


OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. 77766 C.M.S.

PRODUCED BY COUNCILMEMBER HENRY CHANG, JR.
APR 29 PM 3:45



A RESOLUTION OPPOSING U.S. CONGRESSIONAL BILL S.659 GRANTING THE GUN INDUSTRY SPECIAL PROTECTIONS AGAINST LEGAL ACTION

WHEREAS, More than 100 persons died from gun violence in Oakland last year; and

WHEREAS, gun manufacturers and sellers are already exempt from federal consumer product safety regulation and the only other product that enjoys such an exemption is tobacco; and

WHEREAS, the State of California in 2002, recognizing that an immunized gun industry lacks the motivation to avoid negligent or reckless behavior and creates grave dangers to the general public, repealed its 20-year old gun industry immunity statute, restoring the rights of victims of gun industry negligence to seek redress in court; and

WHEREAS, Robert Ricker, who worked as an attorney for the National Rifle Association in the 1980's and later as an executive director for the American Shooting Sports Council, has testified to the "see-no-evil, hear-no-evil, speak-no-evil mentality of the gun industry"; and

WHEREAS, Congress has proposed legislation, S.659, which would take away the rights of gun victims by prohibiting qualified civil liability actions from being brought by the Federal Government, States, municipalities, and private interest groups and individuals in any Federal or State court; and

WHEREAS, the City of Oakland has joined other cities in a lawsuit against the gun industry seeking to recover costs that the city has incurred due to the "misuse" of their product; and

WHEREAS, S.659 is intended to nullify the City's lawsuit against the gun industry; and

WHEREAS, The proposed federal legislation would deny the legal rights of current and future gun violence victims seeking to hold the gun industry accountable for irresponsible manufacturing and selling practices by giving an unprecedented special immunity from lawsuits to gun sellers; and

WHEREAS, the NAACP's pending case against the gun industry alleging that negligent marketing practices by gun manufacturers and distributors fuel street violence that

victimizes minorities and that gunmakers knowingly sell their products to corrupt dealers who supply criminals would be made invalid by the proposed legislation; and

WHEREAS, nearly 30 lawsuits against the gun industry across the country contend that some manufacturers' firearms are used in crimes so frequently that their sales strategies amount to a violation of the public's safety and peace, to which the marketing director of TEC-9 manufacturer Navegar, Inc. replied (as he did to a New York Times reporter when confronted with evidence of the guns' disproportionate use in crime), "I'm kind of flattered. It just has that advertising tingle to it. Hey, it's talked about, it's read about, the media write about it. That generates more sales for me. It might sound cold and cruel, but I'm sales oriented"; and

WHEREAS, the City of Oakland has taken specific steps to limit the availability of illegal firearms in its neighborhoods through the gun dealer permit ordinance, the gun tracing program, the stolen gun ordinance, and a ban on sale of junk guns; now, therefore be it

RESOLVED: That the Council of the City of Oakland urges the United States Congress not to approve S.659 to grant the gun industry special protections against legal action.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 29 2003, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, QUAN, NADEL, REID, WAN, AND PRESIDENT
DE LA FUENTE - 8
NOES- 0
ABSENT- 0
ABSTENTION- 0

ATTEST:



DEBORAH K. FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California