

**S B**

**77**

**CS FOR SENATE BILL NO. 77(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATORS PETE KELLY, Ward**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prohibiting certain civil actions against firearms or ammunition  
2 manufacturers and dealers."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 09.65 is amended by adding a new section to read:

5       **Sec. 09.65.155. Civil liability of firearms or ammunition manufacturer or**  
6       **dealer.** A civil action to recover damages or to seek injunctive relief may not be  
7       brought against a person who manufactures or sells firearms or ammunition if the  
8       action is related to the lawful sale, manufacture, design, or marketing of firearms or  
9       ammunition. However, this section does not prohibit a civil action for breach of  
10       contract or breach of warranty *or mg. of design.*

11 \* **Sec. 2. APPLICABILITY.** This Act applies to a civil action that accrues on or after the  
12 effective date of this Act.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR PETE KELLY

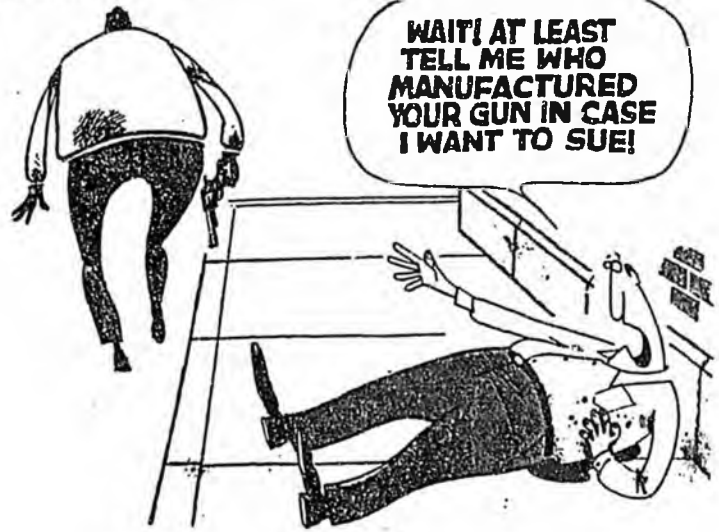
TO: SB 77

1 Page 1, lines 9 - 11:

2 Delete "of like character in its corporate name, and upon a cause of action accruing  
3 to it in its corporate character"

4 Insert "established by a municipality [OF LIKE CHARACTER IN ITS  
5 CORPORATE NAME, AND UPON A CAUSE OF ACTION ACCRUING TO IT IN ITS  
6 CORPORATE CHARACTER]"

SKILLY ©1999 SAN DIEGO UNION TRIBUNE  
COPLEY NEWS SERVICE



Cities who have filed suit:

1. New Orleans Filed suit in Nov. claiming the gun industry violated state laws by failing to install proper gun safety devices.
2. Miami-Dade Sued Jan. 27 to recover costs associated with gun violence. The suit claims handguns are not as safe as they could be and pose a public nuisance.
3. Atlanta Filed suit against 15 gun manufacturers and 2 trade associations, Feb. 4<sup>th</sup>, seeking damages for crime, deaths and injuries involving handgun use.
4. Bridgeport, CT The city filed suit against gun manufacturers on Jan. 27<sup>th</sup> to recover costs associated with gun violence. The suit claims handguns are not as safe as they could be and pose a public nuisance.
5. Chicago Filed suit in November claiming the gun industry poses a "public nuisance" by conspiring to provide guns to criminals by over supplying local markets. City seeking \$433 million in damages.

Cities contemplating lawsuits:

1. St. Louis Reportly plans to file suit in 1999.
2. Baltimore Considering litigation against gun manufacturers.
3. Philadelphia Considering litigation against gun manufacturers. Mayor Edward Rendell suggests a mass filing by as many as 100 cities in 1999.
4. Boston Reportly developing a lawsuit against gun manufacturers.
5. San Francisco Reportly developing a lawsuit against gun manufacturers.



MSNBC viewers' Top 10:  
Would you recommend this story to other viewers?  
not at all 1 | 2 | 3 | 4 | 5 | 6 | 7 highly



**NATIONAL RIFLE ASSOCIATION OF AMERICA**  
INSTITUTE FOR LEGISLATIVE ACTION  
555 CAPITOL MALL, SUITE 455  
SACRAMENTO, CA 95814  
(916) 446-2455

March 11, 1999

TO: Alaska State Legislators  
FROM: Brian Judy, NRA-ILA Alaska State Liaison  
RE: Support for Senate Bill 77 and House Bill 103

---

On behalf of the more than 18,000 NRA members who live in Alaska, I urge strong support for both Senate Bill 77 and House Bill 103. Passage of this legislation is of paramount importance to the National Rifle Association and its members.

These bills would prevent cities and other municipalities in Alaska from filing frivolous liability lawsuits against the firearms industry and would, in effect, assert that the lawful marketing of firearms to the public is not an unreasonably dangerous or socially unacceptable activity.

This legislation is necessary because officials in many cities across the United States are now trying to achieve through the courts what anti-gun activists have been unsuccessful in achieving through the legislative process: firearms prohibition. The basis for these cases has been the suggestion that traditional product liability law can be extended to include the notion that firearms are defective in design because they can *potentially* be misused by criminals or others. These cases have taken the concepts of individual responsibility and personal accountability and turned them on their heads.

If these lawsuits against manufacturers, dealers, and trade associations go forward, they will have a chilling effect on the availability of firearms. At the very least, the cost of firearms to law-abiding individuals will increase dramatically. Thus, the right of law-abiding citizens to keep and bear arms would be infringed. Make no mistake--the point of these lawsuits is to bankrupt the firearms industry and put the manufacturers and dealers of these legal products out of business.

The passage of these bills would put Alaska on record against these frivolous lawsuits and could conceivably encourage the relocation of firearms manufacturers to the state of Alaska, bringing new business to the state and creating jobs.

Please support Senate Bill 77 and House Bill 103.

# Gun suits dangerous and undemocratic

## There is no end to the blame game

By JOHN CARLSON

SEATTLE—Two years ago, 71 percent of Washington state voters trounced a well-publicized gun-control measure (Initiative 676) that was marketed as a gun-safety measure but was actually intended to discourage the acquisition of handguns.

For the well-organized but shrinking gun-control lobby, it was a humiliating defeat because its previous inability to pass anti-gun laws in the Legislature was blamed on the "gun lobby." Yet when the final word on gun control was taken away from the politicians and given to the people, the voters opposed it by a larger proportion than the politicians.

Why? Because the anti-gun crowd nettled a sleeping giant—gun owners—who are as defensive about the Second Amendment as journalists are about the First Amendment.

Never in state history has such a wide and deep grass-roots presence made itself so visible. It created a tidal wave of opposition that no amount of money or elite endorsements could stop.

But now the gun-control movement thinks it can win without passing laws or winning elections. The strategy: bankrupt gun companies by suing them for the medical costs and monetary

damages of gun-related crime. The fewer guns being sold, the fewer firearms being bought. And fewer guns being bought means fewer guns being shot.

The idea is very appealing not only to outnumbered supporters of gun control, but also to trial lawyers, who see gun manufacturers as one more deep pocket to dive into. And urban politicians, including the mayors of Chicago; New Orleans; Bridgeport, Conn.; Philadelphia, and possibly Seattle find the idea enticing because it might create another revenue stream for the city while giving the politicians someone to blame for the failure of their own anti-crime policies.

The rationale for the suits is as follows: Cities that have tight gun-control laws (like Chicago) have nevertheless been overrun by guns that have been "oversupplied" to cities, counties and states with less restrictive laws in surrounding areas. These guns have been designed and crafted to appeal to criminal elements because, according to The New York Times, "Gun makers began making more powerful handguns to make up for stagnant sales, and these guns quickly became popular among criminals."

Question for The New York Times: When haven't guns been popular with criminals? And since when have criminals been able to buy guns from licensed dealers?

Blaming gun makers for gun-related crime is a novel theory. Let's use the same logic for automobile makers. They know that some of the cars they sell will, sooner or later, be driven by drunken drivers who injure someone. So why not hand the bill to Ford, Chrysler and GM? Or for that matter to liquor companies, breweries and wineries?

Sound like a stretch? Three years ago, while interviewing one of the attorneys suing the tobacco companies, I predicted it would be a matter of time before lawsuits were filed against booze makers for health-related expenses linked to alcohol abuse and gun companies for medical expenses related to gunshot victims.

No way, he assured me. The tobacco case was unique because the CEOs of big tobacco denied their products did any harm.

That distinction died quickly. Some of the same lawyers who faced down the tobacco companies in court are now going after the gun makers.

I'm no fan of cigarettes, but the precedent set in the tobacco case not only enables but encourages lawyers, politicians and activists to use taxpayer resources in court to bleed the makers of anything they happen to oppose in the name of protecting "public health." The result is either a far more expensive or otherwise less obtainable product for people to

choose. And that's what the people pushing such lawsuits want.

The end result is that more such suits will probably be filed simply because the lid wasn't slammed shut in this case. But the suit may have awakened another sleeping giant. National Rifle Association president Charlton Heston has announced that the NRA would team up with gun makers to fight back. And the Bellevue-based Second Amendment Foundation ([www.saf.org](http://www.saf.org)) has announced it will sue cities that sue gun makers.

In a country where less than 0.1 percent of all guns are used in any given year to commit armed crime—and where guns are brandished far more often to prevent violent crime than commit it—such lawsuits should be seen for what they are: a raid on democracy itself, with the legal system being used to short-circuit the right of people to do something the gun-control movement doesn't want them to do—buy a gun. That kind of paternalism is what inspired the Second Amendment (and the rest of the Bill of Rights) in the first place.

John Carlson, chairman of the Washington Institute for Policy Studies, a free-market research group in Seattle, writes for the News Tribune of Tacoma, Wash. This column was distributed by Scripps-McClatchy Western Service.

# News Release

## Second Amendment Foundation

12500 NE Tenth Place • Bellevue, WA 98005

(425) 454-7012 • FAX (425) 451-3959

**For Immediate Release**

**Contact: Alan Gottlieb (425) 454-7012**

**Joseph P. Tartaro (716) 885-6408**

**Prof. Daniel D. Polsby (312) 503-8955**

# **MAYORS FACE LAWSUIT BY GUN OWNER GROUP**

BELLEVUE, WA (December 9, 1998)-The Second Amendment Foundation (SAF), a gun owner advocacy and educational organization, notified the US Conference of Mayors in a faxed letter dated Dec. 8 that it plans to sponsor a "damage action" against the cities of Chicago and New Orleans for conspiracy to violate civil rights, abuse of process and undue burden on interstate commerce.

The Foundation's letter to J. Thomas Cochran, executive director of the US Conference of Mayors, said that a steering committee of distinguished law professors, who will serve without compensation, has been assembled as a response to the "frivolous suits" which New Orleans and Chicago filed recently against firearms manufacturers, their trade associations and federally licensed firearms dealers. SAF warned the mayors' conference on the eve of its scheduled Dec. 10 meeting in Chicago that the suit which it expected to file in Louisiana early next year will also name any other cities which follow the New Orleans and Chicago lead.

Noting that the mayors had invited lawyers involved in the suits against the firearms industry to address

the meeting, Alan M. Gottlieb, founder of the Second Amendment Foundation, encouraged the conference to also invite a rebuttal presentation by a member of the 12-member steering committee, Daniel D. Polsby, Kirkland & Ellis professor of law at Northwestern University.

"From coast to coast, noted law professors seem to agree with the many newspaper editorials which have suggested that the lawsuits filed by the cities of New Orleans and Chicago against firearms manufacturers and marketers are ill-conceived, ill-advised and totally without merit," said Gottlieb.

"Whatever problems the cities may have with the criminal and negligent misuse of firearms, their suits against the gun manufacturers make as much sense as suing the National Weather Bureau for the cost of storm damages," Gottlieb added.

Even newspapers and magazines which advocate strict controls over firearms and their purchasers have with unusual consistency questioned the advisability of the kind of suits that have been filed by the cities against the firearms industry. They see these as an attempt to pervert the concept of product liability as an extension of the arguments used in the state attorneys general suits against the tobacco industry.

"The nature and status of guns and tobacco are not analogous," said Joseph P. Tartaro, president of SAF. "Firearms have a significant beneficial use in our society beyond recreation, since independent research shows they are used over 2 million times a year to prevent or terminate predatory criminal assaults."

"The New Orleans and Chicago lawsuits are not only frivolous they are dangerous because they are an extension of legal and political buccaneering that will rape Americans of the means to self-defense while looting a legal industry."

"The Foundation's primary interest is to safeguard the traditional legal rights of law-abiding and peaceable American gun owners," Gottlieb said. "We are not industry advocates. Gun makers and sellers just happen to be the visible targets of the frivolous actions brought by New Orleans and Chicago. If these were standard product liability suits, we wouldn't have more than a passing interest in what the cities are attempting to do."

The law professors on the Foundation's steering committee for the lawsuit against the cities besides Prof. Polsby are: Steven Calabresi, professor of law, Northwestern University, Chicago; Robert A. Carter, professor of law and Judge Alexander P. Waugh Sr. scholar, Rutgers University-Newark; Robert J. Cottrol, professor of constitutional law and legal history, George Washington University, Washington, DC; Michael I. Krauss, professor of law, George Mason University, Arlington, VA; Gary S. Lawson, professor of law, Northwestern University, Chicago; Calvin R. Massey, Hastings College of Law, San Francisco; John McGinnis, Cardozo Law School, New York City; Glenn Harlan Reynolds, professor of law, University of Tennessee, Knoxville, TN; Charles E. Rice, professor of law, Notre Dame University, South Bend, IN; Larry Soderquist, professor of law and director of the Corporate and Securities Law Institute, Vanderbilt University, Nashville, TN; and George Strickler, professor, Tulane University Law School, New Orleans, LA.

The Second Amendment Foundation is a tax-exempt education, legal action and publishing group founded in 1974 and now has over 600,000 individual citizen supporters nationwide. It previously has funded successful firearms-related suits against the cities of Los Angeles, New Haven, CT, and San Francisco on behalf of American gun owners.

-END-



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Judiciary  
 Committee on SB 77 + HB 103 Dated 3/12/99  
Committee Name  
Bill / Subject

PLEASE Change SEC 2. ASCA 9.65.080 (B)  
 to An individual or entity may not. Being  
 (IE. Sinter of AK)

SIGNED:

 CHRIS

Testifier



Representing

1105 Bnd Ave FPKS / work 488-1885  
 Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary Finance Com.  
Committee Name  
 Committee on SB 77 + HB 103 Dated 12 Mar 99  
Bill / Subject

*I concur with Noel Napollilli!!*

SIGNED:

*Lang M. Brown*  
 \_\_\_\_\_  
 Testifier

*TVSA/RIP*  
 \_\_\_\_\_  
 Representing

*1817 Central, Fairbanks, AK 99709 / 456-8190*  
 \_\_\_\_\_  
 Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the JUDICIARY + FINANCE COMMITTEES  
 Committee Name  
 Committee on SB-77 + HB 103 Dated 3/12/99  
 Bill / Subject

PLEASE ACCEPT MY EMPORSEMENT OF SB 77. THIS BILL CAN PROTECT  
 MFERS + SELLERS IN LAWFULL SALES OF FIREARMS FROM THE DEVASTATING  
 EFFECTS THESE FRIVOLOUS LAWSUITS CAN BRING. THE PERSON WHO MISUSES A  
 FIREARM IS WHO NEEDS TO BE TARGETED IN THE COURTS, NOT THE SELLER  
 OR MANUFACTURER. WE NEED TO CLEARLY ESTABLISH THAT A PERSON MUST TAKE  
 RESPONSIBILITY FOR HIS ACTIONS AND NOT TRY TO SHIFT THAT RESPONSIBILITY TO  
 THE SELLER OF AN INANIMATE OBJECT, PARTICULARLY WHEN THE MANUFACTURE  
 AND SALES ARE BEING DONE IN A LAWFULL MANNER. IF THE COURTS CANNOT  
 RECOGNIZE THIS BASIC FUNDATION OF A FREE SOCIETY, THEN THE LEGISLATURE  
 MUST ACT TO PROTECT THESE FREEDOMS. I BELIEVE THAT TIME HAS COME  
 AND I ASK THAT THE LEGISLATURE SEE SB 77 THROUGH TO FRUITION, EVEN IF  
 IT REQUIRES OVERRIDING THE GOVERNOR'S VETO!

SIGNED:

[Signature]  
 Testifier

ALASKA 2<sup>ND</sup> AMENDMENT COALITION  
 Representing

251 NAPOLI LN, FOLS 99012 457 6418  
 Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary Cmte  
Committee Name  
 Committee on SB 77 + HB 103 Dated 3/12/99  
Bill / Subject

- ① Modify line 11 to include "Negligent design" in addition to "breach of contract or breach of warranty." Note that a Ford Pinto was "lawfully" manufactured; solol. Consider gross Negligence as well.
- ② Define "person" at end of line 8. Broaden it.

SIGNED:

Ward Mercedes  
 Testifier

Self  
 Representing

PO Box 71309 F6ks, AK 99707 (907) 452-5400(w)  
 Address / Phone Number

**Testimony on SB77 -- by Richard Bishop for the Alaska Outdoor Council,  
March 12, 1999, Senate Judiciary Committee.**

Thank you. I'm Dick Bishop, Vice President of the Alaska Outdoor Council, on whose behalf I am testifying. On March 7, 1999 delegates to the Alaska Outdoor Council's statewide annual meeting voted unanimously to support SB 77.

The Outdoor Council strongly objects to the idea that gun manufacturers or dealers are responsible for the costs resulting from irresponsible, and usually illegal, uses of firearms.

It appears that the currently developing fad of cities suing gun makers or dealers for expenses resulting from gun-related injury or death is at best passing the buck by blaming someone else for their problems. At worst, it appears to be a cynical and dishonest ploy to profit by exploiting the fears and pain of the public, which are caused by tragedies relating to some uses of guns.

Gun control advocates urge such lawsuits for their own <sup>purposes,</sup> and promote their views through sensationalized publicity that most often misrepresents the facts relating to injuries and deaths involving firearms.

The lawsuits seeking to penalize gun makers and dealers suit their purposes perfectly—they are high profile in the media, and lend undeserved credibility to gun control advocates' claims.

What the municipalities, gun control advocates, and even many individuals traumatized by gun-related incidents often refuse to recognize is that the trauma-causing gun uses are most frequently illegal, immoral, unethical and anti-social.

Somehow these towns, groups, or individuals conclude that someone else should be responsible for the criminal and/or irresponsible uses that should be dealt with by the towns, groups, and individuals themselves.

I well remember the case years ago when a "wanna-be" fast draw cowboy shot himself in the leg or foot. I was astonished when he sued the gunmaker for damages, saying the gunmaker shouldn't have made and sold a gun he could shoot himself with. I was even more amazed when he won something like a million bucks. Current lawsuits make about as much sense.

Please pass this bill to head off at least some of this nonsense. Thank you.

119 N. Cushman St.  
Fairbanks, AK 99701  
Phone: 452-4448  
Fax 456-3346



# Fax

**To:** Senate Judiciary Committee  
Senator Robin Taylor

**From:** Fairbanks Legislative Information Office

**Fax:**

**Date:** March 12, 1999

**Phone:**

**Pages:** 5

**Re:** Written Testimony for SB 77

**CC:**

Teleconferenced 3/12/99

- Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

**Comments:** The originals will be mailed to your office. Thank you

Fran/Fbx LIO

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SB 77

Revision Date		Dept. Affected	<u>Alaska Court System</u>
Title	<u>Civil actions against firearm manufacturers and dealers</u>	BRU	<u>Alaska Court System</u>
Sponsor	<u>Sen. P. Kelly</u>	Component	<u>Trial Courts</u>
Requester	<u>Senate Judiciary</u>	Component Serial No.	<u>769</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: None

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

No fiscal impact.

Prepared by: Doug Wooliver, Administrative Attorney  
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8265  
 Date/Time: 3/5/99 2:18 PM  
 Date: 3/5/99

# Alaska State Legislature

SENATOR

PETER KELLY

Mailing Address:

119 N. Cushman, Suite 201

Fairbanks, Alaska 99701

Senator\_Pete\_Kelly@legis.state.ak.us

(907) 456-8161

While in Juneau

State Capitol

Juneau, Alaska

99801-1182

(907) 465-2327

Senate District P

## Senate

### Sponsor Statement

#### Senate Bill 77

### **An Act Relating to Civil Actions by Municipalities and Certain Public Corporations and Prohibiting Certain Civil Actions by Them Against Firearms or Ammunition Manufacturers and Dealers**

Around the country municipalities have been suing firearm manufacturers to establish liability for gun violence. The most often stated objective is to pay for costs related to violence in cities. The theory is that firearm manufacturers have conspired to dump excessive guns in friendly markets knowing that the overflow would be illegally filtered into cities with strict gun control laws.

It is the intent of this Act to prohibit political subdivisions in Alaska from seeking reimbursement for the costs of gun-related violence from businesses engaged in the lawful manufacture, sale, design, or marketing of firearms or ammunition. It is not the intent of the legislation to prevent bringing an action for breach of contract or warranty as to firearms or ammunition purchased by a political subdivision or local government authority.

Gun related manufacturing is a legal enterprise producing quality products lawfully and safely used by thousands of Alaskans for hunting, sport, recreation and protection. Some municipalities are seeking to create gun control through judicial means rather than through the legislative process where it belongs.

**Subject: PRESS RELEASE: Sen. Pete Kelly/Gun Industry Suits**

**Date: Tue, 16 Feb 1999 14:44:29 -0900**

**From: Maggie\_Wall <Maggie\_Wall@legis.state.ak.us>**

**To: lsncmlw+senatemajority@legis.state.ak.us**

For Immediate Release: February 16, 1999      Contact: Senator Pete Kelly (907) 465-2327

**Senator Pete Kelly Announces Legislation Protecting Gun Industry From Frivolous Lawsuits**

(Juneau)—In light of a recent federal court jury decision, and in response to early support from Alaskans on this issue, Senator Pete Kelly (R-Fairbanks) is writing legislation that would prohibit frivolous lawsuits against the gun industry.

"Companies and small businesses should not be held liable for the unlawful actions of individuals no more than car companies should be held responsible for deaths caused by drunk drivers," said Kelly.

Responding to his own convictions and to constituent requests, Senator Kelly is drawing up legislation that would bar local political subdivisions of the State of Alaska from suing gun manufacturers for damages from gun violence.

A federal jury recently found 15 of the nation's largest handgun manufacturers negligent in lawsuits brought after criminals used guns.


"These lawsuits are an abuse of the legal system," said Sen. Kelly. "Gun manufacturing is a lawful enterprise producing quality products lawfully and safely used by hundreds of thousands of American citizens for hunting, sport, recreation and protection," said Sen. Kelly.

"These kinds of anti-business lawsuits will endanger small businesses everywhere, said Sen. Kelly. "Where will we draw the line? Will local ice cream parlors be sued for serving a product linked to health risks and costs associated with gaining weight?" Sen. Kelly said.

"Alaska encourages business. We should protect businesses from frivolous lawsuits," Kelly said.

# # #

Broadcasters Note: Actualities can be reached by calling 1-800-478-6540.

	<u>Guns Pete Kelly 02-16-99.doc</u>	<b>Name:</b> Guns Pete Kelly 02-16-99.doc <b>Type:</b> Winword File (application/msword) <b>Encoding:</b> base64 <b>Download Status:</b> Not downloaded with message
---	-------------------------------------	---

FOR IMMEDIATE RELEASE:

February 8, 1999

GEORGIA SENATE PASSES H.B. 189

First of its kind legislation protecting lawful commerce and gun owners' rights seen as model for the nation.

(WASHINGTON, DC) -- The Georgia State Senate passed H.B. 189 today with an overwhelming majority (44-11). This legislation will protect lawful commerce and the rights of gun owners in Georgia by blocking frivolous local lawsuits against the firearm industry.

NRA chief lobbyist James J. Baker commented, "Passage of this bill once again reaffirms that the American people and their elected representatives recognize the fact that firearms are unique among consumer products."

H.B. 189 will extend the statute requiring uniform firearm laws throughout the state to include lawsuits against the firearm industry. The ability to bring government sponsored lawsuits against gun manufacturers will be reserved solely to the state government.

"No other consumer product is protected by the U.S. Constitution and forty-four state constitutions, including Georgia's, and, therefore, the proper places for the debate over the right to bears arms are the U.S. Congress and state legislatures," said Baker.

"We believe the lawsuits being brought against the gun industry by certain big cities are frivolous and without merit. However, we recognize, if left unchecked, that the burden of simply defending against them until they can be dismissed could have a real impact on the ability of Americans to lawfully acquire firearms for recreation and self-defense. NRA will be working with legislators nationwide to spread this ground breaking legislation and the protection it provides."

H.B. 189 now returns to Georgia's House of Representatives for its consideration of slight technical changes made by the Senate.

==+==+==+

This information is provided as a service of the National Rifle Association Institute for Legislative Action, Fairfax, VA.

This and other information on the Second Amendment and the NRA is available at: <http://WWW.NRA.Org>

1. Jenkins 110th                      2. Smith 109th                      3. Twiggs 8th  
4. Walker 141st                      5. Day 153rd                      6. Lane 146th

HB 189

HB 189/AP

H. B. No. 189 (AS PASSED HOUSE AND SENATE)

By: Representatives Jenkins of the 110th, Smith of the 109th, Twiggs of the 8th, Walker of the 141st, Day of the 153rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-11-184 of the Official Code of  
2 Georgia Annotated, relating to regulatory authority of local  
3 political subdivisions over firearms and limitations  
4 thereon, so as to reserve to the state the right to bring  
5 certain civil actions against firearms or ammunition  
6 manufacturers, trade associations, and dealers; to provide  
7 legislative declarations; to provide for legislative intent;  
8 to provide for applicability; to provide an effective date;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Code Section 16-11-184 of the Official Code of Georgia  
13 Annotated, relating to regulatory authority of local  
14 political subdivisions over firearms and limitations  
15 thereon, is amended by striking subsections (a) and (b) and  
16 inserting in lieu thereof the following:

17 "(a)(1) It is declared by the General Assembly that the  
18 regulation of firearms is properly an issue of general,  
19 state-wide concern.

20 (2) The General Assembly further declares that the  
21 lawful design, marketing, manufacture, or sale of  
22 firearms or ammunition to the public is not unreasonably  
23 dangerous activity and does not constitute a nuisance  
24 per se.

25 (b)(1) No county or municipal corporation, by zoning or  
26 by ordinance, resolution, or other enactment, shall  
27 regulate in any manner gun shows, the possession,  
28 ownership, transport, carrying, transfer, sale,  
29 purchase, licensing, or registration of firearms,  
30 components of firearms, firearms dealers, or dealers in  
31 firearms components.

32 (2) The authority to bring suit and right to recover  
33 against any firearms or ammunition manufacturer, trade

H. B. No. 189

-1-

HB 189/AP

1 association, or dealer by or on behalf of any  
2 governmental unit created by or pursuant to an Act of  
3 the General Assembly or the Constitution, or any

4 department, agency, or authority thereof, for damages,  
5 abatement, or injunctive relief resulting from or  
6 relating to the lawful design, manufacture, marketing,  
7 or sale of firearms or ammunition to the public shall be  
8 reserved exclusively to the state. This paragraph shall  
9 not prohibit a political subdivision or local government  
10 authority from bringing an action against a firearms or  
11 ammunition manufacturer or dealer for breach of contract  
12 or warranty as to firearms or ammunition purchased by  
13 the political subdivision or local government  
14 authority."

15 SECTION 2.

16 The General Assembly intends that paragraph (2) of  
17 subsection (a) of Code Section 16-11-184 as enacted by this  
18 Act shall embrace the rule of law in Division 1 of Rhodes v.  
19 R. G. Industries, Inc., 173 Ga. App. 51 (1984).

20 SECTION 3.

21 This Act shall apply to any action pending on or brought on  
22 or after the date this Act becomes effective.

23 SECTION 4.

24 This Act shall become effective upon its approval by the  
25 Governor or upon its becoming law without such approval.

26 SECTION 5.

27 All laws and parts of laws in conflict with this Act are  
28 repealed.

H. B. No. 189

-2-

Previous full text revisions: 01/22/99 , 01/29/99 , 02/02/99

HB 189

Firearms; certain civil actions;  
reserve right to state

- |                  |                |               |
|------------------|----------------|---------------|
| 1. Jenkins 110ch | 2. Smith 109th | 3. Twiggs 8th |
| 4. Walker 141st  | 5. Day 153rd   | 6. Lane 146th |

House Comm: PubS	/	Senate Comm: Pub S	/
House Vote: Yeas 146	Nays 25	Senate Vote: Yeas 44	Nays 11

House	Action	Senate
1/25/99	Read 1st Time	2/1/99
1/26/99	Read 2nd Time	2/4/99
1/27/99	Favorably Reported	2/3/99
Sub	Committee Amend/Sub	Sub
1/29/99	Read 3rd Time	2/5/99
1/29/99	Passed/Adopted	2/8/99
CS	Comm/Floor Amend/Sub	CS
2/9/99	Amend/Sub Agreed To	
2/9/99	Sent to Governor	
2/9/99	Signed by Governor	
4	Act/Veto Number	

Tabled 2/5/99  
Taken from Table 2/8/99

Code Sections amended: 16-11-184

**Electronically recorded votes**

Senate Votes

- 2/5/1999 11:54A MOTION TO TABLE
- 2/8/1999 10:39A MOTION TO REMOVE FROM THE TABL
- 2/8/1999 11:59A ADOPTION OF AMEND BY THE SENAT
- 2/8/1999 12:00P ADOPTION OF THE COMMITTEE SUBS
- 2/8/1999 12:02P PASSAGE BY SUBSTITUTE

Subject: [REDACTED]

Date: Thu, 04 Mar 1999 19:41:57 -0900

From: [REDACTED]

Organization: [REDACTED]

To: [REDACTED]

This is the type of thing that sends chills down my spine and call for SB 77.

Johnny

Senate Bill Designed To Spur More Suits Over Guns

Fox News

March 4, 1999 Reuters

WASHINGTON - Three Senate Democrats introduced legislation Thursday designed to give cities, counties and states more financial incentives to sue gun manufacturers.

The bill offered by Sens. Frank Lautenberg of New Jersey, Dick Durbin of Illinois, and Charles Schumer of New York, would let localities challenge gunmakers in court for federal as well as local costs associated with treating crime victims.

Examples of federal costs that cities could recover would be disability, unemployment, Medicaid and other aid to shooting victims.

"If enough cities successfully sue the industry it could be brought to its proverbial knees," Lautenberg said. He said the bill would fortify cities that already have filed gun suits and encourage more cities to do the same.

The bill comes on the heels of another Democrat-backed bill sponsored by New Jersey Sen. Robert Torricelli and Rhode Island Rep. Patrick Kennedy.

That bill would allow the U.S. government to regulate the manufacture, sale and distribution of guns like it does toys, toasters and other every day consumer products.

A host of proposals to restrict guns have died in Congress amid fierce Republican opposition since the 1994 passage of the Brady law requiring federal background checks for anyone purchasing a weapon from a licensed gun dealer.

Rep. Bob Barr, a Georgia Republican, blasted the Lautenberg/Durbin/Schumer bill and two mayors who backed it at Thursday's press briefing - Atlanta's Bill Campbell and Miami-Dade Mayor Alex Penelas.

Both mayors have filed suit against the gun industry.

"Doubtlessly, this promise of more easy money is the reason why several big-city mayors are lining up to support this bill," charged Barr, whose state recently passed a law that prevents any of its local governments from suing the gun industry.

Lautenberg struck out at Barr and the National Rifle Association (NRA) for trying to preempt cities' efforts to seek

compensation for costs related to gun violence.

"It is wrong for the NRA or any of their agents to try and preempt these suits," Lautenberg said. "I will use any and all possible means to kill federal legislation blocking the suits in the United States Senate."

"The gun lobby right now is trembling in its boots," Schumer added.

"The problem for the gun lobby is that there are 50 states and 440 large cities with big crime problems and even the NRA cannot get their hooks into every state legislature to bar their right to seek damages," Schumer said.

Under the Lautenberg/Durbin/Schumer bill, localities recovering federal dollars could keep two-thirds of the federal portion, with one-third of that share going toward law enforcement, one-third toward education and one-third toward discretionary spending.

The other third of the federal portion would be returned to the U.S. for crime prevention, injury prevention research and similar programs, under the bill, dubbed "The Gun Industry Accountability Act."

gun collector and outdoorsman. Fitz-Randolph also had a long history of competitive shooting. He has won numerous titles in International Pistol, Conventional High Power, and High Power Rifle Team. Fitz-Randolph held NRA instructor certifications in Rifle, Pistol, Shotgun, and Rifle and Pistol, and a Coach's Certification. He was a member of the International Shooter's Association, a Class A Judge, was a Block Captain in the 1984 Olympics, served as Range Officer at the Championships of the Americas, and for many years was a volunteer Line Officer. He was a member of the Classification Committee of the U.S. Invitational National Championships. He also organized junior and junior marksmanship competitions in high power rifle, small bore rifle and pistol competitions.

Fitz-Randolph is a member of the Board of Directors of the United States Shooting Team, Inc.; President of the United Sportsmen of Florida, the Florida Legislative lobbying organization—an affiliate of the NRA ILA; a Director of the Florida State Smallbore Rifle Association; incorporating director, Legislative Committee chairman and charter life member of the formed Florida Sport Shooting Association, Inc.; a Life Member of the Texas State Rifle Association and the California Rifle and Pistol Association. He was founder of Florida's Port Malabar Rifle and Pistol Club and had been its Executive Officer, Vice-President and President.

Fitz-Randolph is survived by his wife, Jerry Henderson Fitz-Randolph; two sons, Roderick M. Fitz-Randolph, Jr., of Tampa, Florida, and Kurt H. Fitz-Randolph of Stockbridge, Georgia, two sisters and three grandchildren.

Revolver Distinguished  
Championship, Shotgun  
Championship

**September 23:** Stock Semi-Automatic Pistol Championship, Semi-Automatic Pistol Distinguished Championship, Shotgun Championship

**September 24:** Two- and Four-Man Revolver & Semi-Automatic Pistol Team Championships, World Two-and Four-Man Team Championships, Shotgun Championship

## Voters Reject Lawsuits Against Gunmakers

In a nation wide survey of registered voters conducted by the American Firearms Council, 92 percent of registered voters polled think that cities or states should not sue gunmakers as a means of stopping violence. Sixty-seven percent say enforcing current laws against using a firearm is more effective in addressing criminal violence than is limiting the number of firearms an individual may purchase. Public Opinion Strategies of Alexandria, Virginia conducted the survey from October 3-6. The survey polled 800 registered voters nationwide and has a margin of error of plus or minus three percent.

## World Long Range Blackpowder Championship Coming to Quantico,

Quantico Marine Corps Base in Virginia will host the World Long Range Blackpowder Championships August 23-29, 1999 at the Calvin A. Lloyd Rifle Range. Athletes from a dozen countries will be competing in this championship. Practice will take up the first two days of the match. Individual competition will take place the next two days and the last two days will be an eight-member team match.

"Shooters News"

Feb. 1999

page 3

## Gun lobbyist expected to resign after meeting with opponents

The Associated Press

ATLANTA—In trying to fight lawsuits against the gun industry, lobbyist Richard Feldman may have created too many enemies by trying to make a few friends.

Feldman is expected to resign this week as executive director of the American Shooting Sports Council, forced out by gun makers who perceive him as too conciliatory toward cities suing the industry.

Feldman met last week with attorneys representing New Orleans—the first city to sue the industry. Some saw the meeting as a step toward settling, which many firearms manufacturers have vowed will never happen.

"The notion that the association was caving into demands is absolutely ridiculous," said Richard Rucker, director of governmental affairs for the council. "If Richard does go, I think it will be just a difference of opinion over the direction of where the industry needs to go."

The council's board took no action during a teleconference meeting Tuesday, but another meeting was scheduled for today.

Feldman did not return several phone calls Tuesday, but was quoted in The Wall Street Journal as saying his status was "subject to change within the next 24 hours to 48 hours."

Some industry insiders say

Feldman was ousted because of his aggressive personality, not the New Orleans meeting. One gun company official, speaking on the condition of anonymity, said Feldman's habit of "grandstanding" on positions not approved by most council members spelled his doom.

The decision to oust Feldman reportedly came at the request of Jim Baker, the chief lobbyist for the National Rifle Association, after several clashes over policy.

"I can say we had differences on the issues relative to political and legislative strategy, but that's about as much as I want to say," Baker said.

# Targeting Gun Makers With a Cigarette Strategy

Having tasted victory in the tobacco wars, cities are suing to recover the costs of violent crime

by Roberto Suro  
Washington Post Staff Writer

In a sudden wave of litigation that could rival the recent legal assault on the tobacco industry, city governments across the country are preparing lawsuits seeking to hold handgun manufacturers responsible for the multibillion-dollar costs of violent crimes.

New Orleans and Chicago led the way with suits filed last fall. Boston, San Francisco, Bridgeport, Conn., and Miami-Dade have announced they are putting together legal teams to develop complaints. And Philadelphia Mayor Edward G. Rendell has proposed a simultaneous filing by as many as 170 cities on the same day sometime next year.

"This is just the beginning," Chicago Mayor Richard M. Daley said last month after hosting officials from 15 cities and the U.S. Conference of Mayors to discuss litigation plans.

Inspired by the success of anti-tobacco lawsuits, elected officials and gun control advocates see a chance to hit handgun manufacturers with so many suits in so many places that the industry will be forced not only to pay huge dollar settlements but to accept tough new regulations on the sale of their products.

"The tobacco suits prompted some new strategic thinking," says Kristen Rand, director of federal policy at the Violence Policy Center, a Washington, D.C.-based research and advocacy group. "Both tobacco and gun manufacturing have largely escaped regulation in the '80s, and now the justice system has emerged the best way to ensure that they are held accountable for their products."

Gun manufacturers, like cigarette makers, have successfully defended themselves against numerous lawsuits brought by individuals. But gun control advocates hope to end that streak by bringing the public sector's vast resources and powerful new legal arguments into the battle.

THAT STRATEGY HAS WORKED, AT LEAST to a degree, with tobacco. So far, cigarette manufacturers have agreed to payments of \$246 billion to settle lawsuits brought by state governments and have accepted restrictions on advertising and the sponsorship of sporting events. The settlements are narrower than an unsuccessful deal proposed last year, but gun control advocates and city officials still see great potential in pursuing similar litigation against gun manufacturers. And many believe they have an easier target.

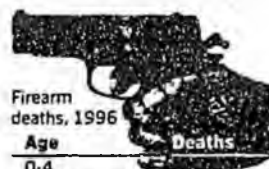
"The gun manufacturers are not nearly as big, as rich, or as unified as the tobacco people, and so they may well buckle when they have to fight lawsuits in every major city in America simultaneously," says a top aide to a big-city mayor who asked not to be named.

Acknowledging their vulnerability to big-time legal warfare fought on many fronts, gun company executives have expressed concern that they might simply be driven out of business by the costs of fighting the suits.

"The survival of a domestic gun manufacturing industry is at stake," says Bob Ricker, director of government affairs at the American Shooting Sports Council, a trade association and lobbying organization for gun manufacturers, which is a defendant in the New Orleans

litigation campaign against the gun industry is still in its opening phase and no central leadership or common strategy has emerged on either side. The National Rifle

## In the Line of Fire



Firearm deaths, 1996	Deaths
Age	
0-4	
10-14	510
15-19	4,950
20-24	4,816
25-29	2,959
30-34	3,414
35-39	2,318
40-44	2,746
45-49	2,289
50-54	1,693
55-59	1,317
60-64	1,077
65-69	1,191
70-74	1,161
75-79	1,027
80-84	785
85+	546
Unknown	28
<b>Total</b>	<b>34,040</b>

SOURCE: National Center for Health Statistics

Association, for example, is not playing as prominent a role as it has on other occasions when the gun industry felt under assault, and the industry itself is fragmented among big international firms such as Beretta and Glock that have large military and law enforcement contracts and a great many downscale manufacturers of Saturday night specials.

Meanwhile, gun control advocacy groups are divided over legal tactics and have not played a dominant role. For example, the Center to Prevent Handgun Violence, an influential Washington, D.C.-based organization, advised New Orleans on developing a complaint that relies on product liability law, while the Violence Policy Center that is recommending the approach behind the Chicago suit has spent a decade fighting lawsuits against gun manufacturers and has developed a theory that seeks to declare gun manufacturers and distributors a public nuisance. In the meantime, attorneys such as Wendell H. Gauthier who were prominent in the tobacco litigation are helping guide some of the gun suits.

For the moment there is no drive to agree on a unified strategy. "Every city is going to have to tailor a legal theory to its local circumstances and its state laws," says Tom Cochran, executive director of the U.S. Conference of Mayors, which has a long record of promoting gun control measures and is acting as a clearinghouse of information for cities that are undertaking lawsuits.

Indeed, some attorneys involved in the lawsuits see an advantage in starting out with a variety of approaches, because if many different assaults are launched, there is a better chance that a few at least will make it through the uncharted legal territory ahead.

Anti-gun advocates also hope to get an unprecedented glimpse into the inner workings of the gun industry by smoking out whistleblowers and forcing them, through litigation, to turn over corporate documents.

"We are going to get into a phase of discovery, just as with tobacco, that will open the gun industry to a kind of scrutiny that it has never experienced," says David Kairys, a professor of law at Temple University, who helped Chicago develop its lawsuit and is now working with other cities.

The attorneys, for example, hope to find evidence that manufacturers of Saturday night specials exploit the guns' extensive use by criminals or that industry marketing strategies are based on large numbers of illegal, or at least questionable, sales. Even if only one proceeding generates damaging

## Individual gun manufacturers and industry groups insist they should not be made to answer for the acts of criminals.

revelations, the entire effort will benefit, the lawyers said.

Several different battle plans already are developing. The Chicago lawsuit argues, in effect, that handgun manufacturers have knowingly profited from crime and fear of crime, while the New Orleans suit contends more narrowly that the industry has violated state gun safety laws by failing to install devices, such as high-tech gun locks, that would prevent accidental shootings, especially by children.

Regardless of the allegation, the goal is to make handgun manufacturers collectively liable for the municipal costs of handgun violence, expenses that can range from law enforcement salaries to the purchase of emergency medical equipment.

Individual gun manufacturers and industry groups insist they should not be made to answer for the acts of criminals. "The idea that guns in and of themselves are responsible for crime is ridiculous," says Ricker, of the shooting sports council.

THE KEY DEVELOPMENT, FIRST IN THE tobacco litigation and now in the gun lawsuits, is a change in the nature of the plaintiff—the party that brings the legal action.

"When one person has sued, whether it's on tobacco or guns, the industries have scored points by attacking that person and claiming the harm was all their fault," says Dennis Henigan, director of the legal action project at the Center to Prevent Handgun Violence.

For example, judges and juries routinely have concluded that smokers freely chose to light up and so tobacco companies could not be held liable for the health consequences of that choice. Similarly, gun manufacturers have successfully argued that it was not their fault when someone chose to commit a crime and fired a gun at someone else illegally.

"The states' lawsuits to recover health care costs from tobacco companies showed that a public plaintiff can overcome these obstacles and focus attention on the broad costs to society," Henigan says.

Still, the analogy to tobacco is by no means perfect.

In tobacco cases, plaintiffs could argue that even when cigarettes were used properly, as the manufacturers had intended, a defect—the carcinogenic effect of smoke, for example—inflicted harm on the smoker and the manufacturer should be held liable for it. Moreover, the

tobacco suits also argued that manufacturers misled smokers both about those dangers and about the addictive powers of nicotine, which furthered the harm and diminished the consumer's ability to avoid it.

There is no chemical addiction when it comes to guns. And there is no secret they are dangerous. And courts have repeatedly rejected claims that guns are somehow defective when they fire bullets.

"No one has been injured when using a gun properly," says Ricker, expressing the industry view that it cannot be held liable for injuries that result from crimes or accidents.

So far, two legal theories have been developed to try to get around these roadblocks and others are under consideration.

THE NEW ORLEANS SUIT ARGUES THAT under Louisiana's unusually strict product liability law, guns are "unreasonably dangerous" because manufacturers have failed to take steps that would prevent the guns' use by children and other unauthorized users. For example, the suit alleges that manufacturers have failed to include adequate warnings of the risks that minors could gain access to weapons or instructions on how to store a gun to avoid that risk.

The suit also claims that a number of devices have been available for more than 20 years that would prevent an unauthorized person from firing the weapons. These include simple combination locks built into the handgun and more technologically complex "personalized" guns that will only fire when the shooter is wearing a ring equipped with an encoded chip.

"The taxpayers of my city should not bear the continuing increase in hospital costs and police costs and ambulance costs associated with this spate of violence," says New Orleans Mayor Marc M. Morial.

The New Orleans suit names 15 major handgun manufacturers, three industry trade associations and several local gun dealers as defendants. Without specifying an amount, the suit seeks damages to cover the city's costs for "police protection, emergency services, medical care, facilities and services, as well as lost tax revenues due to defendants' products and actions."

In response, the gun manufacturers will argue that "the single most important gun safety device is the brain of the owner, and if the owner does not use the gun responsibly then there is no device that can make it absolutely safe," Ricker says.

The Chicago lawsuit, by contrast, argues that gun manufacturers have become a "public nuisance" by using marketing and distribution methods designed to circumvent the city's highly restrictive gun laws, which forbid handgun sales. The gun makers "knowingly oversupply" gun shops just outside the city's boundaries with the intention that many of those weapons will be sold to city residents, according to the suit.

The suit seeks \$433 million in city costs related to gun violence over the past five years and names 16 gun stores and 22 manufacturers as defendants.

"Handgun manufacturers knowingly participate in an illegal market that supplies criminals, and then they turn around and feed off the fear of crime by convincing people they can protect themselves by buying these products," Kairys says. "They profit from crime and so they should pay the public costs of crime."

Ricker responds: "How can a city claim that guns cause crime when it gives guns out to police officers, in order to stop crime? It is not the guns that are at fault when a criminal commits a crime."

What's new in  
**Politics**  
today?  
click here

**miningco.com**  
We mine the Net so you don't have to.

Stocks  
Entrepreneurs  
Global Business  
Human Resources  
Labor

Click Here

We mine the net so you don't have to



MAIN PAGE

WORLD

**U.S.**

LOCAL

POLITICS

WEATHER

BUSINESS

SPORTS

SCI-TECH

NATURE

ENTERTAINMENT

BOOKS

TRAVEL

FOOD

HEALTH

STYLE

IN-DEPTH

custom news

Headline News brief

daily almanac

CNN networks

CNN programs

on-air transcripts

news quiz

CNN WEB SITES:

business

allpolitics

EN ESPAÑOL

em português

SVEI ISKA

NORGE

PATHFINDER SITES:

Go To ...

MORE SERVICES:

video on demand

video archive

audio on demand

news email services

free email accounts

desktop headlines

pointcast

U.S. > story page

in-depth reports



Overview | Map: Gun laws by state | Map: Cities vs. Guns | Discussion | Sites

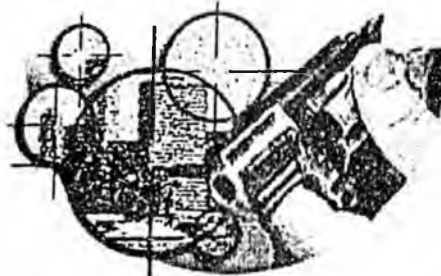
# U.S. mayors' group pushing for gun violence law

January 28, 1999

Web posted at: 10:59 p.m. EST (0359 GMT)

## In this story:

- [Gun safety technology](#)
- [Lawyers gunning for gun makers](#)
- [Negotiating with the industry](#)
- [Related stories and sites](#)



WASHINGTON (CNN) -- The U.S. Conference of Mayors announced Thursday that it was working with senators to legislate against the flow of guns into the hands of criminals and children.

"When I was growing up, you got in a fight and went home with a bloody lip. These days, the kids have guns, and we have to do something about it," said Scott King, mayor of Gary, Indiana.

Philadelphia Mayor Edward Rendell, who heads the group's gun violence task force, said the gun violence bill would limit the number of handguns a legitimate buyer could purchase monthly to only one.

The mayors also want to close the "gun show loophole," which Rendell said lets gun shows sell firearms unlicensed to people, including minors or felons, without background checks.

And the leaders of U.S. cities would put guns under the scrutiny of the Consumer Product Safety Commission (CPSC).

## Gun safety technology

[page\(s\)](#)

**DISCUSSION:**

- [message boards](#)
- [chat](#)
- [feedback](#)

**SITE GUIDES:**

- [help](#)
- [contents](#)
- [search](#)

**FASTER ACCESS:**

- [europe](#)
- [japan](#)

**WEB SERVICES:**

**GET 5% CASH BACK FOR ONLINE PURCHASES.**

**FIND books**  
barnesandnoble.com

Business  **BO**  
Tech   
Fiction

The legislation seeks \$100 million over four years to develop technology to personalize handguns so they could be discharged only with the buyer's palm print.

"That person cannot go in and buy 15 guns for resale, because they would be set to that purchaser's own fingerprints," Rendell said.

Rendell said the mayors were working with Sen. Frank Lautenberg, D-New Jersey, Sen. Charles Schumer, D-New York, Sen. Dianne Feinstein, D-California, and Sen. Richard Durbin, D-Illinois.

### Lawyers gunning for gun makers

A day earlier, Miami and Bridgeport, Connecticut, sued gun manufacturers in an attempt to recover the costs of gun violence.

Chicago and New Orleans filed their legal challenges to gun makers last year. Chicago is seeking \$433 million from the gun industry, accusing it of "flooding" the city with illegal guns, said Mayor Richard Daley.

More cities are expected to file similar lawsuits this spring, and some mayors have explored the possibility of a multicity lawsuit. But the mayors said the maze of jurisdictions and differing state laws made it unlikely they would file a unified suit.

"But the bottom line is every mayor wants to make their city safer," said Detroit Mayor Dennis Archer.

Government statistics show guns were used in 13,262 homicides and 18,232 suicides in 1996.

### Negotiating with the industry

The mayors are also negotiating with gun makers about providing safety devices such as gun locks and about limiting the number of guns manufactured.

But Rendell accuses the industry of stalling.

"All we hear is the usual stuff about, 'We need more time to examine your proposals,'"



**BACKGROUND:**

- **CNN's Allan Dodds Frank examines the municipal movement against guns**  
Windows Media: 28K 80K

- **Targeting guns at the source**

**TIMELINE:**

- **Guns and the Law**

**INTERACTIVE MAPS:**

- **Cities vs. Guns**
- **Gun laws by state**

**MESSAGE BOARD:**

- **Who's responsible for gun violence?**

**OTHER SITES**

**POLL:**

Should gun manufacturers be held liable for gun violence?

Yes

Rendell said. "That's why we need to fight this battle on different fronts. We can't put all our eggs in the lawsuit basket."

- No
- Sometimes

Vote or [View Results](#)

Jack Adkins, a spokesman for the American Shooting Sports Council Inc., which represents gun makers, blamed the mayors, saying they were dragging out negotiations.

"When we thought we had some issues settled, we got a new list of demands," Adkins said. "It's the mayors who are playing games here."

*The Associated Press and Reuters contributed to this report.*

**Related stories:**

- [Two more cities sue gun manufacturers](#) - January 27, 1999
- [Shooting victims' suit against gun industry opens in New York](#) - January 6, 1999

**Latest Headlines**

- [Cease-fire calls ignored in Ethiopia-Eritrea war](#)
- [New avalanches strike Alps; heavy snow isolates eastern Europe](#)
- [Albright heads to France as Serbs blast Kosovo talks](#)
- [Clinton acquitted; president apologizes again](#)
- [Gun makers seek reversal of negligence verdict](#)
- [Sponsors to IOC: Clean up this scandal fast](#)
- [Report counts 147 million global Net users](#)
- [Opinion: Y2K - Everyone's new best friend](#)
- [The Browns are back](#)
- [Earnhardt Sr. teaches Jr. a lesson in IROC win](#)
- [Messier to miss 4-6 weeks with knee sprain](#)
- [Wall Street takes a hard hit](#)
- [Rift forming over bank laws](#)
- [Treasurys in deep retreat](#)

**Related sites:**

Note: Pages will open in a new browser window

- [Federal Bureau of Investigation](#)
  - [National Instant Criminal Background Check System \(NICS\)](#)
  - [NICS facts](#)
- [Bureau of Alcohol, Tobacco and Firearms](#)
  - [Bureau of Alcohol, Tobacco and Firearms - Brady Law/NICS](#)
- [National Rifle Association](#)
  - [Guide To NICS](#)
  - [NRA FAX ALERT](#)

*External sites are not endorsed by CNN Interactive.*

[Today on CNN](#)

Search CNN by 

HOME INDEX SEARCH ARCHIVES  
 washingtonpost.com

**wp** **The Gun Fight**

NEWS STYLE SPORTS CLASSIFIEDS MARKETPLACE

PRINT EDITION TOP NEWS WORLD NATION POLITICS METRO BUSINESS WASNTECH OPINION WEATHER

**OFFICIAL COMPUTER COMPANY & TRAINING CENTER FOR THE MCI CENTER**

Partners:  
 Newsweek.com  
 Britannica-Newsweek  
 Internet Guide

**Top Story**

**Lawsuits**

**State Laws**

**Federal Laws**

## Conn. Mayor to Sue Gunmakers

By David Segal  
 Washington Post Staff Writer  
 Wednesday, January 27, 1999; Page A4

### Related Links

[Handgun Wholesalers Case Dismissed](#)

BRIDGEPORT, Conn.—To revive this once bankrupt riverside city, Mayor Joe Ganim has razed a crime-plagued housing project and built a minor-league baseball park in the nearly abandoned downtown. Now, the 39-year-old maverick is on the verge of what could be his boldest -- or most desperate -- measure yet.

Ganim is about to accuse the nation's gunmakers of negligently pumping a flood of firearms into the city's blighted African American and Latino neighborhoods, places where the weapons are bound to be used for criminal ends, he says.

It's a novel legal argument, accompanied by an audacious demand. In a suit scheduled to be filed today, Bridgeport will seek \$100 million from gun companies to compensate the city for years of depressed property values in minority neighborhoods and for the plunge in tax revenue caused by a steady exodus of businesses.

"It doesn't take a genius to know which neighborhoods are being hurt by the oversaturated gun market," said Ganim, a scrappy 5-foot, 5-inch former attorney. "We think there's a corporate responsibility here."

Ganim's theory is described by law professors as a stretch, though hardly a sure-fire loser. After all, tobacco litigation seemed no less a longshot three years ago, and that has netted states more than \$200 billion.

At minimum, Bridgeport's argument will be a source of migraines for gun company executives in coming months. Other cities, such as Gary, Ind., have signaled an interest in filing suits using an identical approach. Ganim and gun control advocates predict that 50 other cities eventually could file similar cases and may unveil them on the same day.

For the gun industry, it's shaping up as a potentially nightmarish public relations problem -- and that is precisely the mayors' goal. By tossing race into the already combustible mix of lawyers and guns,

Ganim and others are not so subtly suggesting that the \$3 billion-a-year gun industry is exploiting minorities and callously allowing firearms to waylay urban centers. Proponents of the litigation believe that the very suggestion might be incendiary enough to produce a hefty settlement without a lengthy court battle.

New Orleans and Chicago have filed separate lawsuits against gun manufacturers, but left race out of it, asking only for money to cover medical and law enforcement expenses allegedly incurred by guns.

The mayors involved say they are trying to reduce crime. And like the cigarette suits, one aim is to achieve through the courts what legislatures have been unwilling to do: impose more restraints on a politically powerful industry. The possibility of some glory and badly needed funds doesn't hurt either. Attorneys general scored political points, raised their profile and landed millions of dollars for states by suing cigarette companies. A growing number of mayors believe it's their turn.

Already, gunmakers are calling it a shameless shakedown, griping that these leaders are suing to raise money for urban-renewal projects and to win national attention to enhance their careers. Not so coincidentally, the Bridgeport suit is being filed right before the annual Conference of Mayors meeting this week in Washington, where gun litigation will be a hot topic.

Gun industry officials are promising an all-out fight, denouncing the imminent Bridgeport litigation and any copycats as cynical ploys based on shoddy reasoning. The property value argument, they say, contains more than a hint of elitism, carrying the implication that minorities can't be trusted with a legal product. And if Bridgeport prevails, they say, ultimately gun prices will rise, making weapons unavailable to those who need them most -- poor people in violent neighborhoods.

"It's absolutely ridiculous," said Bob Ricker, a spokesman for the American Shooting Sports Council. "What the mayors are saying is 'Let's tarnish the industry's image, let's play the race card.' These guys will throw anything imaginable up there and hope the world buys this thing."

Weapons were both the doing and undoing of modern Bridgeport, a city of 143,000 once dubbed by a former mayor as the "armpit of New England." For decades, it was home to defense companies including Remington and Sikorsky, which cranked out components for bombs and ammunition for the military during World War II and after. But in the 1980s, crack cocaine arrived and crime sent many companies packing.

By the 1990s, the dwindling police force drove dilapidated cars.

Three square blocks around Father Panik Village, a housing project in the town's East Side, were the scene of one-fourth of the state's homicides. In 1991 Ganim's predecessor filed to place Bridgeport under Chapter 11 bankruptcy protection.

Though the city no longer resembles a war zone, it is far from healthy. Still, many residents are skeptical about Ganim's lawsuit, even if it raises badly needed cash.

"Criminals are criminals," said Aaron Sarfati, owner of Contempo Fashions, a store selling sneakers and hip-hop clothing on run-down Main Street. "If they don't use guns, they'll use knives. They'll use rocks. Guns are just a tool."

"What they ought to do is close down pawnshops in these neighborhoods," said Jose Cotto, a 22-year-old Contempo clerk. "If all these people who steal to get money for drugs didn't have a place to sell stuff, there'd be less crime."

In spite of such sentiments, Bridgeport and other cities are banking that hometown juries will be fed up enough to hold gunmakers financially liable. The industry is sure to file motions before judges to dismiss these cases on summary judgment, arguing that they are based on a legal theory that is too far-fetched to deserve consideration.

"Two years ago I would have said that this is unusual to the point of bizarre," said Gary Schwartz, a tort professor at UCLA Law School. "But the success of the tobacco case has made me wary of dismissing things just because they seem unusual."

To win, the mayors will have to argue that manufacturers could have taken steps to prevent people from bringing weapons into minority communities. That's because a key component in tort cases is proving that defendants ignored safety measures that could have stopped alleged injuries. Short of metal detectors on street corners, it's hard for some legal experts to envision what those precautions would be.

Ganim also must argue that gunmakers are a "proximate cause" of lost property values, meaning that they were close enough to the chain of events leading to the loss to be held responsible for it. That, too, will be a challenge, as gunmakers say their links to muggers are no closer than those of match manufacturers to arsonists. None of these problems, though, is necessarily fatal, legal experts contend. Common law evolves and responds to economic and social policy questions of the day, said Steven Croley, a tort professor at the University of Michigan Law School. If Americans believe that gunmakers and buyers should pitch in for the economic impact of their actions, the law eventually will reflect that sentiment through judicial decisions and jury verdicts.

"If you pay \$100 for a gun and the total costs of it are actually \$200 -- \$100 for the weapon and \$100 in losses to the neighborhood -- then we have a serious problem," Croley said. Gunmakers counter that it's unfair to saddle them and law-abiding customers with the costs of crime. It's impossible, they say, to isolate the various factors that lead to a mugging, for example. And jacking up gun prices will mean that only rich people in gated communities will be able to afford them, not single mothers in housing projects who need protection.

Said ASSC spokesman Ricker, "If you look at the policy implications of Bridgeport's claim, what they're saying is that wealthy people should be able to buy guns and poor people shouldn't."

In Ganim's view, he's merely suing for peace, and he's already talking like a man angling for a settlement.

"I sent a letter to a bunch of gunmakers inviting them to avoid the expense of litigation," he said. "So far, all I've gotten is snide and callous responses."

© Copyright 1999 The Washington Post Company

[Back to the top](#)

<a href="#">washingtonpost.com</a>	<a href="#">NEWS</a>	<a href="#">STYLE</a>	<a href="#">SPORTS</a>	<a href="#">CLASSIFIEDS</a>	<a href="#">MARKETPLACE</a>				
<a href="#">PRINT EDITION</a>	<a href="#">TOP NEWS</a>	<a href="#">WORLD</a>	<a href="#">NATION</a>	<a href="#">POLITICS</a>	<a href="#">METRO</a>	<a href="#">BUSINESS</a>	<a href="#">WASHTECH</a>	<a href="#">OPINION</a>	<a href="#">WEATHER</a>



	<b>SOCRATES</b> TECHNOLOGIES		<i>Some of the World's most fascinating minds</i>
--	---------------------------------	--	---

**Subject: Preparing to combat the Anti-gun Lobby**

**Date: Fri, 19 Feb 1999 09:40:36 -0900**

**From: "Fred H. Valdez" <fred-h-valdez@email.msn.com>**

**To: <Senator Pete Kelly@legis.state.ak.us>**

Dear Senator,

Several article of a similar slant have appeared in the media in just the past week.

Perhaps you might gain some insight into their tactics so as to be prepared.

I think you will find that the MSNBC poll results are interesting but you will not see them published in the media.

Fred H. Valdez

## Opinions



Lan Chi Lam / MSNBC

### Using the courts for gun control

New tactic: Suing gun companies for damage

By Bruce  
THE



Frequent users can win frequent-flier miles!

WIN 100,000 MILES!

return rewards - GO!



Fantasy  
BASEBALL  
»»»\$15,000«««



## Opinions



Lin Chen Lam - MSNBC

# Using the courts for gun control

New tactic: Suing gun companies for damage

By Bruce Shapiro  
THE NATION

Feb. 18 — A short walk from my home in New Haven stands the farm of that prototypical Connecticut Yankee, Eli Whitney. In 1793, young Whitney conceived his famous cotton gin after watching a plantation-owning friend's slaves slowly pick over the crop. Whitney's successful design was so rapidly poached by better-financed competitors that he spent the next five years embroiled in patent lawsuits and staving off bankruptcy. So in 1798 Whitney hit on a bold new scheme: interchangeable parts for muskets.

◀ COMPLETE STORY ▶

**STORY** Opposing view: James Jay Baker: Don't take gunmakers to court

**YOUR OPINION** E-mail Bruce Shapiro

## ADVERTISING ON MSNBC

<b>barnesandnoble.com</b> save 20-40% on BESTSELLERS	Books In the News
	Bestsellers
	Hot Fiction
	Computer Books
	Business Books

<b>msn shopping</b> PC..IT..CLICK..SHOP sponsored by <b>VISA</b>	<b>COMPUTERMENT</b> <b>NECX</b> 1-800-FLOWERS. <b>GAP</b> shop online
--	--

THROUGH THOMAS JEFFERSON, he secured a contract from Congress for an astonishing 10,000 muskets. From Whitney's interchangeable barrels flowed mass production, defense contracting and the modern firearms industry.

Two hundred years and about 20 miles of I-95 separate Whitney's old manufacturing grounds from the house at 207 Earl Avenue in Bridgeport where third-grader Leroy (B.J.) Brown Jr. and his mother Karen Clarke were shot to death in January — killed, according to police, by the man whom B.J. had witnessed gunning down his mother's fiance months earlier. He was not the first 8-year-old to fall to bullets in Bridgeport: In 1997 Tynisha Gathers was accidentally shot dead by her 10-year-old sister. In part because of shootings of children, on Jan. 27, Bridgeport Mayor Joseph Ganim announced a \$100 million product liability lawsuit against the gun industry. The proposed damages reflect not just the incalculable cost of human life but the all-too-calculable public cost of aiding shooting victims: \$14,000 to treat a teenager who is shot, plus police, EMTs and other emergency services.

### A NEW TACTIC

I'm all for finding any way of saving lives. But I must admit to skepticism about holding gun companies accountable for technology that doesn't yet exist.

Ganim is not alone. In a Brooklyn federal court, a jury recently found 15 of the country's largest handgun manufacturers liable for negligent marketing and distribution: the first verdict of its kind. Miami, New Orleans, Atlanta and Chicago recently announced similar lawsuits, and other cities are warming up cases. Gun executives echo the dire predictions made by tobacco companies a couple of years ago: "The survival of a domestic gun manufacturing industry is at stake," says a trade association official.

**INTERACTIVES** Taking the big guns to court:

### Lawsuits against firearms industry

These anti-corporate suits represent a politically potent departure from past gun control efforts that, in attempting to restrain individual owners, inadvertently prepared the ground for NRA Second Amendment populism. These new lawsuits aren't "gun control" in the traditional sense.

New Orleans and Miami, both aided by the Center to Prevent Handgun Violence, claim manufacturers have failed "to develop and implement" safety locks preventing unauthorized use. Although I'm all for finding any way of saving lives, I must admit to some skepticism about holding gun companies accountable for technology that doesn't yet exist. In November, the Handgun Center lost a dangerous-design case in Oakland against Beretta. And the argument is too easily mooted by gunmakers: On Jan. 29, for instance, Colt announced a ten-year plan for developing a radio-controlled "smart gun" mechanism to prevent weapons from being fired by anyone but their owners. (Colt, with \$87 million in sales last year, wants the federal government to pay for its smart gun R&D.)

In Chicago, which bans possession or sale of handguns within city limits, gun companies saturate suburban shops with many more guns than would be sold in the average commuter town.

### **FEEDING A VIOLENT MARKET**

In the Brooklyn federal court verdict, as in Chicago's suit, the argument takes a different turn: These lawsuits charge that the gun industry evades local gun regulations and feeds the violent-crime market by deliberately oversupplying weapons to areas with weak gun laws. In Chicago, which bans possession or sale of handguns within city limits, gun companies saturate suburban shops with many more guns than would be sold in the average commuter town. In a series of undercover stings, Chicago police found that suburban dealers actively pursue sales to city residents.

Hamilton v. Accu-tek, decided after a month-long trial, is the mother of all gun marketing cases. In 1993, 17-year-old Njuzi Ray Jr. was killed by a stray bullet from an Accu-Tek semiautomatic. Freddie Hamilton (Ray's mother), seven other survivor-families and their lawyer, Elisa Barnes, argued that the industry floods Southern states (no permits required, no fingerprint checks, no ownership records), knowing that "straw buyers" will steer the weapons north. Barnes has already succeeded in prying crucial data from a notoriously secretive industry.

It's now known that 90 percent of handguns used in New York crimes are legally purchased out of state — half of them in Florida, Virginia, North Carolina, South Carolina and Georgia. Barnes has shown that gun companies fail to meet minimal standards for inventory

Gun companies fail to meet minimal standards for inventory control or tracking considered routine for other hazardous products, from explosives to scuba gear.

The oversupply of guns is a public health issue, a civil rights issue, a corporate crime issue.

control or tracking considered routine for other hazardous products, from explosives to scuba gear.

### GLOBAL WEAPONS ECONOMY

The Hamilton trial implicitly links today's gun market to the emerging global weapons economy. When traditional markets — the military and adult males — maxed out around 1990, gunmakers purveyed new models and advertising designed to appeal to women and younger shooters. And just as in the 19th century, when Connecticut's Smith and Wesson provoked a European arms race by persuading Russia to purchase 20,000 revolvers, today gunmakers' predatory marketing spree — \$6 billion in worldwide small-arms trade — poses global danger.

According to a recent United Nations report, "the excessive and destabilizing accumulation and transfer of small arms and light weapons" is the engine of crime and the increasing incidence of civil war in many countries. Sierra Leone and Liberia are just Bridgeport and Brooklyn writ large: As in U.S. cities, straw buyers purchase weapons on the open market and then drop them into the hands of local warring factions. In the face of rising calls to restrict this transnational small-arms dumping (with dark-skinned people often the victims, whether in Bridgeport or Freetown), the National Rifle Association has sudden concern for indigenous culture: "Non-hunting societies should not seek to impose their values on hunting societies," says its representative to a UN gun panel.

### CHAIN OF CORPORATE RESPONSIBILITY

The Brooklyn negligence verdict is sure to be appealed. But whatever the fate of that appeal, and whatever the juries in other cities decide, there's a clear and global chain of corporate responsibility for the deaths of B.J. Brown, Karen Clarke, Tynisha Gathers and Njuzi Ray. This isn't a Second Amendment issue: the oversupply of guns is a public health issue, a civil rights issue, a corporate crime issue. As Bridgeport State Sen. Alvin Penn puts it, "There is a subculture of drugs, money and gangs, and guns are what drives them." Guns are "the basic tool that keeps this subculture together. Enough is enough."

---

*Bruce Shapiro writes the column "Law and Order" for The Nation, where he is also senior editorial writer. A longtime investigative journalist and political commentator, Shapiro turned his attention to crime and*

*justice issues after surviving a near-fatal stabbing. His reflection on that incident, "One Violent Crime: A Testimony" will be published by Basic Books.*

**MSNBC VIEWER'S TOP 10**

Would you recommend this story to other viewers?  
not at all 1 - 2 - 3 - 4 - 5 - 6 - 7 highly

GO TO  
msn  
shopping  
POINT. CLICK.  
SHOP.



MSNBC is optimized for  
• Microsoft Internet Explorer  
• Windows Media Player

• MSNBC Terms,  
Conditions and Privacy  
© 1999

Cover | Quick News | News | Business | Sports | Local News | Technology | Living & Travel | Health  
On Air | Opinions | Weather | MSN | Comics | Find | About MSNBC | Help | Index | Cool Tools  
Write Us | Advertising on MSNBC | Terms, Conditions, and Privacy



Find Help Cool Tools Write Us

How to win people and influence friends  
 click here  get a pet rhino.

Fantasy  
**BASEBALL**  
 >>>>\$15,000<<<<



Opinions



Suzanne Plunkett / AP file

Freddie Hamilton, center, is surrounded by friends and other plaintiffs in a Brooklyn lawsuit that resulted in a judgment that found a gunmaker responsible for putting guns in the hands of criminals.

## Don't take gun makers to court

Lawyers, guns and money set a poor legal precedent

By James Jay Baker  
 SPECIAL TO MSNBC

Feb. 18 — For two decades, gun control advocates and cash-hungry tort lawyers have been suing firearm manufacturers for injuries resulting from the third-party misuse of properly functioning firearms. These suits have been rightfully rejected by court after court throughout America. But now long-standing precedent has been broken, at least temporarily, in *Hamilton v. Accu-Tek*, the Brooklyn case in which a jury decided several gun companies should pay damages to plaintiffs for the crimes committed by armed hoodlums.

COMPLETE STORY ↗

**STORY** Opposing view: Bruce Shapiro on using the courts for gun control

**YOUR OPINION** E-mail James Jay Baker

ADVERTISING ON MSNBC

barnesandnoble.com  
save 20-40%  
on BESTSELLERS

Books In the News
Bestsellers
Hot Fiction
Computer Books
Business Books

msn shopping  
POINT.CLICK.SHOP

sponsored by VISA

COMPUTADIMENT  
NECX  
1-800-FLOWERS  
GAP shop online

A FINAL OUTCOME has yet to be rendered, however, as the judge has been asked to throw out the jury's verdict. Failing that, there will be an appeal.

The Hamilton v. Accu-Tek jury was clearly confused. One juror confessed to Wall Street Journal reporters that, "Really the plaintiffs lost because they had the burden of proof, and in the end, there wasn't enough there. I didn't grasp that we had found so many negligent until I read it in the papers the next day."

**AN ABERRATION**

Thankfully, Hamilton v. Accu-Tek is an isolated aberration. Courts have taken a harsh view of lawsuits attempting to achieve "gun control" through judicial means. They have uniformly held that defendants cannot be held liable for injuries that occur because a properly operating product is criminally or negligently misused. Courts have noted that firearms are not defective if they perform as intended and that the general purpose of firearms is well understood by reasonable people.

**INTERACTIVES** Taking the big guns to court:

Lawsuits against firearms industry

Reasonable people see the clear intent of these lawsuits is to eliminate the firearms industry in America, using the courts to accomplish what anti-gun lobbyists have been unable to achieve in federal and state legislatures. This clear abuse of the tort liability system seeks to use potentially bankrupting lawsuits to force makers of legal but "politically incorrect" products to quit.

**SMARTER GUNS**

This clear abuse of the tort liability system seeks to use potentially bankrupting lawsuits to force makers of legal but "politically incorrect" products to quit.

The New Orleans lawsuit seeks to penalize manufacturers for not making guns "smarter," so that they can only be fired by their owners. New Orleans' mayor is unconcerned that the technology he demands has yet to come off the drawing board. The directors of National Institute of Justice's "Smart Gun Technology Project" have concluded that: "It may take a generation of smart gun systems to come and go before a smart gun is not only common but is favored over a non-smart gun."

The notion that safety with firearms can be achieved by guns themselves rather than by the conduct of gun owners is fundamentally at odds with long-standing safety rules. Training gun owners in gun-handling procedures has resulted in a steady and pronounced decline in fatal firearm accidents over several decades. According to the latest figures from the National Center for Health Statistics, fatal gun accidents among children are at the lowest point in history and have decreased 75 percent since 1975.

It must also be recognized that Colt's Manufacturing Company, which is developing a "smart" gun prototype with some government funding, estimates that incorporating this new technology will add \$300 to \$400 to the price of a gun. This raises the inevitable question about the morality of disarming honest folks by making unaffordable the most effective means of self-defense.

It is no secret that many of the same lawyers who plundered the tobacco industry see the gun industry as their next, but certainly not last, victim. In their greed they are joined by politicians such as the mayors of Chicago and New Orleans who are so blinded by dollar signs that they can see no differences in these industries and the products they manufacture. Fortunately, reasonable people understand that, unlike the tobacco companies, gun manufacturers have unshakeable arguments for the substantial benefits their products offer consumers.

### HONEST FOLKS USE GUNS

This raises the inevitable question about the morality of disarming honest folks by making unaffordable the most effective means of self-defense.

Benefit number one, the benefit against which all costs of firearm misuse must be measured, is this: The best survey research shows that each year in the U.S. honest citizens use guns three to five times more often for protection than criminals use guns in crimes. Let me repeat that: each year in America, guns are used three to five times more often in protection than in criminal offenses.

That same research shows that guns are used defensively approximately 2.5 million times a year, and in 98 percent of those cases, merely brandishing the firearm stops the attack. The lawsuits in question totally ignore the benefits including their recreational uses of the products made by the manufacturers they seek to destroy.

Ambrose Bierce once defined a lawsuit as "a machine which you go into as a pig and come out as a sausage." Opportunistic politicians and lawyers are clearly preparing for a hearty meal, at the expense of all Americans' civil rights.

*James Jay Baker is executive director of the National Rifle Association's Institute for Legislative Action.*

**MSNBC VIEWER'S TOP 10**

Would you recommend this story to other viewers?  
not at all 1 - 2 - 3 - 4 - 5 - 6 - 7 highly

GO TO  
MSN  
shopping  
POINT, CLICK,  
SHOP.



MSNBC is optimized for  
• Microsoft Internet Explorer  
• Windows Media Player

• MSNBC Terms,  
Conditions and Privacy  
© 1999

Cover | Quick News | News | Business | Sports | Local News | Technology | Living & Travel | Health  
On Air | Opinions | Weather | MSN | Comics | Find | About MSNBC | Help | Index | Cool Tools  
Write Us | Advertising on MSNBC | Terms, Conditions, and Privacy



Find Help Cool Tools Write Us

**Subject: Handguns and Hired Guns**

Date: Sun, 24 Jan 1999 08:40:15 -0900

From: [REDACTED]

To: [REDACTED]

Handguns and Hired Guns

THE WASHINGTON POST

Sunday, January 24, 1999; Page B07

George F. Will

Mayor Marc Morial says money is not the city's main objective as it collaborates with some trial lawyers in suing handgun manufacturers and other parties. Money had better not be the objective.

Ten manufacturers produce 90 percent of the handguns made domestically. The entire industry's annual gross from handgun sales, \$2 billion to \$3 billion, cannot provide much of a windfall -- after the lawyers take their cuts -- for the 50 or more cities that may soon be suing.

The cities say they are trying to recoup the costs of misuses of the manufacturers' products by individuals. However, although different litigating governments are relying on different theories, all the arguments assume something problematic -- that private ownership of handguns is a determinable net cost to governments.

New Orleans' product liability suit against 15 manufacturers, three trade associations and several local pawnshops seeks damages for sales of guns that were "unreasonably dangerous." They supposedly were because they did not incorporate "recognition technologies" -- e.g., firing mechanisms activated only by a particular set of fingerprints, or by a signal sent by a computer chip in a ring worn by the owner -- that would prevent their use by children or by anyone other than the owner.

Morial says the suit is an incentive for manufacturers to produce a better product. He candidly says the reason the city is collaborating with trial lawyers working on a contingency-fee basis is that the city cannot afford to finance what may be protracted litigation. He is equally candid -- probably to the discomfiture of the lawyers -- in saying it is difficult precisely to ascertain the supposed costs of gun use.

Morial's exasperation about the costs of gunshots -- from emergency vehicles to emergency rooms to rehabilitative medicine -- is understandable. So is Chicago's frustration about mayhem by individuals who buy handguns in suburbs that have less-restricted gun sales. Chicago's public nuisance suit against 22 manufacturers alleges that the suburbs are flooded with guns manufacturers intend to reach the city market. Supposedly the guns must be intended for that market because they are small and inexpensive.

Chicago is seeking \$433 million compensation for police and hospital costs ascribed to gun violence since 1994. But a University of Chicago law professor, John B. Lott, argues that Americans supplement police services and save municipalities large sums by using guns defensively against criminals 2 million times a year, 98 percent of the time just by brandishing guns.

What about the welfare of children, which is today's reason of first resort for advocates of government action? Considering that bicycles, space heaters, swimming pools and cigarette lighters each kill more children under 15 than are killed annually by gun accidents (200 in 1976), most of the approximately 80 million Americans who own 200 million to 240 million guns must be quite careful.

Some supporters of the gun suits hope to bankrupt, by litigation costs, gun manufacturers -- makers of a legal product which only 16 percent of Americans favor banning. Thus the suits are weapons of those of anti-democrats who pursue social change by judicial fiat (litigation) rather than persuasion (legislation). The suits are extensions of the brazen cynicism of the tobacco suits, which have successfully asserted, falsely, that cigarette smoking costs government money. (Not only are cigarettes the world's most heavily taxed consumer good, governments also profit from smoking by the early deaths of smokers who do not collect medical and pension entitlements.)

The gun suits also mimic the tobacco suits in displacing responsibility. The tobacco companies are being held liable for consumers' foolish choices in using a legal product widely known to be harmful even when used properly. The gun manufacturers may be held liable for individuals' misuses of products that are supposed to be capable of inflicting harm, even death.

The suits are the most recent wrinkle in the pernicious practice of delegating the pursuit of public purposes to entrepreneurial trial lawyers, and the use of litigation to revise social policy and seize new sources of revenues for governments. However, there will be other wrinkles. Imagine:

New Orleans profits from casino gambling, as do other cities and states. Forty-seven states profit from lotteries or other forms of gambling. Perhaps soon some trial lawyers will gather some "addictive gamblers" and sue cities and states for the financial and other pain and suffering for which the cities and states are (the suits will charge) responsible because they make gambling available and aggressively advertise to encourage gambling. Such suits will be condign punishment for governments that have improvidently subcontracted policymaking to trial lawyers.



Click Here



Click Here



MAIN PAGE  
WORLD

U.S.

LOCAL

POLITICS

WEATHER

BUSINESS

SPORTS

SCI-TECH

NATURE

ENTERTAINMENT

BOOKS

TRAVEL

FOOD

HEALTH

STYLE

IN-DEPTH

custom news

Headline News brief

daily almanac

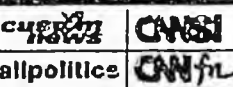
CNN networks

CNN programs

on-air transcripts

news quiz

CNN WEB SITES:



EN ESPAÑOL  
em português  
SVEŅSKA  
NORGE

PATHFINDER SITES:

Go To ...

MORE SERVICES:

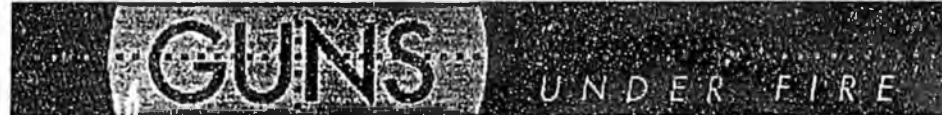
video on demand  
video archive  
audio on demand  
news email services  
free email accounts  
desktop headlines  
podcast  
pagenet

DISCUSSION:

message boards

u.s. > story page

In-depth reports | ←



Overview | Map: Gun laws by state | Map: Cities vs. Guns  
Discussion | Sites

# N.Y. jury finds some gun makers liable in shootings

February 11, 1999  
Web posted at: 7:23 p.m. EST (0023 GMT)

In this story:

[Arquing the case](#)

[Trouble in the jury room](#)

RELATED STORIES, SITES ↕



ALSO:  
[Arms maker under siege looks to expand](#)

[Louisiana Governor also favors bill to ban gun suits](#)

NEW YORK (CNN) -- In a case bound to rock America's gun industry, a federal jury Thursday found 15 of the nation's largest handgun makers negligent in their marketing and distributing practices.

Another 10 manufacturers were cleared of negligence.

The mixed verdict required 42 pages of explanation. Jurors found nine companies partly responsible for the shooting death of one man. Four of the companies were found partly responsible for the shooting death of another, and three of the companies were found partly responsible for the wounding of a third man.

Families of six homicide victims and one man severely wounded in a shooting brought the civil lawsuit, seeking millions of dollars in what's being viewed as a test case for similar anti-gun suits brought by several large cities.

In the one case where the shooting victim survived his wounds, the jury assessed the gun manufacturers \$4 million in damages. But the victim, Steven Fox, and his mother will only get a portion of that, a sum in excess of \$500,000.

No damages were awarded to families of the dead, an issue that one

chat  
feedback

**SITE GUIDES:**  
help  
contents  
search

**FASTER ACCESS:**  
europe  
japan

**WEB SERVICES:**

**GET**  
**3.9% APR**  
INTRODUCTORY  
RATE

FIND  
**books**  
barnesandnoble.com

Business  
Tech  
Fiction

GO

No damages were awarded to families of the dead, an issue that one juror said divided the panel in its six days of deliberations.

### Arguing the case

The plaintiffs argued handgun makers "oversupply" gun-friendly markets, mainly in the South, aware that the excess guns flow into criminal hands via illegal markets in New York and other states with stricter anti-gun laws.

Lawyers for the plaintiffs accused the defendants of dumping handguns onto the black market like "toxic waste," making no effort to identify and discipline dishonest distributors.

Gun industry attorney James Dorr told the jury it was unfair to "hold the manufacturers of a lawful, legitimately sold product responsible for acts of outlaws who are totally outside their control.... The case is simply wrong."

The gun makers also asserted that in most of the shootings the plaintiffs never presented evidence conclusively linking the weapons used to harm their relatives to specific defendants.

The plaintiffs countered that the "chain of title" is irrelevant, instead accusing the entire industry of creating a widespread risk with negligent marketing -- a concept known as collective liability.

However, the jury decided that 10 of the 25 companies in this case had no liability whatsoever.

### Trouble in the jury room

The mixed verdict followed six difficult days of deliberations, during which the jury told the judge several times that it was deadlocked.

Early Thursday, the jury sent a note to U.S. District Judge Jack Weinstein implying 10 of the 11 jurors were prepared to decide against the gun manufacturers. The note also stated that that 11th juror was holding out because of concern that such a verdict would "open the floodgates of lawsuits across the country."

Legal experts have compared the New York case to coordinated legal assault by numerous states on the tobacco industry and said that it could set a precedent for cities trying to recoup the costs of battling gun

**BACKGROUND:**

- [CNN's Allan Dodds Frank examines the municipal movement against guns](#)
- [Windows Media: 28K 80K](#)
- [Targeting guns at the source](#)

**TIMELINE:**

- [Guns and the Law](#)

**INTERACTIVE MAPS:**

- [Cities vs. Guns](#)
- [Gun laws by state](#)

**MESSAGE BOARD:**

- [Who's responsible for gun violence?](#)

**OTHER SITES**

**POLL:**  
Should gun manufacturers be held liable for gun violence?

Yes  
 No  
 Sometimes

or [View Results](#)

violence.

Bridgeport, Connecticut, Chicago, New Orleans and Miami-Dade County, Florida, are suing the industry. Pro-gun groups have responded by lobbying state legislatures to pass laws prohibiting such suits. Georgia has passed a law to do that, and Louisiana is considering a similar measure.

*The Associated Press contributed to this report.*

---

**RELATED STORIES:**

[New York gun lawsuit deliberations resume](#)  
February 9, 1999  
[Gunmaker negligence trial in jury's hands](#)  
February 3, 1999  
[Closing arguments set in unprecedented U.S. gun trial](#)  
February 2, 1999  
[New Orleans under fire for gun swap with Glock](#)  
January 29, 1999  
[Shooting victims' suit against gun industry opens in New York](#)  
January 6, 1999  
[Two more cities sue gun manufacturers](#)  
January 27, 1999  
[U.S. mayors' group pushing for gun violence law](#)  
January 28, 1999

---

**RELATED SITES:**

[Bureau of Alcohol, Tobacco and Firearms](#)  
[National Rifle Association](#)  
[Smith & Wesson](#)

Note: Pages will open in a new browser window  
External sites are not endorsed by CNN Interactive.

---

**LATEST HEADLINES:**

**WORLD:**

[Serbs dragging feet in peace talks. Britain says](#)  
[Italian women warn court ruling makes jeans 'alibi' for rape](#)  
[Rescuers find 11th victim of French avalanche](#)

**US:**

[N.Y. jury finds some gun makers liable in shootings](#)  
[Navy blasts grounded freighter to burn off oil](#)  
[New Salt Lake Olympic leader Romney vows clean Games](#)

**SCI TECH:**

[Court upholds law banning Internet porn in the office](#)

**ENTERTAINMENT:**

[Eagle-Eye Cherry enjoying fruits of success](#)


**SPORTS:**

[Seahawks release veteran QB Moon](#)  
[Shaq out with abdominal strain](#)

**BUSINESS:**

[Bulls rule: Nasdaq has best point gain ever](#)  
[Greenspan backs bank reform](#)  
[Retail sales rise 0.2%](#)

---

 Launch CNN's [Desktop Ticker](#) and get the latest news, delivered right on your desktop!

[Today on CNN](#)

[click here](#)  
**CNN**  
set your  
start-up page

[Click Here](#)



[Click Here](#)

**CNN**  
interactive  
CNN.com

[in-depthreports](#) | [←](#)

# GUNS

UNDER FIRE

[MAIN PAGE](#)

[WORLD](#) ↓

- [africa](#)
- [americas](#)
- [asia pacific](#)
- [europe](#)
- [middle east](#)

[U.S.](#)

[LOCAL](#)

[POLITICS](#)

[WEATHER](#)

[BUSINESS](#)

[SPORTS](#)

[SCI-TECH](#)

[NATURE](#)

[ENTERTAINMENT](#)

[BOOKS](#)

[TRAVEL](#)

[FOOD](#)

[HEALTH](#)

[STYLE](#)

[IN-DEPTH](#)

[Map: Gun laws by state](#)

[Map: Cities vs. Guns](#)

[Discussion](#)

[Sites](#)

## Gun industry finds itself at wrong end of the barrel

### Brooklyn verdict could "open floodgates"

February 12, 1999

Web posted at: 9:56 a.m. EST (1456 GMT)

(CNN) -- Controversy has swirled around gun control in the United States for decades, but manufacturers have managed to fend off critics -- and plaintiffs - by claiming that they are not at fault when handguns are used to commit crimes.



Recent developments, however, pose a challenge not only to the way the gun industry does its business, but perhaps to its livelihood as well.

#### [Related Video](#)

CNN's Jeff Flock reports on America's fascination with guns



Windows Media [28K](#) [56K](#)

CNN's Peg Tyre reports on Philadelphia and gun control

Windows Media [28K](#) [56K](#)

In a case bound to rock America's gun industry, a federal jury in Brooklyn, New York, found 15 of the nation's largest handgun makers negligent in their marketing and distributing practices.

In the past, gun companies have defeated lawsuits charging that they made defective guns or objects that were inherently dangerous, but the Brooklyn suit was the first to take a broader perspective and charge them with negligent marketing.

The cities of New Orleans, Chicago, Atlanta, Bridgeport and Miami-Dade have also sued gun manufacturers and industry groups, and a number of other cities -- Los Angeles, Boston, Philadelphia, St. Louis and San Francisco among them -- are expected to follow

- [custom news](#)
- [Headline News brief](#)
- [daily almanac](#)
- [CNN networks](#)
- [CNN programs](#)
- [on-air transcripts](#)
- [news quiz](#)

#### CNN WEB SITES:

- [custom news](#)
- [CNN SI](#)
- [allpolitics](#)
- [CNN fr](#)

[EN ESPAÑOL](#)  
[em português](#)  
[SVEI ISKA](#)  
[NORGE](#)

#### PATHFINDER SITES:

Go To ... [▼](#)

#### MORE SERVICES:

- [video on demand](#)
- [video archive](#)

[audio on demand](#)  
[news email services](#)  
[free email accounts](#)  
[desktop headlines](#)  
[podcast](#)

**DISCUSSION:**

[message boards](#)  
[chat](#)  
[feedback](#)

**SITE GUIDES:**

[help](#)  
[contents](#)  
[search](#)

**FASTER ACCESS:**

[europe](#)  
[japan](#)

**WEB SERVICES:**

**UPS** **Global Business Center**



**CLICK HERE**

**FIND books**  
**barnesandnoble.com**

Business   
 Tech   
 Fiction

**80**

Philadelphia Mayor Edward G. Rendell has proposed that as many as 100 suits be filed on the same day to overwhelm the industry. And Chicago Mayor Richard M. Daley warned in December that "this is just the beginning."

## The Brooklyn case

The Brooklyn suit was viewed as a test case for anti-gun suits brought by cities. Some predict that the verdict in the case could set off a free-for-all in which the industry might be forced to pay large sums for damages to cities around the country. It could also lead to restrictions on marketing and production as well.

"I thank God, we absolutely won," said lead plaintiff Freddie Hamilton, whose son, Njuzi, was slain in 1993. She predicted the verdict would bring a "new phase" of litigation against the firearms industry.

Families of six homicide victims and the severely wounded man brought the civil lawsuit against 25 gun manufacturers, seeking millions of dollars in compensation. In the one case where the shooting victim survived, the jury assessed the gun manufacturers \$4 million in damages. But the victim, Steven Fox, and his mother will get only a portion of that -- a sum in excess of \$500,000.

No damages were awarded to families of the dead, an issue that one juror said divided the panel in its six days of deliberations.

The February 11 verdict cleared 10 of the 25 manufacturers named in the suit of negligence. "We have seen some things they did that helped take guns off the street ... and stuff like that, that a lot of others didn't do," juror Charles Beatty said.

A lawyer representing six of the companies said all efforts will be made to have the verdict overturned.

The plaintiffs in the Brooklyn case argued handgun makers

**BACKGROUND:**

- [CNN's Allan Dodds Frank examines the municipal movement against guns](#)

Windows Media:  
 28K 80K

- [Targeting guns at the source](#)

**TIMELINE:**

- [Guns and the Law](#)

**INTERACTIVE MAPS:**

- [Cities vs. Guns](#)
- [Gun laws by state](#)

**MESSAGE BOARD:**

- [Who's responsible for gun violence?](#)

**OTHER SITES****POLL:**

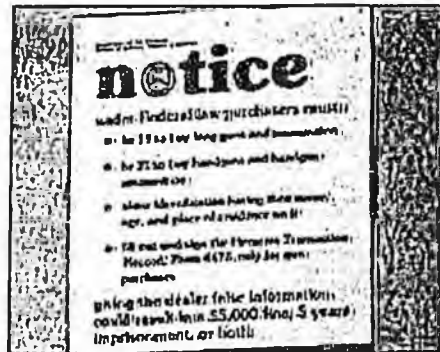
Should gun manufacturers be held liable for gun violence?

- Yes  
 No  
 Sometimes

[vote](#) or [View Results](#)

"oversupply" gun-friendly markets, mainly in the South, aware that the excess guns flow into criminal hands via illegal markets in New York and other states with stricter anti-gun laws.

Gun industry attorney James Dorr said it was unfair to "hold the manufacturers of a lawful, legitimately sold product responsible for acts of outlaws who are totally outside their control.... The case is simply wrong."



Two lawsuits allege that gun manufacturers are evading strict gun laws by oversupplying some markets.

industry.

Violent crimes involving handguns cost millions of dollars in police, ambulance and hospital expenses. Chicago is asking for \$433 million in its suit for costs incurred only since 1994.

The tactic worked against the tobacco industry, which has far deeper pockets than the gun industry. The prospect of another big payday, Tom Cochran of the Conference of Mayors told the New York Times, has lawyers "seeing green."

"This area of law is where tobacco was 10 years ago: it's ripe," says Temple Law School professor David Kairys, who is helping Philadelphia plot its strategy. "Their marketing is their weakness. There are some promotions out there that bring Joe Camel to mind."

A study by a New York corporate consulting firm found that gun manufacturers oversupply states like Florida where laws are weak, knowing the overflow will wind up in the black market.

It also found that manufacturers "substantially and disproportionately" increased production of guns like the 9 mm semi-automatic pistols favored by criminals.

## The industry vs. cities

Since efforts to toughen laws at the state and national level have been frustrated by powerful industry lobbyists, the new approach is to achieve in court what has failed in boardrooms.

Unlike individuals, cities have the resources to hire high-powered lawyers and go toe-to-toe with the



In the latest wave of lawsuits, the focus is on gun manufacturers rather than gun stores.

New Orleans claims that the industry has violated state gun safety laws by failing to install high-tech gun locks and other devices that would prevent unauthorized users from firing them.

Chicago is suing the industry for contributing to a "public nuisance" by oversupplying surrounding suburban stores with guns, knowing that the surplus will find its way into the city where laws are tight.

---

**RELATED STORIES:**

[N.Y. jury finds some gun makers liable in shootings](#)

February 11, 1999

[U.S. mayors' group pushing for gun violence law](#)

January 28, 1999

[Overall U.S. murder rate down, but youth gun killings up](#)

January 2, 1999

[Gun study suggests barring gun purchases to anyone with a record](#)

December 31, 1998

[NRA sues to block FBI from keeping lists of gun buyers](#)

December 1, 1998

---

**RELATED SITES:**

[U.S. Bureau of Alcohol, Tobacco and Firearms](#)

[National Rifle Association](#)

[U.S. Conference of Mayors](#)

**Note: Pages will open in a new browser window**

*External sites are not endorsed by CNN Interactive.*



[Click Here](#)



**Tune in Sundays**  
8PM ET/5PM PT & 12M ET/9PM PT

[CNN's Cold War Series. Tune in Sundays](#)



[MAIN PAGE](#)

[WORLD](#)

[U.S.](#)

[LOCAL](#)

[POLITICS](#)

[WEATHER](#)

[BUSINESS](#)

[SPORTS](#)

[SCI-TECH](#)

[NATURE](#)

[ENTERTAINMENT](#)

[BOOKS](#)

[TRAVEL](#)

[FOOD](#)

[HEALTH](#)

[STYLE](#)

[IN-DEPTH](#)

[U.S.](#) > [story page](#)

[in-depthreports](#) | <



[Overview](#) | [Map: Gun laws by state](#) | [Map: Cities vs. Guns](#) | [Discussion](#) | [Sites](#)

# Gun makers seek reversal of negligence verdict

**NEW YORK (CNN)** -- Despite a federal jury's ruling that some U.S. gun makers are liable for letting weapons fall into criminal hands, the euphoria of gun control advocates may be brief.

Immediately after the verdict was announced on Thursday, defense lawyers asked U.S. District Court Judge Jack Weinstein to set aside the verdict or declare a mistrial.

Plaintiffs' lawyers, meantime, asked him to direct the jury to award damages in all instances in which they found liability. The judge said he would rule after the parties submit written arguments.

After six days of deliberations in Brooklyn federal court, the jury found that 15 of the 25 gun makers named in a lawsuit were guilty of negligent marketing and distribution practices that allowed crimes to be committed with the guns they produce.

Eight of the defendants were also found liable in the deaths of six victims and the injury of a seventh.

The jury of two men and nine women awarded more than \$500,000 in damages to the one surviving plaintiff. No damages were awarded to the other six



Gun companies say their responsibility ends once guns are sold to licensed distributors

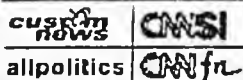
### RELATED VIDEO

CNN's Gary Tuchman reports on the negligence verdict in the gun lawsuit

Real	28K	80K
Windows Media	28K	80K

- [custom news](#)
- [Headline News brief](#)
- [daily almanac](#)
- [CNN networks](#)
- [CNN programs](#)
- [on-air transcripts](#)
- [news quiz](#)

### CNN WEB SITES:



EN ESPAÑOL  
em português  
SVEI ISKA  
NORGE

### PATHFINDER SITES:

Go To ...

### MORE SERVICES:

- [video on demand](#)
- [video archive](#)
- [audio on demand](#)
- [news email services](#)
- [free email accounts](#)
- [desktop headlines](#)
- [podcast](#)



page#1

**DISCUSSION:**

- [message boards](#)
- [chat](#)
- [feedback](#)

**SITE GUIDES:**

- [help](#)
- [contents](#)
- [search](#)

**FASTER ACCESS:**

- [europe](#)
- [japan](#)

**WEB SERVICES:**



CLICK HERE

**FIND books**  
barnesandnoble.com

Business

Tech

Fiction

80

**ATTACHED TO THE COURT CASE:**

During the monthlong trial, plaintiffs argued that the companies flooded gun-friendly markets, mainly in the South, knowing that excess guns would flow into criminal hands via illegal markets in New York and other states with stricter anti-gun laws.

They accused the defendants of making no effort to identify and discipline dishonest distributors.

The gun companies argued that their responsibility ends once they sell to licensed distributors. They said the job of policing gun runners should be left to the Bureau of Alcohol, Tobacco and Firearms, which has never required manufacturers to track their products to the street.

**BACKGROUND:**

- [CNN's Allan Dodds Frank examines the municipal movement against guns](#)

Windows Media:  
28K 80K

- [Targeting guns at the source](#)

**TIMELINE:**

- [Guns and the Law](#)

**INTERACTIVE MAPS:**

- [Cities vs. Guns](#)
- [Gun laws by state](#)

**MESSAGE BOARD:**

- [Who's responsible for gun violence?](#)

**OTHER SITES**

**POLL:**

Should gun manufacturers be held liable for gun violence?

- Yes
- No
- Sometimes

[vote](#) or [View Results](#)

Correspondent [Jim Hill](#) and the [Associated Press](#) contributed to this report.

**RELATED STORIES:**

- [Defendants in New York gun trial](#)  
February 12, 1999
- [N.Y. jury finds some gun makers liable in shootings](#)  
February 11, 1999
- [New York gun lawsuit deliberations resume](#)  
February 9, 1999
- [Gunmaker negligence trial in jury's hands](#)  
February 3, 1999
- [Closing arguments set in unprecedented U.S. gun trial](#)  
February 2, 1999
- [New Orleans under fire for gun swap with Glock](#)  
January 29, 1999
- [Shooting victims' suit against gun industry opens in New York](#)

January 6, 1999  
[Two more cities sue gun manufacturers](#)  
January 27, 1999  
[U.S. mayors' group pushing for gun violence law](#)  
January 28, 1999

---

**RELATED SITES:**

[Bureau of Alcohol, Tobacco and Firearms](#)

- [ATF \(Firearm Core\)](#)
- [ATF \(Brady Bill\)](#)

[National Rifle Association](#)

[Smith & Wesson](#)

[Cease Fire](#)

[Handgun Control, Inc. and The Center To Prevent Handgun Violence](#)

[Gunlaws.com](#)

[Bradybill.com](#)

[Second Amendment Law Library](#)

[Handgun Control Inc. and The Center to Prevent Handgun Violence](#)

[Violence Policy Center](#)

[PAX organization, dedicated to ending gun violence in America](#)

[Gunfree, a coalition to stop gun violence](#)

[Violence Policy Center, online resource center](#)

[Pledge.org, students pledge against gun violence](#)

[Join Together Online, national resource center for communities working to reduce substance abuse and gun violence.](#)

Note: Pages will open in a new browser window  
External sites are not endorsed by CNN Interactive.

---

**LATEST HEADLINES:**

**WORLD:**

[Cease-fire calls ignored in Ethiopia-Eritrea war](#)  
[Albright heads to France as Serbs blast Kosovo talks](#)  
[U.S. strikes Iraqi air defense for third straight day](#)

**US:**

[It's over: Clinton acquitted](#)  
[Gun makers seek reversal of negligence verdict](#)  
[Custody of 'snake-bite orphans' split between grandparents](#)

**SCITECH:**

[Report counts 147 million global Net users](#)  
[Microsoft questioned about ease of downloading](#)

**ENTERTAINMENT:**

[Quincy Jones: Love makes the world go 'round](#)


**SPORTS:**

[The Browns are back](#)  
[Lee leads No. 5 Stanford to win over UCLA](#)  
[Kings stun Flyers with 3 goals in final 3 minutes](#)

**BUSINESS:**

[U.S. stocks tumble hard](#)  
[Dell stock skids, Nasdaq falls](#)  
[Rift forming over bank laws](#)

---

 Launch CNN's [Desktop Ticker](#) and get the latest news, delivered right on your desktop!

[Today on CNN](#)



**WARNING: The Mining Co.'s 500 Expert Guides will give you a whole new view of the Web. Since The Mining Co. is made up of real people who mine the Net so YOU DON'T HAVE TO, studies have shown that The Mining Co. can be highly habit forming. If you [click here](#), you may never go back to using a search engine again.**

[Click Here](#)

[We mine the net so you don't have to](#)



[u.s. > story page](#)

[In-depth reports](#) | [←](#)

[MAIN PAGE](#)  
[WORLD](#)

[U.S.](#)

[LOCAL](#)

[POLITICS](#)

[WEATHER](#)

[BUSINESS](#)

[SPORTS](#)

[SCI-TECH](#)

[NATURE](#)

[ENTERTAINMENT](#)

[BOOKS](#)

[TRAVEL](#)

[FOOD](#)

[HEALTH](#)

[STYLE](#)

[IN-DEPTH](#)

[custom news](#)  
[Headline News brief](#)  
[daily almanac](#)  
[CNN networks](#)  
[CNN programs](#)  
[on-air transcripts](#)  
[news quiz](#)

**CNN WEB SITES:**

[CNN NEWS](#) | [CNN SI](#)  
[allpolitics](#) | [CNN FL](#)

[EN ESPAÑOL](#)  
[em português](#)  
[SVENSKA](#)  
[NORGE](#)

**PATHFINDER SITES:**

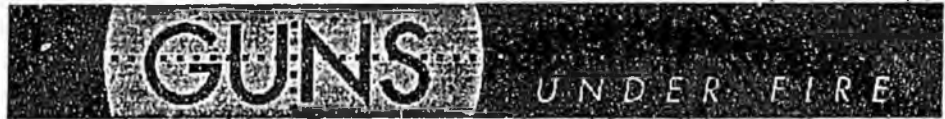
Go To ...

**MORE SERVICES:**

[video on demand](#)  
[video archive](#)  
[audio on demand](#)  
[news email services](#)  
[free email accounts](#)  
[desktop headlines](#)  
[pointcast](#)  
[pagenet](#)

**DISCUSSION:**

[message boards](#)



[Overview](#)

[Map: Gun laws by state](#)

[Map: Cities vs. Guns](#)

[Discussion](#)

[Sites](#)

## Arms maker under siege looks to expand

February 11, 1999  
Web posted at 5:31 PM EST (2231 GMT)

NEWPORT, New Hampshire (Reuters) - Sturm, Ruger & Co, the only publicly traded U.S. small arms maker, thinks it can weather the firestorm of lawsuits that cities and private citizens are aiming at the industry and still expand its market share.

The Southport, Connecticut-based company, marking its 50th anniversary this year, makes rifles, shotguns, pistols and revolvers. It also manufactures golf clubs for Ping and Big Bertha clubs for Callaway.

The firearms industry is coming under legal attack from a growing number of cities including Chicago, New Orleans, Miami and even neighboring Bridgeport, Connecticut, for allegedly failing to provide adequate safety features on guns.

Sturm Ruger is also among the defendants in a New York City case in which crime victims seek to hold handgun makers responsible for gun violence.

"It's the gun's fault for existing and it's the gunmaker's fault for making the gun," sneered William Ruger Jr., chief operating officer and the son and namesake of Sturm Ruger's chief executive. "It really has more to do with the people, than the guns. It's easier to blame the manufacturer than have people take responsibility for their actions," he said.

"These are criminals after all and it seems to me that they should be prosecuted under the laws that already exist. We comply with every regulation, every law in every state."

### BACKGROUND:

- [CNN's Allan Dodds Frank examines the municipal movement against guns](#)

Windows Media:  
28K 80K

- [Targeting guns at the source](#)

### TIMELINE:

- [Guns and the Law](#)

### INTERACTIVE MAPS:

- [Cities vs. Guns](#)
- [Gun laws by state](#)

### MESSAGE BOARD:

- [Who's responsible for gun violence?](#)

### OTHER SITES

[chat](#)  
[feedback](#)

**SITE GUIDES:**  
[help](#)  
[contents](#)  
[search](#)

**FASTER ACCESS:**  
[europe](#)  
[japan](#)

**WEB SERVICES:**  
**GET 5% CASH BACK FOR ONLINE PURCHASES**

**FIND books**  
[barnesandnoble.com](http://barnesandnoble.com)  
Business   
Tech   
Fiction  **GO**

every regulation, every law in every state."

### CITIES FOLLOW PATH BLAZED IN TOBACCO SUITS

Cities, following the path state attorneys general blazed in pursuing the tobacco industry, allege that the defendants -- 30 weapons makers and 15 distributors -- take advantage of weak gun-control laws, especially in Southern states.

Chicago and the New York claimants argue that the industry produces more guns than the legitimate market needs and the extra weapons end up in the hands of criminals in Northeastern states with stricter gun-control laws, their lawyers say.

Other cities such as New Orleans, Miami and Bridgeport argue that the weapons themselves are unsafe. But the Rugers bristle at the suggestion that any of their 50 models of firearms are of poor quality or in any way defective.

The smell of melting wax, used to make molds for the rifle and handgun parts assembled at the New Hampshire factory, permeates Ruger's utilitarian office, as does a Yankee sense of frugality. There is no waste to be seen in this factory that makes weapons selling for upward of \$1,500.

The only sign of excess, perhaps, is the filigree and carving on some of the special rifles. Sturm, Ruger's are American guns made from American Black Walnut or U.S.-made laminates, grips from a business in nearby Hopkinton, New Hampshire, and steel poured from its own foundry.

The philosophy that has governed their production is Ruger Senior's intention to build products "to a standard so I would want it even if it was made by our competitors."

The gunmaker provides lockable revolver and pistol cases as standard equipment with its handguns. It offers customers who have older models of its six-shooters a free conversion kit to prevent accidental discharges. It runs advertising saying the "right to bear arms" it claims the Constitution guarantees also carries the responsibility to use those weapons responsibly.

### 'ARMS FOR RESPONSIBLE CITIZENS'

And Ruger Junior said it has all been done without any governmental prodding or regulations. The company's motto is "Arms Maker for Responsible Citizens."

Unlike the tobacco industry, the gun industry does not have deep pockets. Handgun sales, which soared in 1993, 1994 and 1995, have been flat or declining since.

Sturm, Ruger, which will report its earnings this month, expects to show about \$150 million in revenues from weapons for 1998. Total revenues are expected to exceed \$200 million.

**POLL:**  
Should gun manufacturers be held liable for gun violence?  
 Yes  
 No  
 Sometimes  
[vote](#) or [View Results](#)

Industry analysts estimated that the No. 1 U.S. handgun maker, Smith & Wesson Corp., based in Springfield, Massachusetts, and a unit of British conglomerate Tomkins Plc., would have about \$140 million in revenues.

"The gun industry is a mature industry. It was mature about 100 years ago," Morgan Keegan & Co. analyst David Guthrie said. "Basically Ruger is a metals casting company. It is conservatively run. There's no debt on its balance sheet. It's a solid company."

He said he had had it as a "hold" stock for several years.

Ruger Junior expects to report record long-gun sales in 1998 and near-record sales of the same items in 1999 and says he wants to "expand our market share" in the new millennium.

The solid balance sheet means the acquisition of a smaller competitor is "a possibility. But it would have to be a friendly deal. I don't know that any of them have an interest in being acquired," he said.

He also speaks of the titanium casting equipment that Sturm, Ruger has nurtured. It is titanium, with its natural resistance to salt-water corrosion, lightness and strength, that makes the Big Bertha golf club so popular.

"You can have a larger striking face and still have the right weight," he explained.

The company has also begun to make titanium implants for medical devices, but because of liability insurance questions it has restricted itself to those intended to be permanently installed, Ruger said.

And it is also making hammers from the metal. "What we're trying to do -- and what I think the golf industry is trying to do -- is bring titanium into the home. ... We're generally optimistic about it."

*Copyright 1999 Reu'ers. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.*

---

**RELATED STORIES:**


[New York qun lawsuit deliberations resume](#)  
February 9, 1999  
[Gunmaker negligence trial in jury's hands](#)  
February 3, 1999  
[Closing arguments set in unprecedented U.S. qun trial](#)  
February 2, 1999  
[New Orleans under fire for qun swap with Glock](#)  
January 29, 1999  
[Shooting victims' suit against qun industry opens in New York](#)  
January 6, 1999  
[Two more cities sue qun manufacturers](#)  
January 27, 1999  
[U.S. mayors' group pushing for qun violence law](#)  
January 28, 1999

---

**RELATED SITES:**

[Bureau of Alcohol, Tobacco and Firearms](#)  
[National Rifle Association](#)  
[Smith & Wesson](#)

Note: Pages will open in a new browser window


[GO Kids](#)    [GO Family](#)    [GO Money](#)    [GO Sports](#)    [GO Home](#)  
 INFOSEEK SEARCH     ABCNEWS     Web  
 Network \_\_\_\_\_ | Search \_\_\_\_\_  
[About GO Network](#)  
[Sign in](#)  
[Free E-mail](#)

**ABC NEWS U.S.** .com

- ▶ HOME
- ▶ NEWS SUMMARY
- ▶ U.S.
  - ▶ Political Nation
  - ▶ Raw News
- ▶ WORLD
- ▶ BUSINESS
- ▶ TECHNOLOGY
- ▶ SCIENCE
- ▶ HEALTH & LIVING
- ▶ TRAVEL
- ▶ ESPN SPORTS
- ▶ ENTERTAINMENT
- ▶ WEATHER.com
- ▶ REFERENCE
- ▶ LOCAL
- ▶ ABCNEWS SHOWS

**US HEADLINES**

- ▶ [Senate to Vote on Open Debate](#)
- ▶ [Clinton's Up. Trial's Down in New Poll](#)
- ▶ [Dole Edges Toward Candidacy](#)
- ▶ [Rapid Help for Heroin Users](#)
- ▶ [Clinton Address Drug Problem](#)

**SAVE 40% ON GRISHAM'S BOOK NOW!**  
amazon.com

- ▶ SEARCH
- ▶ ABC.com
- ▶ THE CENTURY
- ▶ EMAIL
- ▶ ABCNEWS.com
- ▶ SEND PAGE TO A FRIEND
- ▶ TOOLS AND HELPERS


 Click here to enter the  
**SURVIVE THE STORM SWEEPSTAKES**


# NRA Wins Key Liability Fight

## Bill Could Bar Atlanta from Pursuing Gun Industry Lawsuit

By *Lori Johnston*  
*The Associated Press*

ATLANTA, Feb. 9 — Following heavy lobbying by the National Rifle Association and others, the Georgia Senate has approved a bill that could bar Atlanta from pursuing its liability lawsuit against the gun industry.

By a 44-11 vote, lawmakers on Monday approved legislation that would prohibit local governments from suing gun makers. The bill is expected to be passed by the House, which approved a similar measure last year, and signed into law by Gov. Roy Barnes.

The vote followed an intense lobbying effort by the NRA and the Senate's Democratic leadership. The gun industry is lobbying other states to pass similar legislation.

Opponents of the Georgia bill called the legislation anti-Atlanta and unconstitutional.

"We do not believe it is legal for the Georgia General Assembly to prohibit cities from filing lawsuits designed to protect the public's interests," Atlanta Mayor Bill Campbell said. "We still believe the Senate and the House have sent the wrong message to the public."

### City Filed Suit Last Week

Atlanta filed its lawsuit against 17 gun manufacturers last week as the city hosted the nation's largest gun show. It joined four other municipalities — Chicago, New Orleans, Bridgeport, Conn., and the unified Miami-Dade County government in Florida — in seeking reimbursement for the costs of gun-related violence.

The Chicago suit claims gun makers and dealers purposely flood the suburbs with guns, making it easier for criminals in Chicago, which has tougher

### SUMMARY

Georgia's state senate passed a bill that could stop Atlanta from pursuing a liability suit against the gun industry.



anti-gun laws, to bring one into the city. Other suits seek compensation for costs incurred from gun violence.

State Sen. Mike Egan of Atlanta, the only Republican who voted against the measure, said the bill unfairly singles out Atlanta for special action.

"The NRA comes along and says, 'Tell the city it's gone too far,' and we seem to be jumping to their signal," he said.

James Baker, chief lobbyist for the NRA, said some Republicans were contacted to support the measure. "We were trying to convince them that we needed to get this thing passed, particularly because the mayor of Atlanta decided last week to go ahead and file suit," he said.

*Copyright 1999 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.*

Search for more on:

\_\_\_\_\_ |

Copyright ©1999 ABC News Internet Ventures. All rights reserved. This material may not be published, broadcast, rewritten or redistributed in any form. Please [click here](#) for legal restrictions and terms of use applicable to this site. Use of this site signifies your agreement to the terms of use.



What's new in  
**Weather**  
today?  
click here



click here



[MAIN PAGE](#)  
[WORLD](#)

**U.S.**  
[LOCAL](#)  
[POLITICS](#)  
[WEATHER](#)  
[BUSINESS](#)  
[SPORTS](#)  
[SCI-TECH](#)  
[NATURE](#)  
[ENTERTAINMENT](#)  
[BOOKS](#)  
[TRAVEL](#)  
[FOOD](#)  
[HEALTH](#)  
[STYLE](#)  
[IN-DEPTH](#)

[custom news](#)  
[Headline News brief](#)  
[daily almanac](#)  
[CNN networks](#)  
[CNN programs](#)  
[on-air transcripts](#)  
[news quiz](#)

**CNN WEB SITES:**  
[custom news](#) **CNNiN**  
[allpolitics](#) **CNNfr**  
**EN ESPAÑOL**  
**em português**  
**SVEINSKA**  
**NORGE**

**PATHFINDER SITES:**

**MORE SERVICES:**  
[video on demand](#)  
[video archive](#)  
[audio on demand](#)  
[news email services](#)  
[free email accounts](#)  
[desktop headlines](#)  
[podcast](#)  
[pagelet](#)

**DISCUSSION:**  
[message boards](#)

[U.S. > story page](#)

## Louisiana Governor also favors bill to ban gun suits

February 11, 1999  
Web posted at: 8:08 AM EST (1308 GMT)

NEW ORLEANS (AP) -- Less than a day after Georgia became the first state to shield gun makers from product liability lawsuits by cities and counties, Louisiana's governor said he supports such a ban.

Gov. Mike Foster on Wednesday threw his backing behind a bill that would block a New Orleans lawsuit seeking damages from gun manufacturers for the costs of gun violence. The bill Georgia Gov. Roy Barnes signed Tuesday was meant to block a similar case by Atlanta.

"Georgia had no problem with it," Foster said while speaking to a civic club in Baton Rouge. "And we, in Louisiana, believe in 2nd Amendment rights."

New Orleans Mayor Marc Morial criticized Foster's decision, saying the bill "is a sad sellout to the money and power of the gun lobby."

The bill's sponsor is Rep. Steve Scalise, who plans to run for the seat of outgoing U.S. Rep. Bob Livingston. He said the goal is to protect gun store owners from the cost of defending lawsuits.

"It's the criminals, not the small businesses, that must accept responsibility when they pull the trigger," Scalise said.

Foster's announcement came a day after Morial suspended a controversial gun swap deal between New Orleans and Glock Inc.

Instead of paying \$630,300 for 1,700 new pistols, New Orleans agreed to give the Smyrna, Georgia-based company old police pistols and thousands of confiscated guns.

Morial suspended the contract, citing reports that some of the weapons may have resurfaced in Louisiana, which would violate the contract.

Copyright 1999 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

**RELATED STORIES:**

[For more US news. Custom News will bring you news from the areas and subjects you select.](#)

**RELATED SITES:**

[See related sites about US](#)

[chat](#)  
[feedback](#)

**SITE GUIDES**  
[help](#)  
[contents](#)  
[search](#)

**FASTER ACCESS**  
[europe](#)  
[japan](#)

**WEB SERVICES:**  
**GET 5% CASH BACK**  
FOR ONLINE PURCHASES

**FIND books**  
barnesandnoble.com  
Business Tech Fiction **GO**

[See related sites about US](#)

**Note:** Pages will open in a new browser window  
External sites are not endorsed by CNN Interactive.

**LATEST HEADLINES:**

**WORLD:**

[Serbs dragging feet in peace talks. Britain says Italian women warn court ruling makes jeans 'alibi' for rape](#)  
[Rescuers find 11th victim of French avalanche](#)

**US:**

[N.Y. jury finds some gun makers liable in shootings](#)  
[Navy blasts grounded freighter to burn off oil](#)  
[New Salt Lake Olympic leader Romney vows clean Games](#)

**SCI TECH:**

[Court upholds law banning Internet porn in the office](#)

**ENTERTAINMENT:**


[Eagle-Eye Cherry enjoying fruits of success](#)

**SPORTS:**

[Seahawks release veteran QB Moon](#)  
[Shaq out with abdominal strain](#)

**BUSINESS:**

[Bulls rule: Nasdaq has best point gain ever](#)  
[Greenspan backs bank reform](#)  
[Retail sales rise 0.2%](#)

 Launch CNN's [Desktop Ticker](#) and get the latest news, delivered right on your desktop!

[Today on CNN](#)

**SEARCH CNN.com BY INFOSEEK**

Enter keyword(s)  [go](#) [help](#)

[Back to the top](#)

© 1999 Cable News Network. All Rights Reserved.  
Terms under which this service is provided to you.  
[Read our privacy guidelines.](#)

**Subject: eBay Bans Firearm Sales On Its Web Site**

**Date: Fri, 19 Feb 1999 11:06:21 -0900**

**From: "Dave Williams" <dlwillms@mosquitonet.com>**

**To: "David L. Williams" <dlwillms@mosquitonet.com>**

Auctioneer eBay Bans Firearm Sales On Its Web Site  
2.38 p.m. ET (1938 GMT) February 19, 1999

NEW YORK - eBay Inc., the Internet site that pioneered online auctions, said Friday it will no longer allow its members to buy and sell guns and ammunition through its service.

The top one-to-one auction site on the Web, where individuals sell items to each other, took the action as the gun industry has become the target of lawsuits by several cities in civil actions similar to those taken against the tobacco industry in recent years.

eBay - which allows individuals to sell online everything from "The Best of Sex and Violence" on video and hand-dipped marijuana incense - said the Internet was the wrong place for selling firearms.

"It was the right thing to do because firearms and ammunition do not have a place on the site," Steve Westly, vice president of marketing and business development, said.

"Initially, the category was created for antique and collector guns, but standard issue firearms are being posted and it became clear that it is hard to draw a line that fits with our brand image."

eBay, based in San Jose, Calif., said gun and ammunition sales account for less than 0.25 percent of its total revenue. The company had total sales of \$47.3 million last year.

Beginning March 5, firearms will not be listed in any of its 1,000-plus categories, including the "Firearms," "Antique," "Collectibles" and "Sport" categories. Since items can be listed for up to seven days, eBay will stop accepting listings on Feb. 26.

The ban on gun sales comes amid a turbulent time for gun manufacturers. They industry has been sued by major cities across the nation for allegedly failing to provide adequate safety features or for irresponsible marketing.

This month a federal jury in Brooklyn, N.Y., found 15 gun manufacturers guilty of negligence in their marketing and distribution practices. Gun manufacturers are pursuing appeals in the case.

eBay currently has more than 2 million users and lists more than 1.5 million items ranging from Beanie Babies to "X-Files" collectibles.

Firearms-related items - such as holsters, literature, clothing and scopes - may still be sold on eBay, but only listed in the "Collectibles: Western Americana," "Collectibles: Militaria" and "Miscellaneous: Sporting Goods: Hunting" categories, the company said.

eBay said it had no plans to eliminate or change other categories.

In Nasdaq trading Friday eBay shares were down 94 cents at \$236.06 on the Nasdaq market .

comments@foxnews.com

© 1999, News America Digital Publishing, Inc. d/b/a Fox News Online.

All rights reserved. Fox News is a registered trademark of 20th Century Fox Film Corp.

© Reuters Ltd. All rights reserved



[Personalize](#) | [Check Email](#)

[Excite Home](#)

[Go!](#)

**COMPAQ** shop here! **Great Deals on Desktops!**   
**AT** Online Store *Presario 5600 Series*  
**Presario 1800 Series: Let Us Build One for You**

[Test Drive Office 2000 Today](#) [Books on Computers and the Internet at Amazon.com](#)

## Web Auctioneer Bans Firearm Sales On Its Site

### Headline News

[↓ Technology](#)

[↓ Reuters Internet Report](#)

[Reuters Internet Report Story](#)

Search

Excite  Web

[Go!](#)

[More Technology Stories](#)

By Andrea Orr

[Current quotes](#) (delayed 20 mins.)

PALO ALTO, Calif.

[EBAY](#) 239 1/2 + 3/8 (1.86%)

(Reuters) - [eBay Inc.](#), the popular Internet auction site, Friday said it will ban all sales of guns and ammunition sales on its Web site, having determined that "the Internet is not an appropriate venue for this type of merchandise."

The decision marks a change of policy for eBay, which has in the past said it would allow people to buy and sell firearms, provided the items were legal and were exchanged in a legal manner, with



[Get Headline News Daily](#)

**Excite Resources**

- [Hardware](#)
- [Software](#)
- [Downloads](#)
- [Small Business Office](#)
- [Technology](#)
- [Computer Classifieds & Auctions](#)
- [Find a High Tech Job](#)
- [Tech News & Magazines](#)
- [Computers Boards](#)

can pick it up.

Hite said she suspected most legitimate gun dealers would follow this procedure for fear of losing their licenses. But she said there was a concern that auction sites like eBay, would bring together individuals who didn't know the laws, or were tempted to skirt them.

"Someone who is looking to complete an illegal firearms transaction might look to the Internet," she said. "There are lots of ways to facilitate illegal gun sales and the Internet is one of them."

For its part, eBay said its thoughts on gun sales had evolved as its site grew and it became more aware of the controversy surrounding gun sales.

"While we acknowledge the gun collectors and sports enthusiasts among our users, eBay takes its role as a responsible member of the online community very seriously," Steve Westly, vice president of marketing at eBay, said in a statement.

The company declined to say whether any illegal transactions had ever been completed on its site, but said it had found several illegal items posted for sale, which it pulled as they were discovered.

eBay's ban on gun sales, which will take effect March 5, also comes amid a turbulent time for gun manufacturers. The industry has been sued by major cities across the nation for allegedly failing to provide adequate safety features or for irresponsible marketing. A Brooklyn, New York, jury recently found 15 gun manufacturers guilty of negligence in their marketing and distribution practices.

Related Stories

[Get Quotes](#)

[Symbol Lookup](#)

REUTERS

© 1999 Reuters Limited. All rights reserved. Reproduction and dissemination of the contents of this screen are expressly prohibited without Reuters prior written consent. [Contact Reuters](#)

## News Search

---

### Find News

**News Sections:** [USA World News](#) | [Business](#) | [Sports](#) | [Entertainment](#) | [Technology](#) | [Health](#) | [Political](#) | [Oddly Enough](#) | [Local](#)


**Excite NewsTracker:** [Your news clipping service](#)  
Track news about companies, sports teams, and more

Archive [Mon 15](#) | [Tue 16](#) | [Wed 17](#) | [Thu 18](#) | [Fri 19](#) | [Sat 20](#) | [Sun 21](#)

---

[Help](#) | [Add URL](#) | [Advertise on Excite](#) | [Press Releases](#) | [Jobs@Excite](#)  
Copyright © 1995-1999 Excite Inc. All rights reserved. [Disclaimer](#)

Jobs <b>CLASSIFIEDS</b>	 <b>nea</b> NATIONAL EDUCATION ASSOCIATION	<b>READ ACROSS AMERICA</b> <small>The Cat in the Hat™ &amp; © Dr. Seuss Enterprises, L.P. 1999 All Rights Reserved</small>
----------------------------	---	---

HOME INDEX SEARCH ARCHIVES washingtonpost.com	 <b>The Gun Fight</b>	Also Featured: <b>The Latest Herblock</b> IN POLITICS
NEWS    STYLE    SPORTS    CLASSIFIEDS    MARKETPLACE	PRINT EDITION    TOP NEWS    WORLD    NATION    POLITICS    METRO    BUSINESS & TECHNOLOGY    OPINION    WEATHER	

▶
<a href="#">Lawsuits</a>
<a href="#">State Laws</a>
<a href="#">Federal Laws</a>

Partner Sites

- [Newsweek.com](#)
- [Britannica-Newsweek](#)
- [Internet Guide](#)

## Gun Verdict May Boost Companion Lawsuits

By Tom Hays  
 Associated Press  
 Saturday, February 13, 1999; Page A12

NEW YORK, Feb. 12 — A Brooklyn jury's unprecedented verdict finding gunmakers liable for shootings could give a boost to other cities around the nation that are suing the industry.

Other cities "are going to have it a whole lot easier now," said David Yassky, a Brooklyn Law School professor who closely followed the trial. "They have a very solid precedent that what the gun industry does is negligent."

Chicago, New Orleans, Bridgeport, Conn., and Miami-Dade County are suing the industry to recoup the costs of fighting gun violence. Los Angeles, Philadelphia and Baltimore are among those considering the move.

Mayor Richard M. Daley of Chicago said the Brooklyn verdict demonstrated that "people are demanding that the gun industry be held accountable." And Miami-Dade County Mayor Alex Penelas hailed it as "a major, major, major victory that will have major ramifications."

But others argued that Thursday's verdict proved an awkward outcome to an awkward case, making its impact uncertain.

Dave Kopel of the Independence Institute, a conservative think tank in Golden, Colo., said the jury had been asked to fix a social problem by blaming gunmakers for illegal use of legal products -- despite little or no evidence that those manufacturers' brands were involved in any of the shootings at issue.

"This a compromise verdict that makes no sense at all," said Kopel, who is also an adjunct law professor at New York University Law School. "The jury didn't know the first thing about what was going on."

The verdict came after a month-long trial in federal court. Despite sending Judge Jack Weinstein numerous notes saying they were deadlocked, the 11 jurors finally found 15 of 25 defendants negligent in how they sell handguns.

But the jury also said only nine companies were liable in the shootings. Of those, only three companies -- American Arms, Beretta USA and Taurus International Manufacturing -- were ordered to pay a total of \$500,000 to one of the seven plaintiffs. The plaintiffs had been seeking \$500,000 to \$10 million each.

In a post-verdict meeting between jurors and attorneys, the jurors reportedly said they rejected the plaintiffs' central claim that gunmakers negligently oversupply states that have lax gun laws, knowing the excess feeds a black market in strict gun law states such as New York.

Instead, they focused on whether the defendants had provisions in their contracts with distributors that sought to keep guns out of criminals' hands, such as banning the sale of their products at gun shows. Those that did not were found negligent.

The ambiguous outcome did not prevent trial attorneys on both sides from claiming victory. And the defense team said it is confident the portion of the verdict that went against gunmakers will be overturned on appeal.

The case still has caused concern among manufacturers who fear it will embolden the suing cities. Richard Feldman, head of the Atlanta-based American Shooting Sports Council, said he received several calls from industry insiders Thursday night.

"I told them, 'Don't panic,' " Feldman said. "Juries make mistakes. That's what appeals courts are for. But I do worry about public perception."

Feldman predicted the verdict will intensify the efforts of pro-gun groups that are lobbying state legislatures to pass laws prohibiting liability suits like the one filed in Brooklyn.

© Copyright 1999 The Washington Post Company

[Back to the top](#)