules about when they have to be home.

Other statistics contradict the perception of the acceleration of violence in our children's lives. Incidents of teen-agers engaging in fist-fights between 1991 and 1997 have decreased by 14 percent, and the number of kids who say they carry a weapon has gone down by 30 percent, according to the Centers for Disease Control and Prevention. The number of teen-agers who worry about being shot has declined by half; the number of those who know

someone who has been shot declined from 40 percent to 34 percent.

Does that mean we can relax our vigilance over violence in the lives of our children? Just the opposite. The teen-agers identify potential troublemakers as the outcasts—the kind of boys other kids make fun of. The outcasts are more likely to be nerds than thugs. In fact, they're kids who in another generation probably wouldn't fight back. But now that weapons are readily accessible and images in the movies, television and on video games make violence look easy for anybody, the teen-agers who murder can spring out of nowhere.

Violent teen-agers don't fit a "typical" profile. They aren't the stereotypical toughs of "West Side Story" or members of an inner city gang. Lt. Col. Dave Grossman, who has taught psychology at West Point and is regarded as an expert in what he calls the field of "killology," and Gloria DeGaetano, a former cop, blame entertainment that sanitizes and

glamorizes violent death.

In their new book "Stop Teaching Our Kids to Kill," they note that Michael Carneal, 14, stole a handgun from a neighbor before he shot eight children in a prayer meeting in a school in Paducah, Ky. Michael was obsessed with movies in which young boys seek revenge, but before he stole the gun he had never shot anyone. His aim was excellent. He hit eight children with eight shots, striking the head or upper torso, killing three, and paralyzing one for life.

The average experienced, qualified marksman, according to the FBI, succeeds with less than one bullet in five. How was a child able to hit each human target? Easy. He had learned it on point-and-shoot video games, similar to the simulators used to teach police and soldiers marksmanship. He had practiced for hundreds of hours at arcades and at home, killing human figures that looked real and winning bonus points for head shots. It was fun and games.

**The Washington Times**

MONDAY, OCTOBER 25, 1999

# Kurds' Way

THE CAPTURE of Abdullah Ocalan, head of the Kurdish separatist and terrorist party known as the PKK, gave Turkey the chance to show it could run a transparent and reasonably fair trial. In the eyes of the United States and the Council of Europe, the Turks did this passably well in the course of convicting Mr. Ocalan and giving him a death sentence that is now under review. But a second, larger challenge remains—to make a political deal between Turks and the great majority among the 12 million Kurds (a fifth of the population) who support nonviolence.

The Turkish establishment has a strategy: to neutralize the PKK not only as a military threat but as a political actor and to look elsewhere among the Kurds for interlocutors at once moderate and representative. But many in the armed forces as well as in civilian life in Turkey are more eager to isolate the PKK than to look for Kurds to build up in its place. President Suleyman Demirel set an example by meeting elected Kurdish mayors, but too many Turks lack his view of the big picture. Turkey cannot expect to bring peaceful Kurds into a dialogue if it is not prepared to

permit them certain cultural and then political rights.

The PKK Kurds, defeated in battle, have been alert to the emerging requirement to make themselves an acceptable political partner. From his jail, Mr. Ocalan has called for a cease-fire, a "show of goodwill" and a reconciliation with the state. In their most conciliatory gesture in 15 years of war, dozens of PKK guerrillas the other day offered to turn themselves in. At this point, however, the Turks are unwilling to take the PKK's professed abandonment of insurgency to heart. Ankara is playing the amnesty card stingily.

It matters to the United States that Turkey's window of political opportunity remain open. Turkey is a friend, ally and economic and strategic partner. But, to its anger, the United States and Europe, though sympathetic to its terrorist threat, have hesitated to accept Turkey as a political equal as long as it was committing terrible human rights abuses against Kurds. Here lies Turkey's chance for a breakthrough with its Kurds. Here lies the United States' duty to encourage Turkey along its difficult way.

## Requiring Childproof Guns

IT WAS TOO much to expect that gun manufacturers and industry lobbyists would rally around Maryland Gov. Glendening's call that all handguns sold in the state be fully childproof. At a hearing in Annapolis, representatives of owners, dealers and the state's largest gun manufacturer rattled off a string of reasons for opposing any such requirement, claiming that the technology to make these weapons isn't up to it. To attempt enactment of a law would put state gun dealers out of business, witnesses argued, and would give gun owners a false sense of security.

Sanford M. Abrams of the Maryland Licensed Firearms Dealers Association took the opposition a step further, calling Maryland too small a state to matter to gun makers if it were to require childproof handguns. The result could be the "extermination" of the approximately 300 dealers in the state, he warned. But this and other dire forecasts appear to assume enactment of a law with a requirement that all guns be childproofed immediately. That's not what supporters of this gun safety measure are

calling for. The purpose of the legislation would be to hasten research and development already underway. While officials of the Maryland-based Beretta USA Corp. were reciting shortcomings in the development of any childproof gun, other evidence suggests that a required phase-in could and should be set, with reasonable deadlines for compliance.

The message in pressing for such a law is to accelerate industry efforts to produce weapons that can be fired only by the owners. Colt Manufacturing Co. officials have said that their company is close to developing a "personalized gun" for limited marketing, perhaps within three years. They could not attend this week's meeting but said they will display products at a future session of the governor's task force that is working on language for a childproof gun bill.

This is not Mission Impossible. And if it were, it would be all the more reason to take the most effective step to protect adults as well as kids from lethal tragedies: Ban all concealable weapons, period.

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## California Court Says Gunmakers Can Be Sued

By Maura Dolan

Los Angeles Times

SAN FRANCISCO In a landmark decision, a California Court of Appeal ruled Wednesday that gunmakers can be sued for promoting their products to criminals who use them to murder.

The 2-1 ruling by the First District Court of Appeal here is the first by an appellate court in the nation to allow victims of shootings to sue gunmakers for negligence, according to the dissenting justice and lawyers in the case.

The decision allows the suit, filed by families of victims of a bloody rampage in an office highrise here in 1993, to proceed to trial. A Superior Court judge had previously dismissed the suit.

"It is a body blow to the gun industry," said Dennis Henigan, legal director of the Center to Prevent Handgun Violence.

The attorney for the gunmaker named in the suit could not be reached for comment Wednesday but other lawyers in the case said it is likely that the manufacturer will appeal to the California Supreme Court. In the meantime, the decision will be binding on all California trial courts and may influence gun cases in other jurisdictions.

More than 20 local governments across the nation have lawsuits pending against gun manufacturers, and the appellate court majority determined that the gun industry has a duty to conduct itself in a way that reduces the risk of criminal violence. The dissenting justice said the court overstepped its bounds, by transposing "personal opinions into judicial doctrine."

Following a similar recent ruling by a federal trial court, Wednesday's decision "essentially creates a new and dramatic threat of liability" for the gun industry, Henigan said. Frederick Brown, an attorney for the mother of one of the eight people killed in suit-prompting shootings, said the decision may force the gun industry to revamp the way it develops and promotes semiautomatic weapons.

"It is going to change the way that business is done by the firearms industry, especially the small segment of the firearms industry that produces guns that primarily appeal to criminals," Brown said.

In an opinion written by Justice Anthony J. Kline, the court said that Navegar Inc., a Florida-based gunmaker, owed "a duty to exercise reasonable care not to create risks above and beyond those inherent in the presence of firearms in our society."

Navegar made the semiautomatic assault weapons used by Gian Luigi Ferri when he entered a San Francisco office building and opened fire in the offices and hallways. Ferri killed eight men and women and wounded six others before shooting himself to death in a stairwell.

Kline cited evidence from the plaintiffs that the weapons, TEC-DC9s, were primarily used by criminals. He said evidence also showed that Navegar "'deliberately targeted the marketing" of its semi-automatic weapons to "persons attracted to or associated with violence."

Company advertisements boasting that the weapon had "excellent resistance to fingerprints," were placed in such magazines as *Soldier of Fortune*, *SWAT*, *Combat Handguns*, *Guns*, *Firepower* and *Heavy Metal Weapons*, the court observed.

The gunmaker also gave or loaned the weapons to producers of violent films and television programs to promote sales, the court noted. Kline cautioned that a manufacturer of a legal and nondefective firearm may not be found negligent for simply producing the product.

But gunmakers can be found negligent and be forced to pay victims compensation if they "created risks above and beyond those (that) citizens may reasonably be expected to bear in a society in which firearms may legally be acquired and used and are widely available," Kline wrote. Justice James R. Lambden concurred.

In a dissent, Justice Paul R. Haerle complained that the court "has become the first appellate court anywhere in this land to declare that, in an ordinary negligence action, a gun manufacturer owes a duty of care" to those injured by criminal use of the product and to their survivors.

"In so doing," Justice Haerle said, "I sadly conclude it has undertaken what I believe to be an egregious exercise in judicial legislation. ... We are not elected policymakers of the State of California."

In February, a federal district court jury in Brooklyn held gunmakers liable for shootings because of negligent marketing practices. The trial judge upheld the verdict.

Ernest J. Getto, an attorney for Navegar, could not be reached for comment. Lawyers for the plaintiffs, however, said they would not be surprised if he asked the California Supreme Court to review Wednesday's decision.

San Francisco City Attorney Louise Renne praised the Court of Appeal of decision. "The gun makers know they are escalating the level of societal violence," she said in a prepared statement, "and if they refuse to change, it is essential for the courts to impose responsibility upon them."

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Reagan Biographer Defends Controversial Book

By Josh Getlin

The Washington Post

FRIDAY, OCTOBER 22, 1999

# Gun Manufacturer Requires Dealers to Sign Code of Ethics

By DAVID B. OTTAWAY  
and BARBARA VOBEJDA  
Washington Post Staff Writers

Smith & Wesson Corp., the country's leading handgun manufacturer, has told dealers selling its products that they must immediately sign a code of ethics, the first time a gunmaker has attempted to assert formal control over the sale and distribution of its products.

Company officials said dealers who refuse to sign or are accused of abetting illegal sales will be banned from selling Smith & Wesson products.

The action comes amid a back-drop of lawsuits by 29 cities and counties, many alleging that gun manufacturers have been grossly negligent in refusing to take responsibility for the marketing of their weapons. The company's ethics code is unprecedented in the closely held firearms industry, which has traditionally resisted attempts to control the sale of firearms.

In a letter mailed in mid-July, Smith & Wesson gave its 3,500 registered dealers 60 days to pledge that they would avoid sales practices that facilitate the illegal flow of guns to young people and criminals. The two-page "Stocking Dealer Code of Responsible Business Practices" commits dealers to obey all firearms laws; to only sell Smith & Wesson guns with safety locks; and to closely monitor buyers to avoid illegal purchases.

Among the most serious accusations leveled against dealers is that they turn a blind eye to "straw purchases," sales to individuals acting on behalf of others whose criminal backgrounds would bar the transactions.

"Smith & Wesson has never been a follower in this industry," said Paul Pluff, manager of retail sales for the Massachusetts company. "We kind of like to set the benchmark."

He said "well over three-quarters" of the 3,500 dealers authorized to sell its guns have already signed and returned the code of ethics. "Those who have not responded in the next 30 days will no longer be registered Smith & Wesson dealers," he warned.

Pluff denied his company was responding to pressure from the lawsuits, saying that work on the code had been underway for more than a year. But he said he expected other manufacturers to follow Smith & Wesson's lead in light of the legal climate.

"It sounds like the industry is starting to move. It's clearly because of these lawsuits," said Brian Siebel, senior attorney at the Cen-

ter to Prevent Handgun Violence, which is assisting several cities in the lawsuits. "It proves that every gun manufacturer can control distribution of its guns, a point they've denied for years."

"I think they are doing it hoping this will protect them legally," said Stephen Teret, director of the Johns Hopkins Center for Gun Policy and Research in Baltimore. "They want to be able to tell juries, 'Look, we required the dealers to follow this pledge of good conduct.'"

Teret said the main value of the ethics code was that, for the first time "gun manufacturers recognize they should follow a gun beyond the factory door."

A major theme in the lawsuits filed against gunmakers is that the companies have failed to place any controls on distributors or dealers. As a result, they have shirked all responsibility for the crime caused when their products fall into wrong hands, cities and gun control advocates allege.

"I think it's a great first step," said Wayne Roberts, spokesman for the 8,000-member National Alliance of Stocking Gun Dealers. "Now we need to see how it works and where the flaws are."

One flaw Roberts cited was that wholesalers are not covered under the new policy, so that some smaller dealers could still purchase products from wholesalers without signing the ethics code.

However, Pluff said Smith & Wesson has contracts with its 22 wholesale distributors that include an even more stringent ethics code covering marketing practices.

The company's mid-July letter to dealers declared that "the manufacturing, distribution and sales of firearms are significant and important undertakings for our businesses and the community."

In addition to their signatures on the code, the company asked dealers to provide proof that their federal licenses were up to date, along with pictures of their shop storefronts and other details to ensure they were legitimate.

The company initially gave dealers 60 days to respond. But after learning that some dealers had not received or responded to the letter, the company granted an additional 30 days.

Some in the industry said they were most struck by Smith & Wesson's warning that it would cut off any dealer accused of questionable business practices by police or government officials. That is significant because a number of the city lawsuits name dealers as defendants along with the manufacturers.

"We have a problem with that in that [the dealers] have not been convicted of anything," said Sanford Abrams, vice president of the Maryland Licensed Firearms Dealers Association.

## Today's debate: Controlling guns

## Why stop cities from suing?

**OUR VIEW** More legislatures blocking local lawsuits against gun makers.

Faster than speeding bullets, laws to protect gun makers from a mounting legal threat have whizzed through legislatures this year in 12 states.

Their target: lawsuits filed by 25 cities and counties across the nation seeking millions of dollars in damages, new safety measures and changes in the way guns are marketed.

Lawmakers justify their efforts by saying the cities are using the courts to skirt the legislative process. They argue that state legislatures have every right to tell cities, which are governmental units of the state, what they can and can't do.

But neither fact justifies bestowing yet another special privilege on the gun industry, to the detriment of the public.

Already, thanks to the gun lobby, 42 states reserve for themselves the right to make all gun laws for their states. Usually, that has worked to the advantage of pro-gun interests.

Atlanta, for instance, had some tough gun laws until 1995, including a waiting period for background checks of gun buyers. Then, state lawmakers passed a law that wiped out the waiting period and gutted other local gun-control measures. So much for Atlanta's ability to deal with its special gun problems.

This year, Atlanta became the fourth city to file suit against gun makers. It took state lawmakers only five days to quash Atlanta's new attempt to control firearms: They passed a law to prohibit city lawsuits against the gun indus-

try, applying it even to the suit already on file. Now Atlanta is fighting the issue in court.

Other states quickly followed. If the National Rifle Association gets its way, similar legal shields could be passed before year's end in Michigan and Pennsylvania.

Such interference ignores the problems and huge costs that cities face from gun violence. The Chicago Police Department spent more than \$75 million in 1997 to deal with gun violations, according to Chicago's lawsuit. Wayne County, home to Detroit, says its tab for gun crimes is about \$20 million a year for prosecutors, courts, jails and the morgue.

Better to leave the issue to the courts where lawsuits are facing tough scrutiny and generating balanced and productive results.

An Ohio judge, the first to look closely at a city gun case, threw out Cincinnati's lawsuit this month, calling it "an improper attempt" to get the court to substitute its judgment for the legislature's.

In other cases, the threat of court action has nudged some gun makers in the right direction. A few companies recently began talking with their legal foes about settling the cases in exchange for major safety concessions.

Special shields against lawsuits are rare. HMOs won protection through a quirk in federal law, and their immunity is now at the center of a bitter controversy. Doctors, acting as good Samaritans, are protected from lawsuits to encourage them to help injured strangers. Blood banks are shielded from some lawsuits over infected blood.

Gun makers, of all industries, shouldn't be added to this short list.

## Suits threaten our freedoms

**OPPOSING VIEW** At stake: Principle that legislatures make laws.

By Valde Garcia

The separation of powers has stood as the cornerstone of our democracy. It is the concept that keeps this country strong and free from the dregs of tyranny. Yet, as we enter a new millennium, powerful special interests seek to overturn this idea, and, with it, our nation's Constitution and the freedom it guarantees.

More than the Second Amendment is at stake when cities and states file lawsuits against gun manufacturers. The entire Constitution and the principles underlying it are, too.

In this country, the power to make laws and regulate business rests with Congress and state legislatures. These harassment lawsuits are nothing more than backhanded attempts to circumvent this process and use the courts to regulate businesses.

That's why a Cincinnati judge recently threw out that city's lawsuit against gun manufacturers, ruling that it is the responsibility of Ohio's legislature to regulate gun makers.

If these special interests want to change gun laws, they should make their case before the

elected representatives of the people.

To do otherwise would set a terrible precedent: holding manufacturers of a product responsible for how others misuse it.

Guns are meant for self-defense, sporting and hunting — not for committing crimes.

Rather than waste taxpayers' money going after law-abiding businesses, government would be better served enforcing the 40,000 gun laws on the books and arresting criminals who commit gun crimes. They are the ones responsible for the costs of gun violence, and we make them pay by locking them up.

Suing gun manufacturers only drives up the cost of guns and makes it harder for the average citizen to own them for recreation or protection. Because lawsuits do not reduce the availability of guns to criminals, the only winners will be criminals, as they are the only ones who will have guns.

Filing lawsuits is a haphazard way to make policy and often succeeds only in enriching lawyers at the expense of the Constitution, our nation's history and the personal freedoms we all enjoy.

*Valde Garcia is a Michigan state representative and chief sponsor of a bill to prohibit cities from suing the gun industry.*

# The Big Bang

## Evolution of a Cause: Why the Gun Debate Has Finally Taken Off

After 30 Years of Status Quo,  
Lawsuits and Littleton  
Redrew the Battle Lines

Eight Who Made a Difference

A1

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

One morning last summer, Elliot Spitzer, New York state's attorney general, was approached on the street in his Upper East Side Manhattan neighborhood by a short, well-dressed man.

"I'm Donald Zilkha," the man said, handing the attorney general his card. "We should talk."

Mr. Zilkha owns Colt's Manufacturing Co. Mr. Spitzer has threatened to make New York the first state to join the municipal legal assault on guns. And the on-again, off-again settlement negotiations that followed their encounter, involving Colt's and other manufacturers, could lead to a reshaping of the entire firearm industry. Unilaterally, Mr. Zilkha's company outraged gun-rights proponents this month by cutting production of less-expensive civilian handguns — the very weapons that Mr. Spitzer and other government officials want to see curbed.

The once-unimaginable is unfolding.

For 30 years, gun-control advocates failed to enact all but modest regulation of the manufacture and sale of firearms. Gun companies deflected lawsuits like so many spitballs.

Yet today, the industry is enmeshed in broadening litigation that could force it to change its most fundamental marketing and manufacturing practices.

How did this happen? In the space of a few years, a small collection of people — some well-known, some anonymous — contributed to the destabilization of one of the country's oldest industries. The Columbine High School killers spurred a seemingly irresistible demand for tougher federal gun control. National Rifle Association lobbyists resisted strenuously, throwing attention back to the courtroom and state legislatures. Others played important roles: They include an aging activist judge, eager once more to expand the law; a Philadelphia law professor, determined to see someone try his new theory on suing gun makers; and Mr. Zilkha, the wealthy financier, fretting as liability fears strangle his storied firearm company — who found himself on a street corner making a truly remarkable overture.

### Barbara Hohlt The Matchmaker

Historic legal cases often begin serendipitously. Barbara Hohlt was the accidental matchmaker of gun litigation.

A soft-spoken computer programmer, Ms. Hohlt began doing technical work for a gun-control group in 1991. The issue absorbed her, and eventually she became a full-time firearm foe.

Ms. Hohlt, now 56 years old, helped organize demonstrations, the most strik-

ing of which displayed hundreds of pairs of empty shoes, eerily symbolizing victims of gun violence. But enacting meaningful new gun-control laws, either in New York or Washington, proved far more difficult than she had anticipated. Her all-volunteer group, New Yorkers

Against Gun Violence, which operates from a one-room office in lower Manhattan, is no match for the well-funded NRA.

"It can be demoralizing," she says.

It was through her organizing that Ms. Hohlt met Freddie Hamilton, a Brooklyn social-services administrator. In 1993, Ms. Hamilton lost her teenage son, Njuzi Ray, to a bullet she says was intended for another teenager. Ms. Hamilton, 56, says that after the killing, she concluded that manufacturers should be held accountable for the prevalence of guns and that the only place to do this was in court.

"I was sympathetic, of course," recalls Ms. Hohlt, "but what could I do?"

In late 1994, an answer arrived in the form of a phone call from attorney Elisa Barnes. A sole practitioner in New York, she had become convinced it was possible to sue the firearm industry for negligently distributing a dangerous product, much as makers of the antimiscarriage drug DES were sued a decade earlier.

The lawyer had pluck but little big-case experience and, more pertinent, she lacked suitable clients. A mutual friend steered her to Ms. Hohlt, who "said she had some people for me to meet," Ms. Barnes remembers.

Those people included Ms. Hamilton.

In January 1995, Ms. Barnes filed a suit against the gun industry that became known as the Hamilton case. "We put items about it in our newsletter," says Ms. Hohlt, but "it didn't attract that much attention."

At least not at first. Over the next four years, Hamilton would evolve into a threat to the gun industry transcending all of the gun-control projects at which Ms. Hohlt previously had toiled. Aid came from unlikely sources, including financier George Soros, whose foundation in October 1998 gave a grant of \$300,000 to make sure that Ms. Barnes got the case to trial.

"You don't need a legislative majority to file a lawsuit," says Ms. Barnes, who wound up representing the families of seven New York shooting victims. Citing lawsuits against the tobacco industry as a model, she says, "Ultimately it was litigation, and the danger of punitive damages, that brought the cigarette companies to the table" and produced multibillion-dollar settlements in 1998.

The casual connection made by Ms. Hohlt gave the antigun side a weapon that caught the gun industry by surprise.

### Jack Weinstein The Trailblazer

Sometimes the judge who hears a novel case makes all the difference. U.S. District Judge Jack Weinstein of Brooklyn, N.Y., was a guiding force behind the Hamilton suit.

Judge Weinstein enjoys reminding visitors that his bland modern courthouse, without imposing columns or marble stairs, signals to ordinary citizens that they can walk in, file a suit, and get his attention. To emphasize his point, the 75-year-old populist wears a business suit in court, rather than black robes.



Judge Jack Weinstein

In landmark cases involving asbestos and the herbicide Agent Orange, he gained a national reputation for stretching legal principles to force manufacturers to compensate large groups of victims.

Ms. Barnes hoped he would do the same for her. And to steer the Hamilton suit into Judge Weinstein's courtroom, she used a federal procedure allowing an attorney to request a judge who has heard a "related case." In this instance, Ms. Barnes invoked the fact that Judge Weinstein had overseen a mass-injury suit against makers of DES (or diethylstilbestrol), the antimiscarriage drug.

This was a fateful development. For years, judges had repeatedly refused to entertain suits alleging that guns are too dangerous; after all, guns are designed to be lethal. To get around those precedents, Ms. Barnes was groping for a theory with which to prove that the industry as a whole was negligent in distributing guns. Time and again, Judge Weinstein provided a guiding hand.

During a preliminary hearing in June 1995, for example, he suggested to Ms. Barnes: "One of your arguments, I take it, although I am not clear," is that gun manufacturers "oversold the market... and this leads to an overflow of the surplusage of arms into hands of non-responsible people."

"Yes, your honor," said Ms. Barnes. "That is absolutely our claim."

In fact, in her original complaint, Ms. Barnes hadn't included what came to be known as the "oversupply" argument, which would become central to her case.

Ms. Barnes "did a heroic job," battling a dozen corporate defense lawyers, but at key junctures, Judge Weinstein "brought Elisa right along," says David Kalrys, a law professor at Temple University in Philadelphia who studied the courtroom transcripts and favors the antigun side.

In an August 1996 ruling, Judge Weinstein went beyond any precedent to provide Ms. Barnes a roadmap. There may "come a point," he wrote, "that the market is so flooded with handguns sold without adequate concern over the channels of distribution and possession that they become a generic hazard to the community as a whole because of the high probability that these weapons will fall into the hands of criminals or minors."

Tall and erect in bearing, Judge Weinstein is technically semiretired but continues to handle a heavy workload. His conduct and rulings indicate that he viewed the Hamilton case as another chance, in the twilight of his career, to show how legal innovation can help ordinary people deal with the perils of modern society.

THE WALL STREET JOURNAL

THURSDAY, OCTOBER 21, 1999

The judge, a former Columbia University law professor, at times relied on classroom-style Socratic dialogue to assist Ms. Barnes. In a pretrial hearing in December 1995, for example, he prodded the lawyer to explain how gun makers could be found negligent in connection with sales by retail dealers.

"You were saying," he noted, that the manufacturers' "negligence is in failing to supervise the initial sale to responsible persons."

"Yes."

"Now I have a better idea what you're claiming, how the oversupply of the market and this point of sales are interrelated," the judge said.

"That's going to be the theory, your Honor."

"I didn't see that in your papers."

Ms. Barnes says in an interview that Judge Weinstein "did nothing more than what all other judges do." Judges, she adds, "have views of where the law should go and how things should be." In February, the Hamilton jury became the first ever to find gun companies liable for criminal shootings. After that breakthrough, Ms. Barnes returned to Judge Weinstein's courtroom to file a new suit against the industry—this one on behalf of the National Association for the Advancement of Colored People. Mr. Soros provided financing for that suit, too. Legal papers were served on gun companies this month.

## David Kalrys The Strategist

A garrulous, bearded man, Temple law professor David Kalrys has unimpeachable antiestablishment credentials. Yet he was essential in the next step: bringing city hall into the gun litigation.

In late 1996, he joined a mayoral commission on youth violence in his beloved hometown of Philadelphia and began investigating legal tools for curbing guns. Mr. Kalrys, 56, who handles civil-rights and free-speech cases in addition to teaching, quickly decided against suits on behalf of individual victims. "Those had never worked and for a good reason," he says. "When you focus attention on particular shootings, there's always that person pulling the trigger who is more immediately to blame for the bloodshed."

So who should sue? State attorneys general had gone to court against the tobacco industry, seeking reimbursement of taxpayer money spent on cigarette-caused illnesses. Why couldn't Philadelphia sue the gun industry, he mused, demanding that it reimburse the public costs of gun violence: emergency medical and police services?

From there, his thinking moved to his past efforts to mediate among Philadelphia's youth gangs. "These kids said they could get guns on the street pretty easily." This led him to the notion that a "criminal market" in guns endangers a community much like industrial pollution. In legal parlance, such dangers are called "public nuisances." And a city may sue the source of a public nuisance.

Judge Weinstein's pretrial pronouncements in the Hamilton case fortified Mr. Kalrys, who by coincidence had been a student of then-Prof. Weinstein in the mid-1960s at Columbia University Law School. "Here was an eminent federal judge writing an opinion that said there was a criminal market in guns," Mr. Kalrys says. "My job was to adapt the idea so a city could sue." In early 1997, he wrote a secret memo proposing that Philadelphia take the gun industry to court.

The idea got an ambivalent reception from Philadelphia Mayor Edward Rendell. The mayor, a former prosecutor who



David Kalrys

2002. Outside of Philadelphia, the state is a haven for hunters and other legitimate gun enthusiasts.

Mr. Rendell denies that gubernatorial concerns affected his thinking about a gun suit. But he didn't file the Kalrys suit, choosing instead to negotiate with gun companies about proposed reforms.

When the mayor's consideration of a suit leaked to the media in July 1997, however, other cities began looking to Mr. Kalrys for advice about bringing their own legal actions. He stayed silent, constrained by his confidential lawyer-client relationship with Philadelphia. But he grew impatient. In January 1998, he quit representing Philadelphia, and faxed and mailed more than 100 copies of a litigation blueprint to municipal lawyers around the country.

He had hoped Philadelphia would be the pioneer, Mr. Kalrys says, but he "just wanted to get out this work."

He ended up as a legal adviser to most of the 28 municipalities that have sued so far, including Chicago, Los Angeles and San Francisco. And Mr. Kalrys's public nuisance strategy would become the centerpiece of that litigation.

## James Jay Baker The Enforcer

As the list of cities suing the gun industry lengthened in early 1999, James Jay Baker, the NRA's chief lobbyist, worried about whether his side would show enough backbone.

Mr. Baker's intransigence ironically helped keep the controversy in the courts, where down the road the threat of huge punitive damages could force the industry to accept more radical change.



James Jay Baker

The Hamilton verdict had already raised the stakes considerably. The jury had concluded that three manufacturers—American Arms Inc. and the U.S. units of Italy's Beretta SpA, and Brazil's Forjas Taurus SA—should

pay a total of \$520,000 damages in connection with one nonfatal shooting.

Publicly, industry executives scoffed at the verdict and the growing number of municipal suits, vowing to fight them all to the finish. But privately, to Mr. Baker's disgust, some of the same executives wondered about the cost of a protracted legal battle and the advantages of compromising and returning to selling guns.

Encouraging this more pragmatic view was Richard Feldman, a former NRA operative who headed a trade organization, the American Shooting Sports Council, that was trying to assert itself as the industry's voice. With support from at least two major companies—the U.S. unit of Austria's Glock GmbH and Smith & Wesson Corp., a unit of Britain's Tomkins PLC—Mr. Feldman in early 1999 opened back-channel communication with a consortium of plaintiffs' lawyers representing New Orleans and several other cities.

"We felt we could do business with Feldman," says John Coale, the attorney negotiating for the cities.

When he learned of these overtures, Mr. Baker got on the phone to tell senior industry executives that the NRA opposed any settlement involving more regulation. "Baker was angry and let people know," says one executive. Mr. Feldman, to be sure, had created enemies who viewed him as a grandstander, and officials at some gun companies, including the largest, Sturm, Ruger & Co., would have taken a hard line on their own.

Still, the industry traditionally listens when the NRA speaks, at least partly out of fear that the group can mobilize gun owners to boycott disfavored manufacturers. But by the late 1990s, Mr. Feldman represented a nascent view within the industry that the NRA's no-prisoners approach might not be good for business.

Mr. Baker, 46, who wears cowboy boots to work and chain smokes unfiltered cigarettes, usually has a genial manner common on Capitol Hill. But he plays disciplinarian when he feels he needs to—with members of Congress who take NRA money and with members of his own industry. When gun company executives gathered in February for an industrywide meeting in Phoenix, Mr. Baker was there, and his approval was much on the other attendees' minds, according to people familiar with the session.

It quickly became clear that Mr. Baker had helped erode support for Mr. Feldman, even among the more-conciliatory gun companies. Mr. Feldman's employers, the board of the American Shooting Sports Council, volunteered to get rid of him in the name of unity. The settlement initiative was dead, at least for the moment.

The shooting sports council board suggested that Mr. Feldman be replaced by his deputy, Robert Ricker, who was seen as less assertive.

Heads swiveled toward Mr. Baker. Could the NRA live with Mr. Ricker?

It could, Mr. Baker said. Asked about this account, Mr. Baker doesn't deny it. Smiling, he says: "I'm not going to discuss private meetings."

The idea of negotiating a resolution of the lawsuits resurfaced a few months later. But Mr. Baker's behind-the-scenes role in the Feldman ouster remains a vivid reminder of the pressure within gun circles to fight the suits. In late June, the shooting sports council was folded into a rival trade group friendlier with the NRA.

"We'll win this," Mr. Baker says of the litigation. "We don't have to compromise."

## Eric Harris & Dylan Klebold The Catalysts

The April massacre in Littleton, Colo., appeared to change everything.

Television bombarded viewers with round-the-clock coverage. The telephones of Handgun Control Inc. jammed solid with calls. And President Clinton proposed what he called "the most comprehensive gun-crime legislation any administration



put forward in a generation." Coming after a series of school shootings elsewhere in the country, the carefully planned rampage by Columbine High School students Eric Harris and Dylan Klebold seemed like precisely the sort of lurid evidence that gun foes needed to enact new national gun-control laws and put the industry further on the defensive.



Eric Harris

historic opportunity."

But the appearance was deceiving. After an awkward initial response, the NRA regrouped and put on an awesome display of high-pressure politicking.

A month after Columbine, the Senate, with much fanfare and a tie vote broken by Vice President Al Gore, approved a package of gun provisions fiercely opposed by the NRA. But as Mr. Walker, 48, concedes, the price of the interim victory was steep.

Gun foes barely pushed through the least controversial provisions proposed by President Clinton, chiefly a requirement that unlicensed dealers at gun shows conduct background checks on customers, just as federally licensed dealers must. Quickly jettisoned were tougher measures, such as limits on the number of guns a person may buy in a month.

Even this modest victory wouldn't last. By June, as the debate shifted to the House, the NRA recovered its balance. Mr. Baker coordinated a \$1.5 million campaign of radio ads, phone banks and mass faxes, relying on his group's 2.8 million members around the country to warn their congressmen away from backing the modest Senate bill. Mr. Walker's organization had less than one-third the money and one-seventh the members to deploy.

Legislative agility is also part of the story. Mr. Baker cooperated with aides to Michigan Rep. John Dingell, a longtime NRA ally. In drafting a gun-show bill that could be promoted as a variant of the Senate legislation. In fact, the House version contained a booby trap.

Mr. Dingell's bill proposed a 24-hour cap on all gun-show background checks. Since existing law already allowed for 72-hour checks by licensed dealers, the Dingell approach would actually give law-enforcement officials less time to look for criminal histories.

Mr. Baker maintains that the possibility of a three-day wait inhibits legitimate sales. But he admits that his real goal was to see nothing approved—and that is what he got. Gun-control backers decrying a covert weakening of the background check formed an unlikely alliance with pro-gun lawmakers opposed to any sort of firearm regulation. The package containing the Dingell bill fell.

The lesson of Columbine, says a triumphant Mr. Baker, is that new gun laws aren't the answer to senseless killings.

Mr. Walker disagrees, pointing hope-

"We hadn't seen a public reaction like this before," says Robert Walker, president of Handgun Control in Washington, the country's largest gun-control organization. "We perceived an his-



Dylan Klebold

fully to the presidential race, in which the Democratic candidate is expected to make guns an issue. But for his part, Mr. Walker has decided that after seven years at Handgun Control, he will soon step down. "It takes a lot out of you," he says of the job.

The nationwide furor set off by Messrs. Harris and Klebold in the end provided a reminder of how close to impossible it is to enact serious gun control at the national level. In the view of some gun foes, this reality underscores that if the production and sale of firearms are to be significantly altered any time soon, it will occur by means of litigation.

## Donald Zilkha The Wild Card

The NRA's success in Washington provided little solace to Donald Zilkha.

A member of a cosmopolitan clan of bankers and investors originally from Iraq, Mr. Zilkha took a risk in 1994 by acquiring a decrepit Colt's Manufacturing. The company, maker of weapons ranging from civilian handguns to the M-16 military rifle, had lost key defense contracts, failed to modernize its factory, and was then in bankruptcy-court proceedings. As if that weren't enough, Mr. Zilkha didn't know much about firearms.

"We're not gun nuts," the cherubic 48-year-old says of himself and partner John Rigas, 36. "We're businessmen with a business plan."

The plan was to use Colt's as a vehicle to buy other military small-arms manufacturers, and then resell the consolidated company. Mr. Zilkha also hoped to revive the sluggish handgun business by developing a high-tech "smart gun" that fires only for an authorized user.

He made progress over the next few years—and 1999 could have marked a real turnaround. With the acquisition of a rival military-arms maker and the recovery of valuable defense contracts, orders soared this year, reaching a total of nearly \$200 million, a huge amount considering that Colt's (together with its acquisition) had revenue of only \$136 million in 1998.

But then the lawsuits began exploding like artillery shells.

Legal bills poured in, and are expected to reach a total of about \$3 million in 1999 alone. Insurance will cover two-thirds of that, says Mr. Zilkha, but the remaining \$1 million is a significant hit for a still-struggling company that expects to have net income of only about \$2 million this year. Worse, the company's main insurer, American International Group Inc., notified Colt's that it may contest its responsibility for paying any jury award or settlement—a potentially "disastrous situation," says Mr. Rigas. An



Donald Zilkha

AIG spokesman declines to comment.

Exacerbating this situation, some of the wealthy investors in a new investment fund set up by Mr. Zilkha specified that they want their millions kept out of the gun industry.

With cash so tight, Colt's couldn't buy nearly enough parts to fill all of its back orders. Delivery schedules slipped. Rather than expanding, factory lines are running at only 70% capacity, or less. At the West Hartford, Conn., gun factory, that translates into a loss of potential rev-

enue of at least \$2 million a month.

If the lawsuits are intended to damage and distract gun companies, they are succeeding, Mr. Zilkha says. "I am spending 70% of the time I devote to Colt's talking to lawyers, rather than planning growth."

He complains that part of the problem for American gun manufacturers is that they operate in what his partner Mr. Rigas calls "an incomplete regulatory environment," in which the companies' responsibility for supervising firearm distribution is unclear. Under pressure from the NRA, Congress exempted the gun business from federal consumer-safety laws. "We would be happy . . . to know what the rules are," Mr. Rigas says, citing the U.S. Food and Drug Administration's role overseeing the pharmaceutical industry.

Seeking to protect what he considers to be a promising defense business, Mr. Zilkha decided to cease production of his company's less-expensive civilian handguns, lay off as many as 200 of its 725 workers in West Hartford, and spin off the smart-gun project into a new company, IColt. As a legal matter, the company can't necessarily erase its potential liability by discontinuing a product line or shifting corporate structure. But as a practical matter, dropping the handguns, which Mr. Zilkha says weren't profitable anyway, could demonstrate his willingness to compromise.

## Elliot Spitzer The Deal Maker

The New York attorney general has a similarly pragmatic mindset, but from a reverse perspective.

Far from being a fire-breathing gun abolitionist, he is a realist who sees the municipal litigation as chancy in legal terms, but handy as a way to force the industry to accept a new "code of conduct," in exchange for a truce.

Even some of his putative allies are wary. "I think he means well, but he's being used by the industry," says Mr. Coale, the attorney helping to represent New Orleans and several other cities. "He wants a deal so badly that it might not be a good deal."

The surprising thing is that Mr. Spitzer pushed himself to the center of the settlement discussion without even filing a suit of his own.

A former assistant district attorney, Mr. Spitzer skipped the lower rungs of political life to run for attorney general in 1994, at the age of 35. He lost, but ran again last year, and won.

Soon after taking office in January 1999, he ordered his staff to draft a suit that would make New York the first state to join the antigun litigation—a move that could draw in other states. Simultaneously, he asked subordinates to draft an industry code of conduct—detailed rules on gun marketing and industry monitoring—that he would offer manufacturers as an alternative to a New York suit. In late spring 1999, he launched his strategy by contacting Colt's headquarters in West Hartford. That overture led Mr. Zilkha to approach Mr. Spitzer on Fifth Avenue over the summer.



Elliot Spitzer



In the months since, there have been a series of meetings and telephone conference calls involving Mr. Spitzer's office and representatives of Colt's, Smith & Wesson, Glock, and other companies. To the dismay of some of the municipal officials who went to the trouble of actually filing suit, Mr. Spitzer's office has become a focal point for still-tentative settlement discussions. This is largely because he has offered the most coherent plan for how the industry might change its behavior to end the legal assault.

Not that Mr. Spitzer's ideas have been warmly received by the gun companies. "He doesn't understand the mechanics of the industry," Mr. Zilkha says. After reviewing a draft of the code of conduct, the gun-company owner says, "I told him, 'Your agenda must be political mush.'" (Mr. Spitzer declines to comment on this exchange.)

Neither side will discuss the substance of the talks, but a draft of the code shows that Mr. Spitzer would require all manufacturers to take some of the steps that Colt's has, including ceasing production of less-expensive handguns and trying to develop a smart gun. Mr. Spitzer would also have gun manufacturers supervise retail sales practices and cut off dealers who allow buyers to walk out of the store with more than one gun.

The most controversial proposal is that the industry subject itself to an outside "monitor," similar to the independent officials who oversee wayward labor unions. The gun monitor would have authority to enforce the code and review confidential corporate books.

Last month, industry officials conferred in Washington with Mr. Spitzer and officials representing many, but not all, of the suing municipalities. The industry promised within a period of weeks to produce a formal response to the Spitzer code and other proposals from the government side.

That was before an Ohio state judge in Cincinnati this month issued the first ruling on the merits of one of the suits, dismissing that city's legal action. The judge rejected the suit as an attempt to accomplish through the court system what is really the job of a legislature.

"New York's law is better in this area," Mr. Spitzer notes. He still has his lawsuit sitting in a desk drawer, ready to go.

THE WALL STREET JOURNAL

THURSDAY, OCTOBER 21, 1999

# Gun Ban Unrealistic, Glendening Says

## *'Smart' Firearms Favored Over Curran's Plan*

By DANIEL LEDUC  
Washington Post Staff Writer

Maryland Gov. Parris N. Glendening said yesterday that state Attorney General J. Joseph Curran's call for a ban on handguns is "unrealistic" but could help the governor's push to mandate "smart guns" by making that proposal appear more moderate.

Curran (D) has proposed an eventual prohibition on handgun ownership by nearly everyone except law enforcement officials, some people who shoot for sport and some who need personal protection. Recognizing such a ban would require a long political struggle, Curran said state lawmakers should take the interim step of adopting a series of new gun restrictions, such as Glendening's plan to require technology on new guns that prohibits them from being fired by anyone but their owner.

Gun control opponents have been outraged by Curran's call for a handgun ban, and Glendening (D) said the controversy could actually help his efforts.

"By comparison, my bill now tends to be more centrist and moderate," he said in an interview. "All we're saying is make the guns safe."

Until Tuesday, when Curran announced his plans to reporters, Glendening's call for smart guns had been the most aggressive gun control push in Maryland in several years. Curran's announcement escalated the drive even as Glendening called it a "non-starter."

"It's unrealistic and unpassable," he said.

Curran acknowledged it would take years to win approval for handgun restrictions and said that is why he favored interim steps such as Glendening's proposal as well as other changes in gun laws he would push for in the next General Assembly session. "But," he said in an interview, "I also say, what's the goal? Now's the time to put the brakes on."

Curran's proposal for an eventual handgun ban is a much tougher stance than many gun control groups advocate. Mary-

landers Against Handgun Abuse and the national organization, Handgun Control Inc., have not urged a ban, for instance.

Gun control opponents, meanwhile, said they were suspicious of Curran's motive and questioned whether the attorney general was engaged in some contrived maneuvering.

"Maybe they're going to ask for a mile and settle for an inch," said Sen. Timothy R. Ferguson (R-Carroll), who sits on the Maryland Senate's Judicial Proceedings Committee, which considers gun legislation.

Curran and Glendening said there had been no coordination between them. Curran spoke to the governor about the proposal for the first time Tuesday afternoon, and Glendening said he supports many of the attorney general's other proposals, such as expanding the background checks done on people purchasing guns.

The governor, however, said he would focus his lobbying efforts on his smart guns proposal because he deemed it more likely to pass the legislature than Curran's package.

"There are responsible gun owners out there," Glendening said. But "the more extremists have a conspiracy mentality."

Ferguson, a longtime gun control opponent, said he planned to fight any restrictions, declaring that any attempt at a ban would "run into a buzz saw." He called Glendening's smart gun bill "a dead issue."

Virtually all gunmakers, except Colt's Manufacturing Co., have said the technology is not yet possible to make handguns that either read a fingerprint or use another device to allow only their owners to fire them.

"We continue to believe the governor's position is unrealistic," said John Stierhoff, a lobbyist for Beretta U.S.A., Maryland's only major gun manufacturer. "The technology is not available for production at this time."

Curran has yet to detail exactly who would be eligible to own a handgun under his proposed ban, saying only that "individuals with a professional need to have a gun—law enforcement officers, gun collec-

tors, some business owners and certain other professional groups—will continue to keep handguns on business premises or for use on the job."

But some opponents said talk of a handgun ban could reenergize a potent gun lobby to fight any new laws restricting gun ownership.

"It awakens a sleeping giant," said John H. Josselyn, legislative vice president of the Associated Gun Clubs of Baltimore, which he said has 4,500 members. "We tend to lay back and not bother anybody. But attack us, and expect to get a response from us. My phone has been ringing all morning."

Ferguson said that Curran's move has prompted him to push in the other direction. He said he will seek legislation in the next session to make it easier for people to get concealed weapons permits; there was a hearing on a House version of the bill yesterday. He also supports a bill preventing municipalities from suing gunmakers as nearly 20 cities and counties across the nation have to recoup the costs of treating gunshot victims. Curran has said he wants legislation to make it easier to sue.

Curran is "going to put in his bill. I'm going to put in mine," Ferguson said. "He moves his bishop, and I move mine. It's a chess match."

The Washington Post

THURSDAY, OCTOBER 21, 1999

# Safety and Crime Are at Heart of Talks on Cities' Suits Against Gun Makers

Continued From Page A1

cases against the industry, did not attend.

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

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

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

Perhaps the most important and far-reaching of the demands was that the gun companies establish tighter contractual control over their chain of distribution to wholesalers and then retailers, and so curb the supply of handguns to criminals and juveniles through corrupt dealers. Any dealer who was found by Federal tracing to be providing a sizable

number of guns in crimes would lose his supply of products from the manufacturer. Until now, the gun makers have denied that they bear any responsibility for what happens to a gun after it leaves the factory.

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

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

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

Among other steps that the compa-

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

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

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

One city attorney who took part said Mr. Hahn had presented the

proposals as a wish list but had told the gun companies that if they did not agree to almost everything on the list, the cities would go ahead with their lawsuits.

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

Detroit and Chicago did not take part, a lawyer familiar with their thinking said, "because the tobacco

*Long resistant to negotiating, the firearms industry agrees to do so.*

companies only made concessions when they realized they could lose, and the gun companies don't yet believe they will lose."

"Right now," the lawyer said, "they are just putting up a smoke-screen."

Mr. Coale, whose group of lawyers represent New Orleans, Atlanta, Cleveland, Cincinnati and Newark, said he too felt that the gun companies were not yet ready to negotiate seriously. He held earlier talks with Robert Ricker of the American

Shooting Sports Council, another industry group, only to see Mr. Ricker fired for daring to meet with him.

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

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

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

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

## SAFETY AND CRIME AT HEART OF TALKS ON GUN LAWSUITS MAKERS AND CITIES MEET

### Efforts for a Settlement Turn on Protective Devices and Crackdown on Dealers

By FOX BUTTERFIELD

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

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

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

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

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

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

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

The participants at the Washington meeting cautioned that the talks were preliminary and that many obstacles to a settlement remained. Some gun makers, most notably the so-called Ring of Fire companies that encircle Los Angeles and produce cheap guns favored by criminals, were not invited. Also uninvited was a leading opponent of the industry, John Coale, a Washington

# California Appellate Court Reinstates Case Involving Gun Made by Navegar

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

An intermediate state appeals court in California reinstated a closely watched lawsuit against a Miami gun manufacturer, in a decision that could inject additional energy into other litigation against the firearm industry.

The First Appellate District Court of Appeal in San Francisco said yesterday that gun makers may be held liable when their otherwise legal weapons are used by criminals. This notion lies at the core of a wave of lawsuits that have been filed against the gun industry as a whole by 27 cities and counties across the country.

Yesterday's ruling is expected to be appealed to the California Supreme Court, and it is far from the last word on the question of firearm manufacturers' civil liability after deadly shootings.

The San Francisco case stems from a 1993 massacre of eight people at a law firm in that city. The shooter, a disgruntled client of the firm, used two semiautomatic guns manufactured by Navegar Inc. of Miami, as well as a third weapon. Six other people were wounded.

Relatives of some of those who died filed suit against Navegar, arguing that its guns, from the company's TEC-9 line, were marketed for illegitimate paramilitary and criminal uses. The high-capacity semiautomatic handguns gained notoriety in the 1980s, when they were used by criminal characters on the television show "Miami Vice."

In May 1997, a state trial judge dismissed the suit against Navegar, saying, in essence, that manufacturers of guns that comply with federal and state firearm regulations can't be held responsible for the criminal misuse of the weapons.

But yesterday, the appellate court said the trial judge had been wrong and that gun companies have a duty to exercise "reasonable care" in manufacturing and

marketing their wares. The court said that the plaintiffs may proceed to trial based on the theory that Navegar's negligence helped cause the bloodshed in 1993.

Noting that most suits of this variety have been dismissed by courts around the country, the appeals court said that "most gun cases do not relate to a firearm that appears to have virtually no legitimate civilian use." The TEC-9, while capable of firing 30 or more rounds in a short period of time, is known for being inaccurate, prone to jamming and generally not suited for hunting or target shooting.

The appeals court added that it wasn't aware of any prior gun suit that "presented the strong evidence we have in this case of affirmative acts [by the manufacturer] increasing the risk of harm above and beyond that normally presented by firearms."

Gun foes were "ecstatic" over the ruling, said Dennis Henigan, the top lawyer at Handgun Control Inc., a Washington, D.C., group that is representing the plaintiffs in the case. Mr. Henigan pointed out that California's courts historically have influenced courts in other states in the product-liability area.

Ernest Getto, Navegar's lead attorney, didn't return a phone call seeking comment.

## California Appellate Court Allows Gun Maker to Be Sued

SAN FRANCISCO, Sept. 29 (AP) — A California appeals court reinstated a lawsuit today against the maker of semiautomatic pistols used to kill eight people in a law office here in 1993.

The ruling is the first by an appellate court to allow a gun manufacturer to be held responsible for a criminal shooting.

The victims' families are entitled to a trial on their claims that the manufacturer marketed the guns to appeal to criminals and should have foreseen that they would be used in a massacre, the court, the First District Court of Appeal, said in a 2-to-1 ruling.

The court acknowledged that every other state and Federal appellate court to consider the issue had ruled that manufacturers of legal, properly functioning guns could not be sued for their criminal misuse.

But the court said this case was unusual for several reasons: The Tec-DC9 has been banned in California, though not in Florida, where the pistols were made, or Nevada, where they were sold; there was evidence that the Tec-DC9 has no legitimate civilian use, and the company's advertisements, including one promoting the gun as fingerprint-resistant, suggested criminals were among its intended customers.

The manufacturer, Navegar Inc., "had substantial reason to foresee that many of those to whom it made the Tec-DC9 available would criminally misuse it to

kill and injure others," said the opinion by Justice J. Anthony Kline.

In dissent, Justice Paul Haerle accused the majority of "judicial legislation" and said the gunman, who killed himself, bore sole responsibility.

A gun-control group that represented the families said the ruling should help Los Angeles, San Francisco and 10 other California cities and counties that have sued gun makers in the last year, claiming faulty design, manufacture and distribution. Similar suits have been filed by local governments elsewhere. Wilmington, Del., filed suit today.

Navegar's lawyer, Ernest Getto, was unavailable for comment, his office said. The ruling could be appealed to the state Supreme Court.

The case dates from July 1993, when Gian Luigi Ferri, a mentally disturbed man with a grudge against lawyers, opened fire in a law office with two Tec-DC9's and a revolver. He killed eight people and wounded six before killing himself.

Judge James Warren of Superior Court in San Francisco, in his earlier ruling dismissing the suit, said there was no evidence that the company's marketing influenced Mr. Ferri or helped cause the killings. Judge Warren also said the Legislature had outlawed such weapons but had not authorized suits for their misuse.

THURSDAY, SEPTEMBER 30, 1999

The New York Times

# Colt's Cuts Role Of Handguns In Revamping

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL  
Colt's Manufacturing Co., the storied gun maker, is restructuring in a way that will shrink significantly its role in producing handguns for the consumer market.

The restructuring stems from several causes, but in one sense it is the most drastic response so far by a major gun maker to the wave of municipal litigation pending against the firearm industry. Lawsuits filed by 27 cities and counties across the country specifically target the sort of handguns that Colt's is planning to move away from.



Steven Sliwa

Internal company documents show Colt's, West Hartford, Conn., is in the process of spinning off into a separate company its controversial project aimed at producing a high-tech "smart gun" that can only be fired by an authorized user.

The documents also indicate the remaining core business will be focused more narrowly on production of military small arms, an area that Colt's has emphasized heavily over the past two years. New York financiers Donald Zilkha and John Rigas, who control the manufacturer, have used Colt's as a vehicle to acquire other makers of small military arms, and the restructuring appears to be another step in that direction.

In fact, there are rumors in the gun business that Colt's is close to a new acquisition of a rival, but those rumors couldn't be confirmed.

While immediate plans for the company's well-known lines of consumer handguns aren't clear from the documents that were reviewed, the documents do show that litigation against the gun industry has been a major concern to Colt's owners. Messrs. Zilkha and Rigas have indicated in the past that they would consider getting out of consumer handgun manufacturing as a way of trying to minimize their exposure to the municipal lawsuits.

Messrs. Zilkha and Rigas didn't return telephone messages.

Steven Sliwa, chief executive of Colt's, said he is going to head the new high-tech spinoff, which is known as iColt. Retired Gen. William Keys, a Colt's board member, will take over the remaining core Colt's business, focusing on military small arms.

"Gen. Keys and I are looking forward to working together on the two ventures and

Please Turn to Page A6, Column 1

taking Colt's into the 21st century," Mr. Sliwa said.

Among major gun makers, Colt's has been among the most determined to send signals that it wants to resolve the municipal litigation without a protracted and expensive court fight. But a quick settlement of the suits doesn't appear to be part of the restructuring plan, and lawyers representing Colt's are continuing to try to get those suits dismissed.

The commercial handgun segment of Colt's business produces about 30% of revenue but a larger share of profit, because margins are greater in that segment than in military sales, the company documents show. Nevertheless, Messrs. Zilkha and Rigas are said to see the commercial handgun market as too risky to remain a major part of the overall business.



Donald Zilkha

The company has struggled financially for more than 15 years, seeing itself surpassed by more nimble competitors in markets ranging from law enforcement to military rifles. A Zilkha-led group bought the company while it was in bankruptcy-court proceedings in 1994 and since then, Colt's has won back some important U.S. military contracts for its M-16 family of rifles, among other weapons. In December 1998, Colt's also completed its acquisition of Saco Defense Corp., a smaller maker of military arms, and remains in the hunt for another acquisition in the area.

In 1998, Colt's and Saco had combined revenue of about \$136 million and operating profit of \$13.4 million, said a person familiar with both companies' results.

One risk the restructuring creates is a negative reaction from activist gun owners, who could perceive a withdrawal from the consumer handgun market as another indication of Colt's bending to gun-control proponents. Gun owners in New Jersey, California and other states mounted a boycott of Colt's products last year, partly in response to the company's development of the smart gun, which also was seen as a manifestation of weakness in response to gun foes.

On the other hand, by spinning off Colt,

Colt's may be able to distance itself from the smart-gun controversy.

The smart gun is an effort to use micro-processor technology to prevent the misuse of guns by children, thieves or other unauthorized users. Colt's has developed a prototype handgun that can fire only when the trigger is pulled by someone wearing a wristband that emits a coded radio signal that is received by a computer microchip in the gun's handle. Still unreliable as recently as this spring, when it was demonstrated for The Wall Street Journal, the smart gun is ultimately seen as a product that would appeal to middle-class consumers who wouldn't otherwise buy a gun because of safety concerns.

Several other major gun companies, including Smith & Wesson Corp., a unit of Britain's Tomkins PLC, are scrambling to perfect smart-gun models, but it remains to be seen whether the idea will succeed commercially and whether pro-gun activists will punish companies that identify themselves with the smart gun.

THE WALL STREET JOURNAL

WEDNESDAY, SEPTEMBER 29, 1999

CRIME -

GUN LAW SUITS

# Industry Opposes Glendening 'Smart Gun' Plan

By DANIEL LeDUC  
Washington Post Staff Writer

Gun manufacturers and enthusiasts tried yesterday to head off a showdown in Maryland over safety technology by telling a state task force that the specialized guns Gov. Parris N. Glendening wants to mandate remain too experimental for mass production.

Glendening (D) has vowed to champion legislation next year that would

require that "smart guns" be the only type of handguns sold in the state. The guns would be fitted with technology that would permit them to be fired only by their owners, and the proposal already is shaping up to become the most controversial issue in the next General Assembly session.

A longtime proponent of gun control, the governor is pushing to make Maryland a national leader on the new technology. He has compared the effort

to the push for air bags in cars, which came about only after government imposed new regulations on the auto industry.

But representatives of Beretta USA Corp., the only gun manufacturer based in the state, and several gun enthusiast groups said that such a requirement would put gun dealers out of business and give gun owners a false sense of security, and that it simply wasn't feasible yet. They told a panel

Glendening has created to draft smart gun legislation that the technology is unproved.

Prince George's County-based Beretta USA, whose guns are sold to the U.S. military and many police departments, has been researching possible designs, said Gabriele de Plano, the company's product manager. But, he said at the hearing in the State House

in Annapolis, "we have not found some of these technologies to be conceptually sound."

The governor has told his task force that its job is not to determine whether legislation is needed but how it should be written. Several types of smart gun technology are on the horizon. Prototypes, for instance, have been developed of guns that read an owner's fingerprints before they can be fired. Other specialized weapons require an owner to wear

a special ring to enable the gun to fire.

But Sanford M. Abrams, of the Maryland Licensed Firearm Dealers Association, said: "The Wright brothers had a prototype—it flew 300 yards. How long does it take to develop?" He told the task force yesterday that it could be a decade before gun buyers see such weapons on the market.

Colt, the Connecticut-based gun manufacturer, has said it is close to developing smart guns. Company representatives didn't

testify yesterday but plan to meet soon with Maryland officials.

"We're at the grass-roots level of building a model that the rest of the country can look at," said the state police superintendent, Col. David B. Mitchell, who heads Glendening's task force.

While yesterday's hearing was to hear from those opposed to new mandatory legislation, Mitchell said, "what I didn't hear was anybody who was opposed to making guns safe."

Beretta's representatives were challenged by some task force

members about why the company hadn't invested more on technological research. And it seemed clear from the tone of the questions from the group yesterday that some sort of mandatory legislation would be proposed.

"I think they got the message they've got to try harder," Sen. Jennie M. Forehand (D-Montgomery) said of the gun industry representatives. Forehand is a member of the task force and serves on the Judicial Proceedings Committee, which will consider the legislation. "It's a doable thing."

The Washington Post

TUESDAY, SEPTEMBER 28, 1999

# Talks to Settle Gun Lawsuits Produce Little

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

The first widely attended meeting aimed at settling litigation against the gun industry produced little substantive agreement, as dissension broke out within anti-gun ranks.

In a two-hour session in Washington, D.C., industry representatives for the first time met lawyers and public officials from a broad array of the 27 municipalities—including Chicago, Los Angeles and San Francisco—that have sued firearms companies. Also in attendance were the attorneys general of New York and Connecticut, which have threatened to become the first states to join the legal assault on the industry.

Previous efforts to start settlement discussions have involved much smaller, less representative groups from either side. People on both sides said after yesterday's session that there had been an agreement to continue talking and a generally "positive" tone. But no specific consensus emerged on how the litigation could be resolved.

What's more, a contingent of lawyers who were excluded from yesterday's meeting threatened to step up the court clashes. "We're taking our five cases and pushing forward," said John Coale, a member of the excluded group, a New Orleans-based attorney consortium that has filed suit on behalf of that city as well as of Atlanta, Cincinnati, Cleveland and Newark, N.J. The gun industry, Mr. Coale added, "needs maximum pressure before they will talk about anything meaningful."

Mr. Coale's group apparently was left out of yesterday's meeting out of concern that it wouldn't cooperate with other seg-

ments of the antigun side. The attorney group, which is headed by New Orleans plaintiffs' lawyer Wendell Gauthier, is particularly sensitive to being cut out of the action, because that is essentially what happened to it in connection with the national litigation against the tobacco industry. After investing huge amounts of time and energy in fighting the cigarette companies, the group saw its legal strategy fail, while another cadre of attorneys stepped in to forge a series of massive settlements on behalf of the states.

The municipal suits seek reimbursement for the public costs of gun violence but have evolved into an effort to force the industry to accept new restrictions on how it makes and sells firearms.

Even attorneys who participated in yesterday's peace talks said that lawsuits will proceed without delay. "Nothing that happened today would affect the pace of our lawsuit," said Los Angeles City Attorney Jim Hahn.

By coincidence, just after yesterday's meeting concluded in Washington, a state-court judge in Cincinnati heard the gun industry's argument that that city's suit ought to be dismissed. A ruling in that case is expected in coming weeks. Over the next five weeks, similar industry motions will be heard by judges in Atlanta, New Orleans, Bridgeport, Conn., and Detroit. If one side wins all or most of these preliminary court encounters, it may back away from further settlement talks.

Yesterday, however, the industry sounded conciliatory. "There was agreement on common objectives which are to reduce the criminal and accidental misuse of firearms," said Robert Delfay, president of the National Shooting Sports Foundation, the industry's main trade group. "We will move forward," he added, "with each side working independently" on proposals to end the litigation.

The industry has said that it won't agree to any sort of money settlement and has balked at some of the more commonly discussed marketing curbs, such as limit-

ing the number of guns that a person can purchase each month.

Connecticut Attorney General Richard Blumenthal confirmed that the discussions will continue but declined to elaborate. He did say that Connecticut would continue to consider filing its own lawsuit against the industry.

Case -

GUN LAWSUITS

THE WALL STREET JOURNAL

TUESDAY, SEPTEMBER 28, 1999



# Atlanta Wins Ruling Allowing Its Suit Against Gun Manufacturers to Proceed

By PAUL M. BARRETT  
And VANESSA O'CONNELL

Staff Reporters of THE WALL STREET JOURNAL

Giving a boost to the legal assault on guns, a Georgia state judge ruled that Atlanta may move ahead with its lawsuit seeking to hold gun makers liable for the carnage their product creates.

Judge Gino Brogdon of Fulton County state court rejected gun makers' request to throw out the suit, which accuses manufacturers of negligently failing to make guns as safe as possible and to warn of their dangers.

Atlanta is one of 28 cities and counties that have sued the gun industry, seeking reimbursement of the public costs of gun violence and reform of manufacturing and marketing practices. Yesterday's ruling was important for the antigun side because it indicates that at least some of the cities might succeed in pushing their cases to a jury trial.

## An Industry Appeal

Gun-industry lawyers said they are likely to appeal the decision. The industry won a potentially important legal victory this month when, in the first decision concerning the antigun suits, an Ohio state court judge dismissed Cincinnati's suit against the industry,

While the two decisions—one favoring gun makers, and now, another against them—still leave unanswered the question of whether municipal suits will be a viable way to force gun makers to change their practices, the Atlanta ruling means that the antigun side can now move ahead with the pretrial discovery process, which includes demands for documents and statements under oath from company officials.

Atlanta Mayor Bill Campbell said, "We are delighted with the ruling, which marks the first time a case against the industry has survived a motion to dismiss." Nicholas Moraitakis, an outside lawyer for Atlanta, added that the decision "is the first step in what will be a long process" of seeking company documents that the city believes will show that gun makers could have done more to make guns safe.

## Issue of State Statute

Gun makers had hoped the lawsuit would be ended by a Georgia state law, enacted in February, banning cities from filing such legal actions. But Judge Brogdon, without explanation, apparently didn't decide that issue, leaving some ambiguity hanging over the case. Paul Jannuzzo, vice president of the U.S. unit of Austrian handgun maker Glock GmbH, said the industry

is likely to appeal the decision on the grounds that the ban on antigun court actions should apply to the Atlanta suit because "the city is a creature of the state."

Anne Kimball, an attorney for Smith & Wesson Corp., a unit of Britain's Tomkins PLC, said, "We are disappointed in the ruling, and we continue to believe that the Georgia statute is an absolute bar" to the lawsuit. "We do not believe that the judge has ruled on the statute." She said that the gun companies haven't decided whether they will appeal this ruling immediately, or renew their effort to knock out the lawsuit at a later stage.

Gun-industry representatives have agreed to continue tentative discussions aimed at settling many of the suits nationwide, though they decided this week to postpone any formal response to an array of proposals made by officials from the 28 municipalities suing gun makers.

Jim Hahn, the city attorney for Los Angeles, stressed in an interview that the talks hadn't produced any substantive agreement and that the lawsuits "will continue actively in court."

Judge Brogdon's decision allows Atlanta to seek to hold gun makers liable for their alleged negligence in designing guns to be "unreasonably dangerous." Atlanta also accuses gun makers of negligence in marketing guns, with the result that guns wind up in criminal hands, but the judge didn't address that allegation in yesterday's decision.

# New York's Spitzer Seeks to Resolve Municipal Suits Against Gun Industry

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

New York Attorney General Eliot Spitzer has restarted a stalled effort to settle the wave of municipal lawsuits against the gun industry, according to people familiar with the situation.

Without actually having filed a suit himself, Mr. Spitzer has been trying recently to take a leading role in resolving litigation that seeks reimbursement for the public costs of gun violence, as well as changes in how firearms are made and sold.

His latest move has been to pay personal visits in recent days to some of the mayors whose cities have filed suits, trying to persuade these officials to join a settlement that he wants to broker, according to the people familiar with the situation. The settlement, as currently under discussion, would involve "some but not all" of the major gun manufacturers, including Colt's Manufacturing Co., West Hartford, Conn., according to people familiar with the situation.

The aggressive New York prosecutor has told major gun companies that they can forestall a suit by his state—and possibly settle suits filed by 26 cities and counties around the country—if the industry will agree to a "code of conduct" drafted by his office.

People familiar with the proposal say it calls for gun makers and wholesalers to take far more responsibility than they now do for overseeing how firearms are sold. One approach would involve greater gun-maker supervision of retail dealers, over whom gun companies now exercise little if

any control. The code would also require greater industry cooperation with the federal Bureau of Alcohol, Tobacco and Firearms, a direction in which the industry professes to be moving on its own.

New York, if it does opt to sue the gun industry, would be the first state to do so, and other states are thought more likely to join the antigun campaign if New York goes first.

Nevertheless, it is far from certain that Mr. Spitzer will succeed in forging a deal. Last month, gun-industry representatives rebuffed his settlement proposal, saying that it reflected "a complete lack of understanding of how the industry works." It couldn't be determined whether Mr. Spitzer has revised his proposal in connection with his most recent meetings with various mayors.

Another potential obstacle to a quick settlement is the desire of lawyers for some of the cities that have sued, including San Francisco and Los Angeles, to review gun-company documents and debrief industry officials before agreeing to any sort of compromise. One scenario that has been discussed is an attempt to settle with one company, such as Colt's, in exchange for that company's opening all of its files to the municipalities' lawyers. Colt's has signaled a willingness to consider a settlement as part of a corporate strategy that includes more emphasis on military contracts and development of a high-tech "smart gun" that can be fired only by an authorized user.

Other manufacturers that have communicated with Mr. Spitzer's office, either directly or through intermediaries, include Smith & Wesson Corp., Springfield, Mass., a unit of Britain's Tomkins PLC; and Sturm, Ruger & Co., Southport, Conn.

A spokesman for Mr. Spitzer said the prosecutor wouldn't comment yesterday. Colt's spokesman for litigation matters didn't return telephone messages. Robert Delfay, head of the National Shooting Sports Foundation, a trade group that has represented the industry in talks with Mr. Spitzer, also didn't return phone messages.

David Kairys, an outside lawyer helping to represent Chicago, San Francisco and other cities in their lawsuits, also declined to comment.

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## Ricochet

# Cities Suing Gun Firms Have a Weak Spot: They're Suppliers, Too

## Police Trade-Ins Cut Costs, But Many of the Weapons Land in the Wrong Hands

### Tracing Mr. Furrow's Glock

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By VANESSA O'CONNELL  
And PAUL M. BARRETT

Staff Reporters of THE WALL STREET JOURNAL

Since last fall, 26 municipalities have sued the gun industry, accusing it of flooding the market with handguns, many of which end up in criminal hands.

There is an incongruity in the municipalities' position, though: Most of the cities suing the industry are themselves, in effect, gun suppliers — and some could be accused of a degree of carelessness in how they unload used police weapons and confiscated firearms. Major cities that have taken the industry to court, including Boston, New Orleans and San Francisco, have together poured hundreds of thousands of second-hand police guns into the civilian market.

The cities say they need to sell or trade in the weapons to cut the cost of obtaining new, higher-power models — much as old police cars are auctioned off for cash. Yet the practice incurs a cost of a different kind. Thousands of these castoff guns have turned up in crimes, such as last week's shooting rampage in Los Angeles by neo-Nazi Buford O. Furrow Jr. After wounding five people in his attack on a Jewish community center, the confessed killer allegedly murdered a mailman of Filipino descent with a Glock 26 pistol.

Police traced that gun to the Cosmopolis, Wash., police department, which in 1996 had traded the pistol to a gun dealer in the small town. In return, the department received a larger Glock pistol, says Cosmopolis Police Chief Gary Elsenhower. The gun dealer sold the Glock 26 to a private individual, and it ultimately wound up at a gun show before reaching Mr. Furrow's hands.

"It's upsetting," says Chief Elsenhower, that his five-person department's old gun was used in the killing, though he says that with a \$400,000 annual budget, he can't afford simply to destroy used service weapons.

But it wasn't an isolated incident. Data obtained by The Wall Street Journal under the Freedom of Information Act show that at least 1,100 former police guns were among the 193,203 crime guns traced last year by the federal Bureau of Alcohol, Tobacco and Firearms. Because of inconsistencies in how the agency compiles gun-trace data, any such annual count of former police guns connected to crime "probably represents the tip of the iceberg," says Howard Andrews, a Columbia University bio-statistician who assisted the Journal in its analysis. Citing privacy laws, the ATF won't release the names of police agencies whose guns were most often used in crimes.

up on the street that the International Association of Chiefs of Police is urging all law-enforcement agencies to destroy used service guns, as well as guns confiscated by police agencies. In a resolution enacted last October, the group warned that "the recirculation of these firearms back into the general population increases the availability of firearms which could be used again to kill or injure additional police officers and citizens."

For the same reason, some antigun activists also decry police trade-ins. But Handgun Control Inc., the nation's biggest gun-control group, has tried to play down the issue, at least in part because it is helping organize and lead the municipal

lawsuits against the gun industry. Dennis Henigan, Handgun Control's top lawyer, denies that the cities' role in trade-ins undercuts their legal case against gun makers. Talk of police gun swaps, he says, is an attempt by gun companies to "launch a counterattack" against the cities by focusing on "extraneous issues."

In a typical deal, a police department will sell its old guns to a wholesaler offering the agency new weapons at little or no cost. Last year, for instance, gun wholesaler Interstate Arms Corp. of Billerica, Mass., paid the Boston police \$324.87 apiece for old 9mm pistols and charged the department an identical \$324.87 each for new .40-caliber Glocks. Boston agreed to the deal and traded about 2,350 guns, for a savings of roughly \$763,000.

A department ships its old guns to the wholesaler, which resells them at a markup to gun dealers around the country. For example, Klesler Wholesale of Jeffersonville, Ind., recently was offering a \$225 "allowance" to police departments looking to unload their old Smith & Wesson Model 645 semiautomatic pistols. Dealers looking to buy the used guns paid \$299 apiece, according to its catalog.

Dealers, in turn, sell the used guns for as little as half as much as new models might fetch. For instance, a used Glock or Beretta might retail for \$200 or so, compared to the typical price of \$400 for a new model from these top-of-the-line gun makers.

"It's the gun equivalent of a pre-owned Lexus," says Joseph Vince, who retired last year from his position as the chief of crime-gun analysis at the ATF. "You get a high-quality gun, but one you maybe couldn't afford when it was new."

Police trade-ins first became common in the mid-1980s, when many law-enforcement agencies began switching from six-shot revolvers to semiautomatic pistols that can accommodate more ammunition and can be reloaded more quickly. At the time, police budgets were tight, and gun makers were pitching semiautomatic pistols as an improvement over the Smith & Wesson six-shot revolvers most departments had used since the 1970s or earlier.

Gun makers such as Glock encouraged wholesalers to bid for a department's old revolvers and resell them to dealers throughout the country. Even though revolvers are generally less popular than semiautomatics, old police guns retain a certain mystique in the eyes of many shoppers and sell quickly, says Wain Roberts, a dealer in Pinellas Park, Fla.

Despite the anxiety expressed by the international police chiefs' association, the pace of trade-ins has picked up recently, thanks largely to more aggressive marketing by Glock, a leading supplier to the law-enforcement market.

Boston Police Commissioner Paul Evans says that over the past two years, his department has switched to the Glock .40-caliber pistol from the company's 9mm model, partly because Glock suggested that larger .40-caliber bullets were less likely to pass through a suspect's body and hit an innocent bystander. "There are liability issues," Commissioner Evans explains.

Apart from the characteristics of particular guns, the 1994 federal crime bill created separate incentives to pursue police trade-ins. The law included a ban on the manufacture of magazines that can contain more than 10 rounds. (A magazine is the part inserted into a semiautomatic weapon that holds the ammunition.) Congress created an exception, however, for guns sold to law-enforcement agencies, which could have magazines exceeding 10 rounds.

As often happens in response to a new gun regulation, demand among gun enthusiasts for larger magazines jumped beginning in 1994. Gun wholesalers saw an opportunity to profit. The wholesalers offered police departments financial enticements to trade in their used service weapons and the large magazines that came with them. The wholesalers thus got their hands on many thousands of extra "high-capacity" magazines, which in the years since they have resold on the civilian market for twice or three times their original "pre-ban" value.

A common incentive that wholesalers have offered police departments is an even swap of new guns for used service weapons with large-capacity magazines. "Here's an offer you can't refuse!" blares a recent flier from Interstate Arms, promising to trade new Glocks for old at no extra cost to police departments.

But as police trade-ins grew more common in the mid-1990s, so did the number of former police guns showing up at crime scenes. The ATF started noticing that so many guns once owned by police were being used illegally that the agency created a special computer code—S5—for the guns it traced back to law-enforcement agencies. But while the ATF now tries to compile traces of former police guns, it hasn't worked out kinks in its database to allow for a comprehensive accounting of the problem.

Recently, a backlash has begun to build. After used police guns were recovered in several high-profile crimes, a number of states, including New York, Connecticut and Wisconsin, enacted laws mandating the destruction of old police guns, or

requiring that the guns be sold overseas. Such laws force cash-strapped police departments to hold on to their guns for longer than they might have. "I would hate to see 20 nice-condition Glocks get ground up" just because they can't be traded in, says Capt. Daniel Crawford of the Ashland, Wis., police department. He says his department plans to use its current Glocks until they wear out.

Since last fall, officials in a number of cities that were filing or planning to file suit against the gun industry have worried that their own police departments' methods for getting rid of old service weapons would expose the cities to allegations of hypocrisy. The municipal suits accuse the industry of failing to oversee aggressively how guns are distributed and sold; the municipal officials fretted that the cities, too, could be accused of negligence if there was a risk that guns they were getting rid of might end up in criminal hands.

In San Francisco, for example, the police department since 1995 had sold or traded obsolete service revolvers and confiscated guns to out-of-state wholesalers. Part of the motivation for the sales was to help finance the purchase of new, more powerful Beretta semiautomatic pistols that carry more rounds and allow users to reload more rapidly.

One of the conditions of the sales of the old and confiscated guns was that the wholesalers would sell the guns to foreign buyers, says city attorney Louise Renne, but San Francisco officials were concerned by reports that some of the weapons may have been turning up in the U.S. In late May, as Ms. Renne's staff was putting the finishing touches on the city's suit against the gun industry, the San Francisco police department announced that it would stop selling its old and confiscated guns and instead would destroy them. Less than a week later, Ms. Renne announced the filing of the suit.

The city attorney emphasizes that even under the abandoned trade-in policy, San Francisco "attached strings," such as the overseas-buyer requirement, that were intended to protect against the city's police guns ever being used in crime—at least in this country. That approach "was a far different thing" from how the gun industry does business, she adds. San Francisco's suit, like most of the others filed on behalf of 26 cities and counties around the country, alleges that the industry pours handguns into areas with lax gun laws, encouraging illegal traffickers to siphon off numerous guns that are then sold to criminals. Gun manufacturers, says Ms. Renne, essentially "attach no strings" once their products leave the factory. (Gun companies dispute this, saying that they do business only with reputable wholesalers that agree to operate responsibly.)

But Ms. Renne concedes that both governments and the industry "ought to learn

from the lessons of the 'that gun sales haven't been monitored c enough. "All policies"—public industry—"ought to be changed" in light of what has been learned, she adds.

New Orleans Mayor Marc Morial, who filed the first city suit against the gun industry last October, has since been embarrassed publicly on the trade-in issue by Glock's vice president and general counsel, Paul Jannuzzo. Near the end of a joint appearance earlier this year on NBC's "Today Show," Mr. Jannuzzo pointed out that New Orleans is perhaps the biggest distributor of used guns in Louisiana, having recently agreed to obtain new Glocks in a swap for 7,300 weapons seized in crimes, as well as 700 Berettas that had belonged to New Orleans police.

Mr. Morial tried to justify the deal, claiming that as part of the agreement, Glock had "agreed not to sell them in Louisiana." But by late April, a New Orleans newspaper was running an ad from a local gun shop promoting the sale of Beretta 9mm pistols once carried by New Orleans officers. "Own a piece of New Orleans history," the ad declared. "All are original duty weapons and are numbered and stamped N.O.P.D." The guns came with a bonus: two 15-round "pre-ban clips."

The mayor was unavailable for an interview, according to a spokesman. But the spokesman says New Orleans suspended the Glock swap before it was completed, and as a result, now owes the gun company an unspecified amount of cash.

Kiesler's Wholesale, which served as middleman in the New Orleans-Glock deal, has likewise grown more sensitive to concern about police trade-ins—without actually ceasing to participate in them. For example, Kiesler's has stopped billing the police guns it buys and resells as "police trade-ins" and now marks them merely "pre-owned." The wholesaler also has added pages to its catalog, promising police officials several "politically acceptable ways to help your department" dispose of its weapons. These options include arranging for Kiesler's to resell the guns outside of the geographical area or state where the agency is based, or reselling them only to police officers. The restrictions come with a price; a department will receive a smaller credit for each gun it trades in to obtain either limitation.

Boston Police Commissioner Evans discovered a few months ago that some of the guns his department had traded in materialized on the civilian market nearby. In April, Boston agreed to pay \$231,525 to the wholesaler, Interstate Arms, to cover the extra cost of disposing of its guns overseas, according to a new agreement. Commissioner Evans calls it "money well spent."

At Glock's U.S. headquarters in suburban Atlanta, the company says it believes it has worked out a solution for the trade-in problem: a proposed program under which it would lease its guns to police departments that lack the cash for a capital outlay. Because departments wouldn't technically own the guns, they wouldn't be able to resell or trade them. Instead, Glock would take the guns back and resell them. The plan could be seen as relieving city governments of responsibility for former police guns, although the weapons would still end up back on the civilian market.

Glock's Mr. Jannuzzo declines to comment on the new lease plan, except to say it is something "a lot of people are contemplating."

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# NAACP Suit Puts Race on Table in Gun Debate

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

By suing the gun industry, the NAACP has brought race to the surface of the firearms debate.

Late last month, the National Association for the Advancement of Colored People filed a complaint in federal court alleging that African-Americans have been "disproportionately injured" by the gun industry's "negligent marketing." The purported negligence: Manufacturers and wholesalers pour weapons into jurisdictions with lax gun laws, thereby making it easier for traffickers to siphon firearms into the inner city, where gun laws are typically stricter.

The industry vehemently denies the allegation, insisting that it legitimately responds to consumer demand for a legal product.

With its suit, the civil-rights group joined 26 cities and counties that have taken gun makers and distributors to court. But the municipalities have couched their action in terms of protecting children and recouping the costs of police and emergency medical services. The NAACP, which has 500,000 members and says it represents other blacks' interests as well, focuses on who is being hurt most severely by gun violence.

NAACP President Kwesi Mfume predicts that in the absence of tougher legislative gun control, the group's gun suit will galvanize social reform by means of the courts. He compares the suit to the group's earlier legal battles to desegregate schools and enforce blacks' right to vote.

Yet the parallels may not be so clear-cut. Black victims of official segregation faced off against unsavory white opponents blocking the doors to schools and polling places. These days, black murder victims are slain 94% of the time by black offenders, according to the Federal Bureau of Investigation. In addition, some African-Americans argue that their race and the neighborhoods they live in make it necessary for them to protect themselves—with guns.

Meanwhile, the gun industry appears to be happy to have the NAACP put race on the table. Gun foes have long accused the firearms industry of playing on white fears of black criminals when they market handguns for home defense. But since the municipal gun suits began being filed in October, firearms-company executives and lawyers have been muttering privately that the litigation is a ploy by big-city mayors to distract their constituents from the plague of black-on-black violence.

"I love it!" Paul Jannuzzo, vice president and general counsel of the U.S. unit of Austria's Glock GmbH, says of the NAACP suit. Pointing out that the municipalities and the civil-rights group share some of the same outside lawyers, Mr. Jannuzzo disparages all of the industry's courtroom opposition as "racist." "That's what they are," he says, "blaming the inner-city problems on white gun manufacturers."

Mr. Mfume acknowledges that there are "pathologies in any society that contribute to violence," including, in the case of the black urban underclass, teenage pregnancy, lack of education and drug and alcohol abuse. But he says the NAACP is "prepared to deal with these pathologies, and we are doing so," and he cites as an example an NAACP program that offers prison inmates counseling and helps them find jobs upon release. At the same time, he argues, "the gun industry must be willing to deal with its business practices that are oversaturating our streets with guns."

Lately, black gun violence has been obscured some-

what by shootings in predominantly white settings. Episodes such as this week's in Los Angeles and the one in April in Littleton, Colo., draw massive media attention. But "there is a distinct, disproportionate crisis" of gun death and injury in black urban communities that has been overshadowed by anomalous suburban bloodshed, says Elissa Barnes, an antigun attorney in New York who is helping to represent the NAACP.

Even as the overall homicide rate drops nationwide, young black men are continuing to die from gun injuries at a rate that is nearly nine times that of their white counterparts. A study by the U.S. Centers for Disease Control and Prevention reports that the gun homicide rate in 1997 among 15- to 24-year-old black males was 104 per 100,000 people in that age group, compared with 11 for whites.

Unlike the municipal suits, which demand hundreds of millions of dollars in damages, the NAACP suit seeks an elaborate court order changing the way guns are made and sold. Among the changes sought are a limit of one gun sale a month per customer, greater oversight of retail gun dealers and a curtailment of supplies to dealers who sell at flea-market-like gun shows. Law-enforcement officials say gun shows are often a source of the weapons used in crimes because they're less thoroughly regulated than retail stores.

Legal expenses for the NAACP suit are being paid by a nearly \$300,000 joint grant from two New York foundations: the Irene Diamond Fund and the Center on Crime, Communities and Culture, an affiliate of financier George Soros's Open Society Institute. The NAACP's suit, which was filed in federal district court in Brooklyn, N.Y., will soon be augmented by a parallel action on behalf of people, regardless of ethnicity, who have suffered spinal-chord injuries from gunshots, says Perry Wertz, another New York lawyer for the NAACP. The goal, he says, is to prevent "another generation of victims."

Some blacks disagree with the NAACP's approach. Instead of trying to restrict access to guns, the group "should be the strongest proponent of self-reliance and self-defense," because African-Americans have always been threatened by white society, argues Kenneth Blanchard, a black gun owner in Washington, D.C. Six years ago, he started the Tenth Cavalry Gun Club, a predominantly black recreational shooting group named for a storied all-black 19th-century military unit. He says the group has about 100 members in the Washington area.

Mr. Blanchard traces his own interest in firearms, in part, to his grandparents, who lived in rural Virginia and "needed the shotguns, rifle and pistols they owned to protect themselves from rogue hunters, the Klan and thieves."

Mr. Blanchard, a private security consultant, acknowledges that his gun hobby is frowned upon in most black circles. Polls consistently find lower levels of gun ownership among blacks, compared with whites, and greater support for legislative gun control.

But those figures are skewed by the fact that blacks primarily live in big cities, where legal gun ownership rates are lower than in more sparsely populated areas, according to Gary Kleck, a criminologist at Florida State University. Gun ownership levels in rural areas are roughly the same for blacks and whites. Even in urban areas, there are a lot of "closet gun owners," Mr.

Blanchard says.

Robert Cottrol, a professor at George Washington University Law School, says that many African-Americans, including himself, share a connection to "a hidden history of blacks and guns." That history includes the enactment in the late 19th and early 20th centuries of state gun-control laws that were aimed specifically at keeping guns out of the hands of ex-slaves, other blacks and recent immigrants. And, says Prof. Cottrol, it includes still-vivid family memories of relatives who had to fend for themselves against groups like the Ku Klux Klan.

He keeps his firearms for occasional target shooting and in case of an emergency. After all, he says, "I don't want the only thing standing between [White Aryan Resistance leader] Tom Metzger and my family to be Mark Fuhrman," the former Los Angeles policeman whose racist remarks became an issue in the O.J. Simpson murder case.

—Philip Connors  
contributed to this article.