

LEVEL 3 - 244 OF 315 STORIES

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THE BALTIMORE SUN

February 24, 1999, Wednesday , FINAL

SECTION: TELEGRAPH , 3A

LENGTH: 809 words

HEADLINE: New York, Connecticut consider suits against gun manufacturers; We are on the verge, says spokesman for one attorney general

BYLINE: Joe Mathews

SOURCE: SUN STAFF

BODY:

At least two states are strongly considering whether to file lawsuits against the nation's leading firearms manufacturers, a move that could bring the same legal firepower to the municipal war against handguns that is leading the fight against cigarettes.

The attorneys general in New York and Connecticut have senior aides working on strategies and draft complaints that would seek to recover many of the medical costs of treating gunshot victims, according to interviews with one attorney general, gun industry sources, and lawyers in both states.

"Clearly, Connecticut has been disastrously affected by gun violence," said Connecticut Attorney General Richard Blumenthal, who has been a leader in the legal fight against tobacco, in a telephone interview this week. "And so we have a number of attorneys actively considering legal action."

Some lawyers and gun-control advocates suggested that Michigan is also considering a lawsuit. But in a letter faxed to The Sun yesterday, that state's newly elected attorney general, Jennifer M. Granholm, wrote, "I have made no plans to sue gun manufacturers."

Of the states considering suits, the newly elected New York attorney general, Eliot Spitzer, appears closer to filing. Spitzer's office has been talking with the Center to Prevent Handgun Violence in Washington, a leading proponent of using litigation against the industry. A spokesman for Spitzer confirmed Monday that a decision on whether to file suit will be made in the next few weeks.

"We are on the verge," said Marc E. Violette, Spitzer's spokesman. "Eliot Spitzer does not think the flow of guns into the state from the South is an accident. This is a priority concern of his."

The legal war against gun manufacturers has been waged entirely by municipalities, not the states, which used lawsuits to force the tobacco industry into a \$206 billion settlement. During the past four months, five cities -- New Orleans, Chicago, Atlanta, Miami and Bridgeport, Conn. -- have



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filed lawsuits against the industry.

Lawyers and advocates of the gun litigation say the cities' leadership is based on two facts: The harm caused by gun violence is largely concentrated in urban areas, and the gun industry tends to be less popular in politically liberal big cities than in states as a whole.

State attorneys general have expressed skepticism about the chances of winning. But some appear to have been emboldened by a landmark verdict in New York federal court this month. In that case, *Hamilton vs. Accu-Tek et al.*, jurors found gun manufacturers liable for three shootings. Industry lawyers are appealing.

"If it's true that states are going forward, it's a new development," said Wendell Gauthier, a Louisiana lawyer who represents New Orleans in its lawsuit. "I think it's clear now that the gun companies are beatable."

"I don't understand what kind of claim they could hope to make, but I'm hearing that some states want to go forward," says Jack Adkins, vice president of the Atlanta-based American Shooting Sports Council, a gun industry trade group. "It seems that states like Michigan may be racing to beat New York."

The states' effort faces significant political hurdles. New York, Connecticut, and Michigan all have politically ambitious Republican governors who are likely to face strong pressure from the gun industry to short-circuit the suits. Connecticut is home to two of America's largest and most storied gun companies: Colt's Manufacturing Co. Inc. of Hartford, and Sturm, Ruger & Co. Inc. of Southport.

But lawyers said the attorneys general could file suit without the approval of the governor. In New York, Spitzer's spokesman said that the attorney general had spoken with Gov. George E. Pataki, a rumored vice presidential contender next year, about a lawsuit, and that Pataki had expressed support.

Michael McKeon, a spokesman for Pataki, disputed that, saying the attorney general and governor had yet to discuss gun litigation. He declined to comment further.

In Maryland, Gov. Parris N. Glendening has taken no position on the gun litigation. Carmen Shepard, a deputy attorney general, said the cities' suits are "something that we've been following" in the office, but there is no move toward filing yet.

Lawyers said that two main legal theories -- a "product liability" claim that guns lack safety features, and a "public nuisance" claim that guns are negligently marketed and distributed to criminals -- are under consideration in both states. Granholm, the Michigan attorney general, indicated that if her state were to file, she prefers the public nuisance theory because "guns function as they were designed."

"The theories are pretty much the same" as those being used by the cities, said Dennis A. Henigan, an attorney for the Center to Prevent Handgun Violence.



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LEVEL 3 - 133 OF 315 STORIES

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Chicago Tribune

July 21, 1999 Wednesday, CHICAGO SPORTS FINAL EDITION

SECTION: NEWS; Pg. 4; ZONE: N

LENGTH: 674 words

HEADLINE: GUN FIRMS REPORTEDLY MAY AGREE TO CURBS

BYLINE: By Raymond Hernandez and Fox Butterfield, New York Times News Service.

DATELINE: ALBANY, N.Y.

## BODY:

In a move that would represent a major break in the solidarity of the gun industry, two major manufacturers are negotiating with New York Atty. Gen. Eliot Spitzer over a lawsuit that Spitzer plans to file, according to people involved in the discussions.

Spitzer has repeatedly accused the gun industry of irresponsible marketing that has allowed firearms to fall into the hands of criminals.

The negotiations center on whether the gunmakers will agree to several far-reaching concessions, including better supervision of how their guns are marketed and sold, according to participants in the talks.

In exchange, Spitzer would agree to exclude the companies from the lawsuit, the participants said.

The talks involve Colt's Manufacturing of West Hartford, Conn., one of the nation's oldest and best-known gunmakers, and a second company that was not identified, according to the participants.

New York would be the first state to sue gun manufacturers, but 23 counties and cities, including Chicago, have already done so.

If either of the gun companies agrees to the demands, it would be the first time a gunmaker has made a concession to gun control proposals.

A voluntary settlement by Colt or the other company could act in much the same way as the agreement by Liggett Group, a tobacco company that broke ranks and reached a settlement in suits filed by the state attorneys general against the tobacco industry. It was a major breakthrough that shattered decades of unanimous resistance by cigarette makers.

Spitzer's negotiations, if successful, could also result in a national model for other state and local governments in pursuing gunmakers, wholesalers and



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Chicago Tribune, July 21, 1999

dealers.

In another move with significant implications, people close to the talks said that Spitzer has also begun secret discussions with Robert Delfay, the president of the National Shooting Sports Foundation, the largest gun industry trade association, which has close ties to the National Rifle Association.

Only a few weeks ago a rival trade organization, the American Shooting Sports Council, was abolished, and its two chief officers lost their jobs after reports that they were meeting with a lawyer for several of the cities that have filed suit. The ouster was orchestrated by the NRA and those in the industry who opposed making concessions to settle the lawsuits.

According to one informant, the discussions between Spitzer and Delfay involve establishing "a code of conduct" for the gun industry. The talks with Delfay appear to focus on how to make companies more responsible in their marketing and distribution of firearms.

Spitzer declined to comment on the issue Tuesday, saying that he could not discuss any matter that might be the subject of litigation.

Spitzer's focus on trying to make the gun industry more responsible for how guns are sold grows out of a new understanding by law enforcement officials that a large number of criminals are able to buy guns from corrupt firearms dealers or gun traffickers buying on their behalf.

Data compiled by the federal Bureau of Alcohol, Tobacco and Firearms has found that more than half of all guns used in crimes that can be traced to their point of sale were sold by less than 1 percent of licensed dealers.

Gunmakers have long maintained that they have no knowledge of what happens to their products after they leave the factory because they sell only to distributors, or wholesalers, who in turn sell to individual dealers, like gun shops or sports stores.

But gun control advocates and some law enforcement officials have become increasingly skeptical of this claim as the firearms agency has begun tracing more and more crime guns in the last five years and found that certain brands move very quickly from manufacture to use in crime, often in less than a year.

Speaking privately, executives at several handgun manufacturing companies have said they would like to find ways to monitor their sales better, but such steps could also lead to their being more vulnerable to lawsuits.

LANGUAGE: ENGLISH

LOAD-DATE: July 21, 1999



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July 21, 1999, Wednesday, Late Edition - Final

SECTION: Section A; Page 1; Column 1; Metropolitan Desk

LENGTH: 1200 words

HEADLINE: 2 GUN COMPANIES IN NEW YORK TALKS

BYLINE: By RAYMOND HERNANDEZ with FOX BUTTERFIELD

DATELINE: ALBANY, July 20

BODY:

In a move that could lead to a major break in the solidarity of the gun industry, two major gun makers are negotiating with the New York State Attorney General, Eliot L. Spitzer, over a lawsuit he plans to file against gun manufacturers, people involved in the discussions said.

Mr. Spitzer has accused the gun industry of irresponsible marketing that has allowed firearms to fall into the hands of criminals.

The negotiations center on whether the gun makers will agree to several far-reaching concessions, including better supervision of how its guns are marketed and sold, participants said.

In exchange, Mr. Spitzer would agree to exclude the companies from the lawsuit, they said. The talks involve Colt's Manufacturing of Hartford, one of the country's oldest and best-known gun makers, and a second company that was not identified, the participants say.

New York would be the first state to sue gun manufacturers, but 23 cities and counties across the nation have already done so.

In a move with equally important implications, people close to the talks said, Mr. Spitzer has also begun discussions with Robert Delfay, president of an association that represents gun makers, wholesalers and some dealers, on a code of conduct for the gun industry.

The negotiations between Mr. Spitzer and the gun makers have also focused on other areas, participants in the discussions said.

Mr. Spitzer has asked that gun makers participate in a system in which the companies would give the Federal Bureau of Alcohol, Tobacco and Firearms bullets that have been fired during the testing of new guns. Each bullet has distinctive grooves and other markings, which would identify the guns from which they were fired. The agency has the technology to convert these markings into a database of digital gun fingerprints.

Such a system would enable law enforcement officials to identify a gun



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quickly when a bullet is recovered from a crime scene.

Mr. Spitzer has also asked that payments be made to a state panel that provides monetary compensation to victims of crimes for any losses they have suffered. It is not clear how much money Mr. Spitzer is seeking for the panel, known as the Crime Victims Board, but people involved in the talks say it is an important symbolic step.

Richard Esposito, a consultant to Colt's, said, "We are not opposed to any such talks," but added that Colt's did not want to discuss the terms in public.

In an earlier interview, Mr. Esposito said that before being approached by Mr. Spitzer, Colt's had already been trying to develop a way to collect information on bullets test-fired from new guns and provide it to law enforcement.

Mr. Esposito said that Colt's was also taking the important ethical step of independently reviewing the code of behavior for the distributors to whom it sells guns. Colt's has also been working to pioneer what has been called a smart gun, incorporating a computer chip to insure that only its owner can fire it.

If either gun company agrees to Mr. Spitzer's demands, it will be the first time a gun maker has made a concession to gun control proposals in response to the lawsuits.

A voluntary settlement by Colt's or the other company could act much like the agreement by the Liggett Group, a tobacco company that broke ranks and reached a settlement in suits filed by the state attorneys general against that industry, a breakthrough that shattered decades of unanimous resistance by cigarette makers.

Mr. Spitzer's negotiations, if successful, could also result in a national model for other state and local governments in pursuing gun makers, wholesalers and dealers.

The discussions between Mr. Spitzer and Mr. Delfay, the president of the National Shooting Sports Foundation, the largest gun industry trade association, which has close ties to the National Rifle Association, involve establishing what one person familiar with the negotiations described as a code of conduct for the gun industry. As in the discussions with the gun makers, the talks with Mr. Delfay appear to focus on how to make companies more responsible in their marketing and distribution of firearms.

Mr. Delfay said today that he could neither confirm nor deny that he had met with Mr. Spitzer.

Only a few weeks ago, a rival trade organization, the American Shooting Sports Council, was abolished, and its two chief officers lost their jobs after reports that they were meeting with a lawyer for several of the cities that had filed suit. Their ouster was widely seen in the industry as a result of pressure by the National Rifle Association and hard-liners in the industry who oppose making concessions to settle the lawsuits.

Mr. Spitzer declined to comment on the issue in an interview this afternoon,



saying that he could not discuss any matter that might be the subject of litigation.

Executives at several handgun manufacturers have said privately that they would like to find ways to monitor their sales better, but that such steps could also make them more vulnerable to lawsuits. People close to Mr. Spitzer say that he would prefer to avoid protracted litigation with the gun industry in favor of a quick settlement that would keep guns out of the hands of criminals.

People involved in the discussions say that Mr. Spitzer has given Colt's until Wednesday to respond to his demands, but that company officials have asked for more time.

Colt's was one of several gun makers found liable for negligence this year in a Brooklyn lawsuit on behalf of three people shot by stolen guns.

Colt's executives have said they are prepared to get out of the consumer handgun business if it cannot be kept profitable. They have focused much of their efforts on expanding their military small-arms business and on lobbying Washington for help in financing research on a smart gun, a new class of gun that can be fired only by its owner.

Although the Colt's name is prestigious, a New York banker, Donald Zilkha, bought 85 percent of the company in 1994 for only \$12 million, and in 1997, the last year for which numbers are available, Colt's earned only \$2 million on \$96 million in revenue.

Mr. Spitzer's focus in trying to make the gun industry more responsible for how guns are sold grows out of a new understanding by law enforcement officials that many criminals are able to buy guns easily from corrupt firearms dealers or gun traffickers buying on their behalf.

Data compiled by the Bureau of Alcohol, Tobacco and Firearms show that more than half of all guns used in crimes that can be traced to their point of sale were sold by less than 1 percent of licensed dealers.

Gun makers have long maintained that they have no knowledge of what happens to their products after they leave the factory, because they sell only to distributors, or wholesalers, who in turn sell to individual dealers, like gun shops or sporting goods stores.

But gun control advocates and some law enforcement officials have become skeptical of this claim, as the firearms agency has traced more and more guns used in crimes during the last five years and found that certain brands move quickly from manufacture to crime, often in less than a year.

<http://www.nytimes.com>

GRAPHIC: Photo: New York Attorney General Eliot Spitzer has criticized gun makers. (Suzanne DeChillo/The New York Times) (pg. B6)

LANGUAGE: ENGLISH



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Copyright 1999 The Buffalo News  
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July 21, 1999, Wednesday, CITY EDITION

SECTION: NEWS, Pg. 16A

LENGTH: 422 words

HEADLINE: SPITZER REPORTEDLY IN NEGOTIATIONS WITH 3 GUN MAKERS OVER;  
PLANNED SUIT

BYLINE: Associated Press

DATELINE: NEW YORK

BODY:

Three major gun makers are in negotiations with state Attorney General Eliot Spitzer over a lawsuit he plans to file against gun manufacturers.

The talks involve Colt's Manufacturing of Hartford, Conn.; Smith & Wesson Corp. of Springfield, Mass.; and Sturm, Ruger & Co. of Southport, Conn., a source familiar with the negotiations told AP.

The negotiations, which were first reported in today's editions of the New York Times, stem from the attorney general's accusation that the gun industry's irresponsible marketing has allowed firearms to fall into the hands of criminals.

New York would be the first state to sue gun manufacturers, although 23 cities and counties across the country already have done so.

The negotiations focus on whether the companies will agree to concessions, including better supervision of the marketing and sales practices for their guns, participants in the talks told the Times.

In exchange, Spitzer would exclude the companies from the planned lawsuit.

Spitzer also is seeking the companies' participation in a system that would give bullets fired during the testing of new guns to the Bureau of Alcohol, Tobacco and Firearms. The distinctive markings left on fired bullets can be used to identify the guns used to fire them, a useful tool for law enforcement agents.

Spitzer also is asking the companies to make undetermined payments to the Crime Victims Board, a state panel providing monetary compensation to victims of crimes.

Other talks are under way between Spitzer and Robert Delfay, president of the National Shooting Sports Foundation, the largest gun industry trade association.

Those discussions focus on making companies more responsible for the



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The Buffalo News, July 21, 1999

marketing and distribution of firearms. A person familiar with the talks said they aim to establish a code of conduct for the gun industry.

Spitzer said he could not comment on any matter that might be the subject of litigation.

Richard Esposito, a consultant for Colt's, said the company did not oppose such talks but would not discuss them publicly.

Smith & Wesson spokesman Ken Jorgensen said he did not know about any negotiations.

Steve Sanetti, vice president and general counsel for Sturm, Ruger & Co., the largest gun manufacturer in the United States, could not be reached to comment.

Delfay would neither confirm nor deny having met with Spitzer.

Colt's was among several companies found liable this year for negligence in a Brooklyn lawsuit on behalf of three people shot with stolen guns.

GRAPHIC: Attorney General Eliot Spitzer claims that the gun industry's irresponsible marketing has allowed firearms to fall into the hands of criminals.

LANGUAGE: ENGLISH

LOAD-DATE: July 23, 1999



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July 21, 1999, Wednesday, Home Edition

SECTION: News; Pg. 6A

LENGTH: 480 words

HEADLINE: N.Y. state, 2 gun firms negotiating;  
Talks could hint first break in resistance to sales curbs

BYLINE: From our news services

SOURCE: Constitution

DATELINE: Albany, N.Y.

## BODY:

In a move that would represent a major break in the solidarity of the gun industry, two major gun makers reportedly are negotiating with New York Attorney General Eliot Spitzer over a lawsuit that Spitzer plans to file against gun manufacturers, according to people involved in the discussions.

Spitzer repeatedly has accused the gun industry of irresponsible marketing that has allowed firearms to fall into the hands of criminals.

The negotiations center on whether the gun makers would agree to several far-reaching concessions, including better supervision of how guns are marketed and sold, The New York Times reported today, citing participants in the talks. In exchange, Spitzer would agree to exclude the companies from the lawsuit, the Times said. The talks involve Colt Manufacturing of West Hartford, Conn., one of the nation's oldest and best-known gun makers, and a second company that was not identified, according to the Times.

New York would be the first state to sue gun manufacturers, but 23 cities and counties already have done so.

If either of the gun companies agrees to the demands, it would be the first time a gun maker had made a concession to gun control proposals.

A voluntary settlement by Colt or the other company could have much the same effect as the tobacco agreement by the Liggett Group, which broke ranks and reached a settlement in suits filed by state attorneys general against the tobacco industry. It was a major breakthrough that shattered decades of unanimous resistance by cigarette makers.

Spitzer's negotiations also could result in a national model for other state and local governments suing gun makers, wholesalers and dealers.

In another move with significant implications, people close to the talks said Spitzer also has begun secret discussions with Robert Delfay, the president of



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the National Shooting Sports Foundation, the largest gun industry trade association, which has close ties to the National Rifle Association, the Times reported.

Only a few weeks ago, a rival trade organization, the American Shooting Sports Council, was abolished and its two chief officers lost their jobs after reports that they were meeting with a lawyer for several of the cities that have filed suit. The ouster was orchestrated by the NRA and hard-liners in the industry who oppose making concessions to settle the lawsuits.

The discussions between Spitzer and Delfay involve establishing what one person knowledgeable about the negotiations described as "a code of conduct" for the gun industry, the Times reported. The talks with Delfay appear to focus on how to make companies more responsible in marketing and distributing firearms, the Times said.

Spitzer declined to comment on the reports in an interview Tuesday afternoon, saying he could not discuss any matter that might be the subject of litigation.

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The Washington Post

July 22, 1999, Thursday, Final Edition

SECTION: A SECTION; Pg. A10

LENGTH: 679 words

HEADLINE: Gunmakers Discuss Possible Deal With New York to Avert Lawsuits

BYLINE: Barbara Vobejda; David B. Ottaway, Washington Post Staff Writers

BODY:

A handful of gun manufacturers have recently held secret talks with New York's attorney general to discuss concessions they could make to avoid being named in a lawsuit the state is considering against the industry.

Colt's Manufacturing Co. and at least two other gunmakers have met separately with New York Attorney General Eliot Spitzer, exploring what steps the companies could take to reduce the likelihood that their products would be used in crimes, according to industry sources. The talks offer another clear signal that at least some gun manufacturers may be ready to consider a compromise in the escalating legal war over firearms.

Nearly two dozen cities and counties have sued gun manufacturers and distributors, claiming that their products are unsafe and their marketing practices irresponsibly enable firearms to fall into the hands of criminals.

New York would be the first state to take on the industry, and its entry would immediately raise the stakes of the litigation, making the legal war against guns more closely comparable to the state lawsuits filed against the tobacco industry. Those suits ultimately led to numerous concessions last year from tobacco companies and a \$ 206 billion settlement with more than three dozen states.

Spitzer's office would not discuss the talks, which were first reported in yesterday's New York Times, but spokesman Marc Violette said that "as part of an ongoing effort to keep guns out of the hands of criminals, we have sought a dialogue with responsible elements in the industry."

Spitzer has often expressed his concern over the easy access to guns, and his office has been actively involved in exploring a state lawsuit against their makers. Some industry officials said Spitzer is seeking to reach a settlement with one or more companies to increase the legal pressure on other manufacturers to make concessions.

Among the subjects discussed in meetings with Spitzer were the possibility of contributions from gun manufacturers to a fund for crime victims, and a proposal



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The Washington Post, July 22, 1999

for gunmakers to turn over to the federal government bullets that have been test-fired from their weapons to help create a database of markings that guns leave on shell casings. Such a database could improve the ability of police to identify guns used to commit crimes.

It was unclear what measures to better control the distribution of firearms were discussed.

An industry source said Spitzer has held separate meetings with representatives of Smith & Wesson and Sturm, Ruger and Co. But, reflecting their sensitivity to suggestions that they are negotiating, the companies distanced themselves from the talks.

Ken Jorgensen, a spokesman for Smith & Wesson, said he was unaware of any discussions. "No one here knows anything about this," he said.

And Sturm, Ruger spokesman Stephen Sanetti said reports of his company's involvement in negotiations were "absolutely untrue."

Richard Esposito, a Colt's spokesman, said a company representative did meet with Spitzer last week, and that Spitzer raised the subject of a settlement. But, Esposito said, the company official told Spitzer that negotiations with an individual company were "not appropriate" and that the attorney general should meet instead with the industry's trade group, the National Shooting Sports Foundation. Colt's subsequently helped arrange such a meeting, he said.

Esposito added that Spitzer was scheduled to meet last night with Donald Silka, who holds 85 percent of Colt's stock, but not to negotiate an individual settlement for the company.

This is not the first time that elements in the industry have looked for common ground with gun control advocates.

After secret meetings with the White House earlier this year, two gun industry groups agreed to support several gun control proposals offered by President Clinton. And Philadelphia Mayor Edward G. Rendell has met with Smith & Wesson and other members of the industry in an effort to find solutions to gun violence that could head off a possible lawsuit by the city.

LANGUAGE: ENGLISH

LOAD-DATE: July 23, 1999

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Newsday (New York, NY)

July 22, 1999, Thursday, ALL EDITIONS

SECTION: NEWS; Page A22

LENGTH: 462 words

HEADLINE: SPITZER IN GUN TALKS / MANUFACTURERS SEEK TO AVOID STATE LAWSUIT

BYLINE: THE ASSOCIATED PRESS

DATELINE: Albany

BODY:

Albany - Three major gun manufacturers are negotiating with the New York attorney general to avoid being part of a planned lawsuit against gun makers over criminals' access to weapons.

Attorney General Eliot Spitzer has accused the gun industry of irresponsible marketing, allowing firearms to fall into the hands of criminals.

However, major gun manufacturers who agree to better supervision of marketing and sales practices for their guns, as well as helping officials track weapons used in crimes, would be left out of a lawsuit, a source said, speaking on condition of anonymity.

The ongoing discussions, mostly through intermediaries, included Colt's Manufacturing of Hartford, Conn., Smith & Wesson Corp. of Springfield, Mass., and Sturm, Ruger & Co. of Southport, Conn., the source said.

A source told Newsday that the most recent meeting was expected to be held last night in New York City.

Sturm, Ruger & Co., the largest gun manufacturer in the United States, has not authorized or participated in any negotiations, said Steve Sanetti, the vice president and general counsel.

Smith & Wesson spokesman Ken Jorgensen said he did not know about any negotiations. "I have not heard about it," he said. "I guess I'm not saying that someone isn't, but that's news to me." A consultant to Colt's, Richard Esposito, said the company was not opposed to such talks but would not discuss them publicly.

Talks also are under way between Spitzer and Robert Delfay, president of the National Shooting Sports Foundation, the largest gun industry trade association. Those discussions focus on making companies more responsible for the marketing and distribution of firearms. A person familiar with the talks described them as seeking to establish a code of conduct for the gun industry.



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Newsday (New York, NY), July 22, 1999

Delfay would neither confirm nor deny having met with Spitzer.

Spitzer also refused to talk about any of his discussions. "As part of an ongoing effort to keep guns out of the hands of criminals, we have sought a dialogue with the industry," Spitzer spokesman Darren Dopp would only say.

Spitzer is seeking a system that would give bullets fired during the testing of new guns to the Bureau of Alcohol, Tobacco and Firearms. The distinctive markings left on fired bullets can be used to identify the guns used to fire them, a useful tool for law enforcement agents.

Spitzer also is asking the companies to make undetermined payments to the Crime Victims Board, a state panel providing monetary compensation to victims of crimes.

While 23 cities and counties have sued gun makers, no state has ever done so.

The negotiations were first reported in yesterday's editions of The New York Times.

Albany Bureau Chief Liam Plevin contributed to this story.

LANGUAGE: English

LOAD-DATE: July 22, 1999



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## LEVEL 3 - 127 OF 315 STORIES

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July 22, 1999, Thursday, Late Edition - Final

SECTION: Section B; Page 5; Column 5; Metropolitan Desk

LENGTH: 817 words

HEADLINE: In Seeking Firearms Deal, Spitzer May Set Standard"

BYLINE: By BARRY MEIER

BODY:

If New York's State Attorney General, Eliot L. Spitzer, sues the gun industry as he has threatened, he will simply join a long line of 23 cities and counties that have already done so.

But if Mr. Spitzer succeeds in striking a deal with some firearms producers over issues like the way they monitor gun distribution, then New York will score a first that could set a national standard.

There is no assurance that the talks Mr. Spitzer began recently with two gun makers and a trade group will succeed, and one person involved in the talks said he expected them to move ahead or to collapse quickly. And in the broadest sense, the New York talks may prove to be only another in a series of stillborn efforts to settle the growing wave of lawsuits against gun makers.

Still, officials in other cities who have sued the gun industry said yesterday they were pleased because the talks might lead to a break in that logjam of litigation.

"I think it is a positive sign that some members of the gun industry are willing to talk," said Louise Renne, the city attorney of San Francisco, which along with more than a dozen California cities sued gun makers this spring.

Most of the suits accuse gun companies of negligently marketing guns by failing to impose proper control over distributors and dealers. As a result, those lawsuits charge, guns easily fall into criminal hands. Gun makers have denied the charges.

The New York lawsuit has yet to be filed. But under discussion in the talks are a number of moves aimed at tightening how guns are marketed and sold.

One proposal long championed by some gun control advocates would involve the appointment of an independent monitor, either by a court or through an agreement between the state and the industry, who would review the distribution of guns.

That monitor would then identify companies, distributors and dealers who were failing to keep guns from being sold to people planning to resell them to criminals or other prohibited buyers like teen-agers.



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The New York Times, July 22, 1999

Mr. Spitzer's office is also pressing makers to start test-firing their guns before they ship them, then submit the cartridge casings and bullets to the Federal Bureau of Alcohol, Tobacco and Firearms, the agency that regulates the manufacture and sale of weapons.

The agency could then use the unique markings on those casings and bullets to identify a gun used in a crime.

The talks apparently began in recent days when Mr. Spitzer's office contacted Colt's Manufacturing, one of the country's largest firearms producers. Richard Esposito, a consultant to Colt's, said the "company had been invited to a meeting" with Mr. Spitzer.

From there, an industry trade group, the National Shooting Sports Foundation, was brought in because Colt's felt it was inappropriate for one company to talk separately with Mr. Spitzer, according to two people, one who took part in the talks and one who had been briefed about them. Robert Delfay, the president of the group, has declined to confirm or deny that a meeting with Mr. Spitzer took place.

A representative of Smith & Wesson, the largest gun maker in the country, also met with Mr. Spitzer's aides, said one person who had been briefed about the talks. Kenneth Jorgensen, a spokesman for the firearms producer, said he was not aware that anyone at the company had talked with Mr. Spitzer.

John Coale, a lawyer in Washington who is involved with five cities suing gun makers, including New Orleans and Bridgeport, Conn., said he believed that Mr. Spitzer's talks would be important only if they produce some agreement, since some of the issues in the New York talks have already been the subject of failed discussions between his group and gun industry representatives.

As recently as 10 days ago, for example, Mr. Coale said he met with Mr. Delfay, the president of the industry trade group, to discuss settlement-related issues.

"We have been looking at the issue of global talks and how to get everybody in the same room," Mr. Coale said. The agenda included issues like better distribution controls and tighter oversight on how many guns a customer can buy each day.

Mr. Coale also said one gun maker, Glock Inc., was moving close to adopting the type of bullet tracing system that Mr. Spitzer was proposing all gun makers adopt.

In a telephone interview, Mr. Delfay acknowledged that those talks had taken place. Paul Jannuzzo, a lawyer for Glock, did not return a phone call seeking comment.

One hurdle to an overall settlement with the industry is that even if some larger manufacturers like Colt's decide to settle claims, smaller companies might prefer bankruptcy.

Earlier settlement talks have faltered when they were opposed by gun groups like the National Rifle Association. Yesterday, Jim Manoun, a spokesman, said it



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The New York Times, July 22, 1999

would be premature for the association to comment on the New York talks.

<http://www.nytimes.com>

LANGUAGE: ENGLISH

LOAD-DATE: July 22, 1999



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LEVEL 3 - 126 OF 315 STORIES

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The Boston Globe

July 22, 1999, Thursday, First Edition

SECTION: NATIONAL/FOREIGN; Pg. A26

LENGTH: 311 words

HEADLINE: Gun firms may avoid suit by dealing with N.Y. AG

BYLINE: By Jesse J. Holland, Associated Press

BODY:

ALBANY, N.Y. - Three major gun manufacturers are reportedly negotiating with the New York attorney general to avoid being part of a planned lawsuit against gun makers over criminals' access to weapons.

New York Attorney General Eliot Spitzer has accused the gun industry of irresponsible marketing, allowing firearms to fall into the hands of criminals.

However, major gun manufacturers who agree to better supervision of marketing and sales practices for their guns, as well as helping officials track weapons used in crimes, would be left out of a lawsuit, a source said, speaking on condition of anonymity.

The discussions taking place in New York City, mostly through intermediaries, included Colt's Manufacturing of Hartford, Conn.; Smith & Wesson Corp. of Springfield, Mass.; and Sturm, Ruger & Co. of Southport, Conn., the source said.

Sturm, Ruger & Co., the largest US gun manufacturer, has not authorized or participated in any negotiations, said Steve Sanetti, the vice-president and general counsel.

Smith & Wesson spokesman Ken Jorgensen said he did not know about any negotiations. "I have not heard about it," he said. "I guess I'm not saying that someone isn't [ talking ] , but that's news to me."

A consultant to Colt's, Richard Esposito, said the company was not opposed to such talks but would not discuss them publicly.

A source in the gun industry would not deny that there were talks going on, but said only Smith & Wesson was involved. "Someone's trying to suck everyone into the game and they're using the media to do it," the source contended.

Talks also are underway between Spitzer and Robert Delfay, president of the National Shooting Sports Foundation, the largest gun industry trade association.



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Those discussions focus on making companies more responsible for the marketing and distribution of firearms.

LANGUAGE: ENGLISH

LOAD-DATE: July 22, 1999



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WALL STREET JOURNAL

August 17, 1999, Tuesday

SECTION: Section B; Page 5, Column 1

LENGTH: 62 words

HEADLINE: NEW YORK'S SPITZER SEEKS TO RESOLVE MUNICIPAL SUITS AGAINST GUN  
INDUSTRY

BYLINE: BY PAUL M BARRETT

JOURNAL-CODE: WSJ

ABSTRACT:

New York Attorney General Eliot Spitzer reportedly has re-started a stalled effort to settle the wave of municipal lawsuits against the gun industry; without having filed a suit himself, Spitzer has been trying to take a leading role in resolving litigation that seeks reimbursement for public costs of gun violence, as well as changes in the way firearms are sold (M)

LANGUAGE: ENGLISH

LOAD-DATE: August 17, 1999



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## LEVEL 3 - 99 OF 315 STORIES

Copyright 1999 Times Mirror Company  
Los Angeles Times

September 28, 1999, Tuesday, Home Edition

SECTION: Business; Part C; Page 3; Financial Desk

LENGTH: 538 words

HEADLINE: GUN MAKERS, PLAINTIFFS DISCUSS SETTLEMENT;  
COURTS: PARTICIPANTS ARE MUM ABOUT MEETING, BUT MORE NEGOTIATIONS ARE PLANNED.  
TWO DOZEN CITIES, COUNTIES HAVE SUED INDUSTRY.

BYLINE: MYRON LEVIN, TIMES STAFF WRITER

BODY:

Negotiators for firearms makers and major U.S. cities met privately Monday in Washington to discuss the potential for settling the wave of municipal lawsuits that have engulfed the handgun industry.

Participants, including Los Angeles City Atty. James K. Hahn, declined to give details but said further meetings are planned, suggesting possible areas of common ground.

Beginning with New Orleans and Chicago last fall, 26 cities and counties have sued the handgun industry, seeking reimbursement for costs of responding to gun violence, along with broad reforms in industry marketing practices. Nearly half of the plaintiffs are California municipalities, including the city and county of Los Angeles, Compton, West Hollywood and Inglewood, along with San Francisco, Sacramento and other Northern California cities.

Hahn and San Francisco City Atty. Louise Renne both attended the meeting, as did New York Atty. Gen. Eliot Spitzer and Connecticut Atty. Gen. Richard Blumenthal. No states have joined the litigation, but Spitzer and Blumenthal have threatened to sue gun makers unless they agree to changes in business practices.

"We're either going to settle or sue," a spokesman for Spitzer said.

The meeting "was a chance for us both to communicate face to face, and they heard our concerns and we heard theirs," Hahn said. "We are going to continue this dialogue."

In the meantime, the gun litigation will also continue, with no halt in pretrial discovery or motions by defense attorneys to have the suits dismissed. "There's nothing that happened at the meeting that's going to derail these suits," a spokesman for Renne said.



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Los Angeles Times September 28, 1999, Tuesday,

The suits accuse the industry of failing to build in safety features that would prevent children from being accidentally shot or criminals from firing stolen guns. They also accuse manufacturers of failing to supervise the sales practices of firearms distributors and dealers who make it easy for juveniles and criminals to obtain guns.

The goals of any settlement would be "to make the product itself safer and to keep it from falling into the hands of kids or criminals," Hahn said.

Industry officials say they are not to blame for criminal misuse of their products, and have denounced the suits as an improper attempt to regulate them through the courts.

Industry negotiators could not be reached for comment, but Bruce Jennings, a fixture in the industry in Southern California who did not attend the meeting, said he has no intention of settling.

"I can't settle," said Jennings, who operates B.L. Jennings, a major handgun distributor, and whose former wife owns Bryco Arms, a gun manufacturer in Costa Mesa. "There's no money out there to pay off litigation in the magnitudes that they're talking about."

Jennings' father 30 years ago pioneered the production and sale of the inexpensive handguns that have come to be known as "Saturday night specials." Jennings family members and associates came to dominate the low end of the handgun market, operating from plants near Los Angeles.

In part because of a slump in handgun sales and litigation pressures, some of those companies recently have gone out of business or filed for bankruptcy protection.

LANGUAGE: English

LOAD-DATE: September 28, 1999



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LEVEL 3 - 93 OF 315 STORIES

Copyright 1999 The San Diego Union-Tribune  
The San Diego Union-Tribune

October 2, 1999, Saturday

SECTION: NEWS Pg. A-1

LENGTH: 993 words

HEADLINE: Gun makers ready to talk better safety; Lawsuit-minded cities meet  
with industry executives

SOURCE: NEW YORK TIMES NEWS SERVICE

BYLINE: Fox Butterfield

BODY:

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 respond quickly to a list of demands from the cities, including making new safety devices mandatory, and cracking down on corrupt gun retailers. In return for an agreement, the municipal officials said, they would withdraw their suits and their demands for hundreds of millions of dollars in damages for dealing with the cost of gun violence in their cities.

The firearms industry has strongly resisted talks with its opponents, insisting it could win any lawsuits in court, as it almost has always done until now. So even the meeting of the two sides, conducted in Washington on Monday, was seen as highly significant by the participants, who were sworn to secrecy.

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

Pressure has been growing on the gun makers, however, as the first of several of the lawsuits filed by 28 cities and counties move toward the discovery phase. This will open the gun makers to the risk that lawyers for the cities might uncover damaging corporate documents in an industry that has never been held up to public scrutiny. Such documents proved critical in producing settlements between the tobacco industry and states last year.

More pressure came 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 using its product. And Colt's Manufacturing Co., one of the nation's oldest gun makers, acted to reduce its role in producing handguns for the consumer market in an effort to head off litigation against it.



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The participants in the Washington meeting cautioned that the talks were preliminary and that many obstacles remain to a settlement. 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. Several key cities, including Chicago and Detroit, which feel they have very strong legal cases against the industry, did not attend.

Also uninvited was John Coale, a Washington lawyer whose legal team is representing five other cities, including New Orleans and Newark, N.J.

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

One reason for optimism, some participants said, was that Robert Delfay, president of the National Shooting Sports Foundation, the major firearms industry trade organization, was behind a carefully crafted framework that provided common ground for both sides in the talks.

Delfay, who has close ties to the National Rifle Association, stressed that the talks should focus on ways to reduce accidental shootings and curb the flow of guns to criminals.

The cities' lack of demand for money and the focus on reducing accidental shootings and criminal misuse of guns 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 cities' demands were presented by Jim Hahn, the Los Angeles city attorney, an easy-going person who was said to have made a good impression on the gun 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 curb the supply of handguns to criminals and juveniles through corrupt dealers. If a dealer is found to be supplying a sizable number of guns used in crimes, based on gun traces conducted by the Federal Bureau of Alcohol, Tobacco and Firearms, he would be cut off by the manufacturer.

The gun makers have denied they bear any responsibility for what happens to a gun after it leaves their factories because they sell only to wholesalers, or distributors, who in turn sell to dealers. To enforce the agreement, it would be entered as a consent decree by courts in the states where the cities suing the gun industry are located.

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.

The idea for the monitor came from Eliot 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.

Under the proposal presented by Kahn, the companies also would have to take some other difficult steps, including agreeing to stop selling handguns at gun shows or through the Internet. In addition, they would have to stop advertisements claiming that handguns increase safety in homes. And they would have to agree that customers can buy only one handgun a month, a way to try to stop illegal traffickers and purchasers who buy guns to resell them to criminals or juveniles.

In the past, industry executives have strongly opposed the one-gun-a-month idea, which is now law in Virginia and California, arguing it interferes with their profits while doing little to stop criminals.

Instead, gun executives at the meeting asked the cities to agree to lobby Congress for an increase in the budget of the ATF so it can better monitor dealers and trace more guns, and to push the Justice Department to get U.S. attorneys to more vigorously prosecute gun traffickers, proposals the cities are happy to support.

LANGUAGE: ENGLISH

LOAD-DATE: October 4, 1999



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LEVEL 3 - 92 OF 315 STORIES

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The New York Times

October 2, 1999, Saturday, Late Edition - Final

SECTION: Section A; Page 1; Column 6; National Desk

LENGTH: 1437 words

HEADLINE: SAFETY AND CRIME AT HEART OF TALKS ON GUN LAWSUITS

BYLINE: By FOX BUTTERFIELD

BODY:

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



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The New York Times, October 2, 1999

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 lawyer whose legal team is representing five cities, including New Orleans and Newark. And several other cities, including Chicago and Detroit, which feel they have very strong 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 used 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 Eliot 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 companies 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



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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. Kahn 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 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 smokescreen."

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.

<http://www.nytimes.com>

LANGUAGE: ENGLISH

LOAD-DATE: October 2, 1999



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October 3, 1999 Sunday, CHICAGOLAND FINAL EDITION

SECTION: METRO CHICAGO; Pg. 1; ZONE: C

LENGTH: 706 words

HEADLINE: CITY STANDS FIRM ON GUN SUIT;  
CHICAGO SKIPS MEETING WITH WEAPONS MAKERS

BYLINE: By Gary Washburn and Susan Kuczka, Tribune Staff Writers.

BODY:

As other cities mull settling their multimillion-dollar lawsuits against the gun industry, Chicago plans to press ahead with its \$433 million claim against weapons manufacturers and sellers in a Cook County courtroom, officials said Saturday.

Lawyers from several state and city governments met with representatives of the gun industry last week in Washington to consider an out-of-court settlement that might include gun-sales limitations and mandatory locking devices.

But Chicago declined to participate in the meeting because Mayor Richard Daley wants more from the industry than his counterparts may be willing to settle for.

"Our understanding is the proposals being discussed had far too few teeth for us," said Lawrence Rosenthal, deputy corporation counsel for the city. "We see no point to a settlement unless it is actually going to reduce gun violence in the city of Chicago."

Daley was blunt about what it would take for a settlement here.

"Stop selling machine guns and automatic pistols," he said Saturday after the dedication of a park in Chinatown. "It's as simple as that."

The new settlement talks will not directly affect Chicago's suit, which was filed last November. In the suit, the city charges that 22 gun manufacturers and four distributors "saturate the market . . . knowing that persons will illegally bring them into" Chicago for their own use or for illegal resale.

The lawsuit came after a police undercover investigation found that a number of suburban gun shops allegedly sold weapons illegally to people they had reason to believe would use them to commit crimes.

The Chicago suit was the second of its kind in the nation. Along with a

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Chicago Tribune, October 3, 1999

similar suit filed in October by the City of New Orleans, it spurred a series of actions against gunmakers by 28 municipalities and states across the nation.

The attorneys general of two states--Eliot Spitzer of New York and Richard Blumenthal of Connecticut--attended Monday's meeting in Washington, along with Jim Hahn, the city attorney of Los Angeles. Rosenthal said Chicago officials were approached by Spitzer to participate in the discussions, which organizers described as preliminary.

In attendance from the gun industry were representatives of several manufacturers, including Smith & Wesson, Sturm, Ruger & Co., Colt's Manufacturing and O.F. Mossberg and Sons.

A source who attended the meeting said Hahn outlined several conditions the gun manufacturers would have to agree to before lawsuits were dropped.

Among demands presented to gun representatives were mandatory safety devices on firearms and more stringent contractual controls by manufacturers over distribution to prevent guns from winding up in the hands of criminals and illegal dealers.

Chicago's point man on the case said the proposals do not go far enough.

"It does not appear to us that they are willing to talk about proposals that have real teeth, such as holding those who engage in irresponsible marketing practices financially accountable for their conduct," Rosenthal said.

Officials of the gun-manufacturing companies were unavailable for comment Saturday.

Blumenthal said he viewed the meeting as a possible way to avoid costly litigation while still winning some concessions from the gun manufacturers.

"We have an opportunity and an obligation to seek an agreement that could achieve some of our objectives and avoid a long and costly legal procedure," he said.

But many barriers must be crossed before out-of-court settlements can be reached, he said.

The meeting was scheduled after New York and Connecticut threatened to join in a growing number of suits against the gun manufacturers.

The 28 plaintiffs in the suits include Atlanta; Cleveland; Los Angeles; San Francisco; Boston; Newark, N.J.; Gary, Ind.; and New Orleans. The suits seek hundreds of millions dollars in compensation for damage done by gun violence.

If settlements between governments and gunmakers ultimately result from the talks that began last week, they will have no legal impact on Chicago's suit, Rosenthal said.

The defendants in the Chicago suit are seeking a change of venue as they try to move the case out of Cook County. Oral arguments are scheduled for Oct. 13.



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LEVEL 3 - 90 OF 315 STORIES

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October 3, 1999, Sunday, FIVE STAR LIFT EDITION

SECTION: NEWS, Pg. A17

LENGTH: 363 words

HEADLINE: GUN MAKERS, CITIES NEGOTIATE ON GUN SAFETY AND CONTROL;  
TALKS ARE AN EFFORT TO SETTLE LAWSUITS BROUGHT OVER GUN VIOLENCE

BYLINE: From News Services

DATELINE: NEW YORK

BODY:

For the first time since they have been sued over gun-related violence, gun manufacturers started talking with various cities on how to improve safety and make weapons tougher to get.

The negotiations, held last week in Washington, were an effort to settle the suits brought by cities across the country, which seek millions of dollars in damages to recoup costs related to gun violence.

Connecticut Attorney General Richard Blumenthal said Saturday: "We have an opportunity and an obligation to seek an agreement that could achieve some of our objectives and avoid a long and costly legal procedure."

He attended the meeting, along with several other representatives from other cities and states.

Unidentified gun industry executives who attended said they would consider a list of the cities' demands, including mandatory safety devices and a crackdown on corrupt gun retailers. The New York Times reported Saturday.

Present were Ed Shultz, chief executive of Smith and Wesson Corp., and officials from Sturm, Ruger and Co., Colt's Manufacturing, O.F. Mossberg and sons, Taurus, Glock and Beretta, the newspaper said.

Several gun makers, including the so-called Ring of Fire companies that encircle Los Angeles, were not invited. Also not invited was Washington attorney John Coale, one of a group of lawyers who represent New Orleans, Atlanta, Cleveland, Cincinnati and Newark, N.J.

City officials are seeking tighter controls by manufacturers over distribution to wholesalers and retailers.

With the goal of curbing the supply of handguns to criminals and juveniles through corrupt dealers, the companies would be cut off from those who supply a high number of guns used in crimes.



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St. Louis Post-Dispatch, October 3, 1999

Any agreement would be overseen by an independent monitor picked by the cities and approved and paid for by the gun makers, lawyers involved in the talks told the Times.

Other demands include placing external locks on all guns, incorporating new technology allowing only owners to fire their guns and ending the sale of handguns at gun shows and on the Internet. In addition, city officials want advertisements stopped that claim guns increase home safety.

LANGUAGE: English

LOAD-DATE: October 3, 1999



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LEVEL 3 - 88 OF 315 STORIES

Copyright 1999 The Denver Post Corporation  
The Denver Post

October 5, 1999 Tuesday 2D EDITION

SECTION: DENVER &amp; THE WEST; Pg. B-11

LENGTH: 693 words

HEADLINE: Gun makers in the crosshairs

BYLINE: Ken Hamblin,

BODY:

I have wanted to own a Colt-45 semi-auto pistol since the range officer put one in my hand and told me to use it to qualify on the U.S. Army firing range at Fort Dix, N.J., more than four decades ago.

But while today I own a number of other handguns, I have managed to put off purchasing the legendary Colt 45 ACP (Automatic Combat Pistol).

I was inspired recently, however, to end to my procrastination after I talked with several gun enthusiasts on my syndicated talk radio show who informed me that their local gun dealers say Colt's manufacturing company in Hartford, Conn., is preparing to curtail its handgun sales to the civilian market.

From what I've been told by Colt - speaking strictly off the record, of course - nothing as drastic as that is intended.

But I don't believe Colt.

One reason for my doubt is that Colt has never refused before to speak directly - at least to me - about its continued commitment to Sam Colt's tradition of manufacturing and marketing quality firearms to the world. Colt has always stood pat and openly in defense of our Second Amendment.

But now Colt appears to be in the throes of digging a fox hole deep enough to survive the fast approaching tornado of litigation from the anti-firearms movement. The anti-gun lobby's goal is clear to me - to make guns as rare in American homes as a chicken with lips.

It's already common knowledge in the industry that Colt has terminated the jobs of as many as 1,000 field representatives. The company has sent letters to gun dealers across the nation assuring them that while some Colt handguns may be dropped from its line, Colt will continue to sell to the civilian market.

Meanwhile, news from the pending litigation front is that gun manufacturers have begun a dialogue with some of our worst crime-ridden cities about how to improve safety and make firearms tougher for the bad guys to get.

I only hope it isn't a dialogue of total capitulation.



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The Denver Post, October 5, 1999 Tuesday

According to one Associated Press account, the negotiations, which were held in Washington, D.C., were an initial effort to settle the suits brought by cities across the country who are seeking millions of dollars in damages as a result of gun-related violence.

According to The New York Times, gun industry executives in attendance said gun manufacturers would consider the cities' demands, such as including mandatory safety devices and a crackdown on corrupt gun retailers.

Politicians from the White House down insist their ambition is only to curb the supply of handguns to criminals and juveniles with the implementation of mandatory external gun locks and new technology that will allow only the legal owners to fire their guns.

But it takes an exceedingly gullible person not to realize that the real goal of the anti-gun movement is a total ban on the ownership of all handguns, shotguns and rifles, not to mention ultimate deletion of the Second Amendment from our Constitution.

lence will be purged from our society.

I'm willing to give Colt, as well as the other gun manufacturers who attended the Washington meeting, the benefit of the doubt. I'm willing to assume that their presence at that D.C. meeting was about showing good faith and holding the line until the U.S. Supreme Court settles the question of who is responsible - the perpetrator or the manufacturer - when the law of the community is torn asunder.

I, for one, think that in the long run the court will be compelled to terminate the silly notion of holding a gun manufacturer accountable for the actions of a feral urban thug.

I can just see the scenario. Ford Motor Co. or General Motors being held accountable for the action of a village drunk who careens into a school bus filled with children while driving under the influence.

Ken Hamblin (BACECIS.COMPUSEVERVE.COM; Web page: <http://www.hamblin.com>) writes Tuesdays and Sundays in The Post and hosts a syndicated radio talk show.

LOAD-DATE: October 06, 1999



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## LEVEL 3 - 65 OF 315 STORIES

Copyright 1999 The Atlanta Constitution  
The Atlanta Journal and Constitution

October 12, 1999, Tuesday, Home Edition

SECTION: Editorial; Pg. 10A

LENGTH: 440 words

HEADLINE: Editorials: Gun lawsuits effective;  
Move to protect profit margins serves to preserve us all.

BYLINE: Staff

SOURCE: CONSTITUTION

BODY:

Gun makers deny any responsibility for the thousands of U.S. lives lost to firearms each year. It's the people, not the guns, they say.

They apparently aren't as cavalier about lost profits.

The Colt's Manufacturing Co., inventor of the revolver, has practically decided to stop selling handguns to civilians in an effort to limit its legal liability. The 144-year-old gun maker will concentrate on selling mainly to law enforcement agencies and the military, though a few handguns will still be produced for collectors.

Gun manufacturers face at least 27 lawsuits from cities and counties hoping to mimic the legal strategy that successfully won concessions and cash awards from tobacco companies. Colt's decision suggests this approach is an effective way to disarm the gun industry.

The industry invited these lawsuits by the irresponsible design, manufacture, distribution and marketing of its products. For example, the gun maker Navagar advertised its TEC-9 assault pistol --- used by the two teens in the Columbine High School shooting --- "as tough as your toughest customer" and bragged about the gun's "resistance to fingerprints."

To defend themselves against lawsuits, the cigarette companies had to spend \$ 600 million a year. Firearms manufacturers can't afford lengthy courtroom battles because they lack the deep pockets of the tobacco giants. Gun sales have been flat or falling for a decade.

The lawsuits have already forced some gun makers to the bargaining table. Just last month, representatives of firearms companies met in Washington with representatives of state and local governments to open negotiations that might settle some of those suits. The talks centered on improving gun safety and finding ways to keep firearms out of the hands of criminals.

Unlike all other consumer products, guns are not subject to consumer safety regulations. And though Colt has been an industry leader in introducing new



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technology to make guns safer, most of the firearms industry has refused to police itself.

An industry whistle-blower has testified that the industry does little to investigate retailers and wholesalers who sell guns used in crimes. Robert Hass, a former Smith & Wesson senior vice president of marketing and sales, said manufacturers simply don't screen or supervise sales beyond checking federal firearms licenses.

Colt's action may bring Charlton Heston and the National Rifle Association thundering down from the mountain to complain about legal extortion and the loss of personal freedoms. But there is another loss to be considered: The 90 Americans killed each day by firearms.

LOAD-DATE: October 12, 1999



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LEVEL 3 - 63 OF 315 STORIES

Copyright 1999 The New York Times Company  
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October 13, 1999, Wednesday, Late Edition - Final

SECTION: Section A; Page 24; Column 1; Editorial Desk

LENGTH: 557 words

HEADLINE: Holding Up the Gun Makers

BODY:

It is too early to say whether the settlement talks between leading gun manufacturers and the cities that are suing them will be an important turning point in the battle to improve gun safety and stem the flow of weapons to juveniles and criminals. What seems obvious, however, is that it was not sudden pangs of conscience that led companies like Smith & Wesson, Colt's Manufacturing, Glock and Beretta to decide to pursue these negotiations.

Rather, their new willingness to talk stems in large measure from lawsuits that seek to hold the manufacturers liable for negligent marketing practices that allow guns to fall into the wrong hands, and for making their products "unreasonably dangerous" by failing to incorporate safety devices to prevent the weapons' unauthorized use. Some of these cases are now reaching the discovery phase, when the plaintiffs may well uncover damaging corporate documents of the kind that played such a critical role in the tobacco litigation.

In addition, a California appeals court has recently reinstated a lawsuit against the maker of semiautomatic pistols used to kill eight people in 1993. This was the first ruling by an appeals court to allow a gun maker to be held responsible for a criminal shooting. The Attorneys General of New York, Eliot Spitzer, and Connecticut, Richard Blumenthal, gave the companies another incentive to talk by threatening to file the first state lawsuits against them.

Indeed, pressure from the gun lawsuits may well have been a factor in a recent decision by Colt's, the producer of the storied Colt .45, to sharply cut back its consumer-handgun business. The company has tried to downplay the significance of the move. But according to a senior company executive quoted in The Times on Monday, the 144-year-old company -- already in some financial trouble -- had found it increasingly difficult to finance its operations because lenders were afraid that the lawsuits could produce crippling judgments, impairing Colt's ability to repay.

The negotiations center on demands submitted to the gun makers by Jim Hahn, the Los Angeles City Attorney. His proposals would bring useful, common-sense changes to the gun trade that Congress refuses to entertain, much less approve. He and his colleagues want every gun personalized so that only its owner can fire it -- a technology that Colt's has helped advance. He also wants the companies to supply only those retailers who agree to limit customers to one handgun purchase a month, to stop selling handguns at gun shows and on the Internet and to halt advertisements asserting that handguns enhance home safety.



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The New York Times, October 13, 1999

The companies that make most of the cheap handguns used by criminals are not attending the talks. As Mr. Spitzer notes, however, nothing forecloses state and municipal litigation against these companies.

Even with a settlement between the cities and the gun companies, Congress would still need to pass a sensible system of gun registration and licensing. Moreover, it is too early to say if the gun makers are negotiating in good faith or merely stalling for time. But Mr. Spitzer and his colleagues need to keep in mind that they are in a strong position. With tough bargaining, they could force the gun makers to adopt safety measures they and the National Rifle Association have long resisted.

<http://www.nytimes.com>

LANGUAGE: ENGLISH

LOAD-DATE: October 13, 1999



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## LEVEL 3 - 57 OF 315 STORIES

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October 15, 1999, Friday, Late Edition - Final

SECTION: Section A; Page 1; Column 5; National Desk

LENGTH: 1165 words

HEADLINE: States' Big Suits Against Industry Bring Battle on Contingency Fees

BYLINE: By BARRY MEIER and RICHARD A. OPPEL Jr.

BODY:

A growing wave of lawsuits by cities and states against makers of cigarettes, guns, and now lead paint, has reignited a fierce debate over the role of lawyers and the enormous fees they can earn in legal actions brought by public officials.

The issue erupted after prominent plaintiffs' lawyers, hired by state attorneys general to sue cigarette makers, earned billions of dollars in contingency fees as a result of the \$246 billion in settlements with the companies. Now some of those same lawyers, who only get paid if they win a case or settle it, have been hired by states and cities to sue gun makers and lead paint producers.

As part of a business counteroffensive against the trend, the United States Chamber of Commerce will soon begin an intensive lobbying campaign to get legislatures to drastically restrict states' use of contingency lawyers. Recently, Gov. George W. Bush of Texas signed a law, backed by companies, that sharply limited the ability of the state's Attorney General to hire contingency-fee lawyers.

The question has split legal experts. Economically strapped elected officials need the skills and resources of outside lawyers to handle difficult cases, they say. "It levels the playing field because the other side is relying on very skilled lawyers," said Robert L. Rabin, a professor of law at Stanford University.

But the interests of those lawyers can conflict with those of the public.

"The fees can be out of line with the amount of work and effort that is actually put in," Mr. Rabin said.

Some cities suing the gun industry have decided to use their own lawyers, rather than outside counsel.

Under the legislation proposed by the Chamber of Commerce, any outside lawyer who contributed more than \$250 to the campaign of a public official would be barred from being hired to pursue a lawsuit. Jim Wootton, executive director of Institute for Legal Reform at the United States Chamber of Commerce, said that provision would restrict influence peddling. Plaintiffs' lawyers, though, have



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contributed largely to Democratic candidates, while the business interests they sue have traditionally supported Republicans.

The law would prohibit a state from changing any laws that could affect litigation while the state sued an industry or even contemplated such a lawsuit, Mr. Wootton said.

Mr. Wootton said limiting the use of contingency lawyers was a vital issue for industry. "We think this is one of the biggest threats facing American industry today," he said.

The latest challenge came on Tuesday when Rhode Island's Attorney General, Sheldon Whitehouse, sued eight paint companies and a lead industry group to seek payment for the treatment of children poisoned by lead paint and for its removal.

The case will be handled by the firm of Ness, Motley, Loadholt, Richardson & Poole of Charleston, S.C., which represented some two dozen states in tobacco cases, earning hundreds of millions in fees in the process. Rhode Island will pay 17 percent of any award or settlement to the firm, which is financing the lawsuit and is in talks with other states about similar actions.

Other tobacco veterans are also posed to jump in. Richard Scruggs, a Pascagoula, Miss., lawyer who represented that state and some 20 others against cigarette makers, has had talks with public officials interested in suing. And Steve Berman, a Seattle lawyer who represented several states, including Washington, in their tobacco case, said he had discussed lead paint lawsuits with two attorneys general.

Many legal experts believe that such high-powered law firms can play a valuable role in public litigation because they have financial resources to spend years, if necessary, tracking documents, interviewing witnesses and aggressively fighting pretrial motions.

John Coffee, a professor of law at Columbia University said he believed that it would be a "disaster" for the public if the type of legislation being promoted by the Chamber of Commerce was adopted.

But Mr. Coffee also voiced concerns about potential conflicts between lawyers who donate heavily to the campaigns of officials who can hire them. And other legal experts said that outside lawyers could have a financial stake in settling a case that might be at odds with the broad public's goals.

"The public might have been interested in getting more concessions from cigarette companies in return for taking less money," said Susan Koniak, a professor of law at Boston University.

Mr. Berman, the plaintiff's lawyer in Seattle, said he believed that outside lawyers representing states cut the best deals possible in striking settlements with tobacco companies. But he acknowledged that some of the huge legal fees awarded in those cases had fueled the larger controversy.

Last year, lawyers representing the first three states that settled -- Florida, Mississippi and Texas -- were awarded \$8.2 billion. The staggering fees prompted public uproar, particularly in Texas, where one lawyer, Marc D. Murr of



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Houston, who appeared to play little role in the litigation, sought \$260 million in fees.

Faced by a state investigation, Mr. Murr, whose request was supported by the former Texas Attorney General who hired him, backed down. But this year, Republican lawmakers with the backing of business groups passed legislation requiring the State Attorney General to have contingency-fee contracts approved by a board appointed by top state officials. Legal fees could not exceed \$4,000 an hour.

Utah legislators also passed a bill this year requiring that state's Attorney General to get approval from the Governor before filing a civil lawsuit. But after the State Attorney General, Jan Graham, threatened to challenge its constitutionality, she struck a deal with lawmakers under which her office will keep the Governor informed about any litigation.

Cities that are heading the legal assault against gun makers have taken different stances on outside lawyers. While some, like New Orleans, Atlanta and Newark have hired lawyers involved in tobacco cases under contingency deals, others like Chicago are using their own lawyers.

Mr. Berman, the Seattle plaintiff's lawyer, said those various approaches had apparently created some conflicts. Recently, for example, when lawyers representing several cities suing gun makers and a few states considering such actions met with manufacturers, cities that had hired outside lawyers were excluded from the talks.

Along with suing gun makers and paint producers, some of the tobacco lawyers like Mr. Scruggs have also filed actions against health maintenance organizations, saying they had failed to provide policyholders with promised benefits. And Mr. Coffee, the law professor, said he would not be surprised if public entities like cities soon took similar actions.

"If you look over the horizon, the filings on behalf of state plaintiffs tend to come after the lawsuits filed on behalf of individuals," he said.

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LANGUAGE: ENGLISH

LOAD-DATE: October 15, 1999



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LEVEL 3 - 53 OF 315 STORIES

Copyright 1999 The Detroit News, Inc.  
The Detroit News

October 21, 1999, Thursday

SECTION: Front; Pg. Pg. A1

LENGTH: 913 words

HEADLINE: Wayne wants gun suit deal: It would call for strict controls and force makers to sell guns only owners can shoot 9900278112:

BYLINE: David Shepardson and Kim Kozlowski / The Detroit News

BODY:

Wayne County has signed on to a national proposal that would settle the lawsuits it and other governments have filed against gun manufacturers, a move that could make guns safer and reduce the chance of criminals buying them.

But gun manufacturers are working on their own proposal, and critics of the lawsuits say the maneuvering is an attempt to ban a legal product.

The agreement calls for manufacturers to impose strict licensing and controls on distributors and eventually to produce so-called "smart guns," which use new technology to render guns inoperable by anyone except the registered owner.

In exchange, the cities and counties suing the gun manufacturers would agree not to seek monetary damages to compensate for the cost of gun violence, Wayne County Deputy Executive Michael Duggan said.

Since New Orleans filed a gun lawsuit on Oct. 30, 1998, 29 cities and counties across the country have filed similar suits, seeking more than \$ 2 billion in damages. The cities include Detroit, Chicago, Cleveland, Atlanta, Los Angeles, San Francisco and Cincinnati.

"We want to be able to present a united front," Duggan said. "One problem is unlike the tobacco suits, where you had attorneys general who knew each other working together, we are still getting to know each other."

The top official of the gun industry's trade group, Robert Delfay, said Wednesday that the manufacturers were studying various proposals from the cities and counties and planned to meet with their representatives in the next few months.

"I'm somewhere between optimistic and hopeful that the lawsuits can be settled," said Delfay, president of the 1,600-member National Shooting Sports Foundation. "We're studying proposals offered by the plaintiffs and working on our own."

Suit claims differ

The cities and counties use different theories in their lawsuits. Wayne



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County and Detroit say the gun makers, dealers and distributors are "willfully blind" to felons and minors obtaining weapons.

Others, like Camden County, N.J., say the gun makers have been negligent in not implementing the smart guns; they have asked a federal judge to compel the gun makers to implement the high-tech weapons.

Any implementation of "smart guns" would raise the cost of handguns by as much as \$ 150 a gun, but that wouldn't take effect until at least 2004, because the technology is still under development.

One type of "smart gun" uses a computer chip to identify its owner. Gun owners wear the chip, which activates a companion chip in the weapon, allowing it to fire.

"We have a lot of questions. What if the battery runs out? What if it doesn't work?" Delfay said. "We'll erect a monument to the person who can make a gun that only shoots the bad guy."

High-level strategy discussions of a settlement have been conducted by phone between the cities' officials.

Jim Hahn, city attorney for Los Angeles, late last month presented proposals for ending the suits at a meeting in Washington with executives from the gun makers, Delfay said. Hahn also reportedly proposed that the gun makers agree to limit buyers to one handgun a month, now the law in California and Virginia.

The cities want the gun manufacturers to require dealers to carry a minimum number of weapons. This would keep very small-volume dealers, some of whom are disreputable, from selling.

It's now in writing

Since Hahn's talks, the demands have been turned into a written proposal that is being circulated among the cities and counties. "This is a stronger starting point for more intensive negotiations," Duggan said.

Critics -- such as state Rep. Valde Garcia, R-St. Johns, who has introduced a bill backed by the National Rifle Association in the state House that would seek to prevent such lawsuits -- say the suits are about putting a legal product out of business.

"They want to use these suits to bankrupt the gun industry," said Garcia, who hopes to get a vote this year on the bill. "This isn't about making guns safer or making our streets safer."

At least three gun manufacturers have recently filed bankruptcy.

Meanwhile, Wayne County will sign settlements this week with three of the local gun dealers it sued earlier this year, in exchange for strict monitoring of gun sales, Duggan said. The county earlier agreed to drop Gibraltar Trade Center from its lawsuit after it agreed to stop all gun shows at the Taylor location.

Suits moves forward



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To be sure, any settlement is months, if not a year, away.

"We hope to be the first in the nation to go to trial," Duggan said. "I don't think they will settle until our case heads to a jury."

Two attorneys for Detroit, and mayoral spokesman Greg Bowens said they city hadn't participated in settlement talks.

Detroit has not taken an active role in the negotiations and has taken a "wait and see" approach to the proceedings, said Jim Nosedo. "The mayor is obviously watching very carefully what's going on, but we're planning on going to trial."

As settlement talks continue, Detroit and Wayne County's gun lawsuits are moving forward.

For the past four months, they've been stuck in the U.S. District Court in Detroit, while the gun manufacturers unsuccessfully sought to convince two judges that they didn't belong in a Michigan court.

On Friday, Judge Paul Gadola ordered the city's case be returned to Wayne Circuit Court, following an earlier ruling to return the county case by Judge Julian Abele Cook.

LOAD-DATE: October 21, 1999



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October 23, 1999, Saturday, Late Edition - Final

SECTION: Section A; Page 17; Column 1; Editorial Desk

LENGTH: 715 words

HEADLINE: The Misfire That Wounded Colt's

BYLINE: By Gary Kleck; Gary Kleck, a professor of criminology and criminal justice at Florida State University, is the author of "Targeting Guns."

DATELINE: TALLAHASSEE, Fla.

BODY:

If Eliot Spitzer, New York State's Attorney General, has his way, more of the nation's gun manufacturers will follow the lead of the Colt's Manufacturing Company and cut back big parts of their business to please the advocates of gun control.

When Colt's announced it would cease making handguns for the civilian market, it cited financial problems attributable in part to pending lawsuits filed by 28 cities and counties against gun makers, including Colt's. New York State has not filed one of these suits, but Mr. Spitzer's threat of one has persuaded the gun makers to negotiate with him about his demands that they stop making lower-priced handguns and submit their businesses to oversight by an appointed monitor.

What makes all of this especially interesting is that the governments that have sued the industry have no record of winning in court. Earlier this month, in the first, and so far only, judicial resolution of a municipal lawsuit against a gun maker, an Ohio court dismissed a lawsuit filed by the city of Cincinnati against Colt's and other gun makers. The court rejected virtually every major legal theory on which this and most other lawsuits against gun makers by governments have been based.

Colt's, although it was also having problems keeping up with its competitors, had found increasing difficulty financing its operations because lenders feared the impact of the suits. Another gun company, Davis Industries, has declared bankruptcy in the face of similar lawsuits.

The Colt's case raises the possibility that companies can be driven out of the gun business, or at least major parts of it, by a wave of suits even if courts eventually find that the plaintiffs' cases have no merit.

Many of the municipal lawsuits have been filed with the assistance of Handgun Control Inc. The legal theories the organization has developed argue that gun



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companies should be sued because they failed to include certain safety devices in their guns, they marketed their guns negligently because they failed to control retail dealers adequately, and they created a public nuisance (gun violence) and should reimburse municipalities for their costs in dealing with it.

These theories are based on premises that are contradicted by the best evidence. A study reported in the Journal of Quantitative Criminology in 1993 found that the prevalence of guns in general city populations has no net effect on city violence rates, including homicide rates. At least 15 surveys have indicated that guns are used more often by victims resisting crimes than by criminals committing them; the ratio may be as high as 3 or 4 to 1.

And, according to reports from the Bureau of Alcohol, Tobacco and Firearms, few criminals get their guns from gun shows, by thefts from gun stores or as a result of large-scale purchases, through straw purchasers, from licensed dealers.

Promoters of both municipal and private suits insist that their goal is not to bankrupt gun companies, but to pressure them into developing safer guns and marketing more responsibly. But if that were the case, it would make sense to sue only the less responsible companies, sending the message that one could escape this risk by acting more responsibly.

Colt's is, by the reasoning in the plaintiffs' own legal arguments, a responsible gun maker. It was the leader in efforts to develop "personalized gun" technology that would make it impossible for unauthorized users to fire a gun. The company was nevertheless sued along with all the other producers, sending the message that relatively responsible behavior will not earn anyone immunity from lawsuits. Similarly, Beretta, one of the few companies to sell a gun with an indicator showing whether it is loaded, has also been sued.

Supporters of the lawsuits rationalize their tactics by asserting that the National Rifle Association has used its power to "thwart the will of the people" in legislatures, forcing gun control advocates to turn to litigation. Polls, however, indicate that, however much Americans support moderate controls, most oppose banning the manufacture and sale of guns.

Regardless of how one feels about gun control, tort law should not be twisted to produce a narrow political goal that cannot be achieved through legislative means.

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LANGUAGE: ENGLISH

LOAD-DATE: October 23, 1999



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October 24, 1999 Sunday, CHICAGOLAND FINAL EDITION

SECTION: EDITORIAL; Pg. 18; ZONE: C

LENGTH: 303 words

HEADLINE: A GUN DEALER STEPS UP FOR SAFETY

BODY:

Smith & Wesson Corp., one of the nation's largest firearms manufacturers, is requiring its dealers to sign a code of ethics designed to enhance gun safety. If the dealers don't sign, they won't be authorized to sell Smith & Wesson guns. Bravo!

The ethics code requires the dealers to sell safety locks with all Smith & Wesson guns. It also calls on them to closely monitor prospective purchasers to head off illegal gun sales. That's a legitimate demand. Despite federal law designed to thwart illegal gun buyers, a recent Chicago police undercover operation detailed how some gun shops willfully ignore "straw purchases," wherein a buyer is obviously acting on behalf of someone who can't legally purchase a gun.

Smith & Wesson may be motivated by a desire for gun safety. Or it may be motivated by a desire to protect itself from the slew of lawsuits filed by 28 cities and counties claiming that gun-makers and dealers have been negligent and have created a public nuisance by encouraging illegal sales. Whatever the motivation, this is a positive move that acknowledges guns aren't apples or CD players or Beanie Babies. Guns are potentially dangerous products and their sale and distribution must be carefully managed.

In the context of gun politics, this is a dramatic move. When Smith & Wesson and the head of the American Shooting Sports Council moved earlier this year to seek a settlement to the lawsuits, the National Rifle Association responded by getting the head of the council fired.

Would that the NRA-controlled Congress could act as decisively as Smith & Wesson has. A House-Senate conference committee continues to dicker over an exceedingly modest gun-control package that would include mandatory trigger locks. This nation is going to get a handle on guns--with or without Congress.

LANGUAGE: ENGLISH

LOAD-DATE: October 24, 1999



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## LEVEL 3 - 50 OF 315 STORIES

Copyright 1999 Gannett Company, Inc.  
USA TODAY

October 25, 1999, Monday, FINAL EDITION

SECTION: NEWS; Pg. 5A

LENGTH: 466 words

HEADLINE: Smith & Wesson promotes gun ethics

BYLINE: Martin Kasindorf

BODY:

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, spokesman 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.



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USA TODAY, October 25, 1999

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.

LANGUAGE: ENGLISH

LOAD-DATE: October 25, 1999



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PHILADELPHIA INQUIRER

June 11, 1999, Friday

SECTION: Section B; Page 1, Column 1

LENGTH: 55 words

HEADLINE: RENDELL SCHEDULES A MEETING TO SEEK A COMPROMISE ON GUNS

BYLINE: BY PETER NICHOLAS

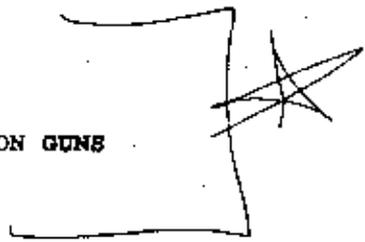
JOURNAL-CODE: PHI

ABSTRACT:

Mayor Ed Rendell is trying to broker a compromise with gun makers under which other mayors would settle suits in return for the industry agreeing to help curb firearm violence; Rendell and the president of Smith & Wesson have agreed to meet next month and to bring with them other mayors and gun-industry representatives (M)

LANGUAGE: ENGLISH

LOAD-DATE: November 17, 1999



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June 11, 1999 Friday, ORLEANS

SECTION: NATIONAL; Pg. A1

LENGTH: 916 words

HEADLINE: MAYORS MEETING WILL FOCUS ON GUNS, VIOLENCE

BYLINE: By Kristen DelGuzzi Staff writer

BODY:

Judging by the name of the organization, this weekend's gathering of the U.S. Conference of Mayors could be a mind-numbing exercise on how to run a city.

But with high-profile, controversial issues such as gun control, school violence and welfare on the agenda, the five-day meeting in New Orleans promises to be more appealing than a dry administration manual.

"The meeting this year, like every meeting of the U.S. Conference of Mayors, will deal with many timely issues that affect America's cities -- everything from the issues of school violence, crime and public safety to the issues of economic development, brownfield redevelopment and the growing impact of the nation's metropolitan economy on the economic revitalization of this nation," said Mayor Marc Morial, who is playing host to the conference's 67th annual meeting.

Among the most timely issues are school violence and gun safety, which the conference zeroed in on last year, long before the school massacre in Littleton, Colo., and before more than a dozen cities followed New Orleans' lead in filing lawsuits against the gun industry.

Now a hot-button issue around the country since the April shootings in Littleton, youth violence has been the focus of the conference since last summer, when Mayor DeeDee Corradini of Salt Lake City decided to focus her yearlong presidency on it.

"Little did we know that we would be at the center of this issue," Corradini said Thursday. "We are the only ones we know of that have a national plan on youth violence that is as comprehensive as ours is."

Called the National Action Plan, the conference's proposal is the product of a daylong seminar last fall with educators, youngsters, mayors, police chiefs, media and entertainment representatives, and Attorney General Janet Reno. It recommends ways to prevent youth violence at school and after school lets out, and also discusses violence in the entertainment industry and the media.

"Ever since Littleton, it's been in great demand," Corradini said. "It's in its third printing."



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Corradini, too, has been in demand, attending several White House functions to talk about youth violence and programs to curb it.

Given the events of the past year and her prominent role in the debate, Corradini said, it is obvious that the conference is an influential player on the national stage. And it didn't start with her.

Two years ago, Chicago Mayor Richard M. Daley took the conference full-tilt into the uncharted waters of public education, "starting a whole new dialogue in this country on education," Corradini said.

Last year, Fort Wayne, Ind., Mayor Paul Helmke focused the conference on brownfields, or the redevelopment of inner-city blighted and contaminated property.

"I think we've been very successful over the years," said Corradini, who has been mayor for eight years. "When I first started, it was very hard to get Washington to pay attention to mayors. But now they realize we're out on the front lines."

While violence will be a key focus at the New Orleans meeting, it will be far from the sole topic.

Also on the agenda are forums on the 2000 census and gambling. In addition, mayors will talk about the growing trend of Internet sales, a subject that is alarming to many, since there is no sales tax on online purchases.

"Without the sales tax on Internet sales, many of our cities are losing a third of their annual revenue," Corradini said. "Cities depend on sales tax."

The mayors also will talk about the Safe Drinking Water Act, solid waste management, immigration, housing for the elderly, public transit, financing for the arts and "invasive species."

The discussions will kick off this morning with a forum on guns, during which the conference's Gun Violence Task Force will talk about proposed national legislation on firearms and how to enforce existing laws. U.S. Treasury Undersecretary James Johnson, who oversees the Bureau of Alcohol, Tobacco and Firearms and other federal agencies, will discuss federal efforts to stem gun violence.

There also is expected to be a discussion about the growing number of cities that are suing gun makers.

A representative of one gun-industry group arrives today to continue negotiating a possible resolution of the suits with several cities.

Bob Ricker, president of the American Shooting Sports Council, has been negotiating with several mayors who have filed gun lawsuits. He and New Orleans lawyer Danny Abel said progress has been made during the talks, as evidenced by the fact that Newark, N.J., did not name the council as a defendant in a lawsuit it filed Wednesday against gun makers.

Ricker said he hopes to leave New Orleans facing fewer lawsuits. "We want to explore different policy areas that will be directed at keeping guns out of the



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wrong hands and making the streets safe," he said Thursday.

While Ricker is trying to work with the mayors, those at the conference could touch on another issue that has Morial at the forefront: what to do when a state legislature passes a law to block city suits against gun makers. A bill that would block the lawsuits in Louisiana is on Gov. Foster's desk and awaiting his signature.

Although the law would be retroactive and would nullify his lawsuit, Morial did not seem overly concerned about it. "I don't think that the Legislature's actions, at the end of the day, will be anything more than symbolic," he said.

\* \* \* \* \*

Staff writer Pamela Coyle contributed to this article.

LANGUAGE: ENGLISH

LOAD-DATE: June 11, 1999



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LEVEL 3 - 157 OF 315 STORIES

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Financial Times (London)

June 8, 1999, Tuesday USA EDITION 1

SECTION: FRONT PAGE - FIRST SECTION; Pg. 01

LENGTH: 492 words

HEADLINE: Mayors may drop action against gun group  
AMERICAN SHOOTING SPORTS COUNCIL SET TO ESCAPE LITIGATION AS  
REWARD FOR CONCILIATORY STANCE TOWARDS CRITICS:

BYLINE: By Richard Wolffe in Washington

DATELINE: Washington

BODY:

Mayors from several US cities suing the gun industry are this week expected to drop their action against a leading trade group in a move that will deepen the bitter rifts among firearms manufacturers.

The decision to exclude the American Shooting Sports Council (ASSC) from the lawsuits will represent a reward for the group for taking steps towards conciliation with industry critics, including the Clinton administration.

Rival gun-lobby groups, led by the National Rifle Association (NRA), are seeking to harden resistance to any compromise. The House of Representatives is debating gun control this week.

The ASSC has infuriated hardline gun groups by leading the drive towards talks over the last two years. Its membership consists mainly of the manufacturers which have been the targets of most of the legal actions and are therefore keen to explore a possible settlement.

It has backed a series of proposals for gun safety measures in the wake of the school massacre in Littleton, Colorado, in April. The council appeared at a White House conference on youth violence last month.

Its escape from litigation is set to be announced at the annual US Conference of Mayors in New Orleans, which begins on Friday. Two other industry groups and several gun manufacturers will continue to be sued by 20 cities and counties, including New Orleans, Chicago and Boston.

Lawyers and lobbyists close to the ASSC and mayors said the industry group was reaping the benefits of its "willingness to work with its opponents and the White House".

John Coale, one of the leading gun-control lawyers who represents New Orleans and Cleveland, said: "We are exploring the idea. They have backed the legislation in the Senate and are doing the same in the House, which is a lot of what our clients want. They have been reasonable and that should be rewarded."



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Financial Times (London) June 8, 1999, Tuesday

However, the expected removal from litigation poses risks for the group. In February it was pressured by gun manufacturers and the NRA into ousting its executive director, Richard Feldman, for seeking talks with opponents.

Some gun manufacturers are now pressing the ASSC to merge with a rival group, the National Shooting Sports Foundation, which has close links to the NRA. Both the NRA and NSSF believe that no compromise is possible or desirable over the lawsuits they condemn as "evil".

The NRA has sharply increased its lobbying efforts in recent weeks to convince House Republicans not to follow the Senate, which approved gun restrictions last month. The Senate bill requires all handguns to be sold with child safety locks or secure storage containers and introduces background checks for purchasers at gun shows.

The NSSF remains a target of the New Orleans lawsuit, filed last year, naming more than a dozen manufacturers including Beretta of Italy, Glock of Austria, and Smith & Wesson, a division of Tomkins of the UK. Handgun industry faces legal onslaught, Page 7

LANGUAGE: ENGLISH

LOAD-DATE: June 08, 1999

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The New York Times

August 1, 1999, Sunday, Late Edition - Final

SECTION: Section 1; Page 20; Column 1; National Desk

LENGTH: 1242 words

HEADLINE: Deadlock Over Bullet-Tracing System

BYLINE: By BARRY MEIER

BODY:

As cities and states challenge the gun industry to change its marketing practices, one proposal that keeps coming up is the creation of a nationwide data base of bullets and ammunition shell casings. Using such a system, the police could connect evidence at the scenes of murders and shootings to the guns used in such crimes.

Like a human fingerprint, every gun that is fired leaves a unique series of marks on a bullet and shell casing. And by test-firing guns before they were shipped, producers could help law-enforcement officials quickly link a gun to a crime even if a weapon was not recovered.

There is just one problem: Over the last decade, the Federal Bureau of Investigation and the Federal Bureau of Alcohol, Tobacco and Firearms have championed two competing bullet and shell tracing systems and poured more than \$40 million into them. And despite three years of work, Government scientists have failed thus far to make the two systems compatible, leaving police departments that use different systems unable to exchange data.

As a result, some police departments in cities like Boston have been forced to use both the F.B.I.- and the A.T.F.-sponsored equipment, requiring technicians to enter data into both systems. And even if the systems are made compatible soon, as officials hope, the prospects of developing a huge national data bank of bullets and shells from new guns is probably years away, experts said.

Randall S. Murch, a deputy assistant director at the F.B.I., said the agency and A.T.F. officials were working cooperatively to resolve the problem. But he said the scramble to promote competing systems had not been healthy for either law enforcement or the public.

"You basically had taxpayer dollars going into two systems," Mr. Murch said. "You had a lot of competition between the two agencies."

Currently, police departments seek to match bullets or shells recovered from crime scenes only with those that have already been involved in an incident.

But Attorney General Eliot L. Spitzer of New York recently asked producers to submit bullet and shell samples from new guns to the A.T.F. before the guns are



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The New York Times, August 1, 1999

sold as one of several concessions to avoid a threatened lawsuit by his office. The issue also came up earlier this year at a White House meeting involving gun manufacturers and cities suing them, John Coale, a Washington lawyer who represents several of those cities, said.

The A.T.F. can identify a gun used in a crime by using the weapon's unique serial number to trace it to a firearms dealer who is required to keep a record of the person who bought it. But in most crimes, a gun is never found.

Still, the recovered shells or bullets can provide valuable clues because minute manufacturing deviations make every firearm unique. A firing pin leaves signature scratches on the backing of a shell case, and a bullet, as it travels down a gun's barrel, is also uniquely marked.

In the past, police forensics experts have linked the same gun to different crimes by using a comparison microscope to examine the markings on shells or bullets found at the scene of one crime with those found at another, a time-consuming and haphazard process. But in the early 1990's, law-enforcement agencies began to work on developing a computerized system that could store vast numbers of digital images of bullets and shell casings and then quickly scan its memory for possible matches.

"Firearms examiners knew that their job could be made much more effective by computer-aided examination," Mr. Murch, the F.B.I. official, said.

In 1991, the F.B.I. contracted with a Washington area company called Nmemonics Systems Inc. to develop a program based on identifying shell case markings. In 1993, another company, Forensic Technology Inc. of Montreal, approached A.T.F. officials with a system it had developed that was based on matching recovered bullets.

Jimmy Wooten, the A.T.F.'s assistant director of firearms, explosives and arson, said the agency knew at the time that the F.B.I. was already working on one system but thought that the Forensic Technology product was better.

"We felt that the way it gave information was superior," Mr. Wooten said.

That would become a matter of debate among ballistics examiners, many of whom think it is far easier to examine the flat, two-dimensional back of a shell casing than a three-dimensional bullet that typically deforms on impact.

"As far as I'm concerned, the bullet module is not as user-friendly as the casing," James Carr, the forensic laboratory supervisor for the Miami-Dade Police Department, said.

Both the F.B.I. and A.T.F. systems would eventually develop the capacity to look at both bullets and shell casings. But by the mid-1990's, financial warfare had broken out between the two agencies, which have clashed over other issues, as each offered grants to local police departments to take their equipment and training.

The F.B.I. has spent about \$18 million on its system, which is used by about 150 police agencies; the A.T.F. has spent about \$23 million on its system, which is used by about 50 departments, according to agency spokesmen.



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The problem, however, is that the systems cannot share data. William Casey, the deputy superintendent of the Boston Police Department, said Boston decided in 1996 to go with the A.T.F. system only to discover that the Massachusetts State Police had chosen F.B.I. equipment.

As a result, the Boston Police Department has also acquired the F.B.I. system and enters any shell casings and bullets found in Boston into both networks so it can look for matches in the state police system. New York also has both systems.

"We do double entry and it is not in the best interest of efficiency," Deputy Casey said.

In 1996, lawmakers and others who realized that the F.B.I. and A.T.F. were spending tens of millions of dollars on duplicate technology ordered the agencies to start cooperating.

That threw the problem into the hands of the National Institute of Standards and Technology, a Federal research agency in Gaithersburg, Md. The institute was expected to quickly come up with technical modifications that would let the two systems exchange information.

Three years later, researchers are still working. "We discovered that each system imaged the cartridges and bullets differently and used proprietary software," Bruce Field, an acting associate director at the institute who is in charge of the reconciliation project, said.

One imaging system, for example, uses a ring-shaped light while the other system uses a light source on one side. As a result, the images of the scratches on the back of a shell casing look different.

The entire Government reconciliation effort came to a halt last year when the Walsh Group, the parent company of Forensic Technology, sued Nichols Research Corporation, an Alabama company that had purchased Nmemonics, charging Nichols with patent infringement. Mr. Field said there were concerns that if work went forward, Government researchers would be drawn into the litigation.

The companies have since settled their dispute and Government researchers are at work again. Mr. Field and F.B.I. and A.T.F. officials said they were hopeful they would soon resolve the problem, though after three years they were not offering guarantees.

"We are going to do this," Mr. Field said. "It is taking longer than I like, but we are going to get there."

<http://www.nytimes.com>

GRAPHIC: Photo: Sgt. Detective Mark Vickers of the Boston Police Department firing a .357 Magnum as part of a ballistics test. (Evan Richman for The New York Times)



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July 23, 1999, Friday, Late Edition - Final

SECTION: Section A; Page 16; Column 1; National Desk

LENGTH: 3386 words

HEADLINE: Cities Turn to U.S. Gun-Tracing Data for Legal Assault on Industry

SERIES: Going After Guns

BYLINE: By BARRY MEIER

BODY:

In an undercover operation last year, Chicago police officers posed as local gang members and went shopping for firearms. Their targets: the suburban gun stores that had sold the largest number of guns recovered from city crime scenes or seized by the police from people carrying them illegally.

In store after store, clerks sold guns to the undercover officers, even as the latter boasted that they were taking the guns back to Chicago, where possessing a new handgun is illegal, or that they needed new guns because they had lost theirs in running from the police. In many cases, the clerks gave the undercover officers advice on how to get around Federal and state gun laws.

Soon afterward, based on the sting evidence, the City of Chicago filed a \$433 million lawsuit charging 12 suburban stores, along with several gun makers and wholesaler gun dealers, with creating a public nuisance by selling thousands of guns a year to people who illegally took them into Chicago.

While Congress debates the fine-tuning of laws governing who can buy guns, Chicago and at least 20 other cities and counties have begun a broad legal assault on the gun industry similar to the one started by states five years ago against cigarette makers.

In lawsuits challenging the gun industry's marketing practices, the cities are seeking to make the manufacturers responsible for gun control, charging that they and the distributors and dealers do too little to keep guns out of the hands of criminals in their eagerness to make sales.

The cities say they are taking steps against an industry that Federal officials have been unwilling or unable to challenge. One example: Chicago got the names of the dealers it chose as targets for its undercover investigation from the records of the Bureau of Alcohol, Tobacco and Firearms, the Federal agency that regulates gun sales.

In an interview, Mayor Richard M. Daley of Chicago said of his decision to sue the firearms industry, "It was out of frustration with the Federal Government."



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The New York Times, July 23, 1999

The alcohol, tobacco and firearms agency has long pursued those who buy weapons to resell them illegally. But the bureau's stance toward gun makers, distributors and legitimate dealers is that of a partner dependent on their cooperation for its criminal investigations, even as the bureau's own system of tracing guns used in crimes or seized by the police shows that tens of thousands of the firearms are sold by licensed retailers.

Officials of the bureau, an arm of the Treasury Department, say that large numbers of guns traced to one dealer may reveal nothing more than a store with high volume. Though bureau consultants recommended in 1995 that the agency closely monitor the relatively small number of dealers with high numbers of guns traced to them, its Chicago office began doing so only in 1998.

But Chicago mounted its sting operation against gun dealers on the basis of gun-tracing data collected in recent years. That investigation, as well as a sting operation in Detroit, have taken undercover officers in those cities inside the sometimes murky world of the firearms industry, where A.T.F. agents rarely venture without first announcing their presence.

When bureau inspections of gun dealers are conducted, the agents check gun-sale forms and inventory records to make sure they are complete. But the sting operations point to troubling practices by dealers, some possibly illegal, which paper records might never suggest.

Last spring, for example, the authorities in Detroit and surrounding Wayne County conducted an undercover operation against 10 stores and gun-show dealers. In each case, two undercover officers went together to a dealer, one of them acting the part of someone barred by law from buying a gun, for example, a felon, or someone under age. Nine of the 10 dealers sold a gun to the other undercover officer, standing in as a straw purchaser for the prohibited buyer, according to a lawsuit filed this year by the city and county against the dealers as well as against manufacturers and distributors.

In one videotaped transaction, a dealer at a gun show told one officer that if he wanted to buy a gun for his friend, he had to sign a required Federal form and take the risk if the firearms bureau discovered the ruse.

"You want to tell me you are buying the gun and you want to lie on the sheet, I don't care," the dealer said. "This question here says, 'Are you buying this gun for yourself?' All of us know you are not."

All of the dealers and companies sued by Chicago and Detroit denied wrongdoing. One dealer from the Chicago area, Robert Taborden, settled with the city in April without acknowledging fault and agreed to testify against gun producers and sellers.

The other sites that have sued the gun industry include Boston; Bridgeport, Conn.; Newark; Camden, N.J.; Atlanta; Miami-Dade County; New Orleans; Cincinnati; Cleveland; St. Louis; San Francisco; Sacramento, Calif.; Berkeley, Calif.; Compton, Calif.; West Hollywood, Calif.; Alameda County, Calif., and San Mateo, Calif.

Attorney General Eliot L. Spitzer of New York says he will soon file suit against the gun industry.



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## The Discord

### Common Goals, Different Routes

One aim of the cities' lawsuits is to establish a line of responsibility for guns used in crimes from dealers up through distributors to gun makers. Manufacturers, they argue, should know that some dealers are selling far more guns than a local population warrants. By assisting the firearms agency in tracing guns, they say, makers and distributors alike should become aware of dealers with large numbers of guns traced to them.

Gun makers respond that the firearms bureau does not reveal the names of such dealers to them, and lawyers for the manufacturers say they are not liable for the actions of those dealers.

"This is a highly regulated market and the Bureau of Alcohol, Tobacco and Firearms has said very clearly who can buy guns and who can't," said Anne Kimball, a Chicago lawyer who represents gun makers.

Bureau officials point out that the vast majority of gun dealers are honest and provide essential cooperation in tracing guns.

But the agency also works within severe legal constraints, especially the provisions of the Firearms Owners Protection Act of 1986, a law championed by the National Rifle Association. It limited the bureau's inspections of gun dealers, reduced penalties for keeping false records of gun sales and raised the burden of proof for violations by dealers.

In addition, as early as the 1970's, court decisions limited sting operations by ruling that a dealer could not be convicted of selling to a prohibited buyer, a felon, for example, unless the undercover agent buying the gun was in fact a felon. The bureau has also adopted its own limits. The bureau's head agent in Chicago, Kathleen L. Kiernan, said it was highly unlikely that the agency would conduct a sting operation to test whether gun stores were bending the rules.

"It would not be a natural strategy to employ unless there was information to suggest an investigation" of crimes like gun trafficking, Ms. Kiernan said.

Cities like Detroit and Chicago are using evidence of lax or illegal gun-sale practices as the basis for their civil lawsuits, rather than prosecuting the dealers in criminal court.

At the Sports Authority gun store in Dearborn, Mich., for example, a clerk was secretly videotaped telling two undercover agents posing as buyers not to alert the outlet's manager that one was buying a gun for the other, who had told the clerk he had a criminal record.

"This is called a straw purchase," the clerk explained. "It's highly illegal."

In a statement issued in April, the Sports Authority said it had dismissed the clerk involved, saying he had violated company policy. Lawyers for Detroit said that other clerks at the same store had rejected the efforts of two other straw buyers to make purchases.



The New York Times, July 23, 1999

The Chicago authorities say that suburban gun dealers allowed straw purchases and told officers posing as gang members that they could buy several guns at one time without the store notifying the bureau if they waited a week before claiming each gun.

Jeffrey Roehm, a bureau spokesman, said that for a store clerk to explain the rule did not violate the law. But at least one gun producer says that such store practices defeat the purpose of the reports, which is to help the bureau identify people who buy numerous guns for illegal resale.

"They should be arrested and put in jail," said Paul Jannuzzo, vice president and general counsel for the gun maker, Glock Inc.

Others believe the agency's stance shows it is out of touch.

"You can merrily go along in this fantasy that you have secured voluntary compliance with the firearms industry," said Julius Wachtel, a bureau agent for 23 years until he recently retired, "when in fact you've got no idea what you have."

#### The Discovery

##### Going to Records For Lawsuit Data

A.T.F. agents have long known from tracing guns seized in crimes that people bent on mayhem often obtain weapons where it is easiest: from places with lax firearm laws or at venues such as gun shows where buyers can legally avoid a background check.

But in recent years, lawyers for gunshot victims and those working on behalf of cities have discovered the bureau's gun-tracing data and have begun using it ~~their lawsuits to accuse gun makers of oversupplying dealers in areas with lax rules.~~ The suits charge that the defendants know that the guns end up in the hands of criminals in cities like New York and Chicago where handguns are tightly controlled.

This year a Manhattan lawyer, Eliza Barnes, won the first judgment in a lawsuit that charged gun producers with negligently distributing firearms, using the bureau's gun-tracing data as "the structural foundation for everything that followed in our case," Ms. Barnes said.

Industry lawyers say that lawyers like Ms. Barnes are misusing the data, which is collected to help solve crimes, to make sweeping generalizations about firearms distribution. But the lawsuits by Ms. Barnes and cities like Chicago might not have been filed but for recent changes in how the bureau collects and analyzes data on tracing guns.

The history of tracing gun used in crimes and seized by the police from people carrying them illegally has been a tortured one. In 1978, the bureau proposed requiring that gun dealers report all firearm sales directly to the bureau. But the National Rifle Association, which opposes any step toward gun registration, successfully backed legislation blocking the bureau from "consolidating or centralizing" any data on gun sales.

As a result, the bureau did not computerize any data for nearly 15 years. As recently as 1991, law-enforcement agencies sent the serial numbers of only



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42,000 guns to the bureau for tracing, with the average trace taking 30 to 45 days. Only about 50 percent of the traces were successful, as many of the guns were too old to be traced.

But in the mid-90's, as a result of Clinton Administration initiatives to fight juvenile crime, the number of seized guns tracked by the bureau's National Tracing Center in Falling Waters, W. Va., soared.

Previously, the bureau mainly traced guns to help the police solve crimes. But to gather information about juveniles' use of guns, the firearms bureau enlisted a growing number of cities to send the tracing center the serial numbers of all guns seized in crimes. In 1998, the bureau was sent the serial numbers of 200,000 firearms for tracing, with the success rate remaining at about 50 percent.

The bureau also hired researchers at Northeastern University and Harvard University to analyze the growing data. Some of their initial findings were striking.

In a 1995 report, Northeastern researchers found that less than 1 percent of the nation's gun dealers accounted for most of the guns used in crimes or seized illegally. Other studies have found that many of the guns were recovered from crime scenes relatively soon after being sold at a gun store and that some buyers had bought several handguns at once.

The 1995 report noted that the data did not mean the stores were doing anything wrong. But it recommended that the bureau conduct "more frequent compliance inspections" of dealers whose sales exhibited such patterns.

That did not happen. This April, Senator Charles E. Schumer, Democrat of New York, released a report based on bureau data that listed the sites of stores nationwide with the highest number of guns traced to them. One of them, in Riverdale, Ill., a Chicago suburb, ranked second, having sold 1,176 guns sent to the bureau for tracing 1996 to 1998.

The bureau does not publicly disclose dealers' names because the agency believes that doing so could compromise its criminal investigations and jeopardize agent safety. But John Riggio Jr., the president of Chuck's Gun Shop and Pistol Range in Riverdale, said his store was the dealership in question.

Before last summer, bureau inspectors had not thoroughly checked the records of Chuck's Gun Shop for four years, said Ms. Kiernan, the chief firearms agent in Chicago. But agency officials said Mr. Riggio's store, which is a defendant in the Chicago lawsuit, passed a recent inspection and Mr. Riggio said he had done nothing wrong.

Mr. Riggio said that anyone who bought a gun from his store must have a state-issued license and pass a background check. When asked about the results of the Chicago sting, he said it was not up to him to discriminate against any approved buyer based on what the buyer looked like.

"When someone walks in the door and they have a heartbeat," he said, "it's show time. It's time to sell."

(The store that sold more seized guns than any other in the three-year period



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was Badger Guns and Ammo in West Milwaukee, The Milwaukee Journal Sentinel, reported. The number was 1,195.)

Ms. Barnes, the lawyer who filed the successful New York suit, says she learned about the bureau's gun-tracing records through a chance conversation in 1995 with an outside contractor of the agency. She said the contractor told her that he could sell her three computer tapes of bureau gun-tracing data from 1989 to 1994 for \$750.

"For \$750, it sounded like a bargain," Ms. Barnes said. "I figured that at the worst, I could use it for foot rests."

In her civil suit, which she brought in Federal District Court in Brooklyn on behalf of the families of seven New Yorkers killed in shootings, she used the data to argue that gun manufacturers acted negligently by oversupplying dealers in Southern states that have weaker gun laws, knowing the guns would wind up in the hands of criminals in New York. Industry lawyers disputed the argument, but it persuaded the Federal judge to let a jury hear the case. The jury's verdict in favor of the families is being appealed.

Cities like Chicago followed in the footsteps of Ms. Barnes, and bureau officials quickly found themselves in a new and awkward position: caught between the industry it regulated and cities suing gun companies.

The situation in Chicago highlighted the agency's unease. Initially, bureau officials refused to give lawyers for the cities the names of local dealers with the highest number of guns traced to them, citing legal restrictions on such disclosures, agency documents show.

As a result, the lawyers for Chicago, in preparing the sting operation, drew up their own list of dealers to target by going through long-neglected bureau gun-tracing reports themselves.

In recent years, the Chicago police had annually sent thousands of individual requests to the bureau to trace seized weapons, but they had reviewed only the results for guns involved in high-profile crimes like murders, said Sgt. Ken Barnes. Thousands of other reports, each showing a gun dealer's name, remained at the bureau's offices here, gathering dust.

Soon, Sergeant Barnes and other officers were sorting the records by hand. "It was like you were going through the traces and it was 'Boom, Chuck's Boom, Chuck's -- Boom, Chuck's,'" said Sergeant Barnes, referring to the Riverdale store.

Mr. Roehm, the bureau spokesman, said that names were not released to Chicago officials when they sought them under the Freedom of Information Act because the agency did not want to set a precedent that could make those names publicly available.

But in February, four months after Chicago filed its suit, the bureau released the dealers' names after Chicago officials requested them under the Gun Control Act of 1968, the Federal law that created firearms tracing and encourages cooperation between Federal and local officials.



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Officials in Detroit and Wayne County also used bureau data to select some targets for their sting operation.

#### The Outlook

From New Records, The Winners

Lawsuits filed by cities like Chicago and Detroit must overcome significant legal hurdles before they come to trial, and the rifle association and gun makers have been lobbying state legislatures to pass laws barring such actions.

In addition, some industry lawyers like Ms. Kimball in Chicago believe that the cities' legal efforts will eventually be undercut by the same information they are using to mount their offensive: the bureau's gun-tracing data.

For example, plaintiffs' lawyers like Ms. Barnes argue that gun makers know their guns end up in criminal hands quickly because bureau data show that about one out of every three guns seized is relatively new. But some former bureau employees dispute that data.

Gerald R. Crispino, who worked until recently at the bureau tracing center, said in a 1998 report prepared for the defendants in Ms. Barnes's case that newer guns were over-represented in the data because they were easier to trace than older guns and so there tended to be more requests for tracing them.

Ms. Kimball says that she believes that as the A.T.F. database grows it will show that most crime guns are used or stolen, rather than new.

"I hope that A.T.F. will get the universal traces it wants," she said, "because then people will get the truth and it will be very hard for other people to distort it as they are doing now."

But more bureau data might only confirm the emerging patterns, leaving gun makers unable to claim they are unaware of such information. For example, Ms. Kiernan, the bureau agent in Chicago, said that of 10,000 guns recovered in the city in recent years, only 97 had been reported stolen.

Mr. Jannuzzo, the lawyer for Glock, the handgun producer, said his company had asked distributors to follow up with retailers who are publicly identified as having a large number of guns traced back to them, to see if they have any problems that might account for the traces. He said that even though the bureau begins its traces with the manufacturer, to identify the distributor that took the gun, manufacturers often do not know why the agency is asking about a gun or where the trace leads.

"I have no idea who the stores are," he said.

In pretrial testimony in the Brooklyn case, several gun makers said they did not compile the A.T.F.'s gun-tracing requests but threw them out soon after supplying the agency with the name of the distributor to whom they had shipped a gun that the police had recovered.

But in an interview on Wednesday, Robert Delfay, president of the National Shooting Sports Foundation, a trade group in Newtown, Conn., said that he believed it could be helpful if the bureau released the names of dealers and



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distributors with high numbers of guns traced to them. Gun makers could then see where problems might exist, he said. "There needs to be a system in place where they could be this free exchange of information," Mr. Delfay said.

**Going After Guns**

**YESTERDAY** -- The Bureau of Alcohol, Tobacco and Firearms is short-staffed and must enforce laws often written to make prosecution difficult.

**TODAY** -- Chicago and more than 20 other cities have begun a broad legal assault on the gun industry similar to the one started by states five years ago against cigarette makers.

**ON THE WEB** -- For past coverage of this issue and articles in this series, visit The New York Times on the web: [www.nytimes.com/national](http://www.nytimes.com/national)

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**GRAPHIC:** Photos: Near Chicago, two agents bought a gun from a store owner, left, who the police say knew that the sale would be illegal because the woman was buying the gun for the man. (Chicago Police Department); In an undercover videotape, a store owner, at rear, sold a gun to an agent, whose face is obscured, in a sale the police say was illegal because the owner was told he was a felon. (Wayne County and City of Detroit); The National Tracing Center in Falling Waters, W. Va., received the serial numbers of 200,000 firearms for tracing in 1998. Its success rate was about 50 percent.

**LANGUAGE:** ENGLISH

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In New England, home to Smith & Wesson and Colt, firearms are big business. But legal assaults and internal squabbles are inflicting deep wounds on the industry.

James Bandler is a freelance writer living in Vermont. His last article for the Globe Magazine was on a Christian movement that insists homosexuals can change their lifestyles.

BYLINE: By James Bandler

BODY:

The four-star Wigwam Resort outside Phoenix looks out over lush golf courses and citrus groves to the Arizona desert and the purple silhouettes of the White Tank Mountains beyond. But the firearms industry executives who assembled there in February spent precious little time admiring the scenery. For the better part of two days, they sequestered themselves inside a windowless conference room, emerging only to stretch their legs and grab coffee and sandwiches. They had come on a survival mission.

Just two weeks before, a New York jury had found that 15 handgun makers had negligently marketed and distributed their weapons. The suit was brought on behalf of shooting victims of urban violence. The verdict sent a ripple of anxiety through the gun industry, which, collectively, had never before been held legally responsible for the negligent misuse of its products. And it emboldened big-city mayors from around the country who were mounting their own tobacco-style legal assault against firearms makers. Now, the gun manufacturers were facing the specter of protracted and expensive court battles that could bleed them dry. And the stress was showing. Robert Delfay, head of the Connecticut-based National Shooting Sports Foundation and the host of the meeting, had been up since 2:30 a.m., preparing. "I sleep like a baby," he recalled saying. "I wake up every three hours crying."

The group included some 30 top executives from around the country, among them 10 from New England's influential "Gun Valley," the Connecticut River corridor of gun makers stretching from New Hampshire to Long Island Sound. There were representatives from O. F. Mossberg & Sons of North Haven, Connecticut; Sturm, Ruger & Co. Inc. of Southport, Connecticut; Colt's Manufacturing Co. of Hartford; and H & R 1871 Inc. of Gardner, Massachusetts. From Smith & Wesson Corp. of Springfield, the biggest handgun manufacturer in the world, came Ed



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Shultz, a short and plain-spoken pragmatist in an industry known for its ideologues. Dismayed by the fractiousness that has plagued his industry for years, Shultz studied his colleagues in the conference room, wondering if they could mend their ways.

From Shultz's perspective, the last few months had not gone well. A legal-strategy meeting in Tampa in November 1998 had ended with bruised egos and door-slamming. The industry was riven by personality clashes, turf battles, and the omnipresent conflicts between moderates and hard-liners. Embarrassingly, the infighting had exploded into public view just a few days before with a news report that the gun makers' top lobbyist had allowed one of his lieutenants to parley with the enemy, one of the lawyers representing the six cities suing the gun makers. The brass of the National Rifle Association were now demanding the lobbyist's ouster. And in the interests of unity, Shultz was reluctantly going along.

The top lobbyist for the NRA attended the Phoenix meeting. As it unfolded, the executives did their utmost to present a unified front. The feuding trade groups were brought together under the banner of a new organization, the Hunting and Shooting Sports Heritage Foundation. To be funded by a voluntary tax of 1 percent of member companies' annual sales, the new group would coordinate the gun makers' legal and public relations counterattack.

One participant, James Garrison, CEO of H & R 1871 Inc., went so far as to liken the gathering to the historic first session of the United Nations in 1947. "This is a revolutionary thing that occurred," Garrison later recalled saying. "For the first time, a fractious industry has been unified. You have the whole industry coming together."

Others were less sanguine. "Isn't Iraq a member of the United Nations?" one highly placed industry executive recalled asking. "We can see how well Iraq and the United States get along. In the gun industry, like the world, there are superpowers and less-super powers. Some are more equal than others."

Indeed, some companies were already grumbling over the makeup of the new Heritage Foundation board, complaining that it preserved the hegemony of old-line manufacturers like Colt, Remington, and Sturm, Ruger. Noticeably absent from the board were the California makers of the so-called Saturday Night Specials, inexpensive handguns associated with street crime. Distributors and dealers also felt underrepresented. And the new policy group had failed to quell disagreements over strategy, including whether to support instant criminal background checks of those purchasing firearms at gun shows, favored by President Clinton.

After eight hours of attempted peacemaking, weary gun executives retired poolside for dinner, where a magician tried to distract them with rope, coin, and card tricks. In an interview afterward, Delfay, the newly appointed head of the Heritage group, fantasized about what the future might bring: "I wish we could make our problems go away like that magician made that ace of spades disappear."

But the gun makers' troubles, it seems, won't vanish by mere sleight of hand; they require a more potent brand of alchemy.

For decades, major battles in the gun wars were waged in legislative arenas.



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The Boston Globe, May 9, 1999

High-profile gun incidents - from the attempted assassinations of President Ronald Reagan and Pope John Paul II to school shootings such as those in Jonesboro, Arkansas, last year and Littleton, Colorado, last month - provide fuel for the political debate. But frustrated by their lack of progress and by 35,000 gun-related deaths a year, gun-control proponents and mayors from around the country opened a potent new front late last year: the courts.

The first suits were filed in November by New Orleans and Chicago. Both suits are testing some exotic legal theories, seeking to hold the entire gun industry responsible for the costs to society incurred by criminal or accidental misuse of guns.

The New Orleans suit, claiming that gun makers have violated a Louisiana product-liability law by selling goods that are "unreasonably dangerous," charges that 15 gun makers negligently withheld safety features from their weapons. The suit, bankrolled by New Orleans attorney Wendell Gauthier and other lawyers from the legal war against Big Tobacco, employs the tactics of lawsuits filed by states seeking compensation for the public cost of smoking-related illnesses.

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The Chicago suit alleges that gun makers, distributors, and suburban dealers oversupply the market with handguns, knowing that they will be used in urban crimes. The suit cites a recent undercover operation in which police, posing as motorcycle hoods, street-gang members, and mercenaries, bought 171 guns from suburban dealers in the Chicago area and boasted that they would use them to commit crimes in Chicago. One example cites an undercover officer who bragged that the gun would be used for a street shooting; the salesman allegedly recommended a specific bullet for the job - a bullet that wouldn't go through the target "and hit a little girl on the next block."

So far, six cities - Bridgeport, Connecticut, Miami-Dade County, Atlanta, and Cleveland, in addition to New Orleans and Chicago - have filed suit. A number of others, including Newark and Boston, have announced their intentions to board the legal bandwagon.

On February 11, the legal picture got even bleaker for the gun industry. That was the day a federal jury in Brooklyn returned a \$560,000 verdict in favor of Steven Fox, a 19-year-old man who had survived an accidental shooting on a New York City street corner. He had been joined by relatives of six homicide victims in a class-action suit filed against 25 gun manufacturers and distributors.

The Brooklyn case, filed in the mid-1990s, marked the first time that a jury had found gun makers legally responsible for the misuse of their products. It was also the first time that a whistle-blower - former Smith & Wesson senior vice president Robert Hass - had testified against an employer. In a strategy the Chicago suit mirrors, the plaintiffs argued that gun makers pumped weapons into states with permissive gun laws, knowing the guns would find their way into the hands of urban criminals.

Firearms executives smelled trouble when the case was assigned, at the request of the plaintiffs' lawyer, to a liberal activist judge. But they were even more stunned by the jury's verdict.



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Fifteen of the 25 companies, including Colt and Beretta, were found liable. The popular press characterized the decision as a crushing defeat for the gun industry. But it was not a total loss: Ten of the companies, including Smith & Wesson and Sturm, Ruger & Co., were cleared, and only three of the companies had monetary damages levied against them. Nonetheless, damage had been done. The gun industry no longer seemed quite so invincible.

The litigation could not have come at a worse moment. With \$2 billion in annual sales, the gun industry has nothing like the deep pockets of the tobacco industry, and some insiders predict a wave of bankruptcies if the legal battles are prolonged. The titans of the trade, Sturm, Ruger & Co. and Smith & Wesson, each sell about \$140 million worth of firearms each year. That's less than two days of cigarette sales by Philip Morris Cos. And production of guns had dropped to 3.4 million guns in 1997, down from a peak of 5.2 million in 1993, though it rebounded in 1998.

If gun manufacturers begin to lose big in court, then New England will certainly feel the pinch. The American firearms industry was born more than 200 years ago at the Springfield Armory, overlooking the Connecticut River 80 miles west of Boston. The armory was built during the Revolutionary War and has cranked out millions of weapons, including guns wielded by Union troops during the Civil War and the M-1 Garand, the infantry rifle of choice during World War II and the Korean conflict.

With the Armory as its hub, the region became the nation's most important firearms center. During World War II, an estimated 50,000 people worked for arms and ammunition companies in Gun Valley. Though many manufacturers have since closed or moved south, the corridor remains one of the nation's most important centers of firearms production. According to the US Bureau of Alcohol, Tobacco and Firearms, more than 60 percent of the guns made in the United States are produced by companies headquartered in Gun Valley. These companies employ more than 3,000 workers.

The executives in Gun Valley are still outraged by the incipient legal tidal wave. They defiantly reject the notion that they could, or should, do more to keep guns out of the hands of criminals or make their products safer.

"Do you really think I wake up in the morning and say, 'Oh, good, let's make guns so that kids can go out on the street and shoot people'?" demands Robin Sharpless, a vice president of H & R 1871 Inc., one of the nation's largest manufacturers of shotguns and a defendant in the Chicago suit.

The Gardner, Massachusetts-based company, which employs 233 people, was the first gun maker in the United States to allow the ATF electronic access to its records. But the company is also known for its donation of shotguns to hunter-education programs, a move that has been criticized by gun-control groups as nothing more than a marketing ploy to get kids hooked on guns. Sharpless counters that a "wanton process of demonization is underway."

In North Haven, Connecticut, at the factory of shotgun manufacturer O. F. Mossberg & Sons, the frustration is equally palpable. "We want people to use our products safely," says Georgia Nichols, Mossberg's vice president and general counsel, smacking her desk to emphasize the point. "We want to end crime and violence. We're just like the business next door." Nichols is the president of the industry trade association the American Shooting Sports Council, and her



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company was the second firearms manufacturer in the United States to ship locking devices with its guns. Her office is adorned with shotguns and rifles, plaques from gun clubs, bumper stickers, and signs: "Save the Male" and "I love animals. They're delicious!"

Nichols knows that the battles ahead will be fought not only in the court of law but also in the court of public opinion. Where in the popular press, she asks, are news stories about people who have used their guns successfully for self-defense? "There are some wonderful stories about guns," says Nichols, pausing midsentence to swallow. Anxious not to be misunderstood, she adds: "Wonderful in that lives have been saved."

"It's a pity," she says, "those stories are never told."

The workers of Gun Valley are equally perplexed at the prospect of being litigated into extinction. Jorge Corrales is one of 750 employees at the Smith & Wesson plant in Springfield. "We just don't understand it," says the 52-year-old factory worker, who has spent the last 24 years at Smith & Wesson. "It seems like these lawyers are always picking new things to make money."

As the world's largest handgun manufacturing company, Smith & Wesson is squarely in the litigators' sights. Over its 147-year history, the company has cranked out tens of millions of firearms; each year, it produces another 400,000 handguns.

Because Smith & Wesson's guns are ubiquitous, it's no surprise that they often show up on the top-10 list of crime guns. When Russell E. Weston Jr., a deranged Montana man, marched into the nation's Capitol last summer and murdered two policemen, one of whom was a Waltham native, he was wielding a Smith & Wesson Model 10. Also in 1998, a Smith & Wesson pistol was used to kill a Bridgeport, Connecticut, man named Rudolph Snead Jr. The killing was witnessed by an 8-year-old, Leroy "B.J." Brown Jr., whose subsequent murder horrified the nation. Smith & Wesson was one of the brands used in March 1998 by the two young Jonesboro, Arkansas, schoolyard killers, whose arsenal also included guns made by Ruger and Remington.

As Smith & Wesson's CEO, Ed Shultz has come to dread those kinds of reports. He recoils every time he turns on the television to learn that one of his company's guns has been involved in an accidental shooting or in a crime. "We just hate it," he says. "Anytime someone is hurt with one of our products, it's a tragedy for them and for us."

It is a dreary day in January at Smith & Wesson's headquarters, and Shultz, sitting in his spartan office, is trying to explain what it is like to lead an industry that is increasingly painted as a pariah. He focuses much of the blame on the mainstream media, which he believes are predisposed against his industry. "I feel like I'm skinny-dipping with the piranhas," he says at the beginning of the interview.

Attempts to draw parallels between guns and tobacco products particularly rankle him. Unlike cigarettes, he says, guns aren't addictive, and gun companies have never sought to hide the deadliness of their products. "We've always said that if you look down the barrel of a gun and pull the trigger, it's very likely to be the last thing you do," Shultz says. He sees the legal assault against his



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industry as nothing more than a giant shakedown. "Sooner or later, people are going to realize that a freight train's coming. What comes next? Do we sue automobile manufacturers because they didn't prevent the sale of a car to someone who drinks?"

Shultz gets sued a lot these days and not just for his company's guns. He also oversees the Tennessee-based Murray Group (like Smith & Wesson, a subsidiary of the British consortium Tomkins PLC, a maker of lawn tractors, snowblowers, and bicycles. Occasionally, terrible things happen with these products, too: Toes are sliced off in bike spokes, legs and skulls are crushed in falls. "I'm starting to feel like I'm creating havoc," says Shultz, warming to his point. "We've created a legal system that says you aren't really responsible. Someone else is always at fault. So it's easy for the mayors to say - of the crime problem and of the gangs shooting each other - 'It cannot be our fault; it must be someone else's fault.' Then along come the lawyers, and they say, 'Aha! We will sue the gun manufacturers.' "

In Shultz's opinion, the mayors have picked the wrong target: The cause of urban violence isn't guns, he says, but rather an abdication of personal responsibility - an unwillingness to assign culpability to criminals. He says it doesn't bother him a whit when rival gang members shoot each other. "I have almost no emotion on that issue," he says.

No emotion? None?

Shultz's green eyes flicker. "As a matter of fact," he says, "I just hope they're both good shots."

Such harsh rhetoric makes Shultz's PR man nervous, but Shultz isn't taking back what he said. By his own account, he is not an emotional man. ("They use all those words that start with C to describe me," Shultz says with a chuckle. "Cold, cruel, callous, condescending - and that's what my friends say.") At the same time, the 57-year-old executive is proud of the fact that his company was the first handgun manufacturer in the nation to ship child safety locks with its guns. "I made the decision alone in this office. I said that if I could save even one or two of those children, it was worth doing it."

Shultz's decision came seven months after President Clinton's 1997 State of the Union address, in which he embraced the idea of legislation that would mandate the sale of firearms with child safety locks. Every year, an estimated 200 children between the ages of 1 and 14 are accidentally killed by guns. Approximately the same number of children each year die in bicycle accidents.

Shultz decided to move before Congress beat him to the punch. In August 1997, he announced that Smith & Wesson would voluntarily provide trigger locks with all its guns. Little did he know that his actions would earn him a visit to the Rose Garden and the wrath of the National Rifle Association.

Critics have often painted the NRA as a creature of the firearms industry. In fact, though their interests usually converge, the pair's relationship is a complicated and sometimes troubled one. The NRA is a consumer organization for gun owners. It seems to thrive on crisis, whipping its membership into a lather with dire warnings about "gun grabbers" and "jackbooted thugs." Gun makers, by contrast, are business people. They want to sell their products to as



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many people as possible and be left alone.

Until the 1980s, the gun industry was, for the most part, content to let the NRA do its heavy lifting in the political arena. But as the NRA leadership became radicalized and as lawsuits against firearms companies became more commonplace, gun manufacturers decided they needed their own, less strident voice. So they formed their own lobbying group, the American Shooting Sports Council, led for the last eight years by a voluble former NRA lobbyist named Richard Feldman.

Feldman's pro-gun credentials have always been a little suspect among the industry hard-liners. He owns more than 100 guns - most of them collectors' items - but doesn't hunt and does precious little target shooting. "I do my best shooting in the legislative arena," he quips.

A Long Island native and former gun-control supporter, Feldman moved to Massachusetts in the 1970s. He worked as an aide for Middlesex County Sheriff John Buckley, a nationally known gun-control crusader, and later as an auxiliary policeman in Cambridge. One day, conferring with a grocery store owner who had been robbed three times in five weeks, Feldman asked the man why he didn't buy a gun for protection. The owner replied that the police chief wouldn't let him. Feldman went back to the department and ran a criminal background check on the man, a Portuguese immigrant. It came up clean. "So I asked a lieutenant why the chief wouldn't sign off on the license to obtain a gun, and he replies, 'Oh, you know.' And I say, 'Well, I don't know.' And he says, 'Well, you know, he hasn't lived here a long time. The chief doesn't believe people like that should have guns.'"

That started Feldman thinking, he says. One day, he woke up and realized, "Oh, no, I'm pro-guns."

Feldman, a Vermont Law School graduate, took over the Shooting Council in 1991. With little funding, and through force of personality, he transformed it into one of the nation's most visible and influential pro-gun groups - in Feldman's words, a "kinder, gentler gun lobby." He forged close relations with staff at the NRA's perennial whipping boy, the Bureau of Alcohol, Tobacco and Firearms, and eventually became a fixture at the annual ATF Christmas party. Though his organization opposed the Brady Bill's five-day waiting period, it supported instant background checks, which the NRA initially opposed. Feldman assiduously courted journalists, setting up himself and his organization as the reasonable, moderate alternative to the industry's "dinosaurs."

In an industry that shied from the spotlight, the headline-grabbing Feldman quickly made enemies. Other, better funded industry trade groups suddenly felt overshadowed. Part of the problem was Feldman's background and personality.

"You have this Jewish kid from New York - just the New York part can be construed as brash," says Jack Adkins, director of operations for the Shooting Council in Atlanta. "That's kind of how he came off to these good old boys - brash. He was just in your face; do, do, do, always stirring up the pot. Richard never saw a microphone he didn't like."

Feldman's biggest public relations coup was his October 1997 deal with the Clinton administration under which the country's largest handgun manufacturers, following the lead of Smith & Wesson, agreed to ship child safety



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The Boston Globe, May 9, 1999

locks with their guns. Feldman and his board, including Shultz, Nichols, and Sharpless, flew to Washington in October 1997 for the announcement of the agreement. A few minutes before the Rose Garden ceremony, the gun executives were introduced to the president, whom some gun lovers have openly derided as the Gun Grabber in Chief. "If things get too hot after today," Feldman was overheard telling the president, "we want to thank you for your staff's kind offer to put us in the Witness Protection Program."

Feldman was only half-kidding. The ceremony may have made great headlines for the industry, but it was a lousy career move for Feldman. The NRA went ballistic. "You have helped Clinton to co-opt, to steal yet another issue," fumed NRA executive vice president Wayne LaPierre in a letter to the firearms executives who attended the Rose Garden ceremony. "And he will use it to destroy you. You have made a grievous error." Robert Brown, an NRA board member and the publisher of Soldier of Fortune magazine, raised the specter that Feldman could be a traitor to the cause.

Publicly at least, Feldman reveled in his new notoriety. "I think people should be judged by the enemies they keep," he says. But inside the gun industry, the deal turned rifts into chasms. Colt, angry with Feldman's management of the Shooting Council, eventually pulled out of the organization. Alabama-based Blount Inc., one of the nation's largest ammunition manufacturers, stopped renewing its membership.

But the council's board of directors, led by Mossberg's Nichols and Smith & Wesson's Shultz, continued to back Feldman. They supported him when he initiated talks with Philadelphia Mayor Edward Rendell, who in 1997 was the first mayor to suggest that cities sue the firearms industry. (Rendell still hasn't filed suit.) The energized Feldman jetted around the country, meeting journalists, editorial writers, and other opinion makers and urging the industry to mount a unified legal defense. That strategy angered the firearms companies' outside litigators, who had successfully repelled previous lawsuits and who jealously guarded their fiefdoms.

In February, a few days before the Phoenix meeting, Feldman's enemies got the ammunition they needed: The Wall Street Journal reported that Feldman and his lieutenant, Robert Ricker, had had talks with John Coale, one of the lead attorneys representing New Orleans in its lawsuit against gun makers. Even though Feldman had received support for these parleys from at least two members of the council board, the industry's hard-line factions were furious. To them, any discussions were an indication of weakness, a slippery slide down the road to governmental regulation of gun making and advertising.

With the meeting in Phoenix looming, Feldman's backers on the board agreed to fire him in the name of unity. "I think Richard did a good job," says Shultz. "But if you set yourself up as a lightning rod, you're going to get hit by lightning."

Feldman, reached in Florida, says he is "mulling over his options," which might include a book, a "selective kiss and tell." Quoting former White House aide George Stephanopoulos, author of a recent White House tell all, Feldman says: "Disloyalty begets disloyalty."

By spring, the furor surrounding the Feldman firing had all but died down.



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Bob Ricker was named as his replacement. The three major trade groups, unified under the Hunting and Shooting Sports Heritage Foundation, had, for the time being at least, stopped wrangling, although contributions had yet to start flowing into the fund. And the industry had launched a new advertising campaign. The ads, produced by the Washington agency Porter Novelli, trumpeted the firearms industry's safety record and the popularity of firearms sports, which are enjoyed, the ads boasted, by some 27 million Americans.

And the cavalry had mobilized in the form of the NRA's 2.8 million members, some of whom were helping draft bills in 14 states and Congress to bar cities from suing gun makers. Georgia was the first state to pass such a bill into law. The industry's fight "has become our fight," said NRA president Charlton Heston. "What is at stake is not just your livelihood but liberty."

But the recent Colorado school shooting has the potential to cause a major shift in the American gun debate. With both the NRA and the firearms industry again on the defensive, gun-control proponents are re-energized like never before.

At Smith & Wesson, Shultz is bracing for a protracted war. "It's going to be a long, tough deal," he says of the looming lawsuits. Taking a break from work one day, he drives to the company's indoor shooting range to participate in the annual Smith & Wesson WinterNationals "defensive-pistol" competition.

One of the last rounds of the event requires participants to negotiate a "hallway" while firing at home-invading "gang" members (cardboard silhouettes, actually). Jokingly asked if he ever fantasizes that the targets are his enemies, all those lawyers trying to sue gun makers into extinction, Shultz shakes his head and points to the ceiling. "I sort of envision them hanging upside down somewhere for days," he says with a grin. "This," he adds, referring to his holstered Smith & Wesson 9mm short-barreled pistol, "would be too quick."

GRAPHIC: PHOTO MAP, 1. PHOTOGRAPHS BY LANE TURNER / THE BOSTON GLOBE/James Garrison (with shotgun), CEO of H & R 1871 Inc., and Robin Sharpless, a vice president, at the company's factory in Gardner. The gun industry, says Sharpless, is facing a "wanton process of demonization."

2. Above: Georgia Nichols, vice president and general counsel for O. F. Mossberg & Sons of North Haven, Connecticut. "We want to end crime and violence," she says. "We're just like the business net door." Right: H & R 1871 Inc. employee Dian Chaisson assembles rifles in Gardner.

3. Ed Shultz, CEO of Smith & Wesson Corp., beside a handgun-assembly machine in Springfield. "Anytime someone is hurt with one of our products," he says, "it's a tragedy for them and for us." Below: A .44-caliber Smith & Wesson, circa 1870.

4. Duane Neale inspecting shotguns at H & R 1871 Inc./Lane Turner / The Boston Globe

5. On the cover: Final assembly of a .22-caliber revolver at H & R 1871 Inc. in Gardner./Photograph by Lane Turner The Boston Globe

LANGUAGE: ENGLISH

LOAD-DATE: May 11, 1999



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LEVEL 3 - 1 OF 315 STORIES

Copyright 1999 The Atlanta Constitution  
The Atlanta Journal and Constitution

December 9, 1999, Thursday, Home Edition

SECTION: Editorial; Pg. 26A

LENGTH: 479 words

HEADLINE: Editorials: Pressure gun industry;  
Clinton administration right to join suit against manufacturers.

BYLINE: Staff

SOURCE: CONSTITUTION

## BODY:

Parents in public housing projects don't send their children to sleep in bathtubs because there are no beds, but to protect them from stray bullets. More than 70 percent of the 500 murders committed annually in the nation's 100 largest projects are from firearms.

Now the Clinton administration and federal housing officials have announced they will join the 29 cities suing gun manufacturers. It's a good move.

The point of the federal action is to put pressure on gun manufacturers to settle the lawsuits brought by municipalities. The broad goal of all the lawsuits is not recovering money but ending irresponsible marketing and negligent distribution of weapons and forcing reasonable safety restrictions, such as trigger locks on all handguns.

The federal lawsuit alleges that the marketing of guns has contributed to the violence in the projects. Similarly, several of the municipal lawsuits claim that flooding the market with handguns has created a public nuisance. Rulings in suits based on that theory have been mixed, but recently the trend has turned against the gun manufacturers.

While an Ohio judge threw out a suit by the city of Cincinnati, Fulton County State Court Judge Gino Brogdon has allowed Atlanta's lawsuit to proceed. A California appeals court has reinstated the lawsuit against makers of the gun used in the 1993 San Francisco law firm massacre. A federal court in New York recently ordered gun makers to pay a \$ 4 million judgment to families of six shooting victims. And in Chicago this week, a judge refused to throw out a lawsuit alleging gun makers' marketing tactics contributed to three deaths.

In addition to claims against the way guns are marketed, several cities have zeroed in on gun manufacturers' refusal to install the latest in safety technology, such as trigger locks. Unlike all other consumer products, guns are not covered by consumer safety regulations. Toy guns have stricter safety requirements.

The combination of all the legal actions could force gun manufacturers to



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enter into a settlement agreeing to certain marketing and manufacturing changes. They don't have the tobacco industry's deep pockets to defend against years of expensive litigation.

Indeed, Colt, one of the nation's oldest firearms companies, has already announced that it will limit its handgun sales to military, law enforcement and legitimate collectors. It was Samuel Colt, of course, who pulled a great marketing coup in 1836 by presenting President Andrew Jackson with an engraved revolver at a public White House event.

Colt may be ahead of the times again. In the wake of Columbine, Heritage and other recent school shootings, a majority of Americans favor increased regulation of the sale of guns, according to recent polls. The wave of lawsuits could force other firearms manufacturers to finally heed public concerns.

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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."



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Financial Times (London)

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



LEVEL 3 - 3 OF 315 STORIES

Copyright 1999 Southam Inc.  
The Gazette (Montreal)

December 9, 1999, Thursday, FINAL

SECTION: News; B1 / BREAK

LENGTH: 326 words

HEADLINE: Clinton ready to file suit against gun manufacturers

BYLINE: HILARY MACKENZIE

DATELINE: WASHINGTON

BODY:

U.S. President Bill Clinton said yesterday his administration is preparing to file its first lawsuit against gun manufacturers to force them to make and sell safer weapons.

In a year end press conference, Clinton supported a suit on behalf of about 3 million people who live in public housing where gun violence is rampant.

He railed at gun makers to "stop irresponsible marketing practices," and adopt a code of conduct that includes safer guns and tighter controls on sales.

"One company advertised an assault weapon by saying that it was hard to get fingerprints from," Clinton said. "You don't have to be all broke with brilliance to figure out what the message is there."

The administration's efforts will add clout to about 28 lawsuits filed by U.S. cities against gun companies.

It was designed to pressure gun manufacturers to negotiate a far-reaching settlement, much like the ones tobacco companies were forced to accept in the wake of massive litigation by states hoping to recover health costs that resulted from smoking.

"The litigation ... has a good grounding in fact," Clinton said. "There are 10,000 gun crimes every year in the largest public housing authorities," while public housing projects spend \$1 billion on security.

In a year bookended by his impeachment and violent riots in Seattle during the World Trade Organization meetings, Clinton was asked to reflect on his achievements and disappointments.

"The mistake I made was self-inflicted," Clinton said of his tawdry affair with Monica Lewinsky that almost cost him his job and his marriage.

"Profoundly disappointed" that Congress rejected many of his initiatives in the wake of the Lewinsky scandal, Clinton pointed to China's entry into the WTO, the start of talks on the future of Cyprus, a conventional forces agreement with



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Moscow, and 'debt relief for the poorest countries of the world,' as his major accomplishments.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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Copyright 1999 Times Mirror Company  
Los Angeles Times

December 9, 1999, Thursday, Home Edition

SECTION: Metro; Part B; Page 10; Editorial Writers Desk

LENGTH: 356 words

HEADLINE: GUN MAKERS IN A VISE

BODY:

The Clinton administration's threat to bring a class-action lawsuit against gun makers might be largely bluster. But even if it is, Tuesday's announcement, along with suits already filed by 29 cities and counties, reflects the real frustration of public officials and ordinary Americans over gun violence--the unending school shootings, workplace massacres and domestic quarrels that turn lethal. Gun makers, then, would be wise to enact on their own the modest, obvious steps that public officials seek, actions intended to reduce accidental shootings and illegal sales.

Tuesday's announcement, from the White House and the Department of Housing and Urban Development, said that the federal government is joining settlement talks between gun makers and local officials aimed at limiting the flow of handguns to children and criminals. HUD said that if those talks stall it will file the first federal lawsuit against gun makers, on behalf of the 3 million residents of federally subsidized public housing projects, where shootings are all too common.

The pending suits call on gun makers to adopt a variety of safeguards, including tighter controls on distribution to reduce sales to criminals and juveniles, inclusion of child safety locks on all new handguns, more research on "smart" technology to prevent guns from being fired by unauthorized people, and an end to advertising that promotes or suggests criminal use by, for instance, emphasizing the concealability of guns or their resistance to fingerprints. These changes will not end gun violence, but they will help. The need for new approaches is sharply bolstered by a new UCLA study showing that homicides committed by those under 21 are far more likely to involve a gun.

Long, expensive litigation is in no one's interest. Even the tobacco industry, far wealthier as a group than the firearm makers, has made concessions rather than continue to fight snowballing lawsuits.

Gun makers can agree now to modest, responsible steps that will cut the flow of guns to juveniles and criminals. Or they can continue to write very large checks to their attorneys.



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Copyright 1999 Newsday, Inc.  
Newsday (New York, NY)

December 9, 1999, Thursday NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Page A20

LENGTH: 505 words

HEADLINE: CLINTON DEFENDS ANTI-GUN INITIATIVE / CITES COST OF VIOLENCE IN PUBLIC HOUSING PROJECTS

BYLINE: THE ASSOCIATED PRESS

DATELINE: Washington

BODY:

Washington - President Bill Clinton said yesterday that a planned national lawsuit against gun manufacturers is justified by the costs of gun violence in public housing projects.

The administration is readying a lawsuit on behalf of some or all of the nation's 3,190 local public housing authorities, charging gun makers with negligently allowing guns to fall into criminal hands.

"The litigation...has a good grounding in fact," Clinton said during a news conference. "There are 10,000 gun crimes every year in the largest public housing authorities," while public housing projects spend \$ 1 billion on security, Clinton said.

The figures are Department of Housing and Urban Development estimates.

HUD and the White House hope the threat of a suit in federal court will heighten pressure on gun manufacturers to negotiate with 28 states and cities that already have sued to recover the cost of gun violence.

The lawsuit would be patterned on the cities' suits, which claim that gun manufacturers have sold defective products or marketed them in ways that increase the likelihood they will be used to commit crimes.

A suit is not imminent, White House press secretary Joe Lockhart said yesterday.

The administration is seeking a code of conduct from gun makers that includes safer guns, tighter control over gun distribution and an end to the obvious marketing of guns to criminals.

"One company advertised an assault weapon by saying that it was hard to get fingerprints from," Clinton said. "You don't have to be all broke out with brilliance to figure out what the message is there." Miami Mayor Alex Penelas



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applauded the White House's move, saying it "laid the foundation for the current efforts by cities and counties to compel the gun industry to take responsibility for its dangerous product." "Miami-Dade County will gladly drop its claim for monetary damages if the gun industry would agree to manufacture safer, childproof guns and change its negligent distribution practices," Penelas said.

The National Rifle Association condemned the threatened lawsuit as "a frightening holiday greeting from Bill Clinton and Al Gore." "No lawful industry is safe. Who will they sue next? Automobile makers? The distiller industry? Manufacturers of baseball bats and kitchen knives?" said James J. Baker, executive director of NRA's Institute for Legislative Action.

"The vast majority of Americans know that we should hold violent criminals directly responsible for their crimes," Baker said.

A negotiated agreement would allow the administration and gun control advocates to claim a victory at a time when Congress has rejected Clinton's attempts at new firearms restrictions.

"Let me hasten to say that we have a lot of gun manufacturers in this country who have been, I think, immensely responsible," Clinton said.

"You'll remember that the majority of the gun manufacturers signed on to our proposal for child trigger locks. I still would like legislation to cover them all," Clinton said.

LANGUAGE: English

LOAD-DATE: December 9, 1999

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LANGUAGE: English

LOAD-DATE: December 9, 1999



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The Ottawa Citizen

December 9, 1999, Thursday, EARLY

SECTION: News; A9

LENGTH: 561 words

HEADLINE: Clinton to sue gun makers: President calls for end to 'irresponsible marketing practices'

BYLINE: Hilary MacKenzie

DATELINE: WASHINGTON

BODY:

WASHINGTON -- U.S. President Bill Clinton said yesterday his administration is preparing to file its first lawsuit against gun manufacturers to force them to make and sell safer weapons.

In a year-end news conference, Mr. Clinton also announced that historic peace talks will resume between Israel and Syria.

The president used the bully pulpit of the White House to support a suit on behalf of about three million people who live in public housing where gun violence is rampant.

He railed at gun makers to "stop irresponsible marketing practices," and adopt a code of conduct that includes safer guns and tighter controls on sales.

"One company advertised an assault weapon by saying that it was hard to get fingerprints from," Mr. Clinton said. "You don't have to be all broke with brilliance to figure out what the message is there." The Clinton administrations' efforts will add clout to about 28 lawsuits filed by American cities against gun companies.

It was designed to pressure gun manufacturers to negotiate a far-reaching settlement, much like the ones tobacco companies were forced to accept in the wake of massive litigation by states hoping to recover health costs that resulted from smoking.

"The litigation ... has a good grounding in fact," Mr. Clinton said. "There are 10,000 gun crimes every year in the largest public housing authorities," while public housing projects spend \$1 billion on security.

Mr. Clinton also seized the stage to announce that Israel and Syria will resume peace talks in Washington next week.

"Success is not inevitable," Mr. Clinton said, but peace "is within our grasp and we must seize it."



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"There can be no illusion here. On all tracks the road ahead will be arduous," Mr. Clinton said, noting that the talks will resume where they broke off in 1996 after a wave of anti-Israel violence.

Syria is demanding that Israel withdraw from the Golan Heights and a strip of land that slopes to the banks of the Sea of Galilee, where Israel draws water. In the past Israel has said that it needs the Golan Heights for security reasons.

Mr. Clinton's announcement comes after U.S. Secretary of State Madeleine Albright's meetings in the Middle East with Israeli Prime Minister Ehud Barak and Syrian President Hafez el Assad.

With a nod to his place in the annals of history, Mr. Clinton said he was determined that Israel and Palestine broker a lasting peace agreement.

Israel and Palestine face a February deadline to outline a framework for a final settlement that covers the thorniest issues including the future of Jerusalem and the division of sparse water resources in the region.

In a year bookended by his impeachment and riots in Seattle during the World Trade Organization meetings, Mr. Clinton was asked to reflect on his achievements and disappointments.

"The mistake I made was self-inflicted," Mr. Clinton said of his tawdry affair with Monica Lewinsky that almost cost him his job and his marriage.

"Profoundly disappointed" that Congress rejected many of his initiatives in the wake of the Lewinsky scandal, Mr. Clinton pointed to China's entry into the WTO, the start of talks on the future of Cyprus, a conventional forces agreement with Moscow, and "debt relief for the poorest countries of the world," as his major accomplishments.

LANGUAGE: ENGLISH.

LOAD-DATE: December 9, 1999



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The Ottawa Citizen

December 9, 1999, Thursday, FINAL

SECTION: News; A9

LENGTH: 420 words

HEADLINE: Clinton to sue gun makers: President calls for end to 'irresponsible marketing practices'

BYLINE: Hilary MacKenzie

DATELINE: WASHINGTON

BODY:

WASHINGTON -- U.S. President Bill Clinton said yesterday his administration is preparing to file its first lawsuit against gun manufacturers to force them to make and sell safer weapons.

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LANGUAGE: ENGLISH

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Pittsburgh Post-Gazette

December 9, 1999, Thursday, SOONER EDITION

SECTION: EDITORIAL, Pg. A-30

LENGTH: 549 words

HEADLINE: GUNS AND THE COURT;  
TAKING A TORTURED PATH TO FIREARMS REGULATION

BODY:

America is gun-crazy and lawsuit-happy. That's a combustible potion when government tries to regulate an industry by threat of litigation.

There are legitimate methods for controlling gun-manufacturing, a business that has profound consequences on crime, safety and life itself. The chief method is legislation by Congress and state assemblies. The Post-Gazette, in fact, has been a staunch supporter of many gun-control measures.

But we draw the line at using the courts to harass a legal industry into submission. That has been the intent and tactic of two dozen cities around the country, and now it will become the policy of the Clinton administration as well.

Under the guise of seeking compensation for costs incurred by city police departments, public housing programs and other agencies affected by the use and misuse of guns, governments are attempting to accomplish through protracted legal warfare the kind of regulations and limits that should be imposed by the nation's elected representatives.

Although we generally do not approve of state lawmakers pre-empting actions by local municipalities, the General Assembly was correct this week to pass a bill forbidding local governments from suing gun manufacturers.

While this Legislature has been generally weak - and intimidated - on gun control, the measure, which Gov. Ridge will sign, contains other modest improvements: Most firearms sold in the state will come with trigger locks, penalties will be stiffened for illegal possession and it will be a crime to keep a gun that has a removed or altered registration number.

If the Legislature is serious about gun safety and gun proliferation, it would go further and enact more substantive measures, like limiting gun purchasers to one a month. But the fact that Pennsylvania lawmakers typically cower at the National Rifle Association and the hunting lobby causes frustrated officials in Pittsburgh and Philadelphia, whose neighborhoods bear the brunt of gun violence, to seek their own solutions by filing lawsuits against gun makers.

While we understand the frustration, we cannot support the tactical response to it. And though similar anger pervades the White House for lack of congressional action, litigation from that corner is another perversion of the



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Pittsburgh Post-Gazette, December 9, 1999

same legal system. Housing Secretary Andrew Cuomo, who helped lay the groundwork for the upcoming federal lawsuit, said the goal is a settlement and not a legal war of attrition. Tell that to the tobacco industry - another business in need of tough government regulation, not rules generated by lawsuit.

Like cigarette smoking in America, the use of firearms has a profound impact on society that is influenced by a host of factors: individual behavior, marketing, law enforcement and, of course, manufacturer decisions. Gun-control advocates may prefer to put the onus for safety and proper use on the backs of a single source - gun makers - but we live in a world that is not so simple.

Without a doubt, the United States needs effective regulations on the sale, design and use of firearms - the kind of rules that can come from Congress and state legislatures. We should not, however, be willing to use the courts as a billy club. It's a system of redress, not a political weapon.

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LEVEL 3 - 9 OF 315 STORIES

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The Scotsman

December 9, 1999, Thursday

SECTION: Pg. 12

LENGTH: 699 words

HEADLINE: US TO SUE GUN FIRMS IN CLINTON CRACKDOWN

BYLINE: Robert Tait In Washington

BODY:

THE Clinton administration is gearing up for its fiercest onslaught yet against America's powerful gun lobby, after disclosing plans to sue firearms makers through the courts.

Following a spate of high profile shootings this year that have resulted in more than two dozen deaths, the US government has prepared a lawsuit that could force the gun industry to take stringent safety measures and drastically curtail its selling practices.

The planned legal action is an indication that President Bill Clinton is serious in his attempts to tighten the country's notoriously liberal gun laws.

But the decision to resort to the courts is also a sign of the White House's frustration that the gun control issue has not been settled by the political process.

Proposed firearm control measures have already failed to make headway in Congress this year in the face of stern resistance from gun lobbyists.

The lawsuit - which has been prepared jointly by the White House and the Federal Housing Department - will assert that the gun industry has marketed and sold weapons in a reckless manner so that they fell into the hands of criminals. It will also charge that manufacturers failed to take sufficient safety measures in constructing weapons.

Among the administration's objectives will be to force the firearms industry to distribute weapons only to dealers who will not sell at gun shows and to agree not to sell an individual more than one gun at a time.

Manufacturers will also be urged to cut off supplies to dealers whose sales are known to have led to crimes.

Yesterday administration officials voiced the hope that the threat of litigation would persuade the gun industry to reach a comprehensive settlement to avoid a long drawn out legal fight. However, Andrew Cuomo, the housing and urban development secretary, warned that the administration would bring a "class action" suit on behalf of the country's 3,200 public sector housing authorities if a compromise was not reached.



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The Scotsman, December 9, 1999

Residents of US public housing estates - "projects" - suffer disproportionately from gun crimes.

Mr Cuomo described the legal action as a "clear signal to manufacturers that enough is enough." He added: "The status quo is unacceptable." Referring to the need for new gun safety regulations, he said: "You have safety caps on aspirin bottles but not on guns. Where is the logic? Our primary motivation is to stop the harm, the pain and the suffering. We want the manufacturers to stop dealing with gun agents who are known to be selling guns used in crimes."

The administration's aim of a comprehensive legal settlement mirrors a strategy it has successfully pursued in regulating the tobacco industry. However, the move met with a predictably negative response from firearms industry representatives. Paul Jannuzzo, a legal counsel for the Glock Gun Company, claimed better enforcement of existing laws, rather than lawsuits, was the best solution.

James Dorr, an attorney for an association of several gun makers, said: "The federal government licenses people to make and sell guns. These are products that are regulated by the government. To sue somebody they have authorised to sell those products has no basis in law."

The government's action comes in the wake of separate legal suits filed against gun manufacturers by 24 cities throughout the United States.

Although the move concentrates on often rundown inner city areas, the administration's motives are tied up with widespread concern about gun violence across the country.

This week, in the latest in a series of school shootings across the US, a 13-year-old boy - described by classmates as a model student - shot and wounded five fellow pupils in a small town in Oklahoma.

Last Sunday, five women, all members of the same family, were found shot dead in a house in Baltimore in a crime police are trying to drug dealers.

A wave of opinion polls favouring stricter gun laws has swept the US following last April's massacre at Columbine High School near Denver, where two teenagers killed 12 fellow pupils and a teacher, and wounded 23 others, before killing themselves.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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Copyright 1999 Times Newspapers Limited  
The Times (London)

December 9, 1999, Thursday

SECTION: Overseas news

LENGTH: 564 words

HEADLINE: US gun industry faces class action

BYLINE: Ben Macintyre in Washington

BODY:

THE American Government has threatened to launch a legal assault on the gun industry unless manufacturers help to stanch the bloodshed in the country by radically altering the way firearms are made, marketed and distributed.

A total of 29 cities and counties are suing gunmakers over the costs of violence relating to guns and the White House has now warned the industry that it must settle those legal actions and improve safety measures swiftly or it will unleash one of the most powerful weapons in the legal arsenal: a federal class action on behalf of the 3.25 million residents of America's bullet-scarred public housing, where so much of the gun violence takes place.

"It is a clear signal to manufacturers that enough is enough. The status quo is unacceptable," Andrew Cuomo, the Housing and Urban Development Secretary, said as the gun industry faced its own "high noon".

The threat of litigation, similar to the class-action cases used so effectively against tobacco companies, represents an attempt by the Clinton Administration to hammer gun control through the courts after repeated efforts to enact tougher legislation have failed in Congress.

The class action would claim that the irresponsible way guns are marketed and sold has contributed to violence in public housing projects because manufacturers have negligently allowed guns to fall into the hands of criminals while failing to make firearms as safe as possible.

The 3,200 public housing authorities now spend \$ 1 billion (Pounds 617 million) a year on security, and potential damages in such a class action could run into many billions.

Among other challenges, litigants around the country are demanding that manufacturers must cut off dealers whose guns are traced to crimes, the inclusion of safety locks on all guns, an end to marketing aimed at children and criminals and the end of practices such as selling guns that are impervious to fingerprints.

"We have safety caps on bottles of aspirin. It makes no sense not to have safety devices on guns," Mr Cuomo said.



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The aggressive new stance reflects growing frustration in the White House over the failure of gun control legislation.

Despite a series of horrific shootings and widespread public outrage, the powerful National Rifle Association has successfully linked arms with the Republican-led Congress to obstruct the passage of any significant new gun control legislation this year.

The NRA immediately attacked the threatened lawsuit as "reckless harassment" of a legal industry that could set a "dangerous legal precedent".

"It's crazy," said Steve Sanetti, vice-president and lawyer for the gunmaker Sturm, Ruger & Co. "Congress set up the regulatory framework and now you've got the federal government suing the gun industry and that makes no sense whatever."

But White House officials stressed that the lawsuit was being prepared on behalf of the housing authorities rather than the Justice Department itself. They emphasised that by preparing legal action the Administration aims to force a compromise rather than start a lengthy legal action. Nevertheless, Mr Cuomo insisted the threat was genuine.

Gun control advocates hailed the move as a declaration of war on the industry. "This is a momentous event," Robert Nelson, a lawyer representing San Francisco in one of the legal actions, said.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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USA TODAY

December 9, 1999, Thursday, FIRST EDITION

SECTION: NEWS; Pg. 3A

LENGTH: 628 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 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.



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"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.

LANGUAGE: ENGLISH

LOAD-DATE: December 09, 1999



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LEVEL 3 - 12 OF 315 STORIES

Copyright 1999 The Washington Post  
The Washington Post

December 9, 1999, Thursday, Final Edition

SECTION: A SECTION; Pg. A02

LENGTH: 956 words

HEADLINE: Gunmakers Up in Arms Over HUD Plan to Sue Them; Industry Points to Concessions Made on Safety, Blames U.S. for Poor Enforcement

BYLINE: Sharon Walsh, Washington Post Staff Writer

BODY:

The gun industry, already facing dozens of lawsuits filed by cities and public-interest groups, yesterday expressed frustration and bewilderment at the Clinton administration's plan to join those suits on behalf of the country's public housing authorities.

Just a year ago, when New Orleans became the first city to ask for reparations for gun violence, the industry scoffed, dismissing the suit as the work of the same money-hungry lawyers who had attacked the tobacco business. Any changes in gun regulations, they said, should be made in Congress, not in the courts.

Since then, as litigation against the industry has gathered steam, firearms makers say they have agreed to concessions that would have been unimaginable a few years ago--such as voluntarily shipping safety locks with their guns and agreeing to fund programs to help gun dealers recognize buyers who are "straw purchasers"--buyers acting on behalf of someone who could not legally own a gun.

"The industry is meeting with the ATF and going above and beyond the law to help get the bad guys," said Robert Delfay, head of the National Shooting Sports Foundation, an industry association. "To find out that the very government you're trying to help is going to sue you. . . . You just don't know where to turn."

On Tuesday, Housing and Urban Development Secretary Andrew M. Cuomo said that his agency would file a massive lawsuit on behalf of the nation's 3,191 public housing authorities, which spend \$ 1 billion a year trying to keep their 3.25 million residents safe from gun violence.

At his regular press briefing yesterday, President Clinton supported the idea, saying that he was disappointed that his administration had not been able to pass "common-sense gun legislation," particularly after numerous school shootings, and that he thought it was appropriate to use executive authority to press the issue. He noted that the suit is not intended to get money from gun



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manufacturers, but rather to pressure them to change "irresponsible marketing practices" and add safety features to their products.

Gun control advocates said they believed the administration's entry into the fray and the public outcry regarding recent school shootings have turned the momentum against the industry.

"It's a pretty sad statement when you can get action faster through litigation than through legislation," said Richard S. Order, an attorney representing Bridgeport, Conn., in its lawsuit against gun companies. "Congress has too many roadblocks."

Most gun industry representatives continued to say that they would meet with representatives of the White House to see if they could agree to settle the various lawsuits and prevent yet another one. Several smaller manufacturers have already filed for bankruptcy. And the insurers of many of the larger companies have said they will not pay to defend them in the lawsuits.

But others in the industry were adamant that they will continue to fight.

"Such misguided efforts are legally and factually wrong," said Stephen L. Sanetti, general counsel of Sturm, Ruger & Co., the nation's largest maker of firearms. "We will fight them with all of our resolve."

"I don't know anybody who thinks these lawsuits will succeed," said Jeff Reh, a spokesman for Beretta USA. "It's tantamount to harassment."

Firearms makers have emphasized that they are a heavily regulated industry and that when crimes are committed with their products, it is the responsibility of the federal government to prosecute those crimes. That hasn't happened, they said, citing a Syracuse University study this year that showed prosecutions of federal gun crimes were down by more than 40 percent. The Bureau of Alcohol, Tobacco and Firearms said that was in part because of cutbacks in manpower at the agency and a shift to prosecuting gun traffickers.

Congressional reaction to the HUD announcement was muted because lawmakers were scattered throughout the country on recess. But House Republicans were quick to point out that HUD general counsel Gail Laster told a subcommittee on Aug. 4 that "HUD does not plan to bring any action on its own against the gun industry" and "HUD has no authority on its own to bring litigation."

Rep. Robert L. Barr Jr. (R-Ga.), a vocal opponent of gun control, wrote Cuomo yesterday questioning why Laster would make such statements if the department was in fact contemplating a suit. Barr wrote that he has asked the panel's chairman "to consider taking action against [Laster] for misleading, if not lying to, the subcommittee."

Staff writer Juliet Elperin contributed to this report.

Triggering Lawsuits



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Numerous lawsuits have been filed recently years against gunmanufacturers, saying they are liable for deaths and injuries caused by their products. Among the cases:

\* A landmark Brooklyn case, Hamilton v. Accu-Tek, found some gun companies liable for their distribution practices, but the verdict was appealed to the 2nd Circuit Court of Appeals and will be argued early next year.

\* NAACP and the National Spinal Cord Injury Association have filed suit in New York against gun manufacturers, seeking injunctive relief for some gun distribution practices.

\* Numerous cities and counties have filed suit, including:

New Orleans

Chicago

Miami

Bridgeport, Conn.

Atlanta

Cleveland

Wayne County, Mich.

Detroit

Cincinnati (Thrown out)

St. Louis

San Francisco (Includes Berkeley, Sacramento, San Mateo County, Alameda County, Oakland and East Palo Alto)

Los Angeles (Includes Compton, West Hollywood and Inglewood)

Camden County, N.J.

Los Angeles County

Gary, Ind.

Wilmington, Del.

SOURCE: Center to Prevent Handgun Violence

GRAPHIC: IG, TWP



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GRAPHICS: ENGLISH

The Washington Post, December 9, 1999

LANGUAGE: ENGLISH

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December 9, 1999 Thursday, CHICAGO SPORTS FINAL EDITION

SECTION: NEWS; Pg. 9; ZONE: N

LENGTH: 751 words

HEADLINE: CLINTON MULLS SUIT TO FORCE GUN CURBS

BYLINE: By Todd Lighty and Naftali Bendavid, Tribune Staff Writers. Todd Lighty reported this account from Chicago and Naftali Bendavid reported from Washington.

DATELINE: WASHINGTON

BODY:

In a bit of presidential saber rattling, President Clinton on Wednesday said a threatened first-ever federal lawsuit against the firearms industry could force the companies into meaningful talks to curb gun violence.

Speaking at a news conference, Clinton said his administration is considering filing a suit on behalf of the 3 million Americans living in public housing.

Clinton said guns are involved in roughly 10,000 crimes every year in public housing, where the federal government spends \$1 billion on security. Stories abound of children sleeping in bathtubs and residents afraid to answer their doors because of their fears of being shot.

Public housing residents would not sue to bankrupt the gun companies, Clinton said. "They're trying to make their living spaces safer."

The president's threat to throw the federal government's weight behind legal action against the firearms industry by local governments was seen as a savvy political gesture by some and as a baffling move by lawyers for gunmakers.

Anne Kimball, a Chicago lawyer for Smith & Wesson Corp. and several other gunmakers, said gun manufacturers assist law-enforcement authorities, through gun traces, to solve crimes and catch criminals.

"This makes no public policy sense," Kimball said. "As a citizen, I'm shocked that the federal government would contemplate filing a lawsuit for conduct of hardened criminals and then blame the legitimate, legal manufacturers of guns."

By thrusting himself into the battle and threatening to sue, Clinton was making sure the administration had a chair at the table for any settlement talks, said Marshall Shapo, a Northwestern University law professor.

"He has opened a second front in the war against guns," Shapo said. "In a very loose sense, he is trying to make himself into an informal commander-in-chief of this overall war and at the same time become a great



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mediator to reaching a social goal."

The administration and the Department of Housing and Urban Development for months have quietly discussed filing an anti-gun lawsuit in U.S. District Court, and have talked with a number of housing authorities about the idea.

While they have not talked to Chicago Housing Authority officials, HUD administrators have received a copy of the city's \$433 million suit filed last year against 22 gun manufacturers and four dealers. The city's suit, filed in state court, claims that gunmakers and dealers "saturate the market knowing that persons will illegally bring them into" Chicago for their own use or for illegal resale.

The Clinton administration hopes the threat of a suit will force the firearms industry to pursue negotiations with governments to make guns safer and to better monitor illicit dealers.

Lawyers from several state and city governments met with representatives of the gun industry in October to consider an out-of-court settlement that might include limitations on gun sales and mandatory locking devices.

Chicago declined to participate because Mayor Richard Daley wants more from the industry than his counterparts may be willing to settle for.

The city is seeking to recover the costs of treating victims of gun violence.

Clinton, in arguing for a greater role by his administration, pointed to a recent study by Sen. Charles Schumer (D-N.Y.) that said 1 percent of the gun dealers sell 50 percent of the guns involved in gun crimes. "If there's a way that the court could craft a resolution of that, that would be a good thing," Clinton said.

But Kimball said there already were laws on the books to curb such gun dealers. "My suggestion to the federal government is that they crack down on that 1 percent, pull their licenses and put them out of business," she said.

John Lowy, senior attorney for the Center to Prevent Handgun Violence, said it was encouraging that the administration would be involved in the talks.

"It's clear from the administration statements that the industry is going to face a very large nationwide class-action lawsuit unless it agrees voluntarily to behave responsibly in distributing and designing its product," Lowy said.

Robert Spitzer, political science professor at State University of New York at Cortland, said that administration involvement will push the sides to reach an agreement.

"It increases the pressure," Spitzer said. "Maybe the gun industry hopes it can hold off for 18 months and hope a Republican is elected president and the policy will change. But for now it's quite significant."

GRAPHIC: GRAPHIC: Lawsuit filed against gunmakers.; At least 28 cities and counties, including Chicago and Cook County, have filed lawsuits against gun manufacturers in relation to gun violence in the U.S.; Source: Violence Policy Center.; Chicago Tribune.; - See microfilm for complete graphic.



LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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Chicago Sun-Times

December 08, 1999, WEDNESDAY, Late Sports Final Edition

SECTION: NWS; Pg. 19

LENGTH: 299 words

HEADLINE: HUD considering gunmaker suit

BYLINE: BY LYNN SWEET

DATELINE: WASHINGTON

BODY:

The Clinton administration said Tuesday it will sue gunmakers on behalf of public housing authorities in Chicago and across the nation if settlement talks in similar pending lawsuits are unsuccessful.

In a bid to curb gun violence, Chicago and about two-dozen local governments have sued gunmakers.

A lawyer for the Department of Housing and Urban Development said the agency will enter ongoing settlement talks with gun manufacturers before going to court, a standard procedure that precedes the filing of a lawsuit. The settlement talks in question do not include the Chicago case.

"We have not seen the specifics on the proposed lawsuit," said Phillip Jackson, Chicago Housing Authority's chief executive officer. "Without all the details I can say we will support efforts that further that cause" of ridding streets of illegal weapons, he said.

The HUD lawyer, who did not want to be identified, said the importance of the anticipated legal action is that the federal government is "ready to sue." As in the Chicago case, the aim of the legal action is to "change the way the gun industry does business," the HUD lawyer said, including implementing a code of conduct, stopping illegal sales and improving supervision of the distribution of new guns.

HUD is getting involved with pressing the case because taxpayers foot the bill for higher insurance costs in public housing because of gun-related crimes.

"As legal counsel for most of the cities and counties involved in these lawsuits, we believe that this latest development will only add further weight and momentum to the ongoing effort to stop the loss of lives and public tax dollars that result from the irresponsible conduct of the industry," said Sarah Brady, chairwoman of The Center to Prevent Handgun Violence.

LANGUAGE: English

LOAD-DATE: December 08, 1999



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Copyright 1999 Daily News, L.P.  
Daily News (New York)

December 8, 1999, Wednesday SPORTS FINAL

SECTION: NEWS; Pg. 26

LENGTH: 253 words

HEADLINE: GUN MAKERS FACE FED VIOLENCE SUIT

BYLINE: By KENNETH R. BAZINET DAILY NEWS WASHINGTON BUREAU

BODY:

WASHINGTON - The Clinton administration is threatening to file a massive class-action lawsuit against gun makers next year if manufacturers fail to change the way they market and sell guns.

The administration, modeling the action after similar suits filed by 29 cities, plans to sue on behalf of the 3,200 public housing authorities around the country - including New York City - to recover the estimated \$1 billion a year associated with gun violence.

Administration officials said the federal class-action suit is meant to put pressure on the gun industry to settle the existing lawsuits and agree to a series of reforms that died in Congress.

"If settlement is not possible, then the public housing authorities are prepared to go forward with their suit," White House adviser Bruce Reed said.

Gun control advocates hailed the suit. Rep. Carolyn McCarthy (D-L.I.) said she hoped the action would persuade the industry to adopt measures she pushed in Congress - such as requiring safety locks on handguns.

"Let's hope the gun industry does the right thing voluntarily," she said.

Alan Gottlieb, founder of the Bellevue, Wash.-based Second Amendment Foundation, said if the housing authorities sue, his group would likely file a countersuit on behalf of gun makers.

Gottlieb said the administration is encouraging suits against gun makers in hopes of bankrupting them.

The idea, he said, is "file as many suits as possible. The industry can't fight hundreds of lawsuits - it would bankrupt them."

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Los Angeles Times

December 8, 1999, Wednesday, Home Edition

SECTION: Part A; Page 1; National Desk

LENGTH: 1073 words

HEADLINE: U.S. TO JOIN LEGAL PRAY AGAINST GUN MAKERS;  
ARMS: WHITE HOUSE, THROUGH HUD, HOPES TO 'SPUR ALONG' SETTLEMENT TALKS BETWEEN  
INDUSTRY AND LOCAL GOVERNMENTS.

BYLINE: MYRON LEVIN and ALISSA RUBIN, TIMES STAFF WRITERS

BODY:

The federal government is throwing 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 the industry by 29 cities and counties.

Clinton administration officials said Tuesday that they will join settlement negotiations aimed at limiting the flow of handguns to kids and criminals. And unless they see progress, they said the Department of Housing and Urban Development may join public housing authorities in an unprecedented 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 local 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 into nascent settlement talks between the gun makers and local governments, including the city and county of Los Angeles.

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

"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.



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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 Atty. James K. 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 filed lawsuits. "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 and counties--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 governments 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 criminals who obtain them by theft. A similar case has been filed against the industry by the National Assn. 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 firearm 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 was the first since talks began in late September, and negotiators for the municipalities 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 in the fall by the Justice Department against the tobacco industry. But Big Tobacco has many times the size and staying power of the handgun makers.

Financial strain induced by the wave of lawsuits already appears to be contributing to a shakeout in the industry. Pistol maker Davis Industries of Chino filed for bankruptcy in May, due at least in part to the lawsuits. Another Southern California maker of cheap handguns, Lorcin Engineering of Mira Loma, recently announced its closure.



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Los Angeles Times December 8, 1999, Wednesday.

And in October, Colt's Manufacturing Co. of West Hartford, Conn., a storied name in firearms, said it would stop producing some of its less profitable models. "We have had to face the harsh reality of the significant impact which our litigation defense costs are having on our ability to operate competitively in the marketplace," the company said in a letter to distributors.

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

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

As the price for peace, the local governments are calling on manufacturers to adopt a code of conduct requiring them to actively curb the flow of guns to juveniles and criminals.

One settlement proposal calls on the manufacturers to deal only with retailers who agree to limit sales to one gun per person each 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 how easy it is to conceal a firearm. They are also calling for an end to ads that state that owning 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 people.

Levin reported from Los Angeles and Rubin from Washington. Times staff writers Eric Lichtblau and James Gerstenzang in Washington also contributed to this story.

LANGUAGE: English

LOAD-DATE: December 8, 1999



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December 8, 1999, Wednesday, Late Edition - Final

SECTION: Section A; Page 22; Column 1; Editorial Desk

LENGTH: 402 words

HEADLINE: New Pressure on Gun Makers

BODY:

The Clinton administration yesterday threatened a lawsuit against gun manufacturers on behalf of the three million people who live in public housing projects long plagued by gun violence. The threat followed last week's ruling by an Illinois state judge that an innovative private lawsuit against gun manufacturers could proceed, despite heavy industry pressure to kill it.

Taken together, these actions provided a positive counterpoint to yet another school shooting episode, this one in Gibson, Okla., where a seventh grader wounded four schoolmates on Monday. The attack, in which no one was killed, reaffirmed the grim fact that there are too many weapons floating around American society -- one for nearly every man, woman and child -- and that these weapons are all too accessible to the wrong people.

There was hope last spring that Congress would react to the massacre at Columbine High School in Colorado by approving measures aimed at keeping weapons out of the wrong hands. But Republican leaders, unwilling to buck the National Rifle Association and its sizable political donations, made sure that Congress adjourned without doing anything on gun control -- creating a big issue for debate in the coming presidential and Congressional campaigns.

However, there is now reason to believe that pending public and private litigation against the gun industry may succeed in wresting from gun makers at least some of the reforms that Congress has refused to entertain, much less pass. The central argument in the Illinois suit is that the firearms industry has created a public nuisance by negligently distributing its products. That argument makes it similar to cases brought by Chicago and other cities.

The latest ruling is not a binding precedent in any other suit. But according to David Kairys, a Temple University Law School professor, this and other recent rulings signify that the courts are not going to follow Congress's lead in exempting the gun industry from the rules of civil responsibility that apply to other consumer products.

Thus pressure is growing on gun makers to negotiate a settlement that includes steps like personalizing guns so only their rightful owner can fire them, reforming gun distribution practices and barring handgun sales at gun shows and on the Internet. That is a prospect that Americans anxious to prevent



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more school shootings can only applaud.

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LANGUAGE: ENGLISH

LOAD-DATE: December 8, 1999

Page 3



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December 8, 1999, Wednesday, Late Edition - Final

SECTION: Section A; Page 1; Column 1; National Desk

LENGTH: 1074 words

HEADLINE: HOUSING AGENCIES TO SUE GUN MAKERS

BYLINE: By DAVID STOUT with RICHARD PEREZ-PENA

DATELINE: WASHINGTON, Dec. 7

BODY:

In a move to force the firearms industry to adopt safer ways of making and selling weapons, the federal government said today that housing authorities around the country were planning to file a class-action 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 such action will intensify pressure on the gun industry.

The administration is throwing its weight behind suits 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 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



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a 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," Mr. Delfay said.

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 Fed's 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 that 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 to 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 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 &



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The New York Times, December 8, 1999

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 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. The private plaintiffs argued that the companies fostered illegal trafficking because of their marketing practices.

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LANGUAGE: ENGLISH

LOAD-DATE: December 8, 1999



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LEVEL 3 - 19 OF 315 STORIES

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December 8, 1999 Wednesday, FINAL / ALL

SECTION: NATIONAL; Pg. 1A

LENGTH: 487 words

HEADLINE: U.S. TO JOIN CITIES SUING GUN MAKERS

BYLINE: FROM STAFF AND WIRE REPORTS

DATELINE: WASHINGTON

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.

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.

Cleveland is one of those cities. In April, Mayor Michael R. White filed a lawsuit in Cuyahoga County Common Pleas Court against 17 gun manufacturers and three trade associations.

The suit aims to recover up to \$150 million in damages for harm and costs incurred by the city because of guns and seeks to force manufacturers to install gun-safety features.

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 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.



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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."

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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Sacramento Bee

December 8, 1999, METRO FINAL

SECTION: MAIN NEWS; Pg. A1

LENGTH: 852 words

HEADLINE: U.S. SET TO SUE GUN INDUSTRY

BYLINE: David Stout and Richard Perez-Pena, New York Times

DATELINE: WASHINGTON

BODY:

In a move to force the firearms industry to adopt safer ways of doing business, the federal government said Tuesday that it is preparing a lawsuit against gun makers on behalf of the 3 million people who live in public housing projects, where shootings have taken a heavy toll for years.

The White House and the Department of Housing and Urban Development have been laying the groundwork for the suit in recent months in hopes that the threat of federal action would intensify pressure on the gun industry to change how it makes and sells weapons, officials said.

The Clinton administration has decided to throw its weight behind suits filed by more than two dozen cities against gun companies in hopes that a far-reaching settlement might be achieved once and for all, saving lives and enabling conscientious gun makers and dealers to do business, said Housing Secretary Andrew Cuomo and Bruce Reed, President Clinton's domestic policy adviser.

The decision could dramatically strengthen the hand of numerous cities, including Sacramento, that have sued or threatened to sue firearms manufacturers, seeking redress for the public costs of gun violence.

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 Cuomo said the federal goal is 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."

Cuomo said that if no deal 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, 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," Cuomo said.



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Sacramento Bee, December 8, 1999

Two representatives of the firearms industry said Tuesday night 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 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," Delfay said.

Paul Jannuzzo, general counsel for the Glock gun company, said better enforcement of gun laws would do more good than more lawsuits.

In recent years, Congress has wrestled often with gun-control issues, especially after a particularly gruesome mass killing. Some federal measures have been made into law, others talked about more or less seriously over the years.

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

Spitzer said Tuesday night 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." Spitzer compared the threat of his lawsuit to a dagger. "The feds' is a meat ax," he said.

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

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

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

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

In a situation not unlike the tobacco negotiations, two big gun makers were reported last summer to be negotiating with 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 monitoring



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Sacramento Bee, December 8, 1999

group and better protection for children.

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

The Washington Post contributed to this report.

GRAPHIC: Andrew Cuomo

The HUD secretary would sue on behalf of public housing residents.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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DECEMBER 8, 1999, WEDNESDAY, FINAL EDITION

SECTION: NEWS; Pg. A1

LENGTH: 924 words

HEADLINE: A New Tactic To Pressure Gunmakers;

U.S. prepares suit on behalf of public housing resident

BYLINE: Chronicle Staff and Wire Report

DATELINE: Washington

BODY:

In a move to force the firearms industry to adopt safer ways of doing business, the federal government said yesterday that it is preparing a lawsuit against gunmakers on behalf of the 3 million people who live in public housing projects, where shootings have taken a heavy toll for years.

The White House and the Department of Housing and Urban Development have been laying the groundwork for the suit in recent months in hopes that the threat of federal action would intensify pressure on the gun industry to change how it makes and sells weapons, officials said.

The Clinton administration has decided to back suits filed by more than two dozen cities against gun companies in hopes of a far-reaching settlement that would save lives and enable conscientious gunmakers and dealers to do business, said Housing Secretary Andrew Cuomo and Bruce Reed, President Clinton's domestic-policy adviser.

The suit would accuse the arms industry of failing to make firearms as safe as possible and of marketing and selling weapons so that they often fall into the hands of criminals -- primarily through largely untracked "straw purchasers" who buy large quantities of firearms and resell them illegally to convicted felons.

But Cuomo said the federal goal is a settlement, not a 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."

Technically, the suit would be lodged by the nation's 3,200 public-housing authorities. They have an enormous stake in the issue, 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.

San Francisco City Attorney Louise Renne, who represents the city in a suit against gun manufacturers, welcomed the possibility of a federal lawsuit.



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"It's a very powerful force for good," she said. "If the federal government weighs in, it can only be a good thing." San Francisco, along with Los Angeles and several other California municipalities, is suing gun manufacturers for unfair business practices, among other things.

Two representatives of the firearms industry said last night that the threat of a federal suit will not improve prospects for a settlement.

"My initial reaction is one of frustration and surprise," said Robert Delfay, president of the National Shooting Sports Foundation, who said his group has 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," Delfay said.

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

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

The officials said HUD lawyers have been conferring with their counterparts in the White House, the Justice Department and the Treasury Department, whose Bureau of Alcohol, Tobacco and Firearms regulates the gun industry.

Any wide-ranging settlement -- or lawsuit -- would almost inevitably involve such familiar names as Sturm, Ruger & Co., Smith & Wesson, Colt's Manufacturing, Beretta, Glock and Mossberg & Sons.

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?" Cuomo said. "Where's the logic?"



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Some of the measures that federal officials would seek are already laws in some states. In recent years, Congress has wrestled often with gun-control issues, especially after particularly gruesome mass killings. Some federal measures have been made into law; others have been talked about over the years.

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.

LOAD-DATE: December 8, 1999



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The Times-Picayune

December 8, 1999 Wednesday, ORLEANS

SECTION: NATIONAL; Pg. 3A

LENGTH: 686 words

HEADLINE: HANO POISED TO PARTICIPATE IN NATIONWIDE GUN LAWSUIT

BYLINE: By Pamela Coyle Staff writer

BODY:

The Housing Authority of New Orleans and other public housing administrations across the country are poised to take part in a class-action lawsuit against gun-makers, in part to recoup the costs of providing extra security in crime-ridden neighborhoods and to pressure the industry to negotiate over safety and distribution issues.

The move is expected to get a high-profile push today with an announcement by Housing and Urban Development Secretary Andrew Cuomo that his office intends to pursue such litigation on behalf of some or all of the nation's 3,400 public housing authorities.

Outgoing HANO executive director Michael Kelly confirmed Tuesday that the New Orleans agency is involved.

"This is precisely the sort of advocacy for people in public housing that we should see from HUD. Easily accessible and unsafe guns are among the most important problems facing residents across the nation," said Kelly, who on Jan. 31 will become head of the Washington, D.C., public housing agency. "HUD's actions can help stop the flow of guns to criminals and make us all safer."

Federal officials want gun-makers - targeted by dozens of major cities, including New Orleans, in separate lawsuits filed over the past year - to join in crafting better distribution controls and improved safety features, gun safety advocates said.

"Cuomo will make some kind of announcement that a lawsuit has been prepared and indicated that he, on behalf of the housing authorities, would prefer to negotiate changes in how the gun industry designs and markets guns," said Dennis Henigan, legal director of the Center to Prevent Handgun Violence, a non-profit group that also has been involved in lawsuits cities have filed.

Federal officials said taxpayers pay \$1 billion a year to provide security at the public housing developments.

"We have long believed that the housing authorities have the best claims against the industry because as property owners, they are directly impacted by gun violence. They also have to make significant outlays for increased security as well as dealing with property damage from gun violence," Henigan said.

Gun safety advocates hope that HUD's interest will increase pressure on the industry. The prospective lawsuit asserts claims similar to those made by cities: that gun manufacturers fail to include reliable safety features and



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help fuel the market for illegal weapons by some of their distribution practices.

Industry representatives have denied the claims and said such lawsuits are groundless.

The threat of more litigation follows an announcement in September that the federal government would spend \$15 million to buy guns in and near public housing complexes. Local police and housing departments will get up to \$500,000 each for the initiative. The suggested price per weapon is \$50, administration officials said, and as a condition for the federal money, agencies collecting the weapons must destroy them.

Kelly said KANO officials are working with the New Orleans Police Department on a proposal to get a share of that grant money. The buy-back program and the potential litigation both show the federal government is taking a hard look at crime at publicly supported apartment complexes, he said.

"Even though we are fighting the fight diligently on the local level, it makes a difference to get that type of support from the federal level," said Kelly, who also announced Tuesday his move to the nation's capital.

KANO receives between \$2 million and \$3 million each year from the federal government to target crime and illegal drugs in the city's 10 large public housing developments. And the murder rate within the complexes has dropped dramatically. Through September, there were 20 murders this year, compared with 39 during the same period in 1998, a drop of almost 50 percent, according to NOPD statistics. In 1996, 64 people were killed in the city's public housing complexes.

Staff writer Bill Walsh contributed to this report.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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LEVEL 3 - 23 OF 315 STORIES

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December 8, 1999, Wednesday, Final Edition

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.

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



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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 happens 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.



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

LANGUAGE: ENGLISH

LOAD-DATE: December 08, 1999



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LEVEL 3 - 24 OF 315 STORIES

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December 8, 1999 Wednesday, EVENING UPDATE EDITION

SECTION: NEWS; Pg. 1; ZONE: C

LENGTH: 384 words

HEADLINE: CLINTON MULLS SUIT AGAINST GUNMAKERS

BYLINE: Associated Press.

DATELINE: WASHINGTON

BODY:

The Clinton administration hopes the threat of a new, national lawsuit will persuade gunmakers to negotiate with cities that accuse them of negligently allowing guns to fall into the hands of criminals.

President Clinton also said Wednesday he hopes U.S. and Cuban officials will not allow "politics or threats" to decide the fate of a 6-year-old Cuban boy caught in an international custody dispute.

In an hour-long news conference, Clinton summed up the achievements and disappointments of a year that began with the impeachment trial and neared its close with demonstrators rioting in Seattle against his trade policies.

The White House is helping prepare a class-action suit against gunmakers, alleging that guns and how they are marketed have contributed to violence in public housing projects, administration officials said Tuesday.

White House spokesman Joe Lockhart said Wednesday that the lawsuit is not imminent. But the hope is the suit will heighten pressure on gun manufacturers to respond in a meaningful way to 28 states and cities that are seeking to recover the cost of gun violence.

Of the failed attempt by Republicans in Congress to remove him because of his involvement with a young intern, Clinton said, "The mistake I made was self-inflicted."

As for 1999, he said he was "profoundly disappointed" that Congress rejected some of his initiatives, but overall, "I'm gratified by what was accomplished." He cited: an agreement under which China could enter the World Trade Organization, the start of peace talks on the future of Cyprus, a conventional forces agreement with Moscow, and "debt relief for the poorest countries of the world."

Clinton promised to pursue in 2000 one legislative goal he failed to attain in 1999: tighter gun restrictions.

He noted that one company was marketing a weapon by touting the fact it is



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Chicago Tribune, December 8, 1999

difficult to get fingerprints off it. "You don't have to be all broke out with brilliance to figure out what the message is there," Clinton said.

Clinton also said he thought it would be a mistake for the United States to cut off aid to Russia because of its military campaign in Chechnya. But he also said he has "no sympathy" for Chechen rebels, even though he has criticized as too heavy-handed Russia's efforts to stamp out the rebellion.

LANGUAGE: ENGLISH

LOAD-DATE: December 9, 1999



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December 8, 1999 Wednesday, CHICAGO SPORTS FINAL EDITION

SECTION: NEWS; Pg. 3; ZONE: N

LENGTH: 489 words

HEADLINE: U.S., PUBLIC HOUSING AGENCIES DISCUSS GUN INDUSTRY SUIT

BYLINE: By Mike Dorning, Washington Bureau. Tribune staff writer Todd Lighty contributed to this report.

DATELINE: WASHINGTON

BODY:

A group of the nation's public housing authorities is poised to become the next plaintiff to join the legal battle against gun manufacturers, Clinton administration officials said Tuesday.

The federal housing officials reportedly plan to use the threat of \$1 billion in possible damages to wring concessions from the industry on firearms distribution and marketing.

The Department of Housing and Urban Development has been consulting for months with local housing authorities about a lawsuit against the gun industry, said a senior department official involved with the talks.

However, the Clinton administration would like to pursue negotiations with the gun industry before filing the suit, said several officials.

"HUD feels (local housing authorities) have a viable case but is urging them to hold off," said Gretchen Michaels, a Justice Department spokeswoman.

The public housing lawsuit, which would seek compensation for security costs the housing projects incur because of gun violence, would follow similar suits filed by more than a score of state and local governments. The city of Chicago filed one such case.

The legal strategy has been a particular interest of HUD Secretary Andrew Cuomo. But, at least nominally, HUD would have a low-profile legal role, joining as a plaintiff only in its capacity as a trustee for such troubled housing authorities those in New Orleans and Camden, N.J., a HUD official said.

The administration is less interested in winning financial damages from the gun industry than in pursuing an agreement for changes in industry practices, an official said.

In particular, the administration is seeking agreements for manufacturers to change marketing practices allegedly aimed at selling guns to juveniles and criminals.



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Other aims include changes in distribution practices and measures to encourage greater use of gun-safety devices such as trigger locks.

Chicago Housing Authority spokeswoman Karen Bates said the CHA has been involved in discussions over the suit but has made no final decision on whether it would join in the strategy.

"We haven't seen a lawsuit," Bates said. "We want to understand how it would complement the lawsuit that Mayor Daley has filed on behalf of the citizens of Chicago . . ."

That suit was filed in Illinois court and largely presses a public-nuisance claim, charging that 22 gun manufacturers and four distributors "saturate the market . . . knowing that persons will illegally bring them into" Chicago for their own use or for illegal resale.

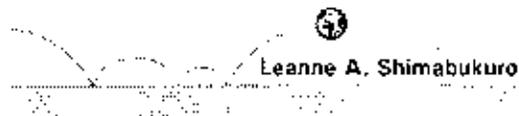
The suit came after a police undercover investigation found that some suburban gun shops allegedly sold weapons illegally to people they had reason to believe would use them to commit crimes.

While some cities are considering settling their lawsuits against the gun industry, Chicago plans to press ahead with its \$433 million claim and has not participated in the settlement talks in New York.

LANGUAGE: ENGLISH

LOAD-DATE: December 8, 1999





03/16/2000 04:54:09 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP  
cc: Deanna E. Benas/OPD/EOP@EOP, Anna Richter/OPD/EOP@EOP, Cathy R. Mays/OPD/EOP@EOP  
Subject: Spitzer

This is his press release. Deanne said McCarthy's office is getting the executive order from Spitzer's people and we will fax it as soon as we get it.

**SPITZER FORMS COALITION TO  
INFLUENCE GUN INDUSTRY  
Says Governments Can Use Market Pressure To Impose New  
Safety Code**

Attorney General Eliot Spitzer today called on local, state and federal government officials to form a coalition that will, in effect, boycott gun manufacturers who fail to adhere to a new safety code.

Spitzer has secured commitments from the mayors of Buffalo, Rochester and Albany to join the coalition. The Westchester County Executive, the Suffolk County Sheriff and other local officials have also agreed to participate.

"Until now, there have been only two ways to try to ensure that the gun industry will produce safer guns and take more responsibility for its products once they leave the factory -- either through legislation or litigation," said Spitzer.

"Today, we are offering a third way, and that is for governments across the country to use financial leverage to encourage gun companies to do what is right. In this regard, the best way to get the gun companies' attention is by focusing on their bottom lines."

Government entities -- such as police forces and departments of correction and public safety -- purchase 25 percent of all guns sold by manufacturers.

Under Spitzer's plan, members of the new coalition would agree to purchase firearms only from gun manufacturers who sign on to a new voluntary code of conduct. This code has three major principles:

**Mandatory design changes to make guns safer, including trigger locks, changes to make guns inoperable by young children, magazine safety disconnects, and chamber load indicators;**

**Changes in distribution practices to ensure that manufacturers terminate relations with irresponsible dealers who sell too many guns**

**that are later used in crimes; and**

**An independent monitor, who would ensure that manufacturers adhere to the Code of Conduct, and report the results of its monitoring to the public.**

In announcing his plan, Spitzer signed an Executive Order, stating that the Department of Law will no longer purchase guns from any manufacturer that refuses to adopt the code of conduct.

Elected officials from across New York who have already agreed in concept to be part of the coalition include:

Westchester County Executive Andy Spano, who said: "I am very pleased to join the Attorney General in a mutual effort that will make every man, woman and child safer. I will now meet with Westchester's local officials to urge them to pool their financial leverage to make this plan effective throughout Westchester County."

Buffalo Mayor Anthony M. Masiello, said: "There's no question that gun violence is a serious problem, not just in urban areas, but all across America. I want to applaud Attorney General Spitzer for putting this coalition together and letting gun manufacturers know that we are committed to eliminating gun violence throughout the country."

Rochester Mayor Bill Johnson said: "I applaud the Attorney General for developing a concept that recognizes government's powerful role as one of the largest consumers of firearms. I look forward to, along with other local government leaders, exploring our options in requiring gun manufacturers who deal with municipalities to be responsible bidders."

Also agreeing to join the coalition is Albany Mayor Jerry Jennings, Suffolk County Sheriff Patrick Mahoney and the Mayor of East Aurora, N.Y., John Pagliaccio, who is the President of the New York Conference of Mayors.

Connecticut Attorney General Richard Blumenthal has also expressed his support: "Any step to improve gun safety in this way is highly significant. Law enforcement can set an important example through this kind of market leverage and code of conduct." Spitzer acknowledged the critical role that Blumenthal has played throughout the negotiations with the industry.

This week, Spitzer will be sending letters to President Clinton, the mayors of the nation's 100 largest cities, and the 50 governors and 50 attorneys general, asking them to join the coalition.

Spitzer thanked a number of people who have been leaders in developing common sense gun reform measures including U.S. Senator Charles Schumer, Congresswoman Carolyn McCarthy, Kristen Rand of the Violence Policy Center, Joshua Horwitz of the Coalition to Stop Gun Violence, Dennis Henigan of the Center to Prevent Handgun Violence, and Barbara Hohlt of New Yorkers Against Gun Violence. The Attorney General also recognized elected officials from across the country who have been part of the ongoing negotiations with the gun industry including

Connecticut Attorney General Richard Blumenthal, City Attorney Louise Renne of San Francisco, Los Angeles City Attorney James Hahn, and the following Mayors: Joseph Ganim of Bridgeport, Ct., Marc Morial of New Orleans, Richard Daley of Chicago, Willie Brown, Jr. of San Francisco, Bill Campbell of Atlanta, and Alexander Penelas of Miami-Dade County, and former Philadelphia Mayor Ed Rendell.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
ALBANY, NY 12224

ELIOT SPITZER  
Attorney General

(518) 474-7330

March 6, 2000

BY TELEFAX

Mr. Bruce Reed  
Director  
Domestic Policy Council  
The White House  
1600 Pennsylvania Ave.  
Washington, D.C. 20500

Dear Bruce:

As you know, at the end of last year and the beginning of this one, certain cities and states were negotiating with members of the gun industry to settle filed or anticipated lawsuits. The objective of the lawsuits -- and, of course, of the settlement negotiations -- was to save lives by having the gun companies adopt commercial measures to keep guns out of criminals' hands and incorporate safety devices to prevent gun accidents.

Through a series of press announcements, the administration invited itself into the negotiations, only to have the gun manufacturers refuse to meet with you. The administration had, they said, unduly politicized the process. But even as they were refusing to meet with you, the manufacturers were urging that we go forward with our long-scheduled January negotiating session, telling us that they saw a possible consensus beginning to emerge. This was a striking moment. After decades of intractability, the gun industry was telling city and state plaintiffs that a possibility of meaningful reform was at hand.

You did not ask us to listen to the industry's counter-proposals to see whether progress was truly possible. Instead, you insisted that if you were unwelcome, then the cities and states should not go. We did not.

Now I learn that, in secret, you have reopened talks with a subset of the industry and -- for reasons I cannot fathom -- excluded the cities and states whose process you halted. It was exceedingly unwise to exclude those with expertise who established the framework for the

settlement, and thus it is not surprising that, as one of your staff members told us on Friday, your current settlement efforts "are going nowhere".

Despite the foregoing, the White House potentially brings to the table resources and national regulatory power unavailable elsewhere. As things now stand, I can participate only from afar. The *only* goal should be saving lives by changing conduct within the gun industry. To that end, I set forth below: (1) how we got to the current stalemate; (2) where the emerging consensus was before your entrance; and (3) how the powers at the disposal of the federal government can recapture the momentum that has been lost.

### **1. How we got to the current stalemate**

As you know, the federal government used the press to invite itself into the ongoing negotiations between the gun manufacturers and the cities and states. Speaking on behalf of New York State, I welcomed your participation.

In anticipation of the next negotiating session, my staff and I expended a great deal of time and effort educating members of the administration on the history and status of our proposals and negotiations -- negotiations that began in the summer of 1999 when New York reached out first to the industry and then to a widening circle of litigants. Due to your late entrance, we met (on an accelerated schedule) with the administration repeatedly both in New York and Washington. You asked us to provide you with our legal theories, settlement outlines, and negotiating drafts, all of which we did gladly.

Shortly before the January meeting, however, the gun industry refused to have the White House at the table. They feared, they said, that your presence would politicize what were already difficult talks. In response, you urged that no city or state attend the January session if you were unwelcome, and exhorted us all to stick together. We acceded, and canceled the negotiations, despite the industry's request that we continue without you. As a result, we never heard the industry's scheduled response to our proposals regarding downstream distribution.

Now it seems that solidarity is a one way street. In secret, with select manufacturers, the Departments of Treasury and Housing and Urban Development (HUD) restarted the very negotiations that you, personally, asked our group to eschew. Apparently considering our presence superfluous, you nonetheless find our work product essential; I am told that the administration is using our settlement framework and our negotiating drafts. I can only conclude that this is at your direction.

I was also disappointed by your behavior after I learned of the secret talks and informed the White House of my concerns. While my follow-up calls to you went unreturned, HUD staff quietly began to call others amongst the cities and states to inform them of "recent

developments." I hope you understand that we can differentiate between genuine teamwork and the ploy of someone caught with his hand in the cookie jar.

## **2. Where we were before the administration "joined" the negotiations**

I believe that before you injected yourself, support on both sides of the table was beginning to coalesce around a few broad principles. Prior to your involvement, we had discussed with the industry a Code of Conduct that would govern design, safety, and distribution of handguns, and would establish an enforcement mechanism to ensure compliance:

*Principle 1: Manufacturers will take responsibility for their downstream sales.* For years, manufacturers have argued that once a gun leaves their factory, they have no control over it. It was none of their business, they argued, how their guns happened to end up in the hands of murderers, rapists, and drug dealers, or why a small number of gun dealers sold the disproportionate number of guns used in crime. Until our recent discussions, the manufacturers felt that it was not their job to cut off renegade dealers, but rather the federal government's job to revoke their licenses. In short, they laid the failure to shut down renegade dealers squarely at your feet.

Some companies are now recognizing that they have a responsibility to use their economic power to combat the criminal market. They appear prepared, for the first time, to use their contract rights to exercise control over their distributors and retailers. In short, by using the same kind of contractual pass-through rights that are used in many other commercial contexts, some are ready to cut off wholesalers who keep selling guns to those dealers who sell too many guns into the criminal market.

Perhaps the most important conceptual shift is the manufacturers' recognition of the principle that they could and should prevent sales to straw purchasers. While we had not yet agreed to specific terms, proposals under discussion ranged from outright restrictions of multiple sales to restrictions on the timing of delivery of purchases.

*Principle 2: Manufacturers will not design or sell handguns that are unduly appealing to criminals.* It is no secret that certain gun manufacturers have targeted criminals as a distinct market, going so far, for example, as to advertise guns that are "fingerprint resistant." There was broad consensus among the manufacturers that guns should not be designed specifically to appeal to criminals. There was no consensus, however, as to what makes a gun attractive to criminals. Barrel length? Color? Large magazine capacity? Price?

There is no need to guess, and no need to predict. Data can resolve the inquiry. By combining their own sales figures with Bureau of Alcohol, Tobacco and Firearms ("ATF") traces showing which models are used in crime, manufacturers can see exactly which guns are used disproportionately by criminals. Thus in our Code of Conduct, we were negotiating with

manufacturers to discontinue models that are or may become disproportionately used by criminals. Debate over barrel length, color, and price would evaporate, and the heart of the problem -- guns desirable to criminals -- is addressed.

Before you announced your interest, we designed the compliance system in the Code of Conduct to work by counting the number of trace *requests* that ATF makes of manufacturers; each time a manufacturer answered the request it was put on notice of which model was used in crime and to whom the manufacturer had sold it. With you now at the table, the manufacturer no longer has to do the math. Your cumulative data can directly answer the questions.

*Principle 3: Manufacturers will design guns to be as safe as reasonably possible for purchasers and their families.* Many manufacturers agreed with this principle so wholeheartedly that some were prepared to negotiate concrete deadlines for the introduction of specific safety features, such as selling every gun with an effective lock; requiring magazine disconnect safeties (which greatly reduce accidental firings) on all guns sold to the public; recalling guns that accidentally fired when dropped; and committing to specific dollar set-asides for research and development on gun safety, including smart gun technology.

A stumbling block for manufacturers was with guns procured by the government. Manufacturers argued that federal government specifications -- particularly the FBI's -- called for guns that *lacked* certain safety features, such as magazine disconnect safeties. Your ability to assist on this point is self-evident.

*Principle 4: Compliance with the Code of Conduct must be verified.* Once the Code of Conduct is in place, we must all have assurances that it is actually being followed. The cities and states were clear with the industry that we would not accept ATF as the sole monitor. Over the years, Congress has severely limited ATF's resources and powers. And, as a federal agency, ATF quite properly owes its fealty not to a private code of conduct but to its authorizing and appropriating statutes.

Our answer was a private monitor who would function as an independent, private-sector inspector general. A kind of super-auditor, the monitor would have full access to the books and records of the manufacturers and their distributors, investigative capability; and the power to force any non-compliant signatories to the agreement to adhere to its principles.

Among the many serious issues in the negotiations, the monitor question proved particularly difficult. Some in the industry insist that ATF be the monitor. Others realize that a clean bill of health from the plaintiffs' monitor would be a potent, almost irrefutable, statement of a manufacturer's good corporate citizenship. In short, the industry will never receive the full benefit of a Code of Conduct without the sign-off of someone universally viewed as more independent than ATF.

### 3. How you can restart the lost momentum

All of the provisions of the Code of Conduct were crafted in the absence of a federal presence at the negotiations. With a federal presence, the possibilities expand significantly. By bringing available tools to bear, you should be able to break through the deadlock that your staffer described to me.

#### *Use federal contract money as an incentive*

First, you have a potent enticement at your disposal: the federal purse strings. Manufacturers sell countless firearms to federal law enforcement and the military. Others seek grants for "smart gun" technology. Progress could be swift if you made gun manufacturers' adherence to a Code of Conduct a prerequisite for receiving grants or for doing business with the government.

#### *Create transparency in the crime gun market: Make ATF trace data public*

You have invaluable data at your disposal, namely the ATF trace records showing exactly how guns get from manufacturers to wholesalers to the retailers who are portals into the underground market. While current data obviously would need to be withheld to protect ongoing investigations, older data should be made available to the nation, so that the public, the press, scholars, lawmakers, and the industry can see for themselves just how and where crime guns have flowed over time.

Sunshine is the best known cure for social ills. Knowledge leads to solutions. Consequently, I propose that all ATF trace data (save identifying information about the police officers who recovered the gun and about individual final purchasers) be made public and placed on the internet.

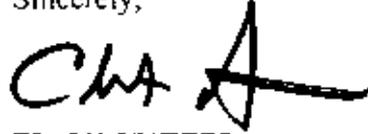
There is clear legal authority for the release of the data. Specifically, 27 C.F.R. § 178.25 ("Disclosure of Information") provides: "Upon the request of any Federal, State or local law enforcement agency, the regional director (compliance) may provide such agency any information contained in the records required to be maintained by the Act or this part." The ATF trace data falls within this definition. The Department of Law of the State of New York, of which I am head, is a "state agency" under the regulation. I, therefore, request the trace data, which -- by regulation -- you "may" provide to me. The debate about crime guns will be advanced enormously by transparency, as academicians, the press, the public, legislators, and the judiciary use the information to craft the appropriate policy solution to a thus-far intractable problem.

In conclusion, although disappointed and angry at the way that you have proceeded, I am hopeful that the resources of the federal government will be used in a productive fashion. I trust

that this letter is the first step in clearing the air, and that we will be able to move forward together in a true partnership.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eliot Spitzer". The signature is stylized, with the first letters of the first and last names being prominent and large.

ELIOT SPITZER

cc: Gun Litigation Negotiating Group

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THE CAPITOL  
ALBANY, NY 12224

ELIOT SPITZER  
Attorney General

*Bob* / *cc TB/Ricchetti*  
*Sumner*  
*This is disturbing*  
*to have had the*  
*good ideas for future*

(518) 474-7330

March 6, 2000

*B*

*copied*  
*Podesta*  
*Ricchetti*  
*Reed*

BY TELETYPE

Mr. Bruce Reed  
Director  
Domestic Policy Council  
The White House  
1600 Pennsylvania Ave.  
Washington, D.C. 20500

Dear Bruce:

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As you know, the federal government used the press to invite itself into the ongoing negotiations between the gun manufacturers and the cities and states. Speaking on behalf of New York State, I welcomed your participation.

In anticipation of the next negotiating session, my staff and I expended a great deal of time and effort educating members of the administration on the history and status of our proposals and negotiations -- negotiations that began in the summer of 1999 when New York reached out first to the industry and then to a widening circle of litigants. Due to your late entrance, we met (on an accelerated schedule) with the administration repeatedly both in New York and Washington. You asked us to provide you with our legal theories, settlement outlines, and negotiating drafts, all of which we did gladly.

Shortly before the January meeting, however, the gun industry refused to have the White House at the table. They feared, they said, that your presence would politicize what were already difficult talks. In response, you urged that no city or state attend the January session if you were unwelcome, and exhorted us all to stick together. We acceded, and canceled the negotiations, despite the industry's request that we continue without you. As a result, we never heard the industry's scheduled response to our proposals regarding downstream distribution.

Now it seems that solidarity is a one way street. In secret, with select manufacturers, the Departments of Treasury and Housing and Urban Development (HUD) restarted the very negotiations that you, personally, asked our group to eschew. Apparently considering our presence superfluous, you nonetheless find our work product essential; I am told that the administration is using our settlement framework and our negotiating drafts. I can only conclude that this is at your direction.

I was also disappointed by your behavior after I learned of the secret talks and informed the White House of my concerns. While my follow-up calls to you went unreturned, HUD staff quietly began to call others amongst the cities and states to inform them of "recent

developments." I hope you understand that we can differentiate between genuine teamwork and the ploy of someone caught with his hand in the cookie jar.

## 2. Where we were before the administration "joined" the negotiations

I believe that before you injected yourself, support on both sides of the table was beginning to coalesce around a few broad principles. Prior to your involvement, we had discussed with the industry a Code of Conduct that would govern design, safety, and distribution of handguns, and would establish an enforcement mechanism to ensure compliance:

*Principle 1: Manufacturers will take responsibility for their downstream sales.* For years, manufacturers have argued that once a gun leaves their factory, they have no control over it. It was none of their business, they argued, how their guns happened to end up in the hands of murderers, rapists, and drug dealers, or why a small number of gun dealers sold the disproportionate number of guns used in crime. Until our recent discussions, the manufacturers felt that it was not their job to cut off renegade dealers, but rather the federal government's job to revoke their licenses. In short, they laid the failure to shut down renegade dealers squarely at your feet.

Some companies are now recognizing that they have a responsibility to use their economic power to combat the criminal market. They appear prepared, for the first time, to use their contract rights to exercise control over their distributors and retailers. In short, by using the same kind of contractual pass-through rights that are used in many other commercial contexts, some are ready to cut off wholesalers who keep selling guns to those dealers who sell too many guns into the criminal market.

Perhaps the most important conceptual shift is the manufacturers' recognition of the principle that they could and should prevent sales to straw purchasers. While we had not yet agreed to specific terms, proposals under discussion ranged from outright restrictions of multiple sales to restrictions on the timing of delivery of purchases.

*Principle 2: Manufacturers will not design or sell handguns that are unduly appealing to criminals.* It is no secret that certain gun manufacturers have targeted criminals as a distinct market, going so far, for example, as to advertise guns that are "fingerprint resistant." There was broad consensus among the manufacturers that guns should not be designed specifically to appeal to criminals. There was no consensus, however, as to what makes a gun attractive to criminals. Barrel length? Color? Large magazine capacity? Price?

There is no need to guess, and no need to predict. Data can resolve the inquiry. By combining their own sales figures with Bureau of Alcohol, Tobacco and Firearms ("ATF") traces showing which models are used in crime, manufacturers can see exactly which guns are used disproportionately by criminals. Thus in our Code of Conduct, we were negotiating with

manufacturers to discontinue models that are or may become disproportionately used by criminals. Debate over barrel length, color, and price would evaporate, and the heart of the problem -- guns desirable to criminals -- is addressed.

Before you announced your interest, we designed the compliance system in the Code of Conduct to work by counting the number of trace requests that ATF makes of manufacturers; each time a manufacturer answered the request it was put on notice of which model was used in crime and to whom the manufacturer had sold it. With you now at the table, the manufacturer no longer has to do the math. Your cumulative data can directly answer the questions.

*Principle 3: Manufacturers will design guns to be as safe as reasonably possible for purchasers and their families.* Many manufacturers agreed with this principle so wholeheartedly that some were prepared to negotiate concrete deadlines for the introduction of specific safety features, such as selling every gun with an effective lock; requiring magazine disconnect safeties (which greatly reduce accidental firings) on all guns sold to the public; recalling guns that accidentally fired when dropped; and committing to specific dollar set-asides for research and development on gun safety, including smart gun technology.

A stumbling block for manufacturers was with guns procured by the government. Manufacturers argued that federal government specifications -- particularly the FBI's -- called for guns that *lacked* certain safety features, such as magazine disconnect safeties. Your ability to assist on this point is self-evident.

*Principle 4: Compliance with the Code of Conduct must be verified.* Once the Code of Conduct is in place, we must all have assurances that it is actually being followed. The cities and states were clear with the industry that we would not accept ATF as the sole monitor. Over the years, Congress has severely limited ATF's resources and powers. And, as a federal agency, ATF quite properly owes its fealty not to a private code of conduct but to its authorizing and appropriating statutes.

Our answer was a private monitor who would function as an independent, private-sector inspector general. A kind of super-auditor, the monitor would have full access to the books and records of the manufacturers and their distributors, investigative capability, and the power to force any non-compliant signatories to the agreement to adhere to its principles.

Among the many serious issues in the negotiations, the monitor question proved particularly difficult. Some in the industry insist that ATF be the monitor. Others realize that a clean bill of health from the plaintiffs' monitor would be a potent, almost irrefutable, statement of a manufacturer's good corporate citizenship. In short, the industry will never receive the full benefit of a Code of Conduct without the sign-off of someone universally viewed as more independent than ATF.

### 3. How you can restart the lost momentum

All of the provisions of the Code of Conduct were crafted in the absence of a federal presence at the negotiations. With a federal presence, the possibilities expand significantly. By bringing available tools to bear, you should be able to break through the deadlock that your staffer described to me.

#### *Use federal contract money as an incentive*

First, you have a potent enticement at your disposal: the federal purse strings. Manufacturers sell countless firearms to federal law enforcement and the military. Others seek grants for "smart gun" technology. Progress could be swift if you made gun manufacturers' adherence to a Code of Conduct a prerequisite for receiving grants or for doing business with the government.

#### *Create transparency in the crime gun market: Make ATF trace data public*

You have invaluable data at your disposal, namely the ATF trace records showing exactly how guns get from manufacturers to wholesalers to the retailers who are portals into the underground market. While current data obviously would need to be withheld to protect ongoing investigations, older data should be made available to the nation, so that the public, the press, scholars, lawmakers, and the industry can see for themselves just how and where crime guns have flowed over time.

Sunshine is the best known cure for social ills. Knowledge leads to solutions. Consequently, I propose that all ATF trace data (save identifying information about the police officers who recovered the gun and about individual final purchasers) be made public and placed on the internet.

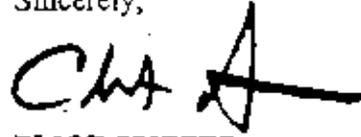
There is clear legal authority for the release of the data. Specifically, 27 C.F.R. § 178.25 ("Disclosure of Information") provides: "Upon the request of any Federal, State or local law enforcement agency, the regional director (compliance) may provide such agency any information contained in the records required to be maintained by the Act or this part." The ATF trace data falls within this definition. The Department of Law of the State of New York, of which I am head, is a "state agency" under the regulation. I, therefore, request the trace data, which -- by regulation -- you "may" provide to me. The debate about crime guns will be advanced enormously by transparency, as academicians, the press, the public, legislators, and the judiciary use the information to craft the appropriate policy solution to a thus-far intractable problem.

In conclusion, although disappointed and angry at the way that you have proceeded, I am hopeful that the resources of the federal government will be used in a productive fashion. I trust

that this letter is the first step in clearing the air, and that we will be able to move forward together in a true partnership.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eliot Spitzer', with a long horizontal flourish extending to the right.

ELIOT SPITZER

cc: Gun Litigation Negotiating Group

FAX to Tom

March 13, 2000

Mr. Eliot Spitzer  
Attorney General  
State of the New York  
The Capitol  
Albany, NY 12224

Dear Eliot:

In your recent letter, you expressed your trust that we will be able to move forward together in a true partnership toward our common goal of seeking fundamental changes in the way firearms are manufactured and distributed. I share that trust. We both want to make the gun industry assume a responsible role in stopping the awful toll of gun violence by incorporating reasonable safety devices in the guns they manufacture and by implementing distribution and advertising practices that will keep guns out of the hands of criminals and children. I look forward to sitting down with you and the city litigants next week to take stock of where we are now and how we can move forward. My understanding is that on your behalf, Louise has suggested a pre-meeting on the 22<sup>nd</sup>, and I agree that such a meeting would be useful.

I also am pleased that you reiterated your suggestion that we explore whether the federal government has the authority through its purchasing power to help make sure that firearms are safely manufactured and distributed. I hope we can find a way to make progress on that front as well.

All of us share your frustration at the decision in January by a handful of intransigent manufacturers to use the federal government's involvement in these issues as an excuse to divide the litigants and block negotiations with the industry as a whole. Everyone on our side deeply appreciated your willingness to join with us in a united front against those manufacturers's efforts to divert attention from their own unwillingness to change the way the gun industry does business.

Now, rather than become discouraged, we should consider how far we have come. It seems you may have a misimpression about our role and the history of our involvement. Before the federal government became involved, the negotiations you had launched had come to a virtual stalemate because of the industry's stalling tactics. For months, the industry had refused to provide a counter-offer, and the prospects for receiving one were diminishing rapidly. Cities and counties involved in the litigation were expressing deep frustration at the

lack of progress, which I am sure you shared, and asked the Administration to help break the stalemate -- recognizing, as you have acknowledged, that we bring unique resources to this effort. We agreed to participate because we felt that our presence could significantly increase the prospects for a global settlement, and because it was becoming increasingly clear that, given the role of the federal government in regulating firearms, any negotiated solution would require our involvement.

Despite the intransigence of some manufacturers, our involvement has led to some progress. We have convened the only comprehensive strategy meeting for all city and country litigants, and lent our expertise and resources to assisting in this effort, including convening a unique seminar by the Bureau of Alcohol, Tobacco, and Firearms to provide insights for litigants about firearms and firearm regulation. But most important, with your help and support, we have used the bully pulpit of the national government to keep up the pressure for a negotiated settlement.

We have said consistently and publicly that we would be happy to sit down with responsible manufacturers, even if the industry as a whole was unwilling to negotiate in good faith. That is what we have done and will continue to do. Not long ago, a manufacturer privately engaged the Administration about what kind of changes we would like to see in the way the gun industry does business. Administration representatives have had discussions with the manufacturer on that question -- discussions that have remained confidential at the manufacturer's request. The White House has not taken part in those discussions, and I am not certain whether they will bear fruit. But it would be a shame if anyone on our side chose to undermine this effort. I hope that at our meeting next week we will have an opportunity to assess the prospects together.

It is critical that as we move forward, we do so in a spirit of understanding. We can accomplish so much more if we put our goals of saving lives front and center. That has been our sole objective from the outset. I know that after all the hard work and leadership you have put into this effort, you feel the same way.

Sincerely,

Bruce N. Reed  
Assistant to the President  
for Domestic Policy