

A Couple of Hot Shots

BY CHRISTI DAUGHERTY

The man who killed **Raymond Myles** may well have fired the shots that sent the first real shudders of fear through the nation's gun manufacturing industry.

When suspect **Rodrick Natteel** was arrested last week in the October murder of the gospel singer, Mayor **Marc Morial**, said to be a longtime friend of Myles, spoke emotionally to the media. His voice quavering, Morial said the murder "still stings."

In fact, according to a recent article in *The Wall Street Journal*, the sting of that murder was a significant factor in the mayor's decision to file what could turn out to be a landmark lawsuit against the nation's gun manufacturers.

According to those involved, the seeds for the suit already had been planted by local attorney **Wendell Gauthier**, king of the class action and one of the architects behind the plethora of tobacco lawsuits. Gauthier had contacted Morial months before the murder, asking him to consider filing suit, but it was after Myles was slain in an apparent car-jacking that the mayor agreed. (Repeated attempts to interview the mayor for this story were unsuccessful.)

With the mayor on board, Gauthier then turned to the anti-gun experts. "Wendell Gauthier's firm, having been one of the major architects of the lawsuits against the tobacco industry, became interested in the problem of gun violence, and he had connections with the mayor's office already, and then he got hold of us," explains **Brian Siebel**, staff attorney for the Center to Prevent Handgun Vio-



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— BRIAN SIEBEL



CLASS-ACTION KING WENDELL GAUTHIER HEADS UP MAYOR MARC MORIAL'S LAWSUIT AGAINST GUN MANUFACTURERS

lence. The organization is a public-interest group affiliated with Handgun Control Inc., the country's largest gun-control organization. The Center has filed a number of suits around the nation on behalf of individual gun-shot victims and acts as co-counsel on the New Orleans lawsuit.

Gauthier law partner **Daniel Abel** refuses to take the credit for creating the lawsuit. Enacting some sort of handgun control has always been a goal for Morial, Abel says. "When he was a state senator, he attempted on a number of occasions to introduce legislation that would solve some of these handgun problems. It was always beaten down by the gun lobbies," he says.

But Siebel says it was Gauthier's name that attracted the Center to the case. "Gauthier's reputation is a prime benefit to the mayor on this case," Siebel says.

In addition, Gauthier and a coalition of attorneys from the tobacco litigation are funding the New Orleans lawsuit, which asks for unspecified damages. The group is paying all the expenses needed to pursue the lawsuit

in exchange for 20 percent of any settlement or 30 percent of any damage award if the case goes to court, Abel says.

The suit charges that gun makers were knowingly negligent by not equipping firearms with safety devices that could prevent the weapons from firing when used by people who are not the registered owners, and that gun makers and gun associations conspired to prevent the widespread use of safety devices.

The suit demands restitution for public expenses — including police, medical and other city services — incurred through criminal activity, accidental shootings and teen suicides involving guns. While the suit doesn't list a dollar figure, Abel says the amount likely would be "millions of dollars."

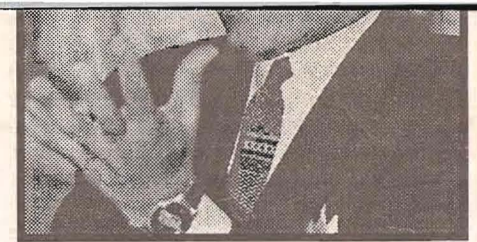
In what seemed like a replay of the tobacco lawsuits filed several years ago by one state after another, cities around the country promptly announced plans to imitate New Orleans' action. Chicago filed suit within weeks of New Orleans, while Miami; San

Francisco; Atlanta; Bridgeport, Conn.; Newark, N.J.; Portland, Ore.; St. Louis; Gary, Ind.; and Tampa, Fla. have announced plans to file similar lawsuits.

The New Orleans suit took immediate fire from gun organizations, which viewed it as an end-run around the U.S. Congress' defeat of a number of gun-safety bills in recent years. In fact, the sheer volume of the responses, including bitter condemnation on the editorial pages of *The Wall Street Journal*, seem an indication of how seriously the anti-handgun-control crowd is taking the suit.

A Counter-volley

The Second Amendment Foundation, a gun-owner advocacy organization, faxed a letter to the December meeting of the U.S. Conference of Mayors in Chicago warning that it would file retaliatory suits against Chicago and New Orleans should their cases go forward. The foundation said the lawsuits represented a "conspiracy to violate civil rights, abuse of



process and undue burden on interstate commerce." The foundation previously has sued in Los Angeles, San Francisco and Connecticut to block handgun control legislation, but President **Joseph Tartaro** says the New Orleans and Chicago lawsuits are different.

"We will file on civil rights grounds in part, and not just Second Amendment but First Amendment as well," Tartaro says, because the New Orleans lawsuit names three trade associations along with gun manufacturers in its suit. "We feel that chills the First Amendment rights of people in the community of manufacturing and industry to communicate with consumers."

In addition, Tartaro believes the cities' lawsuits are "legal buccaneering" designed to wear down the gun makers' resolve, much as the tobacco lawsuits did to cigarette manufacturers, and to force a settlement that could drastically raise the price of guns. "Whether intelligently or not, I'm a smoker, and I know what happened to my cigarette prices the day after the settlement was announced," Tartaro says. "When you talk about firearms, it's a much smaller industry, and they don't have the bucks the tobacco people do. Even if there were some sort of settlement, we're talking about increases of prices around \$50 per gun, and that is part of the agenda of the people who filed the suit."

To that end, the foundation alleges the lawsuits represent a conspiracy by cities to force gun makers to agree to equip guns with safety devices, and to pay cities.

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Local art lovers

are getting the picture — thanks to a pair of generous donations announced last week. The Ogden Museum of Southern Art scored more than 350 of modernist Will Henry Stevens' works, and NOMA is the proud new owner of Marc Chagall's *White Lilacs*.

The John Curtis Patriots

picked up another Class 4A high school championship, making it three in a row and 15 altogether. The Patriots, who went undefeated for the eighth time under Coach J.T. Curtis, joined 5A champion West Monroe, which also won for the third time.

Louisiana

lost a seat on the powerful and pork-laden House Appropriations Committee when Rep. Chris John (D-Crowley) failed in his bid to secure the seat vacated by Speaker-designate Bob Livingston.

Edwin Edwards

has been denied access to the names of the grand jurors who indicted him and to the names of voters in the potential grand jury pool. U.S. District Judge Frank Polozola ruled that Edwards does not have a right to the lists, throwing a substantial roadblock in front of the former governor's efforts to overturn his indictments by proving discrimination against African-Americans.