

PHOTOCOPY
PRESERVATION

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

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 Eliot 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.

The New York Times

WEDNESDAY, DECEMBER 8, 1999

HUD's Cuomo Is Drawing Flak For His Stances

Critics Say Ambition Drives
Homeless, Gun Policies,
Not the Agency's Needs

By SHAILAGH MURRAY

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON—Once again, Housing Secretary Andrew Cuomo is seeking the high ground.

This week's issue was aiding the homeless in New York City. Mr. Cuomo yanked control of spending on homeless aid from Mayor Rudolph Giuliani, charging he wasn't fairly distributing the money. Last week, it was gun violence, as Mr. Cuomo threatened to sue gun makers on behalf of public-housing residents in New York and around the country.

But is Mr. Cuomo acting the tough enforcer for his agency—or to promote his own political future, either in New York or nationally?

Giuliani Hits Back

Mr. Cuomo argued his latest move was necessary because Mr. Giuliani improperly blocked money from going to groups critical of his tough policies on the homeless. The Republican mayor, expected to run for the Senate next year, probably against Hillary Rodham Clinton, pounced on the Housing and Urban Development secretary's decision as a political ploy.

"There's no question Andrew Cuomo runs a major political operation," Mr. Giuliani said in a news conference. He also noted HUD's former New York-area representative, political veteran Bill de Blasio, is Mrs. Clinton's campaign manager.

Less publicly, Mr. Cuomo is getting flak for his recent move to negotiate safety and marketing concessions with gun makers. Although many housing-authority officials and gun-control advocates have applauded HUD's involvement, others saw it as grandstanding and are questioning HUD's authority to proceed. In a Dec. 20 letter to the HUD secretary, James Tabron, president of the Public Housing Authorities Directors Association, said his members are "concerned that this is a politically charged and highly controversial matter in which most housing authorities do not desire involvement." He also said, "Gun violence is not an overriding concern" in



Andrew Cuomo

many public-housing agencies.

Criticism From Senate

One of Mr. Cuomo's toughest critics is Missouri Sen. Christopher Bond, the Republican chairman of the Senate subcommittee that oversees HUD. Sen. Bond's concerns are similar to Mr. Tabron's: He would prefer Mr. Cuomo spend more time on the big, if boring, problems of public housing. For instance, as Mr. Cuomo was mixing it up with Mr. Giuliani this week, public-housing tenants in Missouri were hiring lawyers to prevent Christmastime evictions. Throughout the U.S., contracts with landlords to provide subsidized housing are expiring, and residents complain they can't find affordable alternatives. "I don't know what the secretary's doing in New York, but he's not solving the problems in St. Louis and other areas of the country," Sen. Bond said.

He and other lawmakers are trying to get Mr. Cuomo back on what they think is the right track by limiting his authority. Despite winning a record \$27.1 billion budget for his agency this fiscal year, the secretary lost control of two programs important to his power base: a block-grant program for small New York communities, and a cadre of "community builders" who represent HUD around the country.

The grant program wasn't easy for Mr. Cuomo to defend—almost every other state awards the funds locally, but HUD retained the right to allocate them for New York and Hawaii. The secretary said he envisioned the community builders as an "urban Peace Corps." To fill its ranks, he hired 400 outside professionals and promoted 400 others from within HUD. The outsiders have backgrounds ranging from banking to talk-show host. Salaries run as high as \$100,000 a year.

But HUD's inspector general said in an audit this fall that the community builders' job descriptions are vague, their performance goals are "rudimentary," and the program should be terminated.

Mr. Cuomo fought hard when Sen. Bond and other lawmakers moved to kill the program. A compromise was reached to let the current appointees serve out their two-year terms but limit future participation to civil servants.

Although he has never sought elected office, Mr. Cuomo is considered a rising force in Democratic politics. The son of longtime New York Gov. Mario Cuomo and married to a Kennedy, he is close to the Clintons. He was considered a likely candidate for the U.S. Senate next year, until Mrs. Clinton entered the fray. The talk now is that he will challenge Gov. George Pataki for his father's old job in 2002.

Mr. Cuomo looks to have a clear victory on the homeless issue: The mayor conceded to reporters yesterday that HUD could spend its money as it wishes. The secretary was unavailable to comment on the controversy, but HUD spokesman David Egner defended Mr. Cuomo's decision as the only option, after a judge found the mayor had improperly denied funding to groups in retaliation for their criticism. "If the mayor has a problem," Mr. Egner said, "let him tell it to the judge."

Giuliani
HUD
Cuomo

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.

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. P a s R o e In Gun Lawsuits

Pressure Focuses on Sales, Safety

By CHARLES BABINGTON
Washington Post Staff Writer

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.

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WEDNESDAY, DECEMBER 8, 1999

SPAS

SPECIAL ANALYSIS

Gun Industry Innovation and Gun Violence

*C. News -
Gun
industry*

Faced with limited growth opportunities in the market for hunting and sporting firearms over the past two decades or so, gun manufacturers have turned to the development and marketing of increasingly lethal pistols. This development has contributed to an increase in the economic and societal costs of gun violence.

The changing market for firearms. Major (non-criminal) sources of demand for firearms include military and police purchases, hunting and sport shooting, and self-protection. Into the mid-1960s, rifles and shotguns accounted for more than two-thirds of all civilian firearm purchases. While the total U.S. production of civilian firearms has fluctuated in the range of 3.3 to 7.8 million guns per year since then, the mix of guns produced has changed along two dimensions:

- **More handguns.** With the declining importance of demand for hunting and sporting guns, in part because of increased levels of urbanization, rifles and shotguns have declined, while handguns have increased as a share of all guns available for sale. The number of hunting licenses issued by states dropped 11 percent between 1982 and 1997 and target-shooting participation has been flat in recent years. Handguns represented more than 40 percent of guns available for sale in every year between 1980 and 1997 and more than half of guns available for sale in some years.
- **More pistols.** Within the handgun category, pistols (which carry their extra cartridges in a magazine usually located in the handle of the gun) became more important than revolvers (whose rotating cylinder functions as both the magazine and the chamber). Pistols typically hold more rounds than a traditional six-shot revolver and can be fired more quickly.

Lethal innovation. With limited demand growth and a growing stock of existing firearms (well-maintained guns are highly durable), the gun industry appears to have viewed the development of pistols as an area where innovation and product differentiation might boost sales. U.S. pistol production doubled in the late 1980s, and pistols represented 74 percent of handgun production in 1998. In addition to increasing the production of pistols relative to revolvers, manufacturers have increased the magazine capacity of pistols (allowing more bullets to be fired between reloadings) and their caliber (allowing more deadly bullets to be used). Finally, to cater to the self-protection market and with the enactment of concealed-carry laws in some states, manufacturers have tried to develop smaller but still powerful weapons that can more easily be concealed. Although these innovations may have contributed to an increase in pistol sales for a time, pistol production has recently fallen back to mid-1980s levels.

Social costs. The industry's innovations have had important consequences for the social costs of gun violence. In addition to being a factor in increased rates of

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NUMBER OF PAGES: COVER + 3 Q & A

ORIGINATOR: Gretchen Michael
ORIGINATOR'S PHONE: 202-616-2777
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CHINESE BOAT:

Q: There was a boat interdicted about 250 miles SSW of Guatemala. You are bringing it into port. Where's the boat and the crew from?

A: While the vessel flew a Taiwanese flag, we could not confirm its registry and it was declared stateless. Until INS has an opportunity to interview the captain and crew, we cannot confirm their nationalities.

Q: What will happen to the migrants? What is the INS' role in this?

A: In cooperation with Guatemalan authorities, they will be medically screened by Public Health Service personnel and then interviewed and processed by specially trained INS officers in the same way we have processed other groups of migrants interdicted on the high seas. The U.S., with Guatemala, will honor its international commitments concerning the protection of migrants during this process.

Q: Have you contacted the PRC government about this current boatload of migrants?

A: We intend to initiate contact with the PRC government upon completion of our processing and once a manifest can be prepared.

Q: How long will it take to interview and process migrants in Guatemala?

A: The interviewing and processing of the migrants will be done as quickly as possible, but there is no way to predict a time frame at this time.

Q: Are you aware of any other smuggling boats in this or other areas at this time? Is this latest boat an indication that there has been a return to the use of boats to smuggle PRC nationals?

A: This is the first smuggling vessel since late this summer. We are not aware of any other smuggling vessels in the area at this time. The U.S. Government will continue to monitor this situation carefully.

GUN LAWSUIT:

Q: Secretary Cuomo convened a meeting of Mayors this week to talk about gun lawsuits. What's DOJ's role in both the cities' suits and the PHA's lawsuit?

A: Reducing gun violence is a very high priority for me and for this Administration. We regularly participate in discussions regarding gun policy with others in the Administration. DOJ will not play a role in either of the lawsuits, but will remain involved in any discussions about gun policy, including discussions with gun manufacturers about changes in industry practices.

Q: If HUD chooses to file a lawsuit on behalf of the PHAs in receivership will DOJ attorneys represent them?

A: The lawsuit that you are referring to would be a suit by the Public Housing Authorities, not a government agency. As you know, there are a few housing authorities that HUD has taken into receivership, and HUD has indicated that those housing authorities would likely join any suit by the public housing authorities. They would all be represented by private attorneys. [Note: Robert Raben said that DOJ could represent HUD in some capacity.]

Q: What reforms does the Administration seek?

A: In general, the Administration believes that there are changes that the industry could make, in both the areas of distribution and marketing, as well as safety design, that would help reduce gun violence.

Q: But what specific demands will the Administration be making on the gun industry to prevent the HUD suit?

A: I really don't want to get into too many specifics. We want to have a dialogue with the industry, and with the cities and other governments that have sued, to see what things they have already been discussing, and to see what kinds of changes can be made to do better at keeping guns out of the hands of those who should not have them, and to prevent needless gun deaths and injuries.

Q: Did DOJ tell HUD that it should not file a federal suit?

A: HUD is talking directly with the nation's local housing authorities about the possibility of the housing authorities filing a suit, for which HUD would provide support. This would not be a suit by the Administration or the federal government. The Administration's hope is that a comprehensive settlement can be reached with the gun manufacturers that ensures a number of reforms including distribution controls and improved safety features.

Q: If there are settlement talks will DOJ be a party to them?

A: We play an active role in the Administration's efforts to increase gun safety and reduce gun violence. We would, of course, hope to participate in any negotiations that would take place with manufacturers.

Q: If the settlement talks fail will you join in a federal lawsuit?

A: The Department of Justice is not involved in any litigation against the gun industry, nor do we plan to sue. The lawsuit that would be filed, on behalf of public housing authorities, would be brought to vindicate the interests of those entities, not to vindicate the interests of the federal government.

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

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

Code of conduct/screening system for distributors and dealers. Manufacturers could be required to develop a code of conduct and screening system for the distributors and dealers to whom they sell their guns. This could require, for instance, that manufacturers only sell to stocking gun dealers whom they have verified operate out of legitimate storefront business locations, and mandate dealers to meet specific store security requirements. Similar to Smith and Wesson's example, violation of the code would mean that manufacturers could impose sanctions such as cutting off all sales of their product to distributors and dealers.

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

Banning criminal-friendly features. Manufacturers could be prohibited from including features that facilitate criminal activity or make it more difficult to apprehend and prosecute criminals, such as easily obliterated serial numbers, fingerprint resistance, or ability to accept large capacity ammunition clips.

under Code **Limiting multiple handgun sales.** Dealers could be prohibited from selling more than one handgun to an individual within a 30-day period. This concept is consistent with the Administration's legislation, although a version of it could be implemented without legislation. Other limits have been proposed to limit multiple sales, including enhanced waiting periods for subsequent purchases

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

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

Code (**NICS check completion.** Dealers could be required to postpone the transfer of a gun until the FBI or state/local law enforcement has completed its background check – even in the event that the 3-day period under the Brady Law has expired. Since the NICS took effect, the 3-day limit has already resulted in the transfer of about 2,000 weapons to prohibited persons which ATF must reclaim.

Code (**Computerized inventory tracking.** Dealers could be required to maintain computerized inventory tracking programs containing detailed information about the acquisition and disposition of every gun. Computerized records would help to speed crime gun tracing.

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

Gun advertising. The firearms industry could be required to develop standards that prohibit advertising that directly or indirectly promotes gun violence or criminal use of guns. For example, ads that promote non-detectable guns such as fingerprintless weapons, would not be permitted.

Code (**Training for employees, sales agents, distributors and dealers.** Similar to other industries, manufacturers and/or dealers would be responsible for providing certain training to individuals who sell their products on subjects such as compliance with gun laws, how to identify straw purchasers, and other illegal attempts to buy guns.

Public service campaign. Manufacturers would be required to fund a public service campaign to inform the public about risks relating to guns.

~~**Liability insurance.** Manufacturers and/or dealers could be required to carry adequate liability insurance. This could be extremely costly and may not be readily accessible to many companies and dealers.~~

- no assault weapons under 21.
- no large capacity rounds
- no imp. Net sales
- (- destroy trade-ins ?)
- gun ownership: when much?
- post placement

prominent - Brestbrook

INDUSTRIAL ANALYSIS

DRAFT

DRAFT
GUN INDUSTRY ACCOUNTABILITY PLAN

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

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

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

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

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

DRAFT

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

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

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

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

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

List of Potential Firearm Industry Proposals

The following list compares our list of potential proposals regarding firearm industry reformation with that contained in Mayor Rendell's letter to the industry. Mayor Rendell's proposals are underlined. The only proposal not included in our list is one not directly applicable to the defendants in the public entity lawsuits.¹ The proposals are broken out by category as follows:

MARKETING AND DISTRIBUTION ISSUES

- Adoption of an industry code of conduct incorporating improved distribution practices, including
 1. elimination of sales to kitchen dealers and gun show dealers;
 2. mandatory training for distributors and dealers concerning how to recognize and prevent straw purchases, including suspicious multiple sales;
 3. strictly limiting indirect sales -- such as telemarketing, mail offers and internet sales -- except where accompanied by regular in-person inspections of sales facilities; and
 4. limitation of retail sales to one gun per person per month with an overall annual limitation of six (6) firearms;
- monitoring of dealers by manufacturers and distributors, in order to check compliance with federal, state and local laws through inspections, auditing and reviewing firearms sales records, periodic inventory checks, and use of electronic inventory tracking;
- adopting measures to ensure adequate security to prevent thefts at all levels of the distribution chain;
- reviewing suspicious claims made by distributors and dealers that firearms have been stolen;
- requiring all manufacturers, distributors and dealers to maintain minimum levels of liability insurance based on the volume of firearms sold by the entity in question [and to maintain a base level of inventory]; and
- suspending or terminating distributors and dealers who engage in improper practices.

PRODUCT SAFETY AND DESIGN ISSUES

- Incorporation of safety features to prevent accidental discharge/criminal misuse of firearm by unauthorized users, including children. Examples include the Saf-T-Lok and personalized technology and standardized level of trigger resistance that is high enough to make it difficult for children to discharge the firearm;
- Incorporation of other available safety features to avoid accidental discharges of semiautomatic weapons, such as manual safeties, magazine disconnect safeties (prevent firing of gun when magazine is removed) and chamber-loaded indicators;

¹ This is the proposal to have the existing stock of armor-piercing and high caliber ammunition recalled.

- Produce weapons with serial numbers that are impervious to defacing and with materials that do not enhance the "finger print" resistant qualities of the firearm;
- Produce weapons that pass a standardized "drop" test, meet the barrel length and other standards set under the 1968 Gun Control Act for imported firearms, and pass a standardized "jam" test (such as the protocol set out in California Senate Bill 15) and recall all firearms not meeting these tests and standards;
- Spend 1% of gross revenues on R&D to develop and promote personalized technology;
- Commit to adopt personalized technology and other safety features as they become commercially available on all models sold;
- Redesign all gun clips to accept only magazines having ten (10) or less bullets with the exception of those firearms produced for law enforcement;
- Dissemination with each firearm sold of appropriate materials that warn of the dangers and risks of home storage of firearms, including appropriate storage techniques and means to prevent accidental discharges; and
- Agree to support industry regulation by Consumer Product Safety Commission or other appropriate governmental agency.

RESTRICTIONS ON ADVERTISEMENTS AND PROMOTIONS

- prohibiting advertisements that suggest or promote possible criminal use of the firearms (e.g., selling "concealability" or fingerprint resistance);
- prohibiting advertisements or claims that suggest having a firearm in the home increases personal safety or home security;
- banning product placement in television programs and movies; and
- prohibiting advertisements that are designed to appeal to criminals or minors.

IMPROVEMENTS TO THE CURRENT ATF TRACING SYSTEM

- agreement to open firearm sales records to local and state law enforcement officials;
- agreement to fund and support a computerized federal gun registration program to track gun ownership;
- agreement to test fire all handguns using the IBIS system ("gun fingerprinting");
- agreement to fund and support enhanced crime investigation efforts, including more ATF agents, specialized gun show and gun trafficking law enforcement units;
- implementation of system to monitor and track sales from manufacturers to distributors and wholesalers and from distributors and wholesalers to retailers, particularly to ensure that each sale is made to an authorized entity, i.e. that the purchasing entity has a valid FFL as well as all required state and local licenses;
- agreement to implement a new serial number system whereby which each firearm has a unique number, thus facilitating tracing of the firearm; and

- agreement by individual members of the firearm industry to support pending and proposed legislation related to the above-referenced voluntary actions taken by the firearm industry.

FEDERAL LEGISLATIVE ITEMS

- closing the gun show loophole;
- requiring sale of child safety lock with every handgun sold;
- banning juvenile possession of assault weapons and high capacity ammunition clips (clips containing over 10 rounds);
- prohibiting importation of high capacity ammunition clips;
- reintroducing the 3-day Brady waiting period;
- substantially increasing criminal penalties for gun trafficking, including the illegal transfer of firearms to criminals and juveniles;
- imposing a criminal penalty for allowing children access to firearms where they later injure themselves or others;
- increasing the number of jurisdictions participating in ATF Youth Interdiction program;
- regulating the sale of firearms over the Internet;
- prohibit the sale by any person, FFL or not, of handguns, large capacity ammunition clips and assault weapons to any person under the age of 21;
- impose a stricter definition of "engaged in the business of dealing firearms," 18 U.S.C. § 921(a)(21), to preclude traffickers from raising the defense that they are selling from their "personal collections" or as part of a "hobby";
- eliminate ultra-concealable handguns and other firearms that fail to meet the mandatory physical size limitations applicable to imported firearms;
- tighten the prohibitions on who may purchase firearms to prohibit purchase by persons with prior misdemeanors for a set period of years following a misdemeanor conviction;
- promote and support federal research programs aimed at developing personalized gun technology and other "smart" technology; and
- permit creation and maintenance of a national gun registry, including computerization of the ATF trace system.

STATE LEGISLATIVE ITEMS

- adoption of a junk gun ban [compare California S.B. 15];
- stringent background checks for all firearm dealers' employees [compare California A.B. 32];
- one gun a month legislation²;

² This bill has recently been enacted into law. We include this proposal as indicative of legislation that other states should consider and enact.

- repeal of limitations on firearm manufacturer liability [compare California Civil Code section 1714.4 and S.B. 1212];
- repeal of state preemption of local gun permitting and registration [compare California A.B. 17];
- adoption of limitation that any city or county registration of gun dealers be limited to dealers operating from areas not zoned as residential [compare California A.B. 988]; and
- legislation to raise the legal age of gun possession to 21.

DRAFT TALKING POINTS REGARDING
HUD'S VIEW OF NEGOTIATING WITH THE GUN MANUFACTURERS

■ **HUD is ready to sue**

Over the past five months, HUD has carefully scrutinized the fairness and viability of a lawsuit against gun manufacturers for their failure to responsibly design, market and distribute guns. After consulting with community leaders, public health professionals, housing authorities, and legal experts, HUD has concluded that legal action against gun manufacturers makes sense as part of the effort to combat gun violence. Indeed, HUD is ready to have a public housing suit filed in the very near future.

● **HUD supports negotiating before filing suit**

However, HUD supports initiating serious negotiations with the gun manufacturers and the city litigants prior to filing suit to see if the gun manufacturers are willing to accept a sensible solution to address their role in the gun violence crisis.

DRAFT—10/27/99

- **The White House plans to enter the negotiations between the gun industry and those who have filed suit against the industry.** For the past ____ months, talks have been underway between many of the states and cities that have brought suit against many of the manufacturers. The White House intends to sit down with these parties (and other relevant parties) to spur a comprehensive settlement. The plaintiffs welcome our involvement.
- **The Administration will seek a negotiated settlement and is holding off on its own lawsuit for now to see whether a strong settlement is possible.** Over the past five months HUD has looked closely at the viability of a lawsuit that would be brought by public housing authorities against gun manufacturers. After consulting widely with legal experts, HUD has concluded that a suit would indeed be viable, and is prepared to file if necessary. However, the White House, HUD, Treasury and Justice agree that we should first try to secure a comprehensive settlement to protect public safety before going to court. If the talks fail to produce an acceptable agreement, HUD and the public housing authorities are prepared to proceed with a lawsuit. Given the impact that gun violence has had on public housing authorities, and recent victories by plaintiffs in a California appeals court and a federal district court in New York, this threat should be taken seriously.
- **The Administration will seek strong remedies with teeth.** The Administration does not intend to seek monetary damages as part of a comprehensive settlement. Instead, the Administration will join the cities and other parties in asking for ____.
- **The ball is in the industry's court.** The industry ought to welcome a comprehensive settlement that will improve public safety and avoid the cost and uncertainty of drawn-out litigation. [Have we contacted the industry?] [We have worked with the industry in the past to secure agreement on voluntary child safety locks and on support for national legislation to close loopholes in our gun laws.]
- **The Administration will continue to do everything in its power to keep guns out of the wrong hands, even as Congress fails to act.** We will continue to press for strong, common-sense gun legislation. A negotiated settlement can secure many public safety gains, but Congress can still has a responsibility to close loopholes in our gun laws.

[Tough Q&A]:

1. What are you seeking?
2. What is the industry reaction?
3. Will the NRA be involved?
4. Are you just doing this because Congress is stalled?
5. Is this the era of big lawsuits?
6. Are you doing this because of Hugh Rodham?
7. Why did you wait so long to get involved?

DEPARTMENT OF HOUSING &
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To: BRUCE REID Fax: 202-456-5542

From: MAX STIER Date: August 4, 1999

Re: GLN CONTROL MATERIALS Pages: 6

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Notes: [Click here and type any comments]



U.S. Department of Housing and Urban Development

GUN VIOLENCE IN PUBLIC HOUSING – A SMALL SAMPLE FROM 1998 AND 1999

Gun violence in public housing developments across the country has become an all-too-common tragedy. A search of newspaper articles over the years turns up thousands of stories about people who have been killed, people who have been wounded, and families living in fear. Here are brief summaries of just a small sample of news stories published in 1998 and 1999 about shootings in public housing in 15 states and the District of Columbia.

ALABAMA

MONTGOMERY – Police statistics show that 16 percent of the city's 32 homicides in 1998 occurred in public housing. In addition, about 12 percent of the city's aggravated assaults in 1998 were reported in public housing projects.

CALIFORNIA

RICHMOND -- July 22, 1999 -- Gaston Avila, 19, of Richmond was shot to death and three others -- including a 15-year-old girl who was nine months pregnant -- were shot during a birthday party at the Easter Hill public housing complex.

SAN FRANCISCO -- March 31, 1998 -- A 27-year-old man was shot to death execution-style in the Sunnydale public housing development. The neighborhood has experienced gun violence in the past. In November, Charles Adams, a 60-year-old retiree, was killed by a stray bullet from a shoot-out between two young men.

SAN FRANCISCO -- May 20, 1999 -- Mayor Willie Brown wrote a letter to HUD Secretary Andrew Cuomo saying that the San Francisco Housing Authority is running out of money to pay for private guards and needs \$7 million from the federal government to keep crime, vandalism and gangs at bay. In a July 12 letter to HUD, Senators Feinstein and Boxer make the same plea.

CONNECTICUT

BRIDGEPORT -- February 1, 1999 -- The body of Delmar Epps, 23, was found lying in the road near the Green Homes public housing development, with multiple gunshot wounds.

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DISTRICT OF COLUMBIA

WASHINGTON -- October 21, 1998 -- A 4-year-old girl named Javina Holmes, a resident of the Frederick Douglass Dwellings public housing development, was killed when her 8-year-old brother found a loaded shotgun inside their apartment and began shooting.

WASHINGTON -- June 21, 1999 -- A 55-year-old grandmother, Helen Foster-El, was gunned down by two stray bullets fired by a group of feuding young men as she tried to usher neighborhood children to safety. Parents in the East Capitol Dwellings public housing development said they give their children survival instructions on what to do when shooting erupts, because it happens so often.

FLORIDA

CLEARWATER -- May 20, 1999 -- LaShonda Denise Williams, 19, was accidentally shot in her Jasmine Court public housing apartment when a revolver that she and her boyfriend were looking at went off. The bullet passed through Williams' neck and came out her shoulder.

MIAMI -- July 15, 1999 -- A resident of the James E. Scott Homes, the largest public housing development in Florida, recounted the story of a boy who was shot by two men driving by in a car while the boy was buying ice cream. The man said that another time he was sitting on his porch when he saw a boy being chased and shot.

TAMPA -- April 1, 1998 -- One man was killed and two others were critically wounded during a shootout in the Riverview Terrace public housing development. The dead man was found on a sidewalk and two wounded men were in a car stopped near the scene. Police said the incident initially appeared to be a drug deal gone bad, since drugs and guns were found in the car. The slaying was the third homicide in three weeks and the second in two days at Riverview Terrace.

ILLINOIS

CHICAGO -- January 19, 1998 -- Parents and other residents will begin escorting children to school January 20 with the hope of protecting them from gang gunfire in the Cabrini-Green public housing development. The escorts attended a training session to prepare them on what to do if gunfire erupts.

CHICAGO -- September 7, 1998 -- Lavell Jones, 22, was shot and killed by a Chicago Housing Authority policeman after threatening the officer with a 9-mm. handgun. Police were responding to reports of a shooting at the Robert Taylor Homes public housing development when the incident occurred.

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KENTUCKY

LOUISVILLE -- May 3, 1999 -- Suspected gang member Corey J. Bell, 25, was shot to death in an apparent drug dispute at the Clarksdale public housing development. The suspect in the shooting, Ricky LaSalle Glass, 22, shot in himself in the head on May 4, 1999, after a four-hour standoff with Louisville police. Glass died later in the day.

LOUISIANA

NEW ORLEANS -- May 3, 1998 -- A mother of seven children, Melissa Stone, was on her way to Jazzfest when she was abducted at gunpoint, raped, shot and left to die in an abandoned apartment in the Desire public housing development. Her body was found several days later. A New Orleans man with no adult criminal record was convicted of manslaughter.

NEW ORLEANS -- May 8, 1998 -- Theron Corey, 29, was gunned down in the Guste public housing complex. One of two men who shot him was described by prosecutors as a "hit man," and was later convicted of second-degree murder and sentenced to life in prison.

NEW ORLEANS -- March 18, 1999 -- Sean Jackson, 24, has been charged with two murders that occurred in the C.J. Peete public housing development. Demetrice Harper, 19, was robbed and killed on December 19 in a driveway. Jeremy Nunnery, 23, was shot to death on January 5 after a fight.

MARYLAND

ANNAPOLIS -- April 12, 1999 -- Bryon Antoine Jones, 22, was fatally shot near the front stoop of his girlfriend's Annapolis Gardens duplex. The shooting at the public housing community was apparently the result of an earlier altercation at Club Hollywood, a nearby nightclub.

MASSACHUSETTS

WORCESTER -- March 27, 1998 -- Luis A. Torres, 24, was shot in both legs while walking along a street in the Great Brook Valley public housing project. After being treated at University of Massachusetts Hospital, Torres was arrested on criminal warrants. Police say the shooting by five assailants wearing ski masks coincides with the assumed arrival in the neighborhood of a cache of stolen handguns.

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NEW JERSEY

NEWARK – January 9, 1999 – Newark Police Officer Frederick Johnson was shot and wounded and Douglas Lamont Parker was killed in a shootout during a routine drug arrest in the Stella Wright Homes public housing development. While the officer was preparing to arrest several men during a drug deal, police said Parker burst through a back door and began firing.

PATERSON – June 24, 1999 – Benjamin Reyes, 26, was shot in the back in his car by an unknown assailant at the Alexander Hamilton public housing complex. The shooter fired at least seven rounds into the vehicle, with four bullets piercing the rear window. Reyes and a companion in the car were later charged with possession and distribution of heroin.

NEW YORK

NEW YORK CITY -- August 1, 1999 – Gerard Carter, a 28-year-old New York City police officer, died four days after being shot outside a building in the West Brighton Homes, a public housing development on Staten Island. The alleged gunman was Shatiek Johnson, 17. Carter and his partner were attempting to arrest Johnson on charges of shooting a 20-year-old man in July. Johnson was on parole for beating a homeless person to death two years earlier.

SCHENECTADY – June 20, 1999 – As children played nearby, 21-year-old Shawn Stevens was shot twice in the abdomen at a playground courtyard at the Steinmetz Homes public housing development.

NORTH CAROLINA

ASHEVILLE – June 2, 1999 – A 17-year-old youth died after he was shot at Deaverview Apartments, a public housing development. The suspect is a 16-year-old boy.

DURHAM – April 7, 1998 – While walking home from dinner with his mother, a five-year-old boy was hit by a stray bullet from a gunfight. The bullet severed his spine, and Taquan Mikell may never walk again. The bullet struck him more than a half block away from the gunfight, near a park where as many as 100 children play every day.

PENNSYLVANIA

BETHELEM – July 7, 1998 – Police said Julio Hernandez, 39, shot and killed William Lopez, 21, at the Pembroke Village public housing development. The killing took place shortly after Lopez shot and critically wounded Anthony Feliciano, 23, after an early-morning argument.

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EASTON – June 16, 1998 – A New York City man was shot in the leg at the Delaware Terrace public housing project in Easton. The alleged assailant, Troy Alvin, 19, was also arrested in another shooting at a Stroudsburg restaurant and bar that injured two bystanders. At the time of the restaurant shooting, Alvin was awaiting trial for the shooting of the New York City man.

MOUNT PLEASANT – October 10, 1998 – A 46-year-old man broke into a neighbor's apartment at the Pleasant Manor public housing development. He shot and killed 9-year-old Jeremy Barnhart and critically wounded the boy's 14-year-old sister, Cori Barnhart. The gunman, Alan Waterhouse, then returned to his own apartment and, after barricading himself inside for 12 hours, killed himself. Waterhouse was the former boyfriend of the children's mother.

TENNESSEE

MEMPHIS – June, 1999 – Two recent shootings of children at Fowler Homes public housing have increased public pressure for better protection, including a proposal to hire private security guards. In the past year, four homicides, 62 assaults, 133 burglaries and other crimes have taken place at Memphis Housing Authority developments, according to the agency.

NASHVILLE – July 2, 1999 – Nashville teenager, Eric Harvey Hazelitt, was fatally shot in the chest when gunfire erupted at the John Henry Hale public housing complex in Nashville. Just 14-years-old, Hazelitt was often seen riding his bike, helping older neighbors shop or emptying the trash. Witnesses said Hazelitt got caught in the crossfire of two groups shooting at each other.

VIRGINIA

PORTSMOUTH – July 10, 1999 – Linwood Scott killed a 28-year-old woman and himself, ending a 13-hour standoff with police at the Jeffrey Wilson Homes public housing development. The woman, Rene Childers, was one of four hostages held by Scott.

RICHMOND – April 28, 1999 – A man was shot to death in the Creighton Court public housing development. A suspect was taken into custody shortly after the incident.

RICHMOND – July 23, 1999 – A woman was shot in the head and killed at the Gilpin Court public housing development while standing next to a pay telephone.

Proposed federal government role: The federal government would seek to facilitate discussions between the firearms industry and the State and local governments. Our goal would be an agreement that includes a set of remedies or best practices to ensure that the industry is doing all that it can to keep guns out of the wrong hands. We would achieve this role either through a joint invitation from the parties or through an invitation issued by the federal government to the parties. Should tripartite talks develop to a stage where there is a serious discussion of remedies, the federal government participants would seek the parties' agreement for these issues to be pursued jointly by the industry, the plaintiffs and technical experts within the federal government.