

## 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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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 Eisenhower. 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 Eisenhower, 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.

So many former police guns wind 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, Kiesler 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

Guns -  
Police  
Resale

1/2

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 past" that gun sales haven't been monitored closely enough. "All policies"—public and 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."

2/2